PUBLIC PARTICIPATION & PETITION STRATEGY FOR 2026/2027 FY

'Rooting local government amongst the people'

"Mbhashe Local Municipality is committed to a form of participation which is genuinely empowering and not token consultation or manipulation"

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1. PREAMBLE

This document provides a policy framework for public participation in the Mbhashe area of jurisdiction. 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 a Municipality, as comprising the Councillors, Officials and the Community.

Mbhashe Local Municipality (MLM) is committed to a form of participation which is genuinely empowering, and not token consultation or manipulation. This involves a range of activities including, but not limited to, creating democratic structures (ward committees) at a ward level, assisting those structures to plan in their own areas (Community Based Planning – CBP), to implement and monitor those plans using a range of working groups (Traditional Leaders) and Community Based Organisations (CBOs), supporting community-based services, and to support these local structures through a cadre of dedicated Community Development Workers (CDWs). We must also improve the accountability of the ward and municipal structures to each other and to the communities they serve, as well as improving the functional linkages between the municipality and the sector departments.

If we do this we stand a good chance of making our democracy and governance work.

2. 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.

For the purpose of 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.

The research for the erstwhile Department of Provincial and Local Government (DPLG), the predecessor of the Department of Cooperative Government and Traditional Affairs (COGTA) showed that the 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.

Ours should be done to empower local communities to have control over their own lives and livelihoods. Basic assumptions underlying public participation in Mbhashe include the following:-

2.1. Public participation is designed to promote the values of good governance and human rights;

2.2. Public participation is acknowledged as a fundamental right of all people to participate in the governance system;

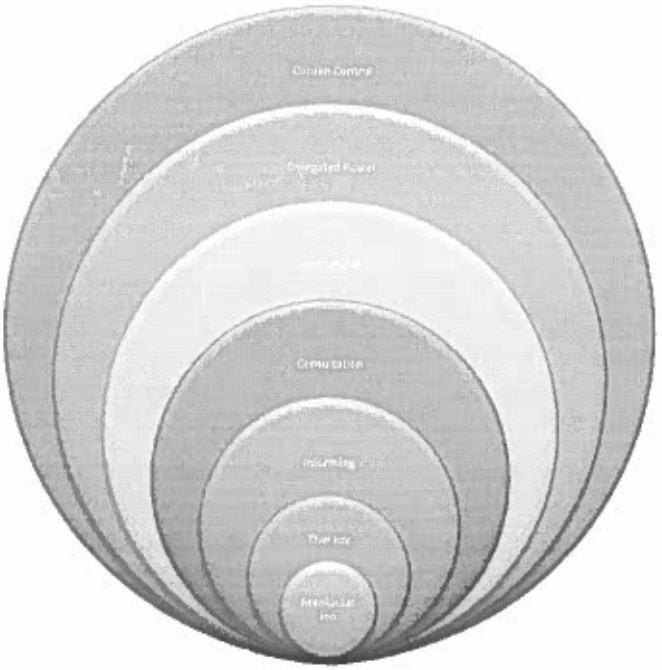
2.3 .Public participation is designed to narrow the social distance between the electorate and elected representatives;

2.4. Public participation requires recognising the intrinsic value of all of our people, investing in their ability to contribute to governance processes;

2.5. People can participate as individuals, interest groups or communities more generally;

3. LEVELS OF PARTICIPATION

Public participation means different things to different people. As outlined by Arnstein (1969), the degree of involvement ranges from manipulation to citizen control. The figure below explains it better:



LADDER OF PARTICIPATION

Manipulation *– participation is simply a pretence, e.g. with people's representatives on the 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.*

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.*

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.*

Consultation *– community is given information about the project or issue and asked to comment – e.g. through meetings or survey – but their views may not be reflected in the final decision, or feedback not 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.*

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

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.*

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 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.*

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.*

4. PRINCIPLES AROUND PUBLIC PARTICIPATION

4.1. ***Inclusivity*** – embracing all views and opinions in the process of community participation

4.2. ***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 appropriated, ways sought to develop a consensus. Planning processes must build on this diversity.

4.3. ***Building community capacity*** – capacity building is the active empowerment of role players so that they clearly and fully understand the objective of public participation and may in turn take such actions or conduct themselves in ways that are calculated to achieve or lead to the delivery of the objectives.

4.4. ***Transparency*** – promoting openness, sincerity and honesty among all the role players in a participation process

4.5. ***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.

4.6. ***Accessibility*** – at both mental and physical levels – collectively aimed at ensuring that participants in a public participation process fully and clearly understand the aim, objectives, issues and the methodologies of the process, and are empowered to participate effectively. Accessibility 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.

4.7. ***Accountability*** – the assumption by all the participants in a participatory process of full responsibility of 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.

4.8. ***Trust, commitment and respect*** – above all, trust is required in a public participation 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 public participation processes.

4.9. ***Integration*** – that public participation processes are integrated into mainstream policies and services such as the Integrated Development Plan (IDP) process, service planning.

4.10 SOME EXAMPLES OF 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	An effort should be made to train the community and structures so that they are able to discharge their functions diligently. Embarking on consumer education on all aspects of local governance including the functions and responsibilities of the municipality and different municipal structures.
Transparency	Engendering trust in the community by opening council and its committee meetings to the public and encouraging attendance
Flexibility	Being flexible in terms of time, language and approaches to public meetings
Accessibility	Conducting public meetings in the local language
Accountability	Ensuring report backs to 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 process. Include the existing structures of the community in the public participation e.g. school governing bodies

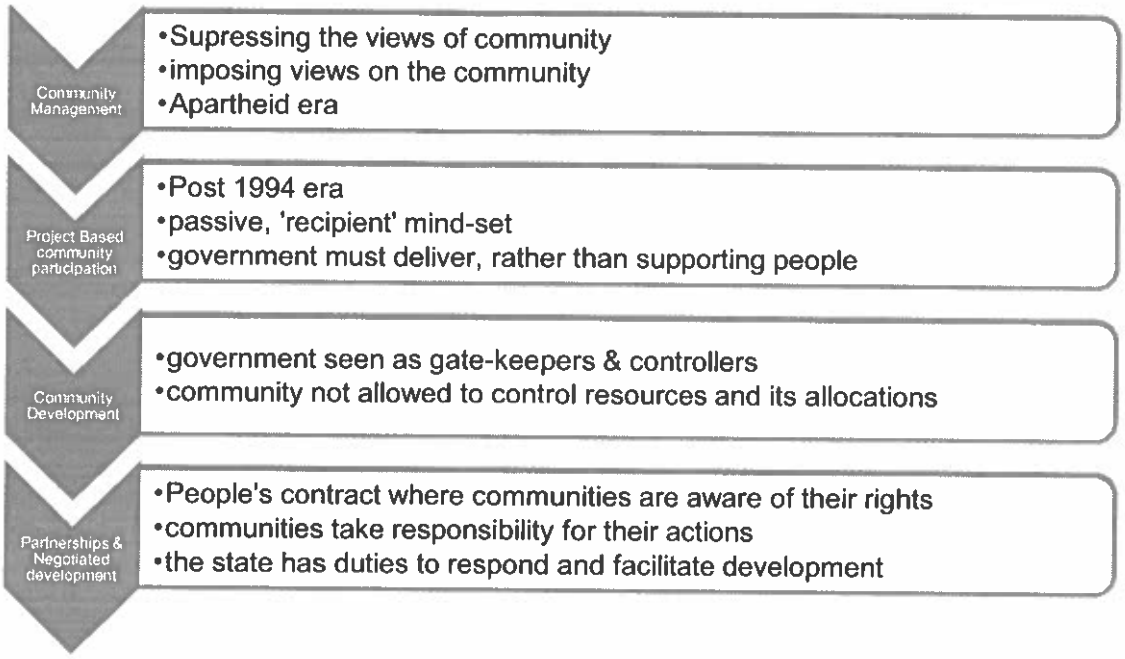
5. THE EVOLUTION OF THE PUBLIC PARTICIPATION IN PRACTICE

5.1. Community Management

5.2. Project based community participation

5.3. Community development

5.4. Partnerships and negotiated development



6. LEGISLATIVE FRAMEWORK

6.1 The South African Constitution deals extensively with the promotion of participatory governance in South Africa: -

6.1.1. Section 151 (1) (e) – obliges municipalities to encourage the involvement of communities and community organisations in local government

6.1.2. Section 152 – the objects of local government (are) to encourage the involvement of communities and community organisations in the matters of local government

6.1.3 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 the policymaking

6.2 In the white paper on local government – 1998, the objects of community participation are embedded in the following four principles: -

6.2.1 To ensure political leaders remain accountable and work within their mandate

6.2.3 To allow citizens (as individuals or interest groups) to have continuous input into local politics

6.2.4 To allow service consumers to have input on the way services are delivered

6.2.5 To afford organised civil society the opportunity to enter into partnerships and contracts with local government in order to mobilise additional resources.

6.3 The white paper further suggests that "municipalities should develop mechanism to ensure citizen participation in policy initiation and formulation, and the monitoring and evaluation of decision-making and implementation. The following approaches can assist to achieve this:-

6.3.1 Forums to allow organised formations to initiate policies and/or influence policy formulation, as well as participate in the monitoring and evaluation

6.3.2 Structured stakeholder involvement in certain council committees, in particular if these are issue-oriented committees with a limited lifespan rather than permanent structures

6.3.3 Participatory budgeting initiatives aimed at linking community priorities to capital investment programmes

6.3.4 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.

6.4 The Municipal Structures Act 117 of 1998 as amended allows for a category B municipality with a ward participatory system, and Executive committees to annually report on the involvement of communities and community organisations in the affairs of the municipality. Section 72 states that the object of a ward committee is to enhance participatory democracy in local government and in Section 74 on functions and powers of ward committees – a ward committee may make recommendations on any matters affecting its ward, to the ward councillors, through the ward councillor to the local council... and has such duties and powers as the local council may delegate to it.

6.5 The Municipal Systems Act 2000 defines "the legal nature of a municipality as including the local community within the municipal are, working in partnerships with the municipality's political and administrative structures ... to provide for community participation." According to the Systems Act:-

6.6 The council has the duty to encourage the involvement of the local community and consult the community about the level, quality, range and impact of municipal

services provided by the municipality, either directly or through another service provider

6.7 Members of the community have the right:-

6.7.1 .To contribute to the decision-making processes of the municipality and submit written or oral recommendations, representations and complaints to the municipal council

6.7.2 To be informed of decisions of the municipal council

6.7.2. To regular disclosures of the affairs of the municipality, including its finances.

6.8 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 regarding municipal services.

6.9 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.

6.10 A municipality, 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.

7. MAKING PUBLIC PARTICIPATION A REALITY

In order for communities to be active and involved in managing their development, claiming their rights and exercising their responsibilities, the following key stakeholders need to be engaged on an on-going basis by the Municipality:

STAKEHOLDER	NATURE OF ENGAGEMENT	BY WHOM	INTERVAL
Mbhashe Community	Commemoration of the national days	PP & SP	As per calendar
Ratepayers/ Business	Meetings to deal with urban centre issues (water services, waste management, rates etc.)	PP	Quarterly

Emerging Farmers	Meetings of organised farmers to deal with issues of rural development and agriculture	LED	Quarterly
Rural Water services users	Water Forum meetings	ADM	Quarterly
Hawkers	Hawkers Forum	LED	Quarterly
Ward Stakeholders	EXCO outreach programme in the form of general meetings at the ward to be addressed by members of EXCO (officials supporting)	PPO	Half yearly
Local Communicators	Local Communicators' Forum (sector departments, CDWs)	Communications section	Quarterly
Unit Stakeholders	Rotate the EXCO and Standing Committee meetings to various units and invite members of the public to attend	Council Support unit	Quarterly
Sector Departments & other development agencies	Intergovernmental Relations (IGR) Forum	Senior Manager Operations	Quarterly
IDP Representative Forum	Forum of all the interested parties in the IDP/Budget process	Senior Manager Operations	Quarterly
Children	Children's Forum – to discuss the children related issues	SPU	Quarterly
Youth	Youth Council (village, ward, unit & Mbhashe)	SPU	Quarterly
Disabled	Disabled People's Forum	SPU	Quarterly
Older Persons	Older Persons' Forum	SPU	Quarterly
HIV/AIDS & Health stakeholder	Aids Council	SPU	Quarterly
Women & Gender activists	Women's caucus	SPU	Quarterly
Ward Committees	Quarterly meetings of ward committees to be supported administratively by the Public Participation	PP	Quarterly

Extended Ward Committee meetings	Meeting of Ward Committees and Sector Departments to determine the development of the ward	Ward Councillor	Quarterly
Community Development Workers (CDWs)	Meetings of the CDWs to discuss their operations and functioning		Monthly
Planning & Budgeting process	Road shows targeting various stakeholders and all wards	Senior Manager Operations	As per process plan
Project based stakeholders	Launching of all the projects and establishment Project Steering Committees (PSCs)	Various departments & units	As per the projects

8. ESTABLISHING FULLY FUNCTIONING WARD COMMITTEES

8.1 Ward Committees are established to enhance participatory democracy in the local government. They are further seen as an independent advisory body that must be impartial with the following specific roles:-

8.1.1. Make recommendations on any matters affecting the ward to the ward councillor or through the ward councillor to the Council

8.1.2. Serve as an official specialised participatory structure

8.1.3. Create formal unbiased communication channel as well as co-operative partnerships between the community and the council

8.1.4. Serve as a mobilising agent for community action, in particular through the IDP process and the municipality's budgetary process and

8.1.5. Hold other duties as delegated by the Council.

8.2. Ward committees are forums for deliberative democracy, set up to:-

8.2.1. Promote self-management, awareness building and ownership of local development

8.2.2. Enable faster access to information from government, as well as collecting information about the situation at community level (social audit) as well as closer monitoring and evaluation of service delivery

8.2.3 Provide clarification to communities about programmes and enable community involvement and quicker decision making

8.2.4. Enhance transparency in administration

8.2.5. Harness local resources to support local development

8.2.6. Improve planning, which can now be based on local strengths, needs and preferred outcomes

8.2.7. Improve the accountability of government

To further elaborate on the establishment and functioning of the Ward Committees, a separate policy guide have been developed.

For the purpose of this policy, Ward Committees are expected to hold meetings with their communities, at least once a month to discuss matters of development and report backs. Record of such meetings should be kept by the Ward Secretary and may be produced when required.

Ward Committees are further required to submit monthly reports on their functionality to the Council via the public participation officer. The public participation officer, in return, should consolidate the reports into one report to be submitted to the Council on a quarterly basis with appropriate recommendations.

9. COMMUNITY DEVELOPMENT WORKERS (CDWs)

In 2003 the national government introduced the CDWs initiative, with the primary aim of maintaining direct contact with the people where these masses live. The CDWs can play a supportive role to the ward committees by:-

9.1 Ensuring that ward committees and civil society are informed of government support and services

9.2 Encouraging ward committees and civil society to engage with the opportunities

9.3 Identifying needs and building on strengths by facilitating CBP locally

9.4 Supporting implementation of community activities and projects by community structures

9.5 Providing technical support (e.g. compile reports and documents) to ward committees to monitor community projects and to account to communities and the municipality

9.6 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.

9.7 CDWs should be made to participate in the ward committee meetings on an ex officio status.

The work of the CDWs should be integrated to the work of the Municipality by making quarterly reports to the Council via the Public Participation Manager. The public participation manager, in turn, should consolidate the CDW reports and submit the same to the Council on a quarterly basis, with appropriate recommendations.

The Council, in turn, should within its financial capacity provide reasonable access by the CDWs to work facilities like office space, telephone etc. The CDWs would have to add value to the operations of the Municipality by participating to the programmes of the Municipality.

10. TRADITIONAL LEADERSHIP

10.1 In addition to their participation in the affairs of the Council through the proclamation by the MEC for the DLGTA, the institution of traditional leadership would be afforded an opportunity to input in the strategic decisions of the Council.

10.2 The participating Traditional Leaders would be assisted by developing the schedule of feedback and mandate seeking meetings with the broader Traditional Leadership and their constituencies.

10.3 A further schedule to meet with the organised formation(s) of traditional leadership would have to be organised and form part of the work schedule of the public participation officer.

11. DEALING WITH PETITIONS DIRECTED TO THE MUNICIPALITY

11.1 The main point of entry for petitions is the office of the Speaker, but in the event where the petition is received either by the office of the Mayor or Customer Care Unit, it must be channelled to Public Participation for proper channelling and facilitation.

11.2 Upon receipt of the petition by Public Participation, details of the petitioner are recorded in the petition's register, showing the date of receipt, content therein and any other information seen as important, and then forwarded to the Head of Department.

11.3 On receipt of the petition, the Head of Department shall acknowledge receipt within two working days and facilitate a process towards resolution of the issues raised, within twenty-one (21) working days from the date of receipt.

11.4 The petition is then forwarded to Council Support as an item for discussion to the Petition's Committee by Public Participation.

11.5 The Pettition's Committee, to which a petition is referred must submit a report to the Speaker within seven (7) working days from the date of referral by Public Participation.

11.6 The Municipality must then provides an oral and/or written response to the petitioner within 21 working days of the date of receipt of the petition

12. SUBMISSION OF PETITIONS

12.1 All petitions lodged to the Municipality may be in any form acceptable and should be in writing or verbal and in any of the official languages of South Africa.

12.2 In cases where verbal submissions are made to a staff member of the receiving offices, such staff Member must-

a) Reduce the petition to writing;
b) Read the written petition to the petitioner; and
c) Certify that the petitioner declared the petition to be correct by affixing the petitioner's name or signature to the written petition.

12.3 Petitioners may request to amplify petitions orally or in writing when the petition is considered by the appropriate forum.

13. CIVIC EDUCATION

The Municipality shall, within its financial and human resource capabilities, undertake the civic education as a form of capacitation of the citizenry on their rights and duties in relation to their participation in the affairs of the Municipality. The Civic Education would assume various shapes and forms, depending on what is to be achieved at a certain point in time.

A deliberate effort would be engaged by the Municipality to encourage the establishment and functionality of civic structures aimed at enhancing the community participation in the affairs of

the Municipality. To this end, partnership would be encouraged with other civic organisations for this purpose.

14. CITIZEN SATISFACTION SURVEYS

The Municipality must, within its financial capacity, consider undertaking customer satisfaction surveys on a regular basis. Such surveys would enable the Municipality to understand how the community receives the services provided and improve where such is needed. The outcomes of the surveys should be tabled first to the Council and ultimately be publicised for public consumption.

15. REPORTS ON PETITIONS

15.1 Petitions received by the Municipality must appear in the Speaker's Report to the Council.

15.2 The Council must take decision based on the recommendations of the Speaker.

16. REPORTS TO COUNCIL

16.1 The quarterly report on the public participation activities and petitions received – detailing how the received petitions and Public Participation activities have been dealt with, must be submitted to the Council through the structures of Council.

16.2 Senior Manager Operations must provide the format in which the report should be submitted and/or the information that needs to be included in the report

16.3 The quarterly reports should, at the end of the year, be consolidated into an annual report.

17. REVIEW OF THE STRATEGY

17.1 As necessitated by the changing environment and circumstances, this policy may be reviewed annually as part of the planning and budgeting process.

17.2 The amended policy must be approved by the Council.

18. NAME OF THIS STRATEGY

This policy shall be known and referred to as Public Participation and Petition strategy

19. IMPLEMENTATION OF THE STRATEGY

Once the policy framework is adopted by the Council, it becomes applicable from the date of adoption.