

USE OF COUNCIL OWNED VEHICLES BY COUNCILLORS

APPROVED BY COUNCIL:
3 DECEMBER 2008

C 40/12/08

Policy

Use of Council Owned Vehicles by Councillors

PREAMBLE

WHEREAS the Minister for Provincial and Local Government has the power to determine the upper limits of salaries, allowances and benefits of different members of municipal councils;

WHEREAS the current determination provides for motor vehicle allowances for both full-time councillors and part-time councillors;

WHEREAS, notwithstanding such determination, a councillor may make use of a council owned vehicle in certain specified circumstances;

WHEREAS the Executive Mayor is entitled to both a motor vehicle allowance and the use of a council owned vehicle and shall have the full time use of official transport and a dedicated driver, which shall not derogate from any motor vehicle allowance granted to the Executive Mayor;

BE IT THEREFORE determined by Council as follows:

1. This Policy sets out the terms and conditions under which vehicles owned by the City of Cape Town will be made available for use by the Executive Deputy Mayor, the Speaker, the Chief Whip, Mayoral Committee Members (hereinafter referred to as "the applicable persons"), as well as any other Councillor who is delegated to attend a specific function on behalf of the Municipality or as a representative of the Executive Mayor.
2. This Policy is not applicable to the use of a council owned vehicle by any Councillor (including the Executive Deputy Mayor, the Speaker, the Chief Whip and Mayoral Committee Members) who is not in receipt of a motor vehicle allowance as permitted in terms of the Remuneration of Public Office Bearers Act 20 of 1998 but who is essentially allowed the fulltime use of the said vehicle as part of his or her terms and conditions of service.
3. Other than is set out hereinbelow, the use of Council-owned vehicles (hereinafter called "official transport") will not be available to applicable persons for the routine performance of their official duties – which for the purposes of this policy means those activities, within the jurisdiction of the City of Cape Town, which are directly related to the applicable person's functions and powers, as are contained in

legislation and / or as delegated by the Executive Mayor or Council from time to time – and shall be permitted only in terms of this Policy.

4. Usage of Official Transport by the Applicable Persons

4.1. Applicable persons may make use official transport, including a driver, subject to the availability thereof, to attend functions, meetings, site inspections or similar occasions (hereinafter referred to as "events"):

4.1.1. when duly authorized by the Executive Mayor as his or her representative; or

4.1.2. when delegated by the Executive Mayor to attend same on behalf of the Municipality; or

4.1.3. where the Speaker or the Executive Deputy Mayor is invited to attend an event as a representative of the Council of the City of Cape Town or any Councillor representing the Speaker or Executive Deputy Mayor for such event;

4.1.4. if travel to such event necessitates transportation over terrain which is of such a nature that the use only of a 4 wheel drive motor vehicle is appropriate;

4.1.5. if so authorised in terms of the Council's VIP Protection Policy, in which case the provisions of clauses 6, 7 and 8 hereof shall still apply to such use;

4.1.6. when attendance at same falls outside the routine performance of the applicable person's official duties; and is reasonably necessary in the furtherance of the objects of local government as set out in the Constitution, which for the purposes of this policy is limited to :

4.1.6.1. when invited to attend events approved of by the Executive Mayor which are held outside the jurisdiction of the City of Cape Town; or

4.1.6.2. travelling to or from Cape Town International Airport to attend an event when representing the Municipality or the Executive Mayor.

provided further that the use by the applicable person(s) of motorised transport is reasonable under the circumstances.

4.2. A group of Councillors, when duly authorised by a Committee or other Political Structure, may use official transport to attend an event within the

jurisdiction of the Municipality on a matter relating to such body's powers, functions or duties; provided that the Manager Councillor Support shall determine the most cost effective mode of transport.

- 4.3. In addition to the circumstances in which applicable persons may make use of official transport set out in clause 4.1 above, applicable persons may make use of official transport in circumstances where his / her own motor vehicle is, for any reason, temporarily not available to him / her in the performance of their official duties, on condition that any use by an applicable person, in terms of this clause shall be subject to the re-payment of the cost of such use, as determined by the Municipality's Chief Financial Officer .
- 4.4. A Councillor, other than the applicable persons, may use official transport only in terms of clauses 4.1.1, 4.1.2, and 4.1.6.2 .

5. Exclusions

- 5.1. No applicable person may use official transport:
 - 5.1.1. to attend to political-party related business, including attendances at political meetings, gatherings, rallies, elections or anything of a similar nature; or
 - 5.1.2. to travel to work or back from his / her place of residence; or
 - 5.1.3. for personal or private purposes; or

6. Method of Use

- 6.1. In order to avail themselves of the use of official transport in terms of this Policy, an applicable person shall:
 - 6.1.1. in all instances prior to the proposed travel, complete the attached pro forma form in full, indicating the date, estimated distance and reason for the request for the use of the official transport and shall indicate which clause of this policy applies to the proposed use, together with:
 - 6.1.1.1. a copy of any applicable delegation; or
 - 6.1.1.2. in instances where the applicable person represents the Municipality, the request from the Executive Mayor in this regard; or

- 6.1.1.3. in instances where an applicable person's use of official transport has been approved in terms of the Council's VIP Protection Policy, the form must, in addition, be accompanied by this approval, in writing; or
 - 6.1.1.4. in instances where the applicable person's use of the official transport is proposed in terms of clause 4.2 above, an undertaking to repay the cost of same within 30 days of the termination of such use.
- 6.2. If the *Manager: Councillor Support* is satisfied that the provision of official transport requested, complies with this policy, he will make every reasonable endeavour to provide a vehicle and/or driver as the case may be, but the submission of a completed request form shall not entitle an applicable person to the use of official transport if no vehicles or drivers are available.
- 6.3. The *Manager: Councillor Support* shall maintain a record of all use of official transport by applicable persons reflecting:
- 6.3.1. The name of the applicable person.
 - 6.3.2. The date of travel.
 - 6.3.3. The purpose of and authority for the travel.
 - 6.3.4. The distance travelled.
- 6.4. The *Manager: Councillor Support* shall retain all application forms submitted to him/her in terms of this Policy and the records kept in terms hereof for a period of 5 (five) years.
- 6.5. The *Manager: Councillor Support* shall provide the City Manager with a record of all use of official transport by applicable persons, on a quarterly basis.

7. **Disputes**

Should the *Manager: Councillor Support* be in doubt regarding the propriety of any proposed use of official transport, or a dispute arise in regard to the application of this Policy , the *Manager: Councillor Support*, must refer the issue to the City Manager, whose decision shall be final in this regard.

8. **Miscellaneous**

- 8.1. This Policy shall apply to all use of Council owned vehicles by applicable persons notwithstanding that usage of official transport may also be requested by Councillors as a result of the application of any other policy which Council may approve, including the Council's VIP protection Policy, as amended from time to time.
- 8.2. If the use of official transport by an applicable person has already been approved, any additional applicable person who requests the use of official transport to or from the same event, etc., will first be accommodated (and hence transported) in the same official transport that has then already been allocated, unless this is not reasonable, as determined by the *Manager: Councillor Support*.
- 8.3. Motor vehicles owned by the City may only be driven by officials duly appointed by the City of Cape Town and designated to drive official vehicles.
- 8.4. All directions to officials driving official transport in terms of this policy will be determined and communicated in writing by the *Manager: Councillor Support*. Any additional directions to officials driving official transport in terms of the application of the Council's VIP protection Policy (where applicable), shall be determined and communicated in writing by the *Manager: VIP Protection Unit* and copied to the *Manager: Councillor Support*.
- 8.5. Officials driving council owned vehicles shall do so lawfully; and will be personally responsible for the payment of any ensuing fines or damages occasioned by them personally or by the City as a result of any unlawful action or omissions by them in the execution of their duties.
- 8.6. The *Manager: Councillor Support* shall ensure that each motor vehicle has a log book, which is to be maintained by the drivers thereof in conjunction with the *Manager: Councillor Support* and the *Manager: VIP Protection Unit*.
- 8.7. No vehicle owned by the City will be dedicated for the use of a specific Councillor other than the Executive Mayor, who will have access to a dedicated vehicle and driver, unless; in the case of a Councillor who is not in receipt of a motor vehicle allowance, such Councillor is granted, by Council essentially the full time use of a vehicle as part of his/her salary and allowances within the meaning of the Remuneration of Public Office Bearers Act 20 of 1998.

USE OF COUNCIL VEHICLE

| | | |
|--|----------------------------|-------------------|
| Name of Councillor | | Date: |
| Date required | | |
| Function / Event | | |
| | | |
| Address of Event | | |
| | | |
| Quote Policy Clause supporting this Request | | |
| | | |
| | | |
| Departure Time | | |
| Commencing Time | | |
| To be collected from | | |
| Authority for Travel given by | | |
| Councillor | Signature : | |
| | Date : | |
| Manager: Councillor Support | <u>Yes</u> | Signature: |
| | <u>No</u> | |
| | | Date: |
| Manager: VIP Unit | Signature: | |
| | Distance Travelled: | |
| | Dropped off at: | |

Please note that all usage will be reported to the City Manager on a regular Basis