

PUBLIC PARTICIPATION POLICY

1. PREAMBLE

The Elundini Municipality is committed to the development of a culture of municipal governance that complements formal representative government with a system of participatory governance. Through this policy, the Elundini Municipality commits itself to establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality in terms of the provisions of the Local Government: Municipal System Act, Act No 32 of 2000.

2. OBJECTS OF PUBLIC PARTICIPATION

- To promote the values of good governance and human rights
- To acknowledge the fundamental right of all people to participate in the governance system;
- To narrow the social distance between the local community and the municipality's political structures, political office bearers and administration;
- To provide an approach which underlies all of the Government's interaction with communities;
- To provide a conceptual basis for following up specific areas to promote community action and dialogue;
- To suggest some practical approaches which can be taken forward to make public participation a reality?

3. PRINCIPLES GUIDING PUBLIC PARTICIPATION

- **Inclusivity** – embracing all views and opinions in the process of community participation;
- **Diversity** – understanding 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 participation** – capacity building is the active empowerment of role players 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 objective;
- **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 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.

4. DEFINITIONS

In this policy, unless the context indicates otherwise-

“Council” means the municipal council of Elundini Municipality established by Municipal Systems Act, Act No. 32 of 2000 and Provincial Notice;

“Councilor” means a member of the municipal council;

“Local community” or “community” in relation of the municipality means that body of people comprising –

- The residents of the municipality
- The rate payers of the municipality
- Any civic organization and non-governmental, private sector or labour organization or bodies which are involved in local affairs in the municipality;

“Minister” means national minister responsible for local government;

“Municipal manager” means the person appointed in terms of Section 82 of the Local Government: Municipal Structures Act, Act No 117 of 1998;

“Municipality”, when referred to as “an entity” means municipality as described in section 2 of the Local Government: Municipal System Act, Act No. 32 of 2000; and when referred to as a geographic area means the municipal area determined in terms of the Local Government: Municipality Demarcation Act, Act No. 27 of 1998;

“Organized local government” means an organization which is recognized under Section 21(1) of the Organized Local Government Act, Act No. 52 of 1997, to represent local government nationally and provincially;

“Province” means the Province of Eastern Cape;

“Provincial Gazette” means the official gazette of the province;

“Public participation” means an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision making. It is further defined as a democratic process of engaging people, deciding, planning and playing an active part in the development and operation of services that affect their lives;

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

“Systems Act” means the Local Government: Municipal System Act, Act No. 32 of 2000, as amended.

5. DEVELOPMENT OF CULTURE OF COMMUNITY PARTICIPATION

5.1 In giving effect to section 16 of the Systems Act and as set out in this policy, the municipal manager must ensure that for this purpose:

5.1.1 The municipality encourages and creates conditions for the local community to participate in the affairs of the municipality, including in –

- The preparation, implementation and review of its integrated development plan;
- The establishment, implementation and review of its performance management system;
- Determination, consideration and adoption of by-laws;
- The monitoring and review of its performance, including the outcome and impact of such performance;
- The preparation of its budget; and

- Strategic decisions relating to the provision of municipal services.
- 5.1.2 The municipality employs sufficient staff members who may help in informing and educating the local community about the affairs of the municipality;
- 5.1.3 That all staff members, including Councillors, are trained in the basic knowledge of the areas referred to in section 16 of the Systems Act.
- 5.1.3 The municipal manager may establish a working group, consisting of Councillors and previously trained staff members, to administer the training of a new staff and councillors under section 16 of the System Act.

6. MECHANISMS, PROCESSES AND PROCEDURES

- 6.1 The municipal manager must notify the public of all the available methods for participation. Notification may take the form as provided for in this policy.
- 6.2 The municipality must, when implementing methods for public participation provide –
- 6.2.1 for a staff member to help members of the community who cannot read or write;
 - 6.2.2 Appropriate access to public meetings and hearings for people with physical disability; and
 - 6.2.3 A translator, after having assessed the language preferences and usage and where appropriate.

7. COMMUNICATION OF INFORMATION REGARDING COMMUNITY PARTICIPATION

- 7.1 The municipality must communicate to the Elundini municipal community information concerning: -
- 7.1.1 the available mechanisms, processes and procedures to encourage and facilitate community participation;
 - 7.1.2 the matters with regard to which community participation is encouraged;
 - 7.1.3 the rights and duties of members of the local community;
 - 7.1.4 municipal governance, management and development

8. METHODS FOR PUBLIC PARTICIPATION

8.1 The municipal manager must inform the community of any public comment procedures available through which the members of the community can voice their opinions and views on any affair of the municipality on which the community's input is required, which may include, but not limited to –

8.1.1 Public meetings and hearings by the council and other political structures and office bearers of the municipality.

8.1.2 Consultative sessions with locally recognized community organizations and traditional authorities, and

8.1.3 The submission of written public comment.

8.2 Petitions and complaints

8.2.1 Petitions and complaints lodged by the local community will be received by the council at a facility provided for at council's offices.

8.2.2 The municipal manager must notify the community of all important petitions and complaints lodged with it within 7 (seven) days of having processed and considered the petitions and complaints referred to in this subsection.

8.2.3 Any petition or complaint must comply with the following requirements –

8.2.3.1 it must be in legible writing or typed;

8.2.3.2 the document must clearly indicate the topic; and

8.2.3.3 indicate the relevant department or official where possible.

8.3 Invitation for public comment and open sessions

8.3.1 When the municipality considers and deliberates on any of the issues set out hereunder, it must hold open sessions to which members of the public and interested organizations must be invited to submit their views and comments –

8.3.1.1 The identification of the needs of the community in the municipal area, including the prioritization of those needs for the purpose of assisting the council;

8.3.1.2 On strategies, programs and services to address their priority needs through the Integrated Development Plan for the purpose of assisting the council;

8.3.1.3 In the development, implementation and the review of the council's Performance Management System, including the setting of appropriate Key Performance Indicators and

Performance Targets for the municipality, for the purpose of assisting the council.

8.3.1.4 The views and comments of the public and interested organizations on a proposed tariff as contemplated in section 74 of the Systems Act as well as its Credit and Debt control policy.

8.3.1.5 Decisions on mechanisms for the provision of services through service delivery agreements and the other matters referred to in section 2 of this policy.

8.3.1.6 The municipal manager must, after the council has held an open session on any of the matters contemplated in this policy or other relevant legislation and after conclusion of the session concerned:

8.3.1.6.1 Formulate a full report thereon together with any advice or recommendations that the council may deem necessary or desirable.

8.3.1.6.2 Make copies of the report available to the community in one or more of the following manners:

- by publication in the local newspaper;
- leaving a copy at all the libraries in their municipal area
- placing a copy on the notice board at the council's offices; and
- providing every councilor of each ward with copies for distribution to the communities

8.3.2 The municipal manager must ensure that the report is published in accordance with council's language policy to the municipality area.

8.4 Public meetings and hearings by the council

8.4.1. Notwithstanding the provisions of section 8 of the Systems Act, the municipal manager must publish an appropriate notice and in a manner provided for in this policy notifying the community of any public meeting and /or hearing arranged to discuss and consider any of the petitions and complaints lodged by community members.

8.4.2. any such public meeting and/or hearing must take place within 14(fourteen) days of the municipal manager having notified the community of the important issues raised and considered by the council and after it had called for comments, if any.

8.5 Comments via electronic mail

8.5.1 The municipal manager, if it is within the confines of the municipality's resources and capacity, must provide the public with a

central e-mail address, whereby members of the local community may submit written comments directly to the municipality on any matter referred to in this policy and/or other relevant legislation.

8.5.2 the municipality's website must also provide a facility for the members of the public to provide comments of any nature and any matter to the municipality, without necessarily allowing for abuse of the facility;

8.5.3 The municipal manager must ensure that the comments are addressed regularly and collated by a member specifically allocated to this task.

8.6 Notification

8.6.1 whenever the council –

- holds a meeting as provided for under this policy;
- holds a session about any matter contemplated in this policy or any relevant legislation;
- holds a public meeting on any other matter decided by the council that warrants notifying the community in terms of this policy within a reasonable period,

8.6.2 copies of all notices must be posted at:

8.6.2.1 the notice board located at the council's offices;

8.6.2.2 all libraries in the municipal area; and

8.6.2.3 ward information centers; or

8.6.2.4 such other place/s as may be determined by the ward committee.

9.1 Public notice of a council meeting

- the municipal manager must give notice to the public in a manner provided for in section 19 of the System Act setting out the time, date and venue; whenever there is a scheduled –

9.1.1 Ordinary meetings of council; and

9.1.2 Special urgent meeting of council; except when circumstances make this impossible.

10. Venue for public meetings and hearings

- The municipal manager must ensure that s/he makes use of an appropriate venue for any public meeting and/or hearing as provided for in this policy in terms of –

10.1 The size of the venue after gauging and taking into consideration the approximate number of people who might be attending;

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

10.3 The amount of staff members of the council to be made available

to ensure the smooth administration of the meeting; and

10.4 The provision for security for both the members of the

municipality as well as members of the local community attending the meeting.

11. Communication to local community

11.1 Whenever anything to the community through the media under this policy or any other applicable legislation, it must be done through one or more of the following:

- 11.1.1 In the local newspaper/s of its areas and in an appropriate language for its area;
- 11.1.2 In a newspaper/s circulating in its area and having been approved by council as its newspaper of record;
- 11.1.3 Radio broadcast covering the area of the municipality;
- 11.1.4 Distribution of flyers and pamphlets at such points as
As might be determined by the ward committee;
- 11.1.5 Hailing using a public address (pa) system; or
- 11.1.6 Announcement/s at public meeting/s;
- 11.1.7 Pasting posters at all ward information centers
- 11.1.8 in the municipality's official website

12. Community participation in the Integrated Development Plan

12.1 Once the council has formulated a Process Plan setting out a guide for the planning, drafting, adoption and review of its integrated development plan, the municipal manager must through appropriate mechanisms, processes and procedures set out in this policy consult the local community before adopting the process.

12.2 The notice must inform the community about their rights and duties for input required on the integrated development plan as well as how to go about commenting on such a process.

12.3 the municipal manager must ensure that the publication does specify a date, time and/or place or where the input from the community may be submitted.

12.4 once the municipality has finalised its integrated development plan, it must within 14(fourteen) days of the adoption of such a plan, give notice to the public in a manner provided for in this policy as well as make available copies of or extracts for public inspection at specified places and publish in the local newspaper a summary of the plan.

13. Role of the Ward Committees in enhancing public participation

13.1 the Elundini Municipality has established ward committees, whose primary role it views as being to enhance participatory democracy in the municipality;

13.2 the specific roles of the ward committees in Elundini Municipality are to:

13.2.1 make recommendations on any matters affecting the ward to the ward councilor or through the ward councilor to the municipality

13.2.2 serve as an official specialized participatory structure

13.2.3 create formal unbiased communication channel as well as cooperative partnerships between the council and the community

13.2.4 serve as a mobilizing agent for community action, in particular through the IDP and budgetary processes

13.2.5 hold other duties as delegated by the municipality

13.3 the following are the areas covered by ward committees and their Linkages: -

13.3.1 promote self management, awareness and ownership of local Government

13.3.2 enable faster access to information from government, as well as collecting information about the situation at community level as well as closer monitoring and evaluation of service delivery

13.3.3 provide clarification to communities about programmes and enable community involvement and quicker decision making

13.3.4 enhance transparency in administration

13.3.5 harness local resources to support local development, including mobilizing people to participate in community activities, serve on Sub committees etc;

13.3.6 improve planning, which can now be based on local strengths, needs and preferred outcomes

13.3.6 improve the accountability of government

Approved by the Council of the Elundini Municipality on 30 November 2007