



# **DRAKENSTEIN MUNICIPALITY**

## **WARD COMMITTEE POLICY**

**29 SEPTEMBER 2016**

<b>DATE APPROVED/REVIEWED</b>	<b>COUNCIL MEETING DATE</b>
29 September 2016	29 September 2016

## Table of Contents

1.	PREAMBLE.....	3
2.	DEFINITIONS.....	3
3.	LEGISLATIVE FRAMEWORK .....	4
4.	OBJECTIVES OF WARD COMMITTEES .....	5
5.	COMPOSITION OF WARD COMMITTEES.....	5
6.	FUNCTIONS OF WARD COMMITTEES .....	5
7.	MEMBERSHIP CRITERIA .....	6
8.	DETERMINATION OF INTEREST .....	7
9.	TERM OF OFFICE OF WARD COMMITTEES .....	7
10.	PROCEDURE FOR ELECTION OF WARD COMMITTEES .....	8
11.	FILLING OF VACANCIES .....	8
12.	MEETINGS OF WARD COMMITTEES .....	8
13.	ROLE OF THE WARD COUNCILLOR/CHAIRPERSON .....	10
14.	ROLE OF THE PROPORTIONAL (PR) COUNCILLOR.....	10
15.	ADMINISTRATIVE SUPPORT .....	11
16.	TERMINATION OF MEMBERSHIP .....	11
17.	DISPUTE RESOLUTION.....	12
18.	DISSOLUTION OF WARD COMMITTEES .....	12
19.	ANNEXURES .....	13

## 1. PREAMBLE

- 1.1 The participation of communities is placed at the focal point of service delivery and other matters of Local Government by Section 152 of the Constitution.
- 1.2 The Local Government: Municipal Structures Act, No. 117 of 1998 and the Local Government: Municipal Systems Act, No. 32 of 2000 provides the legislative framework for the establishment of Ward Committees.
- 1.3 The objective of a ward committee is to enhance participatory democracy in local government and to play a vital role in improving the interaction between the community, the municipal administration and Council.
- 1.4 The Local Government: Municipal Structures Act, No. 117 of 1998 (Section 73(3)) requires municipalities that have ward committees to make rules to regulate the procedure that they will follow to elect their ward committee members, with due cognisance of the need to have women and a diversity of needs represented thereon, the circumstances under which members must vacate office, and the frequency of meetings.
- 1.5 Administrative arrangements must be made to enable ward committees to perform their roles and functions effectively; hence this policy.

## 2. DEFINITIONS

- 2.1. In this policy, unless the context indicates otherwise-
  - 2.1.1 **“Council”** means the municipal council of Drakenstein Municipality established by Local Government: Municipal Structures Act, No.117 of 1998 and Provincial Notice no 592 dated 22 November 2000;
  - 2.1.2 **“Councillor”** means a member of the municipal council;
  - 2.1.3 **“Integrated Development Plan (IDP)”** means single, inclusive and strategic plan for the development of the municipality;
  - 2.1.4 **“Local community”** or **“community”** in relation to the municipality means that body of people comprising –
    - The residents of the municipality
    - The rate payers of the municipality
    - Any civic organisation and non-governmental, or private sector organisation or bodies which are involved in local affairs in the municipality;
  - 2.1.5 **“Municipal Manager”** means the person appointed in terms of Section 54A of the Local Government: Municipal Systems Act, No. 32 of 2000;
  - 2.1.6 **“Municipality”** when referred to as an organ of state means municipality as described in Section 2 of the Local Government: Municipal Systems Act, No. 32 of 2000; and when referred to as a geographic area means the municipal area determined in terms of the Local Government: Municipal Demarcation Act, No. 27 of 1998;

- 2.1.7 “**PR Councillor**” means a proportional representative municipal councillor elected in terms of section 22(1)(a) of the Local Government: Municipal Structures Act, No.117 of 1998 to represent a party on the council of the Municipality
- 2.1.8 “**Public participation**” means an open, fair and 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;
- 2.1.9 “**Speaker**” means the Speaker of the Council elected in terms of Section 36 of the Local Government: Municipal Structures Act, No. 117 of 1998
- 2.1.10 “**Sector**” means a determinable sector, subsector or interest group within the ward community and may include a geographic sector
- 2.1.11 “**Structures Act**” means the Local Government: Municipal Structures Act, No. 117 of 1998, as amended;
- 2.1.12 “**Systems Act**” means the Local Government: Municipal Systems Act, No. 32 of 2000, as amended.
- 2.1.13 “**Ward committee**” means a committee of a municipal ward, established in terms of Part 4 of Chapter 4 of the Local Government: Municipal Structures Act, No. 117 of 1998, as amended;
- 2.1.14 “**Ward Councillor**” means a municipal councillor elected in terms of section 22(1)(b) of the Local Government: Municipal Structures Act, No. 117 of 1998 to represent a ward.

### 3. LEGISLATIVE FRAMEWORK

- 3.1 Constitution of the Republic of South Africa Constitution, 1996; which sets out the objectives of local government, including the objective of encouraging communities and community organisations to participate in matters of local government.
- 3.2 Local Government: Municipal Structures Act, No.117 of 1998 and its regulations; which regulate the establishment, vacation of office and meeting frequency of ward committees as well as their term of office. The Municipal Council is responsible for the formulation of its own rules to regulate the election, operation and administration of ward committees.
- 3.3 Local Government: Municipal Systems Act, No. 32 of 2000 and its regulations: Chapter 4 regulates community participation and makes it clear that communities are an integral part of the municipal governance process. The Municipality is required to develop a culture of municipal governance that complements formal representative government with a system of participatory governance by encouraging and creating conditions for the local community to participate in the affairs of the municipality (Section 16). The Municipality must also establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality (section 17). The Act also sets out specific areas where community participation is required, including the formulation and review of Integrated Development Plans (IDPs) and performance management. The Municipality must promote public participation and build the

capacity of residents, Councillors and municipal officials to engage in participatory processes.

3.4 Local Government: Municipal Finance Management Act 56 of 2003 and its regulations; which requires that communities participate in the budgeting process of the Municipality.

#### **4. OBJECTIVES OF WARD COMMITTEES**

4.1 The objective of a Ward Committee is to enhance participatory democracy in local government.

4.2 A Ward Committee:-

- 4.2.2 is an advisory body without any executive powers;
- 4.2.3 is independent;
- 4.2.4 is a representative structure of the ward;
- 4.2.5 is impartial and performs its functions without fear, favour or prejudice;
- 4.2.6 is not politically oriented;
- 4.2.7 is an integrative umbrella body responsible for coordination of ward developmental initiatives.

#### **5. COMPOSITION OF WARD COMMITTEES**

5.1 Section 73(2) of the Municipal Structures Act provides that a Ward Committee consists of:

- 5.1.1 the Municipal Councillor representing the ward in the Municipal Council, who must also be the Chairperson of the Committee;
- 5.1.2 not more than 10 other persons and/or organisations elected in terms of these Rules; and
- 5.1.3 the proportional councillor, who has been assigned to that ward by the Office of the Speaker as an ex officio member with no voting rights.

#### **6. FUNCTIONS OF WARD COMMITTEES**

6.1 A Ward Committee may make recommendations on any matter affecting its ward through the Ward Councillor to the Municipal Council or the Executive Mayor.

6.2 The Ward Committee will be regarded as a statutory structure recognized by the Municipal Council as a consultative body and communication channel on matters affecting the ward, including, but not limited to serving as a mobilizing agent for public participation.

6.3 Ward Committees must enable the active participation of the community in:-

- 6.3.1 Representing the community on the compilation and implementation of the IDP;
- 6.3.2 Encouraging attitudes of openness and transparency in engaging with communities;
- 6.3.3 Ensuring constructive and harmonious interaction between the Municipality and the community;

- 6.3.4 Service payment campaigns;
- 6.3.5 The Municipality's budgetary process;
- 6.3.6 Decisions about the provision of Municipal services; and
- 6.3.7 Decisions about policies in terms of the process stipulated in the Policy for Formulation, Development and Review of Policies, and future amendments thereto (adopted by Council on 27 August 2014) and by-laws.

6.4 Ward Committees must compile their respective annual operational plans which must include a range of activities to be executed during the course of the following financial year.

6.5 Ward Committee Members must report back to their respective constituencies (organisations/sector/geographical blocks) at least on a quarterly basis.

6.6 Ward Committee Members must report issues pertaining to maintenance of infrastructure to the respective municipal customer care help desks or emergency control room located in or closest to their particular ward.

6.7 It is the responsibility of nominated Ward Committee Members to attend meetings of a municipal-wide forum established for the purpose of IDP coordination and consultation or forums/conferences/workshops outside the municipality upon formal request by the Speaker/Municipal Administration.

6.8 Geographical blocks must conduct their business in accordance with standardised rules of order (regulating documents) to be provided by the administration.

6.9 A Ward Committee may express dissatisfaction in writing to the Speaker on the non-performance of a Ward Councillor.

6.10 A Ward Councillor may not be instructed by a ward committee on how to vote on any matter which serves before the municipality.

6.11 Ward Committees must adhere to the criteria, guidelines and timeframes forwarded by the Office of the Speaker regarding municipal ward projects identification and roll-out thereof.

## **7. MEMBERSHIP CRITERIA**

7.1 A person shall only qualify to be elected to the committee if he or she:-

- 7.1.1 Is a registered voter in that ward and whose name appears on the voters roll for that ward;
- 7.1.2 Is elected by his/her interest group to serve on the committee;
- 7.1.3 Is not indebted to the municipality for a period longer than three (3) months, unless he/she can prove that arrangements for the settlement of the account have been made and continue to remain in good standing for the duration of the term of office;

- 7.1.4 Is not an employee of the municipality;
- 7.1.5 Is not a community development worker appointed by any national or provincial government department;
- 7.1.6 Has not been convicted after February 1997 of an offence for which he/she was sentenced to imprisonment without the option of a fine for a period of not less than 12 months;
- 7.1.7 Is not a member of the national assembly, national council of provinces or a provincial legislature;
- 7.1.8 Is not a person of unsound mind who has been declared so by a competent court; and
- 7.1.9 Has not been removed from his/her position in terms of a procedure approved by Council and a period of one year has expired after such removal.

7.2 For an Organisation to be able to participate in an election for a Ward Committee, such Organisation must:

- 7.2.1 be registered as an Organisation on the Drakenstein Municipality Database;
- 7.2.2 The representative of an organisation/body must provide a copy of the constitution of the particular organisation/body to the municipal Municipal Electoral Officer, in order for the organisation to be nominated to be elected on the Ward Committee, such constitution to be submitted simultaneously with the registration of the organisation on the municipal database.

7.3 The representative of a registered Organisation:

- 7.3.1 must be nominated as representing such Organisations in the manner prescribed by the nominations rules;
- 7.3.2 must be a resident of the Drakenstein Municipality.

## **8. DETERMINATION OF INTEREST**

8.1 Representation in ward committees should comply with section 73(3) of the Municipal Structures Act which states that:-

*“73. Establishment of ward committees.*

*(3) A metro or local council must make rules regulating -*

- (a) the procedure to elect the subsection (2) (b) members of a ward committee, taking into account the need -*
  - (i) for women to be equitably represented in a ward committee; and*
  - (ii) for a diversity of interests in the ward to be represented;”*

## **9. TERM OF OFFICE OF WARD COMMITTEES**

9.1 The term of office of the Ward Committee shall be determined by Council resolution for a period not exceeding the term of office of the current council.

9.2 All Ward Committees in the municipality will disestablish on the expiration of the term of office of the current municipal council.

## **10. PROCEDURE FOR ELECTION OF WARD COMMITTEES**

10.1 Ward Committees will be elected in accordance with the *Drakenstein Municipality Rules for the Establishment of Ward Committees*, adopted by Council at Item 11.1 on 29 September 2016 and consequent reviews of these Rules conducted by the municipality as and when required.

## **11. FILLING OF VACANCIES**

11.1 If a member of a ward committee who was elected resigns or is no longer a member, the organisation/sector/geographical block on the short list (taking into consideration the agreed ratio) which received the next highest number of votes at the election will be eligible to fill the vacancy.

11.2 Alternatively the ward committee may decide to fill the vacancy in terms of the process set out in the *Rules Regulating the Election and Establishment of Ward Committees* after notice in the local press to this effect.

## **12. MEETINGS OF WARD COMMITTEES**

### **FREQUENCY OF MEETINGS**

12.1 A ward committee must meet at least quarterly, except for period(s) when Council is in recess.

12.2 The ward committee members will be obliged to:

12.2.1 attend possible training and capacity building programmes and be present for the duration of such training and capacity building programmes.

12.2.2 attend and / or participate in other relevant official municipal forums (i.e. Drakenstein) and from other spheres of government and to be present for the duration of such meetings.

12.3 The timeframes for meetings must not exceed the following number of hours, namely:

12.3.1 Quarterly public announced meetings: 2 hours (for purposes of report back)

12.3.2 Other meetings: 1½ hours

### **MEETING PROCEDURES**

12.4 The Ward Councillor will chair all the ward committee meetings. In the absence of the Ward Councillor at an official Ward Committee meeting a Proportional Councillor must act as chairperson.

- 12.5 All meetings of the committee must be open to the public.
- 12.6 A member of the public who is not a member of the committee may address a committee with the permission of the Chairperson.
- 12.7 A committee may establish task teams to perform specific task(s) on behalf of the committee, e.g. investigations within the ward.
- 12.8 The Code of Conduct for Ward Committee Members, attached as ANNEXURE A hereto, will be applicable to members of the committee.
- 12.9 If a member of the Committee or member of the public contravenes any stipulation in the Code of Conduct for Ward Committee Members –
  - 12.9.1 The Chairman shall direct such member of the Committee or member of the public to conduct himself or herself properly and, if speaking, to discontinue his or her speech.
  - 12.9.2 In the event of a disregard of the directions of the Chairman, the Chairman may direct such member of the Committee or member of the public to retire from the place of meeting for the remainder of the meeting and may, if necessary, cause him or her to be removed from there.
- 12.10 A councillor of the municipality must be present at a meeting of a ward committee before it can be constituted.
- 12.11 Any councillor of the Drakenstein Municipality may attend meetings of a ward committee.
- 12.12 No items from the agenda of the political structures of the municipality marked confidential by the Municipal Manager may be discussed at a ward committee meeting.

## **QUORUM AND MEETINGS**

- 12.15 A quorum of a committee consists of at least 5 members.
- 12.16 If a member has a direct or indirect financial interest in any matter serving before the committee, unless that interest is the same as any other person in the ward, such member must recuse himself/herself from such discussion.
- 12.17 If a member has a direct or indirect personal interest in a matter serving before a committee, unless that interest is the same as any other person in the ward, such person shall recuse himself/herself from such discussion.
- 12.18 If the Ward Councillor must recuse himself/herself from discussion of an item at the committee, he/she must arrange with another councillor to chair the meeting during such recusal.

### **13. ROLE OF THE WARD COUNCILLOR/CHAIRPERSON**

- 13.1 Is the chairperson of the ward committee;
- 13.2 Is responsible for calling ward committee meetings and notifying members;
- 13.3 Is responsible for ensuring that a schedule of meetings is approved including ward committee meetings, constituency meetings and special meetings and that attendance registers are kept and forwarded to the Office of the Speaker;
- 13.4 Works with the ward committee to ensure that there is an annual plan of activities;
- 13.5 Handles queries and complaints in the ward;
- 13.6 Resolves disputes and makes referrals of unresolved disputes to the municipality;
- 13.7 Is fully involved in all community activities;
- 13.8 Ensures that all minutes taken by the Ward Committee are formalized and submitted to the office of the Speaker for presentation at the Council at an interval determined by the Speaker;
- 13.9 Submits a progress report to the Office of the Speaker for a review of the performance of the Committee indicating major achievements and areas of failure of the Committee with reasons within two months after the end of the financial year;
- 13.10 Implements any corrective measures to ensure effective and efficient performance of the Committee as suggested by the Office of the Speaker; and
- 13.11 Can appoint a Ward Committee Member as Secretary of the Ward Committee.

### **14. ROLE OF THE PROPORTIONAL (PR) COUNCILLOR**

- 14.1 The Speaker shall, in consultation with the Whips of different political parties in Council deploy PR Councillors to Ward Committees;
- 14.2 PR Councillors shall serve on Ward Committees in an ex-officio capacity without voting powers, assist and complement the work of the Ward Councillors in the following manner:
  - 14.2.1 Attend ward committee meetings, constituency meetings and special meetings;
  - 14.2.2 Handle queries and complaints in consultation with the ward councillor;
  - 14.2.3 Help in resolving disputes;
  - 14.2.4 Help with the implementation of projects; and

14.2.5 Serve as Chairperson in the absence of Ward Councillor.

## **15. ADMINISTRATIVE SUPPORT**

15.1 Administrative support to be given to Ward Committees shall include:

- 15.1.1 The promotion of Ward Committees in the community – informing the communities of the roles and responsibilities of Ward Committees;
- 15.1.2 To identify or arrange central meeting places in the ward where communities have access to information and where Ward Committees can meet;
- 15.1.3 Assisting with the translation of information and documentation for the community;
- 15.1.4 Developing and providing capacity building and training programmes for Ward Committees on an ongoing basis during;
- 15.1.5 Matters emanating from Ward Committees that require consideration by the Council, its Committees and/or its Officials shall be submitted by the Ward Councillor via the Secretariat;
- 15.1.6 Elected ward committee members (excluding Councillors) will be reimbursed for out of pocket expenses as determined by Council from time to time.

15.1.7 The administration shall forward necessary documentation to the ward committee in all statutory prescribed public participatory matters or to the ward councillor with instructions to consult with the ward committee.

## **16. TERMINATION OF MEMBERSHIP**

16.1 The following may serve as sufficient motivation to terminate the membership of ward committee members:-

- 16.1.1 Death;
- 16.1.2 Resignation;
- 16.1.3 Relocation from ward;
- 16.1.4 Election to position of councillor other than the position of Ward Councillor of the particular ward;
- 16.1.5 Appointment as employee of the municipality;
- 16.1.6 Failure to attend three meetings of the ward committee without apology;
- 16.1.7 Proven involvement in corruption or an act of dishonesty;
- 16.1.8 Failure to adhere to meeting procedures of misconduct during ward committee meetings;
- 16.1.9 Does not submit priorities with the mandate of the community as and when required;
- 16.1.10 Becomes involved in activities that undermine the council or ward councillor's authority;
- 16.1.11 Dismissed in accordance with the resolution of the ward committee or by the Speaker in consultation with the ward councillor;
- 16.1.12 Cease to be a member of the organization he/she represents;

- 16.1.13 Is insolvent or declared mentally incompetent by a competent court; and
- 16.1.14 Personally tries to or influence other residents or a ward committee member/s to unduly politicise matters discussed at ward committee meetings.

16.2 The Speaker will investigate any instance of possible termination of membership, make a recommendation to the Executive Mayor thereon, who will have the final decision making authority.

## **17. DISPUTE RESOLUTION**

17.1 Disputes shall be resolved in the following manner:

- 17.1.1 Every effort shall be made to resolve the dispute through consensus.
- 17.1.2 When a dispute cannot be resolved in this way, the Ward Councillor shall appoint one or two persons to resolve the dispute through mediation.
- 17.1.3 If the dispute cannot be resolved through mediation, the Ward Councillor shall arbitrate the dispute provided that the matter does not involve the Ward Councillor and or the majority of the members of the Ward Committee.
- 17.1.4 If the dispute involves the Ward Councillor, or if the majority of the members of the Ward Committee remain aggrieved following the arbitration, the matter shall be taken to the Council through the Office of the Speaker, which step should as far as possible be avoided.

## **18. DISSOLUTION OF WARD COMMITTEES**

18.1 The Executive Mayor may dissolve a ward committee if the committee fails to fulfil its object.

18.2 The following may serve as an indication that a committee may exceed its functions and fails to fulfil its object:-

- 18.2.1 When it fails to meet three consecutive times;
- 18.2.2 When members decide to dissolve it; and
- 18.2.3 When maladministration, fraud, corruption or any serious malpractice has occurred or there is reason to believe that it is occurring in a committee.

18.3 There should be due notice before a council proceeds to dissolve a ward committee.

## **19. ANNEXURES**

### **ANNEXURE A: CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS**

#### **Interest of the community**

- a) Committee members must at all times advance and act in the interests of the ward community.
- b) Committee members must not use their position to promote personal or private interest.
- c) Conduct of the ward committee member should not be influenced or dictated by improper motives.
- d) Committee members must advance the interests of the ward as a body.
- e) In the execution of their functions, committee members must not favour any individuals, groups or organizations.

#### **Ward committee meetings**

- a) Committee members must strive to attend all ward committee meetings.
- b) Committee members must not fail to attend ward committee meeting without a legitimate excuse.
- c) Committee members who are unable to attend a ward committee meeting must tender his or her apology prior to the meeting stating reasons why he or she is unable to attend.
- d) Committee members may not be absent from ward committees 3 times in succession without a legitimate excuse.
- e) Failure to attend 3 ward committee meetings in succession without a legitimate excuse will result in a member losing his membership.
- f) Committee members must refrain from engaging in disruptive behaviour during meetings.

#### **Political matters**

- a) Committee members should avoid political conflicts among themselves and must also avoid political conflicts between themselves and the ward councillor.
- b) In their interaction with the community committee members must not discriminate on the grounds of political affiliation, culture, race gender, sexual orientation, disability, religion, etc.
- c) In the execution of their duties committee members must not advance the interest of any political party.
- d) Committee members may not use ward committee meetings as a political platform or forum or to canvass for political support for re-election as a ward committee member or as a ward councillor in the next local government elections.

## **Elections**

- a) Committee members must avoid conflicts among themselves and between themselves and the ward councilor.
- b) Conflicts should be dealt with as provided for in the guidelines.

## **Declaration**

<b>Name of municipality</b>	Drakenstein Municipality
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<b>Number of ward</b>	
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I \_\_\_\_\_ declare that I have read the Code of Conduct for Members of Ward Committees and that I understand it and agree to be bound by the Code of Conduct in the execution of my functions as a Ward Committee member.

<b>Signature</b>	
<b>Date</b>	