



Public Participation Policy

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1. INTRODUCTION

Garden Route District Municipality (GRDM) is committed to serve the people of the Garden Route and acknowledges that the involvement of the beneficiaries of development is crucial in all steps of development planning, implementation and monitoring.

The Constitution of the Republic of South Africa, as the supreme law, states that local government must provide democratic and accountable government for local communities. It obliges municipalities to encourage the participation of communities and community organisations in governance. It further states that, in terms of the basic values and principles governing public administration and good governance, people's needs must be responded to and the public must be encouraged to fulfil their responsibility as active partners in policy-making. This entails the fundamental principle that the public should be empowered to not only influence and direct local participatory processes, but that they indeed control and own these spaces for local democracy.

In the previous dispensation the people had no voice in the affairs of local government, but since 1994 the legislative framework of South Africa mandates government to encourage the involvement of the public and to further also create an enabling environment for participation. This means that government must give communities access to information and simplify processes for the public to participate.

Encouraging public participation within communities through the IDP processes does not only create a sense of accountability between the municipality and its citizens, but it also empowers citizens to have a firm choice over services that they require within their different living spaces.

It is believed that appropriate public participation strategies and methodologies will avert protests and dissatisfied citizens. Public Participation however is not only about providing information to the public but to also provide a space in which they can give meaningful feedback on matters that concerns them.

2. LEGAL FRAMEWORK

The GRDM Public Participation Policy is centred around the below legislative pieces:

a) Constitution of the Republic of South Africa (Act 108 of 1996)

Democratic practices are of paramount importance within our Constitution, as it gives citizens the right to engage on issues that affect them. The following sections in the Constitution are applicable to this policy:

Section 152(e) to encourage the involvement of communities and community organisations in the matters of local government

Section 160(4)(b) No by-law may be passed by a Municipal Council unless the proposed by-law has been published for public comment.

Section 195(1)(e) people's needs must be responded to, and the public must be encouraged to participate in policy – making

Section 195(1)(g) Transparency must be fostered by providing the public with timely, accessible and accurate information

The Constitution further demands that enabling legislation be promulgated in order to give effect to the Bill of Rights and the values and principles enshrined in it.

b) The Municipal Systems Act 32 of 2000

Chapter 4 of the Municipal Systems Act provides clear guidelines for municipalities to conduct public participation.

Section 16(1)(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;
- (ii) 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

Section 16(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;

Section 17(2) states that a municipality must establish appropriate mechanism, processes and procedures to enable the local community to participate in the affairs of the municipality.

Section 21(1) When anything must be notified by a municipality through the media to the local community in terms of this Act or any other applicable legislation, it must be done—

- (a) in the local newspaper or newspapers of its area;
- (b) in a newspaper or newspapers circulating in its area and determined by the council as a newspaper of record; or
- (c) by means of radio broadcasts covering the area of the municipality.

(2) Any such notification must be in the official languages determined by the council, having regard to language preferences and usage within its area.

(3) A copy of every notice that must be published in the Provincial Gazette or the media in terms of this Act or any other applicable legislation, must be displayed at the municipal offices.

(4) When the municipality invites the local community to submit written comments or representations on any matter before the council, it must be stated in the invitation that any person who cannot write may come during office hours to a place where a staff member of the municipality named in the invitation, will assist that person to transcribe that person's comments or representations.

(5) (a) When a municipality requires a form to be completed by a member of the local community, a staff member of the municipality must give reasonable assistance to persons who cannot read or write, to enable such persons to understand and complete the form.

(b) If the form relates to the payment of money to the municipality or to the provision of any service, the assistance must include an explanation of its terms and conditions

c) *Municipal Finance Management Act no 56 of 2003*

The Municipal Finance Management Act, 2003 was put in place to bring about transparent and effective financial management in municipalities and municipal public entities. The MFMA outlines ways in which the community can be informed of the financial situation of a municipality which includes the Annual Financial Statements, Budget and Annual Report.

d) *Municipal Structures Act no 117 of 1998*

The Municipal Structures Act sets guidelines on the establishment of ward committees and the role ward committees play in terms of public participation. Ward committees are close to communities and must bring any matter of concern of their ward to the ward councillor

Section 74 A ward committee-

(a) 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; and

(b) has such duties and powers as the metro or local council may delegate to it in terms of section 32.

The functions of ward committees are the following:

- Representing the community in the compilation and implementation of the IDP

- Ensuring constructive and harmonious interaction between the municipality and the community
- Attending to all matters that affect and benefit the community
- Acting in the best interest of the community and ensuring active participation of the community in the municipality's budgeting process.
- Ward committees are to bridge the gap of communication between the municipality and community members regarding issues that need to be addressed.
- Facilitate formal engagements between the municipality and communities and to also make sure there is a sense of trust amongst the two stakeholders.
- Responsible for monitoring the plans set out by the municipalities to implement in the communities. They will also in turn report back to communities on the progress.

District Municipalities do not have ward committees however local municipalities are required to relay all community needs relevant to the district through the ward committee structure to the district so that the needs linked to suitable strategies and projects can be captured in the District IDP.

3. PURPOSE OF THIS POLICY

The purpose of this policy is to outline mechanisms, processes and procedures that will be used by GRDM to facilitate effective and community centred public participation processes.

4. SCOPE OF THIS POLICY

The Policy applies to all Councillors, municipal officials, community members and community organisations, designated groups, as far as their rights, duties, responsibilities and roles are outlined in terms of the Policy. The Policy makes provision for mechanisms, processes and procedures to facilitate and give effect to public participation in terms of the aforementioned legislative framework. The Public Participation Policy is to be read in conjunction with the Communication policy of Council.

5. PUBLIC PARTICIPTION

Public participation in the South African context 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 International Labour Organisation (ILO) defines public participation as “the collective effort by the people concerned in an organised framework to pool their efforts to attain objectives they set for themselves. In this regard participation is viewed as an active process in which the participants take initiatives and take action that is stimulated by their own thinking and deliberation and over which they can exert effective control”.

The United Nations' definition of participation is “the creation of opportunities to enable all members of a community and the larger society to actively contribute to and influence the development process and to share equitable in the fruits of Development

Public Participation has been defined in various ways by different people as an accountability process through which individuals and groups within selected communities can exchange views and influence decision-making. Subsequently the South African legislative sector recognised the need to operate within a structured framework of participation for shared understanding, alignment and minimum requirements and guidelines for public participation.

The Public Participation objectives of the Garden Route District Municipality are as follows:

- To implement public participation according to the guidelines in the South African Legislative framework regarding public participation
- To provide proper channels and platform which can be used to inform the public with regards to decisions affecting them and their livelihoods?

- To provide clarity to local communities regarding those responsible for service delivery within the government sphere.
- To ensure proper monitoring of projects is implemented at all times to achieve wanted results.

Public Participation strengthens Good Governance in the following way:

- Increases involvement in the democratic process
- Encourages approaches of openness and transparency in community engagement
- Alarms municipality of ordinary issues from residents' viewpoint
- Contributes to the development of self-confidence, pride, initiative, responsibility and co-operation
- Motivates residence and communities to take charge of their own lives and be actively involved in finding solutions to their problems
- Builds capacity in communities to engage effectively with their councils
- When communities establish good working relationships with local municipality, it raises their level of confidence without losing perspective
- Participation also encourages and strengthens internal accountability structures in community organisations
- In terms of the IDP process, participation enables partnerships like public/public; public/private; public/community
- Promotes access to economic opportunities through established partnerships

5.1 Public Participation Principles

- Community members must be active in the affairs of government and GRDM must create an enabling environment for community members to meaningfully influence the decisions that affect their lives
- GRDM to capacitate and empower community members so that they are able to understand the social, economic, political environment to engage from a position of knowledge and understanding

- Incorporates the diverse interests and culture of the community in the development process and disengages from support of any effort that is likely to adversely affect the disadvantage members of a community
- Actively enhances the leadership capacity of community, leaders and groups within community and;
- Utilises a community's diversity to deepen shared understanding and produce outcomes of long-term benefit to the whole community or society
- Community members to provide input on how they participate.
- Feedback to be provided on how community input affected decision making.

5.2 Public Participation Structures and Mechanisms

Garden Route District Municipality has seven (7) local municipalities that consist of 92 wards in the district. The 19 IGR structures of GRDM are active and the minutes and resolutions of the IGR structures are used as source documents for development planning. All 7 municipalities are participants of the IGR structures coordinated by GRDM. GRDM is not directly dealing with the public in many cases but through organised groups (community organisations) and the B municipalities as its public.

Engagement with B municipalities is thus regarded as public participation of the district municipality.

The public should be informed of service delivery matters that relates to the district municipality. The functions of the district as per Section 84 of the Municipal Structures Act 117 of 1998 are as follows:

(1) A district municipality has the following functions and powers:

(a) Integrated development planning for the district municipality as a whole, including a framework for integrated development plans of all municipalities in the area of the district municipality.

(b) Potable water supply systems.

(c) Bulk supply of electricity, which includes for the purposes of such supply, the transmission, distribution and, where applicable, the generation of electricity.

(d) Domestic waste-water and sewage disposal systems.

(e) Solid waste disposal sites, in so far as it relates to-

(i) the determination of a waste disposal strategy;

(ii) the regulation of waste disposal;

(iii) the establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one local municipality in the district.

(f) Municipal roads which form an integral part of a road transport system for the area of the district municipality as a whole.

(g) Regulation of passenger transport services.

(h) Municipal airports serving the area of the district municipality as a whole.

(i) Municipal health services.

(j) Fire fighting services serving the area of the district municipality as a whole, which includes-

(i) planning, co-ordination and regulation of fire services.

(ii) specialised fire fighting services such as mountain, veld and chemical fire services;

(iii) co-ordination of the standardisation of infrastructure, vehicles, equipment and procedures.

(iv) training of fire officers.

(k) The establishment, conduct and control of fresh produce markets and abattoirs serving the area of a major proportion of the municipalities in the district.

(l) The establishment, conduct and control of cemeteries and crematoria serving the area of a major proportion of municipalities in the district.

(m) Promotion of local tourism for the area of the district municipality.

(n) Municipal public works relating to any of the above functions or any other functions assigned to the district municipality.

(o) The receipt, allocation and, if applicable, the distribution of grants made to the district municipality.

(p) The imposition and collection of taxes, levies and duties as related to the above functions or as may be assigned to the district municipality in terms of national legislation.

GRDM is not fulfilling all the functions as per Section 84 of the structures act, but communication and public participation regarding the events, activities, projects in line with the above functions of the district should be completed as per sector guidelines of all functions. All departments are expected to work in partnership with the Communication unit and to adhere to the guidelines as per communication policy of Council. It further remains the responsibility of each department to ensure that public participation is incorporated in all department planning.

The following mechanisms are used for public participation:

Public participation Mechanism	Frequency
Imbizos	As and when required
IGR Forums (see below)	Quarterly/Monthly/Bi-annually
IDP Rep Forum (see the description below)	Bi-annually
High School Visits	As and when required
Social Media	Daily
Streaming Council Meetings	Monthly
Road Shows	As and when required

Ward Committee ((Inputs received from B Municipalities, B municipalities may invite district officials on particular issues relevant to the district via the IDP office of the District)	Bi-Annually
Community Development Workers (Representation at quarterly IDP and Public Participation meeting)	As and when required
Civil Society groups	As and when required
Community Meetings	As and when required
Newspaper Publications	Per legislative framework As and when required
Radio Shows	As and when required
Podcasts	As and when required

When deciding on the mechanisms, processes, and procedures to be used for public participation the municipality must take into account the special needs of:

- a) people who cannot read or write
- b) people with disabilities
- c) women; and
- d) other disadvantaged groups

Considering the diverse nature and resource capacity of the communities that GRDM serve, various mediums to be accepted for feedback from public which includes:

- Letters

- Emails
- Whatsapp messages
- Facebook posts
- Comments on live streaming videos
- Verbal inputs at meetings
- Minutes of meetings
- Telephone calls

The IGR Forums regarded as GRDM district public participation structures are listed below:

Forum Name	Frequency	Purpose	Composition
District Communicators Forum	Quarterly	To discuss and Review the Communication Strategy and Policy related matters.	District and Local Communication Managers/officials, GCIS, and Provincial Sector Department.
Joint District Chief Risk Officers and Chief Audit Executives Forum	Quarterly	To discuss Transversal Risk Management related issues. To discuss challenges related to Internal Audit and implement resolutions from provincial structures	District and Local Chief Risk Officers and Chief Audit Executives s
Public Safety Forum	Quarterly	To discuss cross-cutting talking points in terms of disaster management, fire services and environmental management.	District and local municipalities Chief Fire Officers, Department of Local Government
District IDP and Public Participation Managers Forum	Quarterly	Platform to engage on the IDP process of the district & local B - Municipalities in the district; share best practices on IDP and public participation Aim for alignment between the IDP of District & B – Municipalities.	IDP Managers IDP Officers/Coordinators DPLG – Integrated Development Plan Directorate/ Public Participation Managers
IDP, Budget and PMS Representative Forum	Bi-Annually	All Mayors of Local Municipalities will present the status of their Municipalities relating to IDP, Budget and Performance Management. Sector Departments will also present all their proposed projects and programmes for the Garden Route District jurisdiction	District Mayors, Sector Departments, Ward Committees, Relevant Stakeholders
South Cape Economic Partnership/LED Managers/Tourism forum	Quarterly	Platform for Economic Development Practitioners, tourism officials, local tourism office representatives and government departments and private sector stakeholders to discuss best practices for the implementation of LED project and programs to stimulate the local economy.	LED Managers SEDA, Local municipalities, Government Departments and Relevant Stakeholders

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District Green Energy Forum	Quarterly	Platform through which developers could engage regulators on issues affecting the Renewable Energy	PMU Managers, Department of Energy and Provincial Sector Departments and relevant stakeholders.
District Co-ordinating Forum	Quarterly	To identify and implement programs aimed at realising one of the key objectives of local government, i.e. to deepen local democracy.	Mayors, Municipal Managers and Provincials Departments (when requested)
Garden Route Municipal Managers Forum	Quarterly	To discuss matters of Municipal interests.	Municipal Managers, and Provincial Departments
District EPWP Forum	Quarterly	To discuss EPWP related matters	District and Local EPDP Managers/Coordinators, Provincial and National Department of Public Works
Garden Route/ Central Karoo HR Forum	Annually	To discuss Corporate issues.	District and local municipalities HR Managers, TASK Job Evaluation Unit; Recruitment and Selection Officials and Labour Relations Officers
Regional Skills Development Facilitators Forum	Quarterly	Skills development in the region (Central Karoo and Garden Route).	Garden Route, B-Municipalities and Central Karoo, LGSETA and other relevant SETA's, Educational Institutions
District/Regional Task Committee	Monthly	To discuss Job Description and evaluation related matters	District and Local TASK/Job Evaluators Officials
Garden Route/ Central Karoo OHS Forum	Quarterly	To discuss OHS related matters	District and local municipalities OHS Officers/ Practitioners
Garden Route/Central Karoo District Labour Practitioners Forum	Quarterly	To discuss Labour related matters	District and Local Municipalities LR Practitioners
District CFO Forum	Quarterly	To discuss financial management related matters and identify shared services opportunities	All CFOs of Municipalities in the District
District Roads and Infrastructure Forum	Quarterly	To discuss the Integrated Roads, Bulk Infrastructure and Engineering related matters.	District and local municipalities Engineers and Relevant Provincial Department
District Human Settlements Forum	Quarterly	To determine and implement common approaches and coordination across the District on the following Integrated Human Settlements Key priorities	GRDM, 7 B Municipalities, WC DoHS & Spatial Planning, SHRA and NASHO
Garden Route ICT and GIS Forum	Quarterly	The Garden Route ICT and GIS Forum provide a stabilizing influence so organizational concepts and directions are established and maintained with a visionary view	District and Local Municipalities

5.3 Oversight functions requiring public participation

Public participation is critical for the following strategic documents as per Municipal Systems Act 32 of 2000 and Municipal Finance Management Act 56 of 2003:

- a) **Integrated Development Plan** – Section 29(b)(i) of the MSA, through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for (i) the local community to be consulted on its development needs and priorities;
(ii) the local community to participate in the drafting of the integrated development plan;

The budget preparation process commences with the approval of the IDP/Budget process plan/time schedule annually approved by Council. Once the draft budget is compiled, the Executive Mayor will table the draft budget IDP, and the draft budget related policies to the Municipal Council. All submissions received through the consultation process including written submissions must be submitted to the Budget Steering Committee for consideration where after the Executive Mayor will submit the budget to the Municipal Council for adoption.

- b) **Performance Management System** – Section 42 of the MSA, A municipality, through appropriate mechanisms, processes and procedures established in terms of Chapter 4, 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 for the municipality.

The Systems Act is clear on the community's role in the monitoring and review of the performance of the municipality through the revision of the Key Performance Indicators and Targets as well as the publication of the projections, targets and indicators as set out in the SDBIP not later than 14

days after the approval thereof. The quarterly performance assessment report of the municipality must also be made public.

c) **Annual Report** – Section 127(5)(a) of the MFMA Immediately after an annual report is tabled in the council in terms of subsection (2), the accounting officer of the municipality must- in accordance with section 21A of the Municipal Systems Act- (i) make public the annual report; and (ii) invite the local community to submit representations in connection with the annual report. The Annual Report consist of the Annual Performance Report as well as the Annual Financial Statements.

d) **Budget** – Section 22(a)(i)(ii) of the MFMA Immediately after an annual budget is tabled in a municipal council the accounting officer of the municipality must- (a) in accordance with Chapter 4 of the Municipal Systems Act- (i) make public the annual budget and the documents referred to in section 17(3) : and (ii) invite the local community to submit representations in connection with the budget

5.4 Institutionalisation of Public Participation

Public Participation is the responsibility of all councillors and officials at the Garden Route District Municipality.

Activity	Responsible	Outcome
Public Notices (General and compliance related)	User Department Communication Department	Inform
IDP, Budget & PMS inputs	Office of the MM Planning & Economic Development Financial Services	Consultation
Mayoral Roadshows	Office of the Mayor Relevant user department	Consultation Involve Collaborate
Access to information	User department Office of the Municipal Manager	Inform

IGR Structures	User Departments Planning & Economic Development	Consultation
Working Groups	User Departments National and Provincial Sector Departments Community Organisations Business Community	Collaborate Empowerment

6. STANDARD OPERATING PROCEDURE FOR PUBLIC PARTICIPATION

International Association for Public Participation designed the IAP2's Spectrum of Public Participation to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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The spectrum, describes five levels of participation: inform, consult, involve, collaborate and empower. The main point is that “differing levels of participation are legitimate and depend on the goals, time frames, resources, and levels of concern in the decision to be made.” In addition, the Spectrum sets out the “promise to the public” for each type of participation.

Each department should determine which level of public participation is required for each initiative depending on the goal that the department wish to achieve. *Inform* is deemed as the lowest level on the spectrum and *empower* is the highest because at that level the municipality implements the decision of the community. The following steps are to be followed when a department employs a public participation strategy.

Steps

Step 1

Conduct a situational analysis of all the affected persons and role players within the specified community relating to the project/ initiative.

Step 2

Identify the public participation goal and implement the relevant public participation method to align with levels on IAP2 spectrum.

Step 3

Facilitate civil society to organise themselves and or by making use of effective existing community bodies.

Step 4

Formulate the principles of engagement to guide instances where there may be contestation and resistance.

Step 5

Implement as per agreement with community

Step 6

Have regular engagements with community to monitor and report progress

7. POLICY REVIEW

Public Participation Policy to be reviewed annually and tabled to Council only if there are changes needed.

8. REFERENCES

Constitution of the Republic of South Africa 1996

Department of Local Government Public Participation Policy Guidelines

Municipal Finance Management Act 56 of 32

Municipal Structures Act 117 of 1998

Municipal Systems Act 32 of 2000

International Association of Public Participation.

<https://www.iap2.org/general/custom.asp?page=pillars>. 3 March 2022

9. APPROVAL

The GRDM Participation Policy was approved on 24 August 2022.