**NEWCASTLE LOCAL MUNICIPALITY**



**POLICY ON WARD COMMITTEES**

***Policy Review Approved By Council On:***

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1. **INTRODUCTION.**

The Constitution of the Republic of South Africa Act No. 108 of 1996 requires the Municipality to encourage the participation of community members and community organizations in the matters of local government. The Local Government Municipal Structures Act No. 117 of 1998 provides for the establishment of ward committees as formal mechanisms to give effect to this Constitutional obligation. Ward committees play a vital role in bridging the gap between the Community, the Municipality and its Council, and they also play an important role in:-

1. Enhancing participatory democracy.
2. Neighbourhood and ward based planning including the encouragement of communities to take charge of their own livelihoods.

c) Assisting the Municipality in service delivery improvement.

d) Assisting in the economic empowerment of communities.

e) Enhancing local democracy and accountability.

f) Enhancing social cohesion, nation building and integration of communities across class, race, culture and religion.

g) Assisting in civic education.

Section 73(3) of the Local Government Municipal Structures Act No. 117 of 1998 requires municipalities that have ward committees to make rules in order to regulate the procedure that will be followed regarding the election of ward committee members. Emphasis is placed on the need to have women and a diversity of needs represented thereon and also on the circumstances under which members must vacate office, and the frequency of meetings that must be held. Municipalities may also make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively; hence this policy.

**2. POLICY OBJECTIVE.**

The objective of this policy is to establish uniform rules to regulate the establishment and operation of Ward Committees and define the roles and responsibilities of the Speaker and PR Councillors in relation to ward participation in Newcastle Municipality

**Definitions**

**“Constitution”** means the constitution of the Republic of South Africa Act (Act No. 106 of 1996);

**“Council”** means the municipal council of Newcastle Municipalty;

**“Councillor”** means a councillor of Newcastle Municipality;

**“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 in the Council of the Municipality;

**“Executive Mayor”** means the executive mayor of Newcastle Municipality;

**“District Council”** means the Council of the Amajuba District Municipality;

**“Municipal Manager”** means the employee of the Newcastle Municipality appointed as such and such and includes, for the purpose of these rules, anyone designaed or authorised by the Municipal Manager to act aor fulfil a duty in terms of these rules.;

**“Sector”** means a determined sector, subsector or interest group within the ward community and may include a geographic sector;

**“Speaker”** means the Speaker of the council elected in terms of Section 36;

**“Ward Councillor”** means the municipality councillor elected to represent the ward in terms of Section 22 (1) (b) ot the Local Government Municipal Structures Act No. 117 of 1998);

**“IDP”** means the Intrgrated Development Plan of Newcastle Municipality;

**“Structures Act”** means the Local Government: Municipal Structures Act (Act No. 117 of 1998);

**“Systems Act”** means the Loval Government: Municipal Systems Act (Act No. 32 of 2000);

**“Municipality”** means the Newcastle Municipality

**“National Framework”** means notice 364 of 2009, Natioanl Framework: Guidelines for Provinces and Municipaities in the Implementation of the Ward Funding Model.

**“National Framework onOut of Pocket Expenses”** means The Nation Framework: Criteria for Determining Out of Pocket Expenses for Ward Committee Membrs, 2009 (Notice 973 of 8 October 2009);

**“Ward Committee”** means a ward committee as contemplated in section 73 of the Local Government: Municipal Structures Act (Act No.117 of 1998);

**“Out of Pocket Expenses”** means payment as contemplated in section 73 of the Local Government: Municipal Structures Act (Act No. 117 of 1998) and in accordance with the National Framework on Out of Pocket Expenses for Ward Committee Members;

**4. LEGISLATIVE FRAMEWORK.**

Ward Committees are regulated in terms of the following legislative framework:-

1. **The Constitution of the Republic of South Africa Act No. 108 of 1996**: the act sets out the objectives of local government, including the objective of encouraging communities and community organisations to participate in the matters of local government[[1]](#footnote-1).
2. **The Municipal Structures Act No. 117 of 1998 and its regulations**: these regulate the establishment, vacation of office and meeting frequency of ward committees as well as their term of office[[2]](#footnote-2). The Municipal Council is responsible for the formulation of its own rules to regulate the election, operation and administration of ward committees.

c) **The Municipal Systems Act No. 32 of 2000**: 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.

d) **The Municipal Finance Management Act No. 56 of 2003 and its regulations**: requires that communities participate in thebudgeting process of the Municipality.

**5. STATUS AND DESCRIPTION OF WARD COMMITTEES.**

It is important for both the council and members of the community including civil society formations to understand that a ward committee is:

a) Is an advisory body;

b) Is a representative structure of the Ward;

c) Is an independent apolitical committee of the community;

d) Should be impartial and perform its function without fear, favour or prejudice;

e) Is an integrative umbrella body responsible for the coordination of Ward

 developmental initiatives, promotion of accountability and social cohesion;

f) Constitute a layer of accountability and *support* to the ward councillor;

g) Is a representative structure of the community it is **accountable** to the community.

**6. COMPOSITION OF WARD COMMITTEES.**

Representation in the Ward Committee should be in compliance with the legislation, Section 73(3) of the Municipal Structures Act No. 117 of 1998. A ward committee comprises:-

a) A ward committee consists of the Ward Councillor representing that ward in the council who must be the Chairperson of the Ward Committee in terms of section 73(2) (a) of the Local Government Municipal Structures Act No. 117 of 1998.

b) Ten (10) other persons who represent a diversity of sectors and interests in the ward which may include but not be limited to social, economic and cultural sectors ,sub sectors, structures, sub-structures or interest groups as well as geographical sectors.

c) PR Councillor to serve in a Ward shall be an **ex-officio** member of the Ward Committee.

d) An adequate and equitable representation of women on the Ward Committee.

e) A Ward Councillor shall at its first meeting elect a Secretary and a deputy-secretary from the members to fulfil relevant duties of the Ward Committee.

f) A Ward Committee shall decide on portfolios to be given to the remaining members of the Committee. Portfolios must be in line with the municipality Integrated Development Plan’s key outcomes. These outcomes are as follows:-

* 1. Local Economic Development: Sustainable economic growth and job creation;
	2. Cross Cutting: Fully serviced, well maintained quality living environments;
	3. Cross Cutting: Safe and secure environments;
	4. Good Governance and Public Participation: Healthy and empowered citizens;
	5. Cross Cutting: Embracing our cultural diversity;

### Cross Cutting and Basic Service Delivery: Sustaining the natural and built environment;

* 1. Good Governance and Public Participation: Democratizing local government; and
	2. Financial Viability and Management including Municipal Transformation and Corporate Development: Financially viable and sustainable local government.

**7. ELECTION CRITERIA.**

Newcastle Municipality hereby makes the following rules regulating the procedure to elect members of Ward Committees as required by the Municipal Structures Act No. 117 of 1998, Section 73(3) (a):

1. The Speaker must, after consultation with Municipality Electoral Officer (MEO) recommend to Council the constitution of an electoral committee.

**The sole purpose of the Electoral committee will be:**

1. To establish and make rules regulating the procedure and criteria to elect members of ward committees.
2. To monitor the entire election process.

**The composition of the committee shall be as follows:**

The Speaker, Municipal Manager/Public Participation Practitioner and the representatives of a Whips Committee.

**2.** **The following screening criteria must be applied for electing ward committee members:-**

1. A person to be elected member must be a registered voter in the ward and should appear on voters’ roll of the ward for which he or she is nominated.
2. A person is not eligible for election if he or she works for the local municipality or the District municipality within which the local municipality is demarcated;
3. A person should not be in arrears to the Municipality for rates and service charges for a period longer than three months.
4. A person must not be an un-rehabilitated insolvent.
5. A person must not be under curatorship.
6. A person should not be convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than 12 months.
7. A person should not be declared by a competent court as being of unsound mind.
8. Be an active participant or member of the sector which he or she is nominated to represent, be motivated to work on the Ward Committee and committed to creating a better life for the members of their ward community.

**3.** For an organisation to be able to participate in an election for a ward committee, such

 Organisation must:

1. Be registered as an organisation on Newcastle municipality database;
2. Be active within the boundaries of a ward as evidenced by the lodging of minutes within electoral officer of an AGM held within the period of 12 months prior to the date of ward committee election.

**8. ELECTIONS**

**8.1 NOMINATION PROCEDURE**

All sectors within the Municipality shall be entitled to nominate eligible persons to represent their sectors on the Ward Committee.

Calls for nominations shall;

a) Be called for a minimum of one month prior to the date of the election meeting.

b) Be placed in the local press, and on all official municipal notice boards.

c) Be invited from sectors known to be represented in the Municipality.

* 1. **NOMINATION ACCEPTANCE**

a) Nominees shall be nominated on the official nomination form.

b) The nomination form shall be:-

i. Undersigned by the candidate in acceptance of his or her nomination.

ii. Undersigned by a nominator and seconded by a minimum of ten (10) other persons.

Or

iii. Supported by a resolution of a formally constituted meeting of the sector, sub-sector interest group or geographic sector that authorises the nominee to represent their interests on the Ward Committee.

c) Nominations shall be submitted to the Municipal Manager or an official delegated to receive the nominations before the closing date and time specified in the call for nominations.

d) Sectors may nominate a secundus in the event that their nominee is elected to serve on the Ward Committee and is unable to attend meetings.

e) Should a nominee who is elected to serve on the Ward Committee vacate his position on the Ward Committee or no longer be eligible to serve on the Ward Committee, the procedure as set out under Paragraph 12 for the filling of vacancies shall apply.

* 1. **REJECTION OF NOMININATIONS.**

a) The Municipal Manager or an official delegated by the Municipal Manager shall reject any nomination that does not comply with paragraphs 7 and 8.2 above.

b) Any person whose nomination is rejected shall not be allowed to stand or be elected as a member of a Ward Committee.

**9. ELECTION PROCEDURE**

1. The Public Participation Practitioner of the municipality in consultation with the Ward Councillor and the Office of the Speaker must coordinate the schedule of meetings for elections purpose through the directive of the Municipal Manager,
2. The Office of the Municipal Manager must advise the Provincial COGTA about the dates and the election plan within 90 days after first council sitting.

The election of ward committees shall take place in the following manner:-

* 1. **WARD COMMITTEE ELECTION MEETING.**

a) The Ward Councillor shall, in cooperation with the Speaker, convene a Ward Committee election meeting for his or her ward.

b) Notices of the Ward Committee election meetings shall be given at least 7 calendar days prior to the Ward Committee election meeting.

c) Notice of the Ward Committee election meetings shall be done as comprehensively as possible with due cognisance of the communication preferences of the ward to ensure optimal participation, and shall include at least 2 of the following mechanisms:-

i. Notices in the press;

ii. Notices to residents; Loud Hailing and

iii. Notices on all official municipal notice boards;

d) The Speaker, Municipal Manager or an official from Public participation Office of the Municipality delegated to do so by the Municipal Manager shall preside over the election process.

e) No quorum is required at a Ward Committee election meeting, but the Ward Councillor must ensure that the meeting is a true representative of the ward.

f) All voters who are registered on the wards voters roll may vote at a Ward Committee election meeting.

g) Attendance registers must be completed for Ward Committee election meetings.

* 1. **ELECTION PROCEDURES.**
1. The Municipal manager should appoint an official preferable from Public Participation directorate to act as an Election officer during the ward committee election.
2. A minimum of not less than 5(five) organisations and sectors should be elected as members of the particular ward committee whilst the balance should be elected from geographical block/areas.
3. There shall be election model that the municipality can use. Which are as follows: **Sectoral and Geographical spread Model**.

**Sectoral model election shall take place as follows:**

a) A maximum of 5 sectors can be represented on the Ward Committee.

c) Where there are no more than 5 sectors with eligible nominees, these sectors shall be regarded as the sectors from which Ward Committee members shall be elected.

d) Where there are more than 5 sectors with eligible nominees, an attempt shall be made to group similar sectors through consensus during the meeting, but should this not be possible, the determination of priority sectors for the ward shall be put to the vote.

e) Where there is only one nominee per sector, and no motivation that the nominee is not a true representative of the sector, that nominee shall be declared as a duly elected member of the Ward Committee.

f) Where there is more than one nominee per sector, a vote shall be held.

g) All persons eligible to vote shall have one vote to elect a representative in respect of each sector.

h) In the case of equal number of votes, preference shall be given to a female nominee, unless both nominees are male or female in which case, the chairperson shall have a casting vote.

i) Should there be any remaining seats on the Ward Committee following this process, the meeting may through consensus elect second or third nominees from any of the wards priority sectors to serve on the Ward Committee providing that preference is given to women nominees first.

j) Voting shall ordinarily be done by means of a show of hands, but the Speaker or official presiding over the election may make use of ballot papers if there are sufficient people in attendance and a ballot system would be more practicable.

**Geographical Spread Model**

1. Where more than 1 (one) election in a ward is to take place due to the ward geographical nature, the number of ward committee members of each area where meetings will take place should be determined proportionally according to the registered number of voters in terms of the IEC’s voters roll.
2. The public meeting will be convened and during that election meeting the election officer will call for nomination from the floor.
3. The nominees will be given an opportunity to contest against each other were there will be one front-runner voted by the participants.

**9.3 PROCESS OF HANDLING OBJECTIONS.**

* 1. An objection to the election to the election may be submitted in writing to speaker, within 14 days following the date in which the election was conducted
	2. The Speaker will acknowledge the receipt within 07 working days upon receipt of an objection.
	3. An investigation will be conducted in consultation with affected parties.
	4. The complainant will be advised of the outcome of the objection within 30 days from the date the objection was launched.
	5. The municipality has the obligation to ensure that all pending objections have been finalized before the new ward committee members are formally introduced to the community.

**10. TERM OF WARD COMMITTEES.**

The term of office of the ward committees shall be determined by Council resolution in terms of section 75 of the Local Government: Municipal Structures Act (No 117 of 1998).

1. Members of a ward committee are elected for a term that corresponds with the term referred to in section 24 of the Municipal Structures Act.
2. Section 24 provides for the term applicable for municipal council and it is no more than five years as determined by the Minister through the notice in the government Gazette. Calculated from the day following the date set for the previous election of all Municipal councils in terms of subsection (2), the Minister may by the notice in the Government Gazette prescribe regulations for the implementation of this subsection.

**11. VACANCIES.**

a) A Ward Committee Member shall cease to be a member of the ward committee if that member:-

i. Resigns in writing.

ii. Moves to another ward.

iii. Ceases to be a member of the sector that he or she represents.

iv. Dies.

v. Is removed from office by the Council.

b) The Council shall remove a Ward Committee Member from office by a resolution if such member:-

i. Has been absent without leave of the Ward Committee for three or more consecutive meetings.

ii. Is proven to be involved in any form of corruption.

iii. Fails to adhere to meeting procedures or commits acts of misconduct during meetings.

iv. Fails to submit priorities as mandated by the sector.

v. Becomes involved in activities that undermine the Council or Ward Councillors authority.

vi. Contravenes the Code of Conduct for Ward Committee Members.

**12. FILLING OF VACANCIES.**

a) When a vacancy occurs, nominations shall be called from the sector where the vacancy occurred, and the nomination and election process as set out in paragraphs 8.2, 8.3 and 9 shall be followed.

b) Should the sector not wish to nominate a candidate, calls for nominations will be made in terms of paragraph 8.1 where after the procedure as set out in paragraphs 8.2, 8.3 and 9 shall be followed.

**13. POWERS OF WARD COMMITTEES.**

In terms of the Structures Act, Ward Committees make representation on issues affecting the ward to both the Ward Councillor and the Municipal Council.

1. A provision to this effect should be made in the rules of order of the Council to provide for mandatory periodic reports to council through the Speaker.
2. These include recommendations on any matters affecting the community (ward).

The Council may delegate additional powers to Ward Committees in terms of Section 59 of the Local Government Municipal Systems Act.

**14. FUNCTIONS OF WARD COMMITTEES.**

Ward Committees shall perform the following functions;

a) Participate in the Integrated Development Plan (IDP) development and review process by:-

1. Gathering information on the ward’s needs.
2. Identifying priorities/reprioritizing/proposing projects.
3. Attending strategic planning and review exercises.
4. Serving on representative forums that may be established to liaise with residents.
5. Overseeing development projects emerging from the IDP including Ward Based Plans **(CBP).**
6. Attending public IDP/ward/town based planning meetings.

b) Participate in the budget process by:-

1. Attending public hearings.
2. Attending and participating in Council outreach programmes.
3. Entering into discussions on the town/ward budget with the Ward Councillor.
4. Attend and influence municipal budget meetings and processes.

c) Participate in the performance management of the Municipality by:-

i. Monitoring the performance of the Ward Councillor in specific areas.

ii. Engaging in performance reviews of the IDP.

iii. Raising concerns regarding off-schedule capital projects and service delivery targets.

iv. Through the IDP and Annual Report reviews, provide written comments/feedback on the level of development in the Municipality, service delivery and reporting.

v. Assist in the monitoring of the Customer Service Charter.

d) Attend meetings of the Ward Committee, Council, Community and sector consultations as well as feedback meetings.

e) Receive and record complaints, queries and requests from the community within the ward.

f) Submission and tabling of reports and plans addressing the needs and priorities of the ward and provide feedback on the functions rendered by the Municipality that impact on the ward, in order to formulate recommendations to be submitted to the Municipality through the Ward Councillor.

g) Provide feedback to the Community on the Council’s resolutions.

h) Visit relevant sector organizations and communities for the purpose of information gathering, information sharing, Council feedback, intervention, networking, community mobilization, conflict resolution and other reasons.

i) Participate in stakeholder cluster forums.

j) Coordinate ward programmes.

k) Create formal unbiased communication channels and co-operation partnerships between the Municipality and the community within a ward.

l) Create harmonious relationships between the residents of the ward, the Ward Councillor and the Municipality.

m) Facilitate and encourage participation by the community in Municipal processes and all affairs of the Municipality.

n) Act as an advisory body on the Municipality, Council policies and matters affecting communities in the ward.

o) Serve on officially recognized and specialized participatory structures of the Municipality.

p) Serve as a constructive mobilizing agent for community action.

q) Monitor the implementation of ward plans, programmes and ward discretionary funds (where available).

r) Conduct or assist with customer satisfaction surveys in the ward.

s) Maintain a register of all active organisations in the ward.

t) Distribute publications approved by the Municipal Manager or an official delegated to do so, on Ward Committee activities and ward programmes as requested.

u) Participation in plans and programmes of the Municipality and other spheres of government impacting on the development of the ward.

v) Any additional functions that the Council may delegate to the Ward Committees in terms of Section 59 of the Local Government Municipal Systems Act No. 32 of 2000.

**15. CONDUCT OF WARD COMMITTEES.**

A member of a Ward Committee must subscribe to the Municipality’s Code of

Conduct for Ward Committees (**Annexure A**) which requires members to, amongst others:-

a) Perform the functions of the Ward Committee in good faith and without favour or prejudice.

b) May not use the position or privileges of membership for private gain or to improperly benefit another person.

c) Must adopt the principle of accountability to the community and all political party represented in council,

d) Not compromise the credibility and integrity of the Ward Committee and the Council.

e) Function in support of the Ward Councillor and the Municipal Council.

f) Must be accessible to the community and ensure that all role players can relate to the process and issues at hand and are able to make their input into the process of the committee;

g) Ensure that the operations of the Ward Committee are open and transparent.

h) Ensure that all views and opinions are taken cognizance of.

i) Be punctual for meetings and submit an apology with valid reasons to the chairperson of the committee if a meeting cannot be attended.

**16. MEETINGS OF WARD COMMITTEES.**

1. **Meeting procedure.**
	* + - 1. Ward Committee meetings are convened and chaired by the Ward Councilor.
				2. Members of the Ward Committee must submit items to be discussed to the Chairperson at least seven days in advance.
				3. The Chairperson and or the Secretary shall be responsible for preparing an agenda for Ward Committee meetings.
				4. A Ward Councilor may delegate in writing the chairing of the meeting in his/her absence to a member of the ward committee.
				5. If there is no delegation by the chairperson, members must elect amongst themselves the chairpersonship of the day.
				6. A ward committee may establish one or more sub-committees necessary for the performance of its function and involve organizations more broadly.
				7. Members of the sub-committees must be appointed by the ward committee.
2. **Frequency of meetings.**
3. Ward Committees shall meet at least once a month.
4. Ward Committees shall determine a programme for meetings at the beginning of the year to be in line with the Municipal Council programme.
5. Regular meeting intervals need to be determined.
6. **Quorum and decisions.**
	* 1. A majority of Ward Committee members must be present before a vote may be taken on any matter (50% plus 1 member).
		2. A Ward Committee shall endeavor to take decisions based on consensus.
		3. If consensus on any matter cannot be achieved, such matter may be determined by a supporting vote of the majority of the members of the committee (50% + 1 of the committee members present).
7. **Public meetings (Ward meetings).**

Public meetings are mainly held in order:-

1. To register the concerns and inputs of the community with regards to service delivery, general development of the community, disaster management and any other municipal concern the community may have.
2. To report back to the public on issues that affect the public.

The Ward Councillor should chair ward or public meetings. A Ward Councillor may delegate in writing the chairing of the meeting in his/ her absence to a PR Councillor or any member of the Ward Committee.

If the committee decides to hold a public meeting it must publish a notice at least fourteen days in advance in a newspaper circulating in the area concerned or by any other acceptable means of public notification stating the time, date and place of the meeting and inviting the public to attend the meeting or meetings.

The scheduled date, time and place of the meeting should be convenient so as to encourage the greatest number of people to attend. The venue:-

1. Must be in a well-known place;
2. Must be easily accessible and, also disabled-friendly; and
3. Should be large enough to accommodate all people present.

Where the jurisdiction of a Traditional Authority extends to the ward where a public meeting is to be held, the relevant traditional authority should be informed of the public meeting as per ***c.*** above.

When the committee publishes a notice, it must convey, where appropriate, by radio or other appropriate means of communication, such as direct mail outs and posters or notices in key areas such clinics, schools, bus stops, libraries, and the contents of the notice in the area concerned.

At a public meeting a representative of the committee must:-

1. Explain the meeting procedures, such as adoption of agenda, time allowed for questions, etc.
2. Explain the issues the committee has to consider, including any options open to the committee;
3. Allow members of the public attending the meeting to air their views on these issues;
4. Answer relevant questions;
5. Keep minutes of the meeting and inform the public that Ward Committee meeting and public meeting minutes are public documents and that the community has access to these documents.
6. Give feedback on previous issues, including reasons if there is a lack of progress.

Public meetings are not political platforms and Ward Committee members and the community should refrain from making party political statements, campaigning and canvassing.

For the purposes of participation in community meetings, a Ward Committee may keep a register of interest groups and organizations that are active in the ward.

1. **Work programme.**

The Ward Committee:-

1. Must submit a programme with specific scope of work for one year to the office of the Speaker in July each year;
2. Must perform the functions as set out to achieve goals as indicated in the work programme:-
3. On request by the Council administration; and
4. In accordance with priorities and reasonable time frames agreed upon.
5. On own initiatives.
6. On request by the ward councilor; and on request by the Speaker or other designated political functionary.
7. Business of the ward committee shall be conducted in terms of Rules of Order as approved by Council.
8. The Office of the Speaker shall be responsible for making sure that there is feedback to the ward committee on all matters referred to Council

**17. CAPACITY BUILDING AND TRAINING.**

An annual capacity building and training needs assessment for members of the Committee must be done.

1. An annual capacity building and training programme must be developed for each member of the Ward Committee.
2. Annual budget for the Capacity Building and Training Programme shall be prepared according to the needs assessment.
3. The following requirements may be included in the training and capacity building programmes of Newcastle Municipality:
	1. Generic training needs, including:
		1. Communication;
		2. Interpersonal skills;
		3. Conflict Management and negotiation skills;
		4. Democracy and community participation and
		5. Leadership.
		6. Basic literacy.
		7. Community Based Planning (CBP).
	2. Training needs on municipal policy and processes, including:
		1. Principles of good governance;
		2. The establishment of Ward Committees, its terms of reference, nature and functions;
		3. Municipal structures, legislation and processes (including MIG and IDP);
		4. Intergovernmental community development and
		5. Payment for services (indigent policy, credit and debit control policy).
	3. Specialized training needs, including:
		1. Meeting procedures and secretarial services (minute taking, report writing, letter writing, etc.);
		2. Administration (clerical/administrative skills, bookkeeping, basic accounting, etc.);
		3. Budgeting;
		4. Monitoring and evaluation;
		5. Policy development;
		6. Project Management;
		7. Performance Management and
		8. Community Based Planning.
		9. Public participation in local government.
		10. Core municipal processes.

**18. THE ROLE OF THE MUNICIPALITY**

***ADMINISTRATIVE SUPPORT.***

1. Municipality shall make administrative arrangements to enable Ward Committees to perform their functions and exercise their powers effectively.
2. The permanent availability of an administrative staff capacity to attend all scheduled/non-scheduled ward committee meetings and to assist ward councilor and members in full filing their clerical and administrative functions.
3. Section 16(1) of the Municipal Systems Act (No. 32 of 2000) requires that the municipality use their resources and allocate funds in their annual budget for community participation.
4. Administrative support to be given to Ward Committees shall include the following:
	* + - 1. The promotion of Ward Committees in the community – informing the communities of the roles and responsibilities of Ward Committees. A practical example in this regard may be the provision of formal identification cards to Ward Committee members so that they are recognized as legitimate Ward Committee members amongst the communities;
				2. To identify or arrange central meeting places in the ward where communities have access to information and where Ward Committees can meet;
				3. Assisting with the translation of information and documentation for the community;
				4. Developing and providing capacity building and training programmes for Ward Committees on an ongoing basis during their term of office.
				5. Provide an administrative advisory service to councilors to ensure the smooth running of social and economic development initiatives.
				6. Provision of secretarial services to ward committees.
				7. Co-ordination of ward committee meetings.
				8. To provide necessary logistic resources, include the stationary, computers for the Ward Committee to fulfill their functions.
				9. To prepare and update municipal stakeholders register.
				10. To identify all key activities requiring community participation and ensure that all activities are incorporated and published in the year planner of the municipality.
				11. The Municipality may set up a public participation team internally that would facilitate easy liaison with the Ward Committee members outside of council for easy flow of information, reduced turnaround times, easier access to needed resources, easier access to key government officials needed to address public meetings from time to time better tracking and monitoring registered public concerns;
				12. The Municipality may also assist with the project management and events organizing of some of the bigger meetings and events through the deployment of their administrative personnel/teams and provision of resources.

**19. ACCOUNTABILITY.**

As the Accounting Officer for the Ward Committee, the Ward Councillor must:

1. Ensure through public participation office that proper records of Minutes of the meetings are kept;
2. Ensure that the Committees’ available resources are properly safeguarded and used in the most effective and efficient way;
3. Ensure that all statutory measures applicable to the Committee are complied with;
4. Ensure that all recommendations made by the Ward Committee are formalized and submitted to the office of the Speaker for presentation to the Council at an interval determined by the Speaker;
5. Submit the progress reports to the Office of the Speaker or designated political functionary for a review of the performance of the Committee; and
6. Implement any corrective measures to ensure effective and efficient performance of the committee as suggested by the Speaker or other designated political functionary.
7. Must report a view adopted by the ward committee to the council but may indicate his or her disagreement with the view in the report.
8. Preparation of the municipal public participation annual report.

**19.1 THE ROLE OF THE WARD COUNCILLOR/ CHAIRPERSON**

The councillor:

1. Is the chairperson of the Ward Committee.
2. Is responsible for calling ward Committee meeting and notifying members
3. Is responsible for ensuring that the schedule of meeting is approved including ward committee meetings, constituency meetings and special meetings. The attendance registers are kept and forwarded to the Office of Speaker
4. Works with the ward committees to ensure that there is an annual plan of activities.
5. Handles queries and complaints within the ward
6. Resolves dispute and make referrals of unresolved disputes to the municipality
7. Is fully involved in all community activities.
8. Ensures that all decisions taken by the ward committee are formalized and submitted to the Office of the Speaker for the presentation at the council.
9. Submits the report to the Office of the Speaker for a review of the performance of the committee indicating major achievements and the arrears of failure of the committee with the reasons within two months after the end of the financial year: and
10. Implements any corrective measures to ensure effective and efficient performance of the committee as suggested by the Office of the Speaker.

**19.2 THE ROLE OF THE SECRETARY.**

The duties of the secretary shall be:

1. To convene and attend all the ward committee meetings in consultation with the Chairperson.
2. To take minutes of such meetings.
3. To ensure that a proper filling system is put in place where all documents and records of the Ward Committee’s activities are kept;
4. To carry out other reasonable instructions as may be given to the Secretary from time to time by the Ward Committee.
5. To compile and consolidate all ward reports on the activities of the Ward Committee and submit it to the Speaker.
6. Dissemination of information to all ward committee members as well all relevant stakeholders.
	1. **THE ROLE OF THE PR COUNCILLOR.**
7. The Speaker shall, in consultation with the whips of different political parties in council, deploy PR Councilors to ward committees.
8. PR Councillor shall serve on the ward committees in an ex-officio capacity.
9. PR Councillor shall assist and complement the work of ward councilor.
10. PR Councillor shall participate in the deliberations of ward committees but will not have a right to vote.

**19.4 THE ROLE OF THE SPEAKER.**

The Speaker:

a) Must assert an oversight role on Ward Councillors.

b) Is an ex-officio member of Ward Committees;

c) Must ensure that ward participatory structures are established in line with the set guidelines and legislation.

d) Must, through his or her office, ensure full functionality of Ward Committees.

e) Must, in collaboration with Ward Councillors, regulate and monitor the frequency of Ward Committee meetings, community and sector report back meetings.

f) Must ensure that the local environment is conducive to active citizen participation in local governance.

g) Must ensure the provision of dedicated municipal support and resources to Ward Committees.

h) Must facilitate on-going training and capacity building programmes in various areas of management and should ensure that Ward Councillors are part of all Ward Committee capacity building and training programmes.

i) Set deadlines for submission of Ward Committee reports.

j) Improve communication with Ward Committees and ensure feedback meetings and reports are submitted.

k) Deploy PR Councillors to support the Ward Councillor and Ward Committees, and impose penalties on Councillors who fail to perform their assigned duties and responsibilities.

**20. DISPUTE RESOLUTION.**

The following mechanisms are recommended when disputes arise within Ward Committees:

1. Every effort should be made to deal with disputes;
2. When a dispute arises, the ward councillor or member of a committee should report the matter to the public participation office to try and resolve the dispute through mediation;
3. If the attempt at mediation fails, the matter then goes to the office of the Speaker who should arbitrate;
4. If the majority of the committee members are still aggrieved, the matter should be taken to the council through a channel decided upon by council or through the office of the Speaker or other designated whips committee
5. If the dispute is between the ward councillor and the ward committee, the matter should be referred to the Office of the Speaker.

**21. DISSOLUTION OF WARD COMMITTEES.**

1. A Council may dissolve a Ward Committee if it fails to fulfill its objective.
2. The following indicators may serve as early warning signs for non-functional ward committee structure:
3. When it fails to meet three consecutive times;
4. When the community members submit substantial evidence of maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in a Committee.
5. The notice should be served to the affected ward committee prior to dissolution.
6. The notice of termination must be served to the affected ward committee and be provided with an opportunity to respond to the matter within 30 days of a council resolution.
7. A ward councilor must also report back to a community meeting of the decision including reasons lead to such a decision.
8. Members of the Ward Committee that has been dissolved shall not be eligible for re-election to a Ward Committee for that term of Council after its dissolution.

**22. BUDGET.**

Newcastle municipality shall annually budget for the operation of ward committees.

* 1. Ward Committee members or their secundus should be reimburse for out of pocket expenses in accordance with the pre-approved formal schedule which will be included in the current municipal operational budget.
	2. Section 77 of the Municipality Structures Act prohibit Council from remuneration to committee members. No remuneration is to be paid to Ward Committee members however Municipality shall annually budget for:
		1. Out of pocket expenses of members of Ward Committees in respect of their participation in Ward Committee activities.
		2. Attend and/or participate in other forums or meetings as formally communicate by the municipality and should be present for the duration of such meetings.
		3. Attend training and capacity building programmes and be present for the duration of such programmes.
		4. The reimbursement only be paid on verification of attendance register of meetings attended and that reimbursement should only be electronically transferred to the bank account of the relevant Ward Committee members(s).
	3. An Out of Pocket expense payment will be paid as the guideline. **(See Annexure B)**

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**CODE OF CONDUCT FOR WARD COMMITTEES**

NEWCASTLE LOCAL MUNICIPALITY

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1. **INTRODUCTION**

a) South Africa has a well-established policy and legal framework for public participation and empowerment. Section 152 of the Constitution confirms a number of citizen rights and more specifically, the rights of communities to be involved in local governance.

b) In accordance with the National Framework, municipalities are obliged to encourage the involvement of communities and community organizations in local government. This extends to the entire way a municipality operates and functions.

c) Accordingly, the Municipality adopts this policy 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 to ensuring citizens participate meaningfully in finding sustainable ways to meet their social, economic and material needs.

d) The Municipality shall therefore, provide appropriate systems and support for the ward committees in accordance with section 17(2) of the Municipal Systems Act, which stipulates that a municipality must establish appropriate mechanism, processes and procedures to enable the local community to participate in the affairs of the municipality.

1. **PURPOSE**

The purpose of this policy is:

(a) To give meaning to the national legislative framework on public participation and to provide an institutional framework for such participation within the broader structures of the Municipality.

(b) To regulate the operation of ward committees and provide for matters that guide their internal processes, functionality and funding; and

(c) Ensure the Municipality complies with the norms and standards set by the National Framework on the funding models for ward committees.

1. **DEFINITIONS**

In this policy a word or a phrase to which a meaning has been assigned in the Municipal Structures Act, 1998 and Municipal System Act, 2000, has that meaning, unless the context indicates otherwise –

**“Ward Committee”** Newcastle municipality defines ward Committees as an apolitical ward management structure.

**”Chairperson”** means the elected chairperson in terms of the ward committee policy.

**“Committee”** means the Council’s portfolio committee constituted in terms of the ward committee policy.

**“Council”** means Newcastle Local Council.

**“Member”** means a member of the Newcastle Municipality ward committee.

**“Secretary”** means the secretary of a ward committee as elected in terms of the policy on ward committees.

**“Meeting”** means a meeting of the ward committee or any one of its sub Committees.

**“Point of Order”** means the pointing out of any deviation from, or anything contrary to, in the conducting of proceedings or any other irregularity in the proceedings;

**“Quorum”** means the minimum number of ward committees or other members if any that must be present at a meeting before it may commence or continue with its business

1. **LEGISLATIVE FRAMEWORK** Ward Committees are regulated in terms of the following legislative framework;

a) **The Republic of South Africa Constitution Act 108 of 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]](#footnote-3).

b) **The Municipal Structures Act 117 of 1998and its regulations**; which regulate the establishment, vacation of office and meeting frequency of ward committees as well as their term of office[[4]](#footnote-4).The Municipal Council is responsible for the formulation of its own rules to regulate the election, operation and administration of ward committees.

c) **The Municipal Systems Act, No 32 of 2000**; 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.

d) **The Municipal Finance Management Act 56 of 2003 and its regulations**; which requires that communities participate in thebudgeting process of the Municipality.

**5. Aims and Objectives of the Code Of Conduct**

The aims and objective of the code of conduct is to:

a) Set out the functions of a member of the ward committee and to specify standards of integrity and conduct to be observed by Ward Committee members in their role to assist the municipality to meet its objectives and standards, in accordance with the Newcastle Municipality IDP;

b) Inform the public about the responsibilities of Ward Committee members in a specific ward;

c) Enhance the image, credibility and accountability of the Newcastle council to the community in a specific ward where such a member serves;

d) Maintain the trust, respect and co-operation between members of the Ward Committees and all members of the community represented in the ward

1. **THE STANDARDS APPLICABLE TO ALL MEMBERS OF THE WARD COMMITTESS WHEN DEALING WITH:**

a) Other Ward Committee members;

b) The Ward Councillor of that specific ward and all other Councillors of the municipality;

c) The municipal administration

d) The community represented in the ward;

e) The constituents of Newcastle municipality, including civil society, trade unions, vulnerable communities and other role players in the ward;

f) NGO’s, service providers of the municipality rendering services in the ward, where required

g) Traditional leaders where applicable

* + - 1. Other stakeholders

**7. Functions of Ward Committee members**

The function of a ward committee is to effectively support the elected Ward

Councilor for that ward and to serve the community, by inter alia:

a) Organizing and attending meetings of the ward;

b) Submission and tabling of reports and plans addressing the needs and priorities of the ward and to provide feedback on the functions rendered by the municipality that impacts on the ward, in order to formulate recommendations to be submitted to the municipality through the Ward Councillor;

c) Facilitating feedback on matters raised with the Council through the Ward Councillor;

d) Attend to do door-to-door campaigns and arrange interaction with sub-structures in the ward, such as street committees;

e) Keep record of and attend to all complaints, queries and requests received from the community in the ward and to attend to it, through the Ward Councillor;

f) Distribute publications as required;

g) Management and updating of ward profiles as well as identifying conditions , problems and residents’ needs;

h) Spread information in the ward concerning municipal issues such as the Budget, IDP, services delivery options and municipal properties.

i) Participation in plans and programs of municipalities and other spheres of government impacting on the ward development;

j) Facilitating participation by the community in all affairs of the municipality;

k) Foster a good working relationship with CDWs operating in the ward.

* 1. Participation of ward committees in the Operation Sukumasakhe and the War room

**8. CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS**

* + - * 1. **GENERAL CONDUCT**

I. A Ward Committee member must:

ii. Perform the functions of the office in good faith, honesty and transparent manner;

iii. At all times act in the best interest of the community;

iv.Refrain from doing anything that will cause him or her to interfere with the affairs of the administration of the Council, or to obstruct any Council official in the exercise of an official duty;

v.Refrain from participating in any activities that are directed at or are aimed to undermine the efficiency, good name, standing in the community and the integrity of the Council, any of its committees and the administration;

vi**.** Refrain from participating in the activities that are aimed at or that may instigate the members of the community against the Council;

* + - * 1. Refrain from participating in any conduct whatsoever that will or may endanger the lives of other members of Ward Committees, councilors or employees of Council.

**8.1 ATTENDANCE OF MEETINGS**

a)A Ward Committee member must attend each meeting of the Ward Committee and of a Portfolio committees which he or she is part of, except in cases when leave of absence is granted by the committee based on the reasons offered by the person.

b)If and when a Ward Committee member is absent on three consecutive Ward Committee meetings without leave , or from six or more consecutive Ward Committee meetings with leave, the committee may decide to recommend to the Speaker to terminate the membership of the Ward Committee of such member on such grounds. The decision of the Speaker on the matter is final.

c)Members of the public or co-opted members of the sub-committee may attend the meetings of the Ward Committee meeting to observe the proceedings, or to make presentations: Provided that the committee may request such presentation to be made in writing, provided further that members of the public or the co-opted members may not take part during the deliberations, nor be afforded the opportunity to vote, should the matter be put to the vote.

d)Officials of the Council through the departmental heads concerned, may be requested to attend and address a meeting of a Ward Committee to provide clarity on relevant issues, but may not vote on the issue.

**8.2 PERSONAL GAIN**

a) A Ward Committee member may not use the position or confidential information obtained as a member, to private gain or improperly benefits another person.

b) A ward Committee member may not take up an issue on behalf of another person for a fee or other personal gain.

**8.3 REWARDS, GIFTS AND FAVOURS**

A Ward Committee member may not request, solicit or accept any reward, gift or favour for;

1. Persuading the Councillor or any council committee in regard to the exercise of any power, function or duty;
2. Making a representation on behalf of the community or committee to the council committee: and
3. Disclosing privileged or confidential information.

**8.4 UNAUTHORISED DISCLOSURE OF INFORMATION**

A Ward Committee member may not without the permission of the Ward Committee or sub-committee disclose any privileged or confidential information of the council or committee to any unauthorized person.

**9. BREACHES OF THE CODE**

a)Should it be alleged that a member of the committee has breached any of the provisions of the Code of Conduct or constitution, or should a verbal or written allegation be made of such a breach, the Speaker may;

 i. Investigate and make a finding on alleged breach of this code and Constitution; or

ii.Establish a special sub-committee (Whips Committee & Public Participation Practitioner) to investigate and make finding on alleged breach of this code and policy; and

iii. To make appropriate recommendations to the Ward Committee.

b)If the special sub-committee or the Ward Committee itself makes a finding that the Ward Committee member has breached a provision of this code or the policy, the Ward Committee must, based on the proposal of the special sub-committee if any, make a recommendation to the Speaker to instigate disciplinary proceedings.

c)The Speaker will constitute an investigation team to investigate the allegations, and to submit a report on the issue to the Speaker within ten days.

d)Depending on the contents of the report, the Speaker will within ten days of receiving the report, appoint a disciplinary committee consisting of Legal service directorate, whips committee and public participation unit as well as a chairperson of the committee, to consider the matter. The disciplinary hearing will be conducted in accordance with the rules of natural justice and the following procedures will be followed:

i.The speaker will appoint the Presiding Officer;

ii.The Presiding Officer may call witnesses;

iii.The Presiding Officer may call witnesses, produce documents during the hearing in support of his or her case and cross examine the accused member or witnesses called by the accused member;

iv**.** The accused member may testify him/herself, may call witnesses in his or her defense and may cross examine witnesses called by the Presiding Officer;

e)After hearing all the evidence and perusing the documents, and on finding the accused member guilty of the charge, the disciplinary committee may make any or more of the following recommendations to be imposed by the Speaker;

i.Issue a formal warning in the Ward Committee member;

ii.Reprimand the Ward Committee member;

iii.Suspend the Ward Committee member for a period that will be determined by the Speaker depending on the seriousness of the case.

iv.Remove the Ward Committee member from the committee;

f)The Speaker shall thereafter report the outcome of the disciplinary proceedings to the Council at the first meeting of the Council.

g)The ward councillor shall inform the community in the ward of the outcome of the disciplinary proceedings.

h)Any alleged breaches of the code by the ward councillor must be reported to the Speaker who must thereupon deal with the matter in terms of the applicable policies and legislation.

I) As the last resort, a matter may be referred to Provincial Department Co-operative Governance and Traditional Affairs (COGTA) for mediation.

J) Role of the community:

* 1. If the community in a ward is dissatisfied with the conduct of a Ward Committee member, they can report such member to the chairperson of the ward committee.
	2. The Ward Committee must deal with the report or petition so received in terms of the provision 10 above.
	3. If the chairperson does not deal with the matter to the satisfactory of the community, then the matter should be referred to the Speaker.

k). Status of ward committees/political matters:

1. Committee members should avoid political conflicts among themselves, the Ward Councillors and PR Councillors.
2. In their interaction with the community, committee members may not discriminate on the grounds of political affiliation, culture, race, gender, sexual orientation, disability, religion or on any other grounds that would constitute unfair discrimination;
3. In the execution of their duties committee members may not advance the interest of any political party or wear/possess any political party memorabilia.
4. Committee members may not use Ward Committee meetings as a political platform or committee or to canvass for a political support to be re-elected as a committee member or as a Ward Councillor in the next local government elections.
5. **RULES OF ORDER FOR WARD COMMITTEE MEETINGS**

Ward committee meetings shall be chaired as per the provisions of the ward committee policy.

1. **Commencement of Ward Committee meeting**

 The Chairperson must open each meeting of the Ward Committee at the scheduled time for the meeting and immediately proceed with the business of the meeting.

 **b)** **Order of Business**

Business at ordinary meetings of the Ward Committee should be flexible but must preferably proceed in the following order:-

**(1)** Opening

**(2)** Leave of absence

**(3)** Official notices.

**(4)** Confirmation of minutes.

**(5)** Reports.

**(6)** Discussion items of which notice has been given.

**(7)** General items of an urgent nature may be placed on the agenda by the secretary with the prior consent of the Chairperson.

**c) Introduction of urgent business**

i. The Chairperson may at any meeting without notice make any statement or read any communication. Any member, who wishes to introduce a matter of exigency, must submit it to the Ward Committee through the Chairperson. A maximum of three items of such a nature may be introduced at a meeting.

ii.A member may introduce urgent business if it is delivered to the Chairperson at least 24 hours before the date of the meeting at which it is intended to be introduced.

**d)**  **Attendance Register**

 Every member present at a meeting of the Ward Committee must sign his/her name in an attendance register, which must be provided for that purpose.

**e) Minutes**

1. Minutes of the proceedings of every meeting of the Ward Committee must be drawn up and pointed or type-written and must be signed and submitted by the Chairperson for confirmation at the next ordinary meeting.
2. The minutes must be taken as read for the purpose of confirmation, if a copy thereof was sent to each member of the Ward Committee at least forty-eight hours previously.
3. Except as to accuracy, no motion or discussion on the minutes will be allowed.
4. A motion of course to correct the minutes will be permissible, and if carried, the minutes must immediately be corrected and signed.

**f) Order of priority**

The sequence, in which members speak, will be determined by the Chairperson.

**g)**  **Precedence of Chairperson**

 Whenever the Chairperson wishes to speak during a debate, any member then speaking or offering to speak must be silent and all members must be silent so that the Chairperson may be heard without interruption.

**h) Chairperson’s ruling on questions of order**

i.The ruling of the Chairperson on a point of order, point of information, or on the admissibility of a personal explanation, will be final and not open to discussion.

ii.The ruling of the Chairperson upon any point raised as to the interpretation of these regulations will be entered in the minutes by the Secretary.

**i)** **Unopposed business**

i. When a meeting of the Ward Committee has lasted more than two hours, the Chairperson may interrupt the proceedings and direct that the Ward Committee immediately proceed to dispose of business other than opposed business.

ii. After the disposal of such business, the proceedings must resume at the point at which they were interrupted, unless all other remaining business has been adjourned until the next meeting.

**j)** **Quorum**

Whenever at the start of a meeting or during a meeting of the Ward Committee there is no quorum, the Chairperson must announce it, and if within fifteen minutes thereafter there is still no quorum, the names of the members present must be called by the Secretary and recorded in the Attendance Register, and the Chairperson must declare the meeting closed.

**k)** **Voting by show of hands**

 The decision of the Ward Committee on any questions before it, must be determined by a show of hands and by simple majority, i.e. 50% + 1 of the members present.

**l)** **Meetings of Ward Committee**

i. Meetings must be conducted once a month, and be scheduled annually one year in advance.

ii. Should the Ward Committee not form a quorum within fifteen minutes of the time it should have commenced, the meeting may not proceed.

iii. A member of the Ward Committee who without leave of absence previously granted by the Ward Committee, fails to attend three consecutive meetings of such Committee, will cease to be a member thereof and will not qualify for re-election to any Ward Committee for a period of five years from such cessation.

iv.A member of the Ward Committee may resign from such Ward Committee by giving a thirty (30) days’ notice stating reasons in writing, signed by him/her. Such resignation must be submitted to the Secretary or if a member relocates to another ward ceases to be the member of that ward committee.

vi. If the Ward Councillor does not convene or attend the Ward Committee Meetings for the period of three consecutive months the committee members may take the matter to the Speaker.

m) **Maintenance of order at Ward Committee meetings**

i. If a member misconducts him/herself or obstructs the business of any meeting of the Ward Committee or challenges the ruling of the Chairperson on any point of order or declines to withdraw any expression when required to do so by the Chairperson, or indulges in tedious repetition or unbecoming language, or commits any breach of these Rules, the Chairperson will direct such member to conduct him/herself properly and resume his/her seat.

ii. In the event of a persistent disregard of the directions of the Chairperson, the Chairperson will direct such member to retire from the meeting venue for the remainder of the meeting and may, if necessary, cause him/her to be ejected there from.

iii. Any such member who:

1. Refuses or fails to comply with a direction of the Chairperson given in terms of sub-regulation (m)(i) or
2. Returns to the place of meeting prior to the conclusion of the meeting from which he/she was directed to retire; or
3. Offers resistance whilst being ejected from the place of meeting will be guilty of an offence and will receive a formal written warning and a one-meeting suspension, which will be deemed to be an absence without leave.
4. Should such member commit the same or similar offence twice, he/she will be disqualified as a member of the Ward Committee, and rule 10 will apply *mutatis mutandis*.

iv. Members may not bind the committee or make official statements to the press unless they have the prior approval of the Chairperson of the Ward Committee.

**11. ADMISSION OF PUBLIC IN MEETINGS**

a) Meetings of the ward committee are not open to the public, including the media.

**12. Disputes**

a) Ward committee members must avoid conflict between themselves and the community members. In the event of a dispute between the Ward Committee members, the Ward Councillor must mediate.

b) In the event of a dispute between Ward Committee members and the Ward Councillor, the Ward Committee or Ward Councillor must prepare a submission to the Speaker to intervene between the parties.

**13. The Declaration**

I ........................................................................... solemnly declare: I pledge to advance and act in the best interest of Ward No…………community. I confirm that I am residing within the jurisdiction of Newcastle Municipality, dedicated resident and registered voter.I further declare that I have read and understand the code of conduct for Ward Committee members as informed by the provision of the Local Government: Municipal Structures Act, 1998 , the National Framework: Criteria for the Determining of Out of Pocket Expenses for Ward Committee Members, 2009 and all relevant frameworks as well as the Standing Orders of Newcastle Municipality. I have carefully studied this code of conduct unimpeded and freely, and I cannot claim ignorance of it. I fully agree that I shall be bound by the Code of Conduct in the execution of my duties and functions as a loyal and disciplined member of a Ward Committee. I further acknowledge that my reimbursement for out of pocket expenses applicable to the Newcastle municipality which is subject to me fulfilling my obligations as set out above.

Signed.......................................at.................................... this ....................day of .......................................year..........................

**Witness 1**: Name............................................ ..........................................................

Sign: ...............................................Date: ................................................

**Witness 2:** Name………………………………………………………………………….Sign: ..................................................................... Date: .........................

**Municipal Ward Councillor**

Name of the Public Representative …………………………………...……………

Sign: ………………………………...................... Date: .......................



NEWCASTLE LOCAL MUNICIPALITY

 **GUIDELINES FOR THE OUT OF POCKET EXPENSE FOR WARD COMMITTEES**

**CONTENT**

1. Introduction.

2. Purpose.

3. Legislative Framework.

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5. Powers of Ward Committees

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9.1 Ward committee support.

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10. Accountability.

11. Calculating Out of Pocket Expenses.

11.1 Guidelines for Calculating Out of Pocket Expenses & the Minimum Cost Implications for Calculating Out of Pocket Expenses.

11.2 Sources of funding.

**A. Definitions**

- “Constitution” means the constitution of the Republic of South Africa Act (Act No. 106 of 1996);

- “Council” means the municipal council of Newcastle local Municipality;

- “Councillor” means a councillor of Newcastle Local Municipality;

- “Speaker” means the speaker of Newcastle Local Municipality;

- “Executive Mayor” means the executive mayor of Newcastle Local Municipality;

- “Ward Committee Member” means a member of ward committee of Newcastle Local Municipality;

- “IDP” means Integrated Development Plan of Newcastle Local Municipality;

- “Structures Act” means the Local Government: Municipal Structures Act (Act No: 117 of 1998);

- “Systems Act” means the Local Government: Municipal Systems Act (Act No 32 of 2000);

- “Municipality” means Newcastle Local Municipality;

- “Notice 965 OF 2005” means the Guidelines for the Establishment and Operation of Municipal Ward Committees in terms of section 120, read with section 22, of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000);

- “National Framework” means notice 364 of 2009, National Framework: Guidelines for Provinces and Municipalities in the Implementation of Ward Funding Model.

“National Framework on Out of Pocket Expenses” means The National Framework: Criteria for Determining out of Pocket Expenses for Ward Committee Members, 2009 (Notice 973 of 8 October 2009);

“Ward committee” means a ward committee as contemplated in section 73 of the Local Government: Municipal Structures Act (Act No. 117 of 1998);

“Out of Pocket Expenses” means payment as contemplated in section 73 of the local Government: Municipal Structures Act (Act No.117 of 1998) and in accordance with the National Framework on

**OUT OF POCKET EXPENSES FOR WARD COMMITTEE MEMBERS**

1. **INTRODUCTION**
2. South Africa has well established policy and legal framework for public participation and empowerment. Section 152 of the Constitution confirms that citizen rights and more that the rights of communities to be involved in local governance.
3. According to the National Framework, municipalities are obliged to encourage the involvement of communities and community organisations in local government. It extends to the entire way a municipality operates and functions.
4. Procedurally, the municipality adopts this policy based on the principles of good governance and community participation as contained in the Constitution, Chapter 44 of the Municipal Systems Act and the White Paper on Local Government which affirms the role of developmental local government that is committed to ensuring citizens participate in finding sustainable ways to meet their social, economic and material needs.
5. The Municipality shall provide appropriate systems and support for ward committees in accordance with section 17(2) of the Systems Act, which stipulates that a municipality must establish appropriate mechanism, processes and procedures to enable the local community to participate in the affairs of the municipality

**2. PURPOSE**

The purpose of this policy is to:

(a) Give meaning to national legislative framework on public participation and provide institutional framework for such participation within the broader structures of the municipality.

(b) Regulate operations of ward committees and provide for matters that guides their internal processes, functionality and funding; and

(c) Ensure the Municipality complies with norms and standards set by the National Framework on the funding models of ward committees.

**3. LEGISLATIVE FRAMEWORK**

Ward Committees are regulated in terms of the following legislative framework:-

a) **The Constitution of the Republic of South Africa Act No. 108 of 1996**: the act sets out the objectives of local government, including the objective of encouraging communities and community organizations to participate in the matters of local government[[5]](#footnote-5).

b) **The Municipal Structures Act No. 117 of 1998 and its regulations**: these regulate the establishment, vacation of office and meeting frequency of ward committees as well as their term of office[[6]](#footnote-6). The Municipal Council is responsible for the formulation of its own rules to regulate the election, operation and administration of ward committees.

c) **The Municipal Systems Act No. 32 of 2000**: 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.

d) **The Municipal Finance Management Act No. 56 of 2003 and its regulations**: requires that communities participate in thebudgeting process of the Municipality.

e) **The National Framework: Guidelines for Provinces** and Municipalities in the implementation of the Ward Funding Model, (Notice 364 of 2009).

f) **The National Framework:** Criteria for Determining Out of Pocket Expenses for Ward Committee Members (Notice 973 of October 2009)

**4. OBJECTIVES OF WARD COMMITTEES**

The objectives of the Ward Committees are to:

1. Create formal unbiased communication channels and co-operative partnerships between the municipality and the community within ward;
2. (b) Ensure contact between the Municipality and the community through the use of, and payment of services;
3. (c) Create harmonious relationship between residents of a ward, and Ward Councillor, and geographic community and the municipality;
4. Facilitate public participation in the process of development, review and implementation and management of the IDP;
5. Act as advisory body on Council policies and matters affecting communities in the ward.
6. Serve in officially recognized and specialized participatory structures in the municipality;
7. Assist Council through Ward Councillor to facilitate Council programmes and to make recommendations on matters affecting ward to the ward Councillor to facilitate Council programmes;
8. Serve a mobilizing agent for community action and assist the Ward Councillor to facilitate Council programmes;
9. Monitor development, and advice the Ward Councillor and the municipality on implementation process for community/ward- based projects (CBP) and discretionary funds.

**5. POWERS OF WARD COMMITTEES**

 a) Ward Committees have the power to make recommendations to the Ward Councillor and/or to the Executive Committee and Council through the Ward Councillor on any matter affecting their ward.

 b) The Council may delegate additional powers to Ward Committees in terms of Section 59 of the Local Government Municipal Systems Act.

**6. FUNCTIONS OF WARD COMMITTEES**

Ward Committees shall perform the following functions:

a) Participate in the Integrated Development Plan (IDP) development and review process by:-

i. Gathering information on the ward’s needs.

ii. Identifying priorities/reprioritizing/proposing projects.

iii. Attending strategic planning and review exercises.

iv. Serving on representative forums that may be established to liaise with residents.

v. Overseeing development projects emerging from the IDP including ward/town based plans.

vi. Attending public IDP/ward/town based planning meetings.

b) Participate in the budget process by:-

i. Attending public hearings.

ii. Attending and participating in Council outreach programmes.

iii. Entering into discussions on the town/ward budget with the Ward Councillor.

Iv. Attend and influence municipal budget meetings and processes.

c) Participate in the performance management of the Municipality by:-

i. Monitoring the performance of the Ward Councillor in specific areas.

ii. Engaging in performance reviews of the IDP.

iii. Raising concerns regarding off-schedule capital projects and service delivery targets.

iv. Through the IDP and Annual Report reviews, provide written comments/feedback on the level of development in the Municipality, service delivery and reporting.

v. Assist in the monitoring of the Customer Service Charter.

d) Attend meetings of the Ward Committee, Council, Community and sector consultations as well as feedback meetings.

e) Receive and record complaints, queries and requests from the community within the ward.

f) Submission and tabling of reports and plans addressing the needs and priorities of the ward and provide feedback on the functions rendered by the Municipality that impact on the ward, in order to formulate recommendations to be submitted to the Municipality through the Ward Councillor.

g) Provide feedback to the Community on the Council’s resolutions.

h) Visit relevant sector organizations and communities for the purpose of information gathering, information sharing, Council feedback, intervention, networking, community mobilization, conflict resolution and other reasons.

i) Participate in stakeholder cluster forums.

j) Coordinate ward programmes.

k) Create formal unbiased communication channels and co-operation partnerships between the Municipality and the community within a ward.

l) Create harmonious relationships between the residents of the ward, the Ward Councillor and the Municipality.

m) Facilitate and encourage participation by the community in Municipal processes and all affairs of the Municipality.

n) Act as an advisory body on the Municipality, Council policies and matters affecting communities in the ward.

o) Serve on officially recognized and specialized participatory structures of the Municipality.

p) Serve as a constructive mobilizing agent for community action.

q) Monitor the implementation of ward plans, programmes and ward discretionary fund (where available).

r) Conduct or assist with customer satisfaction surveys in the ward.

s) Maintain a register of all active organisations in the ward.

t) Distribute publications approved by the Municipal Manager or an official delegated to do so, on Ward Committee activities and ward programmes as requested.

u) Participation in plans and programmes of the Municipality and other spheres of government impacting on the development of the ward.

v) Any additional functions that the Council may delegate to the Ward Committees in terms of Section 59 of the Local Government Municipal Systems Act No. 32 of 2000.

**7. FUNCTIONALITY INDICATORS**

The payment of ‘out of pocket’ expenses must be linked to the ward committee functionality.

|  |  |  |  |
| --- | --- | --- | --- |
| **No** | **Process indicator** | **Output Indicator** | **POE**  |
| 1. | Number of ward committee management meetings held  | Close cooperation between WC members and ward councillors | Agenda and minutes of meetings held and filled in the ward committee filling system.  |
| 2. | Number of community meetings held  | Community participation in the IDP reviews sessions and their involvement in the implementation of projects within the ward.  | Agendas and minutes of meetings held and filled in the ward committee filling system  |
| 3. | Submission and tabling of ward reports and plans to the council covering, needs and priorities for the ward, feedback on the councils various line/service functions and their impact on the ward. | Submission of ward plans to the council for consideration during the IDP review process.  | Copies of sectoral reports |
| 4. | Distributed publications (information brochures, flyers, newsletters, emails,SMS’s and others) over time. | Ward Communication plan | Copies of communication material and proof of dissemination |
| 5. | Participation in plans and programmes of the Municipality and other spheres of government.  | Reports of participation in municipal programmes and other spheres of government. | Reports and the Municipality’s ward support offices.  |
| 6. | Number of complaints, queries and requests registered from the community and attended to (checklist of met needs against registered needs and turnaround time).  | Reduction of community protests and complaints.  | Complaints management system including complaints register |

**Regular Audits:** Quarterly audits must be performed by CoGTA to ensure that these functionality indicators are achieved by the ward committees.

**8. ADMINISTRATIVE SUPPORT**

a) Municipality shall make administrative arrangements to enable Ward Committees to perform

 their functions and exercise their powers effectively.

b) Section 16(1) of the Municipal Systems Act (No. 32 of 2000) requires that the municipality use

 their resources and allocate funds in their annual budget for community participation.

c) Administrative support to be given to Ward Committees shall include the following:

1. The promotion of Ward Committees in the community – informing the communities of the roles and responsibilities of Ward Committees. A practical example in this regard may be the provision of formal identification cards to Ward Committee members so that they are recognized as legitimate Ward Committee members amongst the communities;
2. To identify or arrange central meeting places in the ward where communities have access to information and where Ward Committees can meet;
3. Assisting with the translation of information and documentation for the community;
4. Developing and providing capacity building and training programmes for Ward Committees on an ongoing basis during their term of office.
5. Provide an administrative advisory service to councillors to ensure the smooth running of social and economic development initiatives.
6. Provision of secretarial services to ward committees.
7. Co-ordination of ward committee meetings.
8. To provide necessary logistic resources, include the stationary for the Ward Committee to fulfil their functions.
9. To prepare and update municipal stakeholders register.
10. To identify all key activities requiring community participation and ensure that all activities are incorporated and published in the year planner of the municipality.

**9. WARD BASED FUNDING AND BUDGETING**

* 1. **Ward Committee Support**

|  |  |
| --- | --- |
| **Level** | **Description**  |
| Ward Committee Operations  | The Municipality budget for ward committee operations and functionality. It includes support to ward committees, communications materials and ‘out of pocket’ expenses for ward committee members |

**9.2. Forms of Ward Committee Support**

 **(a) Technical Support**: it includes:-

* Municipal staff dedicated to ward committees;
* Provide stationery for monthly meetings, induction and training of ward Committees,
* Provision of venues for ward committee meetings.

**(b) Communication Plan:** municipal campaigns to introduce ward committees to Communities: e.g.

* Know your ward committee campaign,
* Provision of identity cards for ward committees, and
* Engaging community radio stations, publishing and dissemination of fliers.

**(c) Out of pocket expenses**: These includes:-

* Travelling expenses incurred,
* Telephone/cellular phone costs, and
* Other forms of reimbursements due to ward committees members as a result of doing Council work.

**10. ACCOUNTABILITY**

As the Accounting Officer for the Ward Committee, the Ward Councillor must:

1. Ensure that proper records of Minutes of the meetings are kept;
2. Ensure that the Committees’ available resources are properly safeguarded and used in the most effective and efficient way;
3. Ensure that all statutory measures applicable to the Committee are complied with;
4. Ensure that all recommendations made by the Ward Committee are formalized and submitted to the office of the Speaker for presentation to the Council at an interval determined by the Speaker;

**11. CALCULATING ‘OUT OF POCKET EXPENSES’**

**11.1 Guidelines on calculating ‘out of pocket expenses’**

1. The Municipality is guided by Municipal Structures Act, 1998 {Section 73 (5) (a) (c) (d)} as amended and it states that out of pocket expenses must be funded from the budget of the municipality. Such expenses may include but limited to (transport, cellular phone airtime, meal allowances, and access to internet);
2. The law places a burden on municipalities to make arrangements for the allocation of funds and resources to enable ward committees to perform their functions, exercise their roles and facilitate and co-ordinate development in their wards within the framework of the law;
3. As a monthly the out of pocket expenses should be paid as a monthly allowance to avoid the administrative burden of tracking and managing submission of claims by individual ward committee members.
4. The payment must be linked to the performance management system in respect of individual ward committee member’s participation and activeness that includes the functionality indicators identified in section 6 of this policy.
5. A ward committee failing to fulfil his/her functions on a monthly basis; the Councillor must report such a ward committee member to the Speaker’s office. Failure to justify non-performance shall result in the allowance being forfeited for that month.
6. In the event when the member of a ward committee is suspended pending the outcome of the disciplinary process, the clause (e) above will apply.

**Cost implications for Calculating out of Pocket Expenses**

|  |  |  |
| --- | --- | --- |
| **Description** | **Cost per person** | **Total costs per ward**  |
| Transport | R500.00 | R5000.00 |
| Telephone | R500.00 | R5000.00 |
| Refreshments/meals | R300.00 | R3000.00 |
| **TOTAL** |  |  |
|  | **Total Cost per Ward Committee** | **R13000.00** |

1. Republic of South Africa Constitution Act 108 of 1996 (S152(1)(e)) [↑](#footnote-ref-1)
2. Local Government Municipal Structures Act (Chapter 4, Part 4, Sections 72-78) read together with Regulation R972 (2009) [↑](#footnote-ref-2)
3. Republic of South Africa Constitution Act 108 of 1996 (S152(1)(e)) [↑](#footnote-ref-3)
4. Local Government Municipal Structures Act (Chapter 4, Part 4, Sections 72-78) read together with Regulation R972 (2009) [↑](#footnote-ref-4)
5. [↑](#footnote-ref-5)
6. [↑](#footnote-ref-6)