



SWELLENDDAM MUNICIPALITY

REVIEWED WARD COMMITTEE POLICY

APPROVED BY COUNCIL:

EFFECTIVE DATE:

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1. DEFINITIONS

In this policy, unless the context indicates otherwise:

- **“Public Participation”** means an open, fair and accountable process through which individuals and groups within selected communities can exchange views and influence decision making. It is further defined as a democratic process of engaging people, deciding, planning and playing an active part in the development and operation of services that affect their lives.
- **“Council”** means the Municipal Council of **Swellendam Municipality** established by Local Government: Municipal Structures Act, No.117 of 1998 and Provincial Notice no 592 dated 22 November 2000; 2.1.2 **“Councillor”** means a member of the Municipal Council.
- **“Municipal Structures Act”** means the Local Government: Municipal Structures Act, No. 117 of 1998, as amended.
- **“Municipal Systems Act”** means the Local Government: Municipal Systems Act, No. 32 of 2000, as amended.
- **“Ward Committee”** means a committee of a municipal ward, established in terms of Part 4 of Chapter 4 of the Local Government: Municipal Structures Act, No. 117 of 1998, as amended.
- **“Integrated Development Plan (IDP)”** means single, inclusive and strategic plan for the development of the Municipality.
- **“Local Community”** or “community” in relation to the Municipality means that body of people comprising of:
 - The residents of the Municipality.
 - The rate payers of the Municipality.
 - Any civic organization and non-governmental, or private sector organization or bodies which are involved in local affairs in the Municipality.
- **“Municipal Manager”** means the person appointed in terms of Section 54A of the Local Government: Municipal Systems Act, No. 32 of 2000.
- **“Municipality”** when referred to as an organ of state means municipality as described in Section 2 of the Local Government: Municipal Systems Act, No. 32 of 2000; and when referred to as a geographic area means the municipal area

determined in terms of the Local Government: Municipal Demarcation Act, No. 27 of 1998.

- **“Ward Councilor”** means a Municipal Councilor elected in terms of section 22(1)(b) of the Local Government: Municipal Structures Act, No. 117 of 1998 to represent a ward.
- **“PR Councilor”** means a proportional representative Municipal Councilor elected in terms of section 22(1)(a) of the Local Government: Municipal Structures Act, No.117 of 1998 to represent a party on the council of the Municipality.
- **“Speaker”** means the Speaker of the Council elected in terms of Section 36 of the Local Government: Municipal Structures Act, No. 117 of 1998.
- **“Sector”** means a determinable sector, subsector or interest group within the ward community.

2. PURPOSE

The Ward Committee Policy seeks to provide guidelines on the establishment and operation of Ward Committees, within the jurisdiction of the **Swellendam Municipality**.

3. LEGISLATIVE AND POLICY FRAMEWORK

3.1 The Constitution of the Republic of South Africa (Act 108 of 1996)

The Constitution (RSA, 1996, section 152 (1) outlines the objectives of Local Government as follows:

- 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 organizations in the matters of local government.

3.2 White Paper on Local Government (1998)

The White Paper prescribes that municipalities should develop and adopt inclusive and integrated approaches which include a mix of appropriate strategies that do not only promote and strengthen community involvement but also address challenges and eliminate problems that hinder meaningful citizen

participation in the government policy formulation processes Amongst others, the White Paper seeks to achieve the following:

- Actively seeking to empower the most marginalised groups in the community and encouraging their participation;
- Empowering ward councillors as community leaders who should play an important role in building a shared vision and mobilising community resources for development;
- Enhancing local democracy through raising awareness of human rights issues and promoting constitutional values and principles;
- Responsive problem-solving and a commitment to working in open partnerships with business and community-based organisations; and
- More importantly, the White Paper further prescribes that municipalities should promote public participation at four levels:
 - As voters to ensure maximum democratic accountability of the elected political leadership for the policies they are empowered to promote;
 - As citizens who express, via different stakeholder associations, their views before, during and after the policy development process in order to ensure that policies reflect community preferences as far as possible;
 - As consumers and end-users, who expect value-for-money, affordable service and courteous and responsive service; and
 - As organised partners involved in the mobilisation of resources for development via for-profit businesses, non-governmental organisations, and community-based organisations.

3.3 The Municipal Structures Act (117 of 1998)

The Act defines the structures of local government and provides for the creation of the first mechanisms of participatory governance in local government through the establishment of a ward committee system. The ward committee system entails the establishment of statutory ward level structures that facilitate the involvement of communities in the affairs of the Municipality whose activities and programs have to be reported on annually.

Part 4, section 72 -78 of the Structures Act (RSA: 1998) provides for the establishment of ward committees to enhance participatory governance in

local government. It prescribes processes for ward committee establishment as follows:

- If a metro or local council decides to have ward committees, it must establish ward committee for each ward in the Municipality.
- The Municipality must establish ward committees within hundred and twenty (120) days after the election of Municipal Councils in accordance with section 22.
- If the Municipality is unable to establish its ward committees within the prescribed timeframe of hundred and twenty (120) days, the Speaker of Council must, prior to the expiry of those days after the elections, in writing and on good cause shown, request the MEC, responsible for local government in the province concerned, for an extension.
- The MEC must respond to the request referred to in subsection (1) (a) within 14 days of receipt detailing the reasons for granting or refusing the extension.

A ward committee consists of:

- The Ward Councilor representing that ward in the Council, who must also be the chairperson of the committee.
- Not more than 10 other persons.
- A metro or local council must make rules regulating the procedure to elect ward committee members taking into account the need.
 - For women to be equitably represented in a ward committee;
 - For a diversity of interests in the ward to be represented;
 - The circumstances under which those members must vacate office; and
 - The frequency of meetings of ward committees.
- A metro or local council may make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

3.4 The Municipal Systems Act (32 of 2000)

The Municipal Systems Act provides for core principles, mechanisms and processes that are necessary to enable municipalities to facilitate and coordinate the social and economic upliftment of local communities (RSA:

2000: 3). Its primary aim is to put people first on the agenda of developmental local government encouraging municipalities to develop a culture of municipal governance and create conditions that are conducive for the community and local stakeholders to participate in civic matters. More importantly, the Act provides that members of the public have a right to:

- Contribute to the decision-making processes of the Municipality;
- To be informed of the decisions of the Municipal Council affecting their rights, property and reasonable expectations;
- Develop the culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose encourage, and create conditions for the local community to participate in the affairs of the Municipality;
- The preparation, implementation and review of its Integrated Development Plan.
- The establishment, implementation and review of its performance management system;
- The monitoring and review of its performance, including the outcomes and impact of such performance;
- The preparation of its budget; and strategic decisions relating to the provision of municipal services; and
- Contribute to building the capacity of the local community to enable it to participate in the affairs of the Municipality.

According to Section 21 – which is more specific- the Municipality is mandated to:

- Communicate through the media to the local community in the local newspaper or newspapers in the area;
- By means of radio broadcast covering the area of the Municipality; and
- That such communication must be in the official languages determined by the Council, having regard to language preferences and usage within its area.

3.5 National Policy Framework for Public Participation (2007)

The purpose of the Policy Framework for Public Participation is to provide guidance to municipalities on the appropriate methods, mechanisms and

approaches to enhancing public participation in communities. The policy also sets out basic principles underlying public participation, namely:

- Public participation is designed to promote values of good governance and human rights as well as fundamental rights of all citizens to participate in the governance system;
- Public participation is designed to narrow the social distance between the electorate and the elected institutions;
- Public participation requires recognizing the intrinsic value of all people and investing in their ability to contribute to governance processes;
- Residents can participate in a number of ways, for example, as individuals, interest groups or communities;
- Therefore, ward committees play a central role in linking elected institutions, the citizens, and other forums of communication such as the izimbizo, road shows which reinforce these linkages with communities;
- Inclusivity - embracing all views and opinions in the process of community participation;
- Building community participation – capacity-building is the active empowerment of role players so that they clearly and fully understand the objective of public participation and may in turn take such actions or conduct themselves in ways that are calculated to achieve or lead to the delivery of the objectives;
- Transparency - promoting openness, sincerity and honesty among all the role players in a participation process; and
- Flexibility - the ability to make room for change for the benefit of the participatory process. Flexibility is often required in respect of timing and methodology. If built into the participatory processes upfront, this principle allows for adequate public involvement, realistic management of costs and better ability to manage the quality of the output.

4. STATUS OF WARD COMMITTEES

A Ward Committee is:

- An advisory body;
- A representative structure;
- Independent; and

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

5. OBJECTIVES OF WARD COMMITTEES

- The objective of Ward Committees is to enhance participatory democracy in local government.
- The main objectives of ward committees are summarized below:
 - Create formal unbiased communication channels and co-operative partnerships between the Municipality and the community within a ward.
 - Ensure contact between the Municipality and the community through the use and payment of services.
 - Create harmonious relationships between the residents of a ward, Ward Councilor, geographic diverse community and the Municipality.
 - Facilitate public participation in the process of the development, review and implementation management of the IDP of the Municipality.

6. FUNCTIONS AND POWERS OF WARD COMMITTEES

- Ward committees have an important role to play in bridging the gap between the Municipality, its Council, and the community.
- A Ward Committee may make recommendations on any matter affecting its ward to the Ward Councillor, or through the Ward Councillor, to the Local Council, the Executive Committee, or the Executive Mayor.
- A Ward Committee may have such duties and powers as may be delegated to it by the local Council of **Swellendam Municipality** in terms of Section 59 of the Municipality System Act.
- The following represents duties and powers that may be delegated to Ward Committees by **Swellendam Municipality**:
 - To create formal unbiased communication channels as well as co-operative partnership between the community and the Council;
 - Assist the Ward Councilor in identifying challenges and needs of residents;
 - Disseminate information in the ward concerning municipal affairs such as the Budget, Integrated Development Planning, Performance Management System (PMS), service delivery options and municipal properties;

- Receive queries and complaints from residents concerning municipal service delivery, communicate it via the Ward Councillor to the Executive Management and provide feedback to the community on their response;
 - Ensure constructive and harmonious interaction between the Municipality and community through the use and co-ordination of ward residents' meetings and other community development forums; and
 - Interact with other forums and organizations on matters affecting the ward.
- To serve as a mobilizing agent for community action within the ward. This may be achieved as follows:
 - I. Attending to all matters that affect and benefit the community.
 - II. Acting in the best interest of the community.
 - III. Ensure the active participation of the community in:
 - Service payment campaigns;
 - The Integrated Development Plan (IDP) process;
 - The Municipality's budgetary process;
 - Decisions about the provision of municipal services; and
 - Decisions about by-laws.
 - No executive powers may be delegated to Ward Committees.
 - A Ward Committee may express dissatisfaction in writing to the Speaker on the failure/inability of a Ward Councillor to convene ward committee meetings and provide feedback on issues raised by ward committee members emanating from their respective blocks and sectors.

7. ELECTIONS OF WARD COMMITTEE MEMBERS

7.1 Election Criteria

To qualify for election as a ward committee member the following criteria shall apply. The prospective ward committee member:

- Must be a registered voter in the ward;
- Must reside in the ward;
- Must be active in the sector or geographic/block area they represent;
- Must have demonstrated commitment to community development and betterment;
- Must not be a member of the National Assembly, the National Council of Provinces or a Provincial Legislature;

- Must not work for the Municipality of **Swellendam Municipality** or the **Overberg District Municipality**;
- Not be a Community Development Worker (CDW);
- Must not have been declared insolvent or mentally incompetent by a court or placed under curatorship;
- Must not have been convicted of an offence and sentenced to a prison sentence of 12 months or longer, without the option of a fine. Such a disqualification ends 5 years after the sentence has been completed;
- Must not be in arrears of any municipal account for over three months unless the person is a registered Indigent Grant recipient of the Municipality. This implies that proof must be provided that a candidate is an indigent recipient, and if not, evidence must be presented that the necessary arrangements have been made to settle the debt and continue to remain in good standing for the duration of the term of office;
- No close family members of the Councillor may serve on the same ward committee; and
- The Code of Conduct for ward committee members will be applicable to all ward committee members during their term of office.

7.2 Ward Committee Models

The establishment of ward committees will be based on two models, taking into consideration sectoral and/or geographical/block representation. Prior to the establishment of ward committees, the Municipality performs the following activities:

7.2.1 Sectoral Model

- Identify the key areas in terms of performance or development, per ward (e.g. local economic development, job creation, basic services);
- Invite interest groups to state their interests and/or concerns relating to areas of performance or development;
- Identify groups with demonstratable interest to represent residents of a specific ward, on matters identified above;
- Identify clusters of interest groups (no more than 10) that qualify for election; and

- Determines the percentage, out of the total membership of 10 which will form the Ward Committee.

7.2.2 Geographical/Block Model

The Council identifies the geographic area, villages or cluster of farms, that will represent an equitable spread of the residents in the Ward.

8. PROCEDURE FOR ELECTION OF WARD COMMITTEES

- The Municipality will establish ward committees across all the six (6) wards of the municipal area;
- Ward Committees will be elected within hundred and twenty (120) calendar days calculated from the date of the declaration of the results of the local government election by the Independent Electoral Commission (IEC) as prescribed in the Municipal Structures Amendment Act (2021);
- The Municipal Manager must advertise a notice for the establishment of Ward Committees in all respective wards of the Municipality in the local newspapers and utilize other appropriate means of communication to invite nominations from organizations, sectors and geographical areas to participate in the Ward Committee elections;
- Members of the public will be given at least two (two) weeks within which to nominate their preferred candidates and the nomination forms will be made available at various strategic points including libraries, community halls etc.;
- The election process will be conducted by the municipal public participation officials appointed by the Municipal Manager, with support from the Department of Local Government/District Municipality or preferably IEC; and
- No political principal/s (i.e. Ward Councillor/s, the Speaker or PR Councillors) will be permitted to oversee the election of ward committees. This includes among other chairing or facilitating the election and nomination of ward committee members prior to and during the elections processes.
- The following rules shall apply during the election of Ward Committees:
 - Upon receipt of nominations from the various wards, the Municipal Manager will determine venues and dates for the holding of Ward Committee elections;
 - Voting for members of a Ward Committee will take place by way of a ballot paper developed by the Municipality;

- Voting for Ward Committee members will be based on the nominations received and no further nominations will be allowed after the closing date which would have been determined by the Municipal Manager;
- Only members of the public whose names appear on the voters' roll of that particular ward may be granted access into the election venue and be allowed to participate in the election of ward committees;
- Members of the public eligible to participate in the election of Ward Committees will be allowed to walk in and cast their vote after which they may decide to remain at the venue for the announcement of the election results;
- The nominees will also be permitted to observe the voting process should they so decide;
- A 'one person one vote' principle will apply during the voting process. To this end, a person may only vote for one person irrespective of how many nominated persons appear on the ballot paper;
- In cases where no nomination was received for a particular sector or geographical/block, the Municipal Manager may grant permission for the re-opening of nomination for that particular sector or geographical/block;
- However, if only one nomination was received for a particular sector or geographical/block and there was one vacancy to be filled, there will be no need for a voting to take place and the nominated person will be deemed duly elected as a ward committee member of that ward;
- In cases where there is a tie, this will be decided by a flip of a coin. However, the 'loser' in that instance will be co-opted into the ward committee if the 'winner' for whatever reason/s ceases to be a ward committee member during the term. The flipping of a coin to determine the 'winner' will have to be done in the presence of the nominees; and
- A report on the Ward Committee elections must be submitted to Council for endorsement by means of a Council resolution.

9. WARD COMMITTEE MEETINGS

9.1 Chairperson

- Councillor and act as facilitator to ensure participation of all members.

- Members of the ward committee must submit items to be discussed at a meeting, at least 10 working days before the date of the meeting.
- The chairperson will be responsible to prepare an agenda for ward committee meetings.
- As far as possible all ward committees within the jurisdiction of **Swellendam Municipality** should adhere to the same meeting frequencies, in line with the approved annual programme.
- An attendance register should be kept.
- Acceptable conduct during meetings shall be captured in the Code of Conduct and signed by Ward Committee members upon appointment.
- The following are relevant for ward committee meetings:
 - A majority of Ward Committee members must be present before a vote may be taken on any matter;
 - A ward committee shall endeavour to take decisions based on consensus; and
 - If consensus on a matter cannot be achieved, such matter may be determined by a supporting vote of at least the majority of the members, including the Chairperson, present (50% +1).

9.2 Frequency of meetings

- A ward committee must meet at least quarterly;
- Ward committees must at the beginning of the year determine a program for monthly ward committee meetings to coincide with meetings of the municipal council;
- All ward committees in a municipality should as far as reasonably possible, adhere to the same meeting intervals; and
- Notice of ward committee meetings must be advertised on the official notice boards of the Municipality, official website, social media platforms, etc.

9.3 Quorum of ward committee meetings

A majority namely, 50% +1 of ward committee members must be present before a meeting commences and recommendation is made on any matter.

In the event of vacancies, the quorum will then constitute 50% +1 of the remaining ward committee members until the vacancies are filled.

10. TERM OF OFFICE

Members of a ward committee are elected for a term determined by section 75 of the Municipal Structures Act, 117 Of 1998, i.e., the term that corresponds with the term of the municipal council. In this regard, and consistent with provisions of section 22 (5), Ward Committee members shall vacate office on the date of the declaration of the results of the next local government elections by the IEC.

11. CRITERIA FOR THE PAYMENT OF THE OUT-OF-POCKET EXPENSES

11.1 Normal Activities

Functional Area 1: Attendance of formal scheduled ward committee meetings by ward committee member.

Functional Area 2: Attendance of formal and scheduled community and Sector or Block/Geographic area report back meetings by ward committee member.

Functional Area 3: Registering of operational service delivery and other complaints by ward committee member.

Functional Area 4: Active involvement in ward-based development, monitoring and evaluation thereof by a ward committee member.

11.2 Ad-hoc Activities:

Functional Area 5: Attendance of compulsory ward committee training and capacity building programmes by ward committee member.

Functional Area 6: Attendance and/or participation by ward committee member in other official forums from other spheres of government that is approved by the Municipality.

The functional areas of ward committees are clustered according to normal and ad hoc Activities for the payment of out-of-pocket expenses as follows:

WARD PARTICIPATORY STRUCTURE FUNCTIONAL AREAS

NORMAL ACTIVITIES					ADHOC ACTIVITIES	
Amount payable per month					Amount payable when required	
1	2	3	4	Total	5	6
Attendance of formal scheduled Ward Committee Meetings by ward committee member.	Formal and scheduled Community and Sector or Block/Geographic area Report Back Meetings by ward committee member.	Registering of operational service delivery and other complaints by ward committee member.	Active involvement in Ward Based Development, Monitoring and Evaluation thereof by ward committee member.		Attendance of compulsory ward committee training and capacity building programmes conducted over a period of at least three consecutive days.	Attendance and/or participation by ward committee member in other official forums from other spheres of government that is approved by the local municipality.
R300 (If member resides within a 20km radius of the meeting venue)	R100.00	R100.00	R100.00	R600.00	R100.00 (If member resides within a 20km radius of the training venue)	R100.00 (If member resides within a 20km radius of the meeting venue)
R350 (If member resides outside a 20km radius of the meeting venue)	R100.00	R100.00	R100.00	R650.00	R100.00 (If member resides outside a 20km radius of the training venue)	R100.00 (If member resides outside a 20km radius of the meeting venue)

12. FILLING OF VACANCIES

- Vacancies must preferably be filled from the replacement list available from the previous election of ward committees (2nd highest vote) by the municipal administration in consultation with the Ward Councillor;
- In the absence of such a list, the administration will consult the relevant sector or geographical/block area with a view of opening nominations for the filling of the vacant post; and
- The filling of the vacant post will be concluded and confirmed within one (1) month after the vacancy has occurred.
- The committee can co-opt a member through consensus in situations where no nominations are received to fill a vacancy.

13. DEVELOPMENT OF WARD COMMITTEE OPERATIONAL PLANS (WCOPs)

- The Ward Councillor will in consultation with ward committee members develop and review the Ward Committee Operational Plans (WCOPs) on an annual basis;
- The WCOPs entails a list of activities, campaigns and projects that ward committee members will implement during a particular financial year and these include scheduled ward committee meetings, capacity building and training of ward committee members, community awareness campaigns on services, community safety, involvement in ward based projects, payment of rates and services, etc;
- The WCOPs should be completed annually before the end of the Municipal Financial Year (i.e. June) and signed off by the Ward Councillor;
- Once approved and signed off by the Ward Councillor, the WCOPs will be sent to the Department of Local Government for review and feedback; and
- The Ward Committee may, subject to available capacity and resources, conduct an annual satisfaction survey on the effectiveness of the ward committees in order to assist the committee in the execution of its functions and powers. The satisfaction survey should be administered by ward committee members under the supervision of the Ward Councillor and with the administrative support of the Municipality.

14. CAPACITY BUILDING AND TRAINING

- Annual capacity building should be planned for members of Ward Committees to empower members to execute their roles and responsibilities.

- Training and capacity building should be based on a needs assessment and take into consideration limited resources, and may include the following:
 - Generic training (e.g. conflict management, interpersonal skills, leadership).
 - Training on relevant municipal policies and procedures (e.g. indigent policy, credit and debt control policy, intergovernmental community development, principles of good governance).

15. WARD COUNCILLOR COMMUNITY REPORT-BACK MEETINGS

- Councillor Community Report-Back meetings are chaired by the Ward Councillor.
- Meetings should be convened at least quarterly as prescribed in the Code of Conduct for Councillors in Schedule 1 of the Municipal Systems Act.
- Community meetings provide a platform for Ward Councillors to report back on issues that affect the Ward and further serve to register concerns and inputs from community members, relating to service delivery, general development of the community, disaster management and any other municipal concerns the community may have.

16. ADMINISTRATIVE, LOGISTICAL AND FINANCIAL SUPPORT

- Section 16(1)(c) of the Municipal Systems Act (no 32 of 2000) directs that Municipalities provide resources and allocate funds in their annual budgets for community participation.
- The Municipalities should further provide administrative and logistical support to enable Ward Committees to perform their functions and exercise their powers effectively. Such support may include:
 - Promotion of Ward Committees in the community through the “Know Your Ward Committee” campaign;
 - Assistance with translation of information and documentation for the community in an electronic format or at key points such as libraries;
 - Availability of administrative staff to attend Ward Committee meetings and to assist the Ward Councillor and members in fulfilling their clerical and administrative functions;
 - Logistical arrangements (booking and preparation of venues, IT equipment, etc.); and
 - Facilitation of Ward Committee Elections.

- Whilst no remuneration is paid to Ward Committee members, the Municipality must budget for out-of-pocket expenses of Ward Committee members and may provide a stipend as determined by Council's approval, to ten members of each Ward Committee, as set out in the Division of the Revenue Bill, in order to cover for such out-of-pocket expenses.
- Payment of a stipend may be withheld after three consecutive non-attendance of either a Ward Committee or Capacity Building meeting without a valid reason.
- Fuel costs incurred to attend Ward Committee, Capacity Building or IDP meetings may be claimed separately, in line with the provisions and processes of the policy regulating travel and transport. In line with the criteria for the Out-of-Pocket Expenses as indicated in paragraph 11.

17. ROLE OF THE SPEAKER

As a custodian of Ward Committees and Public Participation, the Speaker is responsible for the following:

- Must ensure the effectiveness and functionality of ward committees and the public participation processes;
- If the Municipality is unable to establish its ward committees within the prescribed timeframe of hundred and twenty (120) days, the Speaker must, prior to the expiry of those days after the elections, in writing and on good cause shown, request the MEC, responsible for local government in the province concerned, for an extension;
- The MEC must respond to the request referred to in subsection (1) (a) within 14 days of receipt detailing the reasons for granting or refusing the extension;
- Coordinate the functions of the Municipality insofar as ward committees are concerned and ensure that ward committees are fully functional;
- Oversee compliance to and implementation of this policy and that all stakeholders play their roles as prescribed herein;
- Ensure that Ward Councillors convene their scheduled ward committee and Ward Councillor Community Report Back meetings in line with this policy;
- Table a quarterly report to the Municipal Council on the functionality of ward committees within the Municipality;
- Ensure that specific issues raised by ward committee members during ward committee meetings find expression on the agenda of the Council and are escalated to the administration for resolution;

- Meet regularly with the ward committees to strengthen the interface between the Municipality and communities;
- Ensure that representations or issues raised through ward committees and Ward Councillors are channelled to the appropriate structures/departments for further attention/information;
- Ensure administrative support is provided to ward committees; and
- Ensure that annual Ward Committee Operational Plans (WCOPs) and quarterly Ward Committee Functionality Reports are signed off and submitted to the Department of Local Government.

18. ROLE OF THE WARD COUNCILLOR

- Is the chairperson of the ward committee;
- Has a duty and an obligation to convene ward committee meetings;
- Ensure that feedback is provided to ward committee members on service delivery issues/concerns raised in previous meetings;
- After consultation with the Speaker and administration, the Councillor must ensure that a schedule of ward committee meetings is approved by the Speaker including ward committee meetings, Sector or Geographical/Block area meetings and special meetings and that attendance registers are kept and forwarded to the Office of the Speaker and administration;
- Coordinate the development and compilation of Ward Committee Operational Plans (WCOPs) and ensure that the Speaker approve sign off the plans. The WCOP's should be compiled and reviewed annually;
- Handles queries and complaints in the ward and resolves disputes through referrals of unresolved disputes to the Municipality;
- Ensures that all minutes taken by the ward committee are formalized and submitted to the office of the Speaker for presentation at the Council at an interval determined by the Speaker;
- Submits a progress report to the Office of the Speaker and administration on a quarterly basis for a review of the performance of the committee indicating major achievements, challenges and areas of failure; and
- Implements any corrective measures to ensure effective and efficient performance of the Committee as suggested by the Office of the Speaker.

19. ROLE OF COMMUNITY DEVELOPMENT WORKERS (CDWs) FROM THE DEPARTMENT OF LOCAL GOVERNMENT (DLG)

- Be ex-officio members of the ward committees;
- Act as a resource and information person and complement the work of ward committee members and Ward Councillors;
- Provide monthly reports to the ward committee on any service delivery issues and support rendered to the community in the ward;
- Not serve as the secretary of the ward committee but can however administratively support the ward committee; and
- Identify and support ward-based projects.

20. TERMINATION OF MEMBERSHIP

The following may serve as sufficient motivation to terminate the membership of a ward committee member:

- Death;
- Resignation;
- Relocation from the ward;
- Election to position of Councillor;
- Failure to attend three consecutive meetings of the Ward Committee without a valid apology;
- Termination of membership from the sector or geographical/block area the ward committee member represents;
- Declared insolvent or mentally incompetent; and
- Bringing the Municipality into disrepute.

21. DISSOLUTION OF A WARD COMMITTEE

The Council may dissolve a Ward Committee based on the recommendation of the Speaker. Instances that might lead to such a recommendation include, but are not limited to:

- Failure to fulfil its objectives as set out in legislation;
- Non-adherence to this policy; and
- Failure to hold three (3) consecutive meetings without justifiable reasons.

22. EFFECTIVE DATE OF WARD COMMITTEE POLICY

This policy is known as the Ward Committee Policy of the **Swellendam Municipality** and takes effect from the date of approval by Council.

ANNEXURE A



CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

BACKGROUND

Ward committee members are elected to represent the community in a ward and report on matters affecting the ward or emanating from the ward to the Municipality, through its ward councillor. This code lists the responsibilities of members of ward committees and recommends standards of ethical conduct with which each member of a ward committee must comply.

These standards are applicable to members of the ward committee when dealing with:

- Other ward committee members;
- The ward councillor of that specific ward and all other councillors of the Municipality;
- The municipal administration;
- The community represented in the ward committee; and
- Other stakeholders.

AIMS AND OBJECTIVES OF THE CODE OF CONDUCT

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

- Set out the functions of a member of the ward committee and to specify the standards of integrity and conduct to be observed by ward committee members in their role to assist the Municipality to meet its objectives and legislative mandate;
- 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; and
- Maintain the trust, respect and co-operation between members of the ward committees and all members of the community represented in the ward.

ACCOUNTABILITY

Members of the Ward Committee are primarily accountable to the community that elect them.

FUNCTIONS OF WARD COMMITTEE MEMBERS

The function of a ward committee is to effectively support the elected ward councillor for that ward and to serve the community by among other:

- Attending meetings of the ward committee;
- 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;
- Facilitating feedback on matters raised with the Council through the ward councillor;
- Attend and participate in door-to-door campaigns and arrange interaction with substructures in the ward, such as street committees;
- 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;
- Distribute publications as required;
- Management and updating of ward profiles as well as the database of the indigent households;
- Participation in plans and programmes of the Municipality and other spheres of government impacting on the ward development;
- Facilitating participation by the community in all affairs of the Municipality; and
- Foster a good working relationship with CDW's operating in the ward.

STANDARD OF CONDUCT FOR WARD COMMITTEE MEMBERS

A ward committee member must:

- Perform their function in good faith, transparency and honesty;
- At all times, act in the best interest of the Municipality and in such a way that the credibility and integrity of the Municipality is not compromised;
- Not disclose privileged or confidential information;
- Not interfere in the management or administration of any department within the Municipality;
- Not give or purport to give any instruction to any employee of the Municipality;
- Refrain from any rude, abusive, insolent, provocative, intimidatory or aggressive behaviour to a fellow committee member or member of the public;
- Refrain from wilful or negligent behaviour which may result in the damage of property;

- Refrain from participating either individually or with others, in any form or action which may disrupt the operations of the Municipality;
- Refrain from consuming alcohol or using intoxicating drugs whilst on duty as a ward committee member;
- Not encourage or participate in any action that may damage the reputation of the Municipality thus bringing it into disrepute; and
- Comply with the rules for Ward Committees of Swellendam Municipality.

SANCTIONS FOR MISCONDUCT

- If the Speaker, on reasonable suspicion, is of the opinion that a provision of the Code of Conduct has been breached, the matter must be referred to the Municipal Manager or delegated official to:
 - Investigate the matter which may include summoning the ward committee member who is alleged to have breached the Code of Conduct; and
 - Make appropriate recommendations to the Speaker for admission to Council on whether the ward committee membership should be terminated or not.
- Any sanction that is imposed for misconduct will be intended to deter future repetition of that behaviour. The sanction imposed must be based on the nature of the offence.
- Sanctions will generally be applied by first issuing a written warning and then a final written warning, except in cases of misconduct which would constitute grounds for immediate dismissal or the immediate imposition of a final written warning.
- A written warning will remain valid and on the record for a period of six (6) months from the date of imposition.
- As a guideline, a ward committee member may be dismissed on the first occasion for, among other:
 - Intimidating, fighting and / or assault of any fellow ward committee member or member of the public;
 - Theft and malicious damage to council property;
 - Being under the influence of alcohol or intoxicating drugs whilst busy with activities of the ward committee;
 - Any act of gross negligence;
 - Wrongful disclosure of privileged information;
 - Any act of bribery or corruption; and
 - Any act which seriously damage the image and reputation of Swellendam Municipality thus bringing it into disrepute.

- The final decision to dismiss a ward committee member or terminate their membership should be taken by means of a council resolution.

GENERAL PRINCIPLES OF GOOD GOVERNANCE TO BE COMPLIED WITH BY WARD COMMITTEE MEMBERS

COMMUNITY INTEREST

Members should strive to serve the best interest of the community from which they are elected, by recommending municipal programmes that are community centred, driven and implemented, recognising any diversity in the ward.

INTEGRITY

Members should always act with integrity in the execution of their functions as members of the ward committee, without fear, favour or prejudice.

Members may not use their positions as ward committee members for private gain or to improperly benefit any third party.

OBJECTIVITY

Members should make decisions on merit, based on the mandate received from their ward. They may not act in any manner that will compromise the credibility, impartiality or independence of the ward committee.

ACCOUNTABILITY

Members are accountable to the ward community that they serve.

REGULAR REPORT BACK

The ward councillor and members of the ward committee are responsible for feedback to the community and the constituency of their ward.

TRANSPARENCY

Members promote transparency and should be open and honest about their actions and those of the ward councillor and should welcome community enquiries, thereby creating trust and respect between all role-players.

CONSENSUS

Ward committees should work on the basis of consensus reached in the committee, failing which, a majority decision will prevail.

LEADERSHIP

Members should provide leadership to the ward and set a good example of responsible citizenship.

BATHO PELE

Members must apply the Batho Pele principles when dealing with members of the public.

PUBLIC PARTICIPATION

The ward committee members must in all their actions deepen and strengthen public participation and local democracy.

MEETINGS

Meetings of ward committees shall be held in accordance with the framework set by the Municipality, and when requested by a majority of ward committee members.

Ward committee members shall attend all meetings, unless a written apology is submitted to the ward councillor no less than twenty-four hours prior to such a meeting.

DISSOLUTION OF A WARD COMMITTEE

- A Council may dissolve a Ward Committee if it fails to fulfil its objectives. The following may serve as an indication that a ward committee is failing to perform its functions:
 - Failure to convene three consecutive meetings; and
 - Occurrence of maladministration, fraud, corruption, or any other serious malpractice.

DISPUTES

Ward committee members must avoid conflict between themselves and between members and the ward councillor. In the event of a dispute between the members, the Ward Councillor must mediate between members.

In the event of a dispute between ward committee member/s and the ward councillor, the Speaker must mediate between the two parties.

APPEAL PROCESS

Any member who has been warned, reprimanded or dismissed in terms of this Code of Conduct may, within 14 days of having been notified of the decision of Council, appeal to Council via the Speaker in writing, setting out the reasons on which the appeal is based. The Council will then appoint an Appeals Committee to investigate and make recommendations to Council on whether the Council's decision should be upheld or not. However, the final decision rest with Council.

PLEDGE BY WARD COMMITTEE MEMBERS/ DECLARATION

All members of the ward committee must upon election sign the pledge set out below, in order to show their commitment towards the ward committee that have been elected to. This must be taken in a form of an oath by each member of a ward committee. The pledge reads as follows:

I solemnly declare:

I from ward pledge to advance and act in the best interest of Ward No community, **Swellendam Municipality.**

I confirm that I am residing within the jurisdiction of **Swellendam Municipality**, dedicated resident and registered voter of Ward No.: community.

I further declare that I have read and understand the code of conduct for ward committee members.

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 remuneration for out-of-pocket expenses (if applicable in my municipality) is subject to me fulfilling my obligations as set out above.

Signed.....at.....t
his.....day of year.....

Witness 1:

Name:

Sign: Date:

Witness 2:

Name:

Sign: Date:

Municipal Council Elected Representatives:

Swellendam

Ward

Councillor:.....

Sign:Date: