

# WARD COMMITTEE POLICY



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DATE: 23/06/21..

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## **1. PURPOSE OF POLICY**

To give meaning to national and provincial legislative framework on Public Participation and to provide an institutional framework for such participation within the broader structure of the municipality.

To standardize the operation of Ward Committees and oversee all issues which guides the internal functions and funding of the municipality.

To make sure the municipality adheres to National Framework and Provincial Policy Guidelines of the Funding Model for Ward Committees.

## **2. OBJECTIVE OF POLICY**

Community/Public Participation is an essential part of effective and Accountable governance at local Government level. The Constitution of Republic of South Africa of 1996 requires municipalit(ies) to encourage Participation of the community members and community organization in the matters of local government. Accordingly, the municipality when adopting this policy will be based on the principles of good governance and community participation as Contained in, inter alia, the Constitution, Chapter 4 of the Municipal Systems Act and the White Paper on Local Government which affirms the role of developmental local government that is committed in ensuring citizens participate meaningfully in finding sustainable ways to meet their social, economic and material needs. The municipality shall therefore, provide appropriate systems and Support for ward committees in accordance with Section 17(2) of the Local Government Municipal Systems Act 32 of 2000 which stipulates that a municipality must establish appropriate mechanisms, processes and procedures to enable the local Community to participate in the affairs of the municipality.

## **3 POLICY DEFINITION**

<b>Municipality</b>	Mbhashe Local Municipality is established in terms of section 12 of the Local Government Municipal Structures Act, 117 of 1988
<b>Municipal Council</b>	Alegislative body elected in terms of section 22 of the Local Government Municipal Structures Act 117 of 1998.
<b>Speaker</b>	The Speaker of Council elected in terms of Section 36 of Local Government Municipal Structures Act 117 of 1998
<b>Mayor</b>	The Mayor of the Municipality elected in terms of section 48 of the Local Government Municipal Structures Act, 117 of 1998.
<b>Ward Councillor</b>	Ward Councillor is a Municipal Councillor elected in terms of section 22(1) of the Local Government Municipal Structures Act.

<b>Proportional Representative Councillor</b>	A PR Councillor is a municipal councillor elected in terms of section 22(a) of the Local Government Municipal Structures Act 117 of 1998 to represent a party on the council of the municipality.
<b>Municipal Manager</b>	Head of administration and accounting officer of the municipality and appointed by council in terms of Section 82 of the Municipal Structures Act 117 of 1998.
<b>Portfolio Head</b>	A designated portfolio which represents the needs of the community in relation to the function of the Municipality
<b>Ward Committee</b>	A committee of a Municipal ward, established in terms of part 4 of the Municipal Structures Act
<b>Community</b>	Residents of a ward that constitute a Municipality
<b>Community Development Worker (CDW)</b>	An official appointed by Department of Cooperative Governance and Traditional Affairs (COGTA)
<b>Ward Committee Co-ordinator or Secretary</b>	A ward committee member appointed by the Councillor to assist him/her in ensuring that minutes are taken and the smooth running of the Ward Committee
<b>NGO</b>	Non-governmental Organisation
<b>IDP</b>	Integrated Development Plan
<b>PMS</b>	Performance Management System
<b>AG</b>	Auditor General

#### **4 LEGISLATIVE FRAMEWORK**

The importance of public participation is captured in Section 195 (1)(e) of the Constitution, which states that people's needs must be responded to, and the public must be encouraged to participate in policymaking.

Sections 59, 72 and 118 of the Constitution further mandate both the national and provincial levels of government to facilitate public participation.

The Batho Pele Principles builds on the Constitutional requirement of public participation and emphasises the need for citizens to be consulted about the services they receive from the Public Service.

The Batho Pele Principle states that citizens should be consulted about the level and quality of public services they receive and, wherever possible, should be given a choice about the services that are offered.

Ward Committees are regulated in terms of the following legislative framework;

1. Constitution of the Republic of South Africa Act 108 of 1996.

2. Municipal Structures Act 117 of 1998.
3. Municipal Systems Act, no 32 of 2000.
4. White Paper on Local Government.

## **5. TERM OF OFFICE OF THE WARD COMMITTEE**

- 5.1.1. The term of office of Ward Committee Members shall be equal to the term office of the Councillors or shall correspond with the term of office of the Council and shall be terminated on the day preceding the date of the following municipal election.
- 5.1.2. A ward committee member shall cease to be a member of the ward committee if that member:
  - 5.1.2 (A) Resigns in writing.
  - 5.1.2 (B) Moves to another ward.
  - 5.1.2(c) Dies
  - 5.1.2 (D) is removed from the office by the Council.
- 5.1.3 The Councillors shall remove a Ward Committee Member from office by are solution of a ward committee meeting if such a member:
  - 5.1.3 (A) has been absent without leave of the ward committee for three or more consecutive meetings.
  - 5.1.3 (B) is proven to be involved in any form of corruption.
  - 5.1.3 (C) fails to adhere to meeting procedures or misconduct during meetings.
  - 5.1.3 (D) fails to submit priorities as mandated by portfolio members.
  - 5.1.3 (E) becomes involved in activities that undermines the Council or Ward Councillors authority.
  - 5.1.3 (F) contravenes the code of conduct for ward committee members.

## **5.2. POWERS OF WARD COMMITTEE**

- 5.2.1. Ward Committees have the power to make recommendations to the ward Councillor and Council through the ward councillor on any matter affecting their ward.
- 5.2.2. The Council may delegate additional powers to ward committees in terms of Section 59 of the Local Government Municipal Systems Act 32 OF 2000

## **5.3. ROLES AND RESPONSIBILITES OF WARD COMMITTEES**

- 5.3.1. To create formal unbiased communication channels and cooperative partnership between the community and the municipality in the ward.
- 5.3.2. To create harmonious relationship between the communities of a ward, the ward councillor, geographically spread community and the municipality.
- 5.3.3 .To facilitate public participation in the process of development, review and implementation management of the Integrated Development Planning of the municipality and municipal processes.
- 5.3.4. Act as an advisory body on council policies and matters affecting communities in the ward

- 5.3.5. To serve as officially recognised and specialised participatory structures in the municipality.
- 5.3.6. To make sure the community participates fully in the decisions that affects them at local level.
- 5.3.7. To mobilise partnership for the development of local projects.
- 5.3.8. To ensure contact between the municipality and the community through the use of, and payment of services.
- 5.3.9. To serve as a mobilising agent for community action.
- 5.3.10. To receive and record complaints from the community within the ward and to provide feedback on council's responses.
- 5.3.11. To execute other functions as delegated by the municipality

#### **5.4. STATUS OF THE WARD COMMITTEE**

A ward committee;

- 1) Is an advisory body
- 2) It is a representative structure
- 3) must be impartial and perform its function without fear, favour or Prejudice

#### **5.5. COMPOSITION OF WARD COMMITTEES**

5.5.1. A ward committee comprises of:

- 5.5.1(a) The Ward Councillor who is the Chairperson of the Ward Committee in terms of Section 73(2) of the Local Government Municipal Structures Act 117 of 1998.
- 5.5.1 (b) Ten (10) other persons who represent sectors and interests in the ward which may include structures and interest groups.
- 5.5.1(c) Out of the (10) ten Ward Committee members, the ward Committee members will elect the Ward Committee Coordinator/ Secretary.
- 5.5.1.(d) One community Development Worker as an ex officio.
- 5.5.2. No person may be a member of more than 1(one) ward committee member at the same time.

#### **5.6 THE ROLE OF THE MUNICIPALITY**

##### **5.6.1 Ward committee support**

- 1) To provide induction of ward committees on roles and responsibilities subsequent to elections.
- 2) To provide ongoing training in various portfolios of management in order to assist ward committee members in performing their duties effectively.
- 3) To provide relevant information to Ward Committees on an ongoing bases in order to assist them in the implementation of their responsibilities such as relevant legislations, National Guidelines and Council Policies.
- 4) To provide resources within the municipality like venues for meetings, office space, stationery, publications, telecommunication systems and other various equipment when needed like marketing tools.
- 5) The municipality may set up public participation team internally that would facilitate easy liaison with the Ward Committee members outside the Council for easy flow of information, reduced turnaround times, easy access to needed resources, easier

access to public meeting from time to time and bear tracking and monitoring registered public concerns.

### **5.6.2 WARD COMMITTEE MEETINGS**

- 1) The Ward Councillor chairs all the meetings of the Ward Committee and must nominate a replacement to chair a meeting in his or her absence.
- 2) A maximum of 12 meetings will be held per financial year or calendar year with at least one meeting per month.
- 3) A maximum of 4 ward committee quarterly meetings shall be coordinated by the office of the Speaker to provide a platform to raise/voice their concerns and share their experiences with other ward committee members.
- 4) Meetings may, subject to the approval of the Speaker and availability of funds be held more frequently should the circumstances necessitate it.
- 5) The Ward Councillor and ward committee secretary must accept responsibility for the compilation of a programme of meetings and annual operational plans for ward committees at the beginning of each calendar year which must be submitted to the office of the Speaker.
- 6) The Ward Councillor together with Ward Committee secretary shall be responsible for ensuring that full and proper records are kept for all Ward Committee Meetings.
- 7) The Administrative Unit from the office of the Speaker shall provide support for all formally constituted Ward Committee meetings. The Ward secretary shall be responsible for capturing the minutes of the Ward Committee meeting.
- 8) A ward committee member must submit his or her Ward Operational Plan for every financial year by the month of May every year.
- 9) The WOP's should be submitted to the offices of the public participation officials.
- 10) No ward committee member would submit any claim if he or she did not submit WOP.

### **5.6.3 COMPENSATION FOR ATTENDING MEETINGS**

Administrative Arrangements, Funding and reimbursement.

- 5.6.3.1** The municipality must make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.
- 5.6.3.2** In doing so the municipality must use its resources and allocate funds in its budget to the office of the Speaker to further the objectives of the ward committees.
- 5.6.3.3.** All administrative back-up to enable effective functioning of the ward committees must be allocated in the office of the public participation.
- 5.6.3.4.** The municipality must compensate each ward committee member a stipend at an amount of one thousand rand R1000.00 every month as per the gazette No. 32627 dated 8 October 2009.
- 5.6.3.5.** Outside the amount stated above, a ward committee member may be compensated fifty percent of the current stipend for a meeting called by the municipality.

**5.6.3.6** Any claim submitted after the 5<sup>th</sup> of any month may be processed to be paid on the 15<sup>th</sup> of the next month.

## POLICY GOVERNANCE

### WARD COMMITTEE POLICY

#### Policy Governance

Policy Title	Ward Committee Policy	
Policy Version		
<u>Role &amp; Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
<b>Senior Manager Operations</b>		
Policy Custodian		
Policy Author		
Council Approval Date		
Council Approval Reference		
<b>Public participation</b>		
Policy Approved		
Policy Inception Date		
Review Start Date		
Review Completion Date		
Legislative References		
Policy Review "Triggers"		
<b>Comments</b>		

## REVIEW

The Policy will be reviewed when there are developments and will be submitted to Council for approval.