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Cape Town Sub-Council By-law, 2003 as amended

[Amended by Cape Town Sub-council Further Amendment By-law, 2011 on 5 August 2011]

1. Definitions

In this by-law, unless the context otherwise indicates—

"by-law" where the term is used in this by-law, means a by-law passed by the council;

"City Manager" means the municipal manager referred to in section 82 of the Structures Act and who has been appointed as the City Manager;

"council" means the council of the municipality;

"councillor" means a member of the council;

"effective date" means the date on which this By-law is promulgated by publication in the Provincial Gazette;

"manager: sub-council" means a member of the municipal staff appointed by the City Manager to exercise the powers and to perform the duties and functions related to sub-councils;

"municipality" means the Municipality of the City of Cape Town established in terms of Section 12 of the Structures Act in Provincial Notice 479 dated 22 September 2000 and published in Provincial Gazette Extraordinary 5588 dated 22 September 2000;

"Structures Act" means the Local Government : Municipal Structures Act 117 of 1998;

"sub-council" means a metropolitan sub-council established in terms of Section 3 of this by-law;

"Systems Act" means the Local Government : Municipal Systems Act 32 of 2000;

"ward" means a ward delimited in terms of Part 1 of Schedule 1 to the Structures Act;

Part 1 - Establishment and related matters

2. Disestablishment

With effect from midnight on the day before the effective date, the twenty-three sub-councils set out in column 1 of Schedule 1 and consisting of the cluster of wards set

out in column 2 of Schedule 1 shall be disestablished.

3. Establishment

With effect from the effective date, the twenty-four sub-councils set out in column 1 of Schedule 2, shall be established for the area consisting of the cluster of adjoining wards set out in column 2 of Schedule 2.

4. Names

- (1) The name of each sub-council shall be the numeral allocated to it in Schedule 2.
- (2) A sub-council may recommend to council an amendment to the name allocated to such sub-council in terms of sub-section (1).
- (3) Council shall consider recommendations to change the name of a sub-council and cause an amendment to Schedule 2 to effect a name change.

5. Composition

- (1) A sub-council is composed of:
 - (a) the elected ward councillors of wards contained in the sub-council, and
 - (b) the proportional councillors allocated to a sub-council in terms of Section 63(1) the Structures Act read with Section 62(cA) (where applicable) and Schedule 4 of the Structures Act.
- (2) The mechanism referred to in Section 62(cA) for the appointment of councillors to sub-councils shall be as follows:

The speaker, after consultation with the chief whips of the parties represented in council will recommend to council the allocation of the Section 63(1)(b) seats to the parties in a manner that reasonably reflects the governing majority in council.

6. Vacancies

- (1) Whenever a vacancy occurs in the membership of a sub-council because a councillor who is a member of such sub-council resigns as a councillor or ceases to be a councillor, such vacancy shall be filled:
 - (a) in the case of such a councillor who represented a ward, by the councillor elect to fill that vacancy; and
 - (b) in the case of a councillor elected according to the system of proportional representation referred to in Part 3 of Schedule 1 to the Structures Act, by the party to which that seat was allocated in terms of Schedule 4 to the Structures

Act, appointing any councillor from among its proportionally elected councillors.

- (2) Whenever a vacancy occurs in the membership of sub-council because a councillor who is elected according to a system of proportional representation, resigns as a member of such a sub-council, such vacancy shall be filled, by the party to which that seat was allocated in terms of Schedule 4 of the Structures Act, appointing any councillor from among its proportionally elected councillors.

Part 2 - Institutional matters

7. First meeting

- (1) The first meeting of a sub-council shall take place at a place, on a date and at a time determined by the City Manager who shall give notice in the press of the place, date and time of such meeting.
- (2) The City Manager shall determine the agenda for the first meeting of a sub-council, the first item of which shall be the election of the chairperson.
- (3) The City Manager shall instruct a member of the municipal staff to preside at the first meeting of a sub-council until the sub-council elects its chairperson in terms of Section 8.
- (4) The provisions of this section shall apply after every election of all the members of the council, including a by-election contemplated in Section 25 of the Structures Act.

8. Election of chairperson

- (1) Whenever it is necessary to elect a chairperson of a sub-council, a sub-council shall elect one of its members to be the chairperson. Where there is an equality of votes, the election shall be determined by the drawing of lots.
- (2) If the chairperson is absent from a meeting and a quorum is present, the members present shall elect another member to preside at that meeting.
- (3) A sub-council may by resolution remove the chairperson from office. Prior notice of an intention to move a motion for the removal of the chairperson must be given.
- (4) A chairperson who is removed from the office shall remain a member of the sub-council concerned.

9. Meetings

- (1) A sub-council shall hold an ordinary meeting at least once a month except when the council has resolved to go into recess. A sub-council may hold more than one ordinary meeting in a month which does not fall into a recess period.

- (2) A special meeting of a sub-council shall be held whenever:
 - (a) the chairperson so directs; or
 - (b) a majority of the members requests the chairperson in writing to convene a meeting.
- (3) The matters for discussion at a special meeting shall be only the matters set out on the agenda for that meeting.
- (4) The City Manager shall give notice to the public, in a manner determined by the council, of the time, date and venue of every ordinary meeting, and except when time constraints make this impossible, of any special meeting

10. Staffing

The City Manager shall appoint and designate officials to enable sub-councils to efficiently and effectively exercise their powers and perform their duties.

Part 3 - Powers and duties

11. Recommendations

A sub-council may make recommendations to the council on any matter affecting its area.

12. Delegations

- (1) A sub-council has such powers and duties as the council may delegate to it.
- (2) A sub-council may advise the council on what duties and powers should be delegated to it.

Part 4 - Equitable financial framework

13. Financial provision for sub-councils

- (1) The council shall annually in approving its operating budget make provision for—
 - (a) the operating costs of sub-councils, and
 - (b) the exercise of the powers and duties delegated to sub-councils,and the amounts so allocated shall be calculated with due regard to those areas where the greater need exists, including the lack of capacity, as reflected in the Integrated Development Plan.
- (2) A sub-council may within any policy or controls on expenditure, authorise

expenditure on the matters referred to in subsection (1)(b).

- (3) The council shall annually in its capital budget allocate to each sub-council an amount to be spent on capital projects in such sub-council.
- (4) In calculating the amounts referred to in subsection (3), due regard shall be given to the need for providing, improving and upgrading infrastructure in areas of greater need.
- (5) Each sub-council shall annually submit to the council its prioritised list of the projects referred to in subsection (4) and the only basis on which the council may decline to release funds for a particular project shall be—
 - (a) the proposal does not comply with the law, or
 - (b) the project will not be completed within the year in which it is commenced.
- (6) Any project falling within the scope of subsection (5)(b) shall be considered with projects for the integrated development plan.

Part 5 - Legal and general

14. Lines of communication

All official communications between a sub-council and the other structures of the council, political office bearers, councillors and members of the municipal staff shall be by means of sub-council managers.

At all instances where the designation "manager(s): sub-council" appears in the Cape Town Sub-council By-law, it is to be replaced with the designation "sub-council manager".

15. Accountability of manager: sub-council

- (1) A manager: sub-council is accountable to the City Manager for the exercise of any power conferred or the performance of any function or duty imposed in terms of this by-law and for the carrying out of any instruction or order given by or on behalf of the City Manager.
- (2) A manager: sub-council shall report to such functionary of the administration as the City Manager may determine.

16. City manager to sub-delegate

The City Manager may sub-delegate any power conferred or any function or duty imposed on him or her in terms of this by-law to a member of the municipal staff.

17. Sub-council to delegate

A sub-council may sub-delegate any power conferred or duty or function imposed on it in terms of this by-law, to a member of the municipal staff.

18. Short title and commencement

- (1) This by-law is called the Cape Town Sub-council By-law, 2003 and shall come into effect on the effective date.
- (2) In the event of any conflict between the English text of this by-law and its text in another language, the English text shall prevail.

Schedule 1

Column 1	Column 2
Sub-Council Designation	Ward Numbers
1	4, 23, 55, 56 and 104
2	3, 6, 7, 8, 101 and 102
3	1, 5, 27 and 70
4	2, 25, 26 and 28
5	24, 31, 50 and 51
6	9, 10 and 22
7	21, 29, 32, 103 and 105
8	15, 83, 84, 85, 86 and 100
9	90, 91, 92, 94 and 97
10	82, 95, 96, 98 and 99
11	40, 41, 42, 44 and 45
12	43, 75, 76, 78, 79 and 81
13	33, 34, 35 and 88
14	36, 37, 38 and 39
15	30, 53 and 57
16	54, 74 and 77
17	46, 47, 48, 49, 52 and 60
18	63, 65, 66, 67, 72 and 80
19	61, 64, 68, 69 and 71
20	58, 59, 62 and 73
21	11, 14 and 17
22	16, 18, 19 and 93
23	12, 13, 20, 87 and 89

Schedule 2

Column 1	Column 2
Sub-Council Designation	Ward Numbers
1	4, 23, 29, 32, 104, 107
2	6, 7, 8, 111
3	1, 3, 5, 70
4	25, 26, 27, 28, 30
5	13, 20, 24, 31, 50, 106
6	2, 9, 10, 12, 22
7	21, 101, 102, 103, 105
8	83, 84, 85, 86, 100
9	18, 87, 89, 90, 91
10	92, 93, 94, 99
11	42, 44, 45, 49
12	78, 79, 81, 82
13	33, 34, 35, 36
14	37, 38, 39, 40, 41
15	51, 52, 53, 55, 56, 57
16	54, 74, 77
17	46, 47, 48, 60
18	63, 65, 66, 68, 80, 110
19	43, 61, 64, 67, 69
20	58, 59, 62, 71, 72, 73
21	11, 14, 17, 19, 108
22	15, 16, 109
23	75, 76, 88
24	95, 96, 97, 98