

Section C: Powers and Functions

In terms of Section 156 of the Constitution of the Republic of South Africa, 1996, Tokologo Local Municipality has executive authority in respect of, and has the authority to administer Local Government Matters listed in Part B of Schedule 4 and Part B of Schedule 5 and any other matter assigned to it by national or provincial legislation. Furthermore, this municipality is accordingly empowered to do anything reasonably necessary for, or incidental to, the effective performance of its functions and the exercise of its powers and this includes making and administering by-laws.

The table that follows here under provides an overview of the original and legislative powers and functions assigned to Tokologo municipality by the Constitution of the Republic of South Africa, 1996. It should also be noted that Tokologo Local Municipality has been assigned an additional function of Public Libraries and must therefore continue to perform this function unless and until legislation provides otherwise.

Table 2: Tokologo Local Municipality’s Powers and Functions

Constitutionally Mandated to Perform in terms of Schedule 4 (Part B) and Schedule 5 (Part B) of the Constitution of Republic of South Act, 1996	Definition
Air Pollution	Any change in the quality of the air that adversely affects human health or wellbeing or the ecosystems useful to mankind, now or in the future.
Building Regulations	The regulation, through by-laws, of any temporary or permanent structure attached to, or to be attached to, the soil within the area of jurisdiction of a municipality, which must at least provide for: Approval of building plans, Building inspections, and
Child Care Facilities	Facilities for early childhood care and development which fall outside the competence of national and provincial government
Electricity Reticulation	Bulk supply of electricity, which includes for the purposes of such supply, the transmission, distribution and, where applicable, the generation of electricity, and also the regulation, control and maintenance of the

Constitutionally Mandated to Perform in terms of Schedule 4 (Part B) and Schedule 5 (Part B) of the Constitution of Republic of South Act, 1996	Definition
	electricity reticulation network.
Fire Fighting Equipment	Planning, co-ordination and regulation of fire services and specialized firefighting services such as mountain, veld and chemical fire services; co-ordination of the standardization of infrastructure.
Local Tourism	The promotion, marketing and, if applicable, the development, of any tourist attraction within the area of the municipality with a view to attract tourists; to ensure access, and municipal services to such attractions, and to regulate, structure.
Municipal Airport (Landing Strip)	A demarcated area on land or water or a building which is used or intended to be used, either wholly or in part, for the arrival or departure of aircraft which includes the establishment and maintenance of such facility including all infrastructure.
Municipal Planning	The compilation, review and implementation of integrated development plan in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)
Municipal Public Transport	The regulation and control, and where applicable, the provision of services for the carriage of passengers, whether scheduled or unscheduled, operated on demand along a specific route or routes or, where applicable, within a particular area.
Pontoons and Ferries	Pontoons and ferries, excluding the regulation of international and national shipping and matters related thereto, and matters falling within the competence of national and provincial governments.
Storm Water	The management of systems to deal with storm water in built-up areas.
Trading Regulations	The regulation of any area facility and/or activity related to the trading of goods and services within the municipal area not already being regulated by national

Constitutionally Mandated to Perform in terms of Schedule 4 (Part B) and Schedule 5 (Part B) of the Constitution of Republic of South Act, 1996	Definition
	and provincial legislation.
Potable Water	The establishment, operation, management and regulation of a potable water supply system, including the services and infrastructure required for the regulation of water conservation, purification, reticulation and distribution as well as bulk supply to local supply.
Sanitation	The establishment, provision, operation, management, maintenance and regulation of a system, including infrastructure, for the collection, removal, disposal and/or purification of human excreta and domestic waste-water to ensure minimum standard of service.
Amusement Facilities	A public place for entertainment and includes the area for recreational opportunities, available for public use and any other aspect in this regard which falls outside the competence of the national and provincial government.
Billboards and the Display of Advertisements in Public Places	The display of written or visual descriptive material, any sign or symbol or light that is not intended solely for illumination or as a warning against danger which: promotes the sale and / or encourages the use of goods and services found in the municipal area
Cemeteries, Funeral and Crematoria	The establishment, conduct and control of facilities for the purpose of disposing of human and animal remains.
Cleaning	The cleaning of public streets, roads and other public spaces either manually or mechanically
Control of Public Nuisance	The regulation, control and monitoring of any activity, condition or thing that may adversely affect a person or a community
Control of Undertakings that Sell Liquor to the Public	The control of undertakings that sell liquor to the public that is permitted to do so in terms of provincial legislation, regulation and licenses, and includes an

Constitutionally Mandated to Perform in terms of Schedule 4 (Part B) and Schedule 5 (Part B) of the Constitution of Republic of South Act, 1996	Definition
	inspection service to monitor liquor outlets for compliance to license requirements.
Facilities for the Accommodation, Care and Burial of Animals	The provision of and/or the regulation, control and monitoring of facilities which provide accommodation and care for well or sick animals and the burial or cremation of animals, including monitoring of adherence to any standards and registration required.
Fencing and Fences	The provision and maintenance and/or regulation of any boundary or deterrents to animals and pedestrians along streets or roads.
Licensing of Dogs	The control over the number and health status of dogs through a licensing mechanism.
Licensing and Control of Undertakings that Sell Food to the Public	Ensuring the quality and the maintenance of environmental health standards through regulation, a licensing mechanism and monitoring of any place that renders in the course of any commercial transaction, the supply of refreshments or meals for consumption
Local Amenities	The provision, management, preservation and maintenance of any municipal place, land, and building reserved for the protection of places or objects of scenic, natural, historical and cultural value or interest and the provision and control of any such or other facilities.
Local Sports Facilities	The provision, management and/or control of any sporting facility within the municipal area.
Markets	The establishment, operation, management, conduct, regulation and/or control of markets other than fresh produce markets including market permits, location, times, conduct etc.
Municipal Abattoirs	The establishment; conduct and/or control of facilities for the slaughtering of livestock.
Municipal Parks and Recreation	The provision, management, control and maintenance

Constitutionally Mandated to Perform in terms of Schedule 4 (Part B) and Schedule 5 (Part B) of the Constitution of Republic of South Act, 1996	Definition
	of any land, gardens or facility set aside for recreation, sightseeing and/or tourism and include playgrounds but exclude sport facilities.
Municipal Roads	The construction, maintenance, and control of a road which the public has the right to and includes, in addition to the roadway the land of which the road consists or over which the road extends and anything on that land forming part of and/or connected therewith.
Noise Pollution	The control and monitoring of any noise that adversely affects human health or well-being or the ecosystems useful to mankind, now or in the future.
Pounds	The provision, management, maintenance and control of any area or facility set aside by the municipality for the securing of any animal or object confiscated by the municipality in terms of its by-laws.
Public Places	The management, maintenance and control of any land or facility owned by the municipality for public use.
Refuse Removal, Refuse Dumps and Solid Waste Disposal	The removal of any household or other waste and the disposal of such waste in an area, space or facility established for such purpose, and includes the provision, maintenance and control of any infrastructure or facility to ensure a clean and healthy environment.
Street Trading	The control, regulation and monitoring of the selling of goods and services along a public pavement or road reserve
Street Lighting	The provision and maintenance of lighting for the illuminating of streets in a municipal area.
Traffic and Parking	The management and regulation of traffic and parking within the area of the municipality, including but not limited to, the control over operating speed of vehicles on municipal roads.
Municipal Public Works	Any supporting infrastructure or services to empower a

Constitutionally Mandated to Perform in terms of Schedule 4 (Part B) and Schedule 5 (Part B) of the Constitution of Republic of South Act, 1996	Definition
	municipality to perform its functions

The 2008/09 Municipal Demarcation Board: Capacity Assessment Report indicates that Tokologo Local Municipality performs about 60.53% of the functions assigned to it by the Constitution,

TLM has increased the number of functions it performs and is the only municipality in the Lejweleputswa District Municipality that performs more than half of its functions. However, observations have also been made that TLM either does not or poorly performs the following functions:

Table 3: Functions poorly performed or not performed

Function	Authorized to Perform	Status Quo as at 2008/2009 Capacity Assessment Year
Child Care Facilities	Yes	Service not provided No budget provision to perform function No equipment
Local Tourism	Yes	Service provided. No budget provision to perform function No equipment
Municipal Airport	Yes	Service not provided Municipality does not have the facility.
Municipal health Services	No	Not Applicable
Municipal Public Transport	Yes	Service not provided Municipality does not run public transport. Privately done.

Function	Authorized to Perform	Status Quo as at 2008/2009 Capacity Assessment Year
		No budget provision to perform function No equipment
Pontoons and Ferries	Yes	Service not provided No budget provision to perform function No equipment
Trading Regulations	Yes	Service not provided No budget provision to perform function No equipment
Amusement Facilities	Yes	Service not provided No budget provision to perform function No equipment
Control of Public Nuisance	Yes	Service Provided Municipality understands No budget provision to perform function No equipment in place MDB noticed TLM's limited capacity
Control of Undertakings that Sell Liquor to the Public	Yes	Service not provided No budget provision to perform function No equipment
Facilities for the Accommodation, Care and Burial of Animals	Yes	Service not provided No budget provision to perform function No equipment
Fencing and Fences	Yes	Service Provided Municipality understands No budget provision to perform function Equipment in place MDB noticed TLM's limited capacity
Licensing of Dogs	Yes	Service not provided No budget provision to perform function No equipment
Licensing and Control of Undertakings that Sell Food to the Public	Yes	Service Provided Municipality understands No budget provision to perform function Equipment in place

Function	Authorized to Perform	Status Quo as at 2008/2009 Capacity Assessment Year
		MDB noticed TLM's limited capacity
Local Amenities	Yes	Service Provided Municipality understands No budget provision to perform function Equipment in place MDB noticed TLM's limited capacity
Markets	Yes	Service not provided No budget provision to perform function No equipment
Municipal Abattoirs	Yes	Service not provided No budget provision to perform function No equipment
Municipal Parks and Recreation	Yes	Service Provided Municipality understands No budget provision to perform function Equipment in place MDB noticed TLM's limited capacity
Municipal Roads	Yes, including Lejweleputsw a DM Function	Service Provided Municipality understands No budget provision to perform function Equipment in place MDB recommended adjustment of function to Lejweleputswa DM to be reversed
Noise Pollution	Yes	Service not provided No budget provision to perform function No equipment
Pounds	Yes	Service not provided No budget provision to perform function No equipment

It is in the light of above observations that the existing municipal structure, as an integral part of on-going municipal transformation, turn-around and internal business re-engineering, is currently being reviewed so that the necessary capacity gaps are filled through staff

establishment and placement, in addition to required equipment and other ancillary matters incidental to the effective performance of the above functions.

Table 3: Functions authorized to perform on behalf of Lejweleputswa District Municipality

Authorized to Perform on Behalf of Lejweleputswa District Municipality within Tokologo Municipal area, in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) by Government Notice Number 128 of 11 April 2008 as Published in Government Gazette No. 25 of 11 April 2008
Solid Waste - Section 84 (1) (e)
Municipal Roads - Section 84 (1) (f)
Fire Fighting – Section 84 (1) (j)
Cemeteries, Funeral and Crematoria - Section 84 (1) (l)
Municipal Public Works - Section 84 (1) (n)