



Public Participation Policy

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1. Introduction

This policy provides a framework for public participation in the Langeberg Municipal Area. The policy builds on the inputs from the National Policy Framework for Public Participation. It supports the commitment of the National Government to deepen democracy, which is embedded in the Constitution (RSA) 1996 and above all to provide for participatory engagements at grassroots level.

The White Paper on Local Government states:

“Developmental municipalities are committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives.”

It goes on to say: “Municipalities should develop mechanisms to ensure citizen participation in policy formulation ... monitoring and evaluation of decision-making and implementation.”

2. Constitutional mandate on Participatory Local Governance

The constitutional roles of municipalities are:

- To provide democratic and accountable government to local communities;
- To ensure provision of services to local communities;
- To promote social and economic development;
- To promote a safe and healthy environment; and
- To encourage the involvement of communities and community organisations in the affairs of Local Government.

3. Definition of Community

“Local community” or “community”, in relation to a municipality means that body of persons comprising-

- a) the residents of the municipality;
- b) the ratepayers of the municipality;
- c) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local within the municipality; and
- d) visitors and other people residing outside the municipality who, because of their presence in the municipality make use of services or facilities provided by the municipality, and includes, more specifically, the poor and other disadvantaged sections of such body of persons.

4. Value of community Participation

- a) It provides vitality to the functioning of representative democracy
- b) It encourage citizen to be actively involved In public affairs
- c) It encourage citizens to identify themselves with the institutions of government
- d) it encourages citizens to become familiar with the laws as they are made
- e) It enhances the civic dignity of those who participate by enabling their voices to be heard and taken into account of
- f) It promotes a spirit of democratic and pluralistic accommodation calculated to produce laws that are likely to be widely accepted and effectively in practice
- g) It strengthens the legitimacy of legislation in the eyes of the people

It acts as a counterweight to secret lobbying and influence peddling

4.1 Our Basic assumptions underlying public participation include:

- i. Public participation is designed to promote the values of good governance and human rights;
- ii. Public participation acknowledges a fundamental right of all people to participate in the governance system;
- iii. Public participation is designed to narrow the social distance between the electorate and elected institutions by promoting public education on public participation processes.
- iv. Public participation requires the recognition of the intrinsic value of all of our people, investing in their ability to contribute to governance processes;
- v. People can participate as individuals, interest groups or communities more generally;
- vi. In South Africa in the context of public participation community is defined as a ward, with elected ward committees;
- vii. Hence ward committees play a central role in linking up elected institutions with the people, through other forms of communication, reinforcing these linkages with communities like the Izimbizo, Roadshows, the Makgotla and so forth.
- viii. Public participation is based on the belief that those who are affected by decisions have a right to be involved in the decision making process.
- ix. Public participation includes the promise that the public's contribution will influence the decision.
- x. Public participation provides participants with the information they need to participate in a meaningful way.
- xi. Public participation communicates to participants how their inputs affect decisions.

5. Principles for Community Participation

The MSA defines a municipality as comprising:

- Its political structures;
- Its administration; and

- The community of the municipality
- Clearly communities are an integral part of the municipality;
- Hence the act obliges municipalities to develop a culture of participatory governance

6. Vehicles for Community Participation

Section 17(1)(a) of the MSA states political structures must be used. The Act defines political structures as the municipal council or any committee or other collective structure of a municipality that has been elected, designed or appointed in terms of the Structures Act.

These political structures include:

- Municipal Council or its Committees
- Ward Councillor
- Ward Committees
- Any other mechanisms, processes and procedures established by the municipality

6.1 When must Community Participation be used?

Not all types and forms of decision-making require the same degree of community participation. In order to avoid any uncertainty about whether or not community participation is critical with regard to certain important municipal decisions and processes, the Systems Act provides a non-exhaustive list of important municipal 'events' in which community participation is particularly important, including;

- Preparation, implementation and review IDP
- Establishment, implementation and review of PMS
- Monitoring and review of organisational performance, including outcomes and impact of performance (Annual Report)
- Preparation of budget
- Strategic decisions relating to Service delivery such as SLA
- Policy formulation

7. Levels of Community participation

The Local Government suite of legislation contains numerous provisions on the duty of municipalities to conduct its affairs in a participatory manner. All of them easily fall under the rubric of a municipality's general duty to encourage and facilitate community participation. However, important distinctions between the various types of community participation can be made. It is suggested that the local government legislation contains instructions with regard to four levels of community participation, namely;

- Transparency
- Local communities petitioning the municipality
- The municipality consulting the communities
- Local communities contributing to municipal decision-making

8. Publicise certain documents

if the System's Act requires a municipality to make documents public, this must be done by;

- Displaying the documents at the municipality's head office, satellite and libraries;
- Displaying the documents on the municipality's official website, if it has one; and
- Issuing a general notice to the public, with the place, including the website address, where details concerning the documents can be obtained.

9. Communication strategy with regard to public participation

9.1 Information giving

A municipality must communicate the information concerning the available mechanisms for participation that it has established to its community. It must also inform the public of the issues in which it encourages communities to participate. The local community must be informed about its rights and duties and of municipal governance, management and development. When a municipality communicates this information, it must take into account the language preferences and usage in the municipality and the special needs of people who cannot read or write.

9.2 Petition

The second level of community participation is the recognition of the right of communities to petition municipalities, issue demands and lodge complaints. The right to petition the government lies at the historic root of public participation. It appears in historic texts and many a constitution. This level of community participation is passive in the sense that the municipality is not required to actively pursue the receipt of petitions, demands and complaints. However, it is active to the extent that the municipality is required to process, consider and, if need be, act on them.

There are two specific instructions in the legislation that deal with the community members' right to petition and demand. Firstly, the Systems Act provides in general that members of the local community have the right to submit written or oral recommendations, representations and complaints to the municipal council or to another political structure, political office-bearer or the administration of the municipality. A municipality must develop procedures to receive, process and consider petitions and complaints lodged by members of the public and members of the communities have a right to a prompt response. The right can be exercised through mechanisms and in accordance with processes and procedures provided for in terms of the Systems Act or other applicable legislation. Members of the local community may also demand that the proceedings of the municipal council and its committees are open to the public (subject to certain criteria), are conducted impartially and without prejudice and untainted are by personal self-interest.

9.3 Consultation

The third level of community participation relates to the various instructions in local government legislation to consult communities, communities with them or obtain feedback. This is no longer passive; the municipality must actively seek the community's input or comments and establish two way communication.

9.4 Contributing to Municipal Decision-Making

The fourth level of community participation relates to the calls for municipalities to ensure that communities participate in and contribute to municipal decision-making. This is clearly the most intensive form of participation, as the law requires a partnership with communities.

In general, members of the local community have the right to contribute to the decision-making processes of the municipality. They can exercise this right through mechanisms and in accordance with processes and procedures provided for in terms of the Systems Act or other applicable legislation. One such mechanism is an ad hoc or general advisory committee. A municipal council may establish one (or more) advisory committees, consisting of persons who are not councillors, to advise the council on any matter within the council's competence.

9.5 Ward Committees

The Structures Act establishes a legal framework for these committees. The typology of a local or metropolitan municipality determines whether or not it may establish ward committees. The municipality's right to regulate its own internal affairs is recognised in that it is not instructed by the typology to establish a ward committee but is permitted to do so.

9.6 Feedback / Monitoring

Holding local government accountable to the public – it is the people whom local government supposedly serves who are responsible for monitoring its performances and demanding responsive behaviour.

10. Making Public Participation a Reality

10.1 Strengthening of Ward Committees with clear delegated functions:

Council pledges to continue with its support to strengthen all ward committees of Langeberg. The role of the ward committees is to enhance participatory democracy in local government. Ward committees are an independent advisory body that must be impartial.

10.1.1 Council's obligation to all Ward Committees is to:

- i. render administrative support services to Ward Committees in terms of a secretariat function by the Public Participation staff;
- ii. provide accommodation for Ward Committee Meetings within the relevant Council offices;
- iii. provide Office equipment like access to fax machine, photo copiers, telephones and computers only for governance purposes;
- iv. any other administrative support as approved by the Municipal Manager in consultation with the Speaker of Council to ensure the effective functioning of the Ward Committees;
- v. re-imburse ward committee members with regard to "Out of pocket expenses" to the amount that is stipulated in a Ward Committee Policy Framework of Langeberg Municipality per Ward Committee meeting upon proof of the members attendance of the meeting. This amount to be revised from time to time by the Municipal Manger in consultation with the Speaker;
- vi. re-imburse ward committees for "Catering expenses" to the amount stipulated in a Ward Committee Policy Framework of Langeberg Municipality per Ward Committee meeting upon proof of catering having been provided at the meeting. This amount to be revised from time to time by the Municipal Manager in consultation with the Speaker;
- vii. support the Ward committees to implement their plans by using discretionary funds provided for in the budget; and
- viii. providing facilitation and support to ward committees using community development workers;
- ix. provide appropriate training to ward committees;
- x. properly consider recommendations and proposals emanating from WBP and ward committees;

10.1.2 Roles and responsibilities of all Ward Committees:

- i. Ward Committees must meet at least once a month, but they may resolve to meet more frequently;
- ii. Ward Committees shall embark on a process to give names to their wards. Names for Ward Committees to be approved by council;
- iii. Ward Committees shall be one of the key drivers of ward based planning;
- iv. Ward Committees must make recommendations on any matters affecting the ward to the ward Councillor or through the Ward Councillor to the municipality;
- v. Ward Committees to adhere to the values of public participation as set out in this policy;
- vi. Ward Committees serve as an official specialised participatory structure;
- vii. Ward committees must create formal unbiased communication channel as well as co-operative partnerships between the Community and the Council;
- viii. Ward committees serve as a mobilising agent for community action, in particular through the IDP process and the municipality's budgetary process; and
- ix. Ward Committees shall hold such other duties as delegated from time to time by the council;

- x. Ward Committees shall be the communication channel and representatives between the Community and Council in relations to all Council's activities, including Performance Management;
- xi. Ward Committees shall have a right to Council's information and reports, including performance reports.
- xii. Ward Committees shall call community feedback meetings 4 times during the financial year.

10.1.3 Roles and responsibilities of Ward Councillors:

- i. Ward Councillors to assist the Speaker to ensure the effective functioning of Ward Committees;
- ii. Ward Councillors to adhere to the values of public participation as set out in this policy;
- iii. Ward Councillors to supervise and oversee the activities at Ward Committees and Ward Committee Offices (if in existence);
- iv. Ward Councillors shall be kept responsible for the settlement of telephone accounts regarding private calls from the Ward Committee office;
- v. Ward Councillors together with the ward committee must create formal unbiased communication channels as well as co-operative partnerships between the community and the council;
- vi. Ward Councillors together with the Ward Committee serve as a mobilising agent for community action, in particular through the IDP process and the municipality's budgetary process; and
- vii. Ward Councillors shall hold such other duties as delegated to them from time to time by the council.
- viii. Ward Councillors shall have a right to Council's information, including performance reports.

10.1.4 Ward Committee Members must in the performance of their functions and duties:

- i. Do so in good faith and without fear, favour or prejudice;
- ii. May not use the position or privileges of a member for private gain, or to improperly benefit another person;
- iii. May not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee;
- iv. Must adopt the principle of accountability to the community and all political parties represented in council;
- v. Must be accessible for the community and ensure that all role players can relate to the process and the issues at hand and are able to make their input into the processes of the committee;
- vi. Must adopt the principle of transparency to promote openness, sincerity and honesty among all the role players in a participation process and promote trust and respect for the integrity of each role player and a commitment by all to the overriding objectives of the process in the interest of the common good;

- vii. Must recognize diversity and understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation, among others.
- viii. Must embrace all views and opinions in the process of community participation. Special effort should be made to include previously disadvantaged persons and groups, including women and youth in the activities of the ward committee;
- ix. Must provide an apology with valid reason to the chairperson of the committee if a meeting cannot be attended.
- x. Must adhere to and practice the principles contained in the Batho Pele White Paper.

10.1.5 Functional areas of Ward Committees

Ward committees can cover a wide range of issues depending on the situation in the ward.

10.1.6 Reporting and Administrative Provisions

As the Speaker is responsible for the implementation of the Ward Participatory System, the Speaker will be assisted by the administration with administrative and secretarial services to administer and enhance public participation. The Speaker is fully liable for reporting to the ward committees as well as to Council in terms of the functioning of ward committees. Frequent reports will be provided to both structures (ward committees & Council) at least once on a quarterly basis by the Speaker.

10.2 Ward-based planning

Ward based plans will include but are not limited to:

- i. an understanding of social diversity in the community, the assets, vulnerabilities and preferred outcome of these different social groups;
- ii. an analysis of the services available to these groups, as well as the spatial aspects of development and the strengths, weaknesses, opportunities and threats facing the community;
- iii. a consensus on priority outcomes for the ward;
- iv. collective development of plans to address these outcomes, based on what the ward will do, what support is needed from the municipality, and what from other agencies;
- v. identification of support needed from the IDP;
- vi. a community budget for discretionary funds from the municipality to assist the community to take forward their ward plans;
- vii. an action plan for the ward committee to take forward their plan?

Ward plans must ensure that the IDP is more targeted and relevant to addressing the priorities of all wards, including the most vulnerable. WBP provides ward committees with a systematic planning and implementation process. In other words, ward plans provide an overall direction for development for the area, as well as an annual operational plan, the implementation, monitoring and evaluation.

10.3 Proposed and anticipated activities for WBP and IDP on an annual basis:

| Activity | Content |
|---|--|
| Preparing for planning | <ul style="list-style-type: none"> • Plan/content/duration/planning cycle for WBP • Process for developing the ward plans • Selecting key • Running training for, councillors, sector staff • Packaging IDP information for WBP |
| Training of Facilitators | <ul style="list-style-type: none"> • Training of facilitators from municipality, ward committees |
| IDP process plan | <ul style="list-style-type: none"> • Process plan developed and approved by Council |
| Ward planning | <ul style="list-style-type: none"> • Ward planning in all wards • Documentation |
| Appraisal of ward discretionary budgets | <ul style="list-style-type: none"> • Ward plans reviewed and discretionary budgets approved • Questions sent to technical depts. |
| Linking to IDP | <ul style="list-style-type: none"> • packaging WBP information for IDP • IDP process underway |

| | |
|---------------------------------------|---|
| Implementation of ward plans by wards | <ul style="list-style-type: none"> • WBP implementation |
| Approval of IDP and Budget by Council | <ul style="list-style-type: none"> • Council approves IDP and budget inclusive of relevant WBP project proposals |
| Feedback to community | <ul style="list-style-type: none"> • Feedback to community on WBP projects included in the IDP and budget |
| IDP implementation | <ul style="list-style-type: none"> • Implementation of IDP projects and programmes (including those drawn from ward plans) |

10.4 A diverse approach to Public Participation

We recognise that a diverse and multi-faceted approach is needed when interacting with our communities. To this end we will strive to regularly interact with communities and stakeholders through various means like:

- Izimbizo's;
- Community meetings;
- Special stakeholder forums, like tourism structures, business structure, rural communities, youth groups, rate payers associations etc.
- Extensive media coverage should also be promoted through the use of both the printed, audio and audio visual media forms.
- Electronic media forms like sms, e-mails and internet should also leverage as an important communication tool.
- Our own newsletters, advertising, posters, banners, and articles should also be more progressively and frequently used as a public participation tool.

10.5 Community-based services

The role of the Municipality is to strengthen and not replace community-based services. It has to build on community-based workers and group activities. Typically here is the important role for CBO's and NGOs to facilitate such services, supported by local government funds or enabling legislation.

10.6 Accountability / Monitoring and Evaluation

Accountability is one of the key principles of participation and ward committees are accountable to the communities they serve. Ward committees can apply this principle by participating in the monitoring and evaluation of community projects; and by regularly reporting back to the citizens on progress made on implementation of community projects and other community issues.

10.6.1 Mechanisms for accountability must provide:

- i. for ward committees to monitor their own activities, working groups etc;
- ii. for the community to monitor ward committees and their driving of implementation of the ward plans;
- iii. for ward committees to account to municipalities on their activities, on progress with implementing ward plans;
- iv. for municipalities to account to ward committees, on their performance, on progress with IDPs etc.

11. A diverse approach to Public Participation

One thing that is very clear is that Community Participation is a legal imperative. We cannot have a credible IDP without involving the Community. Policy formulation, budgeting processes and organisational performance require Community involvement. Community Participation does not have a "one size fits all" solution.

12. Proposal for Community Participation

- We should have a Community Participation Menu
- Broad Categories of Community Participation are:
 1. Development of the IDP
 2. Policy Formulation
 3. Budget Public Meeting
 4. General Public Meeting
 5. Service Delivery

12.1 Development of IDP

The following approach would be followed to obtain input from the development of IDP:

1. Ward Committees

Inputs from Ward Committees through ward based planning and inputs from different blocks of Ward Committees represented.

2. IDP Forums

Inputs from IDP forums including CBOs, NGOs, organised business and information from the municipal database.

3. Advertisements

Inputs from advertisements in the Langeberg Express, the municipal website and invite written comments.

12.2 Policy Formulation

The following process will be followed;

inputs from;

- Portfolio Committees
- Written comments
- Public hearings with key Stakeholders
- Advertisements on municipal website, Langeberg Express
- Ward Committees

12.3 Budget Meetings

The following process to be followed;

- Budget Steering Committee
- Budget/ Rates Forum
- CBO
- Organised Business
- Website
- Langeberg Express
- Public Hearing
- Ward Committees
- Invite written Comments

12.4 General Meeting

The following process to be followed;

- Special Event may arise on request by Mayor
- Agenda will be set by Mayor

- Ward Councillor – feedback session on quarterly basis
- Right of Admission at all public participation meetings are reserved

12.5 Service Delivery

The following process to be followed:

- Feedback per form per block every second month
- During Ward Committee meetings
- During quarterly committee meetings per ward
- Annual customer satisfaction surveys

13. People at the Centre of Development (Conclusion)

This policy seeks to promote the notion that communities become active and involved in managing their own development, claiming their rights and exercising their responsibilities, contributing to governance structures at ward level.

If we do this we have a chance to making our municipality firmly rooted in our people and place our people at the centre of development.

Signed by the Municipal Manager:

Date:

Signed by Speaker:

Date:

Policy approved by the Council:

Date:

(Signature of Executive Mayor on behalf of Council)