

PROVISION OF ALTERNATIVE ACCOMMODATION TO COUNCILLORS IN CASES OF DAMAGE TO OR DESTRUCTION TO THE RESIDENTIAL PROPERTY OF A COUNCILLOR AS A RESULT OF RIOTS, CIVIL UNREST, STRIKE OR PUBLIC DISORDER.

ITEM A-RC (07-2015) CM 30/07/2015	RULES COMMITTEE: PROVISION OF ALTERNATIVE ACCOMODATION TO COUNCILLORS IN CASES OF DAMAGE TO OR DESTUCTION TO THE RESIDENTIAL PROPERTY OF A COUNCILLOR AS A RESULT OF RIOTS, CIVIL UNREST, STRIKE OR PUBLIC DISORDER
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RESOLVED:

1. **That** the contents of the report on the proposed on the provision of alternative accommodation to Councilors in cases of damage to or destruction to the residential property of a councilor as a result of riots, strike, civil unrest or public disorder, in line with the provisions of Item 14 (b) of Government Gazette, 25 March 2015. Notice No 38608 – Determination of Upper Limits of Salaries, Allowance and Benefits of Different members of Municipal Councils, **BE NOTED**.
2. **That** Council **APPROVES** the Policy on the provision of alternative accommodation to Councillors in cases of damage to or destruction to the residential property of a councilor as result of riots, civil unrest, strike or public disorder subject to finalization of critical determinations proposed by the Rules Committee as follows:-
 - 2.1.1 That through the Finance department, written comments from national treasury on the proposed policy be obtained as a matter of urgency, copy of which must be tabled to Council for noting once received.
 - 2.1.2 That market related rates and grading that will be applied to set uniform accommodation standards across EMM be included in the policy prior implementation.
 - 2.1.3 That the Social Development department, determine the reasonable and maximum rand value limit which must be applicable as proposed under sub-section 7.8 and such be incorporated in the policy prior implementation.
3. **That** the City Manager or his nominee, **BE MANDATED** to provide alternative accommodation, affordable to the municipality, for councilors affected by any acts of riots, civil unrest, strike or public disorder, in line with the provisions of the policy referred to in (2) above.
4. **That** the Chief Financial Officer **MAKES BUDGETARY PROVISION AVAILABLE** which funds will be used to finance the alternative accommodation of councilors envisaged in the policy referred to in (2) above and furthermore, **BE RESPONSIBLE** for the payment of all accounts in respect thereof.
5. **That** the City Manager **ENSURES** implementation of the policy.



Ekurhuleni
METROPOLITAN MUNICIPALITY

PROPOSED POLICY:

**PROVISION OF ALTERNATIVE ACCOMMODATION TO
COUNCILLORS IN CASES OF DAMAGE TO OR
DESTRUCTION TO THE RESIDENTIAL PROPERTY OF A
COUNCILLOR AS A RESULT OF RIOTS, CIVIL UNREST,
STRIKE OR PUBLIC DISORDER.**

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1. EXECUTIVE SUMMARY

- 1.1 The Real Estate Department is the custodian of all immovable property (land and buildings) belonging to the municipality.
- 1.2 In providing accommodation to Council and its stakeholders, it achieves this by making use of Council stock and/or privately owned buildings through leases with landlords.
- 1.3 The accommodation of Councillors is their personal responsibility, however, it is recognized that circumstances often occur where Councillors get displaced from or denied access to their private accommodation as a result of actions related to political unrests or related to public disorder thus resulting in Councillors becoming targets of such acts by virtue of them serving as elected public representatives. It is further recognized that such circumstances then place a burden on the affected Councillors and their immediate families.
- 1.4 The situation affects the business of Council, poses imminent threat to business continuity as well as affecting the ability of Councillors to execute their responsibilities. To this end, the Minister of Cooperative Governance and Traditional Affairs, has through **Government Notice No 38608** (Determination of upper limits of salaries, allowances and benefits of different members of municipal councils) dated 25 March 2015, provided for a special risk insurance cover to replace property damaged or lost due to political unrest as well as making provision in the notice enabling municipalities, within affordable means, to provide alternative accommodation to Councillors in cases of damage to or destruction to the residential property of a councillor as a result of riots, civil unrest, strike or public disorder.
- 1.5 As EMM does not have the enabling policy to provide assistance to Councillors when faced with attacks in their respective communities, and in view of the escalating attacks on Councillors residential properties, the need to regularize through Council approval of a policy for provision of alternative accommodation to Councillors affected, in line with the provisions of the Notice, has become urgent.
- 1.6 A policy on “The provision of alternative accommodation to Councillors in cases of damage to or destruction to the residential property of a councillor as a result of riots, civil unrest, strike or public disorder, in line with the provisions of Item 14 (b) of Government Gazette, 25 March 2015, Notice No. 38608 – Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal is hereby approved by Council for implementation with effect from the first day following Council approval thereof.

2. DEFINITION OF TERMS:

- 2.1 **Chief of Police** shall mean the Head of Department: Metro Police of EMM.
- 2.2 **City Manager** shall mean the Municipal Manager of EMM.
- 2.3 **Council** shall mean the Council of the Ekurhuleni Metropolitan Municipality.
- 2.4 **Councillor** shall mean a member of a municipal Council either as a PR or Ward Councillor.
- 2.5 **Displaced** shall mean the forced eviction of one's place of residence or being forcefully denied access to such residence due to civil unrest associated with service delivery protests that could not have been foreseen in Councils' normal run of its business.
- 2.6 **EMM** shall mean Ekurhuleni Metropolitan Municipality.
- 2.7 **Government Notice** shall mean notice No 38608 of 28 March 2015 of the Determination of upper limits for public office bearers, attached as "**Annexure A**".
- 2.8 **HoD** shall mean Head of Department.
- 2.9 **Nominee** shall mean an official delegated either by the City Manager or HoD for purposes of executing responsibilities assigned in terms of this policy.
- 2.10 **Place of residence** refers to the primary residence of the displaced Councillor and excludes any business properties.
- 2.11 **Riot/Civil Unrest/Strike** shall mean a violent disturbance of the peace by an individual or a crowd.
- 2.12 **Speaker** shall mean a Councillor elected in terms of section 36 to be the chairperson of a municipal council as envisaged in terms of section 160(1) (b) of the Constitution.

3. PURPOSE OF THIS POLICY

- 3.1 The purpose of this policy is
- 3.1.1 to make provision for alternative accommodation to Councillors in cases of damage to or destruction to the residential property of a councillor as a result of riots, civil unrest, strike or public disorder, in line with the provisions of Item 14 (b) of Government Gazette, 25 March 2015, Notice No. 38608 – Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils.
- 3.1.2 to provide for processes to be followed in providing alternative accommodation, as well as providing for terms and conditions applicable when circumstances listed in 3.1.1 arises; and
- 3.1.3 to provide appropriate delegation and authorization to the relevant Office Bearers and Council officials in the implementation of the policy.
- 3.2 The provision of alternative accommodation under this policy is the collective responsibility of the Departments listed below:
- (i) EMPD

- (ii) DEMS department
- (iii) Real Estates department
- (iv) Legislature (Councillor Affairs)
- (v) Fleet department
- (vi) Human Settlements department
- (vii) Department of Health and Social Development.

- 3.3 The City Manager shall primarily be assisted by the HOD: Real Estates and HOD: Human Settlements regarding accommodation requirements or their respective nominees.
- 3.4 The Chief of Police: EMPD or nominee, shall be responsible to determine the safety and security requirements as well as conducting security threat analysis of the councillors residence, the surrounding vicinity and submission of a report to the City Manager within the period stated in 6.2 of the policy.

Other Departments may be required to provide support at the direction of the City Manager or nominee when circumstances so require.

4. DESCRIPTION OF THE BENEFICIARIES OF THIS POLICY

4.1 Beneficiaries:

The following persons shall benefit from this policy

- 4.1.1 Current (serving) Ward Councillors, their spouses and/or children; and
- 4.1.2 Current (serving) PR Councillors, their spouses and/or children.

4.2 Exclusions:

The following persons shall not benefit from this policy:

- 4.2.1 Previous Councillors.
- 4.2.2 Extended families and parents of affected Councillors mentioned in 4.1.1 and 4.1.2.
- 4.2.3 In addition to 4.2.1 and 4.2.2, Council shall not be liable for the repairs to any properties owned by beneficiaries of this policy. Councillors who did not provide information and all necessary details to the municipality regarding the Councillor's properties, assets and beneficiaries to be covered by the Special Risk Insurance as required by Item 14(c) of the Government Notice, will not be assisted by the municipality with the processing of their SASRIA claims. Only Councillors whose particulars and details were provided to the Insurance & Risk Management section of the Finance department will be assisted by the municipality with the processing of insurance claims for compensation in terms of the benefits applicable under SASRIA cover which Council has taken out in line with the requirements of the Upper Limits Notice.

5. CIRCUMSTANCES UNDER WHICH A COUNCILLOR MAY BENEFIT UNDER THIS POLICY

Where a Councillor's residential property has been damaged or destroyed as a result of riots, civil unrest, strike or public disorder.

6. PROCEDURE TO BE FOLLOWED

- 6.1 The affected Councillor shall, within **24 hours** of the occurrence of the circumstances mentioned in 5 above, notify the Official responsible for Councillor Affairs, which Official must within **2 hours** notify the responsible Officials listed in 3.2 above.
- 6.2 Upon receipt of the notification of the damage or destruction to the Councillor's residential property, the responsible departments listed in 3.2 above must ensure dispatching of required emergency support and resources to a Councillor.
- 6.3 The HoD's: Real Estates and Human Settlements, in collaboration with the Chief of Police must assess the extent of damages, destruction and structural integrity to the property, as well as a security threat analysis and advise the City Manager of the required intervention arrangements.
- 6.4 Where temporary accommodation is warranted, the City Manager or his/her nominee shall, in writing, authorize the HoD: Real Estates to arrange accommodation as follows:-
 - 6.4.1 Check if there is an existing Council owned property to accommodate the affected Councillor(s), given the circumstances. The safety of beneficiaries shall also be considered in selecting a Council owned property.
 - 6.4.2 Should Council property be available, it will be offered to the beneficiaries for immediate occupation and assistance with relocation shall be provided through the Fleet department.
 - 6.4.3 Should Council property not be available, in line with SCM requirements, three (3) quotations must be obtained from the Estate Agents, property brokers or owners of suitable accommodation. The City Manager shall have the delegation for the final approval of the accommodation arrangements.
 - 6.4.5 The lowest quotation fitting the specifications shall be selected, unless where other reasons exists to suggest that a second or third highest quotation be selected.
 - 6.4.6 The preferred service provider shall be finally approved by the City Manager, after which the affected Councillor shall take occupation of the leased accommodation for a period not exceeding 30 days as stated in the Notice.

7. TERMS AND CONDITIONS OF TEMPORARY ACCOMMODATION

- 7.1 Paragraph 14(c) of the Notice requires that Councillors provide all the necessary details to the municipality regarding their properties, assets and beneficiaries to be covered by the special risk insurance. The intention of this paragraph is for the purpose of claiming under special risk cover and is not for alternative accommodation.
- 7.2 In respect of a councillor's loss of or damage to property, assets, threat to life or disability arising from riots, civil unrest, strike or public disorder, support shall be provided in accordance with the

requirements of paragraph 14(a) read with 14(c) of the Government notice and not in terms of this policy.

- 7.3 In compliance with Paragraph 14(b) of the Government Notice, temporary accommodation shall be granted for a period not exceeding 30 days.
- 7.4 Paragraph 14(b) of the Government Notice further allows that, on good cause shown, Council may review the extension for a further 30 days.
- 7.5 The delegation for further extension is hereby granted to the Speaker, who shall, after satisfying him/herself of the circumstances and grounds for extension, grant written permission to the City Manager to extend the temporary accommodation for a further period of no more than 30 days.
- 7.6 The Chief of Police shall submit a report to the Speaker and the City Manager at the expiry of the 30 days period on the status of the security situation at the Councillors property and immediate surrounding vicinity.
- 7.7 Furniture removal and all other relocation assistance shall be done by the EMM Department of Fleet Management at EMM's cost.
- 7.8 EMM Department of Health & Social Development (through its Social Development Division) shall provide food and household essentials to the beneficiaries for the first 2 days whilst in the temporary accommodation.
- 7.9 Save for 7.7 above, EMM shall not be liable for payment of subsistence, travel, food and other expenses but shall be limited to rentals and or accommodation charges.
- 7.10 Consumption related costs (e.g. lights, water, etc.), pertinent to the temporary accommodation shall be the responsibility of the affected Councillor.

8. BUDGET

Funding provision for temporary accommodation shall be made available under the Legislature budget vote¹, which may be reviewed annually on recommendation of the Rules Committee guided by demand and utilization of policy.

9. REPORTING

The Speaker shall provide half yearly reports to the Rules Committee on implementation of the policy and through the Rules Committee, recommendations (if any) may be presented for Council's final determination.

10. REVIEW

The policy may be reviewed by the Rules Committee annually.

¹ Budget allocation determinations to be made in consultation with the Finance department.

11. SHORT TITLE AND COMMENCEMENT

1. This policy shall be called **“Provision of Alternative Accommodation to Councillors in cases of Damage to or Destruction to the Residential Property of a Councillor as a result of Riots, Civil Unrest, Strike or Public Disorder”**.

2. This policy shall come into effect from the first day after Council approval thereof.