

**5.1 REPORT ON DRAFT REVISED PUBLIC PARTICIPATION AND PETITIONS
FRAMEWORK POLICY**

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PURPOSE

To present the Draft Revised Public Participation and Petition Framework Policy for adoption.

AUTHORITY

- The Constitution of the Republic of South Africa of 1996 as amended.
- The Local Government Municipal Systems Act 32 of 2000 as amended.
- The Promotion of Access to Information Act 2 of 2000 as amended.
- The Promotion of Administrative Justice Act 3 of 2000 as amended.
- The Municipal Finance Management Act 56 of 2003.

LEGAL/STATUTORY REQUIREMENTS

Chapter 7, Section 152 (1)(e) of the Constitution of the Republic of South Africa Act 108 1996 as amended (the Constitution) states that municipalities should encourage the involvement of communities and community organisations in the matters of local government.

The Promotion of Administrative Justice Act 3 of 2000, gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in Section 33 of the Constitution, as amended.

The Promotion of Access to Information Act 2 of 2000, gives effect to the constitutional right of access to any information held by state and any information held by another person and that is required for the exercise or protection of any rights.

The Local Government: Municipal Systems Act 32 of 2000, Chapter 4 (17) (2a) provides for a municipality to establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality, and also for the receipt, processing and consideration of petitions and complaints lodged by members of the local community.

The Municipal Finance Management Act 56 of 2003 as amended outlines issues on the publication and community consultation processes of the annual budget, documents that

should be listed on the municipality's website, as well as making public the annual report, inviting public comments on the annual report and inviting community members and the Auditor-General to Council meetings when the annual report is to be tabled.

BACKGROUND / REASONING

In line with Chapter 4 of the Municipal Systems Act, the Amathole District Municipality is committed to ensuring democratic, open, transparent and participatory system of local governance within its area. The Public Participation & Petition Policy Framework was adopted in July 2008, however there has since been gaps identified that have warranted a review of the document.

The provisions and the objectives of the policy remain unchanged but additions on petitioning and platforms where the public may lodge their queries and complaints have been effected.

In general, the following are the objectives of the policy:

- To ensure compliance with the Legislative Framework on public participation;
- To create an open, transparent and accountable system of local governance;
- To ensure full and proper accountability of the Amathole District Municipality to the people of the District;
- To develop a culture of community participation through creation of conditions for local communities to participate in the affairs of the municipality;
- To ensure greater involvement and participation by the local community in the affairs of the Council of Amathole District Municipality;
- To develop effective means to deal with all written public requests, grievances and complaints in a timeous manner;
- To assist local communities by notifying them how they may petition the Amathole District Municipality and the mechanisms, processes and procedures on how they may participate in the affairs of Council;
- To assist vulnerable groups to participate effectively in the system of local government;
- To provide written reasons for administrative action.

The draft revised Public Participation & Petition Framework Policy is hereby attached as **Annexure "A"**

WAYFORWARD

The Public Participation & Petition Framework Policy will be advertised for public comment once it has been adopted by Council. An awareness campaign on the policy will also be conducted through the Local Communicators' Forum meetings at Local Municipalities and at future community meetings on an ongoing basis.

OTHER PARTIES CONSULTED

Executive Mayor's Office
Acting Director : Speaker's Office
Deputy Director : Corporate Services

STAFF IMPLICATIONS

There are no staff implications.

FINANCIAL IMPLICATIONS

There are no financial implications thus far however the policy will be advertised for public comment in the local media.

RECOMMENDATION

That the Council adopts the Draft Revised Public Participation and Petition Framework Policy.

ANNEXURE “A”



AMATHOLE
DISTRICT MUNICIPALITY

AMATHOLE DISTRICT MUNICIPALITY

**DRAFT PUBLIC PARTICIPATION &
PETITION POLICY FRAMEWORK**

APRIL 2010

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1. PREAMBLE

The dawn of the democratic dispensation in South Africa opened an opportunity for the citizens of the country to fulfill their long standing desire to determine their own destiny and share in the vision of a united, democratic, and non-racial society. The participation of citizens in government is held to be an important aspect of any democratic dispensation. The local government sphere offers opportunities for the citizens of a country to have a meaningful input into the governance process. The primary objective of government is to render services to the citizens of a country. In this sense the participation of citizens in the government gives an opportunity for the citizens to determine the direction that government should take in order to best service their needs.

The participation of the citizens in determining their future was emphasized by the former President of the Republic of South Africa, Dr. Nelson Mandela during the opening of the first democratic Parliament on 24th May 1994. He articulated the role thus: “ We must, constrained by and yet regardless of the accumulated effect of our historical burdens, seize the time to define for ourselves what we want to make of our shared destiny”(cited in Thabo Mbeki: State of the Nation Address: Parliament of the Republic of South Africa, 3 February 2006: 3). In the statement by the former President is reflected an answer to the quest for self determination for the Black majority, which quest has been a driving force behind the struggle for liberation of the country. The participation of citizens in the decision-making processes is therefore seen as a fulfillment of this desire to have people of the country making decisions that determine their destiny. The local government sphere is at the coal-face of service delivery and has a responsibility to put mechanisms in place to ensure the participation of the citizens in municipal planning and development.

The adoption of the Public Participation and Petitions Policy Framework by the Council of ADM in 2008 effectively opened doors for the citizens of the district to have clear mechanisms to interact with the local state. This revised document seeks to further strengthen the available mechanisms for public participation.

2. AUTHORITY

The Constitution of South Africa, Act 108 of 1996 as amended.

The Local Government: Municipal systems Act 32 of 2000 as amended

The Promotion of Access to Information, Act 2 of 2000 as amended

The Promotion of Administrative Justice, Act 3 of 2000 as amended

The Municipal Finance Management Act 56 of 2003 as amended

3. LEGISLATIVE/STATUTORY FRAMEWORK

- 3.1 Chapter 7, Section 152 (1)(e) of the Constitution of the Republic of South Africa Act 108 1996 as amended, (the Constitution) states that municipalities should encourage the involvement of communities and community organisations in the matters of local government.
 - 3.1.1 The Promotion of Administrative Justice Act 3 of 2000, gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in Section 33 of the Constitution, as amended.
 - 3.1.2 The Promotion of Access to Information Act 2 of 2000, gives effect to the constitutional right of access to any information held by state and any information held by another person and that is required for the exercise or protection of any rights.
 - 3.1.3 The Municipal Finance Management Act 56 of 2003 as amended regulate the process for community consultation in respect of the annual budget and its publication, documents that should be listed on the municipality's website, as well as making public the annual report, inviting public comments on the annual report and inviting community members and the Auditor-General, to Council meetings when the annual report is to be tabled.
 - 3.1.4 The Local Government: Municipal Systems Act 32 of 2000, Chapter 4 (17) (2a) provides for a municipality to establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality, and also for the receipt, processing and consideration of petitions and complaints lodged by members of the local community. Of more relevance to this policy, it directs municipalities to:
 - 3.1.4.1 Develop a culture of community participation, specifically in terms of the preparation, implementation and review of its integrated development plan, the monitoring and review of its performance, the preparation of its budget and strategic decisions relating to the provision of municipal services;
 - 3.1.4.2 Contribute to building the capacity of the local community to enable them to participate in the affairs of the municipality and its councilors and staff to foster community participation;
 - 3.1.4.3 Use its resources and annually allocate funds in its budget to implement the above;

- 3.1.4.4 Develop mechanisms, processes and procedures for community participation through its political structures, and other appropriate means established by the municipality;
- 3.1.4.5 Provide for the receipt, processing and consideration of petitions and complaints lodged by members of the local community; notification and public comment procedures; public meetings and hearings by the municipal council and other political structures and office bearers of the municipality; consultative sessions with locally recognized community organizations and traditional authorities; and report back to the local community; and to
- 3.1.4.6 Take cognisance of people who cannot read or write, people with disabilities, women and other disadvantaged groups, where officials should render assistance where needed.

4. VALUES THAT INFORM AMATHOLE DISTRICT MUNICIPALITY PUBLIC PARTICIPATION POLICY

- 4.1 Over and above the organizational values, Amathole District Municipality (ADM) is, for the purpose of public participation, committed to the following values:
 - 4.1.1 Accountability to the community aspirations and meeting the community needs;
 - 4.1.2 Dedication and honesty in producing work that meets the developmental and service delivery requirements of the district;
 - 4.1.3 Commitment to the transformation of society and the workplace and to ensure fair and equitable distribution of resources to citizens of the ADM;
 - 4.1.4 Showing concern for the people of the district;
 - 4.1.5 Believing in transparent decision making and promoting fair participation.

5. POLICY STATEMENT

5.1 OBJECTIVES

- 5.1.1 To ensure compliance with the Legislative Framework on public participation.
- 5.1.2 To ensure full and proper accountability of the ADM to the people of the district.
- 5.1.3 To create an enabling environment for civil society to find a platform upon which they can voice their concerns and take part in the fundamental decision making issues that affect them and the ADM community at large.
- 5.1.4 To develop effective means to deal with all written public requests, grievances and complaints in a timeous manner.
- 5.1.5 To provide a regulatory framework to guide local communities by notifying them how they may petition AMD and the mechanisms, processes and procedures on how they may participate in the decision-making process of Council.
- 5.1.6 To assist vulnerable groups to participate effectively in the system of local government.
- 5.1.7 To strengthen democracy by increasing community participation in ADM affairs.

- 5.1.8 To develop mutual trust between citizens and the municipality by ensuring members of Council remain accountable to the community of the ADM and work within their mandate.
- 5.1.9 To keep the ADM abreast of citizens' needs for appropriate resource allocation and allow consumers to have input on the way services are delivered.
- 5.1.10 To encourage and promote the development of civil initiatives and public-private partnerships.
- 5.1.11 To improve communications to allow citizens to have access to information and to provide community feedback to the municipality.

5.2 APPLICATION OF THE POLICY FRAMEWORK

- 5.2.1 All AMD heads of department are responsible for the implementation of this policy, and ensuring that all public participation activities of their departments are in alignment with the applicable legislation, the Public Participation and Petition Policy Framework, its objectives and values.
- 5.2.2 The Policy Framework shall also be applicable to all ADM Councillors in fulfilling their role and mandate with local communities and in alignment with applicable legislation.
- 5.2.3 The Policy Framework shall be applicable to the entire AMD to the extent that the activities of the AMD are carried out within its communities.

6. DEFINITIONS

The following terms and concepts shall carry the following meaning unless stated otherwise in the policy or the context indicates a different meaning:

- 6.1 **ADM** means the Amathole District Municipality as established in terms of section 12 of the Local Government Municipal Structures Act (Act 117 of 1998 as amended)
- 6.2 **Community** means any group of people living in any particular geographic area of ADM who share the same or similar interests.
- 6.3 **The Integrated Development Plan (IDP)** means the plan as envisaged in terms of Chapter 5 of the Municipal Systems Act 32 of 2000.
- 6.4 **IDP Representative Forum** means a forum wherein the representatives of the community and other civil society organizations participate in the development of the municipality's primary planning document.
- 6.7 **Ward Committee** means a committee of a ward elected in terms of section 73 of the Municipal Structures Act 117 of 1998.
- 6.8 **Petition** means a formal request submitted and signed by a group of persons for the municipality to take a particular course of action in respect of a cause.
- 6.9 **Newspaper of record** means the newspaper determined by the Council in terms of section 19 of the Standing Rules of ADM.
- 6.10 **Municipal Manager** means the accounting officer of AMD appointed in terms of Section 57 of the Municipal Structures Act (Act 117 of 1998 as amended).

7. LEVEL & EXTENT OF COMMUNITY PARTICIPATION

The ADM will ensure that the community participates in the following:

- 7.1 Undertaking a community needs analysis through various mechanisms aligned to the IDP planning process.
- 7.2 Participating in the preparation, implementation and review of the integrated development plan and budget.
- 7.3 Review and implementation of the performance management system
- 7.4 Monitoring and reviewing the ADM's performance.
- 7.5 Strategic decisions relating to the provision of municipal services
- 7.6 The development, implementation and review of by-laws and policies that affect the community.

8. MAJOR STAKEHOLDERS

The ADM will ensure that all people in the community, including the following, amongst others, will be given the opportunity to be involved, and taking into account language preferences:

- 8.1 Ward committees
- 8.2 Civil Society Organisations
- 8.3. Faith Based Organisations
- 8.4 Traditional leaders
- 8.5 Business
- 8.6 Labour organizations
- 8.7 Sport, culture and recreational organizations
- 8.8 Media
- 8.9 People who cannot read or write
- 8.10 People living with disabilities
- 8.11 Women
- 8.12 Youth
- 8.13 Senior Citizens
- 8.14 Other priority population groups
- 8.15 Residents Associations or Ratepayers Associations
- 8.16 Consumers

9. PUBLIC PARTICIPATION PRINCIPLES

In order to make public participation a reality, the ADM shall be guided by the eight Batho Pele principles:

9.1 *Consultation*

Citizens should be consulted about the level and quality of the public services they receive and, wherever possible, should be given a choice about the services that are offered. Civic education will be at the centre of the ADM agenda, to actively empower 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 objectives.

9.2 Service Standards

Citizens should be informed about the level and quality of public services they will receive so that they are aware of what to expect. This includes being informed of service charters, strategic plans, booklets with standards and service level agreements.

9.3 Access

All citizens should have equal access to the services to which they are entitled. The ADM will ensure that participants in a public participation process fully and clearly understand the aim, objectives, issues and the methodologies of the process, and are empowered to participate effectively. Accessibility will ensure 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.

9.4 Courtesy

Citizens should be treated with courtesy and consideration. The ADM will embrace all views and opinions in the process of community participation; and will allow differences based on race, gender, religion, ethnicity, language, age, economic status and sexual orientation to emerge, and where appropriate, ways will be sought to develop consensus in the planning processes to include these diversities. Where citizens cannot read or write, a customer care assistant will be available at each local municipality Customer Care & Service Centre to assist in writing the citizen's query, complaint or request.

9.5 Information

Citizens should be given full and accurate information about the public services they are entitled to receive. The ADM will, through its Customer Care & Service Centers, assist in providing information about ADM and government services available to communities; register indigent households, or provide information concerning account, billing and tariff queries. The ADM will ensure both political and administrative accountability by acknowledging and assuming responsibility for decisions, actions, conduct and policies developed. Information will be available in the main languages of the district and, wherever possible, arrangements will be made to facilitate sign language and Braille where needed. Communities will also be informed through community newsletters, posters, brochures, press articles in the local media, local radio bulletins, website and all other available channels.

9.6 Openness and transparency

Citizens should be told how national and provincial departments and local municipalities are being run, how much the budgets are, and who is in charge. The ADM will promote openness, sincerity and honesty among all the members of Council and administrators in service delivery and the public participation process. The ADM will present the IDP and budget for public scrutiny and publish the annual report to inform citizens how the ADM's resources were used, including how well the ADM performed.

9.7 Redress

Should the promised standard of service not be delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic, positive response. Trust is a critical element in the public participation process and invariably trust is used to refer to faith and confidence in the integrity, sincerity, honesty and ability of the process and those facilitating the process. The ADM will ensure that citizens have access to the sharecall number 0860105789 for all emergencies and essential services and that these facilities are

available at all times, including after business hours and weekends. Citizens will also be requested to fill in customer satisfaction questionnaires to test their level of satisfaction of services provided and all queries, complaints and requests will be recorded and monitored on a monthly basis to identify trends in information needs, number of calls received, topic of discussions, where these queries came from and whether the calls were satisfactorily dealt with.

9.8 Value for money

Public services should be provided economically and efficiently in order to give citizens the best possible value for money. The ADM will ensure that the public participation processes are integrated into the mainstream policies and services, such as the IDP process, service planning and so on. Citizens will be fully informed about the budget, financial statements, how the money was spent, budget reviews, what projects were implemented, expenditure controls, internal controls, etc to ensure value for money.

10. PROCESSES OF PUBLIC PARTICIPATION

10.1 Information

10.1.1 The promise is to keep the public informed; communities and citizens shall be informed about the intentions of the municipality.

10.1.2 The ADM shall use this process with the objective of providing balanced and objective information.

10.1.3 The Promotion of Access to Information Manual of ADM details process and prescribed fees to be paid when members of the public request information which is in the custody of ADM, this manual conforms to section 51 of the Promotion of Access to Information Act.

10.1.4 Communication channels shall include any of the following, but shall not be limited to, informative meetings, public notices, website, written information and audiovisual presentations.

10.1.5 The ADM shall make the IDP and budget, with supporting documents, available to the public to allow for public representations on the budget in accordance with Section 22(a) (i) and (ii) of the Municipal Finance Management Act (MFMA); through the IDP Representative Forum and other relevant structures. Copies shall be lodged with public libraries at main towns within the district and at Customer Care & Services Centres located at local municipalities.

10.1.6 The Municipal Manager must place on the website key financial information that includes budgets and related documents, the annual report, performance agreements of Section 57 employees, service delivery agreements, partnership agreements, and any other documents providing insight into the state of the municipality's financial affairs, in accordance with 75(1) of the Municipal Finance Management Act No 56 of 2003. In order to ensure greater transparency, ward committees should be utilized to reach the broader community.

10.1.7 The ADM shall publicise the annual report in terms of Section 21A of the Municipal Systems Act and ask for public comments to be included in the oversight report to be presented to Council in terms of section 129(1) of the MFMA.

10.1.8 When publishing the annual report as envisaged above, the Municipal Manager must advise the community about the time when the comments must be submitted, the physical or postal address as well as fax numbers where submissions are to be made.

10.2 Consultation

10.2.1 The ADM shall use a consultation process with the objective of obtaining community and public views, opinions and feedback from the community.

10.2.2 The promise to the public is to provide people-centred services by getting inputs from and acting on concerns raised by communities and members of the public.

10.2.3 Communication channels shall include any of the following, but not limited to, IDP/Budget roadshows, public hearings, public meetings, workshops, public participation days/weeks, community panels, focus groups, community information, radio and feedback sessions (such as Masibonisane Forum and Local Communicator Forum meetings), facilitation, questionnaires and website.

10.3 Participation

10.3.1 This entails active participation where decisions arrived at receive legitimate mandates from stakeholders.

10.3.2 This process shall be used with the objective of working with public throughout the process.

10.3.3 The promise to the public is to ensure that the stakeholders are involved in the process of formulating solutions.

10.3.4 Communication channels shall include any of the following but not be limited to project steering committees, forum meetings, Masibonisane Forum, Local Communicator Forum meetings, Integrated Development Plan Representative Forums, advisory committees, facilitation, planning, meetings, conferences and radio.

10.4 Empowerment

10.4.1 Communities and citizens shall be involved in the entire process so that they can fully understand the relevance and importance of the matter to be addressed.

10.4.2 This process shall be used with the objective that the community carries out decisions and plans. Community based planning should be engaged in, as it is an empowering tool.

10.4.3 The promise to the public is that the community will be empowered to oversee implementation of decisions.

10.4.4 Communication channels shall include any of the following, but not be limited to, working groups, prioritization and visioning meetings, mapping, community feedback meetings, operational planning, public meetings and civic education workshops.

10.4.5 The Speaker's Office, through the Municipal Support Unit, shall ensure that ward committees are trained in community based planning.

10.5 Communicating with the public

- 10.5.1 The Municipal Manager must inform the community of any public comment procedures available to voice their opinions and views on the affairs of the ADM on which the community's input is required, which may include any of the following but not limited to:
- 10.5.1.1 Public meetings and hearings by the Council and other political structures, and office bearers of the municipality.
 - 10.5.1.2 Consultative sessions with locally recognized community structures and organizations.
 - 10.5.1.3 The submission of written comments.
 - 10.5.1.4 In conducting public hearings, the ADM will comply with the provisions of the Administrative Justice Act 2000, which requires the following:
 - 10.5.1.4.1 Public comment and notice procedure
 - 10.5.1.4.2 Holding public enquiry
 - 10.5.1.4.3 Enquiry, notice and public comment procedures.

10.6 Petitions

- 10.6.1 The petitions shall be dealt with in terms of Rules 21 – 23 of the Standing Rules of the ADM.
- 10.6.2 A petition is a formal request submitted and signed by a group of persons for the municipality to take a particular course of action in respect of a cause.
- 10.6.3 The ADM must notify the community of the processes they should follow to lodge petitions and the whole petitions process.
- 10.6.4 Any petition or complaint must comply with the following requirements:
- 10.6.4.1 It must be in legible writing or typed.
 - 10.6.4.2 The document must clearly indicate the topic.
 - 10.6.4.3 The Speaker should acknowledge receipt of the petition to the petitioner and advise the petitioner of the manner in which the petition is being handled, within a two week period.

10.6.5 Language of petitions

- 10.6.5.1 A petition may be lodged in any of the eleven official languages recognized in section 6(1) of the Constitution of the Republic of South Africa.

10.7 Signing of petitions

- 10.7.1 A petition must be signed by every petitioner;
- 10.7.2 Where a petitioner is unable to sign his or her name, he or she may make a mark on the petition, which mark must be witnessed by two other persons, both of whom must sign as witnesses next to the mark.

10.8 Lodging of any other complaint, query or request

10.8.1 The ADM has established eight Customer Care & Service Centres, located at each of the local municipalities within the district and also in East London. Members of the community may register as indigent households, pay or query their water accounts, or submit any request for information on ADM's services or any other government department. These centres have been established as follows:

ADM Head Office	Amahlathi	Great Kei	Mbhashe	Mnquma	Ngqushwa	Nkonkobe	Nxuba
40 Cambridge Street, East London Sharecall 08601057 89	Shop 2 Gray Square, Stutterheim Sharecall 08601057 89 Tel: (043) 6832412 Fax (043) 6831137	8 Station Street, Komga Sharecall 08601057 89 Tel: (043) 8311275 Fax: (043) 8311296	521 Cnr Charlotte Road, Sakiwe Dutywa Sharecall: 08601057 89 Fax: (047) 4892146	29 Merriman St, Butterworth Sharecall: 08601057 89 Fax: (047) 4910266	115 Military Road, Peddie Sharecall 08601057 89 Tel: (040) 6733524 Fax: (040) 6733652	42 Durban Street, Fort Beaufort Sharecall: 08601057 89 Tel: (046) 6451221 Fax: (046) 6451220	6 Market Square, Adelaide Sharecall: 08601057 89 Tel: (046) 6841746 Fax: (046) 6841745

10.8.2 Customer Care Assistants have been recruited to assist community members with any query, complaint or request for information and will be available to assist any person who cannot read or write to record their query, complaint or request for information in writing. All personnel at the Customer Care & Service Centers will be trained in recording all the queries, complaints or requests for information onto a Customer Care Reporting System on special customized software. The reporting system will be monitored on a monthly basis to assess research information such as how many calls were recorded, where these came from, the topic of the calls, to analyse trends in information needs, and whether the calls were satisfactorily dealt with. If necessary, the calls will be routed to the relevant official/s for follow up and this too can be monitored to ensure that the calls have been dealt with in an appropriate manner.

10.8.3 Community members can also utilize the sharecall number 0860105789 to report any emergency related to disasters or fire fighting, or even to report any problem with essential services such as water outages, or to make a query, complaint or request for information. On answering, callers will be requested to dial number 1 for any emergency or 2 to be routed to the nearest Customer Care & Service Centre. All these sharecalls will be recorded onto the Customer Care Reporting System in order to track and trace that every call has been satisfactorily dealt with in an appropriate manner. Callers will be given a reference number for their query. All emergency calls will immediately be routed to the 24 hour ADM emergency call centre which has been established at Komga. All after hour calls will immediately also be diverted to the emergency call centre in Komga. Office hours are between 07h30 and 16h00, however the emergency call centre will remain open all hours every day of the week.

- 10.8.4 Community members can also write letters of appeal to the Executive Mayor or Municipal Manager at Amathole District Municipality, P O Box 320, East London, 5200, or lodge such an appeal through the ADM Customer Care & Service Centres located at each of the local municipalities in the district. These letters of appeal will also be logged onto the Customer Care Reporting System to ensure that they have been recorded and followed up. To lend greater support to the appeal, community members are advised to get the buy-in and support of their local ward councilor, who can endorse the letter of appeal and also assist in evaluating whether such an appeal would be more applicable, in terms of the municipalities' roles and functions, for the local or district municipality.
- 10.8.5 All complaints must be followed up within 7 days. A follow up call must be made to the complainant to ensure that the issue has been satisfactorily dealt with. If the complaint cannot be dealt with within these time frames, community members must be informed of the problem and when they can expect resolution.

10.9 Invitation for public comment and open session

- 10.9.1 When the ADM considers and deliberates on any of the issues set out hereunder, it must hold open sessions to which members of the public and interested organisations must be invited to submit their views and comments:
- 10.9.1.1 The identification of the needs of the community in the municipal area, including prioritization of those needs;
- 10.9.1.2 On strategies, programmes and services to address priority needs through the integrated development plan and budget processes;
- 10.9.1.3 The development, implementation and review of the Council's performance management system, including the setting of appropriate key performance indicators and performance targets;
- 10.9.1.4 A proposed tariff as contemplated in Section 74 of the Municipal Systems Act as well as its credit and debt related policies;
- 10.9.1.5 The annual report and oversight processes
- 10.9.1.6 Decisions on mechanisms for the provision of services through service delivery agreements;
- 10.9.1.7 Formulation or review of by-laws that would affect the community or structure.
- 10.9.2 The Municipal Manager must, after Council has held an open session on any of the matters contemplated in this policy or other relevant legislation:
- 10.9.2.1 Formulate a full report thereon together with any advice or recommendations Council may deem necessary or desirable;
- 10.9.2.2 Make copies of the report available to the community in one or more of the following manners:
- 10.9.2.2.1 By publication in the local newspaper
- 10.9.2.2.2 leaving a copy at libraries in the district
- 10.9.2.2.3 Posting a copy on the noticeboard at the Council's offices, and
- 10.9.2.2.4 Providing each of the ADM's local municipalities with copies for distribution to the ward committees and communities.
- 10.9.2.2.5 Posting a copy on the noticeboard of the Customer Care & Satellite Offices located at each local municipality.

- 10.9.2.2.6 Publish the report on the municipality's website.
- 10.9.2.3 Ensure that the report is published according to the ADM's language policy for the municipal area.
- 10.9.2.4 Provide the public with a central e-mail address, whereby members of the community may submit written comments directly to the municipality on any matter referred to in this policy and/or other relevant legislation. The email address is info@amathole.gov.za.
- 10.9.2.5 Ensure that the comments are addressed regularly and collated by a member specifically allocated to this task. (Refer point 16 Evaluation of the Policy).

10.10 Public meetings and hearings by the municipality

- 10.10.1 The Municipal Manager must place an appropriate notice in the local newspaper or radio, to notify the community of any public meeting and/or hearing arranged to discuss and consider issues affecting the community;
- 10.10.2 The issues may relate to item 8.6 or 8.9 of this policy or any issue that the ADM may deem necessary to engage the community on;
- 10.10.3 Any such public meeting and/or hearing must take place within 7 (seven) days of the Municipal Manager having notified the community;
- 10.10.4 The notice thereof must state the issues to be considered by the meeting and the section of the community that is targeted for the meeting;
- 10.10.5 The meeting or hearing will be conducted in a language that will ensure effective participation by the target group;
- 10.10.6 The ADM must provide interpretation if such is necessary

10.11 Notification

- 10.11.1 The ADM shall give a notice whenever Council shall hold:
 - 10.11.1.1 An ordinary Council meeting
 - 10.11.1.2 A special meeting of Council, except when the constraints make this impossible.
 - 10.11.1.3 Shall hold a meeting as provided for under this policy
 - 10.11.1.4 Shall hold a session about any matter contemplated in this policy or any relevant legislation
 - 10.11.1.5 Shall hold a public meeting or any other matter decided by Council that warrants notification of the community in terms of this policy;
- 10.11.2 Copies of all notices must be posted at any of the following, but not limited to:
 - 10.11.2.1 The local newspapers in the area
 - 10.11.2.2 The noticeboards at the municipal offices
 - 10.11.2.3 Libraries in the municipal area
 - 10.11.2.4 Ward information centres
 - 10.11.2.5 Other places as may be determined by the ward committee

11. STRUCTURES FOR PUBLIC PARTICIPATION

11.1 Ward Committees

11.1.1 Ward committees are a legitimate statutory platform for community participation. The object of a Ward Committee is to enhance participatory democracy in local government.

11.1.2 The ADM in cooperation with local municipalities, will:

- 11.1.2.1 ensure that the required resources are available for the efficient and effective operation of Ward committees;
- 11.1.2.2 Strengthen and capacitate ward committees such that they become a driving force for community developmental programmes;
- 11.1.2.3 Support communities to produce ward plans (community based planning) as a systematic planning and implementation process to perform their role and responsibilities.
- 11.1.2.4 With the cooperation of local municipalities develop programmes for civic education.
- 11.1.2.5 Improve the accountability of ward and municipal structures to each other and to the communities they serve.

11.2 Community Development Workers (CDWs)

The ADM will support CDWs to:

- 11.2.1 Ensure that ward committees and civil society are informed of government services
- 11.2.2 Encourage ward committees and civil society to make use of opportunities within the ADM area.
- 11.2.3 Support implementation of community activities and projects via community structures such as community workers and Civil Based Organisations;
- 11.2.4 Providing technical support to ward committees (eg compile reports and documents) to monitor community projects and to account to communities and municipalities.
- 11.2.5 CDWs are to be represented at Local Communicator Forum meetings; and should work together with Communication Officials at Local Municipalities, ward committee representatives, and government departments located in the local municipal area to develop a common programme of action on a quarterly basis.
- 11.2.6 CDWs to work together with Communication Officials at Local municipalities as well as representatives of ward committees in meeting on a weekly basis to undertake an environmental analysis and to identify issues at a local ward level that need urgent attention. The Communication Officials should submit weekly environmental analysis reports to the Mayoral Committee at the local municipality and copied to relevant portfolio heads so that the latter can follow up on the issues. The Environmental Analysis reports are to be sent to the District Head of Communications who will consolidate the information from all local municipalities on a monthly basis and submit reports to the District Mayoral Committee Meeting, with a copy to the Speaker's Office.

11.3. Local Communicators Forum (LCF)

The ADM has facilitated the establishment of Local Communicators Forums at local municipalities within the district. Members include the Portfolio Head for Community Liaison & Participation who chairs the meetings, the local municipality communications official who is the driver of the programme together with a core team, Community Development Workers (CDWs) and CDW mentors and coordinators, representatives from the ward committees, and government departments located in the local municipal area. It may also include representatives from civil society structures such as Non-governmental Organisations (NGOs), Community Based Organisations (CBOs) etc. The purpose of the LCF is to share information, best practices, develop a common programme of action at a local level applicable to all participants, and facilitate communication strategies and programmes. The LCFs meet at least on a quarterly basis or as often as necessary and is the platform for sharing vital information with communities in the district.

11.4 District Communicators Forum (DCF)

The ADM established the District Communicators Forum in November 2002. The forum meets on a quarterly basis or as often as necessary and is chaired by the Portfolio Head for Community Liaison & Participation. The programme is driven by the Head of Communications at the district together with a core team made up of representatives from the Office of the Premier and GCIS. The forum also includes communication officials and portfolio heads for community liaison and participation from all the local municipalities, communication officials from government departments and parastatals located within the district as well as CDW mentors and coordinators. The forum serves to share information and best practices amongst the government spheres, and to coordinate programmes and projects such as *izimbizos*, information days, etc. at a district level. Information is cascaded down to the LCFs and vice-versa, and even upwards to the Intergovernmental Communicators Forum which is a provincial communications structure, spearheaded by the Communications Department in the Office of the Premier.

11.5 Masibonisane Forum

The Masibonisane Forum must be established to improve interaction with local communities on a regular basis. The forums meet once a month at each local municipality area within the district where community issues are discussed and addressed as swiftly as possible; or proceed to the LCF meetings for further discussion and resolution. Participants include ADM community liaison officers, customer care assistants, Regional Managers and supervisors, communication and public participation officials from the local municipality, CDW coordinators, representative from each ward committee or community structure in the local municipal area and ward councillors. Members also assist in setting the agenda for the LCF meetings which are held on a monthly basis. Information flows in a two-way process to the ward committees, the local municipality, the district municipality and other sector departments as necessary.

11.6 Other ADM forums

Community organizations and structures also participate in a number of other ADM forums and are part of the decision-making process of Council, such as:

- 11.5.1 District Aids Council – chaired by the Portfolio Head of Health
- 11.5.2 Community Safety Forum – chaired by the Portfolio Head for Community Safety
- 11.5.3 Local Economic Development (LED) Forum – chaired by the Portfolio Head for Economic Development
- 11.5.4 Disaster Management Forum – chaired by the Portfolio Head for Community Safety
- 11.5.5 Disability Forum – chaired by the Portfolio Head for Community Liaison & Participation
- 11.5.6 Gender Forum – chaired by the Portfolio Head for Community Liaison & Participation
- 11.5.7 Youth Forum – chaired by the Portfolio Head for Community Liaison & Participation
- 11.5.8 IDP Representative Forum – chaired by the Executive Mayor
- 11.5.9 Moral Regeneration Forum – chaired by the Speaker
- 11.5.10 Organs of Civil Society Consultative workshops – chaired by the Speaker

11.7 Customer Care & Service Centres

The ADM has established Customer Care and Service Centres at each local municipality in the district as well as at 40 Cambridge Street in East London. Customer Care Assistants located at these centres will be responsible for disseminating information on ADM services as well as all other government departments to community members who enquire at these centres. The Customer Care Assistants will also be responsible for assisting those community members who cannot read or write, to write down their query, petition or complaint and forwarding same to the relevant party within the ADM for follow up. The Customer Care Assistants will also capture all queries, complaints and requests for information on an electronic Customer Care Management System and forwarding same to the relevant party within the ADM for follow up where necessary. The Customer Care Management System will assist in gathering information for research purposes and will assist the ADM in assessing how many calls were received, where these calls came from, what the topics were about, and whether the calls were satisfactorily addressed. Printouts will be available on a monthly basis for monitoring and evaluation purposes, and to assess information needs and trends that are developing. Also refer points 8.8.1 and 8.8.2 in this policy.

11.8 The Advisory Committee on Public Participation (section 79 committee)

The Advisory Committee on Public Participation shall act in accordance with its terms of reference to:

- 11.6.1 Advise the Speaker on any matter pertaining to the participation of the community on the municipality's planning processes.
- 11.6.2 Exercise oversight on behalf of Council on all public participation activities of the municipality.

- 11.6.3 Develop and implement programmes to complement the municipality's public participation activities as implemented by the Executive arm of Council.
- 11.6.4 Assess, investigate and prepare response petitions submitted by the community on the public participation activities of the municipality and respond accordingly.
- 11.6.5 Submit reports to Council on behalf of the Speaker on the adequacy of the public participation activities, programmes of the municipality in terms of the Standing Rules of Council.

12. ANNUAL PUBLIC PARTICIPATION PROGRAMMES OF THE ADM

- 12.1 The ADM has established an Integrated Development Plan (IDP) Representative Forum. An advertisement is placed in the local media inviting representatives from local community organizations and traditional leaders to attend the meetings where plans and programmes for inclusion in the reviewal process of the Integrated Development Plan are discussed. This IDP process is led by the Executive Mayor. The draft IDP is taken on a road show to all local municipalities in April/May each year before approval by Council. All public comments during the road show are collated for consideration in drafting the final document. The road show dates are advertised in the local media.
- 12.2 The ADM budgets are co-ordinated during the planning and reviewal phase of the IDP. Once the draft budget has been drawn up, an IDP and Budget road show is undertaken to all local municipalities to consult with local communities and to explain the IDP and how the finances are to be spent in the forthcoming year. This process is led by the Councillors responsible for Finance, and Community Liaison and Participation, on behalf of the Executive Mayor, and arrangements are coordinated by the Communications Unit together with the local municipalities. The road show presentation dates, times and venues are advertised in the local media and copies of the IDP and Budget are lodged at all local libraries and at customer care & service centres for perusal. All public comments during the road show are collated into a Question & Answer (Q&A) document for consideration in drafting the final document. The responses to the queries are also recorded on the Q&A documents and are further updated by the ADM Clusters before they are photocopied and handed out to community members to give them feedback on the issues raised.
- 12.3 A Council Open Day is held usually in Mid-May of each year, as decided upon by the Speaker, at which time the draft plans and programmes of the revised IDP, and the draft budgets are presented and discussed. A team comprising the Council Support Unit is responsible for coordinating the event. Local municipalities are invited to bring along their CDWs, ward councilors and ward committee members to the Council Open Day. The traditional leaders are also invited to attend as well as other dignitaries. The Council Open Day is also advertised in the local media and the IDP/Budget Roadshow Q&A documents are printed and distributed at the Council Open Day event.
- 12.4 The IDP and Budget documents are presented to Council for adoption towards the end of May each year. The Executive Mayor delivers his "State of the District Address" in which he/she reports on the performance of the municipality for the previous year and

summarises the IDP plans for the forthcoming year, including the budget. The Council Support Unit is responsible for coordinating this event. The State of the District Address is subsequently published as a community newsletter and distributed as a supplement in the local newspaper and via local municipalities at public outlets, customer care & service centres and via the LCFs to ward committee members, CDWs and ward councillors.

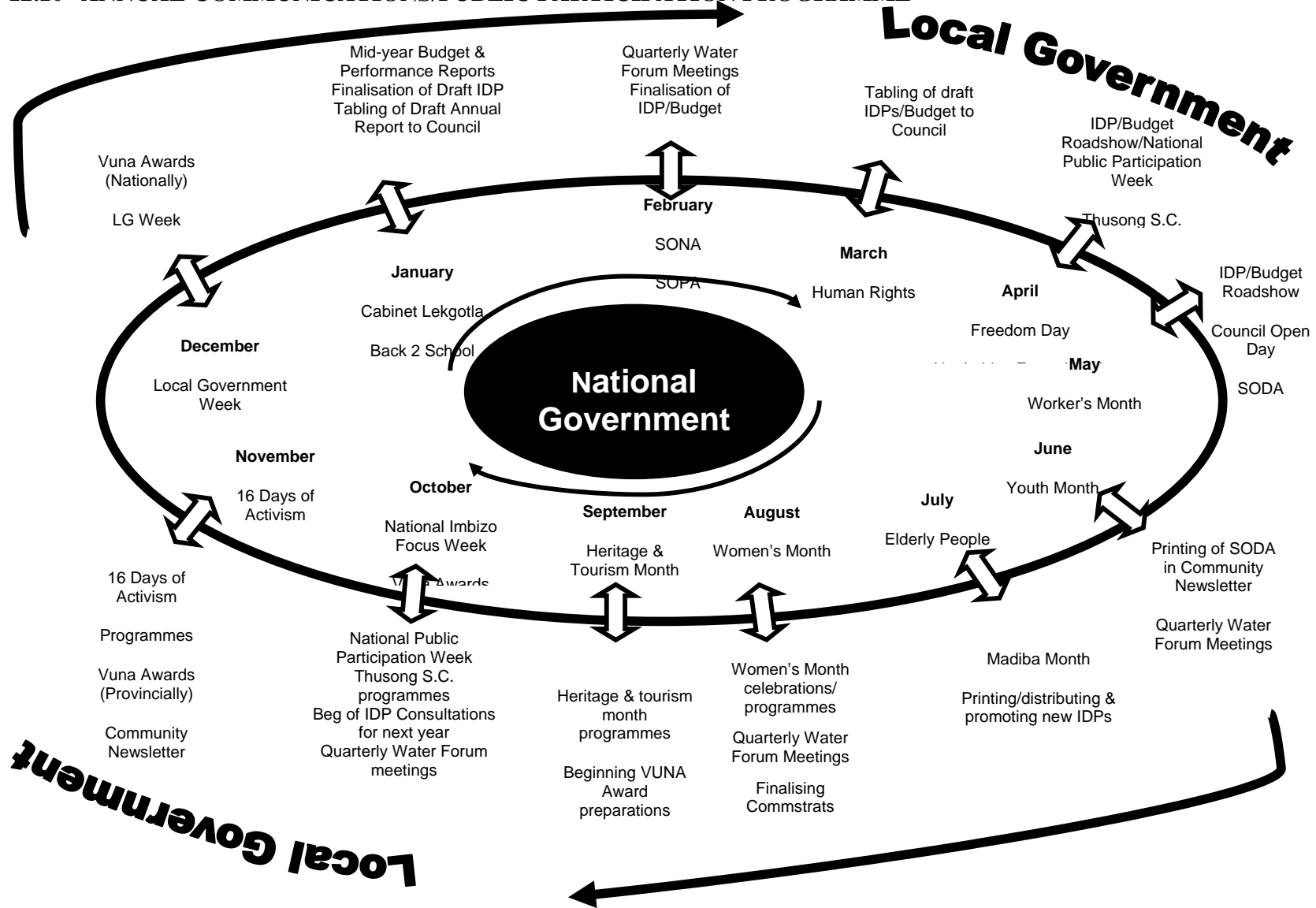
- 12.7 National Public Participation Weeks are held annually in April and October. This is an opportunity for politicians and officials at all spheres of government to meet local communities and to listen to their needs, concerns and answer queries. It is critical that the major component of these meetings be unmediated (no formal agenda) as this is an opportunity for the local communities to have their voices heard. It is also an opportunity for them to meet with the political leaders. The *izimbizos* provide a platform to convey government information, to notify local communities how they can access government services and an opportunity to hold registration drives and campaigns eg. for identity documents, child support grants etc. It is important to follow up on promises made and to return to the affected communities to report on action/s taken, where these have been outstanding. In order to answer questions knowledgeably, it is critical for councilors to be fully informed of local municipal IDPs and plans for the affected communities. The ADM Communications Unit co-ordinates *izimbizos* through the District Communicators Forum with the local municipalities and communicates these arrangements to the Office of the Premier and Government Communications Information System (GCIS) and the ADM's Mayoral Committee. The political structures at national, provincial and district level deploy their members to attend these events.
- 12.8 Various project launches, promotions and handovers are organised during the course of each year. Local community members are mobilized to attend these events. These functions provide the opportunity to listen to the comments and needs of the communities and to answer queries. It must be noted that increasingly government departments and local municipalities are consolidating their efforts and working together to launch programmes and projects. This also applies to funding where necessary. These events are generally led by the responsible portfolio councilor and the relevant head of department on behalf of the ADM and with the assistance of the communication unit, however, programmes are coordinated across government spheres according to protocol. Typical events would include National Water Week in March and National Sanitation Week in May, Tourism and Heritage Month activities in September, as per the government annual calendar of events, and other project launches which are held during the course of the year.

12.9 Special Programmes

The Special Programmes Unit (SPU) is located in the Office of the Executive Mayor and is responsible for all activities related to promoting the interests of youth, women, disabled persons and other marginalized groups and HIV and Aids. Various SPU programmes are convened in line with the government's annual calendar of events and are led by the Portfolio Head for Community Liaison & Participation and driven by the SPU, such as Youth Month in June, Women's Month in August, the 16 Days of Activism

against Women and Child Abuse which is held in November and December, and usually includes activities in celebration of World Aids Day in December.

12.10 ANNUAL COMMUNICATIONS/PUBLIC PARTICIPATION PROGRAMME



13. CODE OF CONDUCT

13.1 ADM staff are encouraged to embrace the principles of Batho Pele.

14. LANGUAGE POLICY AND TRANSLATIONS

14.1 The ADM's language policy has its basis in the National Language Policy Framework. The Council has determined that the official language of the ADM is English, however Councillors can take the oath of office in any language they prefer.

In terms of the Rules of Council, the Speaker has mandated the Municipal Manager of the ADM to translate such documents as the Annual Report, the Integrated Development Plan and Community Newsletters in the official languages encountered in the Eastern Cape, bearing in mind the cost implications and budgetary constraints. As such therefore, the Executive Mayor's State of the District Address (SODA) elaborates on the performance of the ADM. The SODA also elaborates on the IDP and budget for the next financial year. Hence the State of the District Address is published as a community newsletter in English and isiXhosa and distributed as a supplement to the Daily Dispatch, which is the main commercial newspaper in the district. Additional copies are also distributed to all local municipalities, at all public outlets and ward committees.

The language policy of the ADM is therefore as follows:

- Plain language and proper grammar must be used in all communication with the public to ensure clarity and consistency of information;
- English is the business language of the ADM;
- If a member of the public communicates with the ADM in a specific language, then they must be answered in that language;
- Official documents will only be translated subject to capacity and budget;
- In terms of the Promotion of Access to Information Act, the ADM is obliged to translate any official document into the preferred language of choice of the applicant, at a cost to be borne by the applicant.
- In terms of legislation (Chapter 4 of the Local Government Municipal Systems Act No 32 of 2000), the municipality must take into consideration the language preference and usage in the municipality and the special needs of people who cannot read or write. If someone is illiterate and would like to communicate with the ADM, a Councillor or an official will be responsible to take down the statement in writing. Similarly, cognizance should be taken of the special needs of disabled persons, especially in public/community meetings and where necessary a translation service should be made available eg sign language.
- The decision to use translations for communication campaigns has far reaching implications for costs, target audiences, distribution mechanisms, publicity mediums and design of material. All these must be considered in the planning phase of any activity.

15. RIGHTS AND DUTIES OF STAKEHOLDERS

15.1 Rights of the Community

Communities have the rights and responsibilities to:

- 15.1.1 Contribute to the decision-making process of the municipality;
- 15.1.2 Submit written or oral recommendations, representations and complaints to Council through the Speaker, party caucuses through the Chief Whip, or the Executive through the Executive Mayor and administration through the Municipal Manager;
- 15.1.3 Be informed of decisions of Council, Council Committees and administration of the ADM;
- 15.1.4 Regular disclosure of the state of affairs of the ADM, including its finances;
- 15.1.5 The use and enjoyment of public facilities at the disposal of the ADM;
- 15.1.6 Have access to municipal services provided by the ADM.

15.2 Duties of Community Members

- 15.2.1 To obey all government laws; observe the rule of law, tolerance and equality of opportunity;
- 15.2.2 To allow municipal officials reasonable access to their properties for the performance of municipal functions;
- 15.2.3 To accept the basic structures and principles that make society function properly;
- 15.2.4 To fulfil his or her duties in terms of paying tariffs and all forms of fiscal obligations due to the ADM;
- 15.2.5 To profess and protect democratic principles, for example freedom of speech, freedom of linguistic and cultural orientation and equality of the different ethnic origins and sexes.
- 15.2.6 To acknowledge that expressing own culture and beliefs is related to the responsibility to accept the rights of others to express their views and values;
- 15.2.7 To denounce all forms of unlawful behaviour and corruption as well as any potential detriment to the wellbeing of fellow citizens;
- 15.2.8 To enroll in the electoral register and vote at all levels as a means to safeguard democracy.

15.3 Political and Administration Officials

Shall ensure that the objectives of local government as stated in section 152 of the Constitution of the Republic of South Africa are achieved:

- 15.3.1 To provide democratic and accountable government for local communities;
- 15.3.2 To ensure the provision of services to communities in a sustainable manner;
- 15.3.3 To promote social and economic development;
- 15.3.4 To promote a safe and healthy environment;
- 15.3.5 To encourage the involvement of communities and community organizations in the matters of local government.

15.4 Civil Society (organized structures)

- 15.4.1 Have a right to engage the ADM from an independent point of view as champions of human rights;

- 15.4.2 Human rights include denunciation of corruption and unlawful practices within the locality of the ADM;
- 15.4.3 Have a right to promote integration, concrete application and enforcement of civil, political, economic, social and cultural rights, including labour rights, the right to development, as well as the principle of non-discrimination;
- 15.4.4 Are viewed as partners in promoting social justice by addressing, inter alia, issues of poverty reduction, gender equality, people with special needs and disability, labour rights, indigenous people's cultural rights, education and literacy, and so on.

16. INSTITUTIONAL ROLES AND RESPONSIBILITIES

- 16.1 The support for the public participatory component of the political system should reside with the Office of the Speaker.
- 16.2 The Speaker, whose responsibility is to ensure that the oversight role of Amathole's legislative component is exercised effectively, who also chairs Council, should be responsible for ensuring that Amathole District Municipality, through its elected councilors, implements a dynamic and progressive system of public participation.
- 16.3 The following roles and responsibilities will be observed:

Activity	Role	Responsibility
Administrative mechanisms to co-ordinate aspects of public participation	Developing a mechanism and the capacity to ensure that administrative components relating to public participation are fulfilling their function, and ensuring synergy in the overall policy	Officials in the Office of the Speaker and the Executive Mayor
Petitions Management System	Ensure an effective receipt, referral and implementation of decisions relating to petitions	Office of the Speaker
Administrative mechanisms to coordinate aspects of all other queries, complaints and requests	Monitoring of monthly Customer Care Reports	Communications Unit in the Office of the Executive Mayor
Notice of Council and Committee meetings	Ensure an effective receipt, referral and implementation of decisions relating to petitions	Corporate Services and Officials in the Office of the Speaker
Management of Access to Information	Develop and manage a system of access to information	Office of the Municipal Manager Office of the Executive Mayor
Reporting to the Premier's Co-ordinating Council	Presenting a summary of the ADM public participation programmes	Office of the Executive Mayor

17. MONITORING

All matters related to implementation and monitoring of this policy will be done by the head of administration in the institution. The Advisory Committee will be kept abreast of all developments pertaining public participation programmes.

ABBREVIATIONS

ADM	Amathole District Municipality
CBO	Community Based Organisation
CDW	Community Development Worker
DCF	District Communicators Forum
ESS	Executive Support Services
FBO	Faith Based Organisation
GCIS	Government Communication Information System
IDP	Integrated Development Plan
IGCF	Intergovernmental Communicators Forum
LCF	Local Communicators Forum