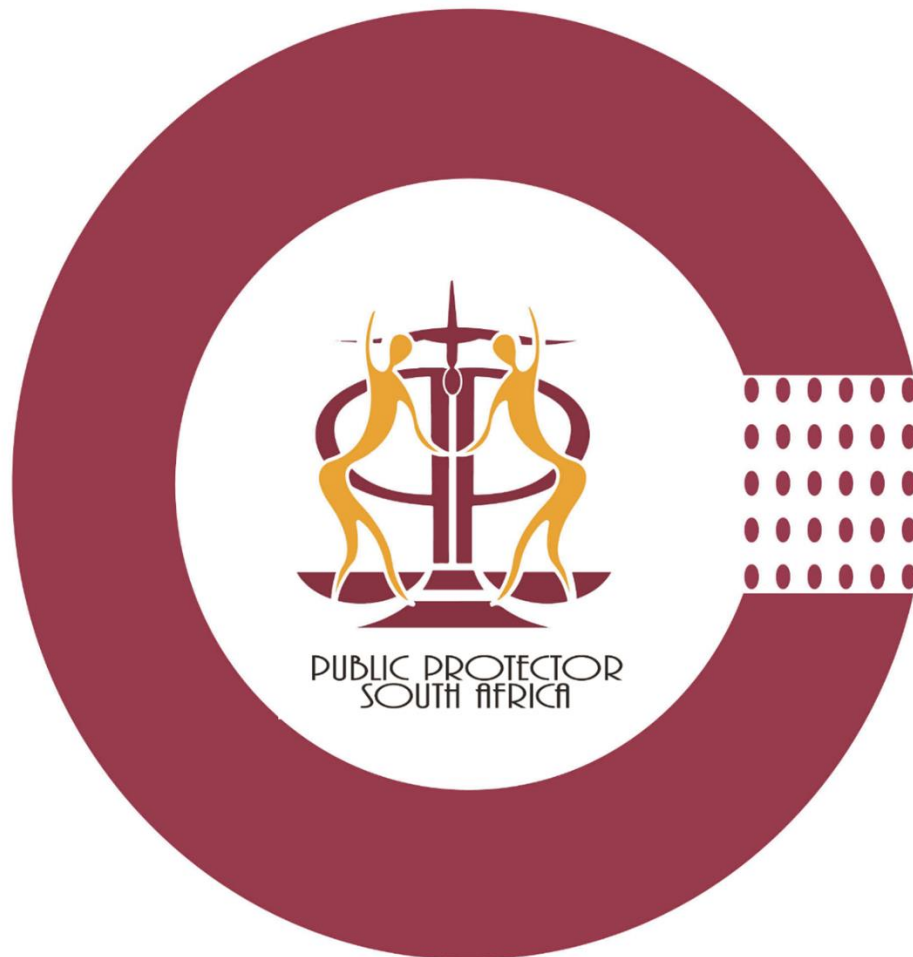


**REPORT OF THE PUBLIC PROTECTOR IN TERMS OF SECTION 182(1)(b) OF THE
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 READ WITH
SECTION 8(1) OF THE PUBLIC PROTECTOR ACT, 1994**



Accountability • Integrity • Responsiveness

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**INVESTIGATION INTO ALLEGATIONS OF FAILURE BY THE MAHIKENG LOCAL
MUNICIPALITY TO ENSURE THAT SEWAGE INFRASTRUCTURE LOCATED AT
ASTER STREET, DANVILLE, MAHIKENG, IS PROPERLY MAINTAINED**

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LIST OF ACRONYMS AND ABBREVIATIONS

ACRONYMS/ABBREVIATIONS	DESCRIPTIONS
Acting MM	Acting Municipal Manager
Adv	Advocate
Constitution	Constitution of the Republic of South Africa, 1996
Municipality	Mahikeng Local Municipality
Municipal Structures Act	Local Government: Municipal Structures Act, 1998
Municipal Systems Act	Local Government: Municipal Systems Act, 2000
NMMDM	Ngaka Modiri Molema District Municipality
Public Protector	Public Protector of the Republic of South Africa
Public Protector Act	Public Protector Act, 1994
Water Services Act	Water Services Act, 1997

1. INTRODUCTION

- 1.1 This is a report of the Public Protector issued in terms of section 8(1) of the Public Protector Act, 1994, which provides that *“The Public Protector may, subject to the provisions of subsection (3), in the manner he or she deems fit, make known to any person any finding, point of view or recommendation, in respect of a matter investigated by the Public Protector”*.
- 1.2 This report relates to an investigation into allegations of failure by functionaries of the Mahikeng Local Municipality (the Municipality) to ensure that the sewage infrastructure located at the Complainant’s property, is properly maintained.
- 1.3 The Public Protector’s mandate is derived from section 182(1) of the Constitution of the Republic of South Africa (the Constitution) and the Public Protector Act, 1994 (the Public Protector Act), to promote accountability, transparency and fairness in the public sector. The Public Protector continuously reviews and monitors the information gathered from complaints lodged with the office, with the view to identifying the most probable underlying root causes of the problems, complaints or undesired events within relevant public bodies or authorities.
- 1.4 The aim is to formulate and establish corrective actions to at least mitigate, if not eliminate, those root causes and to produce significant long-term improvements in public administration.
- 1.5 The point of departure is that any complaint might be a symptom of an underlying organisational failure, *inter alia*, in areas such as systems, procedures and human error. By addressing the underlying deficiencies in the systems that are the causes of the complaints, the Public Protector aims

to reduce the number of individual complaints, in turn, working collaboratively with stakeholders to get the problems resolved and provide constructive feedback that will enable it to address the root causes of complaints and prevent recurrence.

2. THE COMPLAINT

2.1 The complaint was lodged with the North West Provincial Office of the Public Protector in Mahikeng on 20 April 2022, by Ms Loungo Masire (the Complainant), who resides in Aster Street, Danville, Mahikeng.

2.2 In essence, the Complainant alleged that:

2.2.1 She has been residing at the property for the past twenty (20) years;

2.2.2 A sewage manhole was constructed in her yard and during the rainy season, the sewage system gets blocked, causing sewage spillage to flow into her property and that of her neighbours;

2.2.3 She and her neighbours are experiencing continuous environmental pollution issues, and they are exposed to health risks, as a result of the sewage spillage and the stench emanating therefrom; and

2.2.4 The unbearable situation has existed for the past twenty (20) years and the Municipality has done nothing to remedy the situation despite her continuously reaching out to report the sewage spillage.

2.3 In essence, the Complainant alleged that the Municipality failed to ensure that the sewage infrastructure in the area was properly maintained.

3. POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR

3.1 The Public Protector is an independent constitutional institution established under section 181(1)(a) of the Constitution to strengthen constitutional democracy through investigating and redressing improper conduct in state affairs.

3.2 Section 182(1) of the Constitution provides that:

“The Public Protector has the power, as regulated by national legislation-

- (a) to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice;*
- (b) to report on that conduct; and*
- (c) to take appropriate remedial action.”*

3.3 Section 182(2) directs that the Public Protector has the additional powers and functions prescribed by national legislation.

3.4 Section 6(4)(c)(ii) of the Public Protector Act provides that, the Public Protector *“shall be competent at any time prior to, during or after an investigation, if he or she deems it advisable, to refer any matter which has a bearing on an investigation, to the appropriate public body or authority affected by it or to make an appropriate recommendation regarding the redress of the prejudice resulting from or make any other appropriate recommendation he or she deems expedient to the affected public body or authority”*.

- 3.5 The Municipality is an organ of the state in terms of section 239 of the Constitution and its conduct amounts to conduct in state affairs, as a result, the Public Protector is satisfied that the complaint falls within its competency to conduct an investigation as envisaged in section 182(1)(a) of the Constitution and section 6(4) of the Public Protector Act.

4. ISSUE IDENTIFIED FOR INVESTIGATION

- 4.1 Based on the analysis of the complaint, the following issue was identified to inform and focus the investigation:

- 4.1.1 Whether the functionaries of the Municipality failed to properly maintain the sewage infrastructure located at Aster Street, Danville, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act, 1994.

5. THE INVESTIGATION

5.1 The Investigation Process

- 5.1.1 The investigation is conducted in terms of section 182 of the Constitution and sections 6 and 7 of the Public Protector Act.
- 5.1.2 The Public Protector Act confers on the Public Protector the sole discretion to determine the format and procedure to be followed in conducting any investigation.

5.1.3 The investigation process included the exchange of documents, an inspection *in loco*, analysis of the relevant documentation and consideration and application of the relevant laws, regulatory framework and prescripts.

5.2 The approach to the investigation

5.2.1 The investigation was approached using an enquiry process that seeks to determine:

5.2.1.1 What happened?

5.2.1.2 What should have happened?

5.2.1.3 Is there a discrepancy between what happened and what should have happened and does that deviation amount to maladministration or improper conduct?

5.2.2 The question regarding what happened is resolved through a factual enquiry relying on the evidence provided by the parties and independently sourced during the investigation. In this particular case, the factual enquiry principally focused on whether the alleged conduct of the functionaries of the Municipality was inconsistent with the applicable legal prescripts.

5.3 Key sources of information

5.3.1 Complaint email to the Public Protector, dated 20 April 2022;

5.3.2 Allegations letter from the Public Protector to Mr M. Mokgwamme, the then Municipal Manager, dated 07 June 2022;

5.3.3 Response letter from Adv. DI Mongwaketse to the Public Protector, dated 17 August 2022;

5.3.4 Letter from the Public Protector to the Complainant, dated 02 September 2022;

- 5.3.5 E-mail response from the Complainant to the Public Protector, dated 16 October 2022;
- 5.3.6 Response letter from Adv. DI Mongwaketse to the Public Protector, dated 17 February 2023;
- 5.3.7 Letter from Adv. DI Mongwaketse to the Public Protector, dated 21 June 2023; and
- 5.3.8 Letter from Adv. DI Mongwaketse to the Public Protector, dated 21 September 2023.

5.4 **Legislation and other prescripts**

- 5.4.1 Constitution of the Republic of South Africa, 1996;
- 5.4.2 Public Protector Act, 1994;
- 5.4.3 Local Government: Municipal Structures Act, 1998;
- 5.4.4 Local Government: Municipal Systems Act, 2000; and
- 5.4.5 Water Services Act, 1997.

5.5 **Case Law**

- 5.5.1 *City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another 2012(2) SA 104 (CC)*; and

5.6 **Public Protector Touchstone**

- 5.6.1 Public Protector Formal Report number 02 of 2023/2024.

6. THE DETERMINATION OF THE ISSUES IN RELATION TO THE EVIDENCE OBTAINED AND CONCLUSIONS MADE WITH REGARD TO THE APPLICABLE LAW AND PRESCRIPTS

6.1 Whether the functionaries of the Municipality failed to properly maintain the sewage infrastructure located at Aster Street, Danville, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act, 1994

Common cause

6.1.1 The Municipality constructed a manhole in the Complainant's yard, in Aster Street, Danville, Mahikeng.

6.1.2 The manhole occasionally became blocked causing sewage spillage in the Complainant's and neighbouring properties.

6.1.3 During the rainy seasons, additional water from adjacent properties flowed into the Complainant's yard and into the manhole, resulting in an overflow of the sewage infrastructure, thus causing a spillage onto the Complainant's yard.

6.1.4 The Municipality placed an additional manhole in the Complainant's yard, but the overflow persisted during the rainy season.

Issue in dispute

6.1.5 The issue for the Public Protector's determination is whether the the sewage infrastructure located at the Complainant's property was not properly

maintained by the Municipality, as required in terms of applicable sanitation prescripts.

The Complainants' version

6.1.6 The Complainant and her neighbours averred that they experienced sewage system blockages during rainy seasons, which resulted in spillage onto their properties.

6.1.7 The Complainant further contended that she approached the Municipality on several occasions, however, the situation persisted. The Municipality has failed to resolve the spillage issue for the past twenty (20) years.

The Municipality's version

6.1.8 The Public Protector sent an allegations letter dated 07 June 2022, to the then Municipal Manager, Mr M Mokgwamme, (Mr Mokgwamme), however, no response was forthcoming.

6.1.9 Another allegations letter dated 11 July 2022 was sent to the then Acting Municipal Manager, Mr Thendo Masia (Mr Masia) since Mr Mokgwamme had retired. No response was received from Mr Masia.

6.1.10 A response dated 17 August 2022, was subsequently received from the Municipal Manager, Adv. DI Mongwaketse, (Adv. Mongwaketse).

6.1.11 In her response, Adv. Mongwaketse stated that:

6.1.11.1 The Municipality constructed a secondary manhole at some point to try and remedy the situation. The secondary manhole was constructed upstream

from the first manhole located at the Complainant's property. The purpose of the secondary manhole was to relieve the load emanating from Canna Street and Aster Street, by redirecting the flow onto the line that flows towards the Petunia Street pipeline, which flows towards pump station 4;

6.1.11.2 The Municipality also ensured the continuous operation of pump station 4 and further placed personnel to monitor the situation continuously;

6.1.11.3 The owner continued to complain that the problem of sewer spillage during rainy seasons remained unresolved; and

6.1.11.4 Upon inspecting the site, the Municipal officials discovered that the sewer main line was blocked and required to be unblocked. The municipal team found sand and stones in the sewer line, which are regarded as foreign objects. Once the team had cleared the mainline, further advice would be given to the Complainant.

6.1.12 On 17 February 2023, Adv. Mongwaketse provided the Public Protector Investigation Team (Investigation Team) with the progress made by the Municipality in resolving this matter. In her response, she stated that:

6.1.12.1 The Municipality conducted a preliminary investigation regarding the sewer spillage at the Complainant's residence as well as in the general vicinity;

6.1.12.2 It was established that the main problem emanates from the sewage connection point. The Complainant's connection point goes straight into the manhole instead of the municipal sewer point; and

6.1.12.3 The municipal team jetted the whole Aster Street line during the month of December 2022 and the Complainant's residence was temporarily relieved.

Inspection in loco

- 6.1.13 On 21 February 2023, the Investigation Team, together with the Complainant, conducted an inspection *in loco* at her property and the surrounding areas.
- 6.1.14 During the site visit, the Complainant stated that the sewage spillage has been a challenge for the past twenty (20) years.
- 6.1.15 The following observations, as captured in the images below, were made by the Investigation Team:



Figure 1 : Raw sewage material forming a large puddle in the Complainant's yard.



Figure 2: Raw sewage flowing in a furrow constructed by the Complainant's family in order to try and manage the outflow of the sewage spillage onto the street

Additional submission from Adv Mongwaketse

- 6.1.16 On 27 June 2023, Adv Mongwaketse provided the Investigation Team with a letter detailing further progress on steps taken to address this matter. She stated that:
- 6.1.16.1 On 20 April 2023, The Municipality is operating the treatment plants on behalf of the Ngaka Modiri Molema District Municipality. The Municipality engaged the NMMDM, with a proposal to upgrade pump station 4 on its behalf, since it is the latter's responsibility to provide water and sanitation to the rural villages and peri-urban areas within the jurisdiction of the Municipality;

-
- 6.1.16.2 On 20 April 2023, NMMDM authorised the Municipality to upgrade and refurbish Mmabatho (Tontonyane), and Mahikeng (Danville) Wastewater Treatment Plants, including pump station 4. The authorisation was granted on condition that the Municipality carries all the costs related to the upgrades and that NMMDM will reimburse the Municipality during the 2023/2024 municipal financial year; and
- 6.1.16.3 On 01 May 2023, the Municipality thereafter procured the services of Excellence Business Academy, to upgrade pump stations 4, 12 and 13 and the cleaning of sump. This process is anticipated to be completed by December 2023.
- 6.1.17 On 21 September 2023, Adv. Mongwaketse indicated that:
- 6.1.17.1 On 17 August 2023, pump station 4 was upgraded and equipped with a backup generator for purposes of operational continuity, even during load shedding;
- 6.1.17.2 Certain mechanical components should be replaced; two (02) suction pipes for pumps; non-return valve from the valve chamber must be removed, and straight pipes should be installed by December 2023;
- 6.1.17.3 The Municipality is assessing the implemented solution with a view to determine whether further intervention is required; and
- 6.1.17.4 They are in the process of assessing the possibility of introducing a new line which will feed directly into the mainline heading towards pump station 04. The line is meant to stop a confluence of combined storm water and sewer lines occurring at the Complainant's property.

Further inspection in loco

- 6.1.18 On 11 October 2023, the Investigation Team accompanied by Mr. M. Ratshefola (Mr Rashefola), the Acting Head of Water and Sanitation for the Municipality, conducted a further inspection *in loco* at pump station 4. The following was observed:
- 6.1.18.1 Pump station 4 has been refurbished and is supported by a generator;
 - 6.1.18.2 A Closed-Circuit Television (CCTV) Security Camera was installed; and
 - 6.1.18.3 The Municipality has constructed a guardroom and posted two (02) security personnel to guard the pump station.
- 6.1.19 The Investigation Team and Mr Ratshefola proceeded with an inspection *in loco* at the Complainant's property and no sewage spillage was found. The area at the Complainant's property was also dry, as shown in the pictures below:



Figure 3: Dry furrow constructed by the Complainant's family to manage the outflow of the sewage spillage onto the street



Figure 4: No sewage material puddle in the Complainant's yard

- 6.1.20 Mr. Ratshefola stated that the Municipality will monitor pump station 4 and any possible sewage spillage at the Complainant's property during the rainy season and will take appropriate action where necessary.
- 6.1.21 The Complainant confirmed to the Investigation Team that since the onset of the current rainy season, there has been no sewage spillage in her property.

Applicable law

Constitution of the Republic of South Africa, 1996

6.1.22 Section 24(a) of the Constitution provides that:

“everyone has the right-

(a) to an environment that is not harmful to their health or wellbeing...”

6.1.23 Section 152 of the Constitution provides *inter alia* that:

(1) The objects of local government are-

(a) To provide democratic and accountable government for local communities.

(b) To ensure the provision of services to communities in a sustainable manner.

(c)

(d) To promote a safe and healthy environment; and

(e)

(2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

6.1.24 Section 195 of the Constitution provides that:

“(1) Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

- (a) *A high standard of professional ethics must be promoted and maintained,*
- (b) *.....*
- (d) *Services must be provided impartially, fairly, equitably and without bias.*
- (e) *People's needs must be responded to, and the public must be encouraged to participate in policymaking.*

6.1.25 Section 237 of the Constitution states that:

“All constitutional obligations must be performed diligently and without delay”.

Water Services Act, 1997

6.1.26 Section 2 of the Water Services Act provides for:

“(a) the right of access to basic water supply and the right to basic sanitation necessary to secure sufficient water and an environment not harmful to human health or well-being;

6.1.27 Section 3 of the Water Services Act provides for the right of access to basic water supply and basic sanitation as follows:

“(1) Everyone has a right of access to basic water supply and basic sanitation.

(2) Every water services institution must take reasonable measures to realise these rights”.

Local Government: Municipal Systems Act, 2000

- 6.1.28 Section 1 of the Municipal Systems Act defines “*basic municipal services*” as a municipal service that is necessary to ensure an acceptable and reasonable quality of life and, if not provided, would endanger public health or safety or the environment”.
- 6.1.29 Section 4(2) of the Act, defines duties as well as rights of Municipal Councils and these include duties to:
- (a) exercise their powers and use their resources in the best interests of the local community;
 - (b) provide, without favour or prejudice, democratic and accountable government;
 - (c) encourage the participation of the local community;
 - (d) ensure that municipal services are provided to the local community in an equitable, and financially and environmentally sustainable manner;
 - (e) promote development in the municipality;
 - (f) promote gender equity;
 - (g) promote a safe and healthy environment in the municipality, and;
 - (h) contribute to the progressive realisation of the fundamental rights contained in the Constitution.
- 6.1.30 Section 4(2)(f) of the Municipal Systems Act provides *inter alia* that:
- “(2) *The council of a municipality, within the municipality's financial and administrative capacity and having regard to practical considerations, has the duty to-*
- (f) *give members of the local community equitable access to the municipal services to which they are entitled”...*

6.1.31 Section 55(1)(d) of the Municipal Systems Act provides that:

“As head of administration the municipal manager of a municipality is, subject to the policy directions of the municipal council, responsible and accountable for-

(d) the management of the provision of services to the local community in a sustainable and equitable manner”.

6.1.32 Section 73 of the Municipal Systems Act provides for the general duty of the municipality in providing municipal services as follows:

“(1) A municipality must give effect to the provisions of the Constitution and-

(a) give priority to the basic needs of the local community;

(b) ...; and

(c) ensure that all members of the local community have access to at least the minimum level of basic municipal services.

(2) Municipal services must-

(a) be equitable and accessible; ...”

Local Government: Municipal Structures Act, 1998

6.1.33 Section 56(3) of the Municipal Structures Act provides that *“the executive mayor in performing the duties of office, must—*

(e) oversee the provision of services to communities in the municipality in a sustainable manner...”

Municipal Finance Management Act, 2003

- 6.1.34 Section 63(1)(a) of the Municipal Finance Management Act provide that the accounting officer of a municipality is responsible for the management of the assets of the municipality, including the safeguarding and the maintenance of those assets.

Case law

- 6.1.35 The Constitutional Court in “the *City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another*”, stated that section 73(1) of the Local Government Municipal Systems Act places a general duty on municipalities to give effect to the provisions of the Constitution and to “*give priority to the basic needs of the local community; promote the development of the local community; and ensure that all members of the local community have access to at least the minimum level of basic services*”.¹

Analysis

- 6.1.36 Section 237 of the Constitution imposes a duty on the Municipality to perform its constitutional obligations diligently and without delay. In this instance, despite certain interventions by the Municipality, the issue of sewage spillage in the Complainant’s property was still not adequately resolved.
- 6.1.37 Even though a sewage network was constructed in Danville, the NMMDM and the Municipality did not properly maintain the sanitation system to

¹ *City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another* (CC) [2011] ZACC 33; 2012 (2) BCLR 150 (CC); 2012 (2) SA 104 (CC) (1 December 2011)

ensure that the Complainant and her neighbours enjoyed their right to basic sanitation as envisaged in section 3 of the Water Services Act.

- 6.1.38 In terms of section 1 read with 4(2)(f) of the Municipal Systems Act, the Municipality is required to provide the Complainant and her neighbours with basic services which would not endanger public health or safety or the environment. Furthermore, section 2(1) read with section 3 of the Water Services Act, enjoins the Municipality to ensure the right of access to basic water supply and sanitation, and an environment not harmful to human health or well-being.
- 6.1.39 In this instance, the Municipality failed to ensure that measures were put in place to prevent persistent sewage spillage into the Complainant's and other neighbouring properties and that the resultant pollution and stench were adequately addressed. As a result, the Complainant and her neighbours' rights to an environment that is not harmful to their health or well-being as envisaged in section 24 of the Constitution read with section 2 of the Water Services Act, were realised.
- 6.1.40 The Municipality only sought authorization and obtained approval from the NMMDM to upgrade and refurbish Mmabatho (Tontonyane), and Mahikeng (Danville) Wastewater Treatment Plants, including pump station 4 on 01 May 2023, following the intervention of the Public Protector.
- 6.1.41 The Municipal Manager, as the head of the administration of the Municipality, did not ensure that the sewage spillage at the Complainant's property was timeously resolved to ensure the provision of a safe environment to the Complainant and her neighbours in accordance with section 55(1)(d) of the Municipal Systems Act.

6.1.42 The Constitutional Court in “the *City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another*”, confirmed the Municipality’s duty in terms of section 73(1) of the Municipal Systems Act to prioritise community needs and the provision of basic services. Accordingly, it was incumbent on the Municipality to attend to the sewerage spillage, to ensure expedient resolution of the environmental pollution and health risks posed to the community as a result of the sewage spillage.

Conclusion

6.1.43 The evidence before the Public Protector reveals that the Municipality did not properly attend to sewage spillages in the Danville residential area for a considerable period, in violation of sections 24, 152, 195 and 237 of the Constitution, read with sections 2 and 3 of the Water Services Act.

6.1.44 After the intervention by the Public Protector, the Municipality put measures in place to address these sanitation challenges. This includes the appointment of a service provider for the refurbishment of the Mahikeng (Danville) Wastewater Treatment Plant, including pump station 4. The project to refurbish the Wastewater Treatment Plant, including pump station 4, commenced on 08 May 2023 and was completed on 17 August 2023.

6.1.45 The Public Protector takes note of the measures taken by the Municipality to address the sewage spillage at the Complainant’s property and the undertaking to monitor whether the measures put in place will alleviate any future sewage spillage in the Complainant’s yard.

6.1.46 The Public Protector further takes note of the anticipated steps to be taken by the Municipality as a long term measure to address the sewage spillage

at Aster Street, Danville, in particular to assess the possibility of introducing a new sewer line which will feed directly into the mainline heading towards pump station 04, which is meant to stop a confluence of combined storm water and sewer lines occurring at the Complainant's property.

7. OBSERVATIONS

- 7.1 The Municipality attended to the sewage blockages, as and when they were reported. However, the challenges of the sewage spillage in Danville persisted while the Complainant and her neighbours awaited the implementation of a permanent solution by the Municipality.
- 7.2 Through the intervention of the Public Protector and in order to alleviate the challenges relating to the sewage spillage, the Municipality did the following:
- 7.2.1 Appointed a service provider for the refurbishment of Mmabatho (Tontonyane) wastewater treatment plant and Mahikeng (Danville) wastewater treatment plant, including pump stations 4, 12 and 13;
- 7.2.2 Attended to the sewage spillage; refurbished pump station 4; provided security personnel and installed CCTV cameras at the pump station to prevent any possible vandalism; and
- 7.2.3 As a long-term solution to prevent future spillage in the Complainant's yard, the Municipality is in the process of assessing the possibility of introducing a new line which feeds directly into the mainline heading towards pump station 04.

8 INTERVENTION

It is therefore recommended, in terms of section 6(4)(c)(ii) of the Public Protector Act, that:

The Mayor

- 8.1 Ensure that the Municipality, in collaboration with NMMDM and in line with their responsibilities for a democratic, accountable and developmental local government as outlined *inter alia* in section 4 of the Municipal Systems Act, conclude the assessment of possibly introducing a new line which feeds directly into the mainline heading towards pump station 04, as a long-term solution to prevent future spillage in the Complainant's yard.

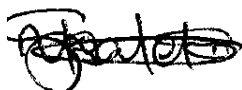
The Municipal Manager

- 8.2 Continuously monitor and report to Council on a **quarterly basis**, regarding whether the measures implemented to address the sewage blockages at the Complainant's property, have permanently addressed the spillage issues, in line with section 63(1) of the MFMA.

9. CONCLUSION

- 9.1 The Public Protector will monitor the process of implementing the proposed intervention measures to remedy the noncompliance to the provision of sections 24; 152; 195 and 237 of the Constitution until finalisation by the Municipality.

- 9.2 The Municipality is to provide a report to the Public Protector on the implementation of the intervention measure referred to in paragraph 8, on a quarterly basis.
- 9.3 In line with the Constitutional Court Judgement in the matter of *Economic Freedom Fighters*, and in order to ensure the effectiveness of the Public Protector, the remedial action prescribed in this Report is legally binding on the Municipality unless there is an Interim Interdict or Court Order directing otherwise.



ADV KHOLEKA GCALEKA
PUBLIC PROTECTOR
REPUBLIC OF SOUTH AFRICA
DATE: 29 DECEMBER 2023

Assisted by: Ms Nthoriseng Motsitsi
Executive Manager: PII Inland