



PUBLIC PARTICIPATION POLICY

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PREAMBLE

Cederberg Municipality acknowledges that it is committed to the development of a culture of municipal governance that complements formal representative government with a system of participatory governance. The municipality has an obligation to establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality in terms of the Local Government: Municipal Systems Act, Act no 32 of 2000, and to ensure greater community participation through ward committees, IDP Forums, community meetings and other participatory processes.

Section 1 – Policy

1. INTRODUCTION

1.1 LEGISLATIVE CONTEXT

The notion of public participation in all spheres of government is embedded in the South African Constitution; Chapter 2 of the Constitution includes a Bill of Rights including equality, human dignity, freedoms, environment, as well as rights to housing, health care, food, water, social security, education, access to information. In terms of the roles of national, provincial and local spheres of government the Constitution states:

- Section 152 (1)(e) – encourage the involvement of communities and community organisations in the matters of local government.
- Section 195(1)(e) – in terms of the basic values and principles governing public administration, people's needs must be responded to, and the public must be encouraged to participate in policy-making.

Chapter 7, Section 152 of the Constitution of the Republic of South Africa states the following as objects of local government:

- To provide democratic and accountable government for local communities;
- To ensure the provision of services to communities in a sustainable manner;
- 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 matters of local government.

Section 16 (1) of the Local Government Municipal Systems Act, 32 of 2000 clearly outlines the expectations that Local Government will develop a culture of community participation within Municipalities. In particular it refers to the need to:

- Encourage and create conditions for the local community to participate in the affairs of the municipality; and
- Contribute to building the capacity of the local community and councillors and staff to foster community participation.

The Act further states, section 17(3), that the Municipality must take into account the special needs of:

- People who cannot read or write;
- People with disabilities;
- Women; and
- Other disadvantaged groups.

In the **White Paper on Local Government – 1998** the Object of community participation is embedded in the following four principles:

- To ensure political leaders remain accountable and work within their mandate;
- To allow citizens (as individuals or interest groups) to have continuous input into local politics;
- To allow service consumers to have input on the way services are delivered;
- To afford organised civil society the opportunity to enter into partnerships and contracts with local government in order to mobilise additional resources.

Section 72 (3) of the **Municipal Structures Act 117 of 1998 as amended** states: that the object of a ward committee is to enhance participatory democracy in local government.

Section 74 on functions and powers of ward committees – a ward committee may make recommendations on any matter affecting its ward, to the ward councillors, through the ward councillor to the local council... and has such duties and powers as the local council may delegate to it in terms of section 59 of the Local Government: Municipal Systems Act, 2000.

Finally the Act states that a Municipality must clearly communicate information concerning community participation as per Section 16 of the Local Government: Municipal Systems Act, no 32 of 2000.

1.2 PURPOSE OF THE PUBLIC PARTICIPATION POLICY

The purpose of the Public Participation Policy is to clearly communicate the expectations of the Municipality of Cederberg to staff and community, as this will help everyone to know when they should consult and why. It is further to help the community and/or people to understand and encourage them to contribute to the democratic participation and decision-making processes of the Cederberg Municipality.

The community and/or people will have the opportunity to influence how Cederberg Council functions through effective and meaningful public engagement processes. This would lead to improved and sustainable policy decisions to govern Cederberg Municipality.

It is expected from Councillors and staff of the Municipality to ensure that the community is involved in:

- The implementation and review of the Integrated Development Plan;
- The establishment, implementation and review of the Performance Management System;
- The monitoring and review of the performance of Cederberg Municipality;
- The preparation of the Budget;
- Policy development, review and monitoring;
- Strategic decisions relating to the provision of municipal services;
- The development of By-laws and regulations; and
- Implementation of projects and initiatives.

It is further expected from staff and Councillors to ensure that **all** people in the community will be given the opportunity to be involved as well as:

- Those people who cannot read or write;
- People with disabilities;
- Women;
- Youth; and
- Other disadvantaged groups.

Language preferences should also be taken into account.

1.3 SCOPE & APPLICABILITY

This policy applies to all the councillors; officials and communities of Cederberg Municipality.

2 THE DEFINITION OF PUBLIC PARTICIPATION

Based on the South African Perspective, the National Policy Framework on Public Participation of 2007 defines Public Participation as “an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making”; it is also a democratic process of engaging people, deciding, planning and playing an active part in the development and operation of services that affect their lives”.

3 PUBLIC PARTICIPATION MODEL, PRINCIPLES & APPROACH

Municipalities must build and strengthen relationships and accountability to communities as well as community commitment to improve service delivery.

The model on which this policy is build incorporate partnerships, delegated power and citizen control to ensure effective public power in public participation processes.

This model will enable:

- **Partnerships:** the community to influence, direct, control and own developmental objectives via the representative committees, such as ward committees;
- **Delegated power:** joint inputs to be given by communities, analyzing of information and proposing of strategies via representative committees, such as ward committees;
- **Citizen control:** communities to take initiative to form groups or sectors to interact with council via the ward committee through the ward councillor to influence or direct decision-making processes and community-based planning.

The following are the principles that govern the implementation and use of this Policy:

- Openness and Transparency;
- Accountability;
- Responsiveness;
- Accessibility;
- Information and education

The following approaches will be implemented to govern the use of this Policy:

- Education and communication between all parties;
- Provision of adequate information to ensure all parties understand the relevant legal and statutory context;
- Provision of feedback on the results and outcomes of participation to the community;
- Each section of Council will identify opportunities for community participation;
- Regular review of consultation mechanisms to determine their effectiveness;
- The Municipality will provide support for staff, the community and Councillors to improve their public participation skills through training opportunities, skills development and sharing knowledge.
- This policy be aligned with council's current communication strategy and used accordingly.

4 BENEFITS OF PUBLIC PARTICIPATION

Benefits of public participation include:

- Encourages citizen-focused service delivery because the municipality will respond to community needs and be pro-active with regards to service delivery which will prevent service delivery protest;
- Develops a clear sense of direction for communities as the process of community consultation can help clarify and focus the community's issues;
- Capitalise on a whole range of resources in the community; a municipality will be unaware of the skills hidden in the community (such as local expertise and knowledge) if they never talk to community members;
- Add value to municipality's decision-making by drawing on these skills and the wisdom of community members;
- Identifies alternatives to be considered when addressing issues -consulting and including a range of people which will ensure a range of alternative views;
- Improves municipal credibility with the public if the municipality takes the community's opinions into account in their work;
- Creates a better understanding of a project and its objectives as the municipality has told the community and invited them to be involved; and
- Enhances community ownership of decisions and resultant outcomes if the community has been part of the decision-making process.

Section 2 – ROLES AND RESPONSIBILITIES

5. MUNICIPAL MANAGER

5.1 Development of a culture of Public Participation

In giving effect to sections 16 and 17 of the Systems Act and as set out in this Policy, the Municipal Manager must:

- (a) Encourage and create conditions for the local community to participate in the affairs of the Municipality, including in-
 - (i) The Preparation, implementation and review of the Municipality's Integrated Development Plan (IDP);
 - (ii) The establishment, implementation, and review of the Municipality's Performance Management System;

- (iii) The monitoring and review of the Municipality's performance, including the outcome and impact of such performance;
 - (iv) Consideration of draft by – laws;
 - (v) The preparation of the Municipality's budget;
 - (vi) Consideration of the Municipality's Tariffs and Debt Collection policies; and
 - (vii) Strategic decisions relating to the provisions of municipal services.
- (b) Ensure that the Municipality employs sufficient staff members, other than councillors, who may help in informing and educating the community about the affairs of the Municipality, in particular, in the areas referred to 5.1 (a) supra;
 - (c) Ensure that all staff members, including councillors, are trained in the basic knowledge of the areas referred to 5.1 (a) supra;
 - (d) Ensure that the Municipality contributes to building the capacity of the community to enable it to participate in the affairs of the Municipality;
 - (e) Establish and notify the public of all the available methods for participation;
 - (f) Ensure that the Municipality uses appropriate venues for public meetings and/or hearings as provided for in this Policy.

5.2 Policy communication

The Accounting Officer of the municipality must:

- a) Develop mechanisms to ensure that this Policy is communicated to all stakeholders; and
- b) Ensure that people who cannot read or write; people with disabilities; women and other disadvantaged groups are properly communicated in terms of this Policy.

6. COUNCILLORS

This Policy requires councillors to familiarise themselves with its content, make their constituencies aware of it and oversee its implementation by the municipal administration.

7. COMMUNITY

It is expected from members of the community to familiarise themselves with this Policy, observe it, and oversee its implementation and for this purpose to ensure that their participation take place through –

- a) Political structures for participation in terms of the Structure Act;
- b) The mechanisms established in terms of the Systems Act and as set out in this Policy; and
- c) Councillors.

Section 3 – POLICY DIRECTIVES AND PROCEDURES

8. PUBLIC PARTICIPATION PROCEDURES

8.1 COMPULSORY PUBLIC MEETINGS

All meetings in which any of the matters listed under 5.1 (a) (i)-(vii) supra, are to be discussed, must be open to the public as per section 20(1) of the Systems Act.

8.2 PUBLIC MEETING NOTIFICATION

8.2.1 Whenever anything must be notified by the Municipality through the media to the local community under this Policy or any other applicable policies and legislation, it must satisfy the following requirements:

- a) A notice of a public meeting must be advertised at least once in a newspaper circulating in the municipal area and decided by the Council as a newspaper of record of the municipal area.
- b) Notice by means of Bulk SMS system where applicable.
- c) Copies of notices of public meetings shall be posted at:
 - (i) The notice board of Council offices;
 - (ii) All municipal libraries; and
 - (iii) Municipal Website.
- d) All notifications must be in a language understood by the majority of its intended recipients.
- e) All notices shall be issued at least seven days before the date of the planned meeting.

8.2.2 When the Municipality invites the community to submit written comments or representation on any matter before the Council, it must be stated in the invitation that any person who cannot write may come during offices hours to a place where a staff member of the Municipality named in the invitation, will help that person to transcribe that person's comments or representations.

8.2.3 The following are entitled to special invitations to public meetings:

- (a) Ward Committees;
- (b) Recognised Structures; and
- (c) Special guests.

8.3 VENUE FOR PUBLIC MEETINGS AND HEARINGS

In determining the appropriateness of venues for public meetings in terms of 5.1 (f) supra, the Municipal Manager must consider the following:

- (a) The size of the venue considering the approximate number of people who might attend the meeting;
- (b) The location of the venue and access to it via public and private transport;

- (c) The amount of staff members of the Council to be made available to ensure the smooth administration of the meeting; and
- (d) The provision of security for both members of the Municipality as well as members of the community attending the meeting.

8.4 PUBLIC PARTICIPATION OPTIONS AND PROCEDURES

The following shall be methods for public participation to be recognized and observed by all the stakeholders:

8.4.1 Petitions and complaints

- (a) All petitions shall be addressed to the Speaker and may be submitted to the councillor responsible for the ward whose residents are writing the petition; the Municipal Manager or the Speaker.
- (b) All petitions received shall be acknowledged in writing by the Municipality within 48 hours of receipt.
- (c) Petitions shall be disposed of by the relevant portfolio committee within 31 days or referred to the Council with recommendations should the committee not have the power to dispose of the matter, in which case a special Council meeting shall be convened within seven days of the decision to refer the matter to the Council.
- (d) Any petition must comply with the following requirements-
 - (i) It must be in legible writing or typed;
 - (ii) It must clearly indicate the topic; and
 - (iii) It must be signed by more than fifty of its authors.
- (e) Complaints lodged by the community will be received by the Council at a facility provided at the Council's offices.
- (f) The Municipal Manager shall notify the concerned community of the complaint lodged with the Municipality in seven days of having processed and considered the complaint.
- (g) The Municipal Manager and/or delegated officials must, on appropriate notice and in a manner provided for in this Policy, notify the community of any public meeting and/or hearing arranged to discuss and consider any of the petitions and complaints lodged by members of the community.
- (h) Any such public meeting and/or hearing must take place in fourteen days of the Municipal Manager and/or a delegated official having notified the community of the important issues raised and considered by the Council and after it has called for any comment under 8.4.3 hereunder.

8.4.2 Deputations and Interviews

- (a) Deputations and Interviews shall be a standing item on all ordinary Council and Council Committee meetings;
- (b) Any person who wishes to obtain an interview with the Council or a committee of the Council must lodge a written application with the Municipal Manager. Such an application must state the representation the applicant wishes to make.
- (c) Whenever an application for interviews is refused the applicant must be furnished with reasons for the refusal.
- (d) During an interview only one to five members of the deputation may address the meeting except when the chairperson of the meeting has made particular concessions, either before or during the meeting.

8.4.3 Public comments and open sessions

- (a) When the Municipality considers and deliberates on any of the matters set out under 5.1 (a) (i) – (vii) supra, it must hold open sessions to which the community must be invited to submit their views and comments.
- (b) The Municipal Manager must, after the Council has held an open session on any of the matters contemplated in 5.1 (a) (i) – (vii), and after the conclusion of the session concerned –
 - (i) Formulate a full report thereon together with any advice or recommendations the Council may deem necessary or desirable;
 - (ii) Make copies of the report available to the community in one or more of the following manners –
 - By publication in the official municipal newsletter;
 - Bulk SMS;
 - Make a copy available at all the municipal libraries;
 - Make a copy available on the municipal website;
 - Post a copy on the notice board at all the municipal offices; and
 - Provide every ward councillor with copies for distribution to the communities
- (c) The Municipal Manager must ensure that the report is published according to the Council's language policy for the municipal area.

8.4.4 Comments via Electronic Mail

- (a) The Municipal Manager must provide the community with a central e-mail address (records@cederbergraad.co.za) where written comments may be submitted directly to the Municipality on any matter referred to in this Policy and/or other relevant issues.

- (b) The Municipal Manager must ensure that the comments are accessed regularly and collated by a staff member specifically allocated to this task.

8.4.5 Ward committees

- (a) Ward committees and its members must be utilized as a two way communication channel between council and communities.
- (b) Ward committee members must be representative off all sectors within that specific ward and used as a communication channel between the municipality and the relevant sector for inputs on complaints, service delivery issues, proposed projects, planning, budget and IDP.
- (c) Ward committee members must use monthly sectorial meetings to provide feedback on relevant council issues or to obtain inputs on council activities relevant to that sector in the ward.
- (d) Public be made aware that ward committee meetings are open to the public to attend to familiarise themselves with activities within that ward.

8.4.6 EVALUATION CRITERIA

The success of this Policy will be measured by

- (a) The number of deputations, petitions, complaints and comments lodged in accordance with the provisions of this Policy;
- (b) The reduction in the number of complaints raised through the media.