



**Blue Crane Route Local  
Municipality**

**Public Participation Strategy  
Policy**

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**This Public Participation Strategy\ Policy Framework for Blue Crane Route Local Municipality was developed by Office of Municipal Manager.**

## **1. Introduction**

Local Municipalities are compelled by law to ensure that they provide mechanisms for citizens to participate in the affairs of their local government. The challenge facing all local governments in South Africa is to ensure that the mechanisms introduced are effective and efficient and that they actively encourage meaningful participation. To strengthen institutional capacity to promote governance & effective service delivery

Ensuring effective public participation initiatives has been difficult and in practice these initiatives have at time resulted in:

- Party politicization of participatory structures
- Not prioritizing public participation through a lack of commitment by the municipality
- Slow pace of service delivery has resulted in citizens losing faith in local government and therefore becoming disillusioned with the public participation process
- Lack of capacity by all stakeholders to participate fully
- Lack of access to information
- Poor links with civil society

It is for these reasons that Blue Crane Route Local Municipality has sought to develop a Public Participation Policy to provide a framework within which its citizens can interact with it, in ensuring their needs are met and thereby giving voice to its **vision of ...A MUNICIPAL THAT STRIVE TO PROVIDE A BETTER LIFE FOR ALL ITS CITIZEN and Mission : THROUGH RESPONSIBLE LOCAL GOVERNMENT, ZERO TOLERANCE FOR CREATING A CORRUPTION AND ENVIRONMENT FOR UPLIFTMENT AND SUSTAINABLE ECONOMIC GROWTH**

This policy has not been developed to replace any existing similar policy or pronouncement, but rather as a catalyst to initiate discussion, and ensure that critical stakeholders, left out in the initial stages, are brought on board when the need exists.

This policy seeks to

- Make the Blue Crane Route Local Municipality more responsive to people's needs and aspirations
- Empower citizens to fulfill their potential as partners with the Blue Crane Route Local Municipality
- Deepen democracy beyond the representative dimension into a more participatory system
- Bring citizens on board when it comes to local governance and development
- Align the public participation processes of Blue Crane Route Local Municipality to ensure they are compliant with national legislation

For ease of use, this policy document has been divided into a number of sections. Section one is the introduction to the policy document. Section two provides an overview of Blue Crane Route Local Municipality the context in which this document has been developed. It also lists the current IDP objectives of the Blue Crane Route Local Municipality pertaining to Public Participation. Section three provides an overview of the legislative requirements any public participation policy must take and adhere to.

Section four deals with the following information: Principals of public participation; methods used to enhance public participation; procedures for implementation of public participation methods; implementation tools; the institutionalization of public participation in Blue Crane Route Local Municipality; Intergovernmental relations and lastly; budgeting for Public Participation.

Section five covers policy application and scope and section six looks at the coordination procedure for public participation in Blue Crane Route Local Municipality. Section seven provides Blue Crane Route Local Municipality with a suggested assessment mechanism to monitor and evaluate the implementation of the Public Participation Processes. Section eight deals with policy review.

## 2. Blue Crane Route Local Municipality – Overview

### Vision

*A Municipality that strives to provide a better life for all its citizens*

### Mission

*through responsible local government. Zero tolerance for corruption and creating an environment for upliftment and sustainable economic growth.*

The Blue Crane Route Local Municipality falls within the Sarah Baartman District municipality area, Eastern Cape Province. The Blue Crane Route municipal area is bordered in the north by the Chris Hani District Municipality and the Dr Beyers Naude Municipality; the east by Makana Municipality; the south by Sundays River Valley Municipality; and the west by the Ikwezi Municipality.

It is a semi-arid region consisting of sparsely populated farms and a few small urban settlements where the majority of the population is located. The Municipality is characterized by a small population, low populations density, concentration of employment in agriculture, disinvestment in rural areas, the dominance of one urban centre in the region and the resultant disparity between rural and urban areas.

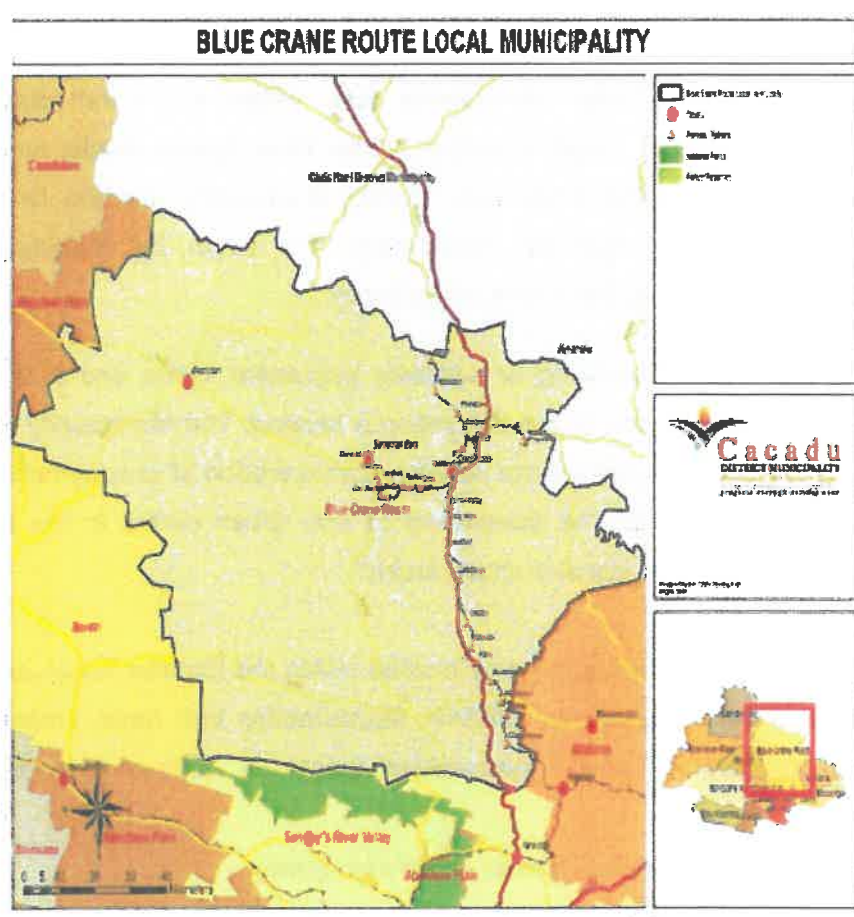
The Blue Crane Route municipal area is located within the Greater Karoo area (one of the areas within the **Sarah Baartman District Municipality** that have similar geographical characteristics and requires similar geographical guidance). This area can be described as an area with:

- Commercial farming area (sheep, goats and game)
- HIV Rate – 14% of the population is infected (2013)
- Low population growth and density
- Water shortage
- Rich tourism and recreational potential untapped
- High poverty rate – 54% of households living below poverty line
- High unemployment rate – 40% with 2% decline per annum

- Low level of education – 14% of the population has a minimum Grade 12 education (2013)

### Settlements

The largest centres are Somerset East, Pearson and Cookhouse. The municipality consists of a total population of 39 318 (according to the BCRM IDP 2013-2014).



## **2.1 Blue Crane Route Local Municipality - Development Priorities and Public Participation Processes**

The **Sarah Baartman District Municipality** has identified four Development Priority areas in its 2013/14 **SBDM** IDP, these are:

- 1. Infrastructure Investment**
- 2. Capacity building and support to Local Municipalities.**
- 3. Economic development**
- 4. Community Services**

In line with the above, and based on the analysis of the status quo in BCRM, the following development priorities were identified:

- DEVELOPMENT PRIORITY 1: INFRASTRUCTURE**
- DEVELOPMENT PRIORITY 2: COMMUNITY SERVICES**
- DEVELOPMENT PRIORITY 3: LOCAL ECONOMIC DEVELOPMENT**
- DEVELOPMENT PRIORITY 4: FINANCIAL MANAGEMENT**
- DEVELOPMENT PRIORITY 5: GOVERNANCE & INSTITUTIONAL TRANSFORMATION**

### **2.1.1 Community Participation Structures**

Community participation takes place through the following:

**IDP Rep Forum.** The feedback and discussion meetings with the Representative Forums contribute to the continuous participation of the community in the formulation of and the review of **new** IDP. The IDP/PMS function is undertaken by one official, who reports directly to the Municipal Manager.

b) **Ward Committees**

Blue Crane Route Local Municipality has 6 wards. Each has a Ward Committees. Meetings are held on a monthly basis and also provide residents with information.

c) **Customer satisfaction**

Identified previously as an area needing improvement, Customer satisfaction surveys were done in 2009 and should be done on a yearly basis by independent service providers. Furthermore, a Customer Care Desk is in place in the Blue Crane Route Local Municipality. It is important for the municipality to give attention to the outcome of the results.

d) **Batho Pele**

Blue Crane Route Local Municipality commits itself to the principles of Batho Pele when dealing with the public

e) **Community Forum**

Community services is identified as one of the key development priorities in the Blue Crane Route Local Municipality, it is concerned with some of the basic human rights that every South African is entitled to, as outlined by the South African Human Rights Commission. These human rights include: the right to education, housing, health, land, water, environmental rights, and social security.

f) **Inter-Governmental Forum**

**District, Provincial and National Government Departments forms a critical interface for public participation. The IGR meetings are Presided/Chaired by the Mayor. It is a Forum for sector departments.**



### **3. Legislative Framework**

South Africa has a substantial body of legislation and regulations that instruct municipalities on how to engage with their communities and provide guidelines on how to develop effective mechanisms for public participation.

#### ***Republic of South Africa Constitution Act, Act 108 of 1996 Chapter - 7 Local Government***

##### **Section 151. Status of municipalities**

- The local sphere of government consists of municipalities, which must be established for the whole of the territory of the Republic.
- The executive and legislative authority of a municipality is vested in its municipal council.
- A municipality has the right to govern on its own initiative the local government affairs of its community subject to national and provincial legislation as provided for in the constitution.

##### **Section 152. Objectives of Local Government**

- 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.
- To encourage the involvement of communities and community organizations in the matters of Local government.

##### **Section 153. Development duties of municipalities**

- Structure and manage their administration, and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community.
- Participate in national and provincial development programmes

#### **White Paper on Local Government**

The White paper defines the developmental role of local government. Local Government must play a developmental role in their communities. Municipalities should develop mechanisms to ensure citizen participation in policy initiation and formulation, and the

monitoring and evaluation of decision-making and implementation. This means working with communities (leaders and organisations) to find sustainable ways to meet the social, economic and material needs of people and to improve the quality of their lives. In particular local government should target people who are often marginalized or excluded, such as women, the disabled and the very poor

The White Paper requires active participation of citizens at four levels as:

1. Voters
2. Participants in the Policy Process
3. Consumers and Service users
4. Partners in Resource mobilization

#### **Local Government Municipal Structures Act, 1998**

Chapter Two (section 19) of the Act requires a municipality to strive within its capacity to achieve the objectives set out in Section 152 of the Constitution namely to:

- Develop mechanisms to consult the community and community organisations in performance of its functions and exercising of its powers
- Annually review the needs of the community and municipal priorities and strategies for meeting those needs and involving the community in municipal processes

Chapter Four (Part 4) is the section of the Act that requires the establishment of ward committees. The objective is to enhance participatory democracy in local government.

Chapter Four also provides that the ward councilor shall be the chairperson of the ward committee and obliges the municipal council to make rules regulating the procedure to elect members of ward committees

#### **Local Government: Municipal Systems Act, 2000**

Chapter Four of this Act calls for municipalities to develop a culture of municipal governance that works hand in hand with the elected leaders and with a system of community participation. The Act also requires that municipalities develop mechanisms, processes and procedures for community participation.

Section 5 (1) of the Act sets out Rights and Duties of Members of the Local Community and specifically outlines the citizens' right to:

- Contribute to the decision making process of the municipality; and submit written or oral recommendations, representations and complaints to the municipal council
- Prompt responses to their written or oral communications including complaints to council
- Be informed of decisions of the municipal council, or another political structure or any political office bearer of the municipality affecting their rights, property and reasonable expectations

Section 16 requires a municipality to develop ‘**a culture of community participation**’ on issues such as integrated development planning, performance management systems, budgets.

Section 16(b) requires a municipality to contribute to building the capacity of the local community to participate in the affairs of the municipality

Section 17 specifies the mechanisms, processes and procedures for community participation. Section 17(1) provides that participation in the affairs of the municipality by the local community must take place through the political structures created for participation in terms of statute such as ward committees and Councillors.

Section 17(2) requires a municipality to establish appropriate mechanisms, processes and procedures to enable the local community to participate effectively in the affairs of the municipality which must provide for;

- a) “Receipt, processing and consideration of petitions and complaints lodged by the community
- b) Notification and public comment procedures
- c) Public meetings and hearings by the municipal council and other political structures and political office bearers of the municipality
- d) Consultative sessions with locally recognised community organisations and traditional authorities
- e) Report back to the local community”

Section 17(3) provides that mechanisms, processes and procedures that are developed to enable the community to participate in the affairs of the municipality must cater for people

with special needs such as people who are illiterate, people with disabilities, women and other disadvantaged groups.

Section 18 provides that a municipality must communicate the public participation mechanisms, processes and procedures, as well as matters which require community participation to the community to encourage and facilitate community participation.

Section 21 prescribes the manner in which a municipality must communicate with its community through the media

Section 21(a) requires that notification of all documents that must be made public in terms of legislation must be displayed at the municipalities head office, satellite office, official website if the municipality has one and in the media in terms of section 21.

#### **Local Government: Municipal Finance Management Act 2003 (MFMA)**

The purpose of the MFMA is to:

- Bring about transparent and effective financial management in municipalities and municipal public entities (such as a Development Agency). This Act clearly indicates what both the obligations and the liabilities are to the responsible officials and structures
- Make the budget and supporting documents available to the public
- The accounting officer must put key information on the municipality's website
- Produce an Annual Report which sets out information on:
  - Municipal Activities
  - Performance against budget
  - The State of Finances including arrears
  - The Auditor General's Assessment and municipal response

#### **Local Government Laws Amendment Act (No. 19 of 2008)**

This act was promulgated to amend selected local government legislation that had already been passed by parliament. Amendments that are relevant to public participation is the amendment to the Local Government: Municipal Structures Act, 1998, to provide for amendments to provisions relating to ward committees.

#### **Promotion of Access to Information Act, Act 2 of 2002**

This Act was promulgated to give effect to the constitutional right of access to information held by the State and any information held by another person that is required for the exercise or protection of any rights. Municipalities fall within the definition of an organ of state and are subsequently required to appoint an information officer and compile a manual of records held by the municipality and the manner in which these records may be obtained by the public.

#### **Promotion of Administrative Justice Act, Act 3 of 2000**

This Act was promulgated to give effect to the constitutional right to lawful, reasonable and procedurally fair administrative action. It places an obligation on municipalities to decide whether fairness requires holding a public inquiry when an administrative decision may materially and adversely affect the public's rights.

### **4. Public Participation**

Local municipalities should actively promote public participation in their communities not only because they are legally obliged to do so but also out of a commitment to deepen local democracy and use the opportunity to deal with issues in an open and transparent manner that are important to communities.

If the public participation process followed by a municipality is open and transparent and residents are informed of decisions and the reasons behind these decisions it can also serve as a mechanism to prevent or reduce the intensity of conflicts over issues such as service delivery, rates, housing etc.

The former Department of Provincial and Local Government (DPLG) **Draft National Policy Framework for Public Participation (2007)** defines public participation **“as an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making.**

The Draft National Guidelines also list a number of assumptions that are critical to the success of any public participation system, these are:

- Public participation is designed to promote the values of good governance and human rights;
- Public participation acknowledges a fundamental right of all people to participate in the governance system;
- Public participation is designed to narrow the social distance between the electorate and elected institutions;
- Public participation requires recognising the intrinsic value of all of our people, investing in their ability to contribute to governance processes;
- People can participate as individuals, interest groups or communities more generally;
- In South Africa in the context of public participation 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.

Besides ward committees other mechanism or opportunities at municipal level for groups and individuals to exchange views and influence decision making include:

- Interacting with ward councilors and ward committees
- Assessing and inputting on the municipal budget
- Contributing to and developing the Integrated Development Plan
- Monitoring council's activities on a regular basis
- Monitoring annual performance
- Providing direct advice and support
- Lobbying
- Attending and organizing Public Meetings
- Attending Public Hearings
- Using the Media and social networks
- Getting publicity and growing support for specific issues

When developing a system of public participation it is important for Blue Crane Route Local Municipality to keep in mind that public participation will not work if:

- The municipality attempts to co-opt independent and legitimate voices within civil society
- There is no definite political commitment to the model
- The system exists in principle – it looks good on paper but does not work in reality

#### **4.1 Principles underlying Public Participation**

The former Dept of Provincial and Local Government's, Draft National Policy Framework lists the following principals that must underpin any public participation process these are:

- **Inclusivity**

The public participation framework for Blue Crane Route Local Municipality must embrace all opinions and views expressed by the public. The municipality must identify and recognise existing networks, structures, organisations, and institutions and mobilise them for communication purposes.

- **Diversity**

The community consists of diverse individuals and groups in terms of race, gender, religion, ethnicity, language, age, economic status and sexual orientation. The public participation framework for Blue Crane Route Local Municipality must acknowledge, and understand these differences and ensure that mechanisms are in place to solicit, and evaluate views from diverse groups and individuals. Specific attention must be given to women, the disabled and the youth and children.

- **Building community participation**

The capacity of communities in Blue Crane Route Local Municipality must be developed to ensure that they have a clear understanding of the purpose of public participation and the role that they are required to play. This draft framework must empower communities to participate in matters of the municipality, and in so doing promote transparency openness, sincerity and accountability. Funding should be solicited and allocated to train ward committees on their roles and the community on local governance.

- **Flexibility**

The object of the framework and policy is to encourage and facilitate public participation at all times. The final policy must therefore allow for flexibility by providing minimum standards and assigning responsibility to ensure that optimal participation is encouraged in any circumstance that may warrant it.

- **Accessibility**

Participation must be accessible to all members of the community. The municipality must ensure that communities understand the purpose of public participation, their role, and the methodologies of the process to enable them to participate effectively.

- **Accountability**

The framework and policy must promote accountability of all role players. Participants must be willing and committed to implement, abide by and communicate as necessary all measures and decisions in the course of the process. Participants must also be held accountable for their individual actions and conduct.

- **Trust, Commitment and Respect**

Effective public participation hinges on the notion that the community has confidence in the process and that they believe that their views and opinions will be heard, respected and considered when decisions are taken. Mutual trust and respect are paramount when dealing with the diversities of a community as it is inevitable that there will be differences of opinion.

- **Integration**

Mechanisms must be developed to ensure that the outputs of public participation are integrated into the planning and decision making processes of the municipality such as decisions in respect of service delivery, IDP, the setting of performance targets and the budget. It must be ensured that ward based integrate with the IDP process



#### **4.1.1 Other Principles**

##### ***Batho Pele (People First)***

The eight principals adopted by government to improve the levels of service delivery in communities by holding public servants to account. These are

- Consultation
- Setting service standards
- Increasing access
- Ensuring courtesy
- Providing information
- Openness and transparency
- Redress
- Value for money

##### **Community-Based Planning (CBP)**

CBP seeks the active involvement of the community, especially poor people, so as to improve the quality of plans and services. The principles are of Community-Based Planning are:

- Poor people are included
- Plans, and the planning process, must be realistic and practical
- Planning must be linked to legitimate structures like ward committees
- Planning should include implementation, monitoring, evaluation and annual review
- The plan must be people-focused and empowering
- The emphasis should be to build on strengths and opportunities rather than focus on problems
- Plans must be holistic and cover all sectors
- Planning must promote accountability between communities & officials
- A commitment by councillors and officials to the whole process

## **4.2 Methods used to enhance Public Participation**

Chapters Five and Six of the National Framework provide a number of methods that local municipalities can use to enhance public participation these are:

### **4.2.1 Citizen's Participation Charter**

This charter must outline the Rights and Duties of citizens regarding participating in their municipality's governance. The charter can be used to publicise the public participation year plan.

Information that can be included in the charter is:

- Basic information about the municipality (including population size, demographics, wards, employment etc.)
- Description of what public participation is
- How public participation works, including
  - Key issues which the community must be *informed* about
  - Key issues which the community must be *Consulted* about
  - Key issues which the community must be *Involved in*
- Information on how to make general queries and complaints
- Contact details of ward councilors, ward committee members and Public Participation Co-ordinator

### **4.2.2 Community Complaints Management System**

This refers to a set of centralised procedures to deal with community complaints, this system in theory has already been institutionalized in the municipality and officials and residents should be aware of the system to lodge complaints. Basic requirements that should be met are;

- Thorough publicising of contact details, especially a telephone number where the public can lodge complaints, this number should be displayed in all municipal offices.
- Better utilization of Customer Care Centres to report complaints in person
- Development of standing rules of order that deal in detail with managing community complaints

BCRM will seeks to develop a centralised Customer Complaints System under the auspices of the Corporate Services Directorate.

These must include clear protocols around who responds to what kind of complaint, the time frame for response, development of a technique 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.

Though the system may be complicated to set up, but it is important to note that responsiveness to complaints (especially on service provision) can be a key variable affecting perceptions about municipal good governance.

#### **4.2.3 Citizen's Satisfaction Surveys**

This is a strongly recommended method in that it provides scientific evidence of the perceptions of public on key aspects of municipal performance. A successful vehicle for this mechanism is through the capacity building for ward committees, wherein ward committees will be expected to objectively conduct and report on such surveys.

#### **4.2.4 Empowering Ward Committees**

To enable ward committees to function effectively, they require both administrative support and training. In terms of Section 74(i) of the Municipal Structures Act of 1998, a ward committee may make recommendations on any matter affecting the ward (i) to the ward councillor, (ii) through the ward councillor, to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan sub-council.

In respect of mobilization, the ward committees may achieve this by attending to (i) all matters that affect and benefit the community, (ii) acting in the best interest of the community and (iii) ensuring active participation of community in service payment campaigns, the IDP process, the budgetary process, decisions about service provision, by-laws, and delimiting and chairing zonal meetings.

As a representative body at ward level that is meant to facilitate public participation, ward committees effectively mediate between the community and council. This can be achieved once the relationship between ward committees and communities is inclusive, transparent and participatory.

In the Blue Crane Route Local Municipality, the Corporate Services Directorate provides the administrative support for ward committees. It is however also recommended the

Mayor/Speaker should have the political oversight on the ward coordination process, consistent with the provisions of Section 4(20)(c) of the Municipal Systems Act.

#### **4.2.5 Ward Forums**

Ward forums are gatherings of all ward committees in the Blue Crane Route Local Municipality, chaired by the Mayor. In Blue Crane Route Local Municipality this forum will consist of the ward committee members from the 6 wards, the councillors, as well as other interested parties and stakeholders.

The role of the forum is to monitor and evaluate the operation of area committees, including community-based planning, preparation of input into key municipal processes. The ward forums should meet at least twice a year. The forum must also elect at least one representative to be considered by the Mayor as his/her representative on the personal performance evaluation panel during the review process, as set out in Section 27(4)(d)&(e) of the Performance Management Regulations.

#### **4.2.6 Stakeholder Forums**

There are generally two civic groups which can be viewed as having vested interest in how the municipality conducts its business and they are;

Group One: Community Based Organizations and Rate Payers Associations

Group Two: Chambers of Commerce and Informal Trade Associations.

It is vital for the municipality to keep an updated register of stakeholders to be consulted on municipal issues. Basic information which should be included in the stakeholder register should be:

- 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

While there are a variety of forums which can be used in a variety of ways, it is required that a municipality institutes at least two; the IDP Forum and a Local Project Implementation Forum.

The methods described above sections should not by any way override the statutory requirements of the **Mayor/Speaker** and the Municipal Manager in respect of the public participation process. These clearly set out in the various local governance provisions.

When using these methods to enhance public participation it is important for the Blue Crane Route Local Municipality to strive within limited resources for multilingualism to ensure that community members are able to participate in the language of their choice.

#### 4.2.7 MASAKHANE (WAR ROOM)

The Masakhane is an initiative of the Office of the Premier. It seeks to address the lack of the following, i.e

- community ownership of services rendered hence resulting in persistent social unrest.
- Siloistic service delivery resulting into unfulfilled objectives, duplication of service and pressure on limited resources.
- Often very low participation of sector departments at local level.
- Current IGR platforms do not create enough space for integrated planning and reporting thus weakening the impact of government work.

#### **4.3 Procedures for Implementation of Public Participation Methods**

In effectively implementing this policy, a clear set of procedures which all affected role players need to adhere to have to be drawn up. As a policy requirement the procedures have to be consistent with the provisions.

In laying a foundation for these procedures to be carried out correctly by the affected role players, it is imperative to distinguish between the responsibilities of Citizens and those of the Municipality regarding public participation, as outlined in the Municipal Systems Act:

#### **4.3.1 Rights of Citizens**

- To contribute to decision-making process through mechanisms created by the municipality. Section 5(1)(a)(i).
- To submit oral or written communications through mechanisms created by the municipality (Section 5(1)(a)(ii)), and to prompt responses to their communications. Section 5(1)(b) of the Municipal Systems Act.
- To be informed of:
  - Council decisions through mechanisms created by the municipality. Section 5(1)(c).
  - Municipal affairs, including finance, through mechanisms created by the municipality. Section 5(1)(d).
  - Their rights and duties, through mechanisms created by the municipality. Section 18(1)(c)
  - The available mechanisms, processes and procedures in place to encourage and facilitate community participation. Section 18(1)(a).
  - The matters with regard to which community participation is encouraged. Section 18 (1)(b).
  - Municipal governance, management and development, taking into account the language preferences and usage in the municipality and the special needs of people who cannot read or write. Section 18(1)(d).
  - The time, date and venue of every meeting of the council. Section 19.
- To have space in the places where the council and its committees meet. Section 20 (4) of the Municipal Systems Act.
- To be assisted in having one's comments transcribed if one cannot write. Section 21(4) of the Municipal Systems Act.

#### **4.3.2 Responsibilities of Citizens**

- When exercising their rights, the community must observe the mechanisms, processes and procedures of the municipality (Section 5(2)(a))
- The community must pay promptly service fees, rates on property and other taxes, levies and duties imposed by the municipality (Section 5(2)(b))
- The community must respect the municipal rights of other members of the local community (Section 5(2)(c))

- The community must allow municipal officials reasonable access to their property for the performance of municipal functions (Section 5(2)(d))
- The community must abide by the municipal rules public conduct at meetings of the council and its committees (Section 20(4)).

#### 4.3.3 Responsibilities of the Municipality

- To contribute to building the capacity of the local community to enable it to participate in the affairs of the municipality (Section 16(1)(b)(i))
- To contribute to building the capacity of the local councilors and staff to foster community participation (Section 16(1)(b)(ii))
- To use its resources, and annually allocate funds in its budget to implement community participation and contribute to capacity building (Section 16(1)(c))
- To establish mechanisms, processes and procedures to receive, process and consider petitions and complaints lodged by the community (Section 17(2)(a))
- To establish processes and procedures to notify the community about municipal issues and how they must submit comments (Section 17(2)(b))
- To establish processes and procedures for consultative sessions with locally recognized community organizations (Section 17(2)(d))
- To take into account the special needs of people who cannot read or write, people with disabilities, women and other disadvantaged groups (Section 17(3)).

There are three fundamental terms which are linked these rights and responsibilities. These form an integral part of the implementation process in that affected role players know the extent of consultation required. They are ***Inform, Consult and Involve***.

##### (a) Inform

Inform means the passing of information between councilors, officials and the community. It constitutes the most passive form of engagement between the municipality and the public. It is usually a one way communication from the municipality to the public, merely to keep the public informed about something. No real input is expected from the public. An example of which is an advertising of an Imbizo in a newspaper or radio, use of a loud-hailer and public notices.

##### (b) Consult

Consultation means that providing information and receiving feedback from the public. It is done mainly with stakeholder groups and ward committees but does not exclude the general public. An example of the consultation process is where the municipality wishes to establish the community's views on the level of service being provided.

(c) Involve

Involvement is a high level of two way interaction between the municipality and the public. It constitutes an active working relationship between the public and the municipality. Providing continuous feedback to ward committees and stakeholder forums is part of the process. This kind of participation process is far more targeted and structured and is both group specific and issues focused. An example of involvement would be the representation of the ward committee or stakeholder groups on the management committee of a development project.

**4.3.4 Public Participation Implementation Tools** (*Draft National Policy Framework for Public Participation (2007) pages 47 – 49*)

<b>Procedure</b>	<b>Tool</b>	<b>Scenario</b>
<b>Inform</b>	Ward Committee	Informing the community about council decisions, community rights and duties, municipal affairs etc. Community informing councillor about their concerns
	Public meeting / Imbizo	Informing the community about council decisions, community rights and duties, municipal affairs etc. Community informing the councillor and officials about their issues
	Stakeholder Forum	Informing the community about council decisions, community rights and duties, municipal affairs etc.
	Council meetings open to public	Informing the community about council decisions, community rights and duties, municipal affairs etc.
	Annual Report	Informing the community of municipal activities
	Surveys	Informing the municipality of the needs of a local ward, or of the levels of satisfaction with the delivery of a service like electricity
	Newsletters	Informing the community about council decisions, community rights and duties, municipal affairs etc.
	Community Complaints Management System	Putting in place the institutional site and processes to promptly deal with oral or written community complaints about services, or conduct of officials
	Citizens Participation Charter	Inform public of public participation, and how to access the key participation tools used in the municipality
	Posters, loudhailers, banners, email notices, mainstream and community media, adverts	Inform public of an event or meeting

<b>Procedure</b>	<b>Tool</b>	<b>Scenario</b>
<b>Consult</b>	Ward Committee	Asking the community for feedback on council decisions, municipal affairs etc.
	Public Meeting or Imbizo	Asking the community for feedback on council decisions,



		municipal affairs etc.
	Stakeholder Forum	Asking the community for feedback on council decisions, municipal affairs etc.
	Advisory Committees	Asking a specific section of the community for feedback on municipal decisions and affairs, e.g. experts or key role players in local economic development
	Customer Satisfaction Surveys/Good Governance Surveys	Asking the community views on a specific service or municipal product, e.g. waste removal
	Deliberative Polling	Asking the community views on a specific issue, e.g. street renaming

<b>Procedure</b>	<b>Tool</b>	<b>Scenario</b>
<b>Involve</b>	Ward Committee	Involvement of ward committees in developing IDPs, Budgets, Performance Management Systems, Performance Assessment and Service Delivery Agreement Processes
	Stakeholder Forums	Involvement of ward committees in developing IDPs, Budgets, Performance Management Systems, Performance Assessment and Service Delivery Agreement Processes
	Municipal Public Participation Champions Awards	In support and encouragement of public participation
	Citizen's Participation Charter	Building the capacity of communities to participate, by informing the community of public participation, and how to access the key participation tools used in the municipality
	Training	Building capacity of municipal staff, councillors, ward committee members, stakeholder forum members to participate meaningfully in municipal processes

In addition to the suggested procedure, a modus operandi should be adopted in terms of how the policy applications will be implemented.

#### 4.4 Institutionalising Public Participation in a Local Municipality

According to legislation there are many municipal issues requiring community participation according to legislation. Below are the four key statutory requirements local municipalities must perform. The tables are sourced from the National Policy Framework for Public Participation (pages 24-28)

##### 4.4.1 Budget Process

	Reporting	Legislation	Legislation Deadline	Suggested preparation deadline	Responsibility	To whom
1	Time schedule for budget and budget-related policies, IDP and PMS	Section 21(1)(b) of the MFMA Section 39 of the Municipal Systems Act	10 months before start of financial year	Mid July	Mayor, (with Budget Office & IDP manager)	Council
2	Coordination of annual budget and IDP review	Section 53 of the MFMA		End July	Municipal Manager	Council
3	Recommended Public Consultation on Draft Strategic Objectives			September	Public Participation Unit	IDP/Budget Forum
4	Determination of Strategic Objectives for service delivery and three year budgets			End September	Councillors and officials	Executive
5	Budget guidelines to Business Units			Mid October	Budget Office	Business Units
6	Submission from Business Units			Mid December	Strategic executive managers	Budget Office
7	Mid-Year Review to Council Finance Committee	Section 72(1)(b) of the MFMA		Mid January	Budget Office	Council Finance Committee
8	First Draft Operating and Capital Budget to Council Finance Committee			Mid January	Budget Office	Council Finance Committee
9	Second Draft Operating and Capital Budget to Council Finance Committee			Early April	Budget Office	Council Finance Committee
10	Draft Operating and Capital Budget to Executive			Mid April	Budget Office	Executive
11	Draft Operating and Capital Budget to Full Council			Mid April	Mayor	Council
12	Draft Operating and Capital Budget to National Treasury	Section 22(b) of the MFMA	90 days before start of budget year	Mid April	Budget Office	National Treasury

13	Team to co-ordinate and facilitate public participation	Section 23 of the MFMA		April/May	PP Unit	Public meetings, ward committees & IDP/Budget forum
14	Final Budget to Executive			Early May	Budget Office	Executive
15	Mayor presents Budget and Forecasts to Full Council	Section 24 of the MFMA	At least 30 days before the start of budget	Mid May	Mayor	Council
16	Public Tariff Register			Late May	Budget Office	Newspapers
17	Approved budget and three year forecast to National Treasury	Section 24(3) of the MFMA	No later than 30 days before start of budget year	Late May	Municipal Manager	National Treasury
18	Draft service delivery and budget implementation plan & drafts of annual performance agreement	Section 69 of the MFMA	Within 14 days of budget approval		Municipal Manager	Mayor & councillors
19	Approved annual budget and attachments	Section 24(3) of the MFMA	Once approved	Late May	Budget Office	National Treasury Provincial Treasury
20	Report on budget implementation and financial state of affairs of municipality	Section 52 (d) of the MFMA	Within 30 days of end of each quarter	End October, end January, End April, End July	Budget Office	Council
21	Monthly statement on state of budget for month and for the financial year to date	71(1) of the MFMA	No later than 10 working days from end of each month	First week of each month	Budget Office	Mayor and Provincial Treasury

#### 4.4.2 Integrated Development Planning (IDP)

Please note that the table below applies only to the annual review of the IDP, and not to the process of developing a new IDP every five years.

	Reporting	Legislation	Legislation Deadline	Suggested preparation deadline	Responsibility	To whom
1	Time schedule for budget and budget-related policies, IDP and PMS	Section 21(1)(b) of the MFMA Section 39 of the Municipal Systems Act	10 months before start of financial year	Mid July	Mayor, (with Budget Office & IDP manager)	Council
2	Coordination of annual budget and IDP review	Section 53 of the MFMA Section 34 of the Municipal Systems Act		End July	Municipal Manager	Council

3	Internal assessment of IDP				Early August	Strategic Executive Managers	Municipal Manager
4	Suggested revisions of IDP				Mid-August	Municipal Manager	Executive
5	Draft revisions	Section 3 of the Municipal Planning and Performance Regulations			Mid-August	Councillors or Mayor	Executive
6	Team to co-ordinate and facilitate public participation	Section 3(4)(b) of the Municipal Planning and Performance Regulations	Published for at least 21 days		Late-August	PP Unit	IDP/Budget Forum
7	Consultation with appropriate intergovernmental structures	Section 3(5)&(6) of Municipal Planning and Performance Regulations			Early September	Municipal Manager	District or local municipality
7	Amendment to IDP	Section 3 of the Municipal Planning and Performance Regulations			Mid-September	Mayor	Council
8	Determination of Strategic Objectives for service delivery and three year budgets				End September	Councillors and officials	Executive
8	<i>Recommended Public Consultation on Draft Strategic Objectives</i>				September	Public Participation Unit	IDP/Budget Forum
9	<i>Public notification of revised IDP</i>				End September	PP Unit	Public via media and ward committees
10	Determination of Strategic Objectives for service delivery and three year budgets				End September	Councillors and officials	Executive

#### 4.4.3 Performance Management System and Performance

It is very clear in the Systems Act that there is a key role for the public to participate in the monitoring and review of a municipality's performance. The table below indicates at what stages in the performance review process public participation should occur, and suggesting the time of year for this process.

Reporting	Legislation	Legislation Deadline	Suggested preparation deadline	Responsibility	To whom
1 Time schedule for PMS review	Section 39 of the Municipal Systems Act		April	Municipal Manager	Council
2 Internal audit of performance targets for year, and correspondence of performance indicators to development priorities/objectives of IDP review			Early June	Strategic Executive Managers	Municipal Manager
3 Public consultation on performance and suggested revisions to KPI and target			Early June	PP Unit	Representatives from IDP/Budget Forum
4 Assessment of internal audit, and suggested revisions of performance indicators and targets for annual report			Mid-June	Municipal Manager	Executive
5 Draft revisions of performance indicators and targets	Section 41 of the Municipal Systems Act		Mid-June	Municipal Manager	Executive
6 Team to co-ordinate and facilitate public participation			Mid-June	PP Unit	IDP/Budget Forum
7 Advertisement of council meeting at which annual report is to be tabled	Section 46(3) of the Municipal Systems Act		Mid-June	Municipal Manager	Public notice via media; Auditor-General; MEC for Local Government
8 Tabling of Annual Report	Section 46 of the Municipal Systems Act		Late June	Municipal Manager	Council
9 Adoption of Annual Report	Section 46(3)(b) of the Municipal Systems Act		Late June	Mayor	Council
10 Publicise Annual Report	Section 46(4) of the Municipal Systems Act	Within 14 days of adoption	Early July	Municipal Manager	Public; Auditor-General; MEC for Local Government

#### 4.4.4 Annual Report

The municipality must engage with the public in the following manner as regards to the annual report

Activity	Legislation	Responsibility	Type of Consultation	Specification	Minimum Mechanism	Date of commencement of consultation	Date by which consultation process must be finalised	Date by which activity must be finalised
1 Annual report	Section 46(3) of the Municipal Systems Act	Municipal Manager	Inform	Make known council meeting date to discuss	Prior notice in the media	'prior'	Unspecified	Unspecified
2	Section 46(4) of the Municipal Systems Act	Unspecified, but suggest Municipal Manager	Inform	Makes copies available to public, interested organisation and the media	Unspecified see Public Communications.	Within 14 days	Within 14 days	Within 14 days
3	Section 127(5) of the Municipal Finance Management Act	Accounting Officer	Consult	Make public and invite local community to submit representations	Unspecified but see Public Communications and Public Written or Oral Submissions.	Immediately after report is tabled in council.	Unspecified	Unspecified
4 Annual report-oversight reports	Section 129(3) of the Municipal Finance Management Act	Accounting Officer	Inform	Make public	Unspecified see Public Communications.	Unspecified	Unspecified	Within seven days of its adoption.

#### **4.5 Intergovernmental Relations**

Local municipalities are not islands; they interact with other local municipalities, their district municipality as well as with provincial and national government. These external stakeholders do play a role in public participation when required or requested. The Terms of Reference has been develop for Blue Crane Route Municipality.

##### **4.5.1 CDWs**

Community Development Workers (CDW's) can contribute significantly to the activities conducted by Ward Committees and IDP Forums provided their roles are spelt out clearly to ensure no confusion and conflict over roles and responsibilities. CDW's can assist in the development of Community Based Plans (CBP) and Ward Plans.

##### **4.5.2 Districts**

District municipalities are responsible in terms of the Municipal Structures Act, not only for the Integrated Development Plan (IDP) for the District, but also for providing a framework for the IDPs for the Local municipalities falling within a District. Districts have their own projects that they implement in Local Municipalities and it is imperative that the District and the Local Municipality ensure that there is synergy between their projects as well as the processes they undertake to get the public to participate

##### **4.5.3 Provincial and National Government**

Cognisance must be taken of the fact that not all public consultation processes that occur in local communities are driven by, or under the authority of, the municipality. National and Provincial Departments run their own projects and programmes that impact on local municipalities.

A further, and related, area which needs clarification surrounds the relationship between municipal processes that require public consultation on the one hand, and national and provincial departmental processes that require public participation.

#### **4.6 Budgeting**

In terms of section 16 of the Municipal Systems Act, municipalities are legally required to budget for community consultation and for capacitating the local community to enable it to participate in the affairs of the municipality. It must also provide councillors and staff with

the capacity to foster community participation. Two key areas of expenditure in this regard are: Ward Committees and IDP Forum.

#### **4.6.1 Ward Committees**

Section 16(1)(c) of the Municipal Systems Act requires a municipality to allocate funds in its annual budget, for ward committees to enable them to participate in the affairs of a municipality these funds are to be used to build their capacity..

#### **4.6.2 IDP Forum**

The municipality will annually, in terms of section 16(1) of the Systems Act have to consult with the community in respect of:

- the preparation, implementation and review of its integrated development plan in terms of Chapter 5 of the Act
- the establishment, implementation and review of its performance management system in terms of Chapter 6 of the Act
- the monitoring and review of its performance, including the outcomes and impact of such performance
- the preparation of its budget
- strategic decisions relating to the provision of municipal services in terms of Chapter 8 of the Act

The municipality must budget adequate financial and human resources to ensure that the above two structures to have an impact on the IDP and Budget.

### **5. Policy Application/Scope**

Though the policy has been developed under the auspices of the Corporate Services Directorate of Blue Crane Route Local Municipality, the primary objective is that it may be used by and large by the following role players:

- All Municipal Directorates
- All Municipal Officials
- Political Office Bearers
- All Councillors
- Ward Committees and Ward Forum



Other vital Stakeholders that are targeted by this policy are:

- Civil Society
- Labour
- Business
- Cooperatives
- Construction Companies
- Emerging Farmers
- Commercial Farmers
- Youth
- Women
- Gender
- Disabled
- Sport

Inclusion of the latter group will not only create a sense of belonging only but also ensure that a better understanding is reached on the necessity for community involvement and the channels available to the community to communicate with the municipality. This will deepen democracy at the local level, leading to improved decision-making and demand-driven service delivery.

## **6. Policy Coordination**

As the development of this policy has been driven by the Corporate Services Directorate The Corporate Services Director will act as the coordinator between the municipal departments to ensure that a public participation plan is developed each year. This plan will be submitted to council for approval and will be updated annually. Although the Corporate Services Department coordinates these activities all Municipal Departments in the Blue Crane Route Municipality will be responsible for developing their own departmental public participation plan which will be submitted to the Corporate Services Department within the specified time frame, to enable this department to develop an integrated Public Participation Plan.





## **8. Policy Review**

As a municipal requirement, the policy will have to be reviewed in two time from date of adoption. This will have to be done in line with the budgetary cycle as the means of making the policy more effective have a cost implications and need to be budgeted for. Policy implementation provisions and procedures should however be reviewed on an annual basis to foster a sense of ownership by stakeholders.