

CONSOLIDATED LOSS CONTROL POLICY

Item A-CS (04-2006) CM 30/11/2006	IMPLEMENTATION OF THE REVISED CONSOLIDATED LOSS CONTROL POLICY APPLICABLE TO THE EKURHULENI METROPOLITAN MUNICIPALITY (EMM): EKURHULENI METROPOLITAN DEPARTMENT (EMPD) POLICE
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RESOLVED:

1. **That** the contents of the report regarding the implementation of the Consolidated Loss Control Policy (CLCP) applicable to the Ekurhuleni Metropolitan Municipality (EMM) **BE NOTED**.
2. **That** the Consolidated Loss Control Policy (CLCP) attached to the report as **Annexure "B"** **BE APPROVED** as the Consolidated Loss Control Policy for the Ekurhuleni Metropolitan Municipality (EMM).
3. **That** the Loss Control Committee (LCC) as determined in Clause 2 of the Consolidated Loss Control Policy (CLCP) attached to the report as **Annexure "B"** **BE ESTABLISHED ACCORDINGLY**.

ANNEXURE 'B'

**LOSS CONTROL POLICY FOR THE
EKURHULENI METROPOLITAN COUNCIL****1. DEFINITIONS****1.1 Accident**

The involvement of a Council vehicle in a collision with another vehicle or object on a public road or place, council premises or on private property which results in damage to Council's or other vehicles or property or injury or death to any person, and the incorrect or negligent use of any equipment, including any council asset or any asset for which Council is responsible.

1.2 Asset

Any movable or immovable item, which has been acquired by Council or to which Council, reserves legal right of ownership or exercises control in respect thereof, and property has a similar meaning.

1.3 Chairperson

The chairperson shall be the Chairperson of the Community Safety Portfolio Committee

1.4 Committee

The Loss Control Committee as contemplated in Section 79 of the Local Government: Municipal Structures Act of 1998.

1.5 Complainant

Any council employee or other person, whether a council employee or not who lodges a complaint pertaining to any loss, damage, abuse or any form of misuse whatsoever, of any asset.

1.6 Council

Means the Ekurhuleni Metropolitan Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

1.7 Employee

Any person employed by the Council including permanent employees, temporary employees, contract workers, volunteers, reservists, independent contractors and/or an' legal category of employee.

1.8 Incident

Any act or omission, whether negligent or not, that may precipitate any damage or loss to Council.

1.9 Incident Report

The report containing factual information, in respect of any incident, whether negligent or not, which indicates to Council the financial implications of any such incident and, which provides proposed remedial action(s).

1.10 Enquiry

The business of the Committee as determined in terms of this policy.

1.11 Investigation

An investigation to systematically determine the cause and the magnitude of the reported incident(s) by means of the necessary and required measures and resources by any investigator so appointed by the relevant section or unit of the Ekurhuleni Metropolitan Police Department (EMPD).

1.12 Investigator

An employee of the EMPD that is qualified and equipped to investigate any incident reported pertaining to any Council asset(s) and/or any other person so appointed, designated or contracted to investigate any incident reported pertaining to any Council asset(s).

1.13 Loss

Any incident pertaining to a Council asset, which results and/or may result in any financial burden to Council and which includes the following, but does not exclude other variants of proximate causes to loss/damage whatsoever:

- a) any loss or damage to Council and/or other property as a result of an unlawful action, negligence and/or other unauthorised action/s, which may result in a loss to and/or claim(s) against Council;
- b) the private property of employees or other persons which is lost, stolen or damaged on Council's premises;
- c) any traffic related offence committed in terms of relevant legislation.

1.14 Member of the Loss Control Committee

Any designated Councillor and Council official assigned to serve on the Loss Control Committee.

1.15 Municipal Manager

The person appointed as Municipal Manager by the Council, in terms of the provisions of section 82 of the Local Government: Municipal Structures Act, 1998, being the accounting officer for the municipality.

1.16 Offence

Any act and/or action that is in contravention of -
➤ any act of South Africa;

- any by-law approved by the EMM and accordingly promulgated in the relevant gazette;
- any approved Council policy, procedure, and/or prescription;

and that is accordingly punishable.

1.17 Loss Control Contact Person

Any Council official so designated to represent the respective department of Council and to provide all necessary and required assistance during any investigation and/or enquiry and to provide all the relevant and available information to the designated investigator and/or the Loss Control Committee as and when required.

2. COMPOSITION OF THE COMMITTEE

2.1. Councillors from the following portfolios will represent Council at the relevant Loss Control Committee Meetings -

- Community Safety Portfolio Committee;
- Finance Portfolio Committee;
- Internal Audit Portfolio Committee; and
- three other identified Councillors.

2.2 The Member of the Mayoral Committee: Community Safety Portfolio as indicated in 2.1 above will be the Chairperson the Loss Control Committee.

2.3 Officials from the following departments will attend the relevant Loss Control Committee Meetings -

- Ekurhuleni Metropolitan Police Department (EMPD);
- Finance;
- Internal Audit;
- Corporate AND Legal Services;
- Internal Investigations;
- Representative of department involved in the incident under consideration;
- Human Resources (Occupational Health and Safety)

2.4 A person will be designated as Secretary by the Chairperson of the Loss Control Committee for a period to be determined accordingly.

3. REPORTING OF LOSSES

3.1 Any incident and enquiry into the matter shall be reported to the Loss Control Unit of the Department Community Safety on the prescribed form:

- a) immediately after the loss has been discovered;
- b) where a loss has been discovered after hours, it shall immediately be reported to a designated reporting centre and/or person of the Department Community Safety;

3.2 The complainant shall in any event report and submit a sworn affidavit in respect of such incident to the Loss Control Unit who shall report the incident

to the Risk Management Division within seven (7) days of it having been notified thereof.

Any loss due to criminal activity shall immediately be reported to the nearest South African Police Service station and the information accordingly be provided to the Loss Control Unit.

- 3.3 The information referred to in paragraph 3.2 above shall include —
- the relevant SAPS Office; and
 - the case number.

3.4 Investigation

- 3.4.1 The investigator shall investigate all reported incidents and compile a report in the prescribed format.
- 3.4.2 If the investigation and/or enquiry prove criminal activity by any employee(s) and/or any other person, the case shall immediately be reported to the South African Police Service.

The information referred to in paragraph 3.2 above shall include-

- the relevant SAPS Office; and
 - the case number.
- 3.4.3 If the investigation and/or enquiry prove any misconduct in terms of the Conditions of Service and/or any other approved disciplinary document, the relevant Head of Department will be notified accordingly and be required to consider disciplinary steps.
- 3.5 The Chief of Police or his authorised delegate in consultation with the investigator(s) will determine who should appear before the committee.
- 3.6 Any who deliberately provides false information may be charged with misconduct in terms of the Conditions of Service.

The investigator shall inform an employee(s) of the following rights:

- 3.6.1) that he/she may have a representative to assist him/her:
 - 3.6.2) that he/she may remain silent;
 - 3.6.3) that the proceedings shall be recorded and everything said may be used as evidence against him/her in a disciplinary hearing.
- 3.7 Procedure in respect of Motor Vehicle Accidents -
- 3.7.1) Any accident(s) shall be reported as prescribed in the National Road Traffic Act, 1996 (Act 93 of 1996).

A council vehicle shall not be removed from an accident scene before a Metro Police Officer or South African Police Service Officer has instructed such removal, except when the accident causes complete obstruction of the roadway of a public road, in which event the driver

of the vehicle involved must or ensure that the position of the vehicle(s) involved has clearly been marked on the surface of the roadway.

3.7.2) In the following instances, the driver/operator of a Council vehicle may proceed with his or her journey, provided that the vehicle's roadworthy status was not affected during the accident and no injuries have occurred -

- i) an ambulance on its way to the hospital with a patient;
- ii) a fire engine on its way to a fire;

The driver of any such vehicle shall firstly ensure that his or particulars are provided to the driver of the other vehicle, if necessary as prescribed in terms of the National Road Traffic Act of 1996.

The driver of such vehicle shall ensure that an Occurrence Book entry be recorded as soon as possible after the emergency and shall immediately after the emergency report the matter to the relevant SAPS and Loss Control representative.

3.7.3 In the event of any serious mechanical defect or damage to the vehicles mentioned in 3.7.2 the removal of the vehicles may only be authorised after the accident has been investigated by a Metropolitan Police Officer or a member of the SAPS.

3.7.4 In the event of a council vehicle being involved in an accident outside the Council's boundaries, the relevant Traffic Enforcement Agency or SAPS shall be contacted.

Upon arrival back in the Ekurhuleni Metropolitan area a report shall be submitted to the EMPD within 24 hours.

3.7.5 The supervisor of the driver/operator of a council vehicle that is involved in an accident shall ensure that the necessary documentation pertaining to insurance claims and accident related forms be completed as soon as possible.

3.7.6 No driver or operator of a Council vehicle that is involved in an accident may admit guilt to any person at the scene of an accident.

3.7.7 In the event of the driver/operator of a Council vehicle that was involved in an accident, and whom is prosecuted and/or against whom a civil action was filed, it is imperative that such action / proceedings be reported to the Head of Department as soon as such prosecution and/or action becomes known.

4. BUSINESS OF THE COMMITTEE

4.1 The Committee shall consider all the Loss Control Reports of the Council.

4.2 The Committee may recommend to a Head of Department to institute disciplinary action against an employee in terms of the Conditions of Service.

- 4.3 The Committee reserves the right to call upon any employee who is suspected to have information required by the Committee, to appear before the said Committee.
- 4.4 The Committee has the right to call upon any private individual who might be able to provide information that is required by the Committee to appear before the Committee.
- 4.5 The Head of Department or an employee who fails to attend the Committee meeting when requested to do so without pre-dated notice to the said Committee, shall be liable for disciplinary action.
- 4.6 Any person indicated in clause 2 above who fails to attend the Committee meeting when requested to do so without a pre-dated written apology or notice to the said Committee, shall be liable for disciplinary action.
- 4.7 In accordance with findings of the Committee the following remedial actions may be affected –
- 4.7.1) to submit recommendations to the Head of Department, regarding preventative measures to curb re-occurrences of similar incidents;
 - 4.7.2) require from a Head of Department to institute disciplinary actions in terms of the Council's Conditions of Service;
 - 4.7.3) request an investigator to institute criminal charges if necessary;
 - 4.7.4) any other proposals/recommendations the Committee may deem fit to reduce losses or damage to Council's property.
- 4.8 The findings of the Loss Control Committee shall be reported on a monthly basis to the Community Safety Portfolio Committee Meeting.

5. PROCEDURES DURING AN INQUIRY

- 5.1 All proceedings shall be recorded.
- 5.2 Minutes of the meetings shall be taken by the Secretary.
- 5.3 The chairperson shall, prior to commencement of the proceedings, inform an employee(s) of the following rights:
- 5.3.1) that he/she may have a representative to assist him/her;
 - 5.3.2) that he/she may remain silent;
 - 5.3.3) that the nature of the proceedings is not that of a disciplinary inquiry but only that of a means to establish the circumstances giving rise to the loss.
 - 5.3.4) that the proceedings shall be recorded and everything said may be used as evidence against him/her in a disciplinary hearing.
- 5.4 In the event of an employee exercising his/her rights stipulated in 5.3.1 above, the enquiry must be postponed to enable such employee to obtain the

requested representation or in the event of an employee exercising his/her rights stipulated in 5.3.2 above, the enquiry may proceed without any questions being put to such employee.

5.5 The chairperson may intervene the proceedings and/or terminate an enquiry if he/she is of the opinion that -

5.5.1) the questions are irrelevant;

5.5.2) an employee does not understand his/her rights;

5.5.3) an employee is unable to answer the question;

5.5.4) the purpose of the enquiry is null and void.

5.6 The Committee may conduct an inspection in loco.

5.7 The Committee shall upon written request by the employee concerned provide such an employee with a copy of the findings of the enquiry.

6. MEETINGS

6.1 The Committee shall meet on a monthly basis at a place and a time as determined by the Chairperson to consider/investigate cases pending.

6.1.1 Should there be no cases pending, the Chairperson and all committee members shall be informed accordingly.

6.2 Notices and agendas of meetings shall be circulated in advance to committee members by the Secretariat of the Committee.

6.3 The minutes of a meeting will form part of the monthly report to the Community Safety Portfolio Committee.

6.4 Committee members, employees and/or witnesses will be informed in advance by means of notice regarding the venue and time of a meeting.

7. DEPARTMENTAL RESPONSIBILITIES

7.1 Every Head of Department shall give effect to the following functions in respect of the Loss Control Committee.

7.1.1) Update, revise and oversee the security measures in the department in conjunction with the Loss Control Unit of the Department Community Safety.

7.1.2) Shall ensure attendance of the Loss Control Committee meetings by an appointed representative as and when required.

7.1.3) Inform personnel in the respective department regarding security and preventative measures to be taken.

7.1.4) Liaise with the Loss Control Unit regarding losses and security measures.

- 7.1.5) Any other task or duty allocated to reduce losses or damages to Council property.
- 7.2 Building plans relating to the construction, alteration or renovation of Council buildings shall be submitted to the Chief of Police or his authorised delegate prior to the construction, alteration or renovation thereof for consideration regarding security measures.
- 7.3 The Loss Control representative and/or any other designated person shall attend the Loss Control Meetings as and when cases in respect of such Department appear on the agenda.
 - 7.3.1 Heads of Departments may attend any such Committee meeting without prior invitation.
- 7.4 A Head of Department shall ensure the execution of all resolutions and/or recommendations emanating from the Loss Control Committee and report the results thereof in writing to the Committee.
- 7.5 Heads of Departments shall ensure that all accidents are being reported as prescribed and that the necessary claim forms or any other relevant form(s) been completed and submitted to the relevant role players.

8. GENERAL

- 8.1 A Head of Department may, as and when required, compile any register/form to ensure that proper procedures, methods, controls, etc are followed in the honouring of the policy.
- 8.2 The Heads of Department may in consultation with the Municipal Manager and the Committee issue circulars to departments pertaining to procedures in accordance with the Loss Control Policy.
- 8.3 The Chief of Police or his authorised delegate may establish a subcommittee at Regional level as and when required.
- 8.4 Any loss as defined in clause 1.13 pertaining to private property will be for the account of the owner thereof and the Council will not be liable to any loss as explained in terms of this policy.
- 8.5 This policy comes into operation within two weeks after approval of this policy.