

PUBLIC PARTICIPATION POLICY

MOHOKARE LOCAL MUNICIPALITY

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1. PREAMBLE

Mohokare 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 a legal obligation to establish appropriate mechanisms, processes and procedures to enable the local community to participate in its affairs.

One of the objectives of local government is to encourage the involvement of communities and community organisations in the matters of local government [Section 152 (1) (e)]. In practical terms this 'involvement' requires, amongst others, the existence of a sound basis for communication through which, on the one hand, the stakeholders can be informed about municipal matters and requirements. On the other hand it serves the purpose of enabling community members to inform the municipality about their needs and opinions.

In addition to this stipulation, the Constitution also provides for basic values and principles governing the activities of all spheres of government. In terms of Section 195 (1) (e), peoples' needs should be responded to and the public must be encouraged to participate in policy-making. Also this provision can be directly related to communication as an essential component of participation.

2. PURPOSE

The purpose of the Public Participation Policy is to provide for mechanisms by which the public may participate in the affairs of the Municipality and to clarify roles and responsibilities of all the role players and interested parties.

3. OBJECTIVES

The objectives of the Public Participation Policy is

- a. To outline the roles and responsibilities of the Municipal Manager(Administration); Councillors (Council) and the community in the enhancement of participatory democracy
- b. To establish and outline the use of mechanisms, processes and procedures for public participation

4. SCOPE

This Policy applies to all the councilors; officials and communities of Mohokare Municipality.

5. LEGAL FRAMEWORK

This Policy is necessitated and complies with the following pieces of legislation:

- a. The Constitution of the Republic of South Africa, Act 108 of 1996, Section 152 (a) and (e)
- b. The Local Government : Municipal Systems Act 32 of 2000, Section 16(1)

6. DEFINITIONS

In this Policy, unless the context indicates otherwise –

- a. **Council** means the Council of Mohokare Local Municipality;
- b. **Councillor** means a member of the Council;
- c. **Local community** or **community** in relation to the Municipality means that body of people comprising
 - the residents of the Municipality;
 - the ratepayers of the Municipality;
 - any civic organizations and non – governmental, private sector or labour organizations or bodies which are involved in local affairs of the Municipality;
- d. **Municipal Manager** means the person appointed in terms of section 54 A of the Local Government : Municipal Systems Act 32 of 2000;
- e. **Municipality** when referred to as “an entity” means municipality as described in section 2 of the Local Government : Municipal Systems Act 32 of 2000; and when referred to as a geographic area means a municipal area determined in terms of the Local Government : Municipal Demarcation Act 27 of 1998;
- f. **Petition** means a written statement, proposal or grievance addressed to the Municipality; office bearer or employee of the Municipality and signed by more than fifty residents within the municipal area or a part thereof;
- g. **Policy** means the Public Participation Policy
- h. **Structures Act** means the Local Government : Municipal Structures Act No. 117 of 1998 as amended;
- i. **Systems Act** means the Local Government : Municipal Systems Act No. 32 of 2000 as amended.

7. PRINCIPLES

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

- a. Openness and Transparency
- b. Accountability
- c. Responsiveness
- d. Accessibility
- e. Information and education

8. ROLES AND RESPONSIBILITIES

8.1 MUNICIPAL MANAGER

8.1.1 Development of the 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
 - (vii) Strategic decisions relating to the provision of municipal services.
- b) Ensure that the Municipality employs sufficient staff members, other than councilors, who may help in informing and educating the community about the affairs of the Municipality, in particular, in the areas referred to 9.1.1 (a) herein above
- c) Ensure that all staff members, including councilors, are trained in the basic knowledge of the areas referred to in 9.1.1 (a) herein above
- 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 venue for public meetings and/or hearings as provided for in this Policy.

8.1.2 Policy Communication

The Municipal Manager must

- a) Develop mechanisms to ensure that this Policy is communicated to all stakeholders

- b) Ensure that people who cannot read or write; people with disabilities; women and other disadvantaged groups are properly communicated with regarding this Policy

In addition to this policy the Municipal Manager shall be expected to develop and publicize mechanisms, processes and procedures which shall make provision for:

- The receipt, processing and consideration of petitions and complaints lodged by members of the local community;
- Notification and public comment---procedures;
- Public meetings and hearings by the municipal council and other political structures;
- Consultative sessions with locally recognised community organisations and
- A report-back process to communities.

8.2 COUNCILLORS

This Policy requires of councilors to familiarize themselves with its contents, make their constituencies aware of it and oversee its implementation by the officials.

Since a ward councillor is directly elected to represent and serve the people in a specific ward, the ward councillor must ensure that the interests of the residents in the ward are properly represented.

All ward councillors shall be expected to convene and attend at least 12 ward committee meetings and 4 ward constituency meetings.

When convening constituency meeting councillors shall take into account the geographical spread of the ward and ensure that all affected stakeholders and communities are attended to.

Proportional representative councillors are expected to attend ward committee meetings where they are assigned and any other community meetings as delegated by the Speaker.

This policy requires that councillors report to the community on regular basis, decisions taken by Mohokare council.

The Mayor will be expected to convene and attend at least three (3) report back meetings per annum to report about the performance of the municipality and receive input about matters that requires improvement.

8.3 WARD COMMITTEES

The object of ward committees is to enhance participatory democracy in local government. They play a very important role within the community, they are delegated the following responsibilities:

- a) To serve as an official participatory structure in the municipality
- b) To create formal unbiased communication channels as well as cooperative partnerships between the community and the council. This may be achieved as follows:
 - (i) Advising and making recommendations to the ward councillor on matters and policy affecting the ward.
 - (ii) Assisting the ward councillor in identifying challenges and needs of the community.
 - (iii) Disseminating information in the ward concerning municipal affairs

- (iv) Receiving queries and complaints from the residents concerning municipal service delivery, communication these to the ward councillor and providing feedback to the community on council's response.
- (v) Be an active participant in the ward committee and attend meeting frequently.
- (vi) Assist the ward councillor with logistical arrangements for ward meetings constituency meeting and any public events.

8.4 COMMUNITY

It is expected of members of the community to familiarize themselves with this Policy, observe it, and demand its full implementation and for this purpose to ensure that their participation take place through -

- c) Political structures for participation in terms of the Local Government Municipal Structures Act;
- d) The mechanisms established in terms of the Local Government Municipal Systems Act and as set out in this Policy; and
- e) Councillors and ward committees

9. POLICY DIRECTIVES AND PROCEDURES

9.1 COMPULSORY PUBLIC MEETINGS

All meetings in which any of the matters listed under 9.1.1 (a) (i) – (vii) herein above are to be discussed must be opened to the public subject to the provisions of section 20 of the Systems Act.

9.2 PUBLIC MEETING NOTIFICATION

9.2.1 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 publicized in public areas or at least once in a newspaper circulating in the municipal area and decided by the Council as a newspaper of record that covers a bigger portion of the municipal area
- b) Copies of notices of public meetings shall be posted at
 - (i) The notice board at the Council's offices;
 - (ii) All libraries within the area;
 - (iii) All clinics and within the area
 - (iv) All public places
- c) All notifications must be in a language understood by the majority of its intended recipients

9.2.2 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 office 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.

9.2.3 The following are entitled to special invitations to public meeting

- (a) Ward Committees
- (b) Recognised Structures
- (c) Special guests
- (d) Community Development workers

9.3 VENUE FOR PUBLIC MEETINGS AND HEARINGS

In determining the appropriateness of venues for public meetings in terms of 9.1.1 (f) herein above, 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.

9.4 PUBLIC PARTICIPATION OPTIONS AND PROCEDURES

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

9.4.1 Petitions and complaints

- (a) All petitions shall be addressed to the Speaker and may be submitted to the councilor responsible for the ward whose residents are writing the petition; or the Municipal Manager.
- (b) All petitions received shall be acknowledged in writing by the Municipal Manager within 48 hours of receipt
- (c) Petitions shall be disposed of by the relevant portfolio committee within (7) 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.
- (g) The Municipal Manager shall notify the concerned community of the complaint lodged with the Municipality within (7) days of having processed and considered the complaint.
- (h) The Municipal Manager 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
- (i) Any such public meeting and/or hearing must take place within twenty one days of the Municipal Manager having notified the community of the important issues raised and considered by the Council and after it has called for any comment under 10.4.3 hereunder

9.4.2 Deputations and Interviews

- (a) Deputations and Interviews shall be a standing item on all ordinary Council and Council Committees 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 member of the deputation may address the meeting except when the chairperson of the meeting has made particular concessions, either before or during the meeting.

9.4.3 Public Comments and Open Sessions

- (a) When the Municipality considers and deliberates on any of the matters set out under 9.1.1 (a) (i) – (vii) hereinabove, 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 9.1.1 (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 Council's newspaper of record;
- By publication in the official municipal newsletters
- Making a copy available at all the libraries;
- Posting a copy on the notice board at all the municipal offices; and
- Providing every ward councilor 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

9.4.4 Comments via Electronic Mail

- (a) The Municipal Manager must provide the community with a central e – mail address where they may submit written comments directly to the Municipality on any matter referred to in this Policy and/or other relevant legislation
- (b) The Municipal Manager must ensure that the comments are accessed regularly and collated by a staff member specifically allocated to this task.

10. 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

11. IMPLEMENTATION DATE

The Policy comes into operation immediately upon its approval by the Council sitting on or at a date determined by Council resolution. The Policy will thereafter be reviewed after every twelve months or upon dictates of a national or provincial legislation.