



happy holidays

As we close 2023 and look ahead to a new year, it's a fitting time to reflect as an office of last instance for thousands of residents from all walks of life, each with their own unique needs and set of challenges.

This financial year we exceeded our overall performance target and will continue in our efforts to remain accessible and effective as we strive to fulfill our mandate of providing administrative justice to many more residents living in the City of Johannesburg.

In helping to foster an environment of open dialogue and acting as a bridge between aggrieved residents and the respective departments and entities, we have witnessed the impact of the existence of our office through the various collaborations within the City's structures. One such collaboration was with the Legislature, where we were able to successfully review and amend the Ombudsman By-Law, 2014. In doing so, the Ombudsman will now be able to ensure that all remedial actions are binding and that offenses, penalties, and consequences relating to non-compliance by those departments and entities are enforced. This is indeed a big win for both the residents and our office because not only will residents receive their just redress, but we will be able to strengthen the efficiency of our investigative processes.

Despite experiencing our own set of challenges as a department, it's worth noting that we were able to ensure that a refund total of R1 095 464, 97 was paid back to residents resulting from irregular billing (which remains the most common type of complaint we receive every year).

The new year will see the launch of many exciting projects, namely, our upgraded website, which will allow residents to lodge a complaint online and track the status of their complaint(s) in real time, around the clock.

We are grateful for the trust we receive from residents and all the support received throughout the year from our colleagues. We wish everyone a safe and wonderful festive season with friends and loved ones. Here's to sharing more news and developments in the new year!

WHEN IS NOISE JUST NOISE AND NOT A NUISANCE?

As with many other cities, the City of Johannesburg, reverberates with the noise of construction sites and traffic – music filtering from restaurants and taverns, taxis hooting, dogs barking, and people shouting. While some noise is tolerable there are instances where it may become a disturbance or nuisance; where it intrudes on one's daily life and often cause unnecessary conflict between those who are generating it and those who are subjected to it.

All citizens are generally permitted in common law to use their properties however they may choose, but with the December festivities kicking off in a week or two, we each must carry the responsibility of ensuring that the use of our properties does not intrude unreasonably on the use and enjoyment of our neighbours.

In terms of the Noise Control Regulations, as defined under the Environment Conservation Act of 73 of 1989, "no person shall make or allow to be made a disturbing noise."

**2.5 NOISE CONTROL REGULATIONS,
IN TERMS OF
THE ENVIRONMENT CONSERVA-
TION ACT 73 OF 1989**

OFFENCE CODE	NUMBER OF SECTION	DESCRIPTION OF OFFENCE	FINE
	8	Make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof.	R1000
	9(a)	Operate or play or allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound so as to cause a noise nuisance.	R1000 business R500 residential
	9(b)	Offer an article for sale by shouting, ringing a bell or making other sounds or by allowing shouting, the ringing of a bell or making of other	R500

Disturbing Noise in an urban environment is governed by municipal by-laws. An example of this type of noise would be loud music that is played throughout the night well into the early hours of the following morning. The City of Johannesburg has by-laws in place that focus on the level of decibels reached rather than the actual time frame in which noise is made.

However, Noise Nuisance is more subjective and usually happens over a longer period. It's defined as noise that "disturbs or impairs or may disturb or impair the convenience or peace of any person". This could include dogs barking incessantly, playing a musical instrument or operating a





television set at a disturbingly loud volume, shouting and talking loudly; the discharge of fireworks in a residential area.

Any residents experiencing loud noises in their area may contact the **Johannesburg Metro Police Department (JMPD)**, which handles by-law infringements, on **011 375 5911**, to report the matter.

INFORMAL SETTLEMENTS: A THREAT TO HUMAN DIGNITY?



The City of Johannesburg is one of the 40 cities in Africa that currently host populations of more than one million residents resulting from a combination of several factors, ranging from high population growth rates to pull factors such as employment opportunities and displacements caused by natural disasters, etc.

Following the recent fires within the CBD, the city's Human Settlement Department erected corrugated iron shacks in Denver as temporary emergency shelters for evictees and victims of the blaze tragedies. Despite these being temporary structures, the city fears that this site will likely become yet another informal settlement among the hundreds the city is already struggling with – primarily because the conditions at this site are nevertheless safer than those at the firetraps of the burned buildings.

This will undoubtedly put further strain on the existing housing backlog, making it even more difficult for the city to ensure fair and transparent allocation of housing opportunities to those who are not only in dire need but also qualify as per the respective selection criteria listed by the Human Settlements Department, which derives its mandate from The Constitution of the Republic of South Africa, 108 of 1996, (Specific reference to Section 26, stipulates:

- Everyone has the right to have access to adequate housing
- The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
- No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions

Informal settlements in South Africa are characterised by profound inequalities in access to basic services such as water, sanitation, and electricity. Not only does this compromise the dignity of the residents, but dense populations living in such adverse conditions, together with livestock and vermin, can have dire consequences for public health. This is particularly apparent in relation to informal settlements located in rural areas.

To this end, the Human Settlements sector is undergoing strategic developments and initiatives to address the increasing demand and backlogs in housing. While legislative frameworks and policies exist at a national level, municipalities, including the City of Johannesburg, are required to develop their own sector plans to address specific jurisdictional issues.

As the Office of the Ombudsman, one of our roles is to educate communities about their basic human rights as residents of the City of Johannesburg. By providing them with information on the various services freely available to them, we can encourage and equip thousands of people to use the complaints channels available to indeed hold the city accountable at all times.

Our goal as the Office of the Ombudsman is to ensure that the rights of those living in informal settlements are acknowledged and protected. By addressing complaints, advocating for change and promoting dialogue between residents and the respective city departments, we strive to collaborate with the City's departments and entities to find mutually agreeable solutions to the challenges faced by both parties but essentially ensure that the basic rights of residents remain top of mind across the various structures within the city.



FESTIVE SEASON OFFICE HOURS

Please note that our office will be operating on skeleton staff this festive season and customers are encouraged to make use of our digital channels to lodge their complaint(s).

However, walk-ins are welcome during our standard operating hours from 08h00 – 16h00 on weekdays, except for the 15th, 25th, and 26th of December 2023 as well as the 1st of January 2024 which are Public Holidays.

- **Helpdesk** : 010 288 2800
- **WhatsApp** : 081 365 0225
- **Email** : complaints@joburgombudsman.org.za

For feedback and/or suggestions, please email the editorial team at editor@joburgombudsman.org.za.

