

Draft Public Participation and Communications Policy framework for
Municipalities in the Free State Province

NALA LOCAL MUNICIPALITY

2021

Municipal Intergovernmental Relations Directorate
Community Participation Unit

Document control:

Document Title	Draft Public Participation and communication Policy framework for Municipalities in the Free State Province
Policy no	
Directorate	
Stakeholder	
Council item	
Date Approved	

POLICY CONTENTS

Item No	Item	Page
1	Introduction	4
2	Purpose	4
3	Objectives	5
4	Scope	5
5	Legal framework	5
6	Time frames	5
7	Definitions	5
8	Principles	6
9	Roles and responsibilities	8
9.1	Municipal Manager	8
9.1.1	Development of the Culture of Public Participation	8
9.1.2	Policy Communication	9
9.2	Councillors	11
9.3	Community	11
10	POLICY DIRECTIVES AND PROCEDURES	11
10.1	Compulsory Public Meetings	11
10.2	Public Meeting Notification	11
10.3	Public meeting notification	12
10.3	Venue for public meetings and hearings	13
10.4	Public Participation Options and Procedures	13
10.4.1	Petitions and Complaints	13
10.4.2	Deputations and Interviews	15
10.4.3	Public Comments and Open Sessions	15
10.4.4	Comments Via Electronic Mail	18
11	Ward committees	18
12	Support to ward committees	19
13	Stakeholder forum	19
14	The IDP Representative Forum	20
15	Empowering Public Participation structures and communities	20
16	Complaint and Compliments Management system	22
17	Evaluation criteria	23
18	Implementation	23

INTRODUCTION

Section 152(1)(e) of the constitution calls on local government to encourage the involvement of communities and community organisations in the matters of local government. It is clear from this provision that community organization must get involved in local government matters.

Chapter seven of the Constitution Section 152(1)(a-e) indicates that the objects of local government are to :

- Provide democratic and accountable government for local communities,
- To ensure the provision of services to communities in a sustainable manner,
- To promote social and economic development,
- To promote a safe and healthy environment and
- To encourage the involvement of communities and community organisations in matters of local government.

Public Participation is a democratic process of engaging people, deciding, planning, and playing an active part in the development and operation of services that affect their lives.

The white paper on local government further defines developmental government as local government that is committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives.

PURPOSE

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

OBJECTIVES

The objectives of the Public Participation Policy is

To outline the roles and responsibilities of the Municipal Manager(Administration); Councillors (Council) and the community in the enhancement of participatory democracy

To establish and outline the use of mechanisms, processes and procedures for public participation

SCOPE

This Policy applies to all the councilors; officials and communities members and community organisations in Nala Local Municipality.

LEGAL FRAMEWORK

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

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

Section 152 - the Objects of local government (are) to encourage the involvement of communities and community organisations in the matters of local government.

Section 195 (e) – in terms of the Basic values and principles governing public administration – people’s needs must be responded to, and the public must be encouraged to participate in policy-making”

This is given effect in several areas of legislation including local government, parental managing of schools, rights to information. We will concentrate on the linkage to local government.

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

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

The White Paper also suggests that “Municipalities should develop mechanisms to ensure citizen participation in policy initiation and formulation, and the M&E of decision-making and implementation. The following approaches can assist to achieve this:

Forums to allow organised formations to initiate policies and/or influence policy formulation, as well as participate in M&E

Structured stakeholder involvement in certain Council committees, in particular if these are issue-oriented committees with a limited lifespan rather than permanent structures

Participatory budgeting initiatives aimed at linking community priorities to capital investment programmes

Focus group participatory action research conducted in partnership with NGOs and CBOs can generate detailed information about a wide range of specific needs and values”

The Municipal Structures Act 117 of 1998 as amended allows for a Category A municipality with a sub-council or ward participatory system, or a Category B municipality with a ward participatory system, and Executive committees or Executive Mayors must... annually report on the involvement of communities and community organisations in the affairs of the municipality.

Section 72 states that the object of a ward committee is to enhance participatory democracy in local government and in Section 74 on functions and powers of ward committees – a ward committee may make recommendations on any matters affecting its ward, to the ward councillors, through the ward councillor to the metro or local council... and has such duties and powers as the metro or local council may delegate to it.

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

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

TIMEFRAMES

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.

7. DEFINITIONS

In this Policy, unless the context indicates otherwise –

Council means the Council of Nala Local Municipality;

Councillor means a member of the Council;

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;

Municipal Manager means the person appointed in terms of section 54 A of the Local Government : Municipal Systems Act 32 of 2000;

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;

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;

Policy means the Public Participation Policy

Structures Act means the Local Government : Municipal Structures Act No. 117 of 1998 as amended;

Systems Act means the Local Government: Municipal Systems Act No. 32 of 2000 as amended.

PRINCIPLES

The Constitution also provides for basic values and principles governing the activities of all three 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.

In addition to the above principles our municipality subscribes to the "Values for the Practice of Public Participation", developed by the International Association for Public Participation which are:

Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.

Public participation includes the promise that the public's contribution will influence the decision.

Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.

Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.

Public participation seeks input from participants in designing how they participate.

Public participation provides participants with the information they need to participate in a meaningful way.

Public participation communicates to participants how their input affected the decision.

In addition to the Batho Pele principles, our municipality commits itself to upholding the following set of values:

Good governance

Public participation

People driven development

Training and development

ROLES AND RESPONSIBILITIES

MUNICIPAL MANAGER

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:

Encourage and create conditions for the local community to participate in the affairs of the Municipality, including in –

The preparation, implementation and review of the Municipality's Integrated Development Plan (IDP);

The establishment, implementation, and review of the Municipality's Performance Management System;

The monitoring and review of the Municipality's performance, including the outcome and impact of such performance;

Consideration of draft by – laws;

The preparation of the Municipality's budget;

Consideration of the Municipality's Tariffs and Debt Collection policies

Strategic decisions relating to the provision of municipal services.

Consideration of the annual report

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

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

Ensure that the Municipality contributes to building the capacity of the community to enable it to participate in the affairs of the Municipality

Establish and notify the public of all the available methods for participation

Ensure that the Municipality uses appropriate venue for public meetings and/or hearings as provided for in this Policy.

COMMUNICATION

The purpose of communication in local government is to fulfill the mandate and duty to consult with and inform the public about services impacting on their daily lives. Councillors, managers and the public should understand the chain of events in a municipality's communication system and they should be sensitive to all conditions that impact on the environment in which they are operating.

The function of communication in municipalities is directly linked to the function of meeting the information needs of society. Therefore, all councillors and employees should perform their functions with the knowledge that the purpose of all messages is to satisfy the community's most urgent expectations.

Communication in local government is a process aiming at the sharing of information between a municipality and all its stakeholders. It requires the establishment of an interactive process that should be aligned with the Integrated Development Plan of a municipality. To ensure that the flow of communication is effective and efficient, it is essential that a communication strategy is developed. The purpose of a municipal communication strategy is to convey correct, clear and simple messages on a regular basis to all internal and external stakeholders in a transparent manner. This will, on the one hand, ensure that councillors and career officials:

Are familiar with the expectations of the stakeholders;

Convey clear messages to all relevant stakeholders;

Identify and apply appropriate communication methods; and

Frequently communicate with all the stakeholders.

On the other hand it would ensure that community members are informed about the processes available to them to participate in local government affairs and to play a watchdog role in the level and quality services that they are getting from their municipality.

In addition to the theoretical foundation for communication in a municipal setup, there is also a comprehensive policy framework comprising of national government legislation and other policy documents. It is essential that any municipality's communication strategy is aligned with the directives stipulated in the legislation and the relevant policy documents.

The Municipal Manager must

Develop mechanisms to ensure that this Policy is communicated to all stakeholders

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

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.

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 -

Political structures for participation in terms of the Structures Act;

The mechanisms established in terms of the Systems Act and as set out in this Policy; and

Councillors

POLICY DIRECTIVES AND PROCEDURES

10.1 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.

PUBLIC MEETING NOTIFICATION

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 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

Copies of notices of public meetings shall be posted at

The notice board at the Council's offices;

All libraries within the area;

All clinics and hospitals within the area

All public places

All notifications must be in a language understood by the majority of its intended recipients

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

The following are entitled to special invitations to public meeting

Ward Committees

Recognized Structures

Special guests

Community Development workers

10.3 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:

The size of the venue considering the approximate number of people who might attend the meeting;

The location of the venue and access to it via public and private transport;

The amount of staff members of the Council to be made available to ensure the smooth administration of the meeting; and

The provision of security for both members of the Municipality as well as members of the community attending the meeting.

10.4 PUBLIC PARTICIPATION OPTIONS AND PROCEDURES

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

10.4.1 Petitions and complaints

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.

Council shall establish processes and mechanisms of dealing with complaints management and shall for this purpose establish a Public Participation and Petitions Management Committee which shall be chaired by the Speaker.

All petitions received shall be acknowledged in writing by the Municipal Manager within 48 hours of receipt

Petitions shall be disposed of by the relevant portfolio committee within 31 days or referred to the Council with recommendations should the committee not have the power to dispose of the matter, in which case a special Council meeting shall be convened within seven days of the decision to refer the matter to the Council.

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

It must be signed by more than fifty of its authors.

Complaints lodged by the community will be received by the Council at a facility provided at the Council's offices.

The Municipal Manager shall notify the concerned community of the complaint lodged with the Municipality in fourteen days of having processed and considered the complaint.

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

Any such public meeting and/or hearing must take place in 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

Public Comments and Open Sessions

When a municipality consider and deliberates on any matter set out in 9. 1.1 above, it shall do so in an open session to which members of the community must be invited to submit their views and comments.

When a municipality requests the submission of comments by community members, it shall take into account the special needs of-

- People who cannot read or write
- People with disability
- Women
- Other disadvantaged groups.

The meetings of the municipal council or any of its committees shall be open to the public including the media subject to the nature of the business being considered.

The municipal council shall establish rules governing the circumstances in which the council or any of its committees may close a meeting taking into account the principle of fairness and reasonableness.

When the Deputations and Interviews

Deputations and Interviews shall be a standing item on all ordinary Council and Council Committees meetings

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, in terms Standing Rules and Orders. Such an application must state the representation the applicant wishes to make.

Whenever an application for interviews is refused the applicant must be furnished with reasons for the refusal, in terms of PAJA requirements;

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.

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 –

Formulate a full report thereon together with any advice or recommendations the Council may deem necessary or desirable;

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;

Make a copy available through electronic media platforms

Posting a copy on the notice board at all the municipal offices; and
Providing every ward councillor with copies for distribution to the communities

(c) The Municipal Manager must ensure that the report is published according to the Council's language policy for the municipal area

Comments via Electronic Mail

The Municipal Manager must provide the community with a central e – mail and social media addresses where they may submit written comments directly to the Municipality on any matter referred to in this Policy and/or other relevant legislation

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

Ward Committees

11.1 Mentioned in the 1997 White Paper on Local Government, and outlined in the 1998 Municipal Structures Act (117 of 1998), ward committees are chaired by the ward councillor, and comprised of up to ten additional people representing 'a diversity of interests' in the ward, with women 'equitably represented'. According to Ministerial Notice 965, ward committees are an independent advisory body which must be impartial and perform its functions without fear, favour or prejudice.

11.2 In terms of the Municipal Structures Act a ward committee may make recommendations on any matter affecting its ward (i) to the ward councillor; or (ii) through the ward councillor, to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan sub-council.

11.3 The Municipal council shall develop and adopt rules and procedures governing the establishment and operations of the ward committees and shall for that purpose also adopt policy for the payment of out of pocket expenses.

12. Support to ward committees

In terms of administrative support Section 73(4) of the Municipal Structures Act makes it clear that the municipality is expected to make administrative arrangements to enable ward committees and ward sub-committees to perform their functions and exercise their powers effectively. In regard to administrative support, this would include:

Promoting the notion of ward committees amongst communities.

Making administrative staff capacity available, in proportion to the overall size of the municipality.

Building or arranging central meeting places in the ward.

Providing logistical support (furniture, computers, stationery etc).

Translating information and documentation for the community.

Assisting ward committees to fulfil their tasks (e.g. communication strategies to advertise public meetings).

Providing municipal transport to committee members in specific circumstances.

Developing capacity building and training programmes for ward committees.

Facilitating ward committee elections.

13. Stakeholder Forums

The Municipal Systems Act includes civil society organisations alongside residents, ratepayers and visitors as part of the definition of the local community. Civil society organisations or forums can generally be divided into two groups. The first group is formed with the specific goal of ensuring performance by a municipality in key

performance areas. Such organisations include community-based organisations and ratepayers associations and are referred to as service or municipal directed groups. The second set of interest groups comprises organisations that focus on a particular area of interest which may not be associated directly with municipal activities. Examples of such interest groups are Chambers of Commerce and informal trade associations, etc.

In this respect it is imperative that all locally recognised community organisations be required to register with the municipality and that they are consulted on how to interact with the municipality on issues which concern them or on which they wish to provide input. To this end the municipality must establish a ***stakeholder register*** which includes the following information:

The name of the stakeholder group

The sector it represents and its perceived role

The constitution of the group

The nature and extent of its membership

The target constituency, including which wards the group works in

Office-bearers and contact details

Office details

14. The IDP Representative Forum

14. 1 The most common structure, apart from the ward committees, that has been established by municipalities to interact with the community is the IDP Representative Forum, more commonly known as the IDP Forum. This Forum is established specifically with the intention of involving the community in the development and review of the municipality's integrated development plan. In this respect it is mentioned that a municipality must, *inter alia*, in terms of Section 29 of the Municipal Systems Act, 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; and the local community to participate in the drafting of the integrated development plan.

14.2 The *IDP Framework Document* provides that the IDP Forum should be constituted as follows:

The chairperson of the IDP Forum should preferably be the chairperson of the executive committee or the executive mayor or a member of the committee of appointed councillors. Members of the Forum should be constituted from:

Members of the executive committee/mayoral committee/committee of appointed councillors

Councillors (including councillors who are members of the District council and relevant portfolio councillors)

Traditional leadership

Ward committee chairpersons (or representatives)

Heads of departments/senior officials

Stakeholder representatives of organised groups

Stakeholder representatives of unorganised groups

Resource persons

Community representatives (e.g. RDP Forum); and

CDWs

14.3 The Forum will be responsible for:

Representing the interests of its constituents in the IDP process;

Providing an organisational mechanism for discussion, negotiation and decision-making between the stakeholders and the municipality;

Ensuring communication between all the stakeholder representatives; and

Monitoring the performance of the planning and implementation process.

15. Empowering Public Participation structures and communities

The municipal council shall annually allocate resources and budget for capacity building of ward communities including registered stakeholders so that they clearly and fully understand the objective of community participation and contribute to the decision making/ policy making process.

16. Complaint and Compliments Management system

The Municipal Systems act provides that municipality must develop mechanisms, processes and procedures for the receipt, processing and consideration of petitions and complaints lodged by members of community.

Furthermore section 95 provides amongst other that the municipality must:

Establish sound customer management system that aim to create a positive and reciprocal relationship between persons liable for payment of municipal services and the municipality;

Establish mechanisms for users of services and ratepayers to give feedback to the municipality or other service provider regarding the quality of the services and the performance of the service provider;

Taking the above into consideration, the municipality shall adopt and utilise a manual and electronic complaint management system to address complaints and compliments lodged by the municipal service users and residents.

Regardless of precisely how the system is institutionalised, it is imperative that it meet certain basic requirements, namely:

The thorough publicising of contact details, especially a telephone number, for the public to log complaints, on the website, in all municipal offices, and key documents like the Citizen's Participation Charter.

A place or places in the municipality where the public can report complaints in person, and orally if preferred, in their home language.

The development of standing rules of order that deal in detail with managing community complaints.

These must include clear protocols around who responds to what kind of complaint, the time frame for this response, the development of techniques to allow the public to track their complaints, and a basic threshold of information that must be given in response to each kind of complaint.

In adopting this system, the municipality commits to be responsive to complaints, particularly around failures in service provision, as a key variable affecting perceptions of municipal responsiveness and good governance. The municipality further commits to invest its resources in developing Service Standards and Charter as a commitment to the improvement of service provision in its area of jurisdiction.

17. EVALUATION CRITERIA

The success of this Policy will be measured by

The number of deputations; petitions; complaints; and comments lodged in accordance with the provisions of this Policy;

The reduction in the number of complaints raised through the media

Annual report on the involvement of communities and community organizations in the affairs of the municipalities

18. IMPLEMENTATION DATE

(a) This policy will become effective upon approval of the Council.