

STELLENBOSCH MUNICIPALITY

MOBILITY FORUM

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1. PREAMBLE

1.1 The Constitution, within Chapter 7: Local Government, Section 152 states:

Objects of local government

“152. (1) *The objects of local government are -*

- a. *to provide democratic and accountable government for local communities;*
- b. **to ensure the provision of services to communities in a sustainable manner;**
- c. *to promote social and economic development;*
- d. *to promote a safe and healthy environment; and*
- e. **to encourage the involvement of communities and community organisations in the matters of local government.**

(2) *A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).”*

1.2 The main business of Stellenbosch Directorate: Infrastructure Services is to plan, control and manage the process of Municipal Services to its users as prescribed by Schedule 4B and 5B of the Constitution of South Africa.

1.2.1 Schedule 4B with reference to the Directorate: Infrastructure Services

“Part B

The following local government matters to the extent set out in section 155(6)(a) and (7):

Air pollution

Building regulations

Child care facilities

Electricity and gas reticulation

Firefighting services

Local tourism

Municipal airports

Municipal planning

Municipal health services

Municipal public transport

Municipal public works only in respect of the needs of municipalities in the discharge of their responsibilities to administer functions specifically assigned to them under this Constitution or any other law

Pontoons, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matters related thereto

Stormwater management systems in built-up areas

Trading regulations

Water and sanitation services limited to potable water supply systems and domestic waste-water and sewage disposal systems “

1.2.2 Schedule 5B with reference to the Directorate: Infrastructure Services

“Part B

The following local government matters to the extent set out for provinces in section 155(6)(a) and (7):

Beaches and amusement facilities

Billboards and the display of advertisements in public places

Cemeteries, funeral parlours and crematoria

Cleansing

Control of public nuisances

Control of undertakings that sell liquor to the public

Facilities for the accommodation, care and burial of animals

Fencing and fences

Licensing of dogs

Licensing and control of undertakings that sell food to the public

Local amenities

Local sport facilities

Markets

Municipal abattoirs

Municipal parks and recreation

Municipal roads

Noise pollution

Pounds

Public places

Refuse removal, refuse dumps and solid waste disposal

Street trading

Street lighting

Traffic and parking “

1.3 Municipal Systems Act, Act

“COMMUNITY PARTICIPATION

16. *Development of culture of community participation.—(1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose—*

- (a) *encourage, and create conditions for, the local community to participate in the affairs of the municipality, including in—*

- (i) *the preparation, implementation and review of its integrated development plan in terms of Chapter 5;*
 - (ii) *the establishment, implementation and review of its performance management system in terms of Chapter 6;*
 - (iii) *the monitoring and review of its performance, including the outcomes and impact of such performance;*
 - (iv) *the preparation of its budget; and*
 - (v) *strategic decisions relating to the provision of municipal services in terms of Chapter 8;*
- (b) *contribute to building the capacity of—*
- (i) *the local community to enable it to participate in the affairs of the municipality; and*
 - (ii) *councillors and staff to foster community participation; and*
- (c) *use its resources, and annually allocate funds in its budget, as may be appropriate for the purpose of implementing paragraphs (a) and (b).*
- (2) *Subsection (1) must not be interpreted as permitting interference with a municipal council's right to govern and to exercise the executive and legislative authority of the municipality."*

1.4 Scope of the Stellenbosch Municipality Mobility Forum (SMMF)

The Stellenbosch Municipality Mobility Forum (SMMF) will oversee the direction settings and strategies of the following:

1.4.1 Matters extracted from the Constitution pertaining to the SMMF:

- a. Municipal public transport
- b. Stormwater management systems in built-up areas
- c. Municipal roads
- d. Traffic and parking

1.4.2 Matters of Particular Intrust

- a. Non-Motorised Transport (NMT)
- b. Transit Oriented Development (TOD) as far as it relates to the transport and movement of passengers and pedestrian
- c. Bulk Parking
- d. Universal Public Access
- e. Railway and other Public Transport
- f. Traffic flow management
- g. Public Mobility

1.4.3 Any other function pertaining to the moving of people from one point to another

1.5 Legislative Control

The following Acts, amongst others, are related to the topics of this Forum

- a. The Constitution of South Africa, Act 108 of 1996, as amended
- b. Municipal Systems Act, Act 32 of 2000, as amended
- c. National Road Traffic Act, No. 93 of 1996, as amended
- d. National Land Transport Act

The main business of Stellenbosch Roads Transport Stormwater and Traffic Management Department is to plan, control and manage the processes allotted to the Municipality of the Constitution of South Africa.

Stellenbosch Municipality, in the exercise of its mandate, commits itself to meaningful stakeholder interaction and participation.

Stellenbosch Municipality hereby convenes a User Group consisting of the stakeholder groups within the Municipality as well as those. The Group shall be known as the Stellenbosch Municipality Mobility Forum (SMMF) The National Water Act.

1.6 Stellenbosch Municipality, in the exercise of these mandates, commits itself to meaningful stakeholder interaction and participation.

1.7 Stellenbosch Municipality shall create user working groups for all of the services rendered by the Infrastructure Directorate, which shall be:

- 1.7.1 The Stellenbosch Municipality Mobility Forum – inclusive of all mandates within the Roads, Traffic Engineering, Transport and Stormwater rendition of services
- 1.7.2 The Stellenbosch Municipality Top 100 Services Consumer Forum - inclusive of all mandates for the delivery of electricity, water and sanitation services
- 1.7.3 Waste & Land Fill Forum – Inclusive of all mandates for the delivery of a waste removal and landfill service
- 1.7.4 The Stellenbosch Municipality Development Forum – Inclusive of all infrastructure services mandates related to the development of Properties

1.8 Stellenbosch Municipality hereby convenes a User Group consisting of all participants related to those function falling under the Division of Roads, Transport, Traffic Engineering and Stormwater as detailed in paragraph 1.4 above

- 1.9 As part of the commitment of the Stellenbosch Municipality Mobility Forum (SMMF), participants with a collective vested interest to promote the viable conduct of any the transport matters, including transport of people as well as the movement of people and as strategically and cost effectively as possible, the stakeholders, have agreed to establish the Stellenbosch Municipality (SMMF) that would allow for participation by the Participants in the process of sharing of relevant information.
- 1.10 As a result of this, Stellenbosch Municipality Mobility Forum (SMMF) is established to allow all stakeholders and the Municipality to benefit from the diverse knowledge, expertise and skills that are possessed by professionals within the industry, in order to advance the objectives of the Stellenbosch Municipality Mobility Forum (SMMF).
- 1.11 The Stellenbosch Municipality Mobility Forum (SMMF) will also serve to enhance stakeholder confidence in the Municipality's objectives and progress.
- 1.12 Note that a separate Forum, known as the Mobility Forum, will look after all Transport, by any means, matters.

2. MEMBERSHIP

- 2.1 Stellenbosch Municipality Mobility Forum (SMMF) shall be made up of membership from the following organisations:
 - 2.1.1 The Stellenbosch Municipality
 - 2.1.2 The University of Stellenbosch
 - 2.1.3 Any related association, groups or individuals within the Stellenbosch Municipality and with a direct association with Stellenbosch Municipality
 - 2.1.4 Associated Departments from the National Government and the Western Cape Government
- 2.2 The Stellenbosch Municipality Mobility Forum (SMMF) will be led by a Chairperson, normally the Portfolio Councillor of Infrastructure Services, and Deputy Chairperson a Councillor to be nominated by the Portfolio Councillor of Infrastructure.

- 2.3 All administration of meetings, taking of minutes, distribution of minutes, and any other related task will be done by the Office of the Director for Infrastructure Services

3. SCOPE OF THE STELLENBOSCH MUNICIPALITY MOBILITY FORUM (SMMF)

- 3.1 Evaluating and understanding the Stellenbosch Municipality service constraints and resources across all economic sectors;
- 3.2 Developing a clearer understanding of the economic value of this resource to different market actors and to different Large Services Consumer Customers;
- 3.3 Evaluating the Annual Newly Proposed Municipal Budget with reference to all modes of service provisions and matters associated with these, as well as regulatory and policy issues and interactions.
- 3.4 Providing feedback to the Forum and receiving requests from the Forum on all matters related to the Spatial Development Framework (SDF), the Integrated Development Plan (IDP), the Proposed Budget and any tariff related thereto and Master Planning of all associated Services.
- 3.5 Provide feedback and comments on any draft By-Law and related policies of the Stellenbosch Municipality.

4. MANDATE AND POWERS OF THE STELLENBOSCH MUNICIPALITY MOBILITY FORUM (SMMF)

- 4.1 The mandate of the Stellenbosch Municipality Mobility Forum (SMMF) comes from the Section 152 of the Constitution of the Republic of South Africa, Act 108 of 1996, as amended.

- 4.2 The Stellenbosch Municipality Mobility Forum (SMMF) has no decision making powers, however shall provide input that will assist the Stellenbosch Municipality in its decision making processes.

5. DUTIES AND RESPONSIBILITIES OF ALL MEMBERS

- 5.1 Members shall serve as part of the Customer and End user forum as prescribed by the various Acts.
- 5.2 Members shall render advice to the Stellenbosch Municipality Infrastructure Services Directorate.
- 5.3 Members shall harness the expertise, skills and knowledge of the industry and service providers.
- 5.4 Members shall ensure and encourage the participation of stakeholders in the Stellenbosch Municipality Mobility Forum (SMMF) establishment process.
- 5.5 Members shall execute their duties in good faith.
- 5.7 Members are bound by the principle of keeping confidential information entrusted to them.
- 5.8 Notwithstanding the above Members have to give feedback to their respective organisations within the realms of Confidentiality. See also Item 9 below.
- 5.9 Members have to assist with the identification and mitigation of risks to the Stellenbosch Municipality Infrastructure Services Directorate.

6. MEETINGS

- 6.1 The Chairperson shall be the convener of meetings.

- 6.2 The Stellenbosch Municipality Mobility Forum (SMMF) shall formally meet at least once a quarter and as and when there is a need to discuss specific additional issues.
- 6.3 In the case of the absence or unavailability of the Chairperson, the Deputy Chairperson will chair the meetings.
- 6.4 External Subject Matter Experts will be invited, as and when required, to facilitate discussions within the Stellenbosch Municipality Mobility Forum (SMMF).

7. RECORD OF PROCEEDINGS

The Office of the Director: Infrastructure Services of the Stellenbosch Municipality shall have the following responsibilities with relation to the Mobility Forum:

- 7.1 Issuing the appropriate notices and relevant documentation for the meetings.
- 7.2 To record, produce and circulate minutes of the meetings.
- 7.3 Shall be the custodian of all records of meetings.
- 7.4 Shall render all other administrative support to the Forum.

8. COMMUNICATION

- 8.1 Communication between the Stellenbosch Municipality Mobility Forum (SMMF) and the Stellenbosch Municipality will be handled via the Stellenbosch Municipality Infrastructure Services Directorate.
- 8.2 Notices of meetings and documents will be sent to all representatives via e-mail.
- 8.3 The Director: Infrastructure Services shall give feedback at the Directorate: Infrastructure Services Meeting and the Director's Management Team Meeting after any forum meeting has been held or after any other ad hoc meeting has been held.

- 8.4 The Directorate: Infrastructure Services shall ensure that any actions decided upon by the Forum be forwarded to the correct appropriate Directorate, Department or Council Meeting

9. CONFIDENTIALITY

- 9.1 Information as well as data of a confidential nature relating to the Municipal Infrastructure Services of the Stellenbosch Municipality shall strictly be treated as such.

- 9.2 Some of the confidential information may be disclosed in the Stellenbosch Municipality Mobility Forum (SMMF) in effecting the objectives of the Workgroup. Therefore all members are bound by the principle of keeping confidential information entrusted to them.

10. STELLENBOSCH MUNICIPALITY MOBILITY FORUM (SMMF) TERMINATION

- 10.1 Stellenbosch Municipality Mobility Forum (SMMF) shall remain in operation until this Forum decides to disestablish itself or if disestablished by the Council of Stellenbosch Municipality.