



DRAKENSTEIN

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Standard Operating Procedure


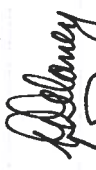


Problem Premises

(In terms of the Problem Premises By-Law)

Department: Planning and Development

Division: Planning Services

Section: Building Control

Reviewed / Approved	Signature	Date
Manager: Building Control – Mr. M.F. Toyer		6.8.2019
Senior Manager: Planning Services – Mr. D. Delaney		6/08/2019
Executive Director: Planning and Development Ms. L. Waring		6.8.19
City Manager: Dr. J. Leibbrandt		12/08/2019

DRAKENSTEIN MUNICIPALITY
STANDARD OPERATING PROCEDURE

FUNCTION TO BE PERFORMED:

The main function is to identify and effectively address properties which may be classified as problem premises, as contemplated in the Problem Premises By-Law.

DEPARTMENTS RESPONSIBLE:

Planning Services:

Building Control

Community Services:

Law Enforcement

Fire Department

Corporate Services:

Legal Department

Additional comments required from:

Planning and Development:

Environmental Management

Planning Services:

Land Use Management and Survey

Spatial Planning, Heritage and GIS

Engineering Services:

Electro Technical Services

Civil Engineering Services

Other state departments:

- Heritage Western Cape
- South African National Road Agency Ltd
- Provincial Roads Engineer
- District Roads Engineer
- Cape Winelands District Municipality (Department of Health)

NOTES

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No	Action	Responsible Directorate	Responsible person (designation)	When	Service Standard
1	Receive complaint <ul style="list-style-type: none"> • Walk in complaint • Via telephone • Via email • Visual identification • Ad-hoc inspection • Via Customer Care 		Complainant, Municipal official	As received or identified	
2	Register and allocate complaint <ul style="list-style-type: none"> • Register complaint on the Collaborator complaints module • Allocate complaint to the building inspector/responsible official 	Building Control	Clerk, Senior Clerk	On receipt of complaint	Within 24 hours
3	First action and update system <ul style="list-style-type: none"> • Contact complainant and acknowledge receipt • Arrange consultation with complainant • Record first action date on the collaborator system 	Building Control	Building Inspector / responsible official	On receipt of task	Within 48 hours of registration

No	Action	Responsible Directorate	Responsible person (designation)	When	Service Standard
4	Investigate complaint <ul style="list-style-type: none"> Acquire all necessary and relevant documentation Confirm ownership Identify and engage relevant departments for comment/action Arrange inspection Conduct inspection 	Building Control	Authorised official/Building Inspector/Law Enforcement Officer/Peace Officer/Legal Services	Within 7 days from date registered	5days from acknowledgement of receipt of complaint
5	Compile findings <ul style="list-style-type: none"> Obtain relevant internal/external department's inspection reports Compile findings report 	Building Control	Building Inspector/ABCO/Law Enforcement Officer/Peace Officer	Upon completion of investigation	4days
6	Prepare and serve notice of intention to declare <ul style="list-style-type: none"> State intention to declare and reason why State description of remedial work State timeframe for execution of remedial work Authorised Official serve notice at the property/registered owner's address 	Building Control	Authorized official	On completion of inspection	Within 3 days (within 14 days from date registered)

No	Action	Responsible Directorate	Responsible person (designation)	When	Service Standard
	<ul style="list-style-type: none"> Written acknowledgement of receipt of notice <p>Timeframes may vary depending on urgency: immediately, 7, 14, 21 or 30 working days</p>				
7	Response period <ul style="list-style-type: none"> Time allowed for owner to respond to notice served Dependent on urgency 7 days Property owners may address issues noted 	Planning Services (Building Control) Law Enforcement Or Other Department	Authorized official	Once notice is served	7 days
8	Consideration <p>11.1. Response received</p> <ul style="list-style-type: none"> Based on information received/discussion with the owner/authorized agent, take into consideration information received Should it be decided not to declare the property a Problem premises, resolve complaint 	Planning Services (Building Control) Law Enforcement Or Other Department	Authorized official	Notice date expiry	After period stipulated on notice lapses.

No	Action	Responsible Directorate	Responsible person (designation)	When	Service Standard
	<ul style="list-style-type: none"> Should it be decided to declare the property, proceed to point 12 <p>11.2. No response received.</p> <ul style="list-style-type: none"> Declare property a problem premises Proceed to point 12 				
9	<p>Prepare and serve declaration notice</p> <ul style="list-style-type: none"> Notification based on applicable by-law and findings during investigation from the various departments Allow for 21 work day appeal period by property owners. 	Planning Services (Building Control) Law Enforcement Or Other Department	Authorized official	Once notice is served	After period stipulated on notice lapses.
10	<p>Appeal Period</p> <ul style="list-style-type: none"> Generally 21 work days Period in which the property owner can appeal the declaration The property owner may rectify the structure within the appeal period. 	Planning Services (Building Control) Law Enforcement Or Other Department	Property owner/ authorized agent	once declaration notice is served	21 Days

No	Action	Responsible Directorate	Responsible person (designation)	When	Service Standard
11	Appeal period laps 11.1. Property owner appeals <ul style="list-style-type: none"> Property owner provides reasons as to why the property should not be classified as a problem premises Owner attends to issues brought under owners attention within period Reconsider declaration based on information received and/or corrective actions by owner Should it be decided to withdraw declaration, withdraw and resolve complaint Should it be decided to proceed with declaration, proceed to point 12 11.2. Property owner does not appeal <ul style="list-style-type: none"> Appeal period lapses and no response received by property owner Proceed with legal action. 	Planning Services (Building Control) Law Enforcement Or Other Department	Authorized official	Expiry of notice period	After period stipulated on notice lapses.

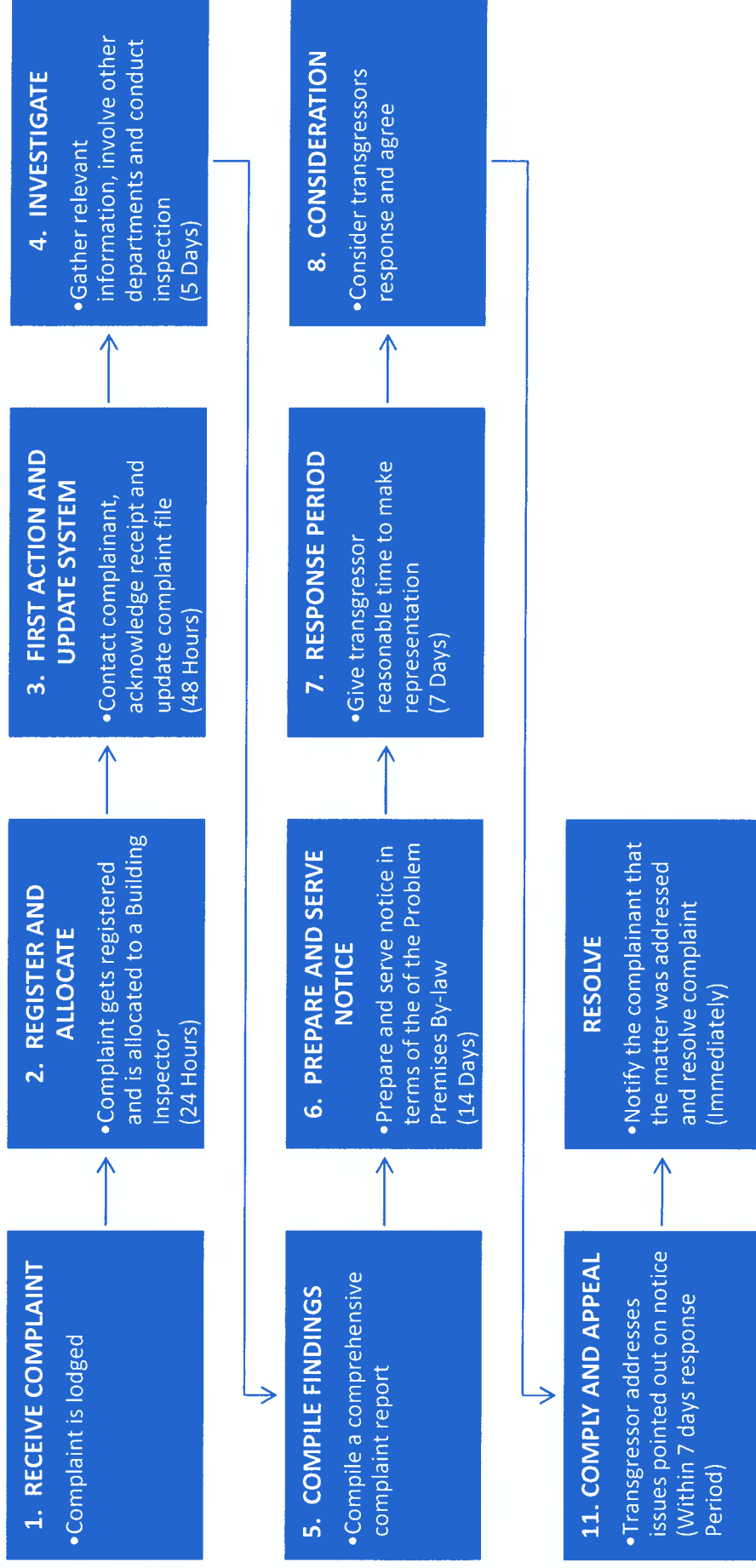
No	Action	Responsible Directorate	Responsible person (designation)	When	Service Standard
12	Legal action <ul style="list-style-type: none"> Owner fails to respond to notice, appeal declaration and/or attend to issues stipulated on notices served 	Planning Services (Building Control) Law Enforcement Or Other Department	Authorized official	Expiry of notice period	After period stipulated on notice lapses.
13	Appoint attorney <ul style="list-style-type: none"> Appoint attorney to proceed with legal action Furnish attorney with all relevant documentation and actions taken in an attempt to resolve matter. 	Legal Services	Legal Adviser	Upon request from Authorized Official	
14	Progress <ul style="list-style-type: none"> Follow-up weekly on progress made by attorney Case may be resolved without court intervention. 	Planning Services (Building Control) Law Enforcement Or Other Department	Authorized official	Handed over to attorney	Weekly

No	Action	Responsible Directorate	Responsible person (designation)	When	Service Standard
15	Court intervention <ul style="list-style-type: none"> • Upon failure to comply with attorney notices • Attorney to initiate court process/intervention 	Planning Services (Building Control) Law Enforcement Or Other Department	Attorney	Continues failure to comply.	As required
16	Court Outcome <ul style="list-style-type: none"> • Instruction to rectify structure • Within stipulated timeframe • Demolish, rectify or eviction order. • New court date is given • Court permits local authority to proceed with work and recover cost from property owner. See point 21 	Planning Services (Building Control) Law Enforcement Or Other Department	Attorney and Authorised Officials	Court appearance	
17	Monitor <ul style="list-style-type: none"> • Authorised official to monitor compliance with court order during period determined by court • Record inspections and progress • Photos records 	Planning Services (Building Control) Law Enforcement Or Other Department	Authorised Officials	Weekly / as may be required	Weekly

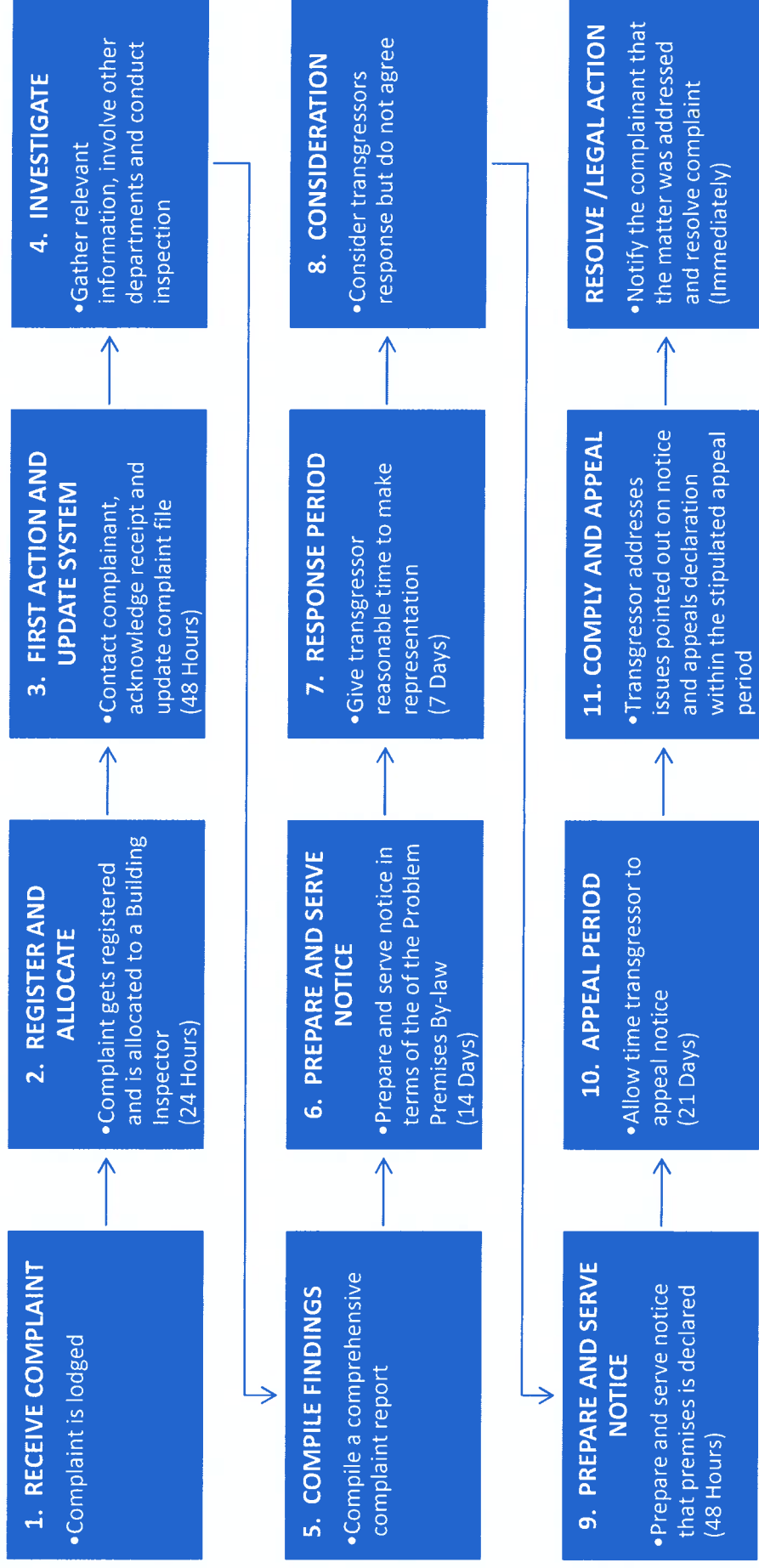
No	Action	Responsible Directorate	Responsible person (designation)	When	Service Standard
18	Second court appearance <ul style="list-style-type: none"> • Provide confirmation and evidence of compliance • Court resolves matter • Resolve complaint 	Planning Services (Building Control) Law Enforcement Or Other Department	Attorney / Authorised Officials	Court appearance	
19	Execution of remedial work <ul style="list-style-type: none"> • As approved by court • Authorized official to appoint contractor or competent person to rectify matter as promulgated in the problem premises by-law 	Planning Services (Building Control) Law Enforcement Or Other Department	Attorney / Authorised Officials	Authorized by court	Immediately
20	Resolve <ul style="list-style-type: none"> • Upon completion of remedial work 	Planning Services (Building Control) Law Enforcement Or Other Department	Attorney / Authorised Officials	Completion of remedial work	Immediately
21	Cost recovery <ul style="list-style-type: none"> • Expenses incurred by the local authority may be recovered from the property owner in terms of the 	Revenue Services	Attorney / Authorised Officials	Total expense is confirmed	As arranged / in accordance with the applicable By-law

No	Action	Responsible Directorate	Responsible person (designation)	When	Service Standard
	Customer Care and Revenue Management By-law				

A1. WORKFLOW DIAGRAM WITHOUT LEGAL ACTION – COMPLIED WITHOUT DECLARATION



A2. WORKFLOW DIAGRAM WITHOUT LEGAL ACTION – COMPLIED WITH DECLARATION



B1. WORKFLOW DIAGRAM WITH LEGAL ACTION – DECLARATION WITHOUT COMPLIANCE

