



**By 2030 eThekweni will be Africa's
most caring and liveable city**



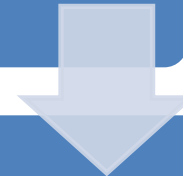
ENFORCEMENT AND PROSECUTION

**eThekweni Development Planning and Management:
Enforcement & Prosecution Branch**

PDA



TO



SPLUMA

The

eThekweni

Experience

Primary Focus Area

- The Enforcement and Prosecution Branch, amongst other tasks, focuses its efforts in the following areas:
 - Enforcement of the National Building Regulations and Standards Act;
 - Enforcement of the Planning and Development Act;
 - Enforcement of the Building and other By-Laws relevant to the offences in this specific sector;
 - Support Service to Legal Unit, Real Estate and other Secondary Enforcing Departments; and
 - Facilitation of all matters escalated to both Magistrates and High Court

Applicable Legislation (amongst others)

- National Building Regulations and Standards Act
- KZN Planning Development Act
- SPLUMA
- Durban Town Planning Scheme and Regulations
- Building By Laws & General By Laws
- Municipal Property Rates Act: eThekweni Municipality Rate Policy – Section 11
- Criminal Procedure Act
- Magistrates Court Act
- Supreme Court Act
- Uniform Rules of Court
- Adjustment of Fines Act
- Provision of Administrative Justice Act
- Promotion of Access to Information Act
- Prevention of Illegal Evictions Act
- **Prevention of Slums Act**
- Municipal Systems Act
- Municipal Structures Act
- Municipal Demarcation Act
- Municipal Financial Management Act
- The Constitution of the Republic of South Africa
- PAIA
- POPI
- PAJA
- Decided Case Law

Jurisdiction

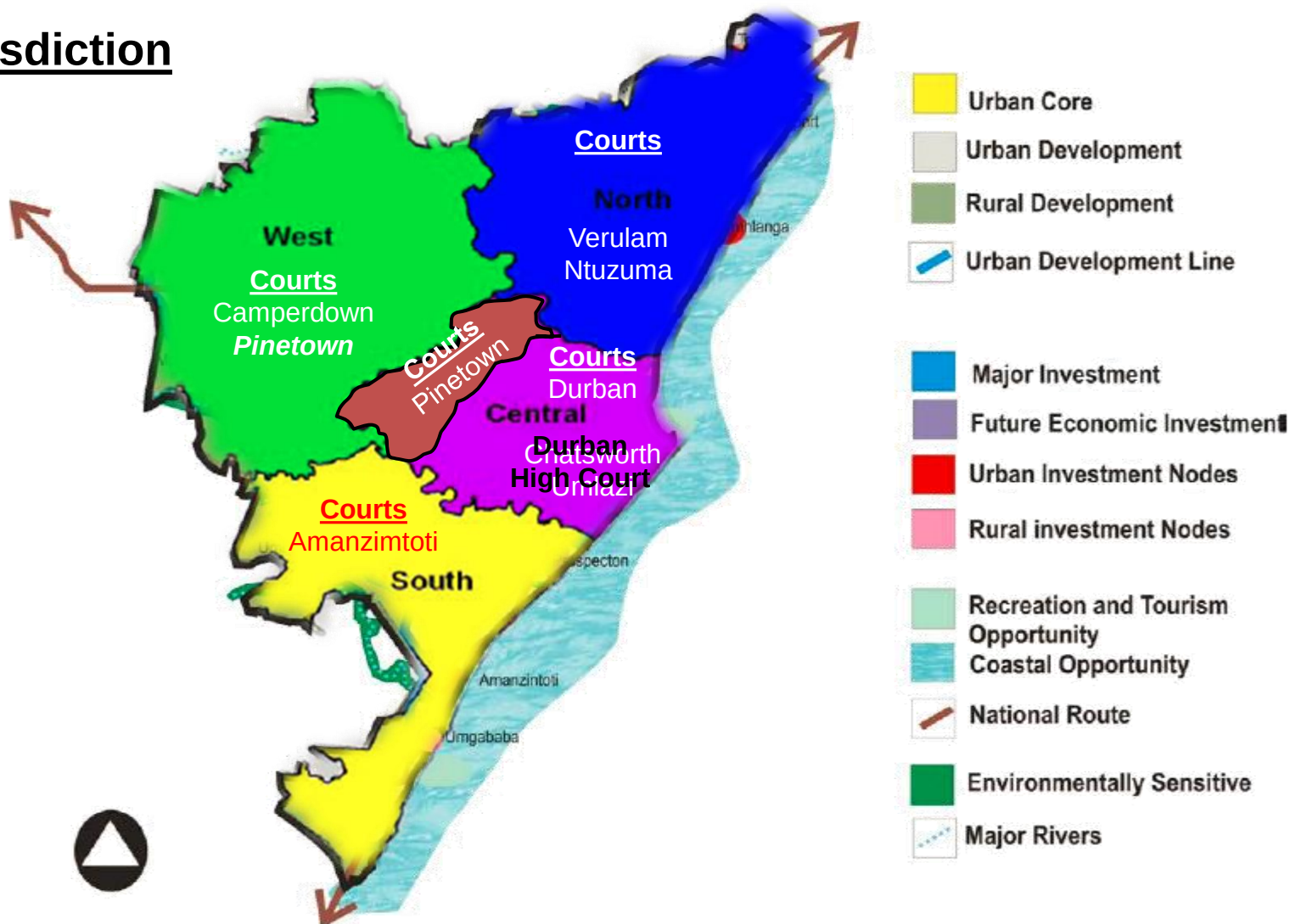


Figure 13: Spatial Development Concept

Source: eThekweni Municipality, Development, Planning, Environment & Management Unit

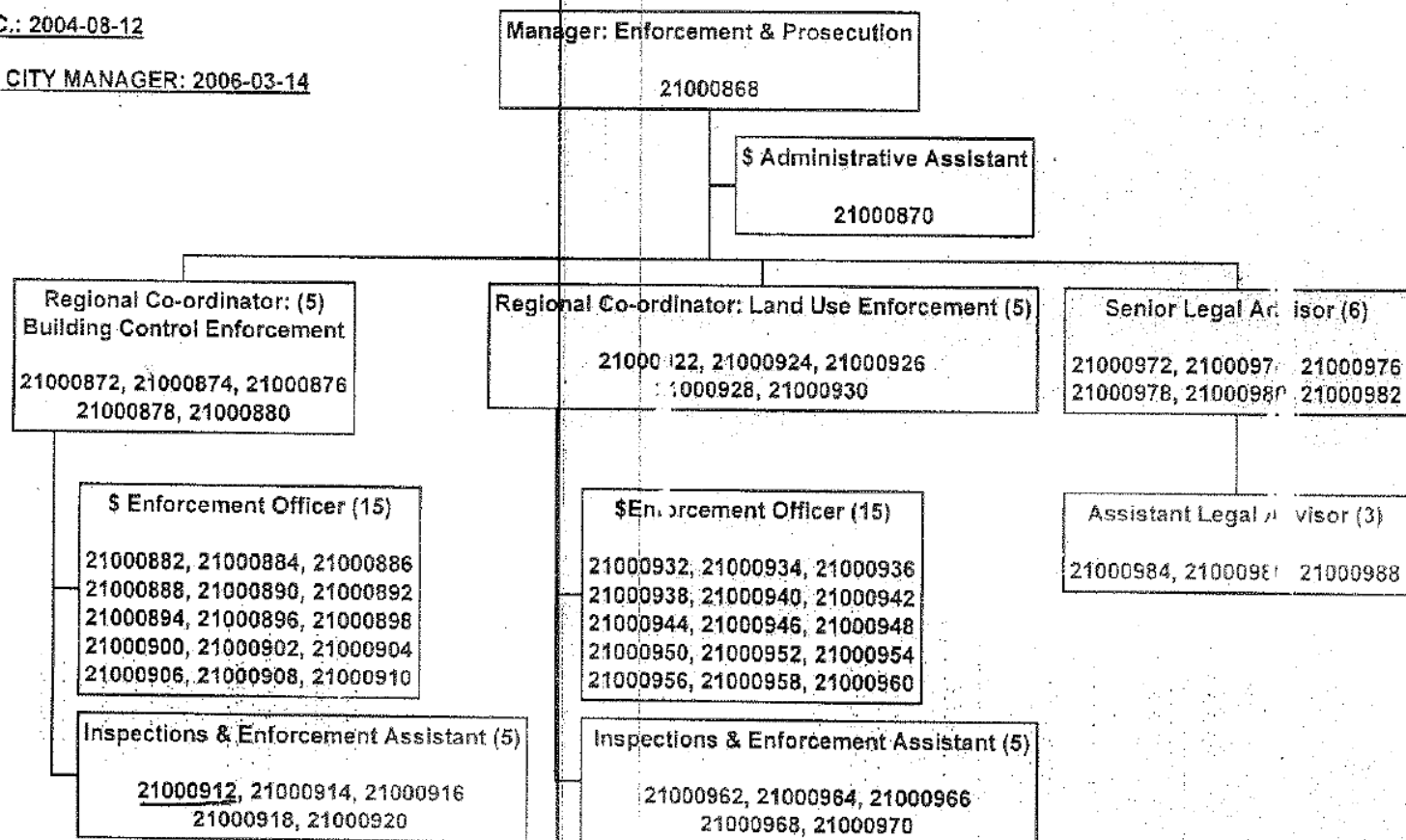
The Organogram

PG4.3

ETHEKWINI MUNICIPALITY
SUSTAINABLE DEVELOPMENT & CITY ENTERPRISES CLUSTER
DEVELOPMENT PLANNING, ENVIRONMENT & MANAGEMENT UNIT
DEVELOPMENT MANAGEMENT DEPARTMENT
ENFORCEMENT & PROSECUTIONS BRANCH

APPROVED B.C.: 2004-08-12

APPROVED CITY MANAGER: 2006-03-14





The Planning and Land Use Management By-law

No. 1871 PROVINCIAL GAZETTE, 31 AUGUST 2017

Municipal Notices • Munisipale Kennisgewings

MUNICIPAL NOTICE 114 OF 2017

ETHEKWINI MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016

NOTICE IS HEREBY GIVEN that the eThekweni Municipal Council has enacted, by way of resolution in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), the Planning and Land Use Management By-law, 2016 contained hereunder.

Mr S.C. Nzuza

City Manager

City Hall

Dr Pixley Kaseme Street

Durban

Dated:

BY-LAW WORK FLOW

Planning Enquiry (522. (1))

The Municipality shall conduct an initial consultation with an applicant to advise or give direction on any requirements, procedures or any other issue relating to the submission of a land development application, including whether an application may be of National or Provincial interest.

Planning Official* shall provide the applicant in writing (Check list), with the relevant Internal and external Departments to obtain comments or authorisations from (522.(2)).

Note applicant to sign the check-list confirming acceptance of all stipulated conditions.

Submission of Complete Application (5.23)

Planning Official to screen application at counter. Accept only if all relevant documents are attached as per check list or refer back to applicant.

Application fee payable in cash or by credit card (refer to bylaw)

LUMA to register application and allocate to Planning Official.

Planning Official to provide letter of completion if application is in order with 7 days from allocation. (5. 24)

Items to be provided to applicant with Letter of completion:

1. Notice to advertise. (Applicant has 14 days to advertise from receipt of notice to advertise. (5.33. (2))
2. List of adjoining owners, affected owners, organs of state and the ward councillor.
 1. A site notice for each road frontages. (Applicant to enlarge to A3)
 2. Wording of advert for the 3RD newspaper that circulate in the area in the language of the newspaper.

Advert to appear in 3 newspapers that circulate in the area. The publication must be in the language of the newspaper it appears in.

On the day of publication of the advertisement, the Site Notices must be placed on all Road frontages. The following must be provided by the applicant within 7 days from the closing date of the commenting period.

1. Photographic evidence of each site notice. (Photos must have the date)
 2. Proof of notification of adjoining owners, affected owners, organs of state and the ward councillor as per the list provided.
 3. Full newspaper tear sheets of the advertisements.
 4. Affidavit
- Objection period 30 days.

Note: Any objection must be served on the applicant and Municipality to be valid. (Proof Needed refer to bylaw)

Compare objections received with applicant within 7 days of closing date to ensure validity.

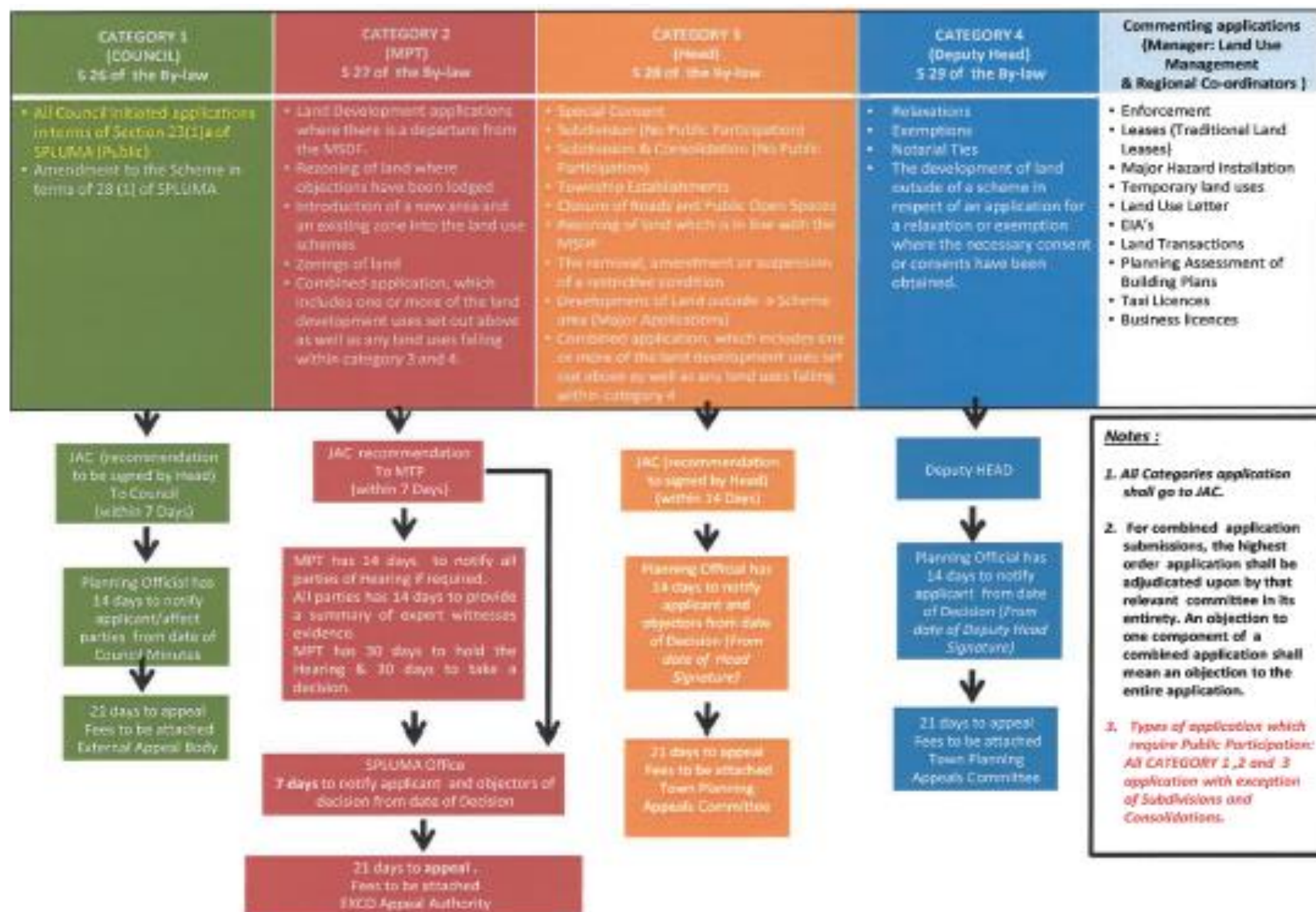
Applicant may comment or give up the right to comment within 14 days from date of validation.

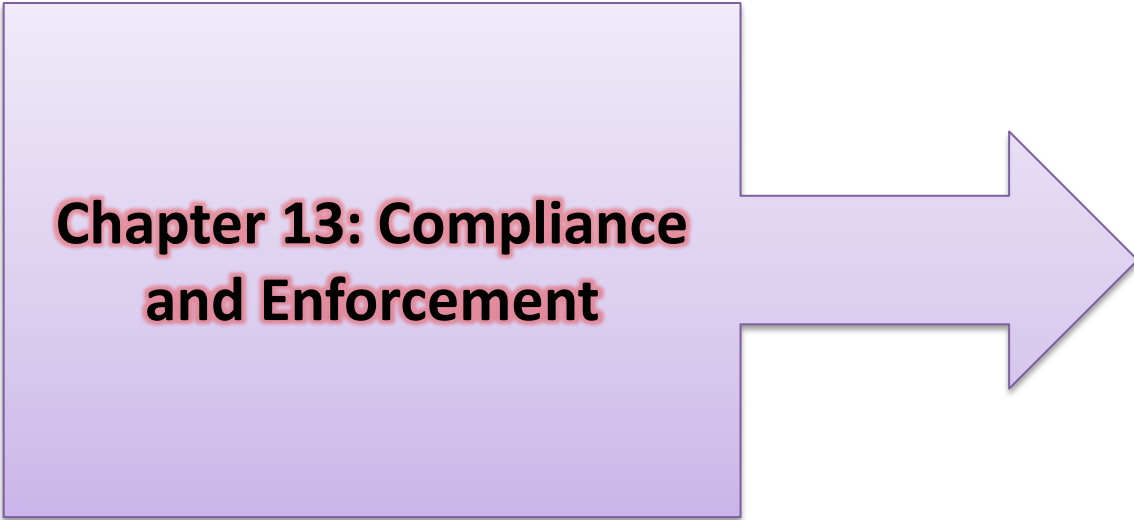
Note: The applicant has 30 days from date of validation to submit an amended application if necessary. (5. 37)(The impact of any changes to an application shall be assessed by Head)

21 days (from closing date of advert or receipt of the responding memorandum to objections) to submit complete application to JAC

The impact of any changes to an application shall be assessed by Head

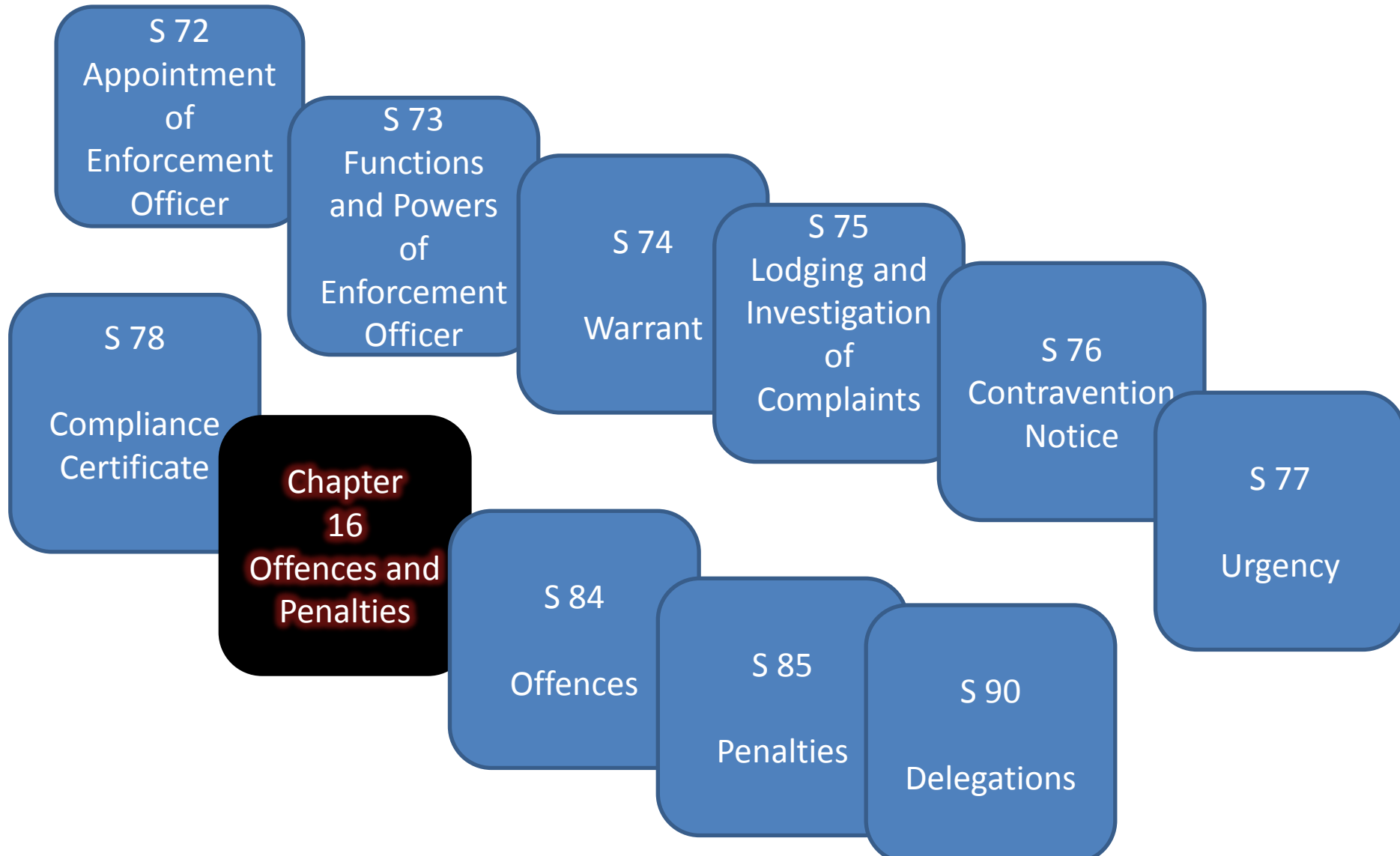
*Planning Official's
Senior Professional Planner
Professional Planner
Senior Technical Planner
Technical Planner



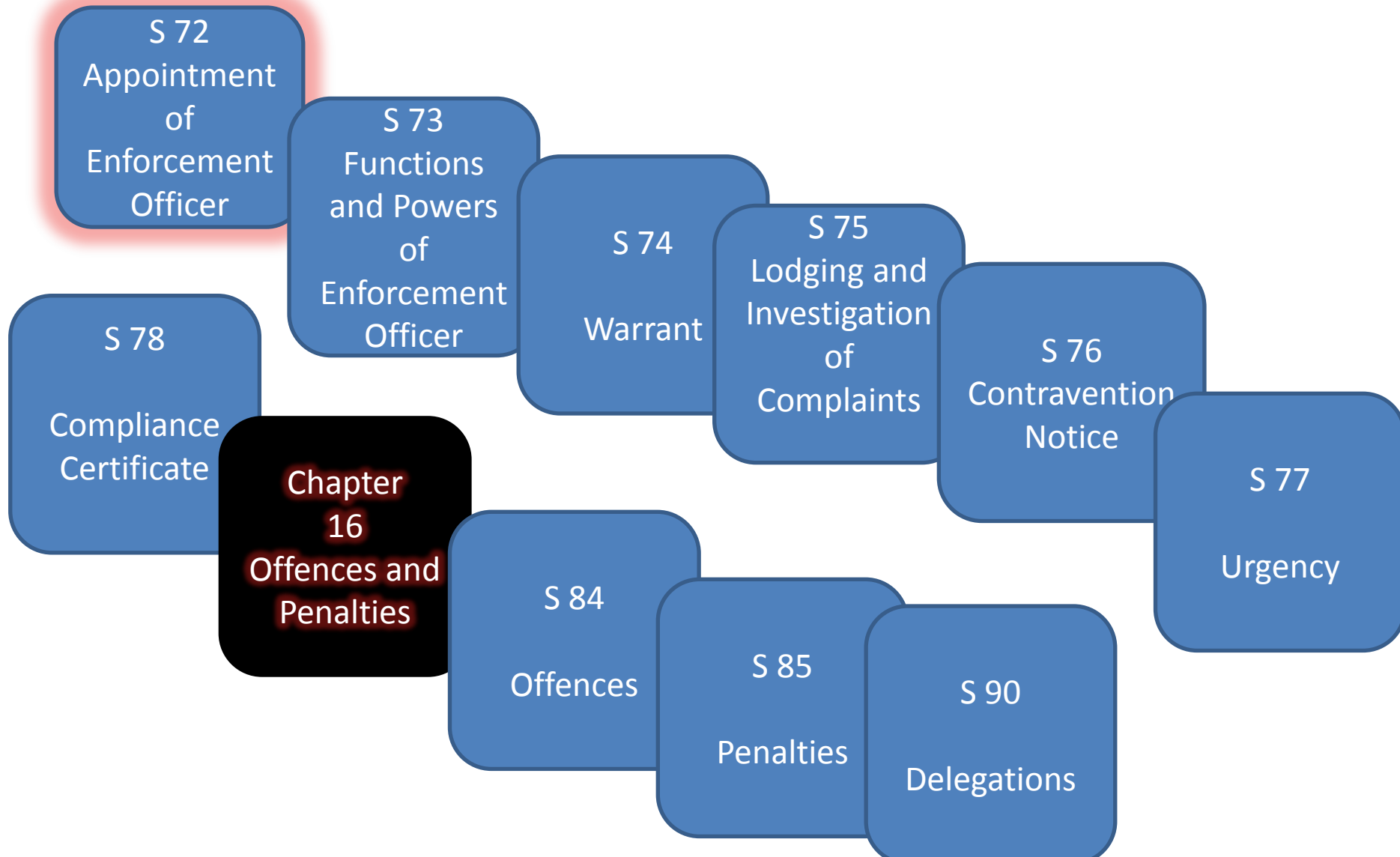
A large, light purple graphic consisting of a rectangle on the left and a large arrow pointing to the right on the right. The text "Chapter 13: Compliance and Enforcement" is centered within the rectangle.

Chapter 13: Compliance and Enforcement

Applicable Sections of the Bylaw (rw Preamble, Definitions & applicable sections)



Applicable Sections of the Bylaw (rw Preamble, Definitions & applicable sections)



Accreditation – Enforcement Staff

Qualification & Experience

Essential: 3yr Diploma and Experience in Enforcing

Training

Peace Officers training –
Durban Metro Police – 2
week course

SAPS Clearance

Done Annually –
Fingerprints submitted with
Indemnity. Certificate
issued with 1 year validity

Data Base

Must be maintained with
credentials of all Peace
Officers in the Unit.

Expungement

Employees with minor/old
offence records – referred
for expungement
applications

Appointment Certificates

Printed by HR and signed by
the Head: DPEM

Authority

Peace officers are
empowered in terms of
Section 334 of the Criminal
Procedure Act

Powers Conferred

1. Issue of Written Notice – S 56 CPA
2. Issue of Written Notice – S 341 CPA
3. Execution of Warrant of Arrest – S 44 & 55 (2) CPA
4. Powers conferred upon a Peace Officer – S 41(1) CPA

Certification – Enforcement Staff

Durban Metropolitan Police Service

This is to certify that
GOVENDER J
8505090159088

has successfully completed a

PEACE OFFICERS COURSE

as a

LAW ENFORCEMENT OFFICER
In terms of Section 334 of the Criminal Procedure Act (No. 51 of 1977)

LÉGALS	COMMUNICATION
DOCUMENTATION	BYLAWS
ANTI CORRUPTION	

Held at the

Durban Metropolitan Police Service Training Academy
From 16/05/2011 to 27/05/2011

[Signature]
Head: Training Academy
Date: 15/08/2011

[Signature]
Executive Head
Date: 15/08/2011

David Pooze
C/O: PO/SUSTAINABLE DEVELOPMENT – 2011-2014

South African Police Service

PEACE OFFICER CERTIFICATE

In terms of Section 334 of the Criminal Procedure Act 1977 Act 51/1977.

I, B NAIDOO, in my capacity as Deputy Provincial Commissioner, KwaZulu - Natal, am satisfied that:

NAME : JACQUELINE GOVENDER

IDENTITY NUMBER : 850509 0159 088

Is employed and appointed by the ETHEKWINI MUNICIPALITY as a

LAW ENFORCEMENT OFFICER

THAT THIS APPOINTMENT CONFIRMS WITH THE CRITERIA SET BY THE ACT AND THEREFORE IN MY OPINION CONSIDER HIM/HER COMPETENT TO BE APPOINTED AS A:-

PEACE OFFICER

In my opinion I consider the abovementioned official to be competent to exercise the relevant powers defined in part 5(a) column of the Schedule, namely:-

1. The issue of written notices in terms of Section 341 of the Criminal Procedure Act, 1977.
2. The issue of written notices in terms of Section 56 of the Criminal Procedure Act, 1977.
3. The execution of Warrant of Arrest in terms of Section 44 and 55(2) of the Criminal Procedure Act, 1977.
4. The powers conferred upon a Peace Officer in terms of Section 41(1) of the Criminal Procedure Act, 1977.

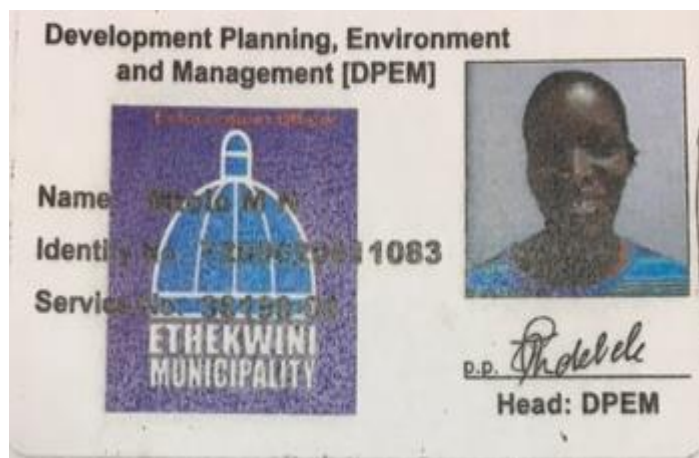
This certificate is valid for a period of twelve (12) months from date of issue and the Provincial Commissioner reserves the right at any stage to withdraw this appointment should any criteria for this appointment be contravened.

PLACE : DURBAN
DATE : 2017-04-20
EXPIRY : 2018-04-20

[Signature]
MAJOR- GENERAL
DEPUTY PROVINCIAL COMMISSIONER: KWAZULU-NATAL
B NAIDOO

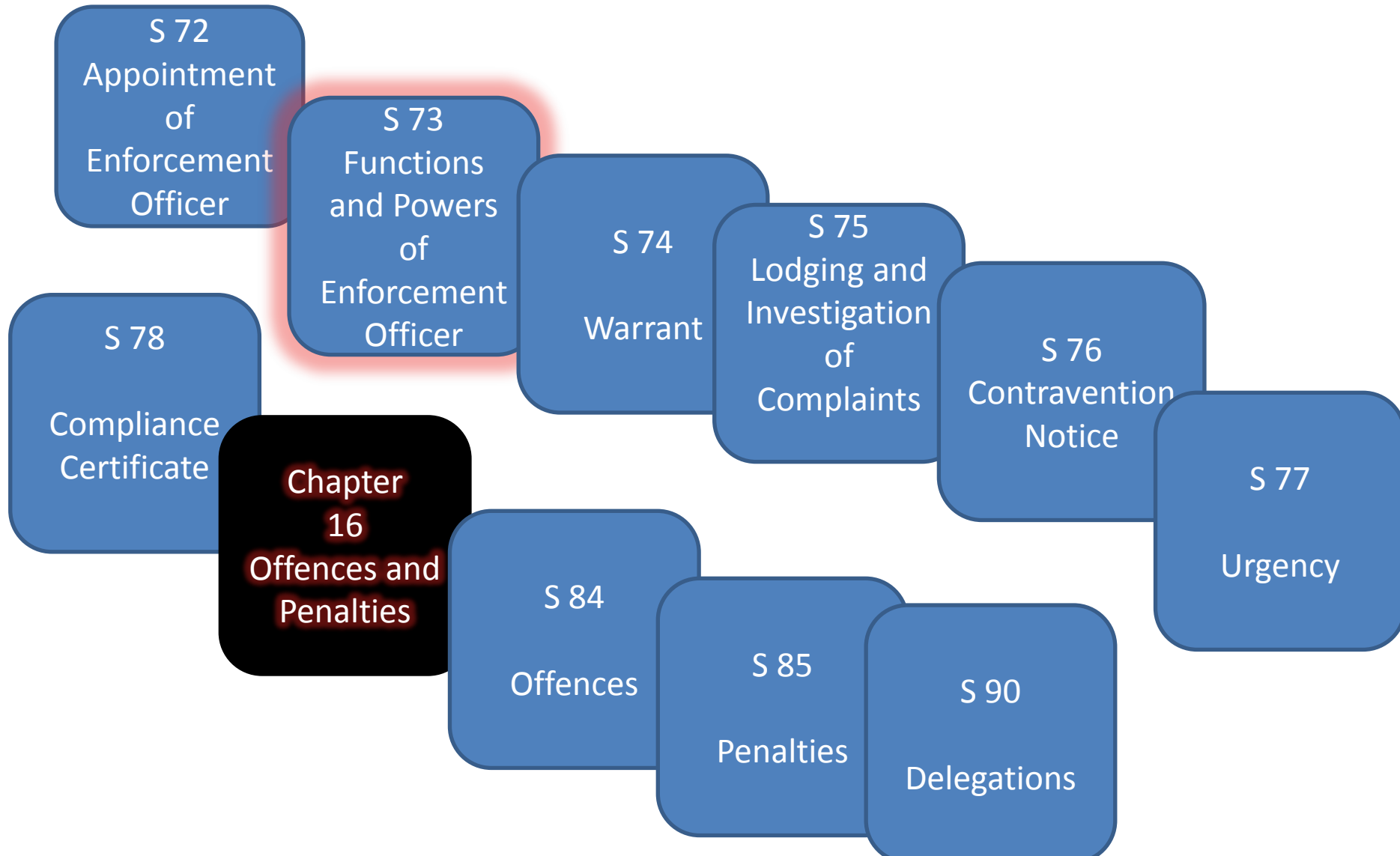
Appointment Card: Section 334

CPA 51/1977



- “**peace officer**” includes any magistrate, justice, police official, correctional official as defined in
- section 1 of the Correctional Services Act, 1959 (Act 8 of 1959), and, in relation to any area, offence, class of offence or power referred to in a notice issued under section **334(1)**, any person who is a peace officer under that section;
- [Definition of “peace officer” amended by s. 4 of Act No. 18 of 1996.]

Applicable Sections of the Bylaw (rw Preamble, Definitions & applicable sections)



Functions and Powers of an Enforcement Officer

- Power to investigate
 - Importantly the Bylaw specifies that the Power to inspect is in terms of this Bylaw and any other law which grants authority
 - A Peace Officer may also execute any other Powers conferred, for example:
 - Section 40 of the CPA – Powers of Arrest
 - This section also qualifies what an enforcement officer may:
 - require from a person in charge of a property,
 - what may be seized,
 - Particulars that may be requested and the obligation to supply correctly;
 - The ability to seize machinery
 - This section provides for the enforcement officer to be accompanied by a Police Official (Safety)
- The two talking Points are:

Inspection is permitted without a warrant of a non private premises where the officer is confident that a warrant will be issued and that the delay in obtaining will defeat the object of the search

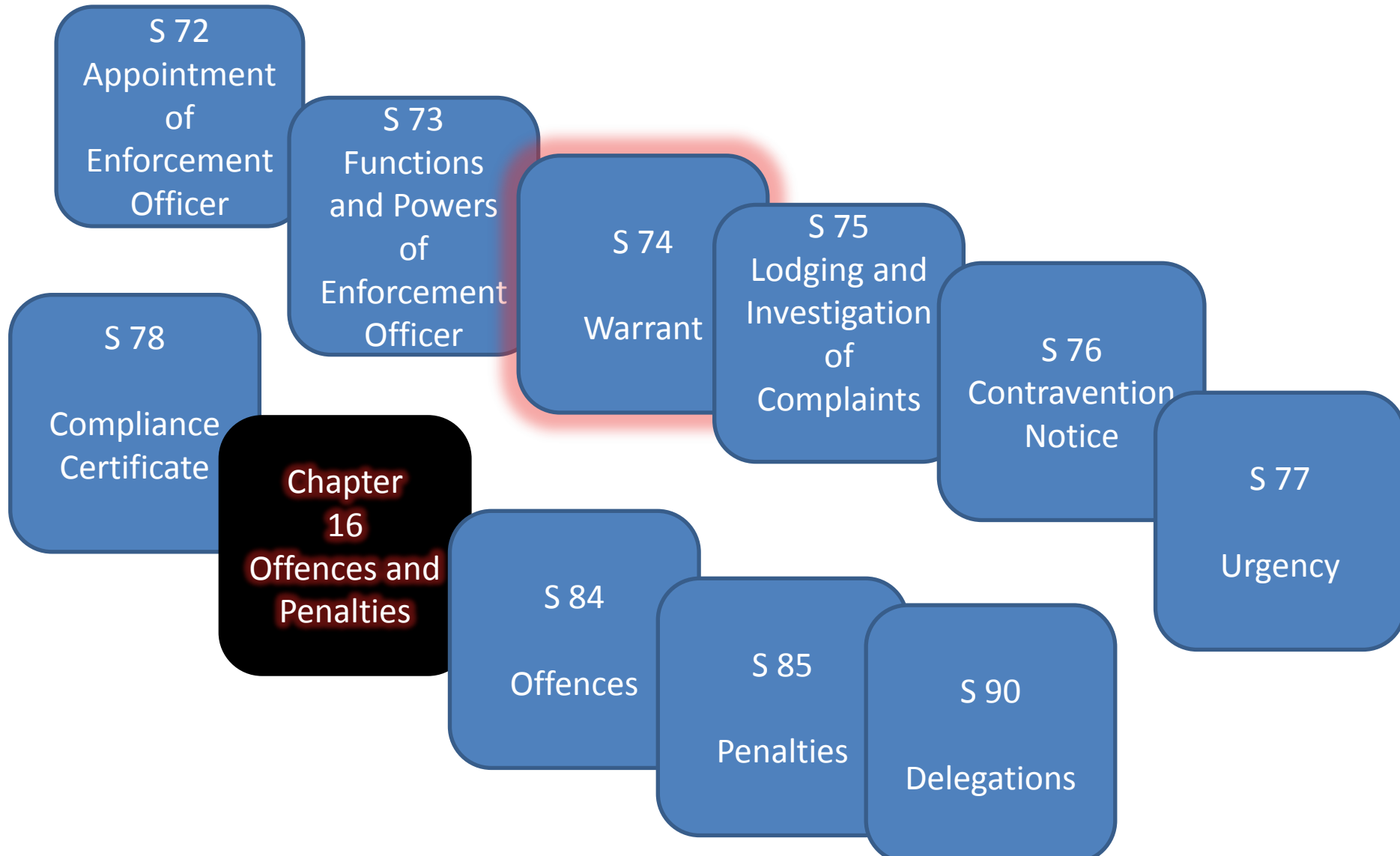
Search warrant from a Magistrates Court required for the Inspection of a private premises where there has been no reasonable notice or agreement by the owner to search

Storage/Safekeeping

The Criminal Procedure Act requires that items that have been seized and intended to be used as evidence in a criminal case to be handed over asap to the SAPS

Questions arise, for example, if an Officer needs to seize mechanical or Panel beating equipment – This requires a Strategy

Applicable Sections of the Bylaw (rw Preamble, Definitions & applicable sections)

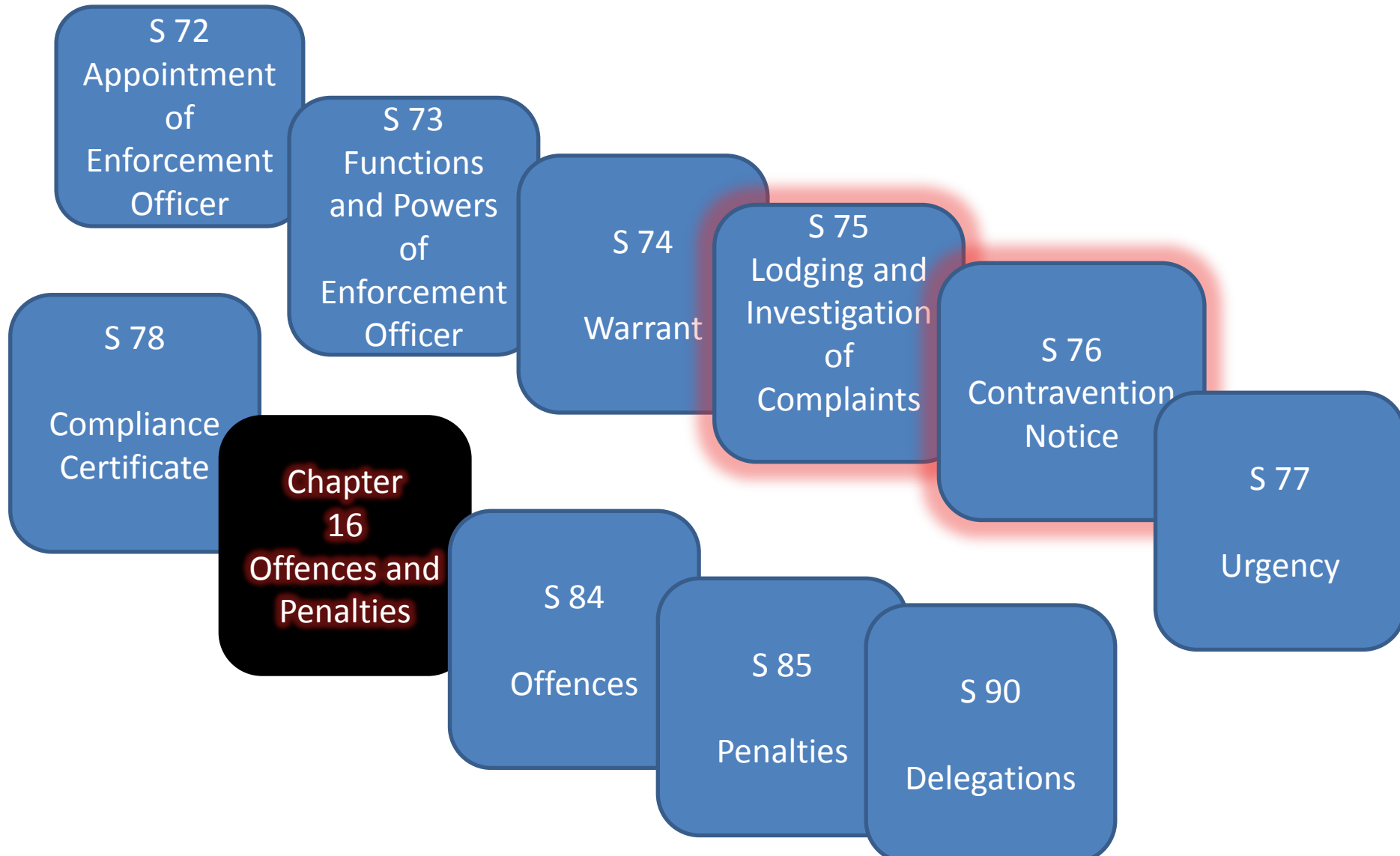


The Important Aspects for obtaining a warrant

- It is imperative to note that the Bylaw permits inspection by by means of all empowering legislation:
 - Note: The NBRBSA provides a right of access at any reasonable time
- Notwithstanding the above, it is vital that a strategy and effective business process is implemented to facilitate the warrant securing process;
- The application to a magistrate is done on a formal basis (affidavit), providing:
 - Reasonable grounds for suspicion;
 - Search will yield evidence pertaining to a contravention;
 - Reasonableness for the search in order to enforce the Byaw.
- Warrants need to be executed during daylight hours, unless motivation is provided, and the magistrate orders the execution at a reasonable dark hour.

Cite the Durban North
Chemical Plant
experience

Applicable Sections of the Bylaw (rw Preamble, Definitions & applicable sections)





By 2030 eThekweni will be Africa's most caring and liveable city

Bylaw: Section 76 Contravention Notice

GCFP No. : 15/6/1/1
Our Ref : CSM2017/000064
Enquiries : R INDURJEETH
Tel No. : 031 - 311 7078
E Mail : ravin.indurjeeth@durban.gov.za

AND WHEREAS in terms of in terms of Appendix 1: Zone: Special Residential 650 of the Durban Scheme, the Industrial land use is Pre-cluded.

YOU ARE HEREBY INSTRUCTED in terms of Section 76 (b) of the By-Law

AND WHEREAS the Contravention Notice described above is a prohibited use in terms of the Durban Scheme, the eThekweni Municipality in its capacity as the enforcement authority in terms of the Section 76 OF THE ETHEKWINI MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW 2016 (MUNICIPAL NOTICE 114 OF 2017) hereby informs you that you are in contravention of the By-Law,

FURTHER, should you persist with the said illegal activity you shall be committing an offence in terms of:

1. Section 85 of the By-Law which carries a penalty of either a fine or imprisonment for a period not exceeding 20 years, or both a fine and a period of imprisonment, and

WHEREAS **BUX IRFAAN** is the owner of the property described as Portion 10 of Erf 501 Brickfield, 48 MOSES KOTANE ROAD, OVERPORT, 4091

2. In the case of a continuing offence, an additional fine or imprisonment for a period not exceeding three months, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

Which property falls within the jurisdiction of the Durban Scheme and in terms of the said scheme is zoned Special Residential 650.

FURTHERMORE, in terms of Section 75(9) of the By-Law, the eThekweni Municipality will implement an increasing your property rates in terms of the Property Rates Policy which has been adopted by Council and designated as an official rate in the Municipal Rates Act 2004 (Act 6 of 2004).

AND WHEREAS you implement an increasing your property rates in terms of the Property Rates Policy which has been adopted by Council and designated as an official rate in the Municipal Rates Act 2004 (Act 6 of 2004).

LAND USE CONTRAVENTIONS HAND OVER TO ENFORCEMENT

REGION: CENTRAL

AL: RAVIN INDURJEETH

RTY DESCRIPTION: PORTION 506 OF

HOUTE KRAAL No. 789

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

SECTION 79 SERVED: 12 MAY 2017

ANNEXURE

THAT THE ACCUSED did wrongfully contravene SECTION 76 OF THE ETHEKWINI MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW 2016 (MUNICIPAL NOTICE 114 OF 2017)

THEY wrongfully and unlawfully contravened SECTION 76 OF THE ETHEKWINI MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW 2016 (MUNICIPAL NOTICE 114 OF 2017).

ILLEGAL STORAGE/SALE OF LIVESTOCK

on the 12 MAY 2017, the Head: Development Planning, Environment &

Management during its terms of temporary powers, by a hand delivered notice addressed to

the accused persons, ordered the accused to within FOURTEEN (14) days of the date of the

said notice, to terminate the illegal use of the property and to ensure the cessation of the

ILLEGAL STORAGE/SALE OF LIVESTOCK on the property described as PORTION 506

OF MELKE HOUTE KRAAL No. 789, and being known as 6 TORVALE CRESCENT,

situated within the Central Region of the eThekweni District, of which the accused persons are

the registered owners of the property being utilised to operate an ILLEGAL STORAGE/SALE

OF LIVESTOCK

WHEREAS the accused persons had failed to comply with the terms of the said Order, in that

on the 7 JUNE 2017 an inspection revealed that they had:

failed to ensure cessation of the use of the property, 6 TORVALE CRESCENT, as an

ILLEGAL STORAGE/SALE OF LIVESTOCK.

THEY wrongfully and unlawfully contravened SECTION 76 OF THE ETHEKWINI

MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW 2016

(MUNICIPAL NOTICE 114 OF 2017).

THEY wrongfully and unlawfully contravened SECTION 76 OF THE ETHEKWINI

MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW 2016

(MUNICIPAL NOTICE 114 OF 2017).

THEY wrongfully and unlawfully contravened SECTION 76 OF THE ETHEKWINI

MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW 2016

(MUNICIPAL NOTICE 114 OF 2017).

THEY wrongfully and unlawfully contravened SECTION 76 OF THE ETHEKWINI

MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW 2016

(MUNICIPAL NOTICE 114 OF 2017).

THEY wrongfully and unlawfully contravened SECTION 76 OF THE ETHEKWINI

MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW 2016

(MUNICIPAL NOTICE 114 OF 2017).

THEY wrongfully and unlawfully contravened SECTION 76 OF THE ETHEKWINI

The eThekweni Rates Police (rw. The National Property Rates Act)

- 11. ABANDONED, UNAUTHORISED OR ILLEGAL DEVELOPMENT / USE** means any activity that is prohibited on a site, or to conduct any activity in a manner which may cause a nuisance to the neighbourhood without having first obtained the approval of the Local Authority.
- 11.1** Where a property is abandoned, developed or used illegally and in contravention of the Municipality's bylaws and regulations, the Municipality shall change its category to the Unauthorised or Illegal Development / Use category, notwithstanding any other remedies available via any other Act, Bylaw or Regulation.
- 11.2** It will be presumed that, the owner is the person liable for allowing the continuance of such abandonment, development or illegal use occurring in contravention of the Municipality's bylaws and regulations on such offending site.
- 11.3** Any rate coding applied under this section shall remain in place until such time as the abandonment, unauthorised development, illegal use has been regularised or fully removed to the satisfaction of the Local Authority, or if his estate has been sequestrated, the executor or curator concerned, as the case may be;

Definitions required for:

Abandoned: means any property within the Geographical boundary of the eThekweni Municipal area that may be visibly void of up keep and subject to a use that is contrary applicable legislation

Developed: shall mean the construction and/or preparation of land or building with an intention to occupy, conduct any activity not permitted by any applicable legislation, without having obtained the prior approval of the Local Authority

Owner: as per the definition in the National Building Regulations and Standards Act in relation to a building or land, means the person in whose name the land on which the building or such land, as the case may be, is registered in the deeds office in question; Provided that if-

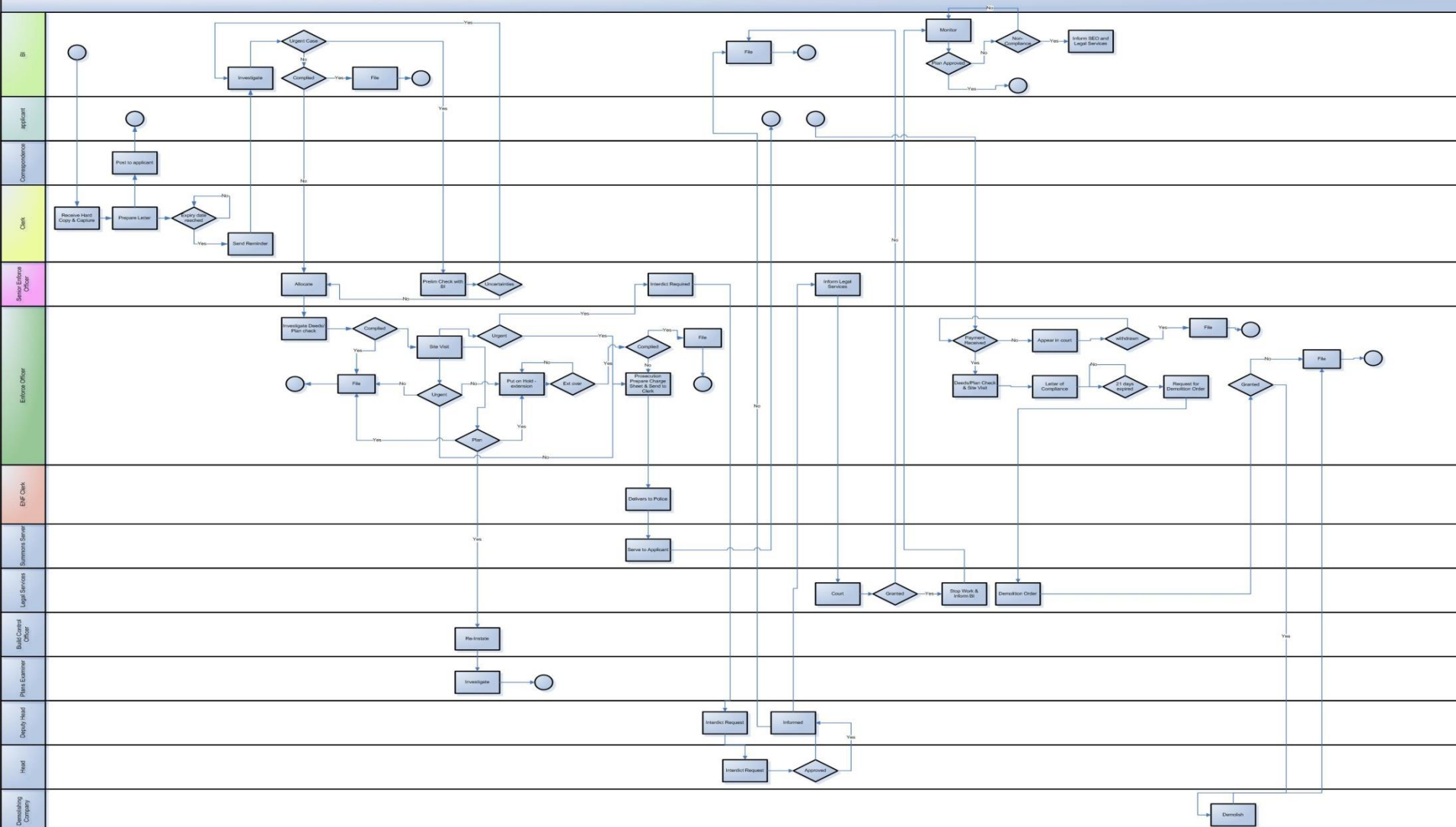
(a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973), or if his estate has been sequestrated, the executor or curator concerned, as the case may be;

(b) such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;

(c) such person is absent from the Republic or if his whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or of rentals or other moneys in respect of such building or land or who is responsible therefore;

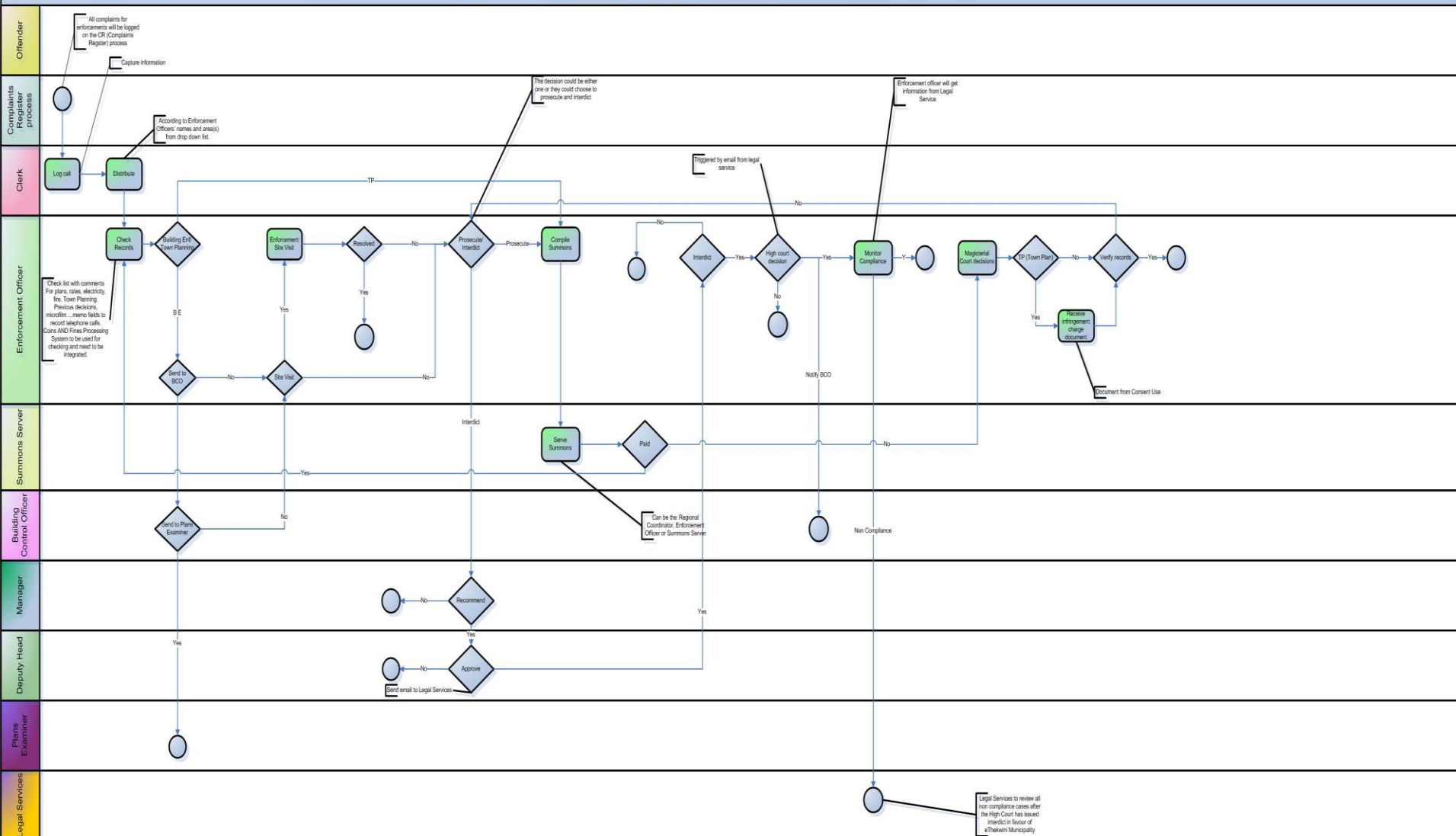
(d) the local authority in question is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or land or who enjoys such benefit, shall be deemed to be the owner of such building or land;

Enforcement – AS IS



Process Mapping – Re - Engineered

Enforcement Reengineered Process 17/10/2007





INVESTIGATION DIARY

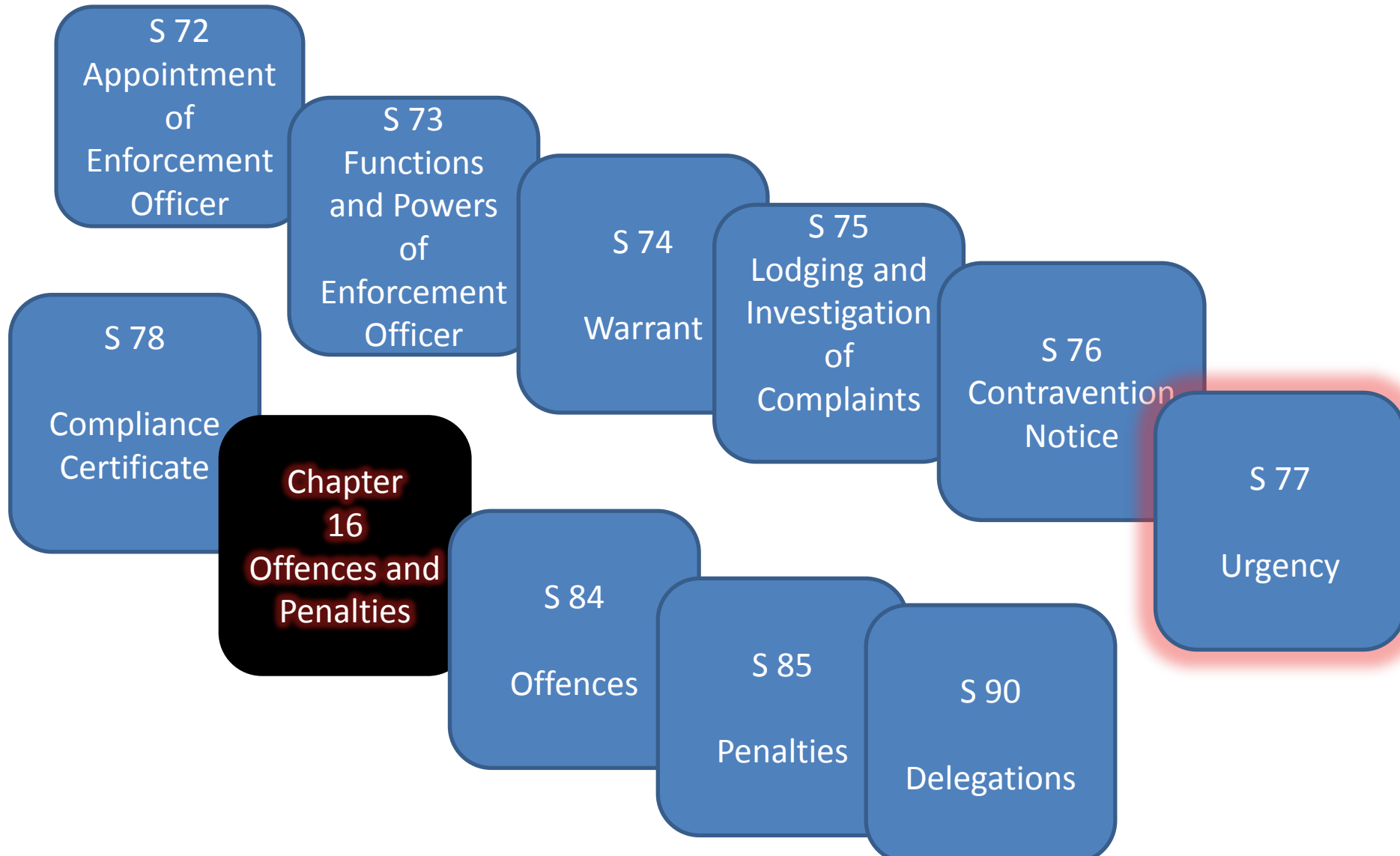
.....

.....

● ● ●

<u>DATE</u>	REPORTS
12/07/2013	Checked with DBI offender didn't comply with the
	controlling the stormwater- DBI request prosecution
24/07/2013	Prosecuted F/S 3/3367290
	BPM/ DBI updated File

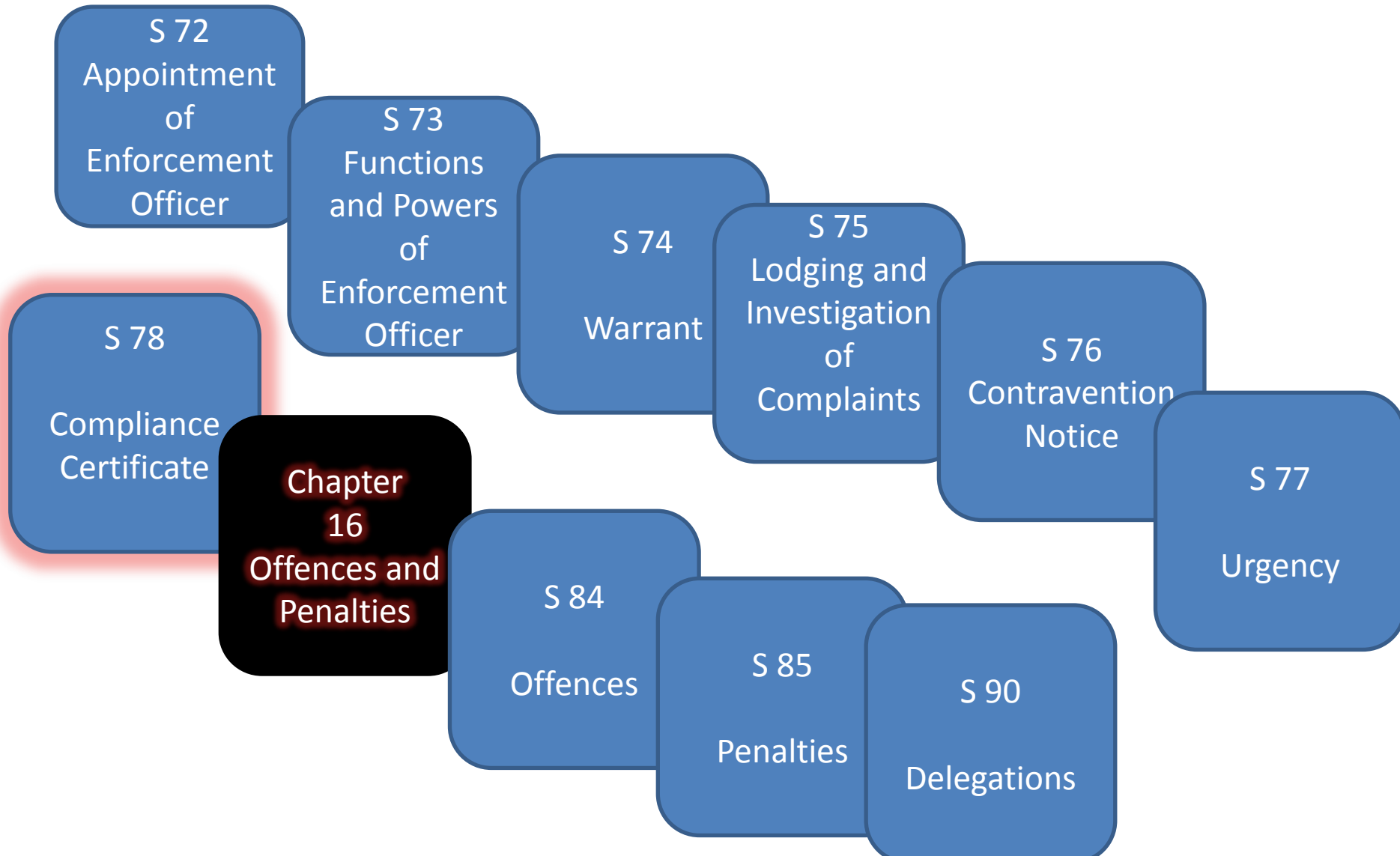
Applicable Sections of the Bylaw (rw Preamble, Definitions & applicable sections)



Dealing with Urgent Contraventions

- This clause is similar to the Urgent Prevention Order contained in the PDA
- Additional content such as:
 - The provision of remedial action and recovery of costs, obviously to be confirmed in the order of Court;
 - The inclusion (read with) of the penalty clause which may be imposed as an order of court, independent to the other costs which may be imposed;
 - Protection for the Officer[s] dealing in the execution of the application;
 - Further offences for tampering with actions linked to the affixing of orders

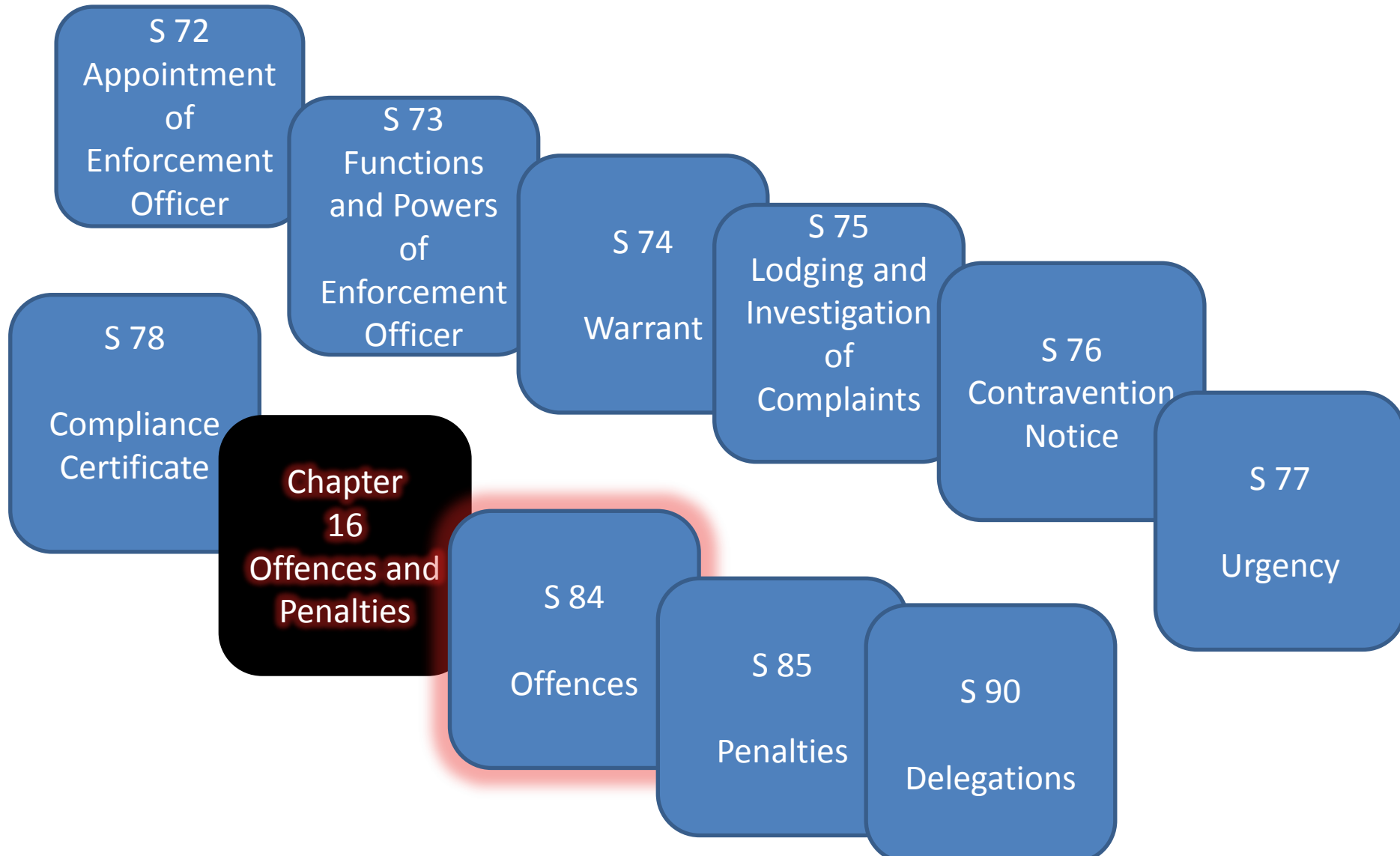
Applicable Sections of the Bylaw (rw Preamble, Definitions & applicable sections)



The issuing of a Compliance Certificate

- The Bylaw makes reference to different types of Compliance Certificates;
- In this instance the reference is to compliance which signifies adherence to a contravention notice;
- The compliance certificate is a prerequisite to having an illegal rate coding reversed (as per the Rates Policy S11)
- It may also be used to verify compliance to a Court and confirm adherence to an order which may carry a contempt and/or Warrant for arrest

Applicable Sections of the Bylaw (rw Preamble, Definitions & applicable sections)





eTHEKWINI

Section No.	Contravention	Section No.	Contravention
73(2)(c)	Failing to produce a book, or document upon request by a	76(2)(c)	Failure to comply with a provision contained in a deed
73(2)(d)	Preventing an enforcement officer from making extracts or copies of a register or document	77(8)	Removing, destroying or damaging a court order
73(2)(e)	Failing to provide an explanation of a book record or other document	84(1)(a)	Obstructing or hindering a person performing a function
73(2)(f)	Preventing an enforcement officer from inspecting his or her inspection	84(1)(b)	Refusing to provide information to an official
73(2)(g)	Preventing an enforcement officer from inspecting a book, record, register, document or electronic data storing device or part or sample thereof	84(1)(c)	Knowingly furnishing false information to an authorised person
16(2)(a) or (b)	Using land for a purpose not permitted by a scheme	84(1)(d)	Prevents the owner of a building from entering premises
16(3)	Using land for a purpose not permitted by an approved Planning Ordinance or any other scheme	84(1)(e)	Impersonating a person
21(1)	Commencing land development without a permit	84(1)(f)	Contravening a notice issued
47(5)	Failing to advise a person ready to commence development	84(1)(g)	Contravening a restriction or prohibition
50(6)	Sale of evenement without the Municipality's approval	84(1)(h)	Uses land in a manner inconsistent with a zoning scheme
		84(1)(i)	Alters or destroys property
		84(1)(j)	property cannot be used for its intended purpose
		84(1)(k)	

Section No.	Contravention	Proposed Fines	Approved Fines
	the land use scheme		
90(2)	Allowing or failing to take reasonable steps to ensure use ceases or permitting another person to breach	R 5000 first offence 2 nd offence No AG	

I hereby certify that the admission of guilt fines listed above as submitted by the eThekweni Municipality have been approved by me in terms of Section 57(5)(a) of the Criminal Procedure Act, 1977 (No. 51 of 1977).

Magistrate

Date

Prosecution Instruments

- **38. Methods of securing attendance of accused in court.**—The methods of securing the attendance of an accused in court for the purposes of his trial shall be arrest, summons, written notice and indictment in accordance with the relevant provisions of this Act.
- [Summons – Sect. 54 CPA](#) - Discuss Process
- [Written Notice – Sect. 56 CPA:](#)
- [Full Statement](#) / [Annexure](#) / [Fines Processing System](#) / [Warrants](#) / [Summons](#)
- [Admission of Guilt Fines](#)
- Discussion of “Spot Fine”

Prosecution Forms

DURBAN METRO

FORCE NO. _____

ACCUSED NAME 1 _____
I.D. NO. _____
ACCUSED HOME ADDRESS 1 _____

ACCUSED NAME 2 _____
I.D. NO. _____
ACCUSED HOME ADDRESS 2 _____

DATE _____

SECTION _____

CLEARANCE CERT: _____

I, _____ state that at about _____

WITNESS: _____

Warning: If you fail to comply with the summons, you may be liable to a fine of R300,00 or 12 months imprisonment or both.

Defendant: _____
Mag. No: _____
Summons No: _____

SUMMONS IN CRIMINAL MATTERS

District of _____
MAGISTRATE'S COURT 21, 5-308

To the Defendant of the Court
You are hereby notified and summoned to appear in the Court of the District of _____ at _____ on the _____ day of _____ at _____ o'clock in the afternoon to answer the charge(s) against you.

That the accused is guilty of the offence(s) mentioned in block A at 08:30 o'clock on the _____ day of _____ at _____ o'clock in the afternoon and is liable to a fine of R300,00 or 12 months imprisonment or both.

I hereby certify that I am a member of the _____ and am duly qualified to act as a Magistrate in the District of _____.

ID: 5008130219381

The admission of guilt fines may be a condition of bail.

SANJIV PAREK
84 FALCON ST
KARUNASTAN
4052

Signature of the Defendant: _____
Signature of the Magistrate: _____

ADDITIONAL INFORMATION IN REGARD TO SECTION 56 OF THE CRIMINAL PROCEDURE ACT

THE STATE VERSUS _____
DEVILANI GOVEN

I hereby certify that I, in addition to that certified in the written notice, personally explained the meaning of the notice to the accused, namely, _____, and of an interpreter* or/ with the aid of an interpreter. (delete which is not applicable)

YOU ARE INFORMED AS FOLLOWS:

- In terms of Section 56(2) of the Criminal Procedure Act, you are entitled to be represented by a legal practitioner of your choice.
- That you are entitled to make representations in your defence or for reduction of the sentence.
- Upon payment of the above-mentioned fine, you may be convicted and sentenced by the court to a term of imprisonment or a fine or both.
- Records Bureau. (Note that some of the matters to the Criminal Records Bureau are not recorded.)
- On payment of the above mentioned admission of guilt fine, you may be released on bail.

1. A fair trial in an open court, i.e.,

- contest the allegation;
- confront your accuser;
- call witnesses;
- testify in open court;
- (adduce) evidence in your defence.

2. Legal representation

3. Be convicted only upon proof of the stipulated offence(s);

The Accused was informed of the date, time and place of the notice was explained to the accused. The

Signature: _____

I, _____ the above-mentioned was explained to me and

Signature: Accused _____

Durban Metropolitan Police Service
P.O. BOX 1172
DURBAN
4000

VISHNU MOOLLEY
8 WILSONS PLACE
GREENHURST
4068

CASE NO. 2017006358
SERIAL NO. 0001754158
REFERENCE 2/41298931

WARRANT OF ARREST

A warrant for your arrest has been authorised for your alleged failure to appear in the Verulam Magistrate's Court

ON 2017-10-06

ON a charge of:
TRADE NO LICENCE/PERISHABLE FOODSTUFF

Kindly call at the Clerk of Court, Ground floor, Room 14A, Verulam Magistrate's Courts, Moss Street, between 08:00 and 15:00 with this communication.

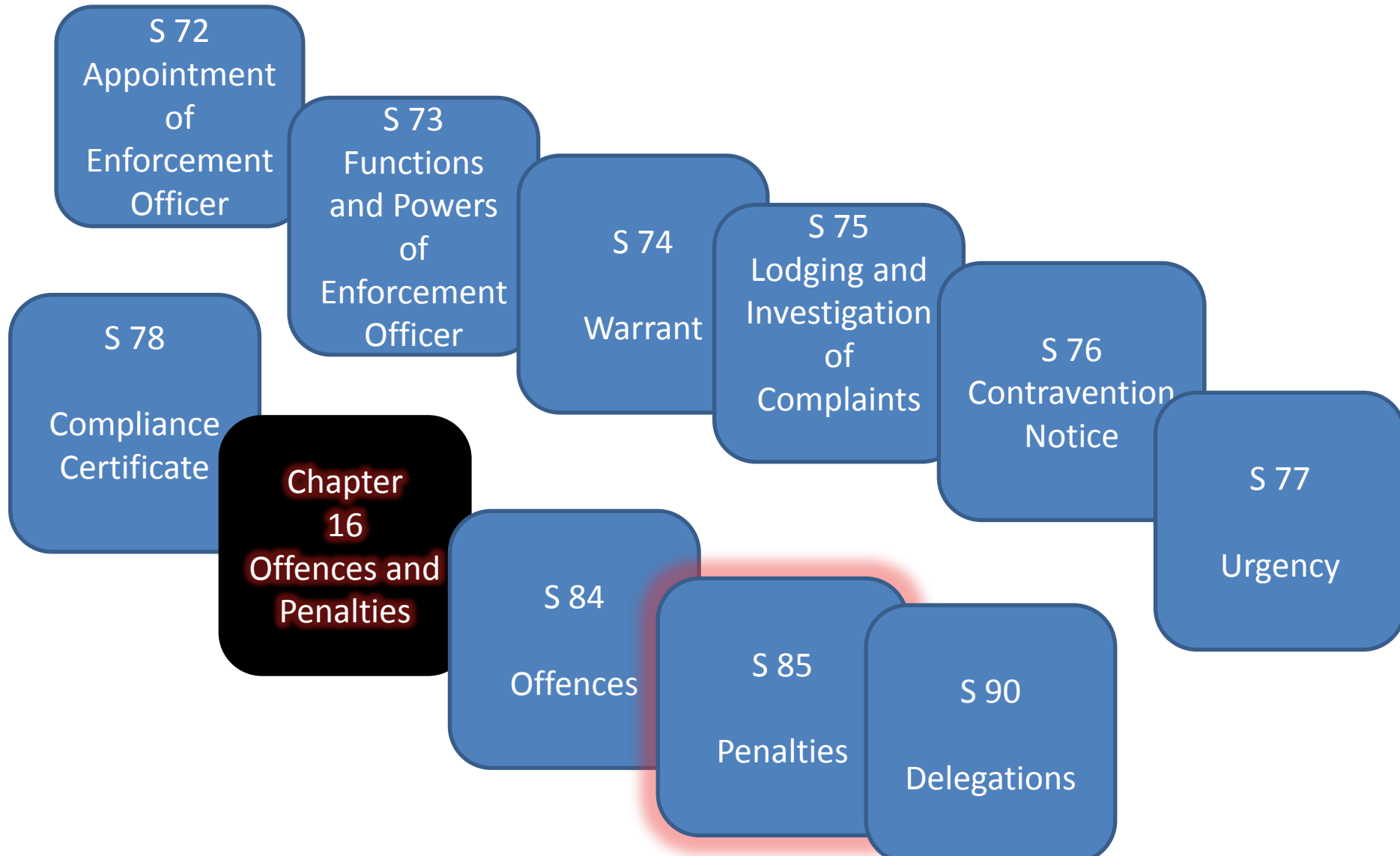
For enquiries regarding any admission of guilt fines payable, including any fine for failing to appear in court as mentioned above, please telephone 032 5331629.

CASH ONLY WILL BE ACCEPTED.

PLEASE TREAT THIS MATTER AS URGENT

DIRECTOR : METRO POLICE

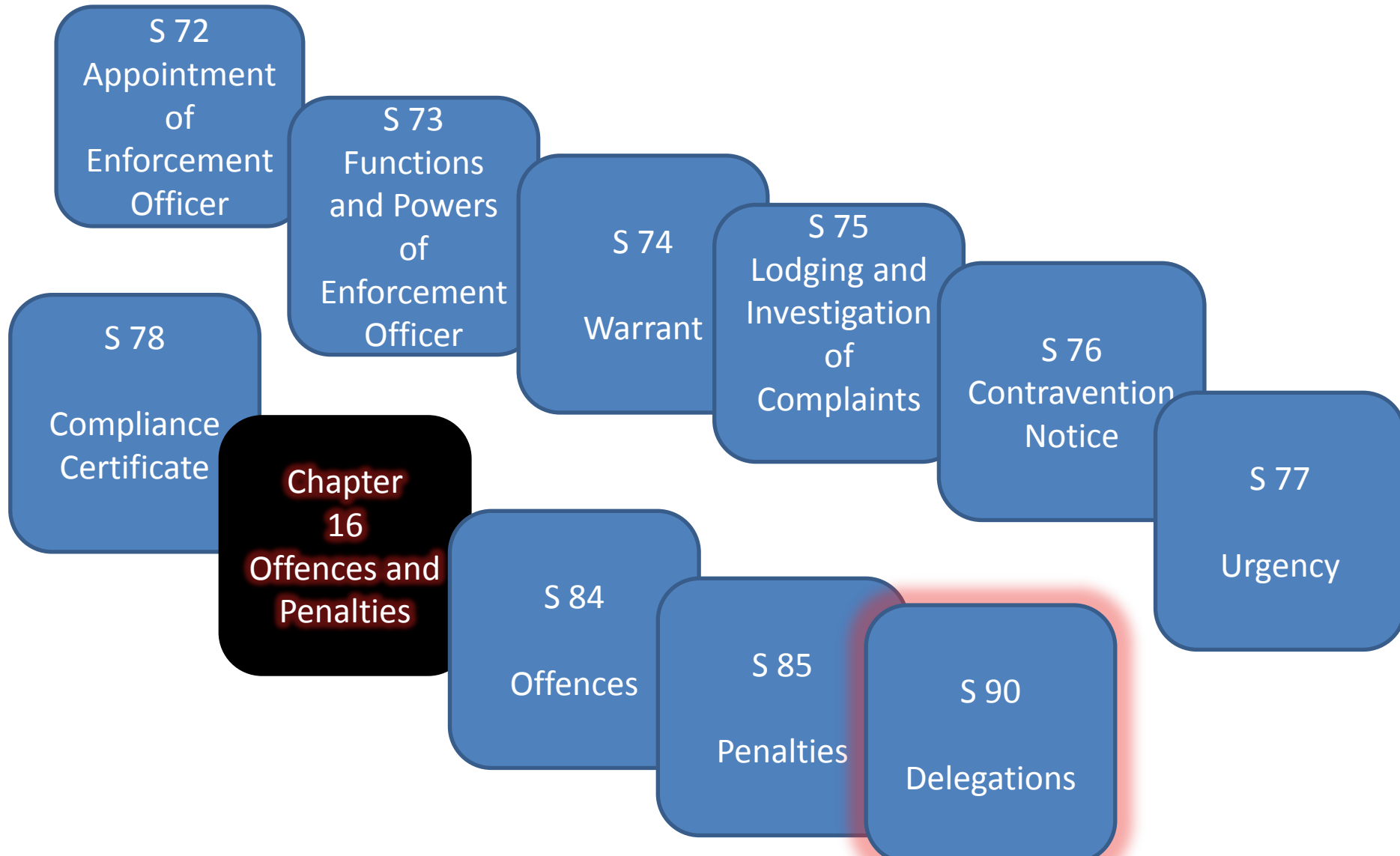
Applicable Sections of the Bylaw (rw Preamble, Definitions & applicable sections)



Penalties which provide Impetus for an applicable sanction

- The Bylaw provides for a fine and/or imprisonment for a period not exceeding 20 years or both such fine and imprisonment;
- It will be interesting to discover the Courts response to the Bylaw;
- The Penalties clause also provides for an additional fine and 3 months imprisonment for continuing offences, and both such fine and imprisonment;
- Important for enforcers will be to guard against any risk of a “double jeopardy” defence, which will require documented monitoring – with a rule that more evidence is an imperative.
- This penalty clause is highly welcomed in a scenario where serious offender escape a sanction by the imposition of a trivial fine.

Applicable Sections of the Bylaw (rw Preamble, Definitions & applicable sections)



Completion of a Schedule of Delegations

Date: 15th August 2017



LEGAL AND COMPLIANCE UNIT

REPORT TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

ETHEKWINI MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: DELETION, AMENDMENT AND INSERTION OF DELEGATIONS INTO PART C AND PART D OF THE ETHEKWINI TERMS OF REFERENCE AND DELEGATIONS DOCUMENT

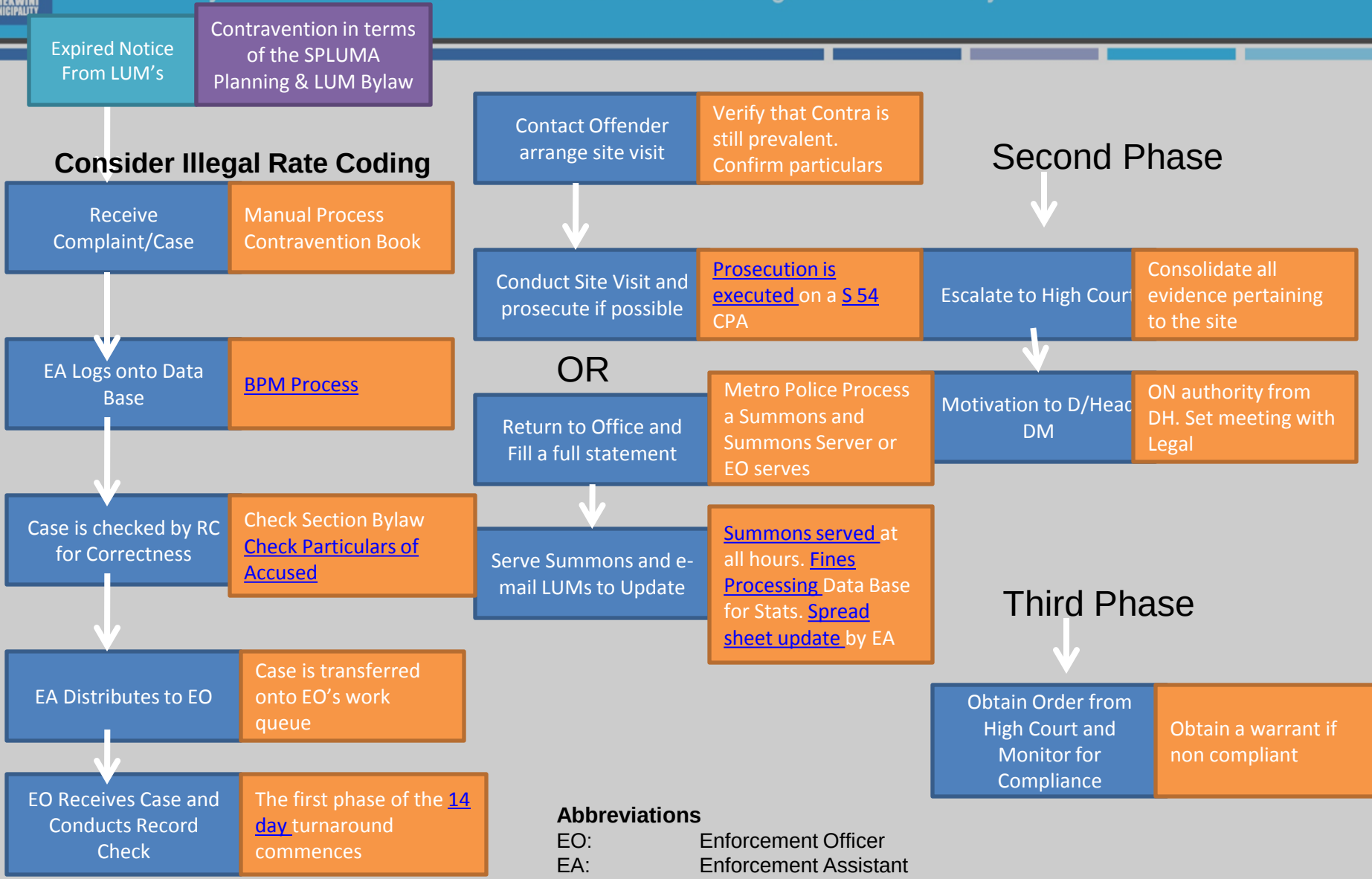
1. PURPOSE

The purpose of this report is to request the Committee to approve the amendments to the SPLUMA delegations and the insertion of delegations pursuant to the eThekweni Municipality: Planning and Land Use Management By-law, 2016 (hereinafter referred to as "the By-law") into Part C: System of Delegations and Part D: System of Administrative Delegations of the eThekweni Terms of Reference and Delegations document.

Land Use Management: Enforcement and Prosecution Process

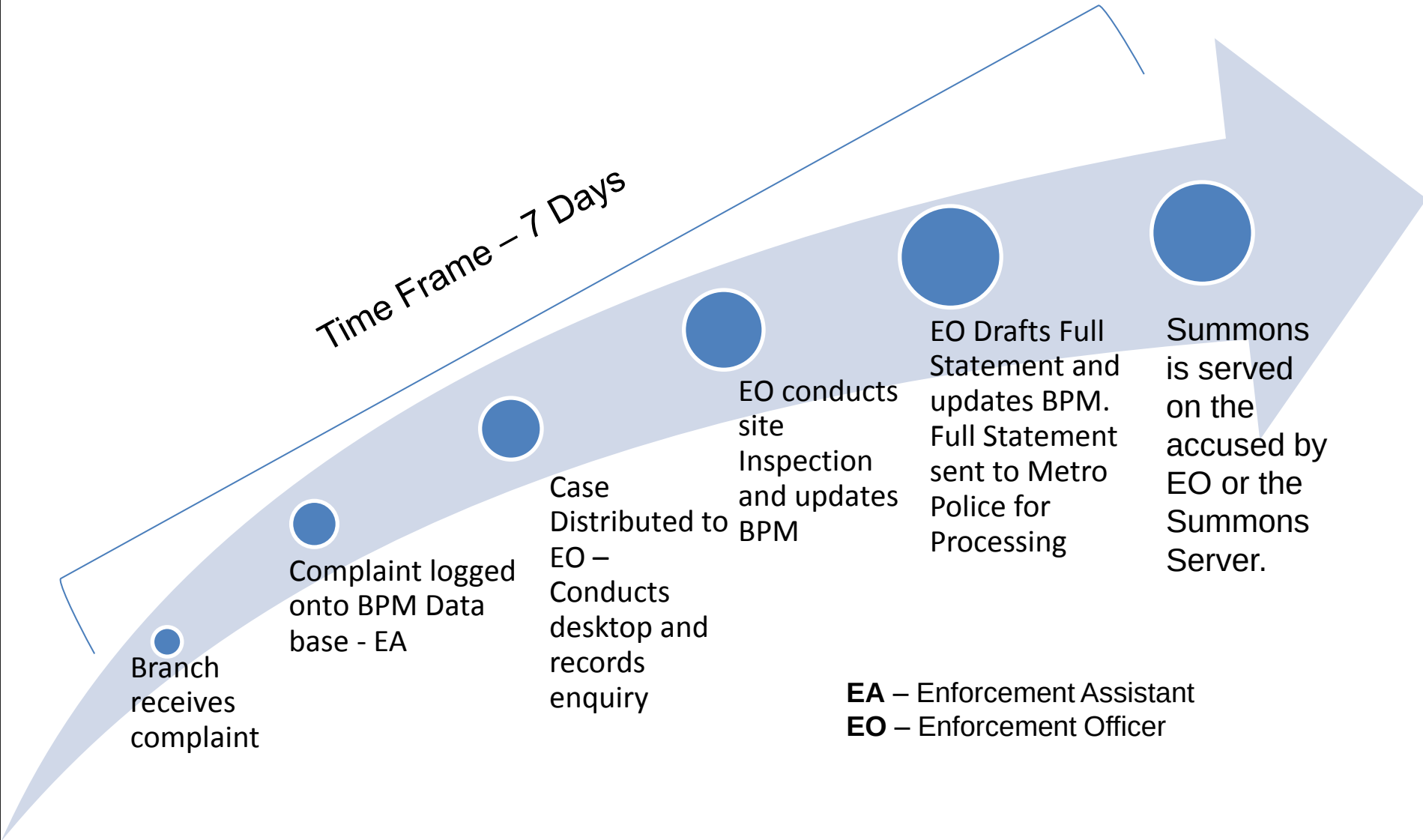


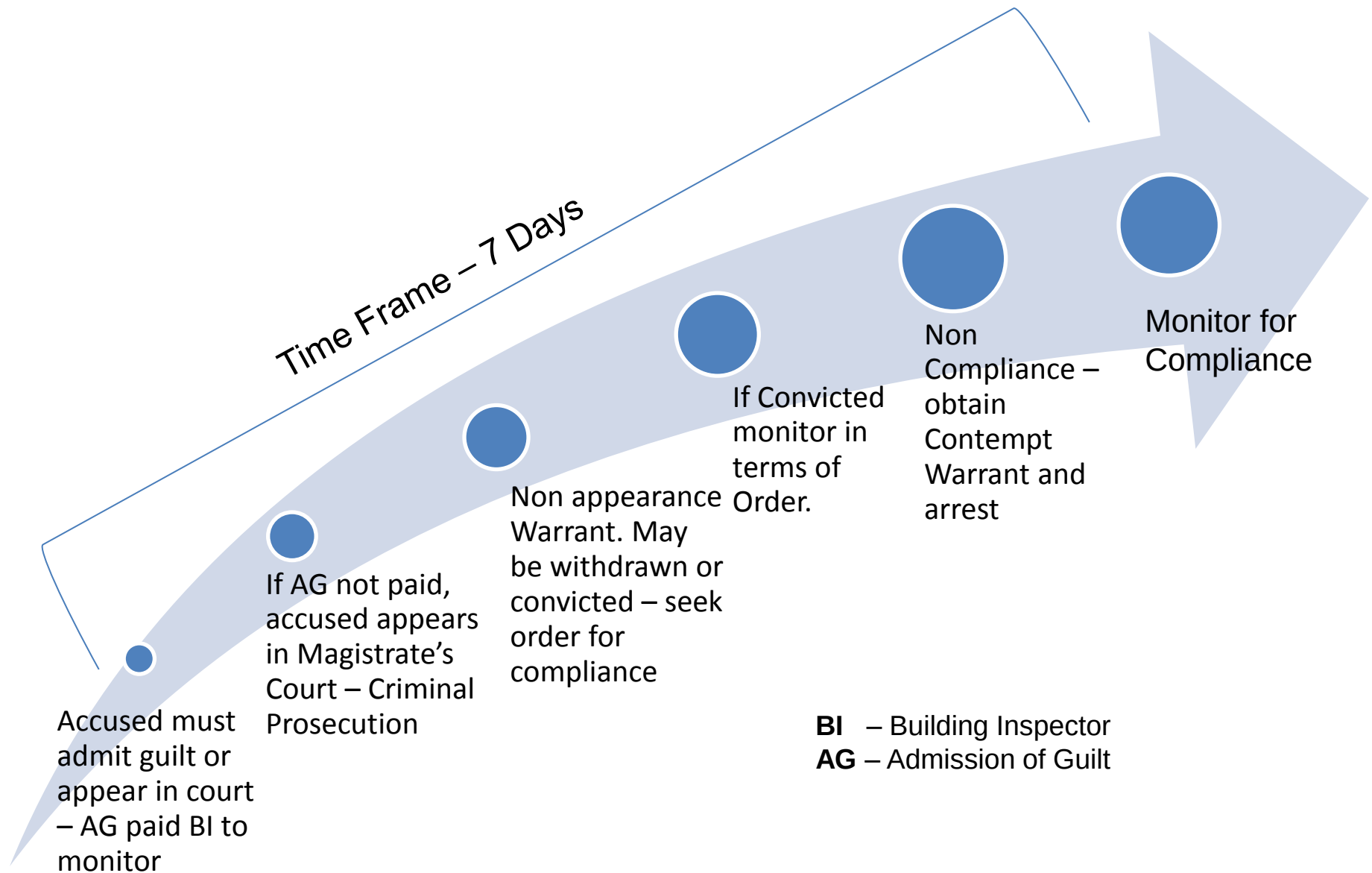
By 2030 eThekweni will be Africa's most caring and liveable city

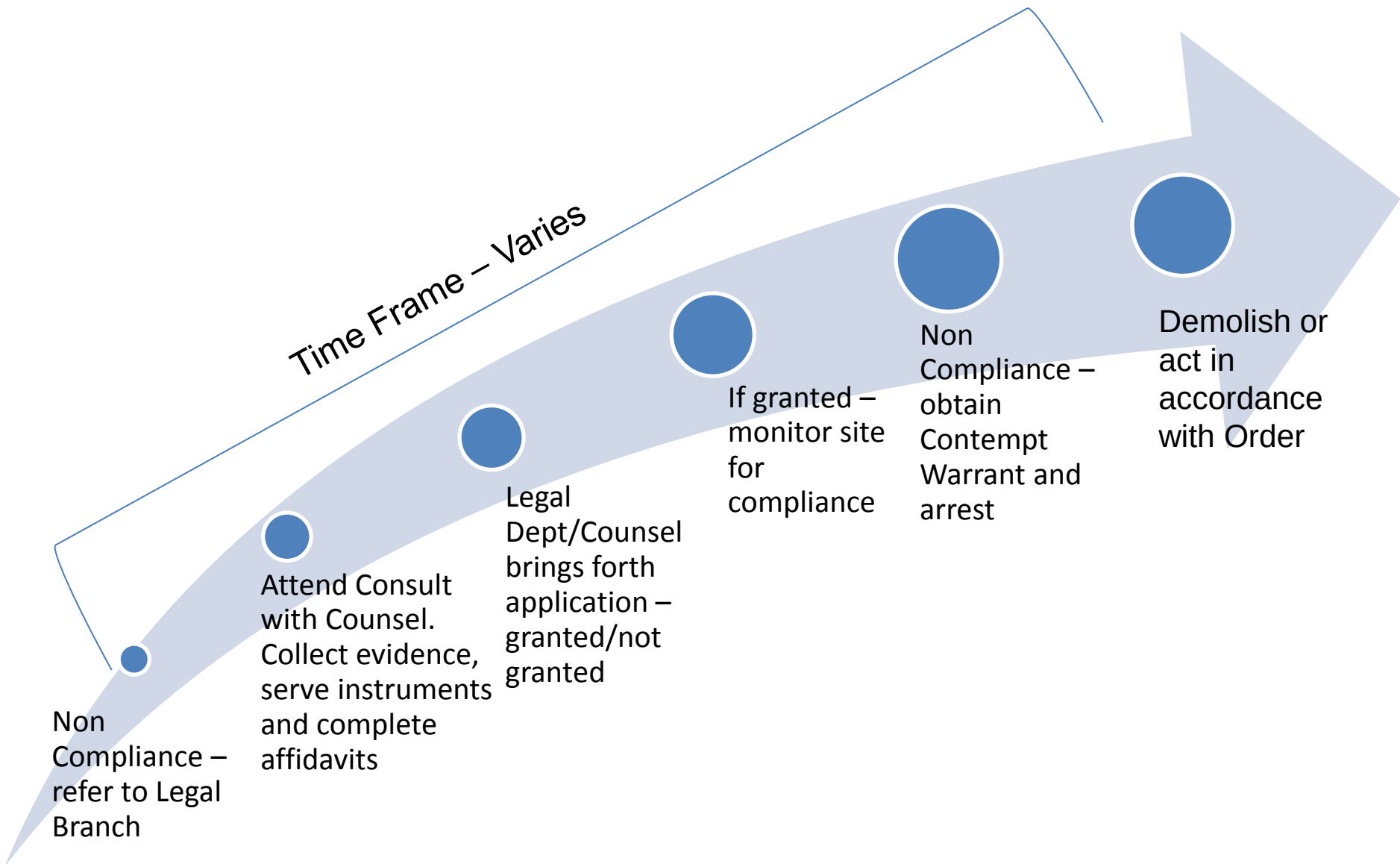


Abbreviations

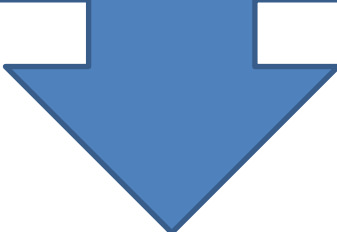
- EO: Enforcement Officer
- EA: Enforcement Assistant
- RC: Regional Co-ordinator
- LUM's: Land Use Management
- BPM: Business Process Management System
- CPA: Criminal Procedure Act







Strategy Issues

A large blue arrow pointing downwards, indicating a flow or continuation of the content.

Vision Forming Process

Scorecard KPI
1.4. Implement referred
(stage 2) NBR & PDA
cases for prosecution
within 21 Days

Annual Target
Annual
Enforcement
Strategy
Completed

Annual Target
Implement
Referred [Stage
2] NBRSA & PDA
cases for
prosecution
purpose within 21
Days

Project
1.4.3 Enhancement
of Turnaround times
for dealing with
Enforcement Cases

Project
1.4.4 Review the
New Enforcement
Strategy

IDP

Unit Vision

8 Point Plan

Plan 1: Develop and Sustain our Spatial, Natural and Built Environment

Environment

Planning

Dept
Vision

Management

Develop, manage and regulate the Built and Natural Environment

Branch
Vision

Wilful Compliance with Regulations

SDBIP

Strategic Focus
Area

1. Develop,
manage and
regulate the
Built and Natural
Environment

Programme
Manage and
Regulate the Built
Environment

IPP: Regional Coordinator

Key Performance Area	Performance Standards / Indicators	Weighting	Mid Term Report	Score	Weighted Score
Update Peace Officer Data Base and maintain Annual Accreditation	Peace Officers Data base fully Updated Accreditations completed for year	10			
90% of all Current Complaints meet turnaround times [14 days] in allocated Regions	BPM Data Base Statistics and EO's Data bases reflect adherence to 14 day turnaround times	10			
Establish a Communication Forum with Regional Co-ordinators in the various regions	12 Attendance Registers filled and signed for the meetings	15			
Complete the Implementation of the New Enforcement Strategy	Increase in the Number of Warrants issued and executed by 65% on [baseline] Increase in the number of summons served [3500 summons served for the year for the branch]	25			
One on Ones with EO's	4 qualitative sessions with EO's on File	5			
Zero Defects on Summons for all EO's in the allocated Region	Returns from Metro Police Summons Processing Section	5			
Weekly Briefing and Debriefing Sessions with staff	52 Sessions for the year	10			
Microfilming of Enforcement Files and Document	70 % of all files for the year Microfilmed	10			
Effective Management of Court related matters	24 Registers for visits to all courts Maintain High Court Statistics	10			
		Total: 100			

IPP: Enforcement Officer

Key Performance Area	Performance Standards / Indicators	Weighting	Mid Term Report	Score	Weighted Score
Summonses served for EO's operational area	60 % of all cases	25			
90% of all Current Complaints meet turnaround times	14 days turnaround time per case	10			
Monthly meetings with respective BI Teams	Register maintained per meeting	10			
Maintain update on the BPM System	All cases are closed off in accordance with 14 day turnaround time	15			
Maintain Effective Communication with respective Court Staff	6 Attendance registers from Prosecutor 12 Matters finalized	10			
Effective Investigation and Finalization of Priority Cases	24 Matters finalised for the year [e.g. High Court, Deeds Office, Legal Services]	10			
Clear Backlogged Summonses on Fines Processing System	24 Priority Cases Resolved for the year	15			
Zero Defects on Summonses	Returns from Metro Police Summonses Processing Section	5			
		Total: 100%			Total:

IPP: Enforcement and Prosecution Assistant

Key Performance Area	Performance Standards / Indicators	Weighting	Mid Term Report	Score	Weighted Score
All Contraventions are timeously entered onto the BPM System	100 % of all cases	10			
All Finalized cases are filed in accordance with filing system	4 days turnaround time per case	10			
Ensure that the Housekeeping in the respective offices are good	Maintain an inspection register for inspections 24 for the year	10			
Effective Service at counters and telephone calls	No complaints lodged for the year	10			
Deal effectively with prosecution related matters submitted to Metro Police	Matters are transported twice a week Nil complaints from EO's and Metro Police	10			
Maintain all data bases effectively and provide spreadsheets timeously	Weekly stats submitted by the Monday of every week Data Bases are updated and presented monthly	20			
Clear Backlogs Summons from the Metro Police Fines Processing System	24 Matters to be cleared in the financial year	20			
Provide Administrative Support for the Microfilming Project in the Branch	Assist in ensuring that 70% of all cases are Microfilmed	10			
		Total: 100%			Total:

- Abdull Domingo 031 311 7755
- Senior Manager
- Steven Moses 031 311 7143
- Regional Coordinator
- George Mzimela 031 311 7175
- Regional Coordinator
- Mazande Mankazana 031 3227768
- Regional Coordinator
- Mrs Nonkululeko Hlongwa 031 311 7140
- Principal Clerk: Enquiries

Thank You