

**MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY,
HELD IN THE JOHN STEYN LIBRARY HALL, OWEN STREET, CERES ON
MONDAY, 31 MARCH 2025 AT 10:00**

COUNCILLORS

Alderlady EM Sidego (DA) (Speaker)
Councillor TE Abrahams (DA) (Executive Mayor)
Councillor JF Nel (ICOSA) (Executive Deputy Mayor)
Alderman K Adams (DA)
Councillor WJ Alexander (PA)
Councillor P Daniels (DA)
Councillor S de Bruin (DA)
Councillor GJ Franse (DA)
Councillor JP Fredericks (FF Plus)
Councillor AL Gili (ANC)
Councillor JS Mouton (ANC)
Councillor N Nogcinisa (ANC)
Councillor KA Robyn (GOOD)
Councillor J Rooi (Witzenberg Party)
Alderman HJ Smit (DA)
Alderman D Swart (DA)
Councillor IL Swartz (EFF)
Alderman JJ Visagie (DA)
Councillor K Yisa (ANC)
Councillor J Zalie (ANC)

Officials

Mr D Nasson (Municipal Manager)
Mr HJ Kritzinger (Director: Finance)
Mr M Mpeluza (Director: Corporate Services)
Mr J Kolkota (Deputy Director: Finance)
Ms N Oerson (Chief Internal Audit Executive)
Ms L Nieuwenhuis (Senior Manager: Legal Services)
Mr A Hofmeester (Manager: IDP)
Ms M Arendse-Smith (Acting Manager: Administration)
Mr J Pieterse (Senior ICT Officer)
Mr T McClune (Intern: Administration)

1. OPENING AND WELCOME / OPENING EN VERWELKOMING

The Speaker welcomed everyone present and requested Councillor J Mouton to open the meeting with prayer.

NOTED

2. LEAVE OF ABSENCE AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

**2.1 Consideration of application for leave of absence
Aansoeke om verlof tot afwesigheid
(3/1/2/1)**

Applications for leave of absence from the meeting were received from Councillors N Phatsoane and GG Laban.

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the applications for leave of absence from the meeting, received from Councillors N Phatsoane and GG Laban.*
- (b) that in terms of compliance with the Rules of Order for meetings, the applications for leave of absence received, be dealt with at the next Council meeting.*

EENPARIG BESLUIT

- (a) dat kennis geneem word van die aansoeke om verlof tot afwesigheid van die vergadering, ontvang vanaf raadslede N Phatsoane en GG Laban.*
- (b) dat ingevolge voldoening aan die Ordereëls vir vergaderings, die aansoeke om verlof tot afwesigheid by die volgende vergadering hanteer word.*

**2.2 Confidentiality and Conflict of Interest Declaration
Vertroulikheid en Botsing van Belange Verklaring
(3/2/1)**

The Confidentiality and Conflict of Interest Declaration is attached as **annexure 2.2**.

No conflict of interest was declared.

NOTED

**3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED
MEDEDELINGS, AANKONDIGINGS OF SAKE GEOPPER**

**3.1 Gratitude, Congratulations and Commiseration
Waardering, Gelukwensing en Meelewing
(11/4/3)**

Council's congratulations were conveyed by Councillor G Franse to the following Councillors on their birthdays:

- Councillor MJ Ndaba 3 March
- Councillor G Laban 19 March
- Councillor S de Bruin 30 March

NOTED.

Councillor J Fredericks joined the meeting at 10:10.

**3.2 Matters raised by the Speaker / Sake deur die Speaker geopper
(09/1/1)**

The Speaker expressed and conveyed the following:

- Blessed Eid Mubarak to Alderman K Adams as well as to the Muslim community.
- Human Rights Day was celebrated on 21 March 2025 and serves as a reminder of the sacrifices made for the attainment of democracy and honours those who fought for equality and human dignity.
- World Tuberculosis day was celebrated on 24 March 2025, amplifying the urgency of ending tuberculosis which is the world's deadliest disease.
- World Women's month, which occurs each year in March, celebrates and recognises the unsung heroines of the past and present and is a vital reminder of women's remarkable achievements and contributions throughout history.

NOTED.

Councillor K Robyn joined the meeting at 10:17.

3.3 Matters raised by the Executive Mayor
Sake deur die Uitvoerende Burgemeester geopper
(09/1/1)

The Executive Mayor conveyed the following to the meeting:

- Eid Mubarak to the Muslim Community of Witzenberg Municipality.
- Project Fix-It:
 - Finalisation of Phase 1 is extended to the end of April 2025.
 - Phase 2 to be activated in the second week of April 2025 during which ample notice must be given to the PR Councillors for their involvement.
- Tulbagh Water Crisis is not subsiding despite a lot of work already performed. Over time it has been determined that the entire system is due for an upgrade. The number of sand filters have been increased and after the completion of a leak detection survey it was discovered that there were 40 leakages, which are currently being fixed.
- Councillors who have not yet submitted their SASRIA forms are urged to do so as soon as possible.
- Thank you to all who partook in the CANSA Relay. As a municipality and Council, we should keep supporting those affected by cancer.
- Councillors and officials involved in the Fix-It project are requested to kindly diarise 7 April 2025 for the attendance of a Digitisation Workshop.
- Invitation distributed and received by an Independent Power Producer at the United Reformed Church in Lyell Street, Ceres.
- Water and Sanitation Indaba attended in Gauteng, which was taken very seriously in light of what is happening in the area and the country. The President urged all municipalities to improve plans for the water services; water distribution; improve water availability and quality. All this must be done with an urgency. A new White Paper for Local Government related to refunding for local government municipalities and that well performing municipalities will be supported. The culture of non-payment must be broken and the Administration must delve into the principle of refencing.
 - The Minister was furious about the water crisis in municipalities. She appealed that space be given for her to assist municipalities.
 - Establish anti-corruption and anti-vandalism in the communities. Those who vandalise the water infrastructure must be imprisoned.
 - Instruction to disconnect all illegal connections of water on the municipality, but legal connections must be provided. Unspent MIG funding is unacceptable and results in municipalities being unable to apply again.
 - Administration to look into the matter of separation between water services and water authority.
 - The Public Participation Process regulation is under review to make it much easier.
 - CSIR claims to have many technologies for water services including non-payment.

- Discussions with senior officials at ESKOM about the problems of Witzenberg Municipality resulting in piloting a joint account for services.
- Witzenberg Municipality is one of 12 municipalities with an excellent water quality.

Councillor K Yisa and Councillor I Swartz joined the meeting at 10:20.

Councillor A Gili expressed concerns about the loss of clean water and damage to the road as well as water main valves that are leaking and enquired whether it could be addressed via the project.

Councillor K Yisa mentioned the service delivery problems at Vredebes and Nduli as refuse bags are not distributed and outstanding for a year. This results in open spaces becoming dumping grounds. Furthermore, that there is no good sanitation services in the Old Vredebes.

NOTED.

3.4 Matters raised by the Municipal Manager Sake deur die Munisipale Bestuurder geopper

The Municipal Manager noted the following:

- Refuse bags were distributed to all household in Vredebes after a complaint had been received.
- That the Director: Community Services, Mr Swarts, would be taking office as of 1 April 2025.
- Proceeds from the Municipal Auction was in excess of R3 million.

NOTED.

4. MINUTES / NOTULES

4.1 Corrections to the minutes / Wysigings aan die notule (3/1/2/3)

None / Geen

NOTED / AANGETEKEN

4.2 Matters arising from the minutes (3/1/2/3)

None / Geen

NOTED / AANGETEKEN

**4.3 Approval of minutes / Goedkeuring van notules
(3/1/2/3)**

The minutes of the Council meeting, held on 26 February 2025, are attached as **annexure 4.3**.

RESOLVED

that the minutes of the Council meeting, held on 26 February 2025, be approved and signed by the Speaker.

BESLUIT

dat die notule van die Raadsvergadering, gehou op 26 Februarie 2025, goedgekeur en deur die Speaker onderteken word.

**4.4 Outstanding matters / Uitstaande sake
(3/3/2)**

Number	File reference	Heading, item no. and date	Directorate	Action	Progress	Target date
4.4.1	17/3/2	8.2.2 of 24-01-2024 Proposed position of waste transfer stations	Technical Services	That proposed positions of waste transfer stations at erf 8714, Bella Vista & Erf 1, PA Hamlet be held in abeyance for PPP.	Work-in-progress	End of March 2025
4.4.2	16/P	8.2.3 of 24-01-2024 Witzenberg Municipality: Local Integrated Transport Plan: 2022 until 2027	Technical Services	Matter be held in abeyance in order for MM to obtain all details and proof of PPP from CWDM.	Work-in-progress	End of March 2025

RESOLVED

- (a) that notice be taken of the outstanding matters.*
- (b) that formal reports be submitted at the next Council meeting on the outstanding matters.*

BESLUIT

- (a) dat kennis geneem word van die uitstaande sake.*
- (b) dat formele verslae aangaande die uitstaande items by die volgende Raadsvergadering voorgelê word.*

5. MOTIONS AND NOTICE OF SUGGESTIONS
MOSIES EN KENNISGEWING VAN VOORSTELLE

None / Geen

NOTED / AANGETEKEN

6. INTERVIEWS WITH DELEGATIONS
ONDERHOUDE MET AFVAARDIGINGS

None / Geen

NOTED / AANGETEKEN

7. DELEGATED POWERS / GEDELEGEERDE BEVOEGDHEDE

**7.1 Minutes: Committee meetings / Notules: Komiteevergaderings
(03/3/2)**

The minutes of the following meetings are attached:

- (a) Committee for Community Development, held on 27 November 2024:
Annexure 7.1(a).
- (b) Committee for Technical Services, held on 27 November 2024:
Annexure 7.1(b).
- (c) Executive Mayoral Committee, held on 23 January 2025:
Annexure 7.1(c).

RESOLVED

that notice be taken of the minutes of the Committee meetings and same be accepted.

BESLUIT

dat kennis geneem word van die notules van die Komiteevergaderings en genoemde aanvaar word.

8. RESERVED POWERS / GERESERVEERDE BEVOEGDHEDE

8.1 Directorate Finance / Direktoraat Finansies

8.1.1 Finance: Draft Budget 2025/2026, Draft Review of IDP 2025/2026 and Draft Top Layer SDBIP 2025/2026 (5/1/1/24; 2/2/1 & 5/1/5/18)

The following memorandum, dated 14 March 2025, was received from the Director: Finance:

"1. Purpose

The purpose of this report is to table the Draft Budget 2025/2026, Draft Review of the IDP 2025/2026 and Draft Top Layer SDBIP 2025/2026 to the Executive Mayor and Council.

2. Legal framework

Section 16 - 18 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) stipulates as follows:

'Annual budgets

16. (1) The council of a municipality must for each financial year approve an annual budget for the municipality before the start of that financial year.
- (2) In order for a municipality to comply with subsection (1), the mayor of the municipality must table the annual budget at a council meeting at least 90 days before the start of the budget year.
- (3) Subsection (1) does not preclude the appropriation of money for capital expenditure for a period not exceeding three financial years, provided a separate appropriation is made for each of those financial years.'

'Contents of annual budgets and supporting documents

17. (1) An annual budget of a municipality must be a schedule in the prescribed format –
- (a) setting out realistically anticipated revenue for the budget year from each revenue source;
- (b) appropriating expenditure for the budget year under the different votes of the municipality;
- (c) setting out indicative revenue per revenue source and projected expenditure by vote for the two financial years following the budget year;

- (d) setting out –
 - (i) estimated revenue and expenditure by vote for the current year; and
 - (ii) actual revenue and expenditure by vote for the financial year preceding the current year; and
 - (e) a statement containing any other information required by section 215(3) of the Constitution or as may be prescribed.
- (2) An annual budget must generally be divided into a capital and an operating budget in accordance with international best practice, as may be prescribed.
- (3) When an annual budget is tabled in terms of Section 16(2), it must be accompanied by the following documents:
 - (a) draft resolutions –
 - (i) approving the budget of the municipality;
 - (ii) imposing any municipal tax and setting any municipal tariffs as may be required for the budget year;
 - (iii) approving the budgets for the relevant financial year of each municipal entity under the sole or shared control of the municipality; and
 - (iv) approving any other matter that may be prescribed;
 - (b) measurable performance objectives for each vote in the budget, taking into account the municipality's integrated development plan;
 - (c) a projection of cash flow for the budget year by revenue source, broken down per month;
 - (d) any proposed amendments to the municipality's integrated development plan following the annual review of the integrated development plan in terms of section 34 of the Municipal Systems Act;
 - (e) any proposed amendments to the budget-related policies of the municipality;
 - (f) particulars of the municipality's investments;
 - (g) any prescribed budget information on municipal entities under the sole or shared control of the municipality;
 - (h) particulars of all proposed new municipal entities which the municipality intends to establish or in which the municipality intends to participate;
 - (i) particulars of any proposed service delivery agreements, including material amendments to existing service delivery agreements;

- (j) particulars of any proposed allocations or grants by the municipality to –
 - (i) other municipalities;
 - (ii) any municipal entities and other external mechanisms assisting the municipality in the exercise of its functions or powers;
 - (iii) any other organs of state;
 - (iv) any organisations or bodies referred to in Section 67(1);
- (k) the proposed cost to the municipality for the budget year of the salary, allowances and benefits of –
 - (i) each political office-bearer of the municipality;
 - (ii) councillors of the municipality; and
 - (iii) the municipal manager, the chief financial officer, each senior manager of the municipality and any other official of the municipality at a remuneration package at least equal to that of a senior manager;
- (l) the proposed cost for the budget year to a municipal entity under the sole or shared control of the municipality of the salary, allowances and benefits of –
 - (i) each member of the entity's board of directors; and
 - (ii) the chief executive officer and each senior manager of the entity; and
- (m) any other supporting documentation as may be prescribed.'

'Funding of expenditures

- 18. (1) An annual budget may only be funded from –
 - (a) realistically anticipated revenues to be collected;
 - (b) cash-backed accumulated funds from previous years' surpluses not committed for other purposes; and
 - (c) borrowed funds, but only for the capital budget referred to in section 17 (2).
- (2) Revenue projections in the budget must be realistic, taking into account –
 - (a) projected revenue for the current year based on collection levels to date; and
 - (b) actual revenue collected in previous financial years.'

3. Tabling

The National Minister of Finance tabled the national budget on 12 March 2025 in parliament. The final budget circular from National Treasury is therefore still outstanding. The increase in ESKOM tariffs applicable to municipalities and the allowable increases in tariffs charged to municipal customers are normally included in the mentioned circular. Provincial Treasury still has to advise on the final allocations to municipalities from provincial departments. These allocations are also dependent on the national budget.

The following documents are attached:

- (a) Draft Top Layer SDBIP for 2025/2026: **Annexure 8.1.1(a).**
- (b) Draft Review of IDP 2025/2026: **Annexure 8.1.1(b).**
- (c) Draft Budget: 2025/2026 – 2027/2028: **Annexure 8.1.1(c).**
- (d) Draft Budget Related Policies: 2025/2026: **Annexure 8.1.1(d).**
- (e) Draft Budget Schedules: 2025/2026 – 2027/2028: **Annexure 8.1.1(e).**

The Executive Mayoral Committee resolved on 26 March 2025 to recommend to Council:

- (a) that Council takes notice of the Draft Budget, the Draft Review of the IDP and the Draft Top Layer SDBIP of the Witzenberg Municipality for the financial year 2025/2026 and the indicative budget for the two years 2026/2027 and 2027/2028 that have been tabled by the Executive Mayor in Council.
- (b) that the documents be advertised and made available at all libraries and municipal offices of Council.
- (c) that public meetings be conducted as per the IDP Public Participation Programme.

UNANIMOUSLY RESOLVED

- (a) *that Council takes notice of the Draft Budget, the Draft Review of the IDP and the Draft Top Layer SDBIP of the Witzenberg Municipality for the financial year 2025/2026 and the indicative budget for the two years 2026/2027 and 2027/2028 that have been tabled by the Executive Mayor in Council.*

- (b) *that the documents be advertised and made available at all libraries and municipal offices of Council, as well as any other places identified by the Councillors of Nduli.*
- (c) *that public meetings be conducted as per the IDP Public Participation Programme.*

Alderman K Adams was excused from the meeting at 11:21.

8.1.2 Section 71 Monthly Budget Statement Report of the Directorate Finance: February 2025 (9/1/2/2)

The Section 71 Monthly Budget Statement Report of the Directorate Finance for February 2025 is attached as **annexure 8.1.2**.

The Executive Mayoral Committee resolved on 26 March 2025 to recommend to Council:

- (a) that notice be taken of the Section 71 Monthly Budget Statement Report of the Directorate Finance for February 2025.
- (b) that the Section 71 Monthly Budget Statement Report of the Directorate Finance for February 2025 be referred to the Portfolio Committee for Corporate and Financial Services, the Performance, Risk and Audit Committee and the Municipal Public Accounts Committee to take notice or to advise Council if deemed necessary.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the Section 71 Monthly Budget Statement Report of the Directorate Finance for February 2025.*
- (b) *that the Section 71 Monthly Budget Statement Report of the Directorate Finance for February 2025 be referred to the Portfolio Committee for Corporate and Financial Services, the Performance, Risk and Audit Committee and the Municipal Public Accounts Committee to take notice or to advise Council if deemed necessary.*

8.1.3 Finance: Irregular expenditure financial years 2022/2023 and 2023/2024 (9/1/2/2)

Report from Director: Finance, dated 3 December 2024:

1. Purpose

The purpose of this report is to submit a report on irregular expenditure to Council for consideration.

2. Legal framework

In terms of Section 32(2)(b) of the Municipal Finance Management Act, irregular expenditure may only be written off by Council if, after an investigation by a Council committee, the irregular expenditure is certified as irrecoverable.

3. Background

The Preferential Procurement Regulations of 2017 clearly indicated that the 80/20 preference point system for acquisition of goods or services were only applicable to bids for Rand value equal to or above R30 000 and up to R50 million.

The Supreme Court of Appeal declared the entire Procurement Regulations of 2017 invalid on the basis that the content of the Regulations exceeded the Minister's power on what could permissibly be regulated on in terms of Section 5 of the Procurement Act and Section 217 of the Constitution.

The Preferential Procurement Regulations of 2022 were promulgated by the Minister of Finance on 4 November 2022 in Government Gazette no. 47452 and became effective on 16 January 2023.

The new regulations determine that the 80/20 preference point system for acquisition of goods or services with Rand value equal to or below R50 million for tender invitations. Quotation for procurement below R30 000 is included in the regulations definition of a tender.

Municipalities and the Western Cape Provincial Government worked closely on a new policy to be considered by each municipality and to ensure consistency in the legal and technical interpretation of the new legislation. The proposed draft policy was approved by the Witzenberg municipal Council before the implementation date and duly implemented by municipal officials.

During the 2022/2023 audit cycle, the office of the Auditor-general audited the implementation of the new legislation and had a different interpretation of the new legislation and concluded that for awards between R2 000 and R30 000, municipalities did not advertise the 80/20 points system and did not perform the calculation of points.

The AGSA issued a transversal finding to all municipalities whose interpretation of the legislation was not consistent with theirs, including Witzenberg Municipality, listing their interpretation of the new legislation and viewed the municipality's process as non-compliance with the new legislation and all awards as irregular expenditure.

To resolve the matter, the finding was escalated to the Provincial Treasury, which engaged with the leadership of the AGSA and the National Treasury on the matter. A proposed resolution was communicated within days of finalising the 2022/2023 audit outcome (due to be finalised before 30 November 2023).

This administrative process would not have changed the outcome of the award, i.e. the same bidders would have received the award, with or without the calculation of points.

This was the only outstanding audit matter to finalise the audit and prevented the office of the AGSA from issuing a clean audit for the 2022/2023 financial year. Management agreed to disclose the irregular expenditure and to update the PPPFA policy and its standard operating processes to implement the regulation to be aligned with the interpretation of the AGSA.

In January 2024, Council approved the revised SCM policy, and proposed changes to become effective from 1 February 2024. The AGSA audited the implementation of the changes and compliance with the legislation and SCM Policy and did not identify further irregular expenditure.

MFMA circular 68 titled "Unauthorised, Irregular, Fruitless and Wasteful Expenditure" stipulates the process to be followed when dealing with unauthorized, irregular, fruitless and wasteful expenditure. Section 32(2)(b), irregular expenditure may only be written off by Council if, after an investigation by a Council committee, the irregular expenditure is certified as irrecoverable.

Section 32(2)(b) of the MFMA provides the Council only with the power to consider and resolve on the expenditure. Municipal Councils are therefore advised to ensure that the wording of their Council resolutions is consistent with the wording in Section 32(2)(b) of the MFMA i.e. "Council hereby certify the expenditure as irrecoverable and resolve that it be written off or for recovery of the funds".

Municipal Councils should note that its ability to resolve on the irregular expenditure is not dependent on National Treasury's decision in relation to the municipality's application for condonation in terms of Section 170 of the Municipal Finance Management Act. It is solely dependent on the investigation and recommendation from the Council committee.

Whatever the municipal Council resolves is sufficient for the municipality to adjust its annual financial statements from an accounting disclosure perspective. The treatment of expenditure associated with the non-compliance is therefore the responsibility of the Council.

Circular 68 from National Treasury dealing with Unauthorised, Irregular, Fruitless and Wasteful Expenditure is attached as **annexure 8.1.3**.

4. Deliberation

The following amounts are disclosed in note 42.1 to the annual financial statements as irregular:

2022/2023 financial year	R5 437 362,00
2023/2024 financial year	R5 891 802,00

The only reason for regarding the expenditure as irregular is that the 80/20 points system was not used in awarding quotations with values of between R2 000,00 and R30 000,00. No instances were identified where awards should have been made to another bidder."

The Executive Mayoral Committee resolved on 23 January 2025 to recommend to Council that the matter related to the irregular expenditure for the financial years 2022/2023 and 2023/2024 be referred to the Municipal Public Accounts Committee for investigation and report back to Council with recommendations.

Council unanimously resolved on 27 January 2025 that the matter related to the irregular expenditure for the financial years 2022/2023 and 2023/2024 be referred to the Municipal Public Accounts Committee for investigation and report back to Council with recommendations.

The Municipal Public Accounts Committee resolved on 20 March 2025 to recommend to Council:

- (a) that in terms of Section 32(2)(b) of the Municipal Finance Management Act, the Municipal Public Accounts Committee certifies that the expenditure is irrecoverable and resolves that it be written off.
- (b) that Council did not suffer any loss and that no official should be held accountable.

UNANIMOUSLY RESOLVED

- (a) that in terms of Section 32(2)(b) of the Municipal Finance Management Act, the Municipal Public Accounts Committee certifies that the expenditure is irrecoverable and resolves that it be written off.*
- (b) that Council did not suffer any loss and that no official should be held accountable.*

8.2 Directorate Technical Services / Direktooraat Tegniese Dienste

8.2.1 Upgrading of gravel road that intersects with Vos Street opposite Faure Street, Ceres (16/4/4/2)

The following documents are attached:

- (a) Correspondence from Mr Dewald Muller: **Annexure 8.2.1(a)**.
- (b) Memorandum from Manager: Streets and Storm Water, dated 7 October 2024: **Annexure 8.2.1(b)**.

The Committee for Technical Services resolved on 27 November 2024 to recommend to the Executive Mayoral Committee and Council:

- (a) that Mr D Muller accesses Vos Street from his residence via the pedestrian access at his residence.
- (b) that the gravel road be routinely maintained, fixing the surface as and when required, on an ongoing basis.
- (c) that the paving of the gravel road that intersects with Vos Street opposite Faure Street, Ceres be considered by Council.

The Executive Mayoral Committee resolved on 26 March 2025 to recommend to Council:

- (a) that Mr D Muller accesses Vos Street from his residence via the pedestrian access at his residence.
- (b) that the gravel road be routinely maintained, fixing the surface as and when required, on an ongoing basis.
- (c) that a side-walk be paved or tarred for the convenience of Mr Muller and easy access to Vos Street.
- (d) that applications similar in nature be assessed on its own merits.

UNANIMOUSLY RESOLVED

- (a) that Mr D Muller accesses Vos Street from his residence via the pedestrian access at his residence.*
- (b) that the gravel road be routinely maintained, fixing the surface as and when required, on an ongoing basis.*
- (c) that a side-walk be paved or tarred for the convenience of Mr Muller and easy access to Vos Street.*
- (d) that applications similar in nature be assessed on its own merits.*

**8.2.2 Draft House Shop By-law
(1/3/1/33)**

Report from Municipal Manager, dated 17 February 2025:

"Purpose

To consider the Draft House Shop By-law, which will amend Council's current House Shop By-law and to take into consideration the proposal from the National Minister of COGTA to manage spaza/house shop by-laws within the jurisdictional area of the municipality.

Background

A National Disaster has been declared on spaza shops selling contaminated food and items of which the selling date has expired. Council discussed the by-law of COGTA at its Council meeting of December 2024 where it was resolved that Council's current by-law will be amended to incorporate some of the proposals that have been made by COGTA.

The Draft House Shop By-law, which presents some of the amendments made, is attached as **annexure 8.2.2.**"

The Executive Mayoral Committee resolved on 24 February 2025 to recommend to Council that the item be workshopped and thereafter that Council considers the following recommendation:

- (a) That notice be taken of the tabled Draft House Shop By-law.
- (b) That a Public Participation Process be followed to obtain inputs and to refer the draft by-law back to Council for approval.

UNANIMOUSLY RESOLVED

that the item related to Draft House Shop By-law be held in abeyance and workshopped by Council.

**8.2.3 Resubmission: Lease and operation of the material recovery facility (MRF) on erf 364/82, Ceres
(17/3/2)**

The following documents are attached:

- (a) Memorandum from Director: Technical Services, dated 13 March 2025: **Annexure 8.2.3(a).**
- (b) Letter from Mr Pieter Swarts: **Annexure 8.2.3(b).**

- (c) Advertisement in local newspaper: **Annexure 8.2.3(c)**.
- (d) Council resolution of 12 November 2024: **Annexure 8.2.3(d)**.
- (e) Correspondence regarding Material Recovery Facility: **Annexure 8.2.3(e)**.

The Executive Mayoral Committee resolved on 26 March 2025 to recommend to Council:

- (a) that Council takes cognisance of the objections received.
- (b) that the objection be upheld.
- (c) that Council considers the advertising of the lease and operation of the material recovery facility (MRF) on erf 364/82, Ceres through the Supply Chain process.

UNANIMOUSLY RESOLVED

- (a) that Council takes cognisance of the objections received.*
- (b) that the objection be upheld by Council.*
- (c) that a proper Supply Chain Process for the material recovery facility (MRF) on erf 364/82, Ceres be followed.*

8.3 Directorate Community Services / Direktooraat Gemeenskapsdienste

8.3.1 Draft By-law for Informal Traders (1/3/R)

Report from Manager: Local Economic Development:

"Currently Witzenberg Municipality is utilising the Street Trading By-law of 2002, which is outdated.

The LED Unit has completed a draft for the updated Draft By-law for Informal Traders. Inputs were requested from all relevant municipal departments and responses were considered. The Draft By-law for Informal Traders is attached as **annexure 8.3.1.**"

The Executive Mayoral Committee resolved on 24 February 2025 to recommend to Council that the item be workshopped and thereafter that Council considers the following recommendation:

- (a) That notice be taken of the tabled Draft By-law for Informal Traders.
- (b) That a Public Participation Process be followed to obtain inputs and to refer the draft by-law back to Council for approval.

Council resolved on 26 February 2025 that the matter be held in abeyance.

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the tabled Draft By-law for Informal Traders.*
- (b) that a Public Participation Process be followed to obtain inputs and to refer the draft by-law back to Council for approval.*

8.3.2 Witzenberg Investment Profile (9/1/2/4)

A memorandum from the Manager: Local Economic Development, dated 28 October 2024, is attached as **annexure 8.3.2.**

The Committee for Local Economic Development resolved on 21 November 2024 to recommend to the Executive Mayoral Committee and Council that the Committee for Local Economic Development and Tourism invests towards the development of a Witzenberg Investment Profile.

The Executive Mayoral Committee resolved on 26 March 2025 to recommend to Council that the Witzenberg Investment Profile be supported.

UNANIMOUSLY RESOLVED

that the Witzenberg Investment Profile be supported.

**8.3.3 Establishing of Local Drug Action Committee (LDAC)
(12/1/2/11)**

Council unanimously resolved on 21 June 2024:

- (a) that a Local Drug Action Committee be established and approved.
- (b) that the Local Drug Action Committee be established from representatives from the following institutions and organisations:
 - (i) Chairperson of Portfolio Committee for Community Development (as Chairperson).
 - (ii) Officials from government departments on local level.
 - (iii) SAPS nominated by local police station Commissioner.
 - (iv) Correctional Services nominated by Commissioner of Correctional Services in area.
 - (v) Representative from educational institute nominated by Executive Mayor.
 - (vi) Local health nominated by Executive Mayor.
 - (vii) Local business nominated by Executive Mayor.
 - (viii) Legal professional nominated by regional head of Department of Justice.
 - (ix) Representative of local traditional authority.

A memorandum from the Manager: Local Economic Development, dated 4 March 2025, is attached as **annexure 8.3.3**.

The Executive Mayoral Committee resolved on 26 March 2025 to recommend to Council:

- (a) that the Local Drug Action Committee be established.

- (b) that the following elected members, as proposed at the meeting, be accepted as members of the committee and constitutes as follows:
- Executive Deputy Mayor Jonathan Nel from Witzenberg Municipality
 - Executive Mayor Trevor Abrahams from Witzenberg Municipality
 - Alderman Hennie Smit from Witzenberg Municipality
 - Alderman Kariem Adams from Witzenberg Municipality
 - Councillor Patric Daniels from Witzenberg Municipality
 - Councillor J Rooi from Witzenberg Municipality
 - Sonto Mailela from Department of Health
 - Heinrich Marthinus from Department of Social Development
 - Vuyo Methusi from SAPS Tulbagh
 - Capt. ES Pienaar from SAPS Ceres
 - Capt. D Tromp from SAPS Ceres
 - Letha Wessels from Witzenberg Municipality
 - Shareldine de Bruin from Western Cape Education Department
 - Zefra van Rooyen from SAPS Prince Alfred's Hamlet
 - Pieter Swartz from Business
- (c) that allowance be made for additional members to join that have not been taken up in the committee and as per approval of the Executive Mayor.
- (d) that the Station Commanders or heads of organisations be delegated to nominate a secondi, in the event of a member's unavailability.
- (e) that all SAPS offices and Correctional Services within the Witzenberg district be represented in the Local Drug Action Committee.

UNANIMOUSLY RESOLVED

- (a) *that the Local Drug Action Committee be established.*
- (b) *that the following elected members, as proposed at the meeting, be accepted as members of the committee and constitutes as follows:*
- *Executive Deputy Mayor Jonathan Nel from Witzenberg Municipality*
 - *Executive Mayor Trevor Abrahams from Witzenberg Municipality*
 - *Alderman Hennie Smit from Witzenberg Municipality*
 - *Alderman Kariem Adams from Witzenberg Municipality*
 - *Councillor Patric Daniels from Witzenberg Municipality*
 - *Councillor J Rooi from Witzenberg Municipality*
 - *Sonto Mailela from Department of Health*
 - *Heinrich Marthinus from Department of Social Development*
 - *Vuyo Methusi from SAPS Tulbagh*
 - *Capt. ES Pienaar from SAPS Ceres*
 - *Capt. D Tromp from SAPS Ceres*
 - *Letha Wessels from Witzenberg Municipality*
 - *Shareldine de Bruin from Western Cape Education Department*

- *Zefra van Rooyen from SAPS Prince Alfred's Hamlet*
 - *Pieter Swartz from Business*
- (c) *that allowance be made for additional members to join that have not been taken up in the committee and as per approval of the Executive Mayor.*
- (d) *that the Station Commanders or heads of organisations be delegated to nominate a second, in the event of a member's unavailability.*
- (e) *that all SAPS offices and Correctional Services within the Witzenberg district be represented in the Local Drug Action Committee.*
- (f) *that the following Councillors from Witzenberg Municipality be added to the Local Drug Action Committee:*
- *Alderman D Swart*
 - *Councillor S De Bruin*
 - *Councillor I Swartz*
 - *Councillor K Robyn*
 - *Councillor N Nogcinisa*
 - *Councillor J Zalie*
 - *Councillor K Yisa*
 - *Councillor A Gili*
 - *Councillor J Mouton*
 - *Councillor G Franse*

8.3.4 Proposed By-law: Municipal parks and open spaces (1/3/R)

Council unanimously resolved on 12 November 2024 that the matter in respect of the Proposed By-law: Municipal parks and open spaces be advertised for public comments and after that be referred back to Council for further consideration.

A memorandum from the Senior Manager: Legal Services, dated 17 March 2025, is attached as **annexure 8.3.4**.

The Executive Mayoral Committee resolved on 26 March 2025 to recommend to Council that the By-law for Municipal Parks and Open Spaces be adopted and published in the Government Gazette.

UNANIMOUSLY RESOLVED

that the item regarding the By-law for Municipal Parks and Open Spaces be held in abeyance.

8.4 Directorate Corporate Services / Direktooraat Korporatiewe Dienste

8.4.1 By-law for the deployment of electronic communications infrastructure (16/4/P)

Council unanimously resolved on 12 November 2024:

- (a) that the draft By-law for the deployment of electronic communications infrastructure: Witzenberg Municipality be adopted.
- (b) that the draft By-law be advertised for public comments for at least 30 days.
- (c) that the proposals of the public be considered and incorporated as recommended by the Department Streets and Storm Water.
- (d) that the Municipal Manager as soon as possible after the closing date for public comments, submits a report to the Executive Mayoral Committee for a recommendation to Council.
- (e) that the Policy for work and the installation of services in the road reserve (Revision 2) be adopted.

A memorandum from the Senior Manager: Legal Services, dated 17 March 2025, is attached as **annexure 8.4.1**.

The Executive Mayoral Committee resolved on 26 March 2025 to recommend to Council that the By-law for the deployment of electronic communications infrastructure be adopted and published in the Government Gazette.

UNANIMOUSLY RESOLVED

that the By-law for the deployment of electronic communications infrastructure be adopted and published in the Government Gazette.

**9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA
DRINGENDE SAKE NA AFSENDING VAN DIE AGENDA**

None

NOTED

**10. FORMAL AND STATUTORY MATTERS
FORMELE EN STATUTÊRE SAKE**

**10.1 Feedback on matters of outside bodies
Terugvoering oor sake van buite-organisasies
(3/R)**

None / Geen

NOTED / AANGETEKEN

**11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS
VRAE en/of SAKE DEUR RAADSLEDE GEOPPER**

The following questions were raised by Councillors:

- What the reporting line of the Control Room is as it is problematic and that the WhatsApp Complaint Reporting System functions better.
- That the language aspect of Control Room operators be addressed to prevent lack of services.
- Access to Wi-Fi is a problem in Nduli and enquired whether the municipality can assist with fibre.
- Why are there Law Enforcement officials stationed in front of the Senior Manager: Traffic and Protection Services' residential dwelling.
- Dissatisfaction with the entry fee for the municipal auction as it resulted in locals not being able to partake.
- Whether the Clinic Committee exists.

The Municipal Manager responded with the following:

- Engagements were held with a service provider regarding a complaints management system and that feedback will be provided at the next Council meeting on the successes of the WhatsApp system.
- The language matter will be addressed and will check for software that can automatically translate.
- The idea of the By-law is to include fibre and interested parties will have to submit an application.
- No knowledge of the Law Enforcement matter stationed at a residential property, but will investigate.
- The entry fee of an auction is standard procedure and determined by the auctioneer as individuals bid and then do not pay.
- A follow-up will be made regarding the clinic committee and will invite Dr Titus to address Council in this regard.

The Executive Mayor noted that there is a slight improvement regarding communication with the community and therefore extends the invitation to the digitisation workshops of what communication should be.

The Speaker conveyed her apologies for the short notice received to attend a Health meeting from Cape Winelands District Municipality.

NOTED

12. ADJOURNMENT / VERDAGING

The meeting adjourned at 12:30.

Approved on 30 May 2025 without amendments.

ALDERLADY EM SIDEGO
SPEAKER

/MS Arendse-Smith
/MJ Prins