POLICY 012/2015 RAADSBELEID

ONDERWERP: PARTICIPATORY WARD COMMITTEE SYSTEM POLICY

VERWYSING: 3.1.B

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Preamble

Mindful of the legislative responsibility of Ward Committees in enhancing public participation in local government decision making,

Recognizing the need for Ward Committees to have guidelines on how to enhance public participation,

Desiring that Ward Committees engender and maintain the spirit of public participation in the community,

Guidelines to support Ward Committees in their all important task is hereby issued.

1. DEFINITIONS

In these guidelines a ward or a phrase to which has been assigned in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), has that meaning, unless the context otherwise indicates.

2. THE LEGISLATIVE FRAMEWORK FOR WARD COMMITTEES

(1) SA Constitution

Section 152 (1)(e) obliges municipalities to encourage the involvement of communities and community organizations in the affairs of local government.

(2) White Paper on Local Government

The White Paper on Local Government addresses the matter of participatory democracy by suggesting four objectives for community participation in local government:

(a) To ensure that political leaders remain accountable and work within their mandate.

(b) To allow citizens (as individuals or groups) to have continuous input in local policies.

(c) To allow service consumers have input on the way services are delivered.

(d) To afford organized civil society the opportunity to enter into partnerships and contracts with local government to mobile additional resources.

The above can also be seen as the broad objectives of Ward Committees.
(3) **The Municipal Structures Act**  
The Municipal Structures Act simply says that:  

“That objective of a Ward Committee is to enhance participatory democracy in local government”

(4) **The Municipal Systems Act**  
Chapter 4, Section 16 of the Municipal Systems Act, explains that a system of participatory governance is meant to complement formal representative local government and should not interfere with the municipal council’s right to govern. Nevertheless the participation envisages is significant and includes:

(a) Preparation, implementation and review of the IDP  
(b) Implementation and reviewing the PMS and Performance outcomes  
(c) Budgeting  
(d) Consultation on service provision strategies  
(e) The municipality is also obliged to build the capacity of the community, staff and Councillors to aid participation.

Other legal possibilities for the public (Ward Committees) to interact with council are set out in Section 17 of the Municipal Systems Act and include:

(a) Systems for handling petitions and complaints  
(b) Procedures for public notification and return for public comments  
(c) Consultative sessions with locally recognized CBO’s  
(d) Reporting back procedures  
(e) Establishing advisory committees

3. **PURPOSE OF POLICY FRAMEWORK**  
To provide uniform and simplified guidelines to Ward Committee members, Ward Councillors and the //Khara Hais Municipality on the establishment and operation of Ward Committees.

4. **ESTABLISHMENT PROCESS**  
(1) //Khara Hais Municipality has been established, in terms of Section 9(b) of the Municipal Structures Act, 1998 (Act 117 of 1998), as a type of municipality with an Executive Committee system combined with a ward participatory system.

(2) The //Khara Hais Municipal Council has subsequently resolved at the Council meeting on 17 July 2000 that, in terms of Section 72(2) of the Municipal Structures Act, 1998 (Act 117 of 1998) to have Ward Committees.

(3) This policy framework will be effective from the date when the //Khara Hais Municipality adopts and publishes an establishment notice for Ward Committees.

5. **STATUS OF WARD COMMITTEES**  
(1) The object of a Ward Committee is to enhance participatory democracy in local government and as such is meant to be an institutionalized channel of communication and interaction between communities and municipalities.
A Ward Committee:
(a) Is an advisory body;
(b) is independent; and
(c) must be impartial and perform its functions without fear, favour or prejudice; and

A Ward Committee does not carry any mandate form a constituency and as such has no mandate to govern the ward, and as such may not impede, interfere or hamper with the right of the municipal council to govern its affairs.

FUNCTIONS AND POWERS OF WARD COMMITTEES
(1) A Ward Committee may make recommendations on any matter affecting its ward to the Ward Councillor; or through the Ward Councillor to the Council, or the executive committee.

(2) A Ward Committee may have such duties and powers as may be delegated to it by the Council in terms of section 59 of the Municipal Systems Act, and where such delegations will be subject to the following principles:

(a) That delegations should not create parallel structures that would result in the duplication of functions.
(b) That the delegations shall be exercised with proper regard to the council’s strategic direction, policies, plans and its interpretation of its statutory obligations.
(c) That no function, duty or power are being delegated which are being prohibited by statute.
(d) That any such delegation is subject to and do not affect any delegation which the Council has already made or subsequently makes to any other Committee, a Council officer or other member of its staff.
(e) That any delegation is subject to any other statutory requirement that may apply to a particular delegation.
(f) That any delegation is subject to any major issues being referred to Council for final decision.
(g) That delegations should not be made where municipal wide interest or implications are at stake.
(h) That delegations should not be made which involves financial implications for the municipality.

(3) The following represents duties and powers that may be delegated to Ward Committees by municipalities:-

(a) To serve as an official specialized participatory structure in the municipality.
(b) To create formal unbiased communication channels as well as co-operative partnerships between the community and the Council. This may be achieved as follows:-

(i) Advise and make recommendations to the Ward Councillor on matters and policy affecting the ward.
(ii) Assist the Ward Councillor in identifying conditions, problems and resident’s needs.
(iii) Spread information in the ward concerning municipal issues such as the budget, integrated development planning, service delivery options and municipal properties.

(v) Ensure constructive an harmonious interaction between municipality and community through the use and co-ordination of ward residents meetings and other community development forums.

(vi) Interact with other forums and organizations on matters affecting the ward.

(c) To serve as a mobilizing agent for community action. This may be achieved as follows:-

(i) Attending to all matters that affect and benefit the community.

(ii) Acting in the best interest of the community.

(iii) Ensure the active participation of the community in:

(aa) Service payment campaigns

(bb) The integrated development planning process

(cc) The municipality’s budgetary process

(dd) Decisions about the provision of municipal services

(ee) Decisions about bylaws

(d) No executive powers will be delegated to Ward Committee members.

(4) A Ward Committee may, subject to available capacity and resources, conduct an annual satisfaction survey in order to assist the committee in the execution of its functions and powers. The satisfaction survey should be administered in the ward by Ward Committee members under the supervision of the Ward Councillor and with the administrative support of the municipality.

7. **CAPACITY BUILDING AND TRAINING**

(1) Ward Committees should do an annual capacity building and training needs assessment for members of the Committee.

(2) An annual capacity building and training programme should be developed for each member of the Ward Committee.

(3) An annual budget for the Capacity Building and Training Programme should be prepared according to the needs assessment.

(4) The following requirements may be included in the training and capacity building programmes of municipalities.

(a) Generic training needs, including:

(i) Basic literacy

(ii) Communication

(iii) Interpersonal skills

(iv) Community upliftment

(v) Conflict Management & negotiation skills

(vi) Democracy and community participation

(vii) Identification, monitoring and prioritization of needs. The above will include basic training in survey methodology.
(viii) Leadership

(b) Training on municipal policy and processes, including:
   (i) Principles of good governance
   (ii) The establishment of Ward Committees, its terms of reference, nature & functions
   (iii) Municipal structures, legislation and processes
   (iv) Intergovernmental community development
   (v) Municipal Service Partnerships
   (vi) Payment for services (credit control)

(c) Specialised training needs, including:
   (i) Meeting procedures and secretarial services (minute taking, report writing, letter writing, etc).
   (ii) Administration (clerical/administrative skills, book-keeping, basic accounting, etc).
   (iii) Budgeting.
   (iv) Monitoring and evaluation.
   (v) Policy development.
   (vi) Project management.
   (vii) Stress management.
   (viii) Performance management.

8. **COMPOSITION OF WARD COMMITTEES**

(1) A Ward Committee consists of the Councillor representing that ward in the Council who must also be the Chairperson of the Committee and not more that ten other persons.

(2) The procedures for electing members must take into account the need for women to be equitably presented in a Ward Committee and for a “diversity of interests” in the ward to be represented.

(3) Gender equity may be pursued by ensuring that there is an even spread of men and women on a Ward Committee.

(4) A diversity of interests may be pursued by ensuring the inclusion of as many as possible of the following interest groups on a Ward Committee:-

   (a) Youth
   (b) Women
   (c) Religious groupings
   (d) Sports and Culture
   (e) Health and welfare
   (f) Business
   (g) Environment
   (h) Education
   (i) Senior citizens
   (j) Community safety forums
   (k) Community based organizations
   (l) Ratepayers’ associations
   (m) Traditional leaders
   (n) Agriculture associations
   (o) Informal Traders’ associations
(p) The disabled
(q) Employment

(5) Unless a Ward Councillor wishes to appoint a secretary, the Ward Committee may appoint a Secretary, Assistant Secretary and a Treasurer from their membership to fulfill relevant duties of the Ward Committee.

(6) A Ward Councillor may delegate in writing the chairing of a meeting in his/her absence to a PR Councillor or any member of the Ward Committee.

(7) A Ward Committee may establish one or more subcommittees necessary for the performance of its and to involve organizations more broadly.

(8) A Ward Committee must appoint the members of such a subcommittee appoint a chairperson from its members and determine the function of such a committee.

(9) The Ward Committee and subcommittees could come together as a ward forum for major discussion.

(10) All stakeholders in the ward are encouraged to participate in subcommittees that are relevant to their fields of interest and to their day-to-day functioning as a sector.

9. **ROLE OF THE WARD COUNCILLOR**

(1) The Ward Councillor should make sure that the interests of the people in the ward are represented equally.

(2) The Ward Councillor should be in touch with the issues in the area, understand the key problems and monitor development and service delivery. In Committees, caucus and Council Meetings, the Ward Councillor should act as a spokesperson for the people in the ward.

(3) The Ward Councillor is the direct link between the Council and the voters. He/she must make sure that voters are consulted and kept informed about Council decisions, development and budget plans that affect them.

(4) The community can also bring their problems to the Ward Councillor and he/she should deal with these in an appropriate way.

10. **ELECTION CRITERIA**

(1) The following election criteria applies for the electing of Ward Committee members:

(a) To be elected as a member of a Ward Committee, a person must be a registered voter in the ward.

(b) A person is not eligible for election if he or she works for the local municipality of the district municipality within which the local municipality falls.

(c) A person should not be in arrears to the municipality for rates and service charges for a period longer than 3 months.
(d) A person should not be a rehabilitated insolvent.

(e) A person should not be elected who is placed under curatorship.

(f) A person should not be elected who after February 1997 has been convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than 12 months.

(g) Persons of unsound mind who have been declared so by a competent court cannot be elected.

(h) Members should be active in the sector or geographic area they represent and should be motivated to work on the Ward Committee by their commitment to working for a better life for their constituency.

11. **ELECTION PROCEDURE**

1. The rules regulating the procedure to elect members to the Ward Committee must take into account the need for women to be equitably represented and for a diversity of interests to be represented.

2. Two different election models will apply for the municipal area, which are respectively based on sectoral and geographic representation. The model of sectoral representation will generally apply to ward in urbanised areas whereas the model for geographic representation will generally apply to wards in rural areas.

3. Any combination of the above model, or any other alternative to the above models, may be motivated in full for the Council to consider and approve where such proposed alternative model may, in accordance with special circumstances, justify such alternative model to promote the objectives of this policy framework.

4. **Sectoral election model**

   (a) **Identification of interest groups**

   (i) The Council, through consultation with the community in the respective wards, identifies the key performance areas in terms of community priorities of each ward.

   (ii) The Council invites interest groups to state their interest in and concern with any of the key performance areas.

   (iii) The Council identifies the groups that have a demonstrable interest in any of the key performance areas and represent residents of the area.

   (iv) The Council identifies the clusters of interest groups (no more than ten) that qualify for election.

   (b) **Election should take place as follows:**

   (i) Council in consultation with the Ward Councillor calls a meeting in the ward for the election of a Ward Committee.
(ii) Only residents who are registered voters may vote at the meeting.

(iii) In each cluster, identified groups nominate a representative.

(iv) The meeting votes by majority (50% plus one) for representivity of that cluster. If no one gets the majority vote, the top three candidates go through to the next round.

(5) Geographic election model

(a) Identification of interest groups:

(i) The Council identifies the villages, clusters of farms or any other homogeneous geographical areas that will represent, as far as possible, an equitable spread of the residents in the ward.

(ii) Each village, cluster of farms or other identified geographical area is requested to nominate a representative.

(iii) If five or less villages are identified, a male and female representative should be nominated by each village.

(b) Election should take place as follows:

(i) Council in consultation with the Ward Councillor calls a meeting in the ward for the election of a Ward Committee.

(ii) Only residents who are registered voters may vote at the meeting.

(iii) Each village, cluster of farms or other identified geographical area nominates a representative.

(iv) Only residents within an identified village, cluster of farms or other geographical area may vote for such nominee(s) from such respective area within which they reside.

(v) The meeting votes by majority (50% plus one) for a representative of a village, cluster of farms or other identified geographical area.

(6) The election process is to be co-ordinated by the Ward Committee co-ordinator of the municipality with the consent of the Municipal Council.

(7) The election procedures will be as follows

(a) The Ward Councillor and office of the Mayor and the Speaker must co-ordinate a schedule of meetings for election purposes.

(b) An information meeting on Ward Committees and related processes and procedures should be conducted by the Ward Councillor in each ward prior to the election of a Ward Committee.

(c) The Ward Councillor and relevant administrative component must ensure that:

(i) Meetings are fully representative of almost all villages/stakeholders within the ward, although no quorum for the elections is required.

(ii) An attendance register is completed.
(iii) All people taking part should be registered voters of that ward.
(iv) Women are equitably represented.

(d) Voting can take place by a majority show of hands or a formal ballot process if circumstances so desire.

12. **CONDUCT OF MEMBERS**

(1) A member of a Ward Committee:

(a) Must perform the functions of the Committee in good faith and without fear, favour or prejudice.

(b) May not use the position of privileges of a member for private gain, or to improperly benefit another person.

(c) May not act in any other way that compromises the credibility, impartiality, independence or integrity of the Committee.

(d) Must adopt the principle of accountability to the community and other political parties.

(e) 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.

(f) Must adopt the principle of transparency to promote openness, sincerity and honesty among all the role players in a participation process and promote the existence of 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.

(g) Must recognize diversity and understand the differences associated with race, gender, religion, ethnicity, language, age economic status and sexual orientation, among others.

(h) 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 processes of the Ward Committee.

(i) Must provide an apology with a valid reason to the Chairperson if a meeting cannot be attended.

(j) Members have the duty to observe mechanisms, processes and procedures of the municipality.

(2) Ward Committee members must sign a Code of Conduct, which should be administered by the Ward Councillor.
13. **WARD COMMITTEE MEETINGS**

(1) **Chairperson**

(a) Ward Committee meetings are convened and chaired by the Ward Councillor.

(b) Members of the Ward Committee must submit items to be discussed to the Chairperson well in advance.

(c) The chairperson will be responsible to prepare an agenda for Ward Committee meetings.

(2) **Frequency of meetings**

(a) Ward Committees must determine a programme for Ward Committee meetings at the beginning of the year to coincide with meetings of the Municipal Council.

(b) Regular meeting intervals need to be determined.

(c) A Ward Committee must meet at least once a month.

(d) All Ward Committees in a given municipality should as far as reasonably possible adhere to the same meeting intervals.

(e) The Mayor and/or Speaker may call for additional Ward Committee meetings as may be required by planning processes or may be warranted by any other pressing matter of Council.

(3) **Quorum and decisions**

(a) A majority of Ward Committee members must be present before a vote may be taken on any matter (50% + 1 member).

(b) A Ward Committee shall endeavour to take decisions based on consensus.

(c) If consensus on any matter cannot be achieved such matter may be determined by a supporting vote of least the majority of the members of the committee (50% + 1 of the committee members present).

(4) **Attendance of Ward Committee meetings**

Ward Committee meetings may be attended by the general public on invitation.

(5) **Public meetings (Ward meetings)**

(a) Public meetings are mainly held in order:-

(i) To register the concerns and inputs of the community with regard to service delivery, general development of the community, disaster management and any other municipal concern the community may have.
(ii) To report back to the public on issues that affects it.

(b) Ward or public meetings should be chaired by the Ward Councillor. A Ward Councillor may delegates in writing the chairing of the meeting in his/her absence to a PR Councillor or any member of the Ward Committee.

(c) If the committee decides to hold a public meeting, it must publish a notice in a newspaper circulating in the area concerned stating the time, date and place of the meeting or each meeting and inviting the public to attend the meeting or meetings.

(d) The scheduled date, time and place of the public meeting should be convenient so as to encourage the greatest number of people to attend.

The venue:

(i) must be in a well known place.
(ii) must be easily accessible and where possible, also disabled-friendly.
(iii) must be large enough to accommodate all people present.

(e) When the committee publishes a notice, it must convey, where appropriate, by radio or other appropriate means of communication, such as direct mail outs and posters or notices in key areas such as clinics, schools, bus stops, libraries, the contents of the notice in the area concerned.

(f) At a public meeting a representative of the committee must:-

(i) Explain the meeting procedures, such as adoption of agenda, time allowed for questions, etc.
(ii) Explain the issues the committee has to consider, including any options open to committee.
(iii) Allow members of the public attending the meeting to air their views on these issues.
(iv) Answer relevant questions.
(v) Keep minutes of the meeting and inform the public that Ward Committee meeting and public meeting minutes are public documents and that the community has access to these documents and may make copies at their own cost.
(vi) Give feedback on previous issues, including reasons if there is a lack of progress.

(g) Public meetings are not political platforms and Ward Committee members and the public should refrain from making party political statements, campaigning and canvassing.

(h) For the purposes of participation in public meetings, a Ward Committee may keep a register of interest groups and organization that are active in the ward.
(6) **Procedures**
A Ward Committee with a supporting vote of the majority of its members may determine its own procedures subject to any directions of the Councillor.

(7) **Work programme**
The Ward Committee:-

(a) must submit a programme with specific outputs of work for one year to the office of the Municipal Manager in July of each year.

(b) must perform the functions as set out to achieve and indicated in the work programme:-

(i) on own initiative
(ii) on request by the Councillor
(ii) on request by the Municipal Manager
(iv) in accordance with priorities and reasonable time frames determined by the Municipal Manager.

14. **ADMINISTRATIVE SUPPORT**

(1) Administrative support for Ward Committees will be provided as follows:

(a) To develop and provide capacity building and training programmes for Ward Committees on an ongoing basis during their term of office.

(b) To facilitate Ward Committee elections.

(2) Council may also resolve, subject to available capacity and resources, to provide the following administrative support for Ward Committees:

(a) The promotion of Ward Committees in the community by informing the communities of the roles and responsibilities of Ward Committees.

(b) The issuing of formal identification cards to Ward Committee members so that they are recognized as legitimate Ward Committee members amongst the communities.

(c) The permanent availability of administrative staff capacity to assist with all scheduled/non-scheduled Ward Committee meetings and to assist the Ward Councillor and members in fulfilling their clerical and administrative functions such as bookings, arrangements and minutes of meetings.

(d) To identify/build/arrange central meeting places in the ward where communities have access to information and where Ward Committees can meet.

(e) To provide any logistical resources other than necessary stationary for Ward Committees to fulfill their functions.

(f) To assist the Ward Committees in fulfilling their tasks.
(g) To provide municipal transport to Ward Councillors and ward members in particular circumstances at the request of the Ward Councillor.

15. **TERM OF OFFICE**

(1) Members of a Ward Committee are elected for a period of no less and no longer than 5 (five) years.

(2) Members may only serve for two consecutive terms, where after at least one term of 5 (five) years should past before such member is eligible to participate in ward elections and be elected on such Ward Committee.

16. **VACANCIES**

(1) The Ward Councillor must fill a vacancy by declaring as elected the person who received the second highest number of votes in terms of the previous election.

(2) If nobody can be declared elected in the above manner, the Ward Committee can co-opt a Ward Committee Member by means of consensus. This must be done in conjunction with the Office of the Speaker. This co-optation can only take place where the relevant Ward Committee consists out of at least five Ward Committee Members. If there is less than five Ward Committee Members pertaining to the relevant Ward Committee, the election process must be repeated.

17. **TERMINATION OF MEMBERSHIP**

(1) The following may serve as sufficient motivation to terminate the membership of Ward Committee members:-

(a) Death
(b) Resignation
(c) Relocation from ward
(d) Election to position of Councillor
(e) Failure to attend three consecutive meetings of the Ward Committee without apology
(f) Proven involvement in corruption
(g) Failure to adhere to meeting procedures of misconduct during Ward Committee meetings
(h) Does not submit priorities with the mandate of the community
(i) Becomes involved in activities that undermine the Council or Ward Councillor’s authority.
(j) Dismissed in accordance with the resolution of the Ward Committee or by the executive mayor in consultation with the Ward Councillor.
(k) Cease to be a member of the organization he/she represents
(l) Is insolvent or declared mentally incompetent by a competent court.

18. **REMUNERATION AND FINANCIAL SUPPORT**

(1) An out of pocket allowance (stipend) to the amount of R500.00 for attending monthly Ward Committee Meetings to be paid to each Ward Committee Member. This payment will be subject to the following Key Performance Indicators:

- At least one Ward Committee Meeting per month (January to November).
• Ward Committee Member must attend the meeting (refer to attendance register).
• Monthly report back on door to door campaigns and/or interactions with relevant NGO’s.
• Monthly update of database on indigent households.

(2) The Municipality **must** annually budget for:-

(a) Out of pocket expenses (see National Guidelines) of members of Ward Committees in respect of their participation in Ward Committees, and will include:

(i) a standard basic allowance for administrative expenses and refreshments per ward meeting,

(ii) an allowance to cover actual cost of venues and other equipment as required per ward per meeting and as budgeted for by responsible Ward Councillor, and

(iii) an allowance to cover actual traveling cost per ward per meeting for its members and as budgeted for by the responsible Ward Councillor.

(b) Capacity building and training programmes for committee members.

(c) Administrative support as provided for.

19. **ACCOUNTABILITY**

(1) As the accounting officer for the Ward Committee, the Councillor must:-

(a) Keep full and proper records of:-

(i) Minutes of meetings which should be submitted to the administration for information within three weeks of such meeting.

(ii) All incomes and expenditure of the committee.

(iii) All assets, liabilities and financial transactions of the committee.

(b) Ensure that the committees’ available resources are properly safeguarded and used in the most effective and efficient way.

(c) Ensure that all statutory measures applicable to the committee are complied with.

(d) Ensure the preparation of financial statements in accordance with general accepted accounting practice within a month after the end of each financial year.

(e) Ensure that all decisions taken by the Ward Committee is formalized and submitted to the Office of the Mayor for presentation at the Council at intervals determined by the Speaker.

(f) Must report a view adopted by the Ward Committee to the Council but can have his or her disagreement with the view in the report.
(g) Ensure the production of a progress report on major achievements and areas of failure with reasons two months after the end of the financial year.

(h) Submit the progress report to the Municipal Manager for a review of the performance of the committee.

(i) Implement any corrective measures to ensure effective and efficient performance of the committee as suggested by the Municipal Manager.

20. **DISPUTE RESOLUTION**

(1) The following mechanisms will apply when disputes arise within Ward Committees:

(a) Every effort should be made to deal with disputes.

(b) When a dispute arises, the Ward Councillor should appoint a person or persons (maximum 2) to try and resolve the dispute through mediation.

(c) If the attempt at mediation fails, the matter then goes to the Ward Councillor who should arbitrate, provided that the matter does not involve the Councillor and the majority of the members of the committee.

(d) If the majority of committee members are still aggrieved, the matter should be taken to the Council through the Office of the Mayor / Speaker. This should be avoided as far as possible.