

Chapter 9: Powers and Functions of the Director Environmental Health & Emergency Services

9.1 POWERS AND FUNCTIONS IN TERMS OF NATIONAL LEGISLATION

9.1.1 BUSINESS ACT 1991, (ACT NO. 71 OF 1991)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
2(5)	Requesting the SAPS for a report stating particulars of all convictions (if any) recorded against an applicant for a license to carry on a business for the provision of certain types of health facilities or entertainment	Council	Director EH & ES	

9.1.2 ENVIRONMENT CONSERVATION ACT 1989 (ACT No. 73 of 1989)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
19(2)	Ensuring that containers or places are provided which will normally be adequate and suitable for the discarding of litter by the public in places to which the public has access	Council	Director EH & ES	
19A	Removing litter which has been discarded, dumped or left behind at any place to which the public has access (with the inclusion of any pavement adjacent to, or land situated between, such a place and a street, road or site used by the public to get access to such place)	Council	Director EH & ES	
20(1)	Ensuring that the municipality has a valid permit in respect of every disposal site established, managed or operated by the municipality	Council	Director EH & ES	
20(6)	Ensuring that no person discards or disposes of waste in any manner except at a disposal site for which a valid permit exists	Council	Director EH & ES	

9.2 POWERS AND FUNCTIONS IN TERMS OF REGULATIONS

9.2.1 MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS, 2014

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
3(1)(a)	Report an allegation of financial misconduct against the accounting officer or senior manager to the council, provincial treasury and national treasury	Director EH & ES	None	
3(1)(b)	Report an allegation of financial misconduct against any official of the municipality to the Municipal Manager.	Director EH & ES	None	
9(a)	Report an allegation of financial offence against a councillor of the municipality to Speaker, Minister of Finance and MEC of Finance.	Director EH & ES	None	
9(b)	Report an allegation of financial offence against the Speaker to the Executive Mayor.	Director EH & ES	None	

9.3 POWERS AND FUNCTIONS IN TERMS OF SOUTH AFRICAL LOCAL GOVERNMENT BARGAINING COUNCIL COLLECTIVE AGREEMENTS

9.3.1 MAIN COLLECTIVE AGREEMENT, 2015

Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
13.3.2	Where a grievance has been escalated by an employee in the department in terms of clause 13.3.1, arrange a meeting to consult and hold discussion with the aggrieved employee(s) in an attempt to achieve resolution.	Director EH & ES	None	Endeavour to resolve the grievance within 10 days of the grievance being referred and inform the employee(s) of the outcome in writing.

9.4 INCIDENTAL POWERS AND FUNCTIONS

9.4.1 SUPPLY CHAIN, ASSET AND CONTRACT MANAGEMENT

Par	Power	Delegating authority	Delegated body	Conditions, limitations and directions
9.4.1.1	Considering and granting or refusing any application by third party to use the facilities of the Municipality	Council	Director Community Services	Subject to the applicable by-laws
9.4.1.2	Granting of permission for the free use of Municipal facilities for departmental purposes	Council	Director Community Services	
9.4.1.3	Deciding to reduce the rent payable in respect of the leasing of the Municipality's facilities based on the merits of the case stated	Council	Director Community Services	After consultation with Chief Financial Officer
9.4.1.4	Maintaining public toilets facilities	Council	Director Community Services	
9.4.1.5	Establishing, managing and operating sanitary services and public conveniences on municipal property	Council	Director Community Services	

9.4.2 MISCELLANEOUS POWERS

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
9.4.2.1	Authorizing the removal, pruning and planting of trees and other plants on the municipal property	Council	Director Community Services	