



UMZIMVUBU
— LOCAL MUNICIPALITY —

SP & COMMUNICATION

POLICY ON THE ESTABLISHMENT AND OPERATION OF WARD COMMITTEES

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Definitions.

In this Policy, unless the context otherwise indicates, the words / phrases below have been assigned the following meaning:-

Chairperson: a Ward Councillor of the Municipality appointed to chair the meeting in terms of Section 73(2) (a) of the Municipal Structures Act.

Community: residents of the Ward i.e. ward community.

Council: the Municipality's body of elected Ward Councillors and proportionally representative Councillors (comprising the Local Government) as established in terms of the Municipal Structures Act.

Municipality: means the Municipality of Umzimvubu in terms of Section 12 of the Municipal Structures Act.

Municipal Manager: the head of the administration and the accounting officer of the Municipality and appointed by the Council in terms of Section 82 of the Municipal Structures Act 117 Of 1998 as amended.

Ward Councillor: a Municipal Councillor elected in terms of Section 22(1) (b) of the Municipal Structure Act, to represent a demarcated Ward.

Ward Committee: a Committee of the Municipal Ward, established in terms of part4 of the Municipal Structures Act.

ULM: Umzimvubu Local Municipality.

CDW: Community Development Worker, appointed in terms of the Public Service Act No.130 of 1994 to serve as a link between the Community and municipality in an attempt to bring services closer to the communities.

MPAC: Municipal Public Accounts Committee.

VD: Voting District.

MDB: Municipal Demarcation Board.

IEC: Independent Electoral Commission.

1. Background of the Policy

1.1 Section 72 of the Municipal Structures Act provides for the establishment of ward committees in the types of metropolitan and local municipalities mentioned in sections 8(c),(d),(g) and 9(b),(d), and (f). If a metropolitan or local municipality of a type referred to in subsection (1) chooses to establish ward committees the provisions of Part 4 apply.

1.2 Section 16(1) of the Municipalities Systems Act requires that a municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, for the purpose of -

- (a) encouraging and creating conditions for the local community to participate in the affairs of the municipality, including -
 - (i) the preparation, implementation and review of its integrated development plan in terms of Chapter 5
 - (ii) The establishment, implementation and review of its performance management system in terms of Chapter 6.
 - (iii) monitoring and review of its performance, including the outcomes and impact of such performance.
 - (iv) the preparation of its budget; and
 - (v) strategic decisions relating to the provision of municipal services in terms of Chapter 8.
- (b) contribute to building the capacity of –
 - (i) the local community to enable it to participate in the affairs of the municipality; and
 - (ii) councillors and staff to foster community participation; and
- (c) use its resources, and annually allocate funds in its budget, as may be appropriate for the purpose of implementing paragraphs (a) and (b)

1.3 Subsection (1) must not be interpreted as permitting interference with municipal council's right to govern and to exercise the executive and legislative authority of the municipality.

2. Objectives of Policy:

2.1 The objective of this policy in compliance with the provisions of the Municipal Structures Act and the Municipal Systems Act is to:

- (a) Provide guidelines for the establishment, operation and functioning of ward committees.
- (b) Provide for the establishment of appropriate mechanisms, processes and procedures to create conditions for the local community to participate in the affairs of the municipality.
- (c) Provide for development and promotion of a culture of municipal governance that complements formal representative government with a system of participatory governance.
- (d) Provide for meaningful contribution by the municipality to capacity building of the local community to enable it to participate in its affairs.
- (e) Promote and ensure the fostering of community participation by both councillors and municipal staff.
- (f) Provide for appropriate allocation of funds annually in the municipal budget, and use of its resources for the purpose of creating conditions and building of the capacity of the local community to participate in the affairs of the municipality.

- (g) provide guidance to officials and councillors who are responsible for the implementation of procedures pertaining to the tabling of ward committee reports and to provide the necessary resources for effective operations.

3. General Principles:

3.1 Establishment of mechanisms, processes and procedures:

Umzimvubu Local Municipality shall when deciding on the establishment of ward committees take into cognisance the provisions of the Municipal Structures Act (Act No 117 of 1998), and the Municipal Systems Act (Act No 32 of 2000) as amended, which require a municipality to establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality, and shall for this purpose provide for -

- (a) The receipt, processing and consideration of petitions and complaints lodged by members of the local community.
- (b) Notification and public comment procedures, when appropriate.
- (c) Public meetings and hearings by the municipal council and other political structures and political office bearers of the municipality, when appropriate.
- (d) Consultative sessions with locally recognised community organisations and, where appropriate, traditional authorities.
- (e) Report back to the local community.

3.2 Recognition of special needs

Umzimvubu Local Municipality shall when establishing mechanisms, processes and procedures take into account the special needs of –

- (a) people who cannot read or write
- (b) people with disabilities
- (c) women; and
- (d) other disadvantaged groups

3.3 General values:

- (a) Inclusivity** – the embracing of all views and opinions in the process of community participation
- (b) Diversity** - the understanding of differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation. These differences should be accorded due recognition, be allowed to emerge and where appropriate ways sought to develop a consensus. The planning process must build on diversity.
- (c) Capacity building** - capacity building is the active empowerment of role players so that they clearly understand the objective of public participation and may in turn take such actions or conduct themselves in ways that are calculated to achieve or lead to the delivery of the objectives.
- (d) Transparency** – the promotion of openness, sincerity and honesty among all the role players in the participation process.
- (e) Flexibility** - the ability to make room for change for the benefit of the participatory process. Flexibility is essential for timing and approach to methodology. If built into participatory processes upfront, this principle allows for adequate public involvement, realistic management of costs and better ability to manage the quality of the output.

- (f) Accessibility** - at both mental and physical levels - collectively aimed at ensuring that participants in a public participation process fully and clearly understand the aim, objectives, issues and the methodologies of the process, and are empowered to participate effectively. Accessibility ensures not only that the role players can relate to the process and the issues at hand, but also that they are, at the practical level, able to make their input into the process.
- (g) Accountability** - the assumption by all the participants in a participatory process of full responsibility for their individual actions and conduct as well as a willingness and commitment to implement, abide by and communicate as necessary all measures and decisions in the course of the process.
- (h) Trust, Commitment and Respect** - Above all, trust is required in a public participatory process. Invariably, however, trust is used to refer to faith and confidence in the integrity, sincerity, honesty and ability of the process and those facilitating the process. Going about participation in a rush without adequate resource allocations will undoubtedly be seen as a public relations exercise likely to diminish the trust and respect of community in whoever is conducting the process in the long term, to the detriment of any public participation processes
- (i) Integration** – that public participation processes are integrated into mainstream policies and services, such as the IDP process, service planning.

3.3.1 Practical application of basic principles

Principle	Applying the basic principles
Inclusivity	Identifying and recognising existing social networks, structures, organisations, social clubs and institutions and use them as a vehicle for communication
Diversity	Ensuring that differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation are recognised and that representation reflects the diversity of the groups .
Capacity Building	Solicit funding from external sources to train ward committees on their role in development Embarking on consumer education on all aspects of local governance including the functions and responsibilities of the municipality and different municipal structures
Transparency	Building trust and promoting openness in the community by opening council meetings to the public and encouraging attendance and making information on issues pertaining to governance readily available to the local community.
Flexibility	Provide space for flexibility to allow changes where and when necessary in terms of time, and approaches to matters relating community participation
Accessibility	<ul style="list-style-type: none"> • Fostering a culture of transparency and accountability giving effect to every person's right of access to information. • Actively promoting a society in which the people of the municipality have effective access to information to enable them to fully exercise and protect all of their rights.

Accountability	Ensuring report back to community forums or ward committees at least on a quarterly basis or at more regular intervals if necessary
Trust, Commitment and Respect	Ensuring that the purpose of the process is explained adequately, as well as how it will develop
Integration	Integrating ward planning with the IDP process Including user committees into mainstream services, e.g. School Governing Bodies.

4. Establishment of ward committees:

- a) Umzimvubu Local Municipality shall in compliance with the provisions of section 73 of the Municipal Structures Act establish a ward committee for each ward consisting of-
 - (i) the councillor representing that ward in the council, who shall also be the chairperson of the committee; and
 - (ii) not more than 10 other persons
- b) Umzimvubu Municipal Council must make rules regulating the procedure to elect members of a ward committee taking into account the need –
 - (i) for women to be equitably represented in a ward committee; and
 - (ii) for a diversity of interests in the ward to be represented
- c) the circumstances under which those members must vacate office; and
 - (i) the frequency of meetings of ward committees
 - (ii) the reporting procedures of ward committees to council
- d) The re- imbursement of costs incurred by members of a ward committee in the course of execution of their duties.
- e) The electoral framework that provides a municipality with an option to choose from two different models, based on sectoral and geographic representation respectively.
- f) The option for a municipality to decide to combine both models or to adopt a model that is best suited to its own circumstances.
- g) Umzimvubu Local Municipality therefore opts to utilise the geographic representation model in establishing its ward committee.
- h) Each Voting District, as per the Municipal Demarcation Board and the Independent Electoral Commission will then have a representative(s) elected whom should be a registered voter enlisted on either of the VD's voters roll within the ward concerned.
- i) Umzimvubu Municipal Council must do anything reasonably necessary to make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

5. Election of members of a ward committee

5.1 Qualification for ward committee members:

Every person who is qualified to vote for a particular municipal council has the right to –

- (a) vote in an election for a ward committee; and
- (b) to stand as a candidate for election in the ward in which she/he is registered as a voter, except if that person is –
 - (i) In the employ of the ULM or district municipality within which the local municipality is demarcated.
 - (ii) In arrears to the municipality for rates and service charges for a period longer than three months.
 - (iii) Is an un-rehabilitated insolvent.
 - (iv) Placed under curatorship.
 - (v) Convicted after February 1997 of an offence and sentenced to imprisonment without the option of a fine for a period of not less than twelve months.
 - (vi) Declared as a person of unsound mind by a competent court of law.
- (c) Any person standing as a candidate in an election for a ward committee must be ordinarily resident within the Ward he/ she represent and should be motivated to work on the ward committee by his/her commitment to working for a better life for his/her community in his/ her Ward.

5.2 Coordination of schedule of meetings for election purposes

- (a) The office of the speaker and the ward councillor shall be responsible for the co-ordination of a schedule of meetings for election purposes.

The Speaker or a designated official in consultation with the Ward Councillor must ensure that:

- (b) The majority of all villagers or stakeholders within the ward are represented, but no quorum shall be required.
 - (i) an attendance register is maintained and signed by every individual attending the meeting
 - (ii) All persons taking part in the election are registered voters in that ward.
 - (iii) Women are equitably represented.
 - (iv) the date, time and venue of the meeting are determined and that the local community is notified accordingly
 - (v) The venue for a meeting is easily accessible to the community members, and if possible transport is provided for a category of people to be determined by the municipal council.
 - (vi) Alternatively a venue that is closest to the people shall be designated as a venue for the election taking into consideration all persons who have an illness or disability.
 - (vii) Suitable sitting arrangements are made, and that chairs are organised for the meeting, especially for elderly people.
 - (viii) Everyone is notified (i.e. the constituents) of the date, time, venue and purpose of the meeting.
 - (ix) Notices for elections are placed at all public buildings in the local library, clinic, schools etc
 - (x) Notice is published in the local paper and an announcement made through the local radio station. .
 - (xi) that if necessary an interpreter is organised
- (c) Voting may take place by a show of hands or by formal ballot.

5.3 Organising and co – ordination of elections

- (i) The administrative division of the municipality, must within its financial and administrative capacity provide support to the speaker's office for the purpose of organising and co-ordinating the elections –

Umzimvubu Municipal Council shall by resolution -

- i) Determine the date, time and venue for the election of a ward committee in its area of jurisdiction.
 - ii) assign the responsibility to convene meetings for the election of ward committees to the speaker's office and the ward councillor
 - iii) assign the responsibility for conducting the elections to the office of the speaker
- (i) ensure that the elections are independent and free of political interference;
 - (ii) Ensure that rules adopted by council to regulate the elections are adhered to at all times
 - iv) Subject to the level of its administrative capacity, decide on the type of elections it may wish to conduct.
- It is however, encouraged that where communities / structures are highly politicised, that a formal ballot process be followed.

5.4 Term of Office

The term of office of the ward committee members shall be in line with that of the ward councillor unless extended by the Speaker in consultation with the ward councillor concerned for a period not exceeding six (6) months.

5.5 Vacation of office by a ward committee member

In the following events, the ward committee member shall vacate his / her position:

If a member:

- 5.5.1 Absents himself or herself from three (3) consecutive meetings without a written apology.
- 5.5.2 Absents him/herself in an ad hoc fashion from 6 (six) consecutive meetings with an apology.
- 5.5.3 Is proven to be actively involved in campaigns for the removal of the ward councillor without having raised grievances against the ward councillor in the ward committee meeting and the community.
- 5.5.4 Acts in a manner that undermines the authority of the ward councillor, the Council and/or the ward committee.
- 5.5.5 Commits a crime that results in a conviction without the option of a fine.
- 5.5.6 Consistently exhibits violent, abusive and intimidating behaviour towards other committee members and/or the community.
- 5.5.7 Attends a meeting under the influence of alcohol and/or illegal drugs.
- 5.5.8 Is proven to have accepted a bribe from any party that has an interest in a development project for that particular ward.
- 5.5.9 Is proven to have used his/her membership of the ward committee to extract, attempt to extract favours of any kind.
- 5.5.10 Is elected as a councillor in the Municipality.
- 5.5.11 Is appointed as a staff member of the Municipality.

- 5.5.12 Without good cause, acts against the decision(s) of the ward committee.
- 5.5.13 Is involved in party political canvassing or similar activity during ward committee meetings.
- 5.5.14 Resigns
- 5.5.15 Dies
- 5.5.16 Is guilty of an infringement of this policy
- 5.5.17 If after being found guilty of an infringement of this policy, is ordered by the Speaker to vacate his/her office.
- 5.5.18 Is ordered to vacate the office by an order of the Court of South Africa.
- 5.5.19 The Speaker will appoint a disciplinary committee to deal with matters of discipline.

5.6 Filling of vacancies

- 5.6.1 Should a vacancy/vacancies occur as a result of one or more of the sub-sections of section 5.5, the vacancy/vacancies should be filled within a reasonable time frame, not exceeding 60 days.
- 5.6.2 Each vacancy should be filled according to sections 4 and 5 of this policy.
- 5.6.3 The Ward Councillor, should facilitate the filing of the vacancy by following the below process:
 - (i) Inform the Speaker of the vacancy in writing.
 - (ii) The Ward Councillor and Ward Committees should convene a community meeting in the affected VD and elect a Ward Committee Member to fill the vacancy
 - (iii) Submission of the elected candidate details should be made by the Ward Councillor to the Office of the Speaker.
 - (iv) The meeting attendance register and minutes should be submitted with the details of the newly elected Ward Committee Member to the Speaker office.

6. General conduct of ward committees

- a) Members of a ward committee shall be elected to develop and to promote a culture of municipal governance that complements formal representative government, with a system of participatory governance which allows for meaningful participation of the local community in the affairs of the municipality.
- b) They shall be elected to ensure that communities participate in the decision making process of the municipality through structured mechanisms of accountability to the local community, by ensuring that priority needs of the community are met, and services are provided equitably, effectively and sustainably within the means of the municipality.
- c) They shall be accountable to the local community and to all political parties represented in the municipal council, and must report back at least monthly to constituencies on municipal matters and to council on matters that affect the local communities, including performance of the municipality in terms of the set performance indicators and targets.
- d) In order to ensure that ward committees fulfil their obligations to their communities, and that they support the achievement by the municipality of its objectives set out in section 19 of Municipal Structures Act, and to ensure that the communities exercise their rights set out in section 5 of the Municipal Systems Act, they shall at all times observe and adhere to the Code of Conduct (**See Annexure A**)

7. Functions and responsibilities of ward committees

A ward committee shall be responsible for the following functions, and must assist the municipal council in communicating to the community information which the municipality is required in terms of section 18 of the Municipal Systems Act communicate to its community concerning –

- 1) the available mechanisms, processes and procedures to encourage and facilitate community participation - section 17(1)
- 2) the matters with regard to which community participation is encouraged – section 16(1) & section – section 17(2)
- 3) the rights and duties of members of the local community - section 5(1); and
- 4) municipal governance, management and development – section 18(1)

A ward committee may in terms of the provisions of section 74 of the Municipal Structures Act:

- (a) Make recommendations on any matter affecting its ward -
 - i) to the ward councillor
 - ii) through the ward councillor to the Executive Committee, ULM Council or the relevant structure, for example Municipal Public Accounts Committee (MPAC).
 - iii) have such duties and powers as the ULM Council may delegate to it.

8. Ward committee meetings

8.1 Types of meetings

- a) **Ward committee meetings:** A ward committee shall meet at least monthly. More regular meetings may be held to allow members sufficient time to plan and to focus on urgent matters.
- b) **Constituency meetings:** ULM Council shall decide when and how often meetings between the ward councillor and the constituents, that is, the local residents must be held. These meetings will help the ward councillor and the ward committee understand the needs of the community. Constituency meetings must be set in advance as part of the annual meeting schedule indicating date, time and venue. These are opportunities to invite municipal officials or the political leadership to address the constituents on community matters, or to provide information about how the municipality operates.
- c) **Special meetings:** These meetings may be convened when a need arises, e.g. if there is an issue important issue that the community is concerned about, and wants to discuss with the councillor and municipality.

8.2 Frequency of meetings

The ULM Council shall make rules regulating the frequency of ward committee meetings. At the beginning of the year, the ward committees must determine a programme for ward committee meetings to coincide with municipal council meetings. A decision about regular meeting intervals must be taken. The ward committee meetings must be held at least monthly. All ward committees shall be required to adhere to the same meeting intervals.

8.2.1 Quorum and decisions

- (a) A majority of the members of a ward committee shall constitute a forum for a meeting.
- (b) A ward committee must attempt to reach decisions based on consensus.
- (c) where consensus is not reached, the matter before the committee is decided if there is agreement among at least the majority of members present at the meeting
- (d) If on any matter there is an equality of votes, the member presiding must exercise a casting vote in addition to that member's vote as a member.

8.3 Convening of meetings and procedure

- i. meetings of a ward committee shall be convened and chaired by the ward councillor
- ii. Members of a ward committee must submit items to be discussed to the chairperson in advance.
- iii. The chairperson shall be responsible for the preparation of the agenda for ward committee meetings.
- iv. the chairperson shall -
 - Ensure the proceedings of a ward committee meeting are recorded and that minutes are kept as a permanent record.
 - At the end of each agenda item summarise the main points to ensure understanding by each member and that correct recording of decisions/resolutions taken.
 - Ensure order and discipline in the meeting. This means also ensuring that no members have conversations amongst themselves whilst a meeting is in progress.
 - Ensure that time limits are observed and that agenda items are strictly adhered to.

8.4 First meeting of a ward committee:

A ward committee may –

- (i) Elect a secretary, assistant secretary and a treasurer from among its members for the proper execution of its duties.
- (ii) Have the committee members introduce themselves and share what they want to achieve as members of the ward committee.
- (iii) Ask the secretary to develop a contact list of ward committee members and provide a copy to each person.
- (iv) As a group, discuss and agree on rules for meeting behaviour and conduct, including the need for confidentiality. Sometimes controversial issues will be discussed at ward committee meetings, all members need to work out and agree on how to communicate these issues to the constituents. It is not always useful to tell everything to everyone.
- (v) Discuss the annual meeting schedule and reach an agreement on the purpose of the meetings and decide when such meetings are to be held.
- (vi) Set up a meeting to develop an annual plan. This could either be a special meeting of the committee, or the next regular meeting of the committee.

- (vii) allocate portfolios, e.g. housing, health and social welfare, local economic development, etc. 'Portfolio' refers to the responsibility allocated to one person, for reporting, understanding, communicating and working in a particular area of interest

8.5 Duties of a ward committee secretary

The duties of a ward committee secretary shall be –

- (i) To help prepare agendas. The secretary should ask ward committee members for items to include on the agendas of all meetings.
- (ii) To discuss the agenda with the chairperson to agree on the contents before sending it out to other members. The ward councillor as chairperson of the committee shall have the final say over what is on the agenda.
- (iii) Following the approval of the agenda, give it to the ward committee members prior to the meeting.
- (iv) To take minutes at all meetings convened by the chairperson and the ward committee. 'Minutes' refers to a written record of what has taken place at the meeting. It usually includes some discussion about each item, the decisions the committee has made, and the actions to carry out these decisions.
- (v) To ensure that the minutes are distributed to members, as well as filed.
- (vi) Ensure safe custody of minutes (minutes are a legal record of the meeting, so is very important they are held in a safe, secure place. People often go back to the minutes of meetings to check the decisions made.)

9. Work program

A ward committee must -

- (i) Submit a programme with specific outputs of work for one year to the office of the speaker in July of each year.
- (ii) perform the functions to achieve the objectives as set out in the work programme:
 - (a) In accordance with own initiative.
 - (b) On request by the ward councillor.
 - (c) On request by the speaker.
 - (d) In accordance with priorities and objectives and within the timeframes determined by the speaker.

10. Administrative support for ward committees

- (i) The ULM Council must in line with the provisions of Section 73 of the Municipal Structures Act make administrative arrangements to enable ward committees to perform their functions and to exercise their powers effectively.
- (ii) The ULM Council must in compliance with the provisions of section 16 of the Municipal Systems Act use its resources and allocate funds in its budgets for community participation.
- (iii) Administrative support given by the ULM Council may include inter alia the following:
 - Promotion of ward committees in the community by informing the community of the roles and responsibilities of the ward committees. A practical example of this

support may be in the form of identification cards provided by the council to the members of the ward committees.

- Permanent allocation of administrative staff to attend ward committee meetings and to assist the ward councillor and members of the committee in fulfilling their clerical and administrative functions.
- Depending on the extent and nature of the municipality, such support may take the form of coordinating the work of the ward committees as well as to supporting the constituency work of a ward councillor.
- Identification and arrangement of meeting places in the ward where communities have access, and where ward committees can conduct meetings.
- Provision of logistical resources, including furniture, computers, stationery and other equipment necessary for ward committees to fulfil their duties.
- Assisting with translation and documentation of information for the community.
- Provision of additional capacity and advertising campaigns for the arrangement of larger public meetings, when necessary.
- Provision of municipal transport for the ward councillor and ward members when necessary, and on request by the ward councillor.
- Development and provision of capacity building and training programmes for ward committees during their term of office.
- Facilitation of ward committee elections.

11. Annual action plans for ward committees

A ward committee must develop an annual plan to –

- (a) Clearly set out its priorities, and what is expected to be achieved.
- (b) Assess whether it has achieved what it planned to do.
- (c) report to the municipality monthly on its achievements against its plan of action; and
- (d) ensure that its priorities and targets are realistic

11.1 Development of annual action plan by ward committee

An annual plan must provide for -

- (a) Dates when the municipality will be holding consultations that the committee may wish to participate in, such as the Integrated Development Plan (IDP) and the annual budget.
- (b) Most important issues for the community, what the ward committee can do to assist and when this should be done.
- (c) Projects that the ward committee may wish to undertake.
- (d) Local economic development projects, training home-based care givers and how the committee could undertake these projects in collaboration with other community organisations.
- (e) Community forums, for example health, or community organisations the ward committee may wish to be represented on.
- (f) Community organisations and/ or municipal departments the committee may wish to invite to do a presentation to the ward committee or to a constituency meeting.
- (g) allocate the ward committee members the responsibility to perform the various tasks
- (h) Report back to the community on matters that affect them.
- (i) give feedback and to share information on the general state of affairs of the municipality
- (j) Allocate deadlines for completion of the tasks.

- (k) Decide on the most urgent or important tasks that the committee wants to do first.

12. Functioning of a ward committee and establishment of sub - committees

- (a) A ward councillor may in his/her absence delegate the chairing of a meeting in writing to the proportional representation councillor.
- (b) A ward committee may establish one or more sub-committees necessary for the performance of its functions and to involve community organisations more broadly.
- (c) A ward committee must appoint the members of such sub-committees, appoint a chairperson from among its members and determine the functions of the sub-committees.
- (d) A ward committee and the sub-committees may meet together as a forum for major discussions.
- (e) all stakeholders in the ward must be encouraged to participate in sub-committees that are relevant to their fields of interest and to their day-to-day functioning as a sector

13. Developing a ward profile

A ward committee must develop a ward profile to –

- a) Gain a better insight and understanding of issues that affect the community and as well as their needs.
- b) To develop their annual plan.
- c) Participate more effectively in discussions about council policies and programmes or projects because they know more about their community than anybody else.

14. Developing structured processes and procedures for reporting

A municipality must develop a structured way of reporting for its ward committees for effective monitoring of their work and to ensure constant feedback on matters that affect the community and which may need the attention of the council. The structure of reporting should provide for –

- 1) a proforma for reporting (annexure E)
- 2) deadlines for submission of reports
- 3) intervals at which reports are to be submitted
- 4) The line of reporting (speaker's office).
- 5) feedback processes and procedures between council and ward committees

15. Public meetings

15.1 Purpose of public meetings -

Public meetings must be held to –

- a) Solicit inputs from the community with regard to service delivery, general development, disaster management and any other issues that affect the community.
- b) Report back to the community on matters that affect them.
- c) Give feedback and to share information on the general state of affairs of the municipality.

15.2 Organising public meetings

The office of the speaker in consultation with the ward councillor shall be responsible for organising public (constituency) meetings and must publish a notice for a meeting –

- (a) In the newspaper circulating in the area concerned stating inter alia the time, date and venue of the meeting or each meeting and invite the public to attend the meeting(s).
- (b) where appropriate through the radio or other means of communication, for example direct mail , posters or notices placed at key public places, such as municipal offices, clinics, schools, bus stops, libraries, etc.; or
- (c) Through communication mechanisms, processes and procedures established by the municipality in terms of the Municipal Systems Act to encourage and facilitate community participation.

16. Fostering working relationships between ward committees and community development workers (CDWs).

16.1 Object and role of a Community Development Worker

- (a) A Community Development Worker (CDW) is defined as a multi –skilled public servant who is deployed at community level to bridge the gap between the provision of services by government and access to those services by the communities, and
- (b) Is required to address, amongst other things, the lack of information, knowledge and poor communication that communities experience in relation to government services.
- (c) The role and task of a CDW is to link community with all spheres of government and departments. A CDW works as community facilitator and organiser focusing on the following key functions –
 - (i) assisting the community in identifying and articulating its needs
 - (ii) facilitating the development of community structures
 - (iii) facilitating public participation in government development projects (e.g IDP, LED, infrastructure and service delivery projects etc)
 - (iv) identification of service blockages in the community
 - (v) Finding solutions to identified needs and blockages by interacting with national, provincial and local government structures.
 - (vi) supporting implementation of community activities and projects by community structures such as community workers and Community Based Organisations
 - (vii) Providing technical support (compiling reports and documents for example) to ward committees to monitor community projects and to account to the community and the municipality.

16.2 Co – ordination of CDW and ward committee functions

- (i) Ward committees must endeavour to become familiar with CDWs deployed in their area and meet them to compare terms of reference, including whether the CDWs are able to offer any operational/ secretarial support to the particular ward committee.
- (ii) The CDW model suggests that CDWs may be able to resolve co-ordination problems between the various spheres of government that arise at local level.

- (iii) CDWs may sit as ex – officio members on ward committees of the Wards they service
- (iv) The municipal council must always be fully briefed on the efforts of a ward committee to resolve such problems through CDWs
- (v) CDWs and ward committees can build good relations by –
 - (a) providing administrative support to the ward committees that are unable to do so themselves
 - (b) Providing assistance in creating awareness of ward committee activities amongst the local community, and acting as referral agents.
- (vi) It is essential for ward committees to meet with their local CDWs and work on mutually beneficial terms of reference and operating systems. The municipality should support and facilitate co – operation between CDWs and ward committees

17. Institutionalising public participation

17.1 Role and responsibility of the Speaker (Compliance and Enforcement)

- a) The speaker as chair of the municipal council shall be responsible for overseeing the functioning of the political arm at local government level, and essentially public participation is connected to this function.
- b) The responsibility for the overall co – ordination and integration of the communication/ participation process should be vested in the office of the speaker.
- c) A public participation unit must be created in the Office of the Speaker and shall be headed by a person appointed by the speaker with the following delegated powers –
 - (i) to co – ordinate the communication/ participation functions of the municipality, especially the drafting of the annual public participation plan
 - (ii) to oversee the drafting of a Citizen’s Participation Charter
 - (iii) to meet regularly with ward councillors to ensure appropriate communication with the communities through the ward committee structure
 - (iv) to ensure that representations made through the ward committees and ward councillors are channelled to the appropriate structures/functionaries for further attention / information
 - (v) to maintain a register of stakeholders, otherwise known as the stockholder register
 - (vi) to provide the administrative support to the IDP Forum
 - (vii) To ensure that representations made by the IDP Forum and other stakeholder groups, are channelled to the appropriate structures/ functionaries for further attention.

17.1.1 Development of a public participation plan

- a) A public participation plan must be developed by a municipality to assist the speaker in the co – ordination and integration the function of the municipality’s communication/participation process.
- b) A year planner must include
 - I. all the issues on which the municipality is by law required to interact with the community on an annual basis such as the IDP, the municipal budget and the municipality’s performance management system

- II. Special municipal marketing and promotion interventions to coincide with special events which take place annually in the municipal area must be added to the year planner.
- III. The implementation of mechanisms, procedures and processes established for public participation in terms of section 17 (1) (b) of the Municipal Systems Act.
- IV. all activities in respect of which the municipality is required to communicate with the community
- V. the manner according to which such communication must take place
- VI. the key elements of the public participation plan which include -
 - a) the publication and annual review of a municipal level Citizen's Participation Charter
 - b) the development of a Community Complaints Protocol
 - c) The establishment and support for the IDP forum, especially use of the forum as a central consultative mechanism in the annual review of the IDP, Budget and Performance Management.
 - d) The time span over which communication must take place or the period for which the proposal must lie open for inspection by the community.

17.2 Functions and responsibilities of the Municipal Manager

As head of administration the municipal manager of ULM shall, subject to the policy directions of the municipal council, be responsible and accountable amongst other things for -

- (a) formulation and development of an economical, effective, efficient and accountable administration which must -
 - (i) Be responsive to the needs of the local community to participate in the affairs of the municipality. This requires the municipal manager to develop the mechanisms and procedures for public participation, and also ensure that resources in terms of finance and personnel are made available for this purpose.
 - (ii) Facilitate the participation of the local community in the affairs of the municipality by analysing all the issues on which the community must be consulted, and by ensuring that the line department responsible for particular functions assumes responsibility for the preparation of documentation that would be necessary for the process of consultation.
 - (iii) Ensure the inclusion of public participation as a KPA in the performance contracts of the relevant members of staff, and that the appropriate performance indicators and targets are identified.
 - (iv) Ensure development and maintenance of a system for the assessment of community satisfaction with municipal services (performance management system of the municipality will enable the community to continuously monitor, evaluate and assess the performance of the municipality. Annual report prepared by the municipal manager in terms of section 46 of the Municipal Systems Act constitutes report on the performance of the municipality on the previous financial year).
 - (v) may delegate responsibility for the execution of these functions to a person in the Public Participation Unit of the municipality, and must provide such a person with the necessary resources to ensure effective and efficient discharge of functions, including the discharge of responsibilities referred to in sub – clause 18(1)(c) above.

17.3 Functions and responsibilities of the Executive Committee

- (a) The Executive Committee of a municipality shall in compliance with the provisions of section 44(g) and (h) of the Municipal Structures Act –
- I. report annually on the involvement of communities and community organisations in the affairs of the municipality; and
 - II. Ensure that regard is given to public views, and report on the effect of consultation on the decisions of the council.

17.4 Functions and responsibilities of the Mayor

The Mayor shall in compliance Section 56(g) and (h) of the Municipal Structures Act -

- I. report annually on the involvement of communities and community organisations in the affairs of the municipality; and
- II. Ensure that regard is given to public views, and to report on the effect of consultation on the decisions of the council.

(a) The functions of the mayor coincide with those of the executive committee

(b) Although the responsibility for the co – ordination and integration of the process of public participation is vested in the office of the speaker, the mayor has a specific responsibility with regard to -

- I. marketing and promoting the municipality as a haven for investment and to keep the community abreast of important events and achievements
- II. keeping the community abreast of imminent policy changes that may affect a large sector of the community

(c) It is necessary that there is always close interaction between the municipal manager, the speaker and the mayor to ensure proper integration and co – ordination of the process of communication and participation.

18 Mechanisms, processes and procedures

18.1 Nature of communication

A municipality can adopt different mechanisms best suited to circumstances peculiar to it to ensure reaching as many of its constituents as is possible including the following -

18.1.1 Information dissemination

This process involves passing of information between councillors, officials and the community, and can be done by –

- advertising an event in a newspaper or radio, use of loud - hailer, or by publication of notices
- Placing of notice in the local newspaper, radio broadcasts on the local radio station, the municipal web page or through posters or pamphlets.
- a municipality may when wishing to disseminate information on any of the following matters notify the community through awareness campaigns, road shows and community awareness centres

- the level of services and standard of municipal services they are entitled to receive – section 6(2)
- how the municipality is managed, of costs involved and the person in charge – 6(2)
- the available mechanisms, processes and procedures to encourage and facilitate community participation – section 18(2)
- the matters with regard to which community participation is encouraged - 18(2)
- The rights and duties of members of the local community, and municipal governance, management and development. – section 18(2)

18.1.2 Consultation with the community

1. Consultation is one step closer to full community participation, and requires more of the public than merely receiving information communicated by the municipality. The objective is to obtain feedback from the public on analysis, alternatives and or decisions communicated to them by the municipality. The process of consultation entails inter - alia the following –
 - (a) interacting mainly with stakeholder groups or ward committees but will not exclude the general public; and
 - (b) the emerging of the self – selected stakeholder groups
2. The process of consultation represents the beginning of two way communication between the municipality and the public which includes –
 - (a) the public and or stakeholder meetings called around the budget and IDP processes
 - (b) Consultation through ward committees, around budget and IDP processes, and also around issues that may affect an individual ward.
3. Consultations may also be undertaken to by a municipality through surveys for the purpose of establishing the views of the community on matters pertaining to the provision of municipal services such as –
 - (a) provision of water
 - (b) sanitation
 - (c) refuse removal; and
 - (d) sporting facilities and a host of other issues
4. A municipality may in addition to the house to house surveys conduct surveys through –
 - (a) the web page of the municipality; and
 - (b) The local newspaper provided that suitable mechanisms such as toll free numbers and a web address are made available to which the members of the community can respond.
 - (c) the use of focus group interviews where persons who have more than a passing interest in the matter, can be interviewed
 - (d) the ward committee system and public meetings

18.2.3 Involvement of the community

1. Community involvement constitutes an active working relationship between the public as represented by ward committees and stakeholder groups, and the municipality in order to ensure –

- (a) that concerns and issues raised by the community are directly reflected in the manner that the municipality relates to it
 - (b) that continuous feedback to ward committees and stakeholder groups is part of the process
2. Umzimvubu Local Municipality must involve the community in the decision making process by including ward committees and stakeholder groups in IDP forums, and reflect on all stages of the development planning process.
 3. Community involvement is a far more targeted and structured form of public participation and is both group specific and issue focused. The representation of a ward committee or stakeholder group on the management committee of a development project is a good example of community involvement.
 4. The ULM council may establish one or more advisory committees consisting of persons who are not councillors to advise the council on any matter within the council's competence. When appointing such a committee, gender representativity shall be taken into account.

19. Key policy guidelines

ULM shall when establishing mechanisms, processes and procedures take into account key policy decisions pertaining to public participation which include –

19.1 White Paper on Local Government

- (1) According to the White Paper on Local Government 1998, a municipality requires active participation by citizens on four levels:
 - (a) **as voters:** to ensure maximum democratic accountability of elected political leadership for the policies they are empowered to promote
 - (b) **as citizens:** who express, through stakeholder associations, their views before, during and after the policy development process in order to ensure that policies reflect community preferences as far as possible
 - (c) **as consumers and end – users:** who expect value for money, affordable services and courteous and responsive service
 - (d) **As organised partners** involved in the mobilisation of resources for development through business, non – governmental organisations and community based institutions.
- (2) The ULM must develop mechanisms to ensure citizen participation in policy initiation and formulation, decision making and implementation –
 - (a) forums to allow organised formulation to initiate policies and/ or influence policy formulation, as well as participate in M&E
 - (b) structured stakeholder involvement in certain council committees, in particular if these are issue – oriented committees with a limited life span rather permanent structures
 - (c) participatory budgeting initiatives aimed at linking community priorities to capital investment programmes
 - (d) focus group participatory action research conducted in partnership with NGOs and CBOs can generate detailed information about a wide range of specific needs and values

19.2 Batho Pele Principles

The ULM shall ensure that every member of a ward committee is fully conversant with the Batho Pele Principles, and that the principles are always strictly observed and adhered to by ward committee members in their interaction with the public.

19.3 The Eight Principles of Batho Pele

- (a) **Consultation:** Citizens should be consulted about the level and quality of services they receive and wherever possible, should be given a choice about the services that are offered
- (b) **Service standards:** Citizens should be told what level and quality of public services they will receive so that they are aware of what to expect
- (c) **Access:** All citizens should have equal access to the services to which they are entitled
- (d) **Courtesy:** Citizens should be treated with courtesy and consideration
- (e) **Information:** Citizens should be given full, accurate information about the public services they are entitled to receive
- (f) **Openness and transparency:** citizens should be told how national and provincial departments including the municipality are run, how much they cost and who is in charge
- (g) **Redress:** If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic, positive response
- (h) **Value for money:** Public services should be provided economically and efficiently in order to give citizens the best possible value for money

19.4 Community based planning

The ULM must when embarking on the planning process take the key policy initiatives into consideration, and amongst which is community based planning which seeks the active involvement of the community, especially poor people. The purpose is to improve the quality of plans and services, extend community control over development and to empower communities so that they can take action and become less dependent. The principles of community based planning include inter – alia the following –

19.4.1 Principles of community based planning

- (a) the involvement of poor people in planning
- (b) the plans and the planning process must be realistic
- (c) planning must be linked to legitimate community structures like ward committees
- (d) planning should include implementation, monitoring, evaluation and annual review
- (e) the plan must be people focused and empowering
- (f) the emphasis should be to build on strengths and opportunities rather focus on problems
- (g) plans must be holistic and cover all sectors

- (h) planning must promote mutual accountability and co – operation between communities and officials
- (i) There must be commitment by councillors and officials to the whole process.

Ward plans should include:

- i. specific targets for service delivery and infrastructure development which can be monitored through properly defined ward indicators
- ii. reporting systems to council and line departments should accommodate periodic feedback guided by these ward indicators
- iii. the presentation of the annual report to council should make special provision for a summary report on ward committee feedback

19.4.2 Municipal budgeting process

The ULM shall ensure the full participation by ward committees in the municipal budget hearings as well as any other sector within civil society. These relate to engagement in amongst others the following:

- a) budget hearings per ward with specific feedback on ward submissions
- b) Outreach to ward committees by joint mayoral and finance committee teams.

19.4.3 Performance Management / Service Delivery Process

In this process ward committees may play the following roles -

- a) assist the municipality to make accurate assessment and to decide on services that must be expanded and improved, particularly during the planning stages, and insisting that council consults citizens during the decision-making process
- b) encourage residents to work with NGOs, CBOs and political parties to develop proposals for consideration by the municipal council
- c) lobby the municipal council on community request for the appointment of a committee of community representatives to monitor processes as well as to advise the municipality on priorities for service extension and improvement
- d) encourage the involvement and participation of communities or their representatives in the evaluation of potential service providers

19.4.4 Role of ward committees in the performance management of a municipality

The ULM Council must –

- a) through appropriate mechanisms, processes and procedures established in terms of the applicable legislation involve the local community through the ward committees and other community based structures in the development, implementation and review of the municipality's performance management system and in particular with regard to -
 - i. the setting of appropriate key performance indicators and performance targets for the municipality
 - ii. the development a monitoring and evaluation instrument that allows targets to be set in a consensual way so that indicators and targets for each priority and objective are clear to everyone from the beginning, including municipal practitioners and local citizens

- iii. the identification of priority needs and ensuring that these needs are included in the budget proposals and plans of the municipality
 - iv. making of constructive suggestions for improvement and, if necessary, organizing the community to help get the job done; and
 - v. developing, implementing, monitoring an evaluation system within the ward and prepare input for the annual performance management review
 - vi. Reporting on a regular basis on municipal projects, performance reviews, and services to keep residents informed of progress and/or problems.
 - vii. Making known, internally and to the general public, the key performance indicators and performance targets in a manner determined by council for purposes of its performance management system.
- b) Ensuring that targets and indicators derive from the integrated development plan of the municipality, and reflect typical municipal functions and obligations contained in legislation and the priorities and objectives relating to the integrated development plan.

20. Contribution to the decision making process by members of the local community

The mechanisms that a municipality may establish for this purpose include the following -

- (a) ward committees and ward subcommittees
- (b) IDP forum
- (c) advisory committees
- (d) Registered stakeholder groups

In addition the ULM may reach those members of the community that are not represented through any formal structures by holding public meetings, road shows as well as making use of the usual postal and telephonic communication methods.

20.1 Statutory provisions

The ULM must in compliance with the provisions of the Municipal Systems Act –

- (a) Encourage and create conditions for the local community to participate in the affairs of the municipality.
- (b) establish mechanisms , processes and procedures to enable members of the local community to exercise their rights and duties
- (c) the mechanisms, processes and procedures established by the municipality must be clearly pronounced in the form policy declarations by the municipal council and be communicated to the local community and must provide for the following –

20.1.1 Submission of written or oral communication

The mechanisms, processes and procedures must allow for submission of written or oral recommendations, representations and complaints to the municipal council or another political structure or a political office bearer or the administration of the municipality by members of a local community.

In this regard the ULM must –

- (a) designate a central point within the environs of the municipal area to which written and or oral representations can be made
- (b) provide name and designation of the official delegated with responsibility to receive such representations, his/her telephone number, fax, e – mail and the location of his/her office which must be readily accessible.
- (c) contact details must also be made available to the community through press notices and where possible notices may be distributed to individual households with the monthly accounts, including brochures or pamphlets developed by the municipality for the purpose of communicating with the community
- (d) Provide for the channeling of complaints, recommendations etc through councillors, ward committees and other community structures.
- (e) develop **community complaints protocols** to provide for –
 - I. the name and designation of the person responsible for responding to the particular matter/ complaint
 - II. the time span within which response and feedback must be provided

20.1.2 Prompt responses to written or oral communications

The Community Complaints Protocols that are developed by the ULM must provide for the following -

- (a) details of the person to whom complaints, representations etc are to be made
- (b) Name and designation of a senior person who can be approached to investigate if no response/ feedback not received by the complainant within the prescribed timeframe.
- (c) Timeframes within which response/ feedback is to be expected

20.1.3 Right of the community to be informed of council decisions or another political structure or any other political office bearer of the municipality, affecting the rights, property and reasonable expectations of the community.

The mechanisms, processes and procedures must provide for dissemination of information by a municipality to the local community pertaining to decisions that affect their rights, property and reasonable expectations, and in the official languages determined by the council having regard to language preferences and usages within its area. This can be done in various ways such as the following –

- (a) publication of a monthly or quarterly newsletter
- (b) publishing information on decisions of affecting the municipality in the local newspaper or newspapers of its area
- (c) publishing information in a newspaper or newspapers circulating in its area and determined by the council as a newspaper of record
- (d) by means of radio broadcasts covering the area of the municipality
- (e) continuous feedback given to the community through the ward committee system and as well as through other stakeholder groupings
- (f) the IDP Forum in respect of matters pertaining to the IDP and budget processes
- (g) Ward committee meetings organized and addressed by a ward councillor.

An updated register of community organizations that are active within the community must be maintained by the municipality, and which should contain details relating to physical and postal addresses and names of contact persons to whom copies of the municipality's newsletter can be sent for purpose of information dissemination by such community organizations to their members.

20.1.4 Regular disclosure of the state of affairs of the municipality including its finances

A municipality must in compliance with the provisions of the Municipal Systems Act –

- (i) Make regular disclosures of the state of its affairs to the local community including its finances.
- (ii) inform the local community how the municipality is managed, of the costs involved and the persons in charge; and
- (iii) in terms of its performance management system must establish a process of reporting to the council, organs of state and the public

The ULM may in terms of the following prescribed mechanisms meet these statutory provisions -

- (a) The annual report that the ULM must prepare in terms of section 46.
- (b) make public the performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed no later than 14 days after the approval of the municipality's service delivery and budget implementation plan in terms section 53(3)(b) of the MFMA.
- (c) Place on website of the municipality all documents referred to in section 75 of the MFMA not later than five days after its tabling in the council...
- (d) Make copies of all the reports referred to in section 75 of the MFMA available to the community through ward committees and other stakeholder organizations.

20.1.5 Community to observe mechanisms, processes and procedures established by the municipality

The members of a local community are required in terms of section 5(2) of the Municipal Systems Act to observe the mechanisms, processes and procedures of the municipality when exercising their rights. A municipality must ensure that the mechanisms, processes and procedures that it has established are communicated to the local community, and that these are fully understood by members of the community. This can be done by -

- (a) compiling a booklet or ***Citizen's Participation Charter*** outlining the mechanisms, processes and procedures and which may be made known through the local newspaper, pamphlets, brochures or the municipality's newsletter
- (b) holding community meetings to explain –
 - (i) the necessity and purpose for the establishment of such mechanisms, processes and procedures
 - (ii) how and when these can be used by the community
 - (iii) rights and duties of the community

- (c) Making use of the ward committee system and other community structures to educate the community on these systems
- (d) application of the municipality's communication strategy in line with its communication policy

20.1.6 Communication of information concerning community participation

A municipality must communicate to its community information with regard to the following –

20.1.6.1 The mechanisms, processes and procedures available to the community for exercising their rights.

The mechanisms, processes and procedures that are developed by a municipality must –

- I. be clearly pronounced in terms of council policy declarations;
- II. be published in the municipal newsletter, brochures, the local newspaper circulating in the municipal area and in the official languages determined by the council having regard to language preferences and usage within its area; and.
- III. be placed on the website of the municipality
- IV. be communicated to the community through ward committees and other community structures

20.1.7 The matters with regard to which community participation is encouraged.

Section 16 of the Municipal Systems Act provides for those matters for which a municipality must create conditions to encourage the development of a culture of municipal governance, that complements formal representative government with a system of participatory governance, and such matters include inter – alia the following

- (1) the preparation, implementation and review of the municipality's integrated development plan in terms of Chapter 5
- (2) the establishment, implementation and review of its performance management system in terms of Chapter 6
- (3) the monitoring and review of its performance, including the outcomes and impact of such performance
- (4) the preparation of the budget; and
- (5) strategic decisions relating to the provision of municipal services in terms of Chapter 8

These matters must be communicated to the local community in line with the communication policy and strategy adopted by the municipal council.-

- i. Through ward committees and stakeholder organizations which must be empowered to perform this task.
- ii. through ward public meetings addressed by ward councillors

- iii. be published in the municipal newsletter, brochures, the local newspaper circulating in the municipal area and in the official languages determined by the council having regard to language preferences and usage within its area; and.
- iv. be placed on the website of the municipality

20.1.8 Informing the community of their rights and duties

20.1.8.1 Rights of the community

A Citizen's Participation Charter developed by a municipality must include amongst other things rights and duties of the members of a local community referred to in section 5, to promote community awareness.

In addition a municipality may use the other mechanisms, processes, and procedures outlined in the preceding paragraphs that have been provided for the local community to exercise their rights.

20.1.8.2 Duties of the community

The Act also makes provision for duties expected of the members of the local community and which require the community to -

- (a) observe the mechanisms, processes and procedures provided by the municipality when exercising their rights
- (b) where applicable, and subject to section 97(1)(c), to pay promptly service fees, surcharges on fees, rates on property and other taxes, levies and duties imposed by the municipality.
- (c) respect the municipal rights of other members of the local community
- (d) allow municipal officials reasonable access to their property for the performance of municipal functions; and
- (e) Comply with by – laws of the municipality applicable to them.

The ULM must ensure that the members of the local community are well informed of these duties, and similarly in the same manner that the rights of the community are conveyed to them must this be done in respect of their duties.

The ULM may in addition where a need exists conduct Masakhane road shows or mass meetings to educate the community on the necessity and importance for consumers to pay for municipal services, rates etc. This should include informing the community of the indigent support that the municipality provides to assist indigent households that are unable to pay for basic services.

20.1.9 Information concerning municipal governance, management and development

The ULM administration must in compliance with the provisions of the Act and in discharging its duties adhere to the democratic values and principles embodied in section 195 of the Constitution, and for which amongst others is required to –

- (a) give members of the local community full and accurate information about the level and standard of municipal services they are entitled to receive; and

- (b) inform the local community how the municipality is managed, the costs involved and the persons in charge

The mechanisms, processes and procedures pertaining to the disclosure of the state of affairs of a municipality have been dealt with under clause 20(1V) above. In addition details concerning the full particulars of the municipal officials and their responsibilities may be listed in the Citizen's Participation Charter and in other relevant publications issued by the municipality for the information of the public.

Information pertaining to the level and standard of services which the community is entitled to receive may also be disclosed in a similar fashion, and through ward committees, community organizations and in public meetings addressed by ward councillors. Pamphlets containing this information may also be distributed to consumers with their monthly statements.

20.1.10 Public notice of meetings of municipal councils

The ULM is required in terms of section 19, that it must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of –

- (a) ordinary meeting of the council; and
- (b) special or urgent meeting of the council, except when time constraints make this impossible

The ULM Council may whatever manner it determines for the purpose of giving notice to the public apply amongst others the following methods –

- I. publish the venue, date and time for its quarterly meetings in the local newspaper or any other newspaper circulating in its area
- II. post notices on the notice boards at its headquarters and its satellite offices
- III. supply ward committees and other stakeholders including community organizations with copies of the notice
- IV. post the notice on the website of the municipality

20.1.11 Admission of public to meetings

Section 20 prescribes that meetings of the municipal council and those of its committees are open to the public, including the media. A municipal council or its committees may not exclude the public from a meeting except when –

- (a) it is reasonable to do so having regard to the nature of the business being transacted; and
- (b) a by - law or a resolution of the council specifying the circumstances in which the council or such committee may close a meeting and which complies with paragraph (a), authorizes such council or committee to close the meeting to the public

Accordingly a municipal council is required within its financial and administrative capacity of the municipality that it must provide space for the public in the chambers and places where the council and its committees meet. A municipal council may take reasonable steps to regulate public access to, and public conduct at meetings of the council and its committees

The municipality should demarcate areas within the chambers, and other venues to provide suitable seating for the members of the public wishing to attend its meetings or those of its committees. Protocol regarding public attendance and behaviour should be displayed where the seating is provided, and designated staff may be deployed to assist with ushering and where possible to provide security.

20.1.12 Communications to local community

1. The ULM must when anything has to be notified through the media to the community in terms of the Act or any other applicable legislation publish the notification as follows –
 - (a) in the local newspaper or newspapers in its area
 - (b) in a newspaper or newspapers circulating in its area and determined by the council as a newspaper of record
 - (c) by means of a radio broadcast covering the area of the municipality
2. Any such notification must be in the languages determined by the council, having regard to language preferences and usage within the area.
3. A copy of a notice intended to be published in the Provincial Gazette or the media in terms of the Act or any applicable legislation must be displayed at the offices of the municipality including its satellite offices
4. When the ULM invites written comments or representations from the local community on any matter that is before the municipal council the invitation must –
 - (a) make provision for any person who cannot write to come to a place during office hours where a member of staff of the municipality will assist to transcribe that person's comments or representations
 - (b) indicate the name of the designated member of the staff and the place where a person who cannot write may go for assistance

21. Capacity building and training:

The ULM shall in compliance with the provisions of section 16 of the Municipal Systems Act, develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose contribute to the capacity building of the local community to –

- a) enable the community to participate in the affairs of the municipality, and councillors and staff to foster community participation; and
- b) Use the municipal resources, and annually allocate funds in its budget, as may be appropriate for the purpose of encouraging and creating conditions for public participation.

21.1 Training needs assessment and preparation of competency plans

The ULM must in accordance with the prescribed municipal policy annually -

- (a) Prepare of a capacity building and training needs assessment for members of its ward committees.

- (b) prepare a competency plan for each member of a ward committee
- (c) provide funds in its a budget for capacity building

21.2 Statutory mechanisms:

21.2.1 Capacity Building

(a) Building the capacity of the local community

The ULM must for the purpose of developing a system of participatory governance encourage, and create conditions for, the local community to participate in the affairs of the municipality by amongst other things contribute to the building capacity of –

- (a) the local community to enable it to participate in the affairs of the municipality; and
- (b) councillors and staff to foster community participation
- (c) Use its resources, and annually allocate funds in its budget, as may be appropriate for the purpose of encouraging and creating conditions for participation by the local community in the affairs of the municipality, and for councillors and staff to foster public participation.

The ULM may in the process of meeting these obligations consider applying the following methods –

(i) Development of a Citizen's Charter

The purpose of a Citizen's Charter is to –

- a) Provide an outline on public participation, including the Public Participation Principles; and
- b) Integrated development planning, municipal budgets and other information that is of relevance to the local community
- c) Practical information on how to engage the municipality on matters pertaining to service provision
- d) The establishment, implementation and review of the performance management system.
- e) Information on how the municipality is managed, of costs involved and the persons in charge

- f) Information on public participation its purpose, the mechanisms, processes and procedures established by the municipality for public participation, etc
- g) information on ward committees, CDWs and other structures, how to engage the municipality especially on issues around the key municipal processes like by laws, policy, the budget, IDP review etc
- h) Information on contact details of ward councillors, and the officials responsible for public participation

(b) Building capacity of ward committees and key stakeholders

The ULM must use its resources, and annually allocate funds in its budget, as may be appropriate for the purpose of capacitating its ward committees, and this matter has been dealt with under paragraph 6.

The ULM must, always strive to ensure that all statutory provisions are fully complied with. It must ensure that in particular, specific information relating to municipal processes that require public participation, especially statutory annual processes like the budget and the IDP reviews is disseminated to key role – players like ward committees and other stakeholders.

(c) Building capacity of councillors and staff to foster community participation

The ULM is required to contribute to building the capacity of councillors and staff for the purpose of fostering community participation and to this end must make provision annually in its budget for their training. This must be done in line with the skills development program of the municipality.

Competency plans one for staff and one for councillors must be developed for purpose of –

- i.determining the competencies necessary for by both councillors and staff to perform the task required of them in fostering community participation
- ii.assessing the training needs of both councillors and staff
- iii.developing a training program in line with training needs assessment report

The content of the training program should include matters pertaining to legislation, policy, conflict resolution and the chairing of meetings for ward councillors.

21.2.2. Developing procedures for receiving and processing petitions and complaints

1. Development of a Community Complaints Protocol

The ULM must in terms of the Act, establish appropriate mechanisms, processes and procedures for the receipt, processing and consideration of petitions and complaints lodged by members of the local community. The mechanisms, processes and procedures that a municipality develops must provide for a ***Community Complaints Protocol*** for the purpose of facilitating receipt, processing and consideration of petitions and complaints and to provide a record of such petitions and complaints.

1.1 Receiving complaints

A ***Community Complaints Protocol*** developed by the ULM must provide for a register wherein all complaints received from members of the community are recorded. The recording of complaints must be done immediately upon receipt. The complaints register will provide a municipality with a monitoring tool that will enable it to trace every complaint from time of receipt to the time when the complaint is disposed of and finalized. In addition the complaints register will provide the ULM with a reliable indicator of its own performance and with regard to service delivery identify any existing gaps which must be closed including areas of weaknesses that must be rectified.

A complainant, must when lodging a complaint -

- a) be issued with a log or complaint reference number,
- b) be informed of the timeframe within which response or feedback may be expected,
- c) be furnished the telephone number to call to track progress regarding the complaint, using the log/complaint reference number ;and
- d) Be given the name of a senior official to whom an appeal can be made if the complainant is not satisfied with progress or with the response to the complaint.

Alternatively, the process can be managed through a central office where an official may be designated to receive and process complaints lodged by the members of the community. The name and contact details of the official, his/her post designation, including the days and times the office is open be made public. The contact telephone number(s) of contact persons that may be used in a case of an emergency after hours and on weekends and public holidays must be made known to the local community.

1.2 Receiving petitions

The ULM must develop mechanisms, processes and procedures for receipt and processing of petitions submitted by the members of the local community. The mechanisms, processes and

procedures that are developed by a municipality for this purpose will be similar to those relating to complaints. Usually the municipal council itself must consider and respond to such matters.

In most instances demands are usually made of either a senior official (municipal manager) or political office bearer (mayor) to receive petitions or memoranda from the members of the public, and to give an indication as to when matters of concern raised in such petitions or memoranda are to be addressed. It will therefore be incumbent on a municipality to ensure that the mechanisms and processes it develops are unambiguous on procedures to be followed concerning receipt and consideration of petitions.

The ULM must always ensure that the mechanisms, processes and procedures it has established for this purpose are made known to the members of the local community in terms of its Citizen's Participation Charter, and through print and electronic media, its own publications, pamphlets, ward committees, CDWs and other community structures.

22.2.3 Notification and public comment procedures

I. Interruption of municipal services

The ULM must notify or give warning to the local community of its intention to interrupt the supply of a municipal service like water or electricity when necessary for the purpose of carrying out essential repairs or maintenance work to infrastructure. In this regard notice must be given to local community in advance of the temporary interruption of a municipal service. The notice which may be published in the newspaper (s) circulating in the municipal area, or through an announcement made over the local radio station, or through notices distributed to all households in the area to be affected by the interruption of the service or an announcement made through a loud hailer and through ward committees and other community structures.

The notice must state the date, time, the duration and the reason for the interruption of the service including the area to be affected. In cases of electricity a warning must be given to the public to treat all electrical installations as live at all times as services may be restored at any time.

II. Temporary closure of municipal roads and public amenities

Sometimes it is necessary that the ULM must close a street or a section of a street temporarily for the purpose of carrying out major works or repairs such as the installation of a drainage system, water or sewer pipes or underground electricity cables or even refurbishment of a street. Depending on the size of the project the closure of a street may be of short or long duration.

In these instances it would be necessary for a municipality to consult with local organisations such as the chambers of commerce and industry, taxi associations, hawkers associations, ratepayers association and any other relevant community structures. The community must be

informed of the planned project through the established channels communication, and this must be done well in advance of its commencement.

III. Public hearings

Public hearings afford an opportunity to the members of the public to express their views on any matter that is of public interest whether it is of a local or national nature. A municipality must in view of the importance of such matters always ensure that sufficient time is allowed for the local community to be properly informed of the purpose of the hearings, the time, the date(s), the venue and what is expected of them. The members of the local community must be informed of the mechanisms, processes and procedures for making oral or written submissions including details of contact persons and where copies of relevant documentation can be obtained. A municipality must use its established channels of communication for the purpose of disseminating information to the community.

iv. Procedures for public meetings or imbizo

The ULM must encourage and create conditions for the local community to participate in its affairs including matters referred to in section 16, and must for this purpose develop a year planner to facilitate the co-ordination and integration of the function of the municipality's communication/participation process. Amongst other matters for which the community must be notified are the following:

- (i) the preparation, implementation and review of its integrated development plan
- (ii) the establishment, implementation and service review of its performance management system
- (iii) the monitoring and review of its performance, including the outcomes and impact of such performance
- (iv) the preparation of its budget
- (v) strategic decisions relating to the provision of municipal services

The ULM must develop strategies to attract large numbers of people to meetings, and must encourage the people to participate in discussions to ensure that the voice of the community is heard, and this can be done by –

- (a) informing communities of the issues to be discussed at a public meeting /ibizo
- (b) empowering the community to contribute meaningfully by keeping them well informed of the affairs of the municipality
- (c) linking public meetings to processes with clear outcomes for example the IDP and the municipal annual budget
- (d) ensuring that venues for public meetings are accessible to as many people as is possible

v. Procedures for consultative sessions with Community organisations:

In developing mechanisms, processes and procedures for public participation provision must be made by the ULM for consultative sessions with locally recognised community organisations, and, where appropriate, traditional councils.

For the ULM to fulfil this obligation it must develop and maintain a stakeholder register which should include the following details –

- a) the name of the stakeholder group
- b) the sector represented by the particular stakeholder group
- c) the constitution of the stakeholder group
- d) the nature and extent of its membership
- e) the target audience / community
- f) office bearers and their contact details
- g) office details

The ULM must when issues that require some public participation arise, ensure that relevant stakeholders, most obviously concerned with the particular issue are informed. The I D P being the most important stakeholder forum, an attempt must be made by the municipality to ensure that it is –

- a) more inclusive by incorporating ward committees, and
- b) more effective by giving it a regular and routine role at every stage of the I D P and budget processes

Regular meetings that are aimed at soliciting community input must at all phases be central to municipal processes to develop a culture of municipal governance that complements formal representative government, and in order to improve both the effectiveness of governance and municipal community relations.

vi. Report back to the local community:

The report back process constitutes an integral part of the public participation process, and it is therefore incumbent on the municipality to ensure that proper procedures and mechanisms are established for this purpose. The following are some of the mechanisms that a municipality may adopt –

- a) written responses to petitions, memoranda and submissions made to the municipality by the local community
- b) public meetings or ibis
- c) both print and electronic media

The report back processes and procedures must be aimed at addressing specifically the following –

- a) issues of concern to the community.
- b) issues pertaining to development and service provision and time frames attached to ongoing projects.
- c) response of the municipal council and officials to community input and recommendations.

- d) clear reasons to be given for not responding to community recommendations
- e) opportunities for further submissions and recommendations around the issues, and practical steps to be taken to address hiccups.

vii. Procedures relating to special needs

The ULM is required when developing mechanisms, processes and procedures to take into account the special needs of –

- (a) People who cannot read and write
- (b) People with disabilities
- (c) Women; and
- (d) Other disadvantaged groups

The ULM may designate an official(s) to assist those members of the community who cannot read or write, and with special reference to matters pertaining to payment of accounts for service fees, rates etc including the provision of services, completion of forms and to explain any terms and conditions.

Care must be taken to ensure that provision is made for people with physical disabilities to gain access to municipal buildings and amenities.

viii. Establishment of advisory committees

The ULM council may establish one or more advisory committees consisting of persons who are not councillors to advise the council on any matter within the council's competence. When appointing such a committee, gender representativity must be taken into account.

Procedures must be developed for the establishment and functioning of such advisory committees. The committees provide an opportunity for a municipality to involve the community, especially stakeholders in the affairs of the municipality. The advisory committees may be used to assist with special projects that require technical expertise. In a municipality may a financial committee might be established to assist with budgetary matters, and in a larger municipality such committee might assist with a major events. In establishing the committee a municipality must -

- a) Develop specific and clear terms of reference which must be made public.
- b) make reasons for the establishment of such a committee public including the names of the members of the committee.
- c) determine the status of the committee and make it public.

23.2 The dispute on interpretation of this policy shall be declared in writing by any party concerned.

23.3 The Office of the Municipal Manager shall give a final interpretation of this policy in case of written dispute.

24. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

24.1 This policy may be partly or wholly waived or suspended by the Municipal Council on temporary or permanent basis.

24.2 Notwithstanding clause No. 24.1 the Municipal Manager may under circumstances of emergency temporarily waive this policy subject to reporting of such waiver or suspension to Council.

25. COMPLIANCE AND ENFORCEMENT

25.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

25.2 It will be the responsibility of Council to enforce compliance with this policy.

26. AMENDMENT AND/OR ABOLITION OF THIS POLICY

This policy may be amended or repealed by the Council as it may deem necessary.