

# STELLENBOSCH MUNICIPALITY

## Manual in terms of section 14 of the Promotion of Access to Information Act, 2 of 2000

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### Introduction

Stellenbosch Municipality is the local authority having jurisdiction over the towns Stellenbosch, Pniel and Franschoek.

### Section 14(1)(a)

The powers and functions of the public body are assigned to it in terms of sections 156 and 229 of the Constitution and further governed by the Local Government: Municipal Structures Act, No. 117 of 1998. The structures are derived from sections 79 and/or 80 of the said Act.

Decision-making of the public body is conducted through the Council and the Executive Committee, with the Municipal Manager and 8 Departmental Managers who have delegated and original powers in terms of legislation.

The powers and functions of municipalities are as follows:

- (1) A municipality has executive authority in respect of, and has the right to administer-
  - (a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution; and
  - (b) any other matter assigned to it by national or provincial legislation.
- (2) A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer.
- (3) Subject to section 151(4) of the Constitution, a by-law that conflicts with national or provincial legislation is invalid. If there is a conflict between a by-law and national or provincial legislation that is inoperative because of a conflict referred to in section 149 of the Constitution, the by-law must be regarded as valid for as long as that legislation is inoperative.
- (4) The national government and provincial governments must assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 of the Constitution which necessarily relates to local government, if-
  - (a) that matter would most effectively be administered locally; and
  - (b) the municipality has the capacity to administer it.
- (5) A municipality has the right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.

### Section 14(1)(b)

Street address: Plein Street, Stellenbosch, 7600  
Postal address: P.O. Box 17, Stellenbosch, 7599  
Telephone: +27 [0]21 808 8111  
Facsimile: +27 [0]21 808-8200  
Electronic mail: [municipality@stellenbosch.org](mailto:municipality@stellenbosch.org)  
For attention: Chief: Legal Services

### Section 14(1)(c)

The manual contemplated in terms of section 10 of the Promotion of Access to Information Act ("the Act") has not been published.

## Section 14(1)(d)

### Classification of records:

Operations	Human Resources	Finances
<ul style="list-style-type: none"><li>▪ Agendas + Minutes of meetings</li><li>▪ Contracts with external parties</li><li>▪ Property descriptions and details pertaining thereto</li><li>▪ Matter details</li><li>▪ Registration services with all administrative files</li><li>▪ IDP related</li></ul>	<ul style="list-style-type: none"><li>▪ Employment contracts</li><li>▪ Personnel files</li><li>▪ Policy documents</li></ul>	<ul style="list-style-type: none"><li>▪ Financial statements</li><li>▪ Assets inventory</li><li>▪ Records of services rendered to erven</li><li>▪ Budgets</li><li>▪ Revenue and expenditure transactions</li></ul>

More detailed information may be obtained from [www.stellenbosch.org](http://www.stellenbosch.org).

### Form of request:

The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the public body. This request must be made to the address, fax number or electronic mail address of the body, set out above.

The requester must provide sufficient detail on the request form to enable the head of the public body to identify the record and the requester. The requester should also indicate which form of access is required and if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the public body.

### Fees:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.

The head of the public body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.

After the head of the public body has made a decision on the request, the requester must be notified in the required form.

If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

## Section 14(1)(e)

No notice has been published in terms of section 15(2) of the Act.

## Section 14(1)(f)

The following services are provided by the public body:

- Financial Services
- Public Safety
- Planning and Economic Development
- Community Services
- Corporate Services
- Electrical Engineering Services
- Engineering and Technical Services
- Strategic Management Services
- General Information

Persons wishing to obtain access to these services may direct enquiries to the Chief: Legal Services, who may be reached telephonically on (021) 808 8106, facsimile on (021) 808-8200, or by e-mail on [municipality@stellenbosch.org](mailto:municipality@stellenbosch.org). Information may in addition be obtained from the public body's web site, located at [www.stellenbosch.org](http://www.stellenbosch.org).

**Section 14(1)(g)**

Meetings of the council are open for attendance to the public.  
Public representations are invited in a number of matters.

**Section 14(1)(h)**

Administrative action taken by the public body may generally be taken on review.

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