

POLICY 022/2016 RAADSBELEID

MUNICIPALITY DAWID KRUIPER MUNISIPALITEIT

SUBJECT/ONDERWERP: **PUBLIC PARTICIPATION POLICY**

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1. **INTRODUCTION**

This policy provides a framework for public participation in the **//Khara Hais Municipal** area. The policy builds on the inputs from the Draft National Policy Framework for Public Participation. It supports the commitment of the National Government to deepen democracy, which is embedded in the Constitution and above all to provide for participatory engagements at grassroots level.

2. **OUR PLEDGE**

The **//Khara Hais Municipality** declares its resolved commitment to:

1. Have a form of participation which is **genuinely empowering**.
2. **Not** engage in **token consultation or manipulation**.
3. Give priority and support to its Ward Committees that forms an integral and important part of its Legislative arm.
4. Assist the Ward Committees to plan at a local level (**Ward-Based Planning- WBP**).
5. Implement and monitor the WBP using a range of working groups and CBOs.
6. Support community-based services, and to support these local structures through a cadre of Community Development Workers (**CDW's**).
7. Improve the accountability of ward and municipal structures to each other and to the communities they serve.
8. Improve the linkages between provincial and national departments to their clients.

We believe that if we do this we have a chance to making our democracy and Municipal governance structures firmly rooted in our people.

3. **THE BASIS FOR PUBLIC PARTICIPATION**

We promote public participation for the following four main reasons.

1. Firstly, public participation is encouraged because it is a legal requirement to consult.
2. Secondly, it could be promoted in order to make development plans and services more relevant to local needs and conditions.
3. Thirdly, participation may be encouraged in order to hand over responsibility for services and promote community action.
4. Lastly, public participation could be encouraged to empower local communities to have control over their own lives and livelihoods.

Our Basic assumptions underlying public participation include:

1. Public participation is designed to promote the values of good governance and human rights.
2. Public participation is acknowledged as a fundamental right of all people to participate in the governance system.

3. Public participation is designed to narrow the social distance between the electorate and elected institutions.
4. Public participation requires recognising the intrinsic value of all of our people, investing in their ability to contribute to governance processes.
5. People can participate as individuals, interest groups or communities more generally.
6. In South Africa in the context of public participation a community is defined as a ward, with elected Ward Committees. Hence Ward Committees play a central role in linking up elected institutions with the people, and other forums of communication reinforce these linkages with communities like the izimbizo, roadshows, the makgotla and so forth.

4. **LEGISLATIVE FRAMEWORK**

The notion of public participation at Local 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 the local sphere of government the Constitution states:

"Section 151(1) (e) - obliges municipalities to encourage the involvement of communities and community organisations in local government."

The **Municipal Systems Act 2000** defines *"the legal nature of a municipality as including the local community within the municipal area, working in partnerships with the municipality's political and administrative structures....to provide for community participation"*. Section 16(1) requires the municipality to develop 'a culture of municipal governance that complements formal representative government with a system of participatory governance'. According to the Systems Act:

"Section 4 (c) & (e) The council has the duty to...

(c) encourage the involvement of the local community

(e) consult the community about the level quality, range and impact of municipal services provided by the municipality, either directly or through another service provider

Section 5

(a) Members of the community have the right...

(b) to contribute to the decision-making processes of the municipality and submit written or oral recommendations, representations and complaints to the municipal council...

(c) To be informed of decisions of the municipal council.

- (d) *To regular disclosure of the affairs of the municipality, including its finances*

Section 16 (1)

- (a) *Encourage and create conditions for the community to participate in the affairs of the municipality, including in the IDP, performance management system, monitoring and review of performance...preparation of the budget, strategic decisions re municipal services*

- (b) *Contribute to building the capacity of the local community to participate in the affairs of the municipality and councillors and staff to foster community participation..."*

Section 42: A municipality, through appropriate mechanisms, processes and procedures ...must involve the local community in the development, implementation and review of the municipality's performance management system, and in particular, allow the community to participate in the setting of appropriate key performance indicators and performance targets of the municipality"

5. **Forms of participation**

We commit ourselves to the following forms of public participation:

Some Delegated power - in this regard the Municipality ultimately runs the decision-making process and funds it, but communities and Ward Committees are given some delegated powers to make decisions. People participate in joint analysis, development of action plans and formation or strengthening of local institutions. The process involves interdisciplinary methodologies that seek multiple perspectives and make use of systemic and structured learning processes. As groups take over local decisions and determine how available resources are used, so they have a stake in maintaining structures or practices.

Partnership - an example is joint projects - community has considerable influence on the decision making process but the government still takes responsibility for the decision. Participation is seen by external agencies as a means to achieve project goals, especially reduced costs. People may participate by forming groups to meet predetermined objectives related to the project. Such involvement tends to arise only after external agents have already made major decisions. Participation may also be for material incentives where people participate by contributing resources, for example, labour in return for food, cash or other material incentives.

Proper Consultation - community is given information about the project or issue and asked to comment - e.g. through meetings or survey and their views may be reflected in the final decision, or feedback will be given as to why not.

Informing - Community is told about projects and events- e.g. through meetings or leaflets. Also the use of Community Radio to be actively canvassed.

6. Values of public participation

In order to make this a reality we must be guided by a set of values:

Inclusivity Embracing all views and opinions in the process of community participation.

Diversity In a community participation process it is important to understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation. These differences should be allowed to emerge and where appropriate, ways sought to develop a consensus. Planning processes must build on this diversity.

Building community Capacity-building is the active empowerment of role players

Participation so that they clearly and fully understand the objective of public participation and may in turn take such actions or conduct themselves in ways that are calculated to achieve or lead to the delivery of the objectives.

Transparency Promoting openness, sincerity and honesty among all the role players in a participation process.

Flexibility The ability to make room for change for the benefit of the participatory process. Flexibility is often required in respect of timing and methodology. If built into the participatory processes upfront, this principle allows for adequate public involvement, realistic management of costs and better ability to manage the quality of the output.

Accessibility At both mental and physical levels - collectively aimed at ensuring that participants in a public participation process fully and clearly understand the aim, objectives, issues and the methodologies of the process, and are empowered to participate effectively. Accessibility ensures not only that the role players can relate to the process and the issues at hand, but also that they are, at the practical level, able to make their input into the process.

Accountability The assumption by all the participants in a participatory process of full responsibility for their individual actions and conduct as well as a willingness and commitment to implement, abide by and communicate as necessary all measures and decisions in the course of the process.

Trust, Commitment and Respect Above all, trust is required in a public participatory process. Invariably, however, trust is used to refer to faith and confidence in the integrity, sincerity, honesty and ability of the process and those facilitating the process. Going about participation in a rush without adequate resource allocations will undoubtedly be seen as a public relations exercise likely to diminish the trust and respect of community in whoever is conducting the process in the long term, to the detriment of any public participation processes.

Integration That public participation processes are integrated into mainstream policies and services, such as the IDP process, service planning.

7. **MAKING PUBLIC PARTICIPATION A REALITY**

7.1 **Strengthening of Ward Committees with clear delegated functions**

Council pledge to continue its support to strengthen the established and functional Ward Committees. The role of the Ward Committees is to enhance participatory democracy in local government. Ward Committees are an independent advisory body that must be impartial.

7.1.1 **Council's obligation to all Ward Committees is to**

1. Render administrative support services to Ward Committees in terms of a secretariat function by the Customer Care staff.
2. Provide accommodation for Ward Committee Meetings within the relevant Council offices.
3. Provide Office equipment like access to fax machine, photo copiers, telephones and computers.
4. Any other administrative support as approved by the Municipal Manager in consultation with the Speakers to ensure the effective functioning of the Ward Committees.
5. Support the Ward Committees to implement their plans by using discretionary funds provided for in the budget.
6. Providing facilitation and support to Ward Committees using community development workers.
7. Provide appropriate training to Ward Committees.
8. Properly consider recommendations and proposal emanating from WBP and Ward Committees.

7.1.2 **Roles and responsibilities of all Ward Committees**

1. Ward Committees must meet at least once a month, but may resolve to meet more frequently.
2. Ward Committees shall be one of the key drivers of ward base planning.
3. Ward Committees must make recommendations on any matters affecting the ward to the Ward Councillor or through the Ward Councillor to the municipality.
4. Ward Committees to adhere to the values of public participation as set out in this policy.
5. Ward Committees serve as an official specialised participatory structure.
6. Ward Committees must create formal unbiased communication channel as well as co-operative partnerships between the community and the council.
7. Ward Committees serve as a mobilising agent for community action, in particular through the IDP process and the municipality's budgetary process.
8. Ward Committees shall hold such other duties as delegated from time to time by the council.

7.1.3 Roles and responsibilities of Ward Councillors:

1. Ward Councillors to assist the Speaker to ensure the effective functioning of Ward Committees.
2. Ward Councillors to adhere to the values of public participation as set out in this policy.
3. Ward Councillors to supervise and oversee the activities at Ward Committee office.
4. Ward Councillors together with the Ward Committee must create formal unbiased communication channels as well as co-operative partnerships between the community and the council.
5. Ward Councillors together with the Ward Committee serve as a mobilising agent for community action, in particular through the IDP process and the municipality's budgetary process.
6. Ward Councillors shall hold such other duties as delegated to them from time to time by the council.

7.1.4 Ward Committee members must in the performance of their functions and duties:

1. Do so in good faith and without fear, favour or prejudice.
2. May not use the position or privileges of a member for private gain, or to improperly benefit another person.
3. May not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee and Council.
4. Must adopt the principle of accountability to the community and all political parties represented in council.
5. 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.
6. Must adopt the principle of transparency to promote openness, sincerity and honesty among all the role players in a participation process and promote 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.
7. Must recognize diversity and understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation, among others.
8. 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, youth and people with disabilities in the activities of the Ward Committee.
9. Must provide an apology with valid reason in writing to the chairperson or the secretary of the committee if a meeting cannot be attended.

7.1.5 Functional areas of Ward Committees

Ward Committees can cover a wide range of sectoral issues depending on the situation in the ward.

7.2 Ward-based planning

Our ward based plans will include but are not limited to:

1. An understanding of social diversity in the community, the assets, vulnerabilities and preferred outcome of these different social groups.
2. An analysis of the services available to these groups, as well as the spatial aspects of development and the strengths, weaknesses, opportunities and threats facing the community.
3. A consensus on priority outcomes for the ward.
4. Collective development of plans to address these outcomes, based on what the ward will do, what support is needed from the municipality, and what from other agencies.
5. Identification of support needed from the IDP.
6. A community budget for discretionary funds from the municipality to assist the community to take forward their ward plans.
7. An action plan for the Ward Committee to take forward their plan and help communities to reach consensus and to have direction.

Ward plans must ensure that our IDP is more targeted and relevant to addressing the priorities of all wards, including the most vulnerable. WBP provides Ward Committees with a systematic planning and implementation process to perform their roles and responsibilities. In other words, **ward plans provide an overall direction for development for the area, as well as an annual operational plan, the implementation, monitoring and evaluation of which gives Ward Committees an ongoing role through the year.**

7.3 Proposed and Anticipated activities for WBP and IDP for a financial year

Activity	Content
Preparing for planning	Plan/content/duration/planning cycle for WBP Process for developing the ward plans Selecting key Running training for, councillors, sector staff Packaging IDP information for WBP
Training of Facilitators	Training of facilitators from municipality, Ward Committees
IDP process plan	Process plan developed and approved by Council
Ward planning	Ward planning in all wards Documentation
Appraisal of ward discretionary budgets	Ward plans reviewed and discretionary budgets approved Questions sent to technical depts
Linking to IDP	packaging WBP information for IDP IDP process underway
Implementation of ward plans by wards	WBP implementation
Approval of IDP and Budget by Council	Council approves IDP and budget inclusive of relevant WBP project proposals
Feedback to community	Feedback to community on WBP projects included in the IDP and budget
IDP implementation	Implementation of IDP projects and programmes (including those drawn from ward plans)

7.4 **Ward action to implement**

The ward implements its action plan through structures such as working groups or subcommittees and civil society. These will be supported by community development workers, who have a critical role to play during the planning, as well as during implementation. The Municipality recognises the importance of communities playing an active role in implementation, including managing funds such as the discretionary funds per ward provided under WBP. The funding provided through the Municipal Grants in Aid Policy also strives to leverage voluntary action by communities.

Continuous training will need to be provided to Ward Committees, working groups and CBOs to strengthen implementation capacity and community level. This will include skills in financial management, time management, conflict resolution, implementation planning.

7.5 **A diverse approach to Public Participation**

We recognise that a diverse and multi-faceted approach is needed when interacting with our communities. To this end we will strive to regularly interact with communities and stakeholders through various means like:

1. Imbizo's.
2. Community meetings.
3. Special stakeholder forums, like tourism structures, business structure, rural communities, youth groups, rate payers associations etc.
4. Extensive media coverage should also be promoted through the use of both the printed, audio and audio visual media forms.
5. Electronic media forms like emails and internet should also leverage as an important communication tool.
6. Our own news letters, advertising, posters, banners, and articles should also be more progressively and frequently used as a public participation tool.

The list above is by no means a numeris clausa of our public participation initiatives.

7.6 **Community-based services**

The role of the Municipality is to strengthen and not replace community-based services. It has to build on community-based workers and group activities. Typically here is the important role for CBO's and NGOs to facilitate such services, supported by local government funds or enabling legislation.

7.7 **Accountability / Monitoring and Evaluation**

Accountability is one of the key principles of participation and Ward Committees are accountable to the communities they serve. Ward Committees can apply this principle by participating in the monitoring and evaluation of community projects; and by regularly reporting back to the citizens on progress made on implementation of community projects and other community issues.

Mechanisms for accountability must provide

1. For Ward Committees to monitor their own activities, working groups etc.
2. For the community to monitor Ward Committees and their driving of implementation of the ward plans.

3. For Ward Committees to account to municipalities on their activities, on progress with implementing ward plans.
4. For municipalities to account to Ward Committees, on their performance, on progress with IDP's etc.

8. **A Collective approach to public participation**

Although this policy deals largely with public participation in the context of Ward Committees, it does not mean that Ward Committees are that alpha and omega with regards to public participation.

We have strong lobbying power in the office of the Executive Mayor and the Speaker and the committee to advance our public participation.

The Municipal Manager and other duly delegated municipal official are also required to regularly interact with the community through public participation processes.

When interacting with the community, we must take cognisance of the special needs of:

1. **People who cannot read or write.**
2. **People with disabilities.**
3. **Women.**
4. **The youth.**
5. **Other disadvantage groups.**

All public communications and public participation process must be done professionally in a form, language and manner that are easily understandable to the targeted audience.

9. **The People shall govern**

This policy seeks to promote the notion that communities become active and involved in managing their own development, claiming their rights and exercising their responsibilities, contributing to governance structures at ward level.

If we do this we have a chance to making our municipality firmly rooted in our people.