



DELEGATION REGISTER

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GENERAL PRINCIPLES ON DELEGATIONS

CHAPTER 1:
1.1 POWERS AND RESPONSIBILITIES OF THE MUNICIPALITY

1. The Municipality is an organ of state within the local sphere of government exercising legislative and executive authority within an area determined in terms of the Local Government: Municipal Demarcation Act. The municipality has all the powers assigned to it in terms of the Constitution as well as national and provincial legislation. The municipality has the right to do anything reasonably necessary for or incidental to the effective exercising of its powers.

2. The executive and legislative authority of the municipality vest in the Council. The Council takes all the decisions of the municipality except-
 - (i) decisions on those matters that have been delegated;
 - (ii) decisions on those matters that have by law been assigned to a political structure, political office bearer or employee of the Council;

3. A municipality, as provided for in section 11 of the Local Government: Municipal Systems Act 32 of 2000 exercises its legislative or executive authority by:
 - (i) developing and adopting policies, plans, strategies and programmes, including setting targets for delivery;
 - (ii) promoting and undertaking development;
 - (iii) establishing and maintaining an administration;
 - (iv) administering and regulating its internal affairs and the local government affairs of the local community;
 - (v) implementing applicable national and provincial legislation and its by-laws;
 - (vi) providing municipal services to the local community, or appointing appropriate service providers in accordance with the criteria and process set out in section 78 of the Systems Act
 - (vii) monitoring and, where appropriate, regulating municipal services where those services are provided by service providers other than the municipality;
 - (viii) preparing, approving and implementing its budgets;

- (ix) imposing and recovering rates, taxes, levies, duties, service fees and surcharges on fees, including setting and implementing tariff rates and tax and debt collection policies;
- (x) monitoring the impact and effectiveness of any services, policies, programmes or plans;
- (xi) establishing and implementing performance management systems;
- (xii) promoting a safe and healthy environment;
- (xiii) passing by-laws and taking decisions on any of the above-mentioned matters;
- (xiv) doing anything else within its legislative and executive competence.

4. NEED FOR DELEGATIONS

In terms of Section 59(1) of the Local Government: Municipal Systems Act, 32 of 2000 a municipal council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances.

5. OBJECTIVES OF DELEGATIONS

The objectives of this system of delegation of powers of the Council are:

- (i) to ensure maximum administrative and operational efficiency;
- (ii) to provide for adequate checks and balances;
- (iii) to delegate decision-making to the most effective level within the administration
- (iv) to involve employees in management decisions as far as practicable;
- (v) to promote a sense of collective responsibility for performance;
- (vi) to assign clear duties for the management and co-ordination of administrative units, systems and mechanisms;
- (vii) to define in precise terms the duties of each political structure and political office bearer;
- (viii) to determine the relationships amongst the political structures, political office bearers and the administration, and the appropriate lines of accountability and reporting for each of them.

6. PRINCIPLES OF DELEGATIONS

This System of Delegations ensures that the Council retains all legislative powers and those executive powers that cannot be delegated in terms of the law.

In exercising delegated authority, Council’s decision makers must do so in the spirit of utmost good faith and transparency.

It is the duty of the delegating authority to ensure that clear and comprehensive policies are drafted and that those policies may be substituted and/or amended at any given time.

All delegations must be aimed at empowering the relevant functionaries to perform their function effectively, taking into account the different levels of decision-making.

The functions allocated to Council’s executive as may be approved by council from time to time, form the basis of the allocation of delegations of executive decision-making power.

All delegations must enhance service delivery without compromising accountability.

Delegations must not oblige the delegatee to exercise delegated powers and must accordingly allow for the decision to be taken at the next higher level. Delegated powers do not absolved Council or the Municipality from the responsibility of exercising powers or performing duties.

All delegations must provide for good governance and allow for adequate checks and balances to ensure responsible and accountable decision-making.

In the event that any delegated power conflicts or transgresses legislation, by-laws and/or the procurement policy of the Municipality the delegated power will be deemed as *pro non scripto* (as though it had not been written).

7. CONDITIONS OF DELEGATIONS

- All decision-making powers delegated by the Delegating Authority are subject to the following conditions:
- (a) Delegated powers conferred on political structures, political office bearers and staff members are not conferred personally on incumbents. Anyone properly appointed in a position has the delegated powers conferred on the position.
 - (b) these delegations also apply to acting positions. Persons acting in these positions have the same-delegated powers as those serving in a permanent capacity.
 - (c) in executing any delegated power, the delegatee shall under all circumstances comply with all relevant legislation, agreements and policies.
 - (d) these delegations do not redefine Council’s powers and functions.

- (e) the policies, whether existing or future, determine the parameters of any delegation and the delegating authority is bound to comply with it. Non-compliance causes any decision so taken to be ***ultra vires***. It is the duty of the delegating authority to ensure that clear and comprehensive policies are drafted and that those policies may be instituted and amended at any given time.
- (f) in executing delegated powers, no expenditure may be incurred unless the delegatee is satisfied that the Council has budgeted for the expenditure and that the funds are still available on the relevant budget votes.
- (g) The political office bearers, political structures and staff members are authorised to sub-delegate any of their delegated powers, duties and functions unless this provision is specifically excluded in this system. Where a matter has been delegated to an individual Councillor, the matter cannot be delegated or sub-delegated to an official.
- (h) Any sub-delegation of a power, duty or function authorised in terms of this system of delegations must be in writing, and may be given subject to limitations, conditions and directions by the person who grants the sub-delegation.
- (i) It is not permissible in terms of the law for a person who has been given a "sub-delegation" to sub-delegate such power, duty or function.
- (j) The conferring of a delegation or sub-delegation does not divest the delegating authority from exercising the responsibility concerning the exercise of the power or the performance of the duty.
- (k) A political structure, a political office bearer or a staff member to whom a power has been delegated may decline to exercise such power and refer it for decision to the Council, political structure, political office bearer or official which/who delegated such power, unless this system specifically provides otherwise.
- (l) A political structure, political office bearer of a municipality to whom a delegating authority has delegated a power, duty or function must report quarterly to the delegating authority, on decisions taken in terms of that delegated power, duty or function.
- (m) In exercising any power, duty or function in terms of this System of Delegation a political structure, political office bearer or official must comply with the provision of the Promotion of Administrative Justice Act 3 of 2000 and the regulations promulgated in terms thereof.
- (n) In exercising any power, duty or function in terms of this System of Delegation a political structure, political office bearer or a staff member must comply with the provisions of Council's policies, Bylaws and any law relating to the matter under consideration. It is the duty of such political structure, -office bearer or staff member to acquaint him/herself with such policies, by-laws or other legislation.
- (o) The exercising of any power, duty or function includes the right to do anything reasonably necessary for or incidental to the effective performance of such power, duty or function.
- (p) Council or any other delegating authority may at any time, subject to applicable law, and the accrual of any rights, order a delegated matter not to be proceeded with by the delegatee and then deal with the matter.
- (q) The delegatee may determine whether a report is needed to motivate a decision and whether the decision must be reduced to writing. If a report is required then it must indicate that all legal and financial requirements have been met.

(r) A delegation may set out special circumstances in which a delegatee is prohibited from exercising their delegated power, for example if the delegatee is recommending the rejection of the most financially beneficial tender offer.

(s) Any sub-delegation must be reduced to writing and recorded in the delegation register.

(t) Provision must be made for separation between the evaluation and recommendation stage of the decision-making process and the actual decision itself. This must happen in all cases where the decision-making process is reasonably capable of being divided as set out above.

NOTE:

Should there be a duplication of a power, duty or function the power, duty or function conferred on the higher authority will take precedence.

LEGAL REQUIREMENTS (SECTION 59 – 65 OF THE SYSTEMS ACT)

8. In terms of Section 59(1) of the Local Government: Municipal Systems Act, 32 of 2000 a municipality may in accordance with a system of delegation:
 - (i) delegate appropriate powers **excluding a power mentioned in section 160 (2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b) and to approve or amend the municipality's IDP**, to any of the municipality's other political structures, political office bearers, councillors, or staff members
 - (ii) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties; and
 - (iii) withdraw any delegation or instruction.
9. In terms of Section 59(2) of the Local Government: Municipal Systems Act, 32 of 2000 a delegation or instruction:
 - (i) must not conflict with the Constitution, the Local Government: Municipal Systems Act, 32 of 2000 or the Municipal Structures Act;
 - (ii) must be in writing;
 - (iii) is subject to any limitations, conditions and directions the municipal council may impose;
 - (iv) may include the power to sub-delegate a delegated power
 - (v) does not divest the council of the responsibility concerning the exercise of the power or the performance of the duty; and
 - (vi) must be reviewed when a new council is elected or, if it is a district council, elected and appointed.

APPROVAL OF DELEGATIONS AND SUB-DELEGATIONS

- 10. Any delegation or sub-delegation to a staff member of a power conferred on a Municipal Manager must be approved by the municipal council in accordance with the system of delegation.

MUNICIPAL COUNCIL'S POWER TO REVIEW DECISIONS

- 11. The Municipal council may in accordance with procedures in its rules and orders, or at the request in writing of at least one quarter of the councillors, must **review** any decision taken by such a political structure political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person.
- 12. The Municipal Council may require its executive committee or executive mayor to **review** any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction.

REFERRAL OF MATTERS TO DELEGATING AUTHORITIES FOR DECISION

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

DUTY TO REPORT TO DELEGATING AUTHORITIES

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

WITHDRAWAL, AMENDMENT OR LAPSING OF DELEGATIONS OR SUB-DELEGATIONS

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

REVIEW OF DELEGATIONS

16. Whenever it becomes necessary to review a municipality's delegations, the municipal manager must submit to the council-
- (i) a report on the existing delegations issued in terms of section 59 by the council and other delegating authorities of the municipality; and
 - (ii) recommendations on any changes to the existing delegations which the municipal manager may consider necessary.
 - (iii) If the municipality has an executive committee or executive mayor, the municipal manager must submit the report and any recommendations to the municipal council through the executive committee or executive mayor.

SUB- DELEGATION

17. It is not permissible in terms of the law for a person who has been given a "sub-delegation" to sub-delegate such power, duty or function.

RIGHT OF APPEAL

18. A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (i) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (iii).
 - (ii) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
 - (iii) When the appeal is against a decision taken by-
 - o a staff member other than the municipal manager, the municipal manager is the appeal authority;
 - o the municipal manager, the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or
 - o a political structure or political office bearer or a councillor-
 - the municipal council is the appeal authority where the council comprises less than 15 councillors or

- a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors,

(iv) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(v) The provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.

GENERAL PROVISIONS

19. In exercising any power, duty or function in terms of this System of Delegation a political structure, political office bearer or official must comply with the provision of the Promotion of the Administrative Justice Act 3 of 2000 and the regulations promulgated in terms thereof, the provisions of Council's policies, Bylaws and any law relating to the matter under consideration. Delegation register to be renewed on an annual basis.

DEFINITIONS AND INTERPRETATION OF PROVISIONS

CHAPTER 2:

2.1. Definitions

In this document, unless the context otherwise indicates, a word or an expression which is defined in the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998), the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), the Local Government: Municipal Finance Management Act 2003 (Act No 56 of 2003), the Local Government: Municipal Property Rates Act 2004 (Act No 4 of 2004) or any other applicable legislation, shall have the same meaning as in that Act, and -

- (a) **“administration”** means the Municipal Manager and the other employees of the municipality;
- (b) **“after consultation”** means with due regard for the views of any person with whom a delegating authority is required to consult before he exercises a delegated or sub-delegated power;
- (c) **“Municipal Manager”** means the person who is appointed by the Council as the head of the administration and accounting officer for the municipality in accordance with section 82 of the Structures Act;
- (d) **“CFO”** means the person designated by the Municipal Manager as the Chief Financial Officer in terms of section 80(2)(a) of the MFMA, and appointed by the Council as Director Finance in terms of section 56 of the Systems Act
- (e) **“Constitution”** means the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
- (g) **“Council”** means the Municipal Council of the Theewaterskloof Local Municipality, its legal successors in title and its delegates;
- (h) **“delegating authority”**, means the Council, Executive Mayor, Speaker, Municipal Manager, Chief Financial Officer or other employee to whom an original power was assigned in terms of legislation, and in relation to the delegation or sub-delegation of such power, means the delegated body concerned;
- (i) **“delegation”** means the issuing of a written authorisation by a delegating authority to a delegated body to act in his stead, and in relation to a duty includes an instruction or request to perform or to assist in performing the duty, and ‘delegate’ and ‘sub-delegate’ has a corresponding meaning;
- (j) **“delegated body”** in relation to the delegation of a power means the political office bearer or employee to whom a power has been delegated by the delegating authority in writing;
- (k) **“Director”** means a manager directly accountable to the Municipal Manager as contemplated in, and appointed in terms of section 56 of the Systems Act;
- (l) **“in consultation”** means with the concurrence of the person with whom a delegating authority must consult before exercising a delegated or sub- delegated power;
- (m) **“LUPA”** means the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).
- (n) **“MFMA”** means the Local Government: Municipal Finance Management Act 2003 (Act No 56 of 2003);
- (o) **“MSA”** means the Municipal Systems Act, 32 of 2000
- (p) **“municipality”**, means the Theewaterskloof Local Municipality, and when referred to as -
 - (i) an entity, means a municipality as described in section 2 of the Systems Act; and
 - (ii) a geographic area, *means* a municipal area determined *in* terms of *the* Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998);

- (g) **“Municipal planning bylaw”** means the Theewaterskloof Municipality, By-law on Municipal Land Use Planning (20 July 2015).
- (r) **“power”** includes a duty and a function;
- (s) **“political office bearer”**, in relation to the municipality, means the Executive Mayor and the Speaker elected by the Council to such a post or position in accordance with the provisions of the Structures Act,
- (t) **“Property Act”** means the Local Government: Municipal Property Rates Act 2004 (Act No 4 of 2004);
- (u) **“Services”** means the provision of labour and work carded out by hand, or with the assistance of plant and equipment, including the input, as necessary, of knowledge based expertise;
- (v) **“SPLUMA”** means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).
- (w) **“Structures Act”** means the Local Government Municipal Structures Act 1998 (Act No 117 of 1998);
- (x) **“RORA”** means the Removal of Restrictions Act, 1967 (Act 84 of 1967).

2.1.1 In this document unless the context otherwise indicates, words and expressions denoting —

- (a) the singular shall include the plural and vice versa;
- (b) the male sex shall include the female sex and vice versa; and
- (c) a reference to a natural person shall include a legal person and vice versa.

2.1.2 The following abbreviations are used for legislation in column 1 of the tables:

Constitution	: CON
Structures Act	: MSTA
Systems Act	: MSA
Finance Management Act	: MFMA
Property Rates Act	: MPRA
Remuneration of Public Office Bearers Act	: RPOA
Demarcation Act	: MDA
Land Use Planning Ordinance 15/1985	: LUPO
Integrated Development Plan	: IDP
Municipal Manager	: MM
Executive Mayor	: EM
Auditor General	: A-G
Performance Management System	: PMS
Land Use System	: LUS
Spatial Development Framework	: SDF
Land Use Management System	: LUMS
District Spatial Development Framework	: DSDF
Provincial Spatial Development Framework	: PSDF
Municipal Spatial Development Framework	: MSD

2.2 Use of the Register and Delegation of Powers

Council hereby delegates the following powers to the bodies indicated in column 4, subject to the conditions set out in column 5/ relevant column.

NON-DELEGATABLE POWERS OF COUNCIL

CHAPTER 3

3.1 Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)

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Section	Power conferred	Delegating authority	Delegated body	Conditions
6(3)(b)	Determination of a language policy	Council	None	Must receive and consider report and recommendations from the Executive Mayor and take into account the language preferences and usage in the municipal area
23(3)	Forming/joining an employer's organisation	Council	None	Subject to receiving and considering a report of the Executive Mayor
25(2)	Expropriation of property and rights in, to or over property	Council	None	Subject to receiving and considering a report of the Executive Mayor
25(3)	Determining the amount of compensation payable for expropriated property	Council	None	Subject to receiving and considering a report of the Executive Mayor
43(c)	To make by-laws	Council	None	None
139	Considering a directive issued by the provincial government pursuant to the municipality failing to fulfil an executive obligation in terms of legislation	Council	None	Subject to receiving and considering a report of the Executive Mayor
152	Deciding the actions that must be taken to achieve the objects of local government	Council	None	Subject to receiving and considering a report of the Executive Mayor
156(1)	Deciding which of the local government matters assigned to the municipality must be performed	Council	None	Subject to receiving and considering a report from the Executive Mayor
160(1)(b)	Electing a chairperson (speaker)	Council	None	None
160(1)(c)	Electing an executive and other committees	Council	None	In the case of a- <ul style="list-style-type: none"> ¶ section 79-committee, after receiving the report and recommendations of the Speaker ¶ section 80 and advisory committees in terms of section

				17(4) of the Systems Act, subject to receiving and considering a report and recommendations from the Executive Mayor
160(6)	Making bylaws that prescribe rules and orders	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
163	Deciding to become and remain a member of an organisation representing municipalities	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
195(4)	Deciding whether to appoint a number of persons on policy considerations	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
229(1)	Imposing rates on property and surcharges on fees for services provided by or on behalf of the municipality and other taxes, levies and duties appropriate to local government	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in the form of a draft annual budget or adjustments budget
229(4)	Deciding to share revenue raised by the municipality with municipalities that have fiscal power and functions in the municipality's area	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in the form of a draft annual budget or adjustments budget
230	Deciding to raise loans for capital or current expenditure	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor

3.2 Local Government: Municipal Demarcation Act, 1998 (Act No 20 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions
21(4)	Submitting an objection regarding the determination or re-determination of the municipality's boundaries to the Demarcation Board	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
26(3)	Considering a written invitation by the Demarcation Board to make representations regarding the intended demarcation of the municipality's boundaries	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor

3.3 Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998)
 [read with Municipal Structure Amendment Act 3 of 2021 (hereinafter referred to as "Act 3 of 2021")]

Section	Power conferred	Delegating authority	Delegated body	Conditions
15	Reviewing and rationalising the by-laws and resolutions (including standing delegations) of any preceding municipalities that binds the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
18(4)	Designating councillors determined by the MEC for local government to be full-time councillors	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
19(2)(a)	Annual reviewing of the needs of the community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in terms of the municipality's integrated development plan or a proposed amendment thereto

19(2)(b)	Annual reviewing of the municipality's priorities to meet those needs	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in terms of the municipality's integrated development plan or a proposed amendment thereto
19(2)©	Annual reviewing of the municipality's processes for involving the community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
19(2)(d)	Annual reviewing of the municipality's organisational and delivery mechanisms for meeting the needs of the community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
19(2)(e)	Annual reviewing of the municipality's overall performance in achieving the objects of local government set out in the Constitution	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
19(3)	Developing mechanisms to consult the community and community organisations in performing its functions and exercising its powers	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
33	Determining whether the establishment of a particular committee is necessary	Council	None	In the case of a- ▯ section 79-committee, subject to receiving the report and recommendations of the Speaker ▯ section 80 and advisory committees in terms of section 17(4) of the Systems Act, subject to receiving and considering a report and recommendations from the Executive Mayor
34	Deciding to dissolve the Council	Council	None	
36(2)	Electing a Speaker to fill a vacancy in the position of speaker	Council	None	None

40	Deciding to remove the Speaker from office	Council	None	Provided that notice of the motion to remove the speaker has been given to all councillors
41	Electing an acting Speaker	Council	None	None
54	Deciding to have an Executive Mayor	Council	None	Subject to receiving a report from the Municipal Manager
55	Electing an Executive Mayor	Council	None	None
58	Removing the Executive Mayor from office	Council	None	Providing that notice of the motion to remove the Executive Mayor from office has been given to all councillors
60(3)	Designating the powers and functions of the Executive Mayor that must be performed and exercised together with the other members of the mayoral committee	Council	None	None
79(1)(a)	Establishing committees	Council	None	Subject to receiving and considering a report and recommendations from the Speaker
79(1)(b)	Appointing members of committees	Council	None	Subject to receiving and considering a report and recommendations from the Speaker
79(1)(c)	Dissolving committees	Council	None	Subject to receiving and considering a report and recommendations from the Speaker
79(2)(a)	Determining the functions of a committee	Council	None	Subject to receiving and considering a report and recommendations from the Speaker
79(2)(b)	Appointing the chairperson of a committee	Council	None	None
79(2)(c)	Authorising a committee to co-opt advisory members who are not members of the Council and setting limits on such co-option	Council	None	Subject to receiving and considering a report and recommendations from the Speaker
79(2)(d)	Removing a member of a committee	Council	None	None
79(2)(e)	Determining a committee's procedures	Council	None	None
80(1)	Appointing committees to assist the Executive Mayor	Council	None	Subject to receiving and considering a report and recommendations from the Speaker after consultation with the Executive Mayor

3.4 Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000)

[read with the Municipal Systems Amendment Act 3 of 2022 (hereinafter referred to as “Act 3 of 2022”)]

Section	Power conferred	Delegating authority	Delegated body	Conditions
14(3)	Deciding whether to adopt a standard bylaw promulgated by the Minister for Provincial and Local Government or the MEC for local government, the extent of such adoption and any modifications and qualifications to such standard bylaw	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
15(3)	Determining a reasonable fee for a copy of or an extract from the municipal code of the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
16(1)(a)	Determining the processes, mechanisms and procedures for encouraging, and creating conditions for, the local community to participate in the affairs of the municipality, including in the preparation, implementation and review of its integrated development plan, the establishment, implementation and review of its performance management system, the monitoring and review of its performance, including the outcomes and impact of such performance, the preparation of its budget and strategic decisions relating to the provision of municipal services	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor

16(1)(b)	Determining the processes, mechanisms, and procedures for contributing to building the capacity of the local community to enable it to participate in the affairs of the municipality and councillors and staff to foster community participation	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
16(1)(c)	Determining the annual allocation of funds in the budget, as may be appropriate for the purpose of implementing a culture of municipal governance that complements formal representative government with a system of participatory governance	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
17(2)	Determining appropriate mechanisms, processes and procedures:	Council	None	
17(2)(a)	to enable the local community for the receipt, processing and consideration of petitions and complaints lodged by members of the local community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
17(2)(b)	for notification and public comment procedures, when appropriate	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
17(2)(c)	for public meetings and hearings by the Council and other political structures and political office bearers of the municipality, when appropriate	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
17(2)(d)	for consultative sessions with locally recognised community organisations and traditional authorities	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
17(2)(e)	for report-back to the local community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor

17(4)	Establishing and appointing the members of one or more advisory committees consisting of persons who are not councillors to advise the Council on any matter within the Council's competence	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
21(2)	Determining the official languages in which municipal notices must be published	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
25(1)	Adopting an integrated development plan for the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
26(a)	Determining the Council's vision for the long-term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs to be incorporated in the IDP	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in terms of the municipality's integrated development plan or a proposed amendment thereto
26(c)	Determining the Council's development priorities and objectives for its elected term, including its local economic development aims and its internal transformation needs to be incorporated in the IDP	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in terms of the municipality's integrated development plan or a proposed amendment thereto
26(f)	Determining the Council's operational strategies to be incorporated in the IDP	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in terms of the municipality's integrated development plan or a proposed amendment thereto
28(1)	Adopting a written process to guide the planning, drafting, adoption and review of the integrated development plan	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor

28(2)	Determining appropriate mechanisms, processes and procedures for consulting the local community before adopting a process to guide the planning, drafting, adoption and review of the integrated development plan	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
32(3)	Considering the MEC's request to reconsider the IDP or to follow the approved process/work plan	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
34	Annual reviewing and amending of the IDP	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
40	Establishing mechanisms to monitor and review the municipality's performance management system	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
46(4)(a)	Determining a reasonable price for a copy of the municipality's annual performance report	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
53(1)	Defining the specific role and area of responsibility of each political structure and political office-bearer of the municipality and of the Municipal Manager	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
53(5)	Determining the relationships among the political structures and political office bearers and the Municipal Manager, and the manner in which they must interact	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
53(5)	Determining the appropriate lines of accountability and reporting for the political structures and political office-bearers and the Municipal Manager	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor

53(5)	Determining the mechanisms, processes and procedures for minimising cross-referrals and unnecessary overlapping of responsibilities between the political structures and political office-bearers and the Municipal Manager	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
53(5)	Determining the mechanisms, processes and procedures for resolving disputes between the political structures and political office-bearers and the Municipal Manager	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
53(5)	Determining the mechanisms, processes and procedures for interaction, between the political structures and political office-bearers and the Municipal Manager and other staff members of the municipality and councillors and the Municipal Manager and other staff members of the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
54A	Appointing a Municipal Manager	Council	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)
	Appointing an Acting Municipal Manager	Council	None	
56(1)(a)	Determining the manner in which to consult the municipal manager regarding the appointment of managers directly accountable to the Municipal Manager	Council	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)
56(1)(a)(i)	Appointing managers directly accountable to the Municipal Manager	Council	None	In consultation with the Municipal Manager

56(1)(a)(ii)	Appointing an acting manager directly accountable to the Municipal Manager	Council	None	In consultation with the Municipal Manager and subject to prescribed conditions of the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)
56(1)(b)	Determining the relevant skills and expertise to perform the duties associated with a post of manager directly accountable to the Municipal Manager	Council	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)
57(1)	Approving the employment contract between the municipality and a Manager directly accountable to the Municipal Manager	Council	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)
57(2)(c)	Consideration and approval of an evaluation of the performance of the Municipal Manager and managers directly accountable to the Municipal Manager	Council	None	None
57(6)(a)	Determining the term of employment of the Municipal Manager	Council	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)

57(6)(b)	Determining a provision for the cancellation of a contract of employment or performance agreement between the municipality and a Municipal Manager or manager directly accountable to a Municipal Manager for non-compliance with the employment contract or performance agreement	Council	None	
59(1)	Developing a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
60(1)	Determining a policy framework for taking decisions to expropriate immovable property or rights in or to immovable property	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
60(1)	Determining a policy framework for taking decisions regarding the determination or alteration of the remuneration, benefits or other conditions of service of the Municipal Manager or managers directly responsible to the Municipal Manager	Council	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)
62(4)(c)(ii)	Appointing an appeal authority consisting of a committee of councillors who were not involved in the decision, for considering appeals against a decision taken by a political structure, political office-bearer, councillor or staff member of the municipality in terms of a power delegated or sub-delegated that affects the rights of a person	Council	None	By recommendation of the Speaker
65(1)	Considering a report of the Municipal Manager regarding the review of the municipality's delegated powers	Council	None	None

66(1)	Determining a policy framework for a staff establishment for the municipality, a job description for each post on the staff establishment, the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation attached to posts in the establishment and a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the it and the remuneration and conditions of service	Council	None	
68(2)	Determining the allocation provided for in the budget for the development and implementation of training programmes	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
74(1)	Adopting and implementing a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
75(1)	Adopting by-laws to give effect to the implementation and enforcement of the tariff policy	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
77	Reviewing current and determining appropriate mechanisms to provide municipal services	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
85(1)	Establishing a part of the municipality as an internal municipal service district to facilitate the provision of a municipal service in that part of the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
86(1)	Developing and adopting a policy framework for the establishment, regulation and management of an internal municipal service district	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor

86C (1)	Deciding whether to establish or participate or acquire an interest in a private company.	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
86G	Deciding to transfer ownership or otherwise dispose of a wholly owned private company or an interest in a private company	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
86H	Passing a by-law establishing a service utility	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
86K	Passing a by-law disestablishing a service utility	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
87	Deciding to establish, together with another municipality a multi-jurisdictional service utility to facilitate the provision of a municipal service in the relevant municipal areas or parts of those municipal areas	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
93D (1)	Designating, if the municipality is a parent municipality, a councillor or official, or both, as the municipality's representative(s) of the parent municipality	Council	None	None
93G	Deciding to recall and remove a director appointed by the municipality to the board of directors of a municipal entity	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
96(b)	Adopting, maintaining and implementing a credit control and debt collection policy which is consistent with the municipality's rates and tariff policies	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
98(1)	Adopting by-laws to give effect to the credit control and debt collection policy, its implementation and enforcement	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor

99(c)	Determining the frequency during which the Executive Mayor must report to the Council on the implementation and enforcement of the municipality's credit control and debt collection policy and by-laws, the performance of the Municipal Manager in implementing the policy and by-laws and the evaluation or review of the policy and by-laws or the implementation of the policy and by-laws, in order to improve efficiency of its credit control and debt collection mechanisms, processes and procedures	Council	None	None
103(2)	Determining special incentives for employers to enter into agreements with the municipality to deduct any payment of rates or other taxes, or fees for municipal services from the salaries and wages of such employees	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
103(2)	Determining special incentives for employees of other employers to enter into agreements with the municipality to deduct any payment of rates or other taxes, or fees for municipal services from their salaries and wages	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
118	Issuing of a rates clearance certificate	Council	CFO	None

3.5 Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003)

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions
14(2)	Deciding to transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset	Council	None	<ol style="list-style-type: none"> On condition that the asset concerned is not needed to provide the minimum level of basic municipal services and the Council considered the fair market value of the asset concerned In accordance with the applicable transfer regulations
14(4)	<p>Determining the value of movable assets in respect of which the Municipal Manager may determine –</p> <p>(a) whether an asset to be disposed of is not needed to provide the minimum level of basic municipal services; and</p> <p>(b) determining the fair market value of such asset and the economic and community value to be received in exchange for the asset</p>	Council	None	

16(1)	Approval of an annual budget	Council	None	<p>NOTE:</p> <p>1. In terms of section 160(2)(b), read with section 160(3)(b) of the Constitution a budget must be approved by a decision taken by the Council with a supporting vote of a majority of its members.</p> <p>2. Approval of the budget must be considered on or before 1 June each year in terms of section 24(1) of the MFMA.</p> <p>3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998), read with Act 3 of 2021, the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding the annual budget, approve the budget.</p> <p>See section 25(1) of the MFMA</p>
19(2)	Considering, in respect of a capital project, the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications.	Council	None	
19(3)	Deciding to approve capital projects below the prescribed value individually or as part of a consolidated capital programme	Council	None	
23(1)	Receiving and considering the views of the communities and organs of state received in connection with the budget	Council	None	

32(2)	Deciding to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure	Council	None	Except, in the case of – 1. unauthorised expenditure if the amount of the expenditure is authorised in an adjustments budget; or 2. is certified by the Council, after investigation by a Council committee, as irrecoverable and written off by the Council; and 3. irregular or fruitless and wasteful expenditure is, after investigation by a Council committee, certified by the Council as irrecoverable and written off by the Council
32(2)	Appointing a committee ¹ to investigate any suspected or reported unauthorised, irregular or fruitless and wasteful expenditure	Council	None	
33(1)	Deciding to enter into a contract which will impose financial obligations on the municipality beyond three financial years	Council	None	
37(1)(a)	Determining the steps the Municipality must take to promote co-operative government with the national and provincial spheres of government and other municipalities in the Municipality's fiscal and financial relations	Council	None	
38(2)	Considering a notice received from the National Treasury of its intention to stop the transfer of funds to the Municipality	Council	None	
39(3)	Determining the deputation that will appear before a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality	Council	None	
	Determining the case that will be presented to a committee of Parliament considering the approval	Council	None	

	or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality			
44(1)	Deciding the reasonable steps to settle a dispute of a financial nature between the Municipality and another organ of state out of court	Council	None	
45(1)	Deciding whether to incur short term debt	Council	None	<ol style="list-style-type: none"> 1. In terms of section 160(2) of the Constitution the Council may not delegate the raising of loans 2. A decision to raise a loan must be taken by the Council with a supporting vote of a majority of its members in terms of section 160(3)(b) of the Constitution 3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding a loan, approve the raising of a loan
45(2)(a)	Approving any short-term debt agreement	Council	None	

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions
46(1)	Deciding whether to incur long term debt	Council	None	<ol style="list-style-type: none"> 1. In terms of section 160(2) of the Constitution the Council may not delegate the raising of loans 2. A decision to raise a loan must be taken by the Council with a supporting vote of a majority of its members in terms of section 160(3)(b) of the Constitution 3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding a loan, approve the raising of a loan
46(2)(a)	Approving any long-term debt agreement	Council	None	
48(1)	Deciding whether to provide security for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person	Council	None	
48(2)	Deciding the form/nature of security to be provided for any of the Municipality's debt obligations, debt obligations of a municipal	Council	None	

	entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person			
48(3)(a)	Deciding whether an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services	Council	None	
48(3)(b)	Deciding, if an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services, the manner in which the availability of the asset or right will be protected	Council	None	
50	Deciding to issue a guarantee for any commitment or debt of any organ of state, person or municipal entity under the sole or shared control of the Municipality	Council	None	
83(2)	Determining the resources or opportunities to be made available for the training of officials to meet the prescribed financial management competency levels	Council	None	
84(1a)	Determining precisely the function or service that a municipal entity would perform on behalf of the Municipality when considering the establishment of, or participation in, a municipal entity	Council	None	
84(2)(b)(i)	Considering an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	Council	None	

84(2)(b)(ii)	Considering the comments or representations received from the local community, organised labour and other interested persons in respect of the Municipality's intention to establish and/or participate in a municipal entity	Council	None	
84(2)(b)(iii)	Considering the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity	Council	None	
87(2)	Considering the proposed budget of a municipal entity of which the Municipality is the parent municipality and assessing the entity's priorities and objectives	Council	None	
	Deciding to make recommendations on the proposed budget of a municipal entity of which the Municipality is the parent municipality	Council	None	
87(5)(c)	Determining the limits, including any limits on tariffs, revenue, expenditure and borrowing, on the budget of a municipal entity of which the Municipality is the parent municipality	Council	None	
88(1)(b)(ii)	Considering a mid-year performance assessment report of a municipal entity of which the Municipality is the parent municipality	Council	None	The accounting officer of the entity must submit to the Municipal Manger
89(a)	Determining the upper limits of the salary, allowances and other benefits of the chief executive officer and senior managers of a municipal entity of which the	Council	None	

	Municipality is the parent municipality			
90(2)	Considering an application from a municipal entity of which the Municipality is the parent municipality to transfer ownership or otherwise dispose of a capital asset other than an asset needed to provide the minimum level of basic municipal services	Council	None	The power must be exercised in a meeting which is open to the public at which the Council – (a) must determine on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and (b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset
90(3)	Deciding that a specific capital the asset is not needed to provide the minimum level of basic municipal services and the fair market value of the asset and the economic and community value to be received in exchange for the asset in respect of movable capital assets of a municipal entity of which the Municipality is the parent municipality below a value determined by the Council	Council		
90(4)	Determining the value of movable capital assets of a municipal entity of which the Municipality is the parent municipality in respect of which the Municipal Manager may on reasonable grounds decide that the asset is not needed to provide the minimum level of basic municipal services and the fair market value of the asset and the economic and community value to	Council	Accounting Officer of the municipal entity	The power provided for in section 90(4)

	be received in exchange for the asset			
109	Deciding, when a municipal entity of which the Municipality is the parent municipality, experiences serious or persistent financial problems and the board of directors of the entity fails to act effectively – (a) the appropriate steps to be taken in terms of the Municipality's rights and powers over the entity concerned, including its rights and powers in terms of any relevant service delivery or other agreement; (b) impose a financial recovery plan, which meets the criteria set out in section 142 of the MFMA; or (c) liquidate and disestablish the entity.	Council	None	
113(1)	Deciding whether to consider an unsolicited bid received outside the Municipality's normal bidding process	Council	None	Subject to the requirements of MSCM Reg 37 – public participation and BAC to consider and award
116(3)	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of the Municipality and deciding whether to consent to the amendment of the contract or agreement	Council	None	In terms of NT Circular 62 – Only for contracts with an amendment value of more than 20% for Construction and Infrastructure and 15% for normal goods and services

116(3)	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality and deciding whether to consent to the amendment of a contract or agreement	Council	None	
120(1)	Deciding to enter into a public-private partnership agreement	Council	None	
120(1)(a)	Determining whether a proposed public-private partnership agreement will provide value for money to the municipality	Council	None	
120(1)(b)	Determining whether a proposed public-private partnership agreement will be affordable for the Municipality	Council	None	
120(1)(c)	Determining whether a proposed public-private partnership agreement will transfer appropriate technical, operational and financial risk to the private party	Council	None	
120(4)	Deciding to conduct a feasibility study before a public-private partnership is concluded	Council	None	
120(5)	Deciding whether to apply for the national government's assistance in carrying out and assessing a feasibility study regarding a proposed public-private partnership	Council	None	
121(4)(f)	Determining any additional information to be contained in the annual report of a municipal entity of which the Municipality is a parent municipality	Council	None	

129(1)	Considering the annual report of the Municipality and of any municipal entity under the Municipality's sole or shared control	Council	None	
	Adopting an oversight report containing the Council's comments on the annual report(s)	Council	None	
129(5)	Deciding whether to adopt guidelines issued by the National Treasury on the manner in which councils should consider annual reports and conduct public hearings and the functioning and composition of any public accounts or oversight committees established by a council to assist it to consider an annual report	Council	None	
133(1)(c)(i)	Deciding whether to request the Speaker or another councillor to investigate the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Council	None	
133(1)(c)(iii)	Deciding whether disciplinary steps should be taken against the Municipal Manager or other persons	Council	None	
135(3)	Considering whether the Municipality is, or is likely to, encounter a serious financial problem in meeting its financial commitments	Council	None	

152(1)	Deciding to apply to the High Court for an order to stay not exceeding 90 days all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Council	None	
153(1) (a)	Deciding to apply to the High Court for an order to stay for extraordinary relief, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality	Council	None	
153(1) (b)	Deciding suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Council	None	
153(1) (c)	Deciding to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Council	None	
165(1)	Deciding whether to establish an internal audit unit or to outsource the internal audit function	Council	None	
166(1) and (6)	Deciding whether to establish an internal audit committee for – (a) the Municipality only; or (b) the Municipality and the local municipalities within the district municipal area; or (c) the Municipality and any municipal entity under its sole control	Council	None	
166(2) (d)	Requesting the audit committee to investigate the financial affairs of the Municipality or a municipal entity of which the Municipality is a parent	Council	None	Chief Audit Executive to inform the Audit Committee

166(4)	Determining the number of members of the audit committee	Council	None	
	Determining the nature of the appropriate experience that persons should possess to be considered for appointment as a member of the audit committee	Council	None	
166(5)	Appointing the members of the audit committee of the Municipality and of a municipal entity of which the Municipality is a parent municipality	Council	None	
	Appointing from amongst the members of an audit committee who is not in the employ of the Municipality or municipal entity, a chairperson	Council	None	
168(3)	Considering any guidelines issued by the Minister of Finance in terms of section 168(1) of the MFMA	Council	None	
171(4) (a)	Investigating any allegations of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality unless those allegations are frivolous, vexatious, speculative or obviously unfounded	Council	<ol style="list-style-type: none"> 1. In the case of the MM, the Executive Mayor 2. In the case of a manager directly accountable to the MM, the MM 3. In all other cases, the Director 	
	Deciding whether an allegation of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality is frivolous, vexatious, speculative or obviously unfounded			
176(2)	Deciding to recover from a political office-bearer or official of the Municipality any loss or damage suffered by it because of the deliberate or negligent unlawful actions of that political office-bearer or official when performing a function of office	Council	None	

3.6 Discrimination Act, 2000 (act No 4 of 2000)

Section	Power conferred	Delegating authority	Delegated body	Conditions
26	Adopting appropriate equality plans, codes, regulatory mechanisms and other appropriate measures for the effective promotion of equality in the spheres of the municipality's operation, enforcing and monitoring the enforcement of the equality plans, codes and regulatory mechanisms developed by the municipality and making regular reports to the relevant monitoring authorities or institutions as may be provided in regulations, where appropriate.	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
28(3)	Determining mechanisms, processes and procedures to eliminate discrimination on the grounds of race, gender and disability and promote equality in respect of race, gender and disability.	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor

3.7 Water Services Act, 1998 (Act No 107 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions
3	Determining the processes, mechanisms, plans and programmes for realising the right of access to basic water supply and basic sanitation.	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee
4	Determining conditions for the provision of water services	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee
7	Granting permission to obtain water for industrial use from any source other than the distribution system of a water services provider nominated by the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee
11(6)	Determining reasonable limits on the use of water	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee
19	Determining whether to perform the functions of a water services provider itself or to enter into a written contract with a water services provider or form a joint venture with another water services institution to provide water services	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee
21	Making bylaws which contain conditions for the provision of water services	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which

				report must be prepared together with the other members of the mayoral committee
22	Considering applications to operate as water services provider within the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee

3.8 Housing Act, 1997 (Act No 107 of 1997)

Section	Power conferred	Delegating authority	Delegated body	Conditions
10	Deciding to apply for accreditation to administer national housing programmes	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee

3.9 Regional Services Councils Act, 1985 (Act No 109 of 1985)

Section	Power conferred	Delegating authority	Delegated body	Conditions
4(3)(a)	Deciding whether to enter into an agreement with a local municipality or other person or body in terms of which that local municipality or other body undertakes to exercise a power or discharge a duty of the district municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
11(3)	Receiving an appeal from a local municipality against a resolution of the Council	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor

3.10 Local Government: Municipal Planning and Performance Management Regulations, 2001

Column 1	Column 2	Column 3	Column 4	Column 5
Section	Power conferred	Delegating authority	Delegated body	Conditions
8	Adopting a performance management system	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
9(1)	Setting key performance indicators, including input indicators, output indicators and outcome indicators, in respect of each of the development priorities and objectives contained in the integrated development plan	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
9(2)	Determining the manner and frequency of the involvement of the community in setting key performance indicators	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
11	Annually reviewing the municipality's key performance indicators	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
12	Determining performance targets in respect of each key performance indicator	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
13(1)	Involving the community in developing and implementing mechanisms, systems and processes for the monitoring, measurement and review of performance	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
13(1)	Approving and implementing mechanisms, systems and processes for the monitoring, measurement and review of performance	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
14(1)(c)	Auditing the performance measurements of the municipality and submitting quarterly reports to the Municipal Manager and the performance audit committee	Internal audit	None	None

14(2)	Establishing a performance audit committee	Council	None	Subject to receiving and considering a report from the Speaker
14(2)	Appointing the members of a performance audit committee	Council	None	Subject to receiving and considering a report from the Speaker
14(2)(c)	Deciding whether to have a separate performance audit committee or a consolidated audit committee	Council	None	Subject to receiving and considering a report from the Speaker
14(2)(d)	Designating a member of the performance audit committee as chairperson	Council	None	None
14(2)(f)	Filling of any casual vacancy in the performance audit committee	Council	None	None
14(2)(i)	Determination of the remuneration of members of the performance audit committee who are not councillors or employees of the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
15(1)(a)	Deciding to establish an IDP Forum	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor
15(1)(b)	Determining appropriate mechanisms, to invite the local community to identify persons to serve on the IDP forum	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor

3.11 Disciplinary Regulations for Senior Managers (2011) (Government Gazette No. 34213)

Section	Power conferred	Delegating authority	Delegated body	Conditions
5 (3) (a)	If the Council finds there is reasonable cause, appoint (within 7 days) an independent investigator.	Council	None	
5 (3)(b)	If there is no evidence to support the allegation/s the Council must within 7 days dismiss the allegations	Council	None	
6	Suspend a Senior Manager pending a Disciplinary Hearing	Council	None	Subject to Council considering the written representations by the Senior Manager

NON-DELEGATABLE POWERS BY EXECUTIVE MAYOR AND SPEAKER

CHAPTER 4**4.1 STATUTORY POWERS BY EXECUTOR MAYOR****4.1.1 Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) read with Act 3 of 2022:**

Section	Power conferred	Delegating body	Delegated Body	Conditions
30(a) and (c)	Managing the drafting of the municipality's integrated development plan, assignment of responsibilities in this regard to the Municipal Manager and submitting the draft plan to the council for adoption	Executive Mayor	None	Together with the other members of the mayoral committee
30 (b)	Assign responsibilities in this regard to the Municipal Manager	Executive Mayor	Municipal Manager	NB: this is not necessarily a delegation, but an assignment (the municipal manager may decide to delegate)
39(a) and (c)	Manage the development of the municipality's management system and submitting the proposed system to the council	Executive Mayor	None	Together with the other members of the mayoral committee
39(b)	Assign responsibilities in this regard to the Municipal Manager	Executive Mayor	Municipal Manager	NB: this is not necessarily a delegation, but an assignment the municipal manager may decide to delegate)
62(4)(b)	An Appeal authority against a decision taken by the Municipal Manager	Executive Mayor	None	
62(5)	Must commence with an Appeal within six (6) week and decide on the Appeal within a reasonable period	Executive Mayor	None	
93D (2)(b)	Convening a meeting of the shareholders or board of directors of the municipal entity of which the municipality is a parent municipality in order for the board of directors to give account for actions taken by it	Executive Mayor	None	None

4.1.2 Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003)

Section	Power conferred	Delegating Authority	Delegating body	Conditions
16(2)	Tabling the budget at a Council meeting	Executive Mayor	None	The annual budget must be tabled at least 90 days before 1 July each year
21(1)(a)	Co-ordinating the processes of preparing the annual budget and reviewing the Municipality's integrated development plan and budget-related policies	Executive Mayor	None	
21(1)(b)	Tabling in the Council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the Municipality's budget-related policies, the tabling and adoption of any amendments to the integrated development plan and the budget-related policies and any consultative processes forming part of the processes	Executive Mayor	None	At least 10 months before 1 July each year
21(2)(b)	Take all reasonable steps to review the Municipality's integrated development plan	Executive Mayor	None	Together with the Mayoral Committee
25(3)	Complying with section 55 of the MFMA if the Municipality has not approved an annual budget, including revenue-raising measures necessary to give effect to the budget, by 1 July of any year	Executive Mayor	None	Immediately report the matter to the MEC responsible for local government
27(1)	Determining the likelihood of the Municipality not being able to comply with the MFMA or other legislation relating to the tabling or approval of an annual budget or compulsory consultation processes. Informing the MEC responsible for finance of any impending non-compliance by the Municipality of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes	Executive Mayor	None	After consultation with the Municipal Manager and the Chief Financial Officer and Together with the Mayoral Committee

27(2)	Apply to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget	Executive Mayor	None	
27(3)	Informing the Council, the MEC responsible for finance and the National Treasury, in writing, of any actual non-compliance by the Municipality of a provision of Chapter 4 of the MFMA and any remedial or corrective measures the Municipality intends to implement to avoid a recurrence of such non-compliance	Executive Mayor	None	
28(4)	Tabling an adjustments budget in the Council	Executive Mayor	None	
29(1)	Authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayor	None	After consultation with the Municipal Manager and the Chief Financial Officer and together with members of the Mayoral committee
29(2)(c)	Reporting to the Council regarding the authorisation of unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayor	None	Such report must be made available to Council at the next meeting ensuing after the authorisation was given
31(d)	Giving written approval to the Municipal manager for exceeding the amount appropriated in respect of a capital programme	Executive Mayor	None	Together with members of the Mayoral committee
52(a)	Provide guidance on the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the Municipality will be provided	Executive Mayor	None	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager
52(b)	Provide monitoring and oversight mechanisms to be applied to the exercise by the Municipal Manager and the Chief Financial Officer of their powers, functions and duties in terms of the MFMA	Executive Mayor	None	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager
52(c)	Take all reasonable steps to ensure that the Municipality performs its constitutional and statutory functions within the limits of the	Executive Mayor	None	Together with the other members of the mayoral committee and after

	Municipality's approved budget			receiving a report from the Municipal Manager
52(d)	Submitting to the Council, within 30 days of the end of each quarter, a report on the implementation of the budget and the financial state of affairs of the Municipality	Executive Mayor	None	
53(1)(a)	Provide the nature and extent of, and manner in which political guidance is to be given over the budget process and the priorities that must guide the preparation of a budget	Executive Mayor	None	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager
53(1)(b)	Provide the steps to be taken to co-ordinate the annual revision of the integrated development plan and the preparation of the annual budget and determining how the integrated development plan is to be taken into account or revised for the purposes of the budget	Executive Mayor	None	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager
53(1)(c)(i)	Take all reasonable steps to ensure that the Municipality approves its annual budget before the start of the budget year	Executive Mayor	None	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager
53(1)(c)(ii)	Determining the reasonable steps to be taken to ensure the Executive Mayor approves the Municipality's service delivery and budget implementation plan	Executive Mayor	None	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager
53(1)(c)(iii)	Take all reasonable steps to ensure that the annual performance agreements for the Municipal Manager and all senior managers comply with the MFMA, are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act	Executive Mayor	None	In terms of section 57(2)(a) of the Municipal Systems Act the annual performance agreements must be concluded on or before 30 July of each year
53(2)	Reporting to the Council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements	Executive Mayor	None	

55 (a) and (b)	Immediately report to the MEC for local government that the annual budget has not been approved by the first day of the budget year or if the municipality encounter a serious financial problem referred to in section 136. Recommend to the MEC an appropriate provincial intervention in terms of section 139 of the Constitution.	Executive Mayor	None	After consultation with other mayoral committee members and after informing Council
87(3)	Tabling the proposed budget of a municipal entity of which the Municipality is the parent municipality in the Council	Executive Mayor	None	Together with the Municipality's budget for the relevant financial year
87(6)	Considering an application by the board of directors of a municipal entity of which the Municipality is the parent municipality to revise the budget of the municipal entity	Executive Mayor	None	
87(9)	Tabling the budget or adjusted budget and any adjustments budget of a municipal entity of which the Municipality is the parent municipality at the next Council meeting	Executive Mayor	None	
127(2)	Tabling in the Council the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control	Executive Mayor	None	
127(3)(a)	Submitting to the Council a written explanation setting out the reasons for any delay in tabling the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control	Executive Mayor	None	
131(1)	Ensuring that the Municipality addresses all the issues raised in an audit report	Executive Mayor	None	Together with the Municipality's budget for the relevant financial year
133(1) (a)	Tabling in the Council a written explanation setting out the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Executive Mayor	None	

4.2 STATUTORY POWERS BY THE SPEAKER

4.2.1 Local Government: Municipal Structures Act, 2000 (Act No 117 of 1998) read with Act 3 of 2021:

Section	Power conferred	Delegating Authority	Delegated Body	Conditions
29(1)	Deciding when and where a council meets	Speaker	None	
29(1)	Convening special council meetings at a place and time set out in a request received by the majority of councillors	Speaker	None	

STATUTORY POWERS CONFERRED BY COUNCIL TO EXECUTIVE MAYOR, SPEAKER AND MUNICIPAL MANAGER

CHAPTER 5

5.1 STATUTORY POWERS BY COUNCIL TO EXECUTIVE MAYOR

5.1.1 Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)

Section	Power conferred	Delegating authority	Delegated body	Conditions
99	Concluding an agreement with a Cabinet member to receive a function or power assigned to the municipality	Council	Executive Mayor	Subject to the agreement having been approved by the Council
126	Concluding an agreement with a member of the provincial executive council to receive a function or power assigned to the municipality	Council	Executive Mayor	Subject to the agreement having been approved by the Council
153	Deciding on the nature and scope of the municipality's participation in national and provincial development programmes	Council	Executive Mayor	Together with the other members of the Mayoral Committee
156(4)	Concluding an agreement for the assignment of a matter to the municipality by the national or provincial government	Council	Executive Mayor	Subject that the agreement be approved by Council

5.1.2 Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) read with Act 3 of 2021

Section	Power conferred	Delegating Authority	Delegating body	Conditions	Sub-delegate
81(3)	Determining a procedure for consulting traditional leaders on any matter directly affecting the area of a traditional authority	Council	Executive Mayor		N
87(2)	Deciding whether to object to the temporary assignment of a functional competency of another municipality to the municipality	Council	Executive Mayor	Together with the full Executive Mayoral Committee	N
88(1)	Deciding on the nature and scope of the assistance to be provided to another municipality	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N
88(2)	Deciding to request another municipality for financial, technical and administrative assistance	Council	Executive Mayor	Together with the other members of the Mayoral Committee after consultation with the MM	N

5.1.3 Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) read with Act 3 of 2022

Section	Power conferred	Delegating Authority	Delegating body	Conditions	Sub-delegate
11(2)	To enter into a written agreement with another municipality to exercise executive authority in the area of that other municipality	Council	Executive Mayor	Subject to the agreement being approved by the Council	N

18(1)	Determining appropriate mechanisms, processes and procedures for communicating to its community information concerning the available mechanisms, processes and procedures to encourage and facilitate community participation, the matters with regard to which community participation is encouraged, the rights and duties of members of the local community and municipal governance, management and development	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N
21(1)(b)	Notify the local community through the media in a newspaper circulating in its area and determined by council as a newspaper of record, when anything must be notified by the municipality	Council	Executive Mayor	Together with the other members of the Mayoral Committee	
42	Determining mechanisms, processes and procedures to involve the local community in the development, implementation and review of the municipality's performance management system, the setting of appropriate key performance indicators and performance targets for the municipality	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N
44	Determining the manner to make known, both internally and to the general public, the key performance indicators and performance targets the Council set for purposes of its performance management system	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N
46	Preparing the municipality's annual performance report	Council	Executive Mayor	Together with the other members of the mayoral committee	Y

57(1)(a)	Signing an employment contract with the Municipal Manager	Council	Executive Mayor	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)	Y
57(2)(a)	Concluding the performance agreement between the Municipality and the Municipal Manager	Council	Executive Mayor	None	N
57(2)(b)	Conducting an evaluation of the performance of the Municipal Manager in respect of a financial year	Council	Executive Mayor	None	N

5.1.4 Local Government: Municipal Planning and Performance Management Regulations, 2001

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegation
3(5)(a)	Consulting with the local municipalities within the municipal area about a proposed amendment of the integrated development plan	Council	Executive Mayor	Together with the other members of the mayoral committee	N
3(5)	Determining the manner of consulting local municipalities with regard to a proposed amendment to the integrated development plan	Council	Executive Mayor	Together with the other members of the mayoral committee	N
3(5)(b)	Considering the comment of local municipalities, if any, on any proposed amendment of the integrated development plan	Council	Executive Mayor	Together with the other members of the mayoral committee	N
4(2)(b)	Making and submitting written representations regarding an objection to the proposed amendments to the municipality's integrated development plan suggested by the MEC	Council	Executive Mayor	Together with the other members of the mayoral committee	Y

5.1.5 Local Government: Municipal Finance Management Act, Act 54 of 2003

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegation
32(2)	Identifying the identity of the person who is liable for unauthorised, irregular or fruitless and wasteful expenditure	Council	Executive Mayor	After consultation with the Municipal Manager and the Chief Financial Officer	

5.2 STATUTORY POWERS BY COUNCIL TO THE SPEAKER**5.2.1 Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)**

Section	Power conferred	Delegating Authority	Delegating body	Conditions	Sub-delegate
160(7)	Deciding to close a meeting of the Council or those of its committees	Council	Speaker or Chairperson of the committee or presiding at the meeting	Taking into account the reasonableness of the motion having regard to the nature of the business being transacted	N

5.2.2 Local Government: Municipal Planning and Performance Management Regulations, 2001

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegation
3(3)	Ensuring compliance with the municipality's rules and orders regarding an amendment to the integrated development plan	Council	Speaker	None	N

5.2.3 Local Government: Municipal System Act, 2000, Act 32 of 2000 read with Act 3 of 2022

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegation
20(4)(b)	Determining reasonable steps to regulate public access to, and public conduct at, meetings of the Council and its committees	Council	The Councillor or person residing at a meeting	None	N

5.3 STATUTORY POWERS BY COUNCIL TO THE MUNICIPAL MANAGER

5.3.1 Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)

Section	Power conferred	Delegating Authority	Delegating body	Conditions	Sub-delegate
152	Deciding on the structure and management of the municipality's administration and budgeting and planning processes to give priority to the basic needs of the community and to promote the social and economic development of the community	Council	Municipal Manager	Subject to a policy framework determined by the Council after receiving and considering a report and recommendations from the Executive Mayor and its Mayoral Committee	N
154(2)	Making representations regarding draft legislation affecting the status, institutions, powers or functions of local government	Council	Municipal Manager		N
217	Determining a procurement system that is fair, equitable, transparent, competitive and cost-effective when it contracts for goods or services	Council	Municipal Manager		N

5.3.2 Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) read with Act 3 of 2022

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
6(2)(a)	Determining the processes, mechanisms and procedures for the administration to be responsive to the needs of the local community	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	N
6(2)(b)	Determining the processes, mechanisms and procedures for facilitating a culture of public service and accountability amongst staff	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	N
6(2)(c)	Determining the processes, mechanisms and procedures for preventing corruption	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	N
6(2)(d)	Determining the processes, mechanisms and procedures for establishing clear relationships, and facilitating co-operation and communication, between it and the local community	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	N
6(2)(e)	Determining the processes, mechanisms and procedures for giving members of the local community full and accurate information about the level and standard of municipal services they are entitled to receive	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	N
6(2)(f)	Determining the processes, mechanisms and procedures for informing the local community how the municipality is managed, of the costs involved and the persons in charge	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	N

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
15(1)	Compiling and maintaining in bound or loose-leaf form, and when feasible also in electronic format, a compilation of all the by-laws	Council	Municipal Manager	None	N
13(a)	Determining a practical way to bring the contents of by-laws to the attention of the local community	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	N
19	Determining the manner in which the Municipal Manager must give notice to the public of the time, date and venue of every ordinary meeting of the Council and every special or urgent meeting of the Council, except when time constraints make this impossible	Council	Municipal Manager	None	Y
21B(1)(a)	Deciding whether it is affordable for the municipality to establish its own official website	Council	Municipal Manager	None	N
21B(3)	Regularly updating the municipality's website regularly	Council	Municipal Manager	Subject to the provisions of the approved policy	N
57(2)	Concluding the performance agreement between the Municipal Manager and a Manager directly accountable to the Municipal Manager	Council	Municipal Manager	None	N
57B	Conducting an evaluation of the performance of the managers directly accountable to the Municipal Manager in respect of a financial year	Council	Municipal Manager		N
66(3)	Prevent the employment of any person unless the post is provided for in the staff establishment of the Municipality	Council	Municipal Manager		Y
66 (4)	To declare any appointment made in contravention of section 66(3) null and void	Council	Municipal Manager		N
67(1)	Developing and adopting systems and procedures to ensure fair, efficient, effective and transparent personnel administration	Council	Municipal Manager	Subject to Labour Legislation and Collective Agreements	Y

71	Establishing mechanisms, procedures and processes for compliance with collective agreements concluded in the South African Local Government Bargaining Council	Council	Municipal Manager		Y
93E	Determining the process for recruiting, selecting and appointing directors of the board of a municipal entity of which the municipality is a parent municipality	Council	Municipal Manager	Subject to receiving and considering a report and recommendations from the Executive Mayor	N
95(a)	Establishing a customer management system	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
95(b)	Establishing mechanisms for users of services and ratepayers to give feedback to the municipality or other service provider regarding the quality of the services and the performance of the service provider	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
95(c)	Stipulating the reasonable steps that must be taken to ensure that users of services are informed of the costs involved in service provision, the reasons for the payment of service fees, and the manner in which monies raised from the service are utilised	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
95(d)	Stipulating the reasonable steps that must be taken to ensure that the consumption by individual users of services is measured through accurate and verifiable metering systems where the consumption of services has to be measured	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
95(e)	Stipulating the steps that must be taken to ensure that persons liable for payments, receive regular and accurate accounts that indicate the basis for calculating the amounts due	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
95(f)	Establishing accessible mechanisms for persons to query or verify accounts and metered	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y

	consumption, and appeal procedures which allow such persons to receive prompt redress for inaccurate accounts				
95(g)	Establishing accessible mechanisms for dealing with complaints from persons, for promptly replying to complaints and corrective action	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
95(h)	Establishing mechanisms to monitor the response time and efficiency in complying with complaints from persons, for promptly replying to complaints and corrective action	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
95(i)	Determining the number and location of pay points and other mechanisms for settling accounts or for making pre-payments for services	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
101	Issuing written authorisation to an employee to access at all reasonable hours' premises in order to read, inspect, install or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
102(1)	Deciding to consolidate separate accounts of persons liable for payments to the municipality and to credit a payment by such a person against any account of that person	Council	Municipal Manager	After consultation with the Chief Financial Officer	Y
103(1)	Obtaining the consent of employees of other employers to deduct any payment of rates or other taxes, or fees for municipal services from the salaries and wages of such employees	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
103(1)	Entering into agreement with the employers of other employees to deduct any payment of rates or other taxes, or fees for municipal services from the salaries and wages of such employees	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y

109(2)	Deciding to compromise or compound any action, claim or proceedings and submission to arbitration of any matter other than a matter involving a decision on its status, powers or duties or the validity of its actions or by-laws.	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
110	Issuing a certificate, to be used in legal proceedings involving the municipality, that the municipality used the best known, or the only, or the most practicable and available methods in exercising any of its powers or performing any of its functions	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	N
112	Obtaining the approval of the national prosecuting authority to enable an employee to institute criminal proceedings and conduct prosecutions in respect of bylaws and other legislation applicable to the municipality	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y
155(1)(e)	The appointment of staff other than those referred to in section 56(a)	Council	Municipal Manager	Director Corporate Services to appoint staff up to T14	Manager: Human Resources
55(1)(f)	Management, effective utilisation and training of staff	Municipal Manager	Director Corporate Services	Subject to the policy directions of the Council	Manager: Human Resources
Sch2 (4)(2)(c)	To consider applications from employees (other than employees reporting directly to the Municipal Manager) for permission to perform remunerative work external to the Municipality in line with the Municipal Policy.	Council	Municipal Manager	Subject to receiving a completed application from the applicant and a recommendation from the relevant line director. All approvals granted will lapse annually. Applicants need to re-apply annually.	N
Sch 2 (4)(2)(c)	To consider applications from employees reporting directly to the Municipal Manager for permission to perform remunerative work	Council	Municipal Manager	Subject to receiving a completed application from the applicant and a recommendation from the	N

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	external to the Municipality in line with the Municipal Policy.			relevant line director. All approvals granted will lapse annually. Applicants need to re-apply annually.	
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5.3.3 Labour Relations Act, 1995 (Act No 66 of 1995)

Section	Power conferred	Delegating Authority	Delegating body	Conditions	Sub-delegate
12(4)	The right of access by Union in the workplace in order to recruit or communicate with members, or otherwise serve members' interests, at the municipality's premises are subject to any conditions as to time and place that are reasonably necessary to safeguard life and property or to prevent the undue disruption of service.	Council	Municipal Manager	Subject to the Main Collective Agreement of the South African Local Government Bargaining Council	N
15(1)	Granting of leave to union representatives and office-bearers for union activities	Council	Municipal Manager	Subject to the Main Collective Agreement of the South African Local Government Bargaining Council	Y
16(2) and (3)	Deciding whether or not to disclose information to a union representative or union	Council	Municipal Manager	Subject to the relevant provisions in the Labour Relations Act (66 of 1995)	Y
23	Ensuring compliance with collective agreements	Council	Municipal Manager	None	Y
69(2)	Considering an application by a trade union to picket inside the municipality's premises	Council	Municipal Manager	Subject to the Labour Relations Act (66 of 1995) or any collective agreement, if any	N
72	Entering into a minimum service level agreement in respect of essential services provided by the municipality	Council	Municipal Manager	Subject to the provisions of the Main Collective Agreement of the South African Local Government Bargaining Council, and the Labour Relations Act (66 of 1995).	N
76	Deciding to take into employment one or more replacement workers during a strike or similar action and determining their conditions of employment	Council	Municipal Manager	Subject to the Labour Relations Act (66 of 1995) or relevant collective agreement, if any, and after consultation with the managers directly accountable to the Municipal Manager	N
142	Applying to the CCMA or SALGBC to subpoena a person to appear in	Council	Municipal Manager	Subject to the provisions of the Main Collective Agreement of the South	Y

	proceedings before the CCMA or SALGBC			African Local Government Bargaining Council.	
142A	Applying to the CCMA or SALGBC to make a settlement agreement an arbitration award	Council	Municipal Manager	Subject to the provisions of the Main Collective Agreement of the South African Local Government Bargaining Council.	Y
188A (1)	Seeking the consent of an employee accused of misconduct or poor work performance to consent to arbitration regarding the allegations	Council	Municipal Manager	Subject to the provisions of the Main Collective Agreement of the South African Local Government Bargaining Council.	N
188A (1)	Applying to the SALGBC or the CCMA to arbitrate any allegation relating to an employee's conduct or capacity	Council	Municipal Manager	Subject to the Disciplinary Procedure and Code Collective Agreement and in the case of Senior Managers, the Disciplinary Regulations for Senior Managers, 2010	N
189	Deciding whether to dismiss one or more employees based on the municipality's operational requirements	Council	Municipal Manager	Subject to the provisions of the Labour Relations Act (66 of 1995) and the South African Local Government Main Collective Agreement	N
189A (3)	Requesting the CCMA to appoint a facilitator to facilitate consultation between the municipality and other consulting parties regarding the proposed dismissal of one or more employees based on the municipality's operational requirements	Council	Municipal Manager	Subject to the provisions of the Labour Relations Act (66 of 1995) and the South African Local Government Main Collective Agreement	Y
191	Appointing a person or body to represent the municipality in any proceedings before the SALGBC or the CCMA	Council	Municipal Manager	Subject to the provisions of the Labour Relations Act (66 of 1995) and the South African Local Government Main Collective Agreement	N
Sch 8(8)(e)	Determining the reasonable evaluation, instruction, training, guidance or counselling in order to allow an employee appointed on probation to render satisfactory service	Council	Municipal Manager	In consultation with relevant Director	Y
Sch 8(8)(f)	Deciding to extend an employee's period of probation	Council	Municipal Manager	In consultation with the relevant Director	Y

5.3.4 Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
3(3)	Granting to a person whose rights or legitimate expectations may be materially affected by intended administrative action by the municipality, an opportunity to obtain assistance and, in serious or complex cases, legal representation, present and dispute information and arguments and appear in person.	Council	Municipal Manager		N
4(1)	Deciding, in cases where an administrative action materially and adversely affects the rights of the public, whether to hold a public inquiry or to follow a notice and comment procedure, or to hold a public enquiry and follow a procedure of notice and comment in order to give effect to the right to procedurally fair administrative action	Council	Municipal Manager		N

5.3.5 Basic Conditions of Employment Act, 1997 (Act No 75 of 1997)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
7	Regulating the working time of each employee in accordance with the provisions of any Act governing occupational health and safety, with due regard to the health and safety of employees and the Code of Good Practice on the Regulation of Working Time and with due regard to the family responsibilities of employees	Council	Municipal Manager	Subject to the South African Local Government Main Collective Agreement and the Collective Agreement on Conditions of Service for the Western Cape Division	N
9(2)	Concluding an agreement to extend the working hours of an employee by up to 15 minutes in a day but not more than 60 minutes in a week to enable an employee whose duties include serving members of the public to continue performing those duties after the completion of ordinary hours of work	Council	Municipal Manager	Subject to the South African Local Government Main Collective Agreement and the Collective Agreement on Conditions of Service for the Western Cape Division	N

5.3.6. Occupational Health and Safety Act, 1993 (Act No 85 of 1993)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
7(1)	Ensuring compliance with a directive issued by notice in the Government Gazette, to prepare a written policy concerning the protection of the health and safety of employees at work and the arrangements for carrying out and reviewing that policy	Council	Municipal Manager		N
17(6)	Complying with a directive of a labour inspector with regard to the appointment of additional health and safety representatives at a workplace	Council	Municipal Manager		N

5.3.7 Employment Equity Act, 1998 (Act No 55 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
5	Taking steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice.	Council	Municipal Manager	Subject to the relevant collective agreement, if any	N
7(1)	Deciding whether an employee or an applicant for employment must submit for medical testing	Council	Municipal Manager	Subject to the relevant collective agreement, if any	N
8	Ensuring that any psychometric test or similar assessment has been scientifically shown to be valid and reliable, can be applied fairly to employees or applicants for employment and is not biased against any employee or applicant for employment or group	Council	Municipal Manager	Subject to the relevant collective agreement, if any	N
13(1)	Implementing affirmative action measures (i.e. measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce) for people from designated groups in order to achieve employment equity	Council	Municipal Manager	Subject to the relevant collective agreement, if any	N
16	Taking reasonable steps to consult and attempt to reach agreement with a representative trade union representing members at the workplace.	Council	Municipal Manager		Y
19	Conducting an analysis of the municipality's employment policies, practices, procedures and the working environment, in order to identify employment barriers which adversely affect	Council	Municipal Manager		Y

	people from designated groups and a profile of the workforce within each occupational category and level in order to determine the degree of under representation of people from designated groups in various occupational categories and levels in the workforce.				
20	Preparing and implementing an employment equity plan which will achieve reasonable progress towards employment equity in the workforce.	Council	Municipal Manager		Y
21	Preparing an annual report regarding employment equity	Council	Municipal Manager		Y
36	Issuing a written undertaking to comply with the provisions of the Act when requested by a labour inspector	Council	Municipal Manager		N
39	Objecting to a compliance order issued by a labour inspector in terms of section 38 of the Act	Council	Municipal Manager		N
40	Appealing against a compliance order issued by the Director-General of Labour in terms of section 39 of the Act	Council	Municipal Manager		N

5.3.8 Local Government: Municipal Planning and Performance Management Regulations, 2001

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegation
3(4)(b)	Publishing a proposed amendment to the municipality's integrated development plan	Council	Municipal Manager	None	Y
6(b)	Preparing action plans for the implementation of strategies identified by municipality	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	Y
14(1)(a)	Developing and implementing mechanisms, systems and processes for auditing the results of performance measurements as part of the municipality's internal auditing processes	Council	Municipal Manager	After consultation with the Chief Financial Officer	Y
14(2)(g)	Provision of secretariat services to the performance audit committee	Council	Municipal Manager		Y
15(1)(b)	Inviting the local community to identify persons to serve on the IDP forum, including representatives from ward committees, if any	Council	Municipal Manager	None	Y
15(2)	Convening meetings of the IDP Forum	Council	Municipal Manager	None	Y

5.3.9 South African Local Government Bargaining Council: Constitution

Clause	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
22	Apply for exemption from any Collective Agreement	Council	Municipal Manager	As determined by the exemption procedure in the Main Collective Agreement	N

5.3.10 South African Local Government Bargaining Council: Main Collective Agreement (2015)

Clause	Power conferred	Delegating authority	Delegated body	Conditions
C 11.8.1.1	Establish a Local Labour Forum	Council	Municipal Manager	
C 11.8.1.3	Nominate Councillors and members of Management that will constitute the Employer Component of the Local Labour Forum	Council	Municipal Manager	

5.3.11 General Machinery Regulations, 1988

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
2(1)	Designating a person in a full-time capacity in respect of every premises on or in which machinery is being used	Council	Municipal Manager	None	N	
7	Notifying the inspector of any incident involving machinery	Council	Municipal Manager	None	Y	Head Health & Safety

5.3.12 Local Government Municipal Finance Management Act (56 of 2003): Municipal Asset Transfer Regulations, 2008

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
34(4)	Granting of rights to use, control or manage municipal capital assets	Council	Municipal Manager	Subject to the capital asset not exceeding the value of R10 million and the term of lease not longer than 3 years	N

DELEGATION OF STATUTORY POWERS BY COUNCIL AS DEFINED IN OTHER ACTS

CHAPTER 6

6.1 Spatial Planning and Land Use Management Act, 2013 (Act No 16 of 2013)

Section	Power conferred	Delegating Authority	Delegating body	Conditions	Sub-delegate
35(2)	Official authorised to consider and determine certain land use and land development applications.	Council	Director: Technical & Infrastructure Implementation Services Director: Economic Development & Planning		N
35(3)	To consider and determine certain land use and land development applications.	Council	Municipal Planning Tribunal		N
MPB 85(1) & (2) SLPUMA 32(3)	Municipality to uphold compliance and enforcement of by-law and related planning laws and regulations	Council	Deputy Director: Planning	None	N

Commented [GA1]: Amendment

6.2 Regulation of Gatherings Act, 1993 (Act No 205 of 1993)

Section	Power conferred	Delegating Authority	Delegating body	Sub-delegated	Conditions
2(4)(a)	To perform the functions, exercise the powers and discharge the duties of a responsible officer in terms of this Act.	Council	Manager: Public Safety	None	After consultation with the Chief of Traffic and/or Chief Law Enforcement Services

6.3 National Environmental Management: Waste Act, 2008 (Act No 59 of 2008)

Section	Power conferred	Delegation Authority	Delegating Body	Conditions	Sub-delegate
3	Co-ordinating matters pertaining to waste management in the municipality	Council	Director: Technical & Infrastructure Implementation Services		N

6.4 National Land Transport Act, 2009 (Act No 5 of 2009)

Section	Power conferred	Delegation Authority	Delegating Body	Sub-delegated	Conditions
14(d)	Supply directions to the entities responsible for the granting, renewal, amendment or transfer of operating licences in terms of their integrated transport plans in the prescribed manner	Council	Manager: Public Safety	None	In consultation with Chief Licensing and Registration Officer
87 (6)	To perform the functions, exercise the powers and discharge the duties of a head of the depot in terms of this Act.	Council	Manager: Public Safety	None	In consultation with the Chief of Traffic

6.5 Disaster Management Act, 2002 (Act No 57 of 2002)

Section	Power conferred	Delegation Authority	Delegating Body	Sub-delegated	Conditions
41(1)(2) Schedule – Assessment, Monitoring and Reporting	Directions for the determination of bulk raw water availability and implementation of restrictions on the use of potable water for domestic and industrial purposes	Council	Director: Technical & Infrastructure Implementation Services	None	After consultation with Manager: Cleansing/Water and Sewerage

Section 51 (1)	Exercise all powers, duties and functions in terms of the Disaster Management Act. (Only if an agreement is concluded with Overberg District Municipality)	Council	Deputy Director Community Services	Manager: Disaster Management	
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6.6 Firearms Control Act, 2000 (Act No 60 of 2000)

Section	Power conferred	Delegation Authority	Delegating Body	Sub- delegated	Conditions
98 (2)	To perform the functions, exercise the powers and discharge the duties of a responsible person in terms of this Act.	Council	Manager: Public Safety	None	In consultation with the Chief of Traffic and/or Chief Law Enforcement Services

STATUTORY POWERS BY THE MUNICIPAL MANAGER

CHAPTER 7

7.1 Local Government: Municipal Structures Act, 2000 (Act No 117 of 1998)

Section	Power conferred	Delegating Authority	Delegated Body	Conditions	Sub-delegate
29(2)	Determining the time, date and place of the first council meeting after a Council has been declared elected	Municipal Manager	None		N

• 7.2 Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) read with Act 3 of 2022

Section	Power conferred	Delegating Authority	Delegating Body	Conditions	Sub-delegate
55(1)(a)	Forming and developing an economical, effective, efficient and accountable administration equipped to carry out the task of implementing the municipality's integrated development plan, operating in accordance with the municipality's performance management system and responsive to the needs of the local community to participate in the affairs of the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N
55(1)(b)	Managing the municipality's administration in accordance with legislation applicable to the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N

55(1)(c)	Implementing the municipality's integrated development plan, and monitoring progress with implementation of the plan	Municipal Manager	None	Subject to the policy directions of the Council	N
55(1)(d)	Managing the provision of services to the local community in a sustainable and equitable manner	Municipal Manager	None	Subject to the policy directions of the Council	N
55(1)(g)	Maintaining discipline of staff	Municipal Manager	Relevant Director	Subject to the Labour Relations Act (66 of 1995), Collective Agreement and the Disciplinary Procedure	All Deputy Directors
55(1)(h)	Promoting sound labour relations and compliance by the municipality with applicable labour legislation	Municipal Manager	Director Development and Operations	Subject to the policy directions of the Council, South African Local Government Bargaining Council Collective Agreements and the Labour Relations Act (66 of 1995)	Y
55(1)(i)	Advising the political structures and political office bearers of the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N
55(1)(j)	Managing communications between the municipality's administration and its political structures and political office-bearers	Municipal Manager	None	Subject to the policy directions of the Council	N
55(1)(k)	Carrying out the decisions of the political structures and political office-bearers of the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N
55(1)(l)	Administering and implementing of the municipality's by-laws and other legislation	Municipal Manager	All Directors	Subject to the policy directions of the Council	Y
55(1)(n)	Facilitating participation by the local community in the affairs of the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N
55(1)(o)	Developing and maintaining a system whereby community satisfaction with municipal services is assessed	Municipal Manager	None	Subject to the policy directions of the Council	N
55(1)(p)	Implementing national and provincial legislation applicable to the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N
66(1) (a)	Develop a staff establishment for the Municipality and submit the staff establishment to the Council for approval	Municipal Manager	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior	N

				Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000) read with Act 3 of 2022	
117	Custody of all records and documents of the municipality	Municipal Manager	Director: Corporate Services	None	Y

7.3 Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003)

Section	Power conferred	Delegating Authority	Delegating Body	Conditions	Sub-delegate
8(5)	Submission of the Municipality's primary bank account details, and any impending change thereof	Municipal Manager	None	Subject to the prescribed framework	
9(a)	Submission of the prescribed details regarding any new bank accounts opened for the Municipality	Municipal Manager	None	Subject to the prescribed framework	
9(b)	Submission of the details of the Municipality's bank accounts annually before the start of a financial year	Municipal Manager	None	Subject to the prescribed framework	
10(1)(a)	Administration of the Municipality's bank accounts	Municipal Manager	None	Subject to the prescribed framework	
10(2)	Enforcing compliance with sections 7, 8 and 11 of the MFMA	Municipal Manager	None	Subject to the prescribed framework	
11(1)	Authorising staff to withdraw or authorise the withdrawal of money from the Municipality's bank account	Municipal Manager	None	1. Subject to the prescribed framework 2. If the Municipality has a primary bank account which is separate from its other bank accounts, only the Chief Financial Officer may be authorised to withdraw money or authorise the withdrawal of money	

				from the Municipality's primary bank account in terms of section 11(2) of the MFMA	
11(4)(a)	Preparation of a quarterly consolidated report of all withdrawals made in terms of section 11(1)(b) to (j) of the MFMA from the Municipality's bank accounts	Municipal Manager	Chief Financial Officer	A quarterly consolidated report of all withdrawals made from the Municipality's bank accounts must be tabled in the Council, and submitted to the provincial treasury and the Auditor-General within 30 days after the end of each quarter.	
	Tabling of a quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA from the Municipality's bank accounts in the Council	Municipal Manager	None		
11(4)(b)	Submission of quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA to the provincial treasury and the Auditor-General	Municipal Manager	Chief Financial Officer		
12(1)	Deciding to set-up a relief, charitable, trust or other fund of whatever description	Municipal Manager	None	Municipal Manager being the accounting officer of such fund.	N
12(4)	Issuing written authority to withdraw money without appropriation in terms of an approved budget from a bank account opened for the purpose of a relief, charitable, trust or other fund	Municipal Manager	None	Such authorisation must be in accordance with decisions of the Council in this regard and only for the purposes for which, and subject to the conditions on which, the fund was established or the money in the fund was donated	

22	Making the annual budget as tabled public, inviting the community to submit representations in connection therewith and submitting same to the national and provincial treasuries and affected municipalities	Municipal Manager	Chief Financial Officer	In accordance with Chapter 4 of the Local Government: Municipal Systems Act 2000 (read with Act 3 of 2022). After consultation with the Municipal Manager	
	Determining the amount of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality	Municipal Manager	None	After consultation with the Chief Financial Officer	
	Identifying the person responsible, or suspected of being responsible, for unauthorised, irregular or fruitless and wasteful expenditure	Municipal Manager	None	After consultation with the Chief Financial Officer	
	Determining the steps to be taken to recover or rectify any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality	Municipal Manager	None	After consultation with the Chief Financial Officer	
	Determining the steps to be taken to prevent the recurrence of unauthorised, irregular or fruitless and wasteful expenditure by the Municipality	Municipal Manager	None	After consultation with the Chief Financial Officer	
	Informing the Executive Mayor, the MEC for local government and the Auditor-General, in writing, of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality, whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure and the steps that have been taken to recover or rectify such expenditure and to prevent a recurrence of such expenditure.	Municipal Manager	None		
32(6)	Determining whether an alleged irregular expenditure constitutes a criminal offence	Municipal Manager	None	After consultation with the Chief Financial Officer	
	Determining whether alleged theft and fraud occurred in the Municipality	Municipal Manager	None	After consultation with the Chief Financial Officer	

	Reporting alleged irregular expenditure that constitutes a criminal offence and alleged theft and fraud which occurred in the Municipality to the SAPS	Municipal Manager	None	After consultation with the Chief Financial Officer	
32(3)	Deciding whether a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure	Municipal Manager	None	After consultation with the Chief Financial Officer	
	Instructing an authorised official not to implement a decision taken by the Council or the Executive Mayor that is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure	Municipal Manager	None		
	Informing the Council or the Executive Mayor that a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure	Municipal Manager	None		
32(4)	Deciding whether an expenditure incurred by the Municipality was unauthorised, irregular or fruitless and wasteful expenditure	Municipal Manager	None	After consultation with the Chief Financial Officer	
	Determining the amount of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality	Municipal Manager	None	After consultation with the Chief Financial Officer	
	Identifying the person responsible, or suspected of being responsible, for unauthorised, irregular or fruitless and wasteful expenditure	Municipal Manager	None	After consultation with the Chief Financial Officer	
	Determining the steps to be taken to recover or rectify any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality	Municipal Manager	None	After consultation with the Chief Financial Officer	

37(2)	Determining the projected amount of any allocation proposed to be transferred to another municipality during each of the next three financial years and notifying the receiving municipality thereof	Municipal Manager	Chief Financial Officer	Such notification must be given on or before 2 April each year	
45(2)(b)	Signing a debt agreement or other document which creates or acknowledges any short-term debt	Municipal Manager	Chief Financial Officer		
54(1)(d)	Determining the (proposed) remedial or corrective steps to deal with any serious financial problems facing the Municipality	Municipal Manager	Chief Financial Officer		
60(b)(i)	Determining the nature, extent and manner of providing guidance and advice on compliance with the MFMA to the political structures, political office-bearers and officials of the Municipality and any municipal entity under the sole or shared control of the Municipality	Municipal Manager	None		
61(1)(b)	Deciding to disclose to the Council and the Executive Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Council or the Executive Mayor	Municipal Manager	None		
	Deciding the timing and manner of disclosing to the Council and the Executive Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Council or the Executive Mayor	Municipal Manager	None		
62(1)(a)	Deciding the reasonable steps to be taken to ensure that the resources of the Municipality are used effectively, efficiently and economically	Municipal Manager	None		

62(1)(b)	Deciding the reasonable steps to be taken to ensure that that full and proper records of the Municipality's financial affairs are kept in accordance with any prescribed norms and standards	Municipal Manager	Chief Financial Officer		
62(1)(c)(i)	Deciding the reasonable steps to be taken to ensure that that the Municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal control	Municipal Manager	Chief Financial Officer		
62(1)(c)(ii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains effective, efficient and transparent systems of internal audit operating in accordance with any prescribed norms and standards	Municipal Manager	Chief Financial Officer		
62(1)(d)	Deciding the reasonable steps to be taken to ensure that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented	Municipal Manager	None		
62(1)(e)	Deciding the reasonable steps to be taken to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the Municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15 of the MFMA	Municipal Manager	None		
62(1)(f)(i)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a tariff policy referred to in section 74 of the Municipal Systems Act	Municipal Manager	None		
62(1)(f)(ii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a rates policy as required in terms of section 3 of the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004)	Municipal Manager	None	Only if there is a district management area in the municipal area of the Municipality	

62(1)(f)(iii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act	Municipal Manager	None		
62(1)(f)(iv)	Deciding the reasonable steps to be taken to ensure that that the Municipality has and implements a supply chain management policy in accordance with Chapter 11 of the MFMA	Municipal Manager	None		
63(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality	Municipal Manager	Chief Financial Officer		
	has and maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality				
63(2)(b)	Deciding the reasonable steps to be taken to ensure that the Municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice	Municipal Manager	Chief Financial Officer		
63(2)(c)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed	Municipal Manager	Chief Financial Officer		
64(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality has effective revenue collection systems consistent with section 95 of the Municipal Systems Act and the Municipality's credit control and debt collection policy	Municipal Manager	Chief Financial Officer		
64(2)(b)	Deciding the reasonable steps to be taken to ensure that revenue due to the Municipality is calculated on a monthly basis	Municipal Manager	Chief Financial Officer		

64(2)(c)	Deciding the reasonable steps to be taken to ensure that accounts for regional services council levies and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical	Municipal Manager	Chief Financial Officer		
64(2)(d)	Deciding the reasonable steps to be taken to ensure that all money received is promptly deposited in accordance with the MFMA into the Municipality's primary and other bank accounts	Municipal Manager	Chief Financial Officer		
64(2)(e)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises revenue when it is earned and accounts for debtors and for receipts of revenue	Municipal Manager	Chief Financial Officer		
64(2)(f)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of debtors and revenue	Municipal Manager	Chief Financial Officer	Subject to any prescripts in this regard	
64(2)(g)	Deciding the reasonable steps to be taken to ensure that the Municipality charges interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework	Municipal Manager	Chief Financial Officer	Subject to any prescripts in this regard	
68(a)	Assisting the Executive Mayor in performing the budgetary steps assigned to the Executive Mayor	Municipal Manager	Chief Financial Officer		
	Determining the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor	Municipal Manager	None		

68(b)	Making the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor available to him/her	Municipal Manager	None		
69(1)(a)	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan	Municipal Manager	Chief Financial Officer		
69(1)(b)	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that revenue and expenditure are properly monitored	Municipal Manager	Chief Financial Officer		
69(2)	Determining whether it is necessary to prepare an adjustments budget	Municipal Manager	Chief Financial Officer		
	Preparing an adjustments budget and submitting it to the Executive Mayor for consideration and tabling in the Council	Municipal Manager	Chief Financial Officer		
69(3)(a)	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, a draft service delivery and budget implementation plan for the budget year	Municipal Manager	None		
69(3)(b)	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(l)(b) of the Municipal Systems Act for the Municipal Manager and all senior managers	Municipal Manager	None	An annual performance agreement must be concluded on or before 31 July of each year in terms of section 57(2)(a) of the Municipal Systems Act	

70(1)	Reporting in writing to the Council any impending shortfalls in budgeted revenue and overspending of the Municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending	Municipal Manager	Chief Financial Officer		
70(2)	Informing the National Treasury that the Municipality's bank account or, if the Municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed Period	Municipal Manager	Chief Financial Officer		
71(1)	Submitting to the Executive Mayor and the provincial treasury, within 10 working days after the end of each month, a statement in the prescribed format on the state of the municipality's budget	Municipal Manager	Chief Financial Officer	<ol style="list-style-type: none"> 1. The statement must contain the information referred to in section 71(1), (2) and (3) of the MFMA 2. The statement submitted to the provincial treasury must be in the form of a signed and an electronic document 	
71(5)	Submitting to the national or provincial organ of state or municipality which transferred an allocation during any particular month to the Municipality within 10 working days after the end of the month concerned a statement indicating the amount of any allocations received and actual expenditure on those allocations, excluding expenditure on its share of the local government equitable share and allocations exempted by the annual Division of Revenue Act from compliance with this requirement	Municipal Manager	Chief Financial Officer		

72(1)(a)	Performing an assessment of the Municipality's performance during the first half of each financial year	Municipal Manager	None		
72(1)(b)	Submitting the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury	Municipal Manager	None	On or before 25 January each year	
72(3)	Determining whether it is necessary to recommend that an adjustments budget be considered and that revised projections for revenue and expenditure is necessary	Municipal Manager	Chief Financial Officer		
73(a)	Informing the provincial treasury of any failure by the Council to adopt or implement a budget-related policy or a supply chain management policy	Municipal Manager	None		
73(b)	Informing the provincial treasury of any non-compliance by a political structure or political office-bearer of the Municipality with a budget-related policy or the supply chain management policy	Municipal Manager	None		
74(1)	Submitting to the National Treasury, the provincial treasury, the department for local government and the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.	Municipal Manager	Chief Financial Officer		
74(2)	Reporting his/her inability to comply with any of the responsibilities in terms of the MFMA, together with reasons, to the Executive Mayor and the provincial treasury	Municipal Manager	None		
75(1)	Ensuring that the required documents are uploaded to, and available on, the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first	Municipal Manager			

77(1)	Deciding to designate any officials other than those listed in section 77(1)(a) to (c) of the MFMA as "top management"	Municipal Manager	None		
79(1)(a)	Developing an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the Municipality's financial administration for the proper application of the MFMA	Municipal Manager	None		
79(1)(b)	Delegating to a member of the Municipality's top management or any other official of the Municipality any of the powers or duties assigned to an accounting officer in terms of the MFMA or any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to	Municipal Manager	None	<ol style="list-style-type: none"> 1. No delegation may be done by the Municipal Manager to any political structure or political office-bearer of the Municipality 2. A delegation must be in writing; 	

	take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA			<div>3. A delegation is subject to such limitations and conditions as the Municipal Manager may impose in a specific case;</div> <div>4. A delegation may either be to a specific individual or to the holder of a specific post in the Municipality;</div> <div>5. A delegation may, in the case of a delegation to a member of the Municipality's top management authorise that member to sub-delegate the delegated power or duty to an official or the holder of a specific post in that member's area of responsibility; and</div> <div>6. A delegation does not divest the Municipal Manager of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty</div>	
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79(1)(c)	Regularly reviewing delegations issued to a member of the Municipality's top management or any other official of the Municipality and, if necessary, amending or withdrawing any of those delegations	Municipal Manager	None		
79(2)	Reviewing and confirming, varying or revoking any decision taken in consequence of a delegation or sub-delegation in terms of the MFMA	Municipal Manager	None	No variation or revocation of a decision taken under delegated powers may detract from any rights that may have accrued as a result of the decision	
80(1)(b)	Allocating officials of the Municipality to the Chief Financial Officer	Municipal Manager	None		
84(1)(b)	Making an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	Municipal Manager	84(1)(b)		
84(2)(a)(i) (aa)	Publishing an information statement regarding the Municipality's intention to establish and/or participate in a municipal entity	Municipal Manager	84(2)(a)(i) (aa)		
84(2)(a)(i) (bb)	Inviting the local community, organised labour and other interested persons to submit comments or representations in respect of the Municipality's intention to establish and/or participate in a municipal entity	Municipal Manager	84(2)(a)(i) (bb)		
84(2)(a)(ii)	Soliciting the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity	Municipal Manager	84(2)(a)(ii)		

86(2)	Submitting the information received from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s) to the Auditor-General, the National Treasury and the provincial treasury	Municipal Manager	Chief Financial Officer		
87(11)	Receiving a monthly statement in the prescribed format on the state of the budget of a municipal entity of which the Municipality is the parent municipality	Municipal Manager	Chief Financial Officer		
90(2)	Receiving an application from a municipal entity of which the Municipality is the parent municipality to transfer ownership or otherwise dispose of a capital asset other than an asset needed to provide the minimum level of basic municipal services	Municipal Manager	None		
97(3)	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any payments due by an organ of state to the entity in respect of service charges, if such payments are regularly in arrears for periods of more than 30 days	Municipal Manager	None		
101(2)	Tabling a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity in the first Council meeting next ensuing	Municipal Manager	Chief Financial Officer		
114(1)	Submitting a report containing the reasons for deviating from a recommendation relating to a bid to the Auditor-General, the provincial treasury and the National Treasury if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the	Municipal Manager	None		

	Municipality is approved				
	Receiving a report containing the reasons for deviating from such recommendation from the accounting officer of a municipal entity of which the Municipality is the parent municipality if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipal entity is approved	Municipal Manager	None		
	Considering a report containing the reasons for deviating from such recommendation of the accounting officer of a municipal entity of which the Municipality is the parent municipality if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipal entity is approved	Municipal Manager	None		
115(1)(a)	Implementing the Municipality's supply chain management policy	Municipal Manager	Chief Financial Officer	None	Y
115(1)(b)	Determining the reasonable steps that must be taken to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimize the likelihood of fraud, corruption, favoritism and unfair and irregular practices	Municipal Manager	Manager: SCM		
116(2)(a)	Determining the reasonable steps that must be taken to ensure that a contract or agreement procured through the supply chain management policy of the Municipality is properly enforced	Municipal Manager	The relevant departmental head administering the contract		
116(2)(b)	Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Municipal Manager	The departmental head administering the contract		

116(2)(c)	Determining the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Municipal Manager	None		
	Establishing the capacity in the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Municipal Manager	None		
116(2)(d)	Regularly report to the Council regarding the management of contracts and/or agreements and the performance of contractors.	Municipal Manager	Chief Financial Officer		Y Sub-delegated to the departmental head administering the contract
	Determining the frequency/regularity of reports to be submitted to the Council regarding the management of contracts and/or agreements and the performance of contractors.	Municipal Manager	Chief Financial Officer		Y
116(3)	Receiving an application from a municipal entity of which the Municipality is a parent municipality to amend a contract or agreement procured through the supply chain management policy of the municipal entity concerned	Municipal Manager	None		
116(3)(a)	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain management policy of a	Municipal Manager	None		

	municipal entity of which the Municipality is a parent municipality in the Council				
116(3)(b)	Giving the local community reasonable notice of the intention to amend a contract or agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality and inviting the local community to submit representations to the Municipality	Municipal Manager	None		
120(6)(a)	Submitting the report on the feasibility study together with all other relevant documents to the Council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership	Municipal Manager	None		
120(6)(c)	Soliciting the views and recommendations of the National Treasury, the national department responsible for local government, the responsible national department if the proposed public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed and any other national or provincial organ of state as may be prescribed in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is to be considered	Municipal Manager	None		
121(3)(e)	Performing an assessment of any arrears on municipal taxes and service charges for inclusion in the Municipality's annual report	Municipal Manager	Chief Financial Officer		

121(3)(f)	Performing an assessment of the Municipality's performance against the measurable performance objectives referred to in section 17(3)(b) of the MFMA for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year for inclusion in the Municipality's annual report	Municipal Manager	None		
122(1)/ 126(1)(a)	Preparing annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year	Municipal Manager	Chief Financial Officer		
126(1)(a)	Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year	Municipal Manager	Chief Financial Officer		
122(1)/ 126(1)(b)	Preparing consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or over which it has effective control within the meaning of the Municipal Systems Act of a municipal entity which is a private company	Municipal Manager	Chief Financial Officer		
126(1)(b)	Submitting the consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company) to the Auditor-General on or before 31 September of each year	Municipal Manager	Chief Financial Officer		

126(3)(b)	Receiving the audit report on the Municipality's annual financial statements and any consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company)	Municipal Manager	None		
127(1)	Receiving the annual report of a municipal entity of which the Municipality is a parent municipality	Municipal Manager	None		
127(5)(a)	Publishing the annual report and inviting the local community to submit representations in connection with the annual report	Municipal Manager	None		
127(5)(b)	Submitting the annual report to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Municipal Manager	None		
128	Monitoring whether the accounting officer of any municipal entity under the sole or shared control of the Municipality has complied with sections 121(1) and 126(2) of the MFMA, establish the reasons for any non-compliance and report any non-compliance, together with the reasons for such non-compliance, to the Council, the provincial treasury and the Auditor-General	Municipal Manager	None		
129(2)(a)	Attending the meetings of the Council and its committees where the annual report is discussed and responding to questions concerning the report	Municipal Manager	None		
129(2)(b)	Submitting copies of the minutes of meetings of the Council and its committees where the annual report was discussed to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Municipal Manager	Chief Financial Officer		Y

131(2) (a)	Submitting the Municipality's responses to the issues raised in an audit report to the MEC for local government	Municipal Manager	None		
146(1) (c)	Reporting monthly to the MEC responsible for finance on the implementation of a financial recovery plan for the Municipality resulting from a mandatory provincial Intervention	Municipal Manager			
152(2)	Giving notice of an application by the Municipality to the High Court for an order to stay all legal proceedings, including the execution of legal process, to persons claiming money from the Municipality if the Municipality is unable to meet its financial Commitments	Municipal Manager	None		
153(3)	Giving notice of an application in the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Municipal Manager	None		
167(2) (a)	Recovering any amount paid or given in cash or in kind to a to a person as a political office-bearer or as a member of a political structure of the Municipality otherwise than in accordance with the framework of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998), including any bonus, bursary, loan, advance or other benefit	Municipal Manager	None		

7.4 Basic Conditions of Employment Act, 1997 (Act No 75 of 1997)

Section	Power conferred	Delegating Authority	Delegating body	Conditions	Sub-delegate
10(1)(b)	Approval for employee works in excess of 10 hours' overtime per week.	Municipal Manager	Relevant Director	Subject to the Collective Agreement on Conditions of Service for the Western Cape Division	All Deputy Directors
10(3)	Determining, by way of agreement, whether an employee who works overtime will be paid in cash for such overtime work or time off in lieu of such pay	Municipal Manager	Relevant Director	Subject to the Collective Agreement on Conditions of Service for the Western Cape Division	Y
11(1)	Concluding an agreement in writing requiring or permitting an employee to work up to twelve hours in a day, inclusive of the meal intervals, without receiving overtime pay.	Municipal Manager	Relevant Director	Subject to the Collective Agreement on Conditions of Service for the Western Cape Division	Y
14(1)	Determining of meal intervals	Municipal Manager	Relevant Director	Subject to the South African Local Government Main Collective Agreement	N
14(3)	Concluding an agreement in writing reducing the meal interval to not less than 30 minutes; and dispensing with a meal interval for an employee who works fewer than six hours on a day.	Municipal Manager I	Relevant Director	Subject to the South African Local Government Main Collective Agreement	N
17(2)	Concluding an agreement requiring or permitting an employee to perform night work, provided that the employee is compensated by the payment of an allowance, which may be a shift allowance, or by a reduction of working hours and transportation is available between the employee's place of residence and the workplace at the commencement and conclusion of the employee's shift.	Municipal Manager	Relevant Director	Subject to the Collective Agreement on Conditions of Service for the Western Cape Division	N

17(2)	Determining a night work allowance	Municipal Manager	None	Subject to the Collective Agreement on Conditions of Service for the Western Cape Division	N
18(1)	Concluding an agreement requiring an employee to work on a public holiday	Municipal Manager	None	Subject to the South African Local Government Main Collective Agreement	N
20(4)	Granting of annual leave not later than six months after the end of an employee's annual leave cycle	Municipal Manager	All directors	Subject to the Council's approved Leave Policy and HR providing a list of such employees	All Deputy Directors
20(9)	Ensuring that an employee who has been granted leave does not work, or perform other remunerative work during such leave	Municipal Manager	None		
22(6)	Concluding an agreement to reduce an employee's pay during that employee's absence from work on sick leave	Municipal Manager	None	Subject to the Council's approved Leave Policy	N
23(1)	Deciding whether an employee who has been absent from work for more than two consecutive days or on more than two occasions during an eight-week period and, on request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury to not remunerate or convert such leave application to annual leave	Municipal Manager	Director Corporate Services	Subject to the Council's approved Leave Policy In consultation with Manager: Human Resources	Y
25	Granting of maternity/paternity leave	Municipal Manager	Relevant Director	Subject to the Council's approved Leave Policy and the provisions of the Main Collective Agreement of the South African Local Government Bargaining Council	Y
26(1)	Making arrangements to ensure that a pregnant employee or an employee who is nursing her child does not perform work that is hazardous to her health or the health of her child	Municipal Manager	Relevant Director		N
26(2)	Making arrangements during an employee's pregnancy, and for a	Municipal Manager	Relevant Director		N

	period of six months after the birth of her child for suitable, alternative employment on terms and conditions that are no less favourable than her ordinary terms and conditions of employment, if the employee is required to perform night work or her work poses a danger to her health or safety or that of her child and it is practicable for the employer to do so				
27(1)	Granting of not more than 5 days' family responsibility leave to an employee during an annual leave cycle	Municipal Manager	Relevant Director	Subject to the Council's approved Leave Policy and the provisions of the Main Collective Agreement of the South African Local Government Bargaining	All Deputy Directors
27(5)	Deciding whether an employee who applied for or who has been granted family responsibility leave must submit reasonable proof of the event for which the leave was required	Municipal Manager	Relevant Director	Subject to the Council's approved Leave Policy	N
29(1)	Supplying the written particulars of her/his employment to a newly appointed employee	Municipal Manager	Director Corporate Services	Subject to the relevant collective agreement, if any	Y
29(2)	Amending the written particulars of employment issued to an employee when any such particular changes occur	Municipal Manager	Director Corporate Services	All amendments above Task Grade 14 by the Municipal Manager. Subject to the Labour Relations Act (66 of 1995) with the written consent of the employee.	Y
29(3)	Explaining, in cases where an employee is not able to understand the written particulars of her/his employment to the employee the written particulars in a language and in a manner, that the employee understands.	Municipal Manager	Director Corporate Services		Y
29(4)	Keeping the written particulars of an employee for a period of three years after the termination of employment	Municipal Manager	Director Corporate Services		Y
30	Ensuring the display at the workplace where it can be read by	Municipal Manager	Director Corporate		Y

	employees a statement in the prescribed form of the employee's rights under Basic Conditions of Employment Act in the official languages which are spoken in the workplace.		Services		
31(1)	Keeping of the following minimum records in respect of each employee: (a) The employee's name and occupation; (b) the time worked by each employee (c) the remuneration paid to each employee; (d) the date of birth of any employee and (e) any other prescribed information.	Municipal Manager	Director Corporate Services		Y
38(1)	Deciding whether to require an employee who has resigned or has been dismissed to work during the notice period or whether the notice period is waived	Municipal Manager	Director Corporate Services	Below Task Grade 14 by Deputy Director: Corporate Services. Above Task Grade 14 by the Municipal Manager. To be done in consultation with the relevant Director.	y
41	Determining the severance pay payable to an employee dismissed due to the operational requirements of the municipality	Municipal Manager	None	Subject to the Main Collective Agreement of the South African Local Government Bargaining	N
69(4)	Ensuring that a copy of a compliance order is displayed prominently at a place accessible to the affected employees at each workplace named in it	Municipal Manager	Director Corporate Services		Y
69(5)	Ensuring compliance with a compliance order within the time period stated in the order	Municipal Manager	Relevant Director		N
71	Deciding to object to a compliance order	Municipal Manager	None		N

7.5. Occupational Health and Safety Act, 1993 (Act No 85 of 1993)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
7(3)	Ensuring that the municipality's health and safety policy is signed by the Municipal Manager and displayed in the workplace where employees normally report for service	Municipal Manager	Director Corporate Services		Y
8(1)	Ensuring that, as far as is reasonably practicable, a working environment that is safe and without risk to the health of employees is provided and maintained.	Municipal Manager	Relevant Directors	In conjunction with the Occupational Health and Safety Officer	Y
9(1)	Ensuring, as far as is reasonably practicable, that persons other than employees who may be directly affected by the municipality's activities are not thereby exposed to hazards to their health or safety	Municipal Manager	Relevant Directors	In conjunction with the Occupational Health and Safety Officer	Y
10(1)	Ensuring that any article supplied for use at work is, as far as is reasonably practicable, safe and without risks to health when properly used and that it complies with all prescribed requirements	Municipal Manager	Relevant Directors	In conjunction with the Occupational Health and Safety Officer	Y
10(2)	Ensuring that, during the erection or installation of any article for use at work on or in any premises of the municipality is, as far as is reasonably practicable, nothing about the manner in which it is erected or installed makes it unsafe or creates a risk to health when properly used	Municipal Manager	Relevant Directors	In conjunction with the Occupational Health and Safety Officer	Y

13	Duty to inform- Every employer (MM) (a) as far as is reasonably practicable, cause every employee to be made conversant with the hazards to his health and safety attached to any work which he has to perform, any article or substance which he has to produce, process, use, handle, store or transport and any plant or machinery which he is required or permitted to use, as well as with the precautionary measures which should be taken and observed with respect to those (b) inform the health and safety representatives concerned beforehand of inspections, investigations or formal inquiries of which he has been notified by an inspector, and of any application for exemption made by him in terms of section (c) inform a health and safety representative as soon as reasonably practicable of the occurrence of an incident in the workplace or section of the workplace for which such representative has been designated.	Municipal Manager	Relevant Directors	In conjunction with the Occupational Health and Safety Officer	Y
16(1)	Ensuring that the duties of the municipality as contemplated in Occupational Health and Safety Act are properly discharged	Municipal Manager	Relevant Director	In consultations with the Occupational Health and Safety Officer	Y
16(2)	A chief executive officer may assign any duty contemplated in the said subsection, to any person under his control, which person shall act subject to the control and directions of the chief executive officer.	Municipal Manager	Relevant Director	In consultations with the Occupational Health and Safety Officer	
17(1)	Designating, in writing for a specified period, health and safety representatives for every workplace where more than 20 employees work, or for different sections thereof.	Municipal Manager	Director Corporate Services	Subject to the Theewaterskloof Health and Safety Collective Agreement (2012)	Y

17(2)	Consulting with recognised representatives of employees in good faith regarding the arrangements and procedures for the nomination or election, period of office and subsequent designation of health and safety representatives	Municipal Manager	Director Corporate Services	Subject to the Theewaterskloof Health and Safety Collective Agreement (2012)	Occupational Health and Safety Officer
18(3)	Providing such facilities, assistance and training as a health and safety representative may reasonably require and as have been agreed upon for the carrying out of her/his functions	Municipal Manager	Director Corporate Services	Subject to the Theewaterskloof Health and Safety Collective Agreement (2012)	Y
19(1)	Establishing a health and safety committee for every workplace where two or more health and safety representatives has been appointed	Municipal Manager	Director Corporate Services	Subject to the Theewaterskloof Health and Safety Collective Agreement (2012)	Y
19(1)	Consulting with the health and safety committee with a view to initiating, developing, promoting, maintaining and reviewing measures to ensure the health and safety of employees at work	Municipal Manager	Director Corporate Services	Subject to the Theewaterskloof Health and Safety Collective Agreement (2012)	Y
19(2)	Determining the number of members of a health and safety committee	Municipal Manager	Relevant Directors	Subject to the Theewaterskloof Health and Safety Collective Agreement (2012)	N
19(2)	Designating persons to represent the employer in a health and safety committee	Municipal Manager	Relevant Directors	Subject to the Theewaterskloof Health and Safety Collective Agreement (2012)	Y
20(1)	Receiving and considering reports and recommendations of the health and safety committee	Municipal Manager	Relevant Directors	Subject to the Theewaterskloof Health and Safety Collective Agreement (2012)	Y

7.6 Skills Development Act, 1998 (Act No 97 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
10(1)	Prepare, adopt and amend a work place skills plan	Municipal Manager	Director Corporate Services	Subject to the South African Local Government Bargaining Council Main Collective Agreement	Y
17	Entering in to a learnership agreement	Municipal Manager	Director Corporate Services	Subject to the provisions of the Local Government Sector Education and Training Authority	Y

7.7 Employment Equity Act, 1998 (Act No 55 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
24	Assigning one or more senior managers to take responsibility for monitoring and implementing an employment equity plan and providing such manager(s) with the authority and means to perform their functions	Municipal Manager	All Directors		N
25(1)	Ensuring that a notice informing employees about the provisions of the Act is displayed at the workplace where it can be read by employees	Municipal Manager	Director Corporate Services		Y
25(2)	Placing in prominent places that are accessible to all employees the most recent report submitted by the municipality to the Director-General of Labour and any compliance order, arbitration award or order of the labour court concerning the provisions of the Act in relation to the municipality	Municipal Manager	Director Corporate Services		Y
27(1)	Submitting a statement to the Employment Conditions Commission on the remuneration and benefits received in each occupational category and level of that employer's workforce.	Municipal Manager	Director Corporate Services		Y

7.8 DELEGATION OF POWERS BY THE MUNICIPAL MANAGER DEFINED IN COLLECTIVE AGREEMENTS**7.8.1 South African Local Government Bargaining Council: Constitution**

Clause	Power conferred	Delegating authority	Delegated body	Conditions
12	Refer a dispute for Conciliation to the South African Local Government Bargaining Council	Municipal Manager	None	Subject to the dispute being within the jurisdiction of the SALGBC
13	Refer a dispute for Arbitration to the South African Local Government Bargaining Council	Municipal Manager	None	Subject to the dispute being within the jurisdiction of the SALGBC
19.2	Comply with a compliance order issued by the SALGBC within 10 days of receipt of such compliance order	Municipal Manager	None	
21	Request that a dispute regarding essential services be arbitrated	Municipal Manager	None	Subject to the services designated as essential services in terms of Government Gazette No. 18276 (12 September 1997)

7.8.2 South African Local Government Bargaining Council: Main Collective Agreement (2015)

Clause	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
B 7.4	Determine the working hours and remuneration for part-time employees, including casual, seasonal and temporary employees	Municipal Manager	None	Subject to the Basic Conditions of Employment Act (75 of 1997) and the determination in Government Gazette No. 35310 regarding EPWP employees	
B 8.1.1	Grant 5 day workers 24 days leave and 6 day workers 27 days leave within a leave cycle	Municipal Manager	Relevant Directors	Subject to the Council's approved Leave Policy	N
B 8.1.3	Ensure that every 5-day worker takes a minimum of 16 days' leave, and a 6-day worker takes a minimum of 19 days leave per leave cycle	Municipal Manager	Relevant Directors		

B 8.1.7	Ensure that no employee has in excess of 48 days leave credit	Municipal Manager	Director Corporate Services		Y
B 8.1.8	Pay an employee his leave entitlement upon termination of service	Municipal Manager	Director Corporate Services	Subject to the Basic Conditions of Employment Act (75 of 1997)	Y
B 8.2.1	Grant employees 80 days' sick leave in a 3-year cycle.	Municipal Manager	Director Corporate Services		Y
B 8.2.3	Withholding remuneration for the days where an employee claims sick leave but fails to produce a sick leave certificate for the period should such period exceed two days or alternatively occurs on more than 2 occasions within an 8-week period should the employee have no annual leave credit balance	Municipal Manager	Relevant Directors		Y
B 8.3.1	Grant an employee 3 months paid maternity leave, irrespective of the number of confinements or adoptions after having completed at least 1 year service	Municipal Manager	Relevant Directors		Y
B 9.1.1.2	Make contributions to accredited medical schemes on behalf of employees	Municipal Manager			N
C 11.2.1	Allow reasonable access to the workplace to Office Bearers and Officials of IMATU and SAMWU, provided prior permission is obtained	Municipal Manager	Director Corporate Services		Y
C 11.3.1	Deduct subscriptions or levies from employees' salaries and wages and pay such levies or subscription to the respective Trade Unions	Municipal Manager	None		N
C 11.4.4.3	Upon receipt of notification of constituencies, arrange a meeting with the Trade Union within 15 days to reach agreement	Municipal Manager	None		N
C 11.4.5.2	After receiving written notice of the venue, date and time, grant access and 3 hours during working time to Trade Unions to conduct shop steward elections	Municipal Manager	None		N

C 11.4.7.1	Grant the Shop Stewards Committee 2 hours per month to conduct a Committee meeting	Municipal Manager	None		N
C 11.4.7.4	Where possible, grant shop stewards office space and facilities to carry out their duties	Municipal Manager	None		N
C 11.4.7.5	Provide access to notice board for Trade Union notices	Municipal Manager	Relevant Directors		N
C 11.4.8.1	Grant Trade Union Shop Stewards 15 days' special leave for trade union activities and training	Municipal Manager	Relevant Directors		N
C 13	Deal with Grievances according to the Grievance Procedure	Municipal Manager	Relevant Directors		Y
C 14.1	Deduct from every employee and pay a Bargaining Council levy on each payday to the South African Local Government Bargaining Council	Municipal Manager	None		N

7.8.3 South African Local Government Bargaining Council: Western Cape Division – Collective Agreement

Clause	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate
5.1	Examination Leave	Municipal Manager	Relevant director	Subject to the Council's approved Leave Policy	All Directors
5.2	Leave of absence for obligatory course/study requirements	Municipal Manager	Relevant director	Subject to the Council's approved Leave Policy	Deputy Directors
5.3	Leave of absence to attend a court of law to give evidence on being summonsed as a witness	Municipal Manager	All Directors		Y
5.4	Sport participation to represent International or National sports team's competitions as athlete, trainer or coach	Municipal Manager	None		N
5.5	Quarantine and isolation under medical instructions	Municipal Manager	None		N
5.6	Incapacity leave due to Occupational Health or Injury Act, 1993	Municipal Manager	Manager: Human Resources		N
5.7	Leave without pay	Municipal Manager	None		N
8	Approval of Acting Allowance (not in S56 posts)	Municipal Manager	All Directors	Subject to the Council's approved Leave Policy	y
9	Approval of Night Work Allowance	Municipal Manager	None		N
10	Approval of Stand-by Allowance	Municipal Manager	All Directors	Subject to the Overtime and Stand-by Policy	Y
12	Approval of Overtime	Municipal Manager	Relevant Directors	Subject to the Overtime and Stand-by Policy	Y
13	Provide legal assistance to employees indemnified	Municipal Manager	All Directors	In consultation with legal services	N
16	Apply for exemption from the Western Cape Division Collective Agreement	Municipal Manager	None		N

7.8.4 Disciplinary Regulations for Senior Managers (2011) (Government Gazette No. 34213)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegation
5.1	Any allegation against a senior manager must be brought to the attention of the Municipal Council within 7 days of the receipt of the alleged misconduct	Municipal Manager	None	If required, the Speaker must convene a special Council Meeting within 7 days.	
5 (4)	Within 30 days of being appointed, submit a report with recommendations to the Mayor or Municipal Manager, as the case may be	Municipal Manager	None		
5 (5)	Within 7 days of receipt of the report table the report to the Council	Municipal Manager	None	If required, the Speaker must convene a special Council Meeting within 7 days.	
5 (7)	The Council Resolution must authorise the Executive Mayor or the Municipal Manager, as the case may be to appoint an independent and external Presiding Officer and Officer to lead evidence	Municipal Manager	None		

7.8.5 Disciplinary Procedure Collective Agreement (2018)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegation	Sub delegate
7.3	Institute disciplinary proceedings against an employee	Municipal Manager	Relevant Directors	Subject to the provisions of the Disciplinary Procedures Collective Agreement and in conjunction with the Manager: Human Resources	Y	Relevant deputy directors/ Managers
7.6	Appoint a suitably qualified Presiding Officer	Municipal Manager		Subject to the provisions of the Disciplinary Code Collective Agreement	N	
7.7	Appoint a suitably qualified Employer Representative to serve the function of prosecution	Municipal Manager		Subject to the provisions of the Disciplinary Code Collective Agreement	N	
9.1	Authorize an optional summary procedure	Municipal Manager		Subject to the provisions of the Disciplinary Procedure Agreement	N	

10	Authorize plea agreements	Municipal Manager		In consultation with the Municipal Manager	N	
11	Accept the accused employee's resignation, retirement or termination of employment on any other ground permitted in his/her contract of employment	Municipal Manager	Manager: Human Resources Management		N	
12.3	Re-instate an employee after considering representation from him/her after dismissal for abscondment	Municipal Manager	None		N	
16	Suspend an employee on full remuneration pending the outcome of a disciplinary hearing	Municipal Manager	None	Subject to the provisions of the Disciplinary Procedure Collective Agreement In consultation with Manager: Human Resources	N	
17	Appoint a Presiding Officer to consider an appeal	Municipal Manager	None	Subject to the provisions of the Disciplinary Procedure Collective Agreement	N	
18	Issue an ultimatum to employees participating in an unprotected strike to return to work	Municipal Manager	None	In consultation with Legal Services	N	
19	Authorize inquiry by an arbitrator into the conduct or capacity of an employee	Municipal Manager	Relevant Director	In consultation with Manager: Human Resources	Y	Relevant Manager

STATUTORY POWERS BY THE CHIEF FINANCIAL OFFICER

CHAPTER 8**8.1 Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003)**

Section	Power conferred	Delegating Authority	Delegating body	Conditions	Sub-delegate	Delegatee
81(1)(b)	Advising the Municipal Manager on the exercise of powers and duties assigned to her/him in terms of the MFMA	Chief Financial Officer	None			
81(1)for a	Assisting the Municipal Manager in administering the Municipality's bank accounts and in the preparation and implementation of the Municipality's budget	Chief Financial Officer	None			
81(1)(d)	Advising senior managers and other senior officials in the exercise of powers and duties assigned or delegated to them	Chief Financial Officer	None			
31(e)	Submitting the certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit issued by the Municipal Manager and the Executive Mayor's approval for exceeding the amount appropriated in respect of a capital programme to the provincial treasury and the Auditor-General	Council	Chief Financial Officer	Subject to consultation with the Municipal Manager and after written approval from the Mayor		

STATUTORY POWERS BY THE BUILDING CONTROL OFFICER

CHAPTER 9

9.1 National Building Regulations and Building Standards Act, 1977 (Act 103 OF 1977)

Regulation Number	Power / Duty conferred	Delegating Authority	Delegated Body		Sub-Delegate
6(1)(a)	A building control officer shall-make recommendations to the local authority in question, regarding any plans, specifications, documents and information submitted to such local authority in accordance with section 4(3);	Building control officer (Chief building officer)	Building Inspector	After consultation with Building Inspector	N

INCIDENTAL DELEGATION OF POWERS BY COUNCIL, NOT EXPLICITLY CONFERRED BY ACTS

CHAPTER 10

10.1 EXECUTIVE MAYOR POWERS DELEGATED BY COUNCIL

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
EM.001		Attendance of meetings, workshops, seminars, conferences, congresses and similar events and special visits by the Speaker, which are in the interest of the Council and which are to be conducted outside the boundaries of the RSA	Council	Executive Mayor	Provided that the necessary funds are available and that the Council is informed before such trip is undertaken
EM.002		To consult with the national and provincial spheres of government, the local and other district municipalities and organised local government in regard to the division, assignment, delegation and agency powers and functions and to promote and defend council's views	Council	Executive Mayor	
EM.003		Deciding to institute legal proceedings against other organs of state in order to enforce the municipality's rights, where all reasonable steps in terms of the principles of co-operative government has failed	Council	Executive Mayor	Together with other members of the Mayoral committee
EM.004		To formulate comments on proposed national and provincial legislation, regulations, policy frameworks, etc.	Council	Executive Mayor	Together with other members of the Mayoral committee
EM.005		To decide on settlements in legal or arbitration proceedings to amounts in excess of R250 000,00 but limited to R500 000.00	Council	Executive Mayor	Any amount above R500 000.00 it must be taken to Council for approval
EM.006		To authorise the institution of appeal proceedings in the High Court, Supreme Court of Appeal or the Constitutional Court,	Council	Executive Mayor	

		where judgment has been given against the Municipality			
EM.007		To negotiate the conditions of service and the terms of employment contracts of the MM and those members of staff directly accountable to the MM	Council	Executive Mayor	To present to Council the final negotiated conditions of service and terms of employment before signature
EM.008		To authorise the MM to attend congresses workshops meetings of institutions etc. inside the borders of the RSA.	Council	Executive Mayor	Provided that the necessary funds are available
EM.009		To grant authority that the MM may be provided the legal representation where-legal proceedings have been instituted against the MM as a result of any act or omission by the MM in the exercise of his powers or the performance of his duties	Council	Executive Mayor	
EM.010		To grant authority that the MM may be provided the legal representation where-the MM has been summoned to attend any inquest or inquiry arising from the exercise of his powers or the performance of his duties	Council	Executive Mayor	
EM.011		To consider audit reports and to make recommendations to Council	Council	Executive Mayor	To be exercised together with the members of the Mayoral committee
EM.012		To determine from time to time the maximum amount that the MM may authorise in respect of the transfer of operational expenditure	Council	Executive Mayor	Within a single budget vote
EM.013		To authorise the transfer of operational expenditure over and above the maximum amount determined above from time to time	Council	Executive Mayor	Within a single budget vote
EM.014		To authorise the write-off of lost goods and assets, the value of which exceeds the total value determined above in respect of the MM and other staff.	Council	Executive Mayor	

EM.015		To authorize the process to purchase of immovable property for purposes of municipal infrastructure	Council	Executive Mayor	
EM.016		To accept offers to settle claims in respect of compensation for expropriated or property that has been purchased	Council	Executive Mayor	
EM.017		To arrange for the protection of Councillors	Council	Executive Mayor	In accordance with a policy framework determined by the Council
EM.018		To consider and to take whatever steps that may be necessary before or during community unrest, or negotiate with the relevant <u>community</u> representatives	Council	Executive Mayor	The Executive Mayor may decide to be accompanied by councillors, municipal manager or any other municipal official

10.2 SPEAKERS POWERS DELEGATED BY COUNCIL

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
SPE.001		The nomination of the Council's representatives in public bodies and the provincial executive committee of SALGA	Council	Speaker	
SPE.002		Attendance of meetings, workshops, seminars, conferences, congresses and similar events and special visits by the Executive Mayor, which are in the interest of the Council and which are to be conducted outside the boundaries of the RSA	Council	Speaker	Provided that the necessary funds are available and that the Council is informed before such trip is undertaken
SPE.003		To approve the attendance of meetings, workshops, seminars, conferences, congresses and similar events and special visits by Councillors, which are in the interest of the Council and which are to be conducted outside the boundaries of the RSA	Council	Speaker	Provided that the necessary funds are available and that the Council is informed before such trip is undertaken

SPE.004		To approve the attendance of meetings, workshops, seminars, conferences, congresses and similar events and special visits by Councillors, which are in the interest of the Council and which are to be conducted inside the boundaries of the RSA	Council	Speaker	
SPE.005		To provide authority that a Councillor may be provided with legal representation where legal proceedings have been instituted against the Councillor as a result of any act or omission by a Councillor in the exercise of his powers or the performance of his duties	Council	Speaker	In consultation with the Municipal Manager
SPE.006		To decide on office accommodation and refurbishing of offices for political office bearers	Council	Speaker	In consultation with the MM and Town Managers
SPE.007		To decide on the accommodation, furniture and equipment of the Council and its committees	Council	Speaker	In consultation with the MM
SPE.008		To decide on the form and nature of catering services at meetings of the Council and its structures	Council	Speaker	

10.3 MUNICIPAL MANAGER POWERS DELEGATED BY THE COUNCIL

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATE	CONDITIONS
MM.001		To decide and act in urgent cases that require immediate action and to give such instructions as the circumstances may require	Council	Municipal Manager		During Council recess and subject to consultation with the Executive Mayor before a decision is taken
MM.002		To nominate or appoint officials to represent Council on outside bodies or other forums	Council	Municipal Manager		
MM.003		To appoint authorised officials in terms of the municipality's by-laws and other laws administered by the municipality	Council	Municipal Manager		
MM.004		To make statutory appointments such as Head of Municipal Disaster Management Centre, Building Control Officer and Deputy Information Officers, and any acting appointments in such positions	Council	Municipal Manager		
MM.005		To appoint a Secretary and / or Acting Secretary of the Valuation Board as and when required	Council	Municipal Manager		
MM.006	LEGAL MATTERS	To authorise the appointment of specialist legal representatives including senior advocates to act on behalf of the municipality in legal actions or to provide legal advice to the municipality	Council	Municipal Manager		In terms of Supply Chain Management Requirements
MM.007	LEGAL MATTERS	To authorize the institution of legal action against any person or body (excluding organs of state) excluding legal proceedings instituted in terms of council's debt collection policies or	Council	Municipal Manager		In terms of Supply Chain Management Requirements

		to defend any action brought against Council in any competent court.				
MM.008	LEGAL MATTERS	To refer disputes to arbitration or mediation or to authorise participation	Council	Municipal Manager		
MM.009	LEGAL MATTERS	To decide on settlements in legal or arbitration proceeding up to R250 000,00 in cases not covered by Council's insurance	Council	Municipal Manager		
MM.010	LEGAL MATTERS	To nominate officials to represent the municipality in any action brought against Council in a smalls claim court, in terms of section 7(4) of the Small Claims Court Act 61 / 1984	Council	Municipal Manager		
MM.011	LEGAL MATTERS	To represent Council or to appoint someone to represent Council before any quasi-judicial forum	Council	Municipal Manager		
MM.012	LEGAL MATTERS	To consider and reject any claim for compensation by any person or body against Council as a result of any action or failure to act by Council or any of its employees	Council	Municipal Manager		
MM.013	LEGAL MATTERS	To conclude and sign contracts on behalf of Council, except where Council has in particular instances decided otherwise	Council	Municipal Manager		
MM.014	LEGAL MATTERS	To on behalf of Council depose to affidavits, where Council is involved in litigation, either as Applicant or Respondent	Council	Municipal Manager		
MM.015	LEGAL MATTERS	To authorise the institution of appeal proceedings in a High Court in regard to any action where judgment was given against Council in a magistrate's court or by a single judge, but excluding appeals to the	Council	Municipal Manager		

Commented [GA2]: Addition

		SCA and the Constitutional Court, if the incumbent is of the opinion that such action is in the best interest of the Council				
MM.016	LEGAL MATTERS	To sign Powers of Attorney on behalf of Council	Council	Municipal Manager		
MM.017	STAFF	To grant authority that a member of staff be provided with legal representation where (a) legal proceedings have been instituted against the member of staff as a result of any act or omission by the member of staff in the exercise of his or her powers or the performance of his or her duties; or (b) the member of staff has been summoned to attend any inquest or inquiry arising from the exercise of his or her powers or the performance of his or her duties	Council	Municipal Manager		
MM.018	STAFF	To consider and to take whatever steps that may be necessary before or during labour unrest, which may include authorizing officials to negotiate with trade unions	Council	Municipal Manager		
MM.019	STAFF	To, in exceptional circumstances grant authority that members of trade unions may be given time off despite existing policy and agreements	Council	Municipal Manager		
MM.020	STAFF	To grant authority that a member of staff may render assistance to another municipality	Council	Municipal Manager		
MM.021	FINANCE	To authorize the lending/borrowing/donating of goods and material to an organ of state, other municipality or public utility company and to determine	Council	Municipal Manager		

		appropriate conditions				
MM.022	AUDIT	To authorise and manage forensic and other investigations	Council	Municipal Manager		
MM.035	COMMUNICATION	To decide on the most appropriate methods of publication of external publications in regard to the activities of the municipality and the most appropriate methods of presentation of information and introductory campaigns	Council	Municipal Manager		
MM.036	COMMUNICATION	To decide on the most appropriate system for the management of public relations	Council	Municipal Manager		
MM.037	COMMUNICATION	To decide on the most appropriate method to manage sound, video and photographic services	Council	Municipal Manager		
MM.038	COMMUNICATION	To administer functions and gatherings approved by the Council or its structures and to take all decisions necessary to give effect thereto	Council	Municipal Manager		
MM.039	COMMUNICATION	To co-ordinate, and administer relations with the media in respect of the applicable policies	Council	Municipal Manager		
MM.040	COMMUNICATION	To approve the content of internal and external publications	Council	Municipal Manager		
MM.041	COMMUNICATION	To grant permission for the use of the municipality's coat of arms and other regalia	Council	Municipal Manager		
MM.042	COMMUNICATION	To make press releases on behalf of the Council	Council	Municipal Manager		In consultation with the Communications Officer

Commented [GA3]: Addition

Commented [GA4]: Addition

MM.043	TOURISM	To be responsible for the Council's participation in tourism initiatives launched on area and provincial basis by bodies and organs of stateauthorised thereto by legislation	Council	Municipal Manager		
MM.044	TOURISM	To supervise the obligations of tourism bodies to report on the employment of funds ,obtained from the Council and to take all reasonable steps to ensure compliance	Council	Municipal Manager		
MM.045	TOURISM	To liaise on ongoing basis on behalf of the Council with other bodies with similar aims and to keep the Council informed of developments in the tourism industry, the Councils obligations in this regard and the present and future costs to the Council.	Council	Municipal Manager		
MM.046		To approve the attendance by Directors of meetings, workshops, seminars, conferences, congresses and similar events and special visits which are in the interest of the Council and which are to be conducted inside the boundaries of the RSA	Council	Municipal Manager		
MM.047		The approval of private work of employees in line with the applicable Human Resources policies	Council	Municipal Manager		
MM.048		To authorise the transfer of ownership and otherwise dispose of goods, material and equipment to a maximum value per item as determined from time to time by Council.	Council	Municipal Manager		Up to R 50 000 per item. In terms of section 14(2) of the MFMA and the Asset Management policy.

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MM.049		To authorise the suspension of a member of the staff in the department in anticipation of the completion of a disciplinary investigation	Council	Municipal Manager		
MM.050	PLANNING	To refer any question on the interpretation or the application of the SPLUMA to the Minister and the Department responsible for the implementation of SPLUMA	Council	Municipal Manager		
MM.051		To grant study bursaries to employees in terms of Council policy	Council	Municipal Manager		
MM.052		The temporary rotation or permanent placement of employees in equivalent posts within the directorate whether for experience or for other reasons as provided for in the conditions of service	Council	Municipal Manager		
MM.053		To enforce Council's by-laws as well as national and provincial legislation applicable to their respective directorates, including the institution of criminal or civil proceedings in respect thereof	Council	Municipal Manager		
MM.054		The institution of criminal proceedings against officials who do not return Council property which are in their possession when they terminate their services in line with the Code of Conduct for Municipal Staff Members	Council	Municipal Manager		
MM.055		To decide on the most appropriate method of liaison with national, the provincial departments and other external agencies in the event of combined actions, emergencies, incidents etc., in so far as it relates to the activities of the department.	Council	Municipal Manager		

Commented [GA6]: Addition

MM.056		To approve the filling of vacant posts, in the department and to appoint staff, in accordance with the appointment policy	Council	Municipal Manager		Y
MM.057		To approve promotions of or grant merit awards to officials in the department in terms of the appointment and/or performance measurement policy.	Council	Municipal Manager		
MM.058		To accept notices of resignation from officials of the department for shorter periods than is prescribed in the conditions of service	Council	Municipal Manager		
MM.059		To, after consultation with trade unions, transfer officials of the department from one geographical locality to another	Council	Municipal Manager		
MM.060		To authorise the appointment of officials in the department to act in a higher position	Council	Municipal Manager		
MM.061		To incur recoverable expenditure in respect of the department's activities and to authorise the recovery of any resulting debt	Council	Municipal Manager		
MM.062		To approve the terms and conditions of bank guarantees required for the compliance of the contractual obligations by a contractor or service provider	Council	Municipal Manager		
MM.063		To authorise the cancellation or amendment of bank guarantees on full or partial compliance of the contractual obligations by a contractor or service provider	Council	Municipal Manager		

MM.064		To recall and liquidate bank guarantees on non-compliance of the contractual obligations by a contractor or service provider	Council	Municipal Manager		
MM.065		To exercise all the rights and duties of the Council as lessor or lessee in terms of the provisions of any lease or conditions of use, in respect of the department's activities	Council	Municipal Manager		
MM.066		To develop a mechanism for the monitoring and review of the municipality's PMS, in so far as it relates to the activities of the department	Council	Municipal Manager		
MM.067	BYLAWS	To approve applications and impose conditions in terms of relevant Municipal Bylaws and to police and enforce relevant bylaws	Council	Municipal Manager		
MM.068		To grant special leave to employees who are sportsmen and women, coaches and referees/umpires, for the purpose of participation in sports events and tournaments at provincial and national level in line with the applicable Human Resources policies	Council	Municipal Manager		
MM.069		To determine the working hours that is applicable to the various posts on the staff establishment	Council	Municipal Manager		
MM.070		To allocate travel allowances to employees	Council	Municipal Manager		
MM.071		To make a final decision in respect of the termination of the services of an employee due to ill health, subject to the provisions of the labour legislation	Council	Municipal Manager		
MM.072		To keep custody of all records and documents of the municipality, except where otherwise provided	Council	Municipal Manager		

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MM.073		To grant permission for the free use of Council premises and facilities for functions of the various directorates and other municipal- orientated activities and events	Council	Municipal Manager		
MM.074		To administer the Council's staff housing guarantee and subsidy scheme and to take all decisions necessary to give effect thereto	Council	Municipal Manager		
MM.075		To administer the Council's vehicle scheme for staff and to take all decisions necessary to give effect thereto	Council	Municipal Manager		
MM.076		To evaluate approve, initiate and arrange training programmes, sessions and actions for staff; to authorise all expenditure in connection therewith and to claim compensation from national training funds	Council	Municipal Manager		
MM.077		To, authorise the allocation of cell phones to staff in terms of Council policy	Council	Municipal Manager		
MM.078		To issue service certificates	Council	Municipal Manager		
MM.079		To authorise time off for trade union members in terms of the organizational rights agreement	Council	Municipal Manager		
MM.080		To appoint an official to serve as liaison person with the SETA in terms of the Skills development Act	Council	Municipal Manager		
MM.081		To appoint an official as Employment Equity Officer, in terms of the Employment Equity Act	Council	Municipal Manager		
MM.082		To, represent Council in CCMA matters	Council	Municipal Manager		
MM.083		To institute legal proceedings for the eviction from or removal of structures and persons illegally occupying municipal land or buildings	Council	Municipal Manager		

MM.084		To ensure that law enforcement officers receive the required training for appointment as peace officers in terms of the Criminal Procedure Act, No 51 of 1977	Council	Director: Community Services		In consultation with the Manager: Human Resources and relevant Director.
MM.085		To authorise the content and placing of staff advertisements in the press in line with Council Policy	Council	Director Corporate Services		In consultation with the Manager: Human Resources
MM.086	IMMOVABLE PROPERTY	To sign contracts, powers of attorney and relevant documents pertaining to the acquisition ,or alienation of immovable property or rights in immovable proper and the consequential registration thereof	Council	Municipal Manager	Director: Economic Development and Planning	As per Council Resolution and in consultation with the Legal Department and Head: Property Management
MM.087	SEWAGE	To grant authority for sewer installations on premises where the owner has failed to comply, in terms of the National Building Regulations and Building Standards Act 103/1977 and the regulations issued in terms thereof.	Council	Municipal Manager	Director: Technical & Infrastructure Implementation Services	In consultation with the Director: Technical & Infrastructure Implementation Services
MM.089		To institute legal proceedings for eviction and/or demolition orders in terms of the provisions of the Prevention of Illegal Eviction of Unlawful Occupants from Land Act and National Building Regulations and Building Standards Act 103/1977	Council	Municipal Manager	None	In consultation with the Legal Department
MM.090		To write off debts up to R20000.00	Council	Municipal Manager	None	In consultation with Director Finance

Commented [GA8]: Addition

10.4 POWERS OF DIRECTORS DELEGATED BY COUNCIL

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB-DELEGATED	CONDITIONS
DIR.001		The granting of leave to officials in terms of the conditions of service	Council	Directors	Deputy directors	Delegated to all line managers as approved by relevant Director (ESS system)
DIR.002		The authorization of overtime work in terms of the conditions of service and any other applicable legislation	Council	Directors	Deputy Directors	In case where there are no deputy directors, the power may be sub-delegated to Town Managers and provided that the necessary funds are available
DIR.003		To do away with documents in accordance with the provisions of the Archives Act and other applicable legislation	Council	Director Corporate Services	Manager: Corporate Services	
DIR.004		To decide, in respect of officials in his or her directorate, on the replacement, at the Council's expense, of the official's tools which are damaged or broken while used in the service of the Council.	Council	Directors	Deputy Directors	This is only applicable in cases where the tools form part of the equipment which the official is expected to provide. Replacement tools will be of similar quality and identical nature
DIR.005		To allow officials access to municipal premises after hours	Council	Directors	Deputy Directors	
DIR.006		To authorise, the use of municipal vehicles and assets under the control of the incumbent	Council	Directors	Deputy Directors	In consultation with Manager: Fleet
DIR.007		To recall from leave any official of the department when such official's services are required in cases of emergency or abnormal circumstances.	Council	Directors	Deputy Directors	

DIR.008		To authorise the rendering of standby services and overtime by officials of the department and where applicable the payment of a standby allowance.	Council	Directors		In terms of a policy framework and or Collective agreement
DIR.009		To approve the payment of travel and subsistence expenditure incurred by officials of the department	Council	Directors	Deputy Directors	In terms of a policy framework
DIR.010		To authorise officials of the department to attend congresses, workshops, annual meetings of institutes etc <u>within</u> the border of the RSA.	Council	Directors	Deputy Directors	In terms of a policy framework
DIR.011		To authorise officials of the department to use official vehicles outside the boundaries of the municipality	Council	Directors	Deputy Directors	In terms of a policy framework and in consultation with the Manager: Fleet
DIR.012		To allocate offices and furniture to officials of the department	Council	Directors	Deputy Directors	
DIR.014		To decide on the most appropriate systems for the planning, control, safety, management and maintenance of cleaning services at council buildings, facilities, depots and amenities for which the incumbent is responsible	Council	Directors	Town Managers	
DIR.015		To exercise the powers conferred by law for the serving of warning notices and the entering and confiscation of premises	Council	Directors	Town Managers	In consultation with Manager: Public Safety
DIR.016		To on behalf of Council depose to affidavits, in legal proceedings involving Council	Council	Directors	Deputy Directors	In consultation with Municipal Manager and Legal Services

DIR.017	Basic Conditions of Employment Act Sch 8(8)(a)	Deciding whether to appoint a newly-hired employee, other than a Senior Manager, on probation	Council	Directors		
DIR.018	Basic Conditions of Employment Act Sch 8(8)(d)	Determining the period of probation with reference to the nature of the job and the time it takes to determine the employee's suitability for continued employment	Council	Directors		
DIR.019	Basic Conditions of Employment Act Sch 8(8)(e)	Determining the basis and methodology of assessing the performance of an employee appointed on probation	Council	Directors		
DIR.020	Basic Conditions of Employment Act 10(1)(a)	Concluding an agreement with an employee requiring that employee to work overtime not exceeding 12 hours a day and a further agreement to extend such agreement	Council	Directors	Subject to the Collective Agreement on Conditions of Service for the Western Cape Division	

DIRECTORATE: CORPORATE SERVICES / POWERS DELEGATED BY COUNCIL

10.5 POWERS DELEGATED BY COUNCIL TO DIRECTOR CORPORATE SERVICES

10.5.1 POWERS DELEGATED BY COUNCIL TO THE DIRECTOR CORPORATE SERVICES, ALL RELEVANT DIRECTORS AND THE MUNICIPAL MANAGER, AND SUB-DELEGATED TO MANAGER: HUMAN RESOURCES; MANAGER: CORPORATE SERVICES, MANAGER: ICT AND ALL RELEVANT DIRECTORS

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
COR.001		To extend the validity of non-accumulative leave of an employee	Council	Director: Corporate Services	Senior Manager: Human Resources	In consultation with the Directors concerned
COR.002		To annually adjust the schedule of uniforms and protective clothing	Council	Director: Corporate Services Director: Community Services	Manager: Human Resources Relevant Deputy Director	In consultation with Manager: Public Safety the Municipal Manager In consultation with relevant line managers
COR.003		To designate employees of directorates as Health and Safety Representatives or Employer's Nominees, and to institute Safety Committees for his directorate in terms of the provisions of the Safety Act	Council	Municipal Manager	All / Relevant Directors	In consultation with the relevant Town Manager

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COR.004		To allow time off for employees for those overtime hours devoted to attending meetings	Council	Director: Corporate Services	Senior Manager: Human Resources	In consultation with the relevant line manager
COR.005		To give written authorisation to officials concerned, to get access at all reasonable hours to premises in the municipality in order to read, 'inspect, install or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service	Council	All Directors		In consultation with Deputy Directors.
COR.006		To allocate official parking bays to officials at offices of the municipality	Council	Director: Corporate Services Director: Community Services	Manager: Corporate Services Relevant Town Manager	In consultation with the relevant Technical Officer
COR.007		To decide on the placement and removal of infrastructure which is utilised for internal telecommunication services	Council	Director: Corporate Services	Manager: ICT	
COR.008		To annually adjust the schedule of uniforms and protective clothing	Council	Director: Corporate Services	Manager: Human Resources	In consultation with the Municipal Manager
COR.009		To evaluate approve, initiate and arrange training programmes, sessions and actions for staff; to authorise all expenditure in connection therewith and to claim compensation from national training funds	Council	Director Corporate Services	Senior Manager: Human Resources	In consultation with the Municipal Manager

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COR.010		To, authorise the appointment of students from tertiary institutions to gain practical experience aspart of their study curriculum	Council	Director Corporate Services	Senior Manager: Human Resources	In consultation with the Municipal Manager
COR.012		To authorise time off for trade union members in terms of the organizational rights agreement	Council	Director Corporate Services	Senior Manager: Human Resources	In consultation with the relevant line managers and theMunicipal Manager
COR.013		To manage the appointment an official (SDF) to serve as liaisonperson with the SETA in terms of the Skills Development Act	Council	Director Corporate Services	Senior Manager: Human Resources	In consultation with the Municipal Manager
COR.014		To administer the Council's staff housing guarantee and subsidy scheme and to take all decisions necessary to give effect thereto	Council	Director Corporate Services	Senior Manager: Human Resources	In consultation with the Municipal Manager

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DIRECTORATE: COMMUNITY SERVICES / POWERS DELEGATED BY COUNCIL

10.6 POWERS DELEGATED BY COUNCIL TO DIRECTOR COMMUNITY SERVICES

10.6.1 POWERS DELEGATED BY THE COUNCIL TO THE DIRECTOR COMMUNITY SERVICES AND SUB-DELEGATED TO DEPUTY DIRECTOR COMMUNITY SERVICES

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	
COMM.001		To administer the contents of all advertisements displayed in or at amenities and to approve advertisements displayed at such amenities	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area and as per Council's Signage Policy and in consultation with Town Planning
COMM.002		To allow or to disallow the attachment of posters etc. and to impose conditions in terms of the provisions of an appropriate By-law relating to streets	Council	Director Community Services	Deputy Director Community Services	In terms of Council's by-law and in consultation with Town Managers responsible for the relevant geographical area
COMM.003		To hire out halls	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area and in terms of Council Policy and approved tariffs
COMM.004		To cancel the hiring of halls where conditions have been breached	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area and in terms of Council Policy and approved tariffs
COMM.005		To hire out halls and hall equipment at a reduced tariff in accordance with the conditions and circumstances determined	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area and in terms of Council Policy and approved tariffs

		by Council from time to time				
COMM.006		To grant authority for the placing of show house signs on pavements, in terms of the provision of appropriate By-laws relating to streets	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Planning and Town Managers responsible for the relevant geographical area.
COMM.007		To grant authority for the placing of free standing advertisements on pavements, in terms of the provisions of appropriate By-laws relating to streets	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Planning and Town Managers responsible for the relevant geographical area.
COMM.008	AMENITIES / PARKS ETC	To decide on the most appropriate systems to administer the amenities under the control of the incumbent.	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area
COMM.009	AMENITIES / PARKS ETC	To approve applications for the use of amenities under the control of the incumbent.	Council	Director Community Services	Deputy Director Community Services	In terms of the Asset Management policy and in consultation with Town Managers responsible for the relevant geographical area.
COMM.010	AMENITIES / PARKS ETC	To determine the, conditions under which access to amenities will be granted	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area
COMM.011	AMENITIES / PARKS ETC	To refuse to grant permission in respect of any applications for any activity in or on any resort	Council	Director Community Services	Deputy Director Community Services	In consultation with the Town Managers responsible for the relevant geographical area.
COMM.012	AMENITIES / PARKS ETC	To determine the number of life savers and any other security measure at any amenity, to appoint	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area

		such persons, acquire such equipment and to deploy such persons and equipment				
COMM.013	AMENITIES / PARKS ETC	To decide on the number, type and deployment of play park equipment or other apparatus at any resort	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area
COMM.014	AMENITIES / PARKS ETC	To determine the number of caravans and mobile homes and period of residence, in terms of the provisions of an appropriate By-law relating to parks, caravans and mobile homes	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area
COMM.015	AMENITIES / PARKS ETC	To approve or reject applications for extended occupancy at parks / resorts and to determine conditions	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area
COMM.016	AMENITIES / PARKS ETC	To reserve stand at resorts and to determine periods for occupancy	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area
COMM.017	AMENITIES / PARKS ETC	To prescribe control measures at resorts	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area
COMM.018	AMENITIES / PARKS ETC	To manage camping on private land in terms of an appropriate By-law	Council	Director Community Services		In consultation with the Head: Property Management and Town Managers responsible for the relevant geographical area
COMM.019	AMENITIES / PARKS ETC	To determine the maximum number of persons, who may at any time be admitted to any amenity in terms of an	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area

		appropriate By-law relating to public amenities				
COMM.020	AMENITIES / PARKS ETC	To determine the times when amenities will be open for the public, in terms of a By-law relating to public amenities	Council	Director Community Services	Deputy Director Community Services	In consultation with the Manager: Town Planning & Building Control and Town Managers responsible for the relevant geographical area
COMM.021	AMENITIES / PARKS ETC	To grant or refuse applications for bringing animals into an amenity and to determine the conditions in this regard in terms of an appropriate By-law relating to public amenities	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area
COMM.022	AMENITIES / PARKS ETC	To grant or refuse applications to hold or present gatherings, processions or other activities and to impose conditions, in terms of an appropriate By-law relating to public amenities	Council	Director Community Services	Deputy Director Community Services	In consultation with the Manager: Public Safety; Chief: Traffic Services; Chief: Law Enforcement Services; Legal Services and Town Managers responsible for the relevant geographical area
COMM.023	AMENITIES / PARKS ETC	To, by means of notices and such requirements as may be necessary, regulate any amenity, in terms of an appropriate By-law relating to public amenities	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area
COMM.024		To control the illegal dumping and accumulation of refuse and other material in streets, in terms of appropriate By-laws relating to street	Council	Director Community Services	Deputy Director Community Services	In consultation with the Manager: Public Safety; Chief: Traffic Services; Chief: Law Enforcement Services; Legal Services; and Town Managers responsible for the relevant geographical area

COMM.025		To grant authority for the placement of containers for the recycling of glass, paper, metals etc.	Council	Director Community Services	Deputy Director Community Services	This power must be exercised in consultation with the Director: Technical & Infrastructure Implementation Services; the Deputy Director: Technical Services and Town Managers responsible for the relevant geographical area
COMM.026		To grant or refuse applications to erect structures, shelters or any other thing in or at any amenity	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area
COMM.027		To approve or refuse containers in parks for caravans and mobile homes	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area
COMM.028		To, after consultation with the Director: Technical & Infrastructure Implementation Services authorise the temporary closure of street, sidewalks land roads	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety.
COMM.029		To administer traffic safety systems, the safety bureau and the educational needs and safety measures	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety.
COMM.030		The placing and removal of road traffic signs road markings and advertisements on roads and streets	Council	Director Community Services	Deputy Director Community Services	In consultation with the Chief: Traffic Service; Town Managers responsible for the relevant geographical area and Manager: Public Safety

COMM.031	INFORMAL TRADING	To authorise the sale of goods in or at a public place or street.	Council	Director Community Services	Deputy Director Community Services	As per By-Law and in consultation with Manager: Public Safety
COMM.032		To approve or turn down applications to hold processions etc in streets, to set conditions and requirements and to revoke approvals, in terms of the provisions of applicable by-laws	Council	Director Community Services	Deputy Director Community Services	In consultation with Chief: Law Enforcement Services in terms of a policy guideline and in consultation with Manager: Public Safety.
COMM.033		To grant authority for the display, removal or change of road traffic signs on any public road, in terms of road traffic legislation.	Council	Director Community Services	Deputy Director Community Services	In consultation with the Chief: Traffic Service; Town Managers responsible for the relevant geographical area and Manager: Public Safety
COMM.034		To grant approval and impose conditions for the placement of permanent direction signs to schools, churches etc.	Council	Director Community Services	Deputy Director Community Services	In consultation with Town Managers and Manager: Public Safety
COMM.035		To grant approval and impose conditions for the placement of temporary direction signs to gatherings, congresses etc.	Council	Director Community Services	Deputy Director Community Services	In consultation with the Chief: Traffic Service; Town Managers responsible for the relevant geographical area and Manager: Public Safety
COMM.036		To authorize the marking of loading zones	Council	Director Community Services	Deputy Director Community Services	In consultation with the Chief: Traffic Service; Town Managers responsible for the relevant geographical area and Manager: Public Safety

COMM.037		To order and approve the removal of obstructions on pavements	Council	Director Community Services	Deputy Director Community Services	In consultation with the Chief: Traffic Service; Town Managers responsible for the relevant geographical area and Manager: Public Safety
COMM.038		To authorize the installation of signs for parking, no parking, restricted parking of vehicles	Council	Director Community Services	Deputy Director Community Services	In consultation with the Chief of Traffic Service and Manager: Public Safety
COMM.039		To grant approval for a race or other sport occasion on a public road and to grant exemption from complying with the statutory requirements for the duration thereof in terms of road traffic laws	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety and Chief: Traffic and Chief Law Enforcement Services in terms of a policy guidelines
COMM.040		To grant approval for skating or other sport related activity in a street or public parking area and to impose conditions of an appropriate By-law	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety and Chief: Traffic and Chief Law Enforcement Services in terms of a policy guidelines
COMM.041		To grant approval to collect money or goods in a street or from door to door in terms of the provisions of an appropriate By-law relating to streets and door to door collections	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety and Chief: Traffic and Chief Law Enforcement Services in terms of a policy guidelines

COMM.042		To approve or reject applications for the distribution of pamphlets or similar advertising material, to impose conditions and generally to administer such activities in terms of the provisions of an appropriate By-law relating to the distribution of pamphlets	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety and Chief: Traffic and Chief Law Enforcement Services in terms of a policy guidelines
COMM.043		To grant approval to arrange amusement or recreation in a street and to impose conditions in terms of the provisions of an appropriate By-law relating to streets	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety and Chief Traffic Service and Chief Law Enforcement Services in terms of a policy guidelines
COMM.044	DOGS	To approve or decline an application for the keeping of more than two dogs on premises in terms of an appropriate By-law relating to the keeping of dogs	Council	Director Community Services	Deputy Director Community Services	In consultation with Chief Law Enforcement Service and Manager: Public Safety
COMM.045	DOGS	To withdraw approval for the keeping of more than two dogs on premises, in terms of appropriate By-law relating to the keeping of dogs	Council	Director Community Services	Deputy Director Community Services	In consultation with Chief Law Enforcement Service and Manager: Public Safety
COMM.046		To manage traffic matters, co-ordination of law enforcement incident management and special occasions and transport	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety

COMM.047		To grant exemption to certain categories of persons (doctors and handicapped) from complying with parking requirements in terms of road traffic laws	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety
COMM.048		To exercise and to perform powers, duties and responsibilities conferred by province on the municipality in terms of an agency agreement in respect of the registration of vehicles	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety
COMM.049		To exercise and to perform all the powers, duties and responsibilities conferred by province on the municipality in terms of an agency agreement in respect of the testing of vehicles	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety
COMM.050		To exercise and to perform all the powers duties and responsibilities conferred by province on the municipality in terms of an agency agreement in respect of the issuing of driver's licenses	Council	Director Community Services	Deputy Director Community Services	In consultation with Manager: Public Safety
COMM.051		To control fences on street boundaries in terms of appropriate bylaws relating streets	Council	Director Community Services	Deputy Director Community Services	In consultation with Chief Law Enforcement Services and Town Managers responsible for the relevant geographical area
COMM.052		To order an owner / occupier of land to remove an object on such land which obscures a road traffic sign and, at failure to	Council	Director Community Services	Deputy Director Community Services	In consultation with the Manager: Public Safety

		comply, to arrange for such removal in terms of road traffic legislation				
COMM.053		To undertake traffic impact studies; whether of own volition and at the request of the Council or other functionaries	Council	Director Community Services	Deputy Director Community Services	In consultation with the Manager Public Safety and Deputy Director: Technical Services

**10.6.2 POWERS DELEGATED BY THE COUNCIL TO DIRECTOR COMMUNITY SERVICES AND SUB-DELEGATED TO MANAGER:
SUSTAINABLE DEVELOPMENT**

ITEM NO	SECTION IN ACT	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
COMM.054	LIBRARIES	To allow or to disallow access to libraries	Council	Director: Community Services	Manager Sustainable Development	In consultation with the Head: Library Services
COMM.055	LIBRARIES	To allow or disallow the registration of a borrower or visitor to the library	Council	Director: Community Services	Manager Sustainable Development	In consultation with the Head: Library Services
COMM.056	LIBRARIES	To authorize or disallow the use of group activity venues	Council	Director: Community Services	Manager Sustainable Development	In consultation with the Head: Library Services
COMM.057	LIBRARIES	To impose conditions in regard to the borrowing or return of library material	Council	Director: Community Services	Manager Sustainable Development	In consultation with Head: Library Services
COMM.058	LIBRARIES	To determine the number of library material and periods for which it may be borrowed	Council	Director: Community Services	Manager Sustainable Development	In consultation with Head: Library Services

COMM.059	LIBRARIES	To authorize the recovery of any special expenditure	Council	Director: Community Services	Manager Sustainable Development	In consultation with Head: Library Services and Deputy Director: Community Services
COMM.060	LIBRARIES	To authorize the write-off of library material belonging to the Council and the payment of compensation to province for lost books to a maximum amount per financial year, as determine by Council from time to time	Council	Director: Community Services	Manager Sustainable Development	In consultation with Head: Library Services and Deputy Director: Community Services
COMM.061		Entering into formal agreements with NGO's, NPO's, Volunteering organisations for purpose of implementing community development projects	Council	Director: Community Services	Manager Sustainable Development	In consultation with Deputy Director: Community Services; Municipal Manager and Town Managers responsible for the relevant geographical area
COMM.062		Utilise municipal fleet for purpose of community development projects	Council	Director: Community Services	Manager Sustainable Development	In consultation with Deputy Director: Community Services and Head: Fleet Management
COMM.063		To access and make use of municipal sports facilities to promote community development	Council	Director: Community Services	Manager Sustainable Development	In consultation with the Coordinator: Sport & Recreation and Town Managers
COMM.064		Develop IT based information for streamlined information dissemination relevant to community development	Council	Director: Community Services	Manager Sustainable Development	In consultation with Manager: IT
COMM.065		Host networking sessions with NGO's, CBO's and volunteering organisations	Council	Director: Community Services	Manager Sustainable Development	

10.6.3 POWERS DELEGATED BY COUNCIL TO THE DIRECTOR COMMUNITY SERVICES AND SUB-DELEGATED TO THE DEPUTY DIRECTOR COMMUNITY SERVICES AND TOWN MANAGERS

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
COMM.066		To control the dumping and accumulation of refuse and other material in streets, in terms of appropriate By-laws relating to street	Council	Director: Community Services	Deputy Director Community Services	This power must be exercised in consultation with the Director: Technical & Infrastructure Implementation Services and Planning and Town Managers
COMM.067		To grant or reject applications to use explosives or to do blasting and to determine conditions in this regard subject to the provisions of the Explosives Act and the provisions of appropriate By-laws relating to streets	Council	Director: Community Services	Deputy Director Community Services	This power must be exercised in consultation with the Director: Technical & Infrastructure Implementation Services; Planning; Town Managers responsible for the relevant geographical area and Manager: Environment & Disaster Management.
COMM.068		To determine and recover the costs to repair a damaged street surface, in terms of appropriate By-laws relating to streets	Council	Director: Community Services	Deputy Director Community Services	This power must be exercised in consultation with the Director: Technical & Infrastructure Implementation Services and the Director Financial Services(Chief Financial Officer) and Town Managers

COMM.069		To grant or reject applications to make excavations in streets and to determine such conditions as may be deemed necessary in terms or appropriate By-laws relating to streets	Council	Director: Community Services	Deputy Director Community Services	This power must be exercised in consultation with the Director: Technical & Infrastructure Implementation Services and Town Managers
COMM.070		To grant or reject applications to make or erect private entrances, crossings, etc. and to determine conditions in this regard, in terms of the provisions of appropriate By-laws relating to streets	Council	Director: Community Services	Deputy Director Community Services	This power must be exercised in consultation with the Deputy Director: Planning and the Manager: Public Safety and Town Managers
COMM.071		To grant permission to enter refuse facilities and to determine such conditions as may be deemed necessary	Council	Director: Community Services	Deputy Director Community Services	Subject to the conditions as determined by the Director: Technical & Infrastructure Implementation Services and Town Managers
COMM.072		To grant authority for the placement of containers for the recycling of glass, paper, metals etc.	Council	Director: Community Services	Deputy Director Community Services	This power must be exercised in consultation with the Director: Technical & Infrastructure Implementation Services; Deputy Director: Technical Services; Manager: Technical Services and Town Managers responsible for the relevant geographical area
COMM.073		To grant or refuse applications to erect structures, shelters or any other thing in or at any amenity	Council	Director: Community Services	Deputy Director Community Services	In consultation with the Town Managers
COMM.074		To approve or refuse containers in parks for caravans and mobile homes	Council	Director: Community Services	Deputy Director Community Services	In consultation with the Town Managers

COMM.075		To order an owner / occupier of land to remove an object on such land which obscures a road traffic sign and, at failure to comply, to arrange for such removal in terms of road traffic legislation	Council	Director: Community Services	Deputy Director Community Services	In consultation with the Town Managers
COMM.076		To determine the days, times and conditions for access to refuse facilities	Council	Director: Community Services	Town Managers	In consultation with Deputy Director Community Services
COMM.077		To prohibit the dumping of toxic material in, at or on refuse facilities	Council	Director: Community Services	Town Managers	In consultation with Deputy Director Community Services
COMM.078		To approve or reject applications to plant, chop down or remove any plants or shrubbery in a street or amenity	Council	Director: Community Services	Town Managers	This power must be exercised in consultation with the Manager: Environment & Disaster Management; Deputy Director Community Services and Deputy Director: Technical Services
COMM.079		To approve the water supply and network system in parks for caravans and mobile homes	Council	Director: Community Services	Town Managers	In consultation with Director: Technical & Infrastructure Implementation Services and Deputy Director: Community Services
COMM.080		To approve sanitary conveniences in parks for caravans and mobile homes	Council	Director: Community Services	Town Managers	In consultation with Director: Technical & Infrastructure Implementation Services and Deputy Director: Community Services

COMM.081		To decide on the most effective system of radio communication for the Municipality and to implement the system.	Council	Director: Community Services	Deputy Director: Community services	In Consultation with IT Manager
COMM.082		To facilitate the determination of permanent closure of municipal streets, sidewalks and roads	Council	Director: Community Services	Deputy Director: Community Services	In Consultation with Town Managers
COMM.083		To facilitate, co-ordinate and to introduce whatever measure that may be necessary for the management of transport systems, traffic calming, access control plans, pedestrian control and the needs of cyclists and the handicapped	Council	Director: Community Services	Deputy Director: Community Services	In consultation with; Deputy Director: Technical Services; Chief: Traffic Services and Manager Public Safety
COMM.084		To approve the transportation of abnormal cargo and crossings	Council	Director: Community Services	Deputy Director: Community Services	In consultation with the Manager Public Safety; Chief: Traffic Services and Deputy Director: Technical Services
COMM.085		To determine taxi and other halts, in terms of the provisions of appropriate By-laws relating to streets	Council	Municipal Manager	Director: Community Services	In consultation with the Town Managers and Deputy Director Community Services and Manager : Public Safety
COMM.086		To consult with province regarding the rendering of the agency service and to perform all actions in terms of the agency agreement so as to ensure that the municipality's rights and interests are safeguarded	Council	Director: Community Services	Deputy Director Community Services	In consultation with the Manager: Public Safety and Manager: Environment & Disaster Management where applicable

COMM.087	ROADS AND STORMWATER	To decide on the most appropriate selection of road making materials. E.g. premix, block paving etc.	Council	Director: Community Services	Town Managers	In consultation with Director: Technical & Infrastructure Implementation Services and Deputy Director Community Services and Deputy Director: Technical Services
COMM.088		To control plants in or over streets in terms of appropriate by-laws relating to streets	Council	Director: Community Services	Deputy Director Community Services	In consultation with the Manager: Environment & Disaster Management and Town Managers responsible for the relevant geographical area
COMM.089		To prohibit the dumping of toxic material in, at or on refuse facilities	Council	Director: Community Services	Deputy Director Community Services	In conjunction with the Director: Technical & Infrastructure Implementation Services and Deputy Director Technical Services and in consultation with Town Managers responsible for the relevant geographical area
COMM.090		To grant permission for the removal of materials from refuse facilities and to determine such conditions as may be deemed necessary in terms of the Waste License	Council	Director: Community Services	Deputy Director Community Services	In conjunction with the Director: Technical & Infrastructure Implementation Services and Deputy Director Technical Services and in consultation with Town Managers responsible for the relevant geographical area
COMM.091		To approve expenditure from accounts created with donation in respect of the protection and maintenance of nature reserves and other amenities	Council	Director: Community Services	Deputy Director Community Services	In consultation with the Manager: Environment & Disaster Management

COMM.092		To approve or reject applications to plant, chop down or remove any plants or shrubbery in a street or amenity	Council	Director: Community Services	Deputy Director Community Services	In consultation with the Manager: Environment & Disaster Management
COMM.093		To approve the water supply and network system in parks for caravans and mobile homes	Council	Director: Community Services	Deputy Director Community Services	In consultation with Town Managers responsible for the relevant geographical area.
COMM.094		To determine whether any tree or vegetation has a detrimental influence on municipal services, causes a nuisance, discomfort or danger and to decide whether such vegetation should be removed	Council	Director: Community Services	Deputy Director Community Services	In consultation with Manger: Environment & Disaster Management
COMM.095		To annually adjust the schedule of uniforms and protective clothing	Council	Director: Community Services	Relevant Deputy Director	In consultation with relevant line manager

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DIRECTORATE: TECHNICAL & INFRASTRUCTURE IMPLEMENTATION SERVICES
POWERS DELEGATED BY COUNCIL

10.7 POWERS DELEGATED BY COUNCIL TO DIRECTOR TECHNICAL & INFRASTRUCTURE IMPLEMENTATION SERVICES

10.7.1 POWERS DELEGATED BY THE COUNCIL TO THE DIRECTOR TECHNICAL & INFRASTRUCTURE IMPLEMENTATION SERVICES AND SUB-DELEGATED TO DEPUTY DIRECTOR TECHNICAL SERVICES AND TOWN MANAGERS

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
TECH.001		To determine and require payment of bulk services contributions in terms of section 42 of the LUPO	Council	Director Technical and Infrastructure Implementation Services	Deputy Director: Technical Services	As per Council tariff structure
TECH.002	SEWAGE	To authorize other forms of doing away with sewage, in terms of the National Building Regulations and Building Standards Act 103/1977 and the regulations issued thereunder	Council	Director Technical and Infrastructure Implementation Services	Deputy Director: Technical Services	In consultation with Manager: Town Planning and Building Control.
TECH.003	SEWAGE	To decide on the most appropriate systems for the planning, control, management, safety and maintenance of sewage treatment works, in terms of the Water Act	Council	Director Technical and Infrastructure Implementation Services	Deputy Director: Technical Services	
TECH.004	WATER	To decide on the most appropriate systems for the planning, control, safety, management and maintenance of water	Council	Director Technical and Infrastructure Implementation Services	Deputy Director: Technical Services	

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		services, in terms of the Water Act				
TECH.005	ROADS AND STORMWATER	To decide. on the most appropriate systems for the planning, control, safety management and maintenance of transport service	Council	Director Technical and Infrastructure Implementation Services	Deputy Director: Technical Services	
TECH.006	ROADS AND STORMWATER	To decide on the most appropriate systems for the planning, control, management and maintenance of stormwater systems, flood control, rivers, dams. etc.	Council	Director Technical and Infrastructure Implementation Services	Deputy Director: Technical Services	
TECH.007	ROADS AND STORMWATER	To decide on the most appropriate systems for the planning, control, management and maintenance of roads, streets, sidewalks and parking areas	Council	Director Technical and Infrastructure Implementation Services	Deputy Director: Technical Services	
TECH.008	ROADS AND STORMWATER	To decide on the most appropriate systems for the planning, control, management and maintenance of intersections, bridges, transport interchanges etc.	Council	Director Technical and Infrastructure Implementation Services	Deputy Director: Technical Services	
TECH.009	ROADS AND STORMWATER	To approve and administer the permanent and temporary closure of roads, streets and sidewalks.	Council	Director Technical and Infrastructure Implementation Services	Deputy Director: Technical Services	

TECH.010		To approve sanitary conveniences in parks for caravans and mobile homes	Council	Director Technical and Infrastructure Implementation Services	Town Managers	In consultation with Deputy Director Community Services
TECH.011		To approve systems for the removal of effluent and wastewater in parks for caravans and mobile homes	Council	Director Technical and Infrastructure Implementation Services	Town Managers	In consultation with Director Community Services
TECH.012		To examine, test, inspect and take over civil engineering installations and infrastructure after installation by contractor	Council	Director Technical and Infrastructure Implementation Services		
TECH.013		To ensure that all legislation relating to water, wastewater and solid waste for the enforcement of which the Council is responsible is complied with	Council	Director Technical and Infrastructure Implementation Services		
TECH.014		To sign all forms and documents regarding projects registrations, reporting of spending and progress of projects	Municipal Manager	Director Technical and Infrastructure Implementation Services		
TECH.015		To protect and exercise the municipality's rights as contained in contracts concluded for installation of civil engineering services and delivered to the Municipality in terms of the said contract. To sign any certificate or statement in connection thereof	Council	Director Technical and Infrastructure Implementation Services		

TECH.016		To approve the terms and conditions of bank guarantees required for the compliance of contractor or services provider	Council	Director Technical and Infrastructure Implementation Services		
TECH.017		To authorise the cancellation or amendments of bank guarantees on full and partial compliance of the contractual obligations by a contractor or service provider	Council	Director Technical and Infrastructure Implementation Services		
TECH.018		The authorise expenditure in terms of the budget	Council	Director Technical and Infrastructure Implementation Services		

10.7.2 POWERS DELEGATED BY THE COUNCIL TO DIRECTOR: TECHNICAL & INFRASTRUCTURE IMPLEMENTATION SERVICES AND SUB-DELEGATED TO DEPUTY DIRECTOR ELECTRICAL SERVICES

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
TECH.019		To administer street lighting and to determine the locality and most effective method of street lighting	Council	Director: Technical & Infrastructure Implementation Services and Planning	Deputy Director Electrical Services	
TECH.020		To decide on the most appropriate systems for the planning, control, safety management, operation and maintenance of electricity distribution services	Council	Director: Technical & Infrastructure Implementation Services and Planning	Deputy Director Electrical Services	
TECH.021		To ensure that all legislation relating to electricity for the enforcement of which the Council is responsible is complied with	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.022		To exercise all the powers and, duties of the Council as lessee and lessor in terms of the provisions of agreements in regard to the supply of electricity, overhead and underground uses and encroachments	Council	Director: Technical & Infrastructure Implementation Services and Planning	Deputy Director Electrical Services	
TECH.023		To decide on the placement and removal of infrastructure which is utilised for the supply of electricity provided that the placement of substations and other infrastructure	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	

		including the acquisition of land and servitudes, are excluded				
TECH.024		To enforce the Council's By-Laws relating to electricity services	Council	Director: Technical & Infrastructure Implementation Services and Planning	Deputy Director Electrical Services	
TECH.025	Division of Revenue Bill 2019	To sign all forms and documents regarding projects registrations, reporting of spending and progress of projects funded by INEP and EEDSM.	Municipal Manager	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.026		To protect and exercise the municipality's rights as contained in contracts concluded for the erection of electricity installations and delivered to the Municipality in terms of the said contract. To sign any certificate or statement in connection thereof	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.027		To incur recoverable expenditure in respect of the departments activities and to authorise the recovery of any resulting debt	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	This power is delegated to the Deputy Director Electrical services to exercise in conjunction with the Director Finance
TECH.028		To approve the terms and conditions of bank guarantees required for he compliance of contractor or services provider	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	This power is delegated to the Deputy Director Electrical services to exercise in conjunction with the Director Finance

TECH.029		To authorise the cancellation or amendments of bank guarantees on full and partial compliance of the contractual obligations by a contractor or service provider	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	This power is delegated to the Deputy Director Electrical services to exercise in conjunction with the Director Finance
TECH.030		To authorise officials of the department to obtain access to premises in order to perform their duty	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.031		The authorise expenditure in terms of the budget	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.032		To determine the contribution for bulk services	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.033		To determine the connection costs for service connection	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.034		To exercise access control at substations and municipal premises where equipment for the distribution of electricity is kept	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	

TECH.035		To consider an application for a temporary supply of electricity and to specify any special conditions to be satisfied in such a case	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.036	Item 20 of Electricity Supplied By-Law	To authorise a person(s) to sell or supply electricity supplied to his/her premises under an agreement with the Municipality to any other person or persons for use on the same premises	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.037	Item 25 of Electricity By- Law	To seal and lock all apparatus belonging to the municipality and remove such seals and locks	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.038		To connect, or permit to connect any electrical installation or part thereof to the supply mains or services connection	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.039		To examine, test, inspect and take over electrical installations and infrastructure after installation by contractor	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.040		To determine the requirements of the equipment to be provided by a consumer for connection	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	

TECH.041		To in terms of the regulations make adjustments to the monetary value of an account of a customer	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	This power is delegated to the Deputy Director Electrical services to exercise in conjunction with the Director Finance
TECH.042		To test any installation to ensure that it complies with eh necessary safety standards	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	
TECH.043		To determine requirements in contracts in consultation with the developers and to approve the designs	Council	Director: Technical & Infrastructure Implementation Services	Deputy Director Electrical Services	

10.7.3 POWERS DELEGATED BY THE MUNICIPAL MANAGER TO DIRECTOR: TECHNICAL & INFRASTRUCTURE IMPLEMENTATION SERVICES AND SUB-DELEGATED TO MANAGER CONTRACTS AND COMPLIANCE

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
TECH.044	Division of Revenue Bill, 2019	To process all forms and documents regarding project registrations, reporting of spending and progress of projects funded by MIG and RBIG Grants	Municipal Manager	Director: Technical & Infrastructure Implementation Services	Manager Contracts and Compliance	For signature of the Municipal Manager

**DIRECTORATE: ECONOMIC DEVELOPMENT AND PLANNING
POWERS DELEGATED BY COUNCIL**

10.8 POWERS DELEGATED BY COUNCIL TO DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING

10.8.1 POWERS DELEGATED BY THE COUNCIL TO THE DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING AND SUB-DELEGATED TO DEPUTY DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
EDP.001	EVENTS	To grant approval for and to impose conditions to set up or use a circus, whirlingig, roundabout or other side-show or device for the amusement or recreation of the public, in a street or public place, in terms of the provisions of an appropriate By-law	Council	Director Economic Development and Planning	Deputy Director Economic Development and Planning	In terms of the SASREA, Act 02/2010, Events By-law and Policy, in consultation with the Manager : Public Safety & Manager : Town Planning & Building Control
EDP.002	TOURISM	To operate, maintain and extend the local tourism initiatives of the Council and to submit proposals on new initiatives in this regard to the Council	Council	Director Economic Development and Planning	Deputy Director Economic Development and Planning	In Consultation with Manager Sustainable Development
EDP.003	TOURISM	To be responsible for the Council's participation in tourism initiatives launched on area and provincial basis by bodies and organs of state authorised thereto by legislation	Council	Director Economic Development and Planning	Deputy Director Economic Development and Planning	In Consultation with Sustainable Development

EDP.004	TOURISM	To liaise on ongoing basis on behalf of the Council with other bodies with similar aims and to keep the Council informed of developments in the tourism industry, the Councils obligations in this regard and the present and future costs to the Council.	Council	Director Economic Development and Planning	Deputy Director Economic Development and Planning	In Consultation with Sustainable Development
EDP.005	Informal Trading	To allocate stands for informal traders in areas declared by the Council as areas for restricted informal trade	Council	Director Economic Development and Planning	Deputy Director Economic Development and Planning	In consultation with Manager : Planning & Building Control and Manager : Public Safety - As per By-Law
EDP.006	Informal Trading	To keep and administer a waiting list of informal traders who applied for stands in areas declared by the Council as restricted for informal trading	Council	Director Economic Development and Planning	Deputy Director Economic Development and Planning	In consultation with Manager: Planning and Building Control and Manager: Public Safety.
EDP.007	Informal Trading	To plan and decide on the most appropriate utilisation of staff and infrastructure and to determine the priorities for the administration of areas declared as restricted for informal trading	Council	Director Economic Development and Planning	Deputy Director Economic Development and Planning	
EDP.008	Informal Trading	To identify areas where informal trade should be restricted	Council	Director Economic Development and Planning	Deputy Director Economic Development and Planning	In consultation with Manager : Planning & Building Control and Manager : Public Safety

EDP.009	Informal Trading	To negotiate with interested parties regarding the limitation of informal trading	Council	Director Economic Development and Planning	Deputy Director Economic Development and Planning	In consultation with Manager : Planning & Building Control and Manager : Public Safety
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10.8.2 POWERS DELEGATED BY COUNCIL TO DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING AND DEPUTY DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING, AND SUB-DELEGATED TO HEAD: PROPERTY MANAGEMENT; DEPUTY DIRECTOR: ECONOMIC DEVELOPMENT AND PLANNING; DEPUTY DIRECTOR: HUMAN SETTLEMENTS AND INFORMAL SETTLEMENTS AND MANAGER: HUMAN SETTLEMENTS

ITEM NO	DESCRIPTIONS	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB-ELEGATED	CONDITIONS
EDP.010	HOUSING	To take appropriate steps for the eviction of any occupier of premises erected with municipal or state funds and who- (a) occupies such premises without Councils consent or who continues to reside on the premises after the authorised lessee has left (b) occupies such, premises after his lease agreement with the Council, has terminated (c) uses such premises for illegal purpose (d) breaches the terms of a lease or purchase agreement	Council	Deputy Director Economic Development and Planning	Head: Property Management	This power must be exercised in consultation with the (Legal Department)
EDP.011	HOUSING	To request attorneys to take appropriate action against persons who do not meet their obligations in accordance with the provisions of relevant housing laws	Council	Deputy Director Economic Development and Planning	Head: Property Management	In consultation with Director Corporate Services and Legal Services.

EDP.012		To, in regard to state funded property, conclude lease agreements for the lease of houses, vacant sites, and for purposes other than housing, at rentals as determined by Council	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	As per Council Resolution and in consultation with Head: Property Management and Legal Services.
EDP.013	HOUSING	The signing of agreements and all relevant documents in respect of the sale of low-cost houses.	Council	Director: Economic Development and Planning	Deputy Director: Human Settlement and Informal Settlements	
EDP.014		Certification in respect of participants in Government subsidised/funded housing project as set out in Section 118 (4) of the Local Government: Municipal Systems Act 32 of 2000 (read with Act 3 of 2022)	Council	Director: Economic Development and Planning	Manager: Human Settlements	
EDP.015		Approval of the leasing of municipal dwellings and/or land to persons on the housing demand database (government subsidised housing project).	Council	Director: Economic Development and Planning		Subject to the policies and procedures laid down by the Municipality from time to time.
EDP.016		To take such decision as may be necessary from time to time on matter affecting housing schemes approved by Council and arising out of the following: A) Amendments to plans and specifications of dwellings	Council	Director: Economic Development and Planning		Provided any amendments made do not materially affect or modify in any essential respect the basic elements or layout of such scheme as approved by Council and which involve consequential adjustments to the detailed estimates of the schemes within the total approved estimates.

		<p>B) Amendments to the layout plans of housing schemes including the layout or services</p> <p>C) Relocation of dwellings of residential sites within housing schemes necessitated by adverse subsoil conditions or by other unforeseen circumstances, provided the number of each type of dwelling remains unaltered.</p>				
EDP.017		To approve the signing of Temporary Occupation Agreements for the residential of the Temporary Relocation Area (TRA), Botrivier	Council	Director: Economic Development and Planning	Manager: Human Settlements	
EDP.018		<p>To authorise:</p> <ol style="list-style-type: none"> 1. Allocation of Municipal rental housing units 2. Eviction in the event of lapsed lease agreements 	Council	Director: Economic Development and Planning		In line with relevant legislation.
EDP.019		To apply the prescribed policy procedures when land invasion occurs on municipal land.	Council	Director: Economic Development and Planning	Deputy Director: Human Settlement and Informal Settlements	In consultation with Manager: Public Safety and in line with relevant legislation and regulations.
EDP.020		To summarily demolition of unoccupied illegal shacks.	Council	Director: Economic Development and Planning	Deputy Director: Human Settlement and Informal Settlements	In line with applicable legislation/SOP and in consultation with Director Community Services.

EDP.021		The demolition of occupied illegal structures (Squatters), subject to Section 26 of the Constitution and applicable legislation and obtaining of a Court order.	Council	Director: Economic Development and Planning	Manager: Human Settlements	
EDP.022		Dealing with matters with regards to the management of informal settlements within the municipal area	Council	Deputy Director: Human Settlement and Informal Settlements	Manager: Human Settlements	
EDP.023		Manage and administer new applications / verifications of applications to be registered on the provincial housing demand database.	Council	Deputy Director: Human Settlement and Informal Settlements		
EDP.024		To implement the municipality's Housing Selection Policy for Beneficiaries in Ownership-based Subsidy Projects	Council	Deputy Director: Economic Development and Planning	Manager: Human Settlements	

10.8.3 POWERS DELEGATED BY COUNCIL TO DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING, THE MUNICIPAL MANAGER AND DEPUTY DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING, AND SUB-DELEGATED TO THE DEPUTY DIRECTOR ECONOMIC DEVELOPMENT, AND THE BUILDING CONTROL OFFICER

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
EDP.025		To grant authority to drain water from a swimming pool in terms of the National Building Regulation and Building Standards Act, 103 / 1977 and the regulations issued in terms thereof	Council	Director: Economic Development and planning	Building Control Officer	In consultation with relevant Town Manager and Technical Services
EDP.026		To control building activities and to determine such conditions as may be deemed necessary in terms of appropriate By-laws relating to streets	Council	Director: Economic Development and Planning	Building Control Officer	In consultation with relevant Town Manager
EDP.027		To introduce all reasonable measures to rectify dilapidated buildings and unsightly and offensive structures and to institute legal proceedings if such measures are unsuccessful	Council	Director: Economic Development and Planning	Building Control Officer	In consultation with relevant Town Manager
EDP.028		To authorize the process for the demolition of vacant buildings, other than residential erven, on land acquired for purposes of open spaces or recreation in housing schemes	Council	Director: Economic Development and Planning	Building Control Officer	This power must be exercised in consultation with the Director: Technical & Infrastructure Implementation Services; Deputy Director: Economic Development and Planning and Legal Department

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EDP.029		Reg. Q1 and Q2 To approve other methods of doing away with sewage	Council	Director: Economic Development and Planning	Building Control Officer	In consultation with the Deputy Director Planning Director: Technical & Infrastructure Implementation Services
EDP.030		Put processes and procedures in place to grant or refuse applications to erect structures, shelters or any other thing in or at any amenity	Council	Director: Economic Development and Planning	Building Control Officer	
EDP.031		To control fences on street boundaries in terms of appropriate bylaws relating to streets	Council	Director: Economic Development and Planning	Building Control Officer	
EDP.032		To introduce all reasonable measures to rectify dilapidated buildings and unsightly and offensive structures and to institute legal proceedings if such measures are unsuccessful	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.032		Section 7: Approval by Local Authorities in respect of erection of buildings	Council	Director: Economic Development & Planning	Manager: Town Planning & Building Control	In consultation with the Building Control Officer
EDP.033		Section 7(4): Extension of the 12 months period	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	In consultation with Manager: Town Planning and Building Control and Building Control Officer.

Commented [GA26]: Correction

Commented [GA27]: Duplication of EDP.027

Commented [GA28]: Addition

Approved by Council: February 2024

Council Resolution: No. C21/2024

EDP.034		Section 7(6): Granting of provisional approval	Council	Municipal Manager	Director: Economic Development and Planning	In consultation with Building Control Officer.
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EDP.035		Section 10 (1): To prohibit the erection of a building	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.036		Reg. 2 (1)(f): To require additional documents	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.037		Reg. A5(5)(b): The acceptance of a scale for drawings, etc	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.038		Reg. A7(h) and (i): To require construction drawings	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.039		Reg. A8 (4): To require particulars of the sewage installation	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.040		Reg. A9 (1): To require a fire plan	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.041		Reg. A13 (1)(b): To require proof of treatment of wood	Council	Deputy Director: Economic Development and Planning	Building Control Officer	

EDP.042		Reg. A13 (2) and (3): To test any materials or components and prohibit the utilisation thereof	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.043		Reg. A 13 (6): To determine whether any material or component may be utilised	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.044		Reg. A 15(3): To require that it be ensured that mechanical equipment or service installation is in working order	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.045		Reg. A22 (3): To approve trenches and excavations	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.046		Reg. A 23 (1)-(7): To grant provisional authority for temporary buildings	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.047		Reg. E 3: To prohibit a method of demolition	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.048		Reg. E 1 (4): To require that a terrain be safeguarded	Council	Deputy Director: Economic Development and Planning	Building Control Officer	

EDP.049		Reg. E (4) To arrange that premises be safeguarded and costs be recovered from the owner	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.050		Reg. F 1(1): To require that fences etc. must be erected	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.051		Reg. F 1 (5): To prescribe further conditions for demolition or erection.	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.052		Reg. F 2(1): To require the payment of deposits	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.053		Reg. 3 (2): To require that an engineer be appointed.	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.054		Reg. F7 (1): To order: (a) Provision of proof of compliance; (b) That work be cut into, uncovered, or demolished, and (c) That tests be made.	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.055		Reg. F 10 (2): To grant approval for the erection, placement, maintenance, relocation and rebuilding of builders' huts.	Council	Deputy Director: Economic Development and Planning	Building Control Officer	

EDP.056		Reg. F 10 (4): To order that builders' huts, etc. be removed	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.057		Reg. F 11: To grant authority to cease erection or demolition and to determine which sanitation will be adequate	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.058		Reg. G1 (3): To grant authority for earthworks	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.059		Reg. O3: To approve artificial ventilation systems	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.060		Reg. P1 (4): To grant authority in respect of sewage installations where the owners failed to comply in terms or the provisions of Regulation P1 (2)	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.061		Reg. P3 (3): To order preventative measures for sewage	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.062		Reg. P3(4) To grant authority for the discharge of water from a swimming pool	Council	Deputy Director: Economic Development and Planning	Building Control Officer	

EDP.063		To authorize the demolition of vacant buildings, other than residential erven, on land acquired for purposes of open spaces or recreation in housing schemes	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.064		To give instructions in regard to safety measures in regard to sewage, in terms of the National Building Regulations and Building Standards Act, 103/1977 and the regulations issued in terms thereof	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.065		To grant authority for sewage work in terms of the National Building Regulations and Building Standards Act 103 / 1977 and the regulations issued thereunder	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
EDP.066		To inspect sewer installations on premises and to test and approve such installations in terms the National Building Regulations and Building Standards Act, 103 / 1977 and the regulations issued thereunder	Council	Municipal Manager	Building Control Officer	
EDP.067		Section 11(2) Section 12: To order a building to be demolished	Council	Municipal Manager	Director: Economic Development and Planning	In consultation with Building Control Officer.

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EDP.068		Section 11(4): Section 12(4): To authorize the demolition of a building	Council	Municipal Manager	Director: Economic Development and Planning	In consultation with Building Control Officer.
EDP.069		Section 12(1) To determine whether a building or earthwork is dangerous	Council	Municipal Manager	Director: Economic Development and Planning	In consultation with Building Control Officer.
EDP.070		To, in so far as it is necessary for electricity supply, authorise the demolition of vacant buildings, other than on residential erven, on land acquired for purposes of open spaces or recreation in housing schemes	Council	Director: Economic Development and Planning		In consultation with Building Control Officer and the Deputy Director: Technical Services.
EDP.071		Issuing of notices	Council	Director: Economic Development and Planning	Manager: Town Planning & Building Control	
EDP.072		Section 14 – Issuing of occupancy certificate	Council	Director: Economic Development and Planning	Manager: Town Planning & Building Control	

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10.8.4 POWERS DELEGATED BY COUNCIL TO DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING, DEPUTY DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING AND THE MUNICIPAL MANAGER, AND SUB-DELEGATED TO DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING, DEPUTY DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING AND HEAD: PROPERTY MANAGEMENT

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
EDP.071 EDP.073	IMMOVABLE PROPERTY	To appoint auctioneers for the alienation of municipal land by public auction	Council	Deputy Director: Economic Development and Planning	Head: Property Management	As per TWK SCM Policy
EDP.072 EDP.074	IMMOVABLE PROPERTY	To appoint land surveyors where necessary	Council	Deputy Director: Economic Development and Planning	Head: Property Management	As per TWK SCM Policy
EDP.073 EDP.075	IMMOVABLE PROPERTY	To draft, apply and enforce the terms and conditions in alienation of immovable municipal property or rights in immovable property	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	As per TWK Asset Management Policy
EDP.074 EDP.076	IMMOVABLE PROPERTY	To authorise the amount of compensation payable, if applicable, to lessees whose leases have been cancelled prematurely	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	In consultation with the Director: Finance
EDP.075 EDP.077	IMMOVABLE PROPERTY	To approve applications for servitudes over Council property to draft and conclude the relevant contracts	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	

EDP.076 EDP.078	IMMOVABLE PROPERTY	To authorise encroachments, protrusions/overhangs and structures that protrude on or over Council land, to conclude the relevant agreements and to determine the rental/fee payable	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	
EDP.077 EDP.079	IMMOVABLE PROPERTY	To approve applications for the session or delegation of rights and obligations, in terms of lease agreements or the subletting of immovable Council property and where necessary, to impose additional conditions	Council	Municipal Manager	Director: Economic Development and Planning	
EDP.078 EDP.080	IMMOVABLE PROPERTY	To authorise the letting of immovable property at market value	Council	Municipal Manager	Director: Economic Development and Planning	
EDP.079 EDP.081	IMMOVABLE PROPERTY	To determine the terms and conditions pertaining to the letting of immovable municipal property	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	
EDP.080 EDP.082	IMMOVABLE PROPERTY	To renew current lease agreements in respect of immovable Council property with current lessees if the agreement allow this	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	
EDP.081 EDP.083	IMMOVABLE PROPERTY	To repudiate claims that ownership of immovable property has been acquired by prescription, where such action is necessary and to take such step as maybe necessary to oppose such claims	Council	Municipal Manager	Director: Economic Development and Planning	In consultation with Legal Services

EDP.082 EDP.084	IMMOVABLE PROPERTY	To waive Councils pre-emptive right on compliance with conditions which are in the circumstances regarded as reasonable	Council	Municipal Manager	Director: Economic Development and Planning	
EDP.083 EDP.085	IMMOVABLE PROPERTY	To determine the market value of immovable property or rights in immovable property which the Council intends to acquire or alienate and if necessary to obtain the advice of a private valuer	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	In terms of Policy framework
EDP.084 EDP.086	IMMOVABLE PROPERTY	To negotiate with persons in respect of the intended acquisition or alienation of immovable property, or rights in, on or over immovable property, where permitted	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	In terms of a Policy framework
EDP.085 EDP.087	IMMOVABLE PROPERTY	To grant authority for obtaining sworn valuations and the preparation of land surveyors diagrams of immovable property or rights in immovable property	Council	Deputy Director: Economic Development and Planning	Head: Property Management	In terms of Council's Supply Chain Management Policy
EDP.086 EDP.088	IMMOVABLE PROPERTY	To authorise all documentation and to take such steps as may be	Council	Director: Economic	Deputy Director Economic	In conjunction with the Director Corporate

		necessary in respect of approved legal processes when immovable Council property is let or cancelled		Development and Planning	Development and Planning	Services and Legal Service
EDP.087 EDP.089	IMMOVABLE PROPERTY	To take transfer of land that has been donated to Council or where the Council is obliged to take transfer, to authorise the payment of applicable costs, and to refund the pro rata rates that have been paid after the date of transfer or occupation of the land by Council, whichever is the earlier	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	As per Council Resolution
EDP.088 EDP.090	IMMOVABLE PROPERTY	To take occupation of expropriated property, prior to the expiration of the prescribed period of 60 days, after the servicing of the expropriation notice	Council	Municipal Manager	Director: Economic Development and Planning	As per Council Resolution
EDP.089 EDP.091	IMMOVABLE PROPERTY	To approve the renewal of agreements for the lease of immovable Council property by Sport Bodies where no objections have been lodged in reaction to advertisements of such lease, provided that the period of 3 years is not exceeded	Council	Municipal Manager	Deputy Director: Economic Development and Planning	
EDP.090 EDP.092	IMMOVABLE PROPERTY	To authorise a purchase of immovable Council property to occupy such property prior to transfer, in accordance with the terms of sale and where necessary to insist that Council be indemnified against any claim if registration fail, for whatever reason	Council	Municipal Manager	Director: Economic Development and Planning	In consultation with Legal Services.

EDP.091 EDP.093	IMMOVABLE PROPERTY	To exercise all Council's rights and obligations as lessee or lessor in terms of agreements in respect of immovable property under the control of the incumbent	Council	Municipal Manager	Deputy Director: Economic Development and Planning	In consultation with Legal Services.
EDP.092 EDP.094	IMMOVABLE PROPERTY	To allocate municipal dwellings to officials who have to reside at specific locations to perform their functions	Council	Municipal Manager	Deputy Director: Economic Development and Planning	In consultation with the applicable Town Manager
EDP.093 EDP.095	IMMOVABLE PROPERTY	To allocate Council houses	Council	Municipal Manager	Deputy Director: Economic Development and Planning	In terms of Council Policy
EDP.094 EDP.096	IMMOVABLE PROPERTY	To authorise the letting of Public Open Spaces in terms of the Public Open Spaces Policy and the renewal of such agreements.	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	In conjunction with Town Managers and all way leaves from other required authorities
EDP.095 EDP.097	IMMOVABLE PROPERTY	To approve the renewal of agreements for the lease of immovable Council property for a further period, provided that the extension is a once-off renewal and applications after that will be treated as a new application	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	Renewal in terms of Council policy the TWK Asset Management Policy and in consultation with Legal Services.
EDP.096 EDP.098		To, in consultation with the relevant Director(s) approve applications for the erection of cell masts, radio masts and apparatus on immovable Council, property, and to determine the rent / fees for same	Council	Director: Economic Development and Planning	Deputy Director Economic Development and Planning	In accordance Council's Policy.
EDP.097 EDP.099		Reg. F1 (4): To grant authority for encroachments on private land	Council	Municipal Manager	Director: Economic Development and Planning	Only if a policy is in place otherwise it has to go to Council.
		To authorize the temporary use of Council land by		Director: Economic	Deputy Director Economic	As per Council Policy – In consultation with

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EDP.098 EDP.100		churches or for a Circus, play park or similar purpose and to impose conditions.	Council	Development and Planning	Development and Planning	Town Planning and, Town Managers, Head: Property Management, Manager: LED and relevant departments
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DIRECTORATE: FINANCIAL SERVICES / POWERS DELEGATED BY COUNCIL

10.9 POWERS DELEGATED BY COUNCIL TO DIRECTOR FINANCIAL SERVICES**10.9.1 POWERS DELEGATED BY THE COUNCIL TO THE DIRECTOR FINANCE AND SUB-DELEGATED TO THE DEPUTY DIRECTOR FINANCIAL SERVICES**

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
FIN.001	GENERAL FINANCIAL	To exercise all the powers and duties provided for in the MFMA, subject to non-delegable powers and other powers already delegated	Council	Director Finance	Deputy Directors Financial Services	The MM, as Accounting Officer in terms of the MFMA, has already delegated his powers and duties to the Director Financial Services
FIN.002	LEGAL MATTERS	To authorize the institution of legal action against any person or body (excluding organs of state) in terms of council's debt collection policies	Council	Director Finance	Deputy Directors Financial Services	In consultation with the legal department
FIN.003		To authorise departmental heads to attend congresses, workshops, annual meetings of institutes etc. within the borders of the RSA, as well as the expenditure in regard to such attendances	Council	Director Finance	Deputy Directors Financial Services	In terms of the Travel and Subsistence policy and in consultation with relevant Managers within the directorate
FIN.004		To authorise the transfer of operational expenditure (within a single budgetary vote) to a maximum amount, as determined from time to time by the Council	Council	Director Finance	Deputy Directors Financial Services	In terms of the Virement policy
FIN.005		The granting of leave to officials in terms of the conditions of service	Council	Director Finance	Deputy Directors Financial Services	In consultation with relevant Managers within the directorate

FIN.006		To enforce Council's by-laws as well as national and provincial legislation applicable to their respective directorates, including the institution of criminal or civil proceedings in respect thereof, and to perform the functions and exercise the powers that vest in the Council in terms thereof	Council	Director Finance	Deputy Directors Financial Services	In consultation with Director Financial Services the relevant Managers within the directorate, and the Municipal Manager
FIN.007		To authorise, the use of municipal vehicles and assets under the control of the incumbent	Council	Director Finance	Deputy Directors Financial Services	Within a policy framework and in consultation with relevant Managers within the directorate
FIN.008		To on behalf of Council depose to affidavits, in legal proceedings involving Council.	Council	Director Finance	Deputy Directors Financial Services	
FIN.009		To recall from leave any official of the department when such official's services are required in cases of emergency or abnormal circumstances.	Council	Director Finance	Deputy Directors Financial Services.	
FIN.010		To authorise the rendering of standby services and overtime by officials of the department and where applicable the payment of a standby allowance.	Council	Director Finance	Deputy Directors Financial Services	In terms of a policy framework
FIN.011		To allocate offices and furniture to officials of the department	Council	Director Finance	Deputy Directors Financial Services	
FIN.012		To write off debts up to R10 000.00	Council	Director Finance	None	In terms of a policy framework

10.9.2 POWERS DELEGATED BY THE COUNCIL TO THE DIRECTOR FINANCE AND SUB-DELEGATED TO MANAGER: INCOME

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
FIN.013	Sec 118 Systems Act	Issuing of a rates clearance certificate	Council	Director Finance	Manager: Income	

DIRECTORATE: INTERNAL AUDIT / POWERS DELEGATED BY COUNCIL

10.10 POWERS DELEGATED BY THE COUNCIL TO THE MUNICIPAL MANAGER AND SUB-DELEGATED TO THE CHIEF AUDIT EXECUTIVE

The powers, functions and duties set out hereunder are delegated by the Council and in terms of legislation to the Municipal Manager and the Municipal Manager has sub-delegated it to the Chief Audit Executive (CAE)

ITEM NO	SECTION IN ACT	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB-DELEGATED	CONDITIONS
IA.001	INTERNAL AUDIT	To manage and co-ordinate the activities of the Audit Committee and to provide the necessary administrative support required for the functioning of the committees	Council	Municipal Manager	Chief Audit Executive	
IA.002	INTERNAL AUDIT	To ensure compliance of all laws that regulate the audit function	Council	Municipal Manager	Chief Audit Executive	
IA.003	INTERNAL AUDIT	To furnish the Council and Audit Committees with all reports required by legislation	Council	Municipal Manager	Chief Audit Executive	
IA.005	INTERNAL AUDIT	The granting of leave to officials in terms of the conditions of service	Council	Municipal Manager	Chief Audit Executive	
IA.006	INTERNAL AUDIT	To have access at all reasonable times to all personnel, books, documents, accounts, property, vouchers, records, correspondence and other data of the Council which are necessary for the proper performance of their work and to	Council	Municipal Manager	Chief Audit Executive	

		delegate this access to internal audit staff.				
IA.007	INTERNAL AUDIT	To continuously audit the results of performance measurements and report to the Performance Audit Committee.	Council	Municipal Manager	Chief Audit Executive	As part of the municipality's auditing processes
IA.008	INTERNAL AUDIT	To quarterly report on Audit Committee activities and Internal Audit Services to Council	Council	Municipal Manager	Chief Audit Executive	In compliance with the King Code
IA.009	INTERNAL AUDIT	To review and update the Audit Committee Charter	Council	Municipal Manager	Chief Audit Executive	
IA.010	INTERNAL AUDIT	The granting of leave to officials in terms of the conditions of service	Council	Municipal Manager	Chief Audit Executive	

COUNCIL POWERS, FUNCTIONS AND DUTIES TO THE CHIEF AUDIT EXECUTIVE (CAE) INCLUDING THE POWER TO SUB DELEGATE ANY OF HIS OR HER DELEGATED POWERS, FUNCTIONS AND DUTIES:

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
IA.011		To have access at all reasonable times to the Executive Mayor.	Council	Chief Audit Executive	
IA.012		To manage and control the municipality's audit function in terms of the Internal Audit Charter and approved budget.	Council	Chief Audit Executive	
IA.013		To determine the internal audit methodology in respect of all matters falling within the functional areas of the Chief Audit Executive concerned	Council	Chief Audit Executive	
IA.014		To issue audit reports without intervention from any party	Council	Chief Audit Executive	
IA.015		To approve the payment of travel and subsistence expenditure incurred by officials of the department	Council	Chief Audit Executive	In terms of a policy framework
IA.016		To authorise officials of the department to attend congresses, workshops, annual meetings of institutes etc within the border of the RSA.	Council	Chief Audit Executive	In terms of a policy framework

IA.017		To authorise officials of the department to use official vehicles outside the boundaries of the municipality	Council	Chief Audit Executive	In terms of a policy framework
IA.018		To authorise the transfer of operational expenditure (within a single budgetary vote) to a maximum amount as determined from time to time by the Council	Council	Chief Audit Executive	In terms of the Virement policy
IA.019		The granting of leave to officials in terms of the conditions of service	Council	Chief Audit Executive	In terms of a policy framework

POWERS CONFERRED ON ESTABLISHED COUNCIL COMMITTEES AND STATUTORY COMMITTEES

CHAPTER 11

11.1 POWERS OF COUNCIL DELEGATED TO THE DEBT COMMITTEE OF COUNCIL

Acting in terms of section 59 of the MSA, Council hereby delegates the following powers, functions and duties to the Debt Committee of Council.

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
DC.001	GENERAL FINANCIAL	To write-off of dormant accounts with balances of R1000,00 or more	Council	Debt Committee of Council	This Committee is made up of the Mayor, Deputy Mayor, Chairperson of the Finance Portfolio Committee, MM, Director Financial Services, Deputy Director Financial Services and the Chief whip of the Opposition. All write-off's are reported to Council for notification purposes
DC.002	GENERAL FINANCIAL	To write-off the outstanding debts in terms of Council Policy	Council	Debt Committee of Council	This Committee is made up of the Mayor, Deputy Mayor, Chairperson of the Finance Portfolio Committee, MM, Director Financial Services, Deputy Director Financial Services and the Chief whip of the Opposition. All write-off's are reported to Council for notification purposes

11.2 POWERS OF COUNCIL DELEGATED TO THE ICT STEERING COMMITTEE OF COUNCIL

Acting in terms of section 59 of the MSA, Council hereby delegates the following powers, functions and duties to the ICT Steering Committee of Council.

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
ICT.001	ICT	To decide on the standardisation of software and hardware and the optimum manner for support maintenance and acquisition	Council	ICT Steering Committee	This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT.
ICT.002	ICT	To approve extensions, departures or exceptions in compliance with the standardisation of software and hardware and the optimum manner for support maintenance and acquisition	Council	ICT Steering Committee	This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT.
ICT.003	ICT	To decide on the most appropriate methods to ensure the integrity of the Council's information and communications technology systems	Council	ICT Steering Committee	This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT.
ICT.004	ICT	To decide on and approve the most appropriate methods to render technological services to Councillors	Council	ICT Steering Committee	This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT.
ICT.005	ICT	To decide which members of staff should have access to the Internet and to determine the conditions on which it will be granted	Council	ICT Steering Committee	This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT.
ICT.006	ICT	To decide on and approve the most appropriate information and communication technology policies.	Council	ICT Steering Committee	This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT.
ICT.007	ICT	To decide which members of staff should have access to the Internet and to determine the conditions on which it will be granted	Council	ICT Steering Committee	This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT.

ICT.008	ICT	To decide which members of staff are awarded laptops and mobile devices and to determine the conditions on which it will be granted	Council	ICT Steering Committee	This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT.
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11.3 POWERS OF COUNCIL DELEGATED TO THE PERFORMANCE AND AUDIT COMMITTEE

Acting in terms of section 59 of the MSA, Council hereby delegates the following powers, functions and duties to the Performance and Audit Committee (PAC).

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
PAC.001		To inform the Council anytime in respect of matters that may significantly impact the financial conditions or affairs of the municipality or the committee	Council	Performance & Audit Committee	
PAC.002		To perform functions and to obtain any information and advice from within or outside the municipality in order to perform its function as legislated	Council	Performance & Audit Committee	
PAC.003		To monitor the effectiveness of the internal audit function	Council	Performance & Audit Committee	
PAC.004		To monitor management, internal audit and external audit with reference to the drafting of the financial statements	Council	Performance & Audit Committee	
PAC.005		To carry out special audit projects such as fraud investigations	Council	Performance & Audit Committee	In consultation with the Accounting Officer
PAC.006		Ensure that the internal audit function is adequately supported, resourced and protected in the organization and to concurs with the appointment or dismissal of the head of the internal audit	Council	Performance & Audit Committee	
PAC.007		Review internal audit reports to evaluate that management, with regard to breakdowns in internal controls or deficiencies, takes appropriate action as identified by internal audit and / or make alternative recommendations if needed	Council	Performance & Audit Committee	
PAC.008		Consider the results of performance measurements by Internal Audit and the office of the Auditor- General.	Council	Performance & Audit Committee	

STATUTORY DELEGATION OF POWERS AND DUTIES BY THE MUNICIPAL MANAGER

CHAPTER 12

12.1 POWERS OF THE MUNICIPAL MANAGER DELEGATED TO CHIEF FINANCIAL OFFICER AND SUB-DELEGATED TOMANAGER: SUPPLY CHAIN MANAGEMENT IN TERMS OF: MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS: NOTICE 868 OF 2005 AS AMENDED BY GOVERNMENT NOTICE NO. 4198 AND ALL RELATED SCM FUNCTIONS

***IMPORTANT:** Please note that if any delegation in this chapter is in conflict with a delegation issued by the Municipal Manager or CFO related to the Municipal Supply Chain Management Regulations, the delegation issued by the Municipal Manager/ CFO will supersede delegations listed in this chapter.

***Theewaterskloof has a Bid Committee System**

1. Goods and Services & Infrastructure Projects

- (a) Bid Specifications Committee
- (b) Bid Evaluation Committee
- (c) Bid Adjudication Committee

REG. NR.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
3(1)(a)	Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
3(1)(b)	Review at least annually the implementation of the policy	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
3(1)(c)	Submit when considered necessary, proposals for the amendment of the policy to the council.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management

3(2)(a)	Make use of any Treasury guidelines determining standard for municipal supply chain management policies, and submit to the council that guideline standard, or any modified version thereof, as a draft policy.	Municipal Manager	Chief Financial Officer	Manager Supply Chain Management
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REG. NR.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
3(2)(b)	Ensure that a draft policy submitted to council that differs from the guideline standard complies with regulation 2.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
3(2)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
3(4)	Must, in terms of section 62(1)(f)(iv) take all reasonable steps to ensure that the municipality has and implements a supply chain management policy as set out in Regulation 2.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
5(2)(a)	Make a final award above R10 million (VAT included)	Municipal Manager	Accounting Officer (after considering recommendation of Bid Adjudication Committee)	NB: May not be sub-delegated.
5(2)	Make a final award above R300 000 (VAT included), but not exceeding R10 million (VAT included)	Municipal Manager	Bid Adjudication Committee	
5(2)	Make a final award not exceeding R300 000 (VAT included) but excluding the appointment of consultants	Municipal Manager	Bid Adjudication Committee	

5(3)	Submit to the official referred to in subsection (4) within five days of the end of each month a written report containing particulars of each final award, except procurements made out of petty cash, made during that month, including – (a) the amount of the award; (b) the name of the person to whom the award was made; (c) the reason why the award was made to that person; and (d) the BEE/HDI status of that entity/person	Municipal Manager	Manager: Supply Chain Management	
6(1)	Maintain oversight over the implementation of the supply chain management policy.	Municipal Manager	Power reserved by Council	
6(2)(a)(i)	Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
6(2)(a)(ii)	Submit to council a report from any municipal entity made in terms of this Regulation 6(2)(a)(ii) regarding implementation of the municipal entity's supply chain management policy.	Municipal Manager	Chief Financial Officer	
6(2)(a)(iii)	Immediately submit a report to council whenever there are serious and material problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2)(a)(iii).	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
6(3)	Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
7(1)	Establish a supply chain management unit.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
7(2)	Establish a joint supply chain management unit between the parent municipality and a municipal entity under its sole or shared control.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
11(3)	Must make public the fact that the municipality procures goods or services contemplated in section 110(2) of the MFMA.	Municipal Manager	Manager: Supply Chain Management	

12(2)(a)	Allow the Accounting Officer to lower, but not to increase, the different threshold values specified in sub-regulation (1).	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
12(2)(b)	Direct that: (ii) formal written price quotations be obtained for any specific procurement of a transaction value over R2 000 up to R300 000 (VAT included).	Municipal Manager	Chief Financial Officer <u>Petty Cash up to R300</u> <u>Formal Written Price</u> <u>quotes upto R300 000</u>	Manager: Supply Chain Management
	(iii) a competitive bidding process be followed for any specific procurement of a transaction value lower than R300 000 (VAT included).		<u>Formal Written Price</u> <u>Quotations up to</u> <u>R300000</u>	
14(1)(a)(i)	Keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements of the municipality through formal written price quotations.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
14(1)(a)(ii)	Invite prospective providers of goods or services at least once a year through newspapers commonly circulating locally, the website of the municipality and any other appropriate ways, to apply for evaluation and listing as accredited prospective providers.	Municipal Manager	Chief Financial Officer	Accountant: Acquisition Managements
14(1)(b)	Specify the listing criteria for accredited prospective providers.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
14(1)(c)	Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
14(2)	Update the list of prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
17(1)(c)i	Record the reasons for not obtaining at least three formal written price quotations.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management

17(1)(c)ii	Approve the recorded reasons for not obtaining at least three written price quotations.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
17(1)(d)	Record the names of the potential formal written price quotation providers and their written quotations.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
17(2)	Report to the CFO within three days of the end of the month on any approvals given during that month by that the designated official referred to in sub-regulation (1)(c).	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
18(b)	Must promote ongoing competition amongst providers, including by inviting providers to submit quotations on a rotation basis, when using the list of accredited prospective providers.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
18(c)	Must take all reasonable steps to ensure that the procurement of goods and services through formal written price quotations is not abused.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
18(d)	Notify the Accounting Officer or CFO in writing on a monthly basis of all and formal written price quotations accepted by the official acting in terms of a sub-delegation.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
22(2)	Determine a closure date for submission of bids which is less than the 30 or 14 day requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
23(c)	<ul style="list-style-type: none"> (i) record in a register all bids received in time; (ii) make the register available for public inspection; (iii) publish the entries in the register and the bid Results on the website of the municipality 	Municipal Manager	Manager: Supply Chain Management	Senior Administrator(s)

24(1)	Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation- (a) does not allow any preferred bidder a Second or unfair opportunity; is not to the detriment of any other bidder; and (c) does not lead to a higher price than the bid submitted. (b) Minutes of such negotiations must be kept.	Municipal Manager	Manager: Supply Chain Management	
26(b)	Appoint the member of the bid specification, evaluation and adjudication committees, taking into account section 117 of the MFMA.	Municipal Manager		
26(1)(c)	Appoint a neutral or independent observer to a bid specification, evaluation or adjudication committee for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency.	Municipal Manager		
26(3)	Apply the committee system to formal written price quotations.	Municipal Manager		
27(1)	Compile specifications for the procurement of goods or services by the municipality.	Municipal Manager	Responsible Official	Not to be sub-delegated
27(2)(g)	Approve specifications compiled by the bid specification committee prior to publication of the invitation for bids.	Municipal Manager	Bid Specification Committee	Not to be sub-delegated
28(1)(a)	Evaluate bids in accordance with (i) the specifications for a specific procurement; and (ii) the point system as must be set out in the Supply chain management policy of the municipality in terms of Regulation 27(2)(f) and as prescribed in terms of the Preferential Procurement Policy Framework Act.	Municipal Manager	Bid Evaluation Committee	Not to be sub-delegated
28(1)(b)	Evaluate each bidder's ability to execute the contract.	Municipal Manager	Bid Evaluation Committee	Not to be sub-delegated
28(1)(c)	Check in respect of the recommended bidder whether municipal rates and taxes and taxes and municipal service charges are not in arrears.	Municipal Manager	Bid Evaluation Committee	Not to be sub-delegated

28(1)(d)	Submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.	Municipal Manager	Bid Evaluation Committee	Not to be sub-delegated
29(1)(a)	Consider the report and recommendations of the bid evaluation committee where the award value exceeds R300 000 (VAT incl.).	Municipal Manager	Bid Adjudication Committee	Not to be sub-delegated
29(1)(a)(i)	For bids above R10 million the SCM BAC will make recommendation to the Municipal Manager to make the final award.	Municipal Manager		Not to be sub-delegated
29(1)(a)(ii)	Make another recommendation to the accounting officer on how to proceed with the relevant procurement.	Municipal Manager	Bid Adjudication Committee	Not to be sub-delegated
29(3)	Appoint the chairperson of the bid adjudication committee.	Municipal Manager		
9(5)(a)	If a bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid- (i) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears; and (ii) notify the accounting officer.	Municipal Manager	Bid Adjudication Committee	Not to be sub-delegated
29(5)(b)	(i) After due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in Regulation 29(5)(a); and (ii) If the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee, back to that Committee for reconsideration.	Municipal Manager	Accounting Officer	
29(6)	Refer any recommendation made by the evaluation committee or adjudication committee back to that committee for reconsideration of the recommendation.	Municipal Manager	Accounting Officer	

29(7)	Comply with section 114 of the MFMA within ten working days.	Municipal Manager	Accounting Officer	
31(1)	Request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process.	Municipal Manager	Manager: Supply ChainManagement	Manager: IT
31(2)	Enter into a written agreement to regulate the services rendered by, and the payments made to, SITA.	Municipal Manager	Chief Financial Officer	Not to be sub-delegated
31(3)	Notify SITA together with a motivation of the IT needs of the municipality if- (a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million (VAT Included); or (b) the transaction value of a contract to be Procured by the municipality whether for One or more years exceeds R50 million.	Municipal Manager	Manager: Supply ChainManagement	Manager: IT
31(4)	Submit to the council, the National Treasury, the relevant provincial treasury and the Auditor General the SITA comments and the reasons for rejecting or not following such comments if the municipality disagrees with SITA's comments.	Municipal Manager	Chief Financial Officer	Manager: IT
32(1)	To procure goods or services for the municipality under a contract secured by another organ of state, but only if- (a) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state; (b) the municipality has no reason to believe that such contract was not validly procured;	Municipal Manager	Chief Financial Officer	Bid Adjudication Committee
	(c) there are demonstrable discounts or Benefits for the municipality; and (d) that other organ of state and the provider have consented to such procurement in writing.			

35(1)	Procure consulting services up to the value of R300 000 (VAT included) through a competitive bidding process, provided that any Treasury guidelines in respect of consulting services are taken into account when such procurement is made.	Municipal Manager	Bid Adjudication Committee	
35(4)	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.	Municipal Manager	Chief Financial Officer	Senior Manager reporting directly to the Municipal Manager
36(1)(a)	Dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only- (i) in an emergency; (ii) if such goods or services are produced or available from a single provider only; (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile; (iv) acquisition of animals or zoos; or (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes.	Municipal Manager	Senior Manager reporting directly to the Municipal Manager – <R300 000 Bid Adjudication Committee - > R300 000	
36(1)(b)	Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.	Municipal Manager	None	
36(2)	Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and Report them to the next meeting of the council and include as a note to the annual financial statements	Municipal Manager	Manager: Supply Chain Management	

37(2)	Decide to consider an unsolicited bid but only if- (a) the product or service offered is a demonstrably or proven unique innovative concept; (b) the product or service will be exceptionally beneficial to, or have exceptional cost advantages for, the municipality; (c) the person who made the bid is the sole provider of the product or service; and (d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
37(3)	Make public in accordance with section 21A of the Municipal Systems Act the decision to consider an unsolicited bid that complies with Regulation 37(2) together with- (a) reasons as to why the bid should not be open to other competitors; (b) an explanation of the potential benefits for the municipality were it to accept the unsolicited bid; and (c) an invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
37(4)	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
37(5)	Consider the unsolicited bid.	Municipal Manager	Bid Adjudication Committee	Not to be sub-delegated

37(5)	Award the bid or make recommendations to the accounting officer depending on the delegations to the adjudication committee.	Municipal Manager	Bid Adjudication Committee for bids up to R10 million (VAT included) and Accounting Officer for bids above R10 million (VAT included) after consideration of recommendation of Bid Adjudication Committee	
37(7)	Take into account when considering an unsolicited bid- (i) any comments submitted by the public; and (ii) any written comments and recommendations of the National Treasury or the relevant provincial treasury.	Municipal Manager	Bid Adjudication Committee	Not to be sub-delegated
37 (8)	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury in regard to the unsolicited bid.	Municipal Manager	Chief Financial Officer	
38(1)(a)	Take all reasonable steps to prevent abuse of the supply chain management system.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favouritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified- (i) take appropriate steps against such official or other role player; or (ii) report any alleged criminal conduct to the South African Police Service.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
38(1)(c)	Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management

38(1)(d)	Reject any bid from a bidder- (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for more than three months; (ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
38(1)(e)	Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
38(1)(f)	Cancel a contract awarded to a person if- (i) the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or (ii) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
38(1)(g)	Reject the bid of any bidder if that bidder or any of its directors- (i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system; (ii) has been convicted for fraud or corruption during the last five years; (iii) has wilfully neglected or reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or (iv) has been listed in the Register for Tender defaulters in terms of section 29 of the prevention and Combating of Corrupt Activities Act (no 12 of 2004).	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management

38(2)	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of Regulation 38(1)(b)(ii), (e) or (f).	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
43(2)	Check with SARS whether a person's tax matters are in order before making an award to such person	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
45	Disclose on the notes to the annual financial statements of the municipality particulars of any award of more than R2000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including- (a) the name of that person; (b) the capacity in which that person is in the service of the state; and (c) keep the amount of the award.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
46(3)(a)	Ensure that declarations from the accounting officer in terms of Regulation 46(2)(d) and (e) are recorded in the register.	Mayor	Chief Financial Officer	Manager: Supply Chain Management
46(5)	Adopt the National Treasury's code of conduct for supply chain management practitioners and other role players involved in supply chain management.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
47(2)	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management

48	Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether directly or through a representative or intermediary, by any person who is- (a) a provider or prospective provider of goods services to the municipality; or (b) a recipient or prospective recipient of goods disposed or to be disposed of by the Municipality.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
50(1)	Appoint an independent and impartial person to assist in the resolution of disputes and to deal with objection, complaints or queries as described more fully in Regulation 50(1) to perform his or her functions effectively.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
50(3)	Responsible to assist the person appointed in terms of Regulation 50(1) to perform his or her functions effectively.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management

POWERS OF COUNCIL AND MUNICIPAL MANAGER SUB-DELEGATED TO DIRECTOR: TECHNICAL & INFRASTRUCTURE IMPLEMENTATION SERVICES, AND PLANNING, DEPUTY DIRECTOR PLANNING AND MANAGER TOWN PLANNING

CHAPTER 13

13.1 POWERS OF COUNCIL AND MUNICIPAL MANAGER DELEGATED OR SUB-DELEGATED TO THE DIRECTOR: ECONOMIC DEVELOPMENT AND PLANNING, DEPUTY DIRECTOR: ECONOMIC DEVELOPMENT AND PLANNING AND MANAGER TOWN PLANNING, TOWN PLANNERS AND BUILDING CONTROL OFFICERS

Acting in terms of section 59 of the MSA, Council hereby delegates the following powers, functions and duties to the Director Development Services and the Director Development Services has sub– delegated it to the Deputy Director Planning and the Manager Town Planning, Town Planner and the Municipal Planning Tribunal.

PLEASE NOTE: [“The Ordinance hereunder refer to the **Land Use Planning Ordinance (Ordinance No 15 of 1985)**]

As far as land use planning matters are concerned:

In terms of the provisions of LUPO the delegatee will not exercise such delegated authority in the following circumstances:

- Legislation does not permit delegation;
- There are objections to the application;
- The application is recommended for refusal;
- The recommendation is contrary to Council policy;
- Applications are made for uses for which no delegated authority has been entrusted by the Premier to Council.

ITEM NO	DESCRIPTION	POWER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATED	CONDITIONS
PLAN.001		To grant or refuse applications, to issue orders, to impose conditions and generally to enforce the provisions of an appropriate By-law relating the advertising signs	Council	Municipal Manager	Manager: Town Planning and Building Control	
PLAN.002		To advise the Council regarding the waiving of compliance with provisions of an appropriate by-law	Council	Municipal Manager	Deputy Director Economic Development and Planning	

		regarding advertisements or to relax such provisions				
PLAN.003		To lodge objections against applications for the granting of liquor licenses, in instances where the closing date for submission of objections, does not permit the Council to do so	Council	Municipal Manager	Manager: Town Planning and Building Control	
PLAN.004		To grant or refuse applications for the construction of verandas etc. in terms of appropriate by-laws relating to streets	Council	Municipal Manager	Deputy Director: Economic Development and Planning	
PLAN.005	NBR	Section 7(l)(a) and 7(5): Approval or rejection of building plans	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	In consultation with Building Control Officer.
PLAN.006	NBR	Section 10(1): The imposition of conditions	Council	Director: Economic Development and Planning	Manager Town Planning and Building Control	In consultation with Building Control Officer.
PLAN.007	NBR	Section 11(1): The imposition of an instruction to resume erection or to complete a building.	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	In consultation with Building Control Officer.
PLAN.008	NBR	Section 11(1): The extension of the period for erection or completion.	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	In consultation with Building Control Officer.
PLAN.009	NBR	Reg. A11 (1): To require the appointment of a land surveyor	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	In consultation with Building Control Officer.

PLAN.010	NBR	Reg. E (1) and (2) :To grant authority for the demolition of a building and determine conditions	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	In consultation with Building Control Officer.
PLAN.011		Reg. F 8 (1) and (2) and F 9 (1) and (2): To require that waste ect. Be removed.	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
PLAN.012	NBR	Reg. P7: To inspect, test and approve sewage installations	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
PLAN.013	NBR	Reg. R 1(3): To grant approval for and to require that plans and particulars in regard to storm water systems be provided	Council	Deputy Director: Economic Development and Planning	Building Control Officer	
PLAN.014	FBW	To control fences on street boundaries in terms of appropriate bylaws relating streets	Council	Municipal Manager	Building Control Officer	
PLAN.015	PLANNING SPLUMA	Put mechanisms in place to ensure that the Municipality undertakes the public consultation necessary and publication of the notice of their intention to establish JMPT	Council	Director: Economic Development and Planning	Deputy Director: Economic Development and Planning	
PLAN.016		To approve applications for the extension of liquor trading days and hours and to impose conditions.	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.017	By-law on Land Use Planning 85(1)	Enforcement of compliance with by-law	Council	Municipal Manager Director: Economic Development and Planning	Deputy Director: Economic Development and Planning Manager: Town Planning and Building Control	

Commented [GA33]: Correction

PLAN.018	LUPA Sec 62(2)	Request the Provincial Government for assistance	Council	Municipal Manager		
PLAN.019	LUPA Sec 62(3)	Enter into an agreement with the Provincial Government	Council	Municipal Manager	Deputy Director: Economic Development and Planning	In consultation with Manager: Town Planning and Building Control
PLAN.020	LUPA Sec 67	Entering into agreements for integrated procedures and decision making	Council	Municipal Manager	Director: Economic Development and Planning	In consultation with Manager: Town Planning and Building Control
PLAN.021	SPLUMA Sec 48(2)	Put processes and procedure in place for the development of criteria for appointment of external bodies and ensure that it is approved by Council	Council	Municipal Manager	Director: Economic Development and Planning	In consultation with Manager: Town Planning and Building Control
PLAN.022	SPLUMA Sec 51(3) - (7)	Develop procedures to determine appeals or procedures to appoint an appeal body in terms of provincial legislation and ensure that it is approved by Council	Council	Municipal Manager	Director: Economic Development and Planning	
PLAN.023	SPLUMA 52 (7)	(i) notify the parties concerned of decisions and procedural directives given by the appeal authority	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.024		The allocation of a number to an address and the imposition of conditions for the display thereof	Council	Deputy Director: Economic Development and Planning	Senior GIS Technician.	In consultation with Manager: Town Planning and Building Control.

PLAN.025	BUILDING SERVICES NOTE Delegations in this part emanate from the National Building Regulations and Building Standards Act 103 / 1977 and the regulations issued thereunder and referrals to "section" and "reg" abbreviation for regulation) indicate the numbered provisions of the Act and the regulation respectively	Section 2(4): The provision of comments on building plans for the State.	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	In consultation with Building Control Officer.
PLAN.026	SPLUMA Sec 6	Put processes in place to ensure that applications will be evaluated in terms of the development principles of SPLUMA	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.027	SPLUMA Sec 8(1)	Put processes and procedures in place to ensure compliance with national norms and standards for land use management and land development	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.028	SPLUMA Sec 11(3)	Put processes, procedures/ systems are in place to ensure that the municipality provides any information requested by national and provincial government with regard to administration of SPLUMA	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.029	SPLUMA Sec 12(1), Sec 20(1) & Sec 20(3)	Put processes and procedures in place to develop, adopt and amend the municipality's SDF	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.030	SPLUMA Sec 12(2)(a)	Put processes and procedures in place to ensure that the municipality participates in the spatial planning and land use management processes of adjoining municipalities, provinces and national	Council	Municipal Manager	Director: Economic Development and Planning	
PLAN.031	SPLUMA Sec 12(2)(b)	Put mechanisms in place to ensure the exercising of discretionary power guided by municipal SDF	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.032	SPLUMA Sec 13(1) & Sec 15(3)(c)	Put processes and procedures in place to ensure that the municipality makes inputs into national and provincial SDFs	Council	Municipal Manager	Director: Economic Development and Planning	
PLAN.033	SPLUMA Sec 18(1)	Put processes and procedures in place to ensure that the municipality makes inputs into a regional SDF proclaimed by the Minister incorporating its area or parts of its area of jurisdiction	Council	Municipal Manager	Director: Economic Development and Planning	
PLAN.034	SPLUMA Sec 20(2)	Put processes and procedures in place to ensure that the SDFs is prepared as part of the municipal IDP	Council	Municipal Manager	Director: Economic Development and Planning	

PLAN.035	SPLUMA Sec 20(2)	Put processes and procedures in place to ensure that the SDF is available to the public	Council	Municipal Manager	Manager: Town Planning and Building Control	
PLAN.036	SPLUMA Sec 21	Put processes and procedures in place to ensure the content of the MSDF comply with the detail requirements.	Council	Municipal Manager	Manager: Town Planning and Building Control	
PLAN.037	SPLUMA Sec 22(1)	Put mechanisms in place to ensure the that the Municipal Planning Tribunal does not make decisions that are inconsistent with the MSDF	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.038	SPLUMA Sec 22, sec 42	Put processes and procedures in place to ensure that all applications which are contrary to the SDF and LUMS are submitted to the Municipal Planning Tribunal	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.039	SPLUMA Sec 22(3)	Put processes and procedures/ systems in place to ensure that the Council participates in provincial and district processes to align to DSDF and PSDF.	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.040	SPLUMA Sec 23(1) Sec 81 MSA	Put processes and procedures in place to ensure that the executive authority of a municipal council provides policy, guidance and oversees land use management in general	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.041	SPLUMA Sec 23(2)	Put processes in place to ensure that the council develops procedures and / or structures for the participation of traditional councils in land use management.	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.042	SPLUMA Sec 24	Put processes and procedures in place to ensure full compliance with the notice period for representation as required by the Act	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.043	SPLUMA Sec 24	Put processes and procedures in place to facilitate the municipality to develop a LUMS	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.044	SPLUMA Sec 24(1) & Sec 33(1)	Put processes and procedures in place to prepare a single land use scheme for the entire municipal area within five years from the commencement of SPLUMA and ensures that the Council adopts the document	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.045	SPLUMA Sec 24(2), 25(2)	Put processes and procedures in place to ensure that the LUMS complies with the minimum requirements	Council	Municipal Manager	Director: Economic Development and Planning	

PLAN.046	SPLUMA Sec 25(1), Sec 28(1)-(4),	Put processes and procedures in place to ensure the amendment of the LUMS if applicable on the adoption or amendment of the SD	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.047	SPLUMA Sec 26(3)	Preparation of procedures for land development applications and decision making in areas of municipality where there is no LUMS applicable in place before the commencement of the act.	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.048	SPLUMA Sec 27(1)	Put processes and procedures in place to ensure that the municipality reviews its LUMS at least once every five years	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.049	SPLUMA Sec 27(2)	Put processes and procedures in place to ensure that the affected municipalities align and amend their LUMS if and when the municipal boundaries are redetermined	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.050	SPLUMA Sec 27(3)	Put procedures in place to ensure that the municipality submits its approved LUMS to the Premier for monitoring	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.051	SPLUMA Section 29	Put procedures in place to consult with other land development authorities in order to coordinate activities	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.052	SPLUMA Sec 31(1)	Put processes and procedures in place to ensure that LUMS and record of amendments of LUMS, register of land development applications and appeal outcomes is made available to the public	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.053	SPLUMA Sec 32	Put procedures in place to enforce compliance with the LUMS	Council	Municipal Manager	Manager: Town Planning and Building Control	
PLAN.054	SPLUMA Sec 35(1) and (2)	Put processes and procedures in place to appoint a Municipal Planning Tribunal and an Authorized official to decide on development applications	Council	Municipal Manager	Director: Economic Development and Planning	
PLAN.055	SPLUMA Sec 35(5)	Put processes and procedures in place to complete applications to be considered by Municipal Planning Tribunal or Authorised official	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.056	SPLUMA Sec 36, Sec 37, Sec 38	Put mechanisms in place to ensure the establishment of a record management system and control room for LUMS. The system would need to inform applicant on the application status	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.057	SPLUMA Sec 40, Sec 41, Sec 42, Sec 43, S 44 (2), Sec 48, Sec 50 & Sec 57	Put processes, procedures and systems in place to ensure that the Municipal Planning Tribunal determines all applications before it	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.058	SPLUMA Sec 44	Put mechanisms in place to appoint a technical or other advisors	Council	Municipal Manager		
PLAN.059	SPLUMA Sec 40(5)	Establish administrative processes and procedures for the receipt, recording, storage, retrieval and safekeeping of all land use and land development management applications	Council	Director Economic Development and Planning	Deputy Director Economic Development and Planning	
PLAN.060	SPLUMA Sec 44	Put processes and procedures in place to ensure that applications are decided on within the time frames as prescribed by the Minister	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.061	SPLUMA Sec 45(2)-(6)	Determine procedures to guide "interested persons" who intend to participate in land development applications	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.062	SPLUMA Sec 46(1)	Put mechanisms in place to ensure that the Municipal Planning Tribunal, in the case of a land use decision not in accordance with a condition in the title deed, notifies the Register of Deeds and / or Surveyor General	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.063	SPLUMA Sec 46,48	Put procedures in place for the functioning of the MPT	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.064	SPLUMA Sec 47	Develop procedures for considering, deciding and recording applications for the removal of restrictive title deed conditions	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.065	SPLUMA Sec 48	Put procedures in place to ensure that all municipal services installed are to the satisfaction of the municipality before clearance is given	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.066	SPLUMA Sec 48(2)	Put processes and procedure in place for the development of criteria for appointment of external bodies and ensure that it is approved by Council	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.067	SPLUMA Sec 51(3) - (7)	Develop procedures to determine appeals or procedures to appoint an appeal body in terms of provincial legislation and ensure that it is approved by Council	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.068	SPLUMA Sec 51	Put detail processes in place relating to the lodgement, consideration and determination of appeals including the request, receipt and consideration of professional advice to the appeal authority	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.069	SPLUMA Sec 52	Put processes and procedures in place to ensure that applications of national interest or impede on the effective performance of more than one municipality be referred to the National Minister.	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.070	SPLUMA Sec 53	Issue certificates that all requirements and conditions of approval have been complied with	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.071	SPLUMA Sec 55	Submit requests to the Minister for exemption	Council	Municipal Manager		
PLAN.072		Put processes and procedures in place for receiving recommendations from provincial or national government	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.073	LUPA Sec 10	Ensure that the SDF complies with the minimum requirements	Council	Director: Economic Development	Manager: Town Planning and Building Control	

				and Planning		
PLAN.074	LUPA Sec 11	Put processes and procedures in place for Council to decide on the establishment of an intergovernmental steering committee or not.	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.075	LUPA Sec 12	Put processes and procedures in place for Council to decide on the establishment of an intergovernmental steering committee in the compilation of a municipal spatial development framework.	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.076	LUPA Sec 13	Put processes and procedures in place for the development of a municipal spatial development framework.	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.077	LUPA Section 13(3)	Extension of commenting period	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.078	LUPA Sec 14	Submit the SDF to the Provincial Minister together with all the information as required	Municipal Manager	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.079	LUPA Sec 15	Put processes in place to ensure that the MSDF is consistent with all other spatial plans	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.080	LUPA Sec 18	Publication of notice of adoption or amendment of the SDF in the Provincial Gazette.	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.081	LUPA Sec 20	The updating and record keeping of MSDF	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.082	LUPA Sec 22(3)	Put procedures in place for the review and amendments of the zoning scheme at least every 10 years	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.083	LUPA Section 24	Put processes and procedures in place to ensure compliance with the minimum requirements with regards to content of zoning schemes	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.084	LUPA Sec 25, 26, and 2	Put processes and procedures in place for the adoption or amendment of zoning scheme by means of an intergovernmental steering committee	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.085	LUPA Sec 27	Submit draft zoning scheme or amendment to provincial Minister for comment	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.086	LUPA Section 27(3)	Extension of commenting period of Provincial minister	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.087	LUPA Sec 28	Submit the necessary information as contemplated to the Premier	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.088	LUPA Sec 31	Put processes and procedures in place for the updating and record keeping of the zoning scheme	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.089	LUPA Sec 34	Put processes and procedures in place to take principles into account in the determination of zonings	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.090	LUPA Sec 35,36,37,38,39,	Put processes and procedures in place to ensure that applications submitted and processed comply with the minimum requirements of the Act	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.091	LUPA Sec 40 and 41	Put processes and procedures in place to ensure that when applications are approved, appropriate conditions of approval are laid down	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.092	LUPA Sec 42	Put processes and procedures in place to ensure that the minimum required information is submitted with a land use application	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.093	LUPA Sec 43 and 44	Put processes and procedures in place to ensure that when public participation for any type of planning application takes place that it complies with the minimum requirements.	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.094	LUPA Sec 45	Put processes and procedures in place to ensure that applications as prescribed be referred to the minister for comment	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.095	LUPA Sec 46	Put processes and procedures in place to ensure that applications are decided within the minimum time periods as prescribed	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.096	LUPA Sec 47(2)	Notify the accounting officer or authority of the organ of state which does not comply with the prescribed time period	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.097	LUPA Sec 49	Put processes and procedures in place to ensure compliance with the basis of assessment of a land use application	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.098	LUPA Sec 50	Put processes in place to comply with the minimum requirements for notification of municipal decisions	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.099	LUPA Sec 51	Put process in place to comply with the minimum requirements of appeals against a decision of the municipality	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.100	LUPA Sec 52(1)(a)	Request the comments of the minister on appeals submitted	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.101	LUPA Sec 52(1)(b) and 52(5)	Notification of minister of decision taken in terms procedure prescribed in section 52(1)(a)	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.102	LUPA Sec 52(4)	Extension of period contemplated	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.103	LUPA Sec 59	Put processes and procedures in place to ensure that development complies with the planning principles	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.104	LUPA Sec 60	Submit a request for exemption to the Minister	Council	Municipal Manager		
PLAN.105	LUPA Sec 61	Put processes and procedures in place regarding exemptions relating to subdivisions and consolidations	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.106	LUPA Sec 62(1)	Put processes in place to ensure that before applications as prescribed are decided, comply with the minimum requirements	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.107	LUPA Sec 62(2)	Request the Provincial Government for assistance	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.108	LUPA Sec 62(3)	Enter into an agreement with the Provincial Government	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.109	LUPA Sec 66	Put processes and procedures in place regarding assessment and recommendations by registered planners	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.110	LUPA Sec 67	Entering into agreements for integrated procedures and decision making	Council	Deputy Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.111	LUPA Sec 67(5)	Decision making on integrated applications	Council	Director: Economic Development and Planning	Manager: Town Planning and Building Control	

DELEGATIONS IN TERMS OF THE MUNICIPAL BYLAW						
	SECTION IN MUNICIPAL PLANNING BY-LAW	POWER	DELEGATING AUTHORITY	DELEGATING BODY	SUB DELEGATED	CONDITIONS
PLAN.112	3(1)(a)	Put processes and procedures in place for the establishment of an intergovernmental steering committee to compile or amend its municipal spatial development framework.	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.113	3(1)(b)	Refer its draft municipal spatial development framework or draft amendment of its municipal spatial development framework to the Provincial Minister for comment	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.114	3(2)(a)	Publish a notice of intent to compile or amend as SDF	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.115	3(2)(b)	Inform Provincial Minister of intent to develop or amend an SDF and council's decision	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.116	4(1)	Establishment of a steering committee to compile an SDF for the municipality	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.117	5	To extend a written invitation to members to serve on intergovernmental steering committee	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.118	9(1)	Adoption of a local SDF committee for a specific geographical area of the municipality	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	In consultation with sub-delegated authorities
PLAN.119	10(1)	Put processes and procedures in place for the compilation, adoption, amendment or review of local spatial development frameworks	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.120	10(2)	Publication of adoption of a local SDF in the Provincial Gazette	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.121	12(1)(a)	Review structure plan and make it consistent with the purpose of a local SDF contemplated in section 9(2):	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.122	12(2)	Municipality must withdraw the relevant structure plan by notice in the <i>Provincial Gazette</i> when local SDF is adopted	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.123	14	Determination of non-conforming uses	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.124	15(2)(g)	Approval of permission required in terms of the zoning scheme	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.125	15(2)(i)	Approval of permission required in terms of a condition of approval	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.126	15(2)(m)	Approval for determination of a zoning	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.127	15(2)(p)	Application for disestablishment of an owner's association	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.128	15(2)(q)	Application to rectify a failure by a homeowner's association	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.129	17	Put processes and procedures in place regarding the rezoning of land	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.130	20(4)	Determining conditions relating to engineering services for an approval of a subdivision.	Municipal Manager	Director: Economic Development and Planning	Manager: Civil Engineering Manager: Deputy Director Electrical Services & Technical	In consultation with

Commented [GA35]: Amendment

					Town Planning & Building Control	Services
PLAN.131	20(6)	Issuing a certificate to confirm compliance with conditions imposed	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	In consultation with Finance and Technical
PLAN.132	21(3)	Written confirmation to the applicant or any other person of compliance with requirements of section 21(1)(a)(d) for subdivision	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.133	21(4)	Approval for erection of buildings or structures on subdivided land	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.134	22(3)(a)(i)	Amendment of zoning map and register where subdivision lapses	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.135	22(3)(a)(ii)	Notification of Surveyor General of amendment of zoning map	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.136	23(3)	Put processes and procedures in place regarding the amendment or cancelation of subdivision plan	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.137	24(1), (2) & (3)	Exemption of certain subdivisions and consolidations	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.138	26(1)	Approval for closure of public places	Authorized Official	None	None	Category B
PLAN.139	26(1)	Approval for closure of public places	Municipal Planning Tribunal	None	None	Category A
PLAN.140	26(7)	Put processes and procedures in place for the closure of public places	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	

Commented [GA34]: Amendment

PLAN.141	28(3)	Issuing of a certificate to transfer a land unit	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.142	29(1)	Put processes and procedures in place for establishment of an owners' association	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.143	29(3)	Approval of the constitution of an owner's association before transfer of land units	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	In consultation with Legal Services
PLAN.144	29(6)	Approval of an amendment of the constitution of an owner's association	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	In consultation with Legal Services and Manager: Town Planning and Building Control
PLAN.145	30(1)(a)	Application for disestablishment of an owner's association	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.146	30(1)(c)	Application to High Court for appointment of an administrator to exercise the powers of owner's association	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.147	30(3)	Decision to recover costs from owner's association in case of disestablishment	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.148	31(1)	Approval of application for consolidation of land units	Municipal Manager	Manager: Town Planning and Building Control		Category B
PLAN.149	31(1)	Approval of application for consolidation of land units	Municipal Planning Tribunal	Director: Economic Development and Planning	Manager: Town Planning and Building Control	Category A
PLAN.150	31(3)	Amendment of zoning map and register in case of consolidation	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.151	32(2)(a)(i)	Amendment of zoning map and register where consolidation lapses	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.152	32(2)(a)(ii)	Notification of Surveyor General of amendment of zoning map	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.153	33(1)	Removal, suspension or amendment of restrictive title conditions	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	Category B
PLAN.154	33(1)	Removal, suspension or amendment of restrictive title conditions	Municipal Planning Tribunal	Director: Economic Development and Planning	Manager: Town Planning and Building Control	Category A
PLAN.155	33(3)	Publication of notice of application to remove, suspend or amend restrictive conditions	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.156	33(7)	Publication of notice in the Provincial Gazette after decision in terms of section 33(1) has come into operation	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.157	35	Determining method of serving of notices and notifications in respect of applications and appeals	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.158	37	Put processes and procedures in place regarding pre-application consultations	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.159	37(2)	Determining guidelines for pre-application consultation	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.160	37(3)	Keeping of minutes of pre-application consultation	Municipal Manager	Director: Economic Development and Planning	Town Planner	
PLAN.161	40	Refusal of applications Refuse to consider applications	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	

Commented [GA36]: Amendment

PLAN.162	41(1)	Recording of receipt of application	Municipal Manager	Director: Economic Development and Planning	Administrator	
PLAN.163	41(1)(c)	Notification of applicant whether application is complete or not	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.164	41(4)	Notification of applicant where application is refused	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.165	41(7)	Publication of notice of application	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.166	42(1)	Notification of application of additional information required to process application	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.167	42(4)	Notification of applicant whether additional information furnished is adequate and that application process commences	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.168	44(1)	Decision to follow public notice procedures in terms of other legislation if requested by applicant	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.169	44(2)	Entering into agreement with other organs of state in public notice procedure in terms of section 44(1) is followed	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	In consultation with Legal Services
PLAN.170	45(5)	Publication of notice of municipality's intention to conduct development or an activity listed in paragraphs (a) to (h) of section 45(1)	Municipal Manager	Director: Economic Development and Planning	Town Planner	
PLAN.171	46	Put processes and procedures in place for the serving of notices	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.172	48	Put processes and procedures in place regarding other methods of notice	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.173	51(1)	Notification of other organs of state that may have interest in any application	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	

PLAN.174	52(2)	Notification of affected parties in case of amendment of an application	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.175	53	Notification of affected parties if more than 18 months have lapsed since first public notice	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.176	55(1)	Furnishing applicant with copies of all documentation and comments after closing date for comments	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.177	55(5)	Request additional information or documents following public participation	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.178	56(1)	Written assessments of applications and comments to decision maker	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	Assessments to Municipal Planning Tribunal (MPT) to be signed off by Principal Town Planner
PLAN.179	59	Put processes and procedures in place to conduct routine inspection	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.180	61(1)	Notification of application and any person whose rights are affected by a decision and the right to appeal	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.181	63(1)	Correction of error in wording of a decision	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	If the correction does not change the decision or result in an alteration, suspension or deletion of a condition of approval.
PLAN.182	64	Exemption of developments from the provision of the By-law	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.183	66(3)	Entering into agreement with owner of land where conditions relating to engineering services are imposed	Municipal Manager	Director: Technical Services	Deputy Director: Technical Services & Deputy Director: Electrical ?	
PLAN.184	67(1)	Approval of applications for extension of period of validity of approval	Municipal Manager	Director: Economic Development and Planning		

PLAN.185	70	Put processes and procedures in place for the establishment of a tribunal	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.186	72(1)(a)	Invitation to officials of National and provincial departments to serve on tribunal	Municipal Manager	Director: Economic	Manager: Town Planning and Building Control	
				Development and Planning		
PLAN.187	72(1)(b)	Invitation to interested parties to serve on tribunal	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.188	72(7)	Convening of evaluation panel to evaluate nominations	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.189	72(11)(a)	Notification of members of appointment on Tribunal	Municipal Manager	Manager: Town Planning and Building Control		
PLAN.190	72(11)(b)	Obtain written confirmation from the Council that the Council is satisfied that the Tribunal is in a position to commence its operations	Municipal Manager	Manager: Town Planning and Building Control		
PLAN.191	72(11)(c)	After receipt of the confirmation referred to in paragraph 72(11)(a), publish a notice in the Provincial Gazette of the detail of appointed members	Municipal Manager	Manager: Town Planning and Building Control		
PLAN.192	77	Put processes and procedures in place for the administration of the tribunal	Municipal Manager	Director: Corporate Services	Manager: Corporate Services	
PLAN.193	79(1)	Consideration of appeals as appeal lodged	Council	Executive Mayor		
PLAN.194	80(8)	Notification of application of appeal lodged	Municipal Manager	Manager: Town Planning and Building Control		
PLAN.195	80(11)	Request comment from Provincial Minister on appeal	Municipal Manager	Manager: Town Planning and Building Control		

PLAN.196	80(12)	Written assessment of appeal and report to Municipal Manager	Municipal Manager	Manager: Town Planning and Building Control	Town Planner	
PLAN.197	80(14)	Liaison with Appeal Authority	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.198		(a) Liaise with the Appeal Authority and the parties concerned regarding any appeal lodged with the Appeal Authority	Municipal Manager	Director Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.199	82(4)	Entering into agreement with applicant for the provision of engineering services	Municipal Manager	Director: Technical Services	Deputy Director: Technical Services	
PLAN.200	83(6)	Put processes and procedures in place regarding the payment of development charges and other contributions	Municipal Manager	Director: Technical Services	Deputy Director: Technical Services	
PLAN.201	84(2)	Determination extent of land required for open spaces in development	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.202	85	Put processes and procedures in place regarding the enforcement of the By-law	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.203	87(1)	Serving of compliance notices	Municipal Manager	Director: Economic Development and Planning	Law Enforcement	
PLAN.204	89(2)	Consideration of objections to compliance notices	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.205	90(b)	Application to high court for order in case of non-compliance	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	

PLAN.206	91(1)	Issue of certificate of compliance	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.207	97	Application to court for appropriate interdict or order	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.208	98(1)	Approval of street names	Council	Mayoral Committee	Street Name Committee	
PLAN.209	98(1)	Allocation of street numbers	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	
PLAN.210	98(4)	Notification of Surveyor General of new street numbers as result of amended plans	Municipal Manager	Director: Economic Development and Planning	Manager: Town Planning and Building Control	

DELEGATION REGISTER

WORKSHOP 2025

GENERAL PRINCIPLES ON DELEGATIONS

1 POWERS AND RESPONSIBILITIES OF THE MUNICIPALITY

2 THE EXECUTIVE AND LEGISLATIVE AUTHORITY OF THE MUNICIPALITY VEST IN THE COUNCIL. THE COUNCIL TAKES ALL THE DECISIONS OF THE MUNICIPALITY EXCEPT-

- (i) DECISIONS ON THOSE MATTERS THAT HAVE BEEN DELEGATED;
- (ii) DECISIONS ON THOSE MATTERS THAT HAVE BY LAW BEEN ASSIGNED TO A POLITICAL STRUCTURE, POLITICAL OFFICE BEARER OR EMPLOYEE OF THE COUNCIL;

3 A MUNICIPALITY, AS PROVIDED FOR IN SECTION 11 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000, EXERCISES ITS LEGISLATIVE OR EXECUTIVE AUTHORITY.



NEED FOR DELEGATIONS

IN TERMS OF SECTION 59(1) OF THE LOCAL GOVERNMENT:
MUNICIPAL SYSTEMS ACT, 32 OF 2000 A MUNICIPAL COUNCIL
MUST DEVELOP A SYSTEM OF DELEGATION THAT WILL MAXIMISE
ADMINISTRATIVE AND OPERATIONAL EFFICIENCY AND PROVIDE
FOR ADEQUATE CHECKS AND BALANCES.

OBJECTIVES OF DELEGATIONS

THE OBJECTIVES OF THIS SYSTEM OF DELEGATION OF POWERS OF THE COUNCIL ARE:

- (I) TO ENSURE MAXIMUM ADMINISTRATIVE AND OPERATIONAL EFFICIENCY;
 - (II) TO PROVIDE FOR ADEQUATE CHECKS AND BALANCES;
 - (III) TO DELEGATE DECISION-MAKING TO THE MOST EFFECTIVE LEVEL WITHIN THE ADMINISTRATION
 - (IV) TO INVOLVE EMPLOYEES IN MANAGEMENT DECISIONS AS FAR AS PRACTICABLE;
 - (V) TO PROMOTE A SENSE OF COLLECTIVE RESPONSIBILITY FOR PERFORMANCE;
 - (VI) TO ASSIGN CLEAR DUTIES FOR THE MANAGEMENT AND CO-ORDINATION OF ADMINISTRATIVE UNITS, SYSTEMS AND MECHANISMS;
 - (VII) TO DEFINE IN PRECISE TERMS THE DUTIES OF EACH POLITICAL STRUCTURE AND POLITICAL OFFICE BEARER;
- (i) TO DETERMINE THE RELATIONSHIPS AMONGST THE POLITICAL STRUCTURES, POLITICAL OFFICE BEARERS AND THE ADMINISTRATION, AND THE APPROPRIATE LINES OF ACCOUNTABILITY AND REPORTING FOR EACH OF THEM.



MUNICIPAL COUNCIL'S POWER TO REVIEW DECISIONS




11. THE MUNICIPAL COUNCIL MAY IN ACCORDANCE WITH PROCEDURES IN ITS RULES AND ORDERS, OR AT THE REQUEST IN WRITING OF AT LEAST ONE QUARTER OF THE COUNCILLORS, MUST **REVIEW** ANY DECISION TAKEN BY SUCH A POLITICAL STRUCTURE POLITICAL OFFICE BEARER, COUNCILLOR OR STAFF MEMBER IN CONSEQUENCE OF A DELEGATION OR INSTRUCTION, AND EITHER CONFIRM, VARY OR REVOKE THE DECISION SUBJECT TO ANY RIGHTS THAT MAY HAVE ACCRUED TO A PERSON.

12. THE MUNICIPAL COUNCIL MAY REQUIRE ITS EXECUTIVE COMMITTEE OR EXECUTIVE MAYOR TO **REVIEW** ANY DECISION TAKEN BY SUCH A POLITICAL STRUCTURE, POLITICAL OFFICE BEARER, COUNCILLOR OR STAFF MEMBER IN CONSEQUENCE OF A DELEGATION OR INSTRUCTION.

REVIEW OF DELEGATIONS

WHENEVER IT BECOMES NECESSARY TO REVIEW A MUNICIPALITY'S DELEGATIONS, THE MUNICIPAL MANAGER MUST SUBMIT TO THE COUNCIL-

- (i) A REPORT ON THE EXISTING DELEGATIONS ISSUED IN TERMS OF SECTION 59 BY THE COUNCIL AND OTHER DELEGATING AUTHORITIES OF THE MUNICIPALITY; AND
- (ii) RECOMMENDATIONS ON ANY CHANGES TO THE EXISTING DELEGATIONS WHICH THE MUNICIPAL MANAGER MAY CONSIDER NECESSARY.
- (iii) IF THE MUNICIPALITY HAS AN EXECUTIVE COMMITTEE OR EXECUTIVE MAYOR, THE MUNICIPAL MANAGER MUST SUBMIT THE REPORT AND ANY RECOMMENDATIONS TO THE MUNICIPAL COUNCIL THROUGH THE EXECUTIVE COMMITTEE OR EXECUTIVE MAYOR.



17. SUB- DELEGATION

IT IS NOT PERMISSIBLE IN TERMS OF THE LAW FOR A PERSON WHO HAS BEEN GIVEN A “SUB-DELEGATION” TO SUB-DELEGATE SUCH POWER, DUTY OR FUNCTION.

AMENDMENTS

COUNCIL TO NOTE:

AMENDMENT: SECTION 35(2) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT NO 16 OF 2013) [\[PAGE 78\]](#)

ADDITION: MM.012 [\[PAGE 125\]](#)

ADDITION TO DELEGATED POWER: “TO **CONSIDER AND** REJECT ANY CLAIM FOR COMPENSATION BY ANY PERSON OR BODY AGAINST COUNCIL AS A RESULT OF ANY ACTION OR FAILURE TO ACT BY COUNCIL OR ANY OF ITS EMPLOYEES **ADDITION**”

ADDITION: MM.039 [\[PAGE 127\]](#)

ADDITION TO DELEGATED POWER: “TO CO-ORDINATE, AND ADMINISTER RELATIONS WITH THE MEDIA **IN RESPECT OF THE APPLICABLE POLICIES**”

ADDITION: MM.042 [\[PAGE 127\]](#)

ADDITION TO ADDITION : “**IN CONSULTATION WITH THE COMMUNICATIONS OFFICER**”

AMENDMENTS

COUNCIL TO NOTE:

ADDITION: MM.047 [PAGE 128]

ADDITION TO DELEGATED POWER: “THE APPROVAL OF PRIVATE WORK OF EMPLOYEES **IN LINE WITH THE APPLICABLE HUMAN RESOURCES POLICIES**” **ADDITION**

ADDITION: MM.054 [PAGE 129]

ADDITION TO DELEGATED POWER: “THE INSTITUTION OF CRIMINAL PROCEEDINGS AGAINST OFFICIALS WHO DO NOT RETURN COUNCIL PROPERTY WHICH ARE IN THEIR POSSESSION WHEN THEY TERMINATE THEIR SERVICES **IN LINE WITH THE CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS**”

ADDITION: MM.068 [PAGE 131]

ADDITION TO DELEGATED POWER: “TO GRANT SPECIAL LEAVE TO EMPLOYEES WHO ARE SPORTSMEN AND WOMEN, COACHES AND REFEREES/UMPIRES, FOR THE PURPOSE OF PARTICIPATION IN SPORTS EVENTS AND TOURNAMENTS AT PROVINCIAL AND NATIONAL LEVEL **IN LINE WITH THE APPLICABLE HUMAN RESOURCES POLICIES**”

AMENDMENTS

COUNCIL TO NOTE:

ADDITION: MM.085 [PAGE 133]

ADDITION TO DELEGATED POWER: “TO AUTHORIZE THE CONTENT AND PLACING OF STAFF ADVERTISEMENTS IN THE PRESS **IN LINE WITH COUNCIL POLICY**”

DELEGATED BODY CHANGED FROM DIRECTOR TECHNICAL SERVICES & INFRASTRUCTURE → DIRECTOR ECONOMIC DEVELOPMENT & PLANNING

CORRECTION: COR.001 [PAGE 137]

DELEGATED BODY CHANGED FROM MANAGER: HUMAN RESOURCES → SENIOR MANAGER: HUMAN RESOURCES

CORRECTION: COR.002 [PAGE 137]

DELEGATED POWER MOVED TO COMMUNITY SERVICES SECTION [COR.002 → COMM.095]

ADDITION: COR.003 [PAGE 137]

ADDITION TO CONDITION: “IN CONSULTATION WITH THE RELEVANT TOWN MANAGERS”

AMENDMENTS

COUNCIL TO NOTE:

CORRECTION: COR.004 [[PAGE 138](#)]

DELEGATED BODY CHANGED FROM MANAGER: HUMAN RESOURCES → SENIOR MANAGER: HUMAN RESOURCES

ADDITION: COR.004 [[PAGE 138](#)]

ADDITION TO CONDITION: “IN CONSULTATION WITH THE RELEVANT TOWN MANAGERS”

DUPLICATION: COR.008 [[PAGE 138](#)]

REMOVED DUPLICATION OF COR.002

CORRECTION: COR.009 [[PAGE 138](#)]

DELEGATED BODY CHANGED FROM MANAGER: HUMAN RESOURCES → SENIOR MANAGER: HUMAN RESOURCES

AMENDMENTS

COUNCIL TO NOTE:

CORRECTION: COR.010 [\[PAGE 139\]](#)

DELEGATED BODY CHANGED FROM MANAGER: HUMAN RESOURCES → SENIOR MANAGER: HUMAN RESOURCES

CORRECTION: COR.012 [\[PAGE 139\]](#)

DELEGATED BODY CHANGED FROM MANAGER: HUMAN RESOURCES → SENIOR MANAGER: HUMAN RESOURCES

ADDITION: COR.012 [\[PAGE 139\]](#)

ADDITION TO CONDITION: “THE RELEVANT LINE MANAGERS AND...”

ADDITION: COR.013 [\[PAGE 139\]](#)

ADDITION OF THE WORDING “SDF” IN RESPECT OF THE DELEGATED POWER

CORRECTION: COR.013 [\[PAGE 139\]](#)

DELEGATED BODY CHANGED FROM MANAGER: HUMAN RESOURCES → SENIOR MANAGER: HUMAN RESOURCES

AMENDMENTS

COUNCIL TO NOTE:

AMENDMENT: COR.014 [PAGE 139]

DELEGATED POWER AMENDED

CORRECTION: COR.014 [PAGE 139]

DELEGATED BODY CHANGED FROM MANAGER: HUMAN RESOURCES → SENIOR MANAGER:
HUMAN RESOURCES

ADDITION: COMM.095 [PAGE 156]

DELEGATED POWER MOVED FROM CORPORATE SERVICES [COR.002 → COMM.095]

CORRECTION: TECH.002 [PAGE 157]

CORRECTION OF CONDITION: “IN CONSULTATION WITH MANAGER: TOWN PLANNING AND
BUILDING CONTROL”

AMENDMENTS

COUNCIL TO NOTE:

AMENDMENT: EDP.028 [\[PAGE 173\]](#)

AMENDMENT TO CONDITION: “IN CONSULTATION WITH DIRECTOR TECHNICAL & INFRASTRUCTURE IMPLEMENTATION SERVICES; DEPUTY DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING; AND LEGAL SERVICES

CORRECTION: EDP.029 [\[PAGE 174\]](#)

CORRECTION OF CONDITION: “IN CONSULTATION WITH DIRECTOR: TECHNICAL & INFRASTRUCTURE IMPLEMENTATION SERVICES”

DUPLICATION: EDP.032 [\[PAGE 174\]](#)

REMOVED DUPLICATION OF EDP.027

ADDITION: EDP.032 [\[PAGE 174\]](#)

ADDITION TO: “SECTION 7” OF THE NATIONAL BUILDING REGULATION AND BUILDING STANDARDS ACT

AMENDMENTS

COUNCIL TO NOTE:

CORRECTION: EDP.067 [[PAGE 180](#)]

DELEGATED POWERS CHANGED FROM SECTION 11(2) → SECTION 12:” TO ORDER A BUILDING TO BE DEMOLISHED”

CORRECTION: EDP.068 [[PAGE 181](#)]

DELEGATED POWERS CHANGED FROM SECTION 11(4) → SECTION 12(4)

ADDITION: EDP.071 [[PAGE 181](#)]

ADDITIONAL DELEGATIONS

ADDITION: EDP.072 [[PAGE 181](#)]

ADDITIONAL DELEGATIONS

AMENDMENTS

COUNCIL TO NOTE:

CORRECTION: PLAN.017 [\[PAGE 214\]](#)

DELEGATED BODY CHANGED FROM MUNICIPAL MANAGER → DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING

SUB-DELEGATED BODY CHANGED FROM DEPUTY DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING → MANAGER: TOWN PLANNING AND BUILDING CONTROL

AMENDMENT: PLAN.130 [\[PAGE 232\]](#)

DELEGATED BODY AMENDED FROM MANAGER CIVIL ENGINEERING → MANAGER: TOWN PLANNING AND BUILDING CONTROL

AMENDMENT TO CONDITION: “IN CONSULTATION WITH ELECTRICAL SERVICES & TECHNICAL SERVICES”

AMENDMENT: PLAN.161 [\[PAGE 235\]](#)

DELEGATED POWER CHANGED FROM REFUSAL OF APPLICATIONS → REFUSE TO CONSIDER APPLICATIONS

The background is a light gray gradient. It is decorated with numerous realistic water droplets of various sizes, some with highlights and shadows, scattered across the frame. In the upper center, there is a faint, circular, embossed-style logo that appears to be a seal or crest.

THE END