



**KWAZULU-NATAL PROVINCE**

**HUMAN SETTLEMENTS**  
REPUBLIC OF SOUTH AFRICA

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**TERMS OF REFERENCE**

**FOR THE**

**KZN HUMAN SETTLEMENTS CO-ORDINATING**

**FORUM**

**JULY 2023**

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# DEFINITIONS

<b>Committee:</b>	A group of people elected for a specific function by a larger group and typically consisting of members of that group.
<b>Membership:</b>	The fact of being a member of a group.
<b>Forum:</b>	A meeting where ideas and views on a particular issue can be exchanged.
<b>Stakeholder:</b>	A person, group or organization with a vested interest, or stake, in the decision-making and activities of an organization or project.
<b>Local municipality:</b>	A municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, and which is described in section 155 (1) of the Constitution as a category B municipality.
<b>MEC:</b>	Member of the Executive Council of the Province.
<b>Political Office Bearer:</b>	the speaker, executive mayor, mayor, deputy mayor or member of the executive committee as referred to in the Municipal Structures Act.
<b>Housing Portfolio Committee:</b>	a KZN Legislature Committee that specialises in overseeing and addressing housing projects, scrutinises departmental budgets, expenditure, and service-delivery, enables participants to make important decisions performance in order to ensure that the lives of the citizens of the province are improved.

## **1. INTRODUCTION**

In order to have meaningful interaction with the municipality, it is of utmost importance that a structure be established where all housing matters and related issues are discussed and debated at municipal level. The structure should accommodate all stakeholders and all parties interested in the housing development with the approval of municipality. It will not replace the local municipality's Housing Portfolio Committee.

The Human Settlements Co-ordinating Forums make recommendations on matters relating to the delivery of housing products. They bring together the main stakeholders who have a role to play and need to ensure that effective coordination and problem solving is happening and that the delivery agreement is being achieved. The Human Settlements Co-ordinating forum members are expected to fulfil the ongoing commitment to attend this meeting or send a representative when unavailable.

## **2. LEGISLATIVE FRAMEWORK**

- a) The chapter 3 of the Constitution of the Republic of South Africa of 1996 recognises the basic principles and values of cooperative governance which requires all spheres of government to work together to achieve integrated service delivery.
- b) In the Intergovernmental Relations Framework Act of 2005 gives effect to chapter 4 of the Constitution by detailing the manner in which such cooperative governance should be practiced and provides for the establishment of District and Municipal Intergovernmental Forum.
- c) The Housing Act 107 of 1997 general principles (s 2) (h) (ii) states that National, provincial, and local spheres of government, in the administration of any matter relating to housing development observe and adhere to the principles of co-operative government and intergovernmental relations.
- d) Municipal Systems Act of 2000 (3) (d) states that for the purpose of effective co-operative government, organised local government must seek to facilitate compliance with the principles of co-operative government and intergovernmental relations, and;
- e) Other housing development legislation that may not be listed in this document.

## **3. PURPOSE OF THE TERMS OF REFERENCE**

The purpose of this document is to guide the KZN Department Human Settlements and municipalities to deliberate on housing related matters.

## **4. OBJECTIVES OF THE FORUM**

- a) To ensure integrated, effective, and efficient service delivery.

- b) To intervene on housing related matters including the unblocking of projects.

## **5. COMPOSITION OF THE HUMAN SETTLEMENTS FORUM**

The Forum shall be known as the Human Settlements Co-ordinating Forum. The Municipal/Housing Manager or Delegated Representative is the Chairperson of the Forum.

### **5.1 MEMBERSHIP**

The Human Settlements Co-ordinating Forum consists of the following;

#### **5.1.1 DEPARTMENT OF HUMAN SETTLEMENTS**

- a) Project Facilitator
- b) Project monitor
- c) Provincial planner
- d) Candidate Built Environmental Professional
- e) Social Housing (when required)
- f) Municipal Support (when required)
- g) Policy, Research & Product Development (when required)
- h) Subsidy Administration (when required)
- i) Title Deed Restoration Programme (when required)

#### **5.1.2 MUNICIPALITY**

- a) Municipal Manager/Delegated Representative
- b) Technical Service Director
- c) Housing Manager
- d) Head of Department
- e) Disaster Management
- f) District representative (when required)
- g) Community Development Workers
- h) Project Facilitators

**NB: No Political Office Bearers are to be members of the Human Settlements Co-ordinating Forum**

#### **5.1.3 SERVICE PROVIDERS**

- a) Implementing Agents
- b) Project Managers
- c) Professionals (when required)

#### **5.1.4 INTEREST GROUPS**

- a) National Home Builders Registration Council
- b) The Housing Development Agency

## **5.2 KZN DEPARTMENT OF HUMAN SETTLEMENTS ROLES**

- a) Advisory capacity
- b) Support the Municipalities

## **6. ROLES AND RESPONSIBILITIES**

### **6.1 Functions of the Forum**

- a) Ensure that objectives relating to human settlements housing needs are met.
- b) Engage on Housing related matters.
- c) Service Providers to table their Progress/Status Reports.
- d) Facilitate Technical/ Social matters on project specifics (Think-tank).
- e) Advise and make recommendations on challenges that might be a stumbling block concerning the implementation of the projects.
- f) Co-ordinate housing development within the municipality.
- g) Address the following housing issues in line with the human settlements programmes in the National Housing Code and Provincial Policies approved by the MEC:
  - I. Identification of housing needs in terms of Integrated Development Plan's
  - II. Identification and prioritisation of identified projects in accordance with Integrated Development Plan's.
  - III. Consultation with other stakeholders.
  - IV. Monitoring progress on approved projects.
  - V. Beneficiary administration challenges such as missing or deceased beneficiaries.

### **6.2 Chairperson**

The municipality shall provide the Chairperson for the Human Settlements Co-ordinating Forum.

### **6.3 Secretary**

The municipality shall provide the Secretariat for the Human Settlements Co-ordinating Forum.

## **7. MEETING PROCEDURES**

- a) The Human Settlements Forum meeting will be held monthly or bi-monthly
- b) The Municipality shall indicate the dates on which the Human Settlements Forum meetings will take place.
- c) Invitation for the meeting will be sent by email to the Human Settlements Forum members seven calendar days before the date of the meeting.
- d) Final Minutes of the previous meeting will be included in the email.
- e) The Chairperson will convene meetings, approve the agenda adopted by the Forum and confirm the previous minutes.
- f) The draft minutes of the meeting must be sent to the members 10 days after the meeting.
- g) The Chairperson may convene additional meetings when necessary and any other member may request the Chairperson to call an additional meeting.

- h) Members may submit items for consideration by the Forum.
- i) Human Settlement Forum members will agree and an outline agenda for the next meeting.
- j) All recommendations will be agreed by consensus at forum meetings. Recommendations from these meetings will usually be ratified at the next meeting but in the case of urgent deadlines, recommendations can be agreed via email, at the discretion of the Chairperson.
- k) Forum officials should receive feedback either in the form of an official presentation or written briefing.
- l) The meetings of the Forum will be conducted in accordance with the Rules and Procedures adopted by the Forum.

## **8. GUIDING PRINCIPLES AND CODE OF CONDUCT**

- a) All members of the forum shall act in an accountable and responsible manner.
- b) All participants shall act in good faith and in the public interest, not in the interest of individuals.
- c) Any party with **a conflict of interest shall be excluded** from the meeting e.g., a contractor, service provider or any representative with narrow or political interests.
- d) Attempts shall be made to ensure that all relevant issues identified in the forum is addressed with the necessary urgency.
- e) All parties shall have a reasonable access to the relevant information relating to the work of the forum to facilitate dialogue, discussion, and a common understanding.

## **9. REPORTING**

The municipality must report on the outcomes of the forum meeting to their Council/Traditional Authorities, Portfolio Committees or other formal structures/committees held by the municipality.

## **10. AMENDMENT OF THE TERMS OF REFERENCE**

The Terms of Reference for the KZN Human Settlements Coordinating Forum will come into operation on the date approved by the MEC. The department's regional offices must monitor and ensure compliance with the document. The Terms of Reference will be reviewed by Policy, Research and Product Development after 3 years or when the need arises.