



PUBLIC PARTICIPATION POLICY 2017/18

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1. TITLE

Public Participation Policy.

2. PURPOSE

The Vision Statement of the Ngqushwa Municipality informs this Public Participation Policy;

Ngqushwa Municipality has a vision defined by increased prosperity and quality of life through sustained economic growth for all of its citizens.

In order to achieve this vision and to ensure that it is understood throughout the municipal area, a policy on public and/or community participation should be adopted.

The overall purpose is to ensure that every resident within the Ngqushwa Municipal Area has an understanding of how they can contribute towards the attainment of this vision.

The Ngqushwa Municipality is committed to enabling communities to actively participate in the development of the municipality's long term vision. The participation of the public in municipal affairs requires that there is dissemination and access to information to enable informed participation. Public participation must be structured and the existing legislation will be used as a guiding framework.

The Ngqushwa Municipal Council needs to provide a democratic and accountable system of governance to the communities within its municipal area. This means creating points of access and interaction with the municipality that are able to operate as more than simply centers of council's public relations strategy.

A strategy for public participation within the Ngqushwa municipal area should be about harnessing stakeholder commitment to actively work with the municipality to achieve Council's vision and strategic objectives. This document seeks to outline an approach on public participation for the Ngqushwa Municipal Council that will enable it to fulfill its vision and obligations relating to public participation.

3. SCOPE

Ngqushwa Municipality strives to make public participation effective, interactive and meaningful; and commit to the following key areas:

- Developing coherent municipal strategies for ongoing communication and participation around all development and service projects with clear roles for Councilors, officials, Ward Committees and Community Development Workers (CDWs);

- Building consistent interaction with all sectors in our municipality through stakeholder meetings, Ward Committees and Community Development Workers;
- Ensuring that ward and proportional Councilors remain in dynamic contact with the people in their wards and the community, with the help of Ward Committee members;
- Empowering our Ward Committees and CDWs to monitor progress and report problems regarding delivery of services;
- Setting up clear mechanisms for speedily addressing and reporting back on the community problems that Ward Committees, CDWs and our communities bring to the municipality;
- Providing all possible financial, administrative and political support for the public participation process, including the work of Ward Committees and CDWs;
- Building the inter-governmental mechanisms needed to ensure that Local, District, Provincial and National government work together to speed up delivery and address the needs of our people;

4. PROCEDURAL DETAILS

4.1 Objectives of the Public Participation Policy

The objectives of the policy on public participation are:

- To meet the legal requirements around community participation that is spelled out in the Municipal Systems Act 32 of 2000;
- To build an open, transparent and accountable system of governance;
- To develop a culture of community participation through creating conditions for local communities to participate in the affairs of the municipality;
- To develop and implement mechanisms, processes and procedures for community participation;
- To assist vulnerable groups to participate effectively in the system of local government;
- To provide, clear, sufficient and timeous information concerning community participation to communities;
- To communicate public notices of meetings to communities in a manner

that promotes optimal public participation;

- To set up systems and mechanisms that will ensure compliance with regulations and guidelines that may be issued from National or Provincial Government .

4.2 Development of a Culture of Community Participation

Section 16 (1) states that: "A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance"

This section places an obligation on municipalities to create conditions for participation in relation to the following activities:

4.2.1 Preparation of the Integrated Development Plan (IDP);

Establishment, implementation and review of the Performance Management System;

4.2.2 Participation in the Budget Process;

Strategic decisions relating to the provision of municipal services;

Building the capacity of local communities to enable effective participation in these areas;

Councillors and municipal employees to foster a culture of community participation.

4.3 Implications of a Public Participation Policy for Council

Community Participation should flow from a created opportunity for stakeholders to interact with Council in respect of specific issues/projects/programmes.

This document sets out the proposed components of a public participation system in the Ngqushwa Municipality. The effort to build the capacity of local communities to enable effective participation is undertaken at Ward Committee level through structured training programmes.

4.4 Mechanisms, Processes and Procedures for Community Participation

Section 17(1) states that: "Participation by the local community in the affairs of the municipality must take place through political structures for participation in terms of the Municipal Structures Act"

Section 17(2) states that: "A municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality, and must for this purpose provide

for the receipt, processing and consideration of petitions and complaints lodged by members of the local community.

In terms of this policy, a petition refers to a complaint or request or a representation or a submission addressed by a petitioner (a person who submits a petition in terms of this policy) to the Ngqushwa Municipality. To facilitate a fair and equitable process of receiving, processing and consideration of petitions, the Mayor or his delegate, in consultation with the municipal manager where appropriate, will deal with such submissions (i.e. petitions and complaints).

4.5 The general principles and requirements for petitions are as follows:

4.5.1 Submission of Petitions

- A petition may be delivered to any ward councilor, to the office of the Speaker and or the office of the Mayor.
- The designated official must render all reasonable assistance, excluding financial assistance, to any person who is unable to submit a petition conforming to all the requirements outlined in this policy.
- The person who receives a petition, must immediately forward the original petition to the office of the Municipal Manager, who will in turn forward copies thereof to the Speaker, the Mayor and the Director involved, where applicable. If the subject matter of the petition relates to a specific ward, a copy of the petition will also be forwarded to the Ward Councillor involved. The said Director will as soon as possible prepare and submit a report on the matter to the Municipal Manager, who will submit a report to the appropriate standing committee, Executive Committee or Council, as is necessary in his discretion.

4.5.2 Requirements of Petitions

A petition must –

- be in legible writing;
- state the full name/s and contacts of one of the petitioner/s;
- be signed by the petitioner/s, except in the case of a petitioner who is unable to write or who has made a mark on the petition as a symbol of his or her authority to submit the petition, and that mark was made in the presence of two witnesses who are able to write and who by signing the petition certify that the mark is that of the petitioner;
- be formulated in at least one of the three official languages of the

Eastern
Cape (i.e. Xhosa, Afrikaans and English);

- relate to a matter within the legal competence of the municipality in terms of the Constitution;
- relate to a matter that has been brought to the attention of the Council before and that has not been attended to, to the satisfaction of the petitioner/s;
- not concern a matter pending in a court of law or other tribunal or forum contemplated in the Constitution or a matter pending in a committee, tribunal or other forum of the Council in respect of which legally prescribed appeal procedures exist;
- not be in connection with the conviction and sentencing by a criminal court of law of a person to a period of imprisonment; and
- not address a matter, which falls within the scope of a commission of inquiry established by the National or Provincial Government or committee of enquiry established by the Council or any other Government institutions.
- not address a matter previously considered by a Committee of Council except if that petition contains new information that may materially impact on the outcome of the consideration of the matter.
- not be in connection with a matter where the public was specifically afforded an opportunity to comment/object and for which prescribed mechanisms, processes and/or procedures exist (i.e. Town Planning applications, acceptance of by-laws, alienation of municipal land etc.).

4.5.3 Types of Petitions

A petition may be -

- a single petition, which is an individual submission from a single petitioner, concerning a particular complaint or request;
- an association petition, which is an individual submission from an association or single petitioner mandated by an association to submit that petition, concerning a particular complaint or request;
- a collective petition, which is a collection of signatures from a number of petitioners, concerning a particular complaint or request; or
- a mass or group petition, which is made up of individual or group submissions from a number of petitioners, concerning the same or substantially similar complaints or requests.

Section 17 (3) states that: When establishing mechanisms, processes and procedures in terms subsection (2) the municipality must take into account the special needs of people who cannot read or write, people with disabilities, women and other disadvantaged groups.

4.6 Complaints Management

This policy applies to all external stakeholders and general public who is dissatisfied with the services offered and or suggesting improvements on service delivery or complimenting the municipality for good service delivery.

4.6.1 Handling Complaints

- All municipal buildings should have suggestion/Complaint boxes to be opened weekly by the office of the Speaker.
- All service delivery complaints shall be referred to the office of the Mayor and Municipal Manager.
- In order to ensure confidentiality, officials handling complaints shall sign confidentiality agreements.
- Employees handling complaints shall be independent of the issue of the complaint.
- Where a conflict of interest arises for employee member involved in the receipt or management of a complaint, the relevant supervisor should be informed and alternate arrangements should be made.
- To protect confidentiality and privacy, employee members involved in the receipt or management of a complaints resolution must ensure that information is restricted only to those who genuinely need to know in order to deal with the complaint.
- Some information about specific complaint, person or component that the complaint is made, may need to be disclosed to others during investigation. The complainant should be made aware that this might occur.
- When a complaint is documented all details shall be recorded.
- Action shall be taken on anonymous complaints and general feedback shall be given.
- Complainants with special needs must be offered reasonable assistance to make their complaint (similar to 4.5.1).
- Complaints received through municipal official social media pages:

- Complainant will be contacted privately through inbox in order to get correct details of the complainant and will be dealt with using the similar procedure of handling complaints.
- Complaints received from the Presidential Hotline will be handled in terms of the guidelines provided by the Presidency.

4.6.2 Exclusion of Complaints

The following complaints shall not be dealt with:

- A complaint under investigation by another Municipal Committee (i.e. MPAC), Court or another Statutory Body.
- In the case of internal clients, if the client has not followed the internal means of resolving the complaint.

4.6.3 Timeframes

- It is expected that written complaints will be acknowledged within five working days from the date of receipt by the office of the Speaker.
- Complainants shall be kept informed of progress towards resolving complaint.
- Except for exceptional cases, all complaints must be attended to within 30 days from the date of receipt.
- A report on complaints, suggestions and compliments shall be submitted to Council on a quarterly basis.

4.7 Components of a Public Participation Policy in the Ngqushwa Municipality

The part below spells out the detail of the various components of the Ngqushwa Municipality's public participation policy as derived from the legislative framework as well as the values, vision and objectives of such a system for the town.

4.7.1 Participative Structures

4.7.1.1 Participation in Council/Section 79, 80 Committee Meetings

In terms of section 19 of the Municipal Systems Act, the Municipal Manager must give notice of Council meetings in a manner determined by the Council. A notice must be published once a year in the local media, setting out the program of meetings for the year. Council agendas/minutes are public

documents and should be available on request.

In terms of section 20 of the Municipal Systems Act, Council may exclude the public and the media from a meeting when the nature of the report requires that to be done. In-committee decisions will then be taken, but the resolutions will also be public in nature.

Despite the transparent nature of Council meetings, the public and the media do not have any speaking or voting rights

4.7.1.2 Participation through IDP/Budget/Performance Management Public Meetings

The IDP/Budget/Performance Management Public Meetings will be a platform to discuss issues that relate to the development and implementation of the Integrated Development Plan, and related budgetary allocations and annual report. The Mayor or his delegate should chair these meetings. The meetings would be made up of representatives of key stakeholder groupings and representation from the Ward committees and senior management of the municipality.

The IDP/Budget/Performance Management Public Meetings are open to the public and affords the public an opportunity to make recommendations to Council on matters relating to vision and strategies around service delivery, infrastructure development, as well as economic development and poverty alleviation issues, and any other matter related to the IDP and Budget process.

4.7.1.3 Participation through Ward Committees

The Constitution of the Republic of South Africa, 1996, (Section 152(1)(e)) states that municipalities must encourage the involvement of communities and community organizations in local governance.

The ward participatory system of municipal government allows for the establishment of Ward Committees to facilitate such participation. If the Ward Committee system is successful, residents of Ngqushwa municipal area will have a more direct voice in the governance of their wards.

Section 73 of the Municipal Structures Act states that where a municipality establishes a Ward Committee participatory system, such Ward Committees must be established in every ward. The Ngqushwa Municipal Council has established such Ward Committees.

The Local Government Municipal Structures Act sets out the broad parameters around the establishment, composition and functioning of Ward Committees, but requires a municipality to develop the details and provide the required support.

The purpose of a Ward Committee is to assist the democratically elected representative of a ward (the Ward Councillor) to carry out his or her mandate and to enhance effective public participation. A Ward Committee is not a structure with a mandate to represent a ward. The Ward Councillor carries the representative mandate from all the constituencies of a ward. Ward Committee members are merely people within a community that know sectors of the community well, and are thus able to assist the Ward Councillor around certain issues of governance.

A Ward Committee assists the Ward Councillor in developing and implementing a broader public participation strategy for the ward. The Ward Committee works with a Ward Councillor to ensure that the public participation process in that ward reflects the full diversity of interests of that ward.

The Ward Committee does not do away with the responsibility of the Ward Councillor to liaise with other community and interest groups informally or through formalized forums.

4.7.1.4 Other forms of Participation by the Local Community

Participation is also required in project specific processes. These processes include specific planning and policy related exercises, as well as major development projects e.g. projects flowing from the Expanded Public Works Programme (EPWP). Project specific forums must be set up, through advertisements in the media to ensure representation.

Such forums should comprise at least the following: Ward Councillors, council officials, consultants, developer representatives and community interest based representatives. Each forum should draw up its terms of reference and report at agreed intervals to the responsible Council Committee. The agendas and minutes of these meetings should be made available to the public on request.

4.8 Communication of information concerning Community Participation

Section 18 (1) states that: "A municipality must communicate to its community information concerning the available mechanisms, processes and procedures to encourage and facilitate community participation, and

Section 18 (2) states that: "When communicating the information a municipality must take into account the language preference and usage in the municipality and the special needs of people who cannot read or write".

4.9 Communications to Local community

Section 21 (1) states that: "When anything must be notified by a municipality through the media to the local community in terms of this Act or any other applicable legislation it must be done:

- In the local newspaper or newspapers of that area

- In a newspaper or newspapers circulating in its area and determined by council as a newspaper of record; or
- By means of radio broadcasts covering the area of the municipality

Sections 21 (2) to (5) place obligations on a municipality relating to language preference, points of publication, conditions for written representations from the public, reasonable assistance from council to the public to aid with submissions.

Sections 18 to 21 deal with communicating to the public and access of the public to information through meetings or other means.

The objectives, values and principles outlined below, are based on a deep commitment of Council to ensure best practice in all forms of public participation in the Ngqushwa Municipal area, to entrench effective governance and to deepen democracy.

4.10 Values that inform a Public Participation Policy

The following values underpin the Ngqushwa Municipal Council's policy on public participation:

- Councillors and employees of the Ngqushwa Municipal Council:
- Are accountable to the community they serve and act on behalf of the residents in the Ngqushwa municipal area by focusing on efforts to discover and meet customer needs;
- Believe in transparency and all initiatives are open to scrutiny;
- Are honest and uncompromising in producing work that meets the service delivery requirements of Council's vision and strategic objectives;
- Are committed to the transformation of society and the workplace and will ensure equity and anti-discrimination;
- Show concern for the people resident within the Ngqushwa municipal area;
- Value the fair and consistent treatment of customers;
- Believe in transparent participation, promoting fair, yet efficient decision-making.

4.11 General arrangements to meet Participative requirements

4.11.1 Public notice of Meetings

The Corporate Services Directorate will be responsible for public notices of meetings. All notices should conform to the requirements set out in sections 17, 18, 19 and 21 of the Municipal Systems Act.

4.11.2 Admission to Public Meetings

Section 20(1) of the Systems Act, 2000 provides that meetings of the Council and of its Committees are open to the public, including the media. The Council or its Committee may only exclude the public and media, when it is reasonable to do so having regard to the nature of the business being transacted. A by-law or resolution of the Council must specify the circumstances in which such meetings may be closed. The Council's Standing Rules of Order, allow for meetings to be held in committee.

Section 20(3) of the Systems Act provide that the Executive Committee may close any or all of its meetings to the public and the media, when it is reasonable to do so having regard to the nature of the business being transacted.

Section 20(2) sets out the matters, to be considered by Council or its committees in respect of which meetings may not be closed:

- Draft by-law;
- Budget;
- Draft integrated development plan;
- Draft performance management system;
- Decision to enter into a service delivery agreement; and
- Any matter prescribed by legislation.

4.11.3 Accessibility of Information

The Promotion of Access to Information Act, 2000, sets out the procedure to be followed by members of the public to obtain access to records. The Act further sets out grounds for refusal of access to information, and makes provision for an appeal mechanism.

4.11.4 Language

Account is taken of national and provincial legislation on the recognition of official languages and these will be used as a minimum framework. The diversity of the community in the Ngqushwa municipal area is recognized and every effort will be made to use of an appropriate language in any participation process.

In terms of section 18 of the Municipal Systems Act, Council must take into

account language preferences of its community when providing information and/or interacting with such community.

4.11.5 Meeting the needs of people with special requirements

In terms of section 17 of the Municipal Systems Act, Council must take into account the special needs of:

- People who cannot read or write,
- People with disabilities,
- Women, and
- Senior Citizens.

This should be interpreted to mean that these groups must not be excluded and the Ngqushwa Municipal Council should provide for their meaningful participation.

4.11.6 Council initiatives requiring public participation

4.11.6.1 Participation in Ngqushwa Municipal Council's IDP Process

The Municipal Systems Act (32 of 2000) states the following in Sections 28 and 29 regarding participation requirements and the development of the Integrated Development Plan:

Section 28 (1): "Each municipal council must adopt a process set out in writing to guide the planning, drafting, adoption and review of its integrated development plan."

Section 28 (2): "The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4 (as discussed above), consult the local community before adopting the process."

Section 28 (3): "A municipality must give notice to the local community of particulars of the process it intends to follow."

Section 29 (1): "The process followed by a municipality to draft its integrated development plan, including its consideration and adoption of the draft plan, must

Be in accordance with a predetermined program specifying timeframes for the different steps;

Through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for:

The local community to be consulted on its development needs and priorities;
The local community to participate in the drafting of the integrated development plan; and

Organs of state, including traditional authorities and other role players to be identified and consulted on the drafting of the integrated development plan.”

4.11.6.2 The Ngqushwa Municipal Council shall:

- Annually draft an Integrated Development Planning (IDP) process, setting out the steps in the drafting of the plan, the adoption, review and monitoring process;
- Refer the process document to Ward Committees for comment;
- Give notice to the local community of particulars of the process it intends to follow in accordance with the approved, predetermined program specifying timeframes for the different steps
- Consult the local community, organs of state and other role- players, through ward structures and/or public meetings on its development needs and priorities and at predetermined intervals as specified in the process document.

4.12 Participation in the Budgeting process

Participation in the budgeting process will be based on the approved process plan of the Integrated Development Planning process.

5. Institutional Roles and Responsibilities

Role	Authority
The support for the participatory component of the political system resides with the Office of the Speaker	Speaker
The Speaker, who chairs Council meetings, is responsible for ensuring that Ngqushwa Municipal Council, through its elected Councillors, implements a dynamic and effective system of public participation	Speaker
The co-ordination of public participation processes through the Speaker’s Office does not mean the implementation of all the aspects of the public participation.	Municipal Manager
The management of the public participation process into the Integrated Development Plan and Budget would be managed through the required Directorates.	Municipal Manager
However, the co-ordination of how this process fits into the Ward Committee plan and public meetings that deals with input to the IDP and budget will be set up through proper	Municipal Manager

mechanisms within the Office of the Speaker (politically) and through the office of the Corporate Services Director, in consultation with the Municipal Manager (administratively).	
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6. MONITORING AND EVALUATION

The institutional responsibility, administration and review of the policy are vested in the authority of the Municipal Manager. Implementation and monitoring of the policy shall be the responsibility of the Speaker's Office.

It will be the responsibility of the Office of the Municipal Manager to consider the provisions of this policy on annual basis.

7. SUPPORTING DOCUMENTS

None

8. REFERENCES

None

9. APPENDIX

None