
Your Ref:

Our Ref:

Room 214, Gabriel Dichabe Building

Date: 11 December 2019

The Speaker

Item to Council

IRRECOVERABLE DEBT AND CONSEQUENCE MANAGEMENT RELATING TO HISTORIC TRAFFIC FINES

INTRODUCTION

One of the grounds for the recent Qualified Audit Opinion was that the Municipality did not account for all fine revenue, as required by Generally Recognized Accounting Practice (GRAP) 23 which deals with revenue from non – exchange transactions. The Auditor General further indicated that the omission can be attributed to inadequate internal control for the accurate record keeping of fines by the Traffic Division.

BACKGROUND

For the past three (3) financial years (2016 / 2017, 2017 / 2018 and 2018 / 2019) the Traffic Division of the Sub – Directorate Public Safety has been operating without a contravention management system. Such a system is designed / programmed to create and maintain an audit trail of all the stages / steps / actions involved in the processing of traffic fines from the point where a book is issued to a Traffic Officer up to payment of the fine or the arrest of the offender or the withdrawing of the charges.

During the three (3) financial years already alluded to the management of traffic fines was undertaken by means of manual capturing on an in – house developed **Excel** Traffic Fine Register. This initiative was an effort to record all traffic fines issued and paid. Fines withdrawn were captured on a separate **Excel** spreadsheet which was not linked to any system / other spreadsheet. Unfortunately, prevailing internal controls were insufficient as there was no consolidation between the fines issued, cases withdrawn, and fines paid.

The Traffic Division has consolidated information regarding irrecoverable debt originating from traffic fines. Contributory factors to the irrecoverable debt are stagnated section 341 fines, lost / non – returned traffic Notice books, warrants of arrest older than 2 years, Notices displaying incorrect fine amounts, cases struck off / removed from the court roll, withdrawn and cancelled Notices. The Directorate seeks to request Council

to write off the undermentioned traffic fines as irrecoverable debt to enable the Traffic Division to account for valid fine revenue. The Directorate has developed a Traffic Policy and Standard Operating Procedure for the administration / management of traffic fines to enhance / improve internal controls. Deviation from / non – adherence to the policy and procedure will constitute misconduct. Appropriate consequence management in accordance with the Collective Agreement has been instituted to ensure an acceptable standard of performance by all functionaries involved in the management of traffic fines.

TRAFFIC LAW ENFORCEMENT

The enforcement of legislation relating to road traffic is governed by the provisions of the Criminal Procedure Act, No 51 of 1977. Three concepts in the Act are relevant to this submission.

Section 341 of the Criminal Procedure Act makes provision for a Peace Officer (including a Traffic Officer) to give a written notification to a person who has committed any one of specified offences like for example contravention of a by – law or driving a vehicle above the speed limit. A fine amount which can be paid within a specified time is indicated on the notification and payment of the fine will conclude the matter. In this submission reference to “Section 341 Notice” depicts a notification issued in terms of Section 341 of the Criminal Procedure Act. Section 341 Notices are primarily utilised for stationary offences (illegal parking etc) and speed law enforcement by means of cameras. An important requirement relating to the use of Section 341 Notices is that within 30 days after the offence a Notice must be sent by mail to the registered owner of the vehicle used in the commission of the offence.

If no payment of the fine indicated on the Section 341 Notice is received the next step is the issuing and serving of a Summons as provided for in Section 54 of the Criminal Procedure Act. The Summons contains a court date and failure to appear may result in the issuing of a warrant of arrest for the accused mentioned in the Summons. The Summons must be served on the accused as prescribed by the Criminal Procedure Act. Payment of an admission of guilt fine is possible to prevent the accused from having to appear in Court.

In terms of Section 56 of the Criminal Procedure Act a Peace Officer (including a Traffic Officer) may hand a Notice specifying a court date to a person who has committed a specific offence. The notice will also specify an admission of guilt fine which can be paid to prevent a court appearance. It is important to note that since the Section 56 Notice is handed to the accused personally by the Traffic Officer no other serving of the document is required. Failure to attend the court will result in the issuing of a warrant of arrest.

The total / entire traffic fine process must be executed in accordance with the Criminal Procedure Act. Unlike other service charges (rates, water and electricity) where payment can be enticed by cutting or restricting a service, traffic fines can only be collected within the parameters of the Criminal Procedure Act.

SECTION 341 NOTICES TO BE WRITTEN OFF

All section 341 notices issued whilst the traffic division did not have an operational contravention management system could not be processed to the next stage as retrieval of the name and address of the registered owner of the vehicle from the E-NATIS system was not possible.

The following required / prescribed actions in respect of section 341 notices could not be executed:

- Section 341 notices via post for camera (hand held and fixed) and stationary offences could not be dispatched within 30 days from date of issue;
- Updating outcome of written representation relating to a Section 341 notice and providing written feedback to the offender;
- Sending of notice before Summons by post;
- Updating court registers and court rolls;
- Identifying notices at Summons stage;
- Summons module to indicate and allocate summonses; and
- Printing and delivery of Section 54 Summons to offenders to appear in court before court date.

(A) NOTICE BOOKS LOST / NOT RETURNED BY TRAFFIC OFFICERS

The table below summarises the various types of notice books which were issued to and subsequently lost / not returned by traffic officers during the 2016 / 2017; 2017 / 2018 and 2018 / 2019 financial years. The loss / non – return of seventy – two (72) notice books by traffic officers during 2016 / 2017; 2017 / 2018 and 2018 / 2019 financial years

	2016 / 2017			2017 / 2018			2018 / 2019		
	NUMBER OF BOOKS			NUMBER OF BOOKS			NUMBER OF BOOKS		
	ISSUED	LOST	NOT RETURNED	ISSUED	LOST	NOT RETURNED	ISSUED	LOST	NOT RETURNED
Section 341	223	1	26	123	3	0	258	0	3
Section 56 Speed	29	0	3	118	5	2	81	5	4
Section 56 Ordinary	264	3	15	49	2	3	0	0	0
TOTAL	516	4	44	290	10	5	339	5	7

The traffic division purchased books throughout 3 financial years, the below table seeks to illustrate the value of Lost / Not returned books by traffic officers to the value of R 7 319.13

Book Purchased	2016/2017	2017/2018	2018/2019	TOTAL
Section 341	49.79 X 27 = R1 344.33	R49.79 X3 =R 149.37	49.79 X 3=R 149.37	R 1 643.07
Section 56 Speed	R0	R145.54 X 7= R 1 018.78	R145.54 X 9= R1 309.86	R 2 328.64
Section 56 Ordinary	R145.54 X 18 =R R2 619.72	R145 .54 X 5 =R 727.7	R0	R3 347.42
TOTAL				R 7 319.13

(B) SECTION 341 BOOKS ISSUED DURING 2016/2017, 2017/2018 AND 2018/2019 TO BE WRITTEN OFF BY COUNCIL AS IRRECOVERABLE DEBT

For the past three (3) financial years (2016 / 2017, 2017 / 2018 and 2018 / 2019) the traffic division of the Sub – Directorate Public Safety has been operating without a contravention management system.

The required / prescribed actions in respect of section 341 books listed below could not be executed as a result the below table seeks to illustrate number of section 341 books issued for Council to write off.

Section 341 books for the financial year 2016-2017 which requires to be written off as irrecoverable debt

2016-2017			
14/43601	14/45150	14/45151	14/46100
14/46101	14/47100	14/47100	14/47700
14/47701	14/50100	14/50101	14/51650
14/51651	14/52400	14/52351	14/53900

Section 341 books for the financial year 2017-2018 which requires to be written off as irrecoverable debt

2017-2018			
14/54751	14/54800	14/54801	14/54850
14/54851	14/54900	14/59051	14/49100
14/54901	14/54950	14/54951	14/55000
14/55001	14/55050	14/55051	14/55100
14/55101	14/55150	13/102450	13/102499
13/102500	13/102549	13/102550	13/102599
13/102600	13/102649	13/102650	13/102699
13/102700	13/102749	13/102750	13/102799
13/102800	13/102849	13/102850	13/102899
13/102900	13/102949	13/102950	13/102999
13/102300	13/103049	13/103050	13/103099
13/103100	13/103149	13/103150	13/103199
13/103200	13/103249	13/103250	13/103299
13/103300	13/103349	13/103350	13/103399
13/103400	13/103449	13/103450	13/103499
13/103500	13/103549	13/103550	13/103599
13/103600	13/103649	13/103650	13/103699
13/103700	13/103749	13/103750	13/103799
13/103800	13/103849	13/103850	13/103899
13/103900	13/103949	13/103950	13/103999
13/104000	13/104049	13/104050	13/104099
13/104100	13/104149	13/104150	13/104199
13/104200	13/104249	13/104250	13/104299
13/104300	13/104349	13/104350	13/104399
13/104400	13/104449	13/104450	13/104499
13/104500	13/104549	13/104550	13/104599
13/104600	13/104649	13/104650	13/104699
13/104700	13/104749	13/104750	13/104799
13/104850	13/104899	13/104900	13/104949
13/104950	13/104999	13/105000	13/105049

13/105050	13/105099	13/105100	13/105149
13/105150	13/105199	13/105200	13/105249
13/105250	13/105299	13/105300	13/105349
13/105350	13/105399	13/105400	13/105449
13/105450	13/105499	13/105500	13/105549
13/105550	13/105599	13/105600	13/105649
13/105650	13/105699	13/105700	13/105749
13/105750	13/105799	13/105800	13/105849
13/105850	13/105899	13/105900	13/105949
13/105950	13/105999	13/106000	13/106049
13/106050	13/106099	13/106100	13/106149
13/106150	13/106199	13/106200	13/106249
13/106250	13/106299	13/106300	13/106349
13/106350	13/106399	13/106400	13/106449
13/106450	13/106499	13/106500	13/106549
13/106550	13/106599	13/106600	13/106649
13/106650	13/106699	13/106700	13/106749
13/106750	13/106799	13/106800	13/106849
13/106850	13/106899	13/106900	13/106949
13/106950	13/106999	13/107000	13/107049
13/107050	13/107099	13/107100	13/107149
13/107150	13/107199	13/107200	13/107249
13/107250	13/107299	13/107300	13/107349
13/107350	13/107399	13/107400	13/107449
13/107450	13/107499	13/107500	13/107549
13/107550	13/107599	13/107600	13/107649
13/107650	13/107699	13/107700	13/107749
13/107750	13/107799	13/107800	13/107849
13/107850	13/107899	13/107900	13/107949
13/107950	13/107999	13/108000	13/108049
13/108050	13/108099	13/108100	13/108149
13/108150	13/108199		

Section 341 books for the financial year 2018-2019 which requires to be written off as irrecoverable debt

Book ranges for section 341			
14/55151	14/55200	14/55201	14/55250
14/55251	14/55300	14/55301	14/55350
14/55351	14/55400	14/55401	14/55450
14/55451	14/55500	14/55501	14/55550
14/55551	14/55600	14/55601	14/55650
14/55601	14/55650	14/55651	14/55700
14/55701	14/55750	14/55751	14/55800
14/55801	14/55850	14/55851	14/55900
14/55901	14/55950	14/55951	14/56000
14/56001	14/56050	14/56051	14/56100
14/56101	14/56150	14/56151	14/56200
14/56201	14/56250	14/56251	14/56300
14/56301	14/56350	14/56351	14/56400
14/56401	14/56450	14/56451	14/56500
14/56501	14/56550	14/56551	14/56600
14/56601	14/56650	14/56651	14/56700
14/56701	14/56750	14/56751	14/56800
14/56801	14/56850	14/56851	14/56900
14/56901	14/56950	14/56951	14/56950

14/57001	14/57050	14/57051	14/57100
14/57101	14/57150	14/57151	14/57200
14/57201	14/57250	14/57251	14/57300
14/57301	14/57350	14/57351	14/57400
14/57401	14/57450	14/57451	14/57500
14/57501	14/57550	14/57551	14/57600
14/57601	14/57650	14/57651	14/57700
14/57701	14/57750	14/57751	14/57800
14/57801	14/57850	14/57851	14/57900
14/57901	14/57950	14/57951	14/58000
14/58001	14/58050	14/58051	14/58100
14/58101	14/58150	14/58151	14/58200
14/58201	14/58250	14/58251	1458300
14/58301	14/58350	14/58351	14/58400
14/58401	14/58450	14/58451	14/58500
14/58501	14/58550	14/58551	1458600
14/58601	14/58650	14/58651	14/58700
14/58701	14/58750	14/58751	14/58800
14/58801	14/58850	14/58851	14/58900
14/58901	14/58950	14/58951	14/59000
14/59001	14/59050	14/59051	14/59100
14/59101	14/59150	14/59151	14/59200
14/59201	14/59250	14/59251	14/59300
14/59301	14/59350	14/59351	14/59400
14/59401	14/59450	14/59451	14/59500
14/59501	14/59550	14/59551	14/59600
14/59601	14/59650	14/59651	14/59700
14/59701	14/59750	14/59751	14/59800
14/59801	14/59850	14/59851	14/59900
14/59901	14/59950	14/59951	14/60000
14/60001	14/60050	14/60051	14/60100
14/60101	14/60150	14/60151	14/60200
14/60201	14/60250	14/60251	14/60300
14/60301	14/60350	14/60351	14/60400
14/60401	14/60450	14/60451	14/60500
14/60501	14/60550	14/60551	14/60600
14/60601	14/60650	14/60651	14/60700
14/60701	14/60750	14/60751	14/60800
14/60801	14/60850	14/60851	14/60900
14/60901	14/60950	14/60951	14/61000
14/61001	14/61050	14/61051	14/61100
14/61101	14/61150	14/61151	14/61200
14/61201	14/61250	14/61251	14/61300
14/61301	14/61350	14/61351	14/61400
14/61401	14/61450	14/61451	14/61500
14/61501	14/61550	14/61551	14/61600
14/61601	14/61650	14/61651	14/61700
14/61701	14/61750	14/61751	14/61800
14/61801	14/61850	14/61851	14/61900
14/61901	14/61950	14/61951	14/62000
14/62001	14/62050	14/62051	14/62100
14/62101	14/62150	14/62151	14/62200
14/62201	14/62250	14/62251	14/62300
14/62301	14/62350	14/62351	14/62400
14/62401	14/62450	14/62451	14/62500
14/62501	14/62550	14/62551	14/62600
14/62601	14/62650	14/62651	14/62700
14/62701	14/62750	14/62751	14/62800
14/62801	14/62850	14/62851	14/62900
14/62901	14/62950	14/62951	14/63000
14/63001	14/63050	14/63051	14/63100
14/63101	14/63150	14/63151	14/63200
14/63201	14/63250	14/63251	14/63300
14/63301	14/63350	14/63351	14/63400

14/65401	14/65450	14/65451	14/65500
14/65501	14/65550	14/65551	14/65600
14/65601	14/65650	14/65651	14/65700
14/65701	14/65750	14/61451	14/61500
14/61501	14/61550	14/61551	14/61600
14/61601	14/61650	14/61651	14/61700
14/61701	14/61750	14/61751	14/61800
14/61801	14/61850	14/61851	14/61900
14/61901	14/61950	14/61951	14/62000
14/62001	14/62050	14/62051	14/62100
14/62101	14/62150	14/62151	14/62200
14/62201	14/62250	14/62251	14/62300
14/62301	14/62350	14/62351	14/62400
14/62401	14/62450	14/62451	14/62500
14/62501	14/62550	14/62551	14/62600
14/62601	14/62650	14/62651	14/62700
14/62701	14/62750	14/62751	14/62800
14/62801	14/62850	14/62851	14/62900
14/62901	14/62950	14/62951	14/63000
14/63001	14/63050	14/63051	14/63100
14/63101	14/63150	14/63151	14/63200
14/63201	14/63250	14/63251	14/63300
14/63351	14/63400	14/63401	14/63450
14/63451	14/63500	14/63501	14/63550
14/63551	14/63600	14/63601	14/63650
14/63651	14/63700	14/63701	14/63750
14/63751	14/63800	14/63801	14/63850
14/63851	14/63900	14/63901	14/63950
14/63951	14/64000	14/64001	14/64050
14/64051	14/64100	14/64101	14/64150
14/65751	14/65800	14/65801	14/65850
14/65851	14/65900	14/65901	14/65950
14/65951	14/66000	14/66001	14/66050
14/66051	14/66100	14/66101	14/66150
14/66151	14/66200	14/66201	14/66250
14/66251	14/66300	14/66301	14/66350
14/66351	14/66400	14/66401	14/66450
14/66451	14/66500	14/66501	14/66550
14/66551	14/66600	14/66601	14/66650
14/66651	14/66700	14/66701	14/66750
14/66751	14/66800	14/66801	14/66850
14/66851	14/66900	14/66901	14/66950
14/66951	14/67000	14/67001	14/67050
14/67051	14/67100	14/67101	14/67150
14/67151	14/67200	14/67201	14/67250
14/67251	14/67300	14/67301	14/67350
14/67351	14/67400	14/67401	14/67450
14/67451	14/67500	14/67501	14/67550
14/67551	14/67600	14/67601	14/67650
14/67651	14/67700	14/67951	14/68000
14/67701	14/67750	14/67751	14/67800
14/67801	10/67850	14/67851	14/67900
14/67901	14/67950	14/68001	14/68050

NOTICES WHICH COULD NOT BE TRACED: 2016 / 2017 FINANCIAL YEAR AMOUNT TO R3 673.24

The tables below reflect the Section 56 speed notices and Section 56 ordinary books notices for the 2016 / 2017 financial year which could not be found from the store rooms where traffic files are kept.

Section 56 – Speed Enforcement

	NOTICE NUMBER	OFFENCE DATE	CHARGE AMOUNT
SECTION 56 - SPEED	52/14638/930	28/02/2017	R 700
	52/14640/930	05/03/2017	R 700
	52/15282/930	29/04/2017	R 400
	52/47750/930	05/03/2017	<u>R 1 000</u>
			<u>R 2 800</u>
SECION 56 - ORDINARY	134151 - 134200 134201- 134250 134251-134300 134351-134400 134451-134500 134601-134650		R 873.24

(C) SECTION 56 BOOKS FOR THE FINANCIAL YEAR 2016 / 2017 TO BE WRITTEN OFF AS IRRECOVERABLE DEBT

2016-2017			
60/39351	60/40400	60/39451	60/39500
60/39401	60/39450	60/39501	60/39550
60/39551	60/39600	60/39601	60/39650
60/39651	60/39700	60/39701	60/39750
60/39751	60/39800	60/39801	60/39850
60/39851	60/39900	60/39901	60/39950
60/39951	60/40000	60/40001	60/40050
60/40051	60/40100	60/40101	60/40150
60/40151	60/40200	60/40201	60/40250
60/40251	60/40300	60/40301	60/40350
60/40351	60/40401	52/14250	52/14299
52/14300	52/14359	52/14350	52/14399
52/14400	52/14449	52/14450	52/14499
52/14749	52/14599	52/14600	52/14649
52/14700	52/14759	52/14800	52/14849
52/14850	52/14899	52/14900	52/14949
52/14950	52/14999	52/15000	52/15049
52/15050	52/15099	52/15050	52/15099
52/15100	52/15149	52/15150	52/15199
52/15200	52/15249	52/15250	52/15299
52/15300	52/15349	52/15350	52/15399
52/15400	52/15499	52/15500	52/15549
52/15550	52/15599	52/15600	52/15649
52/15650	52/15699	52/15700	52/15749

SECTION 56 BOOKS FOR THE FINANCIAL YEAR 2017 / 2018 TO BE WRITTEN OFF AS IRRECOVERABLE DEBT

The below table seeks to illustrate list of section 56 books to be written off as traffic irrecoverable debt for the financial year 2017/2018.

Section 56: 2017-2018 BOOKS

Notice Number Section 56			
60/52601	60/52650	60/52651	60/52700
60/52701	60/52750	60/52751	60/52800
60/52801	60/52850	60/52851	60/52900
60/52901	60/52950	60/52951	60/53000
60/53001	60/53050	60/53051	60/53100
60/53101	60/53150	60/53151	60/53200
60/53201	60/53250	60/53251	60/53300
60/53301	60/53350	60/53351	60/53400
60/53401	60/53450	60/53451	60/53500
60/53501	60/53550	60/53551	60/53600
60/53851	60/53900	60/53801	60/53850
60/53601	60/53650	60/53701	60/53750
60/53751	60/53800	60/53901	60/53950
60/53951	60/54000	60/54050	60/54050
60/54251	60/54300	60/54301	60/54350
60/54351	60/54400	60/54401	60/54450
60/54451	60/54500	60/54501	60/54550
60/54551	60/54600	60/54601	60/54650
60/54651	60/54700	60/54701	60/54750
60/54751	60/54800	60/54951	60/55000
60/55001	60/55050	60/54051	60/54100
60/55051	60/55100	60/54901	60/54950
60/54101	60/54150	60/54151	60/54200
60/54201	60/54250	60/54801	60/54850
60/54851	60/54900	52/130751	52/130800
52/130801	52/130850	52/130851	52/130900
52/130901	52/130950	52/131701	52/131750
52/131751	52/131800	52/131801	52/131850
52/131851	52/131900	52/131901	52/131950
52/131951	52/132000	52/132001	52/132050
52/132051	52/132100	52/132101	52/132150
52/132151	52/132000	52/132201	52/132250
52/132251	52/132100	52/132101	52/132150
52/132151	52/132200	52/132201	52/132250
52/132251	52/132300	52/132301	52/132350
52/132351	52/132400	52/132401	52/132450
52/132451	52/132500	52/132501	52/132550
52/132551	52/132600	52/132601	52/132650
52/132651	52/132700	52/132701	52/132750
52/132751	52/132800	52/132801	52/132850
52/132851	52/132900	52/132901	52/132950
52/132951	52/133000	52/133001	52/133050
52/133051	52/133100	52/133101	52/133150
52/133151	52/133200	52/133201	52/133250
52/133251	52/133300	52/133301	52/133350
52/133351	52/133400	52/133401	52/133450

52/133451	52/133500	52/133501	52/133550
52/133551	52/133600	52/133601	52/133650
52/133651	52/133700	52/133701	52/133751
52/133751	52/133800	52/133801	52/133850
52/133851	52/133900	52/133901	52/133950
52/134501	52/134550	52/134851	52/134900
52/134001	52/134050	52/133951	52/134000
52/134001	52/134050	52/134051	52/134100
52/134101	52/134150	52/134901	52/134950
52/134951	52/135000	52/135001	52/135050
52/134351	52/134400	52/134401	52/134450
52/134501	52/134550	52/134551	52/134600
52/134601	52/134650	52/134701	52/134750
52/134801	52/134850	52/135051	52/135100
52/135101	52/135150	52/135151	52/135200
52/135251	52/135300	52/135351	52/135400
52/135401	52/135450	52/135451	52/135500
52/135201	52/135250	52/135301	52/135350
52/134151	52/134200	52/134201	52/134250
52/134251	52/134300	52/134301	52/134350
52/134351	52/134400	52/134451	52/134500
52/134651	52/134700	52/134751	52/134800
52/136401	52/136450	52/136451	52/136500
52/136501	52/136550	52/136551	52/136600
52/136601	52/136650	52/136651	52/136700
52/136701	52/136750	52/136751	52/136800
52/136801	52/136850	52/136851	52/136900
52/136901	52/136950	52/136951	52/137000
52/137001	52/137050	52/137051	52/137100
52/137101	52/137150	52/137151	52/137200
52/137201	52/137250	52/137251	52/137300
52/137301	52/137350	52/137351	52/137400
52/137401	52/137450	52/137451	52/137500
52/137501	52/137550	52/137551	52/137600
52/137601	52/137650	52/137651	52/137700
52/137701	52/137750	52/137751	52/137800
52/137801	52/137850	52/137851	52/137900
52/137901	52/137950	52/137951	52/138000
52/138001	52/138050	52/138051	52/138100
52/138101	52/138150	52/16050	52/16099
52/17800	52/17849		

SECTION 56: 2018-2019 FINANCIAL YEAR

The below table seeks to illustrate section 56 books to be written off by Council for the financial year 2018/2019.

Notice Number Section 56			
52/133001	52/133050	52/132151	52/138200
52/138201	52/138250	52/138251	52/138300
52/138301	52/138350	52/138351	52/138400
52/138401	52/138450	52/138451	52/138500
52/138501	52/138550	52/138551	52/138600
52/138601	52/138650	52/138651	52/138700
52/138701	52/138750	52/138751	52/138800

52/138801	52/138850	52/138851	52/138900
52/139351	52/139400	52/139401	52/139450
52/139451	52/139500	52/139501	52/139550
52/139551	52/139600	52/139601	52/139650
52/139651	52/139700	52/139701	52/139750
52/139751	52/139800	52/139801	52/139850
52/139851	52/139900	52/139901	52/139950
52/139951	52/140000	52/140001	52/140050
52/140051	52/140100	52/140101	52/140150
52/140151	52/140200	52/140301	52/140350
52/140351	52/140400	52/140401	52/140450
52/140451	52/140500	52/140501	52/140550
52/140551	52/140600	52/140601	52/140650
52/140651	52/140700	52/140651	52/140700
52/140701	52/140750	52/140751	52/140800
52/140801	52/140850	52/140851	52/140900
52/140901	52/140950	52/140951	52/141000
52/141001	52/141050	52/141051	52/141100
52/141101	52/141150	52/141151	52/141200
52/141201	52/141250	52/141251	52/141300
52/141301	52/141350	52/141351	52/141400
52/141401	52/141450	52/141451	52/141500
52/141501	52/141550	52/141551	52/141600
52/141601	52/141650	52/141651	52/141700
52/141701	52/141750	52/141751	52/141800
52/141801	52/141850	52/141851	52/141900
52/141901	52/141950	52/141951	52/142000
52/142001	52/142050	52/142051	52/142100
52/142101	52/142150	52/142151	52/142200
52/142201	52/142250	52/142251	52/142300
52/142301	52/142350	52/142351	52/142400
52/142401	52/142450	52/142451	52/142500
52/142501	52/142550	52/142551	52/142600
52/142601	52/142650		

SECTION 56 BOOKS COULD NOT BE TRACED: 2017 / 2018 FINANCIAL YEAR TO THE VALUE OF R 7 650.00 AND THE LIST OF SECTION 56 FOR 2017-2018 FINANCIAL YEAR BOOKS NEEDS TO BE WRITTEN OFF AS IRRECOVERABLE DEBTS

The tables below reflect the Section 56 notices for the 2017 / 2018 financial year hard copies from the source documents could not be found where section 56 notices are filed by Traffic admin section.

Section 56 – Ordinary

	BOOK NUMBER	DATE ISSUED	AMOUNT
Section 56 Ordinary	60/53316/930	04/08/2017	R 750.00
	60/53321/930	08/08/2017	R 1 000.00
	60/53326/930	11/08/2017	R 750.00
	60/53356/930	13/08/2017	R 1 000.00
	60/53361/930	09/09/2017	R 1 000.00
	60/53371/930	12/10/2017	R 300.00

	60/53376/930	12/01/2018	R 500.00
	60/53406/930	29/07/2017	R 300.00
	60/53411/930	30/07/2017	R 1 000.00
	60/53421/930	08/08/2017	R 300.00
	60/53426/930	13/08/2017	<u>R 750.00</u>
			R 7 650.00
Section 56 -Speed	52/15672/930	22 Dec 2017	R0
	52/15678/930	24 Dec 2017	
	52/15685/930	26 Dec 2017	
	52/15687/930	2 Jan 2018	
	52/15694/930	9 Jan 2018	
Section 341	14/46362/930		R0
Section 56	60/51412/930		R0
	60/49334/930		
	60/48736/930		

NOTICES THAT COULD NOT BE TRACED FOR THE YEAR 2017 / 2018, TO THE VAUE OF R 448.11

The first two tables list the Section 341 notices and section 56 notices issued during the 2017 / 2018 financial year that could not be traced from the source documents.

	FIRST NOTICE NUMBER	DATE ISSUED	AMOUNT
Section 341	14/44598/930/090140	01 July 2017	R0
	13/107556/930/216055	29 June 2018	
	105250 -105299	DEC/341/55	R 448.11
	105300 -105349	DEC/341/56	
	105350 -105399	DEC/341/57	
	105400 -105449	DEC/341/58	
	105450 -105499	DEC/341/59	
	105500 -105549	DEC/341/60	
	105600 -105649	DEC/341/62	
	105650 -105699	DEC/341/63	
	105700 -105749	DEC/341/64	
Section 56 Speed	52/18499/930	11 May 2018	R0
	52/14474	SPD56/0000167	R0
	56/03617	GEN56/0000976	
	56/03639	GEN56/0000976	
	56/03745	GEN56/0000978	
	56/03887	GEN56/0000981	
	58/06004	GEN56/0001543	

	60/48465	GEN56/0001820	
	60/48521	GEN56/0001821	

(A) SECTION 341 NOTICES USED FOR RECEIPT OF PAYMENTS DURING 2016 / 2017 FINANCIAL YEAR

The table below reflects four (4) Section 341 notices used by traffic Officers to receive payment for the release of impounded vehicles.

NOTICE NUMBER	PERIOD	OFFENCE DATE	VEHICLE REGISTRATION	LOCATION
14/52285/930	Feb 2017	27/02/2017	BY18HH GP	Charlotte Maxeke St
14/51640/930	Feb 2017	08/02/2017	MAFUTHA FS	St Andrews St
14/53412/930	March 2017	18/03/2017	DZK633FS	Charles St
14/53082/930	March 2017	10/03/2017	DSB 026 FS	Charlotte Maxeke St

(B) LATE SUBMISSION OF DOCUMENTATION TO THE VALUE OF R1 355 900

When prescribed time frames are not adhered to a point is reached where it is no longer possible to secure / enforce payment of the fine. Below are the statistics for the 2016 / 2017; 2017 / 2018 and 2018 / 2019 financial years

TYPE OF NOTICE	FINANCIAL YEAR						TOTAL
	2016 / 2017		2017 / 2018		2018 / 2019		
	NUMBER OF FINES	MONETARY VALUE	NUMBER OF FINES	MONETARY VALUE	NUMBER OF FINES	MONETARY VALUE	
Section 56 Speed	0	0	479	R 426 650	5	R 7 000	R433 650
Section 341	0	0	0	0	1 390	R 922 250	R 922 250
TOTAL							R1 355 900

(C) DIGITAL SPEED CAMERA OFFENCES WITH BLURRED IMAGES 2018/2019 WITH THE MONETARY VALUE OF R1 053,400

To generate a Section 341 notice emanating from speed law enforcement by means of a camera it is necessary that the image captured be clear enough to identify a vehicle, but due to extreme light during sunset and sunrise there has been a challenge to identify vehicles clearly. If the vehicle is not identified the address of the registered owner cannot be obtained from the ENATIS system.

TYPE OF NOTICE	TOTAL NUMBER OF IMAGES	MONETARY VALUE
Speed (Camera)	2006	R1 053,400

(D) WARRANTS OF ARREST: TRAFFIC OFFENCES OLDER THAN TWO YEARS WITH MONETARY VALUE OF R 8 472 730

The Judicial Heads of the Administrative Court Regions in consultation with the National Director of Public Prosecutions determined that Warrants of Arrest issued in terms of section 56(5) of the Criminal Procedure Act No. 51 of 1977 in respect of Traffic Offences have a life span of two years from the date of issue thereof.

The table below reflects the warrants of arrest older than two years which have been withdrawn by the Court the below table depicts warrants of arrest which has exceeded the 2 years life span to the value of R8 472 730

YEAR	NUMBER OF WARRANTS WITHDRAWN	TOTAL AMOUNT TO BE WRITTEN OFF
2016	6 256	R 4 663 629
2017	5 316	R 3 809 101
TOTAL	11 572	R 8 472 730

(E) CASES STRUCK OFF THE COURT ROLL BY THE DEPARTMENT OF JUSTICE TO THE VALUE OF R4 371, 350

The table below reflects the cases struck off the court rolls by the Department of Justice during the 2016 / 2017 and 2017 / 2018 financial years.

TYPE OF NOTICE	FINANCIAL YEAR			
	2016 / 2017		2017 / 2018	
	NUMBER OF CASES	MONETARY VALUE	NUMBER OF CASES	MONETARY VALUE
Section 56	2 077	R 1 237 400	3 864	R 2 753 600
Section 341	74	R 45 700	588	R 334 650
TOTAL	2 151	R1 283,100	4 452	R 3 088 250

(F) WITHDRAWN SECTION 56 NOTICES AND SECTION 341 NOTICES WITH INCORRECT FINE AMOUNT R49 100

Fines payable in respect of the different offences are determined by the Chief Magistrate of the Magisterial District. Any notice reflecting the incorrect fine amount is fatally flawed from a legal perspective and must be withdrawn. The following table provides information in respect of such instances during the 2017 / 2018 and 2018 / 2019 financial years.

TYPE OF NOTICE	FINANCIAL YEAR						TOTAL
	2016 / 2017		2017 / 2018		2018 / 2019		
	NUMBER OF FINES	MONETARY VALUE	NUMBER OF FINES	MONETARY VALUE	NUMBER OF FINES	MONETARY VALUE	
Section 56 Ordinary	0	0	0	0	0	0	R0
Section 56 Speed	0	0	205	R 36 000			R36 000
Section 341	0	0	0	0	23	R 13 100	R 13 100
							R49 100

(G) WITHDRAWN SECTION 56 NOTICES (SPEED) WITH INCORRECT COURT DATES 2018/2019 TO THE MONETARY VALUE OF R 266 950

During the 2018 / 2019 financial year several cases had to be withdrawn due to an incorrect court date appearing on the Section 56 Notice. The information is indicated in the table below.

TOTAL NUMBER OF NOTICES	MONETARY VALUE OF NOTICES
262	R 266 950

FINDINGS

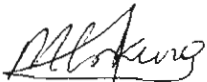
- a) The loss / non – return of seventy – two (72) notice books by Traffic Officers during 2016 / 2017; 2017 / 2018 and 2018 / 2019 financial years to the value of R 7 319.13 be written off as irrecoverable debt.
- b) The required / prescribed actions in respect of section 341 notices could not be executed as a result section 341 notices issued could not be processed to the next stage due to the unavailability of the Contravention System. The section 341 and section 56 books for the past three financial year must be written off as irrecoverable debts. The Section 56 speed notices and Section 56 ordinary books notices for the year 2016 / 2017 financial year which could not be found from the store rooms where traffic files are kept to the value of R 3 673.24 be written off as irrecoverable debt.
- c) The Section 56 notices and books for the 2017 / 2018 financial year which could not be found from the store rooms where traffic files are kept to the value of R 7 650.00 be written off as irrecoverable debt.

- d) Section 341 notices and Section 56 for the 2017 / 2018 financial year which could not be found from the store rooms where traffic files are kept to the value of R 448.11 be written off as irrecoverable debt
- e) The four (4) Section 341 notices during the financial year 2016/2017 used by traffic officers to receive payment for the release of impounded vehicles be written off.
- f) Late submission of the documents which are no longer possible to secure / enforce payment of the fine for the 2016 / 2017; 2017 / 2018 and 2018 / 2019 financial years to the value of R 1 355 900.00 be written off as irrecoverable debt.
- g) Section 341 notice emanating from speed law enforcement by means of a camera where image captured could not facilitate identification of the vehicle due to extreme light during sunset and sunrise. Vehicles without number plates and foreign country number plates affixed on motor vehicle to the value of R 1 053 400.00 be written off as irrecoverable debt.
- h) The warrants of arrest older than two years which have been withdrawn by the Court to the value of R 8 472 730 be written off as irrecoverable debt.
- i) The cases struck off the court rolls by the Department of Justice during the 2016 / 2017 and 2017 / 2018 financial years to the value of R 4 371 350.00 be written off as irrecoverable debt.
- j) Any notice reflecting the incorrect fine amount is fatally flawed from a legal perspective and must be withdrawn during the 2017 / 2018 and 2018 / 2019 financial years to the value of R 49 100.00 be written off as irrecoverable debt.
- k) During the 2018 / 2019 financial year several cases had to be withdrawn due to an incorrect court date appearing on the Section 56 notice to the value of R 266 950.00 be written off as irrecoverable debt

RECOMMENDATIONS

- a) That Council take note of the report.
- b) That Council writes off traffic fines and irrecoverable debt to the value of R 15 558 520.50.
- c) That Council note that Directorate has initiated a consequence management process through a disciplinary action against implicated officials within the traffic division.

Submitted by:



Mr MG Nkungwana
Head: Social Services

Date: 11 December 2019

~~Supported / not supported.~~



Adv TB Mera
City Manager

Date: 11/12/2019

~~Approved / not approved~~



Honourable Councilor SM Mlamleli
Executive Mayor

Date: 12/12/2019

AT THE HEART OF IT ALL

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