



PUBLIC PARTICIPATION POLICY

PUBLIC PARTICIPATION POLICY FOR WM-M LM

INTRODUCTION AND BACKGROUND

Since the advent of democracy in South Africa, the term public participation has been a buzz word with little or no real significance given to it. Public Participation is one of the features of participatory democracy. Therefore what signifies it is the participation of the civil society in both the policy formulation and decision-making processes respectively.

Public Participation is a constitutional mandate that has to be complied with by all the tiers of governance. Section 152(1)(e) of the Constitution of the Republic of South Africa, Act No. 108 of 1996, provides for the involvement of communities and community organizations in local government. The South African constitution is the supreme law of the land meaning that any law that is in conflict with it is unconstitutional.

Section 16 of Local Government: Municipal Systems Act, Act No. 32 of 2000 requires of municipalities to develop a culture of community participation and to develop mechanisms, processes and procedures to enhance community participation. The mechanisms, processes and procedures are to involve communities in planning, performance management, budgeting and service delivery.

While at the same breath the White Paper on Local Government defines a developmental local state as that which is committed to working with its citizens and groups within the community to find sustainable ways to meet their social, economic and material needs to improve their quality of lives.

It is against this background that Winnie Madikizela-Mandela Local Municipality finds itself having to develop Public Participation Policy and Strategy so as to create both a platform for community inputs in policy formulation and means through which communities that fall within its area of jurisdiction can inform service delivery strategies and conceptualization of developmental initiatives.

Winnie Madikizela-Mandela Local Municipality like all other municipalities across the country is mandated to build not only the capacity of local communities so that they can participate in policy formulation and inform service delivery and developmental initiatives, but is as well called upon

PUBLIC PARTICIPATION POLICY FOR WM-M LM

1.2. REGULATORY FRAMEWORK

In terms of Section 152 (1)(a) and (e) of the Constitution of South Africa Act No. 108 of 1996, the objects of local government are to provide democratic and accountable government for local communities and to encourage the involvement of communities and community organisations in the matters of local government.

The Batho Pele principles as contained in the Transforming Public Service Delivery White Paper (1997) endorses the need for openness and transparency as citizens should know how government structures are run, how resources are spent and who is in charge of particular services. Importantly the White Paper notes that the development of a service oriented culture requires the active participation of the wider community, with municipalities requiring constant feedback from service users in order to improve their operations.

The Access to Information Act, 2000 (Act No 2 of 2000) also put a very strong emphasis on the need of the community to have access to all government information.

The White Paper on Local Government (1998), defines a “developmental local state” as that which is committed to work with its citizens to find sustainable ways to meet their social, economic and material needs and improve their quality of lives.

Chapter 4 Section 17 of the Municipal Systems Act, Act No. 32 of 2000 requires that a municipality develops mechanisms, processes and procedures for community participation. In terms of Subsection 1 participation by local community must take place through (a) political structures for participation in terms of the Municipal Structures Act; (b) the mechanisms, processes and procedures for participation in municipal governance established in terms of the Municipal Systems Act; (c) other appropriate mechanisms, processes and procedures established by the municipality; (d) councillors; and (e) generally applying the provisions for participation as provided for in the Municipal Systems Act.

Section 22 of the Municipal Finance Management Act, Act No 56 of 2003, requires that immediately after the budget is tabled to council, the accounting officer must (a) in accordance with Chapter 4 of the Municipal Systems Act-

- (i) makes public the annual budget;

PUBLIC PARTICIPATION POLICY FOR WM-M LM

- (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.

2.3. Municipal Budgeting process

A municipality 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 with specific feedback on community submissions
- b) Outreach to ward committees by joint mayoral and finance committee teams.
- c) Presentation of Budget through Radio Slots and Live Streaming
- d) Comments and Inputs be submitted through emails and on municipality facebook page.

2.4. Performance Management / Service Delivery Process

In this process ward committees 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.

3. General Principles.

3.1. Recognition of special needs

PUBLIC PARTICIPATION POLICY FOR WM-M LM

Integration	Integrating ward planning with the IDP process Including user committees into mainstream services, e.g. School Governing Bodies.
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4. POLICY OBJECTIVES

The policy seeks:

- 4.1. 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.
- 4.2. Provide for development and promotion of a culture of municipal governance that complements formal representative government with a system of participatory governance.
- 4.3. To give effect to the requirements of the legislation in terms of establishing mechanisms and processes for community participation;
- 4.4. To ensure that the community of Bizana participate in a structured and coordinated manner in the affairs of the municipality;
- 4.5. To build an open, accountable and transparent system of governance;
- 4.6. To develop a culture of community participation through creating a conducive environment for local communities to participate in the governance of Winnie Madikizela Mandela Local Municipality;
- 4.7. To build capacity within the Winnie Madikizela-Mandela Local Municipality for an effective and efficient Public Participation Policy;
- 4.8. To capacitate local communities across gender, age and racial divides so that they are able to effectively participate in the process of governance and service delivery by the municipality;
- 4.9. To coordinate and integrate public participation within the Winnie Madikizela Mandela Local Municipality;

5. KEY ROLE PLAYERS

The following are recognized as key role players in Public Participation: -

- (i) Councillors
- (ii) Traditional Leaders
- (iii) Municipal Officials

PUBLIC PARTICIPATION POLICY FOR WM-M LM

NB. This stipend applies only to Ward Committees activity within their own wards. Should they be required to attend meetings outside their wards, such as quarterly meetings, trainings and workshops convened by Office of the Speaker, out – of pocket expenses will be re-imbursed,

7. Election of members of a ward committee:

Ward Committee as a structure established in terms of section 73 of Structure Act no117of 1998 ensures that there is structured and co- ordinate flow of information from the community to the council. This information flow between the electorate and legislative body (council) serves to ensure that there is improved Public Participation on policy formulation

7.1 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 local municipality 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 an active member in the sector or geographical area they represent and should be motivated to work on the ward committee by his/her commitment to working for a better life for his/her constituency.

PUBLIC PARTICIPATION POLICY FOR WM-M LM

7.3. 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 local communities, and to metro/local councils by ensuring that priority needs of the communities are met, and services are provided equitably, effectively and sustainably within the means of the municipality.
- c) They shall be accountable to local communities and to all political parties represented in the municipal council, and must report back at least quarterly 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.

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

8. 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.

PUBLIC PARTICIPATION POLICY FOR WM-M LM

12. IMPLICATIONS (INTENDED / UNINTENDED CONSEQUENCES) FOR THE POLICY

12.1 INTENDED CONSEQUENCES

The policy is intended to assist the members of the public to have a say in the affairs of the municipality.

12.2. UNINTENDED CONSEQUENCES

The municipality might find itself vulnerable to certain members of the public who will see this policy as a means to interfere with the rights of council to exercise its executive and legislative powers.

13. PROCEDURE FOR PUBLIC PARTICIPATION

13.1. WHO DRIVES THE POLICY

- The Council Speaker, through Ward Committee Structures; Council and Committee (established in terms of Section 79 of Local Government: Municipal Structures Act, Act No. 117 of 1998) Meetings, Oversight Road shows and by playing an oversight role in the involvement of members of the public in municipal programmes;
- The Mayor, although not limited to shall drive Public Participation through Integrated Development Planning Structures, Performance Management System Structures; Imbizos and Outreach Programmes; and
- The Municipal Manager by facilitating the administrative execution of functions performed by the Mayor.

14. AREAS FOR PUBLIC PARTICIPATION

In terms of this policy, the following areas have been identified as critical for effective Public Participation.

(1) Budgeting

Each year the municipality and/or each Directorate within the municipality shall budget for public participation.

(2) IDP Representative Forum

PUBLIC PARTICIPATION POLICY FOR WM-M LM

- Every effort shall be made to ensure that the structures mentioned in (a) above enhance the IDP processes to avoid parallelism within the municipality.

(7) Other Mechanisms, Processes and Procedures for Public Participation

- The Municipality will in line with the relevant legislation continue to establish other mechanisms, processes and procedures these will include but not limited to, Open Council meetings to ensure that members of the public do participate in its affairs.
- The Municipal Manager will ensure that records are kept for all these processes for ease of reference and to ensure that these are actionable.
- Ward Committees will play an important role in the public participation structures of the municipality.

14.1. 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.

14.2. 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. Public meetings

In those programmes and Activities.

PUBLIC PARTICIPATION POLICY FOR WM-M LM

15.5. POLICY AUDIT

The Policy will constantly be audited to ensure its alignment with the Mission and Vision as well as Strategies and Objectives of the municipality as contained in the IDP.

15.6. VIOLATION AND ENFORCEMENT

The violation of the contents of this policy shall constitute an offence and will lead to disciplinary action taken against the employees and councillors who are found guilty of such an offence.


16. AUTHENTICATION

Reviewed Public Participation Policy adopted by Council on the

Date: 13 May 2022

Sign-Off

Mr. L Mahlaka



Municipal Manager

Date: 25/05/2022