

## **POLICY RELATING TO PUBLIC PARTICIPATION**

### **TABLE OF CONTENTS**

Clause	Heading	Page
1	DEFINITIONS	2
2	PURPOSE OF POLICY	4
3	LEGISLATIVE FRAMEWORK	4 - 6
4	POLICY PRINCIPLES	6 - 7
5	POLICY OBJECTIVES	7 - 8
6	SCOPE OF APPLICATION	7
7	METHODS OF PARTICIPATION	4
8	RIGHTS AND RESPONSIBILITIES OF THE PUBLIC	9 - 10
9	COMMUNICATION	10 - 12
	9.1 Meetings of Council	
	9.2 Public Meetings	
	9.3 Submissions by Public	
10	LEGISLATIVE PUBLIC PARTICIPATION PROCESSES AND MECHANISMS	12 - 16
	10.1 Budget and IDP	
	10.2 Policies and By-laws	
	10.3 Performance Management and Municipal Services	
	10.4 Submissions by Public	
	10.4.1 Public Comments	
	10.4.2 Petitions	
	10.4.3 Complaints	
	10.4.4 Deputations and Interviews	
11	INTEGRATED APPROACH TO PUBLIC PARTICIPATION	16 - 19
12	POLICY IMPLEMENTATION, MONITORING AND REVIEW	19

13	<b>CONFLICT BETWEEN POLICIES AND/OR BY-LAWS</b>	19
	<b>POLICY COMMENCEMENT</b>	19
14	<b>SCHEDULE 1</b>	20 - 22
15	<b>SCHEDULE 2</b>	22 - 25

## **1. DEFINITIONS**

In this policy, unless the context indicates otherwise –

**“By-law”** refers, in terms of this Policy, to any other by-law, except the Standing Rules and Orders By-law, and Property Rates By-law, as far as the development or review Municipality’s by-laws is concerned;

**“Municipal Manager/City Manager”** means the person appointed by the Council of the City as Municipal Manager in terms of section 54A of the Local Government Municipal Systems Act, 2000, as amended by Local Government: Municipal Systems Amendment Act, 2011 (Act No. 7 of 2011) and shall include any person acting in that position or to whom authority is delegated;

**“Constitution”** means the 1996 Constitution of the Republic of South Africa (Act № 108 of 1996);

**“Consultation”** means process whereby the views of community on a specific matter are solicited, either orally or in writing, and are considered before the Council takes a decision on the specific matter;

**“Council or Municipal Council”** means the Council or Municipal Council of the Mangaung Metropolitan Municipality;

**“Councillor”** means a member of the Council of the Mangaung Metropolitan Municipality;

**“Designated municipal sites”** will include municipal offices, libraries, customer care centres, ward offices and the municipal website;

**“IRFA”** refers to the Intergovernmental Relations Framework Act № 13 OF 2005

**“Loud-hailing”** means an amplified call or message to those able to hear. This is a medium to impart to communities, in the shortest possible way, information for their benefit or to extend an invitation to participate in a gathering or exercise an action;

**“Meeting of Council”** is a meeting convened in terms of the provisions of the

Municipality's Standing Rules and Orders By-laws;

**"MFMA"** refers to the Local Government: Municipal Finance Management Act № 56 of 2003;

**"Municipality/City"** means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"Official"** as defined in the Local Government: Municipal Finance Management Act 56 of 2003 in relation to a municipality or municipal entity, means –

- (a) an employee of a municipality or municipal entity;
- (b) a person seconded to a municipality or municipal entity to work as a member of the staff of the municipality or municipal entity; or
- (c) a person contracted by a municipality or municipal entity to work as a member of staff of the municipality or municipal entity other than an employee;

**"Participation"** is an on-going process of the debate, dialogue and communication between the Municipality and the community it serves;

**"Policy"** refers, as far as this Policy is concerned, to external policies of the Municipality, as defined in the Municipality's adopted Policy on the Development and Review of Policies and By-laws of 2012;

**"Public Hearing"** is a meeting endorsed and arranged by Council or its committees or the Executive Mayor or the Speaker in order to solicit the views and opinions of the members of the public on matters affecting the interests of the residents of the Municipality;

**"Public or Community Participation"** means participation by members of the Public or community in the affairs of the Municipality by ensuring that the Municipality's Council or its administration makes informed and legitimate decisions;

**"Structures Act"** refers to the Local Government: Municipal Structures Act № 117 of 1998;

**"Systems Act"** refers to the Local Government: Municipal Systems Act № 32 of 2000;

**"Vulnerable groups"** consist of persons not afforded the same security as the general citizen, i.e. children, women, the aged, and persons with disabilities;

“**Ward Committee**” is a committee established in terms of section 73 of the Local Government: Municipal Structures Act 117 of 1998, as amended, consisting of the ward councillor and additional community representatives, and the object of the committee is to enhance participatory democracy in the Municipality.

## **2. PURPOSE OF POLICY**

2.1 The Policy is aimed at creating a framework within which public participation can be effected, thereby creating an environment conducive to the engagement of the public in the affairs of the Municipality so that the Municipality performs its duties and obligations as set out in legislation with regard to public participation.

2.2 The Policy serves to provide mechanisms, processes and procedures in order to achieve adequate, reasonable and effective public participation by enabling members of the public get access to information, participate in consultation and decision-making processes of the Municipality.

## **3. LEGISLATIVE FRAMEWORK**

The Policy is based on the following pieces of legislation:

### **3.1 The 1996 Constitution (Act №108 of 1996)**

Section 152(1)(a) of the Constitution provides that “the objects of the local government are to encourage the involvement of communities and community organisations in the matters of local government.”

Section 160(4) of the Constitution provides that “No by-laws may be passed by a Municipal Council unless...the proposed by-law has been published for public comment.

Section 195(1)(e) of the Constitution provides that“ people’s needs must be responded to, and the public must be encouraged to participate in policy-making”,

### **3.2 The Systems Act (Act No.32 of 2000), as amended**

Section 4(2)(c) of the Systems Act provides that the council of a municipality has the duty to “encourage the involvement of the local community”

Section 4(2)(e) of the Systems Act further provides that the council of a municipality has the duty to “consult the community about the level, quality, range and impact of municipal services provided by the municipality, either directly or through another service provider; and the available options for service delivery”.

Section 5 of the Systems Act gives members of the community the rights and duties to engage in the processes and mechanisms established by statute to participate in and contribute to the manner in which the municipality is managed.

Chapter 4 of the Systems Act makes provision for community participation in the following manners:

Section 16 – promotes the development of a culture of community participation;

Section 17 – makes provision for the establishment of mechanisms, processes and procedures for community participation; and

Sections 18 to 21 – provide for access to information and platforms for communication.

Section 12(3)(b) of the Systems Act provides that “no by-law may be passed by a municipal unless – the proposed by-law has been published for public comment in manner that allows the public an opportunity to make representations with regard to the proposed by-law”.

Chapter 5 of the Systems Act provides for developmentally oriented planning and also gives guidance on the manner in which participation by the public should take place.

Section 42, read together with Chapter 4, of the Systems Act provides for community involvement in the municipality’s performance management system.

Chapter 7 of the Systems Act emphasises the fact that local government is governed by the democratic values and principles embodied in Section 195(1) of the Constitution; a municipality must strive to achieve the objects of the local government as set out in section 152(1) of the Constitution; and a municipality must perform the duties set out in Sections 4, 5 and 6 of the of the Systems Act

### **3.3 The MFMA (Act No. 56 of 2003), as amended**

Sections 21 – 23 of the MFMA, read together with Chapter 4 of the Systems Act, make provision for public participation processes, regarding the municipal budget, integrated development plan, performance management processes, and policy development. Such public participation processes are to be concluded within set time frames in accordance with the specifications set by the MFMA.

### **3.4 The Structures Act (Act, No. 117 of 1998), as amended**

Section 72(3) of the Structures Act provides that the object of a ward committee is to enhance participatory democracy in local government role. Ward committees are public representative structures.

Section 74 of the Structures Act gives ward committees the powers and functions, in addition to any other powers and duties delegated to them, to make recommendations on any matters affecting their wards, through ward councillors to the Council, Executive Committee or the Executive Mayor.

### **3.5 The IRFA (Act No.13 of 2005)**

The IRFA clarifies the meaning of the term consultation within a legislative context, defining it as “a process whereby the views of another on a specific matter are solicited, either orally or in writing, and considered”.

## **4. POLICY PRINCIPLES**

4.1 The Policy reflects the values and principles embedded in the Constitution and espoused in the White Paper on Transforming Public Service Delivery, Notice 1459 of 1997 (Batho Pele White Paper) as follows:

4.1.1 Access – accessible and responsive arrangements are to be developed to enable members of the public to enjoy the rights and privileges guaranteed by legislation.

4.1.2 Accountability – is based on the assumption that all role-players will accept full responsibility for their individual actions.

4.1.3 Commitment – dedication to true forms of *participation*, which fosters democracy.

4.1.4 Consultation– consultation is an important process for sharing and gathering various insights with regard to addressing a particular issue. Consulting internal and external role-players is therefore critical when planning and/or initiating programmes and projects. Given the fact that the services of local government are for public consumption, it is imperative that the users of public services are consulted about their needs and priorities. Their inputs and comments must be taken into account when making decisions.

4.1.5 Diversity – South Africa is a diverse society. *Public participation* processes must therefore take into account differences that may stem from gender, religion, race, ethnicity, language, sexual orientation, age, economic status, and so on. These differences should be allowed to

emerge and, where appropriate, ways sought to develop an approach that allows for inclusiveness, based on respect and dignity.

- 4.1.6 Empowerment– Through direct involvement in planning, decision-making and implementation of programmes, projects and strategies, communities may be uplifted and encouraged to seek sustainable methods for development and survival.
- 4.1.7 Openness and transparency– The Municipality will ensure that involvement with the communities in public participation will be transparent and open and to be relied upon to create institutions of people of good repute and constituting organs of people’s powers, such as forums and ward committees.
- 4.1.8 Flexibility – Flexibility is often required in respect of timing and methodology. It requires participants to make room for changing conditions and to explore various suitable alternatives.
- 4.1.9 Information – Effective decision-making and conduct are augmented by the availability and provision of comprehensive and accurate information. Information sharing often contributes to educating communities and fostering better understanding and appreciation for project decisions and implementation plans.
- 4.1.10 Redress – Residents are entitled to an apology, explanation and remedial action, if the promised standard of service is not delivered.

## **5. POLICY OBJECTIVES**

- 5.1 Through this Policy, the Municipality seeks to achieve the following:
- 5.1.1 Instil a spirit of participatory government through the mechanisms developed in terms of the Policy.
- 5.1.2 Facilitate the prioritisation of community development and requirements, with the involvement and support of communities.
- 5.1.3 Ensure that any matters requiring community participation is referred to all sectors, which must include, inter alia, ward committees.
- 5.1.4 Promote direct and indirect platforms of participation.
- 5.1.5 Create appropriate mechanisms for communication and participation suited to the process/nature of participation as prescribed in terms of this Policy.
- 5.1.6 Establish a comprehensive framework for defining, implementing,

monitoring and evaluating public participation initiatives in the Municipality.

- 5.1.7 Afford local communities the opportunity, together with the Municipality, to consolidate resources and promote sustainable development and empowerment.
- 5.1.8 Provide municipal officials with standardised guidelines with regard to public participation initiatives, so that consistency and efficiency can be achieved.
- 5.1.9 Set clear roles and responsibilities for those affected by the Policy.
- 5.1.10 Establish implementation protocols within the Municipality consistent with the Constitution, and/or any other applicable policy, the scope and objectives of which endeavour to promote public participation.
- 5.1.11 Ensure that public participation initiatives are suitably focused and their impact on the functional, institutional and financial integrity of the Municipality is properly considered.
- 5.1.12 Ensure uniformity and consistency in respect of with regards the implementation of Council policies and processes.
- 5.1.13 Bring about outcomes that will have involved the communities from the outset thus ensuring ownership by communities and giving recognition to the opportunities and challenges presented by partners.

## **6. SCOPE OF APPLICATION**

- 6.1. The Policy applies to all municipal employees, Councillors, ward committees, municipal entities and members of the public, whether natural or juristic, in as far as their rights, duties, responsibilities and roles are outlined in terms of the Policy.
- 6.2. The Policy makes provision for mechanisms, processes and procedures to facilitate and give effect to public participation as required by legislation.
- 6.3. The policy giving effect to ward committees should be read together with the Policy.

## **7. METHOD OF PUBLIC PARTICIPATION**

- 7.1 The Municipality will seek to utilize the various methods of participation, including, but not limited to, information-sharing sessions, meetings, dialogues, workshops and hearings, as and when necessary.



- 7.2 The Municipality will promote and ensure people-centred and people-driven development, as reflected in the Constitution.
- 7.3 The Municipality will continuously strive to create an enabling environment for citizens to be involved in and participate in the development of plans, policies and other relevant guiding documents from the initial stages.

## **8 RIGHTS AND RESPONSIBILITIES OF THE COMMUNITY**

- 8.1 The success of participative developmental governance hinges on a healthy integrated balance between the rights and duties of municipality and that of the community. The rights of members of the community in terms of the Systems Act are to:
- 8.1.1 Be involved in and contribute to the decision-making processes of the Municipality and submit written or oral recommendations, make representations and submit complaints to the Municipality or to another political structure or a Councillor or an official of the Municipality through mechanisms provided and in accordance with processes and procedures in terms of applicable legislation, or the Policy.
- 8.1.2 Prepare responses to their written and/or oral communications, including complaints to Councillor to another political structure or a political office bearer or the administration of the Municipality.
- 8.1.3 Be informed of decisions of Council, another political structure or any political office bearer of the Municipality, affecting their rights, property and reasonable expectations.
- 8.1.4 Receive regular disclosure of the state of affairs of the Municipality, including its finances.
- 8.1.5 Demand that the proceedings of Council and those of its committees be:
- a) Open to the public, subject to Section 20 of the said Act;
  - b) Conducted impartially and without prejudice; and
  - c) Untainted by personal self-interests;
- 8.1.6 Use and enjoy public facilities.
- 8.1.7 Have access to services delivered by the Municipality, provided that certain conditions are complied with.

- 8.1.8 Members of the community have the responsibility in terms of law when exercising their rights:
- a) To respect the rights of other members of the community.
  - b) To observe the mechanisms, processes and procedures of the Municipality.
  - c) To allow properly identified officials reasonable access to their property for the performance of authorised municipal tasks/activities.
  - d) To comply with policies and by-laws of the Municipality applicable to them.
  - e) Where applicable and, subject to Section 97(1)(c), to pay promptly for service charges, surcharges of fees, rates on property and other taxes, levies and duties that may be imposed by the Municipality.

## **9. COMMUNICATION**

### **9.1 MEETINGS OF COUNCIL**

9.1.1 Notice will be given of the time, date and venue of every ordinary, and/or special or urgent Meetings of Council, except where time constraints make this impossible at least five (5) days before the meeting, by inter alia:

- publishing such notice in the local newspaper,
- broadcasting notifications via radio stations,
- displaying notices at designated municipal venues,
- vehicle loud-hailing,
- door-to-door visits,
- publication on the municipal website, or
- any other means that will assist the process.

### **9.2 PUBLIC HEARINGS**

9.2.1 Members of the community will be invited to participate in open sessions where statutory determined processes, such as the IDP, the budget, policies and by-laws, and/or any other non-statutory processes are presented and reviewed.

- 9.2.2 Public hearings will be held at a place, time and venue convenient to the majority of people in a particular ward cluster.
- 9.2.3 Notices of public hearings will be published in the local print and broadcast media or any other suitable communication platforms, including the municipal website, at least five (5) days before the date of the meeting.
- 9.2.4 When deemed necessary, and when financially viable, pamphlets and loud-hailing may be used to publicise hearings.
- 9.2.5 Presentations made at such hearings must be in accordance with Council's language policy.
- 9.2.6 Councillors will be informed of such hearing(s) by notice before such hearing(s) take place.
- 9.2.7 Those entitled to special invitations to public hearings include: traditional leaders/authorities; ward committees; recognised business or civil society structures; and special guests.
- 9.2.8 Where public hearings are envisaged, a hearing schedule will be drawn up and advertisements placed in the local media and by any other means in accordance with this Policy. This process will allow the public to make direct inputs and comments to what is to be contained in the IDP, budget, policies, by-laws and any other relevant public documents.
- 9.2.9 Prior to the public hearing, copies of the draft IDP and Budget must be made available over a period of twenty one (21) days from the date of notification at designated municipal sites for perusal and comments by the public. Preliminary sessions with leading structures to ensure inputs from organised interest groups and ward communities may be held.
- 9.2.10 At the public hearing, a summary of the IDP and Budget will be verbally presented to communities at appropriate venues within ward clusters in a language most common to the community in question.
- 9.2.11 Submissions by the public may be made verbally at such public presentations or in writing in any of the three most commonly used languages of the region, i.e. Sesotho, English and Afrikaans.
- 9.2.12 Written submissions may be posted/e-mailed or hand-delivered at designated municipal sites or offices.

**9.3 SUBMISSIONS BY THE PUBLIC**

## ***Mangaung, Public Participation Policy***

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9.3.1 Submissions by the public can be made in response to Council's participatory processes, decisions, acts or omissions in any of the three main languages spoken in Municipality, i.e. Sesotho, English and Afrikaans in the following ways:

- a) Orally, at public hearings, Braille, sign language to be provided where possible, and in one-on-one interactions.
- b) Written submissions (letter, fax, e-mail, submitted document or any other means provided for by Municipality).
- c) Petition notice.
- d) Where practically and economically feasible, the Municipality will endeavour to make translators and transcribers available for the purposes of capturing the inputs/submissions of the public in line with its Language Policy.

9.3.2. The above submissions will be:

- a) Consolidated and distributed for consideration by directorates and, where appropriate, any other relevant stakeholder.
- b) Considered for feasibility; and
- c) Where approved by the Council, incorporated into Council's strategic documents so that these may be reported on formally.

9.3.3 The decision to include or exclude community proposals from Council's strategic plans, will be communicated to communities using the most appropriate communication tools available to Municipality.

## **10. LEGISLATIVE PUBLIC PARTICIPATION PROCESSES AND MECHANISMS**

10.1 In terms of legislation the Municipality is required to encourage and create conditions for community participation in the affairs of the Municipality, including:

- the preparation, implementation and review of its IDP;
- the establishment, implementation, monitoring and review of its Performance Management System, including the outcome and impact of such performance;
- the preparation and review of its Budget; and
- strategic decisions relating to the provision of Municipal Services,

are prescribed by legislation. The Policy strives to give effect to prevailing legislative imperatives in this regard as set out below:

## **10.2.1 MUNICIPAL BUDGET AND IDP REVIEW PROCESSES**

10.2.1.1 The Integrated Development Plan (IDP) is a five-year plan that informs the strategic agenda of Council and, together with the Budget, is reviewed annually. Initial community involvement and stakeholder consultation is an essential component of both processes. Over and above legislative compliance, the participation of members of the public in these processes constitutes good corporate governance and fulfils the spirit of *government for the people by the people*.

10.2.1.2 Consequently, members of the public must be invited and encouraged to make submissions with regard to both documents mapping the strategic priorities of the Municipality as per this Policy.

10.2.1.3 The initial development of the content of the Budget and IDP must commence by no later than June of the preceding financial year for which the Budget and IDP are being prepared to ensure input into these processes by the community. The public must be extended an open invitation to make submissions for inclusion in the following year's Budget for items that will be considered in the drafting of that Budget.

10.2.1.4 The IDP/Budget report-back sessions to the clusters will include direct responses to all the submissions received.

10.2.1.5 The cycle of inputs with regard to the IDP and Budget recommendations is consolidated during the last quarter of that calendar year, when inputs may have been gathered indirectly through representatives by way of ward committees and municipal officials or by way of institutional arrangements. During this period, public inputs must be captured and presented to Council as part of the Budget for the people by the people.

10.2.1.6 The Chief Financial Officer (CFO)'s office should ensure that public submissions are collected within seven days of the deadline.

10.2.1.7 All submissions will be acknowledged and recorded in a central register. These will be monitored and responded to.

10.2.1.8 The Finance Directorate or relevant department should make hard and electronic copies of the IDP and Budget available within fourteen days (14) of its adoption at designated municipal sites.

## **10.2.2 POLICIES AND BY-LAWS**

10.2.2.1 Presentation of draft policies and by-laws to the public will be dealt with as follow:

- a) The Section 80 Committee: Corporate Governance will approve the conducting of the public participation process by noting the draft of external policies and/or by-laws.
- b) A schedule of public meetings will be determined through consultation with key stakeholders and then advertised in various formats (media, radio, pamphlets, etc.).
- c) The full version of the draft policy and/or by-law will be published in English and summaries will be made available in the three recognised official languages of the Municipality, namely, English, Sesotho and Afrikaans (subject to the availability of resources) and presented to communities in the respective clusters.
- d) A sufficient amount of copies for distribution will be made available in soft and hard copy for members of the public.
- e) Public submissions (verbal or written) will be recorded, and submitted to the Section 80 Committee: Corporate Governance for recommendation for Council for approval.
- f) The Legal Services of the Municipality will promulgate the adopted by-laws in the Provincial Gazette of the Free State Province.
- g) Copies of the draft policies and by-laws, as well the copies of the promulgated by-laws must be made available at the following sites of the municipality:
  - Municipality's website;
  - Municipal libraries;
  - Municipality's designated offices; and
  - Public hearings.

### **10.3 SUBMISSIONS BY THE PUBLIC**

#### **10.3.1 CONSIDERATION OF PUBLIC COMMENTS**

- 10.3.1.1 The City Manager is responsible for ensuring that public comments are channelled through the correct decision-making structures within Municipality, and for informing the public of outcomes of decisions taken by Council.

### **10.3.2 PETITIONS**

10.3.2.1 The gathering of persons for the purposes of handing over a petition within the jurisdiction of the Municipality must be executed in accordance with the provisions of Gatherings Act 205 of 1993. In terms of the said Act, notice of a public gathering must be given to the Municipality at least seven (7) days before commencement of the gathering. The convener and/or authorised member must liaise with the responsible officer of the Municipality to discuss the content of the notice and such conditions regarding the conduct of the gathering as may be deemed necessary. Such arrangements must include making provision for a designated person to receive the petition. Where the matter concerning the petition pertains to the decisions, conduct or an omission of the Municipality, a portfolio or ward councillor may be called upon to receive the petition.

10.3.2.2 Petitions will be processed and dealt with in accordance with the Council adopted Petitions Policy of the Municipality.

### **10.3.3 COMPLAINTS**

10.3.3.1 All complaints will be addressed to the City Manager and may be submitted by way of ward council structures, municipal offices or any other mechanisms provided by Municipality.

10.3.3.2 Complaints may be submitted on an official form that must be relatively simple to complete, and could be submitted per e-mail or post. Complaints submitted must:

- a) be legible;
- b) clearly indicate the topic;
- c) highlight the proposed solution/recommendation; and
- d) stipulate a reply address or contact details.

10.3.3.3 The City Manager or his/her designated representative is responsible for responding to a complaint within thirty(30) days of receipt of the complaint in a manner appropriate to the matter at hand. These should also be submitted to the appropriate Portfolio Committee for record purposes.

### **10.3.4 DEPUTATIONS AND INTERVIEWS**

10.3.4.1 Any person(s) who wishes to obtain an audience with Council or a committee of Council must submit a written application to the Office of the Speaker or the City Manager.

10.3.4.2 Such an application must state the nature of the presentation the applicant wishes to make.

10.3.4.3 Whenever such an application is declined, the applicant must be furnished with reasons for the refusal

## **11. INTEGRATED APPROACH TO PUBLIC PARTICIPATION**

Public office bearers and municipal officials must work together to successfully maximise community engagement opportunities. It requires a clear understanding of the roles and responsibilities ascribed to each key role-player and/or structure during the various phases of preparation, engagement and review as depicted herein.

### **11.1 AD HOC COORDINATING TEAM**

11.1.1 Once the need for direct public engagement, in the form of public hearings has been identified, an *ad hoc* Coordinating Team should be established.

11.1.2 The Coordinating Team should consist of at least the following representatives:

- Chairperson of Section 80 Committee: Corporate Governance or any designated member Councillor of the Committee
- Representative from User Department
- Representative from Communications Sub-directorate
- Representative from Integrated Development Plan Sub-directorate (*if public participation concerns IDP*)
- Representative from Public Participation Unit
- Representative from Finance Department (*if public participation concerns Budget*)
- Any relevant representative from any other relevant Directorate or Portfolio Committee.

### **11.2 ROLES AND RESPONSIBILITIES**

#### **11.2.1 Ad hoc Coordinating Team**

The Team will be responsible for:

- developing a Public Participation Action Plan.



The Team should detail the relevant dates, timelines, and lines of responsibility and actions such as communication, printing, notices, placement of adverts, venue bookings, hiring of equipment, compilation of attendance registers, placement of media equipment, secretariat duties, and so forth.

- nominating an Action Team to give effect to the Action Plan and assigning individual responsibility to each team member.

**11.2.2 Chairperson of Section 80 Committee: Corporate Governance or any designated member Councillor of the Committee**

This political office bearer should attend and chair all public meetings and generally champion the objectives of the public participation exercise.

**11.2.3 User Department**

It will be the responsibility of the user directorate, i.e the directorate that wishes to engage in a public participation process or series of events, to:

- coordinate the public participation planning exercise;
- ensure that all other supporting directorates are brought on board at the outset. This may be achieved by holding a meeting or a series of meetings in preparation for the actual public participation event or proceedings;
- fund the public participation event(s); and
- ensure that the Action Plan is put into action.

**11.2.4 Communications Sub-directorate**

The Communications Sub-directorate will be responsible for assisting the User Department in developing an appropriate Communications Plan. The Communications Plan must take into account other existing or planned public participation processes and their likely impact on the envisaged processes.

**11.2.5 Customer Care Unit**

- Customer Care Sub-directorate is responsible for printing and distributing consumer bills.

- This facility may also be utilised by other Directorates in order to sensitise billed consumers to a particular matter that needs their attention and/or to create awareness around a particular issue.
- The Sub-directorate is also responsible for making printed documents available to customers via customer care centres and for collecting submissions from the public at said centres.

### **11.2.6 Public Participation Unit**

- The Public Participation Unit has a close working relationship with ward councillors and ward committee. The Unit serves as a link between ward structures and the Municipality. Its expertise is called upon when ward councillors or ward committee are required to participate in public participation exercises.
- The Unit provides municipal officials vital information, such as the best location for public meeting and the most effective ways of communicating with the residents of a particular ward.
- It is typically the role of the Unit to ensure that ward committees and ward councillors are informed of public participation events or meetings, and that an attendance register is circulated at the proceedings.

## **11.3 COMMUNICATION AND LANGUAGE**

11.3.1 All communication must comply with the Council's Communication and Language policies.

11.3.2 Communication Policy: in terms of the Communication Policy, communication with the public should be done in a manner that demonstrates sensitivity to the needs of the receptive audience and strive to promote the image of the Municipality.

11.3.3 Language Policy: in recognition of language diversity as a developmental resource and in order to give effect to the constitutional language provisions and to promote the main languages spoken in Municipality. The Municipality's Language Policy is designed to:

- promote the equitable use of the official languages of the Municipality and prevent discrimination on linguistic grounds;
- support, develop and sustain the practice of multilingual communication between the Municipality and the residents;
- redress the previous marginalisation of Sesotho as official language of the Municipality;

- protect language diversity and promote knowledge of and respect for persons who use other languages; and
- promote good language management for cost-effective and efficient public service administration in accommodating the needs of the residents.

To ensure uniformity of approach, all public participation processes must strive to give effect to the goals and objectives of the aforementioned policies.

## **12. POLICY IMPLEMENTATION, MONITORING AND REVIEW**

- 12.1 Effect will be given to public participation within communities by implementing the procedures provided for in this Policy and the Schedules thereto. Procedures should be adhered to.
- 12.2 The Office of the Speaker will report to Council on a quarterly basis in respect of all public participation sessions held with the communities of the Municipality.
- 12.3. The Office of the Head: Speaker's Office will monitor the implementation of the Policy on a quarterly basis.
- 12.4 The Policy will be subjected to the process of public participation in accordance with the processes and mechanisms set out therein and communicated to members of the community, Councillors and officials, as determined by the Policy.

## **13. CONFLICT BETWEEN POLICIES AND/OR BY-LAWS**

- 13.1 Should there be any conflict between this Policy and any other policy of the Municipality in relation to matters of public participation the provisions of this Policy will prevail.
- 13.2 Should there be any conflict between this Policy and any other by-law of the Municipality in relation to matters of public participation the provisions of the By-law of the Municipality will prevail.

## **14. POLICY COMMENCEMENT**

- 13.1 This Policy is called ***Mangaung, Public Participation Policy***, and will come into operation on the date that is it adopted by Council and is subject to review, as and when required, in accordance with legislative requirements.

## SCHEDULE 1 : IDP/BUDGET

### Procedural Steps during Development and/or Review of IDP/BUDGET

Phase 1 : Preparation for Draft					
Step	Activity	Description	Timeframe	Responsible	Comment
1.1	Ward-based Planning	Consult with Ward Committees and Councillors to determine ward priorities	Sept-Nov	User Department and Speaker's Office	Enhances participatory democracy
1.2	Draft IDP/Budget	Develop 1 <sup>st</sup> Draft IDP/Budget.	Dec-Jan	User Department	Process of review/development has started
Phase 2 : Preparation for Public Hearings					
2.1	Engage relevant Directorates.	Allocate roles and responsibilities	Once Draft noted by Council	User Department.	Uniform approach
2.2	Translation	Translate summary from English into the other official languages- Sesotho and Afrikaans.	Before documentat ion printed and made available to public.	Committee Services.	For accessibility and comprehension purpose
2.3	Action Plan	Develop Action Plan taking into consideration annual public participation schedule.	As soon as Coordinatin g Team is established .	User Department and Coordinating Team.	Arranging for an organised public participation
2.4	Bookings.	Book venues, equipment, transportation, translator, etc.	As soon as Action Plan is finalised and adopted.	User Department.	Venues should be convenient and appropriate for everybody and that bookings do not clash with other activities
2.5	Draft public notice.	The notice to provide for information on date, time & venue of hearings (if any), and where to obtain copies of documents.	Immediatel y after confirmatio n of the bookings	User Department and Communicatio ns Unit.	Public should be notified in time
2.6	Publish Public Notice	Publish notice in local newspapers, website, Municipal notice boards, broadcast on radio and loud-hail, for public comments	At least seven days before the hearings	Communicatio ns Unit	Cover notice in three official languages of the Municipality
2.7	Print documents	Print sufficient	Before	Committee	Copies should

**Mangaung, Public Participation Policy**

		number of copies of IDP/Budget documents	publication of public notice	Services or external printers	be available
2.8	Distribute documents	Distribute documents to Customer Care Centres, libraries, ward offices, municipal offices and website	At least one seven days before public hearings	User Department	For accessibility to members of community
<b>Phase 3 : Proceedings at Public Hearings</b>					
3.1	Attendance registers	Record attendance of public office-bearers, municipal officials and members of the public.	On attendance	User Department	Record attendance for evidence purposes
3.2	Capturing comments	Record the oral and/or written comments of the public	During proceedings.	User Department and Committee Services	Public inputs must be considered
3.3	Language	Proceedings may be conducted in any of the official languages, i.e. English, Sesotho or Afrikaans.	During proceedings.	User Department and Public Participation Unit.	Preferably in language common to most members from the community. Provision must be made for translation into the other two main local languages if possible
<b>Phase 4 : Process after Public Hearings</b>					
4.1	Oral and written comments received	Incorporates public comments into final draft	After the public participation process is concluded.	User Department and Legal Services	Public inputs are considered. There must be good reasons if comment(s) are not incorporated
4.2	Report for Council approval	Submit report to Council consideration	May-June	User Department	Report must be submitted in terms of MFMA timeframes
4.3	Council approval	Council deliberate on the report	May/June	Executive Mayor tables draft IDP/Budget before Council	Council deliberate on the report
4.4	Publish Council Rates Resolution	Publish Council Rates Resolution in Provincial Gazette	June/July	Finance Department	Property Rates Act prescribes that Council Rates Resolution be

					published annually
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## SCHEDULE 2 : POLICIES/BY-LAWS

### Procedural Steps during Development and/or Review of Policies & By-laws

Phase 1 : Formulation of Draft					
Step	Activity	Description	Timeframe	Responsible	Comment
1.1	Request to Develop or Review of Policy or By-law	User Department Refers Request to Legal Services or Legal Services Initiates Draft	Within 2 Weeks of Request	User Department & Legal Services	Request is Considered
1.2	1 <sup>st</sup> Draft Formulated	Submit to User Department	After Weeks of Request	Legal Services	Process to Start Developing or Reviewing Policy/By-law has Started
1.3	Circulate Draft Internally	Provides all Directorates with the Draft for comments	Within 2 Weeks after the Receipt from Departments. Give Directorates 2 Weeks to Comments	Legal Services	Directorate should be given Opportunity to Inform the Draft
1.4	Section 80 Submission	Make Submission for Section 80 to Note the Draft for Public Participation Process	Within 2 Weeks of the Deadline for Departments to comment	Legal Services	Policies/By-laws should be Endorsed by Councillors
1.5	Section 80 Committee Sitting	Presentation is Made Before Section 80 Committee	Date of Sitting of Section 80 Committee	User Department and/or Legal Services	After Noting of the Draft Policy /By-law by Section 80, the Draft Policy /By-law should be Ready for Public Participation Process
Phase 2 : Preparation for Public Participation Hearings					
2.1	Draft Public Notice for Public Comments	Engage Speaker's Office and Communications Unit	Within 1 Week of Noting of Draft	Legal Services	Public must be notified of Arrangements of Public Participation Process

**Mangaung, Public Participation Policy**

2.2	Bookings	Book venues, equipment, transportation, catering translators, etc.	Before Public Notice is Publicised	User Department and Legal Services	At least 2 venues in Bloemfontein North and 2 Bloemfontein South; 3 venues in Botshabelo; 3 venues in Thaba Nchu (including Rural Areas)
2.3	Publication of Public Notice	Placing Public Notice for Comments on Local Newspapers and Radio Stations	7 Days before Dates of Hearings	Communications Unit.	Public Notice per Official Language in Local Newspaper and Radio Station
2.4	Placing of Public Notice	Placing Public Notice for Comments on MMM's Website, MMM's Notice Boards, MMM's Libraries	7 Days before Dates of Hearings	Legal Services	Notices in Bloemfontein North be in English & Afrikaans; Bloemfontein South be in English and Sesotho; Botshabelo be in Sesotho; Thaba Nchu be in Setswana
2.5	Summarise Drafts	Make and Translate Copies of Summary of Policy/By-law into Official Languages - English, Sesotho and Afrikaans	Within 1 Week after Preparatory Meeting	Committee Services	In 3 official languages
2.6	Print documents.	Print sufficient number of copies of the cover letter, policy/by-law and/or summary.	After Date of Noting by Section 79 Committee	User Department & Legal Services	In English version
2.7	Distribute of Draft Documents.	Distribute Documents to Customer Care Centres, Libraries, Ward Offices, Municipal Offices, Municipal	7 Days before Dates of Hearings	Legal Services	English version copies

**Mangaung, Public Participation Policy**

		Website and/or clinics.			
2.8	Transport and Catering Arrangements	Arrange Transport to and from Venues, and Catering after Hearings	14 Days Before Public Hearings	Legal Services	Ensuring attendance and good public participation
2.9	Preparatory Meeting	Meeting User Departments for Presentations	Within 5 Working Days before Dates of Hearings	Coordinating Team	Policy/By-law should be presented by User Department
2.10	Arrange Necessary Equipments for Hearing Venues	Prepare Attendance Register, Municipal Banners and Video and/or Photo Capturing	Within 5 Working Days before Dates of Hearings	User Department and Communication Unit	Positive Projection of Municipality
2.11	Publicize by Loud-hailing	Do Loud-hailing in Township Areas	At Least 2 Days Before Date of Hearing	Office of Speaker	Closer mobilization of Public
<b>Phase 3 : Proceedings at Public Participation Hearing Sessions</b>					
3.1	Distribute Attendance Register	Distribute Attendance Register to Everyone in Attendance of Public Hearings	During Public Hearings Sessions	User Department	Recording attendance as evidence
3.2	Distribute Copies of Draft Policies and/or By-laws	Distribute Copies of Draft Policies and/or By-laws to Members of Public Attending Public Hearings	During Public Hearings Sessions	User Department	Enhancing Participation
3.3	Taking Comments and Inputs	Record Oral and/or Written Comments Made	During Public Hearings Sessions	User Department & Legal Services	Recording comments for consideration
3.4	Use of Language	Proceedings may be Conducted in any of Official Languages, i.e. Sesotho, English or Afrikaans	During Public Hearings Sessions	Councillor or Official Conducting Public Hearing Session	Promoting equality of languages
<b>Phase 4 : Process after Public Participation Process</b>					
4.1	Oral and Written Comments.	Consider and determine whether Comments may be Incorporated into Final Draft of Policy/By-law.	Within 14 Days after Public Participation Process Concluded	User Department & Legal Services	Consider and incorporate comments that so deserve
4.2	Circulate Copies of Final Draft to Departments	Circulate Copies of Final Draft to	Before Submission	Legal Services	Ensuring other



***Mangaung, Public Participation Policy***

	and EMT	Departments and EMT for Final Inputs	to Section 80 Committee		Departments' matters are covered and not conflicted with
4.3	Submission of Final Draft for Council Approval	Present Submission of Final Draft to Section 80 Committee for Recommendation for Council Approval	Sitting of Section 80 Committee	User Department & Legal Services	Section 80 advices the Executive
4.4	Council Considers Final Draft of Policy or By-law	Executive Mayor Submits Draft Policy/By-law as His/Her Reports	During Council Sitting	Executive Mayor	Council cannot delegate approval of Policies and By-laws
4.5	Publication/Promulgation of Adopted By-law	Publish Full Version of Adopted By-law in Provincial Gazette and Brief Public Notice in Local Newspapers	Within 4 Weeks of Date of Council Approval	Legal Services	Legislation requires by-laws to be promulgated before they can be enforced.