



NORTH WEST NOORDWES

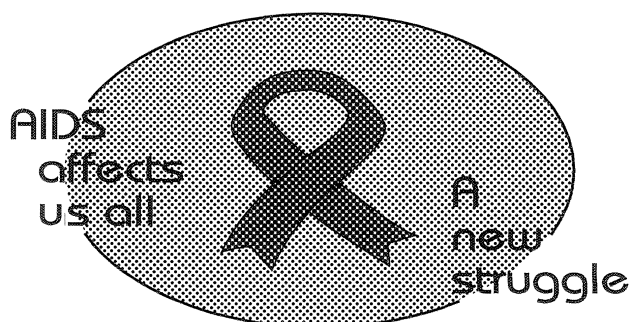
PROVINCIAL GAZETTE PROVINSIALE KOERANT

Vol. 257

**9 DECEMBER 2014
DESEMBER**

No. 7380

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes



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IMPORTANT NOTICE

The
North West Province Provincial Gazette Function
will be transferred to the
Government Printer in Pretoria
as from 1 February 2006

NEW PARTICULARS ARE AS FOLLOWS:**Physical address:**

Government Printing Works
149 Bosman Street
Pretoria

Postal address:

Private Bag X85
Pretoria
0001

New contact person: Vino Thaver Tel.: (012) 334-4687

Fax number: (012) 323-8805

E-mail address: vino.thaver@gpw.gov.za

Contact person for subscribers:

Mrs J. Wehmeyer Tel.: (012) 334-4753
Fax.: (012) 323-9574

This phase-in period is to commence from **1 February 2006** (suggest date of advert) and notice comes into operation as from **1 February 2006**.

Subscribers and all other stakeholders are advised to send their advertisements directly to the **Government Printing Works**, 7 days before publication date.

*In future, adverts have to be paid in advance
before being published in the Gazette.*

Advertising Manager

IT IS THE CLIENTS RESPONSIBILITY TO ENSURE THAT THE CORRECT AMOUNT IS PAID AT THE CASHIER OR DEPOSITED INTO THE GOVERNMENT PRINTING WORKS BANK ACCOUNT AND ALSO THAT THE REQUISITION/COVERING LETTER TOGETHER WITH THE ADVERTISEMENTS AND THE PROOF OF DEPOSIT REACHES THE GOVERNMENT PRINTING WORKS IN TIME FOR INSERTION IN THE PROVINCIAL GAZETTE.

No ADVERTISEMENTS WILL BE PLACED WITHOUT PRIOR PROOF OF PRE-PAYMENT.

$\frac{1}{4}$ page **R 272.30**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

**TAKE NOTE OF
THE NEW TARIFFS
WHICH ARE
APPLICABLE
FROM THE 1ST OF
1 APRIL 2014**

$\frac{1}{2}$ page **R 544.60**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

$\frac{3}{4}$ page **R 816.90**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

Full page **R 1 089,10**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt



REPUBLIC
OF
SOUTH AFRICA

LIST OF FIXED TARIFF RATES AND CONDITIONS

FOR PUBLICATION OF LEGAL NOTICES
IN THE *NORTH WEST PROVINCE*
PROVINCIAL GAZETTE

COMMENCEMENT: 1 APRIL 2014

CONDITIONS FOR PUBLICATION OF NOTICES

CLOSING TIMES FOR THE ACCEPTANCE OF NOTICES

1. (1) The *North West Province Provincial Gazette* is published every week on Tuesday, and the closing time for the acceptance of notices which have to appear in the *North West Province Provincial Gazette* on any particular Tuesday, is **12:00 on a Tuesday for the following Tuesday**. Should any Tuesday coincide with a public holiday, the publication date remains unchanged. However, the closing date for acceptance of advertisements moves backwards accordingly, in order to allow for 7 working days prior to the publication date.
- (2) The date for the publication of a **separate** *North West Province Provincial Gazette* is negotiable.
2. (1) Copy of notices received **after closing time** will be held over for publication in the next *North West Province Provincial Gazette*.
- (2) Amendment or changes in copy of notices cannot be undertaken unless instructions are received **before 14:00 on Fridays**.
- (3) Copy of notices for publication or amendments of original copy can not be accepted over the telephone and must be brought about by letter, by fax or by hand. The Government Printer will not be liable for any amendments done erroneously.
- (4) In the case of cancellations a refund of the cost of a notice will be considered only if the instruction to cancel has been received on or before the stipulated closing time as indicated in paragraph 2 (2).

APPROVAL OF NOTICES

3. In the event where a cheque, submitted by an advertiser to the Government Printer as payment, is dishonoured, then the Government Printer reserves the right to refuse such client further access to the *North West Province Provincial Gazette* until all outstanding debts to the Government Printer is settled in full.

THE GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

4. The Government Printer will assume no liability in respect of—
 - (1) any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - (2) erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

- (3) any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.
- (4) The Government Printing Works is not responsible for any amendments.

LIABILITY OF ADVERTISER

- 5. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

COPY

- 6. Copy of notices must be typed on one side of the paper only and may not constitute part of any covering letter or document.
- 7. At the top of any copy, and set well apart from the notice, the following must be stated:

Where applicable

- (1) The heading under which the notice is to appear.
- (2) The cost of publication applicable to the notice, in accordance with the "Word Count Table".

PAYMENT OF COST

- 9. **With effect from 1 April 2005 no notice will be accepted for publication unless the cost of the insertion(s) is prepaid in CASH or by CHEQUE or POSTAL ORDERS. It can be arranged that money can be paid into the banking account of the Government Printer, in which case the deposit slip accompanies the advertisement before publication thereof.**
- 10. (1) The cost of a notice must be calculated by the advertiser in accordance with the word count table.
- (2) Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the **Advertising Section, Government Printing Works, Private Bag X85, Pretoria, 0001 [Fax: (012) 323-8805], before publication.**
- 11. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and the notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or by cheque or postal orders, or into the banking account.

12. *In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the Government Printing Works.*
13. The Government Printer reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the Word Count Table, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

14. **Copies of the *North West Province Provincial Gazette* which may be required as proof of publication, may be ordered from the Government Printer at the ruling price.** The Government Printer will assume no liability for any failure to post such *North West Province Provincial Gazette(s)* or for any delay in despatching it/them.

GOVERNMENT PRINTERS BANK ACCOUNT PARTICULARS

Bank:	ABSA
	BOSMAN STREET
Account No.:	4057114016
Branch code:	632005
Reference No.:	00000050
Fax No.:	(012) 323 8805 and (012) 323 0009

Enquiries:

Mrs. L. Fourie	Tel.: (012) 334-4686
Mrs. H. Wolmarans	Tel.: (012) 334-4591

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 541 OF 2014

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) KLERKSDORP LAND USE MANAGEMENT SCHEME, 2005 – AMENDMENT SCHEME 860

Malepa Planning and Projects (PTY) LTD, Registration No. 2007/015316/07, being the authorised agent of the owner of Erf 65, Freemanville, Klerksdorp, hereby gives notice in terms of section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, that we have applied to the City of Matlosana for the amendment of the Town Planning Scheme known as Klerksdorp Land Use Management Scheme, 2005, as amended, by the rezoning of Erf 65, Freemanville, Klerksdorp, situated at 60 du Toit Street, Freemanville, Klerksdorp, from "Residential 1" to "Special" for the purpose of a Guesthouse and offices.

Particulars of the application will lie for inspection during normal office hours at the Records Section, Basement Floor, Klerksdorp Civic Centre, for the period of 28 days from 02 December 2014.

Objections to or representation in respect of the application must be lodged with or made in writing to the Municipal Manager, City of Matlosana at the above address or posted to P.O. Box 99, Klerksdorp, 2570 within a period of 28 days from 02 December 2014.

Address of authorised agent: Malepa Planning & Projects (PTY) LTD, 101 Anderson street, Plansentrum, Klerksdorp, 2571, P.O. Box 451, Klerksdorp, 2570, Tel (018) 462 4465.

KENNISGEWING 541 VAN 2014

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986) KLERKSDORP GRONDGEBRUIKSBESTUURSKEMA 2005 - WYSIGINGSKEMA 860

Malepa Planning and Projects (PTY) LTD, Registration No. 2007/015316/07, synde die gemagtigde agent van die eienaar van Erf 65, Freemanville, Klerksdorp, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ons by die Stadsraad van Matlosana aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as die Klerksdorp Grondgebruikbestuurskema, 2005, soos gewysig, deur die hersonering van Erf 65, Freemanville, Klerksdorp, geleë te du Toit Straat 60, Freemanville, Klerksdorp, vanaf "Residensieël 1" na "Spesiaal" vir die doeleinde van 'n Gastehuis en kantore.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Rekords Afdeling, Kelder Verdieping, Klerksdorp Burgersentrum, vir 'n tydperk van 28 dae vanaf 02 Desember 2014.

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 02 Desember 2014 skriftelik by of tot die Munisipale Bestuurder, Stad van Matlosana by bovermelde adres of by Posbus 99, Klerksdorp, 2570 ingedien of gerig word.

Adres van gemagtigde agent: Malepa Planning & Projects (PTY) LTD, Andersonstraat 101, Plansentrum, Klerksdorp, 2571, Posbus 451, Klerksdorp, 2570, Tel: 018 462 4465.

NOTICE 542 OF 2014**NOTICE OF APPLICATION FOR THE AMENDMENT OF THE TOWN PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986, (ORDINANCE 15 OF 1986)****DITSBOTLA AMENDMENT SCHEME 148**

I, M. P. Dithato, the owner of Portion 1 of Erf 353, Lichtenburg, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, that I have applied to the Ditsobotla Local Municipality for the amendment of the town planning scheme known as Ditsobotla Town Planning Scheme 2007, by the rezoning of the property described above, situated at 99 Burger Street, Lichtenburg, from "Residential 1" to "Residential 3", for the development of Residential Buildings. Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Room 4, Civic Centre, c/o Dr Nelson Mandela Drive and Transvaal Street, Lichtenburg, Tel. No. (018) 633 3800, for a period of 28 days, from 2 December 2014. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O. Box 7, Lichtenburg, 2740, within a period of 28 days from 2 December 2014.

Address of Applicant: 99 Burger Street, Lichtenburg, 2740

KENNISGEWING 542 VAN 2014**KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)****DITSBOTLA WYSIGINGSKEMA 148**

Ek, M. P. Dithato, die eienaar van Gedeelte 1 van Erf 353, Lichtenburg, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ek by die Ditsobotla Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as Ditsobotla Dorpsbeplanningskema 2007, deur die hersonering van die eiendom hierbo beskryf, geleë te Burgerstraat 99, Lichtenburg, van "Residensieël 1" na "Residensieël 3", vir die ontwikkeling van Residensiële Geboue. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Kamer 4, Eerste Vloer, Burgersentrum, h/v Dr. Nelson Mandelaweg en Transvaalstraat, Lichtenburg, Tel. No. (018) 633 3800 vir 'n tydperk van 28 dae vanaf 2 Desember 2014. Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 2 Desember 2014 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 7, Lichtenburg, 2740, ingedien of gerig word.

Adres van Applikant: Burgerstraat 99, Lichtenburg, 2740

NOTICE 543 OF 2014**NOTICE OF APPLICATION FOR THE AMENDMENT OF THE TOWN PLANNING SCHEME IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986, (ORDINANCE 15 OF 1986)
DITSBOTLA AMENDMENT SCHEME 149 and 150**

We, T. I. A. & L. G. Kubelo and E. Mosenogi, the owners of Portion 1 of Erf 165 and Remainder of Erf 178, Lichtenburg, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, that we have applied to the Ditsobotla Local Municipality for the amendment of the town planning scheme known as Ditsobotla Town Planning Scheme 2007, by the rezoning of the properties described above, situated at 97 and 101 Lang Street, Lichtenburg, respectively, from "Residential 1" to "Residential 3", for the development of Residential Buildings. Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Room 4, Civic Centre, c/o Dr Nelson Mandela Drive and Transvaal Street, Lichtenburg, Tel. No. (018) 633 3800, for a period of 28 days, from 2 December 2014. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O. Box 7, Lichtenburg, 2740, within a period of 28 days from 2 December 2014.

Address of Applicant: 97 Lang Street, Lichtenburg, 2740

KENNISGEWING 543 VAN 2014**KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)
DITSBOTLA WYSIGINGSKEMA 149 and 150**

Ons, T. I. A. & L. G. Kubelo en E. Mosenogi, die eienaars van Gedeelte 1 van Erf 165 en Restand van Erf 178, Lichtenburg, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ons by die Ditsobotla Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as Ditsobotla Dorpsbeplanningskema 2007, deur die hersonering van die eiendomme hierbo beskryf, geleë onderskeidelik te Langstraat 97 en 101, Lichtenburg, van "Residensieël 1" na "Residensieël 3", vir die ontwikkeling van Residensiële Geboue. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Kamer 4, Eerste Vloer, Burgersentrum, h/v Dr. Nelson Mandelaweg en Transvaalstraat, Lichtenburg, Tel. No. (018) 633 3800 vir 'n tydperk van 28 dae vanaf 2 Desember 2014. Besware teen of versoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 2 Desember 2014 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 7, Lichtenburg, 2740, ingedien of gerig word.

Adres van Applikant: Langstraat 97, Lichtenburg, 2740

NOTICE 544 OF 2014

NOTICE OF APPLICATION FOR AMENDMENT OF THE POTCHEFSTROOM TOWN PLANNING SCHEME 1980 IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986

POTCHEFSTROOM AMENDMENT SCHEME 2076

I, KW Rost (ID nr 760721 5043 08 9) of Townscape Planning Solutions CC (Reg nr 2000/045930/23), being the authorised agent of the owners of Erf 2, Ferdinand Postma Park Extension 35, Registration Division I.Q., North West, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, that we have applied to the Tlokwe City Council Local Municipality for the amendment of the Town Planning Scheme known as the Potchefstroom Town Planning Scheme, 1980, by the rezoning of a portion of the property described above, situated at 5 Bond Street, from "Residential 3" to "Special" with annexure 1634 for a Place of Public Worship, Place of Amusement, Place of Instruction, Refreshment Room, Service Industry, Shops and Office Use with a maximum height of 2 storeys, coverage of 50% and a F.A.R of 0.8.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Wolmarans Street for a period of 28 days from **2 December 2014**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 113, Potchefstroom, 2520 within a period of 28 days from **2 December 2014**.

Address of applicant: Townscape Planning Solutions, P.O. Box 20831, Noordbrug, 2522, Tel: 082 662 1105

Our ref: P14472_1

KENNISGEWING 544 VAN 2014

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE POTCHEFSTROOM DORPSBEPLANNINGSKEMA 1980 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986

POTCHEFSTROOM WYSIGINGSKEMA 2076

Ek, KW Rost (ID nr 760721 5043 08 9) van Townscape Planning Solutions BK (Reg nr 2000/045930/23), synde die gemagtigde agent van die eienaars van Erf 2, Ferdinand Postma Park Uitbreiding 35, Registrasie Afdeling I.Q., Noordwes Provinsie, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ons by die Tlokwe Stadsraad Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die Dorpsbeplanningskema, bekend as die Potchefstroom Dorpsbeplanningskema, 1980, deur die hersonering van 'n gedeelte van die eiendom hierbo beskryf, geleë te Bond Straat 5, vanaf "Residensieel 3" na "Spesiaal" met bylae 1634 vir 'n Plek vir Openbare Godsdiensoefening, Vermaaklikheidsplek, Onderrigplek, Verversingsplek, Diensnywerheid, Winkels en Kantoorgebruik met 'n maksimum hoogte van 2 verdiepings, dekking van 50% en V.O.V van 0.8.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Munisipale Bestuurder, Wolmaransstraat, Potchefstroom vir 'n tydperk van 28 dae vanaf **2 Desember 2014**.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **2 Desember 2014** skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 113, Potchefstroom, 2520 ingedien of gerig word.

Adres van applikant: Townscape Planning Solutions, Posbus 20831, Noordbrug, 2522, Tel: 082 662 1105

Verw.: P14472_1

NOTICE 545 OF 2014

NOTICE OF APPLICATION FOR AMENDMENT OF THE POTCHEFSTROOM TOWN PLANNING SCHEME 1980 IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986

POTCHEFSTROOM AMENDMENT SCHEME 2077

I, KW Rost (ID nr 760721 5043 08 9) of Townscape Planning Solutions CC (Reg nr 2000/045930/23), being the authorised agent of the owners of Erf 5 and Erf 6, Ferdinand Postma Park Extension 2, Registration Division I.Q., North West, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, that we have applied to the Tlokwe City Council Local Municipality for the amendment of the Town Planning Scheme known as the Potchefstroom Town Planning Scheme, 1980, by the rezoning of a portion of the properties described above, situated at 2 and 4 Bond Street and Bond Street, from, respectively, "Residential 3" and "Special" with an annexure for access to "Special" with annexure 1635 for a Place of Public Worship, Place of Amusement, Place of Instruction, Refreshment Room, Service Industry, Shops and Office Use with a maximum height of 2 storeys, coverage of 50% and a F.A.R of 0.8.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Wolmarans Street for a period of 28 days from **2 December 2014**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 113, Potchefstroom, 2520 within a period of 28 days from **2 December 2014**.

Address of applicant: Townscape Planning Solutions, P.O. Box 20831, Noordbrug, 2522, Tel: 082 662 1105

Our ref: P14472_2

KENNISGEWING 545 VAN 2014

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE POTCHEFSTROOM DORPSBEPLANNINGSKEMA 1980 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986

POTCHEFSTROOM WYSIGINGSKEMA 2077

Ek, KW Rost (ID nr 760721 5043 08 9) van Townscape Planning Solutions BK (Reg nr 2000/045930/23), synde die gemagtigde agent van die eienaars van Erf 5 en Erf 6, Ferdinand Postma Park Uitbreiding 2, Registrasie Afdeling I.Q., Noordwes Provinsie, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ons by die Tlokwe Stadsraad Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die Dorpsbeplanningskema, bekend as die Potchefstroom Dorpsbeplanningskema, 1980, deur die hersonering van 'n gedeelte van die eiendomme hierbo beskryf, geleë te Bond Straat 2 en 4 en Bond Straat, vanaf, onderskeidelik, "Residensieel 3" en "Spesiaal" met 'n bylae vir toegang na "Spesiaal" met bylae 1635 vir 'n Plek vir Openbare Godsdiensoefening, Vermaaklikheidsplek, Onderrigplek, Verversingsplek, Diensnywerheid, Winkels en Kantoorgebruik met 'n maksimum hoogte van 2 verdiepings, dekking van 50% en V.O.V van 0.8.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Munisipale Bestuurder, Wolmaransstraat, Potchefstroom vir 'n tydperk van 28 dae vanaf **2 Desember 2014**.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **2 Desember 2014** skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 113, Potchefstroom, 2520 ingedien of gerig word.

Adres van applikant: Townscape Planning Solutions, Posbus 20831, Noordbrug, 2522, Tel: 082 662 1105

Verw.: P14472_2

NOTICE 546 OF 2014

NOTICE OF APPLICATION FOR AMENDMENT OF THE POTCHEFSTROOM TOWN PLANNING SCHEME 1980 IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986

POTCHEFSTROOM AMENDMENT SCHEME 2078

I, KW Rost (ID nr 760721 5043 08 9) of Townscape Planning Solutions CC (Reg nr 2000/045930/23), being the authorised agent of the owners of Erf 5, Ferdinand Postma Park Extension 2, Registration Division I.Q., North West, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, that we have applied to the Tlokwe City Council Local Municipality for the amendment of the Town Planning Scheme known as the Potchefstroom Town Planning Scheme, 1980, by the rezoning of a portion of the property described above, situated at 2 and 4 Bond Street, from "Residential 3" to "Special" with annexure 1636 for access purposes.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Wolmarans Street for a period of 28 days from **2 December 2014**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 113, Potchefstroom, 2520 within a period of 28 days from **2 December 2014**.

Address of applicant: Townscape Planning Solutions, P.O. Box 20831, Noordbrug, 2522, Tel: 082 662 1105
Our ref: P14472_3

KENNISGEWING 546 VAN 2014

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE POTCHEFSTROOM DORPSBEPLANNINGSKEMA 1980 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986

POTCHEFSTROOM WYSIGINGSKEMA 2078

Ek, KW Rost (ID nr 760721 5043 08 9) van Townscape Planning Solutions BK (Reg nr 2000/045930/23), synde die gemagtigde agent van die eienaars van Erf 5, Ferdinand Postma Park Uitbreiding 2, Registrasie Afdeling I.Q., Noordwes Provinsie, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ons by die Tlokwe Stadsraad Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die Dorpsbeplanningskema, bekend as die Potchefstroom Dorpsbeplanningskema, 1980, deur die hersonering van 'n gedeelte van die eiendom hierbo beskryf, geleë te Bond Straat 2 en 4, vanaf "Residensieel 3" na "Spesiaal" met bylae 1636 vir toegangsdoeleindes.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Munisipale Bestuurder, Wolmaransstraat, Potchefstroom vir 'n tydperk van 28 dae vanaf **2 Desember 2014**.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **2 Desember 2014** skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 113, Potchefstroom, 2520 ingedien of gerig word.

Adres van applikant: Townscape Planning Solutions, Posbus 20831, Noordbrug, 2522, Tel: 082 662 1105
Verw.: P14472_3

NOTICE 559 OF 2014**NOTICE OF APPLICATION TO DIVIDE LAND IN TERMS OF ORDINANCE 20 OF 1986**

Notice is hereby given, in terms of Sections 6(1) of the Division of Land Ordinance, 1986 (Ordinance 20 of 1986), that I, Nicolaas Jacobus Rossouw, being the authorized agent of the registered owners of the under mentioned property, applied to the Matlosana City Council for the subdivision of the Remainder of Portion 234 of the farm Hartbeestfontein No. 497-IP into two (2) parts $\pm 159\text{Ha}$ and $\pm 51,4843\text{Ha}$ in extent respectively. Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Municipal Offices, Cnr Braamfisher & OR Tambo streets, Klerksdorp. Objections to or representation in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at PO Box 99, Klerksdorp, 2570, within a period of 28 days from 09 December 2014.

Description of Land: Remainder of Portion 234 of the farm Hartbeestfontein No. 497-IP

Address of agent: Mr. N J Rossouw, Kroep & Rossouw Inc, P.O. Box 112, Potchefstroom, 2520.

KENNISGEWING 559 VAN 2014**KENNIS VAN AANSOEK OM GROND TE VERDEEL IN TERME VAN ORDINNANSIE 20 VAN 1986**

Kennis geskied hiermee kragtens artikel 6(1) van die Ordinnansie op die Verdeling van Grond, 1986 (Ordonnansie 20 van 1986) dat ek, Nicolaas Jacobus Rossouw, synde die gemagtigde agent van die geregistreerde eienaars van die ondergenoemde eiendom, aansoek gedoen het by Matlosana Plaaslike Munisipaliteit vir die onderverdeling van die Restant van Gedeelte 234 van die plaas Hartbeestfontein No. 497-IP in twee (2) gedeeltes groot $\pm 159\text{Ha}$ en $\pm 51,4843\text{Ha}$ respektiewelik. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Munisipale Kantore, Hoek van Braamfisher en OR Tambo straat Klerksdorp. Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 09 Desember 2014 skriftelik by die Munisipale Bestuurder by die bovermelde adres of by Posbus 99, Klerksdorp, 2570 ingedien word.

Beskrywing van Grond: Restant van Gedeelte 234 van die plaas Hartbeestfontein No. 497-IP

Adres van agent: Mnr N J Rossouw, Kroep & Rossouw Ing, Posbus 112, Potchefstroom, 2520.

LOCAL AUTHORITY NOTICES PLAASLIKE BESTUURSKENNISGEWINGS

LOCAL AUTHORITY NOTICE 257

LOCAL MUNICIPALITY OF MADIBENG

PERI URBAN AREAS AMENDMENT SCHEME 2167

Notice is hereby given in terms of the provisions of Section 57(1) (a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) that the Madibeng Local Municipality has approved the Amendment of the Peri Urban Areas Town Planning Scheme, 1975, by the rezoning of erf 148 The Islands Estate Extension 1 from "Special " for parking of Boats to "Special" for Boathouses and Residential units subject to certain conditions:

The Map 3 –documents and the scheme Clauses of the Amendment Scheme is filed at the offices of the Local Municipality of Madibeng and is open for inspection at normal office hours. This Amendment Scheme is known as Peri Urban Areas Amendment Scheme 2167 and shall come in operation on the date of publication of this notice.

T MOTLASHUPING, Acting Municipal Manager

Municipal Offices, 53 Van Velden Street Brits. P O Box 106, Brits 0250. Ref: (15/2/2/3/443 HBPT).
Notice No 49/2014

LOCAL AUTHORITY NOTICE 258**TLOKWE CITY COUNCIL**

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Tlokwe City Council adopted the following Blacklisting By-law which will come into effect from date of publication hereof in the Provincial Gazette.

BLACKLISTING BY-LAW**INDEX**

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BLACKLISTING By-Law

1. DEFINITIONS

- 1.1 “*Appeal authority*” shall mean an independent and impartial person appointed by the Accounting Officer in terms of Section 57 of the Supply Chain Management Policy.
- 1.2 “*Applicant*” shall mean a department with the Tlokwe City Council who lodged the complaint.
- 1.3 “*Complainant*” shall have a corresponding meaning.
- 1.4 “*Award*” shall mean the acceptance of a bid or proposal.
- 1.5 “*Blacklisting/restricting*” shall mean the act of disqualifying a person or an entity from participating in the procurement process of the Tlokwe City Council.
- 1.6 “*Blacklisting authority*” shall mean the person/s or committee/s that has delegated authority to blacklist or restrict a tenderer/supplier/contractor.

- 1.7 “*Blacklisting period*” shall mean the period for which the tenderer is barred from participating in the procuring processes.
- 1.8 “*Contract period*” shall mean the duration of the contract as set out in the contract.
- 1.9 “*Delisting*” shall mean removal of a person/entity after the period of blacklisting expires.
- 1.10 “*Eligibility documents*” shall mean the following:
- 1.10.1 Tax clearance and municipal fee declarations and certificates certifying that the bidder has no undisputed commitments for municipal fees due to any municipality or overdue for a period of 30 days or more.
 - 1.10.2 Declarations by tenderers certifying the correctness of information and certifying validity of authority to act (Regulation 14 of the Preferential Policy Framework, 2000 (Act 5 of 2000).
 - 1.10.3 Certificates declaring details of private or business interests in terms of Regulation 46(e) of the Supply Chain Management Regulations.
 - 1.10.4 CIDB certificates (Construction Industry and Development Board accreditation certificates).
 - 1.10.5 Proof of registration of a company, close corporation, co-operative or any other document requiring formal registration.
 - 1.10.6 Any partnership agreement or agreement of joint venture, memorandum of articles of a company, association agreement or any other agreement establishing a business entity.
 - 1.10.7 Statement setting out details of work undertaken in the government/public sector/organs of state in the past five (5) years, including particulars of persons who assessed the work and who can be contacted to verify completion/non-completion of the contract.
 - 1.10.8 Audited financial statements where applicable, or books of account.
 - 1.10.9 Or any other document prescribed by law or specifically requested by Tlokwe City Council.
- 1.2 “*Managers*” shall mean a person appointed as manager directly accountable to the Municipal Manager.
- 1.3 “*Fronting*” shall mean companies with no black economic empowerment (BEE) status illegally claiming to be headed by previously disadvantaged individuals and claim false BEE credentials in order to win tender contracts.
- 1.4 “*Irregular practice*” shall include, but not be limited to –
- (a) fronting;
 - (b) misrepresentation on eligibility documents or application forms or any other returnable document which contains information which will have a material bearing on the award;

- (c) attempt to bribe/bribing an official by monetary or non-monetary inducements or attempt to influence an official directly or indirectly involved with the procurement process, in order to -
 - (i) obtain a tender;
 - (ii) retain a tender;
 - (iii) withdraw from a tender;
 - (d) deliberately omitting information, or misrepresenting information which would have a bearing on the award of a tender;
 - (e) committing of fraud or extortion in relation to the bidding process;
 - (f) obtaining information on the contents of other bids in the same tender which one would not ordinarily be entitled to in terms of the Promotion of Access to Information Act (PAIA), 2000 (Act 2 of 2000), which information is in the possession and under the control of the municipality;
 - (g) collusive tendering;
 - (h) restrictive horizontal and vertical practices as defined by the Competition Act;
 - (i) committing an exclusionary act as defined by the Competition Act; and
 - (j) any other activity which is not specifically set out in this definition, but constitutes an unlawful or unfair/improper business practice.
- 1.5 “*Municipality*” shall mean the Tlokwe City Council.
- 1.6 “*Non-performance*” shall mean default on a contract in the public/government sector by wilfully or negligently:
- (a) failing to perform at all;
 - (b) failing to complete work timeously without good reason;
 - (c) delivering defective performance, i.e. poor workmanship or substandard materials;
 - (d) being in breach of a material term of the contract;
 - (e) failing to achieve a specified participation goal as set out in the tender documents; and
 - (f) despite being given written notice to remedy non-performance.
- 1.7 “*Manager*” shall mean all managers who are responsible for managing the respective votes of the municipality and to whom powers and duties for this purpose have been delegated in terms of Section 79 of the Local Government: Municipal Finance

Management Act, 2003 (Act 56 of 2003) and any other senior officials designated by the Accounting Officer.

2. INTRODUCTION

The municipality is committed in terms of its procurement policies to acquire the best goods and services for the Council while also supporting small businesses, local economic development and previously disadvantaged service deliverers.

In order that these objectives are achieved, the standard of the goods and services delivered and the method of doing business must be of an acceptable standard.

This by-law shall govern the blacklisting/restricting of defaulters at the following stages:

- (a) registration on the municipality's database;
- (b) during the bidding process, i.e. from the advertisement, until the award; and
- (c) after the award of contracts, i.e. during the contract period or roll out.

3. OBJECTIVES

The objectives of the By-Law is to -

- 3.1 prevent the municipality from doing business with persons, business, organizations or entities who abuse the supply chain management system by committing a corrupt, fraudulent, unfair or irregular practice/s;
- 3.2 prevent the municipality from doing business with individual persons, business, organizations or entities who default on any contract, performance wilfully or negligently;
- 3.3 develop a uniform criteria and a fair process for barring such persons, tenderers and business entities who engage in 3.1 and/or 3.2 above;
- 3.4 discourage persons who are blacklisted from re-entering the procurement arena by setting up new business entities and by using existing business entities to tender for public sphere work, during the blacklisting period.

4. POLICY STATEMENT

A tenderer who is blacklisted by the Tlokwe City Council or who has already been included on the National Treasury's Register of Tender Defaulters shall not be allowed to participate in the bidding for work offered by the municipality during the period of disqualification.

5. APPLICABILITY TO FIRMS/PARTNERSHIPS/INDIVIDUALS

- 5.1 Any restriction imposed on any business entity by the Tlokwe City Council will, at the discretion of the municipality, also be applicable to any partner, manager, director or other person who wholly or partly exercises or exercised or may exercise control over the enterprise.

5.2 Whilst such persons are blacklisted, such persons may re-organize themselves into new entities, however such new entities will be precluded from tendering for work put out to tender by the Tlokwe City Council.

5.3 The onus is on the contractor who is so blacklisted to advise his business associates and/or partners that he had been blacklisted.

6. GROUNDS FOR BLACKLISTING

6.1 Committing an irregular practice/s as defined above.

6.2 Failing to achieve a specified goal as is stipulated in the tender document in terms of Regulation 15(1) of the Preferential Procurement Regulations.

6.3 Committing of any offence as set out in Sections 12 and 13 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004).

6.4 Persistent non-performance as defined above.

6.5 A conviction in respect of a related criminal activity, by a competent court of law, for which the sentence is a term of imprisonment of not less than six (6) months.

7. PROCEDURES

7.1 Application

7.1.1 The complainant must apply on prescribed forms to be collected from the Supply Chain Unit or any other department duly authorized by the Accounting Officer.

7.1.2 The application form shall make provision for reasons for the application, which if not stated shall render the application null and void and shall not be considered.

7.1.3 The applicant's application shall be signed by the relevant Manager.

7.1.4 In the case of applications for blacklisting pertaining to construction or work, where non-performance is claimed (excluding failure to achieve specified goals), the application is to be accompanied by proof –

- (a) that the contractor has been advised in writing of his non-performance and had been given an opportunity to remedy the non-performance, a certificate from a consultant registered engineer, or an internal report from a suitably qualified official confirming the non-performance and failure to remedy;
- (b) in addition, a final demand must be issued by the Accounting Officer or any duly authorized official requesting the contractor to perform not later than fourteen (14) days from the date of the notice; and
- (c) In the case of applications in respect of contracts other than contracts mentioned above and failure to achieve specified goals, a copy of all notices served on the supplier/contractor to perform must be attached to the application.

7.2 Notification

7.2.1 The completed application form shall be lodged with the Supply Chain Management Unit or any duly authorized department by the Accounting Officer.

7.2.2 Supply Chain Management Unit or any duly authorized department shall send out a notification to the person or entity against whom the application is made.

7.2.3 The notice shall be sent by registered post or delivery by hand to the person/entity concerned.

7.2.4 The notice shall set out -

- (a) the basis of the claim, together with all supporting documents;
- (b) time period within which the respondent is to respond, by furnishing reasons why he/she/it should not be blacklisted; and
- (c) place for the delivery of the response.

7.3 Response

The respondent shall be expected in his response to indicate whether or not he admits or denies the allegations and the reasons for denial, if applicable, and why the sanction should not be imposed.

The Blacklisting Committee shall make its determination based on the application and response. Should either the complainant or respondent wish to give oral evidence, then this must be indicated in writing with the filing of the application and response, respectively.

7.4 Notification of date

7.4.1 The Supply Chain Management Unit shall upon receipt of the response then advise the respondent and complainant of a date for consideration of the matter.

7.4.2 This notice shall advise both parties of the date for consideration by the Blacklisting Committee which shall be a date not less than twenty (20) calendar days from the date of the notice.

7.4.3 The respondent may submit a statement setting out the basis of any denial and any supporting documents, and should he/she/it wish to present evidence in person, that he/she/it is to advise so that suitable arrangements may be made.

7.4.4 If the respondent does not respond to the first notice despite proper notification, he/she shall be deemed to have no objection and the blacklisting authority may proceed with the consideration and finalization of the matter.

7.4.5 Any documentation received from the respondent shall be made available to the applicant, who may file a written response thereto. A copy of which shall be made available to the respondent.

7.5 The hearing

7.5.1 The blacklisting authority shall on the basis of application, together with all other papers filed impose an appropriate sanction.

7.5.2 The blacklisting authority shall not be precluded from calling for oral evidence on issues of clarity or dispute of fact.

7.5.3 The blacklisting authority shall allow the respondent to make oral representations where he has exercised the right to do so, in advance.

7.5.4 The blacklisting authority shall make a decision on the facts before it, and issue an order within ten (10) working days after the conclusion of the hearing.

7.6 Notification of decision and order

7.6.1 The Supply Chain Management Unit or any duly authorized department shall advise the parties of the decision in writing within ten (10) working days of the decision being made, by enclosing in the notice, a copy of the order.

7.6.2 The order shall contain the following information:

- (a) The decision.
- (b) The effective date of the sanction, date of the expiration of the sanction and date of commencement of the tenderer into the public tender arena, which will be the next working day, if the expiry falls on a weekend or South African public holiday.

7.6.3 The decision notice shall enclose the order and set out the following:

- (a) The reasons for the decision.
- (b) The right of appeal against the decision and/or sanction.

7.6.4 The Mayoral Committee to receive regular reports as soon as there are incidents of blacklisting.

7.7 Appeal

An appeal against the Blacklisting Committee's decision shall lie with a competent court of law.

7.8 Effect of the decision

A contractor is restricted from the effective date as set out in the order referred to in paragraph 7.5.4. This means that no department within the municipality may award a contract to such person/entity from the effective date to the expiry of the period set out in the order.

8. PUBLICATION

The Supply Chain Management Unit or any duly authorized department shall advise the National Treasury of the decision of the blacklisting authority within ten (10) working

days of any restrictions, period of restriction, reasons and date of commencement of the restriction that it imposes against the respondent.

The Supply Chain Management Unit or any duly authorized department shall publicize the findings of the blacklisting authority on its website.

9. UPLIFTING OF SANCTION

- 9.1 The Accounting Officer, based on good reasons, may amend or uplift any restriction which is imposed on the contractor by the blacklisting authority.
- 9.2 Application for the uplifting of the restriction must be made by the respondent.
- 9.3 Such reasons for amendment or upliftment must be furnished to National Treasury within ten (10) working days of the amendment or upliftment.
- 9.4 An application for uplifting may only be made after the respondent has been suspended for at least a year from the effective date of the decision where the sanction is for three (3) or more years.
- 9.5 Furthermore if an application is refused, the applicant shall be precluded from bringing a further application for a period of six (6) months from such refusal after obtaining a legal opinion on this course of action.

10. ONUS

The onus shall rest with the tenderer to ensure that he/she is removed from the defaulters list/Tlokwe City Council's website once the period of blacklisting has expired.

11. SANCTIONS

- 11.1 If the blacklisting authority is satisfied that there are grounds to blacklist, the blacklisting authority must decide on the blacklisting period based on the merits of each matter. The blacklisting authority shall take into account, *inter alia*, the following:
 - 11.1.1 Seriousness of the offence;
 - 11.1.2 previous similar conduct in bidding processes in other municipalities and the Tlokwe City Council when imposing the sanction;
 - 11.1.3 the hardship/inconvenience that has been occasioned by the tenderer's/contractor's conduct;
 - 11.1.4 other remedies which the municipality has/may invoke; and/or
 - 11.1.5 the financial logs by the municipality.
- 11.2 The municipality shall not be precluded from invoking its conventional remedies in law.

12. COMPOSITION OF BLACKLISTING COMMITTEE AND THE APPOINTMENT OF MEMBERS

12.1 The Blacklisting Committee shall be established by the Tlokwe City Council to consider applications for the restricting of tenderers and contractors who wish to do business with the municipality/are already doing business with the municipality.

12.2 The Blacklisting Committee shall be appointed by the Accounting Officer of the municipality, in collaboration with the Council.

12.3 Criteria for appointment

The Blacklisting Committee must consist of at least the following disciplines:

12.3.1 Managers;

12.3.2 Assistant Manager responsible for Supply Chain Management;

12.3.3 Manager responsible for legal and administration;

12.3.4 Legal expert;

12.3.5 Any other official as delegated by the Accounting Officer.

Such a committee must consist of at least four (4) Managers and a minimum of seven (7) members constituted as follows:

(a) Chairperson

Where possible, the chairperson should be an attorney, with particular experience in law, administrative justice issues and constitutional issues.

(b) Vice-chairperson

An official on at least manager level.

(c) Members

Cross functional teams consisting of senior officials or advisors may be co-opted on account of their specialized knowledge.

(d) Secretariat

A departmental official must be made available to act as secretary.

(e) Quorum

There shall be at least four (4) persons in attendance for the full duration of the meeting.

A duly convened committee at which a quorum is present shall have all the powers vested in them by this policy.

(f) Secondment

For the purpose of continuity and not to delay meetings, the Accounting Officer may also appoint secundi to temporarily replace members that are absent from meetings due to illness, leave, etc. The Accounting Officer will also decide whether or not such secondment will have the same powers than members.

12.2 Duties and powers of the various office-bearers

12.2.1 The Chairperson -

- (a) has a casting vote as well as a deliberate vote;
- (b) retains all his/her rights as a member;
- (c) may adjourn a meeting;
- (d) may rule on points of order which will be final;
- (e) may withdraw any proposal or other matters under discussion before it is put to the vote; and
- (f) convene extraordinary committee meetings on request.

12.2.2 The chairperson shall -

- (a) maintain order during a meeting and ensure that business is conducted in an orderly manner;
- (b) before opening a meeting, ensure that it is properly constituted;
- (c) protect the rights of every member;
- (d) vacate his seat to the vice chairperson, should he/she wish to partake in a discussion in a partial manner;
- (e) regulate participation in discussions;
- (f) deal with items in sequence of the agenda;
- (g) ensure that members know exactly what they are required to vote on;
- (h) ensure that only one member holds the floor at any one time;
- (i) provide guidance by directing the meeting, but shall not dominate;
- (j) conduct meetings in a formal manner; and
- (k) formulate the decisions to be minuted clearly and sign and approve the minutes after they have been verified for correctness.

12.2.3 Vice-chairperson

The vice-chairperson has the same powers and duties as those of members and in addition, where necessary, shall –

- (a) in the absence of the chairperson, preside as chairperson; and
- (b) take the seat of and act as chairperson, should the chairperson wish to partake in partial discussions.

In the event when both the chairperson and vice-chairperson are absent from a meeting, the members present may elect one (1) of their members to preside at such meeting.

12.2.4 Secretary

The secretary shall –

- (a) in conjunction with the chairperson compile an agenda and determine dates of meetings;
- (b) give notice of proposed meetings to committee members;
- (c) process and distribute all submissions/reports together with the agenda to committee members at least three working days before the actual meeting takes place;
- (d) minute all decision taken at meetings;
- (e) adhere strictly to the stipulations of the National Archives of South Africa Act, 1996 (Act 43 of 1996) and accompanying directives;
- (f) ensure that the proceedings at meetings are recorded mechanically;
- (g) give written feedback of all decision taken by the committee;
- (h) be responsible for all the administrative tasks of the Committee; and
- (i) furnish copies of minutes required.

12.2.5 Members

- (a) Members of the committee shall –
 - (i) be fully conversant with the powers and limitations of the committee as well as all directives pertaining to blacklisting, including the relevant sections of the MSCM Regulations, Preferential Procurement Policy Framework Act and accompanying regulations, all directives and circulars issued by National Treasury as well as the delegated powers issued by the Accounting Officer and at all times act in accordance with above mentioned legislation, regulations and procedures;
 - (ii) apply their mind to matters at hand in order to take meaningful and accountable decisions and in the event of doubt or uncertainty, to propose that matters be referred back for clarification;

- (iii) in advance, furnish a written apology should he/she not be able to attend a meeting;
 - (iv) strive to be punctual for meetings and stay for the duration of a meeting;
 - (v) prepare properly for each meeting by studying the agenda and submission/reports;
 - (vi) be familiar with meetings procedures in order to make a contribution in the correct manner; and
 - (vii) refrain from repetition and duplication of contributions by other members.
- (b) Members have the right to –
 - (i) have advance knowledge of the agenda;
 - (ii) submit proposals and participate in proceedings;
 - (iii) vote; and
 - (iv) have a dissenting voice, as well as the member's reasons therefore, recorded.

12.2.6 Co-opted members/advisors

Co-opted members/advisors have the same powers and duties as members but excluding the right to vote on any matter under discussion.

13. MEETING PROCEDURES

13.1 Notice of meetings

13.1.1 The agenda/committee pack of a meeting serves as the programme of the meeting; the agenda/committee pack shall be made available to members at least three working days before the actual meeting.

13.1.2 To fully consider the committee pack prepared for members in advance.

13.1.3 To fully understand the Tlokwe City Council's procurement processes and the legislation and policy dealing with municipal procurement.

13.1.4 To apply themselves with diligence to the matter at hand.

13.1.5 To pronounce on the matter, having had regard to the merits of the matter, by either restricting the tenderer/contractor and imposing upon him an appropriate sanction, or by dismissing the application.

13.1.6 To prepare an order duly signed by the committee chair.

13.2 In order to afford members the opportunity to prepare for the meeting, the agenda shall be made available to members at least three working days before the actual meeting.

13.3 Submissions/reports to the committee.

All submissions/reports to the committee must be in writing.

13.4 Minutes

13.4.1 The minutes will be the written record reflecting in a brief, clear and impartial manner the decisions of the committee. The signed minutes will serve as proof of the decisions of the committee.

13.4.2 Should a member wish to have a specific matter other than a decision recorded, it must be specifically requested. A member's reasons for dissenting voice must also be recorded.

13.4.3 Proceedings are also recorded mechanically to enable the secretary to prepare verbatim reports when required by a court of law.

13.5 Register

13.5.1 Members shall sign a register at each meeting, serving as attendance register as well as an undertaking to confidentiality of that meeting.

13.5.2 This register will also provide for the declaration of interest. Any interest which may infringe or might reasonably be deemed to infringe on member's impartiality in any matter relevant to their duties, must be recorded.

13.5.3 Members must declare and record all gifts and invitations.

13.6 Chairperson

13.6.1 Each meeting will be presided over by the chairperson. In the absence of the chairperson, the vice-chairperson will preside as chairperson, in which case he/she will occupy the chair for the whole meeting, even if the chairperson should arrive during the course of the meeting.

13.6.2 Every member attending the meeting owes deference to the chairperson and may be removed if that person does not respect the authority of the chair.

13.7 Point of order

A member may speak on a point of order only if he/she is of the opinion that there has been a departure from the Rules of Order, example, an objection against improper language used, that a speaker has transgressed, etc.

14. CONDUCT OF OFFICE-BEARERS

14.1 Rights and responsibilities of committee members

A person as a member of the committee obtains rights as a share in the control of the matter for which the meeting is constituted and the member may exercise this right by

making proposals, voting, etc. A member's conduct at the meeting must however not infringe on the rights of others.

14.2 Members must accept that –

14.2.1 the chairperson must be respected;

14.2.2 the chairperson has the right to interrupt and ask a member to stop speaking if address is repetitive or irrelevant to the matter under discussion;

14.2.3 a member must stop speaking if ruled out of order by the chairperson;

14.2.4 decisions are taken by general consensus or by show of hands when a matter is decided upon by voting; and

14.2.5 once a decision has been taken, it is final and not open for discussion unless additional information which was not available at the time of decision making can be produced.

15. PRESCRIBED FORMS

Attached as annexures to the Blacklisting By-law are the prescribed forms which must be used in the blacklisting procedures:

15.1 Blacklisting application forms (Annexure A)

15.2 Notification forms:

15.2.1 Notice of non-performance (Annexure B)

15.2.2 Notice of final demand by Accounting Officer (Annexure C)

15.2.3 Notice of bidder of application to blacklist (Annexure D)

15.2.4 Notice of the decision (Annexure E)

15.3. Blacklisting by appeal authority (Annexure F).

16. REVIEW

This By-law will be revised annually to ensure it complies with changes in applicable legislation and regulation.

17. SHORT TITLE

This By-law shall be called the Blacklisting By-law of the Tlokwe City Council.

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ANNEXURE A**BLACKLISTING APPLICATION FORM****1. APPLICATION**

1.1 Name of the department and cluster making application

1.2 Name of and capacity of official making the statement on behalf of the department

1.3 How is the official in 1.2 above involved in this contract/tender on which this application is based?

2. DETAILS OF CONTRACT/TENDER

2.1 Is the tender/contract for supply of goods/service or a construction/works contract?

Goods/services ☐ Construction/works ☐ (please indicate with a 'x')

2.2 Name of department which is the owner of the tender/contract and the tender/contract number and description

2.3 When did the tender/contract commence?

2.4 Is the tender/contract complete? If not, at what stage is the contract currently?

2.5 If the contract was terminated, when was the contract terminated, for what reasons and by whom was the contract terminated?

- 2.6 If the contract has been terminated, the applicant must attach copies of all notices which have been served on the contractor, placing him in breach/advising of termination and calling on the contractor to perform.
-

- 2.7 What process was followed to remedy the contract/tender? Attach proof of documentation (written letter of non-compliance, final document notices served)?
-

3. REASONS FOR APPLICATION

- 3.1 The applicant must state the basis of this application, and attach a statement in support thereof. The statement must set out in detail all particulars of the basis of the claim, as this will be used as evidence on which the Blacklisting Committee will make its decision.
- 3.2 In the case of non-performance, a certificate from a registered engineer (in works contracts), or suitably qualified person (in contracts other than works contracts) confirming the non-performance must be accompanied by the statement referred to above.
- 3.3 All supporting documentation, such as the tender/contract/performance or progress reports, notices served, other relevant correspondence should be attached to the application.

4. GENERAL (to be filled in by all applicants)

- 4.1 Is the conduct of the tenderer/contractor an offence?
-
-

- 4.2 If so, in terms of what legislation? Has a report been made to the South African Police Service or has municipal prosecution been instituted? If yes, state the Cas. Number/case number. If not, is it likely that a report will be made in the future?
-

- 4.3 Have any other remedies been invoked against the contractor?
Example, penalties or damages claimed. Details to be provided.
-

- 4.4 Does the contractor have any other contracts running concurrently with the municipality?
Ps state.

- 4.5 Does the applicant wish to make oral representations at the hearing, or can the Blacklisting Committee make its findings on the statement in 4.1 above?

5. **DOMICILLIUM OF RESPONDENT** (Person/s / bidder / contractor against whom this application is made)

If the *domicillium* of the respondent is known, state the address for the purposes of serving notification in terms of the blacklisting guidelines.

Signature of applicant

..... Name of

Signatory in Print

..... Signed at:

.....

Date of Application:

ANNEXURE B**NOTICE 1**

The name of contractor and details

By Registered Post / Hand Delivery

Date of Notice (this is extremely important)

Sir

NOTICE OF NON-PERFORMANCE/BREACH OF CONTRACT NO:

You are hereby notified that you have failed to perform this contract satisfactorily in that you have not at all/timeously/according to an acceptable standard (*delete whichever is not applicable).

You are hereby requested to regularize your non-performance/breach within fourteen (14) days from the date of this letter, by doing

failing which the municipality shall have the right to cancel this contract, institute a claim for damages and invoke any other remedy that the municipality may have in terms of the contract, and in law.

Be further advised that should you fail to remedy the breach above, an application may be made by this department to bar you from tendering for future contracts with the municipality.

Yours faithfully

ACCOUNTING OFFICER

If hand delivered, make provision for signatures of persons receiving

ANNEXURE C**NOTICE 2**

Details of Contractor, as in Notice 1

By Registered Post / Hand Delivery

Date (impt*)

Sirs

FINAL NOTIFICATION OF NON-PERFORMANCE / BREACH OF CONTRACT NO.

.....
We refer to notice dated (date of Notice 1) (attach copy for ease of reference).

We have been advised that despite the aforesaid notice, you have failed/refused* (*delete which is not applicable) to comply with the notice.

You are hereby advised that this notification demands that you perform as set out in the attached notice within the time period stipulated in this notice (state the date, it must be calculated as fourteen (14) calendar days), failing which the department shall despite any remedies the municipality may have set out in the notification dated (first notice) make application to blacklist/restrict you from applying for any work within the government sector.

Yours faithfully

ACCOUNTING OFFICER

ANNEXURE D**NOTICE 3**

Notification to Contractor

Contractor's details

Date
By Registered Post/Hand Delivery

Sir

NOTIFICATION OF APPLICATION FOR BLACKLISTING

Kindly take note that an Application has been made against you on date at (venue) for the consideration of blacklisting of:

..... (name of the company) The basis of the allegations against you are:

The likely sanction which will be imposed is restricting/blacklisting of the person/entity for a period of not more than ten (10) years.

You are advised that you may oppose this application

You are required to file your objections by no later than (date, being not more than fourteen (14) days) from date hereof, failing which it shall be presumed that you have no objections and the application shall be finalized *in absentia*.

Should you wish to give evidence orally, kindly indicate this in your response.

Yours faithfully

ACCOUNTING OFFICER

ANNEXURE E**NOTICE 4**

Contractor's details

Date of Notice

Sirs

NOTIFICATION OF THE DECISION OF BLACKLISTING COMMITTEE

You are advised that the Blacklisting Committee at its sitting on (date of consideration) made the following decision against (contractor).

Decision

You are further advised that you are entitled to appeal the decision in a court of law.

Yours faithfully

ACCOUNTING OFFICER

ANNEXURE F**BLACKLISTING ORDER**

At its sitting on the BLACKLISTING COMMITTEE ordered that (COMPANY) be blacklisted. Period of blacklisting:

Effective date :

Date of expiry :

Dated at POTCHEFSTROOM this 2013.

SIGNED
CHAIRPERSON OF BLACKLISTING COMMITTEE

Dated at Potchefstroom this

Tlokwe City Council application form for restriction/blacklisting of tenderers / contractors

oooOooo

DR NE BLAAI MOKGETHI
MUNICIPAL MANAGER

Notice 184/2014

LOCAL AUTHORITY NOTICE 259**TLOKWE CITY COUNCIL**

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Tlokwe City Council adopted the following Deposits By-law which will come into effect from date of publication hereof in the Provincial Gazette.

**DEPOSITS BY-LAW
INDEX**

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DEPOSITS BY-LAW**1. LEGISLATIVE FRAMEWORK**

The legislative framework governing consumer deposits are -

- 1.1 Section 96(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (hereinafter referred to as the "MSA"), obliges the municipality to collect all money that is due and payable to it, subject to the provisions of that Act and any other applicable legislation.

- 1.2 Section 96(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) requires the Tlokwe City Council to adopt, maintain and implement a Credit Control and Debt Collection Policy, which is consistent with its rates and tariff policies and complies with the provisions of the Act.
- 1.3 Section 97(1) of the Systems Act stipulates what a credit control and debt collection policy must provide for.
- 1.4 Sections 62 and 64 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA) require the effective management of the municipal revenue.
- 1.5 The Council require protection that service rendered will be paid for by the customer therefore, it is equally appropriate that Council adopt the Consumer Deposit Policy of Tlokwe City Council [Section 104(1) d)].

2. DEFINITIONS

“Municipality” refers to Tlokwe City Council.

“Customer” means the owner or occupier of the property or premises, liable to the council for payment of municipal account or part thereof.

“Consumer Deposit” an amount paid by customer, to be withheld by the municipality from the opening of an account till termination, and will be refunded on termination provided as prescribed by this policy and the customer does not owe the municipality on other accounts.

“Council” means the City Council of Tlokwe - Section 157(1) of the Constitution.

“Credit Control and Debt Collection Policy” means the credit control and debt collection policy as adopted by Tlokwe City Council in terms of Section 96(b) of the Municipal Systems Act, as amended,

“Financial Year” means the municipality’s year starting at 1st July and ending at 30 June of the following year.

“Service agreement” means a form to be completed by customer when applying for municipal service /account.

“Termination of service” means the form to be completed by the customer as a notice of closing the municipal account.

“Arrears” means the debt that is overdue after missing one or more required payments.

“Foreigner” a person who comes from a foreign country, a person who does not have South African Bar-coded identity book issued by South African Department of Home Affairs.

“Refund” to return money, repayment, or of balancing account, appropriation of deposit held by the municipality.

3. OBJECTIVES

- 3.1 Section 64 of the MFMA requires the Accounting Officer of a municipality to take all reasonable steps to ensure that the municipality has and maintains effective revenue collection systems consistence with Section 95 of the Municipal Systems Act and the municipality's Credit Control and Debt Collection Policy and the requirements of Section 104(1)d of the MSA.
- 3.2 As such the municipality charges and withhold consumer deposit and this policy must provide for the management of such consumer deposit.

4. FORM OF DEPOSIT

- 4.1 The deposit shall be in the form of cash/cheque deposit or bank guarantees, as determined by Council. Deposits are payable on opening of accounts and will be held until the account is closed/terminated.
- 4.2 At the time of registration as a customer, a deposit will be required based on the criteria set by the Chief Financial Officer from time to time.

5. AMOUNT OF DEPOSIT

- 5.1 The minimum amount of deposit which is equivalent to estimate of customer's average monthly utility bill for service will be set annually with the review of the policy. The deposit may vary according to the credit worthiness or the risk as determined by council.
- 5.2 A deposit will be due and payable on registration of new customers and or upon the movement of existing customer to a new address.
- 5.3 The municipality may classify customers in terms of their credit risk profile into groups, via:
- 5.3.1 Good Customers – Customer with a good credit record and pose no credit risk to the municipality.
- 5.3.2 Moderate Customers – Customers with a moderate credit record and pose a credit risk to the municipality.
- 5.5.3 Bad Customers – Customers with a bad credit record and pose a significant risk to the municipality.
- 5.5.4 Foreign Customer – deposit can be different to the one on the table on the merit and approval of the Chief Financial Officer.
- 5.5.5 Only the Chief Financial Officer has the right to approve the amount other than in the policy.
- 5.4 The security deposit will accordingly vary according to credit rating of the customer as assessed by the municipality.

6. REVISION OF DEPOSIT

- 6.1 The municipality may at its sole discretion increase the deposit by not less than 10% of the approved deposit as per the approved tariff list of the current year. The deposit may be increased on the following grounds:
- 6.1.1 If the consumer's account is regularly in arrears, paid after due date.
 - 6.1.2 If the consumer's account is regularly in arrears and the average account is far more than the deposit.
 - 6.1.3 If the consumer's service supply is regularly restricted or disconnected.
 - 6.1.4 When the debtor applies for extension of time to settle account.
 - 6.1.5 When payments by direct/negotiable instrument is dishonoured.
 - 6.1.6 If and when the debtor poses a payment risk to the municipality.
 - 6.1.7 When there is an increase in consumption of services.
 - 6.1.8 When reviewing the tariffs for the new financial year or such time when the municipality deems it necessary at its sole discretion.
 - 6.1.9 The municipality may increase the deposit up to 12 months average usage.

7. INTEREST

The municipality will not pay any interest on deposits. All deposit paid shall not be regarded as being in payment of account due to the municipality, as such will be held by the municipality as its security until the account is closed (service terminated) and fully settled.

8. ALLOCATION OF PAYMENTS

- 8.1 Should the municipality increase the deposit as in the revision of deposit above, the amount paid shall first be allocated to the deposit and then other services as per the municipality's Credit Control and Debt Collection Policies and By-laws.
- 8.2 This sequence of allocation shall be followed notwithstanding any instruction to the contrary given by the account-holder.

9. REFUND OF DEPOSIT

- 9.1 On the termination of the service agreement, the deposit held by the municipality shall be refunded to the debtor within 45 days of the termination of service and the submission of all the required information, provided that the customer has paid the account in full, if the account has not been paid in full, the deposit will be applied to any outstanding amounts owed by the customer, if the deposit exceeds the amount due, the balance will be returned to the customer.
- 9.2 If the deposit is not sufficient to cover the amount due, the customer shall remain liable and notice to that effect shall be given to the client to settle the account after which credit control shall be applied.

- 9.3 The municipality cannot be held responsible for not paying out the deposit that is not claimed, or paid out on time due to outstanding documents. It remains the responsibility of the consumers to claim and follow up on the deposits held by the municipality.

10. UNCLAIMED DEPOSIT

- 10.1 Only deposits which have been claimed by the customer will be refunded and these deposits will only be refunded to customers who can positively identify themselves as persons who have signed the agreement with council, or in the absence of the person the death certificate of such person.
- 10.2 Where the customer does not complete the termination of service agreement form, services are disconnected by the application of the new customer, it remain the responsibility of such person to claim their deposits.
- 10.3 The municipality may appropriate a customer's deposit on any account related to that customer.

11. UNECONOMIC REFUNDS

- 11.1 Where the municipality deem uneconomic to refund a certain amount to be decided annually by council, such amounts will be consolidated and forfeited, and set off against provision for bad debts.
- 11.2 Where the customer has another account with the municipality Credit can be transferred between accounts, same where the account is in arrears (Section 102(1) of the Municipal Systems Act).

12. IMPLEMENTATION AND REVIEW

Council has discretion power to amend any clause, stipulation or tariff embodied in the deposit policy in the interest of the parties concerned.

13. SHORT TITLE AND COMMENCEMENT

This By-law will be known as the Deposit By-law of Tlokwe City Council and shall commence on the date of publication in the Provincial Gazette.

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**DR NE BLAAI MOKGETHI
MUNICIPAL MANAGER**

Notice 185/2014

LOCAL AUTHORITY NOTICE 260**TLOKWE CITY COUNCIL**

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Tlokwe City Council adopted the following Risks and Liabilities By-law which will come into effect from date of publication hereof in the Provincial Gazette.

SHORT TERM RISKS AND LIABILITIES BY-LAW**INDEX**

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SHORT TERM RISKS AND LIABILITIES BY-LAW**1. INTRODUCTION**

It is required of the Municipal Manager as Accounting Officer, to take all reasonable steps to ensure that the Council has and implements crucial by-law for effective financial and risk management. The safeguarding of assets and the protection of Council against liabilities is a very important element which forms part of a proper assets management system.

A standard for short-term insurance in the municipal environment has been prepared for local authority insurance that takes all circumstances related to a municipality into account. There are, however, aspects in addition to this standard, that the Council can decide on as policy, in order to reduce premium without an increase in risk, or where the Council is prepared to accept risk because of a very slim probability that an event might occur.

2. OBJECTIVES OF BY-LAW

The objectives of the by-law are to -

- 2.1 safeguard all municipal assets and protect Council against liabilities; and
- 2.2 ensure effective financial and risk management.

3. LEGISLATIVE

The legislative framework is the following:

- 3.1 Local Government: Municipal Finance Management, 2003 Act, (Act 56 of 2003) and Regulations.
- 3.2 Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

4. PROPERTY INSURED

4.1 Asset schedules

The Head of a Department shall before December of each year submit a schedule setting out the assets held by that department, the risks requiring to be insured and any other information deemed necessary to the Chief Financial Officer, which shall in accordance with such schedules, and subject to the Council's official policy on the insurance of risk and liabilities, effect such insurance as Council's interests require, through the service of the insurance broker appointed by Council.

4.2 Property excluded from external insurance

All property owned by or leased to the Council, property held by the Council in trust and/or commission and/or custody and/or under Council's control and/or for which the Council is responsible must be insured except for the following which are specifically excluded in terms of the standard:

- 4.2.1 Property more specifically insured by any other firm arrangement.
- 4.2.2 Dam walls, dam contents, canals, reservoirs and reservoir contents.
- 4.2.3 Pavilions, sports stadiums, spectator stands, outdoor sports playing or recreational surfaces and athletic tracks.
- 4.2.4 Assets with an inferior or low value.
- 4.2.5 Loose assets falling within the excess payment of the applicable insurance policy.

- 4.2.6 Explosives and ammunition.
- 4.2.7 Bullion.
- 4.2.8 Precious stones.
- 4.2.9 Jewellery other than the Executive Mayor's regalia.
- 4.2.10 Trophies and indexed museum item.
- 4.2.11 Electrical and communication transmission and distribution lines including cabling and their support structures, other than on or within 150 meters of any insured premises.
- 4.2.12 Water piping as well as storm water piping including their supporting structures, other than on or within 150 meters of insured property.
- 4.2.13 Sewerage piping including their supporting structures other than on or within 150 meters of insured property.
- 4.2.14 Driveways, pavements, outdoor parking surfaces.
- 4.2.15 Roads, road and railway bridges, road and rail tunnels, and manhole covers.
- 4.2.16 Aircraft runways and aprons.
- 4.2.17 Land, topsoil, backfill, drainage or culverts.
 - 4.2.18 Accounts receivable.
 - 4.2.19 Saving certificates and the like.
 - 4.2.20 Property in possession of customers (library books, etc.).
- 4.2.21 Trees, shrubs and plants.
- 4.2.22 Monuments and statues.
- 4.2.23 Graves and tombstones.
- 4.2.24 Growing timber, growing crops and livestock.

4.3 Contingencies and risks specifically excluded

- 4.3.1 Any event of risk where the Council is specifically indemnified by a third party.
- 4.3.2 Contingencies arising from landslides and earthquakes.
- 4.3.3 Removal of rubble or professional fees resulting from any damaged property or structures except for the Dan Tloome Municipal Offices, Madiba Banqueting Halls and FNB Building.
- 4.3.4 Operators liability for the Aerodrome.

4.3.5 Workmen's compensation for personnel covered under the Workmen's Compensation Act.

4.3.6 First 24-hours' work on the recovery of lost electronic data information.

5. DAMAGE AND RISKS TO BE SPECIFICALLY INCLUDED TO THE SHORT TERM INSURANCE PORTFOLIO

- 5.1 Houses under rental and selling schemes administrated by the municipality.
- 5.2 Important official documentation such as building plans and erf records.
- 5.3 All property as contained in the assets schedules, annually revised and provided to the insurance brokers.
- 5.4 Additional risk because of the lack of burglar proofing and alarm systems at municipal buildings.
- 5.5 Contractors all risk for high-risk construction as identified by the relevant Head of Departments from time to time.
- 5.6 Selected movable items utilized in high-risk workplaces of the municipality.
- 5.7 Full theft cover at all insured property as stipulated on the assets schedule.
- 5.8 All money on the premises or in transit from the premises to the bank to a maximum at any stage at any premises of R1 300 000.00 in cash and R500 000 in cheques as annually determined by the Chief Financial Officer.
- 5.9 Fidelity insurance based on all positions higher than post level six (6) of the personnel grading, including all councillors.
- 5.10 Comprehensive motor own damage and third party liability on a motor fleet basis including specifically mentioned high valued vehicles.
- 5.11 Full comprehensive coverage for all emergency vehicles.
- 5.12 Goods in transit up to R400 000.00 per single load to be transported at a time. Group personal accident insurance on 24-hour basis for all councillors to a maximum of R200 000.00 per incident.
- 5.13 Stated benefits (workmen's compensation) insurance on 24-hour basis for the Accounting Officer, executive directors, directors and senior officials in terms of Section 77 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).
- 5.14 Electronic equipment on the mainframe computer, document imaging system and information technology networks, including cabling and communication towers.
- 5.15 Incidental damages including consequential damages at high risk electrical and mechanical plants as identified by the Manager Infrastructure.
- 5.16 Comprehensive insurance on the small craft at the Fire Services.

- 5.17 Aerodrome owners' liability insurance.
- 5.18 Public liability for bodily injury or damage to an amount of R30 million per event.
- 5.19 Employers' liability of R30 million.

6. CONSIDERATION OF HIGHER EXCESS PAYMENTS

The possibility of paying higher first amounts with claims which might result in lower premiums must constantly be considered by the Chief Financial Officer taking into account the best benefit for Council at all times.

7. CONTRIBUTION TO INSURANCE RESERVE

- 7.1 The short term insurance portfolio must be administrated on an internal insurance fund principle as contemplated in the Financial Code of Practice.
- 7.2 Excess payments on claims are allocated to the relevant department vote under general expenditure.
- 7.3 All uninsured assets are replaced from either the insurance fund or operating budget of relevant departments, whichever is applicable, subject to the availability of funds.

8. REPORTING RISK, CLAIMS AND DAMAGE

- 8.1 It shall be the duty of a head of a department to notify the Chief Financial Officer without delay of any new insurable risk or of any alteration in an existing insurable risk which has arisen in connection with his/her department.
- 8.2 On the occurrence of any event giving rise or likely to give rise to a claim by or against the Council or against its insurers, the head of the department concerned shall notify the Chief Financial Officer of that event who shall immediately notify the Council's insurer thereof.
- 8.3 The Chief Financial Officer shall keep a register in which particulars of all insurance policies held by the Council shall be entered, shall be responsible for the payment of all premiums and shall ensure that claims that arise under such policies are instituted.

9. CLAIMS PREPARATION COSTS

The Chief Financial Officer shall with annual renewal of insurance or otherwise, as regular as required, negotiate for exceptional claims preparation costs to be included to the related insurance.

10. DISPUTES AND ARBITRATION

The Chief Financial Officer shall with the annual renewal of insurance arrange with the insurer brokers that any disputes as to the amount of liability of the insurers under any of the insurance policies be determined by arbitration in accordance with the laws of the Republic of South Africa.

11. APPOINTMENT OF INSURANCE BROKERS

- 11.1 The Council shall call for tenders for the appointment of insurance brokers at least once every five (5) years, unless circumstances dictate a shorter period.
- 11.2 Insurance brokers will be appointed according to their ability to administrate the Council's short term insurance portfolio, the professionalism of officials in their employment and their record of sound brokerage service in the municipal environment.
- 11.3 The insurance brokers shall specifically indemnify the Council of increased risk because of the incorrect or unprofessional handling of the placement of insurance or the handling of a specific insurance claim.
- 11.4 The insurance broker shall annually at the consideration of insurable conditions for the next financial year provide the Council of sufficient proof of its own public liability and professional liability insurance as well as registration with the professional body for insurance brokers and registration of financial advisor.
- 11.5 The insurance broker shall revise the Council's insurance portfolio annually in collaboration with the Chief Financial Officer.

12. REVIEW

This policy will be reviewed annually to ensure it complies with changes in applicable legislation, regulations and insurance profile of the municipality.

13. SHORT TITLE

This by-law shall be called the Short Term Risks and Liabilities By-law of the Tlokwe City Council.

DR NE BLAAI MOKGETHI
MUNICIPAL MANAGER

Notice 186/2014

LOCAL AUTHORITY NOTICE 261**TLOKWE CITY COUNCIL**

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Tlokwe City Council adopted the following Whistle Blowing By-law which will come into effect from date of publication hereof in the Provincial Gazette.

WHISTLE BLOWING BY-LAW**INDEX**

	DESCRIPTION	PAGE
1.	INTRODUCTION	
2.	OBJECTIVES OF THE BY-LAW	
3.	SCOPE OF THE BY-LAW	
4.	THE BY-LAW	
5.	REPORTING OF CONCERNS	
6.	HOW THE COMPLAINT WILL BE DEALT WITH	
7.	CREATING AWARENESS	

WHISTLE BLOWING BY-LAW**1. INTRODUCTION**

- 1.1 The Tlokwe City Council is committed to the highest standards of openness, integrity and accountability. We aim to promote a culture in which employees feel able to raise genuine and valid concerns without fear of victimization, discrimination or disadvantage. Members of the public and service providers are also encouraged to raise concerns about our activities so that we can investigate and take appropriate action. The Tlokwe City Council therefore recognizes the fact that -

- 1.1.1 criminal and other irregular conduct within the Tlokwe City Council is detrimental to good, effective, accountable and transparent governance;
- 1.1.2 there is a need for procedures in terms of which employees should, without fear of reprisals, disclose information relating to suspected or alleged criminal or other irregular conduct;
- 1.1.3 every employee has a responsibility to disclose criminal and any other irregular conduct in the workplace; and

- 1.1.4 employees who disclose such information must be protected from any reprisals as a result of such disclosure.

2. OBJECTIVES OF THE BY-LAW

- 2.1 The Protected Disclosures Act came into effect on 16 February 2001. In order to remain in compliance with the Act, and its duty as a public body in terms of the Constitution of the Republic of South Africa to promote good governance, the Tlokwe City Council will -
 - 2.1.1 strive to create a culture which will facilitate the disclosure of information by employees relating to criminal and other irregular conduct in the workplace in a responsible manner by providing clear guidelines for the disclosure of such information and protection against reprisals as a result of such disclosure; and
 - 2.1.2 promote the eradication of criminal and other irregular conduct within the Tlokwe City Council.
- 2.2 The Policy is intended to encourage and enable staff to raise concerns rather than overlooking a problem or blowing the whistle to inappropriate channels.
- 2.3 Furthermore the policy aims to -
 - 2.3.1 provide avenues for staff to raise concerns;
 - 2.3.2 inform staff on how to take the matter further if they are dissatisfied with the response; and
 - 2.3.3 reassure staff that they will be protected from reprisals or victimization for whistle blowing in good faith.

3. SCOPE OF THE BY-LAW

- 3.1 There are existing grievance procedures in place to enable employees to raise grievances relating to their employment. This By-law is intended to cover concerns that fall outside the scope of grievance procedures. These concerns indicated in the Act, are the following:
 - 3.1.1 That a criminal offence has been committed is being committed or is likely to be committed.
 - 3.1.2 That a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject.
 - 3.1.3 That a miscarriage of justice has occurred, is occurring or is likely to occur.
 - 3.1.4 That the health or safety of an individual has been, is being or is likely to be endangered.
 - 3.1.5 That the environment has been, is being or is likely to be damaged.

3.1.6 Unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000). or

3.2 That any matter referred to in paragraphs 3.1.1 to 3.1.6 has been, is being or is likely to be deliberately concealed.

4. THE BY-LAW

4.1 Protected Disclosures Act: Section 2 of the Protected Disclosures Act clearly defines the "Objects of the Act" as follows:

4.1.1 To protect an employee from being subjected to an occupational detriment on account of having made a protected disclosure.

4.1.2 Occupational detriment includes being subjected to any disciplinary action, being dismissed, suspended, demoted, harassed, intimidated, transferred against one's will, refused transfer or promotion, having a term or condition of one's employment or retirement altered to one's disadvantage, being refused a reference, or being provided with an adverse reference from the Tlokwe City Council, being denied appointment to any employment, profession or office, being threatened with any of the above or being otherwise adversely affected in one's employment with the Tlokwe City Council, including employment opportunities and work security.

4.1.3 To provide for remedies in connection with any occupational detriment suffered on account of having made a protected disclosure.

4.1.4 To provide for procedures in terms of which an employee can, in a responsible manner, disclose information regarding improprieties by his or her colleagues, other stakeholders and employer.

4.2 This By-law is developed based on the principle objects of the Protected Disclosures Act, which encourages and places a duty on employees to disclose any acts of misconduct without fear of any recriminations or reprisals.

4.3 Harassment or Victimization

The Tlokwe City Council will not tolerate harassment or victimization and will take action to protect employees when they raise a concern in good faith. Any act of harassment or victimization should be reported to the Municipal Manager. "Harassment or victimization" includes any acts falling under the definition of "occupational detriment", referred to above. This does not mean that if an employee is already the subject of disciplinary or other action, that action will be halted as a result of their whistle blowing.

4.4 Confidentiality

4.4.1 The Tlokwe City Council will do its best to protect an individual's identity when he/she raises a concern and does not want their identity to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence. It is, furthermore, a possibility that the employee may be required in due course to provide evidence at a hearing or trial.

4.4.2 The Tlokwe City Council encourages employees to put their names to allegations. Concerns expressed anonymously are difficult to investigate; nevertheless they will be followed up at the discretion of the Tlokwe City Council. This discretion will be applied by taking into account the following:

- (a) Seriousness of the issue raised;
- (b) credibility of the concern;
- (c) likelihood of confirming the allegation; and
- (d) sufficiency of information provided.

4.4.3 Employees who do utilize the hotline also need to be aware of the fact that it will not be possible for the employee to be advised of the steps taken by the Tlokwe City arising from the allegation.

4.5 False Allegations - *ALLEGATIONS NOT MADE IN GOOD FAITH

4.5.1 Employees or other parties must understand that they need to make the allegations in good faith.

"Good faith" means that the employee must believe that the allegations are true.

This does not mean that the employee has to prove that the allegations are correct. It simply requires that the employee believes them to be correct and that this is likely given the circumstances surrounding the allegations.

Accordingly, employees must guard against reporting rumours or "hunches" or suspicions that they "smell a rat" without information backing such rumours or hunches.

Most importantly, employees must guard against deliberately making allegations which the employee knows or suspects to be false and/or which are made with malicious intent. Such allegations prevent the employee from benefiting from the protection of the Public Disclosures Act.

5. REPORTING OF CONCERNS

5.1 For minor issues, employees should normally raise the concerns with their immediate supervisor/manager. In general, however, the whistle blowing procedure is expected to be used for potentially more serious and sensitive issues (e.g. fraud and corruption).

5.2 The first step will be for the employee to approach his/her immediate supervisor/manager unless he/she or senior management is the subject of the complaint, in which case the Municipal Manager should be informed. Should the complaint be found by the line manager to be substantiated, he/she will consult with the Municipal Manager on whether the matter should be investigated internally or referred to the appropriate external body (e.g. the SAPS).

5.3 Concerns are better raised in writing. The background and history of the concern, giving names, dates and places where possible should be set out and the reason why the individual is particularly concerned about the situation. Those who are uncomfortable to put their concern in writing can telephone the Tlokwe City Council Fraud Hotline number.

The earlier the concern is reported, the easier it is to take action and initiate recovery procedures where necessary.

- 5.4 Employees are not expected to prove the truth of an allegation; however, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.
- 5.5 Advice and guidance on how matters of concern may be pursued can be obtained from the Municipal Manager.

6. HOW THE COMPLAINT WILL BE DEALT WITH

- 6.1 The action taken by the Tlokwe City Council will depend on the nature of the concern.

The possible actions may, among others be to -

- 6.1.1 investigate by line management;
 - 6.1.2 investigate by forensic services; and/or
 - 6.1.3 outsource/co-source investigation to a consultant forensic firm under the authority of forensic services; and/or
 - 6.1.4 refer to the SAPS or other relevant law enforcement agency.
- 6.2 In order to protect individuals and the Tlokwe City Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 6.3 Some concerns may be resolved without the need for investigation.
- 6.4 The amount of contact between the body investigating the issues and the persons raising the concern will depend on the nature of the matters raised. The potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual.
- 6.5 The Tlokwe City Council accepts that employees need to be assured that the matter has been properly addressed. However, the progression of investigations will be handled in a confidential manner and will not be disclosed or discussed with any persons other than those who have a legitimate right to such information.

7. CREATING AWARENESS

- 7.1 In order for the By-law to be sustainable, it must be supported by a structured education, communication and awareness programme.
- 7.2 It is the responsibility of all directors and managers to ensure that all employees are made aware of, and receive appropriate training and education with regard to the Whistle Blowing By-law.
- 7.3 Provision for rewards for providing information is available under the Executive Mayor's votes.

Tlokwe City Council Anti-Fraud Fax line – (018) 299 5227.

Tlokwe City Council Anti-Fraud Telephone line – 080 020 5127.

**DR NE BLAAI MOKGETHI
MUNICIPAL MANAGER**

Notice 187/2014

LOCAL AUTHORITY NOTICE 262

TLOKWE CITY COUNCIL

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Tlokwe City Council amended its Budget By-law as amended, with effect from publication hereof as follows:

- “1. By the substitution of the first sentence in Section 2.11 which reads –

“All expenses, including depreciation expenses, shall be cash-funded”

of the following:

“All expenses shall be cash-funded except depreciation that can be partly funded as per Circular 42 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)”.

2. Section 2.13: By the insertion of the word “Funded” at the beginning of the sentence “Depreciation and finance charges together shall not exceed 15% of the aggregate expenses budgeted for in the operating budget component of each annual or adjustment budget”.

**DR NE BLAAI MOKGETHI
MUNICIPAL MANAGER**

Notice 188/2014

LOCAL AUTHORITY NOTICE 263**TLOKWE CITY COUNCIL**

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 1998 (Act 117 of 1998) that the Tlokwe City Council amended its Municipal Tariffs By-law as amended, with effect from publication hereof as follows:

- “1. Section 2.5: By the substitution for the word “indecenty” of the word “indigency”.
2. Section 3.1.8: By the substitution of the figure “10 kl” of the figure “6 kl”.
3. Section 3.1.9: By the substitution of the paragraph which reads –

“The tariff for domestic consumption shall be based on monthly consumption of up to 10 kl (free for all households), more than 10 kl but not more than 20 kl, more than 20 kl but not more than 40 kl, more than 40 kl but not more than 60 kl, more than 60 kl but not more than 80 kl, and more than 80 kl”.

of the following paragraph:

“The tariff for domestic consumption shall be based on monthly consumption of up to 6 kl (free for all households), more than 6 kl but not more 16 kl, more than 16 kl but not more than 36 kl, more than 36 kl but not more than 56 kl, more than 56 kl but not more than 80 kl, and more than 80 kl.”

4. By the deletion of the note in Section 3.1.9 which reads –

“Note: The national guidelines for the supply of free basic water are 6 kl per household per month and in case of Potchefstroom it amounts to 10 kl per household per month”.

5. Section 5.3.1: By the substitution for the word and figure “ten (10) kl” of the word and figure “six (6) kl”.

These amendments are necessary as the Council resolved in May 2012 with the adoption of the 2012/2013 MTEF that the 10 kl free water to all households per month must be decreased to the national guideline of 6 kl free water per month per household.

6. Section 5.3.1: By the substitution for the word and figure “ten (10) kl” of the word and figure “six (6) kl”.
7. Section 8.4.20: By the substitution for the word “Penalty” of the words “Tampering fee (electricity and water meter)”.

DR NE BLAAI MOKGETHI
MUNICIPAL MANAGER

Notice 189/2014

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Tel. Tel: 748 6052, 748 6053, 748 6058

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