



# **PROMOTION OF ACCESS TO INFORMATION ACT MANUAL**

**MANUAL ON FUNCTIONS OF, AND RECORDS HELD BY,**

**THE**

**uMFOLOZI LOCAL MUNICIPALITY**

**KZ 281**

**COMPILED IN COMPLIANCE WITH PART 3 CHAPTER 2 SECTION 14 OF THE  
PROMOTION OF ACCSS TO INFORMATION ACT NO 2 OF 2000**

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**uMFOLOZI MUNICIPALITY**  
**MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION**  
**OF ACCESS TO INFORMATION ACT NO 2 OF 2000**

**1. Functions and Structures of uMfolozi Municipality**

The uMfolozi Municipality is a category B municipality as described in section 155 (1) (b) of the Constitution of the Republic of South Africa.

The functions of the municipality are as described in Section 156 of the Constitution.

**2. Information Officer**

In terms of Section 1 of the Act, the Chief Executive Officer, is the Information Officer for the uMfolozi Municipality. In this case the Municipal Manager Mr K E Gamede is the Information Officer. Requests for information will be attended to by the 1<sup>st</sup> Deputy Information Officer (Senior Manager: Corporate Services) and 2<sup>nd</sup> Deputy Information Officer (Records Officer), in terms of section 17 (1) of the Act for such purposes.

Written requests for information must be submitted to:

2.1 The Information Officer  
uMfolozi Municipality  
P O Box 96  
KwaMbonambi  
3915

2.2 Or faxed to -035 580 1141

2.3 Gamedeke@mbonambi.co.za

2.4 The street address of the uMfolozi Municipality is:

25 Bredelia Street  
KwaMbonambi  
3915

2.5 The Deputy Information Officer's particulars are as follows:

Name : Ms N Z Ndlela  
Designation : Senior Manager: Corporate Services  
Tel Number : 035 580 1421

OR

Name : Mr L M Mngadi  
Designation : Records Officer  
Tel Number : 035 580 1421

### **3. Guide by the Human Rights Commission**

Section 10 of the Act imposes a duty on the Human Rights Commission to compile in each official language a guide containing such information in an easily comprehensible form and manner, as may be reasonably required by a person who wishes to exercise any right contemplated in the Act, The guide is available from the South African Human Rights Commission. All enquiries can be directed to:

The South African Human Rights Commission

PAIA Unit

Research and Documentation Department

Private Bag 2700

Houghton

2041

Telephone: + 27 11 484 8300

Fax : + 27 11 484 1300

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

Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

### **4. Records of Council**

The records of council are kept in electronic format and are accessed via a software programme. Hard copies of records are kept in terms of the Archives Act as amended under the following main directories.

#### **4.1 Legislation**

Drafting and amendment of legislation relevant to the municipality

#### **4.2 Organisation and Control**

Policy

Delegation of authority

Work planning and procedure

Records control

Privatisation

Departmental organisation

#### **4.3 Council Matters**

Policy  
Routine enquiries  
Election  
Ward committees  
Reports and Returns

#### **4.4 Human Resource Management**

Policy  
Routine enquiries  
Job evaluation  
Creation and conversion of post  
Conditions of service  
Salary matters  
Schemes  
Allowances  
Vacancies, recruitment and appointments  
Training and skills development  
Financial matters (salaries and allowances)  
Personnel control and mobility  
Termination of service  
Labour relations matters

#### **4.5 Finance**

Policy  
Routine enquiries  
Budget  
Audit matters  
Valuations  
Revenue  
Expenditure  
Reports and returns

#### **4.6 Supply chain management**

Policy  
Routine enquiries  
Supply chain management  
Services  
Bids  
Fleet Management

#### **4.7 Land and buildings administration**

Policy  
Routine enquiries  
Land administration  
Municipal Buildings  
Housing

#### **4.8 Reports and Returns**

Policy  
Reports  
Returns

#### **4.9 Publicity Information and heraldry**

Policy  
Enquiries  
Publication  
Publicity matters  
Information  
Heraldry

#### **4.10 Social functions, event and celebrations**

Policy  
Routine enquiries  
Social functions  
Festivals and events  
National, Provincial and Local celebrations

#### **4.11 Meeting of municipal bodies and other organisations**

Policy  
Routine enquiries  
Municipal bodies  
Community organizations  
Statutory bodies  
Provincial departments  
Non-Governmental bodies  
Minutes and reports  
Committees  
Associations  
Institution

#### **4.12 Legal Services**

- Policy
- Routine enquiries
- Procedures and methods
- Appointment of attorneys
- Legal advice
- Agreements
- Litigations
- Investigations
- Offences, Disputes, claims

#### **4.13 Licenses**

- Policy
- Routine enquiries
- Memoranda of understanding
- Licences
- Permits

#### **4.14 Town Planning and Control**

- Policy
- Routine enquiries
- Registration of
- Establishment of municipal boundaries
- Acquisition and disposal of property
- Reservation of sites
- Industry
- Town planning and development
- Municipal Infrastructure Grant projects
- Local Economic Development projects
- Land Planning and development
- Rezoning and subdivision
- Industrial development
- Agreements for partnerships

#### **4.15 Municipal Services**

- Electricity supply
- Roads and street
- Waste disposal
- Cemetery

#### **4.16 Community Services**

- Policy
- Routine enquiries
- Health
- Traffic control
- Library services
- Recreation and sport facilities
- Market and public vendors
- Fire brigade services
- Welfare and disaster management

#### **4.17 Local economic development**

- Social and economic development services
- Tourism matters

In addition to the services, separate case files and personal files are kept in the municipal area at KwaMbonambi.



**5. Categories of records which are available without having to request access in terms of the Act**

Said categories of records automatically available without having to request access in terms of the act include any issue relating;

- 5.1 Fixed property owned by the applicant;
- 5.2 Any by-law framed by Council;
- 5.3 Any tariff charged by Council;
- 5.4 Any town planning scheme or development plan administered by Council;
- 5.5 How to obtain access to any service rendered by the Council, and;
- 5.6 Annual reports
- 5.7 Brochures and maps
- 5.8 Information available on website
- 5.9 Geographic Information System  
Service register (alphanumerical data)  
Infrastructure themes
- 5.10 Technical Library  
Reference books  
Reports
- 5.11 Plan filing (civic information)  
Paper based  
Microfilm
- 5.12 Cadastral maps (paper based / electronic)
- 5.13 Surveyor general plan (paper based / electronic)
- 5.14 Framework plans (paper based/ electronic)
- 5.15 Scheme maps (paper based / electronic)
- 5.16 Lease area plans (paper based / electronic)
- 5.17 Budget including adjustment budget (electronic / paper based)
- 5.18 Budget related policies
- 5.19 Performance agreements
- 5.20 Service delivery agreements
- 5.21 Long term borrowing contracts
- 5.22 Contracts / information / public partnership as prescribed in section 75 of the  
Municipal Financial Management Act
- 5.23 Order & remittances ( paper based)
- 5.24 Investment register (manual)
- 5.25 Loan register ( electronic / manual)
- 5.26 Asset register ( electronic / manual)
- 5.27 Financial statements ( electronic)
- 5.28 Debtors history (electronic)
- 5.29 Strategic environmental assessment
- 5.30 Building plans
- 5.31 Minutes of open council and open executive committee

NB Items 5.32.-42 below pertain to the Planning and Development Act 2008 (Act 6 of 2008)

- 5.32 Records relating to the adoption, replacement or amendment of a scheme, including-----
- (i) A proposal to adopt a scheme, replace a scheme or amendment a scheme contemplated in section 9 (1) and (2) of the Planning and Development Act 2008 (Act 6 of 2008)
  - (ii) Comments received by a municipality in response to an invitation for comment on the adoption, replacement or amendment of a scheme contemplated in item 5 or 14 of Scheme 1 of the Planning and Development Act 2008 ( Act 6 of 2008)
  - (iii) A registered planner's written evaluation and recommendation the adoption, replacement or amendment of a scheme contemplated in section 11 (a);
  - (iv) A certificate by a registered planner on compliance of a proposal to adopt, replace or amend a scheme with the Act contemplated in section 11 (b);
  - (v) A municipality's decision on a proposal to adopt, replace or amend a scheme contemplated in section 13 (1);
- 5.33 Records relating to a proposal to subdivide or consolidate land, including-----
- (i) A proposal to subdivide or consolidate land contemplated in section 22 (1) and (2)
  - (ii) Comments received by a municipality in response to a invitation for comment on a proposal to subdivide or consolidate land contemplated in item 5 or 14 of Scheme 1;
  - (iii) A registered planner's written evaluation and recommendation on the proposed subdivision or consolidation of land contemplated in section 24 (a);
  - (iv) A certificate by a registered planner on compliance of a proposal subdivide or consolidate land with the Act contemplated in section 24 (b);
  - (v) A municipality decision on a proposal to subdivide or consolidate land contemplated in section 26 (1); and
  - (vi) A notice warning a land owner that the municipality may initiate the division of the layout plan and cancellation of the part of the layout plan for which the rights have not been fully exercised contemplated in section 37 (3) (a);
- 5.34 Records relating to a proposal to develop land contemplated in Chapter 4, including-----
- (i) A proposal to develop land contemplated in section 39 (1) and (2);

- (ii) Comments received by a municipality in response to an invitation for comment on a proposal to develop land contemplated in item 5 or 14 of Scheme 1;
  - (iii) A registered planner's writer evaluation and recommendation on the proposal to develop land contemplated in section 41 (a);
  - (iv) A certificate by a registered planner on compliance of a proposal to develop land with the Act contemplated in section 41 (b)
  - (v) A municipality's decision on a proposal to develop land contemplated in section 43 (1); and
  - (vi) A notice warning a land owner that the municipality may initiate the division of the layout plan and cancellation of the part of the layout plan for which the rights have not been fully exercised contemplated in section 49 (1);
- 5.35 Records relating to a proposal to divide or cancel a layout plan, including-----
- (i) A proposal to divide or cancel a layout plan contemplated in section 51 (1) and (2)
  - (ii) Comments received by a municipality in response to an invitation for comment on a proposal to divide or cancel a layout plan contemplated section 52 (2)
  - (iii) A registered planner's written evaluation and recommendation on the proposal to divide or cancel a layout with the Act contemplated in section 53 (a); and
  - (iv) A certificate by a registered planner on compliance of a proposal to divide or cancel a layout plan with the Act contemplated in section 53 (b); and
  - (v) A municipality's decision on a proposal to divide or cancel a layout plan contemplated in section 55 (1);
- 5.36 Records relating to a proposal to alter, suspend or delete a restriction relating to land, including-----
- (i) A proposal to alter, suspend or a delete a restriction relating to land contemplated in section 61 (1) and (2)
  - (ii) Comments received by a municipality in response to an invitation for comment on a proposal to alter, suspend or delete a restriction relating to land contemplated in item 5 or 14 of Schedule 1;
  - (iii) A registered planner's written evaluation and recommendation on the proposal to alter, suspend or delete a restriction relating to land contemplated in section 63 (a)
  - (iv) A certificate by a registered planner on compliance of a proposal to alter, suspend or delete a restriction relating to land with the Act contemplated in section 63 (b); and
  - (v) A municipality's decision on a proposal to alter, suspend or delete a restriction relating to land contemplated in section 65 (1);

- 5.37 Records relating to a proposal to permanently close a municipal road or public place, including-----
- (i) A proposal to permanently close a municipal road or public place contemplated in section 71 (1);
  - (ii) Comments received by a municipality in response to an invitation for comment on a proposal to permanently close a municipal road or public place contemplated section 71 (2) (b);
  - (iii) A registered planner's written evaluation and recommendation on the proposal to permanently close a municipal road or public place contemplated in section 72; and
  - (iv) A municipality's decision on a proposal to permanently close a municipal road or public place contemplated in section 74;
- 5.38 Records relating to enforcement, including-----
- (i) A contravention notice contemplated in section 79 (1);
  - (ii) A prohibition order contemplated in section 81 (a)
  - (iii) An application to the High Court contemplated in section 81 (2) (b)
  - (iv) An urgent prevention order contemplated in section 84 (2) (a)
  - (v) An application to the High Court contemplated in section 84 (2) 9b); and
  - (vi) An application to the High Court to compel a person to demolish, remove or alter any building, structure or work illegally erected or constructed, or to rehabilitate the land contemplated in section 94;
- 5.39 Records relating to appeals, including-----
- (i) A memorandum of appeal contemplated in section 113 (1);
  - (ii) A responding memorandum contemplated in section 114 (1);
  - (iii) A notice withdrawing an appeal contemplated in section 116 (1);
  - (iv) A notice withdrawing and opposition to an appeal contemplated in section 116 (2);
  - (v) The Appeal Tribunal's decision on an appeal contemplated in section 121 (5);
  - (vi) The reasons for a decision of the Appeal Tribunal contemplated in section 122 (1)
  - (vii) An application for the late lodging of an appeal contemplated in section 125;
  - (viii) Opposition to an application for the late lodging of an appeal contemplated in section 126;
  - (ix) The chairperson's decision on an application for the late lodging of an appeal contemplated in section 128;
- 5.40 Records relating to provincial planning and development norms and standard, including-----
- (i) An approved consultation paper contemplated in section 141 (2) (a);

- (ii) Comments received by the responsible Member of the Executive Council in response to an invitation for comment on a consultation paper contemplated in section 142;
  - (iii) Approved provincial planning and development norms and standards contemplated in section 144 (1) (a)
  - (iv) A proposal to amend provincial planning and development norms and standards contemplated in section 146 (1)
  - (v) Comments received by the responsible Member of the Executive Council in response to an invitation for comment on a proposal to amend provincial planning and development norms and standards contemplated in section 148;
  - (vi) An approved amendment to provincial planning and development norms and standards contemplated in section 150 (1);
  - (vii) A proposal to withdraw provincial planning and development norms and standards contemplated in section 152 (1);
  - (viii) Comments received by the responsible Member of the Executive Council in response to an invitation for comment on the withdraw of provincial planning and development norms and standards contemplated in section 152 (2);
  - (ix) A notice withdrawing provincial planning and development norms and standards contemplated in section 153 (3);
- 5.41 Records relating to delegations, including-----
- (i) Delegations that have been published in the Gazette contemplated in section 155 in the case of the responsible Member of the Executive Council or 164 in the case of a municipality;
  - (ii) A further delegation contemplated in section 155 (3) (a) and (b) in the case of the responsible Member of the Executive Council or 156 (3) (a) and (b) in the case of a municipality; and
  - (iii) A decision to amend or revoke a delegation that has been published in the Gazette contemplated in section 155 (8) in the case of the responsible Member of the Executive Council or 156 (8) in the case of a municipality; and
- 5.42 Agency agreements contemplated in section 157 (1)
- 5.43 Records of amendments to land use schemes.

## **6 Services available to members of the public**

The structures of the municipality is divided into two sections:

## 6.1 Political Structure

The Mayor, who is the Chairman of the Executive Committee, is the political head of the Council comprises of members elected by the voters of the municipality. The Executive Committee consists of members appointed by the elected councillors from its members. Various portfolio committees are also appointed by the members of the elected councillors.

The Council consists of 33 councillors with the following political party representation:

ANC

IFP

EFF

## 6.2 Functional Structures

The functional structure consists of a municipal who is the Chief Executive Officer with 5 Departments whose heads reports directly to the Chief Executive Officer:

- **Executive Department**

Performance management system, Special programmes, Integrated development plan, information technology, Youth and Communications.

- **Corporate Services Department**

Council support, Administration and Auxiliary, Records management, Occupational health and safety and Human resource management.

- **Technical Services Department**

Project management unit, Local economic development, Human settlement, Civil services and EPWP.

- **Finance Services Department**

Supply chain management, Revenue, Expenditure, Budget and compliance, Assets management, Fleet management and Payroll administration.

- 
- **Community Services Department**  
Disaster management, Traffic services, Waste, Libraries services.

Services rendered by the Council are as described in Section 84 of the Municipal Structures Act no 117 of 1998. The Council further has a legal jurisdiction within its boundaries for matters falling under municipal control and acts as agent for the uMfolozi Municipality in terms of the Business Act No 71 of 1991. The services are rendered by the department as specified in section 6.2 above and must be accessed by application to the relevant department as and when applicable.

## **7. Representatives and Policies**

### **7.1 Functional**

Any members of the public submit a representation in writing to the Council at its physical or postal address. Appeals against the outcome may be directed to the Municipal Manager (Information Officer), the relevant committee of Council, Council's Executive Committee or the full Council.

### **7.2 Political**

Any members of the public may submit representations to the Ward Councillor who was elected for his ward or to a Councillor representing a political party of his choice. Said councillor will then act upon representations as he or she sees fit. If there is no appeal to the functional structure regarding any failure, omission or action by a member of the political party, such remedy must be sought from the Speaker, who is the Chairman of the Council or from the relevant political party.

## **8. Requests for Information**

8.1 Requests for information, other than requested in terms of clauses 5.1 to 5.42 must be submitted to the person mentioned in clause 2.1 on the prescribed form "A"  
The fees as reflected in Part II attached hereto must accompany the formal request for information.

### **8.2 Requests for information can be refused: (Note: Sections in brackets refer to Sections of the Act)**

8.2.1 If records regarding the request cannot be found or do not exist (Section 23)

8.2.2 To protect the privacy of a third party who is a natural person (Section 34)

8.2.3 To protect commercial information of a third party (Section 36).

8.2.4 To protect confidential information pertaining to Council or a third party (Section 37).

8.2.5 To protect the safety of individuals and to protect property (Section 38)

8.2.6 To protect law enforcement and legal proceedings (Section 39)

8.2.7 To protect records privileged from production in legal proceedings (Section 40)

8.2.8 To protect economic interests, financial welfare and commercial activities of Council (Section 42)

8.2.9 To protect research information of a third party or of Council (Section 43).

8.2.10 To protect the functional operation of Council (Section 44).

8.2.11 If the request is manifestly frivolous or vexatious or if it will lead to substantial and unreasonable diversion of resources (Section 45)

## **9. Appeal against refusal to supply information**

Should a request for information in terms of this manual be refused the applicant may appeal such decision by completing attached form B and submitting it to the person in clause 1.2 within 60 days of the date of refusal of the initial request. If the fees paid in terms of clause 8.1 have already been refunded the relevant fees must accompany the request for information.



Annexures

1. Form A : Request for Access to Records of Public Body
2. Part II : Fees in respect of Public Bodies
3. Form B : Notice of Internal Appeal