

PUBLIC PARTICIPATION POLICY

2019/2020

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PREAMBLE

Mhlontlo Local Municipality acknowledges that it is committed to the development of a culture of the Municipality that complements formal representative governance. The Municipality has a legal obligation to establish appropriate mechanisms, process and procedures to enable the local community to participate in its affairs.

DEFINITIONS

"COUNCIL"	means the Municipality Council of Mhlontlo Local Municipality established in terms of Section 12 of Local Government: Municipal Systems Act, Act No. 32 of 2000;
"COUNCILLOR"	means a Member of Mhlontlo Local Municipality Council;
"COUNCIL SPEAKER"	means the Chairperson of Mhlontlo local Municipality Council elected in terms of Section 36 Of Local Government: Municipal Structures Act No. 117 of 1998.
"MAYOR"	means a member of the council of Mhlontlo Local Municipality, elected in terms of Section 48 of Local Government: Municipal Structures Act, Act No. 117 of 1998.
"PETITION"	means a written statement, proposal or grievances 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 for Mhlontlo Local Municipality;
"MEMBER OF THE PUBLIC"	in relation to this policy, means the residents of the Municipality
"MUNICIPAL MANAGER"	means the head of administration appointed in terms of Section 82(1)(a) of Local Government: Municipal Structures Act, Act No. 117 of 1998.
"MUNICIPALITY"	mean Mhlontlo Municipality;
"PARTICIPATION"	in relation to this policy means actively involved in the decision-making processes of the municipality.
"STAKEHOLDER"	means a person or group with a direct interest, involvement, or investment in something, for example, member of the public, councillors, and business people.

1. PURPOSE

1.1 REGULATORY FRAMEWORK

In terms of Section 152 (1)(a) and (e) of the Constitution of South Africa Act No. 108 of 1996, the objects of local government are to provide democratic and accountable government for local community organisations in the matter of local government.

The Batho Pele principles as contained in the Transforming Public Service Delivery White Paper (1997) endorses the need for openness and transparency as citizens should know how government structures are run, how resources are spent and who is in charge of particular services. Importantly the White Paper notes that the development of a service oriented culture requiring constant feedback from service users in order to improve their operations.

The Access to Information Act, 2000 (Act No. 2 Of 2000) also put a very strong emphasis on the need of the community to have access to all government information.

The White Paper on Local Government (1998), defines a developmental local state as that which is committed to work with its citizens to find sustainable way to meet their social, economic and material needs and improve their quality of lives.

Chapter 4 Section 17 of the Municipal Systems Act, Act No. 32 of 2000 requires that a municipal System Act, Act No. 32 of 2000 requires that a municipality develops mechanisms, processes and procedures for community participation. I term of Subsection 1 structures for participation by local community must take place through (a) political structures for participation in terms of the Municipal Structures Act; (b) the mechanisms, processes and procedures for participation in municipal governance established in terms of act; (c) other appropriate mechanisms, processes and procedures established by the municipality; (d) councillor; and (e) generally applying the provisions for participation as provided for in this Act.

Section 22 of the Municipal Finance Management Act, Act No 56 Of 2003, requires that immediately after the budget is tabled to council, the accounting officer must (a) in accordance with chapter 4 of the Municipal Systems Act-

- (i) Makes public the annual budget;
- (ii) Invite the local communities to submit representations on connection with the budget.

1.2 GUIDING PRINCIPLES

This Policy is guided by following principles and core values:

- (a) Community 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.
- (b) Community participation includes the promise that the Community's contribution will influence the decision.
- (c) Community participation promotes sustainable decisions by recognizing and communicating the needs interests of all participants, including decision makers.
- (d) Community participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- (e) Community participation seeks input from participants in designing how they participate.
- (f) Community participation provides participants with the information they need to participate in a meaningful way.
- (g) Community participation communicates to participants how their input affected the decision.

1.3 WHAT THE POLICY SEEKS TO ADDRESS

The policy seeks:

- 1.3.1 To give effect to the requirements of the legislation in term of establishing mechanisms and processes for community participation;

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1.3.2 To ensure that the community of Mhlontlo Local Municipality participate in a structured and coordinated manner in the affairs of the municipality;

1.3.3 To build an open, accountable and transparent system of governance ;

1.3.4 To develop a culture of community participation through creating a conducive environment for local communities to participate in the governance of Mhlontlo Local Municipality ;

1.3.5 To develop system, processes and procedures that will guide and enhance public participation;

1.3.6 to build capacity within Mhlontlo Local Municipality for an effective and efficient public participation policy;

1.3.7 To capacitate local communities across gender, age and racial divides so that that they are able to effectively participate in the progress of governance and service delivery by the municipality;

1.3.8 To develop a comprehensive communication strategy that would educate, inform and empower local communities about governance and day to day running of the municipality;

1.3.9 To coordinate and integrate public participation within the Mhlontlo Local Municipality;

1.4 LINKS TO OTHER POLICY

This links to the following policies and strategies of the municipality:

- a) Standing Orders of Council;

1.5 WHO USES THE POLICY

The policy is in intended for use by Councillors, Staff and Members of the policy

1.6 WHO SHOULD BE CONSULTED UPFRONT IN RESPECTIVE OF POLICY CHANGES

Council is the policy formulator and therefore should there be changes either in the relevant legislation that will affect the policy and the members of the public as the affected will also be consulted

1.7 IMPLICATIONS (INTENDED/ UNINTENDED CONSEQUENCE) FOR THE POLICY

1.7.1 INTENDED CONSEQUENCES

The policy is intended to assist the members of the public to have a say in the affairs of the municipality.

1.7.2 UNINTENDED CONSEQUENCES

The municipality might find itself vulnerable to certain members of the public who will see this policy as means o interfere with the rights of council to exercise its executive and legislative powers.

2. POLICY STATEMENT

The Mhlontlo Local Municipality Council adopts the following as its policy:

Participation by members of the public in the affairs of the municipality shall take place through:

2.1 political structures in terms of the Municipal structures Act, Act no 117 of 1998;

2.2 The mechanisms, processes and procedures for participation in municipal governance, which are establish in terms of the Municipal systems Act;

2.3 Other mechanisms , processes and procedures established by the Municipality and general by applying provisions for participation provided for in the Municipal systems Act; The mechanisms processes and procedures for public participation established by Council taking into account the special needs of the people who cannot read and write , people with disability ,women and other disadvantaged groups .

3. PROCEDURE FOR PUBLIC PARTICIPATION

3.1 WHO DRIVES THE POLICY

The Council Speaker ,Mayor , and the Municipal Manager or his /her delegate will drive the policy .This will be done through ward committee structures , Integrated Development Planning Structures, Performance Management Systems Structures ,Council and Committee Meetings , Imbizo and Outreach Programs of the Speaker and the Mayor

3.2 FACILITATION AND COORDINATION

For effective facilitation and coordination, Public Participation shall be facilitated and coordination from the officer of the Speaker.

3.3 MANAGING THE PROCESS

1) Budgeting

Each year the municipality and /or each directorate within the Municipality shall budget for public participation.

IDP Representative Forum

- a) The mayor and executive committee through the Municipality Manager shall ensure that members of the public participate in the IDP Representative Forum;
- b) Every effort shall be made to ensure that all the stakeholders of the Municipality are represented in the IDP Representative Forum;
- c) Members of the Public and other stakeholders will ensure that their needs and aspirations are channelled through this Forum and the Public Participation Structures

Performance Management System Structures

- a) The Mayor and Executive Committee will ensure that Municipality established a Performance Management Forum ;
- b) The Forum shall be inclusive of members of the public in a manner to be determine by the Municipality and in line with the Performance Management Regulations

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4. Council and Committee Meetings

- a. The municipal Manager shall make sure that a notice is given to members of the public about the sittings of council and committee Meetings in a manner determined by the Council and un that notice encourage members of the public to attend;
- b. The Council may exclude members of the public from its Council and Committee meetings when it is necessary to do so having regard to the nature of the business being transacted.

5. Imbizo's and Community Outreach Programmes

- a. the Mayor and the speaker will ensure that the stakeholders of the municipality do participate in the affairs of the municipality by calling Imbizos and Outreach Programmes in the various wards within the Municipality;
- b. the people of Mhlontlo Local Municipality shall through these Imbizos and Outreach Programmes engage the Mayor on matters of the executive and the Speaker on legislative matter;
- c. The issue raised at the imbizos and Outreach Programmes will be taken back to the municipality for resolution and/or a process forward and feedback will be given to the communities.

6. Ward-Based Planning

- a. The Speaker will ensure that planning is done at the ward level by facilitating the establishment of ward-based Planning Structure;
- b. Every effort shall be made to ensure that the structures mentioned in (a) above enhance the IDP processes to avoid parallelism within the municipality

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7. Other Mechanisms, Processes and Procedures for Public Participation

- a) The Municipality will in line with the relevant legislation continue to establish other mechanisms, processes and procedures to ensure that members of the public do participate
- b) The Municipal Manager will ensure that records are kept for all these processes for ease of reference and to ensure that these are actionable.
- c) Ward committees will play an important role in the public participation structure of the municipality.

PUBLIC PARTICIPATION OPTIONS AND PROCEDURES

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

Petitions and complaints

- a) All petitions shall be addressed to the Speaker or Municipal Manager and may be submitted to the councillor responsible for the ward whose residents are writing the petition;
- b) All petitions received shall be acknowledged in writing by the Speaker or Municipal Manager's Office within 48 hours of receipt;
- c) 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 special Council meeting shall be convened within seven days of the decision to refer the matter to the council;
- d) Any petition must comply with the following requirements-
 - i. It must be in legible writing or typed
 - ii. It must clearly indicate the problem
 - iii. It must contain the address and phone numbers of the petitioner
 - iv. It must be signed by the author alternatively have signatures of the petitioners.
- e) Complaints lodged by the community will be received by the Council through the offices identified by the Municipality;

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- f) The Speaker and Municipal Manager shall notify the concerned community of the complaint lodged with the Municipality in seven days of having processed and considered the complaint;

- g) Any public meeting and /or hearing must take place in fourteen days of the Speaker or 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 public comments and open sessions hereunder;

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4. APPROVAL

4.1. WHO IS CONSULT ED

Councillors, Management, and staff shall be consulted.

4.2 FINANCIAL IMPLICATIONS

In implementing the policy the municipality shall incur costs; however each year the municipality and/or Departments within the municipality shall budget for public participation to give effect to the policy.

4.3 ADOPTION OF THE POLICY

As the policy formulator the Council of Mhlontlo Local Municipality will adopt the policy on recommendation of the mayor.

5.

5.1 COMMUNICATION

The existence of this policy will be communicated through brochures, fliers, circulars, municipal website as well as work shopping of the policy.

5.2 SIGN-OFF AND OWNERSHIP

The policy shall be signed off by the Mayor and Municipal Manager as an expression of commitment to its implementation by both the executive and the administration.

5.3 POLICY REVIEW

The policy will be reviewed annually and/or when changes in the legislation and Municipal strategy and objectives warrant such a review.

5.4 MONITORING PROCESS

Successful implementation will be evidenced by the number of structures established for public participation, the sitting or functionality of those structures and satisfaction shown by members of the public and stakeholders on the performance of the Municipality.

6. POLICY AUDIT

The policy will be audited constantly to ensure its alignment with the Mission and Vision as well as the Strategies and Objectives of the municipality.

7. VIOLATION AND ENFORCEMENT

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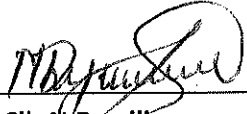
The violation of the contents of this policy shall constitute an offence and will lead to disciplinary action taken against the employees and councillors who are found guilty of such an offence.

8. AUTHENTICATION

Public Participation Policy adopted by Council on the 31 MAY 2019

Resolution Number 05-18/19

Sign-Off



Cllr N. Dywili
Mayor



MR. S.G Sotshongaye
Municipal Manager