

# UMZIMVUBU PUBLIC PARTICIPATION POLICY



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Signature:

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## **1. Preamble:**

### **1.1. Purpose of Citizen's Participation Charter**

The purpose of this charter is to –

- Provide an outline on public participation, including the public participation principles; and
- Integrated Development Planning, municipal budgets and other information that is of relevance to the local community
- Practical information on how to engage in the municipality on matters pertaining to service provision
- The establishment, implementation and review of performance management system
- Information on how the municipality is managed, of costs involved and the persons in charge
- Information on public participation its purpose, the mechanisms, processes and procedures established by the municipality
- Information on, but not limited, ward committees, CDW's , traditional leaders and other structures and how to engage the municipality especially on issues around the key municipal processes like by laws, policy, budget, IDP review etc
- Information on contact details of ward councillors, and the officials responsible for public participation

### **1.2 Participation in the affairs of the municipality**

A municipality must in compliance with the provisions Section 16(1) of Municipal systems Act, develop a culture of municipal governance that complements formal representative government and must for this purpose-

- (a) Encourage, and create conditions for the local community to participate in the affairs of the municipality, including:
  - The preparation, implementation and review of its integrated development plan
  - The establishment, implementation and review of its performance management system
  - The monitoring and its performance including the outcomes and impact of such performance
  - The preparation of its budget, and
  - Strategic decisions relating to the provision of municipal services
- (b) Contribution to building the capacity of:
  - The community to enable it to participate in the affairs of the municipality; and
  - Councillors and staff to foster community participations; 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) Citizens participation charter

The process of public participation in the municipality should, however, not be seen as permitting interference with a municipal council's right to govern and to exercise the executive and legislative authority of the municipality.

This policy further reaffirms the role of traditional leaders as envisaged in Section 212(2) of the constitution Act 108 of 1996, read with Section 81 (1) of the Municipal Structures Act 117 of 1998 that traditional authorities that traditionally observe a system of customary law in the area of a municipality, may participate through their leaders in the proceedings of the municipality.

Section 8 (3) further provides that a Municipal Council before taking a decision on any matter affecting the area of a traditional authority must give the leader of that authority the opportunity to express a view on that matter

### **1.3 Principles of Public Participation**

The following are the basic principles which must always be observed and adhered to by a municipality when developing appropriate mechanisms, processes and procedures for public participation-

- **Inclusive**- embracing all views and opinion in the process of community participation.
- **Diversity**- in the community participation process it is important to understand the differences associated with race, gender, religion, ethnicity, language, age economic status and sexual orientation. These differences should be allowed to emerge and where appropriate, ways sought to develop a consensus, and accordingly planning processes must build on this diversity.
- **Building community participation**- capacity building is the active empowerment of role players so that they clearly and fully understand the objective of public participation and may in turn take such action or conduct themselves in a way that are calculated to achieve or lead to the diversity of the objectives.
- **Transparency**- promoting openness, sincerity and honesty among all the role players in the public participation process.
- **Flexibility**- the ability to make room for change for the benefit of the participatory process Flexibility is often required in respect of timing and methodology. If built into the participatory processes upfront, this principle allows for adequate public involvement, realistic management of costs and better ability to manage the quality of the output.
- **Accessibility**- at both mental and physical levels- collectively aimed at ensuring that participants in the 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 in hand, but also that they are, at the practical level, able to make their input into the process. This policy must read with the Umzimvubu language policy which recognises IsiXhosa, English and sign language.
- **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, as a 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 the community in whoever is conducting the process in the long term, to the detriment of any public.

### **Citizen's participation charter processes**

## **2. Statutory provisions for community participation**

### **2.1. Participation in the preparation, implementation and review of integral development plan**

Integrated development planning is a municipal council's vision for the long term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs. It is a process through which municipalities prepare strategic development plan, for a five year period. An Integrated Development Plan (IDP) is the product of the integral development planning process whereby the community can contribute to the identification and prioritization of its needs pertaining to development and provision of services. The IDP is therefore, the main strategic planning tool which guides and informs all planning, budgeting, management and decision-making in a municipality.

2.1.1 Participation in development of municipal IDPs should fulfil four major functions:

- a) **Needs orientation:** ensuring that people's needs and problems are taken into account.
- b) **Appropriateness of solution:** using the knowledge and experience of local residents and communities in order to arrive at appropriate and sustainable problem solutions and measures.
- c) **Community ownership:** mobilizing local residents' and communities' initiatives and resources, and encouraging co-operation and partnerships between municipal government and residents for implementation and maintenance
- d) **Empowerment :** making integral development planning a public event and a forum for negotiating conflicting interests, finding compromises and common ground and, thereby, creating the basis for increased transparency and accountability of local government towards local residents

### **2.1.2 Procedures to be followed by the municipality to ensure active participation of local community in the integrated development planning process-**

A municipality is required to disseminate information on processes and procedures that allow the community to express itself on any matter of concern that affects it. Transforming this general requirement to the integral development planning means that a municipality has to follow procedures-

- a) Residents to be informed on the integrated development planning process as a whole including, on crucial public events relating to that process through:
  - Public announcements (appropriate media to be determined in the “work plan”) and;
  - Ward committees including stakeholders associations and any other recognised community organizations.
- b) Councillors have to inform the communities within the area of the ward, through a public constituency meeting! Imbizo.
- c) The Representative IDP Forum has to be involved at least once in each major stage of drafting process.
- d) The community and stakeholder representatives have to be given adequate time (2-4 weeks) to conduct meetings or workshops with the groups, communities or organisations they represent, before the issue is dealt with by the Representative IDP Forum. This is to give a fir opportunity for legitimate representative participation, but does not necessarily have to involve the municipality in community-or-stakeholder level workshops.
- e) Draft planning documents have to be accessible to every resident, and everybody has the right to submit written comments. There must be a time period of at least four weeks for ward committees, stakeholder, associations, interest groups and residents to discuss the draft document publicly, and to comment on it before the Representative IDP Forum deals with the draft.
- f) The IDP committee has to inform the ward committees and stakeholders associations on the manner comments were considered, on reasons why they were not considered by the Representative IDP Forum, before the draft is submitted to the council for approval
- g) Council meetings on the approval of integrated development planning must be public meetings

### 2.1.3 the preparation process;

The process requires some consultation with those role-players who are expected to participate or to be consulted in the planning process;

- a) Between local municipalities (as required for establishment the framework);
- b) With community and stakeholder groupings who are to be given the opportunity to become part of the organisational arrangements; and
- c) With financing bodies for aligning resources requirements for the planning process with available resources.

### 2.1.4 Role of local community and ward councillors in integrated development planning process.

#### 2.1.4.1 Role of the local community

- a) Residents, communities and stakeholders (civil society) including traditional leaders should represent interest and contribute knowledge and ideas in the planning process by-

- Participating in the IDP Representative Forum to:



- Inform interest groups, communities and organisations, on relevant planning activities and their outcomes;
  - Analyse issues, determine priorities, negotiate and reach consensus;
  - Participate in the designing of project proposals and/or assess them;
  - Discuss and comment on the draft;
  - Ensure that annual business plans and budgets are based on and linked to the IDP; and
  - Monitor performance in implementation of the IDP.
- Conducting meetings or workshops with groups, communities or organizations to prepare for and follow-up on relevant planning activities.

#### 2.1.4.2 Community based planning

A municipality 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 of community based planning is to improve the quality of plans and services, extend community 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-

#### 2.1.4.3 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

#### 2.1.4.4 Role of ward councillors

Councillors are the main link between the municipality and the residents and as such, their role is to:

- Link the planning process to their constituencies and/or wards.
- Be responsible for organising public consultation and participation.
- Ensure the annual business plan, and municipal budget are linked to and based on the IDP.

## 2.2. Participation in municipal performance management system

### 2.2.1 Performance management system

# A performance management system is a monitoring tool whereby the performance of the municipality is measured in terms:-

- a) Development priorities and objectives identified and prioritised in line with the integrated development plan of the municipality.
- b) Measurable key performance targets with regard to each of those development priorities and objectives.
- c) Outcomes and impacts; and
- d) With regards to each one of those development priorities and objectives and against the key performance indicators and targets set in terms of paragraphs (a) and (b)
  - \* monitor performance
  - \* Measure and review performance at least once a year;
- e) Take steps to improve performance with regard to those development priorities and objectives where performance targets are not met; and
- f) Establish a process of regular reporting to
  - (i) The council, other political structures, political office bearers and staff of the municipality; and
  - (ii) (ii). The public and appropriate organs of state

The system applied by a municipality in compliance with subsection (1)(c) must be devised in such a way that it may serve as an early warning indicator of under-performance.

### 2.2.2 Participation by the community

- a) The Municipal Systems Act provides for participation by the community in- developing, implementation and review of the municipality's performance management system; and in particular of the municipality to allow the community to participate in the setting of appropriate key performance indicators and performance targets for the municipality.
- b) Accordingly a municipality is required to establish appropriate mechanisms, processes and procedures through which the local community can participate.
- c) The mechanisms, processes and procedures establish by the municipality must be made known to the community.
- d) It is also required that provision be made for special the needs of:-
  - ✓ People who cannot read or write
  - ✓ People with disabilities
  - ✓ Women; and disadvantaged groups
- e) A municipality must in a manner determined by its council make known both internally and to the general public the key performance targets set by it for the purposes of its performance management system.
- f) The results of performance measurement must be audited spontaneous  
As part of the municipality's internal auditing processes; and

Annually by the Auditor General

### 2.2.3 Annual reporting

- a) A municipality's must prepare for each financial year an annual report consisting of-
  - I. The municipality's and any service provider's performance during that financial year, also in comparison with targets and with performance in the previous financial year.
  - II. The development and service delivery priorities and the following financial year; and
  - III. Measures that were or are to be taken to improve performance
- b) The financial statements for that financial year prepared in accordance with the standard of generally recognised accounting practice referred to in section 89 of the Public Finance Management Act, 1999 (Act no.1 of 1999);
- c) An audit report on the financial statements and the report on the audit performed in terms of section 45 (b); and
- d) Any other reporting requirements in terms of other applicable legislation.

2) A municipality must table its annual report within one month of receiving the audit report referred to in subsection (1) (c).

3) A municipality must by prior notice in the media, inform the local community of the meeting or meetings of the council at which the municipality's annual report is tabled or discussed, which meetings open to the public; and

4) Must adopt its annual report, and within 14 days, make copies of the report accessible to the public, interested organisations and the media, free of charge or at a reasonable price.

## **3. Participation in municipal budget:**

### **3.1 publication of annual budget**

The municipal manager as the accounting officer of the municipality is required in terms of the Municipal Finance Management to-

- ✓ Make public the annual budget with relevant documents; and
- ✓ Invite the local community to submit representations in connection with the budget

### **3.2 consultations on tabled budget**

(1) When the annual budget has been tabled, the municipal council must consider any views of

- (a) The local community; and
- (b) The National Treasury, the relevant provincial treasury and any provincial or national organs of state or municipalities which made submissions on the budget.

(2) After considering all budget submissions, the council must give the mayor an opportunity:-

(a) To respond to the submissions; and

(b) If necessary, to revise the budget and table amendments for consideration by the council.

(3) The National Treasury may issue guidelines on the manner in which the municipal council should process their annual budgets, including guidelines on the formation of a committee of the council consider the and to hold public hearings.

(4) No guidelines issued in terms of subsection (3) are binding on the municipal council

#### 4. Provision of services:

A municipality is required in terms of section 73 of the Municipal Systems Act to give effect to the provision of the Constitution and-

- ✓ Priority to the basic needs of the local community;
- ✓ Promote the development of the local community; and
- ✓ Ensure that all members of the local community have access to at least the minimum level of basic municipal services.

#### 4.1 Provision of a municipality services through an external mechanism:

Section 76 of the Municipal Systems Act makes provision for a municipality to provide of a municipal service in its areas or part of its areas through-

(a) An internal mechanism which maybe-

- ✓ A department or administrative unit within its administration
- ✓ Any business unit devised by the municipality, provided it operates within the municipality's administration and under the control of the council in accordance with operational and performance criteria determined by the council; or
- ✓ Any other component of its administration; or

(b) An external mechanism by entering into a service delivery agreement with :-

- ✓ A municipal entity;
- ✓ other municipality;
- ✓ an organ of state, including:- a water committee established in terms of Water Services Act, 1997 (Act no. 108 of 1997)
  - A licenced service provider registered or recognised In terms of national legislation; and
  - A traditional authority
- ✓ Any other institution, entity or person legally competent to operate a business activity.

#### 4.1.1 Notification of the community:

If a municipality decides to explore the possibility of providing a services through an external mechanism it must-

- a) Give notice to the local community of its intention to explore the provision of the service through an external mechanism; and
- b) Assess the deferent service delivery options taking into account:-
  - ✓ The direct and indirect costs and benefits associated with the service delivery mechanism on the environment and human health, well-being and safety;
  - ✓ The capacity and potential future capacity of prospective service providers to furnish the skills, expertise and resources necessary for the provision of the service;
  - ✓ The views of the local community;
  - ✓ The likely impact on development and employment patterns in the municipality; and
  - ✓ The views of organised labour.

#### 4.1.2 Provision of a municipal service through a service level agreement

Before a municipality enters into a service delivery agreement for a basic municipal service it must:-

- a) Establish a mechanism and programme for community consultation and information dissemination regarding the service delivery agreement.
- b) The contents of a service delivery agreement must be communicated to the local community through the media.

### 5. Public participation:

#### 5.1 purpose of public participation

The purpose of public participation is to provide an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making. It is a democratic process whereby communities are engaged and participate in the decision making process with regard to planning, development and provision services

#### 5.2 Basic assumptions underlying public participation

Basic assumptions underlying public participation include:

- ✓ Public participation is designed to promote the value of good governance and human rights;
- ✓ Public participation acknowledges the fundamental right of all people to participate in the system of governance
- ✓ Public participation is designed to narrow the social distance between the electorate and elected institutions;
- ✓ Public participation requires recognising the intrinsic value of all of people, investing in their ability to contribute to governance processes;
- ✓ People can participate as individuals, interest groups or communities more generally;

In South Africa in the context of public participation community is defined of wards, with elected ward committees;

Hence ward committees play a central role in linking up elected institutions with the people, and other forums of communication reinforce these linkages with communities by the izimbizo, road shows, the makgotla and so forth.

### 5.3. Level of participation

- Citizen control- people participate by taking initiatives independently of external institutions for resources and technical advice they need, but retain control is self-government-the community makes the decisions.
- Delegated power – in this regard government ultimately runs the decision-making process and process and funds it, but communities are given some power to make decisions. People participate in joint analysis, development of action plans and information or strengthening of local institutions. The process involves interdisciplinary methodologies that seek multiple perspectives and make use of systemic and structured learning processes. As groups take over, local decisions and determine how available resources are used, so they have a stake in maintaining structures or
- Partnership- an example is joint projects- community has considerable influence on the decision making process but the government still takes responsibility for the decision. Participation is seen by external agencies as a means to achieve project goals; especially reduced costs. People may participate by forming groups to meet predetermined objectives related to the project. Such involvement tends to arise only after external agents have already, made major decisions. Participation may also be for material incentives where people participate by contributing resources, for example, labour in return for food, cash or other material incentives.
- Placation- the communities are asked for advice and token changes are made.
- Consultation –community is given information about the project or issue and asked to comment-e.g. through meeting or survey –but their view may not be reflected in the final decision, or feedback given as to why not. External agents define problems and information gathering processes, and so control analysis. Such a consultative process does not concede any share in decision-making.
- Informing – Community is told about the project- e.g. through meetings or leaflets; community may be asked, but their opinion may not be taken into account
- Therapy – people participate by being told what has been decided or has already happened. It involves unilateral announcements by an administration or project management without any listening to people’s responses.
- Manipulation- participation is simply a pretence, e.g. with “people’s” representatives on official boards but who are not elected and have no power, or where the community is selectively told about a project according to an existing agenda. The community’s input is only used to further the existing agenda.

5.4 mechanisms, processes and procedures for public participation section 17 (1) (2) of the Municipal Systems Act provide for-

- a) The receipt, processing and consideration of petition and complaints lodged by members of the local community;
- b) Notification and public commitment 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 locality recognised community organisations and, where appropriate, traditional authorities; and
- e) Report-back to the local community.

3) When establishing mechanisms, processes and procedures in terms of subsection (2) the municipality must take into account the special needs of-

- a) People who cannot read or write;
- b) People with disabilities;
- c) Women: and

(d) Other disadvantage groups.

The mechanism, processes and procedures that a municipality establishes must be

Made known to the community.

(4) a municipal council may establish one or more advisory committees consideration

Of person who are not councillors to advised the council on any matter within the council's competence. When appointing the members of such a committee, gender representativity must be taken into account.

(5) Contribution to the decision making process by members of the local community. The mechanisms that a municipality may establish for this purpose includes the following

- (a) ward committees and ward subcommittees
- (b) IDP Forum
- (C) Advisory committees
- (d) Registered stakeholder groups

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

## 5.1 Statutory provisions

A municipality must in compliance with the provisions of the Municipality System Act

- (a) Encourage and create conditions for the local community to participate in the affairs of the municipality.

(b) Establish mechanism, 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 be provide for the following -

#### 5.1.1 Submission of written or oral communication

The mechanism, processes and procedures must allow for submission of written or

Oral recommendations and complaints to the municipal council or another political structure or a political office bearer or the administration of the municipality by members of local community.

In this regard of a municipality 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 official delegated with responsibility to receive such representations, 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 community

(d) Provide for the channeling of complaints, recommendations etc through councillors, ward committees and other community structures.

(e) Develop community protocol to provide for

( i) The name and designation of the person responsible complaints for responding to the particular matter complaint

( ii) The time span within which response and feedback must be provided.

#### 5.2 Prompt responses to written or oral communications

The Community Complaints Protocols that are developed by a municipality 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.

5.1.3 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 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 affecting the municipality in the local newspaper or newspaper of its area
- c) Publishing information in newspapers circulating in the 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 other stakeholders groupings
- f) The IDP Forum in respect of matters pertaining to the IDP and budget processes
- g) Ward committee meetings organised and addressed by a ward councillor.

An updated register of community organisations 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 municipal's newsletter can be sent for purpose of information dissemination by such community organisations to be members.

5.1.4 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 reporting to the council, organs of state and the public process of reporting to the council, organs of the state and the public

A municipality may terms of the following prescribed mechanisms meet these stator provisions-

- a) The annual report that a municipality must prepare in terms of section 46.
- b) Publish in the media on or before 31 October of each year the salary scales and benefits applicable to posts of the municipal manager and every manager that is accountable to the municipal manager in line with section 58.
- c) Make public the performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed on later than

14 days after the approval of the municipality's service delivery and budget implementation plan in terms of section 53(3) (b) of the MFMA.

- d) Place on website of the municipality all documents referred to in section 75 of the MFMA not later than 5 days after its tabling in the council....
- e) Make copies of all the reports referred to in section 75 of the MFMA available to the community through ward committees and other stakeholder organisations.

5.1.5 community to observe mechanisms, processes and procedures established by the municipality

The members of a local community are acquired 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 newsletter
- b) Holding community meetings to explain-
  - The necessity and purpose for the establishment of such mechanisms, processes and procedures
  - How and when these can be used by the community
  - Rights and duties of the community
- c) Making use of the ward committees 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

#### 5.1.6 Communication of information concerning community participation

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

5.1.6.1 The mechanisms, processes and procedure 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

5.1.7 The matters with regard to which community participation is encouraged. Section 16 of the Municipal System 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 the 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 the 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

#### 5.1.8 Informing the community of their rights and duties

##### 5.1.8.1 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.

##### 5.1.8.2 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.

A municipality 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 be done in respect of their duties. A municipality 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 households support that are unable to pay for basic services.

#### 5.1. 9 Information concerning municipal governance, management and development

A municipal 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 amongst which it 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 municipality 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 organisations and in public meetings addressed by the ward councillors. Pamphlets containing this information may also be distributed to consumers with their monthly statements.

#### **5.1.10 PUBLIC NOTICE OF MEETINGS OF MUNICIPAL COUNCILS**

A municipality is required in terms of sections 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.

A municipal 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 organisations with copies of the notice.
- (iv) Post the notice on the website of the municipality.

#### **5.1.11 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), authorises 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.

#### **5.1.12 Communications to local community**

1. A municipality 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 areas and determined by the council as newspaper of records
  - 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 a municipality 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 cannot write may go for assistance.

## **6. CAPACITY BUILDING AND TRAINING**

A municipality 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:

- Enable the community to participate in the affairs of the municipality, and councillors and staff to foster community participation:
- 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.

### **6.1 Training needs assessment and preparation of competency plans**

A municipality must in accordance with 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 budget for capacity building.

### **6.2 Statutory mechanisms:**

#### **6.2.1 Capacity Building**

##### **1) Building the capacity of the local community**

A municipality 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.

A municipality may in the process of building the capacity of the community develop a citizens charter referred to in (1) above as tool to empower the community. Copies of the charter must be given to the members of the community.

##### **2) Building capacity of ward committees and key stakeholders**

A municipality 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.

A municipality 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.

### 3) **Building capacity of councillors and staff to foster community participation**

A municipality 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 purposes of:

- a) Determining the competencies necessary for by both councillors and staff to perform the task required of them in fostering community participation.
- b) Assessing the training needs of both councillors and staff
- c) 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.

### 4) **Developing procedures for receiving and processing petitions and complaints**

#### (1) Development of a Community Complaints Protocol

A municipality 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 a municipality 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 finalised. In addition the complaints register will provide the municipality 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:

- Be issued with a log or complaint reference number;
- Be informed of the timeframe within which response or feedback may be expected;

- Be furnished with the telephone number to call to track progress regarding the complaint, using the log/complaint reference number; and
- 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. In smaller municipalities 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 of office is open be made public. The contact telephone number(s) 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**

A municipality 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.

A municipality 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, CDW's and other community structures.

## **5. Notification and public comment procedures**

### **(l) Interruption of municipal services**

A municipality 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 stakeholders 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 a municipality 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 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 of 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 be 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.

## 6. Procedures for Public Meetings or Imbizo

A municipality 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 of the function of the municipality's communication/participation processes. A municipality must notify the local community on:

- (i) The preparation, implementation and review of its integrated development plan
- (ii)

Issues informed. The IDP being the most important stakeholder forum, an attempt must be made by the municipality to ensure that it is:-

- More inclusive by incorporating ward committees, and
- More effective by giving it a regular, routinized role at every stage of the IDP and budget processes

Regular meetings that are aimed at soliciting community input at all phases must be central to municipal processes to develop a culture of municipal governance that compliments formal representative government with a system of participatory governance required to be developed in terms of the Municipal Systems Act in order to improve both the effectiveness of local governance and municipal community relations.

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 a municipality to ensure that proper procedures and mechanisms are established for this purpose. The following are some of the mechanisms that a municipality can utilize:-

- Written responses to petitions, memoranda and submissions made to the municipality by the local community
- Public meetings on Imbizo
- Both print and electronic media

The report back processes and procedures must be aimed to address specifically those issues that are of concern to the community e.g report back after the finalization of IDP and Budget.

## 8. Ward committees and community development workers

### 8.1. Establishment of ward committees:

- a) A municipality must in compliance with the provision of section 73 of the Municipal Structures Act establish a ward committees 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 people
- b) The local 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

A municipality council may also in addition to the provisions of the Act make provision for:-

- Re-imburement of costs incurred by members of a ward committee in the course of execution of their duties.

The electoral framework that provides a municipality with an option to choose from two different models, based on sectorial and geographic representation respectively.

The option for a municipality to decide to combine both models or to adopt a model that is best suited to its own circumstances.

The local municipal council must do anything reasonably necessary to make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

### **8.1.1 Roles and Responsibilities of Ward Committees**

In addition to powers and functions that a municipal council may in terms of the Act delegate to a ward committee it has the following roles and responsibilities:-

- Initiate projects which will improve the lives of people in the ward
- Must develop a ward profile to identify the needs and concerns of residents in the ward
- Help the ward councillor consult with people who have a stake in a particular issue, and work with partners in the community to benefit the ward committee's work
- Involvement in community events e.g. funerals and cultural activities
- Raise issue of concern about the local ward to the ward councillor, advise in identifying the needs of the ward, communicate these to the council and make recommendations on policy and other matters affecting communities in the ward
- Contribute to decision-making on matters pertaining to development projects and planning that the municipality undertakes and which have an impact on the ward
- Create formal unbiased communication channels, co-operatives and partnerships between the municipality and the community within the ward
- Assist in community awareness campaigns pertaining to waste management, water and sewage, payment of fees and charges, as members know their local communities and their needs.
- Strive to create harmonious relationships between residents of a ward, the councillor, and the municipality through the use and coordination of ward meetings and other community development forums
- Facilitate public participation in the process of development, implementation of the integrated development plan and performance reviews of the municipality

- Serve as officially recognised and specialised participatory structures of the community in the municipal area
- Monitor, assess and report on provision of municipal services (level, quality and accessibility of services)
- Disseminate information to the community on municipal by-laws, policies and other matters that affect residents and advise council on impact of such by-laws and policies
- Receive and record complaints from the community within the ward and provide feedback on council responses
- A ward committee may express dissatisfaction to the municipal council about the non-performances of a ward councillor
- A ward committee may have such duties and power as may be delegated to it by local council in terms of section 59 of the Municipal Systems Act.

Representative of the local ward, are not politically aligned.

- Ward committee members shall participate in the stakeholder cluster forums on matter affecting the ward
- Ward committee members shall be represented in the stakeholder cluster forums on matters affecting the ward
- Ward committee members shall be represented in the council's study groups by their chairpersons;
- Disseminate information in the ward concerning municipal affairs such as the budget, integrated development planning, service delivery options and municipal property
- A ward committee may, subject to available capacity and resources, conduct an annual satisfaction survey in order to assist the committee in the execution of its functions and powers, the satisfaction survey should be administered in the ward by ward committee members under the supervision of the ward councillor and with the administrative support of the municipality

## 8.2 community development workers

CDWs are participatory change agents who work in the communities where they live, and to whom they have to answer for their activities. They are required to help people in communities improve their own lives and change their circumstances. They are community-based resource persons who in their daily operations are expected to collaborate with other cadres to assist communities to obtain information and resources from government departments and service providers. To do this CDWs are expected to help community members to understand how they can participate in the plans for development in their communities. CDWs are expected to

facilitate community participation in policy making and implementation and in service delivery, are trained specifically and receive certificates for the specific role they are to play within the community

#### 8.2.1 Responsibilities of community development workers: (as outlined in national policy framework for community development workers in S.A)

Disseminate government and other information to community members in a timely and equitable manner.

Listen and receive feedback and direct this information appropriately to government departments, the municipality and where applicable to service providers.

Assist in understanding, developing and submitting integrated development plans to municipalities and other spheres of government

Coordinate inter-departmental programmes and encourage improved integration. Maintain ongoing liaison and collaboration with various community based organisations and other cadres of community based workers

Promote the principle of Batho-Pele and encourage community participation in the affairs of the municipality

Alert communities and other service providers to problems and delays in the delivery of basic services.

Assist in the implantation of government programmes and projects

Liaise and advocate on behalf of communities with government parastatals, NGOs and private sector donors

Monitor and evaluate development impact that government projects and programmes have on communities and submit reports to the relevant structures of government.

Assist local communities in dealing with the HIV/AIDS pandemic by intensifying education and awareness on HIV matter.

Bridge the gap between government delivery effort and community's ability to benefit from government programmes and services

Maintain contact with people where they live, educate and alert members of the community on how government services can be accessed to help them meet their needs and to maintain well-being.

Improve the effectiveness of the service delivery effort to ensure that services are accessible to all the people.

ANNEXTURE A

ISSUES RAISED BY THE COMMUNITY AT THE PUBLIC HEARINGS ON 11-12 JUNE 2009 AT MOUNT FRERE AND MOUNT AYLIF TOWN HALL RESPECTIVELY, ON THE DRAFT PUBLIC PARTICIPATION POLICY.

1. The Public Participation Policy should outline the role of institutions of traditional leadership on matters of public participation.
2. Traditional healers should be made to play an active role in public participation.
3. Public participation should be more inclusive and embrace.
4. Constitution of the local community must be enhanced on all matters pertaining to the programmes and activities of the municipality.
5. The document should be more available in isiXhosa as well.
6. The policy should as a matter of compliance, put in place mechanisms, processes and systems for the people with disabilities for example, people who cannot read, write etc.
7. Council meeting of 30 June 2009 considered and noted the comments and subsequent phases should follow.
8. The draft public participation policy will now be tabled to the council meeting of 28 august 2009 for approval.

Citizen's participation charter

9. Contact details of ward councillor and officials responsible for public participation

9.1 ward councillors

9.2 PR councillors

Address

E-mail

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Ward no. and Office no.	Name of ward councillor	Contact details			
Ward no.	Office no.	address	Telephone no.	Cell no.	e-mail

Ward no. and office no.	Name of ward council	Contact details
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Ward no.	Office no.
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Telephone no.	Cell no.
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Citizen's participation charter

9.3 Council committees and other committees

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Office no.	Council committees e.g. mayoral, executive and other committees (list of members)	Contact details	
Address	Telephone no.	Cell no.	e-mail

Citizen's participation charter

9.4 mayors and speakers

9.5 Municipal Manager and senior managers

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Office no.	Mayor and Speaker	Contact details		
Mayor / speaker	address	Telephone no.	Cell no.	e-mail

Office no.	Municipal Manager and other senior managers	Contact details		
address	Telephone no.	Cell no.	e-mail	

Citizen's participation charter

9.6 officials responsible for Public Participation

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Office no.	Name and designation of official responsible for public participation	Contact details		
designation	address	Telephone no.	Cell no.	e-mail

ISSUES RAISED BY THE COMMUNITY AT THE PUBLIC HEARING ON 11-12 JUNE 2009 AT MOUNT FRERE TOWN HALL AND MOUNT AYLIFF TOWN HALL RESPECTIVELY, ON THE DRAFT PUBLIC PARTICIPATION POLICY

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#council considered and noted the comments and subsequent phases should follow.

