



the dplg

Department:
Provincial and Local Government
REPUBLIC OF SOUTH AFRICA

National Policy Framework
for Public Participation

2007

**Public Participation and Empowerment Chief Directorate
Free Basic Services and Infrastructure Branch**

Contact: Xoliswa Sibeko, Executive Manager,
Tel: 012-3344031/4

Email: XoliswaS@dplg.gov.za

Table of Contents

Glossary of Terms.....	4
Chapter One: Introduction to Public Participation in Local Governance.....	6
1.1. Background.....	6
1.2. Key Legislation	7
1.3. Key Policy	9
1.4. Approach of the Framework Document	11
1.5. Minimum Requirements of the Framework Document.....	12
1.6. Application of the Framework Document.....	14
Chapter Two: The Value of Public Participation	15
2.1. What is Public Participation?.....	15
2.1.1. <i>Basic Assumptions Underlying Public Participation</i>	15
2.1.2. <i>Levels of Participation</i>	15
2.1.3. <i>Who is the Public?</i>	17
2.2. Why Public Participation?.....	17
2.2.1. <i>The Benefits of Public Participation</i>	17
2.2.2. <i>How To Make Community Participation Work</i>	19
2.2.3. <i>South Africa: An Evolving Practice</i>	21
2.3. Principles of Community Participation:	21
Chapter Three: Municipal Issues Requiring Community Participation	24
3.1. Key Annual Statutory Processes	24
3.1.1. <i>Budget Process</i>	24
3.1.2. <i>Integrated Development Planning</i>	25
3.1.3. <i>Performance Management System and Performance</i>	26
3.1.4. <i>Annual Report</i>	27
3.2. Key non-annual issues	28
3.2.1. <i>Service Delivery</i>	28
3.2.2. <i>Assorted Complaints</i>	28
3.3. Legal Community Participation Obligations of Municipalities	30
Chapter Four: Community Participation Requirements and Resources	44
4.1. Legal Rights and Responsibilities	44
4.1.1. <i>Rights of Citizens</i>	44
4.1.2. <i>Responsibilities of Citizens</i>	45
4.1.3. <i>Responsibilities of Municipalities</i>	45
4.2. Inform, consult, involve.....	45
4.3. Community Participation Tools	48
4.4. Conclusion	50
Chapter Five: Strategy 1: Communication	51
5.1. Public Participation Principles.....	51
5.2. Citizen's Participation Charter	51
5.3. Community Complaints Management System.....	52
5.4. Citizen's Satisfaction Surveys	52
5.5. Conclusion	52
Chapter Six: Strategy Two: Ward Committees and Ward Forums.....	54
6.1. Ward Committees	54
6.1.1. <i>Empowering Ward Committees</i>	54
6.1.2. <i>Supporting Ward Committees</i>	55
6.1.3. <i>Making Ward Committee Operation Participatory</i>	56

6.2.	Ward Forums.....	59
6.3.	Conclusion	59
Chapter Seven: Strategy 3: Stakeholder Forums.....		61
7.1.	The IDP Representative Forum	61
7.1.1.	<i>Empowering the IDP Forum</i>	63
7.1.2.	<i>Supporting the IDP Forum</i>	63
7.1.3.	<i>Making the IDP Forum Operation Participatory</i>	64
7.2.	Local Project Implementation Forums	64
7.3.	Conclusion	65
Chapter Eight: Relationships with Other Governmental Role-Players.....		66
8.1.	Traditional Leadership.....	66
8.2.	CDWs	66
8.3.	Districts	67
8.4.	Other Spheres of Government	68
8.4.1.	<i>Provincial and National Government</i>	68
8.4.2.	<i>Intergovernmental Forums and Processes</i>	68
8.5.	Conclusion	69
Chapter Nine: Institutionalising Public Participation.....		70
9.1.	Role-players and Responsibilities	70
9.1.1.	<i>Function and Responsibility of the Speaker</i>	71
9.1.2.	<i>Function and Responsibility of the Municipal Manager</i>	72
9.1.3.	<i>Function and Responsibility of the Executive Committee</i>	74
9.1.4.	<i>Function and Responsibility of the Mayor</i>	74
9.1.5.	<i>Function and Responsibility of the Ward Councillor</i>	75
9.1.6.	<i>Function and Responsibility of the Ward Committee</i>	75
9.2.	Conclusion	80
Chapter Ten: The Public Participation Year Planner		81
10.1.	Guidelines on Preparing a Year Planner	81
10.2.	Generic Gantt Charts.....	84
Chapter Eleven: Budgeting		89
11.1.	Items to be Included in the Budget.....	89
11.2.	Preparing the Budget	90
11.3.	Some Key Tasks	91
11.3.1.	<i>Communication</i>	91
11.3.2.	<i>Ward Committees</i>	92
11.3.3.	<i>IDP Forum</i>	92
11.3.4.	<i>Ad hoc consultation</i>	94
References.....		96

Glossary of Terms

Citizen's Participation Charter:	A charter of community rights and duties in respect of participation in a municipality. Should include basic information about the municipality, ward committees and key participation processes. Can take the form of a pamphlet or booklet.
Consult:	To consult involves both the transmission of information, but also feedback from the community (usually stakeholder groups, ward committees or the public at large) or officials and councillors on the information.
Constitution:	Republic of South Africa Constitution Act, 108 of 1996
Community:	The body of persons residing in a municipality including the residents, ratepayers, civil organisations, visitors and especially the poor and disadvantaged.
Community participation:	Public participation at the municipal level where local residents are called 'the community'.
Community Participation Plan:	This is the annual plan for community participation in the municipality. Developed by the Community Participation Unit/Officer before the start of the financial year, it sets time-frames and costs key participation processes, identifies key target constituencies (especially the poor and marginalised) and how to engage them. Target groups must be consulted in drafting the plan
Community Participation Unit/Officer:	The institutional home of public participation in the municipality, responsible for the Community Participation Plan, and coordination of all participation activities in consultation with the Speaker who oversees ward committees, and the Mayor who oversees the budget process.
Democracy:	'rule by the people', or the idea that all members of a community should be treated as if they were equally qualified to participate in the decision-making process for that community.
Disaster Management Act:	Disaster Management Act, 57 of 2002.

Integrated Development Plan:	The principle strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development in a municipality.
Inform:	The passing of information between councillors, officials and the community.
Involve:	To involve the community means both transferring information on an issue, accepting feedback on the issues, and allowing the community to influence the substance of the decision. In short, it assumes some degree of power-sharing with the community.
Municipal Finance Management Act (MFMA):	Local Government: Municipal Finance Management Act, 56 of 2003
Municipal Structures Act:	Local Government: Municipal Structures Act, 117 of 1998
Municipal Systems Act:	Local Government: Municipal Systems Act, 32 of 2000.
Performance Management System (PMS):	A two-way communication process between the municipality and the community that measures specific targets, standards and priorities that were agreed on during the IDP process.
Performance Management Regulations:	Municipal Performance Management Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, R805, 1 August 2006.
Promotion of Access to Information Act:	The Promotion of Access to Information Act, 2 of 2000
Property Rates Act:	Local Government: Municipal Property Rates Act, 6 of 2004.
Public Participation:	The participation of all residents of a country, including citizens and non-citizens, in the decision-making process of all three spheres of government.
Stakeholder:	An individual or group with an interest in a particular issue addressed by government. E.g. ratepayers association, trade unions.

Chapter One: Introduction to Public Participation in Local Governance

This document provides a policy framework for public participation in South Africa. This builds on the commitment of the democratic government to deepen democracy, which is embedded in the Constitution, and above all in the concept of local government, as comprising the community as part of the municipality.

This government is committed a form of participation which is genuinely empowering, and not token consultation or manipulation. This involves a range of activities including creating democratic representative structures (ward committees), assisting those structures to plan at a local level (community-based planning), to implement and monitor those plans using a range of working groups and CBOs, supporting community-based services, and to support these local structures through a cadre of CDWs (CDWs).

In addition, we look to deepen the involvement of local communities in local governance by incorporating ward committees and the community at large in consultation around key municipal process like integrated development planning (IDP), the budget, performance management and service delivery. This applies in respect of implementation, monitoring and evaluation as well as planning.

We must also improve the accountability of ward and municipal structures to each other and to the communities they serve, as well as improving the linkages between provincial and national departments to their clients, and so to service delivery and policy.

If we do this we have a chance to making our democracy and governance structures firmly rooted in our people.

1.1. Background

The Republic of South Africa Constitution Act, 108 of 1996 (hereinafter the Constitution), places an obligation on local government 'to encourage the involvement of communities and community organisations in the matters of local government.' During the years following the promulgation of the Constitution, municipalities wrestled with a multitude of other transformation issues with the result that very few actively encouraged communities to involve themselves in the affairs of the municipality.

The promulgation of the Municipal Systems Act, 33 of 2000 (hereinafter the Systems Act) focused the attention of municipalities anew on the need to encourage the involvement of communities in the affairs of the municipality. The fact that public participation was high on the agenda of government is evident from the fact that the whole of Chapter 4 of the Municipal Systems Act is devoted to public participation. A reading of Chapter 2 of the Act already focuses attention on the role public participation is to play in the local government environment as it is in that Chapter that (i) the 'Rights and duties of municipal councils;' (ii) the 'Rights and duties of members of the local community' and (iii) the 'Duties of municipal administrations' are spelt out. It is evident therefore that the councillors, the administrators of the municipality and the community itself have an important role to play in public participation.

The Act in many instances is fairly prescriptive on what is required to be done by municipalities in respect of a number of its functions in so far as public participation is concerned, but it is in many instances silent on how it must be done, leaving this to

the discretion of municipalities. This has posed many challenges for municipalities and despite the lapse of time since the promulgation of the Municipal Systems Act, it is evident that the community consultation and involvement process is still in its infancy and that municipalities are often not fulfilling their legislative obligations. The converse, however, is also true in that the communities themselves have also not involved themselves sufficiently in the affairs of the municipality, choosing to become involved only when things have gone severely wrong.

The National Department of Provincial and Local Government (hereinafter referred to as the DPLG), under the leadership of the Public Participation and Empowerment Chief Directorate, has identified the absence of a structured participation process as a serious impediment and it is for this reason that the DPLG has published the National Policy Framework for Public Participation for adoption by municipalities. The document is a valuable source of information for municipalities and will go a long way in assisting municipalities in the implementation of a public participation framework.

It is hoped that this Framework Document, will further assist municipalities with the practical implementation of a well planned, resourced and structured participation program, so that communities can actively contribute to the decision making process within the council and become agents of change and development as espoused in a speech delivered by the Honourable Minister of Provincial and Local Government, Sydney Mufamadi at the Community/Ward-Based Planning Workshop hosted by the Mangaung Local Municipality, Bloemfontein, as long ago as the 29 October 2002, when he stated:

Government does not only view community participation as an end in itself. Rather the purpose of participation is the very essence of a people-centred approach to development. In this context communities should not be viewed as passive participants but as active agents of change and development. Participation processes should develop people to become more resourceful themselves in as much as it should be aimed at ensuring that service and infrastructure delivery is enhanced through community participation.

1.2. Key Legislation

While there are many laws which require some form of public participation in local governance (for a comprehensive list see Chapter Three), there are three laws which are central. These are the Constitution, the Systems Act and the Municipal Structures Act, 117 of 1998 (hereinafter the Structures Act). A brief introduction to aspects of these aspects is important before proceeding.

The notion of public participation in all spheres of government is embedded in the **South African Constitution**. In terms of the local spheres of government the Constitution states:

- *Section 151(1)(e). Municipalities are obliged to encourage the involvement of communities and community organisations in local government.*
- *Section 152. The objects of local government (are) to encourage the involvement of communities and community organisations in the matters of local government.*
- *Section 195 (e). In terms of the basic values and principles governing public administration – people’s needs must be responded to, and the public must be encouraged to participate in policy-making*

The **Municipal Structures Act 117 of 1998 (as amended in 2000 and 2003)** allows for a Category A municipality with a sub-council or ward participatory system, or a

Category B municipality with a ward participatory system, and Executive committees or Executive Mayors must annually report on the involvement of communities and community organisations in the affairs of the municipality.

The **Municipal Systems Act 32 of 2000** defines 'the legal nature of a municipality as including the local community within the municipal area, working in partnerships with the municipality's political and administrative structures...to provide for community participation'. According to Section 4 in the Systems Act council has the duty:

- *To encourage the involvement of the local community*
- *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*

In Section 5, members of the community have the right:

- *To contribute to the decision-making processes of the municipality and submit written or oral recommendations, representations and complaints to the municipal council*
- *To be informed of decisions of the municipal council*
- *To regular disclosure of the affairs of the municipality, including its finances*

Perhaps the clearest and most specific requirements for public participation in local governance are outlined in Chapter 4. Hence *Section 16* requires that

- *The Municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance and must...*
- *...encourage and create conditions for the community to participate in the affairs of the municipality, including in the IDP, performance management system, monitoring and review of performance...preparation of the budget, strategic decisions re municipal services.*
- *...contribute to building the capacity of the local community to participate in the affairs of the municipality and councillors and staff to foster community participation*
- *...(section 42) through appropriate mechanisms, processes and procedures ...must involve the local community in the development, implementation and review of the municipality's performance management system, and in particular, allow the community to participate in the setting of appropriate key performance indicators and performance targets of the municipality.*

An important and key feature of the new local government system is the **Ward Committee System**. A ward committee consists of the councillor representing the ward who must also chair the committee, and not more than 10 other persons. Ward committees are seen as the vehicle for deepening local democracy and the instrument through which a vibrant and involved citizenry can be established. It is at the local level within wards that all development issues converge. Ward committees therefore have a crucial role to play as an interface between government and communities (not just local government).

The focus has shifted – or needs to shift – from communities waiting patiently for government to deliver, towards a set of actions that communities themselves can participate in, in partnership with the Municipality and other stakeholders. As such, it

creates a cooperative governance framework where citizens, councillors and officials take collective responsibility for development at the local level.

The Structures Act sets up clear guidelines for ward committees. Hence section 72 states that the object of a ward committee is to enhance participatory democracy in local government. Further, the functions and powers of ward committees include:

- *Making recommendations on any matter affecting the ward to the ward councillor or through the ward councillor to the metro or local council, executive committee or executive mayor...*
- *Any such duties and powers as the metro or local council may delegate to it.*

1.3. Key Policy

This framework policy document draws not only on enabling legislation but a succession of prior policy work beginning with the White Paper on Local Government of 1998, the *Batho Pele* Principles of 1998, Community-Based Planning principles and the Community Development Worker initiative of 2003.

According to the **White Paper on Local Government 1998** municipalities require active participation by citizens at four levels:

- *As voters: to ensure maximum democratic accountability of the elected political leadership for the policies they are empowered to promote.*
- *As citizens: who express, via different stakeholder associations, their views before, during and after the policy development process in order to ensure that policies reflect community preferences as far as possible.*
- *As consumers and end-users: who expect value-for-money, affordable services and courteous and responsive service.*
- *As organised partners involved in the mobilisation of resources for development via for profit businesses, non-governmental organisations and community-based institutions.*

The White Paper also suggests that 'municipalities should develop mechanisms to ensure citizen participation in policy initiation and formulation, and the M&E of decision-making and implementation'. The following approaches can assist to achieve this:

- *Forums to allow organised formations to initiate policies and/or influence policy formulation, as well as participate in M&E*
- *Structured stakeholder involvement in certain Council committees, in particular if these are issue-oriented committees with a limited lifespan rather than permanent structures*
- *Participatory budgeting initiatives aimed at linking community priorities to capital investment programmes*
- *Focus group participatory action research conducted in partnership with NGOs and CBOs can generate detailed information about a wide range of specific needs and values*

Batho Pele, a Sotho translation for 'People First', is an initiative to get public servants to be service orientated, to strive for excellence in service delivery and to commit to continuous service delivery improvement. It is a simple and transparent mechanism, which allows citizens to hold public servants accountable for the level of services they deliver. Batho Pele is not an 'add-on' activity but rather, a philosophy of

service deliver in which citizens are placed at the centre of public service planning and operations.

Eight Batho Pele principles were developed to serve as acceptable policy and legislative framework regarding service delivery in the public service. These principles are aligned with the Constitutional ideals of promoting and maintaining high standards of professional ethics; providing service impartially, fairly, equitably and without bias; utilising resources efficiently and effectively; responding to people's needs; the citizens are encouraged to participate in policy-making; and rendering an accountable, transparent, and development-oriented public administration.

The Batho Pele principles include:

- *Consultation*
- *Setting service standards*
- *Increasing access*
- *Ensuring courtesy*
- *Providing information*
- *Openness and transparency*
- *Redress*
- *Value for money*

Batho Pele is a major departure from a dispensation which excluded the majority of South Africans from government machinery to one that seeks to include all citizens for the achievement of a better life for all through services, products and programmes of a democratic dispensation.

Key among related policy initiatives important for public participation is **Community-Based Planning**. Based on a number of principles, Community-Based Planning seeks the active involvement of the community, especially poor people, so as to improve the quality of plans and services, extend community control over development and empower communities so that they take action and become less dependent. The principles are of Community-Based Planning are:

- *Poor people are included*
- *Plans, and the planning process, must be realistic and practical*
- *Planning must be linked to legitimate structures like ward committees*
- *Planning should include implementation, monitoring, evaluation and annual review*
- *The plan must be people-focused and empowering*
- *The emphasis should be to build on strengths and opportunities rather than focus on problems*
- *Plans must be holistic and cover all sectors*
- *Planning must promote mutual accountability between communities and officials*
- *There must be commitment by councillors and officials to the whole process*

The community implements its action plan through local structures such as ward committees or local stakeholder forums. These will be supported by CDWs, who have a critical role to play during the planning, as well as during implementation. Government recognises the importance of communities playing an active role in implementation, including managing funds such as the discretionary funds of R10-50 000 per ward provided under CBP. The role of the resources provided by government is to leverage voluntary action by communities.

Community action to implement also touches on the importance of services provided by the community. In practice many of the services needed by the community are those they provide for each other. These include traditional healers, grocery clubs, *stokvels*, burial societies, crèches, home-based-care, traditional birth attendants, farmers advising other farmers and so on. In order to maximise the extent and coverage of services, government must encourage and support the community-based services, which sustain most of our communities, often through volunteers, rather than replacing them with centralised, professional, and often expensive and inaccessible services. This is particularly important for services that are not complex, which are needed frequently (daily or weekly), and which involve context-specific services, in that they need to be adapted to specific people. These services are most suitable for provision in a community-based mechanism. This is typical of personal care services, or agricultural extension. The support of such services provides an opportunity to widen access to services without increasing the overall funding envelope.

The role of government is therefore to strengthen and not replace community activity. It has to build community-based workers and group activities. Typically there is an important role for stakeholder groups to facilitate such services, often supported by government funds or enabling legislation.

In 2003 the **Community Development Workers (CDWs)** initiative was introduced, the primary aim of which is assist local communities in accessing government services and in meeting their needs. Since inception, CDWs have been appointed in different parts of the country. The CDWs can play a supportive role to the ward committees by:

- *Ensuring that ward committees and civil society are informed on government support and services*
- *Encouraging ward committees and civil society engage with opportunities*
- *Identifying needs and building on strengths by facilitating CBP locally*
- *Supporting implementation of community activities and projects by community structures such as community workers and Community-Based Organisations*
- *Providing technical support (compiling reports and documents for example) to ward committees to monitor community projects and to account to communities and municipalities*

The CDW initiative is a very important initiative providing grassroots staff of the municipality who can support ward committees, and assist in the communication links between communities and government.

1.4. Approach of the Framework Document

It is widely accepted that it is a challenge for governments to design and implement effective forms of public participation. Doing this well requires participatory institutions and practices that (i) aim at empowering citizens in meaningful ways whilst simultaneously taking into account (ii) real world conditions, including experience from elsewhere in the world, but especially the conditions of local governance in South Africa, and (iii) the broader legislative and policy context which frames institutional design. At its heart the challenge is one of balancing lofty ambitions with the real-world constraints.

In order to strike the best balance, the document begins by identifying and outlining the commitment to public participation in South African law and policy. This is done in Chapter Two. Then, in Chapters Three and Four, we identify the resources identified in the law to realise public participation. Chapter Three outlines the issues that, by law, require public input including the annual review of core municipal processes like the IDP, the budget, the performance management system, performance and the annual report. Chapter Four then identifies the different kinds of public participation required by the law, and the available resources to meet these requirements. This chapter outlines the significance of key terms found in the legislation, specifically, 'inform', 'consult' and 'involve', and lists some tools including the key structure of ward committees and the process of using public meetings or *izimbizo*.

Together with the list of municipal issues requiring some form of public participation identified in Chapter Three, this provides a significant set of resources with which to develop a locally-adapted public participation policy which also complies with national legislation. However, given the enormous range of possibilities such a task can be a daunting one. Therefore, in order to assist municipalities in at least meeting legislative requirements the rest of the framework document outlines the basics of a municipal public participation policy. To this end three strategies, and the institutional resources needed to implement them, are identified. The strategies are a communication strategy (Chapter Five), a ward committee strategy (Chapter Six) and a stakeholder forum strategy (Chapter Seven). In addition, how these ought to relate to other role-players is outlined (Chapter Eight).

Again the emphasis is very much one of being practical and realistic and focusing on a few strategies centred on a few tools, but doing them well so as to maximise the public participation dividend. Hence the framework document finishes by identifying the need to properly institutionalise public participation, identifying the responsibility of various role-players in Chapter Eight, outlining how to draw up a public participation planner in Chapter Nine, and to budget for it in Chapter 10.

1.5. Minimum Requirements of the Framework Document

It is the intention of the framework document to open up possibilities for experiment and innovation with tools of public participation by municipalities over and above the recommendations made in these pages. At the same time though, the framework identifies certain minimum requirements which municipalities must meet to fulfil the obligations of participatory governance. These requirements are grouped according to the three strategies listed below, and the key elements of the institutional support to realise these strategies are also identified.

First, in respect of the public participation aspects of a communication strategy, the already existing requirement for municipalities to implement a **Community Complaints Management System** is reinforced. In addition, municipalities must take steps to publicise the **Public Participation Principles** identified in Chapter Two, and which normatively frame participatory governance. Lastly, municipalities must publish and distribute a **Citizen's Participation Charter** which includes the Public Participation Principles and outlines the various local structures to contact and processes to follow for communities to participate in municipal governance. It is also recommended that municipalities explore the possibility of using **Citizen's Satisfaction Surveys** as a means of becoming informed about the community's views on municipal delivery.

Second, in respect of ward committees, it is necessary that municipalities **empower and support ward committees, as well as require them to operate in a**

participatory and democratic fashion. In respect of empowerment ward committees must (i) be involved in the key municipal processes of development planning, the budget, the performance management system, performance assessment and service delivery agreements as required by the Systems Act. In addition, (ii) municipalities must incorporate representatives from ward committees on audit committees, and it is recommended that the ward committee member nominated by the Mayor to sit on the personal performance evaluation panel is elected by the Ward Forum. Lastly, (iii) it is recommended that municipalities facilitate discretionary ward budgeting where ward committees have their own funds which they disburse using community-based planning methods.

In order to support ward committees in their operation, municipalities must adopt policy and by-laws which stipulate the election and operation of ward committees. Included here are requirements that ward committee members must be democratically elected, their term of office is the same as for ward councillors, and ward committees must meet at least once a month. Stipulation must be given as to the alternative chair of ward committee meetings should the ward councillor not be available. Ward committee members must be awarded a stipend of at least R50 a month. The Speaker must be empowered to propose the dissolution of ward committees should they not fulfil their functions. Lastly, the ward committee system must be properly budgeted for, and adequate training must be provided for ward committee members.

In order to enhance the democratic operation of ward committees, the rules for operation must stipulate the threshold for quorum for ward committee meetings and a process of democratic internal decision-making. In addition ward committees are required to hold public report back meetings at least four times a year and use community-based planning to develop ward plans, and input into the municipal IDP process. Chaired by the Speaker, Ward Forums at both local and district level must meet at least twice a year to monitor and evaluate ward committee operations including community-based planning, preparations for input into key municipal processes, and to elect at least one representative onto the performance review process.

Third, in respect of the IDP representative forum (hereafter IDP forum), it is necessary that municipalities **empower and support the IDP forum, as well as require it to operate in a participatory and democratic fashion.** In respect of empowerment, it is required that the IDP forum be involved in key municipal processes of development planning, the budget, the performance management system, performance assessment and service delivery agreements as required by the Systems Act. To do this it must meet at least twice a year, preferably around late May and September for concurrence with various Acts regulating these processes.

Support for the IDP forum requires the existence of a secretariat, drawn from the Public Participation Unit or Official, who must circulate the agenda and supporting documents well in advance of meetings. Further, the municipality must resource the IDP forum by providing a venue, refreshments and budget to cover this support. In addition a comprehensive local **Stakeholder Register** must be compiled and maintained to ensure the full inclusion of as many local players as possible. All this must be stipulated in policy and by-law.

As regards the democratic operation of the IDP forum, it is key that the forum is as inclusive of local stakeholders as possible. Further, while the IDP forum is a consultative forum and not a decision-making one, councillors must give feedback on the recommendations from the forum. This includes explaining why

recommendations were ignored, if and when this arises. Lastly, the IDP forum does not replace the role of izimbizo, but supplements it. Indeed, izimbizo should be arranged to inform IDP forum and council deliberations on key municipal issues.

Lastly, it is recommended that municipalities use local stakeholder forums to assist in monitoring and evaluating the implementation of IDP projects and service agreements as required by Section 42 of the Systems Act. Such forums would include representatives from affected ward committees and local stakeholder groups. In effect the forums would be sub-sets of the larger IDP forum and play a central role ensuring that the planning done at central level is implemented most effectively.

Finally, having identified the minimum elements of three strategies to realise participatory local governance, the document outlines the elements basic to institutionalise these strategies. It is recommended that the responsibility for co-ordinating public participation be housed and properly resourced in a **Public Participation Unit** overseen by the **Speaker**. The task of the unit will be to draw up an annual **Public Participation Plan** which includes all of the above recommendations and, as far as possible, charts these on a **Year Planner**, specifying clearly which role-player is responsible for what task, and by what date. Important here is the inclusion of public participation Key Performance Areas, Indicators and Targets in contracts of officials to secure a basic threshold of participation, and proper budgeting for all aspects of public participation.

1.6. Application of the Framework Document

Whilst this Framework Document has primarily been developed for use by municipal officials, political office bearers, and councillors, it is clearly the intention that ward committees, the IDP forums and other consultative structures also be given access to this document. This will ensure that a better understanding is reached on the necessity for community involvement and the avenues open to the community to communicate with the municipality and so deepen democracy and lead to improved decision making and demand led service delivery.

Chapter Two: The Value of Public Participation

2.1. What is Public Participation?

2.1.1. Basic Assumptions Underlying Public Participation

Public participation has been defined in various ways by different people, and for a variety of reasons. For example participation has been used to build local capacity and self-reliance, but also to justify the extension of the power of the state. It has also been used for data collection and interactive analysis. In this document public participation is defined as an **open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making**. It is further defined as a democratic process of engaging people, deciding, planning, and playing an active part in the development and operation of services that affect their lives.

Why the need to promote public participation? Research for DPLG (Khanya 2002) has shown that public participation is promoted for four main reasons. Firstly, public participation is encouraged because it is a legal requirement to consult. Secondly, it could be promoted in order to make development plans and services more relevant to local needs and conditions. Thirdly, participation may be encouraged in order to hand over responsibility for services and promote community action. Lastly, public participation could be encouraged to empower local communities to have control over their own lives and livelihoods.

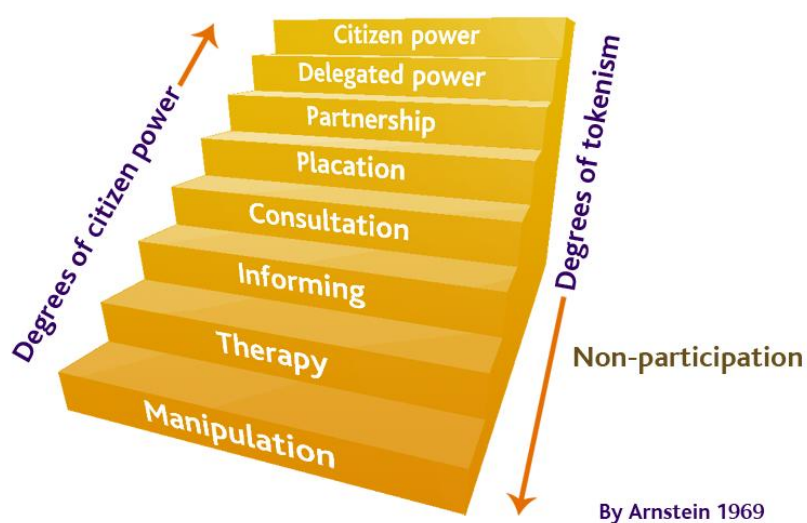
Basic assumptions underlying public participation include:

- Public participation is designed to promote the values of good governance and human rights;
- Public participation acknowledges a fundamental right of all people to participate in the governance system;
- Public participation is designed to narrow the social distance between the electorate and elected institutions;
- Public participation requires recognising the intrinsic value of all of our people, investing in their ability to contribute to governance processes;
- People can participate as individuals, interest groups or communities more generally;
- In South Africa in the context of public participation community is defined as a ward, with elected ward committees;
- Hence ward committees play a central role in linking up elected institutions with the people, and other forums of communication reinforce these linkages with communities like the *izimbizo*, roadshows, the *makgotla* and so forth.

2.1.2. Levels of Participation

As indicated earlier, public participation means different things to different people. One common method of categorising participation is that of Arnstein (1969), as shown in Figure 1 and Box 1. The degree of involvement ranges from manipulation to citizen control.

Figure 1 Ladder of Participation



Box 1 Ladder of participation

Citizen control – People participate by taking initiatives independently of external institutions for resources and technical advice they need, but retain control over how resources are used. An example of citizen control is self-government – the community makes the decisions.

Delegated power – in this regard government ultimately runs the decision-making process and funds it, but communities are given some delegated powers to make decisions. People participate in joint analysis, development of action plans and formation or strengthening of local institutions. The process involves interdisciplinary methodologies that seek multiple perspectives and make use of systemic and structured learning processes. As groups take over local decisions and determine how available resources are used, so they have a stake in maintaining structures or practices.

Partnership – an example is joint projects – community has considerable influence on the decision making process but the government still takes responsibility for the decision. Participation is seen by external agencies as a means to achieve project goals, especially reduced costs. People may participate by forming groups to meet predetermined objectives related to the project. Such involvement tends to arise only after external agents have already made major decisions. Participation may also be for *material incentives* where people participate by contributing resources, for example, labour in return for food, cash or other material incentives.

Placation – the community are asked for advice and token changes are made.

Consultation – community is given information about the project or issue and asked to comment – e.g. through meetings or survey – but their view may not be reflected in the final decision, or feedback given as to why not. External agents define problems and information gathering processes, and so control analysis. Such a consultative process does not concede any share in decision-making.

Informing - Community is told about the project – e.g. through meetings or leaflets; community may be asked, but their opinion may not be taken into account.

Therapy – People participate by being told what has been decided or has already happened. It involves unilateral announcements by an administration or project management without any listening to people's responses.

Manipulation – Participation is simply a pretence, e.g. with "people's" representatives on official boards but who are not elected and have no power, or where the community is selectively told about a project according to an existing agenda. The community's input is only used to further this existing agenda.

Depending on the objectives around public participation, the approach favoured will differ.

2.1.3. Who is the Public?

People can participate as individuals, interest groups or communities more generally. In South Africa in the context of public participation community is defined as a ward, with elected ward committees. Hence ward committees play a central role in linking up elected institutions with the people, and other forums of communication reinforce these linkages with communities like the izimbizo, roadshows, the makgotla and so forth.

As a starting-point to strengthen community-based involvement in municipality decision-making, municipalities should build on existing civil society sectoral groupings and District forums, as this is where there is already energy and interest. These forums could then be used for municipality and civil society stakeholders to come together to deliberate on policies and programmes. These could be limited to sectoral stakeholder discussions, but should include opportunities for multi-sectoral groups to come together to make input on broader policy.

What this framework advocates is a partnership approach between citizens and government, moving to citizens represented by ward committees having recognised powers, with delegated responsibilities. In other words we are aiming to move beyond a rhetoric of participation, to practical means of empowering citizens to take charge of their own development, in partnership with government.

2.2. Why Public Participation?

2.2.1. The Benefits of Public Participation

Experience from elsewhere around the world suggests that improving public participation in government can enhance good government in at least eight important ways which are set out in the table hereunder.

The Benefits of Public Participation	
1	Increased level of information in communities
2	Better need identification for communities
3	Improved service delivery
4	Community empowerment
5	Greater accountability
6	Better wealth distribution
7	Greater community solidarity
8	Greater tolerance of diversity

These benefits will be expanded on in the following paragraphs.

Increased level of information in communities: One of the most common ways public participation improves governance is by increasing levels of information about local government in communities. A good example is the public participation process in the municipal and District health councils of Brazil. Brazil has over 500 municipal health councils and over 100 000 people participate in them, 50% of whom are from civil society, 25% from government and 25% from service providers. One tangible result from this initiative has been greater public awareness of health policy issues (Coelho 2004: 35). Another example is the People's Campaign in the Kerala Province of India, which has mobilised over three million of Kerala's thirty million people and resulted in bottom-up development planning in all 1052 of its villages and urban neighbourhoods (Isaac & Franke 2002:189). Indeed, almost every case studied, from the Canadian Rural Partnership Community Dialogue, English QUALITY parish and town councils of the developed world through to the village forest protection committees in India, and Community Group health committees of Bangladesh, reports better information in local communities about governance.

Improved Need Identification for Communities. A second benefit of public participation is improved need identification for communities. Bearing in mind that Section 153(a) of the Constitution lists as a key duty of a municipality that it 'structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community', this is of particular importance. A good example here is the participatory budget process for São Paulo, Brazil where an estimated 35 000 people participated in the 2003 budget cycle (Acharya et al, 2004:43), and at least 33% of the 229 civil society organizations. Another is the People's Campaign of Kerala which led to 'fixing priorities in correspondence with local needs...such as housing, drinking water and sanitation' (Isaac & Franke 2002:189). While challenges remain to ensure that the marginalized and poor are represented or can participate in such forums or processes, they clearly can help better identify what local communities need.

Improved Service Delivery: A third benefit concerns improved service delivery. Indeed, the point of the English QUALITY parish and town councils is to devolve certain issues including control over aspects of service delivery. A similar commitment applies in respect of the Citizen First programme of Orange County, Florida, USA. Clearly the health policy councils of Brazil and Bangladesh impact directly on health services, and, as a general principle, it is clear that government that is better informed about community needs should be able to deliver better services.

Greater Community Empowerment: A fourth benefit is greater community empowerment. Much of this is implied in the 50% community participation in Brazilian Health Councils, or the 'bottom-up' budgeting processes in São Paulo and Kerala. More specific examples include the explicit devolution of some services to parish and town councils under the English QUALITY scheme. Services that could be devolved include: 'noise and nuisance abatement, development control, aspects of management of libraries and museums, leisure and tourism, street lighting, litter collection and litter control measures, parking restrictions and street lighting.' (<http://www.defra.gov.uk/news/2003/030604c.htm>). A more local example was the Shosholozza campaign conducted in the Msunduzi municipality which awarded each ward committee R250 000 to be spent on projects they identified for their ward. Notably, the more community structures are empowered, and processes are put in place the more likely communities will participate.

Greater Accountability: A fifth benefit noted especially in India, was a reduction in corruption. Isaac and Franke (2002:187) argue that ‘selection of beneficiaries for development schemes have been the main source of corruption in India. In the People’s Campaign, transparent procedures were laid down to ensure that the beneficiaries were selected on the basis of objective criteria with the participation of the people...’ While reports of corruption were forthcoming, these were mostly in the first year and the vast majority of observers felt the system was improved.

Impact of Community Participation on Wealth Distribution: A sixth, and notable, benefit concerns the impact of community participation on wealth distribution. The shifts in policy evident in Health Councils in Brazil, in budgeting in São Paulo and Kerala, in forest management in India, all suggest that effective participation by poor and marginalised groups can make a difference. Often the difference is small, but not always. Thus supporters of the Kerala People’s Campaign ‘attribute the increase in the agricultural growth rate... to the increase in land availability and the improvements in irrigation and drainage resulting from local investments fostered by the devolution of funds’(Isaac and Franke 2002:205).

Building a Greater Sense of Solidarity: A more obvious benefit of community participation is the way it helps build a greater sense of solidarity or community among residents. An excellent example of this comes from Mexico where, in the state of Chiapas, the autonomous municipalities associated with the Zapatistas movement, have proved very effective in reinforcing the cultural identity of the indigenous people of Chiapas (Ruis 2004). While this case is somewhat exceptional given the politics of Chiapas, other cases such as the Rural Dialogue in Canada (http://rural.gc.ca/dialogue/tool/toolcontent_e.phtml#1) and Community Organising in the USA (Mott 2004) where such political conflict is not present, suggest participatory processes do build a greater sense of community.

Greater Tolerance of Difference: The final benefit is greater tolerance of difference, as evident from the experience of Brazilian Health councils, ‘bottom-up’ budgeting in Kerala and Community Organising in the USA. One good example is the town meeting held in New England towns which are much more inclusive of women and poorer classes than the elected officials of local government (Bryan 2004:284). Problems remain about to include poor and marginalised groups, or when such groups are present, more middle class groups, but on the whole, public participatory processes do seem to make people more tolerant of difference.

2.2.2. How To Make Community Participation Work

Experience from elsewhere around the world suggests that improving community participation initiatives of governments requires five kinds of measures (Lowndes et al 2006) which are set out in the table hereunder.

How to Make Government Community Participation Work	
1	Citizens can participate – they have resources and knowledge
2	Citizens like to participate – they identify with government
3	Citizens are enabled to participate – they have the opportunity
4	Citizens are asked to participate – they are mobilised by civil society or state organisation
5	Citizens are responded to – they see evidence that their views have been considered

Citizens can participate: This refers to the argument that citizens need the appropriate skills and resources to participate effectively (Verba *et al* 1995, Pattie *et al* 2004). These skills range from the ability and confidence to speak in public, to the capacity to organise events and recruits others to participate in them. It also includes access to resources to access such activities whether transport to get to a meeting, money to hire a venue or access to the internet. Notably it also includes access to organisations which are usually the key social actors outside of government. Typically poor and marginalised groups have lower access to such skills and resources and thus participate less, and less effectively than better off sections of the population. Hence the emphasis on paying special attention to techniques to include the poor and marginalised in community-based planning and community participation practices more broadly.

Citizens like to participate: This refers to citizens feeling of belonging to the community as the basis for engagement (Etzioni 1995, Tam 1998). Simply put, citizens are more likely to participate in local governance if they feel both that they belong to the local community and that the local government belongs to them, that it is *their* government. Social networks within a community, and between the community and those in government are important to building this sense of identification and basic trust. Notably, while a sense of community can improve participation, a belief in exclusion undermines it. Hence, the importance of local governance that is as inclusive as possible, especially in a diverse society like South Africa.

Citizens are enabled to participate: This insight emerges from the fact that most citizens participate through groups like CBOs or organisations like ward committees (Parry 1992, Pattie *et al* 2004). Political participation in isolation is both rare and difficult to achieve. Research has shown that including a range and variety of stakeholder groups in participation processes is essential to improve both the quantity and quality of community participation in governance. There is an important role for local government in ensuring that local role-players are involved in decision-making as well as service delivery. A willingness to engage with a range of role-players is vital. No one organisation or structure can represent every segment of civil society on its own.

Citizens are asked to participate: Mobilisation matters. Mobilisation can come from a range of sources but the most powerful is when those responsible for decisions ask others to engage with them in the decision-making process (Verba *et al* 1995). Hence, in short, citizens become more engaged more often when they are asked to engage. A variety of ways that people can engage is important as different people will respond to different methods. Some like to protest, some like to write letters, some like to attend community meetings. Further, the more regular and long-standing processes are the more people are likely to learn about these processes, and how to use them. Hence, consistency over time is important.

Citizens are responded to: This is the insight that most people participate to make a positive difference to their own lives. Hence, if they feel that participation is improving service delivery, or local development or municipal policy then they are likely to continue to participate. On the other hand, perhaps the biggest deterrent to participation is the perception or experience that participation makes no difference (Lowndes *et al* 2001). For people to participate they have to believe that they will be listened to, and that their views will be taken into account. Making community participation 'responsive' is about ensuring feedback, even if that feedback is sometimes negative. In participation terms, bad feedback is better than no feedback at all.

2.2.3. South Africa: An Evolving Practice

In practice in South Africa we can see a series of approaches over the last 20 years. The struggle against apartheid left a powerful legacy of community management, community-based organising and mobilising against the overwhelming power of the Apartheid State, contrasting with a widespread feeling of passivity and dependence. The immediate independence phase saw the emergence of project-based community participation. However a passive 'recipient' mind-set continued, with expectations of the new Government to deliver development, rather than supporting people to achieve their own development. This has remained a barrier to more empowering participative systems. There was then a move to a community development approach, supported by government. However often government has acted more as gate-keepers and controllers than as facilitative bodies allowing communities to control resources and resource allocation. We are now moving to a new phase of partnership and negotiated development, and a people's contract where communities recognise their rights but also their responsibilities, and the state has duties to respond and facilitate.

Current approaches which are being advocated include:

- *legitimate structures for community participation (ward committees and stakeholder forums)*
- *mechanisms for communities to plan (Community-based planning, CBP)*
- *integrating this planning into the municipal Integrated Development Planning (IDP), budget, performance management system, etc.*
- *support for wards to monitor, evaluate and implement their plans, using discretionary funds that they control, and encouraging voluntary action to do so*
- *providing facilitation and support to ward committees and community groups using community development workers*
- *holding ward committees and municipalities to account*

2.3. Principles of Community Participation:

- **Inclusivity** – embracing all views and opinions in the process of community participation.
- **Diversity** – in a community participation process it is important to understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation. These differences should be allowed to emerge and where appropriate, ways sought to develop a consensus. Planning processes must build on this diversity.
- **Building community participation** – capacity-building is the active empowerment of role players so that they clearly and fully understand the objective of community 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.
- **Transparency** – promoting openness, sincerity and honesty among all the role players in a participation process.

- **Flexibility** – the ability to make room for change for the benefit of the participatory process. Flexibility is often required in respect of timing and methodology. If built into the participatory processes upfront, this principle allows for adequate public involvement, realistic management of costs and better ability to manage the quality of the output.
- **Accessibility** – at both mental and physical levels - collectively aimed at ensuring that participants in a community participation process fully and clearly understand the aim, objectives, issues and the methodologies of the process, and are empowered to participate effectively. Accessibility ensures 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.
- **Accountability** – the assumption by all the participants in a participatory process of full responsibility for their individual actions and conduct as well as a willingness and commitment to implement, abide by and communicate as necessary all measures and decisions in the course of the process.
- **Trust, Commitment and Respect** – Above all, trust is required in a public participatory process. Invariably, however, trust is used to refer to faith and confidence in the integrity, sincerity, honesty and ability of the process and those facilitating the process. Going about participation in a rush without adequate resource allocations will undoubtedly be seen as a public relations exercise likely to diminish the trust and respect of community in whoever is conducting the process in the long term, to the detriment of any community participation processes.
- **Integration** – that community participation processes are integrated into mainstream policies and services, such as the IDP process, service planning.

Examples of the practical application of these principles

Principle	Examples of applying these principles
Inclusivity	Identifying and recognising existing social networks, structures, organisations, social clubs and institutions and use them as a vehicle for communication.
Diversity	Ensure that different interest groups including women, the disabled and youth groups are part of governance structures
Building community capacity	Solicit funding from external sources to train ward committees and IDP forums on their role in development and service delivery. Embarking on citizen education on all aspects of local governance.
Transparency	Engendering trust in the community by opening council meetings and processes to the public and encouraging attendance.
Flexibility	Being flexible in terms of time, language and approaches to public meetings and processes.
Accessibility	Conducting public meetings and processes in the local languages.
Accountability	Ensuring report backs to the community forums or ward committees at least on a quarterly basis.
Trust, Commitment and Respect	Ensuring that the purpose of the process is explained adequately, as well as how it will develop.
Integration	Integrating ward planning with the IDP, budget and performance management processes.

	Including user committees into mainstream services, e.g. School Governing Bodies.
--	---

Chapter Three: Municipal Issues Requiring Community Participation

There are many municipal issues requiring community participation according to legislation. In this chapter we list what these issues are according to whether they are annual processes or *ad hoc* but important. In addition, as a resource for local practitioners, we supply a comprehensive list of the issues that require some form of community participation by law. In respect for the key annual processes, the chapter all outlines a process table which includes an indication of when community participation might be appropriate.

3.1. Key Annual Statutory Processes

In this section the requirements for the Budget (including the annual rates review), IDP (including services), Performance Management System and the Annual Report are outlined. Note that all Tables in this Chapter are based on those in Chapter Eight of the Department of Local Government and Traditional Affairs, KZN Provincial Government, 2006, *Public Participation Framework: Developmental Local Governance Through Constructive Participatory Processes Between Municipalities and Communities*.

3.1.1. Budget Process

Reporting	Legislation	Legislation Deadline	Suggested preparation deadline	Responsibility	To whom	
1	Time schedule for budget and budget-related policies, IDP and PMS	Section 21(1)(b) of the MFMA Section 39 of the Municipal Systems Act	10 months before start of financial year	Mid July	Mayor, (with Budget Office & IDP manager)	Council
2	Coordination of annual budget and IDP review	Section 53 of the MFMA		End July	Municipal Manager	Council
3	Recommended Public Consultation on Draft Strategic Objectives			September	Public Participation Unit	IDP/Budget Forum
4	Determination of Strategic Objectives for service delivery and three year budgets			End September	Councillors and officials	Executive
5	Budget guidelines to Business Units			Mid October	Budget Office	Business Units
6	Submission from Business Units			Mid December	Strategic executive managers	Budget Office
7	Mid-Year Review to Council Finance Committee	Section 72(1)(b) of the MFMA		Mid January	Budget Office	Council Finance Committee
8	First Draft Operating and Capital Budget to Council Finance Committee			Mid January	Budget Office	Council Finance Committee
9	Second Draft Operating and Capital Budget to Council Finance Committee			Early April	Budget Office	Council Finance Committee
10	Draft Operating and Capital Budget to Executive			Mid April	Budget Office	Executive

11	Draft Operating and Capital Budget to Full Council			Mid April	Mayor	Council
12	Draft Operating and Capital Budget to National Treasury	Section 22(b) of the MFMA	90 days before start of budget year	Mid April	Budget Office	National Treasury
13	Team to co-ordinate and facilitate public participation	Section 23 of the MFMA		April/May	PP Unit	Public meetings, ward committees & IDP/Budget forum
14	Final Budget to Executive			Early May	Budget Office	Executive
15	Mayor presents Budget and Forecasts to Full Council	Section 24 of the MFMA	At least 30 days before the start of budget	Mid May	Mayor	Council
16	Public Tariff Register			Late May	Budget Office	Newspapers
17	Approved budget and three year forecast to National Treasury	Section 24(3) of the MFMA	No later than 30 days before start of budget year	Late May	Municipal Manager	National Treasury
18	Draft service delivery and budget implementation plan & drafts of annual performance agreement	Section 69 of the MFMA	Within 14 days of budget approval		Municipal Manager	Mayor & councillors
19	Approved annual budget and attachments	Section 24(3) of the MFMA	Once approved	Late May	Budget Office	National Treasury Provincial Treasury
20	Report on budget implementation and financial state of affairs of municipality	Section 52 (d) of the MFMA	Within 30 days of end of each quarter	End October, end January, End April, End July	Budget Office	Council
21	Monthly statement on state of budget for month and for the financial year to date	71(1) of the MFMA	No later than 10 working days from end of each month	First week of each month	Budget Office	Mayor and Provincial Treasury

3.1.2. Integrated Development Planning

Please note that the table below applies only to the annual review of the IDP, and not to the process of developing a new IDP every five years.

	Reporting	Legislation	Legislation Deadline	Suggested preparation deadline	Responsibility	To whom
1	Time schedule for budget and budget-related policies, IDP and PMS	Section 21(1)(b) of the MFMA Section 39 of the Municipal Systems Act	10 months before start of financial year	Mid July	Mayor, (with Budget Office & IDP manager)	Council
2	Coordination of annual budget and IDP review	Section 53 of the MFMA Section 34 of the Municipal Systems Act		End July	Municipal Manager	Council
3	Internal assessment of IDP			Early August	Strategic Executive Managers	Municipal Manager
4	Suggested revisions			Mid-August	Municipal	Executive

	of IDP				Manager	
5	Draft revisions	Section 3 of the Municipal Planning and Performance Regulations		Mid-August	Councillors or Mayor	Executive
6	Team to co-ordinate and facilitate public participation	Section 3(4)(b of the Municipal Planning and Performance Regulations)	Published for at least 21 days	Late-August	PP Unit	IDP/Budget Forum
7	Consultation with appropriate intergovernmental structures	Section 3(5)&(6) of Municipal Planning and Performance Regulations		Early September	Municipal Manager	District or local municipality
7	Amendment to IDP	Section 3 of the Municipal Planning and Performance Regulations		Mid-September	Mayor	Council
8	Determination of Strategic Objectives for service delivery and three year budgets			End September	Councillors and officials	Executive
8	Recommended Public Consultation on Draft Strategic Objectives			September	Public Participation Unit	IDP/Budget Forum
9	Public notification of revised IDP			End September	PP Unit	Public media and ward committees
10	Determination of Strategic Objectives for service delivery and three year budgets			End September	Councillors and officials	Executive

3.1.3. Performance Management System and Performance

The Systems Act makes it very clear that the public must participate in the monitoring and review of its performance. Few municipalities have developed and implemented clear guidelines on how this is to be done in respect of the performance of the municipality as an organisation. In this regard, the framework document makes specific recommendations on how the community participation requirements around the performance management system and performance are to be met using ward committees (Section 6.1.1) and the IDP forum (Section 7.1.1). Further, the table below indicates at what stages in the performance review process public participation ought to occur, going so far as to identify the time of year for this process.

Please note that Municipal Performance Regulations of August 2006 spell out in great detail the processes to be followed in respect of individual performance by the Municipal Manager and other officials responsible to the Municipal Manager as specified in Section 57 of the Systems Act. These are **not** included in the table below. In effect these regulations give the Mayor, as representative of the municipality, a key responsibility in specifying the public participation elements in the Municipal Managers performance contract. This will be discussed more in Section 9.1.4 that deals with the responsibilities of the Mayor. Further, as outlined in Sections 27(4)(d)&(e) of the Municipal Performance Regulations, the evaluation of the performance of the Municipal Manager and associated managers is done by a panel

which includes representation from ward committees as nominated by the Mayor. In this regard it is recommended that the Mayor nominate a ward committee member elected by the municipal Ward Forum. More on this in section 7.2.

Reporting		Legislation	Legislation Deadline	Suggested preparation deadline	Responsibility	To whom
1	Time schedule for PMS review	Section 39 of the Municipal Systems Act		April	Municipal Manager	Council
2	Internal audit of performance targets for year, and correspondence of performance indicators to development priorities/objectives of IDP review			Early June	Strategic Executive Managers	Municipal Manager
3	Public consultation on performance and suggested revisions to KPI and target			Early June	PP Unit	Representatives from IDP/Budget Forum
4	Assessment of internal audit, and suggested revisions of performance indicators and targets for annual report			Mid-June	Municipal Manager	Executive
4	Draft revisions of performance indicators and targets	Section 41 of the Municipal Systems Act		Mid-June	Municipal Manager	Executive
5	Team to co-ordinate and facilitate public participation			Mid-June	PP Unit	IDP/Budget Forum
6	Advertisement of council meeting at which annual report is to be tabled	Section 46(3) of the Municipal Systems Act		Mid-June	Municipal Manager	Public notice via media; Auditor-General; MEC for Local Government
7	Tabling of Annual Report	Section 46 of the Municipal Systems Act		Late June	Municipal Manager	Council
8	Adoption of Annual Report	Section 46(3)(b) of the Municipal Systems Act		Late June	Mayor	Council
9	Publicise Annual Report	Section 46(4) of the Municipal Systems Act	Within 14 days of adoption	Early July	Municipal Manager	Public; Auditor-General; MEC for Local Government

3.1.4. Annual Report

The Table hereunder sets out the various issues in respect of which the municipality is required to engage with the community

Activity	Legislation	Responsibility	Type of Consultation	Specification	Minimum Mechanism	Date of commencement of	Date by which consultation	Date by which activity
----------	-------------	----------------	----------------------	---------------	-------------------	-------------------------	----------------------------	------------------------

			Itation			consultatio n	n process must be finalised	must be finalised
1.1 Annual report	Section 46(3) of the Municipal Systems Act	Municipa l Manager	Inform	Make known council meeting date to discuss	Prior notice in the media	'prior'	Unspecified	Unspecifi ed
1.2	Section 46(4) of the Municipal Systems Act	Unspecif ied, but suggest Municipa l Manager	Inform	Makes copies available to public, interested organisatio n and the media	Unspecifi ed see Public Communi cations.	Within 14 days	Within 14 days	Within 14 days
1.3	Section 127(5) of the Municipal Finance Managem ent Act	Accounti ng Officer	Consul t	Make public and invite local community to submit representati ons	Unspecifi ed but see Public Communi cations and Public Written or Oral Submissi ons.	Immediately after report is tabled in council.	Unspecified	Unspecifi ed
1.4 Annual report- oversig ht reports	Section 129(3) of the Municipal Finance Managem ent Act	Accounti ng Officer	Inform	Make public	Unspecifi ed see Public Communi cations.	Unspecified	Unspecified	Within seven days of its adoption.

3.2. Key non-annual issues

3.2.1. Service Delivery

Whilst issues around service delivery will arise as part of the IDP Process, the importance of service delivery, especially to poor and marginalized communities means that great care must be taken to consult these communities whenever new initiatives around service delivery are under taken or problem with service delivery arise.

In respect of new service agreements or development projects it is strongly recommended that consultation with the local communities affected occur through a stakeholder committee comprising the ward committees of the affected areas, and relevant stakeholder groups. This committee is effectively a sub-set of the larger IDP forum which engages around municipal planning. However, the role of local stakeholder group is to monitor and evaluate the implementation of services and development projects as required by Section 42 of the System Act. Hence, consultation must address all phases of the service delivery or development project, including local planning, monitoring and evaluation.

As regards complaints or problems with service delivery, for example, a power outage or burst water pipes, Section ???? of Chapter Four outlines the recommended procedures and mechanisms with which to manage such issues.

3.2.2. Assorted Complaints

As just indicated, Section ???? of Chapter Four outlines the recommended procedures and mechanisms with which to complaints or problems. Key here is the development of either one central, or line department specific, community complaints management system.

3.3. Legal Community Participation Obligations of Municipalities

The Table hereunder sets out the various issues in respect of which the municipality is required to engage with the community

Activity	Legislation	Responsibility	Type of Consultation	Specification	Minimum Mechanism	Date of commencement of consultation	Date by which consultation process must be finalised	Date by which activity must be finalised
1. 1 Annual report	Section 46(3) of the Municipal Systems Act	Municipal Manager	Inform	Make known council meeting date to discuss	Prior notice in the media	'prior'	Unspecified	Unspecified
1.2	Section 46(4) of the Municipal Systems Act	Unspecified, but suggest Municipal Manager	Inform	Makes copies available to public, interested organisation and the media	Unspecified see Public Communications.	Within 14 days	Within 14 days	Within 14 days
1.3	Section 127(5) of the Municipal Finance Management Act	Accounting Officer	Consult	Make public and invite local community to submit representations	Unspecified but see Public Communications and Public Written or Oral Submissions.	Immediately after report is tabled in council.	Unspecified	Unspecified
1.4 Annual report-oversight reports	Section 129(3) of the Municipal Finance Management Act	Accounting Officer	Inform	Make public	Unspecified see Public Communications.	Unspecified	Unspecified	Within seven days of its adoption.
2.1 By-Laws	Section 162 (1)(3) of the Constitution	Unspecified, but suggest Mayor	Inform	Published for comment	Unspecified	Unspecified	Unspecified	unspecified
2.2	Section 12 (3)(b) and 13 (a) of the Municipal Systems Act	Unspecified, but suggest Mayor	Consult	Publication for comment	Provincial Gazette and perhaps local newspaper	Unspecified	Unspecified	'Promptly'
2.3	Section 15 of the Municipal Systems Act	Unspecified, but suggest Mayor	Inform	Make available Municipal Code	unspecified	Unspecified	Unspecified	Unspecified
3.1 Budget	Section 215 of the Constitution	Unspecified, but suggest Mayor	Inform	Budget process promote transparency and accountability	unspecified	Unspecified	Unspecified	Unspecified

3.2	Section 21(1)(b) of the Municipal Finance Management Act	Mayor	Inform	Council meeting with timetable (including consultation) around budget and IDP	Mayor to table	At least 10 months before start of budget year	Unspecified	Unspecified
3.3	Section 22(a) of the Municipal Finance Management Act	Accounting Officer	Inform and Consult	Make public the budget and invite public responses	Accounting officer to oversee	Unspecified	Unspecified	Unspecified
3.4	Section 23(1) of the Municipal Finance Management Act	Unspecified, but suggest Mayor	Consult	Council must consider views of the community	Unspecified, but Mayor may respond and revise budget if necessary	Unspecified	Unspecified	Unspecified
3.5	Section 53(3)(a) of the Municipal Finance Management Act	Mayor	Inform	Monthly revenue and expenditure projections and quarterly service targets and performance indicators made public	Unspecified but the responsibility of the mayor	No later than 14 days after implementation plan is approved	No later than 14 days after implementation plan is approved	No later than 14 days after implementation plan is approved
3.6	Section 54(3) of the Municipal Finance Management Act	Mayor	Inform	Revision of the service delivery and budget implementation plan made public	Unspecified but the responsibility of the mayor	Unspecified	Unspecified	Unspecified
3.7 Budget – contracts with financial obligations beyond three years	Section 33(1) of the Municipal Finance Management Act	Municipal Manager	Inform and Consult	Make public and information statement; invite local community and other interested persons to submit comments	Unspecified but responsibility of municipal manager	At least 60 days before relevant council meeting	The relevant council meeting	The relevant council meeting
3.8	Section 33(3) of the Municipal Finance Management Act	Unspecified but suggest Accounting Officer	Inform	Make contracts available to council and to public	Unspecified, other than limitations of the Promotion of Access to Information Act	Unspecified	Unspecified	Unspecified
4. Capital Assets –	Section 14(2) & (90)(2) of the Municipal Finance	Accounting Officer	Inform	Council meeting to discuss disposal	unspecified	Unspecified	Unspecified	Unspecified

disposal of	Management Act							
5. Citizen and councillor capacity to participate	Section 16(1)(b)(i) of the Municipal Systems Act	Unspecified	Involve	Build capacity	unspecified	unspecified	unspecified	unspecified
6.1 Council Meetings	Section 160(7) of the Constitution	Unspecified	Inform	Conduct business in an open manner	sittings open to public	unspecified	unspecified	unspecified
6.2	Section 5(1)(e)(i) of the Municipal Systems Act	Public	Inform	Right to demand open proceedings	unspecified	unspecified	unspecified	unspecified
6.3	Section 19 of the Municipal Systems Act	Unspecified but suggest Mayor	Inform	Public notice of meetings of time, date and place	unspecified	unspecified	unspecified	unspecified
6.4	Section 20(1) of the Municipal Systems Act	Unspecified but suggest Mayor	Inform	Public access to council meetings when reasonable	By-law	unspecified	unspecified	unspecified
6.5	Section 20(2) of the Municipal Systems Act	Unspecified but suggest Mayor	Inform	Public access to council meetings that discuss bylaws, budget, IDP, performance management system, service delivery agreements	unspecified	unspecified	unspecified	unspecified
6.6	Section 130(1) of the Municipal Finance Management Act	Unspecified but suggest Mayor	Consult	Council meetings that discuss the annual report open to public and must allow for discussion of public submissions and for public comment	Unspecified, but see above for 'public notice' in this section.	At meeting	At meeting	At meeting
7. Councillor conduct	Schedule 5 of the Local Government: Municipal Structures Act	Councillors	Inform	Councillors report back quarterly, including on established	unspecified	unspecified	unspecified	unspecified

				indicators				
8. Debt	Section 46(3)(a) of the Municipal Finance Management Act	Accounting Officer	Consult	Publicise particulars of debt and invite the public (and others) to submit written comments or representations	Accounting officer responsible. Mechanisms unspecified but see Public Communications and Public Written or Oral Submissions	At least 21 days prior to relevant council meeting	Relevant council meeting	Relevant council meeting
9. Disaster management	Section 53(1)(d) of the Disaster Management Act, 57 of 2002.	Unspecified	Consult	Consult local community in developing municipal disaster management plan	In accordance with ch4 of Municipal Systems Act	unspecified	unspecified	unspecified
10.1 Entities - establishment	Section 84(2) of the Municipal Finance Management Act	Municipal Manager	Consult	Publicise plans for municipal entity; invite and take into account comments from community, organised labour, and interested persons	Unspecified, but responsibility of municipal manager. See also Public Communications and Public Written or Oral Submissions	At least 90 days before relevant council meeting	Relevant council meeting	Relevant council meeting
10.2 Entities - budget	Section 87(10) of the Municipal Finance Management Act	Unspecified but suggest Mayor	Inform	Make public entity's approved or adjusted budget	In substantially the same way as budget of municipality. See Budget .	Unspecified, but see Budget .	Unspecified, but see Budget .	Unspecified, but see Budget .
10.3	Section 88(1) of the Municipal Finance Management Act	Accounting Officer	Inform	Mid-year budget and performance report done by 20 January and then made public	Unspecified but responsibility of accounting officer of the entity	unspecified	unspecified	unspecified
11.1 Executive Functioning	Section 44(3)(g) of the Municipal Structures Act	Executive committee	Inform	Annually report	unspecified	unspecified	unspecified	unspecified
11.2	Section 44(3)(g) of the Municipal Structures Act	Executive committee	Consult	Regard given to public views	unspecified	unspecified	unspecified	unspecified
12.1 Financial recovery plans	Section 141(3)(a)(iv), (c)(i) of the Municipal Finance Management	Municipal Financial Recovery	Consult	Inform organised labour; invite comment from	Unspecified but responsibility of Municipal	At least 14 days before finalising the plan	unspecified	unspecified

	Act	Service		organised labour; consider comments received	Financial Recovery Service or a suitably qualified person			
12.2	Section 141(3)(c)(ii)(bb) of the Municipal Finance Management Act	Municipal Financial Recovery Service	Consult	Inform community; invite written comments from local community; consider comments received	Publish a notice in newspaper of general circulation in municipality stating where copies of plan available; also see Public Written or Oral Submissions	At least 14 days before finalising the plan	unspecified	unspecified
13.1 IDP – process for adopting	Section 28(2) of the Municipal Systems Act	Unspecified	Consult	Consult the local community before adopting the process	Unspecified	Unspecified	Unspecified	Unspecified
13.2	Section 28(3) of the Municipal Systems Act	Unspecified	Inform	Give notice of particulars of process	Unspecified	Unspecified	Unspecified	Unspecified
13.3	Section 29(b)(iii) of the Municipal Systems Act	Unspecified	Involve	Community to participate in drafting of IDP	Unspecified	Unspecified	Unspecified	Unspecified
13.4	Section 29(b)(iii) of the Municipal Systems Act	Unspecified	Involve	Organs of the state and role-players	Unspecified	Unspecified	Unspecified	Unspecified
13.5	Section 15 Local Government: Municipal Planning and Performance Management Regulations 2001	Unspecified	Involve	(1)(a)(i)Community to participate in IDP drafting and development	(1)(a) In absence of another structure for participation the municipality must set up a forum for community participation; (b) must invite local community to identify representatives,	Unspecified, but ongoing with regular meetings 15(2), and allow members 14 days before a meeting to consult constituents	Unspecified, but ongoing with regular meetings 15(2), and allow members 14 days before a meeting to consult constituents	Ongoing, annual process

					including from ward committees, and it must be (c) representative of the composition of the local community			
13.6 IDP publication	- Section 25(4) of the Municipal Systems Act	Unspecified	Inform	(a)(i) Give notice, (a)(ii) make copies available, (b) publicise a summary	Unspecified, but see public communications	Within 14 days	Within 14 days	Within 14 days
13.7 IDP amendments	- Section 3(4) of the Local Government: Municipal Planning and Performance Management Regulations 2001	Unspecified	Consult	Public comment required on published proposed amendment, (5) including for districts	Proposed amendment must be published for at least 21 days for comment; districts must consult all local municipalities in its area	unspecified	At least 21 days	unspecified
14. Information requests	1 Section 11, 18, 19, 25, 26 and chapter 4 of the Promotion of Access to Information Act	Information Officer	Inform	Public request for information, excluding certain categories defined in Ch4, to be granted by a municipality as a public body	Written application on prescribed form, information copied and supplied on payment of fees	Any time	Within 30 days unless extended once for a further 30 days for reason in section 26	ongoing
14.2	Section 14 of the Promotion of Access to Information Act	Information Officer	Inform	Manual of functions and index of records	Compile within six months of coming into being of public body, and update at least once a year	Anytime	'available as prescribed'	ongoing
14.3	Part 4 of the Promotion of Access to Information	Information Officer	Inform	Appeals process for information request refused	Internal appeal, followed by legal appeal if unsuccessful	Internal appeal lodge within 60 days, or later if good cause shown; within 10 days forwarded to the relevant authority	Relevant authority must be decided within 30 days of initial receipt	ongoing

15.1 Performance Management System?	Section 16(1)(a)(iii) of the Municipal Systems Act	Unspecified	Involve	Community participation monitoring and review of performance	Unspecified, but Annual Report	unspecified	unspecified	unspecified
15.2	Section 53(3)(b) of the Municipal Finance Management Act	Mayor	Inform	Officials performance agreements (municipal managers, senior managers etc) made public	Unspecified but responsibility of the Mayor	No later than 14 days after implementation plan is approved	No later than 14 days after implementation plan is approved	No later than 14 days after implementation plan is approved
15.3	Section 15 Local Government: Municipal Planning and Performance Management Regulations 2001	Unspecified	Involve	(1)(a)(ii) Community to participate in monitoring, measurement and review of performance	(1)(a) In absence of another structure for participation the municipality must set up a forum for community participation; (b) must invite local community to identify representatives, including from ward committees, and it must be (c) representative of the composition of the local community	Unspecified, but ongoing with regular meetings 15(2), and allow members 14 days before a meeting to consult constituents	Unspecified, but ongoing with regular meetings 15(2), and allow members 14 days before a meeting to consult constituents	Ongoing, annual process
16.1 Performance Management System	Section 42 of the Municipal Systems Act	Unspecified	Involve	Setting development, implementation, review of PMS, and especially setting targets	Unspecified	Unspecified	Unspecified	Unspecified
16.2	Section 44 of the Municipal Systems Act	Unspecified	Inform	Make known performance indicators and targets	Unspecified, but see public communications	Unspecified	Unspecified	Unspecified
17.1 Property -	Section 23(4) of the	Unspecified, but	Inform	Register of	Register must be	ongoing	ongoing	ongoing

registration	Local Government: Municipal Property Rates Act, 6 of 2004 (<i>hereinafter the Municipal Property Rates Act</i>)	suggest Municipal Manager		properties must be open to the public	open for inspection during office hours, and if the municipality has a website, it must be displayed on the website			
17.2 Property – valuation rolls	Section 49 of the Municipal Property Rates Act.	Municipal Manager	Inform	Make public valuation rolls	(1)(a)(i) Publish in the <i>Provincial Gazette</i> , and advertise in the media once a week for two consecutive weeks (c) serve the notice by mail, (2) publish on the website	The responsibility of the municipal manager to be discharged within 21 days of the receipt of the roll	Not less than 30 days from publication in the <i>Gazette</i>	unspecified
17.3	Section 50 of the Municipal Property Rates Act.	Municipal Manager	Consult	Invite public objection to the valuation rolls	50(1)(c) any person may lodge an objection with the municipal manager in relation to (2) a specific property, and the manager must (3) assist the illiterate if they lodge an objection. (4) a council may object too.	50(5) the municipal manager must submit all objections to the municipal valuer within 14 days of the published closing date for objections;	As advertised, but no less than 21 days after publication in the <i>Provincial Gazette</i>	unspecified
17.4	Section 51 & 53 of the Municipal Property Rates Act	Municipal Valuer	Consult	Process objections to the valuation roll	(51) the municipal valuer must consider objections and adjust the roll accordingly. And 53(1) inform every objector in writing	53(2) an objector may apply within 30 days of valuer's response, for the reasons	53(3)The municipal valuer must provide written response which within 30 days	unspecified
17.5	Section 54 of the Municipal Property Rates Act	Municipal Manager	Consult	Municipal valuer's decisions can be appealed	An appeal can be lodged with an appeal board., via	Lodge with municipal manager 30	Appeal board must meet within 60 days	Unspecified

					the municipal manager	days from when written notice was sent to the objector, and forwarded to the appeals board within 14 days;	of submission from municipal manager	
17.6 Property – supplementary valuations	Section 78 of the Municipal Property Rates Act	Municipal Manager	Inform	Public inspection of roll	As outlined in section 49 (see Property valuation rolls)	see Property – valuation rolls	see Property – valuation rolls	see Property – valuation rolls
18.1 Public communications	Section 21 of the Municipal Systems Act	Unspecified	Inform	Legally required notification	(1) Local or locally distributed newspapers, (2) radio broadcasts, (3) official notices at municipal offices	Unspecified	Unspecified	Unspecified
18.2 Public communications - website	Section 75(1) of the Municipal Finance Management Act	Accounting Officer	Inform	Documents made public: budgets, annual report, performance agreements, service delivery agreements, long-term borrowing contracts, supply chain management contracts, public-private partnership agreements, etc	Placed on website by accounting officer	Unspecified	Unspecified	With 5 days of tabling in council or on date on which it must be made public, or whichever comes first.
19.1 Public complaints about administration	Section 5 of the Promotion of Administrative Justice Act	'Administrator concerned'	Inform	Public entitled to ask the administrator responsible for reasons; reasons to be given unless special conditions	Unspecified (see Public written and oral submissions)	Query laid within 90 days of administrative action	Administrator respond within 90 days of query	Within 180 days of administrative action
19.2	Section 4 the Promotion of Administrative Justice Act	'Administrator '	Consult	Administrator may decide to hold public inquiry into	Unspecified unless public hearings used. If they are	Unspecified but see above	Unspecified but see above	Unspecified but see above

				an action which harms public's rights; must inform public of findings	then must follow prescribed procedures for hearings			
20.1 Public meetings	Section 17 (3) of the Municipal Systems Act	Unspecified	Consult	Consider the needs of illiterate, disabled and disadvantaged	Unspecified	unspecified	unspecified	unspecified
20.2	Section (18)(2)(a) of the Municipal Systems Act	Unspecified	Consult	Consider language preferences	unspecified	unspecified	unspecified	unspecified
20.3	Section 5(1)(b) of the Municipal Systems Act	Unspecified	Inform	Respond	Unspecified	Unspecified	unspecified	Promptly
21. Public written or oral submissions	Section 21(4)(5) of the Municipal Systems Act	Unspecified	Consult	Required submission and forms	(4) assistance for those who cannot write and (5) officials must help those filling in forms	unspecified	Unspecified	unspecified
22. Public-private partnerships – feasibility studies	Section 120(6) of the Municipal Finance Management Act	Accounting Officer	Consult	Inform public and invite comments from the local community	Accounting officer responsible. Mechanisms unspecified but see Public Communications and Public Written or Oral Submissions	At least 60 days prior to relevant council meeting	Relevant council meeting	Relevant council meeting
23.1 Rates - general	Section 95(b)(c)(f)(g) of the Municipal Systems Act	Unspecified	Consult; Inform ; Inform	Community feedback on quality of services; informed of costs of services and fees; facilitate community query of accounts; prompt replies and action	unspecified	unspecified	Unspecified	'prompt'
23.2 Rates - adoption	Section 4(2)(3) of the Municipal Property Rates	Municipal Manager	Consult	Display draft rates policy; invite local	Municipal manager	unspecified	Display and invitations	unspecified

	Act.			community to submit comments and take comments into account	responsible for the 'conspicuous' display at municipal head office, satellite offices and library, on the website if available, and advertise in the media; invite and consider public comments		must be public for at least 30 days.	
23.3 Rates - promulgation	Section 14(3) of the Municipal Property Rates Act.	Municipal Manager	Inform	(2) Publish resolution levying rates in the <i>Provincial Gazette</i> ; (3)(a) conspicuously display at municipal head office, satellite offices and library and on website; (3)(b) advertise a notice in the media	As left. In addition see Public Communications and public communications website. – Responsibility of the municipal manager.	(2) and (3)(b) unspecified; (3)(a) display must be for at least 30 days		
23.4 Rates – special ratings areas determination	Section 22(2) of the Municipal Property Rates Act	Unspecified, but suggest the Municipal Manager	Consult	Consult on proposed boundaries, the proposed upgrading, and obtain consent of majority of future ratepayers in proposed area	Unspecified	Unspecified	Unspecified	Unspecified
23.5	Section 22(3)(d) of the Municipal Property Rates Act	Unspecified, but suggest the Municipal Manager	Involve	May establish an advisory committee of persons representing the community in the area	The advisory committee must be a subcommittee of the ward committee in the area, if they exist,	Unspecified	Unspecified	Unspecified

					and must take representivity, especially gender representivity into account.			
24. Remuneration of municipal manager	Section 58 of the Local Government: Municipal System Act	Unspecified	Inform	Make public salary scales and benefits of the municipal manager and every manager that is directly accountable to the municipal manager	publish in the media	Unspecified	31 October of each year	31 October of each year
25.1 Services – deciding on mechanism to deliver	Section 78(1) of the Municipal Systems Act	Unspecified	Consult	Assess views of organised labour and take into account the views of the community	unspecified	unspecified	Unspecified	unspecified
25.2	Section 80(2) of the Municipal Systems Act	Unspecified	Inform and Consult	consult and inform community before entering into an agreement	Establish a mechanism and programme; contents of agreement communicated through media	unspecified	Unspecified	unspecified
25.3 Services - agreements	Section 84(3) of the Municipal Systems Act	Unspecified	Inform	Copies for public inspection, give notice of details of agreement	Copies unspecified, notice via the media	unspecified	Unspecified	unspecified
25.4 Services – amending competitive bidding agreements	Section 81(4) of the Municipal Systems Act	Unspecified	Inform and Consult	Public notice of intention to amend; sufficient opportunity for public representations	Unspecified	'Reasonable and sufficient'	'Reasonable and sufficient'	'Reasonable and sufficient'
25.5 Services – implementation plan	Section 54(3) of the Municipal Finance Management Act	Mayor	Inform	Revision of the service delivery and budget implementation plan made public	Unspecified but the responsibility of the mayor	Unspecified	Unspecified	Unspecified

25.6 Services – establishing internal service districts	Section 84(3)(e) of the Municipal Systems Act	Unspecified	Involve	Establish a service district advisory committee representing the community	Unspecified other than requirement to take gender representivity into account	unspecified	Unspecified	unspecified
26 Strategic Planning	Section 16(1)(a)(v)) of the Municipal Systems Act	Unspecified	Involve	Community participation in strategic decisions	Unspecified but see annual report	unspecified	unspecified	unspecified
27. Supply Chain Management – amendments to contracts	Section 116(3) of the Municipal Finance Management Act	Unspecified but suggest Accounting Officer	Consult	Publicise reasonable notice of amendment and invite representations from local community	unspecified	unspecified	unspecified	Unspecified but 'reasonable notice' required.
28.1 Water provision	Section 4(1) & 4(3)(b) of the Water Services Act, 108 Of 1997 (hereinafter the Water Services Act)	Unspecified	Inform	Conditions of Water delivery & notice to limit or discontinue must be 'made accessible' to the public	Unspecified but see Public communications	unspecified	unspecified	unspecified
28.2	Section 14(2) and 18(4) of the Water Services Act	Unspecified	Inform	Copies of draft plan and annual implementation report, and summaries publicly available	Inspection at municipal offices and obtainable for nominal fee	ongoing	ongoing	ongoing
28.3	Section 12(1) & 15(1) of the Water Services Act	Unspecified	Consult	Notify public and invite comments on water services draft plan; should be part of IDP	Unspecified but see IDP	Unspecified but see IDP	Unspecified but see IDP	Unspecified but see IDP

3.1. Conclusion

This Chapter has comprehensively outlined all the issues requiring community participation at municipal level. In addition, it has identified the points in the processes around the key statutory annual processes of budget review, IDP review, performance management review and the annual report where community participation might usefully occur.

Chapter Four: Community Participation Requirements and Resources

The preceding chapter identifies the issues around which municipalities are statutorily obliged to engage the public. This chapter outlines the legally specified ways in which this engagement must occur, and lists various tools that can be used to meet these obligations. These tools include those outlined in the law like ward committees and *izimbizo*, but also those identified in best practice elsewhere in the world. Together the issues, requirements and tools provide the basic resources to construct a municipal community participation policy.

Experience has shown that the best policies are those adapted to local conditions. This means that local experimentation and innovation informed by the framing legislation is the ideal way to optimise community participation. It is the hope of government that municipalities will embrace the challenge to develop community participation policies best suited to their conditions, and which outstrip the basic requirements listed in the remaining chapters of this document. To this end the rest of this chapter outlines key legal requirements on rights and responsibilities, on how the public is to be engaged on issues ('inform, consult and involve'), and a list of legally prescribed and other tools to help meet these requirements.

4.1. Legal Rights and Responsibilities

The law, and in particular the Municipal Systems Act, outlines certain rights of citizens and responsibilities of citizens and the municipality as regards public participation in local governance. These must be accommodated in any municipal public participation policy, and are hence listed below. Please note that all legal reference in this section are from the Municipal Systems Act.

4.1.1. Rights of Citizens

- To contribute to decision-making process through mechanisms created by the municipality. Section 5(1)(a)(i).
- To submit oral or written communications through mechanisms created by the municipality (Section 5(1)(a)(ii)), and to prompt responses to their communications. Section 5(1)(b) of the Municipal Systems Act.
- To be informed of:
 - council decisions through mechanisms created by the municipality. Section 5(1)(c).
 - municipal affairs, including finance, through mechanisms created by the municipality. Section 5(1)(d).
 - their rights and duties, through mechanisms created by the municipality. Section 18(1)(c)
 - the available mechanisms, processes and procedures in place to encourage and facilitate community participation. Section 18(1)(a).
 - the matters with regard to which community participation is encouraged. Section 18 (1)(b).
 - municipal governance, management and development, taking into account the language preferences and usage in the municipality and the special needs of people who cannot read or write. Section 18(1)(d).
 - the time, date and venue of every meeting of the council. Section 19.
- To have space in the places where the council and its committees meet. Section 20 (4) of the Municipal Systems Act.

- To be assisted in having one's comments transcribed if one cannot write. Section 21(4) of the Municipal Systems Act.

4.1.2. Responsibilities of Citizens

- When exercising their rights, the community must observe the mechanisms, processes and procedures of the municipality. Section 5(2)(a)
- The community must pay promptly service fees, surcharges on fees, rates on property and other taxes, levies and duties imposed by the municipality (Section 5(2)(b).
- The community must respect the municipal rights of other members of the local community. Section 5(2)(c)
- The community must allow municipal officials reasonable access to their property for the performance of municipal functions. Section 5(2)(d)
- The community must abide by the municipal rules public conduct at meetings of the council and its committees. Section 20(4).

4.1.3. Responsibilities of Municipalities

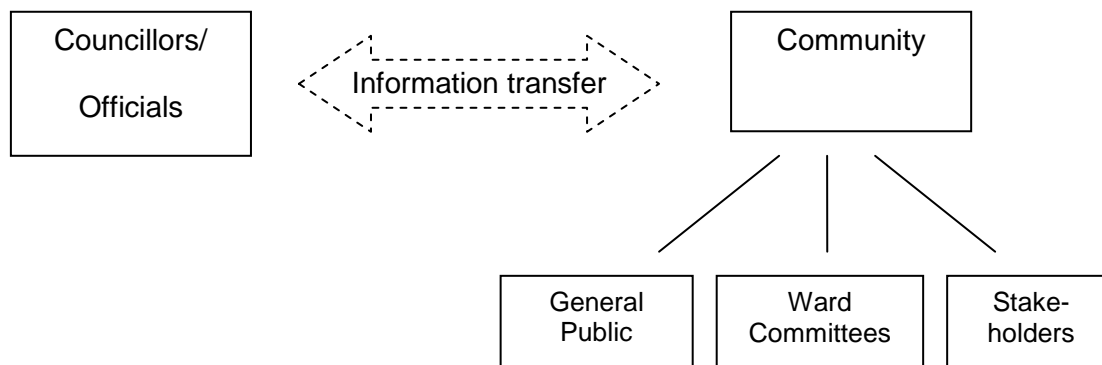
- To contribute to building the capacity of the local community to enable it to participate in the affairs of the municipality. Section 16(1)(b)(i).
- To contribute to building the capacity of the local councillors and staff to foster community participation. Section 16(1)(b)(ii).
- To use its resources, and annually allocate funds in its budget to implement community participation and contribute to capacity-building. Section 16(1)(c).
- To establish mechanisms, processes and procedures to receive, process and consider petitions and complaints lodged by the community. Section 17(2)(a).
- To establish processes and procedures to notify the community about municipal issues and how they must submit their comments. Section 17(2)(b).
- To establish processes and procedures for public meetings and hearings by the municipal council. Section 17(2)(c).
- To establish processes and procedures for consultative sessions with locally recognised community organisations. Section 17(2)(d).
- To establish processes and procedures for report-back to the local community. Section 17(2)(e).
- To take into account the special needs of people who cannot read or write, people with disabilities, women and other disadvantaged groups. Section 17(3).
- To establish procedures for the establishment and functioning of advisory committees. Section 17(4).

4.2. Inform, consult, involve

An analysis of the above rights and responsibilities, and the legislation will reflect that in some instances the Municipality is merely required to **inform** the community, in respect of other issues it must **consult** the community, and in still others it must **involve** the community. Simply put, the tools to be used in communicating with the community will be determined by the nature of the communication required. This involves more than a definition, but also lists some examples of what is meant by such terms, as given in the legislation.

Inform means the passing of information between councillors, officials and the community. It constitutes the most passive form of engagement between the public and the municipality. It is usually a one way communication from the municipality to the public, merely to keep the public informed about something in order to assist them in understanding a problem, alternatives and or solutions. No real input is expected from the public. Examples of the way 'informing' can happen from the municipal point of

view would be advertising an *imbizo* in a newspaper or radio, the use of loud-hailers, publication of notices and so on. From the perspective of the community, one mechanism central to 'informing' is the ward committee, but others would include direct petition or a letter to a councillor or official.



In instances where the municipality wishes to only pass information on to the community, then this could be done through a notice placed at the municipal offices, a notice in the local newspaper, an announcement through the local radio station, the municipal web page or through posters or pamphlets. An example of this type of communication is when the municipality for instance wishes to inform the public that:

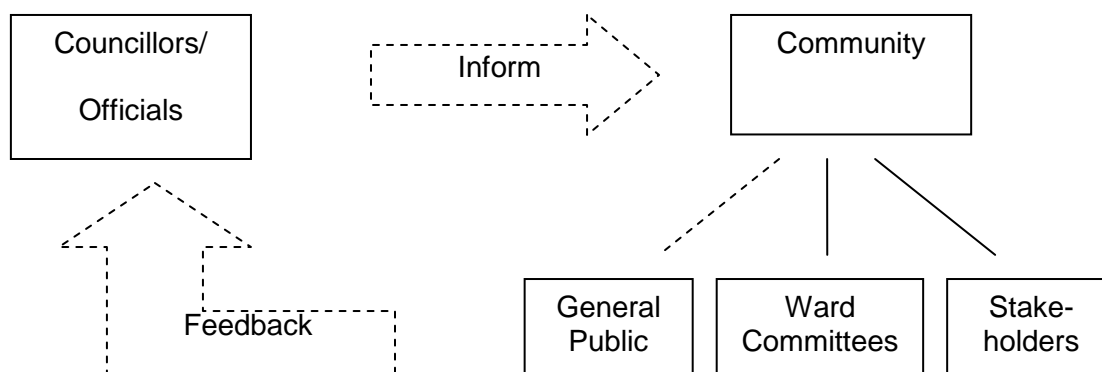
- Refuse will continue to be collected/not be collected on a particular day (for example, because of a public holiday)
- The municipal offices will close early (e.g. on the day before Good Friday)

In instances of this nature the municipality does not really expect a response although the community could obviously voice its opinion on the matter if it so wished. This is the simplest form of communication and as a result would also generally not require a big budget. A further example of this type of information dissemination is where the municipality notifies the community:

- About the level and standard of municipal service they are entitled to receive (Section 6(2) of the Municipal Systems Act)
- How the municipality is managed, of the costs involved and the persons in charge (Section 6(2) of the Municipal Systems Act)
- Of the available mechanisms, processes and procedures to encourage and facilitate community participation (Section 18(2) of the Municipal Systems Act)
- Of the matters with regard to which community participation is encouraged (Section 18(2) of the Municipal Systems Act)
- Of the rights and duties of members of the local community; and municipal governance, management and development (Section 18(2) of the Municipal Systems Act)

Whilst this type of information could also be conveyed through the press and the radio as well as through pamphlets, brochures and booklets, (a key mechanism here would be a Citizen's Participation Charter), it would be advisable to also disseminate this type of information through awareness campaigns, road shows and community awareness centres. The reason for this is to ensure that members of the community who cannot read or write also become aware of the information.

Consult is one step closer to full participation and requires more of the public than merely receiving the communicated information from the municipality. It is therefore also less passive since the objective is to obtain feedback from the public on analysis, alternatives and or decisions communicated to them by the municipality. Consultation will be mainly with stakeholder groups or ward committees but will not exclude the general public. Self-selected stakeholder groups will emerge during this kind of process. Consultation represents the start of two way communication between the municipality and the public. Examples of the way that 'consultation' can happen include public and or stake-holder meetings called around the budget process and IDP process. Consultation can also occur through ward committees, around budget and IDP processes, but also around issues that may affect an individual ward.



Examples of the consultation process is where the municipality wishes to establish the community's views on the levels of service being provided by the municipality in respect of:

- Water
- Sanitation
- Refuse Removal
- Sporting facilities and a host of other issues

Consultation in respect of the above issues is often best done through surveys. It is stressed, however, that it is generally advisable to use someone who is well versed in the development and interpretation of survey data to undertake such surveys. Experience has also shown that a minimal number of households respond to postal surveys leaving municipalities with little option but to undertake house to house interview surveys, which can have serious cost implications. This consultation process can however, in addition to the house to house survey also be undertaken through the municipality's web page, and the local newspaper, provided suitable mechanisms such as toll free numbers and a web address are made available to which the community can respond.

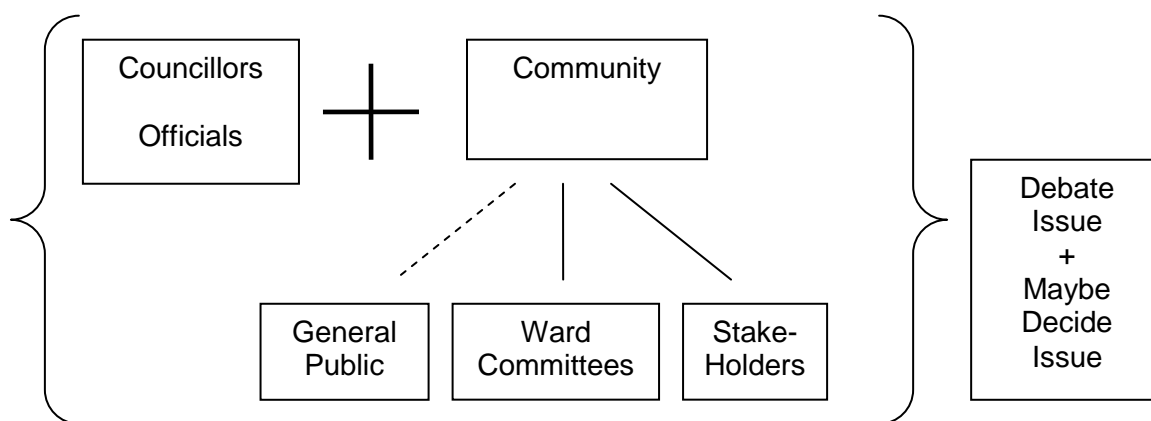
Other issues on which the municipality may consult the community is in respect of:

- Road closures
- Introduction of new or the amendment of existing bylaws
- Amendments to the town planning scheme
- Municipal Valuation Rolls

In addition to the aforesaid methods of consulting the community, the municipality could also use focus group interviews where persons who have more than a passing

interest in the matter, can be interviewed, as well as the ward committee system and public meetings.

Involve requires a high level of two way interaction between the municipality and the public. It constitutes an active working relationship between the public (represented by ward committees and stakeholder groups) and the municipality in order to ensure that concerns and issues raised by the community are directly reflected in the way the municipality deals with it. Providing continued feedback to ward committees and stakeholder groups is part of the process. This kind of participation process is far more targeted and structured and is both group specific and issue focused. An example of involvement would be the representation of the ward committee or stakeholder groups on the management committee of a development project.



In terms of Ch5 (section 29(1)(b)iii) of the Municipal Systems Act the municipality must involve the community, and in particular specific stakeholders within the community, in the development and annual review of the municipality's IDP. This ideal has, however, not yet been achieved in some municipalities. Municipalities are, however, now generally **involving** the communities in the development and the review of the Municipality's IDP which is an improvement from initial efforts around the IDP where the community was generally only **consulted**.

To ensure that the community involves itself and actually contributes to the decision making process in respect of the above-mentioned issues, the municipality could make use of IDP forums which include ward committees and stakeholder groups, and reflect on all stages of the development planning process. For more on this see Chapters Five and Six.

4.3. Community Participation Tools

To better understand the variety of tools available, this section outlines a comprehensive list for each form of engagement (inform, consult and involve) outlined above. The key tools listed in the law are identified in a bold italic font, eg ***ward committees***.

Requirement	Tools	Example
'Inform'	<i>Ward Committee</i>	Informing the community of council decisions, community rights and duties, municipal affairs etc.

		Community informing ward councillor of their concerns.
	Public meeting or imbizo	Informing the community of council decisions, community rights and duties, municipal affairs etc. Community informing councillors and officials of their issues.
	Stakeholder forums	Informing the community of council decisions, community rights and duties, municipal affairs etc.
	Council meetings open to public	Informing the community of council decisions, community rights and duties, municipal affairs etc.
	Annual report	Informing the community of municipal activities
	Surveys	Informing the municipality of the needs of a local ward, or of the levels of satisfaction with the delivery of a service like electricity.
	Newsletter	Informing the community of council decisions, community rights and duties, municipal affairs etc.
	Community Complaints Management System	Putting in place the institutional site and processes to promptly deal with oral or written community complaints about services, or conduct of officials.
	Citizen's Participation Charter	Inform public of public participation, and how to access the key public participation tools used in the municipality.
	Posters, loudhailers, banners, email notification, media adverts	Inform public of an event or meeting, eg council meeting or imbizo

Requirement	Tools	Example
'Consult'	Ward Committee	Asking the community for feedback on council decisions, municipal affairs etc.
	Public meeting or imbizo	Asking the community for feedback on council decisions, municipal affairs etc.
	Stakeholder forums	Asking the community for feedback on council decisions, municipal affairs etc.
	Advisory committees	Asking a specific section of the community for feedback on council decisions, municipal affairs etc. eg experts or key role-players in local economic development
	Customer Satisfaction Surveys	Asking the community views on a specific service or municipal product, e.g. waste removal
	Deliberative polling (could be electronic)	Asking the community views on a specific issue, e.g. street renaming

Requirement	Tools	Example
'Involve'	Ward Committee	Municipalities involving ward committees in the IDP, Budget, Performance management system, performance assessment and service delivery agreements processes.
	Stakeholder forums	Municipalities involving stakeholder forums in the IDP, Budget, Performance management system, performance assessment and service delivery agreements processes.
	Municipal public participation champions award	Support and encourage public participation
	Citizen's Participation Charter	Building capacity of community to participate by inform community of public participation, and how to access the key public participation tools used in the municipality.
	Training	Building capacity of municipal staff, councillors, ward committee members, stakeholder forum members to participate meaningfully in municipal processes.
	Referendum	Asking the community to decide a municipal issue, for example, whether to build a new soccer stadium

4.4. Conclusion

The chapter has outlined the three ways in which the municipality is legally obliged to engage the community, and outlined many potential tools with which to do this. Together with the list of municipal issues requiring some form of public participation identified in the previous chapter, this provides a significant set of resources with which to develop a locally-adapted public participation policy which also complies with national legislation. However, given the enormous range of possibilities that exist such a task can be a daunting one. Therefore, in order to assist municipalities in at least meeting basic requirements the rest of the framework document outlines the basics of a municipal public participation policy. To this end three strategies, and the institutional resources needed to implement them, are identified. The strategies are a communication strategy, a ward committee strategy and a stakeholder forum strategy. In addition, how these ought to relate to other role-players is outlined.

Chapter Five: Strategy 1: Communication

At the most basic level public participation is about communication between councillors, officials and the community. Communication in turn is about the passing of information between these three role-players, especially the sharing of information about municipal issues and decision-making with the community. This is crucial to ensure that those who are outside the formal decision-making structures of local government are able to make any kind of contribution to local governance. It is for this reason that legislation usually requires councillors and officials to 'inform' the community. However, democratic decision-making is also about the community informing the municipality of its issues and concerns, to make decision-making better informed and more responsive.

Informed by the necessity for reciprocal information transmission, this identifies several tools to enhance the exchange of information between councillors and officials on the one hand, and the community on the other. Three of these, the publicising of public participation principles, the development of a Citizen's Participation Charter and a Community Complaints Management Systems, are requirements basic to any municipal public participation policy. In addition, municipalities are encouraged to use Citizen's Satisfaction Surveys where affordable.

5.1. Public Participation Principles

Building a culture of participatory governance in South Africa requires developing a new, inclusive and constructive attitude towards local governance. This requires an open attitude on the part of councillors and officials, and conversely, an acknowledgement of the responsibilities of constructive engagement in the interests of all citizens. Where councillors and officials need to understand that democratic local governance is a partnership with the community, local communities need to understand that governance is often constrained and must address the needs of all fairly. Building this mutual understanding and trust will take time. One way of facilitating this is to educate people in the principles of public participation, and an obvious starting point in this regard is for municipalities to publicise the public participation principles identified in Section 2.3 . In addition to this minimum requirement, municipalities are urged to develop initiatives to educate people in the values of public participation over and above publicising the Public Participation Principles.

5.2. Citizen's Participation Charter

The basic notion of a Citizen's Participation Charter is to outline the rights and duties of citizens as regard participating in their municipality's governance. For this reason the Charter is an excellent place to publicise the Public Participation Principles. In addition though, the Citizen's Participation Charter should contain basic information including:

- Basic information on the municipality
- What community participation is
- How community participation works, including
 - Key issues the community must be informed about
 - Key issues the community must be consulted about
 - Key issues the community must be involved in
- Information on how to make general queries and complaints
- Contact details for ward councillors, ward committees, the IDP forum co-ordinator and the izimbizo co-ordinator.
- The public participation year planner

In addition to distributing the Charter through ward committees and stakeholder organisations, copies of the Charter ought to be easily available at municipal offices, such as regional service centres, as well as on the municipal website. The nature of the Charter means it will have to be updated on an annual basis, with attendant financial implications that need budgeting for.

5.3. Community Complaints Management System

The notion of a Community Complaints Management System is one that municipalities ought to already be familiar with. Essentially this refers to the establishment of an institutional home, and set of procedures, to deal with community complaints. Many larger municipalities have developed such systems within each of the major service-orientated line departments. Smaller municipalities might want to centralise the system in one office to manage all service complaints so as to make the most rational use of their resources.

Regardless of how precisely the system is institutionalised, it is imperative that it meet certain basic requirements, namely:

- The thorough publicising of contact details, especially a telephone number, for the public to log complaints, on the website, in all municipal offices, and key documents like the Citizen's Participation Charter.
- A place or places in the municipal where the public can report complaints in person, and orally if preferred, in their home language.
- The development of standing rules of order that deal in detail with managing community complaints.
- These must include clear protocols around who responds to what kind of complaint, the time frame for this response, the development of techniques for to allow the public to track their complaints, and a basic threshold of information that must be given in response to each kind of complaint.

In developing this system it is crucial that municipalities bear in mind that responsiveness to complaints, particularly around failures in service provision, is a key variable in affecting perceptions of municipal responsiveness and good governance. Investing in developing a sophisticated system that is properly staffed will bear good dividends over time.

5.4. Citizen's Satisfaction Surveys

Lastly, it is strongly recommended that municipalities employ the use of Satisfaction Surveys, preferable professionally and independently conducted, to assess municipal performance in areas such as service provision, and the responsiveness of officials and staff to the public. The costs of doing such surveys properly can be quite high, but it is the best way of identifying scientifically the attitudes of the public on key aspects of municipal performance.

There are many other communication options that municipalities have developed as part of their broader communication strategy. Careful thought should be paid as to how these might be used to enhance participatory governance. One example is the use of the municipality's newspaper to profile the issue of public participation, and especially the key annual processes the public can become involved in. Another is to explore ways to incentivise public participation by, for instance, offering awards or even rewards for local innovations in public participation.

5.5. Conclusion

Publicising the Public Participation Principles, developing and annually reviewing a Citizen's Participation Charter, and instituting a Complaints Management System are necessary elements to developing the level of communication between councillors and officials on the one hand, and the community on the other, that can form the basis of mutual knowledge and trust necessary for participatory governance. Preferably municipalities should do more, including exploring the use of Satisfaction Surveys, to enhance the flow of information required to empower all role-players to institute better local governance.

Chapter Six: Strategy Two: Ward Committees and Ward Forums

While the communication of information about governance is necessary for effective public participation, it is not sufficient to make local governance more responsive or democratic. To achieve this, municipalities need to develop strategies which enhance both consultation with the community and the involvement of the community in municipal decision-making. This chapter and the next will deal with strategies which look to deepen community consultation and involvement. Here we deal with the most important structure for participatory governance: ward committees. More specifically, the chapter looks at how the ward committee system could be made more effective by empowering and supporting ward committees, and ensuring their democratic operation. An important contributor in this regard is the Ward Forum, which is discussed in Section 6.2 below.

6.1. Ward Committees

Mentioned in the 1997 White Paper on Local Government, and outlined in the 1998 Municipal Structures Act (117 of 1998), ward committees are chaired by the ward councillor, and comprised of up to ten additional people representing 'a diversity of interests' in the ward, with women 'equitably represented'. According to Ministerial Notice 965, ward committees are an independent advisory body which must be impartial and perform its functions without fear, favour or prejudice.

In terms of Section 74 of the Structures Act ward committees may make recommendations on any matter affecting its ward (i) to the ward councillor; or (ii) through the ward councillor, to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan subcouncil. This role is further clarified in subsequent legislation in Ministerial Notice 965 of 2005, which emphasised their role in communication and mobilization. Notably DPLG's Resource Book on ward committees (DPLG 2005:36) sees communication as 'the primary function' of ward committees. In respect of mobilization, ward committees may achieve this by attending to all matters that affect and benefit the community, acting in the best interest of the community; and ensuring the active participation of the community in service payment campaigns, the IDP process, the budgetary process, decisions about service provision, by-laws, and by delimiting and chairing zonal meetings.

As a representative body at ward level that is meant to facilitate public participation, ward committees effectively mediate between the council and the community. To make ward committees more effective it is required that the municipality explore ways of (i) empowering ward committees in respect of council processes, (ii) ensuring ward committees function effectively, and (iii) that the relationship with communities is inclusive, transparent and participatory.

6.1.1. Empowering Ward Committees

Although most municipalities have established ward committees, and provision exists in terms of Section 74(b) of the Systems Act and Section 5(3)(d) of Notice 965 of 2005 to delegate powers to ward committees, few municipalities have made the effort to empower ward committees by assigning them responsibilities over and above their duties as advisory bodies. Consequently, ward committees have all too easily been dismissed as 'toothless' bodies and 'talk shops'. Experience internationally, but also with ward committees in South Africa, is that participation in such structures is likely to be more enthusiastic and meaningful if they are empowered in respect of core municipal processes. Hence, it is required that:

- Municipalities involve ward committees in central municipal processes that in Section 16(1)(a) of the Systems Act require public participation, specifically the IDP, budget, performance management, performance and strategic decisions on services. It is recommended that this is done through ward committees representation on the IDP forum as outlined in Section 3.1.1-3.1.3. In small and medium sized municipalities this could mean one representative from each ward committee plus the ward councillor on the Ward Forum.
- In respect of the budget process it is required that ward committees have representation on the municipal audit committees.
- In respect of the monitoring and review of personal performance section 27(4)(d)&(e) of the Performance Management Regulations specifies that the Mayor nominate a ward committee representative onto the evaluation panel. It is recommended that Mayor nominate a candidate elected from municipal Ward Forum (see 6.2).
- Lastly, municipalities must assign each ward committee an annual budget to spend on community projects (subject to the financial controls consistent with the MFMA and ultimate council oversight), and subject to establishing clear community consultation guidelines consistent with community-based planning for ward committee deliberation. For more on this see Section 6.1.3 below.

6.1.2. Supporting Ward Committees

Notably, for ward committees to really take advantage of empowerment powers, they will require both administrative support and training. A key element in administrative support is the adoption by the municipality of regulations governing the election and operation of the ward committee system. Such regulations must include requirements that:

- Ward committee members are democratically elected.
- The term of office for ward committee members and ward councillors are the same.
- Ward committees must meet at least once month.
- Clear policy is made on an alternative chair for the monthly ward committee meeting should the ward councillor be unavailable to chair the ward committee meeting.
- Ward committee members must be awarded a stipend of at least R50 a month by the Local municipality, and compensated for costs incurred to fulfil responsibilities required by District municipality public participation processes.
- The responsibilities of ward committees in respect of municipal processes, community-based planning, and the Ward Forum are clearly specified.
- Training and financial support is provided, where required, to fulfil these functions.
- The Speaker oversees the operation of ward committees, including the power to recommend to council the dissolution of ward committees not fulfilling their functions, consistent with Section 78 of the Structures Act.

In terms of administrative support section 73(4) of the Structures Act makes it clear that the municipality is expected to make administrative arrangements to enable ward committees and ward sub committees to perform their functions and exercise their powers effectively. In regard to administrative support, the **Draft Guidelines** provide that such administrative support includes:

- Promoting the notion of ward committees amongst communities.
- Making administrative staff capacity available, in proportion to the overall size of the municipality.

- Building or arranging central meeting places in the ward.
- Providing logistical support (furniture, computers, stationery etc)
- Translating information and documentation for the community
- Assisting ward committees to fulfil their tasks (e.g. communication strategies to advertise public meetings)
- Providing municipal transport to committee members in specific circumstances.
- Developing capacity building and training programs for ward committees.
- Facilitating ward committee elections

As regards training it is important to distinguish between general capacity building which will include training on how to chair meetings and records management, but also more specific training linked to the role of the ward committee in the IDP and other municipal processes. All decisions to empower committees must be understood as implying a commitment to the requisite training (and budgeting for training) to exercise such powers effectively.

6.1.3. Making Ward Committee Operation Participatory

Empowering ward committees is primarily about the changing the relationship between ward committees and the council. However, empowerment must go together with deepening the interaction between ward committees and the community to ensure that it is really the community that can take advantage of empowered ward committees. There are many ways in which the relationship between ward committees and the community can be deepened. These include:

Internal structuring so as to better respond to community needs and interests. For example, the ward committees may also establish sub committees to enable them to function more effectively and to engage organisations more meaningfully. There are generally three ways to organise and structure the ward committee:

- Firstly the ward committee could be structured in such a way that each ward committee member is allocated a portfolio which should preferably correspond with the standing/portfolio committees of the council
- Secondly the ward committee member could be allocated to a geographic region so that each member looks after a village or other demarcated area within the ward.
- Thirdly ward committee members could be allocated to sectors. For example, youth, business, sports and culture, poverty alleviation, employment etc. If traditional leadership are represented on your committee they should be deployed in a way that makes best use of their relationship with particular communities.

In addition the rules for operation of ward committees should stipulate the number required for quorum for a meeting to be constituted, and a democratic process of internal decision-making in the ward committee.

Advising and consulting with residents on municipal matters/services, which must be seen as the ward committee's primary function. This the ward committees must do through arranging public meetings at which the ward committees can consult with and advise the community on municipal matters and provide feedback to the community on matters that they have brought to the attention of the council on their behalf. The rules for operation of ward committees must require that they meet at least four time a year. Further, it is strongly recommended that ward committees adopt the operational principle that they must consult and involve the community in all council processes in which they are themselves involved, such as the IDP, budget and performance management system review.

A central aspect of this role concerns development planning, especially **community-based ward plans**. The following table outlines the principles of community-based planning:

Principles of Community-Based Planning	
1	Poor people are included
2	Plans, and the planning process, must be realistic and practical
3	Planning must be linked to legitimate structures like ward committees
4	Planning should include implementation, monitoring, evaluation and annual review
5	The plan must be people-focused and empowering
6	Build on strengths and opportunities rather than focus on problems
7	Plans must be holistic and cover all sectors
8	Planning must promote mutual accountability between community and officials
9	There must be commitment by councillors and officials to the whole process

South Africa has successfully piloted a system of community-based planning (CBP) at ward level. These ward plans include:

- an understanding of social diversity in the community, the assets, vulnerabilities and preferred outcome of these different social groups;
- an analysis of the services available to these groups, as well as the spatial aspects of development and the strengths, weaknesses, opportunities and threats facing the community
- a consensus on priority outcomes for the ward;
- collective development of plans to address these outcomes, based on what the ward will do, what support is needed from the municipality, and what from other agencies;
- identification of support needed from the IDP;
- a community budget for discretionary funds from the municipality to assist the community to take forward their ward plans;
- an action plan for the ward committee to take forward their plan and help communities to reach consensus and to have direction.

Ward plans help to ensure that IDPs are more targeted and relevant to addressing the priorities of all groups, including the most vulnerable. CBP provides ward committees with a systematic planning and implementation process to perform their roles and responsibilities. In other words, ward plans provide an overall direction for development for the area, as well as an annual operational plan, the implementation, monitoring and evaluation of which gives ward committees an ongoing role through the year. CBP should be timed to link with the IDP and review cycle (see Figure 2).

Figure 2 Cycle of CBP and IDP

Table 2 provides an indicative schedule showing the linkage between CBP and IDP.

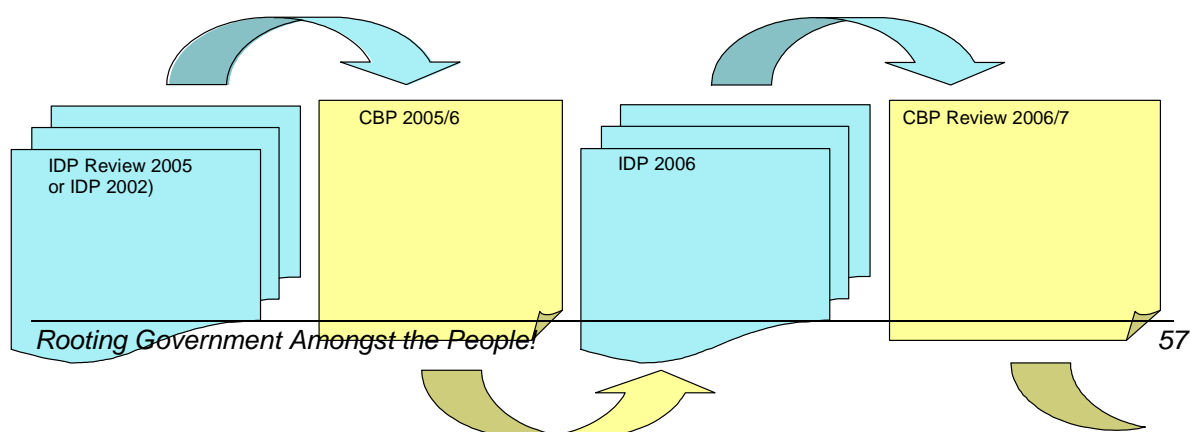


Table 2 Schedule for CBP and IDP

Month	Activity	Content
1 Jan-1 April	Meetings with Council and senior management	<ul style="list-style-type: none"> • Discussing costs, benefits and preconditions for CBP • Deciding whether to take on CBP • Clarify roles and responsibilities for CBP
1 April to 30 June	Preparing for planning	<ul style="list-style-type: none"> • Plan/content/duration/planning cycle for CBP • Process for developing the ward plans • Selecting key • Running training for CBP Manager, Specialists, councillors, sector staff • Packaging IDP information for CBP
May	Ward Forum Meeting	<ul style="list-style-type: none"> • Review preparations for CBP
July	Training of Facilitators	<ul style="list-style-type: none"> • Training of facilitators from municipality, ward committees (and if appropriate NGOs and CBOs)
August	IDP process plan	<ul style="list-style-type: none"> • Process plan developed and approved by Council
August-September	Ward planning	<ul style="list-style-type: none"> • Ward planning in all wards • Documentation
October	Appraisal of ward discretionary budgets	<ul style="list-style-type: none"> • Ward plans reviewed and discretionary budgets approved • Questions sent to technical departments
November-February	Linking to IDP	<ul style="list-style-type: none"> • packaging CBP information for IDP • IDP process underway
	Implementation of ward plans by wards	<ul style="list-style-type: none"> • CBP implementation
May	Approval of IDP and Budget by council	<ul style="list-style-type: none"> • Council approves IDP and budget inclusive of relevant CBP project proposals
June	Feedback to community	<ul style="list-style-type: none"> • Feedback to community on CBP projects included in the IDP and budget
July 2004	IDP implementation	<ul style="list-style-type: none"> • Implementation of IDP projects and programmes (including those drawn from ward plans)

The community implements its action plan through local structures such as working groups or subcommittees and civil society. These will be supported by CDWs, who have a critical role to play during the planning, as well as during implementation. Government recognises the importance of communities playing an active role in implementation, including managing funds such as the discretionary funds of R10-50 000 per ward provided under CBP. We will also encourage experimentation with broader participatory budgeting initiatives, such as allowing wards to prioritise projects through a project fund. The role of the ward committee in this regard is to play a steering role in the management of implementation at ward level, including use of the discretionary ward funds, other implementation activities, and use of other project funds. The role of the resources provided by government is to leverage voluntary action by communities.

Interacting with other relevant forums to ensure that the committee keeps abreast of what is happening in its ward in respect of issues that may have been initiated through other departments and that are being driven by particular stakeholder groups, e.g. the IDP Forum, Community Policing Forums, CDWs, etc. It is absolutely critical that ward councillors and ward committee members interact more vigorously with these

stakeholder groupings and encourage them to channel their concerns via the ward councillor to the council.

Guiding and advising residents on how to resolve their problems. A greater part of the ward committees outreach program would be targeted at the marginalised and vulnerable groupings and it is important that they make a concerted effort to assist these community members. Advice could be around the concessions made by the council in terms of indigent policies in regard to service charges and rates. Where these members of the community are unable to read or write committee members should ensure that they are assisted by the designated municipal officials when having to complete forms to make such applications etc. Given that CDWs are also meant to do much of this work, this is yet another reason to clarify relations between the two at a municipal level, and build a partnership orientated towards ward development.

6.2. Ward Forums

Ward forums are gathering of all ward committees in a Local or District municipality, chaired by the Speaker. Notably, Districts do not have ward committees of their own, so the establishment and operation of District Ward Forums must be done in consultation with Local Municipalities through intergovernmental structures and processes (See Chapter Eight). In addition, Districts must budget for the operation of District Ward Forums.

The role of the Ward Forum is to monitor and evaluate the operation of ward committees, including community-based planning, preparation for input into key municipal processes, and to elect at least one representative (who is not the Speaker) onto the performance review process. Consequently it is recommended that the regulations for the election and operation of the ward committee system include a section on Ward Forums which stipulates:

- The role of Ward Forums
- That Ward Forums meet at least twice a year, preferably before July for the first meeting, and sometime before September for the second, to synchronise their activities with statutorily framed municipal processes
- That the Ward Forum elect a representative who is neither the Speaker nor a ward councillor, to be considered by the Mayor as his/her representative on the personal performance evaluation panel as set out in Sections 27(4)(d)&(e) of the Performance Management Regulations.

Over time it is feasible that the role of the Ward Forum might evolve, but for now it seems that its central feature will be learning and support amongst ward committee members as the system of participatory governance is consolidated over the forthcoming years. Notably, the monitoring and evaluation role of the Ward Forum can be especially significant at District level if there are local municipalities which are not fulfilling their responsibilities in respect of ward committees. In such cases the District might consider exploring ways of supporting such ward committees, for example, by paying the stipend of ward committee members to incentivise the operation of the local ward committee system.

6.3. Conclusion

The Ward Committee System is the most important structural innovation in participatory governance in South Africa. However, to help realise the potential of the new system, municipalities must adopt policy and by-laws that empower, support and democratise ward committees. Of special importance is the role of ward committees in

development planning, especially the drawing up and implementing of a ward plan informed by the community-based planning approach.

Chapter Seven: Strategy 3: Stakeholder Forums

The Systems Act includes civil society organisations alongside residents, ratepayers and visitors as part of the definition of the local community. Civil society organisations or forums can generally be divided into two groups. The first group is formed with the specific goal of ensuring performance by a municipality in key performance areas. Such organisations include community based organisation and ratepayers associations and are referred to as service or municipal directed groups. The second set of interest groups comprises organisations that focus on a particular area of interest which may not be associated directly with municipal activities. Examples of such interest groups are Chambers of Commerce and informal trade associations, etc

Chapter Two notes the significance of structures and organisations for mobilising the community into public participation, and the value of a variety of such organisations to optimise public participation. Given this it is vital that municipalities structure local stakeholders into their public participation practice. In this respect it is imperative that all locally recognised community organisations be required to register with the municipality and that they are consulted on how to interact with the municipality on issues which concern them or on which they wish to provide input. To this end the municipality must establish a **stakeholder register** which includes the following information:

- The name of the stakeholder group
- The sector they represent and their perceived role
- Their constitution
- The nature and extent of their membership
- Their target constituency, including which wards they work in
- Their office-bearers and contact details
- Their office details

While there are many ways of engaging civil society and other local stakeholders in public participation, a central means is to use stakeholder forums. While there are a variety of forums which can be used in a variety of ways, it is required that municipalities institute at least two: the IDP forum, and a Local Project Implementation Forum.

7.1. The IDP Representative Forum

The most common structure, apart from the ward committees, that has been established by municipalities to interact with the community is the IDP Representative Forum, more commonly known as the IDP forum. This Forum is established specifically with the intention of involving the community in the development and review of the municipalities integrated development plan. In this respect it is mentioned that a municipality must, *inter alia*, in terms of section 29 of the Municipal Systems Act, through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for the local community to be consulted on its development needs and priorities; and the local community to participate in the drafting of the integrated development plan. The *IDP Framework Document* provides that the IDP representative forum should be constituted as follows:

The chairperson of the IDP Forum should preferably be the chairperson of the executive committee or the executive mayor or a member of the committee of appointed councillors. Members of the Forum should be constituted from:

- Members of the executive committee/mayoral committee/committee of appointed councillors

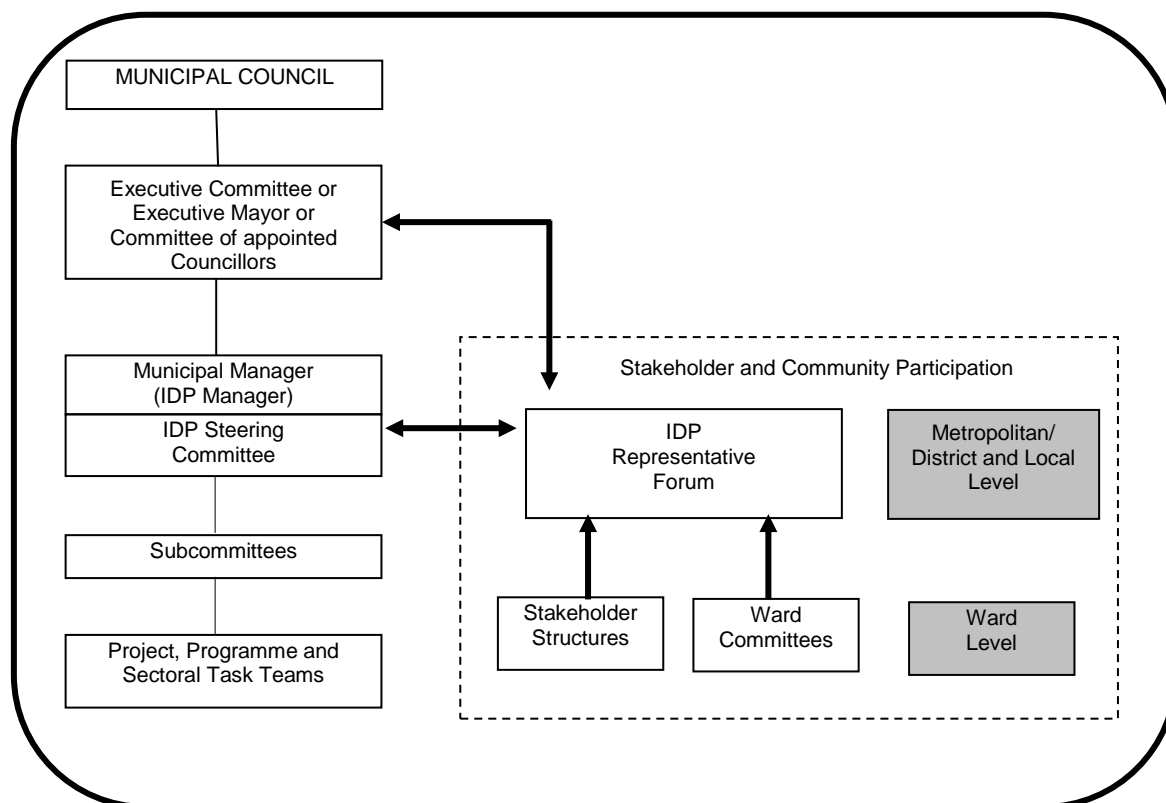
- Councillors (including councillors who are members of the District council and relevant portfolio councillors)
- Traditional leadership
- Ward committee chairpersons (or representative)
- Heads of departments/senior officials
- Stakeholder representatives of organised groups
- Stakeholder representatives of unorganised groups
- Resource persons
- Community representatives (e.g. RDP Forum); and
- CDWs

In terms of the Framework Document the Forum will be responsible to:

- Represent the interests of their constituents in the IDP process;
- Provide an organisational mechanism for discussion, negotiation and decision-making between the stakeholders and the municipality
- Ensure communication between all the stakeholder representatives and
- Monitor the performance of the planning and implementation process

The IDP Forum should operate in terms of the principles of Community-Based planning, which looks to actively involve the community, especially poor people, in the planning process. This is so to improve the quality of plans, the quality of services, extend community control over development and empower community so that they take action, and become less dependent.

The Organisational structure for the IDP Forum as set out in the IDP Framework Document issued by the Department of Provincial and Local Government, is set out hereunder



Given the existence and cognate role of the IDP Forum, it makes sense to build on existing practice to enhance municipal participatory governance. To this end the Chapter proceeds to outline ways in which the IDP forum can be developed as an integral part of participatory governance. More specifically, it is stipulated how the IDP forum can be empowered, supported and its operation democratised.

7.1.1. Empowering the IDP Forum

While IDP forums are established strictly to consider the issue of development planning, monitoring and evaluation, it makes sense to extend the role of this forum to include the budget, performance management, performance and service agreement requirements for public participation. Requiring the IDP forum to broaden its role in this way reflects a reality, implicitly recognised by many municipalities, that budgeting ought to be linked to development planning, and clearly impacts the definition of performance areas, indicator and targets, as well as service delivery. Hence, extending the role of the IDP forum is preferable as:

- It reflects the logical connection between development priorities and strategies, and budget planning, as reflected in the annual Service Delivery Budget Implementation Plan (SDBIP), and performance management
- It avoids creating new forums for public participation with all the attendant costs
- It brings ward committees as well as all key stakeholders into core municipal processes
- It could allow for the development of annual routine around the IDP forum, which is crucial for building the knowledge and trust key to meaningful public participation.

As relates to this last point, the process tables for the budget, IDP and performance assessment identified in Sections 3.1.1 – 3.1.3 indicate that the IDP Forum could meet just twice a year in late May/early June and September and help meet the core public participation requirements for all processes. Further, these meetings would reinforce the repetitive nature required for effective public participation by effectively having standing items on the agenda. Thus the late May/early June meeting of the IDP forum would reflect on the draft budget. At the same meeting the forum would reflect on the appropriateness of performance indicators and targets. At the September meeting the IDP forum could reflect on the Strategic Objectives for Service Delivery required as part of the budget process, and on the revised draft of the IDP.

Please note that with the adoption the new IDP every five years the consultation process must be much more thorough and engage the IDP forum at every stage including needs assessment, strategy development and prioritisation, drafting and adoption. Ward committees will feed into this process through the development of ward plans using community-based planning as identified in section 6.1.3.

7.1.2. Supporting the IDP Forum

In developing the IDP forum in this way, municipalities must give some thought to the support it will require to operate effectively. Central here will be:

- The role of officials (the Public Participation Unit as argued in Chapter Nine) in developing and maintaining both the ward committee system and the stakeholder register.
- The role of a secretariate (officials from the Public Participation) in facilitating the ongoing operation of the IDP Forum. Central here is the distribution of agendas and supporting documentation for the annually stipulated meetings well in advance to all stakeholder participants, and the keeping, storage and making accessible of accurate records of IDP forum meetings and processes.

- Training for members of the IDP forum, especially new members, in integrated developmental planning, community-based planning, basic budgeting and performance management.
- Providing resources such as a venue for the IDP forum to meet, catering, visual aids and the like. All this must be stipulated in municipal policy and by-law.

7.1.3. Making the IDP Forum Operation Participatory

As applies to ward committees, empowering the IDP forum must go hand in glove with ensuring its democratic engagement with its various constituencies for public participation to be most effective. To help achieve this it is recommended that:

- The composition of the IDP forum is as inclusive as possible.
- In line with the requirements of consultation outlined in Chapter Four, that the forum is given feedback on its recommendations, especially when council decides to take decisions which differ from the recommendations of the forum.
- Delegates to the IDP Forum come having discussed the agenda items in their ward committees or stakeholder organisation, and also report-back to their constituencies. Clearly this requires reasonable notice of meetings of the IDP forum, as well as circulation of key documentation for items on the agenda. Hence the need for both a secretariat and regular, at least bi-annual, meetings of the forum, the dates of which are well known in advance, and preferably the same time every year, and which are included in the Public Participation Year Planner. As suggested above, each of these meetings would have certain standing items on the agenda.
- The IDP Forum does not replace existing practices in some municipalities of using izimbizo to consult around the budget, but rather supplements such meetings. Indeed, it is recommended that mayoral izimbizo be more extensively used to assist input into various phases of the IDP, budget and performance management process. Further, it would help all concerned if the members of IDP forums attended such izimbizo as well as municipal councillors and officials.

Lastly, all the above must be incorporated in the annual Public Participation Plan which identifies what activities must occur by which dates to meet statutory obligations in respect of the IDP and routinises public participation accordingly. This will allow for regular and repetitive engagement between communities and the municipality, both mediated through ward committees and stakeholder bodies, and unmediated through public izimbizo and the complaints management system. With the right political will, this can only build the trust and constructive engagement central to participatory governance. More of this in Chapter Seven.

7.2. Local Project Implementation Forums

While the IDP forum is crucial to including the public in central municipal processes, its focus is mostly municipality wide and planning-driven. To be effective public participation must also have a more local focus, and include the monitoring and evaluation of implementation. Indeed, Section 16 of the Systems Act specifically requires public participation in the implementation of the IDP, performance management and performance, and also that the municipality assist in building the capacity of the local community to do this.

To this end it is recommended that all localised projects that implement the IDP, as reflected in the annual Service Delivery Budget Implementation Plan (SDBIP), must have Project Implementation Forums who are consulted on the development of the

project plan, and are included in the monitoring and evaluation of the project. These Local Project Implementation Forums will effectively be a sub-set of the IDP forum in that they will be comprised of representatives from ward committees and other stakeholders in the local area. It is the responsibility of the Speaker to oversee the constitution and operation of these forums, in terms of municipal policy and regulations spelt out in municipal by-laws.

7.3. Conclusion

Effective public participation requires including as many structures and organisations that represent the community as possible, hence the importance of stakeholder forums for participatory governance. Building on existing practice it is recommended that the role of the IDP forum be enhanced in this regard, by empowering it in respect of a wide range of key municipal processes, supporting it, and enhancing its democratic operation. In addition, to improve public participation in the implementation of development projects and services at local level, it is required that municipalities institute local project implementation committees to participate in the development, monitoring and evaluation phases.

Chapter Eight: Relationships with Other Governmental Role-Players

Local governance involves a range of important governmental role-players over and above the local municipality. These role-players are important to local governance, and therefore to public participation. Hence it is crucial to outline their relationship to ward committees, stakeholder forums and the municipality more generally, and how they might best contribute to enhancing participatory governance. The key players considered in the Chapter are traditional leadership, CDWs, Districts and intergovernmental structures and processes.

8.1. Traditional Leadership

Where applicable, municipalities should include traditional councils as a key structure and traditional leadership as a key stakeholder group in community consultation processes. Traditional leadership constitutes an important constituency and a key interest group in many areas, especially around development and service delivery issues. Hence traditional leadership should be part of the IDP forum, and ward committees must establish relationships with traditional leadership and their councils in terms negotiated at local level, subject to any formal agreement between government and houses of traditional leadership at provincial or national level. In this respect it is recommended that the traditional leadership in a ward, or at least one representative from each traditional council which falls in a ward, sit *ex officio* on the ward committee.

8.2. CDWs

As indicated above CDWs have the potential to contribute greatly to the activities of both ward committees and IDP forums, so long as a clear and common understanding of their role at the municipal level has been developed. There is clearly great potential for synergy between CDWs and both ward committees and the IDP Forum, especially as regards improving service delivery, so municipalities should make clarifying the relationship between officials and CDWs, and especially ward councillors and CDWs, a top priority. In respect of the IDP forum, CDWs must sit on the forum as a formally recognised interest group. In respect of ward committees it is recommended that, subject to pre-existing agreements as to their relationship with, and role on, ward committees, CDWs sit as *ex officio* on the several ward committees in the area they service. In addition to assisting with Community-Based Planning (CBP) and Ward Plans (see Figure 3 below), it is recommended that CDWs assist in information gathering for ward committees and support ward committees in advising residents on how to solve their problems. Given that CDWs are also meant to do much of this work, this is yet another reason to clarify relations between the two at a municipal level, and build a partnership orientated towards ward development.

Figure 3: CDWs Role in Integrated Development Planning



8.3. Districts

While almost all of the above three strategies of communication, ward committees and the IDP forum applies to Districts as much as Local municipalities, there is one key difference. District municipalities do not have ward committees. This raises the question of what role, if any, ward committees ought to play in District municipal processes. Although the role and responsibilities of District municipalities is somewhat different Local municipalities, Districts must nevertheless draw up IDPs, budget and so on, as well as implement projects that impact at local level. Indeed, District municipalities are made responsible in terms of the Municipal Structures Act, not only for the Integrated Development Plan (IDP) for the District, but also for providing a framework for the IDPs for the Local municipalities falling within the District. Given this, it is imperative that Districts consult ward committees in all these processes as much as Local municipalities. Further, as outlined in Section 6.3, Districts have a responsibility to implement Ward Forums to enhance the operation of the ward committee systems in the District.

The use of ward committees by Districts has both policy and cost implications. In terms of policy, potential exists for confusion and conflict between the District and Local municipalities over the use of ward committees by Districts. To forestall this it is imperative that the issue of ward committees is placed on the agenda of the District Intergovernmental Forum, as outlined in the Intergovernmental Relations Framework Act, 13 of 2005. These forums ought to develop an Intergovernmental Protocol around the use of ward committees by Districts. More specifically, it is recommended that Districts consult Local municipalities as to the timing of the use of ward committees. Another option is the use of the District Speaker's Forum for District and Locals to inform each other of their Public Participation Plans for the year, and co-ordinate the usage of ward committees in this respect. As noted in Section 6.3 above, there are cost implications to using ward committees and instituting Ward Forums, and Districts need to bear their share of the costs of the ward committee system. This too must be part of the Intergovernmental Protocol developed at the District Intergovernmental Forum.

8.4. Other Spheres of Government

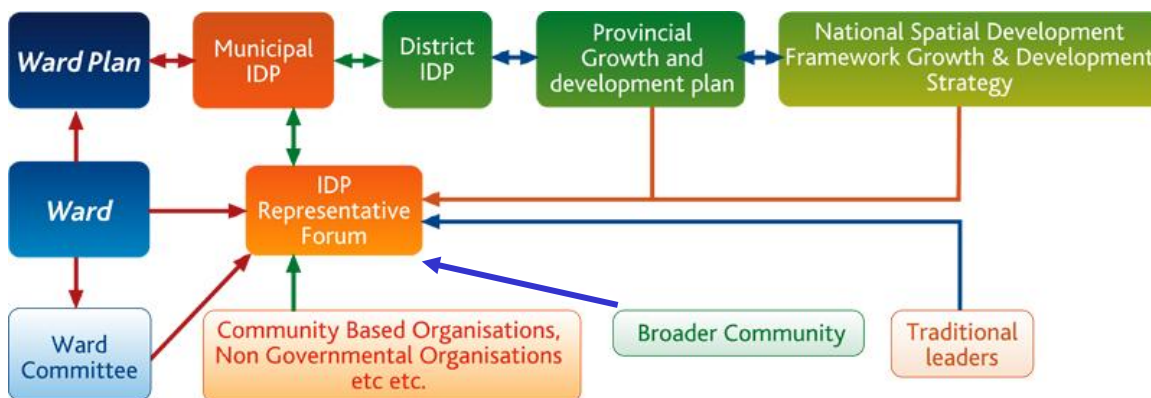
8.4.1. Provincial and National Government

A further, and related, area which needs clarification surrounds the relationship between municipal processes that require public consultation on the one hand, and national and provincial departmental processes that require public participation. For example, in pursuing various development projects national departments like the Department of Water Affairs and Forestry, establish development and/or management committees which involve representation from local communities, and consultation processes with local communities. These processes often occur independently of municipal public participation processes and structures, including ward committees. Thus not all public consultation processes that occur in local communities are driven by, or under the authority of, the municipality.

It is the recommendation of this policy that where provincial government engage in consultation with communities around projects they use ward committees as the local community representatives. The same applies to projects driven by partnership between various organs of government.

Public participation also has a role to play in giving feedback to provincial and national levels, directly as well as through the IDP process. Through the latter interpreted and analysed information is collated, incorporated in the IDP, and fed upward to provinces. The linkage between ward plans, IDPs, provincial growth and development plans and the National Spatial Development Framework is shown in Figure 4.

Figure 4. Linkage between ward plans, communities and higher-level plans



However it is also important that provincial departments have direct feedback as to the situation with different clients on the ground, and how they perceive services. This information is available from CBP, and methods will be established for packaging information from CBP in such a way as to inform provincial and national service providers. Provinces in particular also need to consider how to involve clients in the management of services. This already happens to a considerable degree with School Governing Bodies, who are actually legally responsible for the management of schools. This is true to a much lesser extent for Community Policing Forums, which are consultative rather than managing services. For many other services whether agricultural extension, primary health, such consultation and accountability is very rare. This must change and user committees and feedback mechanisms introduced for all services.

8.4.2. Intergovernmental Forums and Processes

The Constitution of South Africa states in section 40 (1) that 'government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated'. This establishes a degree of autonomy between the spheres of government, with each sphere enjoying both executive and legislative powers over issues set out in Schedules 4 and 5 of the constitution. Because the constitution does give a degree of autonomy to each sphere of government, there is always the possibility that the three spheres might make laws, policies and decisions that clash with each other.

To avoid major clashes the constitution gives most legislative powers to the national sphere followed by the provincial sphere. Both the national and provincial spheres have more legislative power than the local sphere. At the same time, the Constitution also places an obligation for efficient intergovernmental collaboration on all three spheres. This is important because many aspects of governance cross-cut the three spheres. Perhaps the most important case in this regard is Integrated Development Planning, but others include infrastructure development, and service delivery.

In an effort to make all spheres work together in an integrated way, the Intergovernmental Relations Framework Act, 13 of 2005 has been passed. This Act outlines various structures to co-ordinate intergovernmental relations, as well as protocols around the conduct of intergovernmental relations and the settlement of intergovernmental disputes. These include the Premier's Intergovernmental Forum, the District Intergovernmental forum and Inter-municipality Forums. These forums are consultative structures which discuss any matter of mutual interest, but notably development planning is a standing item on these agendas.

The processes associated with the co-operative structures most relevant to municipalities are threefold: implementation protocols, consultation and settlement of intergovernmental disputes. Where implementation protocols address how different organs of government co-ordinate their actions when embarking on a joint project, and the settlement of intergovernmental disputes outlines how organs must deal with conflict, consultation refers not so much to involving the public in a dialogue but rather the intergovernmental forums.

As already noted, these forums and processes can play a role in co-ordinating the use of ward committees in a District between the District and Local municipalities. Another issue that might be worth raising in this context is that the co-ordination of Local, District and provincial IDPs and budgets would be greatly aided by establishing one financial year which begins/ends at the same time for both spheres. At the moment the provincial financial year ends in April and the Local financial year ends in June.

8.5. Conclusion

This chapter has reviewed the major governmental role-players other than the local municipality relevant to public participation in local governance like CDWs, traditional authorities, Districts, and other spheres of government.

Chapter Nine: Institutionalising Public Participation

In Chapter One and elsewhere in this Framework Document it was pointed out that the Municipal Systems Act places specific responsibility on the municipality to engage with the community. The Chapters of the Act are, however, not always specific as to who is to institute engagement, and who should assume responsibility for its coordination. These administrative issues are left to the discretion of the municipality. It is clear, however, that unless the participatory functions and processes are institutionalised and properly coordinated, the community will be denied its democratic right of being informed about municipal issues and to participate fully in issues directly affecting their lives.

In the following paragraphs the specific roles the various role-players are by law required to play in the participation process are outlined and guidelines are provided on how best to coordinate and integrate the participatory function.

9.1. Role-players and Responsibilities

As noted from Chapter 2 of the Municipal Systems Act, there are three distinct role players in the participatory process, each with their specific roles and responsibilities. These role-players are:

- i) the municipal administration viz. the officials
- ii) the municipal council viz. the councillors and
- iii) the community.

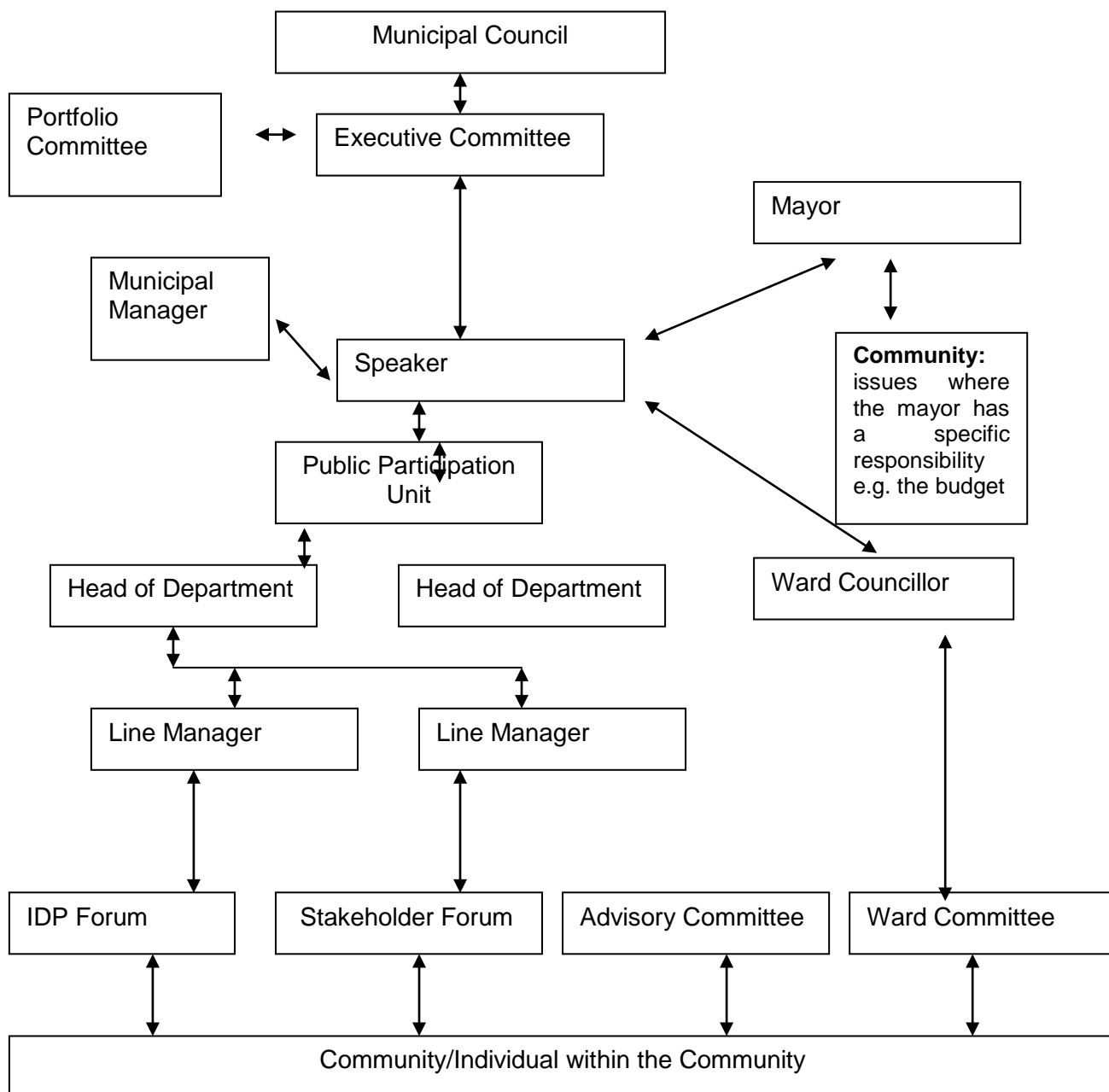
These three role-players must therefore be in constant communication to ensure that the spirit and the letter of the law are complied with. It involves a close relationship between councillors and officials as in many instances they will have to share the same platform when communicating with the community on for example the budget, the IDP or other issues. On other occasions it may only be the councillors who interact with the community without an official being present in, for example, instances where the councillors interact with the community through ward committees or other stakeholder groupings. ***In general terms it can be said that the officials must provide the required information to the councillors who are then required to consult and involve the community in the decision making process.***

The main role-players in the municipal process referred to above can be categorised as follows

- The Speaker
- The Mayor
- The Ward Councillor
- The Ward Committee
- The Municipal Manager (Including heads of departments and line managers)
- Stakeholder Forums or Lobby Groups
- The Community
- The Individual within the Community

It is important therefore that any organisational structure around public participation makes provision for all the abovementioned role players to be accommodated in such structure. A suggested organisational structure to accommodate the said role-players is set out hereunder.

Figure 1: Recommended Process Flow for Public Participation



To better visualise the relationships and the responsibilities of the various role-players the organisational structures have been further subdivided to show the interaction between

- The speaker, the ward councillor and ward committee, other lobby groups and the community – See figure 2
- The municipal manager and the heads of departments – See figure 3.
- The mayor, the speaker, and the municipal manager – See figure 4.

9.1.1. Function and Responsibility of the Speaker

The functions of the speaker are set out in section 37 of the Municipal Structures Act, and provide that, as the chairperson of the council, the speaker must preside at council meetings and perform such other duties as are assigned to him/her in terms of the section. Note that section 37 is, however, silent on the speaker's role in regard to the public participation function. Further, the legislation imposes on the mayor and the municipal manager specific responsibility in respect of the participation process. The mayor, for example is required to engage with the public on the municipal budget.

There will therefore have to be a separation of responsibility in regard to some participation functions.

Nevertheless, it is considered important that one person be made responsible for the overall coordination and integration of the communication/participation process and it is recommended that this responsibility be placed on the speaker. The key reason for choosing speaker is that, as the chair of council, the speaker is responsible for overseeing the functioning of the political arm of local government, and public participation is essentially connected to this function. This applies over and above the general requirement in section 4(2)(c) of the Municipal Systems Act required to encourage the involvement of the local community in the affairs of the municipality and to consult the local community about the level, quality, range and impact of municipal services provided by the municipality, either directly or through another service provider (Section 4(2)(d)). To this end we recommend adopting a **public participation unit** and **public participation plan**.

In addition it is specified that the Speaker is chair of the Ward Forum and responsible to oversight of the ward committee system. It is recommended that the Speaker nominate an official in the Public Participation Unit to undertake the participation/communication function. This will involve delegating at least the following powers to such person:

- The responsibility to coordinate the communication/participation functions of the municipality, especially the drafting of the annual public participation plan.
- To oversee the publicising of the Public Participation Principles.
- To oversee the drafting of a Citizen's Participation Charter.
- The responsibility to meet regularly with the ward committees to ensure appropriate communication with the communities through the ward committee structure.
- The responsibility to ensure that representations made through the ward committees and ward councillors are channelled to the appropriate structures/functionaries for further attention/information.
- To provide the administrative support to ward committees identified in Section 6.1.2
- To maintain a register of stakeholders, otherwise known as the stakeholder register.
- To provide the administrative support to the IDP Forum noted in Section 7.1.2
- The responsibility to ensure that representations made by the IDP Forum, and other stakeholder groups, are channelled to the appropriate structures/functionaries for further attention.

To assist the Speaker to competently fulfil the coordination and integration function of the municipality's communication/participation process, the following chapter identifies key steps in drafting the annual Public Participation Plan, including a generic year planner. The year planner includes all the issues on which the municipality is by law required to interact (i.e. inform/involve/consult) with the community on an annual basis such as the IDP and the Municipal Budget. Special municipal marketing and promotion interventions to coincide with special events which annually take place in the municipal area would then have to be added to the year planner.

9.1.2. Function and Responsibility of the Municipal Manager

As head of the municipal administration, the municipal manager is in terms of section 55(1) of the Municipal Systems Act, responsible and accountable for:

- An administration that is responsive to the needs of the community to participate in the affairs of the municipality. This will include a Community Complaints Management System.
- Facilitating participation by the local community in the affairs of the municipality. An analysis of all the issues on which a municipality must consult with the community will reveal that the issues can generally be placed in one or other municipal department. Issues revolving around the budget would for instance fall within the domain of the Municipality's Finance Department and so on. As a general management principle, the line department responsible for the identified functions should then assume responsibility for preparation of the documentation that would be required for the consultation function, which function should then be overseen by the Head of Department and finally by the Municipal Manager.
- Crucially it is the responsibility of the Municipal Manager, subject to policy direction by political organs of the municipality (especially the Speaker), and in terms of Section 26 of the Performance Management Regulations, to ensure that public participation is included as a Key Performance Area in each of the performance contracts of the relevant staff, and that the appropriate Key Performance Indicators and Targets are identified. For example, assuming there is an official in charge of the IDP, the IDP Manager, the contract of this official should include public participation component, for instance, a stakeholder register, administrative support for the IDP Forum, training for the IDP forum members and so on. In this way a basic threshold of activities for public participation in the municipality can be secured, subject of course to the adoption of relevant policy and by-laws by the council.

Further, as noted in Sections 3.1.3 and 6.1.1 above, the evaluation of the performance of officials will include a ward committee representative in the performance evaluation panel.

- Developing and maintaining a system in terms of which community satisfaction with the municipal services can be assessed. *(The municipal manager must ensure that the performance management system of the municipality will enable the community to continuously monitor, evaluate and assess the performance of the municipality. The annual report to be prepared by the Municipal Manager in terms of section 46 of the Municipal Systems Act, is in fact a report to the community on the performance of the municipality over the previous financial year so that they can assess the performance of the municipality)*

It is apparent that the Municipal Manager will generally not be in a position to personally attend to all these issues and it therefore becomes necessary to delegate such responsibility to a particular person and to provide such person with the necessary resources to carry out the above functions. Ideally, to ensure that the participatory function is properly instituted the following must be in place:

- A person to whom the overall participatory responsibility has been delegated.
- The establishment of an organisational structure to provide the necessary support to the responsible person e.g. a Public Participation Unit in the Corporate Services Branch. Although the Speaker's Office is responsible for the participation and coordinating process, by virtue of Section 55 of the Systems Act the direct responsibility for establishing this unit falls under the municipal manager. Hence, the Speaker must drive the establishment of this unit with the direct assistance of the Municipal Manager. The resourcing of such a component with suitable staff, office accommodation, electronic and other

communication equipment as well as an operating budget to carry out the communication/participation function.

- The development of a **public participation plan** as outlined in Chapter Ten. This would require an identification of:
 - All the activities in respect of which the municipality is required to communicate with the community. Please see Chapter Three where these activities are set out.
 - The manner according to which such communication must take place, as outlined in Chapter Four; e.g. through the press, ward committees, the IDP forum, interest groups etc.
 - Key elements here would include:
 - The publication and annual review of a municipal level Citizen's Participation Charter.
 - The development of a Community Complaints Management Systems Protocol.
 - The establishment and support of the ward committee system, in terms of the municipal policy and by-laws.
 - The establishment and maintenance of a stakeholder register.
 - The establishment and support for the IDP forum, especially use of the forum as a central consultative mechanism in the annual review of the IDP, Budget and Performance Management.
 - The scheduling of regular meetings for ward committees and the IDP forum.
 - The scheduling of regular public meetings linked in time and theme to the above processes.
 - The time span over which the communication must take place or the period for which the proposal must lie open for inspection by the community.

9.1.3. Function and Responsibility of the Executive Committee

In addition to the municipal manager, section 44(3)(g) & (h) and section 56(3)(g) & (h) of the Municipal Structures Act requires executive committees and executive mayors to:

- Play a role in the monitoring of public participation by annually reporting on community involvement
- Ensure that public views are taken into account; and
- Report on the effect of consultation on the decision making process

9.1.4. Function and Responsibility of the Mayor

The functions and powers of mayors are set out in section 49 of the Municipal Structures Act, which section provides, *inter alia*, that the mayor must preside at meetings of the executive committee. This section is, however, silent on the functions of the mayor in regard to public communication and participation. Specific functions in regard to public participation are, however, conferred on the mayor in regard to the municipal budget as has been noted above.

Section 56(3) of the Municipal Systems Act, provides that the executive mayor has the responsibility to annually report on the involvement of communities and community organisations in the affairs of the municipality and ensure that regard is given to public views and to report on the effect of consultation on the decisions of the council. The functions of the executive mayor coincide with those of the executive committee to cater for those situations where the executive mayor system has not been adopted.

Although it is recommended that the speaker assumes overall responsibility for the coordination and integration of the participation process, it must be mentioned that it is considered that the mayor has a specific responsibility in regard to, for instance, marketing and promoting the municipality as a haven for investment and to keep the community abreast of important municipal events and achievements. As chair of the executive committee, and as chair of the IDP forum, the mayor sits at the fulcrum of decision-making and community consultation, and may also wish to keep the community abreast of imminent policy changes that may affect a large sector of the community and it is important that the mayor has the liberty to do this as and when the occasion arises.

A major responsibility of the Mayor, as the 'employer' representing the municipality in deciding the Municipal Manager's performance contract, concerns including public participation as a Key Performance Area in the contract as specified in Section 26 of the Performance Management Regulations. As noted above, the Municipal Manager must play the same role in including public participation as a Key Performance Area and identifying measurable indicators in respect of the Managers accountable to him/her.

Hence, for all these reasons, there must therefore be close interaction between the municipal manager, the mayor and the speaker so that the communication and participation process can be properly integrated and coordinated. A key responsibility in this respect is to oversee the development of policy and by-laws to institutionalise public participation in terms consistent with legislation and this policy framework.

9.1.5. Function and Responsibility of the Ward Councillor

The task of a councillor is varied and covers a number of important roles paramount of which is that of representation. This role is both formal through council processes but also informal through a process of lobbying and consultation and in respect of the ward councillor mainly through the ward committee system.

Since a ward councillor is directly elected to represent and serve the people in a specific ward, the ward councillor should ensure that the interests of the people in the ward are properly represented. The ward councillor should be in touch with the issues in the area, understand the key problems and monitor development and service delivery. In committees, caucus and council meetings, the ward councillor should act as a spokesperson for the people in the ward.

As the ward councillor is the direct link between the council and the community in the ward he/she should ensure that the community is consulted and kept informed about council decisions, development and budget plans that affect them. The ward councillor must also assist the community in solving any municipal problems they may be experiencing, by bringing these to the attention of the municipal officials through the established channels of communication.

9.1.6. Function and Responsibility of the Ward Committee

As indicated in **Chapter Four** of this Framework Document the functions of the ward committees are set out in section 74 of the Municipal Structures Act, and provide that a ward committee *may* make recommendations on any matter affecting its ward to the ward councillor; or through the ward councillor to:

- the metro or local council
- the executive committee and
- the executive mayor or the relevant metropolitan sub council

In the Guidelines for the Establishment and Operation of Municipal Ward Committees published by the Minister of Provincial and Local Government, in Government Gazette No 2649 of 2003 dated 24 October 2003 the Functions and Powers of Ward Committees are further expanded upon but in general embrace the functions outlined in Chapter Six of this Framework Document

Figure 2: Interaction between, Speaker, Ward Councillor and other Consultative Structures

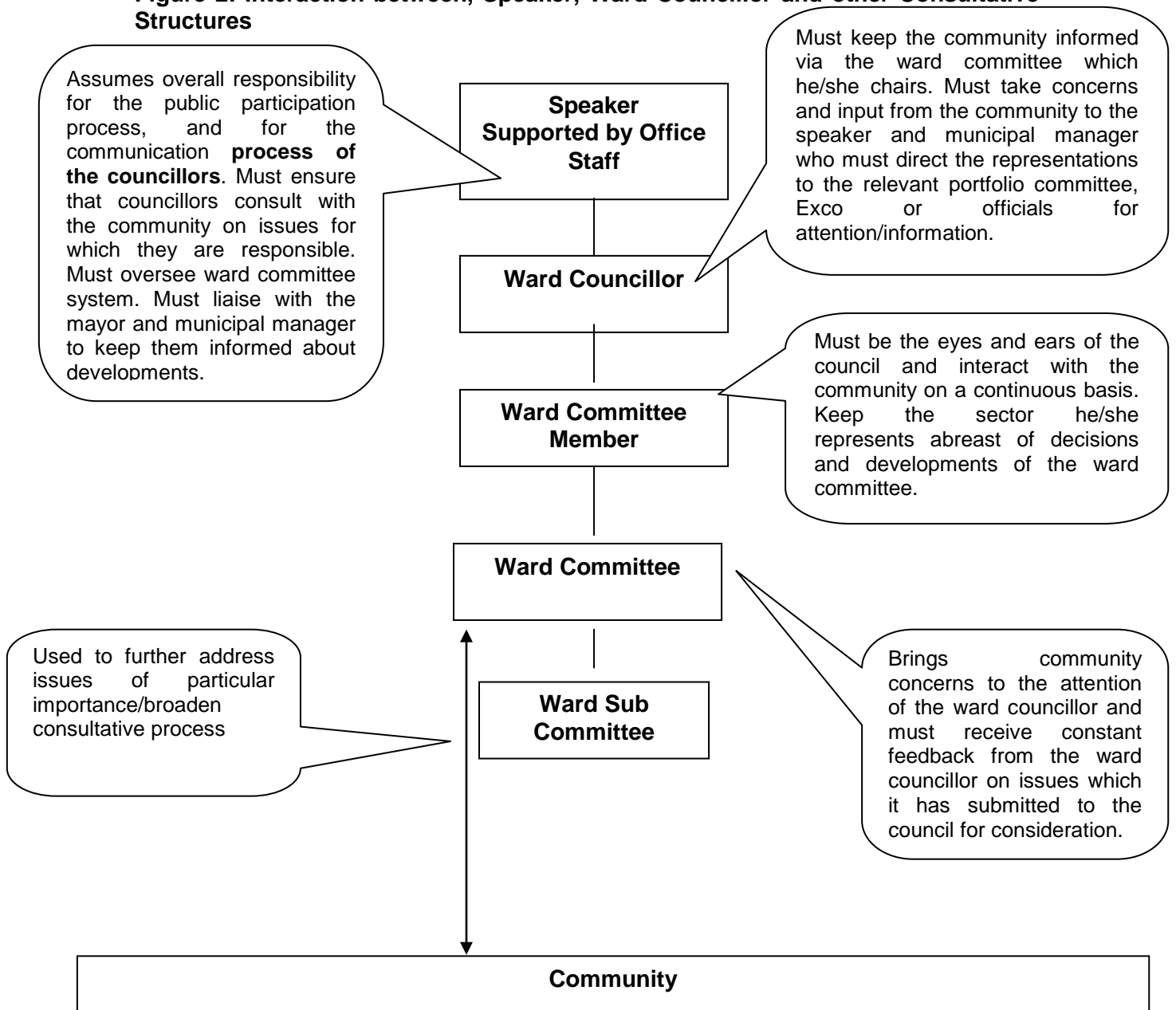


Figure 3: Interaction between the Speaker, Municipal Manager and Departmental Staff

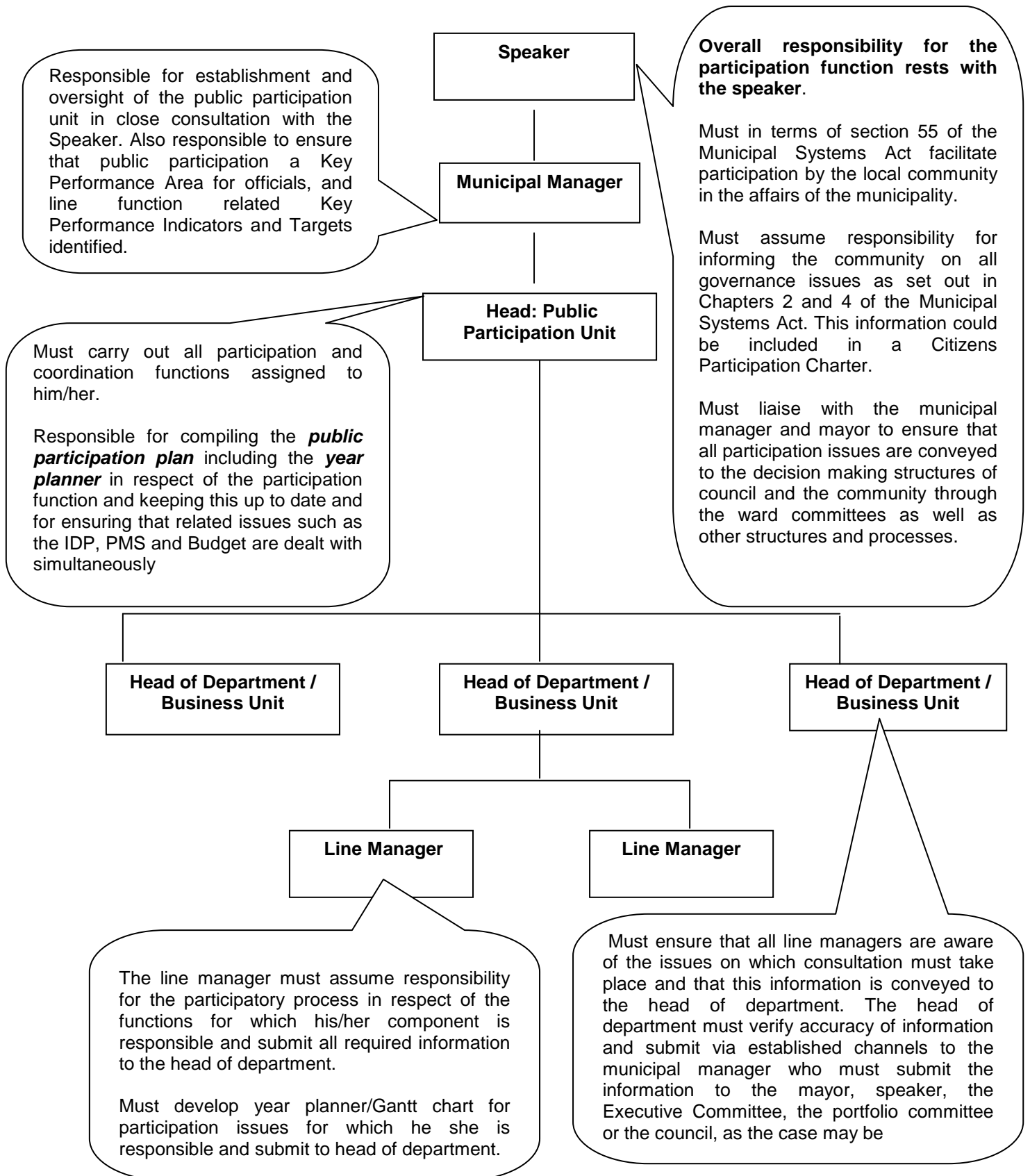
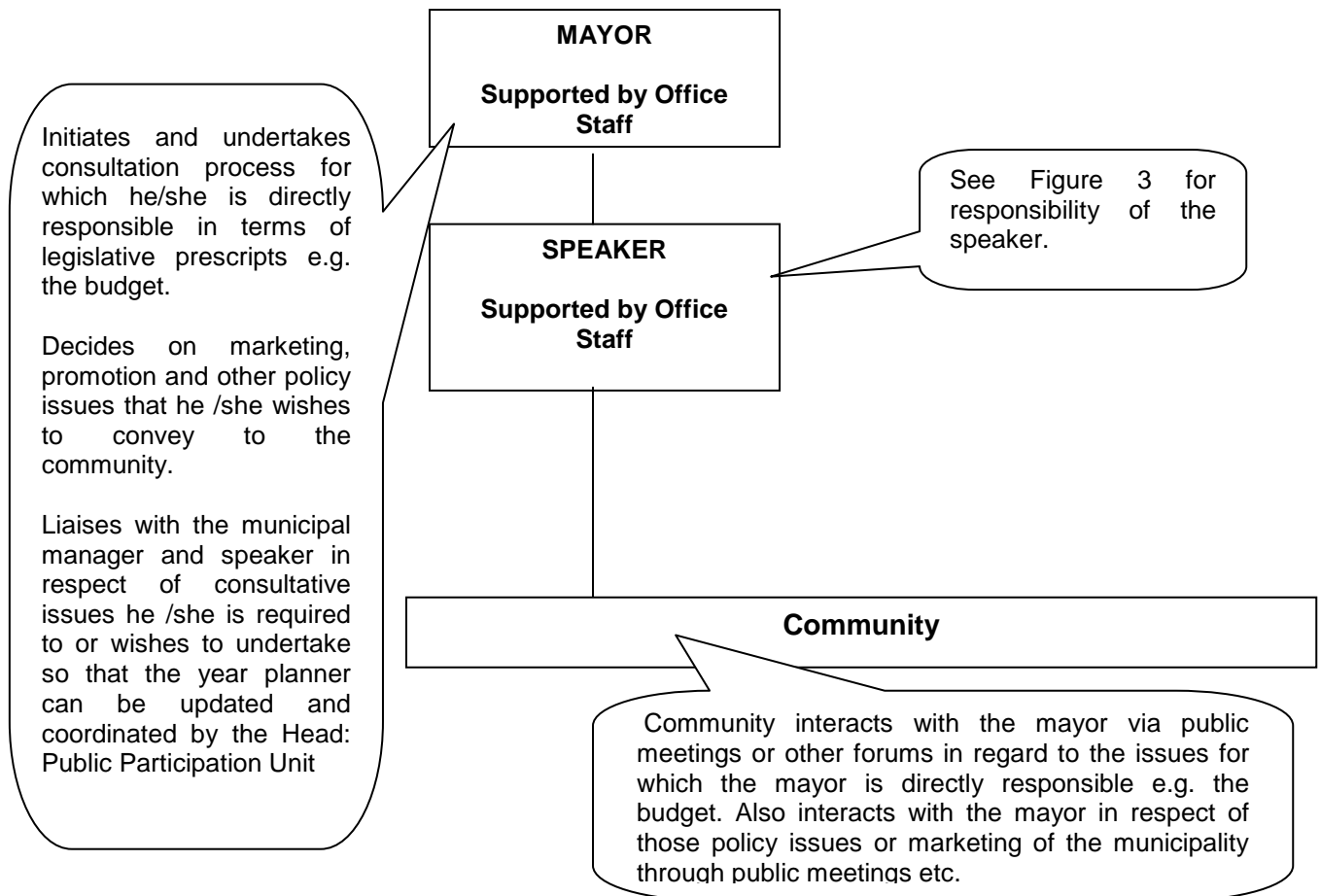


Figure 4: Interaction between Speaker, Mayor and the Community



9.2. Conclusion

Institutionalising the public participation responsibilities of local government is not a simple task. The legislation gives different role-players responsibility for different tasks, but mostly it seems that the office of the speaker should bear most weight. Given the importance of public participation and work required to do it properly, the establishment of a public participation unit is recommended. Consequently, the municipal manager is also an important player, especially in overseeing the unit, and ensuring the inclusion of public participation Key Performance Area, Indicators and Targets in the relevant contracts. In addition, the mayor is also a central player, and care must be taken to coordinate the activities of all role-players. Notably, the primary task of the public participation unit is to draw up and co-ordinate the implementation of a public participation plan which ensures the requisite forms of public participation on the key issues, including those statutorily required, drawing the appropriate processes, structures and role-players. Key elements of such a plan would include a Citizen's Participation Charter, a Community Complaints Protocol, supporting the ward committee system, a stakeholder register, utilising the IDP forum on a regular basis in the annual review of the IDP, Budget, Performance Management and as needs be in respect of service agreements and other key local issues.

Chapter Ten: The Public Participation Year Planner

As indicated in Chapter One, it is the intention of the framework document to open up possibilities for experiment and innovation with tools of public participation by municipalities. To this end the issues that municipalities must engage the public on are identified in Chapter Three, and the minimum requirements for engagement and available tools are identified in Chapter Four. In principle then, there are many strategies that municipalities could implement to develop participatory governance, and would be reflected in the annual Public Participation Plan. However, in order to support municipalities this framework document has identified three strategies (communication, ward committees and IDP forum) that cover the minimum legal requirements of municipalities. Any Public Participation Plan must ensure that it covers these basic requirements. Further, it is recommended that these issues are plotted on a year planner, indicating who is responsible for what task, and by what date. For recurring annual issues like IDP review this is relatively easy to do. However, issues on which the community must be consulted which are not necessarily recurrent issues, such as the amendment or introduction of new bylaws, amendment of a town planning scheme do however pose some challenges.

In order to expedite the development of a Public Participation Plan the Chapter outlines steps to developing a year planner, including generic Gantt charts. Please note that these steps and charts are drawn from Chapter Nine of the Department of Local Government and Traditional Affairs, KZN Provincial Government, 2006, *Public Participation Framework: Developmental Local Governance Through Constructive Participatory Processes Between Municipalities and Communities*.

10.1. Guidelines on Preparing a Year Planner

The generic year planner is set out below as a Gantt chart. This is because the legislation usually does not give specific dates for various processes, but rather broader indications, for example, within 14 days of the start of the financial year. The Gantt chart below makes provision for all the recurring consultative issues. The consultation and communication processes set out in the chart are aligned with the respective cut off dates specified in legislation relating to for instance the preparation of the municipality's budget, the development and or review of the municipality's IDP and the implementation, monitoring and evaluation of the municipality's performance management system.

Each person or structure mandated to initiate or form part of such consultative process must personalise the year planner and include such other issues that may arise on an ad hoc basis, on his/her year planner. Since time frames for various functions that must be undertaken by the municipality are linked to the municipality's financial year, the life span of the generic year planner commences on 1 July and ends on 30 June of the following year. Each political office bearer and official must transpose the functions for which he/she is responsible onto his/her own year planner/Gantt Chart. Once this exercise has been undertaken, it is advisable to recheck whether all the issues on which the community is required to be consulted have been properly assigned.

Whilst the generic year planner/Gantt chart will ensure that the community is consulted at the appropriate time during the year and that sufficient time is provided for the community to provide their input and receive feedback on their input, it is considered that such planner must be accompanied by a **public participation plan**. Whilst the year planner will give an indication as to when the consultation process must commence and end, to stay within the time framework set out in legislation (for example, consultation on the municipal budget), consultation must start well before the

end of the financial year so that the new budget can become operative at the commencement of the new financial year. The public participation plan must indicate how and with whom such consultation must take place.

In developing the public participation plan, it would be advisable to cater for two distinct groupings, but nevertheless to integrate the participation process to include both groups. The first group would be constituted of the poor and vulnerable groups and special care will have to be taken to ensure that they fully understand the process to be followed, their contribution to the ultimate decision and the consequences of them not participating in the process. It is these vulnerable groups who may also not be able to read and write and as specified by legislation, the municipality will have to ensure that it engages with them in a meaningful manner.

The second group would be constituted of the broader community, represented through both ward committees and groups of stakeholders. The community must play a central role in commenting on municipal issues or designing the new or improved municipal service, particularly with regard to planning service levels; sitting facilities; and/or introducing new technical, financial, or institutional aspects.

In so far as service delivery initiatives are concerned, the principles of community-based planning identified above confirm that broad stakeholder participation is critical for building ownership among all users of the proposed municipal service, as well as for ensuring that the poor and/or other vulnerable groups participate in the system.

Preparing a public participation plan involves the following steps:

- **Step One** – The municipality must identify the most important stakeholders, their roles, interests, conflicts between stakeholder groups, and the level of participation required by each stakeholder group in the project for example, information dissemination, consultation or involvement.
- **Step Two** – The municipality must identify the important project and social issues for which participation will be needed (for example, size and location of large refuse containers, siting of solid waste facilities, willingness and ability to pay for improved services). This should be done through the IDP process, but ward committees could also be used here. The municipality must also describe how the public participation activities will be used to influence project implementation.
- **Step Three** – The Municipality must identify key points for public involvement in the implementation of each project component, where applicable. For each component, the plan should identify key actors, the level of participation required for each actor (that is, one-way exchange, two-way exchanges, shared decision making, and project ownership), and the methods through which these actors will participate (for example, information dissemination, including methodologies such as media communication, brochures; public meetings and workshops, in-depth interviews), as well as processes and mechanisms for resolving disputes.
- **Step Four** – The municipality must determine the types of information that will be disseminated at each stage for the important stakeholder groups as well as awareness raising and training that would be needed for relevant stakeholder groups (Keep in view that the municipality is in terms of section 16(b) of the Municipal Systems Act, required to build capacity in communities to enable them to participate in the affairs of the municipality).

- **Step Five** – Apart from the ward committees and other formalized consultative structures, the municipality must try and identify NGOs or other institutions that can contribute to the participation process through the design and management of public education and outreach activities. This will require an assessment of the abilities of these institutions to develop public outreach strategies, organize public information campaigns; and write, design, and disseminate both project and general information.
- **Step Six** – The municipality must describe how public involvement and participation activities will be monitored and evaluated. The plan should include a list of criteria and indicators for monitoring and evaluating changes in socioeconomic factors and public participation that are relevant to project success and sustainability.
- **Step Seven** – The municipality must decide who is to be responsible for each function/project on which the community must be consulted so that there is no confusion as to who must initiate, monitor and evaluate the participation process. Regardless of who has been mandated to initiate and manage the consultation process, it is stressed that it is the councillors serving on the executive committees who must ensure that the comments/input of the community are taken into account in the decision making process. Please see section 44(3)(g) and (h) and section 56(3)(g) and (h) of the Municipal Structures Act.
- **Step Eight** – Finally after the preceding processes have been decided on, the municipality must estimate the costs that would be required to initiate and sustain these activities and develop a budget for each of the consultative processes. (Budgeting is dealt with in section 8 of this document.)

As already indicated, the consultation and communication process set out in the generic year planner/Gantt chart is aligned with the respective cut off dates specified in legislation. However, the timing of the participation of the community in regard to strategic decisions relating to the provision of new services could be more flexible. The Council must weigh the timing of collecting and analysing data for the proposed project against the need to share its intention with the public. If too little work has been done, council may not be able to fully understand and rationalise its choices or expectations and be in a position to answer questions on the project from the community. If council has progressed too far without public consultation, the public may view the proposed project negatively and oppose the process.

Legislation does not address when councils must undertake public consultation in regard to new municipal service projects. It is left up to the councillors, who best know their community, to determine the appropriate timing of public consultation. It is nevertheless recommended that council go to the public earlier rather than later and be cautious about making commitments or raising expectations which they may not be able to fulfil. By going to the community early, the council may be able to solicit assistance from the community and form advisory committees to take on specific tasks. Additionally, early consultation will endorse the idea that council is working in the best interests of the community. This may help promote community support for its proposals.

10.2. Generic Gantt Charts

	ACTIVITY	LEG	RES P	KEY DD	JUL				AUG				SEP				OCT				NOV				DEC				JAN				FEB				MAR				APR				MAY				JUN			
					1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4				
BUDGET	Budget process promote transparency and accountability	Sec. 215 of Constitution	Mayor	13-Jul																																																
	Council meeting with timetable (including consultation) around budget and IDP	Sec 21(1)(b) of the MFMA	Mayor	Sept																																																
	Make public the budget and invite public responses	Sec. 22(a) of the MFMA	Acc. Off.	June																																																
	Council must consider views of the community	Sec. 23(1) of the MFMA	Mayor	31-Jul																																																

Publicise Monthly revenue and expenditure projections and quarterly service targets and performance indicators	Sec. 53(3)(a) of the MFMA	May or	July																																								
Revision of the service delivery and budget implementation plan made public	Sec. 53(3)(a) of the MFMA	May or	Jan																																								
Publicise the information statement; invite local community and other interested persons to submit comments	Sec. 33(1) of the MFMA	M. M	May																																								
Make contracts available to council and to public	Sec. 33(3) of the MFMA	Acc. Off.	May																																								

	Y	P.	DD	1				2				3				4				1				2				3				4								
				1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4					
PMS	Setting development, implementation, review of PMS, and especially setting targets	Sec. 42 of Systems Act	Unspecified but suggest MM	July																																				
	Make known performance indicators and targets	Sec. 44 of Systems Act	Unspecified but suggest MM	Aug																																				

Chapter Eleven: Budgeting

Based on Chapter Ten of the Department of Local Government and Traditional Affairs, KZN Provincial Government, 2006, *Public Participation Framework: Developmental Local Governance Through Constructive Participatory Processes Between Municipalities and Communities*.

11.1. Items to be Included in the Budget

In terms of section 16 of the Municipal Systems Act, municipalities are legally required to budget for community consultation and for capacitating the local community to enable it to participate in the affairs of the municipality. It must also provide councillors and staff with the capacity to foster community participation. What is sometimes overlooked, however, is that the municipality is also required to inform the community about a number of governance issues reflected in section 6(2) of the Municipal Systems Act. All the issues for which the municipality is required to prepare a budget are set out below so as to ensure that expenses in this respect are not overlooked.

Planning and budgeting for consultation in respect of the municipalities' IDP, PMS and budget should be a relatively easy exercise, since a history of expenses incurred during previous such consultation processes would have been documented. Should the council wish to intensify and expand its consultation process or commission surveys, however, then a relatively large upward adjustment may have to be made.

Calculation of consultation expenses in respect of the various municipal service projects the Council may wish to embark upon may be somewhat more difficult as this would depend on the number of projects to be implemented, the enormity of the projects, the public interest generated in respect of the projects, the number of objections received in respect of the projects and the additional consultation exercises that would have to be undertaken to gain support for the council's projects.

The budget for the consultation process should take the following into account:

- the establishment and resourcing of the component mandated to undertake the consultation process (this would include a budget for the staff, office equipment and operating expenditure such as telephones, internet connections etc)
- the purchase of public address systems
- the purchase or hire of media vehicles with built in video screens
- media expenses: public notices in the press, radio etc
- design and printing of pamphlets, brochures etc
- transport expenses
- hiring of halls for public meetings or workshops
- targeted interviews
- conducting and analysing the survey results surveys (consultant fees)
- publication of the Annual Reports, the IDP and other documentation

If workshops are to be conducted by consultants to capacitate councillors and officials to promote public participation, the municipality would also have to budget for these costs which would include the professional fees of the consultants and any accommodation and subsistence and transport expenses of the participants.

Capacitating the local community to participate in the affairs of the municipality could be done through the ward committee system. Nevertheless this would also have a budget implication and the necessary funds for this exercise would also have to be budgeted for in respect of for instance, the advertisement of the event, engagement of suitable facilitators, printing of material to be used in such capacity-building programmes, hire of venues, transport to the venues and so on.

A budget will also have to be prepared for the municipality's marketing/promotion strategy to attract investors or to keep the community informed of important municipal issues and coming events for example. The greater the municipality's efforts to engage with the community on a continuous basis, the greater its communication/participation budget will have to be. It is important, therefore that the participation process be properly planned and budgeted for, so that effective public participation processes can be promoted and implemented.

A distinction must be made between recurring expenditure in respect of for example, the IDP, the PMS, the municipal budget and expenditure **on other** consultation issues, which will not necessarily take place on an annual basis such as the introduction or amendment of bylaws. The municipality will also have to budget for capital expenditure as well as operating expenditure. It stands to reason that the larger municipalities will have to provide for a far bigger budget than the smaller municipalities, since their areas of jurisdiction will generally be larger and more populated and will possibly require far more participation structures. The illustrative budgets set out in below should therefore be adjusted to suit the particular circumstances of each municipality.

11.2. Preparing the Budget

To ensure that important budget items are not overlooked, it is suggested that the templates set out in the following paragraphs be used to identify those issues for which budgetary provision has to be made, after which the items and the corresponding amounts can be transposed to the Municipality's Budget in the format specified in the Municipal Finance Management Act.

In terms of **capital expenditure and remuneration**, it is advisable to assign the consultative process to a particular unit or component or alternatively, to establish a specific Public Participation Unit to manage and coordinate the consultative process. If a new component is to be created or if a particular post is to be created for this purpose, then the municipality will have to budget for the remuneration for the post or component and make adequate provision for the resourcing of the component.

Some of the issues that would have to be budgeted for such a component are set out below. The municipality is required to expand on the issues and add such other items as is deemed necessary and affordable in terms of the municipality's income.

Public Participation Budget : Capital Expenditure : 2006/2007	
Item	Cost
Office equipment	
Vehicles	

Computer equipment	
Video equipment	
Add other items as deemed necessary	

11.3. Some Key Tasks

11.3.1. Communication

A number of municipalities have already embarked upon the publication of a monthly newsletter or newspaper setting out important municipal events. Such newspapers/newsletters have also been used to market the municipality to investors and to solicit comments from the community on various issues. In many instances public meetings are also held by municipalities to keep the public informed of important municipal events and these also have cost implications. Costs that could be incurred in respect of the generation of the newsletter and other marketing exercises are set out in the table below.

Public Participation Budget : Operating Expenditure : 2006/2007	
Item	Cost
1) Monthly/quarterly newspaper	
2) Feature writers if consultants are to be used	
3) Publication costs	
4) Newspaper distribution	
5) Pamphlets /Brochures (If these are also to be used)	
6) Hire of venues	
7) Public Address Systems	
8) Radio broadcasts	
9) Add other items as deemed necessary	

Municipalities are required to notify the community on the level and standard of services they are entitled to receive as well as on other governance issues set out in the table below. Such notification could be done through the media as well as through pamphlets, brochures and through the consultative structures the municipality has put in place.

Item	Method of Notification	Cost
1) Notifying the community re. the level and standard of municipal service they are entitled to receive (Section 6(2) of the Systems Act).	a) Media b) Citizens Participation Charter c) Pamphlets d) Booklets e) etc	a) b) c) d) e) etc
2) Notifying the community how the municipality is managed, of the costs involved and the persons in charge (Section 6(2) of the Systems Act).	a) Media b) Citizens Participation Charter c) Pamphlets d) Booklets	a) b) c) d) e) etc

	e)	etc	
3) Notifying the community of the available mechanisms, processes and procedures to encourage and facilitate public participation (Section 18(2) of the Systems Act).	a) b) c) d) e)	Media Citizens Participation Charter Pamphlets Booklets etc	a) b) c) d) e) etc
4) Notifying the community of the matters with regard to which public participation is encouraged (Section 18 (2) of the Systems Act).	a) b) c) d) e)	Media Citizens Participation Charter Pamphlets Booklets etc	a) b) c) d) e) etc
5) Notifying the community of the rights and duties of members of the local community; and municipal governance, management and development (Section 18 (2) of the Systems Act).	a) b) c) d) e)	Media Citizens Participation Charter Pamphlets Booklets etc	a) b) c) d) e) etc

11.3.2. Ward Committees

Section 16(1)(c) of the Municipal Systems Act imposes on the municipality the obligation to annually allocate funds in its budget, as may be appropriate, for the purpose of building the capacity of the local community to participate in the affairs of the municipality and to capacitate councillors and staff to foster public participation. The table below again provides examples of what should be budgeted for and as with the other tables, should be expanded upon to suit the particular circumstances of the municipality.

Public Participation Budget: Operating Expenditure : 2006/2007	
Item	Cost
1) Capacitating the Community	
2) Stipend for Ward Committee Members	
3) Training of Ward Committees	
4) Training of Councillors	
5) Training of Officials	
6) Hire of Venues	
7) Transport Expenses	
8) <i>Add other Items as deemed necessary</i>	

11.3.3. IDP Forum

As already established, the municipality will annually, in terms of section 16(1) of the Systems Act have to consult with the community in respect of:

- the preparation, implementation and review of its integrated development plan in terms of Chapter 5 of the Act
- the establishment, implementation and review of its performance management system in terms of Chapter 6 of the Act
- the monitoring and review of its performance, including the outcomes and impact of such performance
- the preparation of its budget
- strategic decisions relating to the provision of municipal services in terms of Chapter 8 of the Act

Consultation in respect of the above issues will form the bulk of the municipality's consultation process and sufficient time and resources, both human and capital must therefore be devoted to consultation around these issues. It is also stressed that consultation in respect of the issues set out above is an annual issue and a history of expenses in respect of such consultation should enable the municipality to prepare a reasonably accurate budget in respect of these items.

Since the municipality will in all probability also annually implement service delivery projects, it can be reasonably assumed that consultation in respect of the provision of the municipal services mentioned above whether it be water, sanitation, roads etc will also be an annual event and a history of expenses in this respect should also be available to the municipality.

To simplify the budgeting process a separate table has been generated for consultation in respect of the IDP/ PMS the Municipal Budget and the municipal service projects the council may wish to embark upon. The IDP and PMS tables have been combined as it is considered that the consultative process around the IDP and PMS should be dealt with simultaneously as they are so closely interrelated. The municipality is welcome to use different tables for budgeting purposes in respect of the IDP and the PMS if it considers that this will simplify the exercise. Care will have to be taken, however, not to duplicate estimates.

Public Participation Budget: Operating Expenditure: e.g. 2006/2007	
Recurring Consultative Issue : Integrated Development Plan and PMS	
Item	Cost
1) IDP Publication costs	
2) Printing of Forum minutes and other documentation	
3) Media Notices X	
4) Pamphlets /Brochures	
5) Hire of Venues (consultative workshops and meetings)	
6) Hire of Public Address Systems	
7) Road Shows	
8) Transport	
9) <i>Add other Items as deemed necessary</i>	

Public Participation Budget: Operating Expenditure: e.g. 2006/2007

Recurring Consultative Issue: Municipal Budget	
Item	Cost
1) Media Notices X	
2) Pamphlets /Brochures	
3) Hire of Venues (consultative workshops and meetings)	
4) Hire of Public Address Systems	
5) Road Shows	
6) Transport	
7) <i>Add other Items as deemed necessary</i>	
8)	

In terms of section 46 (3) of the Systems Act the municipal manager must by prior notice in the media, inform the local community of the meeting or meetings of the council at which the municipality's annual report is tabled or discussed, which meetings must be open to the public. It is important therefore that a budget for such notification be provided, but more importantly that a sufficient budget is made available for the publication of the annual report since section 46(4) requires that the municipality must make copies of the report accessible to the public, interested organisations and the media, free of charge or at a reasonable price.

Public Participation Budget: Operating Expenditure: e.g. 2006/2007	
Annual Report	
Item	Cost
Media Notices	
Publication Costs	

11.3.4. Ad hoc consultation

In addition to those issues in respect of which the municipality will have to consult with the community on an annual basis such as the IDP, the PMS, the municipal budget and so on, there are a number of other issues on which the municipality has to engage the community, such as road closures, amendments to town planning schemes, introduction or amendments to bylaws and so on. These issues do not necessarily take place on an annual basis, especially in the smaller municipalities. Municipalities should nevertheless as accurately as possible, determine which such issues are likely to eventuate and to include these in the public participation budget. Consultation around these issues may also not be quite as intense as around the IDP and municipal budget. The table below should therefore be adjusted to suit the particular issue on which consultation will have to take place.

Public Participation Budget : Operating Expenditure : e.g. 2006/2007	
Consultative Issue: e.g. Amendment of Bylaws	
Item	Cost
1) Media Notices X	
2) Toll Free Line	

3) Hire of Venues (public hearings/objections)	
4) <i>Add other Items as deemed necessary</i>	

Public Participation Budget: Operating Expenditure: e.g. 2006/2007	
Consultative Issue: e.g. Street Closure	
Item	Cost
1) Media Notices X	
2) Signposting	
3) Toll Free Line	
4) Hire of Venues (public hearings/objections)	
5) <i>Add other Items as deemed necessary</i>	

References

- Acharya, Arnab, Adrian Gurza Lavalle and Peter P. Houtzager. 2004. 'Civil Society Representation in the Participatory Budget and Deliberative Councils of Sao Paulo, Brazil, *IDS Bulletin*, 35(2), pp40-48.
- Alonso, Alison. and Valeriano Costa. 2004. 'The Dynamics of Public Hearings for Environmental Licensing: the case of the Sao Paulo Ring Road', *IDS Bulletin*, 35(2), pp49-57.
- Arnstien, Sherry. 1969. A Ladder of Citizen Participation. *Journal of American Institute of Planners*. 35(4), pp. 216-224.
- Coelho, Vera Schattan P. 2004. 'Brazil's Health Councils : The Challenge of Building Participatory Political Institutions', *IDS Bulletin*, 35(2), pp33-39.
- Disaster Management Act, 57 of 2002.
[.http://www.info.gov.za/documents/acts/index.htm](http://www.info.gov.za/documents/acts/index.htm).
- Department of Local Government and Housing, Western Cape. *Guidelines for Public Participation: A Third Draft for Feedback*. 09 March 2004.
- Etzioni, A. 1995, *The Spirit of Community*, London: Fontana.
- Isaac, T.M. Thomas and Richard W. Franke. *Local Democracy and Development: The Kerala People's Campaign for Decentralised Planning*, Lanham: Rowman & Littlefield, 2002. ISBN: 0-7425-1607-5.
- Khanya. 2002. "Guidelines for Community Participation in Local Governance", dplg.
- Local Government: Municipal Finance Management Act, 56 of 2003.
<http://www.info.gov.za/documents/acts/index.htm>
- Local Government: Municipal Property Rates Act, 6 of 2004.
<http://www.info.gov.za/documents/acts/index.htm>
- Local Government: Municipal Structures Act, 117 of 1998.
<http://www.info.gov.za/documents/acts/index.htm>
- Local Government: Municipal Systems Act, 32 of 2000.
<http://www.info.gov.za/documents/acts/index.htm>
- Lowndes, V. and Wilson, D. 2001, 'Social capital and local governance: exploring the institutional design variable', *Political Studies*, 49, 4, 629–647.
- Mahmud, Simeen. 2004. 'Citizen Participation in the Health Sector in Rural Bangladesh: Perceptions and Reality', *IDS Bulletin*, 35(2), pp11-18.

Mohanty, Ranjita. 2004. 'Institutional Dynamics and Participatory Spaces: The Making and Unmaking of Participation in Local Forest Management in India', *IDS Bulletin*, 35(2), pp26-32.

Pattie, C., Seyd, P and Whiteley, P. (2004), *Citizenship in Britain*, Cambridge: Cambridge University Press.

Parry, G., Moyser, G., and Day, N. 1992. *Political Participation and Democracy in Britain*, Cambridge: Cambridge University Press.

Republic of South Africa Constitution Act, 108 of 1996

Ruiz, Carlos Cortez. 2004. 'Social Strategies and Public Policies in an Indigenous Zone in Chiapas, Mexico', *IDS Bulletin*, 35(2), pp76-83.

South African Local Government Association (SALGA). 2006. *Resolutions of National Members Assembly of the 25-27 July*.

Tam, H. 1998, *Communitarianism: A New Agenda for Politics and Citizenship*, Basingstoke: Macmillan.

The Promotion of Access to Information Act, 2 of 2000.
<http://www.info.gov.za/documents/acts/index.htm>

The Promotion of Administrative Justice Act, No 3 of 2000.
<http://www.info.gov.za/documents/acts/index.htm>

The Protection of Disclosure Act, No 26 of 2000.
<http://www.info.gov.za/documents/acts/index.htm>

The Water Services Act, 108 Of 1997. <http://www.info.gov.za/documents/acts/index.htm>

Verba, S., Schlozman, K., and Brady, H. 1995. *Voice and Equality: Civic Voluntarism in American Politics*, Cambridge, MA: Harvard University Press.