



# Strengthening local government Legislative authority in South Africa: Enforcing Municipal By-laws

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The Roots, Potchefstroom

## CRITICAL ROLE-PLAYERS IN THE ENFORCEMENT OF BYLAWS

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# Presentation Outline

- Introduction
- What are the perceptions on critical role players in the enforcement of by-laws
- What is the intention of by-laws and Law Enforcement
- The 4 E.s Principle
- Reassessment of who are the critical role players in the enforcement of by-laws
- Challenges
- Conclusion



# Introduction

“Begin with the end in mind”



*Adv. Charlie Naidoo*



# Intro Cont...Some Reality



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# Current Perceptions

- What is the current perception of critical role players in the enforcement of By-laws
  - SAPS ?
  - Metro Police ?
  - Municipal Law Enforcement ?
  - Traffic Police ?



# Intentions

- The intention of By-laws –is to *inter alia* fulfill the objects of Local government in terms of s 152 of the Constitution by ensuring accountable government, provision of services in a sustainable manner, promote a safe and healthy environment, encourage the involvement of communities in matters of government
- The intention of Law Enforcement is to ensure that by-laws are implemented through enforcement.



# The 4 E's Principle

- **Environment**
  - Is the environment conducive to the intention and purpose of the by-law (“fishing spot”)
- **Engineering**
  - Engineer / build / change the environment to suite the desired outcome of the by-law
- **Education**
  - Educate the community and effected parties as to what is expected of them to achieve the desired outcome (PPP, workshops etc.)
- **Enforcement**
  - Law Enforcement to ensure that the intention of the By-law is achieved and maintained



# Reassessment of who are the critical role players in the enforcement of by-laws

ENVIRONMENT	EDUCATE	ENGINEERING	ENFORCEMENT
<ul style="list-style-type: none"><li>• Town Planners</li><li>• Developers</li><li>• Environmental Management</li><li>• IDP Manager</li><li>• I &amp; A Persons</li><li>• Disaster Management</li><li>• Enforcement Agencies</li></ul>	<ul style="list-style-type: none"><li>• PPP</li><li>• I &amp; A Persons</li><li>• Bylaw – specific / target groups</li><li>• Enforcement Agencies</li><li>• Communication</li><li>• Disaster Management</li></ul>	<ul style="list-style-type: none"><li>• Engineering/Infrastructure</li><li>• IDP Manager</li><li>• I&amp;A</li><li>• MPT</li><li>• Disaster Management</li><li>• Enforcement Agencies</li></ul>	<ul style="list-style-type: none"><li>• Enforcement Agencies</li><li>• SAPS</li><li>• Metro Police</li><li>• Traffic Police</li><li>• Municipal Law Enforcement</li><li>• Municipal Courts</li><li>• Disaster Management</li></ul>





# Challenges

- Public Protest due to poor service delivery
- Corruption/ Unethical conduct
- Poor public Participation/ Consultation during adoption of By-law process
- Courts over burdened
- Failure to embrace technology
- Law Enforcement Agencies understaffed and under resourced



# Conclusion

- Critical role players in the enforcement of by-law - not exhaustive.
- Resources- exhaustive
- Unless we begin with the end in mind and have a clear vision of the outcomes we want to achieve, Local Government will forever allow circumstances to create it by default.



# Thank You



*Adv. Charlie Naidoo*



# References

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