

- (D) More people attended the Woman's Day event than they anticipated;
 - (E) During the event, he was tasked by his political principals to urgently arrange for additional food, which he procured from LM in Plett. This expense was approved and was paid for by the Bitou Municipality. The Chief Financial Officer is fully aware of this as he had to provide him with a memorandum in this regard; and
 - (F) Wash 4 Joy did not provide additional catering and they did not even deliver enough food for the 150 people, which they were appointed for.
- (ix) During our interview with Cingisisa Ngemntu-Sonjani pertaining to the Woman's Day event, she stated that:
- (A) She is furious about this payment;
 - (B) The Bitou Municipality underquoted for the event. The Bitou Municipality planned catering for 300 people to attend, however more people attended;
 - (C) During the event, she received instruction from the Executive Mayor to "sort it out";
 - (D) The councillors ordered more food during the event without notifying her. At the same time, she obtained approval from her Manager (Daluxolo Ncame) to order additional food from Wash 4 Joy;
 - (E) Afterwards, a dispute arose over the food that was ordered, and the Bitou Municipality did not want to pay Wash 4 Joy's invoice for the additional food;
 - (F) After Wash 4 Joy pressurised the Bitou Municipality to pay, they eventually paid, however the money was deducted from Cingisisa Ngemntu-Sonjani's salary, without following any disciplinary process or notifying her in advance; and
 - (G) There is no evidence that Wash 4 Joy did not provide enough food for 150 people. They provided more than what was required of them, however they did not count the number of plates at the time.
- (x) Daluxolo Ncame resigned from the Bitou Municipality before we were able to question him about this transaction.

Recommendations

- (e) We recommend the following action:
- (i) Disciplinary action should be taken against Cingisisa Ngemntu-Sonjani for authorising and/or approving the expense without a purchase order and failing to comply with Section 105(1)(a) of the MFMA, which requires each official of a municipal entity, exercising financial management responsibilities, to take all reasonable steps within that official's area of responsibility to ensure that the system of financial management and internal control established for the entity is carried out diligently.
 - (ii) We recommend that it be recorded in the human resource file of Daluxolo Ncame, that similar disciplinary action would have been recommended against him, however due to his subsequent resignation, no disciplinary action can be taken.
 - (iii) The Municipality should review all other payments made to Wash 4 Joy in order to identify possible further irregularities.

16.5 Conclusion

16.5.1 Based on the findings of our investigation and the evidence obtained, the allegation that "ghost companies" exist, which were paid for services not provided, appears to be partially true.

16.5.2 The evidence however suggests, that most of these companies have some kind of relationship with the Executive Mayor or officials within the Office of the Executive Mayor and the possibility exists that services rendered by these companies were irregular or not produced at all.

16.5.3 In most instances, the SCM processes were not followed.

16.6 Recommendations

16.6.1 We recommend the following action:

- (a) Besides the individual recommendations made above, we recommend criminal action in terms of corruption, fraud and racketeering against Peter Lobese for abusing his powers as Executive Mayor to benefit his political party, the AUF.
- (b) SCM processes should be followed in all financial transactions and non-compliance with the SCM Policy should result in disciplinary action against relevant officials.

- (c) We recommend that Vincent Mkhafa explain his decision to deduct money from Cingisisa Ngemntu-Sonjani without taking relevant disciplinary action against her.

17. PHASE 10: HUMAN RESOURCE MISMANAGEMENT

17.1 Introduction

17.1.1 There is an allegation that the Human Resource Department has been mismanaged, especially with regard to the adherence to the Revised Recruitment and Selection Policy for Bitou Municipality.

17.2 Procedures followed

17.2.1 We secured and reviewed relevant policies, procedures, memorandums, legislation and minutes of meetings pertaining to the Human Resource function at Bitou Municipality.

17.2.2 We secured a random sample of 40 Human Resource files for employees across the various categories, to determine whether the prescribed recruitment and selection processes were complied with and to identify issues of possible mismanagement or maladministration.

17.2.3 We interviewed Venus Cunningham, Manager: Human Resource Administration, regarding the allegation and a number of issues discovered with the human resource files sampled.

17.3 Documents obtained

17.3.1 We obtained the Revised Recruitment and Selection Policy of Bitou Municipality (see Annexure 17.1).

17.3.2 We obtained the Human Resource files for the following individuals:

NO	NAME	POSITION
1.	Sithenkosi Bobani	General Assistant
2.	Mavis Busakwe	Personal Assistant: Executive Mayor
3.	Vusumzi Cagwe	Assistant Electrician
4.	Siyabulela Fumbalele	Traffic Officer
5.	Emile Kramer	Machine Operator (Small Equipment)
6.	Fanelekile Langa	General Worker
7.	Peter Lobese	Executive Mayor

NO	NAME	POSITION
8.	Makhaya Mana	Officer: Political Advisor in the Office of the Executive Mayor
9.	Lungile Maseti	Supervisor/Driver
10.	Palesa Mashiloane	Assistant Internal Auditor
11.	Bulelwa Mathole	EPWP Data Capturer
12.	Shadrie Matola	Security Officer: Office of the Executive Mayor
13.	Yedwa Mayila	Multi Media & Website Administrator
14.	Vuyokazi Mbelani	Head: Corporate Services
15.	Vincent Mkhafa	Chief Financial Officer
16.	Mbulelo Mlauli	General Worker: Simunye Centre and Sport Field
17.	Bandile Mlindawzwe	Senior Administrative Officer in the Office of the Executive Mayor
18.	Dumisani Mnweba	Senior Administrative Officer in the Office of the Executive Mayor
19.	Sthembiso Mqongwana	Bodyguard/Driver in the Office of the Executive Mayor
20.	Daluxolo Ncame	Manager: Office of the Executive Mayor
21.	Thabo Ndlovu	Municipal Manager
22.	Zingisile Nene	Driver: Office of the Executive Mayor
23.	Oxley Ngqele	Labour Relations Officer
24.	Silungile Njima	Electrical Assistant
25.	Lindinceba Nkentsha	General Worker
26.	Nontsha Nozulu	Customer Care Clerk
27.	Xolelwa Nqotho	Administrative Clerk

NO	NAME	POSITION
28	Lindelwa Ntileka	General Assistant: Waste Collection Services
29.	Mathabo Ntshoko	Filing Clerk: Office of the Executive Mayor
30.	Pedro Peters	Manager: Supply Chain Management
31.	Nothemba Qina	Community Liaison Officer: Kwanokuthula
32.	Phiniwe Seyisi	Filing Clerk
33.	Dumisani Shandu	Community Liaison Officer: Kwanokuthula
34.	Alfred Sithuba	Transfer Station Operator
35.	Bonisile Skosana	Security Officer
36.	Xolile Sodawe	Artisan/ Handyman: Beachfront Main
37.	Guleni Sonwabiso	General Worker
38.	Sicelo Sulani	Weighbridge Operator
39.	Sujeeth Sunkar	Manager: Fleet Management
40.	Tanya Wildeman	Senior Manager: Human Resources

17.3.3 We obtained a number of documents, memorandums and correspondence relevant to a number of issues identified after analysing the human resource file sample.

17.4 Analysis of the Recruitment and Selection Policy

17.4.1 We have analysed and extracted the following information from the revised Recruitment and Selection Policy of Bitou Municipality, approved by its Municipal Council under Council Resolution C/3/68/06/13 on 27 June 2013, to determine the extent of compliance or non-compliance thereof (see Annexure 17.1). This was confirmed to be the latest and applicable Recruitment and Selection Policy for Bitou Municipality and applies from that date onward.

- (a) The Revised Recruitment and Selection Policy for Bitou Municipality (the "Policy") sets out a number of guidelines as to how the recruitment and selection process should be conducted for each of the four categories of employees within Bitou Municipality.

(b) We set out below the relevant extracts from the Policy:

1.1 Categories of employees

1.1.1 The Policy defines a permanent employee as *"an employee who has applied, gone through the approved Recruitment and Selection Process, and is appointed into a specific position on the organogram of the municipality with a fixed post level for a non-specified period of time. S/he is entitled to full municipal benefits as agreed in terms of Collective Agreements"*.

1.1.2 The Policy defines a temporary employee as *"an employee who is appointed by the Municipality per agreement to undertake and complete a certain task which is not of a permanent nature, normally of a short duration and which will be completed in less than six months"*.

1.1.3 The Policy defines fixed term contract employees as *"employees appointed by council in terms of Section 54A and 56 of the Municipal Systems Act, 32 of 2000"* and *"employees who are appointed by the Municipality per agreement for a fixed/defined period not exceeding a maximum of 60 months, unless the Municipal Manager approves the extension of a contract not more than once"*.

1.1.4 The Policy states that support staff to elected representatives have relationships with those representatives that go beyond the normal relationship that exists between Council and its regular employees. The Policy outlines the process that should be followed in appointing this category of employee in a separate section but refers to the process followed for appointing permanent employees.

1.2 Appointment of permanent employees

The Policy provides the following regarding appointment of permanent employees.

1.2.1 Employee requisition

The Policy provides that the Human Resources Department must be notified of any vacancies that exist due either to termination of service or newly created positions. The relevant Head of Department is responsible for authorising any such vacancies.

1.2.2 Establish selection criteria

The Policy provides that a detailed job profile, including a job description, must be compiled for the position by the Head of Department in consultation with a Human

Resources Officer. If there is no updated profile/job description available or suitable, a detailed analysis using T.A.S.K methodology must be conducted to identify the inherent job criteria before moving forward with advertising and selection.

1.2.3 Advertising the vacancy

- (a) The advertisement must be drafted by the Human Resources Department using the job profile as the source of relevant information.
- (b) The post must be advertised internally if the post is substantially the same as it was previously, provided there are suitable internal candidates. If there has been a significant change in the post, it shall be the Head of Department's decision as to whether to advertise the post internally first or both internally and externally at the same time.
- (c) Internal advertisements must be placed on designated municipal notice boards and must specify that only Council employees may apply.
- (d) External advertisements must be placed in the appropriate media/publications (which must be agreed upon by the Head of Department) which will ensure maximum access by the designated groups. These advertisements must be copied to unions and Heads of Department. These advertisements must also specify the commitment of Bitou Municipality to the fulfilment of the Employment Equity Plan.
- (e) All applicants for an advertised vacancy are required to complete an application form. The Human Resources Department is responsible for ensuring applicants receive the correct form (either the internal application form or external application form).

1.2.4 Screening/Shortlisting

- (a) The Human Resources Department screens all the applications and presents a list of suitable candidates to the Head of Department along with the Employment Equity target for the post.
- (b) The Head of Department must then use this list to compile a shortlist, based on the agreed selection criteria. The assigned Human Resources Officer is available for consultation in this regard.

1.2.5 Selection process

The Policy provides the following regarding selection processes.

(a) Category A posts (Municipal Manager and Section 56 Managers)

- (i) Council is the appointing authority for these positions and is responsible for designing the selection process.
- (ii) Council has the prerogative to delegate the whole or part of this recruitment and selection process to the Mayor or a committee of Councillors. The Mayor or committee may further delegate some of the selection processes to a service provider. After the completion of the assessment of candidates, the Mayor or committee who have been delegated by Council will submit a recommendation for appointment to Council for approval.
- (iii) After Council has approved, the Executive Mayor (in the case of the appointment of a Municipal Manager) or Municipal Manager (in the case of the appointment of managers directly reporting to the Municipal Manager) will extend the offer of appointment to the preferred candidate and negotiate the conditions of appointment.

(b) Category B posts (TASK level 8 – 17: management/professional/supervisor)

- (i) The Head of Department (or his assignee) with assistance from the Human Resources Officer will set up interviews with the short-listed candidates. Short-listed candidates will be subjected to a structured behavioural interview by line management.
- (ii) The structured behavioural interviews will be conducted by an interview panel consisting of the Head of Department or his assignee, the Human Resources Officer (who provides specialist advice/input) and Union representatives (who have observer status in the selection process). The Municipal Manager may attend interview panels in this category, but it is mandatory for him to attend interviews for posts on the second reporting line of managers. He can however assign a Head of Department to represent him.
- (iii) A competency-based assessment approach will be used where the applicants' experience, skill, knowledge, level of competence and career path suitability will be evaluated against the job requirements during a structured analysis and evaluation discussion. Applicants will be scored against criteria and the results of the scoring process will be used as a guideline and input to the outcome of the selection process.

- (c) Category C posts (TASK level 1 – 7: clerks/drivers/operators/general workers)
 - (i) The manager with assistance from the Human Resources Officer will set up interviews with short-listed candidate and will take joint responsibility for structuring the selection process. An appropriate competency assessment instrument may be included in this selection process.
 - (ii) Applicants will be subjected to a structured behavioural interview by management. The interviews will be conducted by an interview panel consisting of the manager or his assignee, the Human Resources Officer (who provides specialist advice/input) and Union representatives (who have observer status in the selection process). The Head of Department may attend interview panels in this category.

1.2.6 Competency Assessments

- (a) Validated assessment tools may be utilised by a trained professional to gather additional supporting information during the selection process.
- (b) All applicants will be required to give consent for the use of assessment tools and results thereof using an Assessment Consent Form.

1.2.7 Reference Checks

- Applicants must be requested to provide names of contactable references, and only these references may be contacted for reference purposes. Written testimonials can be submitted on condition that the referees may be contacted for verification of reference. Written testimonials should not be used as the only documentation for references.

1.2.8 Authorisation (as per Section 55(1)(e) of the Local Government Systems Act, 32 of 2000)

The Policy sets out the process for authorisation as follows:

- (a) Category A posts
 - (i) Council appoints the Municipal Manager;
 - (ii) Council appoints Section 56 managers after consultation with the Municipal Manager.

(b) Category B posts

- (i) A memorandum motivating for appointment of the applicant, which outlines the particulars of the applicant, the results of the selection process and the employment equity target, must be submitted to the Municipal Manager;
- (ii) Details of the proposed applicant must be submitted to the Municipal Manager for final authorisation.

(c) Category C posts

- (i) A memorandum motivating for appointment of the applicant, which outlines the particulars of the applicant, the results of the selection process and the employment equity target, must be submitted to the Human Resources Manager.
- (ii) The Human Resources Manager must check whether the proposed appointment of the recommended applicant meets the Bitou Municipality's employment equity requirements.
- (iii) A report on who the proposed applicant is will be sent to the Municipal Manager for final authorisation, after the Human Resources Manager has verified and approved the report. This is done in terms of Section 59 of the Municipal Systems Act.

1.2.9 Employment Offer

An offer of employment will be given to the applicant in writing by the Human Resources Officer, outlining the terms and conditions of employment. Acceptance of the job offer should be by way of signing the Employment Contract or the letter of appointment prior to commencing employment.

1.2.10 Induction and payroll information

Induction of the new employees is the responsibility of the Head of Department or Manager. All new employees are invited to participate in the formal Bitou Municipality induction process conducted by the Head of Department, Manager or Human Resources Officer during which an Administration Starter Pack should be completed and then forwarded to the Payroll Office by the Human Resources Officer.

1.3 Appointment of temporary employees

The Policy states that the Human Resources Department will compile a database of all contract workers of Council and that all these contracts are for a fixed term. The

process for appointing temporary employees differs based on the length of time they are required to work, whether the duties are those of office staff or non-office staff, and whether the position is for skilled or unskilled labour (in respect of non-office staff). The Policy sets out the following process for appointing temporary workers.

1.3.1 Temporary workers (1-3 months) – office staff

- (a) Internal relief staff, if available, should be the ideal and first option to perform any duties.
- (b) If no such staff members are available, a person must be selected from the database.
- (c) The Human Resources Department is required to advertise, and establish and maintain a database of specific office requirements and office skills.
- (d) When a line manager indicates a need for a temporary worker, s/he must contact the Human Resources Department to provide a suitable candidate to fill the position for the period needed.
- (e) The Human Resources Department makes a recommendation and forwards it to the relevant line manager for approval.

In terms of the Policy, the Human Resources Department has to ensure the necessary paperwork is completed and that all appointments will be made on a rotation basis.

1.3.2 Temporary workers (1-3 months) - non-office staff (skilled labour)

- (a) The Human Resources Department will annually compile a database of all the skilled labour within the municipal area and must maintain this database.
- (b) When a line manager indicates that s/he need a temporary worker, they must contact the Human Resources Department to provide a list of suitable candidates to fill the position for the period needed.
- (c) The Human Resources Department makes a recommendation and forwards it to the relevant line manager for approval.

In terms of the Policy, the Human Resources Department has to ensure the necessary paperwork is completed and that all appointments will be made on a rotation basis.

1.3.3 Temporary workers (1-3 months) - non-office staff (unskilled labour)

- (a) Line managers must formally request assistance from the Communications Division.
- (b) The Communication Division is then responsible for loud-hailing and the booking of the venue where recruitment of short-term employees would take place.
- (c) The identity documents of those who arrive at the venue are put in a box from which the selection is done in the presence of line managers. Male and female identity documents are placed in separate boxes.
- (d) Line managers clearly explain the terms and conditions of the employment to the temporary workers.
- (e) Line management must ensure that all the necessary paperwork is completed and forwarded to the Human Resources Department, who will then check it and forward it to the Payroll section.
- (f) Line Managers must forward copies of the attendance register to payroll.
- (g) Councillors may be present, but only to observe and not to be involved or participate.
- (h) The Head of Department must authorise all such appointments.

1.3.4 Temporary Workers (3-6 months)

- (a) The use of internal relief staff to perform certain duties is the ideal and should be the first option.
- (b) If internal relief staff is not available, the available positions must be advertised in the local media.
- (c) The recruitment and selection prescribed above for permanent employees will be used thereafter.
- (d) The Municipal Manager must authorise these appointments and the person must be remunerated on a monthly basis in accordance with a memorandum from the Municipal Manager's office.

1.4 The appointment of fixed term contract employees: with a maximum duration of 60 months

1.4.1 The recruitment and selection process prescribed above for permanent employees

will be used for such employees.

1.4.2 The Municipal Manager must authorise these appointments and the person must be remunerated monthly in accordance with a memorandum from the Municipal Manager's office.

1.5 The appointment of support staff for elected representatives

1.5.1 The need for an appointment to provide support for political representatives must be motivated in a report to be submitted to the Mayoral Committee.

1.5.2 Prior to the submission of the above report, it must be confirmed that:

- (a) the vacant position forms part of the organisational structure/approved staff establishment;
- (b) the budget for this position has been approved, there are funds available for the vacancy and written confirmation from the Finance Directorate has been obtained confirming this; and
- (c) that a job description in the acceptable format has been approved for this position in terms of the Human Resources Policy for Council.

1.5.3 The Mayoral Council must adopt the report and approve the filling of the vacancy. Thereafter the Municipal Manager can inform the Human Resources Department to proceed with the recruitment and selection process. It states however that "*where applicable, and within the guidelines set out in this policy, the Recruitment and Selection Procedure of Council will be utilised to make this appointment*".

1.5.4 The policy states that "*[v]acancies will be advertised in the normal manner*".

1.5.5 The Human Resources Department will accept applications on behalf of Council in this process and will answer any enquiries.

1.5.6 Candidates will be subjected to a competency evaluation and other unspecified forms of assessment, as well as structured interview process which will be minuted and scored by a selection committee. This selection committee will consist of at least two people, consisting of the relevant representative and the Executive Mayor, or alternatively any other elected representative delegated by the Executive Mayor. The selection committee may also assist with shortlisting.

1.5.7 A final selection decision will be made, and the Municipal Manager will be informed of

the outcome in a written report approved by the Mayoral Committee and drafted by the selection committee.

1.5.8 The Human Resources Department will then be instructed by the Municipal Manager to extend an offer of employment to the successful candidate. The Municipal Manager, as representative of Council as employer, will contract with the successful candidate.

1.5.9 A performance agreement must be put in place, allowing for a review and assessment of the support staff member's performance.

17.4.2

We came to the following conclusions and extracted the following information from the sample of Human Resource files obtained

- (a) Each employee's personnel file should contain documentation which evidences that the prescribed recruitment and selection process was complied with and what their current position within the Bitou Municipality is.
- (b) For permanent employees, fixed term contract employees, temporary employees in a position for longer than 3 months and support staff for elected representatives, the required documentation would include a job description, an advertisement for the position, a job application, a curriculum vitae, certified copies of any required qualifications and an interview outcome report (or a similar document indicating that the interview process was conducted in accordance with the Policy). For temporary employees working for 3 months or less, the human resource file should include documents reflecting that the requirements were met by the relevant line manager and that the relevant database was used to source the temporary employee.
- (c) Each human resource file contains a checklist indicating which documents should be included therein. We referred to this checklist in order to determine whether each file contained all the documents that the Human Resources department determined to be necessary.
- (d) We took a sample of 40 personnel files for employees across the various categories, to determine whether the prescribed recruitment and selection process was complied with and the documents set out on the checklist are contained in the file. We also identified any issues raised while analysing the contents of the file that may be indicative of maladministration or mismanagement.

- (e) We have reviewed the contents of each human resources file to determine whether all documents required in terms of Section 67 of the Local Government: Municipal systems Act 32 of 2000 are contained therein.

17.5 Findings

17.5.1 Sithenkosi Innocent Bobani

Human Resources File Overview

Name	Sithenkosi Innocent Bobani
Current Position	General Assistant
Date of Appointment	1 March 2017
Official(s) who motivated the appointment	Tanya Wildeman (Senior Manager: Human Resources)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	Nomxolisi Mgoduka (HR Officer)
Latest promotion	N/A
Qualifications and Experience	<p>Matric; Massamatic training on Mandalay Software; Certificate in environmental awareness training (Tedcor); Certificate of attendance for Waste management skills program (50 credits in terms of LGSETA) (Vicmat Consultants); Certificate of Attendance for Basic Health & Safety (Akwasi Solutions); Certificate of Attendance Basic First Aid (Akwasi Solutions).</p> <p>Cleaner – Summer Hill (March 2011 – May 2012); Merchandiser – Mr Price Home (May 2012 – July 2013); General Worker – Waste Management for Bitou Municipality (2014 – 2016)</p>
Category of appointment	T3 (Notch 1)
Category of employee	Permanent employee
Comments	Sithenkosi Bobani was temporarily appointed as a General Assistant in 1 February 2016. He was then permanently appointed in terms of the memorandum dated 28 February 2017 regarding temporary appointments (See Annexure 17.2).

	This file only contains his letter of permanent appointment and does not include a copy of the memorandum dated 28 February 2017 regarding temporary appointments or his previous temporary employment contracts. As a result, his file does not include any documents reflecting a recruitment and selection process aside from his CV.
Comments from HR Department	Venus Cunningham confirmed that he was a temporary employee that was permanently placed.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	His copies of his qualifications are not certified
Interview outcome report	No	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	No	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	No	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.2

Mavis Busakwe

Human Resources File Overview

Name	Mavis Busakwe
Current Position	Personal Assistant: Executive Mayor
Date of Appointment	1 November 2016
Official(s) who motivated the appointment	Martin Davidson (Acting Senior Manager: HR) Elaine Sipingo (Assistant HR Officer) Daluxolo Ncame (Manager: Office of the Executive Mayor)
Official(s) who approved the appointment	Monde Stratu (Acting Municipal Manager) David Friedman (Friedman signed her appointment letter)
Official(s) in charge of Human Resources file	No information
Latest promotion	N/A
Qualifications and Experience	Matric, Certificate of completion for Beginner's Computer Course (RockIT Computers). Quality controller – Robberg Seafood (9 years); Supervisor – Whalesong Hotel (6 Years); Receptionist – Whalesong Hotel (7 years); Acting PA – Bitou Municipality (2016 onwards).
Category of appointment	T9 (Notch 1)
Category of employee	Support staff for an elected official
Comments	<p>The Municipal Manager (Allen Pause) was directed to appoint certain individuals as staff for elected officials in accordance with the Recruitment and Selection Policy in a memorandum dated 15 August 2016 signed by the Executive Mayor (Peter Lobese) (see Annexure 17.3). These individuals were then temporarily appointed from 16 August 2016 to 31 October 2016 (See Annexure 17.4). These individuals were then permanently appointed at a later stage through a recruitment and selection process. Mavis Busakwe was one of these individuals.</p> <p>According to the Interview Outcome Report the position of Personal Assistant in the Office of the Executive Mayor was advertised in "Whats New in Plett", on the Municipal Website and the Municipal Notice Boards. This is highly unlikely, as she was the only individual that applied for the position.</p>

	<p>Mavis Busakwe does not have the necessary qualifications for the position in terms of the job description, namely it is an essential requirement that she have a National Diploma – Secretarial (NQF 7). Mavis Busakwe however only has a matric and a computer training certificate.</p> <p>Her ID number on the matric certificate she provided does not match the ID number on her ID book or CV (See Annexure 17.5).</p>
Comments from HR Department	<p>Venus Cunningham stated that this individual had been chosen by the Office of the Executive Mayor for the position they were permanently appointed to. According to Venus Cunningham, the Human Resources Department was instructed by Head; Corporate Services (Reginald Smit) that the position was to be advertised internally only and for a period of 7 days. The normal process would be to advertise internally and externally for between 14 and 21 days.</p> <p>Venus Cunningham states that she was not personally involved in her appointment. She does however state that she was aware that there appeared to be a difference in the ID number on her matric certificate and the ID number in the copy of her ID and on her CV. She states that they are unable to verify matric certificates and Mavis Busakwe was requested to provide an affidavit explaining the difference.</p>

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	Yes	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	Her copies of her qualifications are not certified.
Interview outcome report	Yes	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	Yes	
Identity document copies	Yes	
Proof of banking details	No	
Pension fund application form	Yes	

Medical aid membership	No	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	Empty form in file.
Personal Information form	No	Empty form in file.

17.5.3

Vusumzi Cagwe

Human Resources File Overview

Name	Vusumzi Cagwe
Current Position	Was an Assistant Electrician
Date of Appointment	6 September 2017
Official(s) who motivated the appointment	Vuyokazi Mbelani (Head: Corporate Services)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	N/A
Qualifications and Experience	Grade 11; Certificate of Attendance (SAFCEC Diamond Academy) Maintenance worker (Building, Paving) – Rasta and Mavus Construction; General Worker – Toms Garden Service; Security Officer – React Security Company.
Category of appointment	T5 (notch 1)
Category of employee	Temporary employee
Comments	The file includes email correspondence between Vuyokazi Mbelani (Head: Corporate services) and Tanya Wildeman (Senior Manager: Human Resources) between 16 and 18 August, with Thabo Ndlovu (Municipal Manager) copied into the email train (See Annexure 17.6). Vuyokazi Mbelani informs Tanya Wildeman that she has

	<p>received instructions to appoint Vusumzi Cagwe on a temporary basis for three months as an Assistant Electrician.</p> <p>The file includes two sets of contracts of temporary appointment for the position of Assistant Electrician for 6 September 2016 to 30 November 2016 and 11 December 2016 to 28 February 2018 respectively (See Annexure 17.7 and 17.8). The temporary contract between 11 December 2016 to 28 February 2018 has not been properly signed by all the parties and it is unclear based on the contents of the file whether Vusumzi Cagwe was temporarily appointed for this period.</p> <p>Vusumzi Cagwe does not have the necessary electrical experience (12-18 months), which is required in terms of the job description.</p>
Comments from HR Department	<p>Venus Cunningham stated that the Recruitment and Selection Policy was not followed in his appointment, as they did not have a database of unemployed individuals in the Bitou Municipality. Following a previous investigation, a database has now been implemented as per the Recruitment and Selection Policy. Venus Cunningham confirmed that Human Resources had been instructed to appoint Vusumzi Cagwe by Troika (The Executive Mayor, Deputy Mayor and The Speaker of the Municipal Council).</p> <p>Venus Cunningham stated to us that Vusumzi Cagwe has now been permanently appointed as a General Worker in the Electrical Department.</p>

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	No	
Curriculum vitae	Yes	
Certified copies of qualifications	No	There is no proof of secondary education. His copies of his qualifications are not certified.
Interview outcome report	No	
Letter of appointment (for current position)	No	
Previous contracts (if applicable)	Yes	
Identity document copies	Yes	

Proof of banking details	Yes	
Pension fund application form	No	
Medical aid membership	No	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	No	

17.5.4

Siyabulela Lovers Walter Fumbalele

Human Resources File Overview

Name	Siyabulela Lovers Walter Fumbalele
Current Position	Traffic Officer
Date of Appointment	1 October 2015
Official(s) who motivated the appointment	Venus Cunningham (Acting Senior Manager: Human Resources) Sean Ganga (Superintendent Traffic Services) Andile Sakati (Manager: Public Safety) Alma Greyling (Acting Head: Corporate Services)
Official(s) who approved the appointment	Allen Paulse (Former Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	N/A
Qualifications and Experience	Matric; National Diploma in Traffic – Gene Louw Traffic College; Certificate – Municipal Police Officers Training Course; Certificate – Glock Armorers Course (Bernhard Agencies); Letter of Competence – Use of firearms in a policing environment for handgun/shotgun (Department of Community Safety). Provincial Traffic Inspector – Department of Community Safety (2006 – 2015).
Category of appointment	T10 (Notch 1)

Category of employee	Permanent employee
Comments	Siyabulela Fumbalele's file does not contain a job description.
Comments from HR Department	There were no issues raised concerning Siyabulela Fumbalele.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	Yes	
Job description	No	
Application received from individual	Yes	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	
Interview outcome report	Yes	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.5

Emile Kramer

Human Resources File Overview

Name	Emile Kramer
Current Position	Machine Operator (Small Equipment)
Date of Appointment	1 September 2014
Official(s) who motivated the appointment	Lesley Andrews (Supervisor/Driver: Parks & Open Space Maintenance) Johannes Pika (Acting Superintendent Parks & Recreation) Mark Fourie (Manager: Human Settlements, Housing, Beaches, Parks and Recreation)
Official(s) who approved the appointment	Allen Pause (Former Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	EPWP: Machine Operator
Qualifications and Experience	Grade 11 – Letter from Hankey Secondary School confirms Mr Kramer only passed Grade 10. Certificates of Competence – Health & Safety Representative Functions in the Workplace/Basic Life Support and First Aid Level 1/Conducting an Investigation into Workplace Incidents/First Aid as an Advanced First Responder Level 3 (Supreme HSEQ in association with NAD Training Centre). Bitou Municipality: Waste Management (2 months); Engineering (1 Month); EPWP Alien Clearing (10 months); Parks & Recreation – Machine Operator (1 Year)
Category of appointment	T4
Category of employee	Permanent employee
Comments	Emile Kramer's file does not contain a job description or a declaration of interest. In terms of the memorandum dated 26 July 2017 regarding employees seconded without due process of paperwork (See Annexure 17.9), Emile Kramer was seconded to "not sure which position".

Comments from HR Department	Venus Cunningham stated that Emil Kramer was unofficially transferred to the Office of the Executive Mayor. No documents were submitted or provided to the Human Resources Department reflecting this, despite requests for such. She confirmed that Emile Kramer's benefits did not change as a result of this transfer.
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Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	Yes	
Job description	No	
Application received from individual	Yes	
Curriculum vitae	Yes	
Certified copies of qualifications	No	Letter from Hankey Secondary School confirms Mr Kramer only passed Grade 10 and not Grade 11 as stated on his CV.
Interview outcome report	Yes	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	Yes	
Declaration of interest	No	
Personal Information form	Yes	

17.5.6

Fanelekile Zanemfuyo Langa

Human Resources File Overview

Name	Fanelekile Zanemfuyo Langa
Current Position	General Worker
Date of Appointment	1 November 2017
Official(s) who motivated the appointment	No information
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	N/A
Qualifications and Experience	No information
Category of appointment	T3 (Notch 1)
Category of employee	Permanent employee
Comments	Fanelekile Langa was permanently appointed as a General Worker on 1 November 2017. His file does not include any documents reflecting a recruitment and selection process and thus it cannot be determined if the job requirements were met. The file is missing substantial checklist documents reflected in point 7.2
Comments from HR Department	Venus Cunningham could not provide any information concerning Fanelekile Langa's appointment.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	

Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	No	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	No	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.7

Peter Lobese

Human Resources File Overview

Name	Peter Lobese
Current Position	Executive Mayor
Date of Appointment	1 October 2016
Official(s) who motivated the appointment	No information
Official(s) who approved the appointment	The Municipal Council of Bitou Municipality
Official(s) in charge of Human Resources file	No information

Latest promotion	No information
Qualifications and Experience	Certificate: Municipal Financial Management - LGSETA LGSETA Statement of Results – Achieved unit standard ID: 116351, 120305, 116342, 119353, 116340, 116345, 116346, 119348, 119350, 116361, 116364, 116363, 119352, 116343, 116357, 116341, 116339, 116344, 116347, 116348, 116353, 116358, 116362, 119343, 119334, 120300, 119331, 119341, 116360, 119351
Category of appointment	No information
Category of employee	Elected representative
Comments	This file does not contain any documents prior to Peter Lobese's election as Executive Mayor of Bitou Municipality. We understand that Peter Lobese had been an employee of Bitou Municipality for a number of years prior to his election as Executive Mayor. The only non-checklist documents present in his file as a result is: correspondence relating to the unresolved investigation concerning his possible previous employment with Makana Municipality; proof that his Certificate: Municipal Financial Management has been achieved; documents reflecting adjustments to the remuneration of municipal councillors at Bitou Municipality; documents reflecting his election as Executive Mayor.
Comments from HR Department	Venus Cunningham could not provide any comments relating his human resources file.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	No	
Letter of appointment (for current position)	No	Memorandum dated 13 August 2016 confirmed Peter Lobese

		was elected as a Member of the Municipal Council
Previous contracts (if applicable)	No	
Identity document copies	Yes	
Proof of banking details	No	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	Yes	
Letter of Oath	Yes	

17.5.8

Makhaya Mana

Human Resources File Overview

Name	Makhaya Mana
Current Position	Officer: Political Advisor
Date of Appointment	4 April 2017
Official(s) who motivated the appointment	James Sijama (Manager: Office of the Speaker); Thembela Mhlana (Manager: Office of the Deputy Executive Mayor); Daluxolo Ncame (Manager: Office of the Executive Mayor).
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	Henry van Rooyen (Assistant HR Officer)
Latest promotion	N/A
Qualifications and Experience	B.A Degree and Higher Diploma in Education (Majoring in political science and history); Currently doing Masters in Public Administration (started 2008).

	Teacher; Mayor (Adelaide T.L.C and Nxuba Municipality); Director of Nxuba Community Centre.
Category of appointment	T12 (notch 12)
Category of employee	Support staff to elected representative
Comments	<p>The file contains a letter drafted by Makhaya Mana addressed to the Municipal Manager dated 18 April 2017 requesting an increase in his task level, a change in his reporting line and a change of fringe benefits (See Annexure 17.10). This request was considered by Venus Cunningham as the Manager: Human Resources Manager. She made certain recommendations to the Municipal Manager regarding this request and what Managers receive (R1,000 cell phone allowance per month; R250 Data/3G card Allowance per month). Thabo Ndlovu thereafter approved an increase in Makhaya Mana's notch to a T12 (notch 12) from a T12 (notch 1), an increase in his fringe benefits above and beyond those suggested by Venus Cunningham receive (R1,500 cell phone allowance per month; R500 Data/3G card Allowance per month) and a standby allowance of R1,500 which Makhaya Mana had not requested in his letter (See Annexure 17.11).</p> <p>In terms of Makhaya Mana's letter above, he states that he started working for Bitou Municipality on 30 November 2016. This file however only contains a temporary contract for Officer: Political Advisor from 1 March 2017 to 31 March 2017, as well as a letter of permanent appointment dated 4 April 2017 for the position of Officer: Political Advisor (See Annexure 17.12 and 17.13).</p> <p>This file contains Makhaya Mana's application, his CV and an internal advertisement for the position of Officer: Political Advisor. In terms of the interview outcome report for the position (See Annexure 17.14), Makhaya Mana was the only applicant and the interviews were held on 4 April 2017. According to his letter of permanent appointment, Makhaya Mana commenced work on 4 April 2017. It is also clear that Makhaya Mana had been occupying the position of Officer: Political advisor for several months beforehand. This recruitment and selection process was never intended to be competitive as a result.</p>
Comments from HR Department	<p>Venus Cunningham stated that Makhaya Mana, among others, was wanted by the Executive Mayor in his current position and there was a verbal instruction that they were to be appointed.</p> <p>She confirms that the Municipal Manager (Thabo Ndlovu) overrode the Human Resources Department concerning the benefits provided to Makhaya Mana. She states that this was abnormal and was done based on political influence.</p>

Compliance with Checklist Documents

Item	Included in file	Comments
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Job advertisement	Yes	
Job description	Yes	
Application received from individual	Yes	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	The copies of his qualifications provided were certified in 2014.
Interview outcome report	Yes	
Letter of appointment (for current position)	Yes	There are two letters of appointment, as his benefits and notch were increased at a later stage.
Previous contracts (if applicable)	Yes	There is only a contract from 1 March to 31 March.
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	No	

17.5.9

Lungile Maseti

Human Resources File Overview

Name	Lungile Maseti
Current Position	Supervisor/Driver
Date of Appointment	1 March 2017
Official(s) who motivated the appointment	Tanya Wildeman (Senior Management: HR)

Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	Henry van Rooyen (Assistant HR Officer)
Latest promotion	N/A
Qualifications and Experience	No information
Category of appointment	T7 (Notch 1)
Category of employee	Permanent employee
Comments	<p>According to his file, Lungile Maseti was temporarily appointed for 3 months based on a memorandum dated 2 August 2016 drafted by Randal Bower (Manager: Waste Management), supported by Monde Stratu (Head: Community Services), Reginald Smit (Head: Corporate Services) and then approved by Allen Paulse (Municipal Manager) (See Annexure 17.15). This temporary appointment was then extended for a further 3 months from 01 November 2016 to 31 January 2017 based upon a memorandum dated 30 November 2016 drafted by Randal Bower (Manager: Waste Management), supported by Monde Stratu (Head: Community Services), Tanya Wildeman (Acting Head: Corporate Services) and then approved by Allen Paulse (Municipal Manager) (See Annexure 17.16). Extending his temporary contract beyond three months was seen as necessary as his role was critical and a moratorium on new appointments had been put in place.</p> <p>Lungile Maseti was then permanently appointed in terms of the memorandum dated 28 February 2017 regarding temporary appointments (See Annexure 17.2).</p> <p>This file only contains his letter of permanent appointment and does not include a copy of the memorandum dated 28 February 2017 regarding temporary appointments or his previous temporary employment contracts. As a result, his file does not include any documents reflecting a recruitment and selection process.</p>
Comments from HR Department	<p>Venus Cunningham confirmed that he was a temporary employee that was permanently placed.</p> <p>Venus Cunningham stated that there were a number of temporary employees in the Bitou Municipality who had been working as such for longer than three months in contravention of section 198 of the Labour Relations Act 66 of 1995.</p> <p>According to her, Thabo Ndlovu (Municipal Manager) drafted a memorandum in early 2017 that was submitted to the Human Resources Department. In terms of this memorandum all the temporary employees currently employed in contravention of section 198 of the Labour Relations Act would be permanently</p>

	placed/appointed. There would be no recruitment and selection process for these permanent appointments.
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Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	No	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	No	
Identity document copies	No	
Proof of banking details	Yes	
Pension fund application form	No	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.10

Palesa Patience Mashiloane

Human Resources File Overview

Name	Palesa Patience Mashiloane
Current Position	Assistant Internal Auditor
Date of Appointment	1 April 2017
Official(s) who motivated the appointment	Thembani Loliwe (Chief Audit Executive) Mbulelo Memani (Acting CFO) Venus Cunningham (Human Resources Manager)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	N/A
Qualifications and Experience	Matric; BCom (Economics and Risk Management) – North-West University Sales Assistant – Cape Union Mart (1.5 months); Call Centre Agent/ Credit Controller – Vodacom (7 Months); Risk Management Intern – Randfontein Local Municipality (1 Dec 2015 to when she began at Bitou)
Category of appointment	T9 (Notch 1)
Category of employee	Permanent employee
Comments	Palesa Mashiloane was permanently appointed as Assistant Internal Auditor on 1 April 2016. She was the second preferred candidate as per the interview outcome report, however, she was appointed as Assistant Internal Auditor as the first candidate was appointed in the Internal Audit position. The file does not contain the job advertisement or description thus it cannot be determined if she met the job requirements. The identity document of Bongani Mkhafa (CFO) was found unreferenced in the file.
Comments from HR Department	Venus Cunningham stated to us that Palesa Mashiloane did not have the requisite experience as per the job description. When she received the recommendation from the Thembani Loliwe to appoint Palesa Mashiloane, Venus Cunningham posed questions regarding her experience for the position as she had more risk

	experience as opposed to internal audit experience. Venus Cunningham was told that assistance was needed with risk related matters as only Patricia Solemans (Chief Risk Officer) was able to assist in these matters.
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Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	Her copies of her qualifications were not certified.
Interview outcome report	Yes	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.11 Bulelwa Patricia Mathole

Human Resources File Overview

Name	Bulelwa Patricia Mathole
Current Position	EPWP Data Capturer
Date of Appointment	1 March 2017
Official(s) who motivated the appointment	Tanya Wildeman (Senior Management: HR)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	No Information
Latest promotion	N/A
Qualifications and Experience	No information
Category of appointment	T6
Category of employee	Permanent employee
Comments	<p>Bulelwa Mathole was temporarily appointed as a EPWP Data Capturer for the period 11 October 2016 until 30 June 2017 after being recommended for the position following a recruitment and selection process for the position. It was stated in the interview report that the position of EPWP Data Capturer is "funded through the EPWP Grant Funding as per the 5% for administration use that is stipulated in the EPWP Grant Agreement"(See Annexure 17.17).</p> <p>She was then permanently appointed in terms of the memorandum dated 28 February 2017 regarding temporary appointments (See Annexure 17.2).</p> <p>This file only contains her letter of permanent appointment and does not include a copy of the memorandum dated 28 February 2017 regarding temporary appointments or her previous temporary employment contracts.</p>
Comments from HR Department	<p>Venus Cunningham confirmed that she was a temporary employee that was permanently placed.</p> <p>Venus Cunningham stated that there were a number of temporary employees in the Bitou Municipality who had been working as such</p>

	<p>for longer than three months in contravention of section 198 of the Labour Relations Act 66 of 1995.</p> <p>According to her, Thabo Ndlovu (Municipal Manager) drafted a memorandum in early 2017 that was submitted to the Human Resources Department. In terms of this memorandum all the temporary employees currently employed in contravention of section 198 of the Labour Relations Act would be permanently placed/appointed. There would be no recruitment and selection process for these permanent appointments.</p>
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Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	No	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	No	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	No	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.12

Shadrie Matola

Human Resources File Overview

Name	Shadrie Matola
Current Position	Security officer: Office of the Executive Mayor
Date of Appointment	1 November 2016
Official(s) who motivated the appointment	D Ncame (Manager: Office of the Executive Mayor)
Official(s) who approved the appointment	Monde Stratu (Acting Municipal Manager) David Friedman signed the appointment letter
Official(s) in charge of Human Resources file	No information (Checklist Blank)
Latest promotion	N/A
Qualifications and Experience	No information
Category of appointment	T5 (Notch 1)
Category of employee	Support Staff for an elected official
Comments	<p>The Municipal Manager (Allen Pause) was directed to appoint certain individuals as staff for elected officials in accordance with the Recruitment and Selection Policy in a memorandum dated 15 August 2016 signed by the Executive Mayor (Peter Lobese) (see Annexure 17.3). These individuals were then temporarily appointed from 16 August 2016 to 31 October 2016 (See Annexure 17.4). These individuals were then permanently appointed at a later stage through a recruitment and selection process. Shadrie Matola was one of these individuals.</p> <p>There is no advertisement, job description, CV or application form in his file. He does have an interview outcome report present in his file. Only the two individuals earmarked in the memorandum dated 15 August 2016 applied and were appointed. According to the Interview Outcome Report the position was advertised in "Whats New in Plett", on the Municipal Website and the Municipal Notice Boards. This is highly unlikely, as only two individuals applied for the position.</p> <p>In terms of the memorandum dated 26 July 2017 regarding employees seconded without due process of paperwork (See</p>

	Annexure 17.9), Shadrie Matola was seconded to the position of Learner Law Enforcement Officer.
Comments from HR Department	Venus Cunningham stated that this individual had been chosen by the Office of the Executive Mayor for the position they were permanently appointed to. According to Venus Cunningham, the Human Resources Department was instructed by Head; Corporate Services (Reginald Smit) that the position was to be advertised internally only and for a period of 7 days. The normal process would be to advertise internally and externally for between 14 and 21 days.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	Yes	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	No	
Identity document copies	No	
Proof of banking details	No	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	No	Empty form in file

17.5.13

Yedwa Mayila

Human Resources File Overview

Name	Yedwa Mayila
Current Position	Was the Multi Media & Website Administrator
Date of Appointment	6 September 2017
Official(s) who motivated the appointment	Vuyokazi Mbelani (Head: Corporate Services)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	N/A
Qualifications and Experience	No information
Category of appointment	T10 (Notch 1)
Category of employee	Temporary employee
Comments	<p>Yedwa Mayila was temporarily appointed as Multi Media & Website Administrator (T10) in the Communication and Customer Care section from 6 September 2017 until 30 November 2017 (See Annexure 17.18). Prior to this he had been temporarily appointed as an Administration Officer (T9) in the Office of the Executive Mayor from 5 June 2017 until 5 September 2017 (See Annexure 17.19).</p> <p>In email correspondence between Venus Cunningham, Tanya Wildeman and Vuyokazi Mbelani dated between 16 and 18 August 2017 (See Annexure 17.6), Vuyokazi Mbelani relays instructions given to her by Troika (the Executive Mayor; Deputy Mayor and the Speaker) to Tanya Wildeman to employ Yedwa Mayila on a temporary basis as an Assistant LED Officer from 1 September 2017 onwards. Venus Cunningham informs Tanya Wildeman and Vuyokazi Mbelani that there are no vacancies for an Assistant LED Officer.</p> <p>Thabo Ndlovu thereafter approved a request for the temporary appointment of a Multi Media & Website Administrator at a T10 level in a memorandum dated 21 August 2017 (See Annexure 17.31).</p>

	The file does not contain a CV, application, advertisement or job description, and as a result we could not determine whether Yedwa Mayila was in fact qualified for the positions he has occupied. It is also clear from the contents of the file that no recruitment and selection process was followed when temporarily appointing Yedwa Mayila.
Comments from HR Department	Venus Cunningham stated to us that Yedwa Mayila is currently still temporarily employed. She does not believe that he had the requisite qualifications or experience for the position of Multi Media & Website Administrator. She stated that Yedwa Mayila is a prominent AUF member (the political party led by the Executive Mayor) and has a relationship with Peter Lobese, the Executive Mayor.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	No	
Letter of appointment (for current position)	No	There are two contracts of employment (Fixed term employees) in his file for the relevant temporary positions he occupied.
Previous contracts (if applicable)	Yes	
Identity document copies	No	
Proof of banking details	No	
Pension fund application form	No	
Medical aid membership	No	
EEA 1 form	Yes	
Code of conduct	No	
Declaration of interest	Yes	

Personal Information form	Yes	
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17.5.14 Vuyokazi Jean-Fortune Mbelani

Human Resources File Overview

Name	Vuyokazi Jean-Fortune Mbelani
Current Position	Head: Corporate Services
Date of Appointment	1 May 2017
Official(s) who motivated the appointment	Thabo Ndlovu (Municipal Manager) Tanya Wildeman (Acting Head: Corporate Services)
Official(s) who approved the appointment	The Municipal Council formally appointed Vuyokazi Mbelani at a Special Council Meeting. There was no fixed term contract present in her file.
Official(s) in charge of Human Resources file	Christolene Rass (HR Officer)
Latest promotion	N/A
Qualifications and Experience	<p>Matric, Degree of Bachelor of Social Science – University of Cape Town (1990), Advanced practical course of study in Local Government Management – University of Birmingham (1991), Corporate Governance – Astrotech (2009), Amathole Financial Management – University of Stellenbosch Business School (2009), Certificate programme in Management Development for Municipal Finance – Wits Business School (2017). No certificates attached for Course in Monitoring and Evaluation in Regent College in London (1995), Course in Salary Structuring by Mouton & Associates (2007), Training course in Facilitation and Communication Skills in Local Economic Development by DBSA Vulindlela Academy in partnership with GTZ Invent (2006)</p> <p>Researcher and trainee project management – VARA Transkei (1993), Researcher – Transkei Land Service Organisation (1993), Training officer – Transkei Government, Department of Public Service Commission (1994), Officer in the MEC's personal staff team – Officer of the MEC for Administration and Land in the new Provincial Government (1994), Deputy Director – Department of Land Affairs (1995 – 2000), Director – Vuyo Mbelani Consulting (2000), Managing Director – Kantu-Southern Trails Consulting Firm (2001), Manager – PondoCrop NGO (2002), Manager Development Planning, Section 56 Manager – Mbizana Local Municipality (2004), Director Corporate Services, Section 56 Manager – Ugu District Municipality (2007 – 2008), Strategic Manager - Amathole District Municipality (2008), MD – TotuTobs</p>

	<p>Consultancy and Trading (2010 – 2011), Assistant Director Monitoring and Evaluation – Eastern Cape Department of Local Government & Traditional Affairs (2011), Seconded as Acting Municipal Manager – Amahlathi Municipality (2001 – 2012), Training and Introduction of the Traditional Leaders participating in the Municipal Council in Local Government legislation and functioning of municipalities – SALGA (2012), Director, Specialist operation clean audit as municipal oversight specialist – Eastern Cape Department of Local Government & Traditional Affairs (2012 – 2013), Seconded by the MEC for local government and traditional affairs as acting Municipal Manager – Ngqushwa Municipality (2013), Municipal Manager – Ngqushwa Municipality (2013 -2014), Municipal Manager & IEC Municipal Electoral Officer - Ngqushwa Municipality (2013 – 2014), CEO – Prospero Consultancy (2015 – 2016), Councillor Induction – SALGA (2016), Senior Consultant – Hluma Creations (2017)</p>
Category of appointment	Manager directly accountable to the Municipal Manager - Set remuneration level (R878,063.00)
Category of employee	5 year fixed term contract
Comments	<p>We note that a Forensic Consumer Report requested by Tanya Wildeman (See Annexure 17.20), indicates that Vuyokazi Mbelani is a director of six different entities. Her declaration of business interest form in her file only identifies one of these entities, namely Prospero Consulting (Pty) Ltd.</p> <p>We note that Vuyokazi Mbelani's fixed term contract between herself and the Bitou Municipality is not present in her file, nor is the performance agreement required by section 57(1)(b) of the Municipal Systems Act, 32 of 2000. The remaining documents reflecting the recruitment and selection process are present in the file, except the written report/letter to the Office of the MEC for Local Government, Environmental Affairs and Developmental Planning for the Western Cape which must be sent within 14 days of the Municipal Councils decision to appoint him.</p>
Comments from HR Department	<p>Venus Cunningham informed us that job descriptions aren't given to certain senior managers (section 56 employees and Municipal Managers). Instead, the Bitou Municipality will refer to the Regulations on Appointment and Conditions of Employment of Senior Managers of the Municipal Systems Act, 32 of 2000. These senior managers will also have a performance agreement with the Municipal Council which reflects what is expected of them.</p> <p>Venus Cunningham stated that she was involved in her recruitment and selection process but had no additional comments in this regard aside from those previously canvassed regarding her role in checking Vuyokazi Mbelani's references.</p>

Compliance with Checklist Documents

Item	Included in file	Comments
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Job advertisement	Yes	
Job description	No	Section 56 employees do not have job descriptions according to Venus Cunningham. She stated that the performance agreement concluded between the Municipal Manager and Vincent Mkhafa would reflect the relevant information.
Application received from individual	Yes	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	No copies were received for the following qualifications mentioned in CV: Course in Monitoring and Evaluation in Regent College in London (1995), Course in Salary Structuring by Mouton & Associates (2007), Training course in Facilitation and Communication Skills in Local Economic Development by DBSA Vulindlela Academy in partnership with GTZ Invent (2006)
Interview outcome report	Yes	A Senior Manager Assessment report was performed by Gijima (on behalf of the Department of Cooperative Governance) 6 April 2017 and included in the file.
Letter of appointment (for current position)	No	
Previous contracts (if applicable)	No	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	No	
Medical aid membership	No	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	Her declaration of interest only discloses one of the six entities a SearchWorks report requested by

		Tanya Wildeman in her file has identified.
Personal Information form	Yes	

17.5.15

Vincent Mkhefa

Human Resources File Overview

Name	Vincent Mkhefa
Current Position	Chief Financial Officer
Date of Appointment	1 May 2017
Official(s) who motivated the appointment	Thabo Ndlovu (Municipal Manager) Tanya Wildeman (Acting Head: Corporate Services)
Official(s) who approved the appointment	The Municipal Council formally appointed Vincent Mkhefa at a Special Council Meeting. Thabo Ndlovu (Municipal Manager) signed the fixed term contract on behalf of Bitou Municipality.
Official(s) in charge of Human Resources file	Venus Cunningham (Manager: HR Administration)
Latest promotion	N/A
Qualifications and Experience	B Comm (Accounting Science) – Unisa; National Diploma (Cost and Management Accounting) – Vaal University of Technology; National Certificate (Municipal Financial Management) – LGSETA, Certificate (Project Management Course) – Regenesys School of Public Management, Certificate (Internal Control & Risk Management) – The Public Finance Management Academy, Certificate (Labour Law) – University of the Free State, Currently studying Masters of Business and Administration – Potchefstroom Business School CFO – Westonaria Local Municipality (2013 to date); CFO – Nketoane Local Municipality (2008 – 2013); CFO – Mafube Local Municipality; Assistant Manager: Finance – Sedibeng District Municipality (2003 – 2007); Trainee Accountant – KPMG (1998 – 2002).
Category of appointment	Manager directly accountable to the Municipal Manager - Set remuneration level (R987,820.00)
Category of employee	Fixed Term Contract employee

Comments	<p>Vincent Mkhafa does not have the required Postgraduate qualification in Accounting and/or Finance at a NQF Level 7 (See Annexure 17.21). He does however have a B Comm (Accounting Science) from Unisa and was currently studying Currently studying a Master of Business and Administration with Potchefstroom Business School.</p> <p>We note that the performance agreement required by section 57(1)(b) of the Municipal Systems Act, 32 of 2000, was not present in his file. The remaining documents reflecting the recruitment and selection process are present in the file, except the written report/letter to the Office of the MEC for Local Government, Environmental Affairs and Developmental Planning for the Western Cape which must be sent within 14 days of the Municipal Councils decision to appoint him.</p>
Comments from HR Department	<p>Venus Cunningham informed us that job descriptions aren't given to certain senior managers (section 56 employees and Municipal Managers). Instead, the Bitou Municipality will refer to the Regulations on Appointment and Conditions of Employment of Senior Managers of the Municipal Systems Act, 32 of 2000. These senior managers will also have a performance agreement with the Municipal Council which reflects what is expected of them.</p> <p>Venus Cunningham stated that she was involved in his recruitment and selection process but had no additional comments in this regard.</p>

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	Yes	
Job description	No	Section 56 employees do not have job descriptions according to Venus Cunningham. She stated that the performance agreement concluded between the Municipal Manager and Vincent Mkhafa would reflect the relevant information.
Application received from individual	Yes	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	
Interview outcome report	Yes	A Senior Manager Assessment report was performed by Gijima (on behalf of the Department of Cooperative Governance) on 9

		March 2017 and included in the file.
Letter of appointment (for current position)	Yes	His fixed term contract is in the file.
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	No	
Pension fund application form	No	
Medical aid membership	No	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.16

Mbulelo Walter Mlauli

Human Resources File Overview

Name	Mbulelo Walter Mlauli
Current Position	General Worker: Simunye Centre and Sport Field
Date of Appointment	1 March 2017
Official(s) who motivated the appointment	Tanya Wildeman (Senior Management: HR)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	Henry van Rooyen (Assistant HR Officer)
Latest promotion	N/A
Qualifications and Experience	Grade 10 General Worker – Bitou Municipality (2015 -2016); Barman – Blue Bay Café (1996 – 2002); Maintenance and gardening – Kurland Hotel (2008 -2012)

Category of appointment	T3 (Notch 1)
Category of employee	Permanent employee
Comments	<p>Mbulelo Mlauli was temporarily appointed as a General Worker in 1 October 2016. He was then permanently appointed in terms of the memorandum dated 28 February 2017 regarding temporary appointments (See Annexure 17.2).</p> <p>This file only contains his letter of permanent appointment and does not include a copy of the memorandum dated 28 February 2017 regarding temporary appointments or his previous temporary employment contracts. As a result, his file does not include any documents reflecting a recruitment and selection process aside from his CV.</p>
Comments from HR Department	<p>Venus Cunningham confirmed that he was a temporary employee that was permanently placed.</p> <p>Venus Cunningham stated that there were a number of temporary employees in the Bitou Municipality who had been working as such for longer than three months in contravention of section 198 of the Labour Relations Act 66 of 1995.</p> <p>According to her, Thabo Ndlovu (Municipal Manager) drafted a memorandum in early 2017 that was submitted to the Human Resources Department. In terms of this memorandum all the temporary employees currently employed in contravention of section 198 of the Labour Relations Act would be permanently placed/appointed. There would be no recruitment and selection process for these permanent appointments.</p>

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	No	
Curriculum vitae	Yes	
Certified copies of qualifications	No	He has no qualifications as per his CV.
Interview outcome report	No	
Letter of appointment (for current position)	Yes	

Previous contracts (if applicable)	No	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	No	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	No	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.17

Bandile Mlindawzwe

Human Resources File Overview

Name	Bandile Mlindawzwe
Current Position	Senior Administrative Officer
Date of Appointment	1 November 2016
Official(s) who motivated the appointment	D Ncame (Manager: Office of the Political Office Bearers)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	Henry van Rooyen (Assistant HR Officer)
Latest promotion	Seconded from Senior Administration Officer position (Close Protection duty) in the Office of Political Office Bearers
Qualifications and Experience	No information
Category of appointment	T12 (Notch 12)
Category of employee	Support staff for an elected official

Comments	<p>The Municipal Manager (Allen Pause) was directed to appoint certain individuals as staff for elected officials in accordance with the Recruitment and Selection Policy in a memorandum dated 15 August 2016 signed by the Executive Mayor (Peter Lobese) (see Annexure 17.3). These individuals were then temporarily appointed from 16 August 2016 to 31 October 2016 (See Annexure 17.4). Bandile Mlindawzwe was one of these individuals.</p> <p>Bandile Mlindawzwe was appointed on a fixed term basis as Senior Administrative Officer on 1 November 2016. The file contains an unsigned appointment letter as Senior Inspector: Law Enforcement. His file does not include any documents reflecting a recruitment and selection process and thus it cannot be determined if the job requirements were met. The file is missing substantial checklist documents reflected in point 17.2.</p> <p>It seems that Bandile Mlindawzwe absconded from his position for several months and he has been subsequently removed from his position.</p>
Comments from HR Department	<p>Venus Cunningham stated that this individual had been chosen by the Office of the Executive Mayor for the position they were permanently appointed to. Venus Cunningham says that he was given the job title of Senior Inspector in the Law Enforcement Department, but this was to utilise the vacancy and the funding for this position. In actuality, he was working in the office of the Executive Mayor. Bandile Mlindawzwe didn't want to sign his appointment letter as he was not happy with the salary/benefits. The Municipal Manager said that he would either take the salary/benefits offered or they would not appoint him to the position. Venus Cunningham stated that she received complaints that Bandile Mlindawzwe was actually in Kimberley and still being paid. Venus Cunningham stated that she approached Daluxolo Ncame and stated that she would suspend BM's salary unless he returned to work. The Bitou Municipality attempted to deduct money owed by him from his pension fund as he owed the Bitou Municipality upwards of R40 000.00 but they were unsuccessful.</p>

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	No	

Letter of appointment (for current position)	No	
Previous contracts (if applicable)	Yes	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	No	

17.5.18

Dumisani Andreyana Mnweba

Human Resources File Overview

Name	Dumisani Andreyana Mnweba
Current Position	Senior Administrative Officer
Date of Appointment	1 May 2017
Official(s) who motivated the appointment	Daluxolo Ncame (Manager: Office of the Executive Mayor)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	N/A
Qualifications and Experience	Matric, Secondary Teachers' Diploma - Department of Education and Training, Certificate in Project Management - ITO Focus International, BA Degree - University of Port Elizabeth, Certificate of competence in Events Support - South Cape College, Certificate of competence in Project Management - South Cape College, Certificate of attendance in Re-engineering of the Public Sector - University of Port Elizabeth, Certificate in Disciplinary Hearings - Training Board for Local Government Bodies, Certificate of participation in Financial Administration and Management

	<p>Workshop - South African Democratic Teachers' Union, Certificate of attendance in School Management Team Training - Cape Teaching & Leadership Institute, Certificate of attendance in Deputy Principals and Heads of Department - Department of Education</p> <p>Town Clerk – Noupoort Municipality (1996 -1999); Centre Manager – Department of Education Karoo District (6 months); Teacher – Murray High School (2004 – 2012); Managing Director of MTCR (2013 -2015), Spokesperson/Head of Research and Policy Mayor's Office – Bitou Municipality (2016).</p>
Category of appointment	T12 (Notch 1)
Category of employee	Support staff for an elected official
Comments	<p>Dumisani Mnweba was appointed permanently as Senior Administrative Officer on 1 May 2017. According to the Interview Outcome Report the position of Senior Administrative Officer was only advertised internally and Dumisani Mnweba was the only applicant.</p> <p>The copies of the Matric Certificate, Secondary Teachers' Diploma, and the BA Degree on file, reflects the recipient as Dumisani Andrew Mnweba and not Dumisani Andrey Mnweba as per his identity document (See Annexure 17.22)</p> <p>Dumisani Mnweba states in his CV that he registered in 1999 for Level 2 MBA with the University of Buckinghamshire in Durban. There were no documentation in this regard on file and the University of Buckinghamshire in Durban could not be verified.</p>
Comments from HR Department	Venus Cunningham states that Dumisani Mnweba's relationship with the Executive Major deteriorated at some point and he was seconded out of the Executive Mayor's office. She states that there is currently a process underway to place him in the Local Economic Development Section as his previous experience at past Municipalities was with Local Economic Development.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	Yes	
Job description	Yes	
Application received from individual	No	He made use of a cover letter, instead of the relevant application form.
Curriculum vitae	Yes	

Certified copies of qualifications	Yes	
Interview outcome report	Yes	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	Yes	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	No	

17.5.19

Sthembiso Mqongwana

Human Resources File Overview

Name	Sthembiso Mqongwana
Current Position	Bodyguard/Driver in the Office of the Executive Mayor
Date of Appointment	No information
Official(s) who motivated the appointment	Peter Lobese (Executive Mayor) requested his secondment
Official(s) who approved the appointment	Allen Paulse (Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	Seconded to the position of Bodyguard/Driver from the position of Senior Inspector in the Law Enforcement Section
Qualifications and Experience	Certificate - Law Enforcement Officer (signed by the Plettenberg Bay Station Commander Donovan Prins); Certificate of

	<p>Competence – Traffic Warden Training Programme (Molao Academy); Certificate of Competence – Aviation Security Awareness Training (Professional Aviation Training); Certificate of Proficiency – Demonstrates Knowledge of the Firearms Control Act (Dynamic Alternatives); Certificate of Attendance – Close Protection Unit Standard 11510 (Dynamic Alternatives); Certificate of Proficiency – Business Use of a Handgun (Dynamic Alternatives); Certificate – First Aid Level 01 Course (Critical Care Academy); Certificate – Basic Fire Fighting (Critical Care Academy)</p> <p>No experience disclosed (No CV)</p>
Category of appointment	No information
Category of employee	No information
Comments	<p>The file indicates that Sthembiso Mqongwana was originally appointed as a VIP/Protection Unit Officer in the Office of the Executive Mayor on a five-year contract on 1 March 2008 (See Annexure 17.23). He was then appointed permanently with the same job title on 1 July 2009 (Annexure 17.24). At an unknown point in time, Sthembiso Mqongwana changed job titles to that of a Senior Inspector in the Law enforcement Section. We know this based on an internal Memorandum dated 25 November 2015 regarding a desertion of duties (Annexure 17.25). Sthembiso Mqongwana was thereafter seconded to the position of Bodyguard/Driver in terms of the memorandum dated 15 August regarding the appointment of staff for the political office-bearers (See Annexure 17.3).</p> <p>There are no documents in his file reflecting his permanent appointment as Senior Inspector. There are no documents reflecting the original recruitment and selection process followed when he was appointed as a VIP/Protection Unit Officer in the Office of the Executive Mayor in 2008 and 2009.</p>
Comments by the HR Department	Venus Cunningham states that he was originally appointed as VIP/Protection Unit by a previous Executive Mayor. She states that he was then permanently appointed as a Senior Inspector in the Law Enforcement Section. According to her, he was subsequently seconded to the Office of the Executive Mayor as a Bodyguard/Driver and his secondment is linked to the term of the Executive Mayor.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	

Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	Yes	
Interview outcome report	No	
Letter of appointment (for current position)	No	There is no letter of appointment for the position of Senior Inspector.
Previous contracts (if applicable)	Yes	There are letters of appointment for his previous position of VIP/Protection Unit Officer in the Office of the Executive Mayor
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	Yes	

17.5.20

Daluxolo Joseph Ncame

Human Resources File Overview

Name	Daluxolo Joseph Ncame
Current Position	Manager: Office of the Executive Mayor
Date of Appointment	1 Nov 2016
Official(s) who motivated the appointment	Martin Davidson (Acting Senior Manager: HR) Elaine Sipingo (Assistant HR Officer)
Official(s) who approved the appointment	Monde Stratu (Acting Municipal Manager)

Official(s) in charge of Human Resources file	Henry van Rooyen (Assistant HR Officer)
Latest promotion	N/A
Qualifications and Experience	Matric; Motor Trade Theory (Iqhayiya Technical College)
Category of appointment	T14 (Notch 1)
Category of employee	Support staff for an elected official
Comments	<p>The Municipal Manager (Allen Pause) was directed to appoint certain individuals as staff for elected officials in accordance with the Recruitment and Selection Policy in a memorandum dated 15 August 2016 signed by the Executive Mayor (Peter Lobese) (see Annexure 17.3). These individuals were then temporarily appointed from 16 August 2016 to 31 October 2016 (See Annexure 17.4). These individuals were then permanently appointed at a later stage through a recruitment and selection process. Daluxolo Ncame was one of these individuals.</p> <p>According to the Interview Outcome Report the position of Manager: Office of the Executive Mayor was advertised in "Whats New in Plett", on the Municipal Website and the Municipal Notice Boards. This is highly unlikely, as he was the only individual that applied for the position.</p> <p>Based upon the qualifications provided by Daluxolo Ncame, he meets neither the requirements stipulated in the advertisement for the position (appropriate tertiary qualification of NQF 6 level) nor the job description (Degree or National Diploma in Public Management).</p>
Comments from HR Department	Venus Cunningham stated that this individual had been chosen by the Office of the Executive Mayor for the position they were permanently appointed to. According to Venus Cunningham, the Human Resources Department was instructed by Head; Corporate Services (Reginald Smit) that the position was to be advertised internally only and for a period of 7 days. The normal process would be to advertise internally and externally for between 14 and 21 days.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	Yes	
Job description	Yes	

Application received from individual	Yes	
Curriculum vitae	No	
Certified copies of qualifications	No	No proof of his qualifications have been provided.
Interview outcome report	Yes	
Letter of appointment (for current position)	No	
Previous contracts (if applicable)	Yes	
Identity document copies	No	
Proof of banking details	No	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	Empty form in file.
Personal Information form	No	Empty form in file.

17.5.21

Thabo Collin Ndlovu

Human Resources File Overview

Name	Thabo Collin Ndlovu
Current Position	Municipal Manager
Date of Appointment	6 February 2017
Official(s) who motivated the appointment	Tanya Wildeman (Acting Head: Corporate Services)
Official(s) who approved the appointment	The Municipal Council formally appointed Thabo Ndlovu at a Special Council Meeting. This appointment was then inspected and approved by the MEC for Local Government, Environmental Affairs and Developmental Planning of the Western Cape. Peter Lobese (Executive Mayor) signed the fixed term contract on behalf of Bitou Municipality

Official(s) in charge of Human Resources file	Henry van Rooyen (Assistant HR Officer)
Latest promotion	N/A
Qualifications and Experience	<p>GCE O' Levels (Matric); Masters Degree in Development and Management – North West University; Management Development program – Wits Business School; Management Development for Municipal Finance certificate – Wits Business School; Bachelor of Technology Degree in Analytical Chemistry – Nelson Mandela Metropolitan University; National Diploma in Analytical Chemistry - Nelson Mandela Metropolitan University.</p> <p>Experience (only from middle management to executive management level in the public sector):</p> <p>Acting Municipal Manager – Rand West City Local Municipality, Municipal Manager – Westonia Local Municipality, Acting Municipal Manager – Westonia Local Municipality, Chairperson: Interim Board of Directors – West Rand Development Agency, Chief Operating Officer – Mogale City Local Municipality, Chief Director – Gauteng Department of Agriculture, Conservation & Environment, Manager: Safety, Health, Environment, and Quality (SHEQ) – Transnet National Ports Authority, Deputy Director – Gauteng Department of Agriculture, Conservation and Environment, Assistant Director Department of Economic Affairs, Environment and Tourism – Eastern Cape Provincial Government.</p>
Category of appointment	Accounting Officer – Municipal Manager (R1 450 156,00)
Category of employee	Fixed Term Contract employee
Comments	All documents reflecting the recruitment and selection process are present and the Office of the MEC for Local Government, Environmental Affairs and Developmental Planning for the Western Cape was satisfied with the appointment of Thabo Ndlovu as Municipal Manager.
Comments from HR Department	Venus Cunningham informed us that job descriptions aren't given to certain senior managers (section 56 employees and Municipal Managers). Instead, the Bitou Municipality will refer to the Regulations on Appointment and Conditions of Employment of Senior Managers of the Municipal Systems Act, 32 of 2000. These senior managers will also have a performance agreement with the Municipal Council which reflects what is expected of them.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	Yes	

Job description	No	Section 56 employees do not have job descriptions according to Venus Cunningham. She stated that the performance agreement concluded between the Executive Mayor and Thabo Ndlovu would reflect the relevant information.
Application received from individual	Yes	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	
Interview outcome report	Yes	A Senior Manager Assessment report was performed by Gijima (on behalf of the Department of Cooperative Governance) on 7 November 2016 and included in the file.
Letter of appointment (for current position)	Yes	His fixed term contract is in the file.
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	No	
Pension fund application form	No	
Medical aid membership	No	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	Yes	
Personal Information form	No	

17.5.22

Zingisile Nene

Human Resources File Overview

Name	Zingisile Nene
Current Position	Driver: Executive Mayor
Date of Appointment	1 November 2016
Official(s) who motivated the appointment	Elaine Sipingo (Assistant HR Officer) Daluxolo Ncame (Manager: Office of the Executive Mayor)
Official(s) who approved the appointment	The letter of appointment in the file is missing pages, including the signature of approval by the Municipal Manager. The Acting Municipal Manager (DJ Friedman) did not sign or indicate approval on the interview outcome report either. There is thus no recorded approval by the Municipal Manager of Zingisile Nene's appointment in his file.
Official(s) in charge of Human Resources file	Henry van Rooyen (Assistant HR Officer)
Latest promotion	N/A
Qualifications and Experience	No Information
Category of appointment	T6 (Notch 1)
Category of employee	Support staff for an elected official
Comments	<p>The Municipal Manager (Allen Pause) was directed to appoint certain individuals as staff for elected officials in accordance with the Recruitment and Selection Policy in a memorandum dated 15 August 2016 signed by the Executive Mayor (Peter Lobese) (see Annexure 17.3). These individuals were then temporarily appointed from 16 August 2016 to 31 October 2016 (See Annexure 17.4). These individuals were then permanently appointed at a later stage through a recruitment and selection process. Zingisile Nene was one of these individuals.</p> <p>According to the Interview Outcome Report the position of Driver: Office of the Executive Mayor was advertised in "Whats New in Plett", on the Municipal Website and the Municipal Notice Boards. This is highly unlikely, as he was the only individual that applied for the position. The dates indicated in the interview outcome report do not correspond with the dates in the internal advertisement in Zingisile Nene's file, in terms of closing date.</p> <p>There is no application, CV or attached qualifications for Zingisile Nene in his file. We therefore cannot determine whether he has the</p>

	<p>required qualifications for the position (Certified Advanced Driving Course required in terms of the Job Description).</p> <p>In terms of the memorandum dated 26 July 2017 regarding employees seconded without due process of paperwork (See Annexure 17.9), Zingisile Nene was seconded as a Learner Law Enforcement Officer.</p>
Comments from HR Department	Venus Cunningham stated that he was now working in the Law Enforcement, but he is not occupying any open position.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	Yes	
Job description	Yes	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	Yes	
Letter of appointment (for current position)	No	His letter of appointment is missing pages and there is no signature of approval by the Municipal Manager as a result.
Previous contracts (if applicable)	Yes	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	Yes	
Declaration of interest	No	
Personal Information form	No	

17.5.23

Oxley Ngqele

Human Resources File Overview

Name	Oxley Ngqele
Current Position	Labour Relations Officer
Date of Appointment	2 October 2017
Official(s) who motivated the appointment	Venus Cunningham (Manager: HR Administration) Tanya Wildeman (Senior Manager: Human Resources) Vuyokazi Mbelani (Head: Corporate Services)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	No Information
Latest promotion	N/A
Qualifications and Experience	Grade 12; LLB – University of Transkei; B juris – University of Transkei, Short Course in Wamkelekile Induction: New SMS – National School of Government, Certificate of Competence in Municipal Finance and Supply Chain Management Part 1 and 2 – University of Witwatersrand Municipal Manager – Great Kei Municipality (2001 – 2006); Assistant Director – Eastern Cape Legislature/Committees (1995 – 2001)
Category of appointment	T11
Category of employee	Temporary employee
Comments	Oxley Ngqele was temporarily appointed as a Labour Relations Officer from 2 October 2017 to 31 December 2017. The motivation for the temporary appointment of a Labour Relations Officer was set out in a memorandum dated 14 September 2017 (See Annexure 17.26). We note that the certified qualifications he attaches to his CV were certified on the same day the memorandum motivating for the appointment of a Labour Relations Officer was motivated for, namely 14 September 2017 (see Annexure 17.27). It is likely that Oxley Ngqele was approached directly.
Comments from HR Department	Venus Cunningham stated that he was brought in to investigate officials in the Bitou Municipality. She stated that they needed

	someone outside of the Bitou Municipality to conduct these investigations.
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Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	No	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	
Interview outcome report	No	
Letter of appointment (for current position)	Yes	He was appointed on a temporary contract.
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	N/A	
Medical aid membership	N/A	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.24

Silungile Njima

Human Resources File Overview

Name	Silungile Njima
Current Position	Electrical Assistant
Date of Appointment	1 May 2017
Official(s) who motivated the appointment	Tanya Wildeman (Senior Management: HR)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	Christolene Rass (HR Officer)
Latest promotion	Was previously a General Worker – Site Clearing and Materials T3 (Notch 1)
Qualifications and Experience	Grade 11; CBI Electrical – CBI Product Technology/Applications Module 5, and CBI Product Technology Module 6 Outward Bound – Teambuilding, MS Excel 2010 Basic, MS Word 2010 Basic, MS PowerPoint Basic, and Keyboard Skills – Eagle Computer Training, Youth Future Data – Life Skills Programme (on CV only) States in his CV that he has been an electrical assistant since 2009
Category of appointment	T5 (Notch 1)
Category of employee	Permanent employee
Comments	<p>Silungile Njima was permanently placed as an Electrical Assistant on 1 May 2017 following a decision by Thabo Ndlovu (Municipal Manager) and Tanya Wildeman (Senior Manager: Human Resources) to permanently appoint/place all employees acting in positions longer than 9 months into those positions, based on Section 8.8 of The Collective Agreement on the Conditions of Services of SALGBC. This was approved by Thabo Ndlovu on 18 April 2017 in a memorandum dated 29 March 2017 (See Annexure 17.28).</p> <p>Section 8.8 of The Collective Agreement on the Conditions of Services of SALGBC states that if the acting period exceeds nine consecutive months, the post must be advertised and filled on a competitive basis. The memorandum dated 29 March 2017 states the above but ignores the requirement to advertise the posts and</p>

	<p>fill them competitively, opting to instead place the employees in their respective decision with no recruitment and selection process.</p> <p>There is no letter of permanent appointment for the position of Electrical in the file, only letters of permanent appointment for his previously held positions.</p>
Comments from HR Department	Venus Cunningham stated that Silungile Njima was permanently placed into a different position. She stated that he had been re-contracted multiple times as he was seen as an eager worker. She does not believe there was any ulterior motive for permanently placing him.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	No	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	His copies of his qualifications are not all certified
Interview outcome report	No	
Letter of appointment (for current position)	No	There are only letters of appointment for his previously held positions.
Previous contracts (if applicable)	Yes	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	There are only declarations of interest for previously held positions.
Personal Information form	Yes	

17.5.25

Lindinceba Mealtor Nkentsha

Human Resources File Overview

Name	Lindinceba Mealtor Nkentsha
Current Position	Principle Clerk: Occupational Health and Safety (seconded from the position of General Worker)
Date of Appointment	1 November 2016
Official(s) who motivated the appointment	Reginald Smit (Acting Municipal Manager)
Official(s) who approved the appointment	David Friedman (Acting Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	Secondment from the position of General Worker
Qualifications and Experience	Certificate of Competence: Provide First Aid as an Advanced First Responder (Level 3) and Perform Basic Life Support and First Aid Procedures (Level 1) – Supreme HSEQ in association with NAD Training Centre.
Category of appointment	Principle Clerk: Occupational Health and Safety - T7 (notch 1) General Worker: Water and Waste Water Reticulation – T4
Category of employee	Permanent employee
Comments	<p>Lindinceba Nkentsha was permanently appointed as a General Worker in the Water and Waste Water Reticulation section of the Bitou Municipality on 1 November 2005 (See Annexure 17.29).</p> <p>Lindinceba Nkentsha was seconded to the position of Principle Clerk: Occupational Health and Safety from his position of General Worker until the position of Senior Manager: Human Resources was filled (See Annexure 17.30). Based on a memorandum dated 15 September 2016 from Reginald Smit (Head: Corporate Services) to Pumla Ngqumshe (Head: Engineering Services), the decision to second Lindinceba Nkentsha to the Human Resources Department was made by Troika (Executive Mayor; Deputy Mayor and the Speaker).</p> <p>In email correspondence between Venus Cunningham, Tanya Wildeman and Vuyokazi Mbelani dated between 16 and 18 August 2017 (See Annexure 17.6), Vuyokazi Mbelani relays instructions given to her to Tanya Wildeman to employ "Nkentsha" on a</p>

	<p>temporary basis to Occupational Health and Safety to replace Wendoll Martins (who was seconded to the Airport). Who the instructions issued to Vuyokazi originated from is unclear, but it is understood based on the content of other emails in the email train that Troika (the Executive Mayor; Deputy Mayor and the Speaker) issued these instructions. Venus Cunningham states in the email train that "Nketsha" should have returned to his post of General Worker when Tanya Wildeman was reinstated. He did not do so and was still receiving the salary of a Principle Clerk: Occupational Health and Safety.</p> <p>Thabo Ndlovu thereafter approved a request for the temporary appointment of a Senior HR Officer: OHS (Secondment) at a T12 Level in a memorandum dated 21 August 2017 (See Annexure 17.31). There is no indication of this secondment in Lindinceba Nkentsha's file, but it is understood that he currently occupies the position of Senior HR Officer: OHS.</p>
Comments from HR Department	<p>According to Venus Cunningham, Lindinceba Nkentsha was appointed by Troika in order to have an individual that Peter Lobese (the Executive Mayor) could trust within the Human Resources Department. Lindinceba Nkentsha has experience in Human Resources and Occupational Health and Safety, as a chairperson for SAMWU (South African Municipal Workers Union). She states that Lindinceba Nkentsha was only seconded to the Human Resources Department until the Senior Manager: Human Resources Position was filled, but he did not return to his position of General Worker when Tanya Wildeman was reinstated.</p> <p>Venus Cunningham states that Lindinceba Nkentsha was subsequently seconded again to OHS to replace Wendoll Martins, who was seconded to the Airport.</p>

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	Two certificates of competence in his file are not certified.
Interview outcome report	No	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	No	

Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	Yes	

17.5.26

Nontsha Eunice Nozulu

Human Resources File Overview

Name	Nontsha Eunice Nozulu
Current Position	Customer Care Clerk
Date of Appointment	1 June 2017
Official(s) who motivated the appointment	Howard Swartz (Acting Manager: Communications and Customer Care) James Sijama (Manager: Office of the Speaker) Vuyokazi Mbelani (Head: Corporate Services)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	Christolene Rass (HR Officer)
Latest promotion	General Assistant/Cleaner: Office of the Executive Mayer (T3 Notch 1)
Qualifications and Experience	Matric Cold Kitchen worker - Steers Restaurant (1996 – 1997); Domestic Worker - Mrs Stewart (1997 – 1998); Housekeeper/ Stock Taking – Hunter's Country House (1999 - 2011); Assistant Cleaner – Bitou Municipality (2016 – 2017)
Category of appointment	T6 (Notch 1)

Category of employee	Permanent employee
Comments	<p>Nontsha Nozulu was permanently appointed as a Customer Care Clerk following a fully documented recruitment and selection process.</p> <p>Prior to this she was a support staff member to an elected representative, as General Assistant/Cleaner: Office of the Executive Mayor as of 1 November 2016 (See Annexure 17.32). A letter of appointment reflects this, but no recruitment and selection process documents were in her file relating to this appointment. We note that she was temporarily appointed from 16 August 2016 to 31 October as a Beverage Lady/Cleaner as per the memorandum dated 19 August 2016 (Annexure 17.4).</p>
Comments from HR Department	Venus Cunningham confirmed that Nontsha Nozulu had been in the Executive Mayor's Office and moved into the position of Customer Care Clerk.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	Yes	
Job description	Yes	
Application received from individual	Yes	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	
Interview outcome report	Yes	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	Yes	
Identity document copies	Yes	
Proof of banking details	No	
Pension fund application form	No	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	Yes	

Declaration of interest	Yes	
Personal Information form	Yes	

17.5.27

Xolelwa Gloria Nqotho

Human Resources File Overview

Name	Xolelwa Gloria Nqotho
Current Position	Administrative Clerk
Date of Appointment	1 December (No longer employed by Bitou based on contents of file)
Official(s) who motivated the appointment	Daluxolo Ncame (Manager: Office of the Executive Mayor)
Official(s) who approved the appointment	Alan Croutz (Acting Head: Corporate Services); David Friedman (Acting Municipal Manager).
Official(s) in charge of Human Resources file	No information
Latest promotion	N/A
Qualifications and Experience	No information
Category of appointment	T6 (Notch 1)
Category of employee	Temporary employee
Comments	<p>Xolelwa Nqotho was temporarily appointed into the position of Administrative Clerk in the Office of the Executive Mayor from 1 December 2017 until 31 January 2018. This was supposedly an extension of an existing temporary contract for Xolelwa Nqotho, based on the wording of the memorandum dated 30 November 2017 ("Extension: Temporary Appointment X Nqotho") (See Annexure 17.33). The file however does not contain the contract of temporary employment for the above period or any previous period.</p> <p>Daluxolo Ncame (Manager: Office of the Executive Mayor) thereafter requested an extension of the temporary appointment until 28 February 2018. This request was not approved by David Friedman (Acting Municipal Manager) (See Annexure 17.34).</p>
Comments from HR Department	Venus Cunningham could not provide us with information regarding her temporary appointment.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	No	
Letter of appointment (for current position)	No	
Previous contracts (if applicable)	No	
Identity document copies	No	
Proof of banking details	Yes	
Pension fund application form	No	
Medical aid membership	No	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	No	

17.5.28

Lindelwa Monica Ntileka

Human Resources File Overview

Name	Lindelwa Monica Ntileka
Current Position	General Assistant: Waste Collection Services
Date of Appointment	1 March 2017

Official(s) who motivated the appointment	Tanya Wildeman (Senior Management: HR)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	Christolene Rass (HR Officer)
Latest promotion	N/A
Qualifications and Experience	No information
Category of appointment	T3 (Notch 1)
Category of employee	Permanent employee
Comments	<p>According to her file, Lindelwa Ntileka was temporarily appointed for 3 months based on a memorandum dated 2 August 2016 drafted by Randal Bower (Manager: Waste Management), supported by Monde Stratu (Head: Community Services), Reginald Smit (Head: Corporate Services) and then approved by Allen Paulse (Municipal Manager) (See Annexure 17.15). This temporary appointment was then extended for a further 3 months from 01 November 2016 to 31 January 2017 based upon a memorandum dated 30 November 2016 drafted by Randal Bower (Manager: Waste Management), supported by Monde Stratu (Head: Community Services), Tanya Wildeman (Acting Head: Corporate Services) and then approved by Allen Paulse (Municipal Manager) (See Annexure 17.16). Extending her temporary contract beyond three months was seen as necessary as her role was critical and a moratorium on new appointments had been put in place.</p> <p>Lindelwa Ntileka was then permanently appointed in terms of the memorandum dated 28 February 2017 regarding temporary appointments (See Annexure 17.2).</p> <p>This file only contains her letter of permanent appointment and does not include a copy of the memorandum dated 28 February 2017 regarding temporary appointments or her previous temporary employment contracts. As a result, her file does not include any documents reflecting a recruitment and selection process.</p>
Comments from HR Department	<p>Venus Cunningham confirmed that she was a temporary employee that was permanently placed.</p> <p>Venus Cunningham stated that there were a number of temporary employees in the Bitou Municipality who had been working as such for longer than three months in contravention of section 198 of the Labour Relations Act 66 of 1995.</p> <p>According to her, Thabo Ndlovu (Municipal Manager) drafted a memorandum in early 2017 that was submitted to the Human Resources Department. In terms of this memorandum all the</p>

	temporary employees currently employed in contravention of section 198 of the Labour Relations Act would be permanently placed/appointed. There would be no recruitment and selection process for these permanent appointments.
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Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	No	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	No	The memorandums approving her temporary appointments are in the file.
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	No	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.29

Mathabo Irene Ntshoko

Human Resources File Overview

Name	Mathabo Irene Ntshoko
Current Position	Filing Clerk: Office of the Executive Mayor
Date of Appointment	1 November 2016
Official(s) who motivated the appointment	Martin Davidson (Acting Senior Manager: HR) Elaine Sipingo (Assistant HR Officer) Daluxolo Ncame (Manager: Office of the Executive Mayor)
Official(s) who approved the appointment	Monde Stratu (Acting Municipal Manager)
Official(s) in charge of Human Resources file	Christolene Rass (HR Officer)
Latest promotion	N/A
Qualifications and Experience	Grade 11 Security Industry training certificates – Registered as a Security Officer Experience: Security, Cashier, Housekeep (No time periods given).
Category of appointment	T6 (Notch 1)
Category of employee	Support staff for an elected official
Comments	<p>The Municipal Manager (Allen Pause) was directed to appoint certain individuals as staff for elected officials in accordance with the Recruitment and Selection Policy in a memorandum dated 15 August 2016 signed by the Executive Mayor (Peter Lobese) (see Annexure 17.3). These individuals were then temporarily appointed from 16 August 2016 to 31 October 2016 (See Annexure 17.4). These individuals were then permanently appointed at a later stage through a recruitment and selection process. Mathabo Ntshoko was one of these individuals.</p> <p>According to the Interview Outcome Report the position of Filing Clerk in the Office of the Executive Mayor was advertised in "Whats New in Plett", on the Municipal Website and the Municipal Notice Boards. This is highly unlikely, as she was the only individual that applied for the position.</p>

	In terms of the memorandum dated 26 July 2017 regarding employees seconded without due process of paperwork (See Annexure 17.9), Mathabo Ntshoko was seconded as a Learner Law Enforcement Officer.
Comments from HR Department	Venus Cunningham stated that this individual had been chosen by the Office of the Executive Mayor for the position they were permanently appointed to. According to Venus Cunningham, the Human Resources Department was instructed by Head; Corporate Services (Reginald Smit) that the position was to be advertised internally only and for a period of 7 days. The normal process would be to advertise internally and externally for between 14 and 21 days.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	Yes	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	Her copies of her qualifications were not certified.
Interview outcome report	Yes	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	Yes	
Declaration of interest	No	Empty form in file.
Personal Information form	No	Empty form in file.

17.5.30 Pedro Heinrich Peters

Human Resources File Overview

Name	Pedro Heinrich Peters
Current Position	Manager: Supply Chain Management
Date of Appointment	6 February 2014
Official(s) who motivated the appointment	No information
Official(s) who approved the appointment	Allen Pause (Former Municipal Manager)
Official(s) in charge of Human Resources file	Henry van Rooyen (Assistant HR Officer)
Latest promotion	N/A
Qualifications and Experience	<p>Matric, Pastel Bookkeeping – Central High School, Certificate in Programme in Public Sector Finance – University of Stellenbosch, National Certificate in LED Officer – LGSETA, Certificate of attendance in Report Writing and Community Journalism – Stigling vir Afrikaans, Competency Certificate in Financial Management Training Module 3 and 9 and Financing – Setting Tariffs and Taxation – Local Government, Water and Related Services SETA, Completion of training course in SCM for Municipal Senior Managers – SA Management Development Institute, Certificate in Computer Literacy Level 1 – Princeton Computing, Certificate in Basic Business Skills – University of Stellenbosch.</p> <p>Overstrand Municipality: Senior Accountant and Accountant, Supply Chain Management, Beaufort West Municipality: Manager, Expenditure, Acting Creditors Clerk and Accounting Expenditure, Debtors Clerk, Central Karoo District Municipality: Clerk, Expenditure, Entrepreneurial Venture, Atlantis Book Shop: Assistant Manager, Owner of Outdoor Shop.</p>
Category of appointment	T14(Notch 3)
Category of employee	Permanent employee
Comments	This file does not contain a job description for a Manager: Supply Chain Management, only a job description for a Supply Chain Management Administrative Clerk.

	Based upon the qualifications provided by Pedro Peters, he did not meet the requirements stipulated in the advertisement for the position of Manager: Supply Chain Management (appropriate tertiary qualification of NQF 6 level). According to his CV in the file, Pedro Peters only had an incomplete National Diploma: Cost & Management Accounting (Peninsula Technikon) and was enrolled for the Municipal Finance Management Programme – NQF 6 (IMFO and University of Pretoria).
Comments from HR Department	<p>According to Venus Cunningham, only two candidates were shortlisted for the position Manager: Supply Chain Management. She believes that the Bitou Municipality couldn't meet the requirements of the first preferred candidate and Pedro Peters was subsequently chosen.</p> <p>She states that Pedro Peters has subsequently been removed from the position of Manager: Supply Chain Management based on the results of the External Audit conducted by the Auditor General.</p>

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	Yes	
Job description	No	There is a Job description for an SCM Administrative Clerk
Application received from individual	No	He did not use the Municipalities application form
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	
Interview outcome report	No	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	No	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	Yes	

Declaration of interest	No	
Personal Information form	Yes	

17.5.31

Nothemba Qina

Human Resources File Overview

Name	Nothemba Qina
Current Position	Housing Intern
Date of Appointment	1 December 2016
Official(s) who motivated the appointment	Anthony Fourie (Chief Human Settlements Officer) Mark Fourie (Manager: Human settlements, housing, beaches and Parks & Recreation) Monde Stratu (Head: Community Services); Reginald Smit (Head: Corporate Services)
Official(s) who approved the appointment	Allen Pause (Former Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	She was previously a Communication Liaison Officer: Kwanokuthula (T9)
Qualifications and Experience	Grade 11; Office Administration – South Cape College; Registered as a Security Service Provider; Certificate for Frail Care programme Intern for Housing Department - Bitou Municipality; Radio Control officer – Fidelity Guards; Law enforcement officer – Bitou Municipality (Seasonal post); Frail Care Nurse– Stromboli's Frail Care Facility; Police Reservist – SAPS Plettenberg Bay; Security Guard – Isolomzi Security Company (7 months).
Category of appointment	T5 (Notch 1)
Category of employee	Temporary employee
Comments	Nothemba Qina was permanently appointed as a Community Liaison Officer: Kwanokuthula on 1 February 2016. Her file does not include any documents reflecting a recruitment and selection process aside from the interview outcome report and a CV. The file

	<p>does not include a job advertisement or description and thus it cannot be determined if the job requirements were met.</p> <p>In terms of the memorandum dated 26 July 2017 regarding employees seconded without due process of paperwork (See Annexure 17.9), Nothemba Qina was seconded to CCTV Surveillance Room Operator.</p>
Comments from HR Department	Venus Cunningham stated that Nothemba Qina had been permanently appointed as a Community Liaison Officer. Nothemba Qina applied for the position and was selected following a recruitment and selection process. Venus Cunningham states that the Executive Mayor was not happy with her performance as Community Liaison Officer and had her placed in the surveillance section of the Law Enforcement Department.

Compliance with Checklist Documents
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Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	Her copies of her certificates are not certified but she states that certified copies can be provided on request
Interview outcome report	Yes	
Letter of appointment (for current position)	No	
Previous contracts (if applicable)	Yes	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	

Personal Information form	Yes	
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17.5.32 Phiniwe Cleopatra Seyisi

Human Resources File Overview

Name	Phiniwe Cleopatra Seyisi
Current Position	Filing Clerk (Traffic Services)
Date of Appointment	1 March 2017
Official(s) who motivated the appointment	Tanya Wildeman (Senior Management: HR)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	N/A
Qualifications and Experience	Matric, Certificate for Office Administration (NCV level 4) and Business Administration (Level 3). 2 years Assistant Administrator – Bitou Parliamentary Office; 1 year Secretary (Internship) – Bitou Municipality; Administrators Assistant – Phakamisani Primary School
Category of appointment	T5 (Notch 1)
Category of employee	Permanent employee
Comments	Phiniwe Seyisi was permanently appointed as a Filing Clerk on 1 March 2017 in terms of the memorandum dated 28 February 2017 regarding temporary appointments (See Annexure 17.2). This file only contains her letter of permanent appointment and does not include a copy of the memorandum dated 28 February 2017 regarding temporary appointments or her previous temporary employment contracts. As a result, her file does not include any documents reflecting a recruitment and selection process aside from her CV.
Comments from HR Department	Venus Cunningham confirmed that she was a temporary employee that was permanently placed.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	Yes	
Certified copies of qualifications	No	
Interview outcome report	No	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	No	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	No	
Medical aid membership	No	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.33

Dumisani Daniel Shandu

Human Resources File Overview

Name	Dumisani Daniel Shandu
Current Position	Community Liaison Officer: Kwanokuthula
Date of Appointment	1 February 2016

Official(s) who motivated the appointment	Anthony Fourie (Chief Human Settlements Officer) Mark Fourie (Manager: Human settlements, housing, beaches and Parks & Recreation) Monde Stratu (Head: Community Services) Reginald Smit (Head: Corporate Services)
Official(s) who approved the appointment	Allen Paulse (Former Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	No information
Qualifications and Experience	Grade 11 Contract Manager - Sprinklers for Africa
Category of appointment	T9 (Notch 1)
Category of employee	Permanent employee
Comments	Dumisani Shandu was permanently appointed as a Community Liaison Officer: Kwanokuthula on 1 February 2016. His file does not include any documents reflecting a recruitment and selection process aside from the interview outcome report and CV. His CV give no indication of having any relevant qualifications or experience. The file does not include a job advertisement or description thus it cannot be determined if the job requirements were met. In terms of the memorandum dated 26 July 2017 regarding employees seconded without due process of paperwork (See Annexure 17.9), Dumisani Shandu was seconded to CCTV Surveillance Room Operator.
Comments from HR Department	Venus Cunningham stated that Dumisani Shandu was permanently appointed as a Community Liaison Officer. She stated he had applied for the position and was selected following a recruitment and selection process. Venus Cunningham states that the Executive Mayor was not happy with his performance as Community Liaison Officer and had him placed in the surveillance section of the Law Enforcement Department.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	

Job description	No	
Application received from individual	No	
Curriculum vitae	Yes	
Certified copies of qualifications	No	
Interview outcome report	Yes	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	No	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	Yes	

17.5.34

Alfred Ashton Ndima Sishuba

Human Resources File Overview

Name	Alfred Ashton Ndima Sishuba
Current Position	Transfer Station Operator
Date of Appointment	1 March 2017
Official(s) who motivated the appointment	Tanya Wildeman (Senior Manager: Human Resources)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)

Official(s) in charge of Human Resources file	Henry van Rooyen (Assistant HR Officer)
Latest promotion	No information
Qualifications and Experience	No information
Category of appointment	T7 (notch 1)
Category of employee	Permanent employee
Comments	<p>Alfred Sishuba was temporarily appointed as a Transfer Station Operator on 1 October 2016.</p> <p>In terms of the memorandum dated 28 February 2017 regarding temporary appointments (See Annexure 17.2), it was recommended that he should be issued with a termination letter and that he cannot be employed permanently due to the retirement policy of the Bitou Municipality. A memorandum dated 10 March 2017 confirms that Thabo Ndlovu (Municipal Manager) rescinded this decision as Alfred Sishuba would only reach retirement age in June 2018 and not June 2017 as indicated by HR previously (See Annexure 17.35). Thabo Ndlovu (Municipal Manager) further gave instructions that the post was evaluated at T5 and not T7 and that Alfred Sishuba should be appointed on a permanent basis as Transfer Station Operator on T7.</p> <p>The file only includes a contract for a Forman: Transfer Station position and not the contract for the Transfer Station Operator position. The file further notes that Alfred Sishuba is a placement and not an appointment. As a result, his file does not include any documents reflecting a recruitment and selection process.</p>
Comments from HR Department	Venus Cunningham could not provide any information concerning Alfred Sishuba's appointment.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	No	Note in file that the employee was placed in this position, no application.
Curriculum vitae	No	

Certified copies of qualifications	No	
Interview outcome report	No	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	No	Checklist for file mentions temporary contract, however this is not included in the file.
Identity document copies	Yes	
Proof of banking details	No	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.35

Bonisile Delpport Skosana

Human Resources File Overview

Name	Bonisile Delpport Skosana
Current Position	Security Officer: Temporary contract ended 30 June 2017
Date of Appointment	1 April 2017 – 30 June 2017
Official(s) who motivated the appointment	Daluxolo Ncame (Manager: Executive Mayors Office) Tanya Wildeman (Senior Manager: Human Resources)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	No information
Latest promotion	N/A

Qualifications and Experience	Grade 12, Certificate of Attendance for Basic fire fighting and prevention - Chubb Porter/Switchboard operator – Beacon Island (9 years); Front office assistant – N.H Hotel (3.5 years); Porter and Driver – Beacon Island (2 years)
Category of appointment	T5 (Notch 1)
Category of employee	Temporary employment
Comments	Bonisile Skosana was temporarily appointed as a Security Officer on 1 April 2017. An email on file from the Assistant HR Officer (Henry van Rooyen) to Manager: Office of the Executive Mayor (Daluxolo Ncame) shows that Bonisile Skosana was contacted with regards to the position, however, he indicated that he couldn't just leave his job and work for Bitou Municipality (See Annexure 17.36). The above mentioned email and the fact that the file doesn't reference any security training for Bonisile Skosana, clearly indicates that a recruitment and selection process was not followed but instead a name was given to HR.
Comments from HR Department	Venus Cunningham could not provide any information concerning Bonisile Skosana's appointment except that he was appointed to the Office of the Executive Mayor.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	
Interview outcome report	No	
Letter of appointment (for current position)	No	
Previous contracts (if applicable)	Yes	
Identity document copies	Yes	

Proof of banking details	Yes	
Pension fund application form	No	
Medical aid membership	No	
EEA 1 form	No	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	No	

17.5.36 Xolile Isaac Sodawe

Human Resources File Overview

Name	Xolile Isaac Sodawe
Current Position	Artisan/ Handyman: Beachfront Main
Date of Appointment	1 March 2017
Official(s) who motivated the appointment	Tanya Wildeman (Senior Management: HR)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	Christolene Rass (HR Officer)
Latest promotion	N/A
Qualifications and Experience	No information
Category of appointment	T6 (Notch 1)
Category of employee	Permanent (previously temporary)
Comments	Xolile Sodawe was permanently appointed as an Artisan/Handyman on 1 March 2017 in terms of the memorandum dated 28 February 2017 regarding temporary appointments (See Annexure 17.2).

	This file only contains his letter of permanent appointment and does not include a copy of the memorandum dated 28 February 2017 regarding temporary appointments or his previous temporary employment contracts. Reference is made to the fact that he was placed and therefore there was no job application or advertisement. As a result, his file does not include any documents reflecting a recruitment and selection process and thus it cannot be determined if the job requirements were met.
Comments from HR Department	Venus Cunningham confirmed that he was a temporary employee that was permanently placed. Venus Cunningham stated that she believes he is politically connected to the ANC and that he is not qualified to be appointed as an Artisan/ Handyman.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	N/A	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	No	
Identity document copies	Yes	
Proof of banking details	No	
Pension fund application form	No	
Medical aid membership	No	
EEA 1 form	Yes	
Code of conduct	No	Was ticked off as being in the file but none was found
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.37

Guleni Sonwabiso

Human Resources File Overview

Name	Guleni Sonwabiso
Current Position	General Worker
Date of Appointment	1 November 2017
Official(s) who motivated the appointment	No information
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	No Information
Latest promotion	N/A
Qualifications and Experience	No information
Category of appointment	T3 (Notch 1)
Category of employee	Permanent employee
Comments	Guleni Sonwabiso was permanently appointed as a General Worker on 1 November 2017. His file does not include any documents reflecting a recruitment and selection process and thus it cannot be determined if the job requirements were met.
Comments from HR Department	Venus Cunningham could not provide any information concerning Guleni Sonwabiso's appointment.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	

Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	No	
Interview outcome report	No	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	No	
Pension fund application form	Yes	
Medical aid membership	No	
EEA 1 form	Yes	
Code of conduct	No	
Declaration of interest	No	
Personal Information form	Yes	

17.5.38

Sicelo Calvin Herman Sulani

Human Resources File Overview

Name	Sicelo Calvin Herman Sulani
Current Position	Weighbridge Operator
Date of Appointment	1 March 2017
Official(s) who motivated the appointment	Tanya Wildeman (Senior Management: HR)
Official(s) who approved the appointment	Thabo Ndlovu (Municipal Manager)
Official(s) in charge of Human Resources file	Henry van Rooyen (Assistant HR Officer)

Latest promotion	N/A
Qualifications and Experience	Matric; Attendance Certificates in a Waste Management Training Course for Local Authorities – Institute of Waste Management of Southern Africa, Certificate of completion in Enviro-Fill Waste Management Training Course – Enviro-Fill Landfill Management, Attendance and successful completion of the Integrated Pollutant and Waste Information System (IPWIS) of the Western Cape – IPWIS.
Category of appointment	T4 (Notch 1)
Category of employee	Permanent employee
Comments	<p>Sicelo Sulani was permanently appointed as a Weighbridge Operator on 1 March 2017 in terms of the memorandum dated 28 February 2017 regarding temporary appointments (See Annexure 17.2).</p> <p>This file only contains his letter of permanent appointment and does not include a copy of the memorandum dated 28 February 2017 regarding temporary appointments or his previous temporary employment contracts. The memorandum dated 28 February 2017 states that Sicelo Sulani was temporarily appointed from 1 December 2016 "until the position was filled". At the time of the memorandum he would have only been on contract for 3 months and thus his contract should have been terminated.</p> <p>His file does not include any documents reflecting a recruitment and selection process and thus it cannot be determined if the job requirements were met.</p>
Comments from HR Department	Venus Cunningham confirmed that he was a temporary employee that was permanently placed.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	No	
Application received from individual	No	
Curriculum vitae	No	
Certified copies of qualifications	Yes	His copies of his qualifications were not certified
Interview outcome report	No	

Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	No	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	No	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	No	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.39

Sujeeth Sunkar

Human Resources File Overview

Name	Sujeeth Sunkar
Current Position	Manager: Fleet Management
Date of Appointment	5 January 2015
Official(s) who motivated the appointment	ODS Consultants – No further information provided
Official(s) who approved the appointment	Allen Paulse (Former Municipal Manager)
Official(s) in charge of Human Resources file	Laurian Kleynhans
Latest promotion	N/A
Qualifications and Experience	<p>Matric; Incomplete B.Com/MBM with Oxford Brookes University (Damelin)</p> <p>Fleet Manager – Unitrans Motors (1 year); National Key Accounts Manager – National Brands Ltd (1 year); Key Accounts Manager – Ceres Beverage Company (1 year); Regional Customer Manager – Tiger Brands (1 Year); Regional Operations Manager – Smollen:</p>

	Tiger Brands Field Services (1 year); Regional Sales Manager – Just Fun Toys (1 year); Field Sales Manager – Cadbury Field Support Services (6 years); Channel Manager – AG’s Distributors (1 year).
Category of appointment	T15 (Notch 7)
Category of employee	Permanent employee
Comments	<p>As per the advertisement for Manager: Fleet Management (Municipal notice no.: 134/2014), a relevant tertiary qualification in Mechanical/Fleet Management (NQF 6 or equivalent) was required for the position (See Annexure 17.37). In terms of the job description for the position of Manager: Fleet Management, an NQF 5 Mechanical qualification was essential for the position.</p> <p>Sujeeth Sunkar did not have the required essential qualification as per the advertisement for the position and the job description, as he only had a matric and an incomplete B.Com/MBM that he was set to continue in 2015. The selection was made by consultants and there is no indication of why Mr Sunkar was shortlisted.</p>
Comments from HR Department	Venus Cunningham was not aware of any issues in the recruitment and selection process.

Compliance with Checklist Documents
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Item	Included in file	Comments
Job advertisement	Yes	
Job description	Yes	
Application received from individual	Yes	
Curriculum vitae	Yes	
Certified copies of qualifications	No	
Interview outcome report	Yes	Compiled by Roy Steele of ODS consultants
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	N/A	
Identity document copies	Yes	
Proof of banking details	Yes	

Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	
Personal Information form	Yes	

17.5.40 Tanya Maureen Wildeman

Human Resources File Overview

Name	Tanya Maureen Wildeman
Current Position	Manager: HR
Date of Appointment	1 April 2013
Official(s) who motivated the appointment	Reginald Smit (Head: Corporate Services)
Official(s) who approved the appointment	Allen Paulse (Municipal Manager)
Official(s) in charge of Human Resources file	Henry van Rooyen (Assistant HR Officer)
Latest promotion	Manager: LED
Qualifications and Experience	Grade 12; National Diploma in Human Resource Management – Cape Technikon (1998); Certificate in Developmental Local Government – University of Stellenbosch (2003). Bitou Municipality: Manager: LED (2008 – 2013); LED Administrative Officer (Nov 2002 – July 2008); Committee Clerk (July 1999 – Oct 2002); Personnel Clerk (Dec 1998 – June 1999).
Category of appointment	T17 (notch 1)
Category of employee	Permanent employee
Comments	Tanya Wildeman was appointed permanently as Manager: HR on 1 April 2013. The file does not contain the job advertisement for the

	position. Her current title is known to us as Senior Manager: HR, but no documents in her file indicate her change in title from Manager: HR to Senior Manager: HR.
Comments from HR Department	Venus Cunningham could not provide any information concerning Tanya Wildeman's appointment, aside from the fact that she was previously appointed as Manager in the Local Economic Development Section.

Compliance with Checklist Documents

Item	Included in file	Comments
Job advertisement	No	
Job description	Yes	
Application received from individual	Yes	
Curriculum vitae	Yes	
Certified copies of qualifications	Yes	Here copies of her qualifications were not certified.
Interview outcome report	Yes	
Letter of appointment (for current position)	Yes	
Previous contracts (if applicable)	Yes	
Identity document copies	Yes	
Proof of banking details	Yes	
Pension fund application form	Yes	
Medical aid membership	Yes	
EEA 1 form	Yes	
Code of conduct	Yes	
Declaration of interest	Yes	
Personal Information form	Yes	

17.1 Conclusion

17.1.1 There is widespread mismanagement and maladministration within the Human Resources section of Bitou Municipality. The key issues of mismanagement and maladministration include:

- (a) The Revised Recruitment and Selection Policy has been repeatedly ignored when appointing temporary employees and staff to elected representatives.
- (b) Staff have been seconded or transferred without any of the necessary paperwork or process.
- (c) Certain temporary employees were made permanent on the instruction of the Municipal Manager, with no recruitment and selection process taking place. In these instances, there is no proof that the person permanently appointed has the requisite qualifications, skills or experience.
- (d) In several instances, Councillors have issued instructions to appoint or second certain individuals based on political affiliations without following the requisite Recruitment and Selection Policy.
- (e) The human resource files provided to us were disorganised and the majority were missing documents required in terms of the checklist created by the Human Resources section and Section 67 of the Local Government: Municipal systems Act 32 of 2000 (relating to human resource development).

17.2 Recommendations

17.2.1 We recommend the following actions:

- (a) Disciplinary action be taken against Tanya Wildeman for her lack of management in the Human Resources Department.
- (b) Disciplinary action be taken against Venus Cunningham for her lack of oversight over the administration of the Human Resources Department.
- (c) That Bitou Municipality address systemic maladministration and mismanagement of the Human Resources Department and non-compliance with the Revised Recruitment and Selection Policy.
- (d) That Bitou Municipality address the undue and unlawful influence of certain Councillors over recruitment and selection processes at the Bitou Municipality. It was picked up

during our investigation that there are allegations that the Executive Mayor, Deputy Executive Mayor and the Speaker of the Municipal Council are issuing instructions concerning the filling of certain positions on the organisational structure which needs to be addressed.

18. PHASE 11: ABSA LOAN AGREEMENT FOR R25 MILLION**18.1 Introduction**

18.1.1 An allegation was made that a loan agreement entered into between Absa Bank Limited and Bitou Municipality ("Loan Agreement") was authorised and signed by Vuyokazi Mbelani in the capacity of Acting Municipal Manager at a time when she was not authorised to act in such a capacity.

18.2 Procedures followed

18.2.1 We requested documents relating to the Loan Agreement and the procedure for selecting/placing an acting Municipal Manager in Bitou Municipality from Alma Greyling, Manager of the Administration Department.

18.2.2 We inspected the human resource file of Vuyokazi Mbelani, Head: Corporate Services, and retrieved documentation pertaining to her appointment as acting Municipal Manager.

18.2.3 We interviewed Alma Greyling regarding the process for appointing the acting Municipal Manager in the Municipal Managers absence.

18.2.4 We requested the employee leave history of the officials in the following positions on 23 June 2017 from Venus Cunningham: the Head of Community Services; the Chief Financial Officer; the Head of Municipal Services and Infrastructure Development; and the Head of Strategic Services.

18.3 Documents obtained

18.3.1 We obtained the following documentation from Alma Greyling:

- (a) The Loan Agreement (see Annexure 18.1);
- (b) Council Resolution C/3/62/05/13 dated 29 May 2013 (see Annexure 18.2);
- (c) Council Resolution C/3/50/08/17 dated 31 August 2017 (see Annexure 18.3);

18.3.2 We obtained the following documentation from Vuyokazi Mbelani's human resource file: Memorandum from Thabo Ndlovu to Vuyokazi Mbelani dated 22 June 2017 regarding her appointment as acting Municipal Manager (see Annexure 18.4).

- 18.3.3 We obtained the following documentation from Venus Cunningham:¹
- (a) The employee leave history of Vincent Mkhafa, in his capacity as Chief Financial Officer (see Annexure 18.5);
 - (b) The employee leave history of Pumla Ngqumshe, in her capacity as Head of Municipal Services and Infrastructure Development (see Annexure 18.6);
 - (c) The employee leave history of David Friedman, in his capacity as Head of Strategic Services (see Annexure 18.7).

18.4 Findings

18.4.1 We established the following facts from our review of the documentation received from Alma Greyling:

- (a) The Loan Agreement was signed on 23 June 2017 by Elben Lawrence (as a Transactional Banker for Absa Bank Limited), Vuyokazi Mbelani (purportedly as Acting Municipal Manager of Bitou Municipality) and by Alan Croutz (as the Manager: Legal Services of Bitou Municipality). The amount loaned to Bitou Municipality as per the Loan Agreement was R24,998,191, for a stated purpose of funding "Capital Projects approved by Council for the 2016/2017 financial year". The original Loan Agreement was received by the registry of Bitou Municipality on 24 July 2017 reflecting all of the above information (see Annexure 18.1). Included with the Loan Agreement is a letter from Bitou Municipality dated 19 June 2017, signed by Thabo Ndlovu (as the Municipal Manager) giving the "Notice of Drawdown" for 23 June 2017. This letter used a file reference of SCM/2017/128/FIN which is the reference for an External Loan Tender.
- (b) Council Resolution C/3/62/05/13 was passed at the Special Council Meeting of Bitou Municipality on 29 May 2013 (see Annexure 18.2), setting out a schedule which provides which heads of department would act in the position of Municipal Manger should the then Municipal Manager be absent. The schedule puts forward the five heads of department of the Bitou Municipality in a specific order for each of five periods during the year, namely: January to March; April to June; July to September; October to November; and December.

¹ We did not secure the employee leave history of Mark Fourie as he was serving as Acting Head of Community Services and would not have been able to serve as acting Municipal Manager.

- (c) Council Resolution C/3/50/08/17 was adopted on 31 August 2017 and rescinded resolution C/3/62/05/13 (and the schedule) (see Annexure 18.3). This resolution sets out a procedure whereby the Municipal Manager would select one of the heads of department to act should the Municipal Manager be absent for longer than 10 days. Council Resolution C/3/62/05/13 was still however in place on 23 June 2017, on the date of signature of the Loan Agreement.
- (d) According to the schedule in resolution C/3/62/05/13, the acting Municipal Manager during the April to June period (the period in which the Loan Agreement was signed) would have been the Head of Community Services, followed by the Chief Financial Officer, the Head of Municipal Services and Infrastructure Development, the Head of Strategic Services, and lastly the Head of Corporate Services. As per this schedule, Vuyokazi Mbelani should not have been the Acting Municipal Manager unless the other four heads of department were unavailable.
- (e) We note that Alan Croutz, Manager: Legal Services, co-signed the Loan Agreement alongside Vuyokazi Mbelani as acting Municipal Manager.

18.4.2 Based on the memorandum dated 22 June 2017 extracted from Vuyokazi Mbelani's human resource file we determined that Thabo Ndlovu approached and appointed Vuyokazi Mbelani as the acting Municipal Manager for the period of 23 June 2017 to 27 June 2017 (see Annexure 18.4). Vuyokazi Mbelani accepted this appointment and signed the memorandum on 22 June 2017.

18.4.3 We established the following facts from our review of the employee leave history provided by Venus Cunningham:

- (a) The four heads of department at the time of the signing of the Loan Agreement were the following: Mark Fourie (acting Head of Community Services); Vincent Mkhafa (Chief Financial Officer); Pumla Ngqumshe (Head of Municipal Services and Infrastructure Development); and David Friedman (Head of Strategic Services). Vincent Mkhafa would have therefore been the next person to take on the role of acting Municipal Manager, followed by Pumla Ngqumshe and then David Friedman.
- (b) None of the identified individuals were either sick or on leave during the period (23 June to 27 June 2017) in which Vuyokazi Mbelani was appointed to be acting Municipal Manager (see Annexure 18.5, 18.6 and 18.7). Vincent Mkhafa therefore should have acted as Municipal Manager for the period in which Thabo Ndlovu was not able to perform his duties as Municipal Manager.

18.5 Conclusion

18.5.1 Thabo Ndlovu did not have the necessary authority to appoint Vuyokazi Mbelani as the acting Municipal Manager counter to resolution C/3/62/05/13. This appointment would have needed to be authorised or ratified by the Council of Bitou Municipality. Vuyokazi Mbelani was therefore not authorised to sign the Absa Loan Agreement as acting Municipal Manager on 23 June 2017.

18.6 Recommendations

18.6.1 We recommend the following actions:

- (a) Disciplinary action be taken against Thabo Ndlovu [now resigned/departed from the Bitou Municipality] for ignoring Council Resolution C/3/62/05/13 and appointing Vuyokazi Mbelani as acting Municipal Manager for the period of 23 June 2017 to 27 June 2017 without Councils authorisation or approval.
- (b) Disciplinary action be taken against Vuyokazi Mbelani, Head: Corporate Services, as she should have been aware that she was not the designated individual to act as the Municipal Manager due to Council Resolution C/3/62/05/13. She should have therefore known that she was not authorised to sign the Loan Agreement as the acting Municipal Manager.
- (c) Disciplinary action be taken against Alan Croutz, Manager: Legal Services, as the co-signatory to the Loan Agreement. Alan Croutz should have been aware of the Council Resolution C/3/62/05/13 and the fact that Vuyokazi Mbelani would not have been authorised to sign the Loan Agreement as acting Municipal Manager.

19. PHASE 12: PURCHASE OF STATIONERY FROM A STORE WITHOUT AUTHORISATION AND WITHOUT THE STORE BEING A DESIGNATED SUPPLIER

19.1 Introduction

19.1.1 We were informed by a whistle-blower that an official from the Office of the Executive Mayor of Bitou Municipality visited the PNA Plettenberg Bay store on 17 October 2017 and purchased stationery items supposedly on behalf of Bitou Municipality without paying.

19.2 Procedures followed

19.2.1 We interviewed David Wilms, the owner of the PNA Plettenberg Bay store and requested documents relevant to the investigation.

19.2.2 We consulted Cindy Wilson-Trollip of Plett Tourism telephonically and requested any documents or communications relevant to the investigation.

19.2.3 We interviewed Lokose Mrubata of the Kwanokuthula Community Policing Forum telephonically and requested any documents or communications relevant to the investigation.

19.2.4 We requested confirmation from Carlos Koeberg, acting Manager: Supply Chain Management, whether PNA Plettenberg Bay is registered on the Central Supplier Database.

19.2.5 We interviewed Makhaya Mana and requested any documents relevant to the investigation.

19.2.6 We interviewed Peter Lobese.

19.3 Documents obtained

19.3.1 We obtained the following documentation from David Wilms:

- (a) A slip from PNA Plettenberg Bay for various pens dated 17 October 2017 for a total amount of R2,426.14, signed by Makhaya Mana (see Annexure 19.1).
- (b) An email train between David Wilms, Councillor Dave Swart, Vincent Mkhafa and Makhaya Mana between 20 February 2018 and 23 February 2018 (see Annexure 19.2).

19.3.2 We obtained the following communications and documents from Cindy Wilson-Trollip:

- (a) Emails sent between Andisiwe Nonkosana and David Wilms between 11 October 2017 and 13 October 2017 (see Annexure 19.3).

- (b) Emails sent between Andisiwe Nonkosana and The Village Bookshop between 11 October 2017 and 12 October 2017 (see Annexure 19.4).
- (c) An email sent from Andisiwe Nonkosana to Thandi Mabukane dated 12 October 2017 (see Annexure 19.5).
- (d) An email train between David Wilms, Andisiwe Nonkosana, Liz Phillips and Cindy Wilson-Trollip between 17 and 19 October 2017, with scanned slips from PNA Plettenberg Bay dated 17 October 2017 attached (see Annexure 19.6).
- (e) Donation request dated 3 October 2017 received by Plett Tourism from Lokose Mrubata, the Project Co-ordinator for the Kwanokuthula Community Policing Forum, for the "Pens Up Matric Exam Campaign 17 October 2017" (see Annexure 19.7).
- (f) The Memorandum of Agreement between Bitou Municipality and Plett Tourism for 2018/2019 (see Annexure 19.8).

19.3.3 Carlos Koeberg provided confirmation that PNA Plettenberg Bay was registered on the Central Supplier Database between 13 and 14 February 2019 (see Annexure 19.9).

19.4 Findings

19.4.1 We conducted an interview with David Wilms to secure further information on the complaint. He provided the following information:

- (a) He explained that PNA Plettenberg Bay had been contacted by Plett Tourism on 11 October 2017, requesting a quotation for pens which the Executive Mayor wished to hand out to Matric students. PNA Plettenberg Bay prepared a quotation for the cheapest available pens, which it sent to the Plett Tourism office (see Annexure 19.3).
- (b) On Tuesday, 17 October 2017, Makhaya Mana came into the PNA Plettenberg Bay store to collect the pens for the Executive Mayor. According to David Wilms, Makhaya Mana said that he was not happy with the quality of the pens quoted for, as they were the cheapest pens available and stated to the staff of PNA Plettenberg Bay that the Executive Mayor wanted better quality pens. David Wilms told us that he asked Makhaya Mana for an order number to purchase the better-quality pens with. Makhaya Mana's response was that, although he did not have a purchase order number, he was from the Mayor's Office and was in a position to authorise the purchase. David Wilms stated to us that he repeatedly asked Makhaya Mana whether he was authorised to make the purchase, to which Makhaya Mana always replied in the affirmative. He was not comfortable with the transaction, but due to Makhaya Mana's insistence and the

fact that Makhaya Mana was in a hurry to get the pens to the Executive Mayor, he allowed him to leave with the pens and sign for the purchase based on the understanding that the payment for the pens would be made shortly. The value of the pens was R2,426.14 in total. David Wilms rung up the amount on the store's flushing account (holding account), which is used when a customer wants to buy something on credit but does not have a credit facility or an account with the store and intends to pay the amount back shortly. Makhaya Mana wrote his name ("M Mana") and signed the invoice noting a follow up on "09/01/2018." (see Annexure 19.1).

- (c) David Wilms stated that Plett Tourism later collected the original stationary which had been quoted for, amounting to R1,458. He had informed Plett Tourism that Makhaya Mana had collected pens of a higher quality at a higher price. He could not recall who arrived from Plett Tourism to collect the pens, but they felt that they had accepted a quote for a specific set of stationary and could still use it to hand out to matriculants. He provided the original stationery, as per the quotation of 11 October 2019, to Plett Tourism and Plett Tourism settled the invoice timeously.
- (d) David Wilms stated that the PNA Plettenberg Bay store telephoned Makhaya Mana to request that he pay the outstanding amount for the pens, but he did not make payment despite his telephonic undertaking to do so. David Wilms eventually contacted Councillor Dave Swart (the councillor for Ward 2) to request his assistance in this matter. Dave Swart sent an email to Vincent Mkhafa, the Chief Financial Officer of Bitou Municipality on 21 February 2018 asking for advice on how David Wilms could proceed (see Annexure 19.2). Vincent Mkhafa thereafter sent an email to Makhaya Mana on 22 February 2018 (copying in Daluxolo Ncame, Johnny Douglas and Dave Swart) reprimanding him for not following the SCM process and stating that unless he pays the outstanding amount to the PNA Plettenberg Bay store by the following week Monday (26 February 2018), he would be forced to deduct the amount from Makhaya Mana's salary and pay the service provider.
- (e) According to David Wilms, Makhaya Mana came to the PNA Plettenberg Bay store a few of days later and requested a copy of the invoice so that he could make payment thereof. He undertook to pay the amount and took a copy of the invoice with him but had not yet done so as at the date on which we spoke to David Wilms. We later confirmed with David Wilms that the amount had still not been paid by Makhaya Mana as of 14 February 2019.
- (f) We were told by David Wilms that Carlos Koeberg visited the PNA Plettenberg Bay store on 6 August 2018 at 17h10 and stated that he was from Bitou Municipality on

behalf of the internal audit committee. He asked if there were any outstanding payments owed to them by Bitou Municipality. David Wilms informed Carlos Koeberg of the abovementioned situation and the outstanding payment owing by Makhaya Mana.

19.4.2 We contacted Cindy Wilson-Trollip, the Manager of Plett Tourism, telephonically to ask questions based on David Wilms version of events. She provided the following information verbally and through emails she provided us:

- (a) Cindy Wilson-Trollip confirmed that they had ordered stationary amounting to R1,458 to support the Kwanokuthula Community Policing Forum who had a "Pens up Matric Exam Campaign" at the time. They had received a request from the Kwanokuthula Community Policing Forum to provide the pens so that they may be handed out to students from three High Schools namely: Murray High School; Plett Secondary and Wittedrift High, totaling up to 270 students (see Annexure 19.7).
- (b) Plett Tourism procured quotations from three different vendors namely: PNA Plettenberg Bay; The Village Bookshop and Park Avenue Stationers, for the required stationary (see Annexure 19.3, 19.4 and 19.5). The stationary was then ordered from PNA Plettenberg Bay on Thursday, 12 October 2017, which was to be collected by Lokose Mrubata from the Kwanokuthula Community Policing Forum.
- (c) In the email train between David Wilms, Andisiwe Nonkosana, Liz Phillips and Cindy Wilson-Trollip between 17 October 2017 and 19 October 2017 (see Annexure 19.6), David Wilms sends Plett Tourism the slips for both the pens provided to Makhaya Mana for R2,426.14 and the pens provided later to Plett Tourism for R1,458. Cindy Wilson however informs Liz Phillips, an accountant for Plett Tourism, that "*[t]he Mayor's order fetched by Smuts Mhana was not approved by Plett Tourism*". Cindy Wilson-Trollip indicates to Liz Phillips that only R1,458 should be allocated to the Community budget.
- (d) Cindy Wilson-Trollip confirmed that Plett Tourism is awarded a budget as per the Community Support Project and does not fall under the normal procurement procedures of Bitou Municipality. She provided us with the Memorandum of Agreement between Bitou Municipality and Plett Tourism to emphasise Plett Tourism's independence from Bitou Municipality (see Annexure 19.8). She stated that Plett Tourism will often provide branded stationary or even refreshments for different community projects. Plett Tourism supports the Kwanokuthula Community Policing Forum as they believe they provide a valuable service to the community and that the

Kwanokuthula Community Policing Forum also ensures safety for Plettenberg Bay's tourists.

19.4.3 We contacted Lokose Mrubata of the Kwanokuthula Community Policing Forum telephonically to ask her a number of questions. She provided the following information verbally:

- (a) Lokose Mrubata confirmed that the stationary ordered from PNA Plettenberg Bay was for matriculants and that the Kwanokuthula Community Policing Forum would be handing it out to the relevant matriculants of the selected High Schools.
- (b) Lokose Mrubata confirmed that she was supposed to pick up the stationary at PNA Plettenberg Bay, however on the day of delivery the stationary wasn't available and could only be provided the next day. She then requested Makhaya (Smuts) Mana to collect the stationary from PNA Plettenberg Bay, as she did not have transport for that day.
- (c) Lokose Mrubata would not confirm the relationship between Kwanokuthula Community Policing Forum and Makhaya (Smuts) Mana and why he was requested to pick up the stationary. Further, Lokose Mrubata would also not confirm if Makhaya (Smuts) Mana had any authority to change the stationary order.

19.4.4 We conducted an interview with Makhaya Mana regarding the complaint. He provided the following version of events:

- (a) He stated that he had been called by a woman from the Kwanokuthula Community Policing Forum he identified as "Lokose" to collect pens from PNA Plettenberg Bay and bring them to Murray High School.
- (b) There was a program being run for the matrices in Plettenberg Bay during their exams. He understood that this program was usually either run by the Executive Mayor or by the Kwanokuthula Community Policing Forum. He stated that he had not been involved with the event or the planning for it, but knew that Daluxolo Ncame, the Manager: Office of the Executive Mayor had been interacting with the Kwanokuthula Community Policing Forum regarding the program. He understood that the Executive Mayor would be at Murray High School and he had been on his way to join him there.
- (c) Upon arriving at the PNA Plettenberg Bay, Makhaya Mana was informed by an older woman that the pens to be collected had not yet arrived from Port Elizabeth. He called the Executive Mayor, who told him to just get any pens he could for the event. He states

that the staff assisted him in choosing pens to take for the event. He stated that the Executive Mayor could not issue cheap pens, as he said that there was a certain standard that needed to be maintained. Based on this, he selected the pens and signed on behalf of the Office of the Executive Mayor for the pens. He told the staff of the PNA Plettenberg Bay that they would be paid.

- (d) Makhaya Mana stated that he was unaware who had originally ordered the pens.
- (e) Sometime later, Makhaya Mana was informed that there was an invoice from PNA Plettenberg Bay that the Bitou Municipality was being asked to pay that he was responsible for. He contacted "Lokose" from the Kwanokuthula Community Policing Forum concerning this and she informed him that it is not his expense. "Lokose" from the Kwanokuthula Community Policing Forum said that they would pay for the pens once they had money to do so. Makhaya Mana was required to submit a report for the internal investigation team regarding this issue and he attached a letter from "Lokose" that explained the story. We requested Makhaya Mana to provide a copy of the alleged letter so that we could independently verify this explanation, but he failed to do so.
- (f) Makhaya Mana is unaware of whether the Kwanokuthula Community Policing Forum paid the money owed for the pens to PNA Plettenberg Bay. He does not believe they have paid based upon a telephonic conversation he had with Lokose Mrubata from the Kwanokuthula Community Policing Forum. He does not know why they have not paid yet.

19.4.5

We conducted an interview with Peter Lobese regarding the complaint. He provided the following version of events:

- (a) Peter Lobese took part in the program whereby he handed out pens to matrics in order to motivate them before their exams. He informed the manager in his office, Daluxolo Ncame, that he needed to give out pens to the matrics. He believes the relevant Supply Chain Management process was not completed by the time they needed to hand out the pens. He was thus not sure who ordered the pens that were eventually handed out and how they were ordered. He does however believe that it was the Kwanokuthula Community Policing Forum that assisted in this regard and he thanked their representative after the event.
- (b) Peter Lobese understood that Makhaya Mana was asked to collect the pens for the event and that an issue developed based on this request. He stated that he was unhappy with the quality of the pens he issued to the students.

19.4.6 Carlos Koeberg provided us with confirmation that PNA Plettenberg Bay is a supplier for Bitou Municipality and is registered on the Central Supplier Database. The Central Supplier Database registration number for PNA Plettenberg Bay is MAAA0101605 (see Annexure 19.9).

19.5 Conclusion

19.5.1 The purchase of stationary from PNA Plettenberg Bay was not related to Bitou Municipality but was instead related to a donation by Plett Tourism to the Kwanokuthula Community Policing Forum. Makhaya Mana acted on instructions or a request from Lokose Mrubata of the Kwanokuthula Community Policing Forum to pick up the pens.

19.5.2 He then acted outside this instruction or request by insisting on pens of a better quality and used his status as Political Advisor to the Executive Mayor in order to do so. In this way he created an expense of R2,426.14 which was attributed to Bitou Municipality by David Wilms, the owner of PNA Plettenberg Bay.

19.6 Recommendations

19.6.1 We recommend the following action:

- (a) The Bitou Municipality should engage with the role-players to determine the responsible party for the expense of R2,426.14. Should the engagement find that the expense is the responsibility of the Bitou Municipality we recommend:
 - (i) Disciplinary action be taken against Makhaya Mana for not following the Supply Chain Management Policy of the Bitou Municipality
 - (ii) The expense of R2,426.14 is recovered from Makhaya Mana and to paid to PNA Plettenberg Bay.

20. PHASE 13: UNRESOLVED FORENSIC INVESTIGATION INTO A WHISTLE-BLOWER COMPLAINT THAT PETER LOBESE RECEIVED CONCURRENT SALARIES

20.1 Introduction

20.1.1 Horizon Forensics was appointed by Bitou Municipality in 2015 to investigate whether Peter Lobese was working at another municipality and/or private company whilst he was employed at the Bitou Municipality. The investigation was conducted following the submission of an anonymous whistle-blower complaint with the Presidential Hotline in or about 2014 or 2015, alleging that Peter Lobese was employed at a municipality in the Eastern Cape.

20.1.2 Horizon Forensics contacted all of the municipalities in the Eastern Cape to ascertain whether Peter Lobese was employed at any of them. An individual in the Human Resources Department of the Makana Municipality told the forensic investigator at Horizon Forensics that Peter Lobese was employed at their municipality at the time of the telephone conversation. The forensic investigator of Horizon Forensics attempted to obtain written confirmation of his employment, but this was refused by the manager at the Human Resources Department.

20.2 Procedures followed

20.2.1 We requested the HR file of Peter Lobese from the Human Resources Department of Bitou Municipality.

20.2.2 We contacted Xolele Kalashe, a Manager in the Human Resources Department of Makana Municipality, requesting an official confirmation as to whether Peter Lobese had been employed at the Makana Municipality, temporarily or permanently, in his private capacity or via a third party, at any time.

20.2.3 We contacted Nomthandazo Mazwayi, the Head: Corporate Services at Makana Municipality, requesting confirmation of whether Peter Lobese, his wife or any family members have been employed at the Makana Municipality. Additionally, we requested whether a number of entities related to Peter Lobese and his wife are on the supplier database of Makana Municipality.

20.2.4 We interviewed Peter Lobese regarding the allegation levelled against him.

20.2.5 We contacted Alan Croutz, the Legal Manager of Bitou Municipality, regarding the allegation.

20.2.6 We contacted Dupree Lombard, former Head: Strategic Services of Bitou Municipality,

regarding the allegation.

20.2.7 We contacted Allen Pause, former Municipal Manager of Bitou Municipality, regarding the allegation.

20.3 Documents Obtained

20.3.1 We obtained the following documents from the HR file of Peter Lobese provided by the Human Resources Department of Bitou Municipality.

- (a) Emails sent between Venus Cunningham, Manager: Human Resources Administration for Bitou Municipality, and Zani Siqwede, an HR Practitioner of Makana Municipality, on 20 June 2018 (see Annexure 20.1).

20.3.2 We obtained the following documents from Makana Municipality:

- (a) A letter of confirmation of employment for Peter Lobese dated 24 October 2018 and signed by Riana Meiring, the acting Municipal Manager of Makana Municipality (see Annexure 20.2).

20.4 Findings

20.4.1 We were concerned that officials loyal to Peter Lobese at the Makana Municipality may have obstructed the investigation and prevented confirmation of his employment, and therefore sent a letter to Xolela Kalashe, the manager at the Human Resources Department at Makana Municipality, requesting confirmation as to whether Peter Lobese had been employed at the Makana Municipality, temporarily or permanently, in his private capacity or via a third party, at any time (see Annexure 20.3).

20.4.2 Xolela Kalashe thereafter provided us with written confirmation on the Makana Municipality letterhead which stated that Peter Lobese was never appointed or worked for Makana Municipality. The letter, which was signed by the Acting Municipal Manager, Riana Meiring, stated that this was verified by Marius Crouse (Manager: Expenditure at Makana Municipality) through the office of their Payday Expert Nico Terblanche (see Annexure 20.2).

20.4.3 There is a dispute of fact surrounding the forensic investigation conducted by Horizon Forensics in 2015 and the written confirmation received from Xolela Kalashe in 2018.

20.4.4 We inspected the HR file of Peter Lobese as provided to us by the Human Resources Department of Bitou Municipality. We discovered that the file did not contain any documentation prior to 2016. This is possibly due to the expiry of Peter Lobese's previous

contract as Manager: Property Management, as he was not employed further by Bitou Municipality and his previous documentation could have been destroyed as a result.

20.4.5 We note that in Peter Lobese's HR file there is a set of emails where Venus Cunningham, Manager: Human Resources Administration for Bitou Municipality, made an enquiry with Zani Siqwede, an HR Practitioner of Makana Municipality, as to whether Peter Lobese has ever been an employee at Makana Municipality. Zani Siqwede responded to the email stating that Peter Lobese was never employed by Makana Municipality based on the fact that he does not appear on their payroll system (see Annexure 20.1).

20.4.6 We conducted an interview with Peter Lobese regarding the complaint. Peter Lobese denies the allegation that he ever worked directly or indirectly for Makana Municipality. He also denies ever having benefitted directly or indirectly from Makana Municipality. He stated that this can be confirmed by requesting his bank statements, as these would reflect that he never received money from Makana Municipality.

20.4.7 We contacted a number of current and former officials to determine their view of the allegation and its validity:

- (a) Alan Croutz, the Manager: Legal Services stated that Peter Lobese's contract as Manager: Property Management was close to expiry at the time that the allegation was brought to the attention of Bitou Municipality. He was tasked with investigating the allegation and appointed Horizon Forensics to investigate the issue. The investigation by Horizon Forensics was not able to be completed as described above. Alan Croutz stated that this allegation was one of a number of reasons why the Bitou Municipality did not extend Peter Lobese's contract. Alan Croutz advised that we should speak to Dupree Lombard, the former Head: Strategic Services and who had been Peter Lobese's manager at the time of the allegation.
- (b) Dupree Lombard, former Head: Strategic Services of Bitou Municipality, stated that he was not aware of the details of the allegation. He did however state to us that Peter Lobese took a substantial amount of leave (paid leave, family responsibility leave, sick leave), more so than any other employee in his reporting line. Dupre Lombard stated that it made the allegation that Peter Lobese may be employed by another Municipality plausible to him.
- (c) Allen Paulse, former Municipal Manager of Bitou Municipality, stated that he was aware of the allegation but did not know any specific details.

20.5 Conclusion

20.5.1 There is a dispute of fact surrounding the forensic investigation conducted by Horizon Forensics into the anonymous whistle-blower complaint made with the Presidential Hotline in or about 2014 or 2015 and the written confirmation received from Xolela Kalashe. We are also not sure on what basis the Makana Municipality have stated that Peter Lobese has not been employed at the Makana Municipality, temporarily or permanently, in his private capacity or via a third party, at any time without investigating each supplier. We therefore view the situation as still unresolved.

20.6 Recommendations

20.6.1 We recommend the following action:

- (a) Due to the seriousness of the allegations we recommend that the South African Police Service prepare and issue a subpoena to the banks in terms of the provisions of Section 205 (1) of the Criminal Procedure Act 51 of 1977 to determine whether Peter Lobese had been employed at the Makana Municipality, temporarily or permanently, in his private capacity or via a third party, at any time for 2013 to 2016. The subpoena would be issued under the criminal complaint opened by Councillor Bill Nel, Plettenberg Bay CAS 148/04/2018.

21. PHASE 14: RENTAL OF MAYORAL VEHICLE COSTING R60,000 PER MONTH**21.1 Introduction**

21.1.1 It is alleged that a mayoral vehicle was rented at a cost of R60 000.00 per month and that the procurement policy was fraudulently bypassed by renting the said vehicle over several months on a biweekly basis, thus keeping the payments under R30 000.00 per month and avoiding the supply chain management tender process.

21.2 Procedures followed

21.2.1 In order to determine whether there is any merit to this allegation, we:

- (a) Reviewed documentation pertaining to the rental of vehicles for the Executive Mayor;
- (b) Reviewed relevant legislation, supply chain management policies and procedures; and
- (c) Consulted the following individuals, which have knowledge of the allegation:
 - (i) Sujeeth Sunkar – Manager: Fleet Management; and
 - (ii) Shane Heath - Principal Clerk: Assets & Liability Management.
- (d) Interviewed the following individuals, which have knowledge of the allegation:
 - (i) Peter Lobese – Executive Mayor; and
 - (ii) Pedro Peters – Manager: Supply Chain Management.

21.3 Documentation obtained

21.3.1 During our investigation, we:

- (a) Secured relevant expenditure vouchers pertaining to the rental of vehicles for the Executive Mayor. These were obtained from the Bitou Municipality's expenditure section;
- (b) Secured e-mail correspondence and written communication between the relevant parties pertaining to the rental of vehicles for the Executive Mayor. These were obtained from the individuals we consulted and/or interviewed; and
- (c) Secured relevant legislation, supply chain management policies and procedures, which was obtained from the Bitou Municipality.

21.4 Findings

21.5 We have established the following:

21.5.1 The vehicle of Peter Lobese was involved in an accident on 5 August 2017. The motor-vehicle, a BMW 320i, was extensively damaged and according to Sujeeth Sunkar, Thabo Ndlovu tasked him to obtain quotations in order to rent a motor-vehicle until the insurance claim was processed.

21.5.2 According to Sujeeth Sunkar, various quotations were obtained for a variety of vehicles as Peter Lobese was not satisfied with any vehicle. Once all the options were considered, Peter Lobese selected a Volvo XC90 from Eco Car & Van Hire.

21.5.3 Sujeeth Sunkar submitted a written quotation from Eco Car & Van Hire to Thabo Ndlovu via email (see Annexure 21.1) on 8 August 2017. In this email, Sujeeth Sunkar informed Thabo Ndlovu that the 30-day rental figures on the luxury motor-vehicles were expensive and that it would require a deviation in terms of the supply chain management policy.

21.5.4 According to Sujeeth Sunkar, the quotation from Eco Car & Van Hire for a Volvo XC90 motor-vehicle was accepted by the Bitou Municipality, based on the preference of Peter Lobese.

21.5.5 Sujeeth Sunkar wrote an email to Thabo Ndlovu on 18 August 2017 stating:

- (a) *"Please can you speak to Mr Mayor as his driver that was involved with the accident with the BMW has caused problems regarding the accident claim documents, which needed to reach our insurers 72 hours after the accident? This resulted in delays in getting this claim resolved, and as a result hiring another vehicle during this timelines will result in fruitless and wasteful expenditure".*

21.5.6 Pedro Peters submitted a memorandum (see Annexure 21.2) to Thabo Ndlovu, dated 23 August 2017, requesting approval to deviate from the supply chain management policy in order to rent the temporary vehicle for Peter Lobese. The deviation was approved by Thabo Ndlovu, however this approval only related to the initial 10-day period (8 August 2017 to 18 August 2017) at a cost of R28,728.00 (VAT inclusive).

21.5.7 Vincent Mkhafa wrote an email (see Annexure 21.3) to Sujeeth Sunkar and Daluxolo Ncame on 1 September 2017 at 12:03 pm, stating:

- (a) *"Please note that this arrangement was suppose to be temporary but we continue with this exercise monthly. We are now paying for two cars for the Mayor and one of the expenses will have to be declared fruitless. We have requested that insurance claim*

be completed and a month late this haven't been done. May you please complete this claim as a matter of urgency so that we can lodge it with our insurer. Your urgent action will be appreciated".

21.5.8 Sujeeth Sunkar wrote an email (see Annexure 21.4) to Vincent Mkhafa and Daluxolo Ncame on 1 September 2017 at 12:11 pm, stating:

- (a) *"Please note that Daluxolo and the Mayors driver Stera met with myself on Monday morning at that brief meeting I requested the driver to complete the insurance claim forms with our colleagues at budget office. Can Mr Daluxolo please confirm if this request was completed?"*.

21.5.9 Our review of expenditure voucher 120881, dated 17 October 2017 (see Annexure 21.5), revealed that:

- (a) Only two written quotations were attached to the expenditure voucher, one for Eco Car & Van Hire and one for Avis.
- (b) A purchase request 222688 was captured on 8 August 2017, authorised by Pedro Peters for hiring a temporary vehicle for the Executive Mayor to the value of R28,728 from Eco Car & Van Hire.
- (c) A purchase order (380717) was issued on 8 August 2017.
- (d) According to the statement from Eco Car & Van Hire, invoice 0040006683 was issued on 16 August 2017 for R28,728.00, however an incorrect invoice (0040006899 for R27,537.86) was attached to the expenditure voucher.
- (e) The Bitou Municipality paid Eco Car & Van Hire an amount of R28,728.00 on 17 October 2017.

21.5.10 Our review of expenditure voucher 120791, dated 6 October 2017 (see Annexure 21.6), revealed that:

- (a) Various written quotations were attached to the expenditure voucher however they were only from two different service providers namely; Eco Car & Van Hire and Avis.
- (b) A purchase request 222891 was captured on 16 August 2017, authorised by Sujeeth Sunkar in terms of renting a vehicle for the Executive Mayor for 15 days to the value of R29,070 from Eco Car & Van Hire.
- (c) A purchase order (380803) was issued on 17 August 2017.

- (d) Eco Car & Van Hire submitted invoice 0040006716, dated 31 August 2017 to the value of R29,070. The invoice was signed by Sujeeth Sunkar on 13 September 2017, certifying that the service was rendered.
- (e) The Bitou Municipality paid Eco Car & Van Hire an amount of R29,070 on 6 October 2017.

21.5.11 Our review of expenditure voucher 120865, dated 17 October 2017 (see Annexure 21.7), revealed that:

- (a) Written quotations from Eco Car & Van Hire, Drive South Africa and Avis were attached to the expenditure voucher.
- (b) A purchase request 223545 was captured on 31 August 2017, authorised by Sujeeth Sunkar in terms of renting a vehicle for the Executive Mayor for 14 days to the value of R27,538 from Eco Car & Van Hire.
- (c) A purchase order (381010) was issued on 31 August 2017 for R27,538.
- (d) Eco Car & Van Hire submitted invoice 0040006789, dated 14 September 2017 to the value of R27,537.86. The invoice was signed by Sujeeth Sunkar on 16 October 2017, certifying that the service was rendered.
- (e) The Bitou Municipality paid Eco Car & Van Hire an amount of R27,537.86 on 17 October 2017.

21.5.12 Our review of expenditure voucher 121269, dated 31 October 2017 (see Annexure 21.8), revealed that:

- (a) Written quotations from Eco Car & Van Hire, Bidvest and Avis were attached to the expenditure voucher.
- (b) A purchase request 224064 was captured on 14 September 2017, authorised by Sujeeth Sunkar in terms of renting a temporary vehicle for the Executive Mayor to the value of R27,538 from Eco Car & Van Hire.
- (c) A purchase order (381219) was issued on 14 September 2017 for R27,538.
- (d) Eco Car & Van Hire submitted invoice 0040006899, dated 28 September 2017 to the value of R27,537.86. The invoice was signed by Sujeeth Sunkar on 31 October 2017, certifying that the service was rendered.

- (e) The Bitou Municipality paid Eco Car & Van Hire an amount of R27,537.86 on 31 October 2017.

21.5.13

Our review of expenditure voucher 121983, dated 5 December 2017 (see Annexure 21.9), revealed that:

- (a) Three purchase requests were processed as part of this transaction.
- (b) Written quotations from Eco Car & Van Hire, Drive South Africa, and Avis were attached to the expenditure voucher, except in the case of purchase request 225311, which only had quotations from Eco Car & Van Hire and Avis.
- (c) The following purchase requests were captured in terms of renting a temporary vehicle for the Executive Mayor:
 - (i) 224412 on 28 September 2017, authorised by Hercules Lombard to the value of R27,538 from Eco Car & Van Hire;
 - (ii) 224778 on 12 October 2017, authorised by Sujeeth Sunkar to the value of R27,538 from Eco Car & Van Hire;
 - (iii) 225311 on 2 November 2017, authorised by Sujeeth Sunkar to the value of R27,538 from Eco Car & Van Hire;
- (d) The following purchase orders were issued:
 - (i) 381424 on 28 September 2017 for R27,538;
 - (ii) 381612 on 12 October 2017 for R27,538;
 - (iii) 382106 on 14 November 2017 for R27,538.
- (e) Eco Car & Van Hire submitted the following invoices:
 - (i) 0040006966, dated 12 October 2017 to the value of R27,537.86;
 - (ii) 0040007009, dated 26 October 2017 to the value of R27,537.86;
 - (iii) 0040007164, dated 7 November 2017 to the value of R23,603.88;
 - (iv) All the above invoices were signed by Sujeeth Sunkar, certifying that the services were rendered.

- (f) The Bitou Municipality paid Eco Car & Van Hire an amount of R78,679.60 on 5 December 2017.

21.5.14 Pedro Peters registered the following purchase requisitions as potential irregular expenditure:

- (a) 224412 on 28 September 2017, to the value of R27,538;
- (b) 224778 on 12 October 2017, to the value of R27,538; and
- (c) 225311 on 20 November 2017, to the value of R27,538.

21.5.15 In summary, the Volvo XC90 was rented as follows:

ORDER NO.	RENTAL DURATION	VALUE (VAT INCL)
380717	10 days (08/08/2017 – 18/08/2017)	R28,728.00
380803	15 days (16/08/2017 – 31/08/2017)	R29,070.00
381010	14 days (31/08/2017 – 14/09/2017)	R27,537.86
381219	14 days (14/09/2017 – 28/09/2017)	R27,537.86
381424	14 days (28/09/2017 – 12/10/2017)	R27,537.86
381612	14 days (12/10/2017 – 26/10/2017)	R27,537.86
382106	12 days (26/10/2017 – 07/11/2017)	R23,603.88
	Total	R191,553.32

21.5.16 The supply chain management policy, stipulates the following:

- (a) Section 12(3): *“Goods or services may not deliberately be split into parts or items of a lesser value merely to avoid complying with the requirements of the policy. When determining transaction values, a requirement for goods or services consisting of different parts or items must as far as possible be treated and dealt with as a single transaction”.*

- (b) Section 17(1): *"The conditions for the procurement of goods or services for a value over R10 000 up to R200 000, through formal written price quotations are as follows:*
- (a) quotations must be obtained in writing from at least three different providers whose names appear on the list of accredited prospective providers of the municipality;*
- (a) quotations may be obtained from providers who are not listed, provided that such providers meet the listing criteria set out in Section 14(1)(b) and (c) of this Policy;*
- (b) if it is not possible to obtain at least three quotations, the reasons must be recorded and approved by the Chief Financial Officer or an official designated by the Chief Financial Officer, and*
- (c) the Accounting Officer must record the names of the potential providers and their written quotations".*
- (c) Section 18(1)(b): *"all goods and services in excess of R30 000 that are to be procured by means of formal written price quotations must, in addition to the requirements of Section 17, be advertised for at least seven days on the website and an official notice board of the municipality".*
- (d) Section 38(1)(i): *"No person placing a procurement requisition for goods or services shall knowingly understate the requirements of the estimated value with the intention of avoiding a more stringent procurement process. This includes the deliberate splitting of requirements to reduce individual order values".*

21.6 Conclusion

- 21.6.1 Since the Volvo XC90 motor-vehicle was rented for periods ranging from 10 to 15 days at a time, it resulted in expenditure below R30,000. It therefore appears that the motor-vehicle was procured in such a way to deliberately circumvent the limits of the supply chain management policy.
- 21.6.2 The driver of the Executive Mayor, "Stera" (Sithembiso Mqongwana), appears to have been responsible for the delays in the completion of the insurance claim, which ultimately resulted in unnecessary costs for the Bitou Municipality.
- 21.6.3 Based on the above, Thabo Ndlovu in his capacity as Municipal Manager and Pedro Peters in his capacity as Manager: Supply Chain Management, failed to comply with the supply chain management policy of the Bitou Municipality and knowingly incurred irregular and/or

fruitless and wasteful expenditure to the value of R191,553.32 by renting an expensive motor-vehicle for Peter Lobese.

21.7 Recommendations

21.7.1 We recommend the following action:

- (a) Disciplinary action against Sithembiso Mqongwana for not acting in a timely manner to provide the required accident report to complete the insurance claim, which resulted in fruitless and wasteful expenditure. Section 32(1)(d) states that: *"(1) Without limiting liability in terms of the common law or other legislation- (d) any political office-bearer or official of a municipality who deliberately or negligently made or authorised a fruitless and wasteful expenditure is liable for that expenditure"*.
- (b) Disciplinary action against Pedro Peters for failing to obtain authorisation from the Accounting Officer to deviate from the Supply Chain Management Policy in terms of Section 36(1)(a)(v) for all the transactions pertaining to the short-term rental of a vehicle for the Executive Mayor.
- (c) We take note of the fact that Thabo Ndlovu resigned as Municipal Manager during our investigation, for this reason, we recommend that it be recorded on his human resource file that we recommended disciplinary action against him in terms of Section 32(1)(d) of the MFMA.

22. PHASE 15: PROCUREMENT OF PERSONAL SECURITY AND PROTECTION SERVICES FOR THE EXECUTIVE MAYOR

22.1 Introduction

22.1.1 It is alleged that personal security and home protection services to the value of R180,000 per month was procured for Peter Lobese despite two separate risks assessment being conducted by the South African Police Services Provincial Command structures and the Bitou Municipality's own Law Enforcement Services, finding that it was unwarranted.

22.2 Procedures followed

22.2.1 In order to determine whether there is any merit to this allegation, we have:

- (a) Reviewed documentation pertaining to the procurement of personal security and protection services for Peter Lobese.
- (b) Reviewed relevant legislation, supply chain management policies and procedures.
- (c) Received and reviewed various other documents referred to below.
- (d) Consulted the following individuals, which have knowledge of the allegation:
 - (i) Siyasanga Vandala: Chief Law Enforcement;
 - (ii) Andile Sakati – Senior Manager: Public Safety
- (e) Interviewed the following individuals, which have knowledge of the allegation:
 - (i) Peter Lobese – Executive Mayor; and
 - (ii) Pedro Peters – Manager: Supply Chain Management.

22.3 Documentation obtained

22.3.1 During our investigation, we:

- (a) Secured expenditure vouchers pertaining to the procurement of personal security and protection services for Peter Lobese. These were obtained from the Bitou Municipality's expenditure section;
- (b) Secured relevant documentation from individuals consulted and/or interviewed; and

- (c) Secured relevant legislation, supply chain management policies and procedures from the Bitou Municipality.

22.4 Findings

22.4.1 Peter Lobese was inaugurated as Executive Mayor on 12 August 2016. On 12 September 2016, one month after his inauguration, Andile Sakati submitted a letter to the Eden Cluster Commander of SAPS in which he requested a security threat analysis on the life of Peter Lobese.

22.4.2 The basis of the request for a security threat analysis was due to the following allegations recorded in Andile Sakati's letter to the SAPS (see Annexure 22.1):

- (a) *"The Executive Mayor was informed that there were discussion on the public transport by domestic workers regarding the threats made by their employees on the Mayor.*
- (b) *Recently 2 dogs (Pitbull's) has been stolen from the Mayor's house and we do not know what the motives is.*
- (c) *Some section of the party members that are not happy with the coalition partner.*
- (d) *On Wednesday the 7th September 2016 around afternoon 2 Whiteman in a white Toyota Prado were seen in the vicinity of the Mayors house dressed in khaki shorts with hunting rifles and on questioning they said they searching for lost cattle, coincidently is the same afternoon that the ballot papers were recounted by IEC and the results unchanged.*
- (e) *Recently the hijacking/armed robbery, Plettenberg Bay CAS14/09/2016 that happened right at the door step of Executive Mayor's office."*

22.4.3 The Provincial Commissioner of the SAPS in the Western Cape responded to Andile Sakati's request on 19 October 2016, stating that an assessment was done, and that Crime Intelligence was unable to identify a direct threat against Peter Lobese (see Annexure 22.2). The security threat assessment also recommended that in order to minimise a potential future threat, Peter Lobese should be encouraged to occupy the official Mayoral residence where his safety could be better ensured for the duration of his term of office.

22.4.4 Thabo Ndlovu instructed Andile Sakati and Mark Fourie via an email on 5 April 2017 to implement measures to "beef up" the security around Peter Lobese, with immediate effect. The proposed measures recorded in the email included the following (see Annexure 22.3):

- (a) Procurement of a “bullet proof vest” via means of a deviation process as it was deemed an emergency;
- (b) Deployment of an armed Close Protection Officer;
- (c) Allocation of a traffic motor-vehicle as a security escort;
- (d) Procurement of armed guards from the then current security company (Isolomzi Security Services) to be placed at the Executive Mayor’s residence, which included one guard during the day and two during the evening; and
- (e) Procurement of services from the security company to conduct regular patrols in the vicinity of the Executive Mayor’s residence during the evening.

22.4.5

Andile Sakati submitted a memorandum to Thabo Ndlovu on 7 April 2017, referring to a meeting between the Municipal Manager, Head of Community Services and Public Safety, which resulted in the instruction to tighten the security around the Peter Lobese (see Annexure 22.4). The memorandum recorded the following recommendations from Andile Sakati, which was approved by Thabo Ndlovu:

- (a) Project to be kept covert as far as possible;
- (b) Fleet Services to arrange a pool vehicle for covert operations;
- (c) Senior Inspector Mqongwana to be in charge as team leader;
- (d) Utilization of the then current security services provider for guarding and covert operatives;
- (e) Standby and overtime exceeding 40-hour limits to be permitted for officers from Public Safety;
- (f) Deviations to be processed for extraordinary procurement; and
- (g) The processes to be reviewed monthly.

22.4.6

Later the same day, Andile Sakati responded to Thabo Ndlovu via an internal memorandum, confirming that the following steps were taken in response to his instruction to strengthen the security around Peter Lobese (see Annexure 22.5). The memorandum included the following:

- (a) The “bullet proof vest” was procured;
- (b) An armed close protection officer was identified;

- (c) Two traffic officers were allocated; and
- (d) Private security services were arranged at Peter Lobese's residence.

22.4.7

A letter signed by Andile Sakati on behalf of Thabo Ndlovu, submitted and addressed to the Eden Cluster Commander of SAPS on 26 June 2017, requested a security threat assessment on the life of Peter Lobese for the following reasons (see Annexure 22.6):

- (a) *"The African National Congress supporters are not happy with these new coalition, which meant that the ANC has lost political power.*
- (b) *It is alleged that the Kwanokuthula community (Africans) believe that Mr. Lobese have sold out to the DA (white party).*
- (c) *The Executive Mayor himself has experience threatening remarks from random members of the public some of which he does not even know.*
- (d) *The son of Mr. Mnweba who is playing an advising role to the Executive Mayor was hospitalized after a brutal attack by a gang citing that it was Mr. Mnweba advice to go with the DA.*
- (e) *An incident happened in Pine Trees location where a family member to the Executive Mayor was threatened with a knife.*
- (f) *With the tensions escalating within the ANC as the party approaches it's December 2017 Conference, the risk of uncontrollable or rogue members acting outside the party discipline, will increase. The rogue elements can also turn violent and threaten the life of the Executive Mayor".*

22.4.8

On 9 July 2017, Pedro Peters, submitted a memorandum to Thabo Ndlovu pertaining to an application to deviate from the Supply Chain Management Policy for the provision of personal security services for Peter Lobese. The memorandum recorded, *inter-alia*, the following (see Annexure 22.7):

- (a) The political situation was very volatile due to the break in coalition between the ANC and the AUF;
- (b) The Accounting Officer appointed Isolomzi Security Services from 5 April 2017;
- (c) The security services included armed protection services with additional motor-vehicles to accompany the Executive Mayor 24 hours a day for seven days a week;

- (d) The security services were required without having time to properly assess the situation and obtain the official security assessment;
- (e) The rates charged by the service provider were deemed exorbitant and the Accounting Officer and the Chief Financial Officer were unable to negotiate a reduction in rates with Isolomzi Security Services, which resulted in their termination;
- (f) New threats emerged on Saturday 8 July 2017, and the Thabo Ndlovu had to consider deploying close protection services for the Executive Mayor on an urgent basis;
- (g) A service provider was required on site by 18h00 the same day. Various service providers were contacted and the only one available was Blue Bay Guards (Black Moon Investments 56 CC t/a Blue Bay Guards);
- (h) The services were deployed with immediate effect until 31 August 2017 or until a threat analysis determined otherwise;
- (i) The Accounting Officer duly requested a threat analysis from SAPS as required by the Remuneration of Public Office Bearers Regulations;
- (j) In the interim, it was deemed appropriate to waive the procurement requirements of Section 19 of the SCM Policy; and
- (k) The financial implication for the services of Blue Bay Guards was R184,680 for July to August 2017.

22.4.9

Thabo Ndlovu approved the request for deviation on 7 September 2017. A possibility however exists that Thabo Ndlovu incorrectly dated the approval of the deviation as 7 September 2017, instead of 9 July 2017.

22.4.10 Attached to the request for deviation, we noted the following two invoices from Isolomzi Security Services:

INVOICE DATE	DESCRIPTION	VALUE (VAT INCL.)
01/04/2017	Security Services at Mayor's Residence from 5 to 30 April 2017	R263,796.00
01/05/2017	Security Services at Mayor's Residence from 1 to 31 May 2017	R293,322.00
	Total	R557,118.00

22.4.11 We were unable to identify payments made to Isolomzi Security Services for the values as per the abovementioned invoices from the payment listings obtained from the Bitou Municipality's expenditure section. We therefore requested the Bitou Municipality's expenditure section to confirm if the abovementioned invoices of Isolomzi Security Services were paid by the Bitou Municipality, however they were unable to confirm whether it was paid. According to Pedro Peters, the services was rendered, and the payments should have been made. We therefore assume the payments were made as part of other bulk payments to Isolomzi Security Services.

22.4.12 On 2 November 2017, the Provincial Head of Crime Intelligence of SAPS in the Western Cape responded to Thabo Ndlovu's request dated 26 June 2017. In his response, he referred to the previous request for a security threat assessment on the life of Peter Lobese in October 2016 and added that after additional investigation into this matter, SAPS could not identify any direct threat against Peter Lobese. In addition, SAPS recommended that all security shortfalls at the private residence of Peter Lobese become the responsibility of Peter Lobese in his private capacity and not the responsibility of the Bitou Municipality (see Annexure 22.8). The recommendations by SAPS reiterated the importance for Peter Lobese to take up residence in the official Mayoral residence, where his safety needs could be ensured.

22.4.13 Thabo Ndlovu sent an email to Andile Sakati and Siyasanga Vandala on 5 December 2017, instructing them to withdraw the services of Blue Bay Guards with immediate effect and requested them to make arrangements for patrols by law enforcement officers in the vicinity of the residence of Peter Lobese (see Annexure 22.9).

22.4.14 Our review of expenditure voucher 120773, dated 6 October 2017 (see Annexure 22.10), revealed the following:

- (a) The Bitou Municipality made a payment to Blue Bay Guards on 6 October 2017 to the value of R188,100. The payment was made in terms the following two invoices received from Blue Bay Guards:
- (i) Invoice number 001, dated 31 July 2017 to the value of R82,080;
 - (A) The services rendered related to one day-shift and one night-shift armed officer as well as one vehicle to be deployed day and night for 24 days;
 - (B) The invoice was signed by Siyasanga Vandala, certifying that the services was rendered;
 - (C) The purchase request was captured on 18 September 2017 and authorised by Pedro Peters. A purchase order was issued on 23 August 2017 with a value of R82,080 for the abovementioned services. We noted that the purchase order was issued prior to the authorisation of the purchase request; and
 - (D) The expenditure voucher did not include evidence that adequate written price quotations were obtained as required by the SCM policy.
 - (ii) Invoice number 002, dated 31 August 2017 to the value of R106,020;
 - (A) The services rendered related to one day-shift and one night-shift armed officer as well as one vehicle to be deployed day and night for 31 days;
 - (B) The invoice was signed by Siyasanga Vandala, certifying that the services was rendered;
 - (C) The purchase request was captured on 27 September 2017 and authorised by Pedro Peters. A purchase order was issued on 14 September 2017 with a value of R106,020 for the abovementioned services. We noted that the purchase order was issued prior to the authorisation of the purchase request; and
 - (D) The expenditure voucher did not include evidence that adequate written price quotations were obtained as required by the SCM policy.

22.4.15 Our review of expenditure voucher 121956, dated 6 December 2017 (see Annexure 22.11), revealed the following:

- (a) The Bitou Municipality made a payment to Blue Bay Guards on 6 December 2017 to the value of R106,020;
- (b) The payment was made in terms of invoice number 003 received from Blue Bay Guards, dated 30 September 2017;
- (c) The services rendered related to "Day and Night Security Services at Mayor's House for September 2017";
- (d) The invoice was signed by Siyasanga Vandala, certifying that the services was rendered. We noted the words "as per MM instruction" was recorded below his signature;
- (e) The purchase request was captured on 4 December 2017 and authorised by Pedro Peters. A purchase order was issued on the same day with a value of R318,060 for security services to be rendered from September to November 2017; and
- (f) The expenditure voucher did not include evidence that a competitive bid process was followed as required by the SCM policy.

22.4.16 Our review of expenditure voucher 121957, dated 6 December 2017 (see Annexure 22.12), revealed the following:

- (a) The Bitou Municipality made a payment to Blue Bay Guards on 6 December 2017 to the value of R106,020;
- (b) The payment was made in terms of invoice number 004 received from Blue Bay Guards, dated 30 October 2017;
- (c) The services rendered related to "Day and Night Security Services at Mayor's House for October 2017";
- (d) The invoice was signed by Siyasanga Vandala, certifying that the services was rendered. We noted the words "as per MM instruction" was recorded below his signature;
- (e) The purchase request was captured on 4 December 2017 and authorised by Pedro Peters. A purchase order was issued on the same day with a value of R318,060 for security services to be rendered from September to November 2017; and

- (f) The expenditure voucher did not include evidence that a competitive bid process was followed as required by the SCM policy.

22.4.17

We requested the expenditure section of the Bitou Municipality for all the expenditure vouchers relating to payments made to Blue Bay Guards, however, did not receive all of them at the time of this report. Based on the various documentation obtained, which includes the payment listings, we provide a summary of all the payments made to Blue Bay Guards:

REMITTANCE / INVOICE	INVOICE DATE	DESCRIPTION	VALUE (VAT INCL.)
120773 / 001	31/07/2017	Security Services for July 2017	R82,080.00
120773 / 002	31/08/2017	Security Services for August 2017	R106,020.00
121956 / 003	30/09/2017	Day and Night Security Services at Mayor's House for: September 2017	R106,020.00
121957 / 004	31/10/2017	Day and Night Security Services at Mayor's House for: October 2017	R106,020.00
122425 / 004	30/11/2017	Day and Night Security Services at Mayor's House for: November 2017	R106,020.00
122426 / 004	11/12/2017	Day and Night Security Service	R37,620.00
		Total	R543,780.00

22.4.18

We noted that the last three invoices all reflected invoice number: 4, however these are dated differently.

22.4.19

We have not been provided with any evidence to indicate whether an assessment was done regarding whether to move Peter Lobese to the official Mayoral residence at [REDACTED]

in [REDACTED] which may have offered a more secure location which could provide better protection to Peter Lobese.

22.4.20 According to Mnerah Siko, Administrative Officer in the Property Management Section of the Municipality, the official Mayoral residence, situated at [REDACTED], has been occupied by Makhaya Mana since January 2017.

22.4.21 Mnerah Siko informed us that Makhaya Mana is not paying any rental for occupying this residence and that he has approached Makhaya Mana on several occasions to sign a lease agreement, however Makhaya Mana refuses to do so. Mnerah Siko have apparently reported the matter to his superiors.

22.4.22 According to Emerald Saayman, Accountant: Rates, in the Revenue Department of the Municipality, Makhaya Mana has never made any payments towards services.

22.5 Conclusion

22.5.1 Based on our findings and evidence obtained, the allegation pertaining to monthly expenditure of R180,000 for Peter Lobese's personal security and home protection without it being warranted, appears to be partially true. According to our calculations, the monthly value of expenditure was approximately R120,000 per month over a nine-month period.

22.5.2 Security threat assessments conducted by the SAPS confirmed that they were unable to identify a direct threat. We are therefore of the view that unnecessary expenditure was approved by Thabo Ndlovu for the personal security of Peter Lobese without just cause.

22.5.3 In addition, Thabo Ndlovu authorised deviations from the Supply Chain Management Policy to procure private security services for Peter Lobese, which resulted in fruitless and wasteful expenditure to the value of R1,100,898. A potential or actual threat to an individual's security should be defined and/or quantified before a decision can be taken to deviate from the Supply Chain Management Policy and to appoint personal security services providers at short notice.

22.6 Recommendations

22.6.1 We recommend the following action:

(a) Disciplinary action against Peter Lobese for:

(i) Abusing his position as Executive Mayor and not acting in the best interest of the Municipality, which resulted in fruitless and wasteful expenditure. In terms of Section 32(1)(d) of the MFMA states that: "(1) Without limiting liability in terms of

the common law or other legislation- (d) any political office-bearer or official of a municipality who deliberately or negligently made or authorised a fruitless and wasteful expenditure is liable for that expenditure".

- (ii) Not taking up residence in his official Mayoral residence as recommended by the SAPS during their threat assessments; and
 - (iii) Allowing Makhaya Mana to occupy the official Mayoral residence without paying for the rental or services.
- (b) We recommend that the fruitless and wasteful expenditure be recovered from Peter Lobese.
- (c) We recommend disciplinary action against Makhaya Mana for occupying the official Mayoral residence without signing a rental agreement with the Municipality and for not paying rental or services.
- (d) The outstanding rental and services for occupying the official Mayoral residence should be recovered from Makhaya Mana.
- (e) We take note of the fact that Thabo Ndlovu resigned as Municipal Manager during our investigation, for this reason, we recommend that it be recorded on his human resource file that we recommended disciplinary action against him in terms of Section 32(1)(d) of the MFMA.