

# LAND TRANSPORT ADVISORY BOARD TERMS OF REFERENCE

City of Cape Town

Adopted by the LTAB

23 March 2018



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD



**TDA**  
CAPE TOWN

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## 1. Definitions

In these Terms of Reference, unless the context indicates otherwise:

**"Advice"** means a decision by the LTAB in accordance with these Terms of Reference that it wishes:

- (a) TDA as the City's transport and urban development authority; and
- (b) any LTAB member that is affected by such decision,  
to take into account;

**"By-law"** means the Constitution of the Transport and Urban Development Authority for Cape Town Amendment By-law, 2017;

**"City"** means the municipality established by the City of Cape Town Establishment Notice, No 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, No 117 of 1998 or any structure or employee of that municipality acting in terms of delegated authority;

**"Commissioner"** means the Commissioner of TDA (as defined in the By-law);

**"Comprehensive Integrated Transport Plan"** or "CITP" means the comprehensive integrated transport plan from time to time for the City as contemplated in section 36 of the NLTA;

**"Constitution"** means the Constitution of the Republic of South Africa, 1996;

**"Core LTAB Members"** means all of the following:

- (a) the TDA Mayoral Committee Member;
- (b) the chair of the TDA committee appointed in terms of section 79 of the Structures Act;
- (c) the MEC (as defined in the NLTA) (or his representative);
- (d) the Director General of the National Department of Transport or his nominee (where the matters to be considered require representation of the national sphere to promote transition, integration and co-ordination);
- (e) a senior official of WCG (where the matters to be considered require representation of the provincial sphere to promote transition, integration, co-ordination or oversight);
- (f) the Group Chief Executive Officer of PRASA (or his representative);
- (g) the Group Chief Executive Officer of Transnet (or his representative);
- (h) the mayoral committee member for transport of the local municipalities (as defined in the Structures Act) within the Functional Area;
- (i) the President of the South African National Taxi Council (SANTACO) Western Cape (or his representative); and
- (j) the President of the Southern African Bus Operators Association (SABOA) Western Cape (or his representative);

**"Functional Area"** means the area of the City, together with the areas of such other Municipalities with whom the City has a transport planning relationship;

**"Integrated Public Transport Network" or "IPTN"** means the integrated public transport network (for both road and rail) for the City as referred to in the NLTA;

**"Intermodal Planning Committee" or "IPC"** means the TDA's intermodal planning committee for the City established in terms of section 15 of the NLTA and the By-law;

**"IPC Chair"** means the Commissioner;

**"Land Transport Advisory Board" or "LTAB"** means the TDA land transport advisory board established in terms of section 16 of the NLTA and the By-law;

**"LTAB Chair"** means the TDA Mayoral Committee Member;

**"LTAB Member"** means a member of the LTAB;

**"Mayoral Committee"** means a mayoral committee appointed in terms of section 60 of the Structures Act;

**"Meeting"** means a meeting of the LTAB;

**"Minutes"** means the minutes of the Meetings;

**"Municipality"** includes all types of municipalities contemplated in section 155 of the Constitution;

**"NLTA"** means the National Land Transport Act, No 5 of 2009;

**"PRASA"** means the Passenger Rail Agency of South Africa established in terms of section 23 of the Legal Succession to the South African Transport Services Act, No 9 of 1989;

**"Structures Act"** means the Local Government: Municipal Structures Act, No 117 of 1998;

**"TDA"** means TDA Cape Town, the City's transport and urban development authority; and

**"Transnet"** means Transnet SOC Ltd, including both the freight rail and port divisions of the business;

**"WCG"** means the Western Cape Government; and

**"Working Day"** means a day other than a Saturday, Sunday or public holiday in South Africa.

## 2. Purpose and functions of the LTAB

- (1) Subject to section 2(2), the LTAB shall perform the functions ascribed to it in section 9(9) of the By-law.
- (2) In performing the functions referred to in section 2(1), the LTAB shall at all times have regard to the functional parameters of the By-law.
- (3) In performing its functions referred to in this section 2, the LTAB shall primarily consider matters that are within the scope of the CIP and the IPTN.
- (4) Subject to section 2(3), the LTAB shall be responsible for advising the City in relation to transport and land matters within the Functional Area.

- (5) Subject to section 2(3), the LTAB shall only consider matters raised with it by:
  - (a) the IPC Chair;
  - (b) the LTAB Chair; and/ or
  - (c) any of the other Core LTAB Members.
- (6) The LTAB shall offer its Advice to:
  - (a) TDA as the City's transport and urban development authority; and
  - (b) any LTAB Member that is affected by such Advice.
- (7) The LTAB shall comply with any regulations made from time to time by the Minister responsible for transport in the national sphere of government under section 16(2) of the NLTA on the membership of the LTAB, the appointment and qualifications for membership, procedures and frequency of Meetings, and related matters whereupon the LTAB shall make appropriate amendments to these Terms of Reference.
- (8) The LTAB Chair may request, by notice to the IPC Chair, that the IPC shall undertake such investigations, consultations and/or studies in relation to transport and land matters as so requested from time to time so as to further the objects of the By-law.
- (9) The operation of the provisions of these Terms of Reference (including those in relation to the inclusion of stakeholders relating to urban development on the LTAB and the consideration of issues relating to urban development by the LTAB as contemplated by the By-law) shall be to the extent permitted by law only.

### 3. Membership of the LTAB

The LTAB Members shall comprise the following:

- (1) the Core LTAB Members;
- (2) the Commissioner; and
- (3) subject to section 4, members who are not Core LTAB Members and which may include one or more of the following from time to time:
  - (a) one or more representatives from the National Department of Transport;
  - (b) one or more representatives of bus, minibus taxi, metered taxi and rail operators in the Functional Area;
  - (c) one or more users of public transport in the Functional Area;
  - (d) one or more representatives of organised labour;
  - (e) one or more representatives from relevant transport related state owned enterprises;
  - (f) one or more representatives of academic institutions in the Western Cape;
  - (g) one or more representatives from Wesgro (the tourism, trade and investment promotion agency for Cape Town and the Western Cape);
  - (h) one or more representatives from the Economic Development Partnership for the Western Cape; and/or
  - (i) any other person whom the LTAB Chair may invite from time to time.

## 4. Appointment of LTAB Members who are not Core LTAB Members

The LTAB Chair may appoint any LTAB Member referred to in section 3(3) for such duration and on such terms as he thinks fit.

## 5. Quorum for Meetings

- (1) A meeting shall not be quorate if the LTAB Chair is not present (unless the LTAB Chair shall determine otherwise and notifies the Core LTAB Members to this effect).
- (2) Subject to section 5(1), the quorum for Meetings may be fixed from time to time by a decision of the Core LTAB Members, but shall not be less than 50% of the Core LTAB Members (including the LTAB Chair).

## 6. Chairing of Meetings

- (1) The LTAB Chair shall chair all Meetings.
- (2) The chair of the TDA committee appointed in terms of section 79 of the Structures Act shall be the deputy chairperson of the LTAB.

## 7. Agenda for Meetings

- (1) Subject to section 2(5), any of the Core LTAB Members (and not any LTAB Member who is not one of the Core LTAB Members) may place items on the agenda of a Meeting. Written notice of such items must be submitted to the LTAB Chair at least ten Working Days before the Meeting.
- (2) Subject to section 2(5), an item of business may not be considered at a Meeting unless either:
  - (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by the Core LTAB Members; or
  - (b) by reason of special circumstances, the LTAB Chair is of the opinion that the item should be considered at the Meeting as a matter of urgency.
- (3) Agenda items which are not considered at a Meeting shall be carried forward for consideration at the next Meeting.

## 8. Distribution of papers for Meetings

- (1) Agendas and papers may be distributed using email where appropriate and shall be distributed no less than three Working Days before the Meeting by or on behalf of the LTAB Chair.
- (2) The agenda and papers for a Meeting, including those sent by email, shall be deemed to have been received on the Working Day following the day they were sent.

## 9. Decisions of the LTAB

- (1) At any Meeting, decisions (including Advice) must be taken by common consent of the majority of the Core LTAB Members present. If a majority decision cannot be determined, the LTAB Chair shall have a casting vote.
- (2) Decisions (including Advice) must take the form of a resolution (including the reasons for such resolution) and shall be contained in the Minutes for that Meeting.
- (3) The LTAB Chair shall ensure that, within 15 Working Days after the Meeting, a copy of the Advice is sent to:
  - (a) TDA as the City's transport and urban development authority; and
  - (b) any LTAB member that is affected by such Advice.

## 10. Minutes

- (1) Minutes shall be kept of all Meetings.
- (2) The Minutes shall include the name of all LTAB Members present at the Meeting.
- (3) The draft minutes of Meetings shall be circulated to all LTAB Members 15 Working Days after the Meeting to which they relate.
- (4) The LTAB Chair shall sign copies of all Minutes.
- (5) Copies of the Minutes shall be retained (together with all background papers) for a period of three years beginning with the date of the Meeting to which they relate.

## 11. Frequency of Meetings

The LTAB shall meet, as a minimum, twice a year, or more frequently as agreed between the Core LTAB Members. The schedule of Meetings shall be set on an annual basis.

## 12. Termination of LTAB Members' appointments

- (1) A person shall cease to be an LTAB Member as soon as:
  - (a) that person no longer holds the office that entitles him to be an LTAB Member;
  - (b) that person is prohibited from being an LTAB Member by law;
  - (c) a registered medical practitioner who is treating that person gives a written opinion to the LTAB stating that such person has become physically or mentally incapable of acting as an LTAB Member and may remain so for more than three months;
  - (d) by reason of that person's mental health, a court makes an order which wholly or partly prevents that person from personally exercising any powers or rights which that person would otherwise have; or
  - (e) notification is received by the LTAB from the LTAB Member that the LTAB Member is resigning from office, and such resignation has taken effect in accordance with its terms.

### **13. No remuneration of LTAB Members**

- (1) An LTAB Member may undertake any services for the LTAB that the LTAB Members decide.
- (2) LTAB Members shall not be entitled to any remuneration for:
  - (a) their services to the LTAB as an LTAB Member; or
  - (b) any other service which they undertake for the LTAB.

### **14. Conflicts of interest for LTAB Members**

- (1) If a proposed decision of the LTAB is concerned with an actual or proposed transaction or arrangement in which an LTAB Member is interested, that LTAB Member shall not be counted as participating in the decision making process for quorum or voting purposes.
- (2) At each Meeting, each LTAB Member shall complete a declaration of interest form and such declaration of interest form shall be retained together with the Minutes for such Meeting.