



cogta

Department:  
Cooperative Governance and Traditional Affairs  
PROVINCE OF KWAZULU-NATAL



M I L E



MUNICIPAL INSTITUTE OF LEARNING

# FEEDBACK ON ENFORCEMENT & PROSECUTION MASTERCLASS

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Inkosi Langalibalele Municipality

Enforcement masterclass was held in Durban on 7/02/2019 hosted by Cogta & Milne.

Focus areas were;

- Enforcement of National building regulations and standards act 103 of 1977 as amended.
- Enforcement of Spluma and the town planning bylaw.
- Enforcement of building and other bylaws in this sector.
- Enforcement to prosecution in the magistrates court.

- ▶ Challenges faced by municipalities are;
- ▶ I.T. B (Ingonyama Trust Board) land.
- ▶ In instances of ITB land the local municipality is responsible of the developments on this land.
- ▶ Plans should be submitted to the local municipality for approval.
- ▶ Where possible contravention notices to be issued to the occupier of the land for illegal developments.
- ▶ Safety of Officials
- ▶ Political interference.
- ▶ Summons and warrants backlogged in courts.
- ▶ Fines do not deter offenders.
- ▶ Education of communities.

## DIFFERENT TYPES OF ENFORCEMENT

In terms of the Criminal Procedure act 51 of 1977 ( as amended)

- ▶ Issue a notice in terms of sect 4 of the CPA
- ▶ Monitor the situation.
- ▶ Serve summons Sect 56 for non -compliance.
- ▶ Monitor the situation.
- ▶ Adjudication in court.

Tariff approach

- ▶ Municipalities may include illegal developments spot fine in their list of tariffs.

## RATE CODE CHANGE APPROACH

- ▶ This may be used in the following instances;
- ▶ Abandoned buildings.
- ▶ Unauthorized illegal developments.
- ▶ Change of use of buildings without council consent.
- ▶ Where building , town planning and other bylaws have been contravened.
- ▶ The municipality changes the category of the illegal development by increasing the monthly rates in some instances by 7 times the normal monthly amount.
- ▶ This may only be done if there is been a change in section 11 in the rates policy , Credit control policy or building bylaw policy.
- ▶ This is a deterrent and will assist with ensuring compliance sooner.

## Enforcement Officers

- ▶ Role of peace officer / enforcement officer.
- ▶ Appointed in terms of section 334 of the Criminal procedure Act 51 of 1977 ( as amended)
- ▶ Peace officer to deliver contravention or summons.
- ▶ Preferably not a building or planning official.
  
- ▶ Effective form of inspection are a multi disciplinary approach .
- ▶ Carrying out inspection with SAPS, Planning, Building fire, and business licence departments.



## Get your criminal record expunged.

- If you were convicted as an adult, they could assist you after 10 years.
- If you were convicted as a juvenile, they could assist you after 5 years.

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- ▶ Conclusion
- ▶ Most Municipalities have challenges with enforcement.
- ▶ Education and a multi disciplinary approach is the best approach.





**THANK YOU**

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right side of the frame, creating a modern, layered effect against the white background.