

# **MANGAUNG METROPOLITAN MUNICIPALITY**



## **POLICY ON DEVELOPMENT AND REVIEW OF POLICIES AND BY-LAWS**

*Final Draft*

## **1. Definitions**

In this policy, unless the context indicates otherwise –

**“Policy”** means an instrument that outlines goals the Mangaung Metropolitan Municipality (the Municipality) wants to achieve, and the methods and principles it will use to achieve them.

**“Internal Policy”** means an instrument that is intended to regulate the internal administrative issues of the Municipality and does not necessarily concern members of the public and will not affect or prejudice their rights should the Council take a decision without prior consultations with the public.

**“External Policy”** means an instrument that is intended to regulate the public issues of the Municipality and it requires members of the public to be consulted before the Council takes a decision on the matter.

**“By-law”** means a legislative, regulatory instrument that sets out standards, procedures and principles that must be followed in order to give effect and regulate the policies the Mangaung Metropolitan Municipal Council (the Council) adopted.

## **2. Purpose**

The purpose of this policy is to encourage and create conditions for the Municipality’s residents to participate in the decision-making of the Council concerning the development and review of policies and by-laws.

## **3. Objectives**

The Municipality’s community members, on the one hand, are given an opportunity to influence the processes of the policy and law making of the Council, and the Councillors and staff members, on the other side, are encouraged to foster public participation, thereby ensuring the legitimacy of the processes of the policy and law making.

## **4. Legislative Framework**

This policy is aimed at ensuring that the Municipality adheres to the relevant provisions of the Constitution of the Republic of South Africa, 1996 (as amended), the Local Government: Municipal Systems Act (Act No. 32 of 2000, as amended) and the Local Government: Municipal Structures Act (Act No.117 of 1998, as amended) in so far as the processes of the policy and law making of the Municipality are concerned.

## **5. Principles**

Policy and law-making processes, in particular community participation, should be based on the values of accountability, responsiveness, effectiveness, transparency and openness.

## **6. Engagement Mechanisms**

The following appropriate mechanisms are provided for, in terms of this policy, to enable the Municipality's community to effectively participate during the processes of policy and law making:

- ✓ *Notice for Public Comments*;
- ✓ *Public Hearings* in four regions of the Municipality;
- ✓ *Organised Interest Group(s)* inputs, if any;
- ✓ *Advisory Committee* inputs, if the Municipality established it; and
- ✓ *Traditional Authority* views, if by-law has impact on area of traditional authority.

## **7. Language**

Public participation should be done in line with the Municipality's language policy.

## **8. Stages for Approval**

The Council should approve policies and by-laws as follows:

### **8.1 Internal policies up to *Step 3* under provision 9.**

Public participation is not required.

The provisions of section 16(2) of the Municipal Systems Act of 2000 should be borne in mind in this regard.

### **8.2 External policies up to *Step 6* under provision 9.**

Public participation is required.

The provisions of section 16(1) of the Municipal Systems Act of 2000 should be borne in mind in this regard.

### **8.3 By-laws up to *Step 6* under provision 9, and further *promulgated* in terms of *Step 7* under provision 9.**

Public participation is required.

The provisions of section 12(3)(b) and Section 13(a) of the Municipal Systems Act of 2000 should be borne in mind in this regard.

## 9. Process Outline

Step	Activity/Matter	Responsibility	Roles	Time Frame
1	<b>Proposal/request</b> is made to City Manager or Head of Department	Anyone either externally or internally	Line Department together with Legal Services develops 1 <sup>st</sup> draft version	Within three (3) working days of the date of request
2	Circulation of <b>1<sup>st</sup> draft version</b> to Departments for internal inputs	Line Department	Departments submit their inputs to Line Department and/or Legal Services.	Within three (3) working days of the date of receipt of the 1 <sup>st</sup> draft version
3	Submission of <b>2<sup>nd</sup> draft version</b> to Section 79 or 80 Committee	Line Department	Section 79 or 80 Committee considers and takes note of 2 <sup>nd</sup> draft version for public participation purposes.  If it is internal policy, Section 79 or 80 Committee considers 2 <sup>nd</sup> draft for Council approval purposes.	Next upcoming Section 79 or 80 Committee sitting  Next upcoming Council sitting
4	Conducting of Public Participation process ( <b>3<sup>rd</sup> draft version</b> )	Communications Unit  Office of the Speaker	a) Place notice for public comments and hearings on MMM website and Local Newspapers (at least three (3) newspapers)  a) Notify and request Ward Councilors and Ward Committees to inform and mobilize their constituencies to attend public hearings;	Within five (5) working days after date of Section 79 or 80 Committee sitting  All four (4) roles concurrently within twenty one (21) days, including weekend days, after date of Public Notice

			<p>b) Request Inputs from Organized Interest Groups, if any;</p> <p>c) Request Inputs from Tribal Authority, if relevant; and</p> <p>d) Establish and request Advisory Committee's inputs, if necessary.</p>	
5	Submission for Council approval (incorporating report on public participation process and community inputs received) ( <b>4<sup>th</sup>, final draft</b> )	Office of the Speaker/ Line Department/ Legal Services	Section 79 or 80 Committee considers 4 <sup>th</sup> draft (final draft) for Council approval purposes	Next upcoming Section 79 or 80 Committee sitting
6	Submission of final draft as <b>Council item</b>	Committee Services	Council adopts final draft version	Next upcoming Council sitting
7	<b>Promulgation</b> of adopted By-law	Legal Services	Submit for publication in the Provincial Gazette	Within five (5) working days after date of Council Approval

**10. Scope of Application**

This policy applies to the Municipality's Council, Administration and Community at large.

**11. Repeal**

This policy repeals Policy on Public Participation in the Development and Adopting of Policies and By-laws, approved by Council on 28 February 2007 under item 21A5.13

**12. Short Title**

This policy is called **Policy on Development and Review of Policies and By-laws, 2012** and comes into operation on the date of approval by the Council.