Community Participation Policy

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1.   Introduction

This policy provides a framework for public participation in the Langeberg Municipal area and 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 role of municipalities is:

a. To provide democratic and accountable government to local communities;
b. To ensure provision of services to local communities;
c. To promote social and economic development;
d. To promote a safe and healthy environment, and
e. 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 encourages citizen to be actively involved in public affairs.
c. It encourages 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.
h. It acts as a counterweight to secret lobbying and influence peddling.

5. Community Participation is an obligation

The Municipal Systems Act defines a municipality as comprising:

a. Its political structures;
b. Its administration; and
c. The community of the municipality

Communities are therefore an integral part of the municipality. It obliges the municipality to include communities in municipal decision-making. Hence the Act obliges municipalities to develop a culture of participatory governance.

6. Vehicles for Community Participation

In terms of the provisions of Section 17(1)(a) of the Municipal Systems Act, political structures must be used to drive the public participation process. 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 Municipal Structures Act.

These political structures include:

a. The Municipal Council or its Committees
b. Ward Councillors
c. Ward Committees
d. Any other mechanisms, processes and procedures established by the municipality.

7.   When must Community Participation take place

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:

a. Development, implementation and review of IDP
b. Development, implementation and review of Performance Management System (PMS)
c. Monitoring and review of organisational performance, including outcomes and impact of performance (Annual Report)
d. Preparation of budget
e. Strategic decisions relating to Service delivery such as Service Level Agreements
f. Policy formulation
g. Development of a Bylaw

8.   Levels of Community participation

8.1.   Inform the community

a. Council Meetings must be open to the broad public/community. The venues used for Council Meetings must be big enough to accommodate the broad public.

b. Notices about community meeting must be placed in community newspapers, municipal newsletter, website and notice boards. The sms system will also be used to inform all persons whose contact cellular phone numbers are registered on our database. Notices will also be distributed to households ('knock and drop' notices).

c. When a municipality communicates this information, it must take into account the language preferences and usage in the municipality as well as the special needs of people who cannot read or write.

d. The Ward Councillor and the Ward Committee shall hold quarterly meetings to:

    i. Inform the community on progress made with the implementation of service delivery projects planned for the ward;

    ii. Inform the community on policies adopted by the Municipal Council, or policies proposed for adoption;

iii. Determine what are service delivery needs of the communities within the ward in order to make recommendations to the municipal council;

e. The administration will assist the Ward Councillor and Ward Committee by preparing communication packs that must be presented at the community feedback meetings.

f. Information about the municipality's performance in implementing the Service Delivery and Budget Implementation Plans (SDBIPS) will be available on the municipal website, at municipal offices, in Libraries as well as in meetings;

g. All persons with special needs who cannot read or write will be assisted by the staff in attendance.

8.2. Petitions

a. The Municipal 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.

b. Procedures for handling Petitions:

i. When a Community wishes to hand over a petition to the municipality, appropriate arrangements must be made with the intended recipient of the petition and a written confirmation of availability of the recipient must be obtained by the organisers of the proposed petition;

ii. Once the petition is received, it must be referred to the Municipal Manager who shall get the comments of all relevant municipal departments;

iii. The Director: Corporate Services is responsible to consolidate all the comments of the relevant municipal departments into a composite report, which must be submitted to the Responce Committee.

iv. Where input is required from National or Provincial departments, such issues will be referred to the relevant National/ Provincial Department for their written comments. If need be, a meeting will be facilitated with those departments to discuss the petition.

v. The Executive Mayor, Members of the Mayoral Committee, Municipal Manager and the Directors shall constitute the Response Committee to handle all petitions received by the municipality and provide an appropriate response to the affected community. In all cases the relevant Ward Councillor and Ward Committee will be consulted in dealing with the petition.

vi. All Petitions must be finalised within 10 working days from the date of receipt in order to provide a response within 14 working days.

c. Any community that wishes to march and submit a petition to the municipality must comply with the provisions of the Public Gatherings Act. The following must therefore be adhered to:

i. An application for a march must be lodged with the Director: Corporate Services at least Seven (7) working days before the date of the proposed march;

ii. Provide written confirmation on the availability of the intended recipient of the petition together with application;

iii. The Organisers of the march must provide satisfactory evidence that they have sufficient controls in place to prevent damage to public and private property.

iv. Proof of public liability insurance to cover for any damages that may be caused during the march, must be provided;

v. All stakeholders must be consulted by the Director: Corporate Services and all comments must be carefully considered, including the right of the community to participate in a peaceful march, before granting the right to march.

8.3. Consultation

a. The municipality must actively seek the community's input or comments on matters pertaining to service delivery to ensure that all the needs of the community are catered for.

b. The following activities require community consultation:

i. Development of the IDP of the municipality;

ii. Compilation of the municipal budget;

iii. Policy Formulation;

iv. Developing a By-law;

      v.   Taking up a loan;

     vi.   Determining Performance Indicators for the PMS

c.   The Ward Councillor and the Ward committee will hold a community meeting in their respective wards to ensure that all the comments and inputs of the communities are received;

d.   Information regarding matters for consultation will be advertised at libraries, on the municipal website, in community papers and the municipal newsletter - Langeberg Express and will also be availed at meetings;

e.   Staff will be present at meetings to assist people with special needs and those who cannot read or write.

f.   Public Meetings must be attended by the political leadership (Mayor and Mayco) and Senior Management (Municipal Manager and all Directors)

8.4   Contributing to Municipal Decision-Making

a.   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 and/or any other applicable legislation.

b.   The Council has established the following structures to encourage the members of the local communities to contribute in the decision-making processes:

      i.   Ward Committees;

     ii.   Land Reform Forum;

    iii.   Youth Forum;

    iv.   IDP Forum (Not yet approved or established)

     v.   Local Economic Development Partnership (Not yet approved or established)

    vi.   Protected Areas Advisory Board (PAAB)

c. The above-mentioned structures and fora will advise the Council on various matters to ensure that proper decisions are taken to enhance the development of the municipal area.

9. A framework for community participation

Community Participation is a legal imperative. The development of a credible IDP is not possible without involving the Community. Policy formulation, budgeting processes and organisational performance all require community involvement. This broad and diverse application requires community participation to be adjusted to the requirements of each specific situation. The following framework for public participation serves as a 'menu' from which community participation processes and procedures can be chosen for specific situations.

The broad categories in which community participation normally take place within the municipality are:

i. Development of the IDP
ii. Policy Formulation
iii. Development of the Budget
iv. Service Delivery
v. Other diverse issues

9.1 Development of IDP

Facilitation of community participation in the IDP process takes place as set out in the approved IDP Process Plan and is effected mainly through the following structures and methods:

9.1.1. IDP Practitioner

a) Drafts the IDP & Budget Process Plan for the scrutiny of senior management, the endorsement of the Strategic Management Portfolio Committee, the consideration of the Mayoral Committee and adoption by the Municipal Council.

b) Implements the Media-and Awareness Campaign to encourage community and sector participation in the IDP process.

c) Consolidate all community inputs, including newly identified projects for channelling to the relevant departments.

9.1.2. Ward Committees

a) Mobilise communities to attend IDP/Budget meetings;

b) Inputs for the IDP must be obtained from the community through block meetings.

c) Ward Committees must give feedback to the blocks they represent

d) All committee members must be present at the IDP community meetings to assist marginalised groups and those who cannot read or write;

e) Participate in driving of the Ward Based Planning process;

f) Prioritise the community inputs and determine the top five(5) priorities of the ward;

g) Give details on priority issues and problems;

h) Monitor and evaluate IDP projects.

9.1.3. IDP Representative Forum

a) An IDP Representative Forum will be established in order to engage with the draft Integrated Development Plan (IDP). By engaging this forum it is considered to being another step in ensuring that the IDP is comprehensive, transparent and inclusive.

b) The involvement of the community normally takes the form of organisations that are based in the area, that work within the community and are registered on the municipal database.

c) The IDP Representative Forum shall consist of:

- of members of the Mayoral Committee Council,

- community based organisations

- organized business

- Non- governmental organisations

- Sector departments of the municipality

- representatives of the district municipality

9.1.4. Electronic and Printed Media

a) Community inputs must be obtained from reactions on advertisements placed in local media and the municipal website.

b) The municipal IDP Process Plan must be placed on the municipal website and in libraries.

c) The IDP must be made available at municipal offices, municipal libraries and on the website of the municipality.

9.1.5. Written Submissions

Members of the community may participate in the development of the municipal IDP by making written submissions to the IDP Unit on the dates as specified in specific municipal notices.

9.2   Policy Formulation

Facilitation of community participation in the policy formulation process mainly takes place through the following:

9.2.1   Portfolio Committee

a. Each Portfolio Committee has the mandate to consider policies relevant to its functional area.
b. Once the policy has been adopted in principle, the Portfolio Committee will advertise the Policy and invite comments from the Public only if the policy has an external effect.
c. The Portfolio Committee will hold Public Hearings with all the participants who wish to appear before it and make oral submissions over and above the written submissions.
d. All submissions received will be considered by the Portfolio Committee after which a final draft policy will be submitted to the Executive Mayor for consideration and recommendation to the Municipal Council for adoption.

9.2.2   Ward Committees

a. As part of the Public Hearing process, the draft policy will be submitted to all the Ward Committees for their consideration and comment.

b. All comments from the Ward Committees shall be submitted to the relevant Portfolio Committee through the official minutes of the Ward Committees,

no comments from an individual Committee Member will be accepted as part of the submission of the Ward Committee.

9.3   The Budget Preparation Process

a. The Budget Preparation process commences with the approval of the IDP Process Plan by the Municipal Council.

b. The IDP Unit, Ward Councillor and Ward Committee will consult all communities in the Ward to determine the developmental needs of the Communities.

c. All needs determined through this process, will be finalised and prioritised by the Ward Committee during the Ward Based Planning process.

d. All internal Sector Departments will prepare their respective Business Plans taking cognisance of the priorities of the Ward Committee.

e. The Budget Steering Committee of the municipality has a duty in terms of the Municipal Finance Management Act to compile the draft budget for the Medium Term Revenue and Expenditure Framework (MTREF).

f. Once the draft budget is compiled, the Executive Mayor will table the draft budget, draft IDP, and the draft budget related policies to the Municipal Council.

g. The draft budget, its related policies and the Draft IDP will be placed in the Municipal Libraries, Offices and the Website to ensure that the public has access to the documents in order to make informed comments.

h. The Ward Councillor and the Ward Committees will have the duty to explain the draft budget, its related policies and the IDP to their respective Wards. (The administration will provide technical support to the Ward Councillor and Ward Committee during this consultative process).

i. In order to ensure that all stakeholders are informed about these Budget Consultation Meetings, notices will be placed in print media and the municipal website. Announcements will also be made through the electronic media including the sms system, for those whose contact numbers are registered on the municipal database.

j.   In addition to the above, the municipality will also consult with Organised Business, Community Based Organisations and Non-Governmental Organisations which are registered in our database.

k.   All submissions received through the consultation process including written submissions, will be submitted to the Budget Steering Committee for consideration, where after the Executive Mayor will submit the budget to the Municipal Council for adoption.

10.   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, in claiming their rights and in exercising their responsibility to contribute to governance structures at ward level. The implementation of this policy allows Langeberg Municipality to be firmly rooted in its people and to place our people at the centre of development.

11.   Approval and Adoption

a)   **Signed by the Municipal Manager:**   **Date:**

_____   _____

b)   **Signed by Speaker:**   **Date:**

_____   _____

c)   **Policy adopted by the Council: Resolution_____   Date:_____**