

# SIYATHEMBA MUNICIPALITY

## MANUAL OF FUNCTIONS AND INDEX OF RECORDS HELD

Compiled in terms of the provisions of the

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

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**MANUAL ON FUNCTIONS OF AND INDEX OF  
RECORDS HELD BY THE  
SIYATHEMBA MUNICIPALITY**

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## 1. INTRODUCTION

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

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

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

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

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

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

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

The purpose of this manual is to gain a better understanding of the municipality's functions, the services it renders and to explain in easily comprehensible form how to go about to access information held by the municipality. If the reader still requires further information on how to exercise his or her rights, the deputy information officers will gladly assist.

This manual is from any of the information officers mentioned herein, and may also be inspected at any of our municipal officers and on our website, [www.siyathemba.gov.za](http://www.siyathemba.gov.za)

**I.W.J Stadhauer**  
Information Officer

## 2. DESCRIPTION OF STRUCTURE AND FUNCTIONS

### A. STRUCTURE

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

#### 1. POLITICAL STRUCTURE

##### 1.1 Council

The council is the supreme structure of the municipality and consists of 9 (nine) members, i.e. 5 (FIVE ) representing wards and 4 ( four ) proportional members, elected during August 2016

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

The council meets quarterly in the Council Chambers.Stewart Street in Prieska. Meetings start at 10:00. For more information about the dates on which council meetings take place, please contact any municipal office.

##### 1.2 Committees

The council has established committees to assist it in the effective and efficient performance of its functions and exercise of its powers. Each committee has a specific functional area and are named as follows:-

###### **Technical Services (Civil and Electrical)**

(i) Electricity, radio communication , water, sewerage, roads, streets and stormwater, parks, caravan parks,, building control, cemeteries and crematoria, planning: civil services, sanitation (refuse removal, public toilets, etc.), sport and recreation (sports facilities, etc.) (ii) Landfill Sites

###### **Development and Protections Services**

(i) Social services and welfare (eg. indigent relief), housing (needs assessment), community development and capacity,, occupational health and safety, town planning and land use control, spatial development planning, valuations (ii) Housing Committee  
(iii) Fire and protection services (disaster management, neighbourhood watch, etc.), law enforcement, informal trade, traffic services, taxis and public transport, control over animals, squatter control

###### **Administration and Finance**

(i) Administration, records management, housing administration (eg. allocation of letting stock), legal services, trade and commerce, local economic development, outsourcing, privatisation, property management, , publicity and information (eg. newsletters), post and telecommunication services, fleet management, asset and store management, budget, income and expenditure control, credit control/debt collection, financial services, insurance, nature conservation, tourism (museums and monuments), libraries, halls

The committees meet as and when needed. For more information please contact any municipal office.

### **1.3 Speaker**

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

## **2. ADMINISTRATIVE STRUCTURE**

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

### **2.1 Municipal Manager**

Transformation / Audit / Integrated Development Planning / Performance Management /

### **2.2 Manager: Corporate Services**

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

### **2.3 Manager: Financial Services**

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

### **2.4 Manager: Technical Services**

Civil Services, i.e. sewerage, water, streets and stormwater, parks, amenities and street sweeping, cleansing services Building Control Services

## **B. FUNCTIONS**

The functions of the municipality are related to its powers. The municipality derives its powers from the RSA Constitution. The powers of municipalities in the non-metropolitan areas are divided between local and district municipalities. The **Local Government: Municipal Structures Act** ('structures act') regulates the division of powers between these two municipalities.

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

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

The municipality has the following powers:

**1. In terms of section 84 of the structures act**

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

**2. Balance of powers in terms of Part B of Schedule 4 of the constitution**

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

**3. Balance of powers in terms of Part B of Schedule 5 of the constitution**

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

**4. Powers assigned by or as agent of other spheres of government**

Ambulance services  
Libraries  
Museums  
Sport  
Disaster management  
Housing  
Vehicle and driver's licensing  
Welfare services

**5. Fiscal powers in terms of the constitution**

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

**6. Powers related to Legal Personality**

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

**7. Civic Powers**

Entering into twinning agreements with towns abroad  
Granting of civic honours

### 3. CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

#### 1. INFORMATION OFFICER

Name: Mr I W J Stadhouer  
Designation: Municipal Manager Address: Victoria Street /Private Bag 16 Prieska 8940  
Telephone no.: (053) 353 5300  
Faxno.: (053) 353 1386  
E-mail: mm@siyathemba.gov.za

#### 2. DEPUTY INFORMATION OFFICER

Name: Mr. JJ Badenhorst  
Designation: Manager: Corporate Services  
Address: Victoria Street / Private Bag 16 Prieska 8940  
Telephone no.: (053) 353 5312  
Fax no.: (053) 353 1386  
E-mail: johannb@siyathemba.gov.za

#### 3. DEPUTY INFORMATION OFFICER

Name: Mr. H Meiring  
Designation: Manager: Financial Services  
Address: Victoria Street / Private Bag 16 Prieska 8940  
Telephone no.: (053) 353 5302  
Fax no.: (053) 353 1386  
E-mail: howard@siyathemba.gov.za

#### 4. DEPUTY INFORMATION OFFICER

Name: Mr. J Basson  
Designation: Manager: Technical Services  
Address: Victoria Street / Private Bag 16 Prieska 8940  
Telephone no.: (053) 353 5304  
Fax no.: (053) 353 1386  
E-mail: [jakob@siyathemba.gov.za](mailto:jakob@siyathemba.gov.za)

#### 5. DEPUTY INFORMATION OFFICER

Name: Mr. David van der Westhuizen  
Designation: Accountant  
Address: Victoria Street / Private Bag 16 Prieska 8940  
Telephone no.: (053) 353 1386  
Fax no.: (053) 353 1386  
E-mail: [david@siyathemba.gov.za](mailto:david@siyathemba.gov.za)

**6. DEPUTY INFORMATION OFFICER**

Name: Ms. H Morobisi  
Designation: PA to the Municipal Manager  
Address: Victoria Street / Private Bag 16  
Prieska 8940  
Telephone no.: (053) 353 5341  
Fax no.: (053) 353 1386  
E-mail: [Hettie@siyathemba.gov.za](mailto:Hettie@siyathemba.gov.za)

#### 4. DESCRIPTION OF HUMAN RIGHTS COMMISSION'S GUIDE ON HOW TO USE THE ACT

In terms of section 10 of the Act, the Human Rights Commission must compile a guide containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide was compiled in the 11 official languages of South Africa and contains the following guidelines on:

- How to request access to information;
- What assistance should be provided by the Information Officer;
- When access to a record may be refused;
- What remedies are available if information is readily be refused.

The manual is available at:

South African Human Rights Commission  
Private Bag X2700  
HOUGHTON  
2041

Tel: (011) 484 8300

Fax: (011) 484 7146

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

#### 5. PROCEDURE TO FACILITATE A REQUEST FOR ACCESS TO A RECORD AND SUBJECTS AND CATEGORIES OF SUBJECTS OF RECORDS HELD BY THE MUNICIPALITY

##### PART A: PROCEDURE TO REQUEST ACCESS TO A RECORD

In this part a **person** who requests access to a **record** of the municipality is informed of:-

- (i) The subjects of records that are kept by the municipality;
- (ii) How to request access to a record; and
- (iii) Where to request access to a record

Before we look at these aspects, it is necessary to first find out what is meant by 'person' and 'record'. The act offers the following definitions:-

**"person"** means a natural person or a juristic person

**"record"** of or in relation to a public or private body, means any recorded information—

- (a) regardless of form or medium;
- (b) in the possession or under the control of that public or private body, respectively; and
- (c) whether or not it was created by that public or private body, respectively.

By definition a partnership is not a person and may therefore not be given access to information. A record must exist; a requester has no right to request the creation of a record.

The act also gives prominence to what is called a 'personal requester'. A personal requester for instance enjoys certain privileges with regard to the payment of fees. The act gives the following definition:-

**"personal requester"** means a requester seeking access to a record containing personal information about the requester;

“**personal information**” means information about an identifiable individual, including, but not limited to—

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;
- (b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (c) any identifying number, symbol or other particular assigned to the individual;
- (d) the address, fingerprints or blood type of the individual;
- (e) the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;
- (f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the individual;
- (h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and
- (i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual, but excludes information about an individual who has been dead for more than 20 years.

## 1. THE SUBJECTS OF RECORDS THAT ARE KEPT BY THE MUNICIPALITY

A list of subjects and categories of subjects is inserted under part B, hereunder.

## 2. HOW TO REQUEST ACCESS TO A RECORD

The act provides for two methods to request access to records, i.e. the **formal process** which requires an application on a prescribed form and an **informal process**, only for identified records which are made voluntary available. Both these methods are discussed hereunder.

### 2.1 Formal process

An application form is prescribed by regulation and available at all offices of the municipality. A requester may lodge his/her application with any of the deputy information officers and at the localities or addresses specified elsewhere in this manual. The deputy information officers will render reasonable assistance in completing the application form and explaining the process.

### 2.2 Informal process

Access to specified records can be attained by also lodging a request with the deputy information officer. This process does not require a consideration of the request. Access is allowed provided the requester pays the prescribed fee to produce the record in a required form. No fee is payable to merely view the record. This procedure is described in more detail in **Chapter 7** of this manual. The records that are automatically available and will be voluntarily disclosed are listed in **Chapter 6**.

## 3. WHERE TO REQUEST ACCESS TO A RECORD

Deputy information officers have been appointed to render the municipality as accessible as reasonably possible for requesters of its records. A list of the names of the deputy information officers and where to contact them is reflected in **Chapter 3**.

## **PART B: SUBJECTS AND CATEGORIES OF SUBJECTS**

In this part subjects of records held by the municipality are first recorded. The various categories of records in respect of each subject follow thereafter.

### **1. SUBJECTS**

1. Legislation
2. Organisation and Control
3. Own Council, Committees of Council and matters regarding Councillors
4. Personnel
5. Financial matters
6. Domestic Stock and Services
7. Reports, Returns and Statistics
8. Quotations, Tenders and Contracts
9. Advertisements and Information
10. Feasts and Social Matters
11. Composition and Meetings of bodies and other assemblies
12. Buildings and Grounds
13. Legal matters
14. Licences, Permits and Approvals
15. Town Planning and Control
16. Essential Services
17. Community Services

### **2. CATEGORIES OF SUBJECTS**

#### **2.1 Legislation**

Parliamentary legislation and regulations  
Provincial legislation  
Municipal by-laws

#### **2.2 Organisation and control**

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

#### **2.3 Own Council, Committees of Council and matters regarding Councillors**

Office bearers  
Code of Conduct  
Training  
Trade with councillors  
Actions against councillors  
Resignations/vacancies  
Pension fund and medical aid fund for councillors

Political structures  
Representation on outside bodies  
Meeting procedures and rules

## **2.4 Personnel**

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

## **2.5 Financial**

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

## **2.6 Domestic Stock and Services**

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

## **2.7 Reports, Returns and Statistics**

Quarterly, monthly and annual returns

Returns of departments  
Statistics

## **2.8 Quotations, Tenders and Contracts**

Preferential procurement policy  
Annual tenders  
Quotations  
Tenders  
Contracts

## **2.9 Advertisement and information**

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

## **2.10 Feasts and Social Matters**

Official speeches  
Protocol, address and birthday lists  
Particulars regarding participation in feasts  
Own receptions and social gatherings  
Letters of thanks, condolence and congratulation  
Friendly visits and agreements

## **2.11 Composition and Meetings of bodies and other meetings**

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

## **2.12 Buildings and Grounds**

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

## **2.13 Legal matters**

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

## **2.14 Licences, Permits and Approvals**

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

## **2.15 Town Planning and Control**

Particulars regarding municipal boundaries  
Spatial development planning  
Establishment of formal and informal townships  
Land use control

(rezonings, subdivisions, departures, closure of open spaces and streets, servitudes, sectional titles, approvals and land restructuring)

Building control matters

(building plans approved, temporary buildings/structures, advertising, signs, demolitions)

## **2.16 Essential Services**

Water

(procurement and distribution, provision and maintenance of dams, reservoirs, pressure towers, pump stations, main lines and distribution network, management measures) Electricity

(restructuring, purchase and procurement, planning, construction and upgrading of network, applications for connections, management and maintenance of supply network, installation, management and maintenance of sub stations, transmission infrastructure and street lighting)

Sewerage

(permits for provision and management of sewerage works, planning, construction and upgrading of sewerage works, maintenance, analysis and utilisation of effluent, planning, construction, upgrading and maintenance of pump stations and network, servitudes and wayleaves) Sanitation

(provision, maintenance and management of dumps and transfer stations, closure and rehabilitation of dumps, refuse removal, cleanup campaigns, recycling)

Roads, streets and parking areas

(construction programmes, proclamation and deproclamation, planning and comments in regard to main roads, construction, maintenance and safeguarding of road surfaces, storm water drainage, sidewalks and parking areas, naming of streets and street name signs, numbering of houses) Cemeteries and crematoria (provision and maintenance, particulars regarding reburials, erection and maintenance of tombstones, pauper burials)

## **2.17 Community Services**

Community development (projects, needs analysis and socio-economic surveys)

Social Services

Housing (provision and maintenance, waiting lists, allocation policy, self-building schemes, low cost housing) Protection services

(civil protection services, emergency and contingency planning, co-operation with other bodies fire brigade services, provision of services, protection measures, hydrants and fire fighting equipment)

Traffic control (road safety measures, traffic volume assessments, speed traps, direction signs, traffic signs and traffic lights, vehicle control, vehicle testing, issue of drivers` licences)

Public transport (determination of routes, stops and loading zones for busses and taxis, provision, maintenance and management of termini)

Library services (procurement of library material, particulars regarding outstanding and lost material Public amenities and services (provision, maintenance and management of halls, swimming baths, picnic places and camping sites, applications for the use of amenities)

Parks, gardens, open spaces and playgrounds (provision and maintenance, applications for use)

Harbour and coastal control (harbour facilities and fish market, pollution control measures, applications for use)

Nature conservation (provision and maintenance of reserves and footpaths)

Trade and commerce (promotion of local commerce, relations with local business sector, provision, management and maintenance of core industries and informal trade zones)

Museums, monuments and memorials: provision, maintenance and management

Post and telecommunication services (communications in regard to the provision of post offices and postal services, erection of overhead facilities and laying of cables and piping)

Control of animals

(provision, maintenance and management of pounds, impoundment and disposal of animals, relations with animal welfare organisations, aid to animal welfare organisations, aid to public bodies and organisations) Elections

(communications in regard to delimitation of wards and polling districts and special arrangements during elections)

## **6. CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE**

### **1. BUSINESS DETAILS**

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

### **2. AGENDAS AND MINUTES**

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

### **3. COUNCILLORS**

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

Information regarding each councillor's

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

### **4. STRUCTURES**

(Including council, executive committee, and other committees)

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

### **5. MUNICIPAL LEGISLATION, BY-LAWS AND POLICIES**

All documents in this regard

### **6. DELEGATIONS**

Delegations to-

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

### **7. AUTHORITY GRANTED TO POLITICAL OFFICE BEARERS, COUNCILLORS AND MEMBERS OF STAFF**

Authority granted to-

- conclude contracts
- sign legal documents, cheques, etc.

### **8. DECISIONS BY INDIVIDUALS**

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

**9. BUDGET**

Documents relating to-

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

**10. FINANCIAL RECORDS**

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

**11. REGISTERS**

Registers regarding-

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

**12. TARIFFS, FEES, SURCHARGES, ETC.**

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

**13. PERSONAL INFORMATION OF MEMBERS OF STAFF**

Personal information of members of staff in terms of section 34(2)(f) of the act relating to-

- the fact that the individual is or was an official
- title, work address, work phone number, e-mail address of an official
- post level, salary scale and allowances of an official
- responsibilities of position held

**14. STATISTICS**

(Excluding personal details of individuals)

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

**15. PERSONAL INFORMATION OF PERSONAL REQUESTER**

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

**16. RESEARCH**

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

**17. PUBLICATIONS**

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

**18. HOUSING**

Records containing

- details of housing waiting list
- houses and land available for housing

**19. TENDERS**

Tenders and proposal calls after public opening (excluding evaluations and recommendations to the executive mayor or council)

**20. SERVICE PROVIDERS**

Details of providers of services to the municipality

**21. PLANNING**

- zoning and structure plans
- individual zonings and conditions
- register of approved departures and consent uses

**22. LAND**

- single records only of owners of land

**23. ORGANISATIONAL STRUCTURE**

- organograms
- staff structure

**7. DESCRIPTION OF HOW TO OBTAIN ACCESS TO A RECORD WHICH THE MUNICIPALITY HAS MADE AUTOMATICALLY AVAILABLE**

The municipality, in terms of section 15(1) of the Promotion of Access to Information Act, 2000, has published a list of categories of records that will be made available to requesters of information, without formal application having to be made in terms of the Act. This list is included in the manual as **Chapter 6**.

Deputy information officers, who are trained and authorised to furnish the information that is included in the list, are situated at the following offices of the municipality:

**DEPUTY INFORMATION OFFICER**

Name:	Mr. JJ Badenhorst
Designation:	Manager: Corporate Services
Address:	Victoria Street / Private Bag 16 Prieska 8940
Telephone no.:	(053) 353 5312
Fax no.:	(053) 353 1386
E-mail:	johannb@siyathemba.gov.za

**3. DEPUTY INFORMATION OFFICER**

Name: Mr. H Meiring  
Designation: Manager: Financial Services  
Address: Victoria Street / Private Bag 16  
Prieska 8940  
Telephone no.: (053) 353 5302  
Fax no.: (053) 353 1386  
E-mail: howard@siyathemba.gov.za

**4. DEPUTY INFORMATION OFFICER**

Name: Mr. J Basson  
Designation: Manager: Technical Services  
Address: Victoria Street / Private Bag 16  
Prieska 8940  
Telephone no.: (053) 353 5304  
Fax no.: (053) 353 1386  
E-mail: [jakob@siyathemba.gov.za](mailto:jakob@siyathemba.gov.za)

**5. DEPUTY INFORMATION OFFICER**

Name: Mr. David van der Westhuizen  
Designation: Accountant  
Address: Victoria Street / Private Bag 16  
Prieska 8940  
Telephone no.: (053) 353 1386  
Fax no.: (053) 353 1386  
E-mail: [david@siyathemba.gov.za](mailto:david@siyathemba.gov.za)

**6. DEPUTY INFORMATION OFFICER**

Name: Ms. H Morobisi  
Designation: PA to the Municipal Manager  
Address: Victoria Street / Private Bag 16  
Prieska 8940  
Telephone no.: (053) 353 5341  
Fax no.: (053) 353 1386  
E-mail: [Hettie@siyathemba.gov.za](mailto:Hettie@siyathemba.gov.za)

Application may be made to any of the above-mentioned officials for access to any information included in the list referred to above.

**Kindly note:**

1. If information is requested which does not fall under a category which appears on the list, a formal application will have to be lodged with the deputy information officer, and a request fee might be payable.
2. If the information falls under a category on the list, the deputy information officer will require you to complete a simple application form on which you will have to undertake that you are prepared to pay for reproduction fees in the case that copies of documents are required. If necessary, the deputy information officer will assist you in completing the form.
3. The reproduction fees are determined by a regulation which was issued in terms of the Act. You may request the deputy information officer to show you a copy of the regulation. No other fees are payable.

4. Some or all of the information which you requested, may not be available at the office where you submitted the request. If this is the case, there are two options, viz:
  - (a) the deputy information officer may direct you to the office where the records will be available, or, if you so prefer
  - (b) the deputy information officer will obtain copies of the records from the office where the records are kept, and make them available to you.
5. The deputy information officer will inform you if there is a delay in the making available of the records.
6. In some cases, it may not be possible to provide the information in the format requested.
7. If you still encounter problems you are welcome to contact me.

**I.W.J. STADHOUER**  
Information Officer

## **8. DESCRIPTION OF SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC**

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

### **1. CIVIL ENGINEERING SERVICES**

Sewerage: Connections, removal, blockages, emptying of tanks  
Domestic and garden refuse removal  
Waste removal, including medical and toxic waste  
Water: Provision, reticulation, connection, testing of meters  
Construction of driveways  
Trimming of trees on sidewalks  
Streets and roads: grading of gravel roads and patching of tar streets  
Parks  
Sportsfields  
Cemeteries

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

**All towns:** Prieska Office, tel (053) 353 5300  
**Niekerkshoop** Office, tel (053) 492 0518  
**Marydale Office**, tel (053) 492 0519

For specific enquiries regarding **refuse removal services** in respect of **all towns** please contact the designated office.

Dumping sites are located at Prieska, Marydale and Niekerkshoop;

## 2. ELECTRICAL SERVICES

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

Enquiries about the services, relevant costs and how to gain access to the services in respect of **Prieska** may be directed to the Manager: Technical Services during office hours at tel (053) 353 5304. After hours telephone numbers are advertised separately.

Eskom is the electricity provider in **Marydale and Niekerkshoop, as well as Bonteheuwel, Extension 15 and E'thembeni Townships in Prieska.**

## 3. COMMUNITY SERVICES

### 3.1 Community Development

Initiating and co-ordinating community development projects

Contact the LED Department at Prieska tel (053) 353 5304.

### 3.2 Housing

Facilitating, planning and coordination of housing development  
Maintaining a housing waiting list  
Dealing with complaints and enquiries

Contact the Cooperative Services Department at Prieska, tel (053) 353 5312.

## 4. PROTECTION SERVICES

### 4.1 Traffic Services

Testing: Learners and drivers' licences  
Vehicle registrations  
Roadworthiness tests  
Licence renewals  
Conversion of drivers licences  
Law enforcement: traffic

Enquiries about the services, relevant costs and how to gain access to the services may be directed to the Manager Cooperate Services, at Prieska or any of the following offices:

**Prieska: (053) 353 5312**

### 4.2 Fire Services

Fire prevention  
Fire fighting  
Fire safety

The emergency number for these services in Prieska is 082 388 7073.

## 5. AMENITIES

### 5.1 Halls

For booking of halls or enquiries phone the following numbers:

Prieska Office, tel (053) 353 5300

**Niekerkshoop** Office, tel (053) 492 0518

**Marydale Office**, tel (053) 492 0519

### 5.2 Sport facilities

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

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

## 6. LIBRARIES

Libraries may be visited at the following centres:

### **Prieska**

**Elizabeth Vermeulen** Public Library, Steward Street, Prieska

Alpha Library, Alpha Street, Prieska

### **Marydale**

Dagbreek Library

### **Niekerkshoop**

Niekerkshoop Library

## 7. TRADING

Issuing of licences for the sale of food to the public

Permits to hawk

Enquiries about the services, relevant costs and how to gain access to the services may be directed to the Manager: Cooperate Services : 053 353 5312

## 8. TOWN PLANNING AND LAND AFFAIRS

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

Sale and lease of municipal property

Approval of building plans

For specific enquiries regarding **building plans** in respect of **all towns** please contact the Prieska office, tel (053) 353 5304.

## 09. CASHIER AND ENQUIRY DESKS

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

Prieska Office, tel (053) 353 5300  
**Niekerkshoop** Office, tel (053) 492 0518  
**Marydale Office**, tel (053) 492 0519

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

Prieska Office, tel (053) 353 5300  
**Niekerkshoop** Office, tel (053) 492 0518  
**Marydale Office**, tel (053) 492 0519

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

The constitution directs local government to encourage the involvement of communities and community organisations in the matters of local government. In more direct terms the Local Government: Municipal Systems Act requires each municipality to develop a culture of community participation that complements formal representative government with a system of participatory governance.

### 1. STATUTORY OBLIGATION

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

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

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

## **2. MECHANISMS, PROCESSES AND PROCEDURES**

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

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

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

## **3. COMMUNICATION OF INFORMATION CONCERNING COMMUNITY PARTICIPATION**

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

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

## **4. COMMUNICATIONS TO LOCAL COMMUNITY**

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

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

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

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

## **10. DESCRIPTION OF REMEDIES IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE MUNICIPALITY**

### **1. INTRODUCTION**

The legislative and executive authority of the municipality is vested in the council. The nature of a remedy in respect of an act or failure to act will consequently depend on whether the act may be classified as **legislative** or **administrative**. A very brief explanation of what is meant by these two terms is given hereunder.

### **2. LEGISLATIVE ACTS**

Legislative acts relate to those actions of government in the national, provincial or local sphere which have the force of law and are enforceable by a court of law. The municipality has the power to make rules on a wide range of subjects. These rules are usually manifested in by-laws, the budget and levying of taxes and other fees. The procedure to be followed before the municipality may impose these rules is contained in legislation.

### **3. ADMINISTRATIVE ACTS**

Administrative acts refer to those actions (mostly decisions) made in executing or carrying into effect the laws (including by-laws) of the country. It refers to those decisions which government bodies, municipalities and public servants make on a daily basis in the execution of their statutory powers. In the municipality these decisions are taken by council, its committees, office bearers (eg. the mayor and speaker) councillors and members of staff. Remedies are available in regard to decisions taken by any of these decision-makers mentioned. The nature of the remedy will however vary depending on whether the decision was taken in terms of a delegated power or not. A brief discussion of these remedies will follow hereafter.

### **4. REMEDIES**

#### **4.1 LEGISLATIVE ACTIONS**

Legislative actions refer not only to the making of by-laws. The decisions of council to approve the budget; impose rates, levies and tariffs; and to take up loans are also of a legislative nature. If the legality of any of these decisions is suspect it may be challenged by bringing an application for judicial review in a High Court. It might also be possible to approach a High Court to force a council to make a by-law in circumstances where it is essential for law and order, if such council fails to make such a by-law. Remedies in respect of actions authorised by the mentioned legislative measures is regarded as being "administrative" and is discussed hereafter.

#### **4.2 ADMINISTRATIVE ACTIONS**

The power to perform administrative actions can be conferred either by an empowering act or by delegation. The act will normally identify a specific person or body (original recipient) who may take the decision. The act may also allow the person or body so identified to nominate (delegate) some other person or body to take the decision. The person to whom the power has been delegated (delegatee) then steps into the shoes of the other person or body and acts in his/her stead.

All administrative acts must comply with the provisions of the Promotion of Administrative Justice Act, 2000 as well as certain common law rules.

An aggrieved person may contest the decision of an "original recipient" by lodging an application for relief with the High Court.

In the case of a delegatee the aggrieved person has the right to lodge an internal administrative appeal before approaching the High Court. The identity of the appeal authority varies depending on who took the original decision.

The various appeal authorities are:

- Municipal manager for decisions taken by a member of staff
- Executive mayor for decisions taken by the municipal manager
- Council for decisions taken by the executive mayor, other structure, office bearer or councillor

#### **4.3 ACTION IN TERMS OF THE CODE OF CONDUCT FOR COUNCILLORS**

Councillors of the municipality who contravene the code of conduct for councillors run the risk of being disciplined by the council. The speaker is responsible to enforce the code of conduct. The code is a statutory provision and is contained in the systems act.

#### **4.4 ADMINISTRATIVE APPEALS TO PROVINCIAL GOVERNMENT**

The Land Use Planning Ordinance provides that an aggrieved party may appeal against the decision of the council in certain instances relating to town planning.

#### **4.5 INTERVENTION BY PROVINCIAL EXECUTIVE**

In terms of the constitution the provincial government is responsible for the monitoring of local government's performance; furthermore the provincial government has to support and strengthen the capacity of local government to perform its functions and manage its own affairs. The provincial government may also intervene if a municipality fails to fulfil its constitutional functions, by assuming the municipality's functions. Intervention should however only be resorted to when monitoring and support did not result in a municipality being able to fulfil its constitutional functions.

#### **4.6 STATE INSTITUTIONS**

The constitution provides for certain state institutions to strengthen constitutional democracy. The following institutions, mentioned hereunder, may be approached in the event of the municipality not fulfilling its constitutional obligations, depending on the nature of the failure or neglect. The contact details of these institutions are as follows:

- Public Protector  
Private Bag X677, Pretoria 0001  
Tel nr (012) 322 2916
- Human Rights Commission Private Bag X2700, Houghton 2041  
Tel nr (021) 426 2277
- Commission on Gender Equality  
Volkskas Building, Adderley Street, Cape Town 8000  
Tel nr (021) 426 4080
- Auditor-General  
Private Bag X96, Bellville 7550  
Tel nr (021) 948 9990
- Independent Electoral Commission  
Customs House (6th Floor), Foreshore, Cape Town 8000  
Tel nr (021) 409 5300  
Fax nr (021) 425 6410

#### **4.7 CIVIL ACTION**

Any person aggrieved by a decision of the municipality may approach the High Court for relief. Any action of the municipality that results in a person suffering damage or loss to person or property may also approach the High Court. A person who wishes to institute civil action against the municipality should consult an attorney.

#### **4.8 CRIMINAL ACTION**

Any criminal action by the municipality or any of its structures, councillors or officials may be reported to the South African Police. Any police station may be approached for assistance.