



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant

Vol. 26

BISHO/KING WILLIAM'S TOWN
14 OCTOBER 2019
14 OKTOBER 2019

No. 4326

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 289 OF 2019

BUFFALO CITY METROPOLITAN MUNICIPALITY (EASTERN CAPE)

Removal of restrictions in terms of the Spatial Planning and Land Use Management Act No. 16 of 2013:

ERF 6628, EAST LONDON

In terms of Section 47(1) of the Spatial Planning and Land Use Management Act No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management Bylaw of 2016, approval has been granted for the removal of restrictive title conditions 3.A. (a), (b), (c), (d), B (e) and 4(c) found in Deed of Transfer No. T2951/1991, pertaining to Erf 6628 East London.

PROVINCIAL NOTICE 290 OF 2019



Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

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PROVINCE OF THE EASTERN CAPE

Department of Cooperative Governance & Traditional Affairs

Provincial Notice Issued in Terms of Section 47 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)

PUBLICATION OF A CONSOLIDATED REPORT ON PERFORMANCE OF MUNICIPALITIES IN THE PROVINCE FOR 2017/18 FINANCIAL YEAR

I, **Xolile Nqatha**, in my capacity as a Member of the Executive Council responsible for Cooperative Governance and Traditional Affairs in the Province of the Eastern Cape, under the powers vested in me in terms of Section 47 (2) (c) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby call for the report (summary) to be published in Provincial Gazette and set **30th September 2019** as a date for the report to be published. A full report is available in the departmental website (www.eco.gov.za)

XOLILE NQATHA

MEMBER OF THE EXECUTIVE COUNCIL

COOPERATIVE GOVERNANCE & TRADITIONAL AFFAIRS

DATE: 20/09/19

SERVING OUR COMMUNITIES BETTER

B²B
BACK TO BASICS
UNASSISTED PEOPLE, UNASSISTED

**Consolidated
Municipal Annual
Performance Report
(Sec 47) in respect of
2017/18 Financial
Year**

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LIST OF ACRONYMS

AFS	Annual Financial Statement
AG	Auditor General
BEP	Bucket Eradication Programme
CDWs	Community Development Workers
CFO	Chief Financial Officer
CMP	Consolidated Municipal Infrastructure Programme
DDG	Deputy Director General
DEDEA	Department of Economic Development and Environmental Affairs
DCOGTA	Department of Cooperative Governance and Traditional Affairs
DMPF	Disaster Management Policy Framework
DM	District Municipality
EPWP	Extended Public Works Programme
ES	Equitable Share
FBE	Free Basic Electricity
FBS	Free Basic Services
FBW	Free Basic Water
GM	General Manager
HH	Household
ICT	Information and Communication Technology
IDP	Integrated Development Plan
IGR	Inter-Governmental Relations
IHH	Indigent House Hold
ISRDP	Integrated Sustainable Rural Development Programme
KPA	Key Performance Area
KPI	Key Performance Indicator
LED	Local Economic Development
LM	Local Municipality
MEC	Member of Executive Council
MFMA	Municipal Financial Management Act
MIG	Municipal Infrastructure Grants
MM	Municipal Manager
MSA	Local Government: Municipal Systems Act
MSIF	Municipal Support & Intervention Framework
MSIG	Municipal Support and Infrastructure Grants
NMBMM	Nelson Mandela Bay Metropolitan Municipality
NSDP	National Spatial Development Perspective
OTP	Office of the Premier
PGDS	Provincial Growth and Development Strategy
PMS	Performance Management System
QS	Quality Assurance
SDBIP	Service Delivery and Budget Implementation Plan
SDF	Spatial Development Framework
HoD	Head of Department
SIU	Special Investigation Unit
URP	Urban Renewal Program
WSA	Water Service Authority
5YLGSA	5 Year Local Government Strategic Agenda
MPAC	Municipal Public Accounts Committee

FOREWORD BY MEC FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS IN THE PROVINCE OF THE EASTERN CAPE, HONOURABLE XOLILE NQATHA

The time has come for us in the Province of the Eastern Cape to take stock and reflect on how our municipalities have performed in pursuit of the objectives and milestones that they have set as they continue to make an impact on the lives of the poorest of the poor within their areas of jurisdiction. It is my legislated responsibility to annually report on performance of municipalities. This report has been compiled in accordance with the provisions of s.47 of the Local Government: Municipal Systems Act (Act No. 32 of 2000).

This is a performance report of municipalities in the province in respect of the 2017/2018 Financial Year. It is a consolidated report that is, to a large extent, based on the performance reports prepared by individual municipalities in terms of s.46 of the Local Government: Municipal Systems Act and submitted to the department. The report further attempts to measure the progress made by local government in the province in the year under review.

I am hereby presenting the Annual Performance Report in respect of thirty- eight (38) out of thirty- nine (39) municipalities in the Eastern Cape that have submitted performance reports in respect of the 2017/2018 Financial Year. Enoch Mgijima local municipality is the only municipality that did not submit its annual report for the year under review.

This report indicates areas of strength, weakness, regression and underperformance by municipalities. Of all the Key Performance Areas, Service delivery is a core mandate of a municipality but the performance in this area is very disappointing, not a single municipality that has performed above 60% despite all efforts of support by national and provincial departments. This area requires an urgent intervention politically and administratively.

Furthermore, although all municipalities continue to compile and submit their annual reports as per legislative mandate, much still needs to be done to improve the quality of performance information contained in these reports. Although the officials of my department have worked tirelessly to assist municipalities to improve on the quality of their reports there are a number of municipalities who still submit poor quality reports. This unfortunate state of affair is attributed to poor performance evident in these reports.

In conclusion, I commit that the Department of Cooperative Governance and Traditional Affairs will leave no stone unturned in improving the performance of municipalities in the province to ensure that all inhabitants of the province receive the level and quality of services to which they are entitled. The department will further continue to assist municipalities to put systems in place which will enable them to improve their performance.

I also wish to thank all municipalities that have complied with the legislation in terms of submission of annual reports and further thank all departmental officials who made it possible to come up with a consolidated report.



MR XOLILE NQATHA

MEC: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: 22/07/2019

MESSAGE AND OVERVIEW OF PERFORMANCE FROM THE HEAD OF DEPARTMENT (HOD) OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, MS GABISILE GUMBI-MASILELA

The national government and provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.

Chapter 3 and 7 of the Constitution of the Republic of South Africa, promote co-operative government between 3 spheres of government and provide principles for effectiveness, transparent, accountable and coherent government for the Republic as a whole.

As the coordinating department for the provincial government, I present this report in compliance with the provisions of Section 47 of the Municipal Systems Act No 32 of 2000 as amended.

The National Development Plan (NDP) chapter on a Capable and Developmental State by 2030 focusses government towards a developmental state that is accountable, focused on citizen's priorities and capable of delivering high quality services consistently and sustainably through cooperative governance and participatory democracy.

It is therefore important to understand where we are, where we could be and what needs to be done moving forward. Our goal is to improve the functionality of municipalities to better serve communities by getting the basics right.

The Act provides that a municipality must prepare a performance report reflecting comparison of performance with targets set for and performance in the previous financial year and submit it to the MEC for Cooperative Governance and Traditional Affairs in the province. No progress has been made in delivering basic services like water, electricity, sanitation and refuse removal at a local level for the poor. Back to Basic approach was the guiding principle for government to monitor progress and review blockages in delivering services, based on the following pillars namely Putting People First, Good Governance, Financial Management, Service Delivery and Capacity Building.

There are 38 out of 39 municipalities that have submitted their annual report in terms of section 46 of the Local Government: Municipal Systems Act No 32 of 2000 as amended. Despite our delivery and achievements, our governance system is a cause for concern. It is clear that much needs to be done to support, educate and where needed, enforce implementation.

We have provided support to our municipalities in various areas including secondment of qualified and competent senior officials to respond to identified administrative weaknesses. In most instances these municipalities did not have Municipal Managers for various reasons ranging from suspensions, resignations or prolonged pending court cases.

The department has established District Support Centre's in order to support and monitor the implementation of municipal action plans.

The Executive Mayors/Mayors and Municipal Managers of all municipalities were requested through a circular to ensure that before they sign their annual reports and that all indicators are incorporated in the report thereby making them confident that the performance information provided is a true reflection of the institution.

Despite the above, the department noted that municipalities performed very low (especially on service delivery) due to under-reporting, not meeting set targets, non-provision of information about the state of their performance and scanty information thus resulting in under performance.

The Consolidated Municipal Annual Performance Report has its overview presented per Key Performance Area as follows:

KPA 1: Municipal Transformation and Organisational Development

Municipal Transformation and Organisational development is the foundation of a sound administration and preparedness of any institution to deliver on its mandate. Therefore, this KPA 1 is a key performance area that plays an integral part across all other KPAs. The report in respect of the 2017/18 Financial Year reflects a further decline in the overall performance compared to the two previous years. The Joe Gqabi district is the best performing district and improved by 6% followed by NMMM with 47.92% which is a decline from previous year.

The worst performing municipalities are Chris Hani DM that achieved 14% and OR Tambo district that had scored a mere 28%. The overall performance by municipality has dropped drastically because of under reporting and lack of oversight by municipalities. The observation drawn from the assessment is that municipalities are developing the annual report for compliance purpose with no information.

KPA 2: Basic Service Delivery

The results of the 2017/2018 assessment as presented in this report reflect an unpleasant situation. It has to be noted that municipalities are expected to perform certain functions which are aimed at enhancing service delivery by virtue of the powers and functions outlined in the Local Government: Municipal Structures Act no.117 of 1998 as amended. Furthermore, municipalities are required to use the public funds entrusted to them to respond to basic services.

A major concern is the unacceptable standard of performance in respect of KPA 2. Basic services delivery is the main reason for the existence of municipalities. Service delivery performance is below 40% in all district municipalities. The majority of municipalities are still lagging behind in meeting their targets, others fail to provide the required information on key service delivery areas thus painting a distorted picture on the overall state of service delivery within the province. The picture below reflects on the overall performance of Metros and district municipalities:

The highest performing municipality is Nelson Mandela Metropolitan which improved from 47% in the previous year, to 55% in the current year. This was followed by Sarah Baartman, at 28% from 12%. Alfred Nzo dropped from 35% to 28%. Amathole District came fourth, with an improvement from 15% to 23%. Joe Gqabi District followed, with no change in performance, it remains at 21%. Buffalo City dropped from second place in the previous year, at 47% to 9% in the current year. The remaining two, Chris Hani District and OR Tambo also regressed. Chris Hani, from 13% to 7%, whilst OR Tambo District regressed from 13% to 4%.

In conclusion, the department therefore humbly requests municipal political leadership and management echelons to take the annual reporting processes seriously so as not to paint a distorted picture on the overall state of service delivery within the province. Therefore, Executive Mayors/ Mayors and Municipal Managers should ensure that the information provided in the reports is a true reflection of the municipal performance.

KPA 3: Local Economic Development.

The KPI recognizes the important role of LED to create jobs, alleviate poverty and improve quality of life. The LED in the province is geared towards tackling the province's triple problems of poverty, unemployment and inequality. Therefore, LED is delivered in the province through various mechanisms including partnerships, capacity building to distressed municipalities as well as facilitating the implementation of public employment programmes i.e. community works programmes (CWP) and expanded public works programme. The information is based on the 2017/18 financial year compared to the two previous financial years on how municipalities performed in relation to LED. The overall performance for the district and metros has declined as compared to the two previous financial years. The top performing metro was the Nelson Mandela Bay Metro with performance of 67.9% in the 2017/18 financial year compared to 82.1% in the previous financial year. The best performing district was the Alfred Nzo DM with performance of 60.7% in the 2017/18 financial year compared to 57.1% in the previous financial year, followed by Chris Hani DM with performance of 57.1% in the 2017/18 financial year as compared to 50.5% in the previous financial year. The worst performing districts were Amathole DM and Joe Gqabi DM with performance of 46.4% each in the 2017/18 financial year compared to 77.0% and 46.4% respectively for the previous financial year.

KPA 4: Municipal Financial Management and Viability

The performance of municipalities in the year under review has decreased in most indicators across all districts and metros. Municipalities have shown poor performance on the rate of consumer reduction. Most municipalities reported increase on their debtors and only four municipalities managed to decrease their consumer debtors in the province.

With regard to the indicator that measures the extent of municipal own revenue in the municipal actual budget all municipalities in the province are below the norm of 95% collection rate. This is an indication that revenue collection requires urgent attention within all municipalities of the province.

All municipalities must by law have an audit committee. This committee is established in order to advise the municipal council in all matters relating to good governance. In the year under review the assessment has shown a slight decrease with 26 municipalities that have met the full requirements of having functional audit committees. These municipalities have managed to hold their scheduled meetings and attached their audit report to their annual reports. It is unfortunate that there are still municipalities that have failed to provide information in this regard.

The performance of municipalities in the year under review has significantly decreased with regard to audit outcomes. The number of municipalities with *unqualified audit opinions with no matters of emphasis (Clean)* remained at two (2) and the number of municipalities with *unqualified* audit opinions decreased from twenty-two (22) to nineteen (19). Seventeen (17) of those municipalities maintained their unqualified audit opinion and the remaining two progressed from qualified to unqualified with matters of emphasis audit opinion. In the year under review there are also two municipalities that obtained an adverse audit opinion; these municipalities submitted financial statements which contained material misstatements that are not confined to specific amounts, or the misstatements represent a substantial portion of the financial statements. Three (3) municipalities have obtained *disclaimer* audit opinion.

All municipalities are required to spend 100% of their capital budget on an annual basis. This is the budget allocated for capital projects for service delivery. The analysis indicates that only fourteen (14) municipalities have spent 80% of their budget allocated for capital expenditure. Twenty-two (22) municipalities have spent less than 70% and two municipalities have not disclosed their information on capital expenditure.

KPA 5: Good Governance and Public Participation

The results of the 2017/18 financial year assessment as presented in this report reflect an unpleasant situation as performance has regressed with regard to Good Governance and Public Participation with the exception of Amathole District Municipality's highest average score of 50.45% compared to 50% in 2016/17. This is followed by Alfred Nzo achieving an average score of 46.25% in 2017/18, a slight decline from 50% in 2016/17. Sarah Baartman has also shown a decline in performance from 48.44% in 2016/17 to 41.02% in 2017/18. OR Tambo DM has an average score of 40.63% in 2017/18, Chris Hani DM declined from 43.48% in 2016/17 to 33.48% in 2017/18. Joe Gqabi DM regressed from 44.38% in 2016/17 to 25.78% in 2017/18. Nelson Mandela Bay Metro has maintained a stable performance in that it scored 37.50% in 2016/17 and Buffalo City Metro is the worst performing down from 50% in 2016/17 to 31.25% in 2017/18.



MS G. GUMBI-MASILELA
HEAD OF DEPARTMENT
COOPERATIVE GOVERNANCE & TRADITIONAL AFFAIRS

DATE: 19/7/18

PROVINCIAL NOTICE 291 OF 2019**NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 226, BLUE HORIZON BAY, UITENHAGE, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions E.6(a), (b), (c) and (d) contained in the Deed of Transfer No. T11488/97 and any subsequent Deed applicable to Erf 226, Blue Horizon Bay, Uitenhage, Eastern Cape, are hereby removed.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 242 OF 2019**BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA, ACT 16 of 2013 : ERF 795 BEACON BAY : REMOVAL OF RESTRICTIONS**

Under Section 47 (1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-law of 2016, and upon instruction from the abovementioned municipality, notice is hereby given that, following application by the owner of Erf 795 Beacon Bay, conditions C.(4)(a-d) found on page 3 of Deed of Transfer T1706/2000 & C.(1)(a-b)(2)(3) found on pages 3 and 4 of Deed of Transfer T1706/2000, pertaining to Erf 795 Beacon Bay, are hereby removed.

LOCAL AUTHORITY NOTICE 243 OF 2019**BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA, ACT 16 of 2013 : ERF 795 BEACON BAY : REMOVAL OF RESTRICTIONS**

Under Section 47 (1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-law of 2016, and upon instruction from the abovementioned municipality, notice is hereby given that, following application by the owner of Erf 795 Beacon Bay, conditions C.(4)(a-d) found on page 3 of Deed of Transfer T1706/2000 & C.(1)(a-b)(2)(3) found on pages 3 and 4 of Deed of Transfer T1706/2000, pertaining to Erf 795 Beacon Bay, are hereby removed.

LOCAL AUTHORITY NOTICE 244 OF 2019**BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA, ACT 16 of 2013 : ERF 67 KIDD'S BEACH : REMOVAL OF RESTRICTIONS**

Under Section 47 (1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-law of 2016, and upon instruction from the abovementioned municipality, notice is hereby given that, following application by the owner of Erf 67 Kidd's Beach, conditions B.(a-d) found on page 2 of Deed of Transfer T 20420/2018, pertaining to Erf 67 Kidd's Beach, are hereby removed.

LOCAL AUTHORITY NOTICE 245 OF 2019**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013
(Act 16 of 2013)****ERF 1360, NEWTON PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s C. 5. (7), (8), (9), (10) and (11) in Deed of Transfer No. T91134/2003 applicable to Erf 1360, Newton Park are hereby removed.