



Siyancuma Municipality

Ward Committee Policy

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1. INTRODUCTION

The Republic of South Africa Constitution Act 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 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 also play an important role in;

- Enhancing participatory democracy
- Neighbourhood and ward based planning including the encouragement of communities to take charge of their own livelihoods
- Assisting the Municipality in service delivery improvement
- Assisting in the economic empowerment of communities
- Enhancing local democracy and accountability
- Enhancing social cohesion, nation building and integration of communities across class, race, culture and religion
- Assisting in civic education.

The Local Government Municipal Structures Act 117 of 1998 (Section 73(3)) requires municipalities that have ward committees to make rules to regulate the procedure that they will follow to elect their ward committee members, with due cognisance of the need to have women and a diversity of needs represented thereon, the circumstances under which members must vacate office, and the frequency of meetings. 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 Siyancuma Municipality.

3. DEFINITIONS

In this document, unless the context indicates otherwise;

3.1 “Council” means the council of Siyancuma Municipality

3.2 “Days” shall mean working days

3.3 “Members(s)” mean a person (s) elected on to a ward committee

3.4 “Municipality” means Siyancuma Municipality

3.5 “Municipal Manager” means an employee of the Siyancuma Municipality appointed as such and includes, for the purpose of these rules, anyone designated or authorised by the Municipal Manager to act or fulfil a duty in terms of these rules

3.6 “PR Councillor” means a proportional representative municipal councillor elected in terms of section 22(1) (a) of the Local Government Municipal Structures Act 117 of 1998 to represent a party on the council of the Municipality

- 3.7 “Sector”** means a determinable sector, subsector or interest group with the ward community and may include a geographic sector
- 3.8 “Speaker”** means the Speaker of the Council elected in terms of Section 36 of the Local Government Municipal Structures Act 117 of 1998
- 3.9 “Systems Act”** means the Local Government: Municipal Systems Act, No 32 of 2000, any amendment thereto and any regulations published in accordance therewith
- 3.10 “Structures Act”** means the Local Government Municipal Structures Act 117 of 1998, any amendment thereto and any regulations published in accordance therewith
- 3.11 “Ward committee”** means a committee of a municipal ward, established in terms of Part 4 of Chapter 4 of the Local Government Municipal Structures Act 117 of 1998
- 3.12 “Ward Councillor”** means a municipal councillor elected in terms of section 22(1) (b) of the Local Government Municipal Structures Act 117 of 1998 to represent a ward.

4. LEGISLATIVE FRAMEWORK

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

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.

The Municipal Structures Act 117 of 1998 and its regulations; which regulate the establishment, vacation of office and meeting frequency of ward committees as well as their term of office². The Municipal Council is responsible for the formulation of its own rules to regulate the election, operation and administration of ward committees.

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.

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

5. STATUS OF WARD COMMITTEES

A ward committee;

- Is an advisory body.
- Is a representative structure.
- Is an independent apolitical committee of the community.

- Must be impartial and perform its function without fear, favour or prejudice.

6. COMPOSITION OF WARD COMMITTEES

A ward committee comprises;

- The Ward Councillor who must be the chairperson of the Ward Committee in terms of section 73(2) (a) of the Local Government Municipal Structures Act 117 of 1998.
- Ten (10) other persons who represent a diversity of sectors and interest 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. Women must be equitably represented on the Ward Committee.

7. ELECTION CRITERIA

To be eligible for election as a ward committee member a person must;

- Be registered as a voter on the voters roll of the ward for which he or she is nominated.
- Not be a member of the Council. Not be an employee of the Municipality or the Pixley ka Seme District Municipality.
- Not be in arrears to the Municipality for rates and service charges for period longer than three months.
- Not be an un-rehabilitated insolvent.
- Not be under curatorship.
- Not have been convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than 12 months after February 1997.
- Not a person declared by a competent court as being of unsound mind. 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.

8. NOMINATION OF CANDIDATES

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

8.1 CALLS FOR NOMINATIONS

- 8.1.1** Calls for nominations shall;
- 8.1.2** Be called for a minimum of one month prior to the date of the election meeting.
- 8.1.3** Be placed in the local press, and on all official municipal notice boards;
- 8.1.4** Be invited from sectors known to be represented in the Municipality.
- 8.1.5** In the case of an outgoing be announced in the last meeting of the previous ward committee or a community meeting

8.2 NOMINATION PROCEDURE

- 8.2.1** Nominees shall be nominated on the official nomination form which is attached to this policy as **Annexure A**.
- 8.2.2** The nomination form shall be;
 - 8.2.2.1** Undersigned by the candidate in acceptance of his or her nomination.
 - 8.2.2.2** Undersigned by a nominator and seconded by a minimum of ten (10) other persons; or
 - 8.2.2.3** 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.
- 8.2.3** 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.
- 8.2.4** Sectors may nominate a representative in the event that their nominee is elected to serve on the Ward Committee and is unable to attend meetings. 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.

8.3 REJECTION OF NOMINATIONS

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

9. ELECTION OF WARD COMMITTEE MEMBERS

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

9.1 WARD COMMITTEE ELECTION MEETING

- 9.1.1** The Ward Councillor shall in cooperation with the Speaker/ Mayor convene a Ward Committee election meeting for his or her ward.
- 9.1.2** Notices of the Ward Committee election meetings shall be given at least 7 calendar days prior to the Ward Committee election meeting
- 9.1.3** 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;
 - 9.1.3.1** Notices in the press
 - 9.1.3.2** Notices to residents
 - 9.1.3.3** Notices on all official municipal notice boards
- 9.1.4** The Speaker/Mayor, Municipal Manager or an official of the Municipality delegated to do so by the Municipal Manager shall preside over the election process.
- 9.1.5** No quorum is required at a Ward Committee election meeting, but the Ward Councillor must ensure that the meeting is representative of the ward.
- 9.1.6** Only voters who are registered on the wards portion of the voters roll may vote at a Ward Committee election meeting.
- 9.1.7** Attendance registers must be completed for Ward Committee election meetings.

10. ELECTION PROCEDURES

- 10.1** The election of Ward Committee members shall take place on a sector basis.
A maximum of 10 sectors can be represented on the Ward Committee.
- 10.2** Where there are no more than 10 sectors with eligible nominees, these sectors shall be regarded as the sectors from which Ward Committee members shall be elected.
- 10.3** Where there are more than 10 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. 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. Where there is more than one nominee per sector, a vote shall be held. All persons eligible to vote shall have one vote to elect a representative in respect of each sector. 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.
- 10.4** 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.
- 10.5** Voting shall ordinarily be done by means of a show of hands, but the Speaker Mayor 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.

11. TERM OF WARD COMMITTEES

The term of office of Ward Committee members shall be equal to the term of office of the Council and shall terminate on the day preceding the date of the following municipal election.

12. VACANCIES

- 12.1** A Ward Committee Member shall cease to be a member of the ward committee if that member;
- 12.1.1** Resigns in writing.
 - 12.1.2** Moves to another ward.
 - 12.1.3** Ceases to be a member of the sector that he or she represents or that the sector ceases to exist.
 - 12.1.4** Dies.
 - 12.1.5** Is removed from office by the Council.
 - 12.1.6** Is employed by the Municipality
- 12.2** The Council shall remove a Ward Committee Member from office by a resolution if such member;
- 12.2.1** Has been absent without leave of the Ward Committee for three or more consecutive meetings.

- 12.2.2 Is proven to be involved in any form of corruption.
- 12.2.3 Fails to adhere to meeting procedures or misconducts his/her self during meetings.
- 12.2.4 Fails to submit priorities as mandated by the sector.
- 12.2.5 Becomes involved in activities that undermine the Council or Ward Councillors authority.
- 12.2.6 Contravenes the Code of Conduct for Ward Committee Members.

13. FILLING OF VACANCIES

- 13.1 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.
- 13.2 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.

14. POWERS OF WARD COMMITTEES

- 14.1 Ward Committees have the power to make recommendations to the Ward Councillor and/or to the Council through the Ward Councillor on any matter affecting their ward.
- 14.2 The Council may delegate additional powers to Ward Committees in terms of Section 59 of the Local Government Municipal Systems Act.

15. FUNCTIONS OF WARD COMMITTEES

Ward Committees shall perform the following functions;

- 15.1 Participate in the Integrated Development Plan (IDP) development and review process by:
 - 15.1.1 Gathering information on the ward's needs.
 - 15.1.2 Identifying priorities/reprioritizing / proposing projects.
 - 15.1.3 Attending strategic planning and review exercises.
 - 15.1.4 Serving on representative forums that may be established to liaise with residents.
 - 15.1.5 Overseeing development projects emerging from the IDP including ward / town based plans.
- 15.2 Attending public IDP / ward / town based planning meetings. Participate in the budget process by;
 - 15.2.1 Attending public hearings.
 - 15.2.2 Attending and participating in Council outreach programmes.
 - 15.2.3 Entering into discussions on the town /ward budget with the Ward Councillor.
 - 15.2.4 Attend and influence municipal budget meetings and processes.
- 15.3 Participate in the performance management of the Municipality by;
 - 15.3.1 Monitoring the performance of the Ward Councillor in specific areas.
 - 15.3.2 Engage in performance reviews of the IDP.

- 15.3.3** Raising concerns regarding off-schedule capital projects and service delivery targets.
- 15.3.4** Through the IDP and Annual Report reviews provide written comments/feedback on the level development in the Municipality, service delivery and reporting.
- 15.3.5** Assist in the monitoring of the Customer Service Charter.

- 15.4** Attend meetings of the Ward Committee, Council, Community and sector Consultations as well as feedback meetings.
- 15.5** Receive and record complaints, queries and requests from the community within the ward.
- 15.6** 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.
- 15.7** Provide feedback to the Community on the Council's resolutions.
- 15.8** 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.
- 15.9** Participate in stakeholder cluster forums.
- 15.10** Coordinate ward programmes.
- 15.11** Create formal unbiased communication channels and co-operation partnerships between the Municipality and the community within a ward.
- 15.12** Create harmonious relationships between the residents of the ward, the Ward Councillor and the Municipality.
- 15.13** Facilitate and encourage participation by the community in Municipal processes and all affairs of the Municipality.
- 15.14** Act as an advisory body on the Municipality, Council policies and matters affecting communities in the ward.
- 15.15** Serve on officially recognized and specialized participatory structures of the Municipality.
- 15.16** Serve as a constructive mobilizing agent for community action. Monitor the implementation of ward plans, programmes and ward discretionary funds (where available).
- 15.17** Conduct or assist with customer satisfaction surveys in the ward.
- 15.18** Maintain a register of all active organisations in the ward.
- 15.19** Distribute publications approved by the Municipal Manager or an official delegated to do so, on Ward Committee activities and ward programmes as requested.
- 15.20** Participation in plans and programmes of the Municipality and other spheres of government impacting on the ward development.
- 15.21** Any additional functions that the Council may delegate to the Ward
- 15.22** Committees in terms of Section 59 of the Local Government Municipal Systems Act.

16. CONDUCT OF WARD COMMITTEES

A member of a Ward Committee must subscribe to the Municipality's Code of Conduct for Ward Committees (**Annexure B**) which requires members to amongst others;

- 16.1** Perform the functions of the Ward Committee in good faith and without favour or prejudice.
- 16.2** Not use the position or privileges of membership for private gain or to improperly benefit another person.
- 16.3** Accept the principle of accountability to the community.
- 16.4** Not compromise the credibility and integrity of the Ward Committee and the Council.
- 16.5** Function in support of the Ward Councillor and the Municipal Council.
- 16.6** Be accessible to the community.
- 16.7** Ensure that the operations of the Ward Committee are open and transparent
- 16.8** Ensure that all views and opinions are taken cognizance of.
- 16.9** Be punctual for meetings and submit an apology to the chairperson twenty four hours prior to the meeting if it cannot be attended.

17. MEETINGS OF WARD COMMITTEES

- 17.1** The Ward Councillor chairs all the meetings of the Ward Committee and must nominate a replacement to chair a meeting in his or her absence.
- 17.2** A minimum of 4 meetings shall be held per annum with at least one per quarter
- 17.3** Meetings may, subject to the approval of the Speaker and availability of funds be held more frequently should circumstances necessitate it.
- 17.4** The Ward Councillor must accept responsibility for the compilation of a programme of meetings at the beginning of the year which must be submitted to the Speaker of the Municipality.
- 17.5** Ward Committees with a supporting vote of the majority of their members may determine their own procedures subject to any directives of the Chairperson and a quorum is not a prerequisite for the sitting of a meeting.
- 17.6** The Ward Councillor and Municipal Manager or an official delegated by the Municipal Manager shall be responsible for ensuring that full and proper records are kept of all Ward Committee Meetings.
- 17.7** The Municipality shall provide secretarial services for all formally constituted Ward Committee Meetings.

18. SUB COMMITTEES

- 18.1** A Ward Committee may establish one or more sub committees that may be necessary for the performance of its functions which may include other organisations.
- 18.2** The Ward Committee must appoint the members of the sub-committee, the chairperson and determine the functions of the sub-committee.
- 18.3** Ward Committees and sub committees may meet collectively as a Ward Forum when so required by the Ward Councillor and Speaker.

19. WORK PROGRAMME

The Ward Committee must submit a programme with specific outputs of work for one year to the office of the Speaker in July of each year. The Ward Committee must perform the functions as set out to achieve the outputs indicated on the programme by own initiative, or at the request of the Ward Councillor, Speaker or other designated political functionary.

20. DISPUTE RESOLUTION

Disputes shall be resolved in the following manner;

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

21. DISSOLUTION OF WARD COMMITTEES

The Municipal Council may dissolve a Ward Committee if the Committee fails to fulfil its duties and objectives

22. BUDGET

- 22.1** Out of pocket expenses for full attendance of authorised meetings, training sessions and workshops as well as fuel costs will be paid from the Municipality's budget in accordance with a framework and tariffs to be determined by the Municipal Council from time to time.
- 22.2** Ward Committee members shall be required to complete a claim form (**Annexure C**) after conclusion of the meeting in order to claim their out of pocket expenses referred to above.
- 22.3** Out of pocket expenses shall be paid to either the member of the Ward Committee or the authorised secondi but not both.
- 22.4** The Municipal Council may allocate funds and resources to enable Ward Committees to perform their functions, exercise their powers and undertake development in their wards within the framework of the law.

23. THE ROLE OF THE SPEAKER/MAYOR

The Speaker/Mayor;

- 23.1** Must assert an oversight role on Ward Councillors.
- 23.2** Is an ex-officio member of Ward Committees.
- 23.3** Must ensure that ward participatory structures are established in line with the set guidelines and legislation.
- 23.4** Must through his or her office ensure full functionality of Ward Committees.
- 23.5** Must in collaboration with Ward Councillors, regulate and monitor the frequency of Ward Committee meetings, community and sector report back meetings.
- 23.6** Must ensure that local environment is conducive to active citizen participation in local governance.
- 23.7** Must ensure the provision of dedicated municipal support and resources to Ward Committees.
- 23.8** 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.
- 23.9** Set deadlines for submission of Ward Committee reports.
- 23.10** Improve communication with Ward Committees and ensure feedback meetings and reports are submitted.
- 23.11** 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.

24. THE ROLE OF THE PR COUNCILLOR

The PR Councillor;

- 24.1** May attend Ward Committee Meetings.
- 24.2** Can assist with resolving disputes and making referrals.
- 24.3** Can assist with the implementation of projects.
- 24.4** Must support the Ward Councillor but not undermine his or her authority.

**NOMINATION FORM FOR ELECTION AS A WARD COMMITTEE MEMBER
PART A: NOMINATION**

I duly authorized by the _____ Sector* hereby nominate the following person to represent the above mentioned Sector on the Siyancuma Municipality Ward Committee for Ward.

Name: _____

ID Number: _____

Signature of nominator: _____

Date: _____

The above nomination is seconded by;

No	Name	ID Number	Telephone	E -Mail	Signature
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

** A sector is defined as a determinable sector, subsector or interest group within the ward community and may include a geographic sector.*

PART B: ACCEPTANCE OF NOMINATION AND DECLARATION

I, ID _____ hereby accept my nomination to represent the _____ Sector on the Ward Committee of Ward.

I hereby declare that;

- I am registered as a voter on the voter's roll of the ward for which I am nominated.
- I am not a member of the Siyancuma Municipal Council.
- I am not an employee of the Siyancuma Municipality or the West Coast District Municipality.
- I am not in arrears to the Siyancuma Municipality for rates and service charges for a period longer than three months.
- I am not an un-rehabilitated insolvent.
- I am not under curatorship.
- Have not been convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than 12 months after February 1997.
- Have not been declared by a competent court as being of unsound mind.
- I am an active participant / member of the sector which I am nominated to represent, am motivated to work on the Ward Committee and committed to creating a better life for the community of my ward.

Signature of Nominee: _____ **Date:** _____

Contact details of nominee:	
Residential address:	
Telephone no: Home	
Telephone no: Work	
Fax no:	
E Mail:	

CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

1. PROLOGUE

Ward Committee members are elected to represent various sectors represented in the community within their ward. They must report on matters affecting their ward or emanating from the Municipality, through their Ward Councillors in accordance with processes determined by the Municipality. This Code of Conduct lists the responsibilities of members of Ward Committees and recommends standards of ethical conduct which each member of a Ward Committee must comply with. These standards are applicable to Ward Committee members when dealing with:

- Other ward committee members.
- The Ward Councillor of their ward and all other Councillors of the Municipality.
- The community represented on the ward committee.
- The constituents of the Municipality, including civil society, trade unions, NGO's, vulnerable communities and other role players in the ward.
- Service providers of the Municipality rendering services in the ward, where required.
- Traditional leaders where applicable.
- Other stakeholders.

2. AIMS AND OBJECTIVES OF THE CODE OF CONDUCT

The aims and objectives of the Code of Conduct are to:

- Set out the functions of a member of a Ward Committee and to specify the standards of integrity and conduct to be observed by Ward Committee members in their role of assisting the Municipality to meet its objectives and standards, in accordance with its IDP.
- Inform the public about the responsibilities of Ward Committee members in a specific ward.
- Enhance the image, credibility and accountability of the Council to the community in a specific ward where such a member serves.
- Maintain trust, respect and co-operation between members of the Ward Committee and all members of the community represented on the Ward Committee.

