



DRAKENSTEIN
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Standard Operating Procedure

Complaints

(In terms of the NBR And BS Act, Act 103 of 1977 as amended)

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:

To address unauthorised building activity and prosecute offenders in terms of the National Building Regulations and Building Standards Act, 103 of 1977.

DEPARTMENT(S) RESPONSIBLE:

Planning Services:

Building Control

Additional comments required from:

Corporate Services:

Legal Department

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

Community Services:

Fire Protection

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 Division	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 Division	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	5 days 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	Immediately
6	Prepare and serve notice of compliance <ul style="list-style-type: none"> In terms of the NBR and BS Act, 103 of 1977 State what the unlawful action is and Section of the Act in contravention State timeframe in which offender must comply 	Building Control	Authorized official	On completion of inspection	Within 7 days of registration

No	Action	Responsible Division	Responsible person (designation)	When	Service Standard
	<ul style="list-style-type: none"> Obtain written acknowledgement of receipt of notice <p>Timeframes may vary depending on urgency: immediately, 7, 14, 21 or 30 working days</p>				
7	Provide complainant with an update <ul style="list-style-type: none"> Contact complainant to advise on steps taken, process and timeframes in place 	Planning Services (Building Control)	Building Inspector	After notice is served	
8	Monitor compliance and notice expiry date <ul style="list-style-type: none"> Conduct follow-up inspections Check NBR related applications Has the accused complied? Any related applications received? Were there any requests to extend notice period? 	Planning Services (Building Control)	Building Inspector/Clerk	During notice period	Weekly

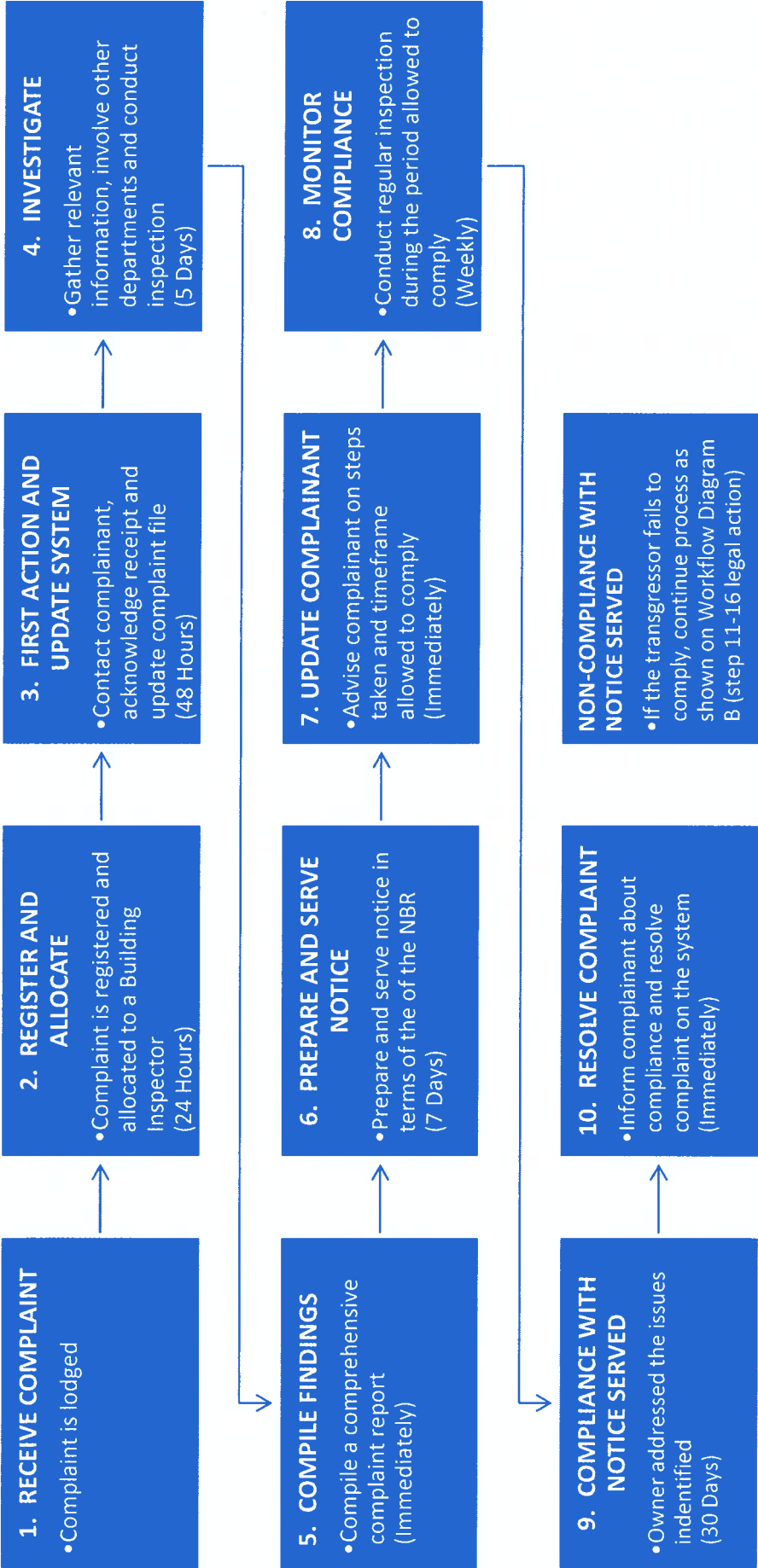
No	Action	Responsible Division	Responsible person (designation)	When	Service Standard
9	Compliance with notice served <ul style="list-style-type: none"> Accused complies within the stipulated timeframe Demolished unauthorized structures Applied and obtained approval for unauthorized works Rectified deviation in line with approval 	Planning Services (Building Control)	Building Inspector	Lapse of notice	Immediately
10	Resolve complaint <ul style="list-style-type: none"> Contact complainant to advise on compliance by accused Resolve complaint on system 	Planning Services (Building Control)	Building Inspector	Compliance is confirmed	Immediately
11	Failure to comply <ul style="list-style-type: none"> Accused fails to comply with notice served within stipulated period Not contact made to make alternate arrangements Structure not demolished Application not submitted 	Planning Services (Building Control)	Building Inspector	Confirmation of compliance	Upon expiry of NBR notice

No	Action	Responsible Division	Responsible person (designation)	When	Service Standard
	<ul style="list-style-type: none"> Deviation not rectified 				
12	Legal action <ul style="list-style-type: none"> Process dependent on type of ownership. 	Planning Services (Building Control) Legal	Building Inspector / ABCO / Court / Legal Adviser	Non-compliance	immediately
	12.1 Private owner/s <ul style="list-style-type: none"> Prepare Section 56 notice in terms of the Criminal Procedure Act, 51 of 1977 State triggered regulation and contravention Written notice to appear in court in terms of Act 51 of 1977. Record case no. 	Planning Services (Building Control)	Building Inspector	Non-compliance	immediately

No	Action	Responsible Division	Responsible person (designation)	When	Service Standard
	12.2 Registered Companies and Trusts <ul style="list-style-type: none"> • Prepare J175 Notice for directors to appear in court. • Prepare separate notices for each director • Written notice to appear in court in terms of Act 51 of 1977. • Record case no. 	Planning Services (Building Control)	Senior Building Inspector ABCO Court Official	Non-compliance	immediately
	12.3 Appoint an Attorney <ul style="list-style-type: none"> • Civil case against transgressor. • All relevant documentation to be made available to attorney • Affidavit (SAPS) to support Attorneys documentation and serve as evidence in the Court Procedure. 	Planning Services (Building Control) Legal Services			
13	Court appearance and outcome <ul style="list-style-type: none"> • Attend court proceeding • Record outcome/instruction given by court and next appearance date 	Planning Services (Building Control)	Senior/Building Inspector ABCO	Court hearing	

No	Action	Responsible Division	Responsible person (designation)	When	Service Standard
14	Monitor compliance <ul style="list-style-type: none"> Has the accused addressed the matter as instructed by the court? Conduct weekly inspections/follow-ups Record actions taken and site progress as evidence in court 	Planning Services (Building Control)	Senior/Building Inspector	Initial and postponed court date	Weekly
15	Court appearance and outcome <ul style="list-style-type: none"> Attend court proceeding Provide feedback to the State Prosecutor regarding compliance/non compliance 	Planning Services (Building Control)	Senior/Building Inspector		
16	Resolve complaint <ul style="list-style-type: none"> Upon compliance with court instruction Contact complainant to advise on compliance by accused Resolve complaint on system 	Planning Services (Building Control)	Senior/Building Inspector	Compliance is confirmed	Immediately

A. WORKFLOW DIAGRAM WITHOUT COURT INTERVENTION



B. WORKFLOW DIAGRAM WITH COURT INTERVENTION

