



**UMZIMVUBU**  
— LOCAL MUNICIPALITY —

## **UMZIMVUBU LOCAL MUNICIPALITY PETITIONS POLICY**

## **TABLE OF CONTENTS**

1 PURPOSE	3
2 DEFINITIONS	3
3 REGULATORY FRAMEWORK	4
4 POLICY PRINCIPLES	5
5 OBJECTIVES OF THE POLICY	6
6 SCOPE OF APPLICATION OF THE POLICY	7
7 SUBMISSION OF PETITIONS	7
8 PETITIONS COMMITTEE	9
8.1 Establishment of Petitions Committee	9
8.2 Terms of Reference of the Petitions Committee	9
8.3 Powers and Functions of the Petitions Committee	10
9 REPORTING	11
10 DISPUTE RESOLUTION	11
11 POLICY ADOPTION AND REVIEW	11

## **1 PURPOSE**

1.1 The purpose of the Policy is to:

1.1.1 Provide for the right to submit a petition to the Umzimvubu Local Municipality.

1.1.2 Provide for the general principles and procedures for the submission of a petition to the Municipality;

1.1.3 Provide for the establishment of a Petitions Committee to consider and dispose of petitions, and matters incidental thereto.

1.1.4 Create mechanisms for communicating with petitioners and providing feedback to petitioners.

1.1.5 Provide for the resolution of disputes that may arise from petitions.

## **2. DEFINITIONS**

In the Policy, unless the context indicates otherwise-

“Council” refers to the council of Umzimvubu Local Municipality as established in terms of section 18 of the Local Government:

Municipal Structures Act 117 of 1998;

“Municipality” refers to Umzimvubu Local Municipality Category B municipality.

Structures Act 117 of 1998, for the municipal area described in such Notice;

“petition” means a complaint or request or a representation or submission to the

Petitions Committee of the Municipality by:

- (a) an individual (single petitioner)
- (b) an association (or an individual submission mandated by an association)
- (c) a collective (a collection of signatures from a number of individuals)
- (d) a mass group ( group submission concerning the same or substantially similar complaints or requests.

“petitioner” means a person who submits a petition in terms of the Policy;

“Petitions Committee” means a Standing Committee assigned by the Speaker to

be responsible for the consideration of petitions as set out in the Policy.

“Policy” refers to the Petitions Policy of Umzimvubu Local Municipality.

### **3. REGULATORY FRAMEWORK**

In terms of section 152(1)(a) of the Constitution of the Republic of South Africa,

Act 108 of 1996 (Constitution) the objects of local government are to provide

democratic and accountable government for local communities. Section 152(1)(e) furthermore encourages the involvement of communities and community organisations in the matters of local government.

In giving effect to section 152 of the Constitution, the Local Government: Municipal

Systems Act 32 of 2000, section 17(2)(a) stipulates that a municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in its affairs, and to this end make provision for the receipt, processing and consideration of petitions and complaints lodged by members of the local community. Section 17(3)(a and b) furthermore imposes a duty on a municipality to establish mechanisms, processes and procedures that take into account the special needs of those who are illiterate and people with disabilities.

#### **4. POLICY PRINCIPLES**

4.1 The Municipality is committed to:

4.1.1 promoting a democratic, open, transparent and participatory system of local governance.

4.1.2 developing a culture of community participation through the creation of mechanisms that allow the “voice” of the community to be heard.

4.1.3 being responsive to communities by providing feedback to petitioners in respect of petitions received.

4.1.4 responding appropriately to the needs of persons with disabilities and those with special needs, by rendering appropriate assistance where and when needed.

## **5. OBJECTIVES OF THE POLICY**

5.1 Through the provisions of the Policy, Council seeks to achieve the following:

5.1.1 Establish implementation protocols within the Municipality that are consistent with the Constitution and/or any other applicable policy, the scope and objectives of which endeavour to promote public participation.

5.1.2 Provide mechanisms, structures, processes and procedures for receiving petitions from the local community

5.1.3 Provide a framework for processing petitions and providing feedback to the petitioner(s).

5.1.4 Create a reliable record of petitions received and the manner in which they have been disposed of.

5.1.5 Determine clear roles and responsibilities for those affected by the Policy.

5.1.6 Establish a framework for implementing, monitoring and evaluating the management of petitions in the Municipality.

## **6. SCOPE OF APPLICATION OF THE POLICY**

6.1 The Policy applies to petitions in as far as the matter(s) raised:

6.1.1 falls within the jurisdiction, powers and functions of Umzimvubu Local Municipality, and

6.1.2 is not pending in a court of law or other tribunal or forum contemplated in the Constitution of the Republic of South Africa.

## **7. SUBMISSION OF PETITIONS**

7.1 A petitioner may submit a petition in any of the official languages of the Republic of South Africa.

7.2 A petition must be signed by every petitioner.

7.3 Where a petitioner is unable to sign his/her name, he/she may make a mark on the petition, which mark must be witnessed by two other persons, whom must sign as witnesses next to the mark.

7.4 A petition will:

7.4.1 clearly indicate the full name and physical address of each signatory;

7.4.2 clearly indicate the full name and postal address, telephone number, facsimile number and e-mail address of one person to whom further communication relating to the petition may be directed; provided that where such information is not made available, the Municipality will direct further communication only to the first person who signed the petition and whose address is known.

7.4.3 clearly indicate the topic.

7.4.4 be legible (written or typed);

7.5 Any petition that does not meet the requirements in para., 7.4 above, will not be considered. A petition may be hand delivered, posted, e-mailed or delivered as a memorandum through a march.

7.7 The Speaker in consultation with the Mayor will designate a person to receive hand delivered petitions.

7.7 The central receiving point for petitions submitted to the Municipality is the Office of the Speaker.

7.8 A petition submitted to any other office (administrative or political office) must be forwarded to the Office of the Speaker by that Office.

7.9 The Office of the Speaker will:

7.9.1 receive all petitions and record details (such as date and time received, from whom and short description of the content of the petition) thereof in a petitions register.

7.9.2. record verbal submissions made by those who are unable to put their petition in writing;

7.9.4 acknowledge receipt of a petition, in writing, within seven (7) days of receipt thereof;

7.9.5 contact the petitioner or a representative if there are any unclear matters or outstanding information;

7.9.6 determine the timeframe within which information is expected and follow up with reminders or telephone calls if no response is received from affected parties;

7.9.8 prepare petitions received for consideration by the Petitions Committee.



7.9.9 promote and facilitate a fair and equitable process of considering and disposing of petitions.

## **8 PETITIONS COMMITTEE**

### **8.1 Establishment of Petitions Committee**

8.1.1 A Petitions Committee will be established and constituted as follow:

- (a) The Speaker (as Chair of the Petitions Committee)
- (b) A representative from the Office of the Mayor
- (c) The Portfolio Councillor: Infrastructure
- (d) A senior official from the affected Directorate(s) (where appropriate)
- (e) Secretariat (to provide secretarial services)
- (f) Representative from the Office of the Chief Operating Officer

### **8.2 Terms of Reference of the Petitions Committee**

8.2.1 The Petitions Committee will meet when the need arises.

8.2.2 The meetings of the Petitions Committee will be chaired by the Speaker.

8.2.4 Administrative support to the Petitions Committee will be rendered by the Office of the Speaker.

## **8.3 Functions and Powers of the Petitions Committee**

8.3.1 The Petitions Committee will:

(a) consider every petition received and submitted by the Office of the Speaker.

(b) make a decision or recommendation in respect of a petition;

(c) dispose of the request or complaint raised in a petition;

(d) obtain additional information from affected parties in order to arrive at a decision, a recommendation in order to dispose of a petition;

(e) inform a petitioner of the grounds upon which it will not consider a petition submitted to the Municipality;

(f) require a Department or Council structure to furnish the Petitions Committee with a detailed report in respect of the steps to be taken to address the substance of the petition,

(g) submit petitions that could not be finalized in accordance with the powers delegated to it, for consideration to the EXCO

(h) in writing notify the petitioner who submitted the petition of the outcome of the petition;

(i) where there is a need for feedback to the communities, a Councillor supported by officials will give verbal feedback to communities.

## **9 REPORTING**

9.1 The Office of the Speaker will submit quarterly reports to the Council.

9.2 Reports will include information about:

9.1.1 the number of petitions received per quarter;

9.1.2 the nature of the matters raised by petitions;

9.1.3 the number of meetings held by the Petitions Committee;

9.1.4 problems/challenges experienced by stakeholders, progress, successes/achievements and any other matters that may assist in the efficient and effective resolution of petitions;

9.1.5 petitions that fall outside the scope of jurisdiction and powers of the Municipality;

9.1.6 the final resolutions of the Petitions Committee.

## **10 DISPUTE RESOLUTION**

10.1 The Council will consider, with the purpose of resolving, any dispute that may arise from petitions considered by the Petitions Committee.

## **11 POLICY ADOPTION AND REVIEW**

11.1 The Policy takes effect from the date of its adoption by Council.

11.2 The Policy will be reviewed annually.

