



LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000

...with a focus on public participation in
developmental local governance



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The mandate (1) – The Constitution

Section 152: Objects of local government

The objects of local government are –

- To provide democratic and accountable government for local communities.
- To ensure the provision of services to communities in a sustainable manner.
- To promote social and economic development.
- To promote a safe and healthy environment.
- *To encourage the involvement of communities and community organisations in the matters of local government.*

The mandate (2)

The Municipal Systems Act – Chapter 4

16. (1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of **participatory governance**, and must for this purpose-
- (a) encourage, and create conditions for, the local community to participate in the affairs of the municipality, including in—
 - (i) the preparation, implementation and review of its **integrated development plan** in terms of Chapter 5;
 - (ii) the establishment, implementation and review of its **performance management system** in terms of Chapter 6;
 - (iii) the **monitoring and review of its performance**, including the outcomes and impact of such performance;
 - (iv) the **preparation of its budget**; and
 - (v) **strategic decisions relating to the provision of municipal services** in terms of Chapter 8;

(Continued over....)

The mandate

The Municipal Systems Act (cont'd)

16. (1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of **participatory governance**, and must for this purpose-
- (b) contribute to **building the capacity** of—
 - (i) the local community [to enable it to participate in the affairs of the municipality; and
 - (ii) councillors and staff to foster community participation; and
 - (c) **use its resources, and annually allocate funds in its budget**, as may be appropriate for the purpose of implementing paragraphs (a) and (b).
- 17 (2) A municipality must **establish appropriate mechanisms, processes and procedures** to enable the local community to participate in the affairs of the municipality.

Service delivery strategy and performance management

SCENARIO – FOR DISCUSSION

Ethekwini Municipality committed to providing informal settlements with interim basic services -- communal standpipes and toilets – until permanent upgrading or relocation is feasible.

1. Was this a sound strategy?
2. Were communities involved in its design and implementation?
3. Is it effective? Does it perform the intended function?
4. Is it efficient? Is the service to an adequate standard?

If the answer to 4 and 5 is “No” – how would you:

- Address the inadequacy of the service
- Define a standard of service against which you can measure performance of municipal contractors?

Participation in local government affairs

- There are a number of ways in which communities can participate in local governance:
 - Ward Councillor
 - Ward Committees
 - War Rooms
 - The Speaker's Office (the champion of public participation)
 - Annual IDP and budget imbizo
 - Attending meetings of the full Council, Portfolio Committees, and the Municipal Public Accounts Committee (MPAC) which oversees expenditure and performance
 - Making written submissions via the Ward Councillor and/or during the annual IDP and budget drafting process

WE WILL LOOK AT EACH OF THESE IN TURN

Reflection:

In two buzz groups, discuss:

- 1. What opportunities you have had for engagement with:
 - Your municipality
 - Your elected Councillor
- 2. What barriers were there to engagement?
- 3. What could be done differently to promote public/community engagement?

Ward Councillor

Ward Councillor

- They are elected when local elections are held once every 5 years.
- Ward councillors make up half of the representatives elected to the council (the other half are elected according to the proportion of votes given to their party across the municipality -- "PR" or Proportional Representation Councillors).
- The ward councillor can represent a political party, can stand as an independent candidate, or represent a local association such as the Ratepayers Association.
- If the ward councillor leaves office for any reason, a by-election must be held to elect a new councillor.

Role of the ward councillor

- The Ward Councillor is the direct link between the council and the voters.
- He/she should be aware of the needs of their community and be in touch with the issues that local people face.
- He/she should makes sure that voters are consulted and kept informed about council decisions, budget, and development plans that affect them.

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- People can also bring their problems to the ward councillor and he/she should deal with these in an appropriate way.
- Councillor must attend each monthly meeting of the full Council, and of a Portfolio Committee of which that councillor is a member
- A Councillor may not request, solicit or accept any reward, gift or favour; or disclose privileged or confidential information.

Municipal Systems Act Schedule 1: Code of Conduct for Councillors

- Councillors are elected to ensure that municipalities have structured **mechanisms of accountability** to local communities.
- Councillors must be accountable to local communities, and hold meetings in the ward at least quarterly to report back on issues and receive comment/input from the public
- ***DISCUSSION: Do Councillors honour the Code of Conduct? If not, how? And why do you think?***

Ward Committees

Purpose of ward committees

- The ward committee system was introduced in 2006.
- The object of a ward committee is to **enhance participatory democracy** in local government.
- A Ward Committee must meet at least once a month.
- It must set a programme for meetings at the beginning of the year that aligns with the Municipal Council calendar of meetings.

Structure of Ward Committees

A Ward Committee should consist of:

- The ward councillor, who is the chairperson of the ward committee.
- A maximum of 10 people who live in the ward and have an interest in issues affecting the broader community. They are usually elected at a public meeting. They may be:
 - Geographically representative of different parts of the ward, or,
 - Carry a particular portfolio, e.g., youth unemployment, development.

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- The diversity of interests within the ward should be taken into consideration – portfolios should ideally be aligned to the priorities for service delivery in the ward.
- It also should consider the need for equal representation of men and women on the committee.
- People become members of the ward committee on a voluntary basis and do not get paid. Many get an allowance to cover expenses such as airtime and transport.
- The ward committee should not be biased toward any political party. It should act in the best interest of the whole community.

Office of the Speaker

The Speaker

- Each municipal council has an office bearer who is called the Speaker. The Speaker is elected by full Council at its first meeting after its election
- The Speaker chairs meetings of full Council; whereas the Mayor chairs meetings of the Executive Committee.
- The Speaker is a full time Councillor.
- The Office of the Speaker is the champion of public participation. It makes use of ward and other committees to promote and enhance public participation.
- If your Ward Councillor is not performing his/her duties in terms of the Code of Conduct, the Speaker's office can be asked to intervene.

Mechanisms of public engagement

- Most municipalities rely on an annual IDP and/or budget “imbizo” as the principal means of communicating with the public. These are very often window dressing, or “tick box” exercises and do not provide an effective platform for public engagement.
- The Code of Conduct for Councillors, which requires them to hold community meetings at least quarterly, should be monitored and enforced by the Office of the Speaker.
- CoGTA is currently rolling out a pilot programme for Area Based Planning (or Ward Based Planning). eThekweni and Msunduzi Municipalities have established Area Based Management offices.

Operation Sukuma Sakhe War Rooms

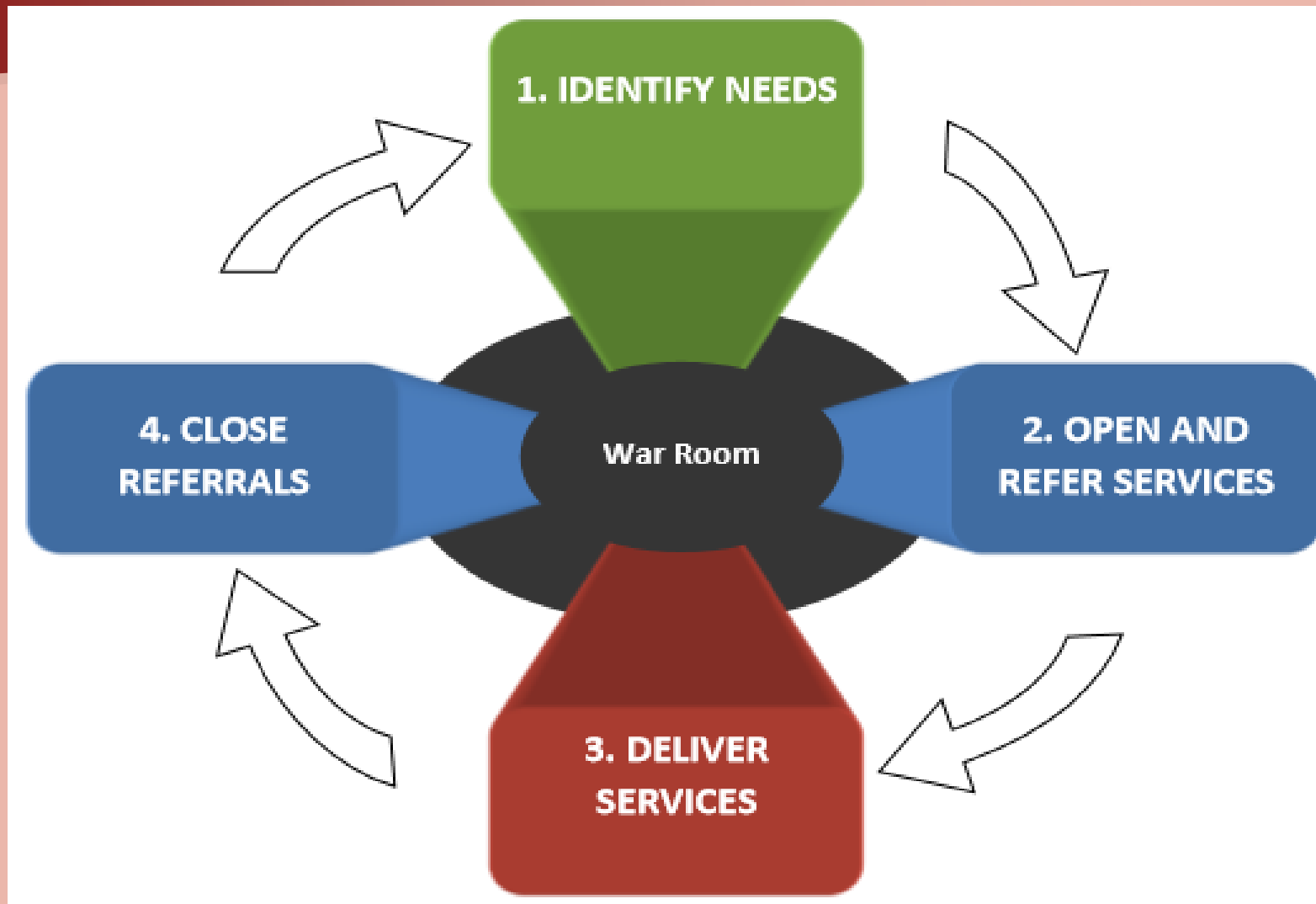


Sukuma Sakhe

Operation Sukuma Sakhe (OSS) and War Rooms

- “Sukuma sakhe” is a Zulu phrase which means stand up and build.
- The initiative came from the Office of the Provincial Premier to address poverty and development challenges in a co-ordinated manner.
- At the centre of the OSS model are War Rooms, which are supported by Task Teams at each governance level (local, provincial, and national government service departments).
- Once a need is identified through the Sukuma Sakhe war rooms, officials in the relevant department(s) are notified.

PROCESSES INVOLVED IN THE INTEGRATED SERVICE DELIVERY MODEL



Services provided through OSS are categorised into three priority levels



Immediate Essential services that need to be provided within 90 days, such as food parcels, social grants, vital registration, temporary shelter, basic municipal services, behavioural change campaigns and access to healthcare



Medium-term services that are provided up to 180 days, which focus on skills development, job creation, establishment of co-operatives and enterprise development



Long-term services are those that are provided up to a year or more and include infrastructure development and some municipal services

Challenges in implementing OSS

- Officials do not attend war room meetings – due to lack of capacity and/or cooperation -- and as a result cases do not fall into the right hands.
- Attendance from community members is generally poor, largely due to lack of awareness among communities.
- Tension between municipal officials and Councillors on the one hand, and Community Development Workers deployed by CoGTA to support OSS on the other, over function and status.

Questions around OSS and War Rooms

- *Is there a War Room in your ward? Is it accessible?*
- *Who chairs it and who attends?*
- *Is it functional? If not, why not?*
- *Are there cases that you have reported to the war room? And were they addressed properly?*
- *In your own view do you think war rooms are a useful and necessary mechanism to address poverty and development challenges?*

Obligation to engage communities

Public notice of meetings and activities of municipal councils

- The Municipal Manager must give notice to the public of the time, date, and venue of ordinary and special meetings of the Council, except when time constraints make this impossible.
- The public should not be excluded from council meetings except when it is reasonable to do.

[Question: What are the circumstances or reasons for excluding the public?]

Communications to, and with, the local community

- Notices should be given through the media to the local community -
 - In the local newspaper(s)
 - By means of local radio broadcasts
 - Via ward meetings, notice board at the Councillor's office, etc.
- Notices must be in the official languages determined by the Council, having regard to local language preferences and usage.
- It must be stated in the notice that any person who wishes to make a written comment or representation, but cannot write, may come during office hours to a place where an official will provide assistance.

Siyabonga / Thank You

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