



MERA FONG CITY LOCAL MUNICIPALITY

PUBLIC PARTICIPATION POLICY

DATE APPROVED:2025

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1. INTRODUCTION

Merafong City Local Municipality (MCLM) is committed to serve the people of Merafong and acknowledges that the involvement of the beneficiaries of development is crucial in all steps of development planning, implementation and monitoring.

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

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

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

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

2. LEGAL FRAMEWORK

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

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

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

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

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

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

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

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

b) The Municipal Systems Act 32 of 2000

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

Section 16(1)(a) encourage, and create conditions for, the local community to participate in the affairs of the municipality including in –

(i) the preparation, implementation and review of its integrated development plan in terms of Chapter 5;

the establishment, implementation and review of its performance management system in terms of Chapter 6;

(i) the monitoring and review of its performance, including the outcomes and impact of such performance.

(ii) the preparation of its budget; and

(iii) strategic decisions relating to the provision of municipal services in terms of Chapter 8

Section 16(b) contribute to building the capacity of –

(i) The local community to enable it to participate in the affairs of the municipality; and

(ii) Councillors and staff to foster community participation.

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

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

(a) in the local newspaper or newspapers of its area;

(b) in a newspaper or newspapers circulating in its area and determined by the council as a newspaper of record; or

(c) by means of radio broadcasts covering the area of the municipality.

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

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

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

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

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

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

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

d) Municipal Structures Act no 117 of 1998

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

Section 74 A ward committee-

(a) may make recommendations on any matter affecting its ward-

- (i) to the ward councillor; or
- (ii) through the ward councillor, to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan sub-council; and

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

The functions of ward committees are the following:

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

3. PURPOSE OF THIS POLICY

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

4. SCOPE OF THIS POLICY

The Policy applies to all Councillors, municipal officials, community members and community organisations, designated groups, as far as their rights, duties, responsibilities and roles are outlined in terms of the Policy. The Policy makes provision for mechanisms, processes and procedures to facilitate and give effect to public participation in terms of the afore-mentioned legislative framework.

5. PUBLIC PARTICIPTION

Public participation in the South African context is defined as “an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision- making. It is further defined as a democratic process of engaging people, deciding, planning and playing an active part in the development and operation of services that affect their lives”.

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

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

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

The Public Participation objectives of Merafong City Local Municipality are as follows:

- To implement public participation according to the guidelines in the South African Legislative framework regarding public participation.
- To provide proper channels and platform which can be used to inform the public with regards to decisions affecting them and their livelihoods.
- To provide clarity to local communities regarding those responsible for service delivery within the government sphere.
- To ensure proper monitoring of projects is implemented at all times to achieve wanted results.

Public Participation strengthens Good Governance in the following way:

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

5.1 Public Participation Principles

- Community members must be active in the affairs of government and MCLM must create an enabling environment for community

members to meaningfully influence the decisions that affect their lives

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

5.2 Public Participation Structures and Mechanisms

Merafong City Local Municipality has 28 wards. The public should be informed of service delivery matters that relates to the municipality. Functions and Objectives of a Municipal Council, the primary role of the municipal council is that of political oversight of the municipality's functions, programmes and the management of the administration. All the powers of local government are vested in the municipal council. It has the power to make by-laws (legislative authority) and the powers to put those laws into effect (executive authority). The municipal council has executive and legislative authority over the matters set out in Part B of schedule 4 and Schedule 5 of the Constitution. The municipality may also administer any other matter assigned to it by national or provincial legislation. In administering the matters assigned to local government, the Municipal Council must strive within its capacity to achieve the Constitutional objects of local government.

Roles and Responsibilities within Local Government These constitutional objects are:

- to provide democratic and accountable government for local communities;
- to ensure the provision of services to communities in a sustainable manner.
- to promote social and economic development
- to promote a safe and healthy environment; and

to encourage the involvement of communities and community organisations in the matters of local government. The Constitution also assigns developmental duties to municipalities.

The following mechanisms are used for public participation:

Public participation Mechanism	Frequency
Imbizos	As and when required
IDP	Bi-annually
School Visits	As and when required
Social Media	Daily
Council Meetings	Quarterly
Ward Committee Meetings	Monthly
Community Meetings	As and when required
Newspaper Publications	Per legislative framework As and when required

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

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

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

- Letters
- Emails
- WhatsApp messages
- Facebook posts
- Verbal inputs at meetings
- Minutes of meetings

- Telephone calls

5.3 Oversight functions requiring public participation

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

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

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

- b) **Performance Management System** – Section 42 of the MSA, A municipality, through appropriate mechanisms, processes and procedures established in terms of Chapter 4, must involve the local community in the development implementation and review of the municipality's performance management system and, in particular, allow the community to participate in the setting of appropriate key performance indicators and performance targets for the municipality.

The Systems Act is clear on the community's role in the monitoring and review of the performance of the municipality through the revision of the Key Performance Indicators and Targets as well as the publication of the projections, targets and indicators as set out in the SDBIP not later than 14 days after the approval thereof. The quarterly performance assessment report of the municipality must also be made public.

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

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

5.4 Institutionalisation of Public Participation

Public Participation is the responsibility of all councillors and officials at Merafong City Local Municipality.

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

Working Groups	User Departments National and Provincial Sector Departments Community Organisations Business Community	Collaborate Empowerment
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6. STANDARD OPERATING PROCEDURE FOR PUBLIC PARTICIPATION

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

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

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

7. POLICY REVIEW

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

8. REFERENCES

Constitution of the Republic of South Africa 1996
 Department of Local Government Public Participation Policy Guidelines
 Municipal Finance Management Act 56 of 32
 Municipal Structures Act 117 of 1998
 Municipal Systems Act 32 of 2000
 International Association of Public Participation.
<https://www.iap2.org/general/custom.asp?page=pillars>. 3 March 2022