



**ORDINARY MEETING OF THE MAYORAL
COMMITTEE**

**GEWONE VERGADERING VAN DIE
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI
KASODOLOPHU**

**A G E N D A
I-AJENDA**

**THIS MEETING HAS BEEN POSTPONED TO
WEDNESDAY, 27 MARCH 2024 AT 08:00**

**DATE / DATUM / UMHLA : 25 MARCH / MAART / MATSHI
2024
BANQUETING HALL,
CIVIC CENTRE
HERMANUS**

TIME / TYD / IXESHA : 14:00

MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND

Office of the Municipal
Manager
Municipal Offices
HERMANUS

19 March 2024

NOTICE TO ALL ALDERMEN AND COUNCILLORS

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of the **MAYORAL COMMITTEE** will be held in the **BANQUETING HALL, CIVIC CENTRE, HERMANUS** on **MONDAY, 25 MARCH 2024** at **14:00** to consider the items set out in the attached agenda.

D O'NEILL
MUNICIPAL MANAGER

19 Maart 2024

KENNISGEWING AAN ALLE RAADSHERE EN RAADSLEDE

KENNIS WORD HIERMEE GEGEE dat 'n **GEWONE VERGADERING** van die **BURGEMEESTERSKOMITEE** gehou sal word in die **BANKETSAAL, BURGERSENTRUM, HERMANUS** op **MAANDAG, 25 MAART 2024** om **14:00** vir oorweging van die items op die meegaande agenda.

D O'NEILL
MUNISIPALE BESTUURDER

19 Matshi 2024

ISAZISO ESIYA KUBO BONKE OOCEBAKHULU NOOCEBA

INTLANGANISO YESIQHELO YEKOMITI KASODOLOPHU WE-OVERSTRAND

OKU KUKWAZISA ukuba intlanganiso **YESIQHELO yeKOMITI KASODOLOPHU**, iza kuba se **I-BANQUETING HALL, kwiZiko, eHERMANUS MVULO UMHLA, 25 MATSHI 2024** ngeye-**14:00** ukuqwalasela imicimbi ekule ajenda iqhotyoshelwe apha.

D O'NEILL
UMPHATHI KAMASIPALA

AGENDA/...

OVERSTRAND MUNICIPALITY

MAYORAL COMMITTEE MEETING

25 March 2024

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1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Tuesday, 13 February 2024 at 14:00**

4. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE EXECUTIVE MAYOR / DEPUTY EXECUTIVE MAYOR

SALGA Matters:

5.

A PORTION OF REMAINDER ERF 249 HERMANUS, ±12M² IN EXTENT (A PORTION OF ROAD RESERVE CURRENTLY USED BY DAL-ITALIA DELI & COFFEE SHOP) SITUATED AT 13 ABERDEEN STREET, HERMANUS: CESSION OF LEASE AGREEMENT FROM LIANE FLORENCE FREW TO ABERDEEN CENTRE (PTY) LTD

**A Le Roux
24 January 2024**

Manager: Property Administration

(028) 316 - 5623

1. Executive Summary

To obtain approval to cede the lease agreement entered into between Overstrand Municipality and Liane Florence Frew (hereinafter referred to as “the Lessee”) to Aberdeen Centre (Pty) Ltd (hereinafter referred to as “the Applicant”) for the remainder of the initial lease period of 9 (NINE) years and 11 (ELEVEN) months in respect of a portion of Remainder Erf 249 Hermanus (±12m² in extent), situated at 13 Aberdeen Street, Northcliff, Hermanus (hereinafter referred to as “the Property”), for the placing of tables and chairs in front of the restaurant on the sidewalk, for restaurant seating purposes. The locality map is attached hereto as “Annexure A1 & A2” as well as a photo marked “Annexure B”.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Property Administration

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Creation and maintenance of a safe and healthy environment
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Municipal Asset Transfer Regulations (R. 878 of 2008)
- Administration of Immovable Property Policy of the Overstrand Municipality (2015)

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

The Lessee was the owner of Erf 772 Hermanus, adjacent to the Property, from where the business Dal-Italia Deli & Coffee Shop is run. The Lessee has been using the Property since 2019 for the purpose of placing tables and chairs for restaurant seating purposes.

The latest lease agreement entered into between Overstrand Municipality and the Lessee is for a period of 9 (NINE) years and 11 (ELEVEN) months which commenced on 1 December 2022 and will expire on 31 October 2032. The Executive Mayor at a Mayoral Committee Meeting held on 14 February 2023 resolved as follows:

- “1. that the lease of municipal property, being a portion of Remainder Erf 249 Hermanus ($\pm 12\text{m}^2$ in extent), to L F Frew, for the placing of tables and chairs for restaurant seating purposes at a rental amount of R33.91/m² (THIRTY-THREE RAND AND NINETY-ONE CENTS) (VAT excluded) per square metre per month for a period of 9 (NINE) years and 11 (ELEVEN) months from 1 December 2022 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**; and;*
- 2. that the rental amount mentioned in 1 above escalate annually on 1 July in accordance with the tariffs stipulated in the Annual Budget as approved by Council, next escalation to be on 1 July 2023.”*

The Lessee sold her property to the Applicant on 15 September 2023 and the Lessee only later submitted a request for the lease agreement to be ceded to the Applicant. The Lessee confirmed that the Property is still being used for restaurant seating purposes, and that the Applicant has agreed to submit an application for the lease agreement with the Municipality to be ceded to the Applicant for the remainder of the lease period.

Conclusion

With reference to the above discussion, it is recommended that the application to cede the lease agreement for the Property to the Applicant be approved for the remainder of the initial lease period.

7. Financial Implications

None

8. Staff Implications

None

10. Annexures

Annexure A1 & A2: Locality Plan
Annexure B: Photo indicating use

RECOMMENDATION:

that the cession of the lease agreement for municipal property, being a portion of Remainder Erf 249 Hermanus ($\pm 12\text{m}^2$ in extent), from Liane Florence Frew to Aberdeen Centre (Pty) Ltd, **be approved**.

RESPONSIBLE OFFICIAL:**R OCTOBER****TARGET DATE FOR IMPLEMENTATION:****27 MARCH 2024****TARGET DATE TO INFORM APPLICANT:****2 APRIL 2024****TARGET DATE TO INFORM OBJECTOR:****N/A**



ANNEXURE B



