



uMHLATHUZE MUNICIPALITY

OVERSIGHT REPORT 2023/2024

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1. INTRODUCTION

Government adopted the Back to Basics Programme (B2B), which aims to improve overall governance, accountability and public service delivery. The back to basics approach is about rebooting municipal government. The programme rests on five key pillars: putting people first, good governance, sound financial management, delivering quality of services and building sound institutional and administrative capabilities to ensure that every municipality performs basic functions without compromise. The Annual Report is one of the instruments used as a barometer to measure the performance and compliance of the municipality.

The Municipal Finance Management Act (MFMA) assigns specific oversight responsibilities to Council in regards to the Annual Report and the preparation of an Oversight Report. The oversight role of Council is an important component of the financial reforms and it is achieved through the separation of roles and responsibilities between Council, the Executive (Mayor and Executive Committee) and Administration. Good governance, effective accountability and oversight can only be achieved if there is a clear distinction between the functions performed by the different role players.

Given the processes required by Council to effectively undertake its oversight role, the establishment of an Oversight Committee of Council provides the appropriate mechanism in which Council could fulfill its oversight responsibilities. In this regard, the Municipal Public Accounts Committee (MPAC) provides oversight on the Annual Report as recommended by Council.

The Oversight Committee's primary role is to consider the Annual Report, receive input from the various role players and to prepare a draft Oversight Report for consideration by Council.

2. BACKGROUND

2.1 Preparation and approval of 2023/2024 Annual Report

The City of uMhlathuze prepared the Draft Annual Report in terms of section 121 of the Municipal Finance Management Act (MFMA), 2003 (Act No. 56 of 2003) read in conjunction with section 46 of the Municipal Systems Act (MSA), 2000 (Act No. 32 of 2000). The Draft Annual Report served before the Audit Committee on 29 August 2024, and subsequently to the Executive Committee and the Council for noting on 26 September 2024 per Council Resolution 17420, RPT 178736. It was then submitted to relevant statutory bodies that include Auditor General SA, National- and Provincial Treasury and the Department of Cooperative Governance and Traditional Affairs (COGTA).

Following our submission, the Department of Co-operative Governance and Traditional Affairs is yet to provide a response regarding the evaluation of the Annual Report in accordance with Section 46 of the MSA, 2000 and Chapter 12 of the MFMA, 2003.

In accordance with section 127 of the Municipal Finance Management Act, 2003, the Annual Report (**DMS 1717517**) for 2023/2024 financial year was submitted to Council in its meeting held on 23 January 2025 as per RPT 179755, Res. 17676. Council approved the Annual Report, and referred it to the Oversight Committee for the formulation of the Oversight Report.

The community was advised through the print media (**DMS 1724343**) and on Council's website of the availability of the 2023/2024 Annual Report and was invited to submit representations on the report on/before 17 February 2024 as part of the public engagement process.

The 2023/2024 Annual Report is available on the uMhlathuze Municipality website at the following link <https://www.umhlathuze.gov.za/index.php/financial-statutory-reporting/35-financial-statutory-reporting/136-annual-report>.

The Annual Report contains the following critical information:

- Audited organisational performance information
- Audited Annual Financial Statements
- Audit Committee Report
- Auditor General's Audit Report
- Statement of Financial Performance

2.2 Checklist as contained in the Annual Report submitted to MPAC

INFORMATION REQUIRED TO BE INCLUDED IN ANNUAL REPORTS	COUNCIL CONSIDERATIONS AND QUESTIONS	RESPONSES/ COMMENTS
1. Financial Matters – Annual Financial Statements - Section 121 (3) MFMA	Financial reporting matters to be considered	
121 (3)(a) The annual financial statements (AFS) for the municipality and, if applicable, consolidated statements (with all entities) as submitted to the Auditor-General.	The AFS are to be in the form as required by the applicable accounting standards. MFMA Circular 18 with annexures, 23 June 2005, provides guidelines on the accounting standards for municipalities. Have the required standards been met?	Yes. For Statement of Financial Position and Annual Financial Statement(AFS) as at 30 June 2024 Pages 468 to 553
121 (3)(a) 121 (4) 121 (4)(b)	The above applies also to the AFS of municipal entities.	Not applicable. There are no municipal entities.
121 (3) (e) An assessment by the accounting officer on any arrears on municipal taxes and service charges, including municipal entities.	Has an adequate assessment been included? Is there sufficient explanation of the causes of the arrears and of actions to be taken to remedy the situation? Is any other action required to be taken?	Yes. Refer to Pages 431 of the Annual Report.
121 (3)(g) Particulars of any corrective action taken or to be taken in response to issues raised in the audit reports.	The conclusions of the annual audit are: <ul style="list-style-type: none"> ✓ an unqualified audit opinion with or without management issues, which means that the financial statements are acceptable; ✓ The objective of the municipality should be to achieve an unqualified audit opinion. ✓ Taking into account the audit report, audit opinion and the views of the audit committee, council considered: <ul style="list-style-type: none"> • To what extent does the report indicate serious or minor financial issues? • To what extent are the same issues repeated from previous audits? • Is the action proposed considered to be adequate to effectively address the issues raised in the audit report? • Has a schedule of action to be taken been included in the annual report, with appropriate due dates? 	Yes. Refer to Page 318 to 325 of the Annual Report

INFORMATION REQUIRED TO BE INCLUDED IN ANNUAL REPORTS	COUNCIL CONSIDERATIONS AND QUESTIONS	RESPONSES/ COMMENTS
	<p>Note that actions taken on audit issues are to be reported to the provincial legislature, the MEC for Cooperative Government & Traditional Affairs to report on any omissions by municipalities in addressing issues. Council should confirm that the audit report has been forwarded to the MEC.</p>	<p>Yes.</p> <p>The Annual Report was published on Council's website and a link was emailed to all relevant stakeholders</p>
<p>121 (3)(f) An assessment by the municipality's accounting officer of the municipality's performance against measurable performance objectives for revenue collection from each revenue source and for each vote in the approved budget.</p>	<p>The budget of the municipality must contain measurable performance objectives for revenue from each source and for each vote in the budget, taking into account the IDP (MFMA S17(3)(b)).</p> <p>The accounting officer must include these objectives in the annual report and report on performance accordingly.</p> <p>Has the performance met the expectations of council and the community?</p> <p>Have the objectives been met?</p> <p>What explanations have been provided for any non-achievement?</p> <p>What was the impact on the service delivery and expenditure objectives in the budget?</p>	<p>Yes.</p> <p>Refer to pages 29 to 33 and pages 431 to 432 of the Annual Report.</p>
<p>121 (3)(i)(k) Any information as determined by the municipality, the entity or its parent municipality.</p>	<p>Review any other information that has been included in regard to the AFS.</p>	<p>Not applicable.</p>
<p>1. Financial Matters – Annual Financial Statements - Section 121 (3) MFMA</p>	<p>Financial reporting matters to be considered</p>	
<p>121 (3)(j) and 121 (4)(g) Recommendations of the audit committee in relation to the AFS and audit reports of the municipality and its entities.</p>	<p>Have the recommendations of the audit committee in regard to the AFS been adequately addressed by the municipality and/or the entity?</p> <p>What actions need to be taken in terms of these recommendations?</p> <p>Conclusions on these recommendations and the actions required should be incorporated in the oversight report.</p>	<p>Yes.</p> <p>Refer to Pages 428 to 429 of the Annual Report.</p>

INFORMATION REQUIRED TO BE INCLUDED IN ANNUAL REPORTS	COUNCIL CONSIDERATIONS AND QUESTIONS	RESPONSES/ COMMENTS
2. Disclosures - Allocations received and made - Section 123-125 MFMA	Considerations	
123 (1)(a) Allocations received by and made to the municipality.	<p>The report should disclose:</p> <ul style="list-style-type: none"> ✓ Details of allocations received from another organ of state in the national or provincial sphere. ✓ Details of allocations received from a municipal, entity or another municipality. ✓ Details of allocations made to any other organ of state, another municipality, or a municipal entity. ✓ Any other allocation made to the municipality under Section 214(1) (c) of the Constitution. <p>Have these allocations been received and made?</p> <p>Does the audit report confirm the correctness of the allocations received in terms of DORA and provincial budgets?</p> <p>Does the audit report or the audit committee recommend any action?</p>	<p>Yes.</p> <p>Refer to Appendix L on page 435- 436 of the Annual Report.</p>
125 (1) Information in relation to outstanding debtors and creditors of the municipality and entities.	<p>Municipalities and entities are reminded of the requirement to include, in their annual financial statements, amounts owed to them and persistently delayed beyond 30 days, by national or provincial departments and public entities.</p> <p>It is also a requirement to report on whether the municipality or entity has met its statutory commitments, including the payment of taxes, audit fees, and contributions for pension and medical aid funds.</p> <p>Council should be satisfied that –</p> <ul style="list-style-type: none"> ✓ the information has been properly disclosed; ✓ conditions of allocations have been met; and ✓ that any explanations provided are acceptable. 	<p>Yes.</p> <p>Refer to Pages 433 to 434 of the annual report.</p>

INFORMATION REQUIRED TO BE INCLUDED IN ANNUAL REPORTS	COUNCIL CONSIDERATIONS AND QUESTIONS	RESPONSES/ COMMENTS
2. Disclosures - Allocations received and made - Section 123-125 MFMA	Considerations	
123 (1)(c) Information in relation to the use of allocations received.	<p>Section 123 of the MFMA and MFMA guidance circular 11, require that the municipality provide information per allocation received per vote and include:</p> <ul style="list-style-type: none"> ✓ The current year and details of spending on all previous conditional grants, for the previous two financial years. Information is to be provided per vote. (For example, municipalities must report on all transfers received from provincial housing departments for housing subsidy grants for three financial years, and indicate how such funds were spent, and for what projects. ✓ Information stating whether the municipality has complied with the conditions of the grants, allocations in terms of section 214(1)(c) of the Constitution and allocations received from other than another organ of state. Where there is non-compliance, details of the reasons for non-compliance are to be provided. ✓ Information on whether allocations under the DORA were delayed or withheld and the reasons advanced for this. <p>This information is required on all allocations excluding the municipality's portion of the equitable share and where prescribed otherwise by the nature of the allocation.</p> <p>The Auditor-General will ensure that the audit process includes a proper assessment (and reconciliation) on all national grants received by a municipality. Council should consider this aspect of the audit report and comments by the audit committee on the use of allocations received.</p>	Pages 435 to 436 of the Annual Report.

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	<p>Council should be satisfied that –</p> <ul style="list-style-type: none"> ✓ the information has been properly disclosed; ✓ conditions of allocations have been met; and ✓ that any explanations provided are acceptable. <p>The comments of the Auditor-General and the views of the audit committee should be used to determine the accuracy and appropriateness of this information.</p>	
3. Disclosures in notes to AFS	Considerations relating to section 124	
<p>Information relating to benefits paid by municipality and entity to councilors, directors and officials.</p>	<p>Information on the following items is to be included in the notes to the annual report and AFS:</p> <ul style="list-style-type: none"> ✓ salaries, allowances and benefits of political office bearers, councillors and boards of directors, whether financial or in kind; ✓ any arrears owed by individual councillors to the municipality or entity for rates and services, which at any time were outstanding for more than 90 days, including the names of councillors; ✓ salaries allowances and benefits of the municipal manager, CEO of a municipal entity, CFO and every senior manager; ✓ contributions for pensions and medical aid; ✓ travel, motor car, accommodation, subsistence and other allowances; ✓ housing benefits and allowances; ✓ overtime payments; ✓ loans and advances, and; ✓ any other type of benefit or allowance related to staff. <p>Council should be satisfied that –</p> <ul style="list-style-type: none"> ✓ the information has been properly disclosed; ✓ conditions of allocations have been met; and ✓ that any explanations provided are acceptable. 	<p>Yes. Refer to Pages 525 and 528 of the Annual Report.</p>

INFORMATION REQUIRED TO BE INCLUDED IN ANNUAL REPORTS	COUNCIL CONSIDERATIONS AND QUESTIONS	RESPONSES/ COMMENTS
	The comments of the Auditor-General and the views of the audit committee should be used to determine the accuracy and appropriateness of this information.	
4. Municipal Performance	Considerations	
The annual performance reports of the municipality and entities.	<p>Section 46, MSA requires municipalities to submit a performance report reflecting the performance of the municipality and each service provider, a comparison of the performance with targets set for the previous year and measures taken to improve performance.</p> <p>The report must form part of the annual report. Questions that may be considered are –</p> <ul style="list-style-type: none"> ✓ Has the performance report been included in the annual report? ✓ Have all the performance targets set in the budgets, SDBIP, service agreements etc, been included in the report? ✓ Does the performance evaluation in the annual report compare actual performance with targets expressed in the budgets and SDBIP approved for the financial year? <p>In terms of key functions or services, how has each performed? E.g. have backlogs for water, sanitation, and electricity been reduced?</p> <p>What are the refuse collection volumes, library usage statistics etc?</p> <ul style="list-style-type: none"> ✓ To what extent has performance achieved targets set by council? ✓ Is the council satisfied with the performance levels achieved? ✓ Is the community satisfied with performance? Has a customer satisfaction survey been undertaken and, if so, how do the results align with the annual report contents? What were the outcomes of public consultation and public hearings? ✓ What actions have been taken and planned to improve performance? 	<p>Yes. Refer to Chapter 3 Pages 17 - 33 of the Annual Report.</p>

INFORMATION REQUIRED TO BE INCLUDED IN ANNUAL REPORTS	COUNCIL CONSIDERATIONS AND QUESTIONS	RESPONSES/ COMMENTS
	<ul style="list-style-type: none"> ✓ Is the council satisfied with actions to improve performance? ✓ Did the targets set in the budgets, SDBIP agree with the targets set in the performance contracts of the municipal manager and each senior manager? ✓ Does the report evaluate the efficiency of mechanisms applied to deliver the performance outcomes? ✓ Taking into account the audit report and opinion and the views of the audit committee, is performance considered to be efficient and effective? ✓ To what extent have actions planned for the previous year been carried over to the financial year reported upon? ✓ Have any actions planned in the reported year been carried over to the current or future years? If so are any explanations been provided by the municipal manager and are these satisfactory? <p>Council should comment and draw conclusions on information and explanations provided.</p>	
Audit reports on performance.	<p>Section 45, MSA requires that the Auditor-General must audit the results of performance measurements, as part of the internal auditing processes and annually.</p> <p>Have the recommendations of internal audit been acted on during the financial year?</p> <p>Have recommendations by internal audit and/or the auditor-general been included in action plans to improve performance in the following year?</p>	<p>Council has made considerable progress in relation to the Performance Management System.</p> <p>Quarterly audited reports on performance achievements are submitted to Council via the Performance Audit Committee.</p> <p>Refer to page 22 to 24 of the Annual Report</p>

INFORMATION REQUIRED TO BE INCLUDED IN ANNUAL REPORTS	COUNCIL CONSIDERATIONS AND QUESTIONS	RESPONSES/ COMMENTS
Performance of municipal entities and municipal service providers.	<p>The annual report of the municipality should provide an assessment of the performance of the municipal entities and all contracted service providers. This is in addition to the separate annual reports of the entities.</p> <p>The report should evaluate the effectiveness of these services and whether alternative mechanisms should be considered.</p> <p>Is the council satisfied with the evaluation and conclusions of the municipality?</p> <p>What other actions are considered necessary to be taken by the accounting officer?</p>	The municipality does not own a municipal entity. All contracted services are assessed in terms of signed Service Level Agreements which have punitive measures for non-compliance.
5. General information	The following general information is required to be disclosed in the annual report.	
Relevant information on municipal entities.	<p>The municipality should disclose all information relating to the municipal entities under the sole or effective control of the municipality.</p> <p>Information to be disclosed includes names and types of entities, members of the board, addresses, and contact details for entities, the purpose of the entity, the functions, and services provided the type and term of service level agreements with the entities.</p>	Not applicable. There are no municipal entities. Ref Appendix I
The use of any donor funding support.	<p>What donor funding has the municipality received?</p> <ul style="list-style-type: none"> ✓ Have the purposes and the management agreements for the funding been properly agreed upon? ✓ Have the funds been used in accordance with agreements? ✓ Have the objectives been achieved? ✓ Has the use of funds been effective in improving services to the community? ✓ What actions need to be taken to improve utilization of the funds? 	Yes appendix L-Page 435 to 436

INFORMATION REQUIRED TO BE INCLUDED IN ANNUAL REPORTS	COUNCIL CONSIDERATIONS AND QUESTIONS	RESPONSES/ COMMENTS
Agreements, contracts and projects under Private-Public-Partnerships.	Information similar to the details of municipal entities should be provided. Council should ensure that all details have been supplied.	Yes. No entities refer to Appendix H – page 430
Service delivery performance on key services provided.	<p>This may be a high level summary, in addition to detailed information on performance, which sets out overall performance under the strategic objectives of the municipality.</p> <p>Overall results on the strategic functions and services should be summarized. This should cover all services whether provided by the municipality, entities or external mechanisms.</p> <p>Council may draw conclusions on the overall performance of the municipality. This information may be found in an executive summary section of the annual report and or in statistical tables.</p>	Refer to the Annual Performance Report, Top Layer SDBIP Scorecard 2023/2024, Chapter 3 page 23 – 33 of the Annual Report.
Information on long-term contracts.	Details of all long-term contracts including levels of liability to the municipality should be included. Council should ensure all information is correctly supplied.	Refer to Appendix H – page 430
Information technology and systems purchases and the effectiveness of these systems in the delivery of services and for ensuring compliance with statutory obligations.	<p>Details of significant IT activities should be outlined indicating the effectiveness of the IT projects and the quality of IT services.</p> <p>Council should consider how effectively the IT services support and facilitate performance of the municipality and whether value for money has been obtained. Details of any future IT proposals should be summarized. Council should comment and draw conclusions on the information provided.</p>	Refer to Pages 78 to 81
Three-year capital plan for addressing infrastructure backlogs in terms of the Municipal Infrastructure Grant (MIG) framework.	A summary of the long-term capital plans and how these address the backlogs of services in the municipality should be provided. This should include details of types and scale of backlogs, projected cost implications, strategies to address the backlogs and plans proposed and/or approved. The summary here should cross reference to the performance reports in the annual report and also will be highlighted in the coming budgets.	Complied with for the year under review in terms of Medium Term Revenue Expenditure Framework (MTREF).

INFORMATION REQUIRED TO BE INCLUDED IN ANNUAL REPORTS	COUNCIL CONSIDERATIONS AND QUESTIONS	RESPONSES/ COMMENTS
	Council should consider whether the plans appropriately address the backlogs and are consistent with the strategic policy directions of council and needs of the community.	
6. Other considerations recommended		
Timing of reports.	Was the report tabled in the time prescribed? Has a schedule for consideration of the report been adopted?	Yes. Annual report served at Council on 23 January 2025
Oversight committee or other mechanism.	What mechanisms have been put in place to prepare the oversight report? Has a schedule for its completion and tabling been adopted?	Oversight Committee appointed. Yes.
Payment of performance bonuses to municipal officials.	<p>Refer to Section 57 MSA as amended. Bonuses based on performance may be awarded to a municipal manager or a manager directly accountable to the municipal manager after the end of the financial year and only after an evaluation of performance and approval of such evaluation by the municipal council.</p> <p>Preferably such evaluation should be considered along with the annual report. The basis upon which performance is evaluated for payment of bonuses should be reconciled with the municipal performance reported in the annual report.</p> <p>Has bonuses been paid based on achievements of agreed outputs and after consideration of the annual report by council?</p> <ul style="list-style-type: none"> ✓ If so has a proper evaluation of performance been undertaken? ✓ Was the evaluation approved by council? ✓ Does the performance evaluation align and reconcile with the performance reported in the annual report? If not, what reasons have been given for non-reporting of the basis of evaluation in the annual report? ✓ Are the payments justified in terms of performance reported in the annual report? 	Performance bonuses may become payable after performance evaluation sessions have been completed in terms of the Regulations and after the consideration of the annual report.

3. FUNCTIONS OF THE OVERSIGHT COMMITTEE

The functions of the Oversight Committee are to:

- ✓ Undertake a review and analysis of the Annual Report.
- ✓ Invite, receive, and consider inputs from Councillors and Portfolio Committees, on the Annual Report.
- ✓ Consider written comments received on the Annual Report from the public consultation process.
- ✓ Conduct Public Hearing(s) to allow the local community or any organs of state to make representations on the Annual Report.
- ✓ Receive and consider Council's Audit Committee views and comments on the annual financial statements and the performance report.
- ✓ Preparation of the draft Oversight Report, taking into consideration, the views and inputs of the public, representative(s) of the Auditor-General, organs of state, Council's Audit Committee and Councillors.

4. COMPOSITION OF OVERSIGHT COMMITTEE

4.1 Membership

The MPAC membership consists of the following Councillors:

MEMBERS		
No	Name	Party
1	Cllr B J De Lange - Chairperson	DA
2	Cllr L S Sabela	IFP
3	Cllr J L Nzuza	IFP
4	Cllr N S Mngomezulu	IFP
5	Cllr S S J Gumede	ANC
6	Cllr N Mlambo	ANC
7	Cllr T S W Mthlane	ANC
8	Vacant	EFF
OBSERVERS		
1	Cllr C M Botha	DA
2	Cllr S H Mkhwanazi	IFP
3	Cllr J Govender	IFP
4	Cllr V T Cele	IFP
5	Cllr S Ndunakazi	IFP
6	Cllr K D Sibiya	ANC
7	Cllr S Masuku	ANC

4.2 Authority & Power

The Oversight Committee is delegated with the responsibility to conduct meetings and to hold public hearings, if necessary to receive and hear public submissions on the Annual Report, on behalf of Council.

5. THE OVERSIGHT REPORT (REVIEW AND ANALYSIS OF ANNUAL REPORT)

The Oversight Committee commends Council, Executive Committee, Management and all the employees of uMhlathuze Municipality on the strides made towards good governance recorded during the period under review. The onerous requirements from a myriad of legislative mandates, makes it difficult to achieve an unqualified report, a feat that very few municipalities achieve in South Africa. Therefore, the Municipal Public Accounts Committee (MPAC) notes and commends the administration and all the Committees of Council for an excellent work that culminated into the achievement of an unqualified audit opinion with no findings (clean audit outcome) from the Auditor General in relation to the 2023/2024 financial year.

MPAC further notes the improvement in capital expenditure as it is one of the issues the Committee raised in the previous financial year. The achievement of 96% is a step in the right direction, and the manifestation of commitment in delivering much needed services to the people of uMhlathuze.

However, the number of targets that were not achieved, particularly in the basic service delivery and infrastructure KPA is alarming and the Committee recommends that more effort is deposited in improving the 72% achieved in the 2023/24 financial year. This must be prioritized as one of the critical issues pointed out by the Auditor General.

The Committee also satisfied itself that the Annual Report rightfully covers necessary information that include:

- Audited Organisational Performance Report,
- Audited Annual Financial Statements,
- Audit Committee Report,
- Auditor General's Audit Report, and
- The Statement of Financial Performance.

6. PUBLIC PARTICIPATION

The Committee considered the requirements of section 127 (5) of the Municipal Finance Management Act, 2003, and confirmed that;

- The Annual Report was made public and submitted to the relevant statutory bodies
- No comments were received from the local community as at the date of the sitting of the Committee.

7. RECOMMENDATIONS

The MPAC recommends as per **RPT 179886** that:

- the Municipal Public Accounts Committee Oversight Report (DMS 1724326) on the uMhlathuze Municipality's 2023/2024 Annual Report submitted in terms of Section 129(1) of the Municipal Finance Management Act, 20023 (Act No. 56 of 2003) be noted and approved;
- Council having fully considered and adopted the Oversight Report, the Annual Report of the uMhlathuze Municipality for the 2023/2024 Financial Year (DMS 1717517) be approved without reservations; and
- the Oversight Report be submitted to the Department of Cooperative Governance and Traditional Affairs (COGTA), Provincial Treasury and National Treasury in accordance with Section 132(2) of the Municipal Finance Management Act 56 of 2003 and be made public in accordance with Section 129(3) of the Municipal Finance Management Act 56 of 2003.

8. CONCLUSION

The MPAC is pleased with the level of compliance manifested by administration in incorporating all aspects of the Annual Report as articulated in Circular 63 of the Municipal Finance Management Act, 2003.

ANNEXURE

Final Annual Report 2023/2024 (DMS 1717517)

Also available on <https://www.umhlathuze.gov.za/index.php/financial-statutory-reporting/35-financial-statutory-reporting/136-annual-report>