

**The Speaker
Council Item**

Report on the establishment of Metro Police Civilian Oversight Committee

1. PURPOSE

The purpose of this report is to request the Mangaung Metropolitan Municipal Council to (Council) consider and approve the names of members of the established Civilian Oversight Committee (COC) for the Mangaung Metropolitan Police Department (MMPD) and Schedule "A" (Code of Conduct for COC Members), Schedules "B" (Disclosure of Personal Interests) and Oath of Office of the Members of the Mangaung Metro Police.

2. BACKGROUND

The Council meeting held on Thursday, April 28, 2016, considered and in principle adopted a resolution enabling then Acting City Manager to proceed with administrative and legal processes towards the establishment of the MMPD.

It was thereupon **resolved** that, inter alia.

- a) The Council mandates the then Acting City Manager to submit a comprehensive application for the establishment of the MMPD.
- b) Legislative, administrative, and financial measures and processes be put in place to ensure readiness towards the establishment of the MMP); and
- c) administrative measures and processes be undertaken to ensure the establishment of the COC, and a report be submitted in the next ensuing Council meeting.

3. LEGISLATIVE FRAMEWORK

3.1 Section 79 of the Municipal Structures Act of 1998:

Municipal councils may establish two broad types of committees to assist them in their duties. These are often referred to as 'Section 79' committees as they are provided for in the corresponding sections of the Local Government Municipal Structures Act of 1998. These committees consist of multi-party representation and will typically make recommendations relating to their portfolio areas of concern to the executive structures or the council.

Section 79 of the Act states that:

'A municipal council may

- (a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers.
- (b) appoint the members of such a committee from among its members; and
- (c) dissolve a committee at any time.'

Moreover, the municipal council:

- '(a) must determine the functions of a committee:
- (b) may delegate duties and powers to it in terms of section 32:
- (c) must appoint the chairperson:
- (d) may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council.
- (e) may remove a member of a committee at any time: and
- (f) may determine a committee's procedure.'

3.2 Section 64J of the South African Police Service Act of 1995, as amended:

Section 64J of the South African Police Service Act provides that where they establish police services, municipal councils must appoint a committee 'to ensure civilian oversight of the municipal police service'

Section 64J (1) states that 'A municipal council shall appoint a committee consisting of members of the council and such other persons as may be determined by the municipal council to ensure civilian oversight of the municipal police service'

- 3.3** Given the 'advisory' nature of the legal mandate of this committee, most of the local authorities have established this committee within the framework provided by section 79 of the Local Government Municipal Structures Act

4. PURPOSE OF CIVILIAN OVERSIGHT COMMITTEE

Ensure civilian oversight of the Mangaung Metropolitan Police Service.

5. MANDATE OF THE CIVILIAN OVERSIGHT COMMITTEE

In terms of the Section 64J(2) of the South African Police Service Act, the mandate of the COC is as follows:

- 5.1 At the request of the Council, the committee shall advise the Council on matters relating to the Municipal Police Service;

- 5.2 The committee shall advise the City Manager regarding the performance of his/her functions in respect of the Municipal Police Service;
- 5.3 The committee shall perform such functions as the Member of the Executive Council, or the City Manager may consider necessary or expedient to ensure civilian oversight of the Municipal Police Service;
- 5.4 The committee shall promote accountability and transparency in the Municipal Police Service;
- 5.5 The committee shall monitor the implementation of policy and directives issued by the Municipal Council or the City Manager thereon.
- 5.6 The committee shall perform such functions as may from time to time be assigned to the committee by the Municipal Council or City Manager and
- 5.7 The committee shall evaluate the functioning of the Municipal Police Service and report to the Municipal Council or City Manager.

6. COMPOSITION OF THE COMMITTEE

In accordance with the mandate of council and ensuring that the committee operates by the time of launch the following persons have been nominated to be members of the oversight committee

- 1. Councillors
 - a. M Mokoakoa
 - b. B Xhezula
 - c. L Nthongwa
 - d. MMC of Public Safety
- 2. Policing Sector:
 - a. Lt Gen Tsumane: Former Deputy National Commissioner
 - b. Commissioner Z Molise – Former National Commissioner – Department of Correctional Services
 - c. Major Gen J Qobosheane – Former Deputy National Commissioner
- 3. Security and Training: Mr L D Tsotetsi – Lecturer at UFS
- 4. External Legal: Mr S Mabalane

Council is advised to amend the structure below to be in line with the structure above including internal legal.

Sector	Representation Number		Names	Resume
Councillor	3			
	2			

Officials from Finance and Legal				
Business	1			
Security	1			
Community Police Forum	1			

The above persons will meet as the Civilian Oversight Committee. It is recommended that the appointed Committee be beefed up with more *ex officio* and sector support representatives of the broader community the of municipality and therefore, the committee be also evenly spread across the sectors and regions of the municipality being serviced. The *ex officio* status religious, disabled, taxi and farming sectors should be added. That each sector should nominate their representative to serve on the COC.

7. TERMS OF REFERENCE

The following, read with provisions of section 64J of the South African Police Services Act shall be the terms of reference of the Civilian Oversight Committee

7.1 Reporting Terms and Lines

The COC shall report directly to the Mangaung Council at least bi-annually.

7.2 Frequency of the Meetings

The Committee should meet at least once every three months. However, special meetings may be convened as and when there are pressing, urgent matters to consider.

7.3 Term of Office

The term of office the COC shall be for a period of three (3) years.

7.4 Agenda and for Meetings

The Chairperson shall, in consultation with the Chief of Metro Police compile the agenda. Agendas and minutes of meetings shall be distributed to members at least five (5) days prior to the scheduled date of the meeting. The agendas and minutes shall be delivered or sent to addresses of members as depicted on the register of members.

7.5 Office Accommodation

The CM shall make available a venue for use as office by the Chairperson and members of the Committee. The CM should ensure that address and official contact numbers of the COC's office is made available to the members of the public.

7.6 Correspondence

All correspondence emanating from the Committee shall be signed by the Chairperson or his/her nominee and the correspondences shall bear the letterhead of the MMPD.

7.7 Bi-Annual Reports

The Chairperson, on behalf of the COC, shall submit a report bi-annually to the Council on the performance of the COC.

7.8 Attendance to COC Meetings by Public

The Chairperson may after consultation with the Chief of Metro Police invite members of the public to attend any meeting of the COC. Members of the public shall only attend as observers and may not participate in the proceedings of the Committee

7.9 Chairperson

The Chairperson shall be the MMC of Public Safety and Deputy shall be elected by members at its first meeting.

7.10 Proposed Stipend

Stipend to be paid per hour up to three (3) hours at R 540 for chairperson and R325 for members. Those employed or by or councillors of the municipality will not receive stipend.

8. OATH OF OFFICE OF MEMBERS OF THE METRO POLICE

Each of the members of the Metro Police are required to undertake the Oath Office upon appointment. The municipality has prepared an oath of office to be considered and approved by council.

9. RECOMMENDATIONS

- a) That the Council takes note of this report.
- b) That the Council approves the following persons as members of the Civilian Oversight Committee
- c) That the Acting City Manager write appointment letters to approved members
- d) That the committee be beefed up with *ex officio* and support additional appointments of (1) one person from each of the following sectors
 1. Taxi
 2. Farming

3. Small Farmers

4. Religious (each religion may submit a name)

5. Disabled

- e) Further, that the Council approves Schedule "A" (Code of Conduct for COC Members), Schedules "B" (Disclosure of Personal Interests), accompanying and Oath of Office of the Members of the Mangaung Metro Police this report.

Submitted by:

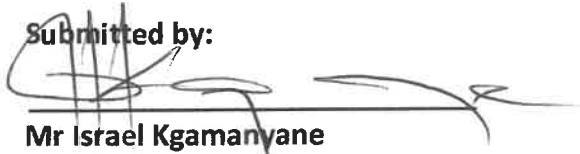


Mr David Nkaiseng
Head: Corporate Services

29/08/2021

Date

Submitted by:

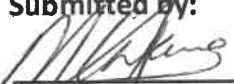


Mr Israel Kgamanwane
Commissioner of Metro Police

27/08/2021

Date

Submitted by:

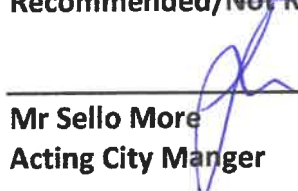


Mr Mzingisi Nkungwana
Head: Social Services

27/08/2021

Date

Recommended/Not Recommended



Mr Sello More
Acting City Manger

27/08/2021

Date

Approved/ Not Approved



Cllr Mxolisi Siyonzana
Executive Mayor

Date

SCHEDULE "A"
CODE OF CONDUCT FOR CIVILIAN OVERSIGHT COMMITTEE

A member shall:-

- 1) At all times promote equality by not discriminating against any person.
- 2) Treat others with respect.
- 3) Not do anything that compromises, or which is likely to compromise the impartiality of any members of the MMPD who work for or on behalf of the Committee.
- 4) Not to disclose information given to him/her in confidence, or information acquired which he/she believes is of a confidential nature.
- 5) Not divulge or issue media statements except with the explicit approval of the Chairperson or on behalf of the MMPD without the explicit approval of the Chief of Metro Police.
- 6) Not to conduct himself/herself in a manner which could reasonably be regarded as bringing the Committee or the MMPD into disrepute.
- 7) Not in his/her official capacity, or any other circumstance, abuse their powers to their own advantage or other persons.
- 8) When using or authorizing the use of the resources of the Council, act in accordance with the Council's rules and policies.
- 9) Ensure that no resources of the Municipality are used for party political purposes.
- 10) If he/she becomes aware of any conduct by another member which he/she reasonable believes involves a failure to comply with the Committee's Code of Conduct, "report such conduct in writing to the Chairperson".
- 11) Not interfere with the work of the MMPD generally or any members of the MMPD specifically.
12. Not canvass directly or indirectly for any appointment of (a) person/s as (a) metropolitan police officer(s)

SCHEDULE "B"
DISCLOSURE OF PERSONAL INTERESTS

A member of the Committee shall:-

- i) When attending a meeting at which the matter is considered, disclose to that meeting, the existence and nature of any personal interest he or she may have on the matter, before the matter is deliberated upon.
- ii) Report to the Chairperson any contract for goods or services that may exist between himself/herself and the Municipality.
- iii) Report to the Chairperson within thirty (30) days of receiving any gift or hospitality resulting from his/her association with or participation in the work of the Committee.
- iv) Disclose any relationship with any member of the MMPD, in writing, to the Chairperson.