

**CONSOLIDATED PUBLIC COMMENTS RECEIVED ON THE OVERSTRAND DRAFT REVISED WARD
COMMITTEE RULES**

30 July 2026

1

COMMENT ON OVERSTRAND DRAFT REVISED WARD COMMITTEE RULES

IAN JOHNSON

1. The perspective on this comment is that of answering the question “does the draft ward committee rules adhere to the Local Government: Municipal Structures Act 117 Of 1998 para 73 and 76“dealing with the establishment and the functions and powers of the ward committees. It will unfortunately have to delve into the present ward 14 composition for further context.
2. It is my submission that the role of the committee as laid out in the draft should be fundamental in deciding on representation. Thus, any representative chosen must have a **demonstrated consultative process on the constituency** they represent and **actively participate in para 3 and 10** of the draft ward committee rules.
 - a. So, it would be clear in the case of a **Rate Payers Associations** that they have Whatsapp communications with votes and meetings along with AGMs and special AGMs. Note in the case of an RPA it is clearly geographical. What the challenge here is that the whole area is not represented, as some geographical groups have failed to mobilise into a RPAs. In the case of Ward 14 only two RPA are represented on the Ward committee. It is imperative that the ward councillor be instrumental in providing leadership in establishing RPA's where a geographical area in the ward is in want. The **only two RPAs represented** is:
 - i. De Kelder & Perlemoenbaai Rate Payers Association
 - ii. Kleinbaai Ratepayers Association
 - b. In the case of ward 14 the **NG Church** is represented which in itself is a contradiction. There must be an **elected body of all churches** in the ward to decide which individual will be representing those churches and would receive the stipend. They would have to demonstrate a consultative process to get the input of all churches in the area. Then if that is in place one must be able to certify that that member has the intellectual ability to fully participate in roles of the ward committee as laid out in para 10 out of a church perspective.
 - c. In the case of ward 14 again Marine Dynamics (seemingly listed as **Gansbaai Marine Empowerment Trust**) is represented on the ward committee. The question here is, is Gansbaai Marine Empowerment Trust representing the whole fishing industry? Does municipality have jurisdiction of the fishing industry or is it the national department? The problems of the fishing industry are not municipal business and thus should also not be members of the ward committee.
 - d. Ward 14 has a **See en Teekring**. Who does this Tea group represent? Should we give a Teekring representation. How would they participate in the IDP?
 - e. The same for **Silwerjare Dienssentrum**. Why would an old age home need to be represented as a body as each inhabitant that wishes to participate in local government initiative should do so via local RPA.
 - f. **Gansbaai Primary School** has only teachers as registered voters who should exercise their opinions in their local RPA. The question is the same is the school appointee representing the Gansbaai primary school or the whole education system which is also a national endeavour.

- g. **Blompark Neighbourhood Watch** Is not an RPA so do not represent the Blompark ratepayers neither do they represent the neighbourhood watch of the ward. Neither would they cohesively participate in all the objectives as laid out in para 3 of the draft ward committee rules.
 - h. **Gansbaai Early childhood Development** also represented by the teachers as the children are not registered voters. Could they possibly participate in the objectives as laid out in para 3 of the draft ward committee rules.
 - i. **Blompark/Beverly Hills** This is also apparently not an RPA. Blompark as a geographical area is already represented in subpar (g) above and thus contrary to para 6.7 of the draft ward committee rules.
3. So, Ward 14 is represented by two RPAs where I would imagine Blompark and Gansbaai South should urgently establish a RPA to be represented.
 4. It is my submission that the **ward 14 should be reconstituted as a geographically divided ward** and if there is reason to make it a combination that the geographically represented members be two to one sectoral subject to the sector proving to the electoral officer that they have a bona fide sector and have a unified input to local government and that they will actively be able to perform duties in para 3 of the draft ward committee rules.
 5. One would have to apply your mind on how should ward 14 be divided equally. e.g.
 - a. De Kelders.
 - b. Perlemoen Baai. Perlemoenbaai a very different character to De Kelders should separate once again.
 - c. Gansbaai South.
 - d. Blompark.
 - e. Van Dyksbaai and Kleinbaai. If Kleinbaai and van Dyksbaai warrant, their own RPA so be it.
 6. Here the electoral officer must invite nominations from the newly constituted committee as suggested.
 7. It would be degrading to democracy to reinvest in the sectoral model for ward 14 as it most certainly **dilutes democracy** and their will be a **distinct lack of cohesion** and enable the ward councillor to vote as he or she pleases.
 8. The policy should thus be changed to state categorically that the **wards mainly in residential areas should be geographically represented with minor sectoral representation**. The sectors must apply for representation subject to the said conditions and the ward should at no stage have a worst ratio of two to one in favour of geographical representation. The electoral officer must be given access to this submission.

I.R. JOHNSON

2

DRIES DREYER

Comments on the Draft Revised Ward Committee Rules

Dear Mr Louw,

Please accept the following comments and recommendations regarding the Draft Revised Ward Committee Rules.

1. Clause 6.1 – Number of Ward Committee Members

It is recommended that the maximum number of Ward Committee members be increased from 10 to 15 members.

The current limit of ten members does not adequately accommodate the diversity of organisations and community structures that now exist within many wards. Increasing the number to fifteen will allow broader representation while maintaining an effective and manageable committee.

2. Clause 6.5 – Sectoral Representation

It is recommended that Clause 6.5 be amended by adding an additional category:

viii) Recognised Digital Community Structures (examples: established community WhatsApp groups, recognised online residents' associations, community information networks and other digital communication platforms serving residents within the ward.)

Community participation has evolved significantly in recent years. Many residents no longer participate through traditional organisations alone, but instead engage through established digital community platforms.

These platforms frequently reach substantially more residents than formal associations and play an important role in community communication, public participation, neighbourhood safety and service delivery.

For example, in Franskraalstrand (Franskraal), the Franskraal Inwoners Groep, WhatsApp Community has considerably broader participation than most traditional organisations currently represented on the Ward Committee.

Further examples is the Gansbaai and Surrounds Residents Information Group and Slegs Noodgevalle Group.

Excluding recognised digital community structures means that many actively involved residents have no direct representation on the Ward Committee.

Recognising these structures would modernise the Ward Committee system and better reflect the way communities communicate and participate today.

Thank you for the opportunity to comment on the Draft Revised Ward Committee Rules.

I trust these recommendations will be given favourable consideration in the interest of improving representative and inclusive public participation.

#3

ALTA ELS

Comments and Recommendations on the Draft Revised Overstrand Ward Committee Rules (June 2026)

Introduction

I wish to express my appreciation to the Overstrand Municipality for the considerable effort invested in revising the Ward Committee Rules. The draft reflects a thoughtful attempt to strengthen public participation, improve accountability, clarify the responsibilities of all role players, and promote more effective local governance.

The revised document is significantly more comprehensive than previous versions. It introduces clearer governance structures, improved reporting requirements, stronger ethical standards and enhanced transparency. These are important developments that deserve recognition.

The following comments are therefore offered in a constructive spirit. They are intended to complement the existing draft and contribute towards creating Ward Committees that are not only administratively effective but also become centres of ethical leadership, collaborative problem-solving and continuous

community learning.

General Observation

The draft successfully strengthens the administrative and procedural functioning of Ward Committees.

However, it remains largely focused on governance processes such as meetings, reporting, elections and compliance.

The next step in the evolution of Ward Committees is to strengthen their role as facilitators of community partnership, innovation and shared responsibility for sustainable local development.

Recommendation 1: Move from Participation to Partnership

The document frequently refers to community participation.

Participation is important, but genuine democracy goes further.

Communities should increasingly become partners in identifying challenges, generating ideas, developing solutions and evaluating outcomes.

Ward Committees should therefore encourage collaborative governance where residents, councillors, officials, businesses and civil society organisations jointly contribute to solving local challenges.

Recommendation 2: Promote a Learning Culture

The draft provides for training and capacity building.

Training is valuable, but sustainable governance requires continuous learning.

Ward Committees should periodically reflect on:

- what worked well;
- what failed;
- lessons learned;
- innovative practices worth sharing.

Learning should become an ongoing feature of local governance rather than an occasional training activity.

Recommendation 3: Encourage Innovation

Most provisions focus on existing municipal responsibilities.

Ward Committees should also become incubators for community innovation by encouraging:

- local environmental initiatives;
- youth leadership projects;
- volunteer programmes;
- neighbourhood partnerships;
- local economic development;
- community resilience initiatives.

Innovation should be recognised as an important function of participatory governance.

Recommendation 4: Improve Feedback to Communities

The draft requires communities to provide information upwards through Ward Committees.

Equal emphasis should be placed on communicating outcomes back to residents.

Every recommendation submitted should ideally receive:

- acknowledgement;
- progress reports;
- reasons where recommendations cannot be implemented;
- final outcomes.

Visible feedback strengthens trust between communities and the municipality.

Recommendation 5: Measure Outcomes Instead of Activities

Many responsibilities are listed.

Fewer mechanisms exist to evaluate whether these activities actually improve governance.

Possible annual indicators could include:

- community participation levels;
- implementation rate of recommendations;
- resident satisfaction;
- response times;
- collaboration between sectors;
- community trust;
- effectiveness of public engagement.

Measurement should focus on outcomes rather than simply counting meetings held.

Recommendation 6: Recognise Community Knowledge

Communities possess valuable local knowledge.

Ward Committees should actively gather local knowledge before major municipal decisions are made.

This may include:

- local environmental knowledge;
- historical knowledge;
- community priorities;
- indigenous knowledge;
- practical experience of residents.

Such knowledge strengthens municipal planning and decision-making.

Recommendation 7: Strengthen Ethical Leadership

The Code of Conduct understandably focuses on misconduct.

It could also emphasise positive leadership values including:

- integrity;
- accountability;
- respect;
- transparency;
- stewardship;
- service;
- Ubuntu;
- collaborative leadership.

These values build public confidence and strengthen democratic governance.

Recommendation 8: Encourage Cross-Ward Collaboration

Many municipal challenges extend beyond individual ward boundaries.

Examples include:

- water security;
- environmental management;
- tourism;
- disaster management;
- transport;
- infrastructure;
- economic development.

Mechanisms should therefore encourage cooperation between neighbouring Ward Committees where common challenges exist.

Recommendation 9: Develop Future Community Leaders

Youth representation is recognised in the draft.

Ward Committees could also intentionally mentor future community leaders by involving schools, youth organisations and community volunteers in appropriate municipal initiatives.

Recommendation 10: Introduce the AdK Governance Enhancement Framework

As a complementary recommendation, I respectfully propose that the municipality consider exploring an AdK (Adaptive Development through Knowledge) Governance Enhancement Framework.

The AdK model does not replace existing legislation or municipal structures.

Instead, it provides an additional practical framework that strengthens governance through five interconnected principles.

Knowledge

Encourage evidence-based decisions by combining municipal information with community knowledge and lived experience.

Ethical Leadership

Promote integrity, transparency, accountability and service as the foundation of public leadership.

Partnership

Move beyond consultation by creating genuine collaboration between residents, officials, councillors, businesses and civil society.

Learning

Establish continuous reflection and organisational learning after projects, community engagements and municipal initiatives.

Sustainability

Ensure that decisions contribute to long-term social, economic and environmental resilience.

Practical Application

Ward Committees could consider five guiding questions before making recommendations:

1. What knowledge do we have, and what knowledge is still missing?
2. Does this recommendation demonstrate ethical leadership and fairness?
3. Have all relevant stakeholders been included?
4. What lessons have we learned from previous experience?
5. Will this recommendation strengthen the long-term wellbeing and resilience of our community?

These questions require no legislative amendment yet encourage better governance.

Conclusion

The revised Ward Committee Rules represent an important step forward for participatory local government in the Overstrand Municipality.

By complementing the existing framework with a stronger emphasis on partnership, ethical leadership, continuous learning, innovation and sustainability, the municipality has an opportunity to position itself as a national leader in collaborative local governance.

It is respectfully submitted that these recommendations be considered during the finalisation of the Ward Committee Rules.

Thank you for the opportunity to provide comments on this important draft.

#4

PAT REDFORD

PDF document

#4

PAT REDFORD

Comments on the proposed amendments to the Ward Committee Rules (OM)**10th July 2026****Submitted by Ms P. Redford (Ward 4 ratepayer)**

During my experience as a ratepayer (25 years+) and a permanent resident (15 years) and as an active Ward 3 Committee member (3 years) I have witnessed a number of challenges associated with the so called 'representation and public participation' channels available to the ordinary ratepayer in the Overstrand area.

My comments are based on experience, rather than simply random opinion.

Interpretations:

Ordinary Meeting Cycle/ Public meetings: There is insufficient determination in the interpretation, to indicate minimum compliance, linked to the requirements of SALGA:

"SALGA: "The ward councillor is responsible to call all ward meetings as well as ward committee meetings. He/she should ensure that a schedule of meetings for both ward meetings and ward committee meetings are prepared for each financial year in order to ensure maximum participation in the meetings. In practice, it is proposed that, where logistically possible, ward meetings should be held quarterly and ward committee meetings monthly"

Proposal:

- A minimum of 4 Public Ward meetings should be scheduled annually, if not more, should circumstances of particular issues require more public engagement. (noted Item 14.3)
- Public Ward meeting dates should be featured on the OM website, every calendar year, in advance (Jan to Dec) in order to encourage participation and planning for the communities. Currently all very last minute, seldom on website. (noted 19.1.6)
- Agendas (min 10 days in advance of meeting)
- Minutes (max 10 days after meeting has taken place) must be published on the OM website in the Ward Committee Section. (note 19.1.2) 5 days is not sufficient.

It may surprise OM that many residents do follow meetings, agendas and minutes via the website, particularly those who may be out of town for a period, or those who cannot make it to a meeting/s. The ward committee page on the OM website is currently void of minutes, agendas and future dates of meetings.

Sector/ Interest Group: This interpretation requires more exploration, see below (my ref. 6.4). There is risk of dilution of important larger community groups being minimised

Items indicated in Draft Document:

Objectives:

Item 3.3 *“A Ward Committee is the official channel of communication between the community and municipality regarding mandated municipal matters in a particular Ward. Apart from the formal scheduled ward committee meetings, ward committees can meet informally and create other communication channels such as WC WhatsApp Group and social media to engage with members in the ward. WC members can share this information with their community members.”*

In certain circumstances, this could introduce a situation where a certain narrative may be developed by a particular ward committee member, which may not truly represent the actual facts of the situation.

Ensuring a truthful and transparent narrative is critical to providing an inclusive communication with a community. This has occurred in certain areas where Residents Association’s represent a certain bias and relay disinformation to its group, justifying it as a ward committee decision or viewpoint. This biased narrative opportunity presents a very worrying trend, currently at play.

Proposal:

Some sort of oversight should be taken up to ensure unbiased transparent facts are relayed.

Other Items:

Item 6.1: Who determines this? *“or **pre-determined geographical blocks** which will be clearly defined and demarcated sections within a specific area or ward that are identified in advance for administrative, planning, operational”.*

This issue was queried during the previous round of Ward voting. It was not properly defined and resulted in a confused, last-minute dilemma, and a ‘double voting’ change in the process. So what exactly has been amended to ensure this does not re occur?

Proposal:

Clarification required in terms of the actual voting procedures and also, how the geographical blocks are determined, as this alignment will surely overlap in certain areas.

A system of 2 ‘ticks’ or votes per voting paper, so the person can express their true interests, rather than be forced to vote for either or? A residents association represents different portfolios to an environmental or baboon group, however many would like to indicate their

support for both groups as they are specifically structured according to specific portfolios or expertise.

Impartiality is not apparent in some Residents Associations, where a small group may be strongly biased and intolerant to reasonable environmental issues, whereas another group may be more open, unbiased and solution orientated. The current structure forces unreasonable bias.

Item 6.4 “In areas where there are similar interest groups, a need may exist to cluster them in order to ensure the broadest representation on ward committee, through umbrella bodies, to serve on the ward committees.”

Concern:

This suggests that a situation may arise where a few environmental organisations, each one having their own particular specialist interest, could end up being diluted by way of a determination to place them under an umbrella group.

This ‘dilution’ of voting power, along with their more than likely large membership (from around 120 up to 1200+) base in some cases, would render these organisations equivalent in ‘support’ to a very small group, with few members, and comparatively very little support in the community, and further diluted by a single ‘vote’ in a ward.

This would be unreasonable and a fair distance from basic democratic principles. Why should an ‘umbrella group’ be regarded as, as significant as one with hundreds or thousands of members?

Our Overstrand community has a very significant concern and interest in our environment, and tourism is associated largely to our environmental attributes. This cannot be ignored.

Proposal:

Areas of expertise and interest need to be considered and evaluated by way of motivations from each group to be ‘clustered’ to determine whether this would be valid and fair. Not all of them overlap as their interests vary and some are specialist interests.

Example may be environmental interest groups for example:

- Botanical Society is a highly specialised, respected group of botanists, scientists, ordinary residents passionate about environmental issues, restoration and supplementary maintenance for Protected Areas within OM, landscaping interests and small wildlife interest,
- Hermanus Bird Club is an excellent mix of expert ornithologists, retired professors, and scientists as well as long standing members actively involved in the environment,
- Whale Coast conservation, with well over 1000 interested environmental activists, aside from many environmentally alert residents, associated with a diverse legacy of active involvement in all areas of conservation within the community.)

- Marine and associated groups will usually have very different concerns and interests, from the botanical or baboon groups.
- Baboon interest group (representing particularly large sectors of a community, to assist with information, education, reporting, possible part fund raising, monitoring good conservation practices affecting baboons).

Therefore, whilst some may consider environmentalists as an 'umbrella' group which may appear to be all the same, there are very distinct differences and concerns related to each of them.

I am speaking from experience. During my time as a permanent resident (14 years+) and as a property owner and ratepayer of more than 25 years, I have belonged to a number of these organisations and have experienced distinct variations in the level of concerns about the many different facets of our environment.

Item 6.5 "Criteria for membership"

Gender: Kindly elaborate on this criteria? What exactly is your proposed ratio and why?

Noted: vii)

Would you then like to include other bias, like colour, religion, the list is endless. Kindly justify and include your proposed criteria for Gender clearly, so others may wish to comment too?

Noted Item 6.6. This being noted, you would need to determine how many men and how many women comprise a particular community. If more women are in a community, it suggests that more than 3 of 10 should be women? It seems according to the last StatsSA statistics that there are more women than men in Overberg.

I trust this is viewed in the positive manner in which it is intended, and that due consideration will be paid to the points mentioned. I am happy to have informal discussion should there be any queries associated.

Kind regards

Pat Redford

Ratepayer, Ward 4, Overstrand.

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0829084002

Draft 9 June 2026

GN made 165 comments.
Used approx. 12 hours.
Fin 29/6/2026

Is it reasonable that OM releases a
doc in this condition for public
comment?



DRAFT REVISED

Ward Committee Rules

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

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1. PREAMBLE

1.1 It is essential for good governance that citizens are actively involved in the ~~processes with regard to~~ planning, budgeting, monitoring and evaluation of programmes/projects.

GN: The sentence is clumsy. It could be written as, 'involved in the processes OF planning...'. But then it becomes clear that the public is only involved in the PROCESSES but not necessarily the content of planning etc. Thus it is better written with the deletion of 'the processes wrt to'. Then there is no restriction to the public's involvement.

1.2 Ward Committees (WC) are regarded as the vehicle to promote good governance at the local government level and serve as advisory bodies that assist the municipal council in achieving the constitutional objectives of local government.

GN: Problem areas exist already:

- to promote good governance

- serve as advisory bodies

- achieving the constitutional objectives of local government

Do the Rules serve to clarify how these objectives can be achieved?

1.3 The Overstrand Municipality is governed as a municipality with a mayoral executive system combined with a ward participatory system as per Section 9(d) of the Local Government: Municipal Structures Act, 1998.

1.4 The establishment and operation of a Ward Committee must be in accordance with Section 72 to 78 of the Local Government: Municipal Structures Act, 1998.

2. APPLICATION OF RULES

2.1 As per section 2 of the Overstrand Municipality: By-law on Rules of Order for Internal Arrangements, these rules apply to all meetings of committees.

GN: The by-law is not on the website. Only the amendments thereto.

2.2 Except where it is clearly inappropriate, a rule applying to a Councillor in any proceedings, also applies to a member of the public who attends those proceedings.

GN: where to find – a rule applying to a Councillor in any proceedings

3. OBJECTIVES

GN: Only 3.1 is an Objective. 3.2 describes tasks. 3.3 and 3.4 describes functions.

3.1 The objective of a ward committee is to **enhance participatory democracy** in local government.

GN: Participatory Democracy: To ensure we all understand the term in the same way it should be defined. Add to Definitions section. Possible definition: Participatory democracy is a form of governance in which citizens actively and directly engage in decision-making processes that affect their lives, rather than relying solely on elected representatives. But even this is not clear enough as it does not describe the downwards flow of info?

3.2 Ward Committees must participate in the following:

3.2.1 Preparation, review and implementation ~~and review~~ of the Integrated Development Plan (IDP);

GN: Change the order of actions as marked above. I have been involved in a ward committee for years. I have not seen a single committee workshop to achieve this level of participation. Perhaps my ward chair person is at fault and then I would like to see some disciplinary action. In any event a

3.2.2 Establishment, implementation, and review of a Performance Management System (PMS);

[GN: Same comment as for 3.2.1](#)

3.2.3 Preparation of the budget;

[GN: Same comment as for 3.2.1](#)

3.2.4 Strategic decisions of the Municipality relating to the provision of municipal services in terms of Chapter 8 of the Systems Act, 2000.

[GN: Same comment as for 3.2.1](#)

3.3 A Ward Committee [\(WC\)](#) is the official channel of communication between the community and municipality regarding mandated municipal matters in a particular Ward.

[GN: Is this meant to indicate communication in both directions?.](#)

[GN: Should this be a new para? Apart from the formal scheduled ward committee meetings, ward committees can meet informally and create other communication channels such as a WC WhatsApp Group and social media to engage with members in the ward.](#)

[GN: Social Media for the WC only? Seems so because of the next sentence.](#)

[WC members can share this information with their community members.](#)

[GN: What are community members? About 5500 voters per ward. Only the top 10 organisations make it to the WC. What about the members of the other organisations?](#)

[What about the residents who are not affiliated with organisations.?](#)

[GN: What is : mandated municipal matters? Why limited to a Ward?](#)

3.4 The ward committee is an advisory body, meaning that it can make recommendations to the Ward Councillor(s) and Municipal Council, but does not have the power to make decisions on its own.

[GN: This is a weird statement. So the WC is seen as separate from the WC Councillor. The WC cannot reach a decision. How does the WC members make recommendations to the Council if the Councillor does not do it? Can the Councillor disagree with a WC resolution and refuse to submit it to Council?](#)

4 DEFINITIONS

Budget	Refers to the annual budget of a municipality in terms of the Local Government: Municipal Finance Management Act, 2003 GN: Refers not refer
<u>CBO</u>	<u>A Community Based Organisation</u>
<u>Chairperson</u>	<u>A Ward Councillor of the Municipality elected to chair the Ward Committee meetings in terms of Section 73(2)(a) of the Municipal Structures Act</u>
Code of Conduct	Code of conduct means Code of Conduct available to Ward Committee Members as set out per Schedule 2
<u>Community</u>	<u>Residents of a ward, i.e. the ward community</u>

<u>Community Engagement</u>	Ward Committees should <u>must</u> actively engage with the community through regular public meetings, surveys and feedback mechanisms to ensure that the community's needs and concerns are accurately represented <u>GN: Perhaps 'determined' is a better word. Ward Committee members represent perhaps 10% of the community. How do they garner the opinion of the other 90%?</u>
Constitution	The Constitution of the Republic of South Africa, 1996, which is the supreme law of the country
Council	The municipality's body of elected Councillors and proportionally representative Councillors (comprising of the local government) as established in terms of the Municipal Structures Act
<u>Election Assistant</u>	Municipal and/or Provincial Department Local Government (DLG), Independent Electoral Commission (IEC) or District Municipality appointed by the Election Officer to assist with the election of Ward Committee Members <u>GN: Seems that an appointed person is missing in the text? Or is a District Municipality appointed by the Election Officer. Difficult sentence to comprehend.</u>
Election Officer	Municipal and/or Provincial Department Local Government (DLG), Independent Electoral Commission (IEC) or District Municipality responsible for supervising and coordinating an election venue to ensure that the election (voting) of Ward Committees is conducted in terms of this Policy <u>GN: same problem as above. If you cut out all the and's and or's then it reads: "Municipal, IEC or District Municipality appointed to...". So what is the difference between Municipal and District Municipality?</u>
Geographical Block	Represents the interests of an identified geographical block, for example neighbourhood, extension, village in a particular ward <u>GN: A geographical block cannot represent interests. The definition must only identify what a geographical block is.</u>
<u>IEC</u>	The IEC most commonly refers to the Electoral Commission of South Africa, an independent, Chapter 9 constitutional institution established in 1996 to manage free and fair elections for national, provincial and municipal legislative bodies. It handles voter registration, election administration, results and voter education. <u>GN: And what would the uncommon usage be?</u>
<u>In-Committee</u>	Means a formally constituted meeting of a council or committee from which the public is excluded in order to consider confidential or legally protected information
Integrated Development Plan	The principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development in a municipality <u>GN: Surely it is the other way round. The IDP gathers, i.e. integrates, all planning into a single doc. Why do you call it an instrument?</u>

<u>Member</u>	A person elect ed or co-opted into a Ward Committee GN: Is the criteria to be a member described further on?
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<u>Monitoring and Evaluation</u>	Ward Committees should regularly monitor and evaluate their activities and the impact of their decisions on the community, reporting their findings to the Council and the public GN: What is written is not a definition but a task. Needs to define monitoring and evaluation.
Municipal Manager	Head of administration, accounting officer of the Municipality and appointed by Council in terms of Section 54A of the Local Government: Municipal Systems Act, No 32 of 2000 GN: Clumsy sentence. Also does 'appointed by Council' define the position?
Ordinary Meeting Cycle	Consists of meetings in the following order, namely: Ward Committees, Portfolio Committees, Executive Mayoral Committee meetings and Council meetings
<u>Ordinary Ward Committee Meeting</u>	Means a scheduled, official meeting of a ward committee convened to consider routine matters, community issues, and the municipal service delivery within the ward. Members of the public have observer status and may only address the meeting with approval of the Chairperson GN: Is the observer status of the public part of the definition of a ward meeting?
Organisation	Represents a specific interest of the community resident in the particular ward, for example youth, women, religious grouping, ratepayers' associations, etc. but not a political party
Performance Management System (PMS)	A two-way communication process between the Municipality and the community that measures specific targets, standards and priorities that were agreed upon during the IDP process GN: In 3.2.2 it states that a PMS must be established. This definition only deals with measuring, thus incomplete. Also the community cannot measure a target. It can try to measure the % achievement.
<u>PR Councillor</u> GN: Is it relevant to a ward?	A proportional representative municipal councillor elected in terms of Section 22(a) of the Local Government: Municipal Structures Act, No 117 of 1996 to represent a party on the Council of a municipality
<u>Predetermined Geographical Block/s</u>	Means formally identified and demarcated areas within a ward or municipal boundary that are established in advance for planning, administrative or community representation purposes GN: Why would a community be segregated for representation? What is the process for this?

<u>Public meeting</u>	Means a ward committee meeting convened to facilitate community participation, where residents of the ward are afforded an opportunity to engage with the Ward Councillor and committee members on municipal matters GN: Great idea. 4 times per year as a minimum. Who determines the agenda? GN: What is the extent of engagement? At the 2026 IDP public meetings the engagement was severely limited by the facilitator.
Sector/Interested Group	Represents a broader scope of similar interests (umbrella body/structure) of the community for example, Sport & Recreation, Health & Welfare, etc. GN: Interested Group - This appears only in definitions. It is not used in the doc. Use or delete.
Speaker	The Speaker of the Council elected in terms of Section 36 of the Local Government: Municipal Structures Act 117 of 1998
Special Meetings	Scheduled for Council to consider for example the annual IDP/Budget Process Plan, new/revised IDP, the Budget, Mid year Adjustment Budget, etc.
Voters' Roll	The national common IEC voters' roll compiled in terms of the Electoral Act, 1998
Ward <u>Committee</u> Operational Plan	Annual plan of activities to be performed/executed by Ward Committee Member's representative in a ward committee GN: What is this? Ward Committee Member's representative I have never seen such an operational plan. Where is it described. Why has it not been happening?
<u>Ward Councillor</u>	A representative that serves as the <u>liaison/link/channel</u> between the communities they represent and the <u>municipal council</u> , reporting back regularly through ward meetings and assisting the community in identifying needs and priority

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	<u>areas of development which feed into the municipality's planning processes</u> GN: This definition is partly a duty description. Where is it clearly stated how and what the councillor reports back to Council. I know for a fact that ward meeting minutes are a joke and is not useful to the community or the council.
Youth	People within the age group of 18 to 30 years are elected to a ward committee to represent the interest of young people between the age groups of 14 to 35 years. The mentioned age group eligible for election will ensure that representatives can be registered on the voters' roll and are able to serve a term of five years on ward committees GN: elected or electable?

5.1 The Constitution of South Africa, 1996

5.2 Municipal Structures Act, Local Government: Municipal Structures Act, No 117 of 1998 5.3

Municipal Systems Act, Local Government: Municipal Systems Act, No 32 of 2000

5.4 Municipal Finance Management Act (MFMA), Local Government: Municipal Finance Management Act, No 56 of 2003

5.5 Guidelines for the establishment and operation of Municipal Ward Committees, Notice 965 of 2005

5.6 National Policy Framework for Public Participation, 2007

5.7 National Framework: Criteria for Determining out of pocket expenses for Ward Committee Members, 2009

5.8 Overstrand Municipality: Public Participation Policy, 2016

5.9 Overstrand Municipality: By-law on Rules of Order for Internal Arrangements, 2022 6

MEMBERSHIP

6.1 A Ward Committee consists of the Ward Councillor and not more than ten (10) other persons elected to represent organisations/sectors or pre-determined geographical blocks which will be clearly defined and demarcated sections within a specific area or ward that are identified in advance for administrative, planning, operational or representation purposes.

6.2 The Ward Councillor representing the Ward in the Council must be the chairperson of the Ward Committee.

6.3 The members represented in a ward committee can be elected based on sectorial model (organization/sector) or pre-determined geographical (block) model or a combination of both models to accommodate circumstances prevailing in a particular ward.
[GN: Add more definite articles, i.e. a sectorial model](#)

6.4 In areas where there are many similar interest groups, a need may exist to cluster them in order to ensure the broadest representation in Ward Committees. Thus, **Umbrella Bodies** to serve on the Ward Committees.
[GN: How will the clustering work? When will it be done and by whom. Who will be the cluster representative?](#)

6.5 Criteria for Membership

[GN: The glaringly missing criteria is the ability of chosen representatives to be effective in all matters of the committee. That means, for example, that the representative of an Old Age Home cannot only be cognizant of matters pertaining to the OAH but must also be able to read and comprehend the IDP and Budget and contribute meaningfully towards reviewing those. Even if it does not impact his OAH group.](#)

[Otherwise it is pointless having him on the committee.](#)

[How will the capability of representatives be determined?](#)

[Is there scrutiny of the Constitution of orgs up for election in order to determine if their scope is broad enough?](#)

Proposal to ensure a balanced sectoral representation in terms of the SALGA guideline (pg. 16 – 17), the following representation is proposed:

GN: The SALGA guideline is not listed in the Legal Framework chapter. Can't find it on the internet. Thus can't finish my review.

i) Gender

ii) Organised formal business community (examples: Local business forums; Tourism and Hospitality Associations; Industrial area business forums; Shopping Centre or CBD business forums)

iii) Organised informal business community (examples: Street/Informal Traders' Association; Spaza Shop Forums; Home-Based Business Forums)

iv) Civil Society Organisation (examples: Non-Governmental Organisations (NGOs); Community-Based Organisations (CBOs); Faith-Based Organisations (FBOs); Environmental & Social Development Groups; Community Safety Structures)
GN: Do Rate Payer Associations fall in this category? Please add them explicitly.

v) Socio-Economic Development (examples: Skills Development & Employment Creation; Poverty Alleviation & Social Support; Youth, Women & Vulnerable Group Empowerment; Education & Digital Access)

vi) Traditional Institutions and faith-based organisations (examples: Traditional Councils; Recognised Traditional Leaders; Houses of Traditional Leaders; Customary Community Structures)

vii) Special designated groups (examples: Youth; Senior Citizens/Older Persons; LGBTQIA+; Persons with Disabilities; Women, children & vulnerable groups).

GN The list is diverse and the representatives will have widely diverse interests. That part is good in order to present a composite overview of needs. But what about the work a ward committee must do. Is it likely that all of these diverse groups will be able, if willing, to do the work

6.6 The election of Ward Committee Members described in 5.3 above must take into account the need:

- **[That at least 3 (three) of the 10 (ten) community members elected on the Ward Committee are women.]**

- To strive for equal gender representation in the composition of the ward committee.

GN: Rules are typically more rigid and inflexible, Does 'to strive for' meet the criteria of a Rule?

6.7 No organisation may have more than one representative in a Sector on a Ward Committee.

GN: Let me unpack 6.7 to try and understand it. A soccer club can be an organisation. It can be affiliated to the Sector of Sport and Rec. The soccer club is not allowed to have 2 reps in Sport and Rec if the Sport and Rec Sector wants to be on the ward committee. How can the sector have 2 reps? Another way to look at it. The soccer club as an organisation has a rep who is voted in as a ward committee member. In that case the rep of the Sport and Rec Sector cannot be a member of the soccer club. The sector will have to have a rep from another sport or recreation. But if I

unpacked it correctly it is still not what it says in 6.7.

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Also why focus on Sectors. What if the leader of the Tea Club organisation is also a member of the Rate Payers Assoc. If both orgs are voted in then the RPA has 2 affiliated people in the committee. Is that also taboo?

6.8 No individual representation will be allowed in a ward committee.

GN: Please explain how an individual can be voted in if only organisations, sectors and blocks are allowed to be represented on the committee.

6.9 A person to be elected to represent a sector/organization/geographical interest on a ward committee must:

GN: This is the only place that geographical interest is used in the doc. Please define it if you want to use it.

6.9.1 Be a registered voter (18 years and older) ~~and~~ whose name appears on the voters' roll for the particular ward;

6.9.2 Not be a member of a Municipal Council;

6.9.3 Not be permanently or contractually employed by the Municipality;

6.9.4 Not be a Community Development Worker or employed by another sphere (Local, Provincial, National of Government;

6.9.5 Not have been indebted to the Municipality for a period longer than three (3) calendar months, with the exception that proof can be provided 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;

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6.9.6 Not have been convicted of an offence and sentenced for a period of more than twelve (12) months.

6.10 Close family members (husband, wife, child, parent) may not serve on the same ward committee.

6.11 The Code of Conduct for Ward Committee Members will be applicable to members of the committee during their term of office.

GN: Add a x-reference to the Code of Conduct

7 THE ROLE OF THE SPEAKER

7.1 Presides at meetings of the Council.

7.2 Performs the duties and exercises the power delegated to the Speaker in terms of Section 59 of the Local Government: Municipal Systems Act, 2000.

7.3 Must maintain order during meetings.

7.4 Must ensure that the legislative authority of the municipality functions effectively.

7.6 Must ensure the effectiveness and functionality of ward committees and the public participation process.

7.7 If a local council is unable to establish a ward committee(s) within 120 days after the election of the municipal council, the Speaker must, prior to the expiry of the 120 days after the elections, in writing and on good cause shown, request the MEC, responsible for local governance in the province concerned, for an extension.
[GN: It seems that only 7.6 and 7.7 are applicable to this doc.](#)

8 THE ROLE OF THE WARD COUNCILLOR

8.1 Public Representative of the Ward

- The Ward Councillor represents the interests of the people in his or her ward in the municipal council.
- They communicate the concerns, needs and aspirations of their ward to the broader municipal government.
- They ensure that local issues are addressed in council decisions and policies.

8.2 Chairperson of the Ward Committee

- Chairs the ward committee, a structure that facilitates community participation in local government.
[GN: How does a WC facilitate community participation if the public may not freely speak at committee meetings](#)
- Work closely with ward committee members to identify community priorities and channel those into municipal processes including budgeting and planning.
[GN: How does the clr identify community priorities if the average ward committee only represents 10% of the community?:](#)

[The method of creating inclusive agendas for Ward meetings to be included. I am aware of cases where agenda points suggested by members are not included.](#)

[The completeness of minutes must be described. Too often we have seen minutes that do not include all discussed points.](#)

8.3 Facilitator of Public Participation

- They promote and encourage community involvement in municipal decision-making processes, including the Integrated Development Plan (IDP) and budget processes.
[GN: How/when does this happen. I have never seen such promotion and encouragement other than the documents advertised for public comment, at which stage there is not enough time.](#)

[Is the IDP a decision making process? Or is it a participative planning document?](#)

- They help to ensure that all sectors of the community, including marginalized groups, are heard.

8.4 Oversight and Accountability

- Ward Councillors monitor service delivery within their wards and report shortcomings or poor service delivery to the municipality.
- They play a watchdog role by holding the municipal administration accountable for services delivered to their communities.

GN: Should include accountability for non-compliance to processes and standards

GN: Oversight should include sharing topics from all the wards where there may be common interest. Note: presently when reviewing, for example, the IDP we have no idea what important points are raised in other wards that would be supported in more wards. Transparency is the key.

8.5 Problem-Solving and Conflict Resolution

- They help to mediate and resolve local disputes between community members, or between residents and the municipality.
- They assist in addressing grievances related to municipal services.

GN: Are 8.3, 8.4 and 8.5 Clr roles independent of ward committees

8.6 Communication Link

- They inform residents about municipal projects, plans and policies.
- They provide feedback from the municipality to the community and vice versa.

GN: As mentioned before the Clr does not have a conduit to most of the ward residents, even with committee member participation.

Please add something like this. Probably needs more meat about how the meeting must be conducted.

Ward meeting functions of the chair:

Prepares the agenda, listing at least all points put forward directly from the public and points submitted by the committee.

Publishes the agenda on the website at least 7 days before the meeting

Publishes comprehensive minutes on the website within 7 days after the meeting.

Keeps a record, visible on the website, of all unresolved or pending items.

9 THE ROLE OF PROPORTIONAL REPRESENTATIVE (PR) COUNCILLORS IN WARD COMMITTEES

9.1 Supports the Ward Councillor but does not replace the Ward Councillor.

9.2 PR Councillors elected to serve in the municipality must be ex officio and non-voting members of the Ward Committee of the ward they reside in, or any other Ward Committee assigned to them by the Speaker.

GN: ex officio – I had to look it up. Add to definitions or explain here.
Which ex officio capacity is relevant here?

9.3 Can handle queries and complaints in consultation with the Ward Councillor.

9.4 Should attend ward committee meetings, community member meetings and special meetings.
GN: Why only SHOULD.

9.5 Can assist with resolving disputes and making referrals.

9.6 Can help with the implementation of projects.

10 THE ROLE OF THE WARD COMMITTEE

10.1 Facilitating Public Participation

- Ward Committees serve as a bridge between the community and the municipality, ensuring that residents have a platform to express their needs, concerns and priorities.

GN: I have seen no evidence of this bridge and platform functioning like this. Largely due to the majority of the public not being represented on the committee.

As this is a newly inserted rule there must a written methodology to achieve this facilitation.

- They help mobilize community involvement in municipal planning, budgeting and decision-making processes.

GN: Only in the processes?

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- Is an integrative umbrella body responsible for co-ordination of ward developmental initiatives, promotion of accountability and social cohesion.

GN: I am not certain that the last bullet falls into the scope of public participation.

How do you see the committee co-ordinating ward developmental initiatives.

How does the committee promote accountability?

Who is supposed to be accountable and for what? The committee and chair can also be accountable for not carrying out their responsibility properly. What sanctions can be applied?

Why integrative?

10.2 Advisory Role

- They act in an advisory capacity to the Ward Councillor, offering input on issues affecting the ward.
- They assist the Councillor in communicating with the public and gathering information on community needs and opinions.

10.3 **Monitoring Service Delivery**

- Ward Committees play a role in monitoring and evaluating municipal service delivery in their areas.
GN: Is it structured somehow or is it reactive if something bothers
- They help identify service delivery failures or challenges and communicate them to the municipality. GN: as above

10.4 **Promoting Accountability and Transparency**

- By facilitating open communication between the municipality and community members, ward committees promote transparency in local government processes.
GN: The committee can only pass on info supplied. There is no measurement of transparency, i.e. is the info total without any hidden or unmentioned details. Hard to see how this rule of transparency can work without a methodology
- They assist in holding the municipality accountable for the quality and effectiveness of services.
GN: not to stop with services. The quality of IDP, Budget, SDF, policies, by-laws and even this document to be included.

10.5 **Community Development Support**

- Ward Committees support local development initiatives and help prioritise development projects in their wards.
- They **may** assist in developing Integrated Development Plans (IDPs) by providing local knowledge and input.
GN: must, not may assist

10.6 Ward Committees must perform their functions impartially without **fear**, favour or prejudice.
GN: Either define the phrase or write what is meant, i.e. without giving in to intimidation.

10.7 Community Engagement: Ward Committees **should** actively engage with the community through regular public meetings, surveys and feedback mechanisms to ensure that the community's needs and concerns are accurately represented.
GN: must, not should

10.8 Transparency and Accountability: Ward Committees must maintain transparency in their operations by **keeping detailed records of meetings**, decisions, and actions, which **should** be accessible to the public.
GN: I feel that detailed records are often absent. Is there guidance for how to minute meetings?
GN: records MUST be available to the public.

10.9 Training and Capacity Building: Members of Ward Committees should receive regular training on local governance, municipal processes and community engagement to enhance their effectiveness.

10.10 Conflict Resolution: Ward Committees **should** establish clear procedures for resolving conflicts within the committee and between the committee and the community.
GN: This leaves it up to each ward to to establish procedures. There MUST be uniform processes across the wards. When will these be established. Needs to be done before this doc goes live.

- 10.11 Monitoring and Evaluation: Ward Committees **should** regularly monitor and evaluate their activities and the impact of their decisions on the community, reporting their findings to the Council and the public.
[GN: MUST, not should](#)

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11 POWERS AND FUNCTIONS OF WARD COMMITTEES

A ward committee member is elected by the community to represent and advance the interests of the ward or organization/sector/block that nominated them. They serve as a link between the community and ward committee, ensuring that **the voices**, concerns and priorities of their wards or sectors/blocks are heard.
[GN: the voices is a colourful phrase but is not practical](#)

In carrying out this role, a ward committee member must **actively** consult and **engage with their ward** or organization/sector/block on all **matters that are to be discussed** by the ward committee. Before every ward committee meeting – whether it is an ordinary meeting or a public community meeting – the member is required to **consult with their wards** or sectors/blocks and gather their views, inputs and concerns. These perspectives must then be **presented and represented** at the relevant ward committee meeting(s).
[GN: Can consultation be done inactively?](#)
[How does a member engage with the ward. The member only represents a small portion of the ward.](#)
[Presented and represented – meaning?](#)

- 11.1 Ward Committees **[together with the Overstrand Municipal Advisory Forum (OMAF)]** will act as the official liaison mechanism on all strategic municipal matters affecting the community, provided that in matters relating to drafting and implementation of the municipality's integrated development plan and the monitoring, measurement and review of the municipality's performance in relation to the key performance indicators and performance targets set by the municipality, the Overstrand Municipal Advisory Forum (OMAF) will be the official liaison mechanism in conjunction with the Ward Committees.
[GN: conjunction – that is shared official liaison? Or must the ward liaise with OMAF. Who or what is being liaised with?](#)

- 11.2 Ward Committees will be the official body with which the Ward Councillors will liaise regarding any matter affecting their respective wards and more specifically items on the agenda affecting the particular ward.

- 11.3 The Ward Councillors must give regular feedback at ward committee meetings and at least on a quarterly basis to their wards and communities on Council matters, as required in the Code of Conduct for Councillors. This constitutes the public ward feedback / public community meetings.

- 11.4 Ward Committees must annually compile their respective Ward Committee Operational Plans on the prescribed Provincial Local Government template which includes a range of activities to be executed during the following financial year. This may be used as one of the determining factors for reimbursement of Ward Committee Members for out-of-pocket expenses incurred.

- 11.5 Ward Committee **Members/Secundus** must attend all official Ward Committee meetings scheduled in terms of Council's meeting cycle or upon special request by the Ward Councillor or Speaker.
[GN: Must be secundi if plural like members. Is it required for both to attend. Looks like it.](#)

Why not use 'deputies' instead of an obscure latin term.

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- 11.6 Members of the Ward Committee must submit items for discussion to the Administration/Ward Councillor at least ten (10) working days before the official ward committee meeting.
GN: By / do you mean or or and? Where is it described that all submissions must be placed on the agenda. Even if in the meeting the items are moved to a subsequent meeting for discussion.
- 11.7 Item(s) discussed at Ward Committee meetings that require formal report(s) to Portfolio Committee(s) for consideration must be finalized by the relevant manager to serve on the agenda of designated Portfolio Committee(s) at the following ordinary meeting cycle.
- 11.8 Recommendations for last mentioned items must be made by the local Ward Councillor/designated chairperson of the Ward Committee.
- 11
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- 11.9 Ward Committee Members must report back to their respective constituencies (organisations/sectors/geographical blocks) at least on a quarterly basis. This may be used as one of the determining factors for reimbursement of Ward Committee members for out-of-pocket expenses incurred.
- 11.10 Formal minutes/reports of quarterly report back meetings of wards (referred to in 10.9) **should** be submitted to the municipal administration via the Ward Councillor within fourteen (14) working days after the meeting.
GN: MUST
- 11.11 Ward Committee Members must report at least 15 basic service delivery requests/issues pertaining to maintenance of infrastructure on a quarterly basis using their allocated unique reference numbers to any of the following platforms/service enquiries namely:
GN: This time SHOULD could be better. So from all 15 wards it amounts to 750 requests per month, every month. Is there capacity for this?
- a) Overstrand Collab Citizen App
 - b) Contact Centre (24/7) or Emergency Control Room
 - c) enquiries@overstrand.gov.za
- 11.12 A Ward Committee may establish a task team(s)/sub-committee(s) with the permission of the Ward Councillor necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers **[or to perform specific task(s) on behalf of the committee]**, for example monitoring **projects within the ward, street committees.**
GN: punctuation?
The ward committee may authorize a task team/sub-committee to co-opt advisory members who are not members of the council within the limits determined by the council.
- 11.13 A nominated Ward Committee member **shall** chair all task team(s)/sub-committees meetings linked to the portfolio he/she represents at a ward committee level.
GN: Do you mean organisation he represents or is it actually a portfolio that he will be assigned. I see SHALL. Does he not have a choice?
- 11.14 A formal process to determine formalization of participation in a task team(s)/sub committees of the Ward Committee **should** be developed and formalized by the municipality.
GN: Back to SHOULD
- 11.15 The Ward Committee and task team(s)/sub-committees may meet together as a ward forum

- 11.16 All stakeholders in the ward should be encouraged to participate in task team(s)/sub committees that are relevant to their fields of interest and to their day-to-day functioning as a sector.
[GN: Do stakeholders, I presume residents, know that they have a sectorial day-to day function?](#)
- 11.17 The task team(s)/sub-committees must report back to their respective Ward Committees on tasks assigned to them as and when required by the Ward Councillor.
- 11.18 It is required of Ward Committee Members/**Secundus** to attend training/capacity building sessions scheduled by the municipality or other sphere (Provincial/National) of government.
[GN: Secundi or deputies](#)
- 11.19 It is the responsibility of all Ward Committee Members/**Secundus** to attend the Overstrand Municipal Advisory Forum (OMAF) or forums/meetings/workshops outside the municipality upon formal request by the Ward Councillor/Speaker and/or an official from Municipal Administration.
- 11.20 Ward Committees must sign a Code of Conduct to be administered by the respective Ward Councillors and the Speaker of the Council.

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12. OVERALL PROCEDURE FOR ELECTION

12.1 Obtain Nominations to serve on Ward Committees.

- 12.1.1 The Municipal Manager **will advertise in the local newspaper(s) a notice for the organisations/sectors eligible for election** must have been operational in the particular ward for at least six (6) months, except newly established organisations that directly represent the interest of women, youth, disabled and the elderly.
[GN: What does this mean – something missing perhaps: will advertise in the local newspaper\(s\) a notice for the organisations](#)
[GN: This does not tie up properly: eligible for election must have been operational](#)
[GN: Read altogether I don't understand what the notice will say.](#)
[GN: Is eligibility for election only to be in existence for 6 months? No other criteria? No constitution? Will any constitution do?](#)
[GN: DEPARTMENT OF PROVINCIAL AND LOCAL GOVERNMENT GUIDELINES FOR THE ESTABLISHMENT AND OPERATION OF MUNICIPAL WARD COMMITTEES. This doc provides criteria in 9A for selection of organisations, sectors etc. Missing in this doc.](#)
- 12.1.2 Representatives nominated by sectors/organisations/geographical blocks on respective Ward Committee must represent a diversity of interest located in a particular ward and also comply with requirements listed under item 6 above.
- 12.1.3 Notice referred to in 12.1.1 above must be given at least thirty (30) days prior to the date when the date(s) for the elections of Ward Committees are announced.
[GN: do you mean at least 60 days before the election](#)
- 12.1.4 Nominations referred to in 12.1.1 above must be submitted to the Municipal Manager or his delegate(s) on a pro-forma to be provided by the Administration, by not later **than closing**

date for nominations provided in the notice referred to in 12.1.1 above.
[GN: Than THE closing](#)

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12.1.5 Lists of nominations received for respective Ward Committees (referred to 12.1.1 above) must be compiled and finalized to inform the ballot papers for each ward by the delegate(s) of the Municipal Manager, in consultation with the newly elected Ward Councillors at least 7 (seven) calendar days prior to the first date of the elections of Ward Committees for the Municipality.
[GN: I don't understand the yellow text](#)

12.1.6 If an organization/sector is to be represented on the Ward Committee, no other member of the executive of that particular organization/sector is eligible to be elected as a geographical block representative for the particular Ward Committee. "Executive" means, for the purposes of this paragraph, a person elected or co-opted to manage the affairs of that organization/sector.

12.1.7 Information of nominations received for organisations, sectors and geographical blocks for each Ward Committee (refer to 12.1.6 above) can be verified and revised by registered organisations/sectors and geographical blocks where necessary prior to announcement of Ward Committee election dates for the Municipality.
[GN: when might it be necessary?](#)

12.2 Announcement of the Election of Ward Committees

12.2.1 The election (voting) for Ward Committees will be conducted from 10:00 until 19:00 on dates and at election venues determined by the Municipal Manager.

12.2.2 The Municipal Manager must give notice inclusive of the timetable (dates, venues and timeframe) for the voting of the respective Ward Committees of the Municipality to the local community.

12.2.3 Notice referred to in 12.2.2 above must be given at least seven (7) calendar days prior to the first date of the elections of Ward Committees.

12.2.4 More than one election venue can be established in a ward due to the geographical nature of the Ward, based on the discretion of the Municipal Manager. In this case the number of Ward Committee Members to be elected at the respective election venue, will be

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determined proportionally according to the number of eligible voters registered in the latest voters' roll residing in the neighbourhoods which the respective election venues will be serving.

12.3 Appointment of Election Officials

12.3.1 The Municipal Manager will appoint **[Senior Managers and]** Managers of the respective Administration (Managers: Community Liaison) and or other Line Manager(s) to act as Election Officers at particular election venues, where election of Ward Committees will be conducted.

12.3.2 The appointed election officers will nominate team(s) of election assistants, respectively from the Municipal Administration to assist with the elections at the various election venues for approval by the Municipal Manager.

12.4 Election (Voting) Process at Election Venues

12.4.1 The elections will be conducted in accordance with the election (voting) process at election

venues as contained in Schedule 1 of this Policy.

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12.4.2 Only registered voters, whose names appear on the voters' roll of the Ward, where election of a particular Ward Committee **are** conducted will be eligible to participate in the **elections** of the particular Ward Committee.

[GN: Check the plurals and singulars - is or are, elections or election ?](#)

12.4.3 A registered person can only vote for one organization/sector **and/or** one geographical block representative during the election process of a particular Ward Committee.

[GN: Is it really and/or? Please explain.](#)

12.4.4 A minimum of not less than 5 (five) organisations/sectors to be elected as members of a particular ward committee whilst the balance must be elected from geographical blocks.

12.4.5 The ratio between organisations/sectors and geographical block representation, also taking into consideration 12.4.4 above, will be determined by the newly elected Ward Councillor, in consultation with the appointed election officer, taking into consideration the nominations received for the particular ward, upon finalizing the list of nominations (refer to 12.1.7 above).

[GN: Please explain fully. I read it that the ratio will be decided before the election. But 5 organisations at least must be elected based on voter count. Can an organisation with the 6th highest votes be replaced with a block with a lower vote count?](#)

12.5 Reporting of Results

12.5.1 The election results for the establishment of Ward Committees must be officially reported to the Council by the Municipal Administration.

13 TERM OF OFFICE

13.1 The term of office of the Ward Committee members is **elected** for a period coinciding with the term of office of Council.

[GN: delete 'elected'.](#)

14 CONDUCTING OF WARD COMMITTEE AND PUBLIC MEETINGS WITHIN THE WARD

14.1 The ward Councillor must convene ward committee and public meetings within the jurisdiction of the ward.

14.2 Ward Committees must meet monthly/bi-monthly and the meetings must be aligned to Council's scheduled ordinary- and special meetings in a financial year except when Council is in recess.

[GN: monthly/bi-monthly means either 12 or 6 meetings. And the current IDP says 5 meetings/yr as a performance target. A minimum of 9 seems reasonable. Site visits not to count as ward meetings. Are Public meetings counted as a ward committee meeting? A recessed council does not prevent ward meetings?](#)

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14.3 Public meetings within the ward must be held quarterly.

[GN: what is the attendance minimum for a public meeting to be deemed valid or adequate?](#)

[How are they advertised?](#)

14.4 A quorum of a ward committee meeting must consist of at least 50% plus one (1) member (excluding the Chairperson). In the event of a quorum not being achieved (for example in the case of vacancies), the remaining members will constitute a quorum.

[GN: Doesn't make sense. For a full committee of 10 the quorum is 6. When can it be less](#)

[than 6?](#)

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14.5 Inquorate meetings shall proceed as an informal meeting with members present. Recommendations ~~of~~[from](#) such informal meetings must or have to be referred to the next scheduled ward committee meeting for adoption.
[GN: 'with members present'. So 2 is enough?](#)

14.6 Subject to the provisions of Rule 2 above, all ward committee meetings as per Council's schedule must be open to the public.

14.7 A member of the public who is not a member of the committee may address a committee with the permission of the Chairperson.

14.8 The Ward Committee adopts its protocol arrangements in terms of language preference, meeting dates, commencement times of meetings, etc. at the first official meeting after the election of Ward Committees.

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

- Quarterly public report back meetings: three (3) hours;
- Other meetings: two (2) hours.

14.10 All quarterly report back meetings must be conducted after municipal office hours.

14.11 An employee and councillor of the Municipality must be present at a meeting of a committee before it can be constituted/proceed informally as indicated in 11.3.

14.12 If a member has a direct or indirect financial interest in any matter serving before the committee, unless that interest is the same as any other person in the Ward, such person must recuse himself/herself from such discussion.

14.13 If the Ward Councillor must recuse himself/herself from discussion of an item at the committee, he/she must arrange with another councillor to chair the meeting during such recusal.

14.14 Any Councillor of the Overstrand Municipality may attend any meetings **of Ward Committee**.
[GN: of A ward committee –or- of ward committees](#)

14.15 No items from the agenda of the political structures of the Municipality marked as confidential by the Municipal Manager may be discussed at a ward committee meeting.

14.16 Any Ward Committee Member whose representative(s) (organization/sector/geographical block) is absent without an acceptable reason for three (3) consecutive meetings of the committee during item term of office will be replaced in terms of the Rules for the Filling of Vacancies.

14.17 Any Ward Committee Member whose representative(s) (organization/sector/geographical block) is absent, without an apology tendered, for six (6) meetings of the committee during its term of office will be replaced in terms of the Rules for the Filling of Vacancies.

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14.18 The Ward Councillor through the Speaker may delegate in writing the chairing of a meeting in his/her absence to a PR Councillor or to a member of the Ward Committee.

15 ORDER IN MEETINGS AND RULES OF DEBATE

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Rule 2 above applies.

[GN: Please provide a x-ref. Which is rule 2 and how far above?](#)

15.1. Conduct of Ward Committee Members and members of the public

15.1.1 Ward Committee Members and members of the public must preserve order and observe decorum at meetings, and they may not –

a) behave in an inappropriate and/or unbecoming manner.

b) obstruct the business of the meeting

c) challenge the ruling of the Chairperson on any point of order

[GN: But that decision must be minuted.](#)

d) commit any breach of the rules and specifically with regard to Ward Committee Members, the provisions of the Code of Conduct of Ward Committee Members.

15.1.2 If a Ward Committee Member or member of the public breaches sub rule 15.1.1, the Chairperson must direct the Ward Committee Member or member of the public to refrain from the breach.

15.1.3 If a Ward Committee Member or member of the public disregards **the directions of the Speaker** under sub rule 15.1.2, the Chairperson may direct the Ward Committee Member or member of the public –

[GN: Is the Speaker present at all ward meetings?](#)

a) if speaking, to discontinue his or her speech; or

[GN: Please define at what point public participation becomes an annoyance that must be shut up or removed](#)

b) to withdraw from the place of meeting for the remainder of the meeting or, if necessary, to be removed, from the meeting, by a person designated by the Chairperson.

15.1.4 If the Chairperson fails to act under sub rule 15.1.3, any Ward Committee Member may move a motion to require the Chairperson to do so.

[GN: can there be another motion for the speaker to continue if there is high interest from some of the attendees?](#)

15.1.5 The motion referred to in sub rule 15.1.4 must be moved without notice, and if the motion is seconded, it must be put to the vote forthwith without debate.

15.2 Dress code for attendance of meetings

15.2.1 Ward Committee Members –

a) Must dress in business of traditional attire when attending council meetings; b) May wear smart casual clothing when attending committee meetings of council; and

c) must not wear any clothing affiliated to any political party during council and committee meetings.

15.3 Attendance of members of public

15.3.1 The Chairperson must take reasonable steps to regulate public access to, and public conduct at meetings.

GN: take reasonable steps to regulate public access: What kind of regulation is envisaged? Bearing in mind that the public is allowed to attend ward meetings.

15.3.2 The Chairperson may at his sole discretion, in terms of section 130 of the Local Government: Municipal Finance Management Act, 56 of 2003, allocate reasonable time to any member of the public who wishes to address the Council.

GN: to address the Council – but we are dealing with ward meetings

15.4 Exclusions of the public from meetings

15.4.1 The public may be excluded from the meeting

a) Where so directed by the Chairperson; or

GN: it is not clear that the chair's direction needs to be seconded.

b) where so decided by the Ward Committee upon a motion from any Ward Committee Member to that effect.

15.4.2 If a motion to exclude the public from the meeting is seconded, the motion must be put to the vote, after discussion of the reasons but without discussion of the matter.

15.4.3 If a motion to exclude the public is carried, the place of meeting shall be cleared of all members of the public, including the media.

GN: It needs to be stated that it may be a temporary removal to deal with a single agenda point. Else the public may have dispersed when the exclusion is lifted

15.4.4 The motivation for the exclusion of the public must be minuted.

15.5 Re-admission of members of public

15.5.1 A Ward Committee Member may during the course of a meeting from which the public were excluded, move a motion that the meeting again be opened and state the reasons for the motion.

15.5.2 If the motion is seconded, it must be put to the vote forthwith without debate.

15.5.3 If the motion is carried, the Chairperson must ensure that members of the public are allowed access to the meeting again.

15.6 DEBATE AND MOTIONS

15.6.1 Address to Chairperson

15.6.1.1 A Ward Committee Member or a member of the public who is recognised to speak at a meeting must address the Chairperson.

15.6.1.2 A member of the public who is recognised by the Chairperson must state his or her name, and if he or she is representing an organisation or any group, identify the organisation or group.

15.6.2 Right to speak and limitation

15.6.2.1 A Ward Committee Member may speak or proceed to speak at a meeting after being

recognised by the Chairperson.

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15.6.2.2 A Ward Committee Member who is not a member of a committee has the right to speak at that committee meeting after being recognised by the chairperson of such committee.

[GN: So a ward committee member wishing to speak at another wards meeting?](#)

[Is he then not actually a member of the public? In which case he can speak in terms of 15.6.1.1 and 2. And then 15.6.2.2 is unnecessary.](#)

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15.6.2.3 A Ward Committee Member must avoid personal attacks on other Ward Committee Member and must refrain from impugning the motives for any argument or vote of another Ward Committee Member.

[GN: MemberS](#)

15.6.2.4 A Ward Committee Member may speak only once to —

- (a) the matter before the Ward Committee;
- (b) any motion before the Ward Committee;
- (c) any amendments to a motion before the Ward Committee; or
- (d) a point of order or a question,

unless otherwise authorised by the Chairperson or as provided for in these rules.

[GN: Where do the rules discuss speaking twice?](#)

15.6.2.5 Unless otherwise permitted by the Chairperson, a member may not speak for longer than five (5) minutes on any matter.

15.6.2.6 The Chairperson may extend the time allocated for a speaker where it is necessary for clarity or to facilitate the efficient conduct of the meeting.

15.6.2.7 A Ward Committee Member may not be interrupted while speaking, unless called to order by the Chairperson or a point of order is raised by any other Ward Committee Member.

[GN: a point of order – is there in this document or a reference from this document a process of how to raise a point of order and what such a point is?](#)

15.6.2.8 The Chairperson may not recognise a Ward Committee Member to speak on a matter once that matter has been voted on.

15.6.2.9 The Chairperson may not allow a debate on a matter —

- (a) which may anticipate any matter on the agenda; or
- (b) in respect of which a decision by a judicial or administrative body or a commission of enquiry is pending.

15.7 Content of debate

15.7.1 A Ward Committee Member who speaks must direct his or her speech to the matter before the Ward Committee.

15.7.2 If a Ward Committee Member persists in irrelevance after being requested by the Chairperson to confine his or her speech to the matter before the Ward Committee, the Chairperson must order him or her not to speak further in respect of that matter.

15.7.3 Ward Committee Members and members of the public must preserve order and decorum at meetings, and they may not indulge in tedious repetition of arguments, or unbecoming language or remarks which are of a defamatory nature.

[GN: Does tedious repetition also apply to the chair?](#)

16. A member vacates office during a committee's term of office if that

member:

16.1 Resigns in writing;

16.2 No longer qualifies;

16.3 Is removed from office;

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16.4 Dies, the organisations' representative must be awarded the opportunity to appoint a new member and [Secundus-deputy](#) before the next Ward Committee meeting.

16.5 Is indebted to the Municipality for more than 3 (three) calendar months and where no agreement was entered into and honoured for payment of mentioned debt;

16.6 Is no longer capable to perform the duties attached to the office by majority decision of all members of the committee;

16.7 Is convicted of a criminal offence and sentenced to imprisonment without the option of a fine;

16.8 Represents an organization/sector/geographical block which fails to adopt a constitution or to provide minutes of at least three meetings per annum. Minutes must be submitted to the Administration via the Ward Councillor;

16.9 Is absent from Ward Committee meetings as described per/in terms of 14.16 and 14.17 above;

16.10 Disciplined and expelled in terms of the Code of Conduct for Ward Committee Members.

Once a member has been expelled from a ward committee, he/she may not be re-elected during the same term of office for Ward Committees.

17 FILLING OF VACANCIES

17.1 Vacancies will be filled from the replacement list available from the initial or previous election of Ward Committee Members, by the Municipal Administration.

17.2 In the absence of such a replacement list, vacancies shall be filled by following the election procedure set out in Section 12 of the Policy.

17.3 The process set out in 17.1 and 17.2 **above must:**
[GN: MUST what?](#)

17.4 Vacancies must be filled by the next ward committee meeting.

17.5 Take into consideration the agreed ratio as described per clause 12.4.4 and 12.4.5 above;

17.7 Promote/maintain diversity of interests in the Ward to be represented.

18 REIMBURSEMENT OF OUT-OF-POCKET EXPENSES

18.1 Ward Committee Members or their **Secundus** will be reimbursed for out-of-pocket expenses in accordance with the schedule developed and from time to time amended for

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the ~~last-mentioned~~ purpose. The Ward Committee Members will be obliged to:

18.1.1 Attend formal scheduled ward committee meetings (per Council's meeting cycle) and to be present for the duration of such meeting;

18.1.2 Communicate regular basic service delivery requests (if any) as stipulated in paragraphs 10.3 and 11.11 of the Ward Committee Policy and will be remunerated quarterly;
[GN: Ward Committee Policy – it is not in the references](#)

18.1.3 Attend possible training and capacity building programmes and be present for the duration of such training and capacity building programmes;

18.1.4 Ensure that quarterly report back meetings are held with their respective organisations, sectors and geographical blocks. Minutes of meetings will serve as proof of meetings held;
[GN: What is the quorum for such meetings?](#)

18.1.5 Attend and/or participate in other forums formally communicated by the municipal administration (for example Overstrand Municipal Advisory Forum, etc.) and other spheres of government and to be present for the duration of such meetings.

18.2 The reimbursement in respect of travelling costs for all Ward Committee Members, residing outside a 20km radius of the meeting venues within the Ward will be in accordance with the schedule included in the current municipal operational budget. Ward Committee Members will be reimbursed for travelling costs outside a radius of 30km of the meeting venue within or outside the Ward at the rates applicable to Councillors.
[GN: Where can the members see the councillors rates?](#)

18.2.1 Elected Ward Committee Members (excluding Councillors) will be reimbursed for out-of-pocket expenses as per the following guidelines, namely:

18.2.2 That the reimbursement amount will be paid to the Ward Committee Members in person and not to the organization/sector/geographical block that he/she represents;

18.2.3 That **Secundus** for representatives of organisations/sectors/geographical blocks will be reimbursed for attendance in the absence of the first/second nominated representatives at a particular, official ward committee meeting;
[GN: Is the 2nd rep not the secundus?](#)

18.2.4 That reimbursement only be paid on verification of attendance register of meetings attended and that reimbursement will only be electronically transferred to the bank account of the relevant Ward Committee Member(s);

19 RESPONSIBILITIES OF THE MUNICIPAL ADMINISTRATION

19.1 Provide administrative support to Ward Councillors and Ward Committees to arrange official ward committee meetings by:

19.1.1 Compiling agendas of respective Ward Committees after approved agenda items have been received from the respective Ward Councillors;

19.1.2 Circulation of agenda be at least 5 (five) working days prior to scheduled meeting to Ward Councillors, Ward Committees and other affected parties;

[GN: And placing the agenda on the website for the public to see](#)

[GN: Keep a register on the website of all pending and unresolved points](#)

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19.1.3 Recording minutes, including meetings with the public and circulating the minutes not more than 7 (seven) working days after the scheduled meeting to Ward Councillors, Ward Committees and other affected parties;

[GN: And placing the minutes on the website in the same time frame for the public to see](#)

19.1.4 Attending to logistic arrangements, for example venues, equipment, etc. and making venues free of charge to hold official ward committee meetings/geographical/sector report back meetings;

[GN: How to make a venue free of charge?](#)

19.1.5 Communicating of notices of public meetings to residents in respective Wards on a quarterly basis;

[GN: Also compiling the agenda of public meetings. Means has to get input from the public.](#)

19.1.6 Ensure that the Ward Committee schedule of meetings, agendas, minutes are loaded and available on the municipal website;

19.1.7 Attending all official ward committee meetings as and when required; and

19.1.8 Attending ward committee meetings on request and approval by Municipal Manager/ Director to resolve outstanding matters.

19.2 Provide technical support to Ward Councillors and Ward Committee Members in their official capacity, relating to municipal services and constituency work.

19.3 Assist with the interpretation of information/translations in official languages applicable to the Municipality, where necessary.

19.4 Prepare and submit budget requests for administration of Ward Committees.

19.5 Facilitate and assist with involvement of Ward Committees in obtaining its objectives for example IDP, budget processes, Performance Management, etc.

19.6 Implement or assist with projects directly affecting Ward Committees.

19.8 Escalate unresolved issues at ward committee level to the office of the Speaker.

19.9 Develop and provide capacity building and training programmes for Ward Committees when necessary, during their term of office.

19.10 Assist with arrangement and/or provide municipal transport to Ward Councillors and Ward Committee Members to attend to official business where necessary.

19.11 Facilitate and ensure the payment of out-of-pocket expenditure to Ward Committee Members where applicable.

19.12 Record and monitor performance of respective Ward Committees as per the Municipality's administrative and performance management systems.

20 DISSOLUTION OF WARD COMMITTEES

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20.1 The Council may dissolve a ward committee if the committee fails to fulfil its object, based on the following indications:

20.1.1 A Ward Committee fails to convene three (3) consecutive official meetings in terms of Council's meeting cycle; and

20.1.2 In the event of fraud, corruption or any serious malpractice in which the particular ward committee is found to be involved.

20.1.3 There should be due notice before the Council proceeds to dissolve a ward committee.

POLICY SECTION:	[DIRECTORATE COMMUNITY SERVICES] <u>OFFICE OF THE MUNICIPAL MANAGER:</u> STRATEGIC SUPPORT SERVICES
CURRENT UPDATE:	
CURRENT UPDATE:	DECEMBER 2022
PREVIOUS REVIEW:	24 AUGUST 2021
PREVIOUS REVIEW:	31 MAY 2017
PREVIOUS REVIEW:	25 MAY 2016
PREVIOUS REVIEW:	29 FEBRUARY 2012
PREVIOUS REVIEW:	04 MAY 2011
PREVIOUS REVIEW:	26 MAY 2010
PREVIOUS REVIEW:	27 MAY 2009

PREVIOUS REVIEW:	3 916 MAY 2007
APPROVAL BY COUNCIL:	04 JUNE 2003

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SCHEDULE 1

ELECTION (VOTING) PROCESS AT ELECTION VENUES

1. Election for members of a Ward Committee will take place by secret ballot on ballot papers prepared by the Municipal Administration.
2. The local elected Ward Councillor and observers will oversee the election process of the Ward Committee Members in the Ward.
3. The respective nominated representative(s) or one other representative from the organisations/sectors and geographical block participating in the election will be allowed as observers for the duration of the election process and are to be seated in a designated space inside the venue.
GN: 'nominated representative(s) or one other representative' –this does not make sense. Do you mean a single 'one other' can replace all the nominated reps? What is an 'other' rep? Is it to stand-in for an absent nominated rep?
4. On election day eligible voters must visit the election venue(s) in the Ward where they are registered to vote as per the voters' roll.
5. Eligible voters must show their green bar-coded South African identity book/identity card/temporary identity card to the responsible election assistant.
6. An Election Assistant will check the name of the potential voter against the voters' roll, and
 - 6.1 if the name of the potential voter appears on the voters' roll the name will be marked off the roll and the eligible voter must place his/her signature next to his/her name on the voters' roll;
 - 6.2 if the name of the potential voter does not appear on the voters' roll the last mentioned will not be allowed to vote.
GN: who is 'the last mentioned'?
7. Eligible voters will be issued with two ballot papers in order to vote for an organization and a geographical block in the event of electing a ward committee and only one ballot paper in the event of electing one Ward Committee Member.
GN: Please explain how voting for a geographical block links with electing a ward committee? Maybe explain the whole sentence.
8. Eligible voters will be directed to an empty ballot booth to exercise their vote(s) by:
 - 8.1 making a mark(s) on the ballot paper(s) next to the organization/sector and geographical blocks with its respective candidates of his/her choice;
 - 8.2 fold the ballot papers **one**, so that the choice(s) exercised is not visible; and
GN: one what?

8.3 place the ballot papers in the ballot box.

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9. Physically disabled or visually impaired voters must be assisted by the Election Officer at the voting.

10. A voter may **require** a replacement ballot paper from the Election Officer if he/she incorrectly marked a ballot paper before placing the ~~last-mentioned~~ ballot paper in the ballot box.

[GN: require or request? Delete last mentioned, unless there is a first mentioned somewhere.](#)

11. ~~One-Once~~ a ballot paper has been placed in a ballot box it cannot be removed.

[GN: Once, not one](#)

12. The counting of ballot papers will commence after the last eligible voter that was inside the venue before the scheduled closing time for voting has cast his/her vote(s).

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13. The venue will be closed with only election officials, Ward Councillor, and observers from organisations/sectors and geographical blocks present inside the venue.

14. Ballot box(es) will be opened, and ballot papers will be placed on table(s) prepared for counting purposes.

15. A ballot paper marked in more than one block on the same ballot paper or marked outside blocks provided for on a ballot paper will not be counted as a valid vote, but rather as a spoiled ballot paper.

16. The Election Officer will record results for organisations/sectors and geographical blocks respectively in the order of the highest to the lowest number of votes achieved during the election.

17. If the same number of votes is cast during election for organisations/sectors or geographical blocks the result will be determined **by way of casting the lot** in instances where it is required to finalise the ten (10) Ward Committee Members and the order of the rating on the possible replacement list.

[GN: please explain the term](#)

18. The Election Officer must prepare the list of the ten (10) elected Ward Committee Members, taking into consideration the agreed ratio between organisations/sector and geographical blocks for the Ward Committee and ensure that preference be given to at least three (3) women representatives and where possible, at least one (1) organization representing the interest of the youth, disabled and elderly.

[GN: So the to highest may not be selected if the 3 women reps and youth received few votes but will displace high vote organisations?](#)

19. If more nominations than the mentioned ten (10) Ward Committee Members received votes, at the elections, the particular organisations/sectors/geographical blocks must be placed on a replacement list for the particular Ward Committee, rated in order of the highest to the lowest number of votes achieved during the election.

20. Voters or observers may lodge an objection against possible irregularities observed during the election process with the Election Officer at the election venue.

21. An appeal may be lodged on the same day of the specific elections (before results are finalized) to the Municipal Manager or delegated if an objection cannot be resolved by the Election Officer. The ruling by the Municipal Manager or delegated will be final.

22. The results of a ward committee election will be declared by the local Ward Councillor at the election venue, after counting and finalizing of list of elected Ward Committee Members and possible replacement list for the particular ward.

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SCHEDULE 2

CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

1 PREAMBLE

- 1.1 The purpose of the code is to ensure that Ward Committee Members fulfil their obligations to the respective wards they represent.
- 1.2 The code is furthermore a set of guidelines to promote **improvement of good behaviour** of individual Ward Committee Members and to foster good relations with the community, administration and Council.
[GN: So the good behaviour already exists but the code will promote improvement on this?](#)
- 1.3 This code is based on the **Code of Conduct for Councillors** and needs to be read in conjunction with the mentioned Code.
[GNM: Where is the councillor code. Not found in the references.](#)

2 GENERAL

Ward Committee Members must at all times:

- 2.1 Perform their responsibilities/obligations with integrity, honesty and in a transparent manner.
- 2.2 Not in any way compromise the stability of the particular Ward Committee/local Ward Committee System.
[GN: Does questioning the ability or integrity of a member or the chair threaten the stability?](#)
- 2.3 Not compromise the integrity and credibility of the Municipality.
[GN: This needs more explanation. How credible is a municipality that cannot produce decent policies? Is it not allowed to discuss poor quality docs with the ward?](#)
- 2.4 Comply with Section 11.
[GN: Best to add the title in case of re-numbering](#)

3 ATTENDANCE OF MEETINGS

- 3.1 Ward Committee Members and/or their respective **Secundus** must strive to attend all officially

3.2 Must provide an apology with a valid reason to the Chairperson of the committee if a meeting cannot be attended.

3.3 Organisations/sectors/geographical blocks (block representatives) will automatically be dismissed from affected Ward Committee(s) if their Ward Committee Member(s) and secundi(s) fail to comply with clauses 10.16 or 10.17.
[GN: 10.16 and 10.17 do not exist](#)

4 DISCLOSURE OF INTEREST

4.1 A Ward Committee Member must disclose direct or indirect personal or private interest in any matter serving before the Committee.

4.2 It is expected of a Ward Committee Member to recuse him/herself from the discussion of an item before the Ward Committee in situations described in 4.1 above.

4.3 A confirmation screen must appear before the final submission.

4.4 Once submitted, the vote is encrypted and cannot be changed.

4.5 Voters may not vote twice; duplicate attempts will be blocked/discarded.

[GN: Wrong place.](#)

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5 PERSONAL GAIN

A Ward Committee Member must not:

5.1 Use his/her position as a Ward Committee Member for private gain or to improperly benefit from another person.

5.2 Accept any gifts, rewards and favours for their involvement in responsibilities/activities with regard to the Ward Committee.

6 INTERVENTION IN ADMINISTRATION

A Ward Committee Member must not:

6.1 Interfere in the administration or any department of the Municipality.

6.2 Publish comments and or information purporting to be ward committee minutes prior to the administration loading such minutes on the municipal website.

6.3 Publish comments and/ or opinions relating to ward committee meetings which are not factually accurate and reflective of the meetings.

6.4 Give instruction(s) to employee(s) of the Municipality.

6.5 Obstruct or attempt to obstruct the implementation of any decision of Council or administration.

6.6 Encourage participation in any action that would result in maladministration within the Municipality.

7 COUNCIL PROPERTY

8 DISCIPLINARY ACTION

8.1 If reasonable suspicion exists that provision of this Code of Conduct has been transgressed / or a Ward Committee member has failed to perform his/her functions as per the Ward Committee Rules, the Chairperson of the Ward Committee must:

8.1.1 Provide a written report with the facts to the Speaker;

8.1.2 The Speaker will give the affected Ward Committee Member a reasonable chance to respond to the alleged breach of the code.

8.1.3 If, in the opinion of the Speaker, prima facie evidence exists that the provisions of the Code of Conduct have been transgressed or a ward committee function in terms of the Ward Committee Rules has not been performed, the Speaker may establish an adhoc disciplinary committee for further investigation and recommendation to Council.

8.2 The Speaker must, upon finalization of the investigation into the alleged breach of the Code of Conduct or failure to perform a function by a Ward Committee Member, make recommendations to the Council on the appropriate sanction to be imposed on the relevant

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member and that a decision to terminate membership should be at the sole discretion of Council through a formal resolution and shall remain final.

DECLARATION

I, _____,
solemnly declare that I have carefully studied the Ward Committee Rules for Overstrand Municipality and the related Code of Conduct for Ward Committee Members. I fully agree that I shall be bound by **the last-mentioned** Rules and Code of Conduct in the execution of my functions and _____ duties.

[GN: Are both the Rules and Code last mentioned?](#)

Signed at _____ on this _____ day of _____ 20____.

..... SIGNATURE OF THE
WARD COMMITTEE MEMBER WARD NO. _____

..... NAME OF THE
WARD COMMITTEE MEMBER DATE *(name in printed capital letters)*

..... SIGNATURE OF
WARD COUNCILLOR WARD NO. _____

..... NAME OF THE
WARD COUNCILLOR DATE *(name in printed capital letters)*

..... SIGNATURE OF
THE SPEAKER DATE

..... NAME OF THE
SPEAKER DATE

AS WITNESSES:

..... *Signature Date*

..... *Signature Date*

#6

GIDEON VAN ZYL

Comments on Draft Ward Committee Rules

Author – Gideon van Zyl

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1. Executive Summary

1.1 Purpose of this Commentary

This commentary has been prepared in response to the Overstrand Municipality's Draft Revised Ward Committee Rules published for public comment.

The draft revised ward committee rules represent a significant and welcome review of the governance framework for Ward Committees within the municipality. It introduces clearer institutional roles, strengthens accountability, improves administrative arrangements, and demonstrates a clear commitment to enhancing public participation in local government.

The purpose of this commentary is not to oppose the proposed rules. Rather, it seeks to contribute constructively towards the adoption of a governance framework that is constitutionally aligned, implementable, and capable of strengthening participatory local government over the next five-year term.

The observations and recommendations contained in this commentary are therefore offered in the spirit of collaborative governance and continuous improvement.

1.2 Governance Context

Ward Committees are not merely administrative committees established by legislation. They form part of South Africa's broader constitutional system of democratic and developmental local government.

The Constitution envisages local government that is democratic, accountable, and responsive to the needs of communities. The Municipal Structures Act establishes ward committees as participatory structures to strengthen representative democracy, while the Municipal Systems Act requires municipalities to cultivate a culture of community participation in planning, decision-making, implementation, monitoring, and performance management.

These legislative requirements are reinforced by the White Paper on Local Government, which introduced the concept of developmental local government, recognising municipalities as institutions responsible not only for delivering services

but also for enabling social and economic development through active engagement with communities.

The principles of cooperative governance recognise that municipalities operate within an interdependent system of government and therefore require effective mechanisms for identifying local priorities and coordinating responses across institutional boundaries.

The Batho Pele Principles further reinforce the importance of consultation, access, openness, transparency, redress, and citizen-centred public service, while King V emphasises ethical leadership, stakeholder inclusivity, informed decision-making, accountability, and the creation of sustainable public value.

These constitutional, legislative and governance principles should not be viewed independently. Together they establish a coherent governance architecture that seeks to ensure that municipalities remain connected to the communities they serve.

1.3 The Governance Challenge

Municipal governance operates through formal structures, scheduled meetings, statutory planning processes and defined decision-making cycles. Communities, however, experience municipal services continuously.

Infrastructure deteriorates without reference to meeting schedules. Community priorities evolve continuously. Economic conditions change, environmental risks emerge and service delivery challenges develop every day. This creates an inherent governance challenge. The lived reality of a municipality exists continuously, while many governance processes operate periodically.

Effective local government, therefore, depends not only on making sound decisions during formal governance processes but also on maintaining an accurate and ongoing understanding of the changing needs, concerns, and aspirations of the communities it serves. Ward Committees exist to help bridge this gap. Their purpose is not simply to conduct meetings or fulfil procedural requirements. Their primary governance value lies in strengthening the municipality's ability to understand, prioritise and appropriately respond to changing community conditions through established democratic and administrative processes.

1.4 Approach

This commentary adopts an interdisciplinary approach, drawing upon constitutional law, local government legislation, public administration, governance theory, the White Paper on Local Government, Batho Pele, King V and systems thinking.

Systems thinking is used as an analytical framework rather than as an alternative governance model. It provides a means of evaluating how effectively the proposed rules enable information, accountability, and decision-making to function across the governance system.

Rather than evaluating individual clauses in isolation, this commentary considers whether the proposed rules, taken together, create an effective governance architecture capable of strengthening participatory democracy, supporting developmental local government, and improving municipal responsiveness.

1.5 Guiding Principles

The commentary is guided by the following principles:

- Constitutional alignment and legislative intent.
- Developmental Local Government.
- Participatory and representative democracy.
- Cooperative Governance.
- Batho Pele and citizen-centred public service.
- Ethical and effective governance as reflected in King V.
- Institutional resilience through well-designed governance arrangements.
- Practical implementation within existing municipal capacity and financial constraints.
- Proportionality between administrative requirements and governance benefits.
- Continuous responsiveness to changing community conditions.
- The creation of sustainable public value for the communities served by the municipality.

These principles provide the framework against which the proposed rules are evaluated and individual recommendations are made.

1.6 Overall Assessment

The Draft Revised Ward Committee Rules provide a strong and thoughtful foundation for strengthening participatory governance within the Overstrand Municipality. It successfully clarifies institutional responsibilities, strengthens governance arrangements, and improves accountability, transparency, and administrative support. These improvements are welcomed.

This commentary, nevertheless, identifies several areas where refinement would further strengthen the rules. The recommendations primarily seek to improve proportionality, representative legitimacy, practical implementation, institutional responsiveness and the alignment between individual provisions and the broader constitutional purpose of Ward Committees.

The commentary does not advocate the creation of additional municipal structures or significant new financial obligations. Instead, it seeks to strengthen governance primarily through improved institutional design, clearer responsibilities, better information flows, and more effective utilisation of existing municipal capabilities.

1.7 Central Proposition

The central proposition is that a municipality cannot respond effectively to realities it does not continuously understand.

Ward Committees should therefore be viewed as an essential component of the Municipality's governance architecture. Their value lies in maintaining an ongoing connection between formal municipal decision-making and the evolving realities experienced by residents, businesses, and community organisations. Accordingly, the effectiveness of the proposed Rules should be measured not by the number of meetings held, reports submitted or administrative processes completed, but by the extent to which they strengthen the Municipality's capacity to understand its communities, make better-informed decisions, and improve governance outcomes.

2. Governance Framework for Evaluating the Draft Ward Committee Rules

The Draft Revised Ward Committee Rules should not be evaluated solely as an administrative policy or as a collection of procedural rules. Ward Committees occupy a unique position within South Africa's constitutional system of local government. They serve as one of the principal mechanisms through which representative democracy and participatory democracy are brought together at municipal level.

Accordingly, this commentary evaluates the proposed Rules against the broader governance framework within which municipalities operate. This framework extends beyond legislative compliance and includes the constitutional objectives of local government, recognised principles of public administration, developmental local government, citizen-centred governance, and good governance.

The purpose of this chapter is therefore not to reinterpret existing legislation, but to establish the governance principles against which the Draft Revised Ward Committee Rules are assessed throughout this commentary.

2.1 Constitutional Local Government

The Constitution establishes local government as a distinct sphere of government with developmental responsibilities. Section 152 identifies the objects of local government as:

- providing democratic and accountable government for local communities.
- ensuring the sustainable provision of services.
- promoting social and economic development.
- promoting a safe and healthy environment; and
- encouraging the involvement of communities and community organisations in matters of local government.

Ward Committees exist primarily to advance the final objective while simultaneously strengthening the Municipality's ability to achieve the others. Community participation

should therefore not be regarded as an isolated activity, but as an essential component of effective local governance.

2.2 Developmental Local Government

The White Paper on Local Government introduced the concept of Developmental Local Government as the foundation of modern municipal governance in South Africa.

Developmental municipalities are expected not merely to administer services, but to collaborate with communities to improve social, economic, and environmental well-being. They should integrate planning, encourage active citizenship, build local capacity, and enable communities to participate meaningfully in shaping their own development.

Ward Committees therefore fulfil a developmental function that extends beyond consultation. They provide an institutional mechanism through which local knowledge, community priorities and emerging challenges can inform municipal planning and decision-making.

2.3 Participatory Democracy

The Municipal Systems Act requires municipalities to cultivate a culture of municipal governance that complements formal representative government with systems of participatory governance.

Participation should therefore be understood as an ongoing governance function rather than a series of isolated consultation events.

Ward Committees provide one of the Municipality's principal mechanisms through which residents can influence planning, budgeting, implementation, monitoring, and performance evaluation throughout the municipal cycle.

2.4 Cooperative Governance

Municipalities operate within an integrated system of government in which national, provincial, and local spheres are distinct, interdependent, and interrelated.

Many issues raised within communities require coordination across institutional boundaries. Ward Committees therefore assist municipalities not only in identifying local priorities but also in facilitating coordinated responses where responsibilities extend beyond municipal competence.

Effective Ward Committees strengthen the Municipality's ability to engage constructively with other spheres of government in pursuit of improved outcomes for communities.

2.6 Batho Pele

Batho Pele establishes the citizen as the focal point of public administration.

Its principles of consultation, service standards, access, courtesy, information, openness, transparency, redress, and value for money provide practical guidance regarding how municipalities should engage with communities.

Ward Committees provide an important institutional mechanism through which these principles can be translated into everyday governance.

The effectiveness of the proposed Rules should therefore be assessed by the extent to which they strengthen meaningful consultation, improve access to municipal decision-making, facilitate transparent communication, and support responsive public service.

2.7 King V and Good Governance

King V recognises that effective governance depends upon ethical leadership, stakeholder inclusivity, accountability, informed decision-making, and the creation of sustainable value.

Although developed primarily as a governance framework, its principles are equally relevant to public institutions responsible for creating public value.

Ward Committees should therefore strengthen governance by improving the quality of information available to decision-makers, promoting inclusive stakeholder engagement, enhancing accountability, and contributing to better governance outcomes.

2.8 Institutional Responsiveness

Municipal governance operates through Council meetings, committee meetings, planning cycles, budgeting processes, and statutory reporting periods.

Communities, however, experience municipal services continuously. Infrastructure deteriorates, economic conditions change, environmental risks emerge and community priorities evolve every day. This creates an inherent governance challenge and the municipality must make periodic decisions about a changing reality.

Ward Committees therefore perform an important governance function by helping maintain an ongoing understanding of changing community conditions between formal governance processes.

For the purposes of this commentary, **institutional responsiveness** refers to the capacity of municipal governance arrangements to maintain an accurate understanding of changing community conditions and to incorporate that understanding into democratic and administrative decision-making through established governance processes.

Institutional responsiveness should not be interpreted as requiring immediate responses to every issue. Rather, it reflects the Municipality's capacity to remain informed, prioritise appropriately and respond effectively within available resources and legislative constraints.

2.9 Governance by Design

Good governance cannot depend solely upon the qualities or intentions of individual participants.

Ward Committee Members, Ward Councillors, municipal officials, community organisations, and residents inevitably bring differing perspectives, interests, priorities, and incentives to municipal governance.

The purpose of governance arrangements is therefore not to eliminate these differences but to establish institutional arrangements that align diverse interests with the broader public interest.

Accordingly, effective Ward Committee Rules should:

- Strengthen collaboration rather than competition.
- Encourage balanced representation.
- Improve transparency and accountability.
- Promote evidence-informed deliberation.
- Reduce opportunities for undue influence.
- Minimise unnecessary administrative burden; and
- Improve the Municipality's ability to create long-term public value.

Good governance is achieved not by assuming ideal behaviour, but by designing institutions that consistently encourage constructive behaviour.

2.10 The Evaluation Framework

Each recommendation contained in this commentary is evaluated against the following questions:

- Does it support the constitutional objectives of local government?
- Does it strengthen developmental local government?
- Does it improve meaningful public participation?
- Does it promote Batho Pele?
- Does it strengthen good governance as reflected in King V?
- Does it improve institutional responsiveness?
- Does it align individual incentives with collective outcomes?

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- Does it reduce unnecessary complexity and administrative burden?
- Does it strengthen the Municipality's ability to create sustainable public value?

These principles collectively provide the framework through which the author assessed in the chapters that follow.

3. Principles of Effective Ward Committee Governance

Having established the constitutional and governance framework within which Ward Committees operate, it is useful to identify the characteristics of an effective Ward Committee governance system.

These characteristics do not introduce new legal obligations, nor do they replace existing legislative or policy requirements. Rather, they synthesise the constitutional principles, governance frameworks and public administration practices discussed in the preceding chapter into a practical set of design principles against which the Draft Revised Ward Committee Rules may be evaluated.

The purpose of these principles is to assist in determining whether the proposed Rules are likely to strengthen the Municipality's capacity to fulfil the constitutional objectives of local government in a practical, sustainable, and affordable manner.

3.1 Purpose Before Process

Institutional rules should exist to advance the purpose of the institution rather than becoming an end in themselves.

The primary purpose of Ward Committees is to strengthen participatory local governance by improving the relationship between communities and the Municipality. Administrative procedures, reporting requirements, and meeting arrangements are important only as far as they contribute to that purpose.

Where procedural requirements become disproportionate to the governance benefits, they create, there is a risk that compliance replaces meaningful participation.

Accordingly, this document distinguishes between activities that create governance value and activities that merely create administrative effort.

3.2 Institutional Responsiveness

Municipal governance should remain connected to the changing reality experienced by communities. Although municipal decision-making necessarily occurs through formal governance cycles, communities experience municipal services continuously.

Ward Committees should therefore strengthen the Municipality's ability to remain aware of changing conditions between formal governance processes.

Institutional responsiveness should not be understood as requiring immediate responses to every issue. Rather, it refers to maintaining sufficient awareness of community conditions to support informed prioritisation and timely decision-making.

The effectiveness of Ward Committee governance should therefore be assessed not only by compliance with procedures, but by the quality and usefulness of the information available to municipal decision-makers.

3.3 Representative Legitimacy

Ward Committees derive their legitimacy from the confidence of the communities they serve. Effective representation requires diversity of perspectives, balanced participation, and openness to differing community interests.

Institutional arrangements should therefore encourage broad representation while ensuring that no particular interest group is able to dominate decision-making at the expense of the broader public interest.

The objective should not be to eliminate differing interests, but to ensure that governance processes enable these interests to be considered fairly, transparently, and constructively.

3.4 Governance by Design

Effective governance cannot depend solely upon the goodwill or intentions of individual participants.

Ward Committee Members, Ward Councillors, municipal officials, and organised community structures inevitably operate with differing responsibilities, priorities, interests, and incentives.

Well-designed governance arrangements acknowledge these realities and establish transparent rules, appropriate accountability mechanisms and balanced decision-making processes that align individual incentives with collective outcomes.

The quality of governance should therefore be judged by the behaviour that institutional arrangements encourage rather than by assumptions regarding the individuals who participate within them.

3.5 Practicality and Proportionality

Ward Committee Members serve as volunteers who contribute their time and experience in support of their communities. Administrative expectations should therefore remain proportionate to the governance value they create.

Excessive procedural requirements may unintentionally discourage participation, reduce diversity of representation and shift attention away from meaningful engagement towards administrative compliance.

The objective should be to minimise unnecessary complexity while maintaining appropriate standards of accountability and transparency.

3.6 Financial Sustainability

Good governance should strengthen municipal capability without creating unnecessary financial obligations.

Recommendations contained in this commentary therefore favour improved institutional design, clearer responsibilities, enhanced information flows, and better utilisation of existing municipal capabilities over the creation of new structures, technologies, or administrative functions.

Where improvements can be achieved through better coordination, communication, or governance design, these should be preferred to solutions requiring additional expenditure.

3.7 Public Value

The ultimate purpose of local government is to create value for the communities it serves. Ward Committees contribute to public value by improving communication, strengthening participation, identifying emerging issues, supporting informed decision-making and enhancing trust between communities and the Municipality.

Accordingly, the effectiveness of the proposed Rules should be evaluated not only by their procedural completeness, but also by the extent to which they contribute to improved governance outcomes, stronger public confidence, and more responsive municipal administration.

3.8 The Design Test

Throughout this commentary, individual provisions of the Draft Revised Ward Committee Rules are considered against the following design questions:

- Does the provision strengthen the constitutional purpose of Ward Committees?
- Does it improve meaningful participation?
- Does it strengthen institutional responsiveness?
- Does it encourage collaboration rather than competition?
- Does it align individual incentives with the broader public interest?
- Does it improve transparency and accountability?
- Does it reduce unnecessary administrative burden?
- Does it make effective use of existing municipal capabilities?
- Does it improve the Municipality's ability to create sustainable public value?

Where recommendations are made, they seek to strengthen one or more of these characteristics while remaining consistent with existing legislation, recognised governance principles, and the practical realities of municipal administration.

4. Analytical Framework for the Clause-by-Clause Review

The preceding chapters established the constitutional, legislative and governance context within which Ward Committees operate and identified the principles that underpin effective Ward Committee governance.

This chapter explains the analytical approach adopted in reviewing the Draft Revised Ward Committee Rules.

The objective of the review is not merely to determine whether individual provisions are legally permissible. Rather, it is to evaluate whether the proposed Rules, individually and collectively, strengthen the Municipality's governance architecture and improve its capacity to fulfil the constitutional objectives of local government.

Accordingly, the commentary considers each chapter of the Draft Revised Ward Committee Rules from legal, governance, operational and systems perspectives.

4.1 Methodological Approach

Each chapter of the Draft Rules is assessed using an interdisciplinary methodology that draws upon:

- Constitutional principles.
- Local government legislation.
- Public administration.
- Developmental local government.
- Batho Pele.
- King V governance principles; and
- Systems thinking.

Systems thinking is used as an analytical lens for understanding how institutional arrangements influence behaviour, information flows, accountability, collaboration, and governance outcomes.

This methodology does not replace the legislative framework. Rather, it assists in evaluating how effectively the proposed Rules give practical effect to existing constitutional and governance principles.

4.2 Analytical Structure

Each section of the commentary follows a consistent analytical structure.

Observation

A brief description of the relevant provision or provisions contained in the Draft Rules.

Assessment

An evaluation of the governance intent of the provision, identifying both strengths and potential concerns.

Commentary

Discussion of the provision in relation to constitutional principles, legislation, governance theory, institutional design, and practical implementation.

Recommendations

Specific recommendations intended to strengthen the provision while remaining practical, proportionate, and consistent with the legislative framework. Where appropriate, suggested wording or drafting improvements are also proposed.

4.3 Scope of the Review

The commentary recognises that municipalities possess discretion when developing policies governing Ward Committees. The purpose of this review is therefore not to prescribe a single correct governance model.

Instead, the commentary seeks to determine whether the proposed Rules:

- give practical effect to the constitutional objectives of local government.
- remain consistent with the legislative purpose of Ward Committees.

- promote meaningful public participation.
- strengthen institutional responsiveness.
- support developmental local government.
- encourage transparency and accountability.
- create appropriate incentives for effective governance.
- minimise unnecessary administrative complexity; and
- remain practical within the Municipality's existing institutional and financial capacity.

4.4 A Systems Perspective

Throughout this commentary, individual clauses are considered not only in isolation but also in terms of how they interact with the broader governance system.

Institutional rules influence behaviour. They shape incentives, determine how information flows through the organisation, allocate responsibilities and affect the quality of decision-making.

Accordingly, particular attention is given to identifying unintended consequences that may arise from otherwise well-intentioned provisions.

Questions considered throughout the review include:

- What behaviour does this provision encourage?
- What information does it generate?
- What incentives does it create?
- Does it strengthen collaboration or fragmentation?
- Does it reduce or increase unnecessary friction?
- Does it improve the Municipality's understanding of community needs?
- Does it enhance the Municipality's capacity to respond effectively?

This perspective recognises that effective governance depends not only upon the quality of individual rules, but also upon the interaction between those rules within the governance system.

4.5 Balanced Review

This commentary has been prepared as a constructive governance review.

- Where provisions strengthen governance, improve accountability or advance participatory local government, they are acknowledged and supported.
- Where concerns are identified, recommendations are intended to refine rather than fundamentally alter the direction of the Draft Rules.

The commentary therefore seeks to support the Municipality in adopting Ward Committee Rules that are legally robust, implementable, financially sustainable, and capable of strengthening public confidence in local governance.

5. Commentary on the Draft Revised Ward Committee Rules

This chapter presents a detailed commentary on each chapter of the Draft Revised Ward Committee Rules.

The review considers not only whether individual provisions are appropriate, but also whether they collectively strengthen the Municipality's governance architecture and its ability to fulfil the constitutional objectives of local government.

Each section follows a consistent analytical approach that identifies the governance intent of the proposed provisions, recognises their strengths, highlights potential concerns, and offers practical recommendations where improvements may be beneficial.

The commentary seeks to support the Municipality in refining an already well-developed draft while remaining mindful of legislative intent, practical implementation, institutional capacity, and financial sustainability.

5.1 Chapter 1 – Preamble

Overview

The Preamble establishes the governance philosophy underlying the Draft Rules. It recognises the importance of citizen participation in planning, budgeting, monitoring, and evaluation and correctly identifies Ward Committees as advisory structures intended to promote good governance and participatory local government.

The Preamble appropriately references the constitutional and legislative basis for the establishment of Ward Committees through the Local Government: Municipal Structures Act.

Overall, the Preamble provides an appropriate legislative introduction to the Draft Rules.

Strengths

The Preamble appropriately recognises that:

- meaningful public participation is fundamental to good governance.

- Ward Committees exist to support participatory democracy rather than replace representative democracy.
- Ward Committees perform an advisory rather than executive function; and
- the Rules are founded upon the Municipal Structures Act.

These statements establish an appropriate constitutional foundation for the remainder of the document.

Observations

While the Preamble provides an appropriate legislative introduction, it remains procedural in nature.

The constitutional purpose of Ward Committees extends beyond consultation and advisory functions. They form a critical component of the Municipality's ongoing relationship with the communities it serves.

The Preamble could therefore more explicitly recognise that Ward Committees contribute to:

- strengthening developmental local government.
- improving citizen-centred governance as reflected in Batho Pele.
- supporting cooperative governance through improved understanding of local priorities.
- strengthening public trust through transparency and accountability; and
- improving the Municipality's ability to understand changing community needs between formal governance processes.

These additions would not alter the legal effect of the Rules but would better articulate the governance purpose they are intended to achieve.

Recommendation

Consider expanding the Preamble to include a concise statement recognising that Ward Committees support responsive, developmental, and participatory local government by strengthening the ongoing relationship between communities and the Municipality.

Such a statement would align the Rules more closely with:

- the constitutional objectives of local government.
- the White Paper on Local Government.
- Batho Pele.
- King V governance principles; and
- the broader governance philosophy reflected throughout these Rules.

Conclusion

The Preamble provides a sound legislative foundation for the Draft Rules.

Minor refinement would strengthen the articulation of the broader governance purpose of Ward Committees and establish a clearer connection between the Rules and the constitutional vision of developmental, participatory, and responsive local government.

5.2 Chapter 2 – Application of Rules

Overview

The provisions governing the application of the Rules provide clarity regarding their scope and confirm that the Rules apply to committee meetings.

The inclusion of members of the public within the behavioural expectations applicable to meetings supports orderly and respectful public participation.

Strengths

The provisions:

- establish procedural certainty.
- promote consistency.
- support orderly conduct of meetings; and
- reinforce respect for the governance process.

Observations

The Rules appropriately regulate behaviour during meetings.

However, Ward Committee governance increasingly extends beyond formal meetings through digital communication, constituency engagement, community interaction and ongoing liaison between residents and the Municipality.

The commentary therefore encourages consideration of whether the principles contained within the Rules should also guide conduct within these broader governance interactions, while recognising that not every interaction requires formal regulation.

The objective should not be greater regulation, but greater consistency.

Recommendation

No substantive amendment is considered necessary.

However, consideration may be given to recognising that the principles of transparency, accountability, respectful engagement, and impartiality extend beyond formal meetings and should guide the conduct of Ward Committee Members in all official activities undertaken in that capacity.

Conclusion

The provisions are appropriate and require only limited refinement to better reflect the contemporary operating environment of Ward Committees.

5.3 Chapter 3 – Objectives

Overview

The proposed objectives establish the intended purpose of Ward Committees and appropriately recognise their role in enhancing participatory democracy and supporting key municipal governance processes, including the Integrated Development Plan (IDP), Performance Management System (PMS), municipal budgeting, and strategic decision-making relating to municipal services.

The chapter also recognises Ward Committees as the official communication channel between the Municipality and the community and acknowledges that modern communication methods, including digital platforms, may complement formal meetings.

Overall, this chapter provides a sound foundation for the operational purpose of Ward Committees.

Strengths

The chapter contains several significant strengths.

The recognition that Ward Committees contribute to planning, budgeting, monitoring, and performance management aligns well with both the Municipal Systems Act and the principles of Developmental Local Government.

The acknowledgement that communication extends beyond formal meetings represents an important recognition that modern community engagement increasingly occurs through multiple communication channels.

The explicit confirmation that Ward Committees remain advisory bodies appropriately reinforces the distinction between community participation and municipal decision-making.

Collectively, these provisions support transparency, accountability, and representative democracy.

Observations

While the stated objectives are comprehensive, they remain activity based.

The objectives describe what Ward Committees participate in but provide less clarity regarding the governance outcomes they are intended to achieve.

From a governance perspective, Ward Committees perform a broader function than participation in municipal processes.

They contribute to improving the Municipality's situational awareness of community conditions, strengthening trust between residents and the Municipality, facilitating early identification of emerging issues, improving communication and supporting more informed municipal decision-making.

These governance outcomes are implicit throughout the draft but are not explicitly reflected within the objectives.

Explicitly recognising these outcomes would strengthen the internal coherence of the Rules and provide a clearer reference point for interpreting subsequent provisions.

Institutional Responsiveness

This chapter presents the first opportunity to recognise an important characteristic of effective local governance.

Municipal governance processes necessarily operate through scheduled meetings and statutory planning cycles. Community conditions, however, evolve continuously.

Ward Committees provide an important mechanism for ensuring that municipal governance remains informed by changing community circumstances between formal governance processes.

Institutional responsiveness should therefore be understood as maintaining an ongoing understanding of community needs and conditions rather than responding immediately to every issue raised.

This distinction is important.

Responsiveness depends upon ongoing awareness, informed prioritisation, and effective decision-making rather than continuous intervention.

Recommendation

Consider broadening the objectives to include recognition that Ward Committees contribute to:

- strengthening the Municipality's ongoing understanding of community priorities and conditions.
- supporting evidence-informed municipal decision-making.
- strengthening trust and communication between communities and the Municipality.
- facilitating early identification of emerging risks and development opportunities; and
- improving the responsiveness of municipal governance through continuous community engagement.

These additions would not alter the legal status or functions of Ward Committees but would provide a clearer articulation of the governance outcomes the Rules seek to achieve.

Conclusion

The proposed objectives provide a strong legislative and governance foundation.

Expanding the objectives to include governance outcomes alongside governance activities would strengthen the purpose of the Rules and provide greater consistency with the constitutional vision of developmental, participatory, and responsive local government.

5.4 Chapter 4 – Definitions**Overview**

The Definitions chapter establishes the terminology used throughout the Rules and provides an important foundation for consistent interpretation.

Several new definitions improve clarity and reflect a broader appreciation of governance concepts, including community engagement, monitoring and evaluation, operational planning, and public meetings.

The inclusion of these definitions is welcomed.

Strengths

The chapter introduces clearer governance terminology than previous versions of the Rules.

Definitions relating to community engagement, monitoring and evaluation and operational planning demonstrate an appreciation that Ward Committees perform functions extending beyond formal meetings.

The recognition of both geographical and sectoral representation provides useful flexibility for different community contexts.

Observations

Definitions perform an important governance function because they shape how subsequent provisions are interpreted.

Several definitions could therefore be strengthened by focusing less on administrative description and more on governance purpose.

For example, the definition of "Community Engagement" appropriately refers to meetings, surveys, and feedback mechanisms. However, community engagement is fundamentally an ongoing relationship between the Municipality and the community rather than a collection of engagement activities.

Similarly, the definitions relating to monitoring and evaluation could more clearly distinguish between measuring municipal activities and understanding changing community conditions.

Greater conceptual consistency at the definition stage would improve interpretation throughout the remainder of the Rules.

Recommendation

Consider refining selected definitions to emphasise their governance purpose rather than solely describing administrative activities.

Where appropriate, definitions should reflect that community engagement, monitoring and communication are ongoing governance functions supporting participatory democracy and informed municipal decision-making.

Conclusion

The Definitions chapter represents a significant improvement and provides a solid foundation for the remainder of the Rules.

Minor refinement would further improve conceptual consistency and strengthen interpretation throughout the document.

5.5. – Chapter 5 – Legal Framework

Overview

Chapter 5 identifies the constitutional, legislative and policy framework underpinning the Draft Ward Committee Rules. It establishes that the Rules derive their authority from national legislation, national policy, and municipal governance instruments rather than existing as a standalone municipal policy. This provides an appropriate legal foundation and assists readers in understanding the statutory context within which ward committees operate.

Strengths

The chapter demonstrates good alignment with the constitutional and legislative framework governing local government.

The inclusion of the Constitution, Municipal Structures Act, Municipal Systems Act and Municipal Finance Management Act appropriately reflects the primary legislative framework applicable to ward committees.

The inclusion of national policy documents such as the 2005 Ward Committee Guidelines and the 2007 National Policy Framework for Public Participation also recognises that effective ward committee governance is informed not only by legislation but also by national policy.

The inclusion of municipal instruments such as the Public Participation Policy and the Rules of Order strengthens internal policy alignment.

Observations

While the listed legal framework is appropriate, the chapter functions primarily as a list of references.

It does not explain how these instruments relate to one another or establish a hierarchy between constitutional requirements, legislation, national policy, and municipal policy.

Although this may not be strictly necessary within the Rules themselves, recognising this hierarchy reinforces legal certainty and assists interpretation where different instruments address similar governance matters.

Recommendation

The Municipality may wish to consider introducing a short introductory paragraph indicating that the Rules must be interpreted consistently with the Constitution, applicable national legislation and adopted municipal policies, with the Constitution remaining the supreme legal authority.

Such a statement would strengthen legal clarity without altering the substantive content of the Rules.

Conclusion

Chapter 5 provides an appropriate legal foundation for the Draft Rules. Minor refinement to clarify the relationship between the various legal instruments would

further strengthen the governance framework while remaining fully consistent with South African constitutional principles.

5.6 Chapter 6 – Membership

Overview

The Membership provisions establish the composition of Ward Committees, eligibility requirements, representational models, and criteria for appointment.

These provisions form one of the most important components of the Draft Rules because they determine who participates in Ward Committee governance, how communities are represented and how legitimacy is established.

Overall, the proposed chapter demonstrates a clear intention to improve representation, strengthen governance and ensure that Ward Committees comprise individuals capable of contributing constructively to municipal governance.

The recognition of sectoral representation, geographical representation, and combinations of both provides useful flexibility for accommodating differing ward characteristics.

Strengths

The chapter contains a number of important improvements.

The emphasis on balanced representation promotes inclusivity while recognising the diversity of modern communities.

The flexibility to adopt sectoral, geographical or hybrid representation enables municipalities to accommodate differing community structures rather than imposing a single model across all wards.

The eligibility requirements relating to voter registration, conflicts of interest and municipal employment appropriately reinforce the independence of Ward Committee Members.

The inclusion of gender representation and recognition of vulnerable and historically underrepresented groups further supports representative democracy and social inclusion.

Collectively, these provisions strengthen the legitimacy and credibility of Ward Committees.

Governance Perspective

Representation is not merely about ensuring that different sectors of society occupy seats on a committee.

Its purpose is to ensure that municipal decision-making benefits from a broad understanding of community realities.

Effective representation therefore depends upon diversity of experience, active engagement with constituencies, transparent communication, and a willingness to deliberate in the broader interests of the ward.

Ward Committee Members should not be regarded as delegates instructed to advocate exclusively for sectional interests, nor should they become independent representatives disconnected from those they represent.

Their governance role is to bring informed community perspectives into collective deliberation while contributing to decisions that advance the interests of the ward.

This distinction is fundamental to effective participatory governance.

Institutional Design

The Membership provisions should also recognise an important institutional reality.

Ward Committee Members remain members of communities, organisations, and civic structures. They inevitably bring differing experiences, priorities, interests, and perspectives to the committee.

Some members may also aspire to broader civic or political leadership roles or enjoy staunch support from constituencies.

These realities are neither unusual nor undesirable. They are inherent characteristics of representative governance.

Effective institutional design therefore does not attempt to eliminate differing interests. Rather, it establishes governance arrangements that encourage members to exercise their responsibilities transparently, collaboratively and in the broader public interest.

The quality of Ward Committee governance will therefore depend less upon the personal characteristics of individual members than upon the effectiveness of the institutional arrangements that guide their conduct.

Observations

Several provisions within this chapter warrant careful consideration.

The prohibition on individual representation raises important questions regarding representative legitimacy.

Communities frequently contain respected civic leaders, neighbourhood representatives and active residents who make valuable contributions despite not being affiliated with formal organisations.

While organised representation offers many advantages, exclusive reliance upon organisational structures may unintentionally exclude individuals who enjoy considerable community confidence.

Similarly, care should be taken to ensure that eligibility requirements remain proportionate to the governance objectives they seek to achieve and do not inadvertently create unnecessary barriers to participation.

The Rules should seek to maximise community capability while preserving public confidence in the integrity of Ward Committees.

Recommendations

The Municipality may wish to consider whether:

- the balance between organisational and community representation appropriately reflects the diversity of modern communities.
- eligibility requirements remain proportionate to the governance risks they seek to address.
- representative legitimacy could be strengthened without increasing administrative complexity.
- the Rules sufficiently encourage Ward Committee Members to deliberate in the interests of the ward rather than primarily in the interests of individual sectors or constituencies.

These observations are intended to strengthen representative legitimacy while maintaining the practical workability of the proposed model.

Conclusion

The Membership provisions provide a comprehensive and well-considered framework for constituting Ward Committees.

Minor refinement may further strengthen representative legitimacy, broaden community participation, and improve alignment between individual representation and the broader constitutional purpose of participatory local government.

Overall, the chapter provides a solid institutional foundation upon which effective Ward Committee governance can be built.

5.7 Chapters 7–10 – Institutional Roles and Governance Relationships

Overview

Chapters 7 to 10 establish the institutional architecture of Ward Committee governance by defining the respective roles of the Speaker, Ward Councillor, Proportional Representative (PR) Councillors and the Ward Committee itself.

This represents one of the strongest sections of the Draft Rules. Clearly defining institutional responsibilities reduces ambiguity, strengthens accountability, and promotes more effective collaboration between elected representatives, Ward Committees and the Municipal Administration.

The chapter recognises that effective governance depends not only on individual responsibilities but also on the quality of the relationships between the various governance actors.

Strengths

The clarification of institutional roles is welcomed.

- The Speaker is appropriately recognised as having strategic oversight responsibility for the effectiveness of Ward Committees and the broader public participation system.

- The Ward Councillor is correctly positioned as the democratic link between Council and the community while also serving as Chairperson of the Ward Committee.
- The recognition that PR Councillors may contribute to Ward Committee activities without replacing the elected Ward Councillor appropriately preserves democratic accountability while encouraging broader councillor participation.
- The functions allocated to Ward Committees appropriately reinforce their advisory nature and their contribution to planning, service delivery oversight, community engagement, and local development.

Collectively these provisions strengthen governance certainty and improve institutional accountability.

Governance Perspective

One of the distinguishing characteristics of effective governance is clarity regarding roles, responsibilities, and accountability.

Good governance depends not only on defining responsibilities but also on ensuring that responsibilities remain complementary rather than overlapping.

The Draft Rules achieve this objective by maintaining an appropriate distinction between political leadership, community participation, and municipal administration.

This distinction is important because Ward Committees derive their legitimacy from community participation while municipal decision-making remains vested in Council and the executive structures established by legislation.

Maintaining this distinction protects both representative democracy and participatory democracy.

Institutional Relationships

Effective Ward Committee governance depends less upon hierarchy than upon collaboration.

The relationship between the Speaker, Ward Councillor, PR Councillors, Ward Committee Members and Municipal Administration should therefore be viewed as an integrated governance system rather than a series of independent reporting lines.

Each participant contributes a different governance capability.

- The Speaker provides institutional oversight.
- The Ward Councillor provides democratic leadership and political accountability.
- PR Councillors contribute broader council perspectives where appropriate.
- Ward Committee Members contribute community knowledge and local insight.
- Municipal officials provide administrative capability and technical expertise.

The effectiveness of the overall system depends upon how well these complementary capabilities are integrated.

Institutional Responsiveness

These chapters provide an opportunity to strengthen an important governance principle.

Ward Committees should not function merely as advisory bodies that meet periodically to transmit information upwards through the governance hierarchy.

Rather, they should form part of the Municipality's ongoing community engagement capability.

The effectiveness of the institutional relationships established in these chapters should therefore be assessed by the extent to which they enable continuous communication, mutual learning, timely identification of emerging issues and informed municipal decision-making between formal governance cycles.

This does not imply continuous meetings or continuous reporting.

It implies maintaining ongoing awareness through appropriate communication, engagement, and existing municipal processes.

Observations

The Draft Rules appropriately allocate responsibilities to each governance participant.

However, the Rules place greater emphasis on individual responsibilities than on the quality of interaction between governance participants.

Future refinement may therefore consider placing greater emphasis on:

- collaboration.
- shared accountability for governance outcomes.
- structured feedback between governance levels.
- communication quality; and
- learning across the governance system.

These observations do not require additional governance structures but rather strengthen the interaction between existing structures.

Recommendations

The Municipality may wish to consider whether the Rules could more explicitly recognise that:

- effective Ward Committee governance depends upon collaboration between all governance participants.
- communication should operate in both directions between Council and communities.
- Ward Committees support continuous community engagement rather than periodic consultation alone; and
- governance effectiveness depends upon the quality of relationships as much as the clarity of responsibilities.

Such refinements would strengthen the governance intent of the Rules without altering institutional responsibilities or creating additional financial or administrative obligations.

Conclusion

The provisions defining institutional roles represent one of the strongest components of the Draft Rules.

With limited refinement to emphasise collaboration, institutional responsiveness and continuous engagement, these chapters would provide an excellent governance framework for the operation of Ward Committees within the Overstrand Municipality.

5.8 Chapter 11 – Powers and Functions of Ward Committees

Overview

Chapter 11 establishes the operational responsibilities of Ward Committees and their members. It defines how Ward Committees interact with their constituencies, the Municipality and other governance structures, and sets out the expectations placed upon individual Ward Committee Members.

This chapter is central to the Draft Rules because it translates the governance intentions expressed in the preceding chapters into operational practice.

Overall, the proposed provisions demonstrate a clear commitment to strengthening accountability, improving communication, and increasing the contribution of Ward Committees to municipal governance.

The chapter represents a significant evolution from previous versions of the Rules by placing greater emphasis on planning, reporting, constituency engagement, and structured participation.

Strengths

Several important improvements are evident.

The emphasis on regular engagement between Ward Committee Members and their constituencies strengthens representative accountability.

The requirement for operational planning encourages Ward Committees to adopt a more structured and initiative-taking approach to community engagement.

The recognition of task teams and sub-committees provides flexibility for addressing specialised issues and encourages broader community participation beyond the formal Ward Committee.

The provisions promoting regular feedback, structured reporting and capacity building all contribute to improving institutional effectiveness.

Collectively these provisions strengthen governance maturity within the Ward Committee system.

Governance Perspective

The functions allocated to Ward Committees reflect an important principle of democratic governance.

Representation does not end with election.

It requires continuous engagement between representatives and those whom they represent.

Ward Committee Members therefore perform two complementary functions.

They communicate municipal information to their constituencies while simultaneously bringing community knowledge, concerns, and priorities back into municipal governance processes.

This two-way flow of information is fundamental to effective participatory governance.

The Rules appropriately recognise this reciprocal relationship.

Institutional Responsiveness

One of the strongest themes emerging from this chapter is the recognition that community engagement cannot be confined to formal meetings.

The requirement for regular engagement with constituencies acknowledges that community understanding develops through ongoing interaction rather than periodic consultation.

This principle is strongly supported.

However, institutional responsiveness should be understood in terms of information quality rather than activity volume.

The objective is not to maximise the number of meetings, reports, or service requests.

The objective is to improve the Municipality's understanding of changing community conditions.

Measures of success should therefore focus on the quality, relevance and usefulness of information supporting municipal decision-making rather than simply the quantity of activities performed.

Incentives and Behaviour

Institutional rules inevitably influence behaviour.

Accordingly, careful consideration should be given to the incentives created by operational requirements contained within this chapter.

Where administrative requirements become performance measures, participants may naturally focus on satisfying measurable activities rather than achieving broader governance outcomes.

For example, numerical reporting targets may unintentionally encourage reporting for compliance purposes rather than ensuring that reports accurately reflect community priorities.

Similarly, administrative reporting should support representative engagement rather than become an end.

Good governance is strengthened when institutional incentives encourage meaningful participation, thoughtful deliberation, and accurate communication rather than procedural compliance alone.

Practicality and Proportionality

The proposed operational responsibilities are comprehensive.

Collectively, however, they represent a significant commitment of time and administrative effort by volunteer Ward Committee Members.

Operational planning, constituency engagement, reporting, meeting attendance, training, feedback sessions, and administrative requirements all contribute positively to governance.

The cumulative effect of these obligations should nevertheless be considered carefully.

Administrative expectations should remain proportionate to the governance value they create.

Where governance objectives can be achieved through simpler arrangements, simplicity should be preferred.

Reducing unnecessary administrative burden strengthens rather than weakens participatory governance because it enables members to devote more time to meaningful community engagement.

Observations

The overall direction of this chapter is supported.

Consideration may, however, be given to:

- whether quantitative activity requirements are the most appropriate measure of governance effectiveness.
- whether administrative reporting requirements remain proportionate.
- whether greater emphasis could be placed on governance outcomes rather than operational outputs.
- whether institutional learning and knowledge sharing could receive greater attention alongside compliance activities.

These observations seek to improve governance effectiveness without reducing accountability.

Recommendations

The Municipality may wish to consider whether this chapter could place greater emphasis on:

- meaningful engagement rather than activity volume.
- governance outcomes rather than administrative outputs.
- information quality rather than reporting quantity.
- continuous community understanding rather than periodic reporting alone; and
- institutional learning and responsiveness alongside operational compliance.

These refinements would strengthen the governance intent of the Rules while avoiding additional financial implications or administrative structures.

Conclusion

Chapter 11 provides a comprehensive operational framework for Ward Committees and represents one of the strongest governance improvements contained within the Draft Rules.

Further refinement should focus primarily on ensuring that operational requirements remain proportionate and continue to encourage the behaviours that most effectively strengthen participatory, developmental, and responsive local government.

5.9 Chapters 12–18 – Operational Governance

Overview

Chapters 12 to 18 establish the operational framework through which Ward Committees are constituted, conduct their business, maintain accountability, and sustain their ongoing operation.

Collectively these chapters regulate nominations, elections, meetings, attendance, vacancies, disciplinary processes, reimbursement, and administrative support.

Taken together, these provisions define the operating model of the Ward Committee system.

Overall, the Draft Rules demonstrate a clear intention to improve consistency, transparency, and accountability throughout the operation of Ward Committees. The proposed procedures are comprehensive, well-structured and reflect sound governance practice.

Strengths

The proposed election procedures are significantly more comprehensive than those contained in previous versions of the Rules.

The structured nomination, verification, voting and appeals processes strengthen procedural fairness and public confidence in the legitimacy of Ward Committee appointments.

Similarly, the provisions governing meetings improve transparency by establishing clearer notice requirements, quorum arrangements, record keeping, and public access.

The inclusion of Codes of Conduct, conflict-of-interest provisions and disciplinary procedures further strengthens governance integrity and accountability.

Administrative support responsibilities allocated to the Municipality provide an important foundation for the effective operation of Ward Committees and appropriately recognise that volunteer governance structures require institutional support.

Collectively these chapters significantly strengthen governance maturity within the Ward Committee system.

Governance Perspective

Operational governance exists to enable participation rather than to regulate participation unnecessarily.

- Every procedural requirement should therefore serve a clear governance purpose.
- Election procedures should strengthen legitimacy.
- Meeting procedures should improve deliberately.
- Reporting should improve accountability.
- Disciplinary processes should protect institutional integrity.
- Administrative support should enable effective community participation.

Where procedures become ends in themselves, there is a risk that governance effort is diverted from community engagement towards procedural compliance.

Throughout these chapters the Municipality has maintained an appropriate balance between governance discipline and operational flexibility.

Governance Behaviour

- Operational rules shape institutional behaviour.
- Election rules influence legitimacy.
- Meeting rules influence participation.
- Attendance rules influence commitment.
- Reporting rules influence priorities.
- Disciplinary rules influence organisational culture.
- Financial rules influence incentives.

Accordingly, operational provisions should be evaluated not only according to their procedural correctness but also according to the behaviours they are likely to encourage over time.

Good governance is achieved when operational rules consistently reinforce collaboration, transparency, accountability, and service to the community.

Proportionality

The Draft Rules establish comprehensive procedural requirements.

This is appropriate.

However, proportionality remains an important governance principle.

Ward Committees are volunteer structures intended to strengthen public participation rather than become highly regulated administrative bodies.

Procedural discipline should therefore remain proportionate to the governance risks it seeks to address.

Excessive procedural complexity may unintentionally discourage participation, reduce flexibility, and increase administrative effort without delivering corresponding governance benefits.

Where simpler arrangements achieve the same governance outcome, simplicity should be preferred.

Institutional Trust

An important objective of these chapters should be the strengthening of public confidence.

Transparent elections, open meetings, fair disciplinary procedures, and clear administrative processes all contribute to building trust between communities, Ward Committees, and the Municipality.

Trust represents one of the Municipality's most valuable governance assets.

Operational governance should therefore consistently reinforce fairness, impartiality, openness, and procedural certainty.

Observations

The overall operational framework is well considered and reflects good governance practice.

Future refinement may nevertheless consider whether:

- procedural complexity remains proportionate to governance benefit.
- meeting procedures maximise meaningful participation while preserving orderly governance.

- disciplinary provisions provide sufficient procedural fairness and independence.
- reimbursement arrangements encourage participation without creating unintended incentives.
- administrative processes support rather than dominate the work of Ward Committees.

These observations are intended to refine rather than fundamentally alter the proposed operating model.

Recommendations

The Municipality may wish to consider the following overarching principles when finalising these chapters:

- preserve procedural integrity while avoiding unnecessary complexity.
- maintain transparency without creating excessive administrative burden.
- encourage participation through supportive rather than compliance-driven processes.
- ensure reimbursement compensates legitimate participation rather than incentivises administrative activity.
- strengthen procedural fairness wherever discretionary powers are exercised.

These recommendations can be implemented through refinement of existing provisions without requiring additional financial resources or institutional structures.

Conclusion

Chapters 12 to 18 establish a comprehensive and well-designed operational governance framework for Ward Committees.

The proposed provisions appropriately strengthen legitimacy, accountability, and administrative consistency.

Future refinement should focus primarily on ensuring proportionality, encouraging constructive institutional behaviour, and maintaining an appropriate balance between governance discipline and meaningful community participation.

6. Conclusions and Strategic Recommendations

6.1 Overall Conclusion

The Draft Revised Ward Committee Rules represent a significant advancement in the governance of Ward Committees within the Overstrand Municipality. The draft demonstrates a clear commitment to strengthening participatory democracy, improving accountability, clarifying institutional responsibilities, and establishing a more consistent governance framework for Ward Committees over the forthcoming municipal term. These improvements are welcomed and provide a solid foundation upon which an effective system of community participation can be built.

The recommendations contained in this commentary should therefore be understood as refinements to an already well-developed governance framework rather than proposals for fundamental redesign.

6.2 The Opportunity

The review process presents an opportunity that extends beyond revising administrative rules. It provides an opportunity to strengthen one of the Municipality's most important democratic institutions. Ward Committees occupy a unique position within South Africa's system of local government. They provide the institutional connection between representative democracy and participatory democracy.

When functioning effectively they improve communication, strengthen trust, broaden participation, assist with identifying emerging issues and contribute to better informed municipal decision-making. Their value therefore extends well beyond the meetings they convene or the reports they produce. They contribute directly to the quality of municipal governance.

6.3 The Central Principle

Throughout this commentary one central proposition has guided the review.

A municipality cannot respond effectively to realities it does not continuously understand.

Municipal governance necessarily operates through formal meetings, statutory planning processes, budgeting cycles, and legislative procedures.

Communities, however, experience municipal life continuously.

The effectiveness of Ward Committees therefore lies in their ability to maintain an ongoing connection between formal municipal governance and the evolving realities experienced by residents, businesses, community organisations, and neighbourhoods.

This commentary therefore supports a governance model in which Ward Committees strengthen institutional responsiveness by improving the quality of information available to municipal decision-makers while remaining firmly within the existing constitutional and legislative framework.

6.4 Principles for the Future Development of Ward Committee Governance

The detailed observations contained throughout this commentary may be summarised through several enduring governance principles.

Purpose before process

Administrative requirements should support the constitutional purpose of Ward Committees rather than becoming an end in themselves.

Governance by design

Effective governance depends upon well-designed institutions, transparent processes, and appropriate incentives rather than assumptions regarding individual behaviour.

Representation in the public interest

Ward Committee Members should bring the perspectives of their constituencies into deliberation while collectively serving the broader interests of the ward and the Municipality.

Institutional responsiveness

Ward Committees should strengthen the Municipality's ongoing understanding of changing community conditions between formal governance processes.

Proportionality

Administrative obligations should remain proportionate to the governance benefits they create.

Practical implementation

Governance improvements should, wherever possible, strengthen municipal capability through better institutional design and improved use of existing resources rather than through additional expenditure.

Public value

The effectiveness of Ward Committee governance should be assessed by the value created for communities through improved participation, better decision-making, stronger accountability, and enhanced public confidence.

6.5 Final Reflection

South Africa's constitutional system of local government provides a solid foundation for democratic, developmental, and participatory governance.

The Draft Revised Ward Committee Rules represent an important contribution towards giving practical effect to that constitutional vision.

This commentary has sought to assist the Municipality by evaluating the proposed Rules through the complementary perspectives of constitutional governance, local government legislation, Developmental Local Government, Cooperative Governance, Batho Pele, King V and systems thinking.

These perspectives are not competing frameworks.

Together they describe different dimensions of effective local governance.

When viewed collectively they point towards a common objective: a municipality that remains informed by its communities, governed through transparent and accountable institutions, responsive to changing circumstances and committed to creating sustainable public value.

It is hoped that the observations and recommendations contained in this commentary will assist the Overstrand Municipality in adopting Ward Committee Rules that not only comply with legislative requirements but also strengthen public participation, improve governance effectiveness, and contribute to the continued development of responsive local government.

6.6 Closing Statement

The strength of local government is measured not only by the quality of its decisions, but by the quality of its relationship with the communities it serves.

Ward Committees play a vital role in sustaining that relationship.

Professionally designed and effectively supported, they become more than advisory committees.

They become trusted institutions through which communities and municipalities continuously learn from one another, strengthen democratic accountability, and work together to improve the quality of life for all residents of the Overstrand Municipality.

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ERROL VAN STADEN

20 July 2026

Ms R Louw
Overstrand Municipality
Hermanus

Comments Regarding the Draft Revised Ward Committee Rules (June 2026)

OCAN recognises the need for effective governance, structure and meaningful public engagement. In this context, rules (of Engagement) are important.

We conducted a high-level review of the document and did not examine it in detail. Our concern is not with the rules themselves, but with the broader question: **Is the WC-system working, or not?**

Principal Drawbacks of the WC-system

1. Its toothless advisory function means that WCs at best make recommendations, but lack any meaningful decision-making or budget setting powers
2. WCs are supposed to be non-political, but end up having a distinct political bias because they are chaired by a Ward Councillor. The Councillor may be weak - in which case he/she will lean heavily on the Municipal majority party tag lines for support, or they may be strong - in which case they will railroad meetings along party tag lines. The situation is aggravated when the Executive Mayor 'controls' the WC-system (as we have witnessed in the past) to achieve own goals.
3. The current lack of communication combined with ineffective follow-through is a major failing.

Report back to committees and communities is poor, whilst at the same time municipal councils ignore WC recommendations. This is because municipal councils often do not take the WCs seriously and find it more comfortable and less strenuous to continue with an opaque 'we're the bosses' approach.

4. The fact that this 'rules review' initiative is being undertaken during an election year gives weight to the widely held view that WCs are pretty much inactive except during election campaigns, and that therefore the motives behind these actions are to be distrusted.

We believe that effective ward committees require strong community engagement and trust, and a performance-orientated approach rather than a box-ticking exercise under the control of a top-down municipal Council.

Perspectives on What is NOT Working (responses to the draft document)

Our comments relate to Ward 3, but we suspect that some of our comments might apply to other Wards.

3. Objectives

Ward Committees must participate in the following:

- 3.2.1 Preparing, implementation and review of the Integrated Development Plan (IDP) **(except for IDP-reviews, are WCs involved in 'preparing and implementing' the IDP?)**

- 3.2.2 Establishment, implementation, and review of a Performance Management System (PMS) **(not true – or we are ill-informed)**
- 3.2.3 Preparation of the budget **(not happening)**
- 3.2.4 Strategic decisions of the Municipality relating to the provision of municipal services in terms of Chapter 8 of the Systems Act, 2000 **(unlikely)**

4. Definitions

Community Engagement

- Ward Committee should actively engage with the community through regular public meetings, surveys and feedback mechanisms to ensure that the community's needs and concerns are accurately represented **(not happening)**

Monitoring and Evaluation

- Ward Committees should regularly monitor and evaluate their activities and the impact of their decisions on the community, reporting their findings to the Council and the public **(not happening)**

Performance Management System (PMS)

- A two-way communication process between the Municipality and the community that measures specific targets, standards and priorities that were agreed upon during the IDP process **(we have no evidence that supports this statement)**

Ward Committee Operational Plan

- Annual plan of activities to be performed | executed by Ward Committee Member's representative in a ward committee **(not sure that this is the case)**

6.5 Criteria for Membership

- Gender **(all DEI-criteria should be removed – diversity in contribution to be encouraged)**

6.6 The election of Ward Committee Members described in 5.3 above must take into account the need:

[That at least 3 (three) of the 10 (ten) community members elected on the Ward Committee are women.] **(delete)**

To strive for equal gender representation in the composition of the ward committee **(delete)**

7. The Role of the Speaker

- 7.6 Must ensure the effectiveness and functionality of ward committees and the public participation process **(not happening – weak oversight)**

10.7 Community Engagement

- Ward Committees should actively engage with the community through regular public meetings, surveys and feedback mechanisms to ensure that the community's needs and concerns are accurately represented **(not happening)**

10.11 Monitoring and Evaluation

- Ward Committees should regularly monitor and evaluate their activities and the impact of their decisions on the community, reporting their findings to the Council and the public **(no evidence of this happening)**

11. Powers and Functions of Ward Committees

In carrying out this role, a ward committee member must actively consult and engage with their ward or organization/sector/block on all matters that are to be discussed by the ward committee. Before every ward committee meeting – whether it is an ordinary meeting or a public community meeting – the member is required to consult with their wards or sectors/blocks and gather their views, inputs and concerns. These perspectives must then be presented and represented at the relevant ward committee meeting(s). **(not happening)**

11.1 Reference to **OMAF** (Overstrand Municipal Advisory Forum) – **This structure is NOT functioning.**

11.9 Ward Committee Members must report back to their respective constituencies (organisations/sectors/geographical blocks) at least on a quarterly basis **(not happening)**.

15. Order in Meetings and Rules of Debate

15.1.1 WC-members 'may not challenge the ruling of the Chairperson on any point of order'.

Whilst we understand the need for mature debate, **this rule could be abused** by an insecure or incompetent Ward Councillor, or by an Executive Mayor who wants to 'push' a particular agenda or kill debate in respect of sensitive topics.

What recourse to WC-members have should this happen, or if a pattern emerges?

Important Questions

- What is the value of having a smart set of rules that are not fully applied?
- What recourse do citizens have when the Speaker and Ward Councillor are perceived to be **ineffective** in their respective roles?
- Who sets the agenda for WC-meetings?
- What is the net contribution of the WC-system as an advisory mechanism? How does it impact municipal performance? How measured?

Conclusion

- OCAN holds the opinion that the Overstrand WC-system requires a comprehensive overhaul. A new set of rules is part of the solution.

The Anne Stern Review

- Dr Stern (a respected Ward 3 resident and former Exco-member of the Hermanus Ratepayers Association – HRA) performed a comprehensive review of the Overstrand Municipality's Ward Committee Rules a while back. **Dr O'Neill and Mr Brian Wridgway should be able to confirm.**

We don't know whether her recommendations were captured in the set of draft rules residents now must comment on.

Recommendations

- In the spirit of co-governance, we suggest the appointment of a **small task team** (no more than 5 people) to review the comments received (by 30 July 2026).
- The task team must also study the recommendations of the Anne Stern Review and incorporate same in the final version. **This implies an extension of the 30 July deadline.**
- Properly constituted Ratepayer Associations (RPAs), Community Forums, the Chamber of Business, Botanical Society, Whale Coast Conservation, Tourism Offices and 'umbrella bodies' should have **preferential membership** of Ward Committees.
- The OM's political leadership should pay urgent attention to Ward Committee governance and community dissatisfaction with the current system. The system will only be effective if the Speaker and Ward Councillors are effective in their respective roles. This is the proverbial 'elephant in the room'. Unless addressed decisively by the Executive Mayor, the WC-system will continue to frustrate communities and have limited value.
- In collaboration with SALGA, ward committee training should be structured and ongoing.
- The 'pay to attend a meeting' stipend structure should be abolished. Instead, ward committee performance and effectiveness should be measured via regular community polls under scrutiny of the Speaker. Corrective actions must follow. **The Executive Mayor to exercise ultimate oversight of the system.**
- Introduce a Ward Committee Scorecard that will allow citizens and Ward Committees the opportunity to track and evaluate municipal service delivery improvement arising from issues raised via the WC-system.

Observations

- Without a demonstrated commitment to civic partnering by the political leadership, tinkering with a set of WC-rules is a meaningless exercise.
- Ward Councillors and the Speaker are central to the effectiveness of the system.
- The OM's **Public Participation Policy** was drafted during 2016 (refer Paragraph 5). Given citizen concern about public participation in general, it is probably wise to review this policy to confirm its continued relevance. Changes to be made.

Thank you for allowing us the opportunity to comment on the draft rules. We are hoping that our submission will be received in the same constructive spirit as it is given.

Yours sincerely

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ANTOINETTE BRONKHORST

ORHA COMMENTS ON THE DRAFT OVERSTRAND WARD COMMITTEE RULES, JUNE 2026

The **Draft Overstrand Ward Committee Rules (June 2026)** are a significant improvement over the **2022 Rules** in terms of governance, clarity and accountability. However, whether they will result in **more effective Ward Committees in practice** depends largely on implementation. There are also several weaknesses that, if not addressed, may reduce the independence and effectiveness of Ward Committees.

1. Major Improvements

1.1 Clearer Roles: This is a considerable improvement because role confusion is one of the biggest causes of ineffective Ward Committees. The old Rules largely described the functions of the Ward Committee. The Draft now separately defines the responsibilities of:

ROLE	NEW RESPONSIBILITIES
Speaker	Ensure Ward Committees function effectively. • Oversee public participation processes. • Maintain order and oversight. • Exercise delegated powers in terms of legislation. • Request an extension from the MEC if Ward Committees cannot be established within the prescribed period.
Ward Councillor	Represent the interests of the ward in Council. • Chair the Ward Committee. • Promote public participation. • Communicate municipal decisions to the community. • Monitor service delivery. • Resolve local issues and disputes. • Provide regular feedback to residents. • Ensure community priorities are incorporated into municipal planning and budgeting.
PR Councillor	Support the Ward Councillor. • Serve as a non-voting, ex officio member of assigned Ward Committees. • Attend meetings. • Assist with resolving complaints and disputes. • Help implement projects and refer community issues where necessary.
Ward Committee	• Represent the community and act as a bridge between residents and the Municipality. • Advise the Ward Councillor. • Encourage public participation. • Monitor municipal service delivery. • Promote transparency and accountability. • Support local development projects. • Engage regularly with the community. • Monitor and evaluate ward activities. • Attend training and uphold the Code of Conduct.
Ward Committee members	• Represent their elected sector or geographical area. • Consult regularly with their constituencies. • Report community concerns to the Ward Committee. • Provide quarterly feedback to their constituencies. • Submit agenda items. • Report service delivery issues. • Participate in meetings, task teams and training. • Assist with implementation of Ward Operational Plans.
Task teams/Sub Committees	Focus on specialised issues or projects. • Involve relevant stakeholders and advisory members. • Monitor specific portfolios. • Report back to the Ward Committee. • Support implementation of ward priorities.
Community	• Support the operation of Ward Committees. • Arrange elections and administrative processes. • Prepare reports for Council. • Provide training and capacity building. • Assist with public participation and governance processes. <i>(Detailed responsibilities are contained in Chapter 19 of the Draft Rules.)</i>
Administration	• Participate in public meetings and consultations. • Raise issues and development priorities. • Engage through surveys, meetings, WhatsApp groups and other communication channels. • Work with Ward Committee Members to improve service delivery and local development.

1.2. Stronger Community Engagement:-One of the best additions is the emphasis on: -Surveys,WhatsApp groups Social media, Public meetings and feedback mechanisms instead of waiting for quarterly meetings. This reflects modern community engagement. Previously the Rules only referred to formal meetings.

1.3. Monitoring and Evaluation:-The draft introduces something that has been missing for years: Ward Committees should monitor, evaluate and report on impact rather than simply forwarding complaints. Unfortunately, there are **no measurable indicators** attached. That is a weakness.

1.4. Better Recognition of Development: -The draft recognises Ward Committees as developmental structures instead of merely complaint offices. Examples include: Local development, social cohesion,accountability,IDP participation and project monitoring.

2.Areas of Concern

2.1. Too Much Power Remains with the Ward Councillor- If a Ward Councillor is weak or inactive, the Ward Committee remains largely ineffective. The committee has very little ability to act independently.	Although the Rules describe the Ward Committee as an advisory body, almost every operational function still depends upon the Ward Councillor. Examples include agenda items, recommendations, task teams, meeting, referrals and reporting
2.2. No Performance Measurement- The draft speaks about monitoring but never answers: How do we know a Ward Committee is successful? Without KPIs, effectiveness cannot be measured.	There should be KPIs such as attendance, community meetings held, service delivery issues resolved, projects initiated, IDP submissions accepted, response time, public participation numbers.
2.3 Service Delivery Reporting Requirement	The requirement that every Ward Committee member submit 15 service delivery requests every quarter is problematic. This encourages: -quantity rather than quality, duplication, unnecessary complaints. A better measure would be-Percentage of reported issues resolved.
2.4. No Skills Requirement- The Rules describe representation but never consider competency	For example: Should every Ward Committee have members with knowledge of engineering, planning, finance, environment, economic development, safety and governance. Probably yes- Otherwise the committee becomes representative but not effective.
2.5 Missing Digital Governance- Modern committees increasingly need these tools.	Although WhatsApp is mentioned, there are no standards for online voting, digital consultation, online surveys, document sharing, electronic attendance or hybrid meetings.
2.6 Weak Conflict Resolution- This may become problematic	The draft mentions conflict resolution. It does not describe mediation, appeals, disciplinary procedures or independent review.
2.7 No Strategic Planning Cycle- The Rules do not prescribe such a governance cycle.	Ward Committees should work on an annual planning cycle. For example- January – priorities, March IDP,June- Budget, September – monitoring and December -Annual Review.

3.Representation

The new proposed sector representation is significantly broader. It now includes formal business, informal business, NGOs, CBOs, environmental groups, safety, vulnerable groups, socio-economic development and traditional leadership. This is a considerable improvement over the previous generic sector model. However, there remains no guarantee that the most active organisations are represented.

4. Missing Elements

From a governance perspective I believe the Rules should also include:

4.1 Annual Performance Report: -Each Ward Committee should submit achievements, challenges, statistics, community engagement, expenditure and recommendations.

4.2 Community Satisfaction Survey: -Once a year.

4.3 Annual Ward Scorecard: -Measure attendance, participation, project implementation, communication AND municipal response times.

4.4 Risk Register: -Every Ward Committee should maintain infrastructure risks, environmental risks, disaster risks, social risks and safety risks.

4.5 Priority Register: -Maintain Top 10 priorities and monitor progress monthly.

4.6 Escalation Procedure: -Currently many issues disappear inside municipal administration. There should be escalation levels. Director to Municipal manager to Portfolio committee to Province.

5. Summary of recommendations that could transform Ward Committees into high-performing, accountable community governance structures:

- **Introduce measurable Key Performance Indicators (KPIs)** for each Ward Committee, such as attendance, community engagement, issues resolved, projects implemented, and response times.
- **Develop an Annual Ward Operational Plan** with clear priorities, responsibilities, budgets, timelines and measurable outcomes.
- **Implement a Ward Performance Scorecard**, reported quarterly to Council and made available to the public.
- **Strengthen accountability of municipal departments** by requiring written progress reports on all Ward Committee resolutions, with agreed turnaround times.
- **Establish a formal escalation process** for unresolved matters, allowing issues to be referred progressively to Directors, the Municipal Manager, the Executive Mayor and Council.
- **Require annual public feedback meetings** where the Ward Councillor and Ward Committee report back to residents on achievements, outstanding issues and future priorities.
- **Create sector-based task teams** (e.g. Safety, Environment, Infrastructure, Economic Development, Social Development) to utilise community expertise and improve implementation.
- **Strengthen election procedures** by providing clear rules on nominations, voting methods, voter eligibility, dispute resolution and the filling of vacancies.
- **Introduce mandatory induction and ongoing training** for all Ward Committee members on municipal governance, legislation, ethics and community engagement.
- **Use digital communication and reporting platforms** to improve transparency, track service requests, monitor progress and keep residents informed.

6. Overall Assessment

The draft represents a meaningful evolution from the 2022 Rules. It shifts Ward Committees away from being primarily meeting-based advisory structures toward bodies with clearer governance responsibilities, stronger community engagement expectations, and a more structured operational framework.

However, the proposed Rules still stop short of creating genuinely high-performing governance structures. They remain heavily dependent on the Ward Councillor, contain no objective performance management system, provide limited mechanisms for measuring outcomes, and place significant administrative demands on volunteers without matching support structures.

If strengthened by introducing **performance management, measurable accountability, stronger municipal reporting, transparent elections and structured community oversight**, Ward Committees can evolve from primarily advisory bodies into **effective partners in local governance, service delivery and community development**. These enhancements would significantly improve public confidence, responsiveness and the overall effectiveness of the Ward Committee system and position Overstrand's Ward Committee system as one of the stronger local governance models in South Africa.

9

WAYNE JACKSON

Here is a critical analysis of the Overstrand Municipality Draft Revised Ward Committee Rules (June 2026).

This breakdown highlights clauses that create administrative burdens, restrict communication, or limit the representation and influence of local civic bodies such as the Ratepayers' Association, Neighbourhood Watch, and individual community members.

1. Excessive Communication Restrictions & Delayed Reporting

Schedule 2: Code of Conduct — Clauses 6.2 & 6.3

- **The Rule:** Ward Committee members are forbidden from publishing comments or information purporting to be ward committee minutes prior to the municipal administration loading official minutes onto the municipal website. They are also prohibited from publishing comments or opinions that are deemed not factually accurate or reflective of meetings.
- **Negative Impact:** Municipal administrative uploading of minutes can take weeks or months. This clause effectively acts as a gag order on civic representatives, preventing the Ratepayers' Association or Neighbourhood Watch from issuing prompt, transparent updates to their fee-paying members or community WhatsApp groups regarding municipal decisions. Furthermore, determining what is "factually accurate and reflective" could be used selectively to penalize representatives who express critical opinions on council affairs.
- **Proposed Comment / Objection:** *Request that civic representatives be permitted to issue executive summaries or constituent updates immediately following meetings, provided they are clearly marked as unofficial feedback.*

2. Overly Restrictive Membership & Exclusion Rules

Clause 6.10: Family Member Exclusion

- **The Rule:** Close family members (husband, wife, child, parent) may not serve on the same Ward Committee.
- **Negative Impact:** In smaller coastal communities, civic volunteer pools are often reliant on dedicated local couples or families who actively manage different portfolios (e.g., one spouse running the Neighbourhood Watch/Safety portfolio and the other running an Environmental or Ratepayer portfolio). Disqualifying one spouse because the other serves on the committee penalizes active volunteerism.
- **Proposed Comment / Objection:** *Amend Clause 6.10 to allow family members to serve provided they represent entirely separate, non-overlapping sectors or geographical blocks.*

Clause 12.1.6: Dual-Role Disqualification

- **The Rule:** If an executive member manages the affairs of an organization or sector, they are strictly ineligible to be elected as a geographical block representative for the Ward Committee.
- **Negative Impact:** This rule forces experienced community leaders (such as a Ratepayers or Neighbourhood Watch executive member) to choose between representing their organization or representing their immediate geographic street block/zone. It narrows community choices for block representatives.
- **Proposed Comment / Objection:** *Remove the restriction unless a clear, direct conflict of interest is demonstrated in a specific vote.*

Clause 6.9.5: Disqualification for Municipal Debt

- **The Rule:** Nominees are disqualified if they have been indebted to the Municipality for longer than 3 calendar months without a settlement arrangement.

- **Negative Impact:** Due to ongoing municipal billing disputes, incorrect account estimates, or administrative backlogs, residents frequently hold disputed balances with Overstrand Municipality. Disqualifying volunteers based on pending billing disputes could exclude highly qualified civic members.
- **Proposed Comment / Objection:** *Clarify that account balances currently subject to a formal, logged municipal dispute or billing query do not count as disqualifying debt.*

3. Disqualification of Representatives Due to Parent Organization Inaction

Clause 16.8: Automatic Termination via Organization Administrative Failure

- **The Rule:** A Ward Committee member vacates their office if the organization or sector they represent fails to adopt a constitution or fails to provide minutes of at least three meetings per annum to the municipal administration.
- **Negative Impact:** This places an unfair burden on the individual representative. If an organization's secretarial team delays or fails to forward meeting minutes to the municipality, the Ward Committee member is automatically stripped of their seat through no personal fault or misconduct of their own.
- **Proposed Comment / Objection:** *Mandate a 30-day written warning notice to both the member and the organization before any termination under Clause 16.8 can be enforced.*

4. Arbitrary Quotas & Heavy Administrative Burdens on Volunteers

Clause 11.11: Mandatory Service Request Quota

- **The Rule:** Ward Committee members must report at least 15 basic service delivery requests/issues pertaining to infrastructure maintenance per quarter using unique reference numbers across official platforms.
- **Negative Impact:** Forcing an arbitrary quota of 15 logged faults per quarter shifts the role of a strategic Ward Committee member into that of an unpaid municipal fault inspector. In well-maintained areas or sectors focused on governance/safety rather than infrastructure, members may be forced to log trivial issues simply to meet a bureaucratic quota.
- **Proposed Comment / Objection:** *Amend "must report at least 15" to "may log service delivery issues as required, with reimbursement tied to actual community engagement rather than fault quotas."*

Clauses 11.9 & 11.10: Unrealistic Reporting Deadlines

- **The Rule:** Members must hold constituency report-backs at least quarterly and submit formal minutes/reports to municipal administration within 14 working days.
- **Negative Impact:** Volunteers running community organizations often face delays in drafting and formally approving minutes. Short turnaround times tied to out-of-pocket expense reimbursements create unnecessary administrative pressure.
- **Proposed Comment / Objection:** *Extend the minute submission deadline from 14 working days to 21 working days.*

5. Unbalanced Discretion & Power Dynamics

Clause 12.4.5: Ward Councillor Discretion over Sector Ratios

- **The Rule:** The ratio between organizations/sectors and geographical block representation is determined by the newly elected Ward Councillor in consultation with the election officer.
- **Negative Impact:** Giving the Ward Councillor significant discretion over how seats are split between sectors and geographical blocks allows a sitting councillor to potentially structure the committee to favor specific friendly sectors while minimizing seats for critical bodies like Ratepayers' Associations or Safety groups.
- **Proposed Comment / Objection:** *Establish a fixed, standardized ratio across all wards (e.g., 50% sector representatives, 50% geographical block representatives) rather than leaving it to councillor discretion.*

Clause 11.6: Rigid Agenda Submission Lead Times

- **The Rule:** Items for discussion must be submitted to the administration/Ward Councillor at least 10 working days before an official meeting.
- **Negative Impact:** A two-week advance deadline prevents urgent, emerging community issues (such as sudden security threats, disaster responses, or immediate municipal service breakdowns) from being formally placed on the Ward Committee agenda.
- **Proposed Comment / Objection:** *Allow a provision for emergency or urgent supplementary agenda items to be added up to 48 hours prior to the meeting with the approval of the committee.*

#10

DAVID PEDDLE

Annexure B

1/29

Draft 9 June 2026



DRAFT REVISED

Ward Committee Rules

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

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3/29²**1. PREAMBLE**

- 1.1 It is essential for good governance that citizens are actively involved in the processes with regard to planning, budgeting, monitoring and evaluation of programmes/projects.
- 1.2 Ward Committees (WC) are regarded as the vehicle to promote good governance at the local government level and serve as advisory bodies that assist the municipal council in achieving the constitutional objectives of local government.
- 1.3 The Overstrand Municipality is governed as a municipality with a mayoral executive system combined with a ward participatory system as per Section 9(d) of the Local Government: Municipal Structures Act, 1998.
- 1.4 The establishment and operation of a Ward Committee must be in accordance with Section 72 to 78 of the Local Government: Municipal Structures Act, 1998.

2. APPLICATION OF RULES

- 2.1 As per section 2 of the Overstrand Municipality: By-law on Rules of Order for Internal Arrangements, these rules apply to all meetings of committees.
- 2.2 Except where it is clearly inappropriate, a rule applying to a Councillor in any proceedings, also applies to a member of the public who attends those proceedings.

3. OBJECTIVES

- 3.1 The objective of a ward committee is to enhance participatory democracy in local government.
- 3.2 Ward Committees must participate in the following:
- 3.2.1 Preparing, implementation and review of the Integrated Development Plan (IDP);
- 3.2.2 Establishment, implementation, and review of a Performance Management System (PMS);
- 3.2.3 Preparation of the budget;
- 3.2.4 Strategic decisions of the Municipality relating to the provision of municipal services in terms of Chapter 8 of the Systems Act, 2000.
- 3.3 A Ward Committee is the official channel of communication between the community and municipality regarding mandated municipal matters in a particular Ward. Apart from the formal scheduled ward committee meetings, ward committees can meet informally and create other communication channels such as WC WhatsApp Group and social media to engage with members in the ward. WC members can share this information with their community members.
- 3.4 The ward committee is an advisory body, meaning that it can make recommendations to the Ward Councillor(s) and Municipal Council, but does not have the power to make decisions on its own.

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4 DEFINITIONS

Budget	Refer to the annual budget of a municipality in terms of the Local Government: Municipal Finance Management Act, 2003
<u>CBO</u>	A Community Based Organisation
<u>Chairperson</u>	A Ward Councillor of the Municipality elected to chair the Ward Committee meetings in terms of Section 73(2)(a) of the Municipal Structures Act
Code of Conduct	Code of conduct means Code of Conduct available to Ward Committee Members as set out per Schedule 2
<u>Community</u>	Residents of a ward, i.e. the ward community
<u>Community Engagement</u>	Ward Committee should actively engage with the community through regular public meetings, surveys and feedback mechanisms to ensure that the community's needs and concerns are accurately represented
Constitution	The Constitution of the Republic of South Africa, 1996, which is the supreme law of the country
Council	The municipality's body of elected Councillors and proportionally representative Councillors (comprising of the local government) as established in terms of the Municipal Structures Act
<u>Election Assistant</u>	Municipal and/or Provincial Department Local Government (DLG), Independent Electoral Commission (IEC) or District Municipality appointed by the Election Officer to assist with the election of Ward Committee Members
Election Officer	Municipal and/or Provincial Department Local Government (DLG), Independent Electoral Commission (IEC) or District Municipality responsible for supervising and coordinating an election venue to ensure that the election (voting) of Ward Committees is conducted in terms of this Policy
Geographical Block	Represents the interests of an identified geographical block, for example neighbourhood, extension, village in a particular ward

Commented [DP21]: Rewrite sentence and spacing again at end of line!!

Commented [DP22]: spacing

Commented [DP23]: Why underlined and indeed why is explanation also underlined and subsequently?

Commented [DP24]: Spacing and after Section..

Commented [DP25]: Rewrite sentence and spacing

Commented [DP26]: Spacing and after -feedback..and ...before

Commented [DP27]: spacing

Commented [DP28]: Spacing at end of each sentence

Commented [DP29]: Rewrite sentence

Commented [DP30]: Add of

Commented [DP31]: Spaces at end of sentences

Commented [DP32]: Spacing! I suspect someone thinks to put in a space at end of each sentence is the way to get sentences aligned!! Every par has this fault!

<u>IEC</u>	The <u>IEC</u> most commonly refers to the Electoral Commission of South Africa, an independent, Chapter 9 constitutional institution established in 1996 to manage free and fair elections for national, provincial and municipal legislative bodies. It handles voter registration, election administration, results and voter education
<u>In-Committee</u>	Means a formally constituted meeting of a council or committee from which the public is excluded in order to consider confidential or legally protected information
<u>Integrated Development Plan</u>	The principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development in a municipality
<u>Member</u>	A person elected or co-opted into a Ward Committee

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Commented [DP34]: Why say, most commonly It is just so!

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Commented [DP36]: Spacing and underlining throughout!!

4

5/ 29

<u>Monitoring and Evaluation</u>	<u>Ward Committees should regularly monitor and evaluate their activities and the impact of their decisions on the community, reporting their findings to the Council and the public</u>
Municipal Manager	Head of administration, accounting officer of the Municipality and appointed by Council in terms of Section 54A of the Local Government: Municipal Systems Act, No 32 of 2000
Ordinary Meeting Cycle	Consists of meetings in the following order, namely: Ward Committees, Portfolio Committees, Executive Mayoral Committee meetings and Council meetings
<u>Ordinary Ward Committee Meeting</u>	<u>Means a scheduled, official meeting of a ward committee convened to consider routine matters, community issues, and the municipal service delivery within the ward. Members of the public have observer status and may only address the meeting with approval of the Chairperson</u>
Organisation	Represents a specific interest of the community resident in the particular ward, for example youth, women, religious grouping, ratepayers' associations, etc. but not a political party
Performance Management System (PMS)	A two-way communication process between the Municipality and the community that measures specific targets, standards and priorities that were agreed upon during the IDP process
<u>PR Councillor</u>	<u>A proportional representative municipal councillor elected in terms of Section 22(a) of the Local Government: Municipal Structures Act, No 117 of 1996 to represent a party on the Council of a municipality</u>

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Commented [DP37]: Why underlined as for headings below?

Commented [DP39]: Add group within the..

Commented [DP40]: Not a process per se as this is the outcome of a successful PMS. Redraft this sentence

Commented [DP41]: I understand what is meant but very poorly explained

<u>Predetermined Geographical Block/s</u>	<u>Means formally identified and demarcated areas within a ward or municipal boundary that are established in advance for planning, administrative or community representation purposes</u>
<u>Public meeting</u>	<u>Means a ward committee meeting convened to facilitate community participation, where residents of the ward are afforded an opportunity to engage with the Ward Councillor and committee members on municipal matters</u>
Sector/Interested Group	Represents a broader scope of similar interests (umbrella body/structure) of the community for example, Sport & Recreation, Health & Welfare, etc.
Speaker	The Speaker of the Council elected in terms of Section 36 of the Local Government: Municipal Structures Act 117 of 1998
Special Meetings	Scheduled for Council to consider for example the annual IDP/Budget Process Plan, new/revised IDP, the Budget, Mid year Adjustment Budget, etc.
Voters' Roll	The national common IEC voters' roll compiled in terms of the Electoral Act, 1998
Ward Committee Operational Plan	Annual plan of activities to be performed/executed by Ward Committee Member's representative in a ward committee
<u>Ward Councillor</u>	<u>A representative that serves as the liaison/link/channel between the communities they represent and the municipal council, reporting back regularly through ward meetings and assisting the community in identifying needs and priority</u>

Commented [DP42]: Why is this underlined?

Commented [DP43]: I am afraid this sentence does not make sense. Rewrite. Underlining and spacing!!

Commented [DP44]: I am afraid that this definition of a ward councillor is neither complete nor accurately represents what they are tasked to do as representatives of a political party unless an independent councillor!

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	<u>areas of development which feed into the municipality's planning processes</u>
Youth	People within the age group of 18 to 30 years are elected to a ward committee to represent the interest of young people between the age groups of 14 to 35 years. The mentioned age group eligible for election will ensure that representatives can be registered on the voters' roll and are able to serve a term of five years on ward committee

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5 LEGAL FRAMEWORK

5.1 The Constitution of South Africa, 1996

5.2 Municipal Structures Act, Local Government: Municipal Structures Act, No 117 of 1998

- 5.3 Municipal Systems Act, Local Government: Municipal Systems Act, No 32 of 2000
- 5.4 Municipal Finance Management Act (MFMA), Local Government: Municipal Finance Management Act, No 56 of 2003
- 5.5 Guidelines for the establishment and operation of Municipal Ward Committees, Notice 965 of 2005
- 5.6 National Policy Framework for Public Participation, 2007
- 5.7 National Framework: Criteria for Determining out of pocket expenses for Ward Committee Members, 2009
- 5.8 Overstrand Municipality: Public Participation Policy, 2016
- 5.9 Overstrand Municipality: By-law on Rules of Order for Internal Arrangements, 2022 **6**

MEMBERSHIP

- 6.1 A Ward Committee consists of the Ward Councillor and not more than ten (10) other persons elected to represent organisations/sectors or pre-determined geographical blocks which will be clearly defined and demarcated sections within a specific area or ward that are identified in advance for administrative, planning, operational or representation purposes.
- 6.2 The Ward Councillor representing the Ward in the Council must be the chairperson of the Ward Committee.
- 6.3 The members represented in a ward committee can be elected based on sectorial model (organization/sector) or pre-determined geographical (block) model or a combination of both models to accommodate circumstances prevailing in a particular ward.
- 6.4 In areas where there are many similar interest groups, a need may exist to cluster them in order to ensure the broadest representation in Ward Committees. Thus, **Umbrella Bodies** to serve on the Ward Committees.
- 6.5 Criteria for Membership

Commented [DP46]: What happened to 6.

Commented [DP47]: Why is this underlined? Spacing issues again!

Commented [DP48]: Rewrite this sentence

6
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Proposal to ensure a balanced sectoral representation in terms of the SALGA guideline (pg. 16 – 17), the following representation is proposed:

Commented [DP49]: I don't understand why there is a question in this document?

- i) Gender
- ii) Organised formal business community (examples: Local business forums; Tourism and Hospitality Associations; Industrial area business forums; Shopping Centre or CBD business forums)
- iii) Organised informal business community (examples: Street/Informal Traders' Association; Spaza Shop Forums; Home-Based Business Forums)

Commented [DP50]: What is meant by the word Gender? Should there not be a sentence to explain what is meant?

- iv) Civil Society Organisation (examples: Non-Governmental Organisations (NGOs); Community-Based Organisations (CBOs); Faith-Based Organisations (FBOs); Environmental & Social Development Groups; Community Safety Structures)
- v) Socio-Economic Development (examples: Skills Development & Employment Creation; Poverty Alleviation & Social Support; Youth, Women & Vulnerable Group Empowerment; Education & Digital Access)
- vi) Traditional Institutions and faith-based organisations (examples: Traditional Councils; Recognised Traditional Leaders; Houses of Traditional Leaders; Customary Community Structures)
- vii) Special designated groups (examples: Youth; Senior Citizens/Older Persons; LGBTQIA+; Persons with Disabilities; Women, children & vulnerable groups).

6.6 The election of Ward Committee Members described in 5.3 above must take into account the need:

- **[That at least 3 (three) of the 10 (ten) community members elected on the Ward Committee are women.]**

- To strive for equal gender representation in the composition of the ward committee.

6.7 No organisation may have more than one representative in a Sector on a Ward Committee.

6.8 No individual representation will be allowed in a ward committee.

6.9 A person to be elected to represent a sector/organization/geographical interest on a ward committee must:

6.9.1 Be a registered voter (18 years and older) and whose name appears on the voters' roll for the particular ward;

6.9.2 Not be a member of a Municipal Council;

6.9.3 Not be permanently or contractually employed by the Municipality;

6.9.4 Not be a Community Development Worker or employed by another sphere (Local, Provincial, National of Government;

6.9.5 Not have been indebted to the Municipality for a period longer than three (3) calendar months, with the exception that proof can be provided 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;

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6.9.6 Not have been convicted of an offence and sentenced for a period of more than twelve (12) months.

6.10 Close family members (husband, wife, child, parent) may not serve on the same ward committee.

6.11 The Code of Conduct for Ward Committee Members will be applicable to members of the

Commented [DP51]: I am of the opinion that this document must lay down the precise requirements for a ward committees. To list all the above groupings is very interesting but does not resolve the problem of the composition of a WC! Seeing as the WC are permanent institutions and the wards also more or less permanent as well, more clarity is needed as to how all or only some of these interest groups can or must be represented on the WC or else every election will result in a greater or lesser uproar from special interest groups who feel they should be represented!

Commented [DP52]: Spacing again. This paragraph needs to be rewritten.

Commented [DP53]: Sentenced to what? Jail community service suspended sentence?

committee during their term of office.

7 THE ROLE OF THE SPEAKER

- 7.1 Presides at meetings of the Council.
- 7.2 Performs the duties and exercises the power delegated to the Speaker in terms of Section 59 of the Local Government: Municipal Systems Act, 2000.
- 7.3 Must maintain order during meetings.
- 7.4 Must ensure that the legislative authority of the municipality functions effectively.
- 7.5 Is responsible for the effective oversight over the executive authority of the municipality.
- 7.6 Must ensure the effectiveness and functionality of ward committees and the public participation process.
- 7.7 If a local council is unable to establish a ward committee(s) within 120 days after the election of the municipal council, the Speaker must, prior to the expiry of the 120 days after the elections, in writing and on good cause shown, request the MEC, responsible for local governance in the province concerned, for an extension.

Commented [DP54]: Presides means to be in charge, to sum up the many interpretations, I do not think the speaker chairs the Council meetings with the Mayor being present?

Commented [DP55]: Why is everything underlined?

8 THE ROLE OF THE WARD COUNCILLOR

8.1 Public Representative of the Ward

- The Ward Councillor represents the interests of the people in his or her ward in the municipal council.
- They communicate the concerns, needs and aspirations of their ward to the broader municipal government.
- They ensure that local issues are addressed in council decisions and policies.

Commented [DP56]: This heading is badly drafted. Who is this Public Representative?

Commented [DP57]: No numbering or as a result of change to Word?

Commented [DP58]: Who is the 'They>'? This must be more clearly spelt out. Poor language.

8.2 Chairperson of the Ward Committee

- Chairs the ward committee, a structure that facilitates community participation in local government.
- Work closely with ward committee members to identify community priorities and channel those into municipal processes including budgeting and planning.

Commented [DP59]: This paragraph does not fit the heading 8 or 8.1, nor give guidance as to what the apparent roles of the Public Representative could be, which is what the par seems to which to set out to do! Need to be rewritten completely!!

Commented [DP60]: Unnecessary verbage. First 4 words are sufficient.

8.3 Facilitator of Public Participation

- They promote and encourage community involvement in municipal decision-making processes, including the Integrated Development Plan (IDP) and budget processes.

Commented [DP61]: What does this 'They' mean? Surely we are speaking about the Ward Councillor of whom there is only one in a WC? There seems to be confusion in the writers mind as to what he is addressing in this par 8.3 either the councillor or the WC members? Redraft par.

- They help to ensure that all sectors of the community, including marginalized groups, are heard.

8.4 Oversight and Accountability

- Ward Councillors monitor service delivery within their wards and report shortcomings or poor service delivery to the municipality.
- They play a watchdog role by holding the municipal administration accountable for services delivered to their communities.

Commented [DP62]: The frequent use of the word 'They' is not good style as the correct usage should be - The Ward Councillor!

Commented [DP63]: Aha an important point which requires some detail as to just how the councillor will hold the administration accountable?

8.5 Problem-Solving and Conflict Resolution

- They help to mediate and resolve local disputes between community members, or between residents and the municipality.
- They assist in addressing grievances related to municipal services.

8.6 Communication Link

- They inform residents about municipal projects, plans and policies.
- They provide feedback from the municipality to the community and vice versa.

9 THE ROLE OF PROPORTIONAL REPRESENTATIVE (PR) COUNCILLORS IN WARD COMMITTEES

- 9.1 Supports the Ward Councillor but does not replace the Ward Councillor.
- 9.2 PR Councillors elected to serve in the municipality must be ex officio and non-voting members of the Ward Committee of the ward they reside in, or any other Ward Committee assigned to them by the Speaker.
- 9.3 Can handle queries and complaints in consultation with the Ward Councillor.
- 9.4 Should attend ward committee meetings, community member meetings and special meetings.
- 9.5 Can assist with resolving disputes and making referrals.
- 9.6 Can help with the implementation of projects.

Commented [DP64]: Are they allowed to deputise for an absent councillor, and what would his authority be in such meetings?

10 THE ROLE OF THE WARD COMMITTEE

Commented [DP65]: Spelling

10.1 Facilitating Public Participation

- Ward Committees serve as a bridge between the community and the municipality, ensuring that residents have a platform to express their needs, concerns and priorities.
- They help mobilize community involvement in municipal planning, budgeting and decision-making processes.

Commented [DP66]: I am not enthusiastic about this heading! Rather it should be removed as it serves little purpose below the heading of Role...! Possibly a better heading might be 'Aim of the WC.' Seeing as the functions are spelt out later?

Commented [DP67]: The word 'they' should be replaced with 'The ward committee'. Poor style

9
10/ 29

- Is an integrative umbrella body responsible for co-ordination of ward developmental initiatives, promotion of accountability and social cohesion.

Commented [DP68]: Why underlined and sentence construction is poor.

10.2 **Advisory Role**

- They act in an advisory capacity to the Ward Councillor, offering input on issues affecting the ward.
- They assist the Councillor in communicating with the public and gathering information on community needs and opinions.

Commented [DP69]: Use of word 'they'!

Commented [DP70]: Ditto

10.3 **Monitoring Service Delivery**

- Ward Committees play a role in monitoring and evaluating municipal service delivery in their areas.
- They help identify service delivery failures or challenges and communicate them to the municipality.

Commented [DP71]: They! Poor sentence construction.

10.4 **Promoting Accountability and Transparency**

- By facilitating open communication between the municipality and community members, ward committees promote transparency in local government processes.
- They assist in holding the municipality accountable for the quality and effectiveness of services.

Commented [DP72]: They!

10.5 **Community Development Support**

- Ward Committees support local development initiatives and help prioritise development projects in their wards.
- They may assist in developing Integrated Development Plans (IDPs) by providing local knowledge and input.

Commented [DP73]: Poor construction. Rather - Development of Community Support. Note as always spacing issues.

10.6 Ward Committees must perform their functions impartially without fear, favour or prejudice.

10.7 Community Engagement: Ward Committees should actively engage with the community through regular public meetings, surveys and feedback mechanisms to ensure that the community's needs and concerns are accurately represented.

10.8 Transparency and Accountability: Ward Committees must maintain transparency in their operations by keeping detailed records of meetings, decisions, and actions, which should be accessible to the public.

10.9 Training and Capacity Building: Members of Ward Committees should receive regular training on local governance, municipal processes and community engagement to enhance their effectiveness.

10.10 Conflict Resolution: Ward Committees should establish clear procedures for resolving

conflicts within the committee and between the committee and the community.

- 10.11 Monitoring and Evaluation: Ward Committees should regularly monitor and evaluate their activities and the impact of their decisions on the community, reporting their findings to the Council and the public.

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11 **POWERS AND FUNCTIONS OF WARD COMMITTEES**

A ward committee member is elected by the community to represent and advance the interests of the ward or organization/sector/block that nominated them. They serve as a link between the community and ward committee, ensuring that the voices, concerns and priorities of their wards or sectors/blocks are heard.

In carrying out this role, a ward committee member must actively consult and engage with their ward or organization/sector/block on all matters that are to be discussed by the ward committee. Before every ward committee meeting – whether it is an ordinary meeting or a public community meeting – the member is required to consult with their wards or sectors/blocks and gather their views, inputs and concerns. These perspectives must then be presented and represented at the relevant ward committee meeting(s).

- 11.1 Ward Committees **[together with the Overstrand Municipal Advisory Forum (OMAF)]** will act as the official liaison mechanism on all strategic municipal matters affecting the community, provided that in matters relating to drafting and implementation of the municipality's integrated development plan and the monitoring, measurement and review of the municipality's performance in relation to the key performance indicators and performance targets set by the municipality, the Overstrand Municipal Advisory Forum (OMAF) will be the official liaison mechanism in conjunction with the Ward Committees.
- 11.2 Ward Committees will be the official body with which the Ward Councillors will liaise regarding any matter affecting their respective wards and more specifically items on the agenda affecting the particular ward.
- 11.3 The Ward Councillors must give regular feedback at ward committee meetings and at least on a quarterly basis to their wards and communities on Council matters, as required in the Code of Conduct for Councillors. This constitutes the public ward feedback / public community meetings.
- 11.4 Ward Committees must annually compile their respective Ward Committee Operational Plans on the prescribed Provincial Local Government template which includes a range of activities to be executed during the following financial year. This may be used as one of the determining factors for reimbursement of Ward Committee Members for out-of-pocket expenses incurred.
- 11.5 Ward Committee Members/Secundus must attend all official Ward Committee meetings scheduled in terms of Council's meeting cycle or upon special request by the Ward Councillor or Speaker.
- 11.6 Members of the Ward Committee must submit items for discussion to the Administration/Ward Councillor at least ten (10) working days before the official ward committee meeting.
- 11.7 Item(s) discussed at Ward Committee meetings that require formal report(s) to Portfolio Committee(s) for consideration must be finalized by the relevant manager to serve on the agenda of designated Portfolio Committee(s) at the following ordinary meeting cycle.

Commented [DP74]: The question of consulting in Kleinmond/Palmiet (Block sector) is a nebulous concept, because to get ratepayers to attend meetings in anything like numbers exceeding 10 persons is at best almost impossible! A thousand excuses exist or simply none at all! People prefer to chat on WA and complain, to even to get a number to consecutively answer a request is also difficult. House visits are time consuming and of limited value, 10 people visited would represent days worth of stopping by per house and hours worth of chat per house! Fliers are costly and response is minimal although no doubt the sheet is read, but reaction, she is not big! The only viable and practicable method is WA messages on a dedicated group - closed or open is a question? Consequently when the target audience reached by WA, on average there will be 5 - 10 active responses although many will no doubt have at least seen/read? the messages! Where a committee member is representing an organisation - a committee then the feedback/information goes into a closed loop and out as minutes to a wider audience who a month later could have responded? Consequently I believe this concept of 'consultation' cannot realistically be tied to formal meetings with agendas and minutes because one is effectively gathering responses on a specific topic from a wide range of sources and can at best be summed up in a document called Confirmatory Notes/Responses .. From the target audience! Other wards may have a different target response?

Commented [DP75]: How and who from the WC is represented on the OMAF. OMAF is in accordance with this guideline the official channel to the Mayco/Council for the WC? This cannot be correct! The councillor liaises directly with Council must now also/only channel any decisions reached by the WC, as it which it would appear OMAF must approve all such decisions in order to take such decisions forward?

Commented [DP76]: I feel that there must be an official meeting 1x per month some of which can be 'public' meetings, with special meetings possible in between as required for eg sub committees which the W Cllr need not attend.

Commented [DP77]: Need a definition of this see above point re 11

Commented [DP78]: Agenda items submitted may be rejected by WCllr due to time constraints. However feedback is required why before the meeting takes place!

11.8 **Recommendations** for last mentioned items must be made by the local Ward Councillor/designated chairperson of the Ward Committee.

Commented [DP79]: To whom must cllr submit recommendations to and only ito par 11.7 above ?

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11.9 Ward Committee Members must **report** back to their respective constituencies (organisations/sectors/geographical blocks) at least on a quarterly basis. This may be used as one of the determining factors for reimbursement of Ward Committee members for out-of-pocket expenses incurred.

Commented [DP80]: See par 11 above comments.

11.10 Formal minutes/reports of quarterly report back meetings of wards (referred to in 10.9) should be submitted to the municipal administration via the Ward Councillor within fourteen (14) working days after the meeting.

11.11 Ward Committee Members must report at least 15 basic service delivery requests/issues pertaining to maintenance of infrastructure on a quarterly basis using their allocated unique reference numbers to any of the following platforms/service enquiries namely:

- a) Overstrand Collab Citizen App
- b) Contact Centre (24/7) or Emergency Control Room
- c) enquiries@overstrand.gov.za

11.12 A Ward Committee may establish a task team(s)/sub-committee(s) with the permission of the Ward Councillor necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers **[or to perform specific task(s) on behalf of the committee]**, for example monitoring projects within the ward, street committees. The ward committee may authorize a task team/sub-committee to co-opt advisory members who are not members of the council within the limits determined by the council.

11.13 A nominated Ward Committee member shall chair all task team(s)/sub-committees meetings linked to the portfolio he/she represents at a ward committee level.

11.14 A formal process to determine formalization of participation in a task team(s)/sub committees of the Ward Committee should be developed and formalized by the municipality.

11.15 The Ward Committee and task team(s)/sub-committees may meet together as a ward forum for major discussions.

11.16 All stakeholders in the ward should be encouraged to participate in task team(s)/sub committees that are relevant to their fields of interest and to their day-to-day functioning as a sector.

11.17 The task team(s)/sub-committees must report back to their respective Ward Committees on tasks assigned to them as and when required by the Ward Councillor.

11.18 It is required of Ward Committee Members/Secundus to attend training/capacity **building** sessions scheduled by the municipality or other sphere (Provincial/National) of government.

Commented [DP81]: It will be good if a year schedule/programme is put out by Prov/OM with the details of the training sessionS and dates & local given as well.

11.19 It is the responsibility of all Ward Committee Members/Secundus to attend the Overstrand Municipal Advisory Forum (OMAF) or forums/meetings/workshops outside the municipality upon formal request by the Ward Councillor/Speaker and/or an official from **Municipal** Administration.

Commented [DP82]: See comment above

11.20 Ward Committees must sign a Code of Conduct to be administered by the respective Ward Councillors and the Speaker of the Council.

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12. OVERALL PROCEDURE FOR ELECTION

12.1 Obtain Nominations to serve on Ward Committees.

12.1.1 The Municipal Manager will **advertise** in the local newspaper(s) a notice for the organisations/sectors eligible for election must have been operational in the particular ward for at least six (6) months, except newly established organisations that directly represent the interest of women, youth, disabled and the elderly.

Commented [DP83]: Rewrite poor choice of words. Don not agree with concept that newly established org can be freed of the earlier strictures! Why do we need the rest to be older than 6 Months?

12.1.2 Representatives nominated by sectors/organisations/geographical blocks on respective Ward Committee must represent a diversity of interest located in a particular ward and also comply with requirements listed under item 6 above.

12.1.3 Notice referred to in 12.1.1 above must be given at least thirty (30) days prior to the date when the date(s) for the elections of Ward Committees are announced.

12.1.4 Nominations referred to in 12.1.1 above must be submitted to the Municipal Manager or his delegate(s) on a pro-forma to be provided by the Administration, by not later than closing date for nominations provided in the notice referred to in 12.1.1 above.

12.1.5 Lists of nominations received for respective Ward Committees (referred to 12.1.1 above) must be compiled and finalized to inform the ballot papers for each ward by the delegate(s) of the Municipal Manager, in consultation with the newly elected Ward Councillors at least 7 (seven) calendar days prior to the first date of the elections of Ward Committees for the Municipality.

12.1.6 If an organization/sector is to be represented on the Ward Committee, no other member of the executive of that particular organization/sector is eligible to be elected as a geographical block representative for the particular Ward Committee. "Executive" means, for the purposes of this paragraph, a person elected or co-opted to manage the affairs of that organization/sector.

12.1.7 Information of nominations received for organisations, sectors and geographical blocks for each Ward Committee (refer to 12.1.6 above) can be verified and revised by registered organisations/sectors and geographical blocks where necessary prior to announcement of Ward Committee election dates for the Municipality.

12.2 Announcement of the Election of Ward Committees

12.2.1 The election (voting) for Ward Committees will be conducted from 10:00 until 19:00 on dates and at election venues determined by the Municipal Manager.

12.2.2 The Municipal Manager must give notice inclusive of the timetable (dates, venues and timeframe) for the voting of the respective Ward Committees of the Municipality to the local community.

12.2.3 Notice referred to in 12.2.2 above must be given at least seven (7) calendar days prior to the first date of the elections of Ward Committees.

12.2.4 More than one election venue can be established in a ward due to the geographical nature of the Ward, based on the discretion of the Municipal Manager. In this case the number of Ward Committee Members to be elected at the respective election venue, will be

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determined proportionally according to the number of eligible voters registered in the latest voters' roll residing in the neighbourhoods which the respective election venues will be serving.

12.3 Appointment of Election Officials

12.3.1 The Municipal Manager will appoint **[Senior Managers and]** Managers of the respective Administration (**Managers: Community Liaison**) and or other Line Manager(s) to act as Election Officers at particular election venues, where election of Ward Committees will be conducted.

12.3.2 The appointed election officers will nominate team(s) of election assistants, respectively from the Municipal Administration to assist with the elections at the various election venues for approval by the Municipal Manager.

12.4 Election (Voting) Process at Election Venues

12.4.1 The elections will be conducted in accordance with the election (voting) process at election venues as contained in Schedule 1 of this Policy.

12.4.2 Only registered voters, whose names appear on the voters' roll of the Ward, where election of a particular Ward Committee are conducted will be eligible to participate in the elections of the particular Ward Committee.

12.4.3 A registered person can only vote for one organization/sector and/or one geographical block representative during the election process of a particular Ward Committee.

12.4.4 A minimum of not less than 5 (five) **organisations/sectors** to be elected as members of a particular ward committee whilst the balance must be elected from geographical blocks.

12.4.5 The ratio between organisations/sectors and geographical block **representation**, also taking into consideration 12.4.4 above, will be determined by the newly elected Ward Councillor, in consultation with the appointed election officer, taking into consideration the nominations received for the particular ward, upon finalizing the list of nominations (refer to 12.1.7 above).

Commented [DP84]: While organisations may come and go, geographical areas will remain and should be listed here.

Commented [DP85]: To my mind the geographic areas represent the ratepayers direct interests, while sports, business and cultural etc orgs represent narrow sectoral interests. Therefore they should not constitute the majority interest on the committee.

12.5 Reporting of Results

12.5.1 The election results for the establishment of Ward Committees must be officially reported to the Council by the Municipal Administration.

13 TERM OF OFFICE

13.1 The term of office of the Ward Committee members is elected for a period coinciding with the term of office of Council.

14 CONDUCTING OF WARD COMMITTEE AND PUBLIC MEETINGS WITHIN THE WARD

14.1 The ward Councillor must convene ward committee and public meetings within the jurisdiction of the ward.

14.2 Ward Committees must meet **monthly/bi-monthly** and the meetings must be aligned to Council's scheduled ordinary- and special meetings in a financial year except when Council is in recess.

Commented [DP86]: Monthly would be more correct, as every 60 days is too long for the response needed at times.

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14.3 Public meetings within the ward must be held quarterly.

14.4 A quorum of a ward committee meeting must consist of at least 50% plus one (1) member (excluding the Chairperson). In the event of a quorum not being achieved (for example in the case of vacancies), the remaining members will constitute a quorum.

14.5 Inquorate meetings shall proceed as an informal meeting with members present. Recommendations of such informal meetings must or have to be referred to the next scheduled ward committee meeting for adoption.

14.6 Subject to the provisions of Rule 2 above, all ward committee meetings as per Council's schedule must be open to the public.

Commented [DP87]: This par refers to a By-Law not attached. It should be.

14.7 A member of the public who is not a member of the committee may address a committee with the permission of the Chairperson.

14.8 The Ward Committee adopts its protocol arrangements in terms of language preference, meeting dates, commencement times of meetings, etc. at the first official meeting after the election of Ward Committees.

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

Commented [DP88]: This places a restriction on the agenda size and therefore not democratic.

- Quarterly public report back meetings: three (3) hours;
- Other meetings: two (2) hours.

14.10 All quarterly report back meetings must be conducted after municipal office hours.

14.11 An employee and councillor of the Municipality must be present at a meeting of a committee before it can be constituted/proceed informally as indicated in 11.3.

14.12 If a member has a direct or indirect financial interest in any matter serving before the committee, unless that interest is the same as any other person in the Ward, such person must recuse himself/herself from such discussion.

14.13 If the Ward Councillor must recuse himself/herself from discussion of an item at the committee, he/she must arrange with another councillor to chair the meeting during such recusal.

Commented [DP89]: Even a PR cllr?

14.14 Any Councillor of the Overstrand Municipality may attend any meetings of Ward Committee.

14.15 No items from the agenda of the political structures of the Municipality marked as confidential by the Municipal Manager may be discussed at a ward committee meeting.

Commented [DP90]: While there are matters of confidentiality in such agenda matters, a situation may arise when it should be opportune to discuss such a matter and special arrangements must be put in place to allow this to happen and the so what thereafter!

14.16 Any Ward Committee Member whose representative(s) (organization/sector/geographical block) is absent without an acceptable reason for three (3) consecutive meetings of the committee during item term of office will be replaced in terms of the Rules for the Filling of Vacancies.

Commented [DP91]: Needs to be redrafted.

14.17 Any Ward Committee Member whose representative(s) (organization/sector/geographical block) is absent, without an apology tendered, for six (6) meetings of the committee during its term of office will be replaced in terms of the Rules for the Filling of Vacancies.

Commented [DP92]: Redraft as per above.

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14.18 The Ward Councillor through the Speaker may delegate in writing the chairing of a meeting in his/her absence to a PR Councillor or to a member of the Ward Committee.

15 ORDER IN MEETINGS AND RULES OF DEBATE

Rule 2 above applies.

Commented [DP93]: Attach the By-Law.

15.1. Conduct of Ward Committee Members and members of the public

15.1.1 Ward Committee Members and members of the public must preserve order and observe decorum at meetings, and they may not –

- a) behave in an inappropriate and/or unbecoming manner.
- b) obstruct the business of the meeting
- c) challenge the ruling of the Chairperson on any point of order
- d) commit any breach of the rules and specifically with regard to Ward Committee Members, the provisions of the Code of Conduct of Ward Committee Members.

Commented [DP94]: If a member has good cause to dispute the Chair, then a mechanism must be available to address the matter.

15.1.2 If a Ward Committee Member or member of the public breaches sub rule 15.1.1, the Chairperson must direct the Ward Committee Member or member of the public to refrain from the breach.

15.1.3 If a Ward Committee Member or member of the public disregards the directions of the Speaker under sub rule 15.1.2, the Chairperson may direct the Ward Committee Member or member of the public –

- a) if speaking, to discontinue his or her speech; or
- b) to withdraw from the place of meeting for the remainder of the meeting or, if necessary, to be removed, from the meeting, by a person designated by the Chairperson.

Commented [DP95]: This represents a very difficult situation and to have people summarily thrown out, lays the Chair etc open to many charges! A dispute resolution mechanism must be laid down for such a situation.

15.1.4 If the Chairperson fails to act under sub rule 15.1.3, any Ward Committee Member may move a motion to require the Chairperson to do so.

15.1.5 The motion referred to in sub rule 15.1.4 must be moved without notice, and if the motion is seconded, it must be put to the vote forthwith without debate.

15.2 Dress code for attendance of meetings

15.2.1 Ward Committee Members –

- a) Must dress in business of traditional attire when attending council meetings;
- b) May wear smart casual clothing when attending committee meetings of council; and
- c) must not wear any clothing affiliated to any political party during council and committee meetings.

15.3 Attendance of members of public

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15.3.1 The Chairperson must take reasonable steps to regulate public access to, and public conduct at meetings.

Commented [DP96]: As well as additional seating arrangements for the public at such meetings if possible.

15.3.2 The Chairperson may at his sole discretion, in terms of section 130 of the Local Government:

Commented [DP97]: Why is everything underlined?

Municipal Finance Management Act, 56 of 2003, allocate reasonable time to any member of the public who wishes to address the Council.

15.4 Exclusions of the public from meetings

15.4.1 The public may be excluded from the meeting

- a) Where so directed by the Chairperson; or
- b) where so decided by the Ward Committee upon a motion from any Ward Committee Member to that effect.

15.4.2 If a motion to exclude the public from the meeting is seconded, the motion must be put to the vote, after discussion of the reasons but without discussion of the matter.

15.4.3 If a motion to exclude the public is carried, the place of meeting shall be cleared of all members of the public, including the media.

15.4.4 The motivation for the exclusion of the public must be minuted.

15.5 Re-admission of members of public

15.5.1 A Ward Committee Member may during the course of a meeting from which the public were excluded, move a motion that the meeting again be opened and state the reasons for the motion.

15.5.2 If the motion is seconded, it must be put to the vote forthwith without debate.

15.5.3 If the motion is carried, the Chairperson must ensure that members of the public are allowed access to the meeting again.

15.6 DEBATE AND MOTIONS

15.6.1 Address to Chairperson

15.6.1.1 A Ward Committee Member or a member of the public who is recognised to speak at a meeting must address the Chairperson.

15.6.1.2 A member of the public who is recognised by the Chairperson must state his or her name, and if he or she is representing an organisation or any group, identify the organisation or group.

15.6.2 Right to speak and limitation

15.6.2.1 A Ward Committee Member may speak or proceed to speak at a meeting after being recognised by the Chairperson.

15.6.2.2 A Ward Committee Member who is not a member of a committee has the right to speak at that committee meeting after being recognised by the chairperson of such committee.

15.6.2.3 A Ward Committee Member must avoid personal attacks on other Ward Committee Member and must refrain from impugning the motives for any argument or vote of another Ward Committee Member.

Commented [DP98]: The democratic process insists on the rights of the ratepayers to attend public meetings. Should a situation arise where the chair or any committee person is of the opinion that the good order of a meeting may be disturbed by certain elements/organisation/s being allowed to enter such chambers, then the chair must give reason for such a decision and the WC should agree to such measures. There must be an 'and' not an 'or' at end of par 15.4.1(a) and the normal voting process. The Chair should never have the automatic right to summarily declare certain people /organisations as this should be seen as ultra vires.

Commented [DP99]: '...without discussion of the matter'. I do not understand why this statement is made or needed?

Commented [DP100]: I do not understand why the media should be excluded, bar to prevent their being privy to matters the public should be able to hear anyway, as national survival is not at risk here! One might well ask if the discussion will be of matters which might be embarrassing, and will result in a most unholy row and will serve no purpose at all.

15.6.2.4 A Ward Committee Member may speak only once to —

- (a) the matter before the Ward Committee;
 - (b) any motion before the Ward Committee;
 - (c) any amendments to a motion before the Ward Committee; or
 - (d) a point of order or a question,
- unless otherwise authorised by the Chairperson or as provided for in these rules.

15.6.2.5 Unless otherwise permitted by the Chairperson, a member may not speak for longer than five (5) minutes on any matter.

15.6.2.6 The Chairperson may extend the time allocated for a speaker where it is necessary for clarity or to facilitate the efficient conduct of the meeting.

15.6.2.7 A Ward Committee Member may not be interrupted while speaking, unless called to order by the Chairperson or a point of order is raised by any other Ward Committee Member.

15.6.2.8 The Chairperson may not recognise a Ward Committee Member to speak on a matter once that matter has been voted on.

15.6.2.9 The Chairperson may not allow a debate on a matter —
(a) which may anticipate any matter on the agenda; or
(b) in respect of which a decision by a judicial or administrative body or a commission of enquiry is pending.

15.7 Content of debate

15.7.1 A Ward Committee Member who speaks must direct his or her speech to the matter before the Ward Committee.

15.7.2 If a Ward Committee Member persists in irrelevance after being requested by the Chairperson to confine his or her speech to the matter before the Ward Committee, the Chairperson must order him or her not to speak further in respect of that matter.

15.7.3 Ward Committee Members and members of the public must preserve order and decorum at meetings, and they may not indulge in tedious repetition of arguments, or unbecoming language or remarks which are of a defamatory nature.

16 TERMINATION OF MEMBERSHIP

16. A member vacates office during a committee's term of office if that member:

16.1 Resigns in writing;

16.2 No longer qualifies;

16.3 Is removed from office;

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16.4 Dies, the organisations' representative must be awarded the opportunity to appoint a new member and Secundus before the next Ward Committee meeting.

- 16.5 Is indebted to the Municipality for more than 3 (three) calendar months and where no agreement was entered into and honoured for payment of mentioned debt;
- 16.6 Is no longer capable to perform the duties attached to the office by majority decision of all members of the committee;
- 16.7 Is convicted of a criminal offence and sentenced to imprisonment without the option of a fine;
- 16.8 Represents an organization/sector/geographical block which fails to adopt a constitution or to provide minutes of at least three meetings per annum. Minutes must be submitted to the Administration via the Ward Councillor;
- 16.9 Is absent from Ward Committee meetings as described per/in terms of 14.16 and 14.17 above;
- 16.10 Disciplined and expelled in terms of the Code of Conduct for Ward Committee Members. Once a member has been expelled from a ward committee, he/she may not be re-elected during the same term of office for Ward Committees.

Commented [DP101]: ..constitution- add 'and' remove 'or'.

Commented [DP102]: Right of appeal must be recognised.

17 FILLING OF VACANCIES

- 17.1 Vacancies will be filled from the replacement list available from the initial or previous election of Ward Committee Members, by the Municipal Administration.
- 17.2 In the absence of such a replacement list, vacancies shall be filled by following the election procedure set out in Section 12 of the Policy.
- 17.3 The process set out in 17.1 and 17.2 above must:
- 17.4 Vacancies must be filled by the next ward committee meeting.
- 17.5 Take into consideration the agreed ratio as described per clause 12.4.4 and 12.4.5 above;
- 17.6 Promote/maintain representation of at least three (3) women per Ward Committee;
- 17.7 Promote/maintain diversity of interests in the Ward to be represented.

Commented [DP103]: See my objections.

18 REIMBURSEMENT OF OUT-OF-POCKET EXPENSES

- 18.1 Ward Committee Members or their Secundus will be reimbursed for out-of-pocket expenses in accordance with the schedule developed and from time to time amended for

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the last-mentioned purpose. The Ward Committee Members will be obliged to:

- 18.1.1 Attend formal scheduled ward committee meetings (per Council's meeting cycle) and to

be present for the duration of such meeting;

18.1.2 Communicate regular basic service delivery requests (if any) as stipulated in paragraphs 10.3 and 11.11 of the Ward Committee Policy and will be remunerated quarterly;

18.1.3 Attend possible training and capacity building programmes and be present for the duration of such training and capacity building programmes;

18.1.4 Ensure that quarterly report back meetings are held with their respective organisations, sectors and geographical blocks. Minutes of meetings will serve as proof of meetings held; and

Commented [DP104]: See comments, about difficulty holding such meetings, above.

18.1.5 Attend and/or participate in other forums formally communicated by the municipal administration (for example Overstrand Municipal Advisory Forum, etc.) and other spheres of government and to be present for the duration of such meetings.

18.2 The reimbursement in respect of travelling costs for all Ward Committee Members, residing outside a 20km radius of the meeting venues within the Ward will be in accordance with the schedule included in the current municipal operational budget. Ward Committee Members will be reimbursed for travelling costs outside a radius of 30km of the meeting venue within or outside the Ward at the rates applicable to Councillors.

18.2.1 Elected Ward Committee Members (excluding Councillors) will be reimbursed for out-of-pocket expenses as per the following guidelines, namely:

18.2.2 That the reimbursement amount will be paid to the Ward Committee Members in person and not to the organization/sector/geographical block that he/she represents;

18.2.3 That Secundus for representatives of organisations/sectors/geographical blocks will be reimbursed for attendance in the absence of the first/second nominated representatives at a particular, official ward committee meeting;

18.2.4 That reimbursement only be paid on verification of attendance register of meetings attended and that reimbursement will only be electronically transferred to the bank account of the relevant Ward Committee Member(s);

18.2.5 That Ward Committee Members may elect not to be reimbursed by informing the administration in writing to such effect.

19 RESPONSIBILITIES OF THE MUNICIPAL ADMINISTRATION

19.1 Provide administrative support to Ward Councillors and Ward Committees to arrange official ward committee meetings by:

19.1.1 Compiling agendas of respective Ward Committees after approved agenda items have been received from the respective Ward Councillors;

19.1.2 Circulation of agenda be at least 5 (five) working days prior to scheduled meeting to Ward Councillors, Ward Committees and other affected parties;

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19.1.3 Recording minutes, including meetings with the public and circulating the minutes not more than 7 (seven) working days after the scheduled meeting to Ward Councillors, Ward Committees and other affected parties;

19.1.4 Attending to logistic arrangements, for example venues, equipment, etc. and making venues

free of charge to hold official ward committee meetings/geographical/sector report back meetings;

- 19.1.5 Communicating of notices of public meetings to residents in respective Wards on a quarterly basis;
- 19.1.6 Ensure that the Ward Committee schedule of meetings, agendas, minutes are loaded and available on the municipal website;
- 19.1.7 Attending all official ward committee meetings as and when required; and
- 19.1.8 Attending ward committee meetings on request and approval by Municipal Manager/ Director to resolve outstanding matters.
- 19.2 Provide technical support to Ward Councillors and Ward Committee Members in their official capacity, relating to municipal services and constituency work.
- 19.3 Assist with the interpretation of information/translations in official languages applicable to the Municipality, where necessary.
- 19.4 Prepare and submit budget requests for administration of Ward Committees.
- 19.5 Facilitate and assist with involvement of Ward Committees in obtaining its objectives for example IDP, budget processes, Performance Management, etc.
- 19.6 Implement or assist with projects directly affecting Ward Committees.
- 19.7 Facilitate and monitor the completion of all recommendations forwarded by Ward Committees.
- 19.8 Escalate unresolved issues at ward committee level to the office of the Speaker.
- 19.9 Develop and provide capacity building and training programmes for Ward Committees when necessary, during their term of office.
- 19.10 Assist with arrangement and/or provide municipal transport to Ward Councillors and Ward Committee Members to attend to official business where necessary.
- 19.11 Facilitate and ensure the payment of out-of-pocket expenditure to Ward Committee Members where applicable.
- 19.12 Record and monitor performance of respective Ward Committees as per the Municipality's administrative and performance management systems.

20 DISSOLUTION OF WARD COMMITTEES

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- 20.1 The Council may dissolve a ward committee if the committee fails to fulfil its object, based on the following indications:
 - 20.1.1 A Ward Committee fails to convene three (3) consecutive official meetings in terms of Council's meeting cycle; and

20.1.2 In the event of fraud, corruption or any serious malpractice in which the particular ward committee is found to be involved.

20.1.3 There should be due notice before the Council proceeds to dissolve a ward committee.

POLICY SECTION:	[DIRECTORATE COMMUNITY SERVICES] <u>OFFICE OF THE MUNICIPAL MANAGER:</u> STRATEGIC SUPPORT SERVICES
CURRENT UPDATE:	
CURRENT UPDATE:	DECEMBER 2022
PREVIOUS REVIEW:	24 AUGUST 2021
PREVIOUS REVIEW:	31 MAY 2017
PREVIOUS REVIEW:	25 MAY 2016
PREVIOUS REVIEW:	29 FEBRUARY 2012
PREVIOUS REVIEW:	04 MAY 2011
PREVIOUS REVIEW:	26 MAY 2010
PREVIOUS REVIEW:	27 MAY 2009
PREVIOUS REVIEW:	16 MAY 2007
APPROVAL BY COUNCIL:	04 JUNE 2003

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SCHEDULE 1

ELECTION (VOTING) PROCESS AT ELECTION VENUES

1. Election for members of a Ward Committee will take place by secret ballot on ballot papers prepared by the Municipal Administration.
2. The local elected Ward Councillor and observers will oversee the election process of the Ward Committee Members in the Ward.
3. The respective nominated representative(s) or one other representative from the organisations/sectors and geographical block participating in the election will be allowed as observers for the duration of the election process and are to be seated in a designated space inside the venue.
4. On election day eligible voters must visit the election venue(s) in the Ward where they are registered to vote as per the voters' roll.
5. Eligible voters must show their green bar-coded South African identity book/identity card/temporary identity card to the responsible election assistant.

6. An Election Assistant will check the name of the potential voter against the voters' roll, and
 - 6.1 if the name of the potential voter appears on the voters' roll the name will be marked off the roll and the eligible voter must place his/her signature next to his/her name on the voters' roll;
 - 6.2 if the name of the potential voter does not appear on the voters' roll the last mentioned will not be allowed to vote.
7. Eligible voters will be issued with two ballot papers in order to vote for an organization and a geographical block in the event of electing a ward committee and only one ballot paper in the event of electing one Ward Committee Member.
8. Eligible voters will be directed to an empty ballot booth to exercise their vote(s) by:
 - 8.1 making a mark(s) on the ballot paper(s) next to the organization/sector and geographical blocks with its respective candidates of his/her choice;
 - 8.2 fold the ballot papers one, so that the choice(s) exercised is not visible; and
 - 8.3 place the ballot papers in the ballot box.
9. Physically disabled or visually impaired voters must be assisted by the Election Officer at the voting.
 10. A voter may require a replacement ballot paper from the Election Officer if he/she incorrectly marked a ballot paper before placing the last-mentioned ballot paper in the ballot box.
11. Once a ballot paper has been placed in a ballot box it cannot be removed.
 12. The counting of ballot papers will commence after the last eligible voter that was inside the venue before the scheduled closing time for voting has cast his/her vote(s).
13. The venue will be closed with only election officials, Ward Councillor, and observers from organisations/sectors and geographical blocks present inside the venue.
14. Ballot box(es) will be opened, and ballot papers will be placed on table(s) prepared for counting purposes.
15. A ballot paper marked in more than one block on the same ballot paper or marked outside blocks provided for on a ballot paper will not be counted as a valid vote, but rather as a spoiled ballot paper.
16. The Election Officer will record results for organisations/sectors and geographical blocks respectively in the order of the highest to the lowest number of votes achieved during the election.
17. If the same number of votes is cast during election for organisations/sectors or geographical blocks the result will be determined by way of casting the lot in instances where it is required to finalise the ten (10) Ward Committee Members and the order of the rating on the possible replacement list.

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18. The Election Officer must prepare the list of the ten (10) elected Ward Committee Members, taking into consideration the agreed ratio between organisations/sector and geographical blocks for the Ward Committee and ensure that preference be given to at least three (3) women representatives and where possible, at least one (1) organization representing the interest of the youth, disabled and elderly.
19. If more nominations than the mentioned ten (10) Ward Committee Members received votes, at the elections, the particular organisations/sectors/geographical blocks must be placed on a replacement list for the particular Ward Committee, rated in order of the highest to the lowest number of votes achieved during the election.
20. Voters or observers may lodge an objection against possible irregularities observed during the election process with the Election Officer at the election venue.
21. An appeal may be lodged on the same day of the specific elections (before results are finalized) to the Municipal Manager or delegated if an objection cannot be resolved by the Election Officer.
The ruling by the Municipal Manager or delegated will be final.
22. The results of a ward committee election will be declared by the local Ward Councillor at the election venue, after counting and finalizing of list of elected Ward Committee Members and possible replacement list for the particular ward.

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SCHEDULE 2

CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

1 PREAMBLE

- 1.1 The purpose of the code is to ensure that Ward Committee Members fulfil their obligations to the respective wards they represent.
- 1.2 The code is furthermore a set of guidelines to promote improvement of good behaviour of individual Ward Committee Members and to foster good relations with the community, administration and Council.
- 1.3 This code is based on the Code of Conduct for Councillors and needs to be read in conjunction with the mentioned Code.

2 GENERAL

Ward Committee Members must at all times:

- 2.1 Perform their responsibilities/obligations with integrity, honesty and in a transparent manner.
- 2.2 Not in any way compromise the stability of the particular Ward Committee/local Ward Committee System.
- 2.3 Not compromise the integrity and credibility of the Municipality.
- 2.4 Comply with Section 11.

3 ATTENDANCE OF MEETINGS

- 3.1 Ward Committee Members and/or their respective Secundus must strive to attend all officially scheduled Ward Committee meetings.
- 3.2 Must provide an apology with a valid reason to the Chairperson of the committee if a meeting cannot be attended.
- 3.3 Organisations/sectors/geographical blocks (block representatives) will automatically be dismissed from affected Ward Committee(s) if their Ward Committee Member(s) and secundi(s) fail to comply with clauses 10.16 or 10.17.

4 DISCLOSURE OF INTEREST

- 4.1 A Ward Committee Member must disclose direct or indirect personal or private interest in any matter serving before the Committee.
- 4.2 It is expected of a Ward Committee Member to recuse him/herself from the discussion of an item before the Ward Committee in situations described in 4.1 above.
- 4.3 A confirmation screen must appear before the final submission.
- 4.4 Once submitted, the vote is encrypted and cannot be changed.
- 4.5 Voters may not vote twice; duplicate attempts will be blocked/discarded.

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5 PERSONAL GAIN

A Ward Committee Member must not:

- 5.1 Use his/her position as a Ward Committee Member for private gain or to improperly benefit from another person.
- 5.2 Accept any gifts, rewards and favours for their involvement in responsibilities/activities with regard to the Ward Committee.

6 INTERVENTION IN ADMINISTRATION

A Ward Committee Member must not:

- 6.1 Interfere in the administration or any department of the Municipality.
- 6.2 Publish comments and or information purporting to be ward committee minutes prior to the administration loading such minutes on the municipal website.
- 6.3 Publish comments and/ or opinions relating to ward committee meetings which are not factually accurate and reflective of the meetings.

6.4 Give instruction(s) to employee(s) of the Municipality.

6.5 Obstruct or attempt to obstruct the implementation of any decision of Council or administration.

6.6 Encourage participation in any action that would result in maladministration within the Municipality.

7 COUNCIL PROPERTY

A Ward Committee Member may not misuse, take, acquire or benefit from any property or asset under control or owned by the Municipality.

8 DISCIPLINARY ACTION

8.1 If reasonable suspicion exists that provision of this Code of Conduct has been transgressed / or a Ward Committee member has failed to perform his/her functions as per the Ward Committee Rules, the Chairperson of the Ward Committee must:

8.1.1 Provide a written report with the facts to the Speaker;

8.1.2 The Speaker will give the affected Ward Committee Member a reasonable chance to respond to the alleged breach of the code.

8.1.3 If, in the opinion of the Speaker, prima facie evidence exists that the provisions of the Code of Conduct have been transgressed or a ward committee function in terms of the Ward Committee Rules has not been performed, the Speaker may establish an adhoc disciplinary committee for further investigation and recommendation to Council.

8.2 The Speaker must, upon finalization of the investigation into the alleged breach of the Code of Conduct or failure to perform a function by a Ward Committee Member, make recommendations to the Council on the appropriate sanction to be imposed on the relevant

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member and that a decision to terminate membership should be at the sole discretion of Council through a formal resolution and shall remain final.

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DECLARATION

I, _____,
solemnly declare that I have carefully studied the Ward Committee Rules for Overstrand Municipality
and the related Code of Conduct for Ward Committee Members. I fully agree that I shall be bound
by the last-mentioned Rules and Code of Conduct in the execution of my functions and duties.

Signed at _____ on this _____ day of _____ 20____.

..... SIGNATURE OF THE
WARD COMMITTEE MEMBER WARD NO. _____

..... NAME OF THE
WARD COMMITTEE MEMBER DATE *(name in printed capital letters)*

..... SIGNATURE OF
WARD COUNCILLOR WARD NO. _____

..... NAME OF THE
WARD COUNCILLOR DATE *(name in printed capital letters)*

..... SIGNATURE OF
THE SPEAKER DATE

..... NAME OF THE
SPEAKER DATE

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AS WITNESSES:

..... Signature Date

..... Signature Date

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KHAYA MANTSHINGA

BACK YARD DWELLING ASSOCIATION

I submit these comments as both a resident and Ward committee, representative of Back yard dwelling association.

To improve access, I recommend that all Ward committee meetings, agenda, minutes be made available in Afrikaans, English and IsiXhosa to address language barriers and ensure broader community participation.

Add a clause requiring that Ward committees must include a portfolio/ sector representative for Back Ward dwellings and informal settlement residents, this will ensure their issues on services. Housing, Safety directly tabled.

#12

DE WET CONRADIE

DE KELDERS PERLEMOENBAAI RATEPAYERS ASSOCIATION

Draft 9 June 2026

Noted by Council on 24.6.2026



DRAFT REVISED

Ward Committee Rules

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

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1. PREAMBLE

- 1.1 It is essential for good governance that citizens are actively involved in the processes with regard to planning, budgeting, monitoring and evaluation of programmes/projects.
- 1.2 Ward Committees (WC) are regarded as the vehicle to promote good governance at the local government level and serve as advisory bodies that assist the municipal council in achieving the constitutional objectives of local government.
- 1.3 The Overstrand Municipality is governed as a municipality with a mayoral executive system combined with a ward participatory system as per Section 9(d) of the Local Government: Municipal Structures Act, 1998.
- 1.4 The establishment and operation of a Ward Committee must be in accordance with Section 72 to 78 of the Local Government: Municipal Structures Act, 1998.

2. APPLICATION OF RULES

- 2.1 As per section 2 of the Overstrand Municipality: By-law on Rules of Order for Internal Arrangements, these rules apply to all meetings of committees.
- 2.2 Except where it is clearly inappropriate, a rule applying to a Councillor in any proceedings, also applies to a member of the public who attends those proceedings.

3. OBJECTIVES

- 3.1 The objective of a ward committee is to enhance participatory democracy in local government.
- 3.2 Ward Committees must participate in the following:
 - 3.2.1 Preparing, implementation and review of the Integrated Development Plan (IDP);
 - 3.2.2 Establishment, implementation, and review of a Performance Management System (PMS);
 - 3.2.3 Preparation of the budget;
 - 3.2.4 Strategic decisions of the Municipality relating to the provision of municipal services in terms of Chapter 8 of the Systems Act, 2000.
- 3.3 A Ward Committee is the official channel of communication between the community and municipality regarding mandated municipal matters in a particular Ward. Apart from the formal scheduled ward committee meetings, ward committees can meet informally and create other communication channels such as WC WhatsApp Group and social media to engage with members in the ward. WC members can share this information with their community members.
- 3.4 The ward committee is an advisory body, meaning that it can make recommendations to the Ward Councillor(s) and Municipal Council, but does not have the power to make decisions on its own.

Without delegated authority the Ward Committee is a toothless step of the Local Government: Municipal Structures Act 117 of 1998 states that a ward committee "has duties and powers as the local municipality may delegate in terms of the section 59 of the Local Government: Municipal Structures Act 32 of 2000"

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DEFINITIONS

Budget	Refer to the annual budget of a municipality in terms of the Local Government: Municipal Finance Management Act, 2003
<u>CBO</u>	<u>A Community Based Organisation</u>
<u>Chairperson</u>	<u>A Ward Councillor of the Municipality elected to chair the Ward Committee meetings in terms of Section 73(2)(a) of the Municipal Structures Act</u>
Code of Conduct	Code of conduct means Code of Conduct available to Ward Committee Members as set out per Schedule 2
<u>Community</u>	<u>Residents of a ward, i.e. the ward community</u>
<u>Community Engagement</u>	<u>Ward Committee should actively engage with the community through regular public meetings, surveys and feedback mechanisms to ensure that the community's needs and concerns are accurately represented</u> <i>must</i>
Constitution	The Constitution of the Republic of South Africa, 1996, which is the supreme law of the country
Council	The municipality's body of elected Councillors and proportionally representative Councillors (comprising of the local government) as established in terms of the Municipal Structures Act
<u>Election Assistant</u>	<u>Municipal and/or Provincial Department Local Government (DLG), Independent Electoral Commission (IEC) or District Municipality appointed by the Election Officer to assist with the election of Ward Committee Members</u>
Election Officer	<u>Municipal and/or Provincial Department Local Government (DLG), Independent Electoral Commission (IEC) or District Municipality responsible for supervising and coordinating an election venue to ensure that the election (voting) of Ward Committees is conducted in terms of this Policy</u>
Geographical Block	Represents the interests of an identified geographical block, for example neighbourhood, extension, village in a particular ward
<u>IEC</u>	<u>The IEC most commonly refers to the Electoral Commission of South Africa, an independent, Chapter 9 constitutional institution established in 1996 to manage free and fair elections for national, provincial and municipal legislative bodies. It handles voter registration, election administration, results and voter education</u>
<u>In-Committee</u>	<u>Means a formally constituted meeting of a council or committee from which the public is excluded in order to consider confidential or legally protected information</u>
Integrated Development Plan	The principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development in a municipality
<u>Member</u>	<u>A person elected or co-opted into a Ward Committee</u>

<u>Monitoring and Evaluation</u>	<u>Ward Committees should regularly monitor and evaluate their activities and the impact of their decisions on the community, reporting their findings to the Council and the public</u>
Municipal Manager	Head of administration, accounting officer of the Municipality and appointed by Council in terms of Section 54A of the Local Government: Municipal Systems Act, No 32 of 2000
Ordinary Meeting Cycle	Consists of meetings in the following order, namely: Ward Committees, Portfolio Committees, Executive Mayoral Committee meetings and Council meetings
<u>Ordinary Ward Committee Meeting</u>	<u>Means a scheduled, official meeting of a ward committee convened to consider routine matters, community issues, and the municipal service delivery within the ward. Members of the public have observer status and may only address the meeting with approval of the Chairperson</u>
Organisation	Represents a specific interest of the community resident in the particular ward, for example youth, women, religious grouping, ratepayers' associations, etc. but not a political party
Performance Management System (PMS)	A two-way communication process between the Municipality and the community that measures specific targets, standards and priorities that were agreed upon during the IDP process
<u>PR Councillor</u>	<u>A proportional representative municipal councillor elected in terms of Section 22(a) of the Local Government: Municipal Structures Act, No 117 of 1996 to represent a party on the Council of a municipality</u>
<u>Predetermined Geographical Block/s</u>	<u>Means formally identified and demarcated areas within a ward or municipal boundary that are established in advance for planning, administrative or community representation purposes</u>
<u>Public meeting</u>	<u>Means a ward committee meeting convened to facilitate community participation, where residents of the ward are afforded an opportunity to engage with the Ward Councillor and committee members on municipal matters</u>
Sector/Interested Group	Represents a broader scope of similar interests (umbrella body/structure) of the community for example, Sport & Recreation, Health & Welfare, etc.
Speaker	The Speaker of the Council elected in terms of Section 36 of the Local Government: Municipal Structures Act 117 of 1998
Special Meetings	Scheduled for Council to consider for example the annual IDP/Budget Process Plan, new/revised IDP, the Budget, Mid-year Adjustment Budget, etc.
Voters' Roll	The national common IEC voters' roll compiled in terms of the Electoral Act, 1998
<u>Ward Committee Operational Plan</u>	Annual plan of activities to be performed/executed by Ward Committee Member's representative in a ward committee
<u>Ward Councillor</u>	<u>A representative that serves as the liaison/link/channel between the communities they represent and the municipal council, reporting back regularly through ward meetings and assisting the community in identifying needs and priority</u>

A public meeting cannot be equated to a ward committee meeting

* Public Participation: Is an open, accountable and inclusive process through which individual citizens, community or interest groups, and other stakeholders can exchange views, make an influence the decisions that the municipality makes

	<u>areas of development which feed into the municipality's planning processes</u>
Youth	People within the age group of 18 to 30 years are elected to a ward committee to represent the interest of young people between the age groups of 14 to 35 years. The mentioned age group eligible for election will ensure that representatives can be registered on the voters' roll and are able to serve a term of five years on ward committee

5 LEGAL FRAMEWORK

- 5.1 The Constitution of South Africa, 1996
- 5.2 Municipal Structures Act, Local Government: Municipal Structures Act, No 117 of 1998
- 5.3 Municipal Systems Act, Local Government: Municipal Systems Act, No 32 of 2000
- 5.4 Municipal Finance Management Act (MFMA), Local Government: Municipal Finance Management Act, No 56 of 2003
- 5.5 Guidelines for the establishment and operation of Municipal Ward Committees, Notice 965 of 2005
- 5.6 National Policy Framework for Public Participation, 2007
- 5.7 National Framework: Criteria for Determining out of pocket expenses for Ward Committee Members, 2009
- 5.8 Overstrand Municipality: Public Participation Policy, 2016
- 5.9 Overstrand Municipality: By-law on Rules of Order for Internal Arrangements, 2022

6 MEMBERSHIP

- 6.1 A Ward Committee consists of the Ward Councillor and not more than ten (10) other persons elected to represent organisations/sectors or pre-determined geographical blocks which will be clearly defined and demarcated sections within a specific area or ward that are identified in advance for administrative, planning, operational or representation purposes.
- 6.2 The Ward Councillor representing the Ward in the Council must be the chairperson of the Ward Committee.
- 6.3 The members represented in a ward committee can be elected based on sectorial model (organization/sector) or pre-determined geographical (block) model or a combination of both models to accommodate circumstances prevailing in a particular ward.
- 6.4 In areas where there are many similar interest groups, a need may exist to cluster them in order to ensure the broadest representation in Ward Committees. Thus, **Umbrella Bodies** to serve on the Ward Committees.
- 6.5 Criteria for Membership

Proposal to ensure a balanced sectoral representation in terms of the SALGA guideline (pg. 16 – 17), the following representation is proposed:

- i) Gender
- ii) Organised formal business community (examples: Local business forums; Tourism and Hospitality Associations; Industrial area business forums; Shopping Centre or CBD business forums)
- iii) Organised informal business community (examples: Street/Informal Traders' Association; Spaza Shop Forums; Home-Based Business Forums)
- iv) Civil Society Organisation (examples: Non-Governmental Organisations (NGOs); Community-Based Organisations (CBOs); Faith-Based Organisations (FBOs); Environmental & Social Development Groups; Community Safety Structures)
- v) Socio-Economic Development (examples: Skills Development & Employment Creation; Poverty Alleviation & Social Support; Youth, Women & Vulnerable Group Empowerment; Education & Digital Access)
- vi) Traditional Institutions and faith-based organisations (examples: Traditional Councils; Recognised Traditional Leaders; Houses of Traditional Leaders; Customary Community Structures)
- vii) Special designated groups (examples: Youth; Senior Citizens/Older Persons; LGBTQIA+; Persons with Disabilities; Women, children & vulnerable groups).

6.6 The election of Ward Committee Members described in 5.3 above must take into account the need:

- **[That at least 3 (three) of the 10 (ten) community members elected on the Ward Committee are women.]**
- To strive for equal gender representation in the composition of the ward committee.

6.7 No organisation may have more than one representative in a Sector on a Ward Committee.

6.8 No individual representation will be allowed in a ward committee.

6.9 A person to be elected to represent a sector/organization/geographical interest on a ward committee must:

- 6.9.1 Be a registered voter (18 years and older) and whose name appears on the voters' roll for the particular ward; ✓
- 6.9.2 Not be a member of a Municipal Council;
- 6.9.3 Not be permanently or contractually employed by the Municipality;
- 6.9.4 Not be a Community Development Worker or employed by another sphere (Local, Provincial, National or Government);
- 6.9.5 Not have been indebted to the Municipality for a period longer than three (3) calendar months, with the exception that proof can be provided 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;

6.9.6 Not have been convicted of an offence and sentenced for a period of more than twelve (12) months.

6.10 Close family members (husband, wife, child, parent) may not serve on the same ward committee. ✓

6.11 The Code of Conduct for Ward Committee Members will be applicable to members of the committee during their term of office.

7 THE ROLE OF THE SPEAKER

7.1 Presides at meetings of the Council.

7.2 Performs the duties and exercises the power delegated to the Speaker in terms of Section 59 of the Local Government: Municipal Systems Act, 2000.

7.3 Must maintain order during meetings.

7.4 Must ensure that the legislative authority of the municipality functions effectively.

7.5 Is responsible for the effective oversight over the executive authority of the municipality.

7.6 Must ensure the effectiveness and functionality of ward committees and the public participation process.

7.7 If a local council is unable to establish a ward committee(s) within 120 days after the election of the municipal council, the Speaker must, prior to the expiry of the 120 days after the elections, in writing and on good cause shown, request the MEC, responsible for local governance in the province concerned, for an extension.

8 THE ROLE OF THE WARD COUNCILLOR

8.1 Public Representative of the Ward

- The Ward Councillor represents the interests of the people in his or her ward in the municipal council.
- They communicate the concerns, needs and aspirations of their ward to the broader municipal government.
- They ensure that local issues are addressed in council decisions and policies.

8.2 Chairperson of the Ward Committee

- Chairs the ward committee, a structure that facilitates community participation in local government.
- Work closely with ✓ ward committee members to identify community priorities and channel those into municipal processes including budgeting and planning.

8.3 Facilitator of Public Participation

- They promote and encourage community involvement in municipal decision-making processes, including the Integrated Development Plan (IDP) and budget processes.

- They help to ensure that all sectors of the community, including marginalized groups, are heard.

8.4 **Oversight and Accountability**

- Ward Councillors monitor service delivery within their wards and report shortcomings or poor service delivery to the municipality.
- They play a watchdog role by holding the municipal administration accountable for services delivered to their communities.

8.5 **Problem-Solving and Conflict Resolution**

- They help to mediate and resolve local disputes between community members, or between residents and the municipality.
- They assist in addressing grievances related to municipal services.

8.6 **Communication Link**

- They inform residents about municipal projects, plans and policies.
- They provide feedback from the municipality to the community and vice versa.

9 **THE ROLE OF PROPORTIONAL REPRESENTATIVE (PR) COUNCILLORS IN WARD COMMITTEES**

9.1 Supports the Ward Councillor but does not replace the Ward Councillor.

9.2 PR Councillors elected to serve in the municipality must be ex officio and non-voting members of the Ward Committee of the ward they reside in, or any other Ward Committee assigned to them by the Speaker.

9.3 Can handle queries and complaints in consultation with the Ward Councillor.

9.4 Should attend ward committee meetings, community member meetings and special meetings.

9.5 Can assist with resolving disputes and making referrals.

9.6 Can help with the implementation of projects.

10 **THE ROLE OF THE WARD COMMITTEE**

10.1 **Facilitating Public Participation**

- Ward Committees serve as a bridge between the community and the municipality, ensuring that residents have a platform to express their needs, concerns and priorities.
- They help mobilize community involvement in municipal planning, budgeting and decision-making processes.

- Is an integrative umbrella body responsible for co-ordination of ward developmental initiatives, promotion of accountability and social cohesion.

10.2 **Advisory Role**

- They act in an advisory capacity to the Ward Councillor, offering input on issues affecting the ward.
- They assist the Councillor in communicating with the public and gathering information on community needs and opinions.

10.3 **Monitoring Service Delivery**

- Ward Committees play a role in monitoring and evaluating municipal service delivery in their areas.
- They help identify service delivery failures or challenges and communicate them to the municipality.

10.4 **Promoting Accountability and Transparency**

- By facilitating open communication between the municipality and community members, ward committees promote transparency in local government processes.
- They assist in holding the municipality accountable for the quality and effectiveness of services.

10.5 **Community Development Support**

- Ward Committees support local development initiatives and help prioritise development projects in their wards.
- They may assist in developing Integrated Development Plans (IDPs) by providing local knowledge and input.

10.6 Ward Committees must perform their functions impartially without fear, favour or prejudice.

10.7 Community Engagement: Ward Committees should actively engage with the community through regular public meetings, surveys and feedback mechanisms to ensure that the community's needs and concerns are accurately represented.

10.8 Transparency and Accountability: Ward Committees must maintain transparency in their operations by keeping detailed records of meetings, decisions, and actions, which should be accessible to the public.

10.9 Training and Capacity Building: Members of Ward Committees should receive regular training on local governance, municipal processes and community engagement to enhance their effectiveness.

10.10 Conflict Resolution: Ward Committees should establish clear procedures for resolving conflicts within the committee and between the committee and the community.

10.11 Monitoring and Evaluation: Ward Committees should regularly monitor and evaluate their activities and the impact of their decisions on the community, reporting their findings to the Council and the public.

11 POWERS AND FUNCTIONS OF WARD COMMITTEES

A ward committee member is elected by the community to represent and advance the interests of the ward or organization/sector/block that nominated them. They serve as a link between the community and ward committee, ensuring that the voices, concerns and priorities of their wards or sectors/blocks are heard.

In carrying out this role, a ward committee member must actively consult and engage with their ward or organization/sector/block on all matters that are to be discussed by the ward committee. Before every ward committee meeting – whether it is an ordinary meeting or a public community meeting – the member is required to consult with their wards or sectors/blocks and gather their views, inputs and concerns. These perspectives must then be presented and represented at the relevant ward committee meeting(s).

- 11.1 Ward Committees **[together with the Overstrand Municipal Advisory Forum (OMAF)]**  will act as the official liaison mechanism on all strategic municipal matters affecting the community, provided that in matters relating to drafting and implementation of the municipality's integrated development plan and the monitoring, measurement and review of the municipality's performance in relation to the key performance indicators and performance targets set by the municipality, the Overstrand Municipal Advisory Forum (OMAF) will be the official liaison mechanism in conjunction with the Ward Committees.
- 11.2 Ward Committees will be the official body with which the Ward Councillors will liaise regarding any matter affecting their respective wards and more specifically items on the agenda affecting the particular ward.
- 11.3 The Ward Councillors must give regular feedback at ward committee meetings and at least on a quarterly basis to their wards and communities on Council matters, as required in the Code of Conduct for Councillors. This constitutes the public ward feedback / **public community meetings.**
- 11.4 Ward Committees must annually compile their respective Ward Committee Operational Plans on the prescribed Provincial Local Government template which includes a range of activities to be executed during the following financial year. This may be used as one of the determining factors for reimbursement of Ward Committee Members for out-of-pocket expenses incurred.
- 11.5 Ward Committee Members/Secundus must attend all official Ward Committee meetings scheduled in terms of Council's meeting cycle or upon special request by the Ward Councillor or Speaker.
- 11.6 Members of the Ward Committee must submit items for discussion to the Administration/Ward Council  at least ten (10) working days before the official ward committee meeting.
- 11.7 Item(s) discussed at Ward Committee meetings that require formal report(s) to Portfolio Committee(s) for consideration must be finalized by the relevant manager to serve on the agenda of designated Portfolio Committee(s) at the following ordinary meeting cycle.
- 11.8 Recommendations for last mentioned items must be made by the local Ward Councillor/designated chairperson of the Ward Committee.

** The Overstrand Municipal Advisory Forum (OMAF) needs to be defined. It appears to be a new institution that nobody knows what / how it is composed or who it represents. What is their statutory basis?*

- 11.9 Ward Committee Members must report back to their respective constituencies (organisations/sectors/geographical blocks) at least on a quarterly basis. This may be used as one of the determining factors for reimbursement of Ward Committee members for out-of-pocket expenses incurred.
- 11.10 Formal minutes/reports of quarterly report back meetings of wards (referred to in 10.9) should be submitted to the municipal administration via the Ward Councillor within fourteen (14) working days after the meeting.
- 11.11 Ward Committee Members must report at least 15 basic service delivery requests/issues pertaining to maintenance of infrastructure on a quarterly basis using their allocated unique reference numbers to any of the following platforms/service enquiries namely:
- a) Overstrand Collab Citizen App
 - b) Contact Centre (24/7) or Emergency Control Room
 - c) enquiries@overstrand.gov.za
- 11.12 A Ward Committee may establish a task team(s)/sub-committee(s) with the permission of the Ward Councillor necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers **[or to perform specific task(s) on behalf of the committee]**, for example monitoring projects within the ward, street committees. The ward committee may authorize a task team/sub-committee to co-opt advisory members who are not members of the council within the limits determined by the council.
- 11.13 A nominated Ward Committee member shall chair all task team(s)/sub-committees meetings linked to the portfolio he/she represents at a ward committee level.
- 11.14 A formal process to determine formalization of participation in a task team(s)/sub-committees of the Ward Committee should be developed and formalized by the municipality.
- 11.15 The Ward Committee and task team(s)/sub-committees may meet together as a ward forum for major discussions.
- 11.16 All stakeholders in the ward should be encouraged to participate in task team(s)/sub-committees that are relevant to their fields of interest and to their day-to-day functioning as a sector.
- 11.17 The task team(s)/sub-committees must report back to their respective Ward Committees on tasks assigned to them as and when required by the Ward Councillor.
- 11.18 It is required of Ward Committee Members/Secundus to attend training/capacity building sessions scheduled by the municipality or other sphere (Provincial/National) of government.
- 11.19 It is the responsibility of all Ward Committee Members/Secundus to attend the Overstrand Municipal Advisory Forum (OMAF) or forums/meetings/workshops outside the municipality upon formal request by the Ward Councillor/Speaker and/or an official from Municipal Administration.
- 11.20 Ward Committees must sign a Code of Conduct to be administered by the respective Ward Councillors and the Speaker of the Council.

12. OVERALL PROCEDURE FOR ELECTION

- 12.1 Obtain Nominations to serve on Ward Committees.
- 12.1.1 The Municipal Manager will advertise in the local newspaper(s) a notice for the organisations/sectors eligible for election must have been operational in the particular ward for at least six (6) months, except newly established organisations that directly represent the interest of women, youth, disabled and the elderly.
- 12.1.2 Representatives nominated by sectors/organisations/geographical blocks on respective Ward Committee must represent a diversity of interest located in a particular ward and also comply with requirements listed under item 6 above.
- 12.1.3 Notice referred to in 12.1.1 above must be given at least thirty (30) days prior to the date when the date(s) for the elections of Ward Committees are announced.
- 12.1.4 Nominations referred to in 12.1.1 above must be submitted to the Municipal Manager or his delegate(s) on a pro-forma to be provided by the Administration, by not later than closing date for nominations provided in the notice referred to in 12.1.1 above.
- 12.1.5 Lists of nominations received for respective Ward Committees (referred to 12.1.1 above) must be compiled and finalized to inform the ballot papers for each ward by the delegate(s) of the Municipal Manager, in consultation with the newly elected Ward Councillors at least 7 (seven) calendar days prior to the first date of the elections of Ward Committees for the Municipality.
- 12.1.6 If an organization/sector is to be represented on the Ward Committee, no other member of the executive of that particular organization/sector is eligible to be elected as a geographical block representative for the particular Ward Committee. "Executive" means, for the purposes of this paragraph, a person elected or co-opted to manage the affairs of that organization/sector.
- 12.1.7 Information of nominations received for organisations, sectors and geographical blocks for each Ward Committee (refer to 12.1.6 above) can be verified and revised by registered organisations/sectors and geographical blocks where necessary prior to announcement of Ward Committee election dates for the Municipality.

12.2 Announcement of the Election of Ward Committees

- 12.2.1 The election (voting) for Ward Committees will be conducted from 10:00 until 19:00 on dates and at election venues determined by the Municipal Manager.
- 12.2.2 The Municipal Manager must give notice inclusive of the timetable (dates, venues and timeframe) for the voting of the respective Ward Committees of the Municipality to the local community.
- 12.2.3 Notice referred to in 12.2.2 above must be given at least seven (7) calendar days prior to the first date of the elections of Ward Committees.
- 12.2.4 More than one election venue can be established in a ward due to the geographical nature of the Ward, based on the discretion of the Municipal Manager. In this case the number of Ward Committee Members to be elected at the respective election venue, will be

determined proportionally according to the number of eligible voters registered in the latest voters' roll residing in the neighbourhoods which the respective election venues will be serving.

12.3 Appointment of Election Officials

- 12.3.1 The Municipal Manager will appoint **[Senior Managers and]** Managers of the respective Administration (Managers: Community Liaison) and or other Line Manager(s) to act as Election Officers at particular election venues, where election of Ward Committees will be conducted.
- 12.3.2 The appointed election officers will nominate team(s) of election assistants, respectively from the Municipal Administration to assist with the elections at the various election venues for approval by the Municipal Manager.

12.4 Election (Voting) Process at Election Venues

- 12.4.1 The elections will be conducted in accordance with the election (voting) process at election venues as contained in Schedule 1 of this Policy.
- 12.4.2 Only registered voters, whose names appear on the voters' roll of the Ward, where election of a particular Ward Committee are conducted will be eligible to participate in the elections of the particular Ward Committee.
- 12.4.3 A registered person can only vote for one organization/sector and/or one geographical block representative during the election process of a particular Ward Committee.
- 12.4.4 A minimum of not less than 5 (five) organisations/sectors to be elected as members of a particular ward committee whilst the balance must be elected from geographical blocks.
- 12.4.5 The ratio between organisations/sectors and geographical block representation, also taking into consideration 12.4.4 above, will be determined by the newly elected Ward Councillor, in consultation with the appointed election officer, taking into consideration the nominations received for the particular ward, upon finalizing the list of nominations (refer to 12.1.7 above).

12.5 Reporting of Results

- 12.5.1 The election results for the establishment of Ward Committees must be officially reported to the Council by the Municipal Administration.

13 TERM OF OFFICE

- 13.1 The term of office of the Ward Committee members is elected for a period coinciding with the term of office of Council.

14 CONDUCTING OF WARD COMMITTEE AND PUBLIC MEETINGS WITHIN THE WARD

- 14.1 The ward Councillor must convene ward committee and public meetings within the jurisdiction of the ward.
- 14.2 Ward Committees must meet monthly/bi-monthly and the meetings must be aligned to Council's scheduled ordinary- and special meetings in a financial year except when Council is in recess.

- 14.3 Public meetings within the ward must be held quarterly.
- 14.4 A quorum of a ward committee meeting must consist of at least 50% plus one (1) member (excluding the Chairperson). In the event of a quorum not being achieved (for example in the case of vacancies), the remaining members will constitute a quorum.
- 14.5 Inquorate meetings shall proceed as an informal meeting with members present. Recommendations of such informal meetings must or have to be referred to the next scheduled ward committee meeting for adoption.
- 14.6 Subject to the provisions of Rule 2 above, all ward committee meetings as per Council's schedule must be open to the public.*
- 14.7 A member of the public who is not a member of the committee may address a committee with the permission of the Chairperson.
- 14.8 The Ward Committee adopts its protocol arrangements in terms of language preference, meeting dates, commencement times of meetings, etc. at the first official meeting after the election of Ward Committees.
- 14.9 The timeframes for meetings must not exceed the following number of hours, namely:
- Quarterly public report back meetings: three (3) hours;
 - Other meetings: two (2) hours.
- 14.10 All quarterly report back meetings must be conducted after municipal office hours.
- 14.11 An employee and councillor of the Municipality must be present at a meeting of a committee before it can be constituted/proceed informally as indicated in 11.3.
- 14.12 If a member has a direct or indirect financial interest in any matter serving before the committee, unless that interest is the same as any other person in the Ward, such person must recuse himself/herself from such discussion.
- 14.13 If the Ward Councillor must recuse himself/herself from discussion of an item at the committee, he/she must arrange with another councillor to chair the meeting during such refusal.
- 14.14 Any Councillor of the Overstrand Municipality may attend any meetings of Ward Committee.
- 14.15 No items from the agenda of the political structures of the Municipality marked as confidential by the Municipal Manager may be discussed at a ward committee meeting.
- 14.16 Any Ward Committee Member whose representative(s) (organization/sector/geographical block) is absent without an acceptable reason for three (3) consecutive meetings of the committee during item term of office will be replaced in terms of the Rules for the Filling of Vacancies.
- 14.17 Any Ward Committee Member whose representative(s) (organization/sector/geographical block) is absent, without an apology tendered, for six (6) meetings of the committee during its term of office will be replaced in terms of the Rules for the Filling of Vacancies.

* Section 20 of the Local Government: Municipal Systems Act 32 of 2000, states that meetings of council committees are open to the public and media

- 14.18 The Ward Councillor through the Speaker may delegate in writing the chairing of a meeting in his/her absence to a PR Councillor or to a member of the Ward Committee.

15 ORDER IN MEETINGS AND RULES OF DEBATE

Rule 2 above applies.

15.1. Conduct of Ward Committee Members and members of the public

- 15.1.1 Ward Committee Members and members of the public must preserve order and observe decorum at meetings, and they may not –

- a) behave in an inappropriate and/or unbecoming manner.
- b) obstruct the business of the meeting
- c) challenge the ruling of the Chairperson on any point of order
- d) commit any breach of the rules and specifically with regard to Ward Committee Members, the provisions of the Code of Conduct of Ward Committee Members.

- 15.1.2 If a Ward Committee Member or member of the public breaches sub rule 15.1.1, the Chairperson must direct the Ward Committee Member or member of the public to refrain from the breach.

- 15.1.3 If a Ward Committee Member or member of the public disregards the directions of the Speaker under sub rule 15.1.2, the Chairperson may direct the Ward Committee Member or member of the public —

- a) if speaking, to discontinue his or her speech; or
- b) to withdraw from the place of meeting for the remainder of the meeting or, if necessary, to be removed, from the meeting, by a person designated by the Chairperson.

- 15.1.4 If the Chairperson fails to act under sub rule 15.1.3, any Ward Committee Member may move a motion to require the Chairperson to do so.

- 15.1.5 The motion referred to in sub rule 15.1.4 must be moved without notice, and if the motion is seconded, it must be put to the vote forthwith without debate.

15.2 Dress code for attendance of meetings

- 15.2.1 Ward Committee Members –

- a) Must dress in business of traditional attire when attending council meetings;
- b) May wear smart casual clothing when attending committee meetings of council; and
- c) must not wear any clothing affiliated to any political party during council and committee meetings.

15.3 Attendance of members of public

15.3.1 The Chairperson must take reasonable steps to regulate public access to, and public conduct at meetings.

15.3.2 The Chairperson may at his sole discretion, in terms of section 130 of the Local Government: Municipal Finance Management Act, 56 of 2003, allocate reasonable time to any member of the public who wishes to address the Council.

15.4 Exclusions of the public from meetings

15.4.1 The public may be excluded from the meeting-

a) Where so directed by the Chairperson; or

b) where so decided by the Ward Committee upon a motion from any Ward Committee Member to that effect.

15.4.2 If a motion to exclude the public from the meeting is seconded, the motion must be put to the vote, after discussion of the reasons but without discussion of the matter.

15.4.3 If a motion to exclude the public is carried, the place of meeting shall be cleared of all members of the public, including the media.

15.4.4 The motivation for the exclusion of the public must be minuted.

15.5 Re-admission of members of public

15.5.1 A Ward Committee Member may during the course of a meeting from which the public were excluded, move a motion that the meeting again be opened and state the reasons for the motion.

15.5.2 If the motion is seconded, it must be put to the vote forthwith without debate.

15.5.3 If the motion is carried, the Chairperson must ensure that members of the public are allowed access to the meeting again.

15.6 DEBATE AND MOTIONS

15.6.1 Address to Chairperson

15.6.1.1 A Ward Committee Member or a member of the public who is recognised to speak at a meeting must address the Chairperson.

15.6.1.2 A member of the public who is recognised by the Chairperson must state his or her name, and if he or she is representing an organisation or any group, identify the organisation or group.

15.6.2 Right to speak and limitation

15.6.2.1 A Ward Committee Member may speak or proceed to speak at a meeting after being recognised by the Chairperson.

15.6.2.2 A Ward Committee Member who is not a member of a committee has the right to speak at that committee meeting after being recognised by the chairperson of such committee.

Section 20 of the Systems Act does not make provision for the Chairperson to have such authority.

This proposed Amendment is not applicable to a Ward Committee as it refers specifically to discussions of the Annual Report in Council.

Clause 15.4 and 15.5 is against the spirit and determination of sections 16 - 22 of the Municipal Systems Act, which encourages community participation. 15.4.1 is ultra vires because it gives unlettered authority to a chairperson to exclude

15.6.2.3 A Ward Committee Member must avoid personal attacks on other Ward Committee Member and must refrain from impugning the motives for any argument or vote of another Ward Committee Member.

15.6.2.4 A Ward Committee Member may speak only once to —

- (a) the matter before the Ward Committee;
- (b) any motion before the Ward Committee;
- (c) any amendments to a motion before the Ward Committee; or
- (d) a point of order or a question,
unless otherwise authorised by the Chairperson or as provided for in these rules.

15.6.2.5 Unless otherwise permitted by the Chairperson, a member may not speak for longer than five (5) minutes on any matter.

15.6.2.6 The Chairperson may extend the time allocated for a speaker where it is necessary for clarity or to facilitate the efficient conduct of the meeting.

15.6.2.7 A Ward Committee Member may not be interrupted while speaking, unless called to order by the Chairperson or a point of order is raised by any other Ward Committee Member.

15.6.2.8 The Chairperson may not recognise a Ward Committee Member to speak on a matter once that matter has been voted on.

15.6.2.9 The Chairperson may not allow a debate on a matter —
(a) which may anticipate any matter on the agenda; or
(b) in respect of which a decision by a judicial or administrative body or a commission of enquiry is pending.

* 15.6.2.10

15.7 Content of debate

15.7.1 A Ward Committee Member who speaks must direct his or her speech to the matter before the Ward Committee.

15.7.2 If a Ward Committee Member persists in irrelevance after being requested by the Chairperson to confine his or her speech to the matter before the Ward Committee, the Chairperson must order him or her not to speak further in respect of that matter.

15.7.3 Ward Committee Members and members of the public must preserve order and decorum at meetings, and they may not indulge in tedious repetition of arguments, or unbecoming language or remarks which are of a defamatory nature.

16 TERMINATION OF MEMBERSHIP

16. A member vacates office during a committee's term of office if that member:

- 16.1 Resigns in writing;
- 16.2 No longer qualifies;
- 16.3 Is removed from office;

* 15.6.2.10 A member of the public who is not a member of the ward committee, may be recognised by the chairperson to speak on a matter on the agenda of the ward committee but such member of the public may not vote on any matter

- 16.4 Dies, the organisations' representative must be awarded the opportunity to appoint a new member and Secundus before the next Ward Committee meeting.
- 16.5 Is indebted to the Municipality for more than 3 (three) calendar months and where no agreement was entered into and honoured for payment of mentioned debt;
- 16.6 Is no longer capable to perform the duties attached to the office by majority decision of all members of the committee;
- 16.7 Is convicted of a criminal offence and sentenced to imprisonment without the option of a fine;
- 16.8 Represents an organization/sector/geographical block which fails to adopt a constitution or to provide minutes of at least three meetings per annum. Minutes must be submitted to the Administration via the Ward Councillor;
- 16.9 Is absent from Ward Committee meetings as described per/in terms of 14.16 and 14.17 above;
- 16.10 Disciplined and expelled in terms of the Code of Conduct for Ward Committee Members. Once a member has been expelled from a ward committee, he/she may not be re-elected during the same term of office for Ward Committees.

17 FILLING OF VACANCIES

- 17.1 Vacancies will be filled from the replacement list available from the initial or previous election of Ward Committee Members, by the Municipal Administration.
- 17.2 In the absence of such a replacement list, vacancies shall be filled by following the election procedure set out in Section 12 of the Policy.
- 17.3 The process set out in 17.1 and 17.2 above must:
- 17.4 Vacancies must be filled by the next ward committee meeting.
- 17.5 Take into consideration the agreed ratio as described per clause 12.4.4 and 12.4.5 above;
- 17.6 Promote/maintain representation of at least three (3) women per Ward Committee;
- 17.7 Promote/maintain diversity of interests in the Ward to be represented.

18 REIMBURSEMENT OF OUT-OF-POCKET EXPENSES

- 18.1 Ward Committee Members or their Secundus will be reimbursed for out-of-pocket expenses in accordance with the schedule developed and from time to time amended for

- the last-mentioned purpose. The Ward Committee Members will be obliged to:
- 18.1.1 Attend formal scheduled ward committee meetings (per Council's meeting cycle) and to be present for the duration of such meeting;
 - 18.1.2 Communicate regular basic service delivery requests (if any) as stipulated in paragraphs 10.3 and 11.11 of the Ward Committee Policy and will be remunerated quarterly;
 - 18.1.3 Attend possible training and capacity building programmes and be present for the duration of such training and capacity building programmes;
 - 18.1.4 Ensure that quarterly report back meetings are held with their respective organisations, sectors and geographical blocks. Minutes of meetings will serve as proof of meetings held; and
 - 18.1.5 Attend and/or participate in other forums formally communicated by the municipal administration (for example Overstrand Municipal Advisory Forum, etc.) and other spheres of government and to be present for the duration of such meetings.
- 18.2 The reimbursement in respect of travelling costs for all Ward Committee Members, residing outside a 20km radius of the meeting venues within the Ward will be in accordance with the schedule included in the current municipal operational budget. Ward Committee Members will be reimbursed for travelling costs outside a radius of 30km of the meeting venue within or outside the Ward at the rates applicable to Councillors.
- 18.2.1 Elected Ward Committee Members (excluding Councillors) will be reimbursed for out-of-pocket expenses as per the following guidelines, namely:
 - 18.2.2 That the reimbursement amount will be paid to the Ward Committee Members in person and not to the organization/sector/geographical block that he/she represents;
 - 18.2.3 That Secundus for representatives of organisations/sectors/geographical blocks will be reimbursed for attendance in the absence of the first/second nominated representatives at a particular, official ward committee meeting;
 - 18.2.4 That reimbursement only be paid on verification of attendance register of meetings attended and that reimbursement will only be electronically transferred to the bank account of the relevant Ward Committee Member(s);
 - 18.2.5 That Ward Committee Members may elect not to be reimbursed by informing the administration in writing to such effect.

19 RESPONSIBILITIES OF THE MUNICIPAL ADMINISTRATION

- 19.1 Provide administrative support to Ward Councillors and Ward Committees to arrange official ward committee meetings by:
 - 19.1.1 Compiling agendas of respective Ward Committees after approved agenda items have been received from the respective Ward Councillors;
 - 19.1.2 Circulation of agenda be at least 5 (five) working days prior to scheduled meeting to Ward Councillors, Ward Committees and other affected parties;

- 19.1.3 Recording minutes, including meetings with the public and circulating the minutes not more than 7 (seven) working days after the scheduled meeting to Ward Councillors, Ward Committees and other affected parties;
- 19.1.4 Attending to logistic arrangements, for example venues, equipment, etc. and making venues free of charge to hold official ward committee meetings/geographical/sector report back meetings;
- 19.1.5 Communicating of notices of public meetings to residents in respective Wards on a quarterly basis;
- 19.1.6 Ensure that the Ward Committee schedule of meetings, agendas, minutes are loaded and available on the municipal website;
- 19.1.7 Attending all official ward committee meetings as and when required; and
- 19.1.8 Attending ward committee meetings on request and approval by Municipal Manager/ Director to resolve outstanding matters.
- 19.2 Provide technical support to Ward Councillors and Ward Committee Members in their official capacity, relating to municipal services and constituency work.
- 19.3 Assist with the interpretation of information/translations in official languages applicable to the Municipality, where necessary.
- 19.4 Prepare and submit budget requests for administration of Ward Committees.
- 19.5 Facilitate and assist with involvement of Ward Committees in obtaining its objectives for example IDP, budget processes, Performance Management, etc.
- 19.6 Implement or assist with projects directly affecting Ward Committees.
- 19.7 Facilitate and monitor the completion of all recommendations forwarded by Ward Committees.
- 19.8 Escalate unresolved issues at ward committee level to the office of the Speaker.
- 19.9 Develop and provide capacity building and training programmes for Ward Committees when necessary, during their term of office.
- 19.10 Assist with arrangement and/or provide municipal transport to Ward Councillors and Ward Committee Members to attend to official business where necessary.
- 19.11 Facilitate and ensure the payment of out-of-pocket expenditure to Ward Committee Members where applicable.
- 19.12 Record and monitor performance of respective Ward Committees as per the Municipality's administrative and performance management systems.

20 DISSOLUTION OF WARD COMMITTEES

- 20.1 The Council may dissolve a ward committee if the committee fails to fulfil its object, based on the following indications:
- 20.1.1 A Ward Committee fails to convene three (3) consecutive official meetings in terms of Council's meeting cycle; and
- 20.1.2 In the event of fraud, corruption or any serious malpractice in which the particular ward committee is found to be involved.
- 20.1.3 There should be due notice before the Council proceeds to dissolve a ward committee.

POLICY SECTION:	[DIRECTORATE COMMUNITY SERVICES]
	<u>OFFICE OF THE MUNICIPAL MANAGER:</u> <u>STRATEGIC SUPPORT SERVICES</u>
CURRENT UPDATE:	
CURRENT UPDATE:	DECEMBER 2022
PREVIOUS REVIEW:	24 AUGUST 2021
PREVIOUS REVIEW:	31 MAY 2017
PREVIOUS REVIEW:	25 MAY 2016
PREVIOUS REVIEW:	29 FEBRUARY 2012
PREVIOUS REVIEW:	04 MAY 2011
PREVIOUS REVIEW:	26 MAY 2010
PREVIOUS REVIEW:	27 MAY 2009
PREVIOUS REVIEW:	16 MAY 2007
APPROVAL BY COUNCIL:	04 JUNE 2003

SCHEDULE 1

ELECTION (VOTING) PROCESS AT ELECTION VENUES

1. Election for members of a Ward Committee will take place by secret ballot on ballot papers prepared by the Municipal Administration.
2. The local elected Ward Councillor and observers will oversee the election process of the Ward Committee Members in the Ward.
3. The respective nominated representative(s) or one other representative from the organisations/sectors and geographical block participating in the election will be allowed as observers for the duration of the election process and are to be seated in a designated space inside the venue.
4. On election day eligible voters must visit the election venue(s) in the Ward where they are registered to vote as per the voters' roll.
5. Eligible voters must show their green bar-coded South African identity book/identity card/temporary identity card to the responsible election assistant.
6. An Election Assistant will check the name of the potential voter against the voters' roll, and
 - 6.1 if the name of the potential voter appears on the voters' roll the name will be marked off the roll and the eligible voter must place his/her signature next to his/her name on the voters' roll;
 - 6.2 if the name of the potential voter does not appear on the voters' roll the last mentioned will not be allowed to vote.
7. Eligible voters will be issued with two ballot papers in order to vote for an organization and a geographical block in the event of electing a ward committee and only one ballot paper in the event of electing one Ward Committee Member.
8. Eligible voters will be directed to an empty ballot booth to exercise their vote(s) by:
 - 8.1 making a mark(s) on the ballot paper(s) next to the organization/sector and geographical blocks with its respective candidates of his/her choice;
 - 8.2 fold the ballot papers one, so that the choice(s) exercised is not visible; and
 - 8.3 place the ballot papers in the ballot box.
9. Physically disabled or visually impaired voters must be assisted by the Election Officer at the voting.
10. A voter may require a replacement ballot paper from the Election Officer if he/she incorrectly marked a ballot paper before placing the last-mentioned ballot paper in the ballot box.
11. Once a ballot paper has been placed in a ballot box it cannot be removed.
12. The counting of ballot papers will commence after the last eligible voter that was inside the venue before the scheduled closing time for voting has cast his/her vote(s).

13. The venue will be closed with only election officials, Ward Councillor, and observers from organisations/sectors and geographical blocks present inside the venue.
14. Ballot box(es) will be opened, and ballot papers will be placed on table(s) prepared for counting purposes.
15. A ballot paper marked in more than one block on the same ballot paper or marked outside blocks provided for on a ballot paper will not be counted as a valid vote, but rather as a spoiled ballot paper.
16. The Election Officer will record results for organisations/sectors and geographical blocks respectively in the order of the highest to the lowest number of votes achieved during the election.
17. If the same number of votes is cast during election for organisations/sectors or geographical blocks the result will be determined by way of casting the lot in instances where it is required to finalise the ten (10) Ward Committee Members and the order of the rating on the possible replacement list.
18. The Election Officer must prepare the list of the ten (10) elected Ward Committee Members, taking into consideration the agreed ratio between organisations/sector and geographical blocks for the Ward Committee and ensure that preference be given to at least three (3) women representatives and where possible, at least one (1) organization representing the interest of the youth, disabled and elderly.
19. If more nominations than the mentioned ten (10) Ward Committee Members received votes, at the elections, the particular organisations/sectors/geographical blocks must be placed on a replacement list for the particular Ward Committee, rated in order of the highest to the lowest number of votes achieved during the election.
20. Voters or observers may lodge an objection against possible irregularities observed during the election process with the Election Officer at the election venue.
21. An appeal may be lodged on the same day of the specific elections (before results are finalized) to the Municipal Manager or delegated if an objection cannot be resolved by the Election Officer. The ruling by the Municipal Manager or delegated will be final.
22. The results of a ward committee election will be declared by the local Ward Councillor at the election venue, after counting and finalizing of list of elected Ward Committee Members and possible replacement list for the particular ward.

SCHEDULE 2

CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

1 PREAMBLE

- 1.1 The purpose of the code is to ensure that Ward Committee Members fulfil their obligations to the respective wards they represent.
- 1.2 The code is furthermore a set of guidelines to promote improvement of good behaviour of individual Ward Committee Members and to foster good relations with the community, administration and Council.
- 1.3 This code is based on the Code of Conduct for Councillors and needs to be read in conjunction with the mentioned Code.

2 GENERAL

Ward Committee Members must at all times:

- 2.1 Perform their responsibilities/obligations with integrity, honesty and in a transparent manner.
- 2.2 Not in any way compromise the stability of the particular Ward Committee/local Ward Committee System.
- 2.3 Not compromise the integrity and credibility of the Municipality.
- 2.4 Comply with Section 11. *of what?*

3 ATTENDANCE OF MEETINGS

- 3.1 Ward Committee Members and/or their respective Secundus must strive to attend all officially scheduled Ward Committee meetings.
- 3.2 Must provide an apology with a valid reason to the Chairperson of the committee if a meeting cannot be attended.
- 3.3 Organisations/sectors/geographical blocks (block representatives) will automatically be dismissed from affected Ward Committee(s) if their Ward Committee Member(s) and secundi(s) fail to comply with clauses 10.16 or 10.17.

4 DISCLOSURE OF INTEREST

- 4.1 A Ward Committee Member must disclose direct or indirect personal or private interest in any matter serving before the Committee.
- 4.2 It is expected of a Ward Committee Member to recuse him/herself from the discussion of an item before the Ward Committee in situations described in 4.1 above.
- 4.3 A confirmation screen must appear before the final submission.
- 4.4 Once submitted, the vote is encrypted and cannot be changed.
- 4.5 Voters may not vote twice; duplicate attempts will be blocked/discarded.

5 PERSONAL GAIN

A Ward Committee Member must not:

- 5.1 Use his/her position as a Ward Committee Member for private gain or to improperly benefit from another person.
- 5.2 Accept any gifts, rewards and favours for their involvement in responsibilities/activities with regard to the Ward Committee.

6 INTERFERENCE INTERVENTION IN ADMINISTRATION

A Ward Committee Member must not:

- 6.1 Interfere in the administration or any department of the Municipality.
- 6.2 Publish comments and or information purporting to be ward committee minutes prior to the administration loading such minutes on the municipal website.
- 6.3 Publish comments and/ or opinions relating to ward committee meetings which are not factually accurate and reflective of the meetings.
- 6.4 Give instruction(s) to employee(s) of the Municipality.
- 6.5 Obstruct or attempt to obstruct the implementation of any decision of Council or administration.
- 6.6 Encourage participation in any action that would result in maladministration within the Municipality.

7 COUNCIL PROPERTY

A Ward Committee Member may not misuse, take, acquire or benefit from any property or asset under control or owned by the Municipality.

8 DISCIPLINARY ACTION

- 8.1 If reasonable suspicion exists that provision of this Code of Conduct has been transgressed / or a Ward Committee member has failed to perform his/her functions as per the Ward Committee Rules, the Chairperson of the Ward Committee must:
 - 8.1.1 Provide a written report with the facts to the Speaker;
 - 8.1.2 The Speaker will give the affected Ward Committee Member a reasonable chance to respond to the alleged breach of the code.
 - 8.1.3 If, in the opinion of the Speaker, prima facie evidence exists that the provisions of the Code of Conduct have been transgressed or a ward committee function in terms of the Ward Committee Rules has not been performed, the Speaker may establish an adhoc disciplinary committee for further investigation and recommendation to Council.
- 8.2 The Speaker must, upon finalization of the investigation into the alleged breach of the Code of Conduct or failure to perform a function by a Ward Committee Member, make recommendations to the Council on the appropriate sanction to be imposed on the relevant

member and that a decision to terminate membership should be at the sole discretion of Council through a formal resolution and shall remain final.

DECLARATION

I, _____,
solemnly declare that I have carefully studied the Ward Committee Rules for Overstrand Municipality and the related Code of Conduct for Ward Committee Members. I fully agree that I shall be bound by the last-mentioned Rules and Code of Conduct in the execution of my functions and duties.

Signed at _____ on this _____ day of _____ 20____.

.....
SIGNATURE OF THE WARD COMMITTEE MEMBER

.....
WARD NO. _____

.....
NAME OF THE WARD COMMITTEE MEMBER
(name in printed capital letters)

.....
DATE

.....
SIGNATURE OF WARD COUNCILLOR

.....
WARD NO. _____

.....
NAME OF THE WARD COUNCILLOR
(name in printed capital letters)

.....
DATE

.....
SIGNATURE OF THE SPEAKER

.....
DATE

.....
NAME OF THE SPEAKER

.....
DATE

AS WITNESSES:

.....
Signature

.....
Date

.....
Signature

.....
Date

13

GERHARD NORTIER

Ek sien nou ek het nie kommentaar gelewer op die punt hieronder nie. Voeg dit by asseblief.

"12.4.2 Only registered voters, whose names appear on the voters' roll of the Ward, where election of a particular Ward Committee are conducted will be eligible to participate in the elections of the particular Ward Committee."

This means that property owners who live elsewhere cannot vote for their local Overstrand ward councillor. But their tenants, if they rent out their property, can vote.

So, a tenant who happens to be a resident in Overstrand during an election year can influence the ward election. Even if such tenant moves elsewhere the next year. But an absent property owner has no vote. Is this a reasonable system?

It seems the rule complies with the Local Government: Municipal Structures Act.

An amendment could be that tenants must have resided in the Overstrand for longer than 3 years, thereby demonstrating commitment to the area.

If a Ratepayers Assoc conducts an opinion poll amongst their members and sends the result to OM must the RPA 1st remove the opinions of absentee owners?

14

ROY GROENEWALD
SANDBAAI RATEPAYERS ASSOCIATION

Recommendations

1. The speaker should not be a ward councilor also. Should he or she find themselves in the same boat as the other ward councilors then the speaker will find it difficult to reprimand ward councilors throughout for wrong doing.
2. Ward meetings must be sent out for the year no later than the first week in Feb. That enables ward committee members to plan their meetings.
3. Ward meetings must be held at the community halls closet to that ward. Especially all public meetings.
4. Ward committee members should not be duplicated in one ward . Should a dispute arise between the two committees in the same ward that would divide Ratepayers in a ward creating an unsavory situation whereby ward committee rules will create unhappiness to one ward committee when the other is sided by a ward councilor

#15

CHRIS MEYER



***KLEINBAAI BELASTING BETALERS
VEREENIGING (KBBV)***

***KLEINBAAI RATE PAYERS ASSOCIATION
(KRA)***

EMAIL: kbbv001@gmail.com

Overstrand Munisipaliteit

Verw: KBBV02126

27 July 2026

The Municipal Manager

Overstrand Municipality

**PROPOSED AMENDMENTS TO THE DRAFT REVISED
OVERSTRAND MUNICIPALITY WARD COMMITTEE RULES**

1 Introduction

The purpose of Ward Committee Rules is not merely to regulate administrative procedures. They are intended to give practical effect to the constitutional right of communities to participate in local government and to ensure that municipalities remain accountable, transparent and responsive.

In terms of section 152(1)(e) of the Constitution and section 16 of the Municipal Systems Act, public participation must be meaningful rather than symbolic. The Rules should therefore create a framework within which Ward Committees can influence municipal decision-making while remaining accountable to the communities they represent.

The following comments identify areas where the Draft Rules could be strengthened.

2 Objects of the Ward Committee

Observation

The Draft Rules correctly identify the Ward Committee as an advisory body supporting participatory democracy.

Concern

The Rules do not sufficiently emphasise that Ward Committee members represent the interests of **all residents** within the ward rather than particular political parties, organisations or interest groups.

Recommendation

Insert a new provision stating:

"Ward Committee members shall perform their functions impartially and in the interests of the entire community of the ward. Members shall not use their position to advance partisan political interests or private interests."

Legal Basis

This amendment is supported by:

- Section 195 of the Constitution (professional ethics and impartiality);
- Section 152 of the Constitution (democratic and accountable local government).

3 Composition of Ward Committees

Observation

The Draft Rules encourage representation from different sectors of the community.

Concern

The Rules provide insufficient guidance regarding equitable representation.

Without minimum standards, there is a risk that one organisation or sector could dominate the Committee.

Recommendation

The Rules should require representation from, where reasonably possible:

- ratepayers' associations;
- youth;
- senior citizens;
- persons with disabilities;
- environmental organisations; **exclude ladies Tea clubs**
- business;
- community safety organisations;
- neighbourhood associations;

- faith-based organisations;

4 Election Procedures

Observation

The Draft Rules establish procedures for nomination and election.

Concern

The Rules should contain stronger procedural safeguards.

Recommendation

The Rules should provide that:

- nominations remain open for a minimum of 21 days;
- reasons for rejecting nominations be provided in writing;
- elections be conducted transparently;
- independent observers be permitted;
- election results be published within seven days.

These measures will reduce disputes and improve public confidence.

5 Meetings

Observation

The Rules regulate ordinary meetings.

Concern

The Rules should establish clearer standards regarding openness and accessibility.

Recommendation

The Rules should require that:

- meeting dates be published in advance;
- agendas be made publicly available before meetings; (7 days)
- members of the public may attend meetings except where confidential matters are discussed;
- approved minutes be published **within 14 days**;
- attendance registers be publicly available.

These requirements reflect the constitutional principles of transparency and accountability.

6 Duties of the Ward Councillor

Observation

The Ward Councillor chairs the Ward Committee.

Concern

The Rules should expressly distinguish the role of the Chairperson from that of the Committee.

The Committee should not become an extension of the Ward Councillor's political office.

Recommendation

Insert wording that:

"The Ward Councillor shall facilitate the work of the Committee but shall not interfere with the independent deliberations of Committee members."

This protects the advisory character of the Committee.

7 Municipal Responses

Observation

The Rules describe how recommendations are submitted.

Concern

The Draft Rules do not adequately require municipal departments to respond.

Without mandatory responses, community participation loses practical value.

Recommendation

The Municipality should:

- acknowledge recommendations within 14 days;
- provide written progress reports within 60 days;
- explain reasons where recommendations cannot be implemented;
- report unresolved matters to Council.

This will significantly improve accountability.

8 Code of Conduct

Observation

Ethical standards are addressed.

Concern

The Rules should provide stronger provisions relating to conflicts of interest.

Recommendation

Every member should:

- declare financial interests annually;
- declare any conflict before discussion begins;
- withdraw from consideration of matters where conflicts exist.

These provisions are consistent with recognised principles of good governance.

9 Attendance

Observation

Attendance obligations exist.

Concern

The Rules should provide greater certainty regarding vacancies.

Recommendation

Members absent from three consecutive meetings without acceptable reasons should automatically cease to hold office.

Vacancies should be filled within sixty days.

10 Community Participation

Observation

The Draft encourages communication with residents.

Concern

The Rules should establish enforceable obligations.

Recommendation

Ward Committees should be required to:

- hold at least four public meetings annually; (**Excluding Public Participating meetings and Site visits**)
 - provide written feedback to residents;
 - maintain community contact lists;
 - receive written submissions from residents;
 - report annually on community concerns.
-

11 Transparency

The Rules should expressly require publication of:

- agendas;
- minutes;
- attendance registers;
- annual reports;
- recommendations submitted to Council;
- municipal responses.

Transparency strengthens public confidence and reduces unnecessary disputes.

12 Service Delivery Monitoring

One significant omission from the Draft Rules is the absence of a structured monitoring system.

The Rules should require the Municipality to maintain a Service Delivery Tracking Register containing:

- reference number;
- date reported;
- municipal department responsible;
- progress;
- estimated completion date;
- reasons for delay.

Ward Committees should receive quarterly updates.

This amendment would greatly improve accountability and public confidence.

13 Conclusion

The Draft Revised Rules provide a sound framework for the operation of Ward Committees. However, several amendments are necessary to ensure compliance with constitutional principles of openness, accountability, responsiveness and meaningful public participation.

The recommendations contained in this submission are intended to strengthen—not impede—the effective functioning of Ward Committees. They will assist the Municipality in achieving the constitutional objectives of democratic local government while improving communication between residents and municipal administration.

Regards

signed

.....

Chris Meyer

Chairperson: KBRPA

27 July 2026

#16

RIAAAN VAN ZYL

Onderwerp: Kommentaar op die Konsep-Hersiene Wykkomiteereëls 2026

Geagte Me. Louw,

Ek is 'n inwoner en belastingbetaler van Wyk 8 in die Overstrand en dien hiermee my skriftelike kommentaar in op die voorgestelde Hersiene Wykkomiteereëls vir 2026.

Wykkomitees behoort 'n doelmatige kanaal te wees waardeur inwoners met hul plaaslike regering kan skakel. Enige wysiging van die reëls behoort openbare deelname te bevorder, deursigtigheid te versterk en vertroue tussen die gemeenskap en die munisipaliteit uit te bou. Die voorgestelde wysigings wek egter by my ernstige kommer oor die mate waarin gemeenskapslede nog betekenisvol aan die proses sal kan deelneem.

1. Openbare deelname by vergaderings

Volgens die voorgestelde bepalings blyk dit dat lede van die publiek hoofsaaklik as waarnemers beskou word en slegs mag deelneem indien die voorsitter toestemming verleen. Dit plaas openbare deelname grootliks in die diskresie van een persoon.

Voorstel: 'n Duidelike en omskrewe reg behoort aan inwoners verleen te word om tydens wykkomiteevergaderings insette te lewer oor aangeleenthede wat hulle raak.

2. Uitsluiting van die publiek

Die bepaling wat die uitsluiting van die publiek op instruksie van die voorsitter moontlik maak, is na my mening te wyd geformuleer en bied onvoldoende objektiewe riglyne.

Voorstel: Uitsluiting behoort slegs in uitsonderlike omstandighede, soos werklike ontwrigting of veiligheidsrisiko's, toegelaat te word, met redes wat behoorlik aangeteken word.

3. Onbepaalde gedragsvereistes

Verwysings na "onvanpaste" of "onbehoorlike" gedrag is subjektief en kan tot uiteenlopende interpretasies aanleiding gee.

Voorstel: Die reëls moet duidelik omskryf watter optrede werklik ontwrigtend is en nie ruimte laat vir die stilmaak van wettige kritiek of verskille van mening nie.

4. Openbaarheid van vergaderings en kennisgewings

Die nuwe formulering rakende vergaderings wat volgens die Raad se skedule plaasvind, kan moontlik daartoe lei dat sommige vergaderings nie voldoende bekend gemaak word nie.

Voorstel: Alle wykkomiteevergaderings behoort oop te wees vir die publiek, behoudens beperkte en wettige uitsonderings, en kennisgewings moet betyds deur verskeie kommunikasiekanale versprei word.

5. Terugvoering aan gemeenskappe

Die beperking op wykkomiteelede om terugvoering aan hul gemeenskappe te gee voordat amptelike notules gepubliseer word, kan die vloei van inligting onnodig vertraag.

Voorstel: Komiteelede behoort toegelaat te word om relevante inligting en vordering betyds met hul gemeenskappe te deel, terwyl die amptelike notuleproses steeds gehandhaaf word.

6. Beperking van diensversoeke

Die voorgestelde beperking op die aantal diensversoeke wat ingedien kan word, strook na my mening nie met die breër rol van wykkomitees as platforms vir gemeenskapsdeelname nie.

Voorstel: Die fokus behoort eerder op effektiewe gemeenskapsverteenvoording te wees as op 'n vaste numeriese beperking.

7. Dissiplinêre prosesse

Ek neem kennis dat daar nie meer voorsiening gemaak word vir 'n onafhanklike appèlproses in dissiplinêre aangeleenthede nie.

Voorstel: 'n Onafhanklike hersienings- of appèlmeganisme behoort behou te word om billikheid en natuurlike geregtigheid te verseker.

8. Samestelling van wykkomitees

Dit blyk dat die verhouding tussen geografiese en sektorverteenvoording eers ná die benoemingsproses bepaal kan word.

Voorstel: Die samestelling van die komitee behoort vooraf en op 'n deursigtige wyse vasgestel en bekend gemaak te word voordat benoemings open.

Hierdie kommentaar word gelewer met die doel om deelnemende plaaslike regering te versterk en om te verseker dat inwoners steeds 'n werklike en betekenisvolle stem in die besluitnemingsproses behou.

Ek versoek dat hierdie voorlegging amptelik as deel van die openbare deelnameproses geregistreer word en aan die Raad voorgelê word wanneer die voorgestelde reëls vir finale goedkeuring oorweeg word.



PRINGLE BAY RATEPAYERS' ASSOCIATION

SARS Reg. 9101/138/16/3

NPO Reg. 214-205

www.pringlebayratepayers.co.za

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Chairman/Voorsitter: chairman@pringlebayratepayers.co.za / Tel: 084 222 1242

28 July 2026

For Attention: Rochelle Louw
OVERSTRAND MUNICIPALITY
PO BOX 20
HERMANUS
7200

Email address : rlouw@overstrand.gov.za

SUBJECT: Ward Committee Rules review input

Dear Ms Louw

On behalf of the Pringle Bay Ratepayers Association (PBRA), I would like to submit the following input for consideration as part of the review process of the Draft Revised Ward Committee Rules, draft 9 June 2026 and noted by Council 24 June 2026.

1. General remarks about the process

In November 2024, the PBRA representative attended an orientation session in the auditorium of OM for all ward committees within the Overstrand Municipality (OM) area. That meeting was chaired and facilitated by the then Mayor, Alderman Analie Rabie. The ward committees were informed that, as part of the process of reviewing the ward committee rules, the ward committee members were asked to submit their input on the current rule. After consideration of the collective input from wards, the rules would be reviewed, and the first draft of the amended rules would be ready by January 2025 for consultation. The stated intention was to have the rules finalized by November 2025. The minutes of the ward 10 committee meeting will reflect that during 2025 the PBRA representative consistently enquired about the status of the review of the ward committee rules. Significantly, point 4.3 of the official minutes of the February 2026 Ward 10 committee meeting states the following:

“ Mr Wyngaard indicated he had considered all submissions and incorporated those into a revised document. Public participation must happen in March, whereafter the rules would serve before Council and finally, another public participation process would be done...Plans had been made to workshop the rules at the May 2026 WC meetings.”

It is unfortunate that this process and commitment regarding the process did not materialise. It is our contention that, had these workshops with ward committees taken place as promised in May 2026, the current draft amended rules circulated for public participation would have been of better quality. We nevertheless welcome the opportunity to comment on the draft

amended rules and trust that our contribution will add value to the process of facilitating local community interaction with the OM.

2. Executive Summary

PBRA supports an effective, representative and properly administered Ward Committee system. We acknowledge that Council has a clear statutory duty and power to regulate ward committees. The central question is therefore not whether OM may make rules, but whether each material provision remains within the scope of the empowering legislation, advances the statutory object of participatory democracy, is rational and sufficiently certain, and contains adequate safeguards where municipal decisions may adversely affect residents or Ward Committee members.

We furthermore acknowledge that the draft contains several sound features. It recognises the advisory role of Ward Committees, provides for community and constituency engagement, establishes formal election procedures, requires administrative support, provides for publication of agendas and minutes, contemplates training, and seeks to create a consistent operational framework across wards. The PBRA supports retaining these features.

However, the PBRA has identified several provisions that require material amendment before adoption. The most serious concerns concern the description of PR Councillors as ex officio Ward Committee members; the apparent perception that the rules are presenting the Ward Committee and OMAF as exclusive municipal liaison channels; extensive eligibility and removal restrictions; late and discretionary determination of the sector/geographical representation model; a numerical service-delivery reporting quota linked to reimbursement; a quorum provision that can defeat the ordinary quorum requirement; broad powers to restrict public participation or exclude the public and media; insufficient procedural safeguards for adverse decisions; and serious drafting and cross-reference defects, including electronic voting provisions appearing under the Code of Conduct's disclosure-of-interest provisions.

The PBRA therefore requests that the Draft Rules should be corrected and materially revised, the empowering basis for disputed provisions should be disclosed, and materially amended Rules should be republished for a reasonable further comment period.

3. Statutory and Constitutional Framework

3.1 Constitution of the Republic of South Africa, 1996

The constitutional framework requires democratic and accountable local government and encourages the involvement of communities and community organisations in matters of local government. Section 151 recognises municipal authority, but municipal legislative and executive power remains subject to the Constitution and national and provincial legislation. Section 152 includes the objects of democratic and accountable local government and encouragement of community involvement. Section 195 reinforces accountability, transparency, responsiveness and public participation in public administration. Where administrative action is implicated, section 33 requires lawful, reasonable and procedurally fair administrative action.

3.2 Municipal Structures Act 117 of 1998

Part 4 of the Structures Act is the principal statutory foundation for Ward Committees. Section 72 establishes the Ward Committee system and identifies its object as enhancing participatory democracy in local government. Section 73 regulates establishment and composition. The Ward Councillor is the chairperson, and the committee comprises not more than ten other persons. Council must make rules regulating the election procedure, circumstances in which members vacate office and the frequency of meetings, while taking account of equitable representation of women and diversity of interests in the ward. Section 73(4) permits

administrative arrangements enabling Ward Committees to perform their functions and exercise their powers.

Section 74 provides for Ward Committee recommendations on matters affecting the ward and for functions and powers delegated to the committee. Section 76 allows Council to determine the procedure for filling vacancies. Section 78 expressly permits Council to dissolve a Ward Committee that fails to fulfil its statutory object. These provisions give Council substantial regulatory competence, but they do not authorise rules inconsistent with the statutory composition, participatory object or limits of the enabling Act.

3.3 Municipal Systems Act 32 of 2000

Chapter 4 of the Systems Act establishes a broader participatory-governance framework. Section 16 requires municipalities to develop a culture of municipal governance that complements representative government with participatory governance and to encourage conditions for community participation in the IDP, performance management, municipal performance, the budget and strategic service-delivery decisions.

Section 17 is important because the statutory model is plural rather than exclusive. Participation mechanisms include Structures Act political structures, petitions and complaints, notification and public comment procedures, public meetings and hearings, consultative sessions with locally recognised community organisations and traditional authorities where appropriate, and report-back to communities. Ward Committees are therefore important statutory structures, but they cannot lawfully be treated as the only route through which residents, civic organisations or ratepayers' associations may engage the Municipality.

3.4 Status of national guidelines and municipal policy

Notice 965 of 2005 is important official national guidance on the establishment and operation of Ward Committees. It is not an Act of Parliament and should not be treated as though it overrides the Structures Act. Likewise, OM policies and practices can regulate municipal administration within lawful bounds but cannot enlarge statutory powers. While the PBRA has looked at rules governing Ward Committees in a select few municipalities we acknowledge that comparative practices in other municipalities are useful benchmarks only; they do not establish legality.

4. Overall Participatory-Governance Concern

The PBRA contends that the Draft Rules should be assessed cumulatively, not only clause by clause. Several provisions individually pursue legitimate administrative objectives, but in combination they risk shifting the Ward Committee from an enabling participatory structure toward a permission-based and tightly administered structure. It is the submission of the PBRA that the combined effect of official-channel language, eligibility exclusions, discretionary election architecture, agenda controls, service-delivery quotas, chairperson permissions, public-speaking controls, exclusion powers and communication restrictions warrants particular scrutiny.

The final Rules should begin from a presumption that community participation is to be facilitated. Administrative order, confidentiality and meeting discipline are legitimate, but restrictions should be necessary, objectively framed, proportionate and accompanied by reasons or review mechanisms where appropriate.

5. Status of the Ward Committee and OMAF

5.1 'Official channel' and 'official liaison mechanism'

Clauses 3.3 and 11.1 describe the Ward Committee, and in specified matters OMAF, as an official communication or liaison mechanism. The concern is not the use of formal municipal structures. Notice 965 itself describes Ward Committees as specialised participatory structures, and OM has long used OMAF as part of its public-participation architecture. The concern is any implication of exclusivity.

Sections 16 and 17 of the Systems Act require multiple participation mechanisms. The PBRA and other ratepayers' associations, civic organisations, NGOs and residents should remain entitled to submit representations, petitions, complaints and comments directly through other lawful municipal channels.

PBRA proposes that the Rules state: "A Ward Committee is a principal statutory participatory and advisory mechanism between the ward community and the Municipality on matters affecting the ward. Nothing in these Rules limits any mechanism of community participation, petition, complaint, hearing, consultation, written submission or direct representation provided by law or municipal policy.

5.2 Legal position of OMAF

The OM 2016 Public Participation Policy Framework identifies two formalised participation structures: the Ward Committee system and the Overstrand Municipal Advisory Forum (OMAF). The policy indicates that OMAF was established to engage with the draft IDP and describes a broad membership including the Mayor, councillors, Municipal Manager, senior officials, Ward Committee members, other spheres of government and sector representatives. Overstrand has continued to use OMAF in IDP and budget participation.

It appears therefore that OMAF's exists as an established municipal public-participation forum. However, the material reviewed does not establish OMAF as a statutory body equivalent to a Ward Committee created under sections 72 - 78 of the Structures Act. Its role should therefore complement rather than alter or displace the statutory position of Ward Committees and other Systems Act participation mechanisms.

PBRA requests disclosure of the Council resolution and current terms of reference establishing OMAF, together with its membership, appointment and accountability arrangements.

6. Composition, Membership and Eligibility

6.1 PR Councillors as ex officio members - clause 9.2

Section 73(2) describes the Ward Committee as the Ward Councillor, who is the chairperson, and not more than ten other persons. Clause 9.2 of the draft Rules describes PR Councillors as ex officio and non-voting members. Even if they cannot vote, the use of the term 'member' creates uncertainty concerning statutory composition, quorum, confidentiality, discipline and legal status.

The PBRA is not aware of any legal framework or legislative measures which authorise Council to enlarge the statutory membership described in section 73(2). PBRA accepts that PR Councillors may perform useful support or liaison functions. The safer formulation is therefore, attendance rather than statutory membership.

Suggested wording: “A PR Councillor assigned by the Speaker may attend Ward Committee meetings in a non-voting support and advisory capacity. Such PR Councillor is not a member contemplated in section 73(2) of the Structures Act and is not counted for quorum or voting.”

6.2 Eligibility restrictions - clauses 6.9 and 6.10

Council must regulate election procedures and circumstances for vacation of office, so PBRA does not contend that all eligibility rules are beyond municipal competence. The concern is whether each additional exclusion is rationally connected to the Ward Committee's statutory purpose, proportionate, objectively verifiable and procedurally fair.

The blanket exclusion of persons employed by another sphere of government requires particular justification. It may exclude teachers, health workers and other residents capable of representing legitimate ward interests. Municipal-debt disqualification similarly requires careful treatment of disputed accounts, payment arrangements, indigent status and other circumstances. Criminal-conviction thresholds and close-family restrictions should be precisely defined and supported by a demonstrated integrity purpose rather than administrative convenience.

Any disqualification process should provide written notice of the proposed ground, disclosure of the material relied upon, a reasonable opportunity to correct information or respond, objective verification and a written outcome with an appropriate review mechanism.

6.3 Individual and organisational representation

The Draft's preference for organised sectors can support representativity, but it should not make organised affiliation the only practical route to participation. The statutory requirement is diversity of interests in the ward. The Rules should explain how unorganised, emerging or otherwise under-represented interests can obtain representation and should avoid unnecessary documentary barriers that favour established organisations.

The PBRA furthermore recommends that Clause 10.1 should be amended to include the words “ through their respective representative/s” to be inserted after the words “ ...ensuring that residents”.

6.4 Gender and designated-group representation

The Structures Act expressly requires election rules to take account of equitable representation of women and diversity of ward interests. The Draft uses differing formulations concerning equal gender representation and minimum representation. One coherent standard should be adopted and the effect of representation criteria on voting and replacement lists should be published before the election.

7. Election Architecture and Integrity

7.1 Sector and geographical allocation

Clauses 12.4.4 - 12.4.5 require at least five organisation/sector seats, with remaining representation drawn from geographical blocks, while the ratio is determined by the Ward Councillor in consultation with the Election Officer. The central concern is timing and discretion. The architecture determining how votes become seats should be known before nominations close and before registered voters cast their vote.

PBRA recommends that objective ward-specific criteria be prescribed and the final sector/geographical ratio, geographical map and seat-allocation formula be published with the nomination notice.

7.2 Voting, representation adjustments and objections

The use of a formal secret ballot, voter verification, observers and ballot counting is generally defensible and broadly consistent with national guidance. The difficulty arises where final representation preferences may alter the result after votes have been counted without a sufficiently precise pre-published formula.

The Rules should state exactly how vote totals, sector seats, geographical seats, gender considerations and designated-group representation interact. They should also provide clear recount triggers, ballot-security rules, observer rights and a written election record. A same-day appeal to the Municipal Manager, described as final, is unnecessarily compressed for documentary or eligibility disputes. Any internal finality clause should expressly preserve lawful external review.

7.3. Calling for nominations

Clause 12.1.1. refers to the Municipal Manager advertising a call for nominations in the local newspapers. It might just be an omission but for sake of completeness the PBRA is of the position that this should also be published on the website of the OM in accordance with its By-Law on Rules of Order for Internal Arrangements, 2022. In fact, 5.9 of the Rules references this By-Law.

8. Powers, Recommendations and Agenda Control

8.1 Ward Committee recommendations - clause 11.8

Section 74 places the recommendation function in the Ward Committee. Clause 11.8 should therefore not be capable of converting a collective Ward Committee recommendation into the personal recommendation of the Ward Councillor or designated chairperson.

Suggested wording: "A recommendation adopted by a Ward Committee must be recorded as the recommendation of that Ward Committee and transmitted through the prescribed municipal process. The Ward Councillor may append a separate comment or recommendation."

8.2 Agenda access and urgent matters

A ten-working-day deadline for agenda submissions can be administratively reasonable, but the Rules need an urgent-item mechanism. Legitimate community issues should not be excluded solely because they arise after an administrative deadline. Any refusal to place a properly submitted item on the agenda should be based on defined criteria and capable of explanation.

8.3 Task teams and subcommittees

Task teams can deepen participation and allow specialised work. Requiring individual permission from the Ward Councillor creates an avoidable political or administrative veto. PBRA proposes that a Ward Committee be able, by recorded resolution and within a Council approved framework, to establish a task team for a defined purpose, with recorded terms of reference, membership, duration and reporting obligations.

8.4 Representation by portfolio – Clause 11.13

Clause 11.3 refers to the "portfolio" a ward committee member represents. It is unclear which portfolios exist at the ward committee level and how representatives elected by the community to serve as a member will also serve a particular portfolio. Where is the legislative framework that informs this type of representation at ward committee level.

9. Service-Delivery Quota and Reimbursement

9.1 Minimum of 15 service requests - clause 11.11

No clear legislative provision has been identified for a fixed requirement that every member report at least 15 basic service-delivery requests or issues. Ward Committee members should promote and use municipal service-reporting systems where genuine issues arise, but an artificial numerical quota is not a reliable measure of meaningful participation and can encourage unnecessary fault logging.

The quota also risks shifting Ward Committee members from representative and advisory roles into unpaid municipal service-reporting agents. Participation can instead be assessed through attendance, constituency consultation, report-back, substantive recommendations and appropriate use of service channels.

9.2 Out-of-pocket expenses - clause 18

Section 73(5) permits arrangements concerning out-of-pocket expenses for participation in Ward Committee activities within the applicable national and provincial framework.

Reimbursement should remain reimbursement of legitimate participation costs rather than become performance remuneration. Linking reimbursement to a fixed service-request quota or broad performance outputs creates unnecessary legal and policy uncertainty. PBRA proposes that verified qualifying expenses be reimbursed under published criteria, rates and proof requirements derived from the applicable national and Western Cape provincial framework. The OM should disclose the current legislative framework on which clause 18 relies.

10. Meetings, Quorum and Public Participation

10.1 Quorum - clause 14.4

The Draft first establishes a quorum of 50% plus one, excluding the chairperson, but then provides that where a quorum cannot be achieved because of vacancies the remaining members constitute a quorum. This exception can nullify the safeguard created by the primary quorum rule and permit a very small remnant to transact formal business.

No clear empowering provision has been identified for this deeming mechanism. PBRA proposes that a meeting without the prescribed quorum may receive information and facilitate discussion but may not adopt formal Ward Committee recommendations. Vacancies should instead be filled promptly under section 76 and the Rules.

10.2 Municipal official attendance - clause 14.11

The Draft should distinguish between constitution of a formal Ward Committee meeting and community consultation. Failure of a municipal employee to attend should not prevent residents or representatives from meeting, discussing issues and formulating representations. Administrative non-attendance should be recorded and escalated rather than used to terminate community engagement.

10.3 Public speaking

Open meetings do not imply an unlimited right to speak at any time. A chairperson must be able to maintain order, allocate speaking time and manage an agenda. PBRA's objection is therefore not to reasonable meeting control but to unstructured discretion. Ordinary agendas should include a reasonable public-input opportunity, with transparent and viewpoint-neutral speaking procedures.

10.4 Exclusion of the public and media - clause 15.4

The Draft permits exclusion of the public or media on chairperson direction or committee motion without stating a substantive legal threshold. For a structure whose object is

participatory democracy, this power should be narrowly framed.

Suggested wording: “The public, including the media, may be excluded only where a lawful ground exists and exclusion is reasonable and necessary having regard to the nature of the business. The ground, scope and duration of exclusion must be recorded in the minutes.”

10.5 MFMA section 130 reference

Clause 15.3.2 invokes section 130 of the MFMA and refers to a member of the public addressing 'the Council' whereas these are rules for Ward Committees. It appears that this clause is a verbatim copy and paste of another clause relating to allowing members of the public to address Council which is a different statutory forum. This clause appears insufficiently tailored to ordinary Ward Committee procedure. The provision should be replaced with a Ward-Committee-specific public-input rule rather than importing wording designed for a different statutory context such as the 'Council'.

11. Chairing and Delegation - clause 14.18

The PBRA seeks clarity on this in relation to the legal framework within which Ward Committees operate. Section 73(2)(a) states that the Ward Councillor must be the chairperson. The 2005 national Guidelines nevertheless expressly contemplate written delegation by the Ward Councillor, when absent, of chairing a meeting to a PR Councillor or Ward Committee member.

The national Guidelines are authoritative guidance but do not amend the Act. PBRA therefore requests that the OM identify the precise legal interpretation relied upon to reconcile the clause with section 73(2)(a). If retained, the provision should make clear that it concerns temporary chairing of a meeting and does not transfer the statutory office or status of chairperson.

Suggested wording: “Where the Ward Councillor is temporarily absent, written arrangements for chairing may be made only to the extent permitted by applicable law and the national Guidelines. Such arrangement does not transfer the statutory office of chairperson.”

12. Discipline, Removal and Procedural Fairness

The Structures Act requires Council to regulate circumstances in which Ward Committee members vacate office. That is a genuine source of municipal authority. The legal question is therefore whether the individual grounds and procedures in clauses 16 and Schedule 2 are sufficiently clear, rational and fair.

Terms such as incapacity, non-performance and serious misconduct should be objectively defined. Debt status and organisational requirements should not result in automatic adverse consequences without verification. The Speaker's investigative role and Council's sanctioning role should be accompanied by conflict-of-interest and recusal provisions.

PBRA proposes a common minimum procedure: no member should be disqualified, suspended or removed without written notice of the alleged ground and material relied upon, a reasonable opportunity to respond, consideration by an impartial decision-maker, and written reasons. Where facts are materially disputed, the procedure should permit an appropriate hearing. Any internal appeal or review mechanism should be stated clearly.

13. Vacancies and Dissolution

13.1 Vacancies - clause 17

Section 76 allows Council to determine the procedure for filling vacancies. The Draft's use of replacement lists is therefore supported in principle. The ranking method and any

representation adjustment should nevertheless be explicit. Where a fresh election is required, the requirement to fill the vacancy by the next meeting may be impracticable. Accordingly, it is recommended that a realistic outer time limit should be prescribed.

13.2 Dissolution - clause 20

Section 78 expressly authorises Council to dissolve a Ward Committee that fails to fulfil its object. PBRA therefore does not dispute the existence of a dissolution power. The concern is the adequacy of the procedure and the connection between the stated ground and the statutory threshold.

Before dissolution, Council should give written notice of the alleged failure, disclose the material relied upon, provide a reasonable opportunity for the committee and affected community to make representations, consider those representations and adopt a reasoned resolution. The Municipality should simultaneously publish a timetable for reconstituting the Ward Committee.

14. Communication, Minutes and Constituency Accountability

Schedule 2 clause 6.2 appears intended to prevent premature or inaccurate publication of unofficial minutes. That is a legitimate objective. It should not, however, prevent Ward Committee members from reporting lawfully to their constituencies, expressing personal views or communicating non-confidential factual information before official minutes are published.

Suggested wording: “A member may not publish or represent any unofficial record as the adopted minutes of the Ward Committee. This does not prohibit lawful constituency reporting, personal comment or dissemination of non-confidential information, provided it is not falsely represented as an official municipal record.”

15. Drafting and Legal-Certainty Defects

- The definition of 'PR Councillor' refers to the Municipal Structures Act as Act 117 of 1996; the correct year is 1998.
- Clause 6.6 refers incorrectly to the election described in clause 5.3. Should read 6.3
- Clause 11.10 refers to clause 10.9 although the relevant quarterly reporting provision appears to be clause 11.9.
- Clause 14.11 refers to proceeding informally 'as indicated in 11.3'; this appears to be an incorrect cross-reference.
- Clause 15.1.3 refers to disregarding directions of the Speaker although the operative directions in clause 15.1.2 are given by the Chairperson.
- Clause 15.3.2 invokes MFMA section 130 and refers to a member of the public addressing 'the Council', indicating that the provision may have been imported from a different procedure.
- Schedule 2 clause 3.3 refers to clauses 10.16 and 10.17 although the relevant attendance provisions appear elsewhere.
- Schedule 2 clauses 4.3–4.5 refer to a confirmation screen, encrypted votes and duplicate voting attempts under 'Disclosure of Interest'. These provisions are unrelated to disclosure of interests and appear to be drafting contamination from an electronic-voting procedure.
- Clauses 14.16–14.17 use references to a Ward Committee member's 'representative(s)' in a manner that is legally and grammatically unclear.
- Clause 17.3 is syntactically incomplete and should be redrafted.
- Clause 18.2 uses both 20 km and 30 km radii without clearly explaining their interaction.
- The document alternates between 'Rules' and 'Policy'; the legal instrument and status should be consistently identified.
- The definition of 'Monitoring and Evaluation' refers to the impact of Ward Committee 'decisions' although the committee's core statutory role is advisory/recommendatory.

- References to 'Secundus' require consistent definition and usage.
- Schedule 1 contains several typographical and grammatical defects that should be corrected before adoption.

16. Comparative Governance Observations

In considering the draft rules of OM, the PBRA undertook a comparative analysis using the ward committee rules from Drakenstein, Stellenbosch and the City of Cape Town.

Drakenstein describes Ward Committees as advisory, independent, representative, impartial and non-political and uses PR Councillor ex officio terminology. This demonstrates that Overstrand's approach is not unique, but it does not resolve the statutory composition question under section 73(2). On the other hand, pertaining to exclusivity, Stellenbosch and Cape Town demonstrate that Ward Committee participation can coexist with broader municipal structures thereby recognizing multiple public-participation forums, reinforcing the Systems Act's plural model.

While we acknowledge the usefulness of comparative analysis the input of the PBRA rests on the statutory text, legality, rationality, procedural safeguards and the cumulative effect on participation as contained in the draft rules.

17. Minimum Amendments Requested Before Adoption

The PBRA submits respectfully that, after due consideration of the input in this document, the following minimum amendments to the draft rules should be effected namely ;

1. Expressly preserve all participation channels available under the Systems Act and municipal policy; remove any implication that the Ward Committee or OMAF is an exclusive gateway.
2. Replace PR Councillor 'membership' with clearly defined non-voting attendance/support status unless OM identifies clear empowering authority for membership.
3. Reconsider and legally substantiate additional eligibility and disqualification restrictions, with fair verification and review procedures.
4. Publish the sector/geographical representation ratio, geographical blocks and seat allocation method before nominations close.
5. Ensure Ward Committee recommendations are recorded and transmitted as recommendations of the committee, not converted into personal recommendations of the Ward Councillor.
6. Delete the fixed 15-service-request quota and separate expense reimbursement from performance outputs.
7. Replace the 'remaining members constitute a quorum' provision with a coherent quorum and vacancy mechanism.
8. Provide structured public-input opportunities and objective, reasoned grounds for any exclusion of the public or media.
9. Clarify clause 14.18 on temporary chairing by identifying the legal interpretation relied upon and preserving the Ward Councillor's statutory status as chairperson.
10. Strengthen procedural safeguards for nomination disqualification, discipline, termination and dissolution.
11. Narrow the communication restriction so that it protects the integrity of official minutes without preventing constituency reporting.
12. Delete Schedule 2 clauses 4.3–4.5 unless an electronic-voting procedure is deliberately intended and properly relocated and regulated.
13. Correct all statutory references, cross-references, terminology, grammar and numbering before adoption.
14. Publish the applicable provincial out-of-pocket-expense framework and relevant municipal delegations relied upon by the Rules.

15. Republish materially revised Rules for a reasonable further public-comment period and provide a response matrix showing how substantive public submissions were addressed.

18. PBRA's Recommendations

PBRA respectfully requests that Overstrand Municipality does not adopt the Draft Revised Ward Committee Rules in their present form. PBRA asks that the Municipality record this submission in the formal public-participation record; undertake and disclose a clause-by-clause legal compliance review against the current Structures Act, Systems Act and applicable frameworks; identify the empowering provisions relied upon for disputed provisions; amend the Draft; correct the technical defects; and provide Council and submitters with a response matrix recording how material submissions were considered.

Where the Municipality disagrees with a legal objection raised by PBRA, PBRA requests a written response identifying the statutory or other lawful authority relied upon and explaining the Municipality's interpretation. Where material amendments are made, PBRA requests that the revised Rules be republished for a reasonable further comment period before final adoption.

PBRA's objective is a Ward Committee framework that is administratively workable, politically impartial, legally defensible and genuinely enabling of community participation. Rules governing a participatory structure should protect order, integrity and accountability without converting civic participation into a permission-based or unnecessarily bureaucratic process.

19. Conclusion

PBRA recognises that public participation does not confer a veto over Council's ultimate decision. Council remains responsible for adopting lawful and workable Rules. Meaningful participation does, however, require the Municipality to consider substantive objections, identify the legal basis for contested provisions and ensure that the final framework facilitates rather than unnecessarily constrains participatory democracy.

The Draft can be substantially improved without weakening municipal administration. The amendments proposed in this submission preserve legitimate meeting management, election integrity, accountability and administrative support while reducing legal uncertainty and protecting the representative and participatory purpose of Ward Committees.

I trust that our input will add value to the process and look forward to the ward committee system continuing to play a vital role in bringing local government closer to the community it serves and facilitating greater interaction.

Yours sincerely



Gert Bam : Chairperson on behalf of PBRA

References

- Constitution of the Republic of South Africa, 1996, particularly sections 33, 151–152 and 195.
- Local Government: Municipal Structures Act 117 of 1998, as amended, particularly sections 72–78.
- Local Government: Municipal Structures Amendment Act 3 of 2021.
- Local Government: Municipal Systems Act 32 of 2000, as amended, particularly Chapter 4, sections 16–22.
- Guidelines for the Establishment and Operation of Municipal Ward Committees, Notice 965 of 2005.
- National framework concerning criteria for out-of-pocket expenses for Ward Committee members.
- Overstrand Municipality Public Participation Policy Framework, 2016.
- Drakenstein Municipality, Ward Committee Policy.
- Stellenbosch Municipality, Ward Committee Policy 2025–2026.
- City of Cape Town, Ward Committee operational rules.

OVERSTRAND MUNICIPALITY

WARD COMMITTEE RULES (DRAFT, 9 JUNE 2026)

Review Note: Referencing Errors, Inconsistencies and Shortcomings

This note lists the mistakes and shortcomings identified in the June 2026 draft, for the drafting committee's attention. It does not include proposed new clauses (ward geographic division, virtual participation) — those are set out separately in the accompanying Proposal Memo.

A. REFERENCING / CROSS-REFERENCE ERRORS

1. Clause 6.6

Refers to "5.3 above" as the source of the membership criteria being described. Clause 5.3 is actually the Overstrand Municipality's mayoral executive/ward participatory system reference under Legal Framework — unrelated. The criteria in question are set out in clause 6.5 (Criteria for Membership).

2. Clauses 11.9 and 11.10

Both refer back to "10.9" for the quarterly report-back requirement. There is no clause 10.9 — section 10 (Role of the Ward Committee) ends at 10.11 and does not contain a report-back requirement. The intended reference is 11.9 itself, which is where quarterly report-back to constituencies is actually described. This looks like a leftover from renumbering the old section 10 into section 11.

3. Clause 14.11

States that an employee and councillor must be present before a meeting can "proceed informally as indicated in 11.3." Clause 11.3 concerns the Ward Councillor's quarterly feedback obligation, not informal/inquorate meetings. The informal-meeting provision is actually clause 14.5. The cross-reference is wrong.

4. Schedule 2, clause 3.3

States that block representatives will be automatically dismissed if members fail to comply with "clauses 10.16 or 10.17." No such clauses exist anywhere in the draft. The absenteeism provisions being referred to are clauses 14.16 and 14.17.

5. Schedule 2, clauses 4.3–4.5

These clauses appear under the heading "Disclosure of Interest" but have nothing to do with disclosure of interest. They describe an online/electronic voting process — a

confirmation screen before submission, encryption of the submitted vote, and blocking of duplicate voting attempts. This content clearly belongs with the election procedure in Schedule 1, not the Code of Conduct's disclosure-of-interest section. As drafted, it is simply misplaced and reads as an editing/copy-paste error.

6. Clause 18.2 — travel reimbursement thresholds

States that members residing outside a 20km radius will be reimbursed per the operational budget schedule, then in the same clause states that members will be reimbursed for travel outside a 30km radius at Councillor rates. The draft never explains how the 20km and 30km thresholds relate to each other — whether the 30km rule replaces the 20km rule, sits on top of it, or applies only to a subset of members. As written, the clause is internally ambiguous and could be applied inconsistently.

B. INTERNAL INCONSISTENCIES

7. Gender representation target — clause 6.6 vs clause 17.6

Clause 6.6 replaces the previous fixed requirement ("at least 3 of the 10 members must be women" — shown struck through/bracketed in the draft) with an unquantified standard: "strive for equal gender representation." However, clause 17.6, dealing with filling vacancies, still commits to "promote/maintain representation of at least three (3) women per Ward Committee" — a fixed numeric target. The draft now contains two different standards for the same issue and does not say which one governs.

8. OMAF (Overstrand Municipal Advisory Forum) — clause 11.1

The clause brackets out "[together with the Overstrand Municipal Advisory Forum (OMAF)]" from the opening sentence, indicating OMAF's co-liaison role is being deleted. Yet the remainder of the same sentence continues to describe OMAF as the official liaison mechanism for IDP and performance-monitoring matters, in conjunction with Ward Committees. The clause has been half-edited: it removes OMAF at the start but keeps relying on it later in the same sentence.

C. VAGUE OR UNDEFINED TERMS

9. "Youth" definition (section 4, Definitions)

Defines eligible youth representatives as aged 18–30, but says they represent the interests of young people aged 14–35. No mechanism is given for how an elected representative aged, for example, 28, is expected to represent the interests of a 14-year-old, and no separate structure (e.g. a youth sub-committee) is created to bridge this gap. The age bands do not align and the representational logic is not explained.

10. "Geographical Block" vs "Predetermined Geographical Block" (section 4, Definitions)

Two separate defined terms are used almost interchangeably throughout the draft (e.g. clauses 6.1, 6.3, 12.1.2) without a clear distinction between them. Neither definition sets out how a block's boundaries are actually determined, who approves them, how population is factored in, or how often they are reviewed. The terms are defined in the abstract but not operationalised anywhere in the document.

11. Criteria for determining geographic block boundaries

Beyond the two definitions noted above, the draft never sets out a procedure for drawing geographic block boundaries — no population-proportionality requirement, no public comment process, no approval authority, and no review cycle. Given that geographic blocks elect a portion of the ten committee seats (clause 12.4.4), the absence of any boundary-setting procedure is a substantive gap, not just a definitional one.

D. OTHER DRAFTING OBSERVATIONS

12. Numbering discontinuity around sections 10–11

Several clauses in section 11 (Powers and Functions) read as if they were renumbered from an earlier section 10, and at least two of the old internal references (10.9, 10.16, 10.17) were not updated to match. The committee may want to do a full renumbering audit of sections 10 onward, since the errors identified above may not be exhaustive — they are the ones that surfaced on manual review.

13. Section 2.1 numbering artefact

Clause 2.1 in the source draft contains irregular spacing/tab characters before the text ("2.1 \t As per section 2..."), which is a formatting artefact rather than a substantive issue, but should be cleaned up in the final typeset version.

PROPOSAL 1: SELECT ALL TEN WARD COMMITTEE MEMBERS ON A GEOGRAPHICAL BASIS

Current position in the draft

The draft allows a mix of sector/organisation representatives and geographical block representatives (clause 6.3), with a minimum of five sector/organisation seats required by clause 12.4.4 and the balance from geographical blocks. Geographical blocks themselves are referenced (clauses 6.1, 12.1.2) but never defined in terms of how they are drawn, reviewed, or kept proportional.

Proposal

Move away from the mixed sector/geographic model and select all ten (10) ward committee members purely on a geographical basis — i.e. divide each ward into ten roughly equal geographic blocks (or a number proportionate to the ward's population and area), each electing one representative directly from and for that area.

Rationale

- Direct local accountability — a resident knows exactly which representative to approach because the representative's mandate is their own street or neighbourhood, not an abstract sector they may not belong to or engage with.
- Removes uneven and undefined sector weighting — the current model lets one business forum or NGO occupy a seat while an entire physical area of the ward may have no directly accountable representative at all. A purely geographic model guarantees every part of the ward has a named representative.
- Closes the definitional gap — the draft currently has no criteria for how geographic blocks are delimited (see the earlier referencing review). A fully geographic model forces the municipality to finally define block boundaries properly, rather than leaving this half-addressed for only some of the ten seats.
- Simplifies the election process — a single, consistent geographic ballot for all ten seats is easier for the Municipal Manager and Election Officer to administer than the current dual sector/geographic ballot and ratio-setting exercise (clauses 12.4.3–12.4.5).

- Reduces capture by organised interests — under the sector model, well-organised or well-funded groups (business forums, NGOs) are structurally advantaged over ordinary residents who are not affiliated with any organisation. Geographic election is open to any resident in that block, regardless of organisational backing.
- Still allows sector voices to be heard — sector and interest-group input (youth, business, faith-based, disability groups, etc.) is not lost; it continues through public meetings, task teams/sub-committees (clause 11.12), and direct engagement with the geographically elected member for that group's area, rather than through a reserved seat.

Points the drafting committee should weigh before adopting

- Diversity of interests: the current clause 17.7 commits to "promote/maintain diversity of interests" when filling vacancies — a purely geographic model would need this reframed, since diversity would then depend on who residents in each block choose to elect, not on a reserved sector seat.
- Gender representation: clauses 6.6 and 17.6 (women's representation) would need to be re-anchored to geographic blocks rather than sector seats — for example, requiring at least three of the ten geographic blocks to elect a woman, or retaining an unquantified "strive for" standard applied ward-wide.
- Transition: existing sector representatives mid-term would need a transition or grandfathering clause so the change does not immediately unseat sitting members.
- This is a significant structural change from the current SALGA-aligned sectoral guideline referenced in clause 6.5, so it may need to be flagged to SALGA/Provincial Local Government for alignment before final adoption.

Suggested clause wording (for drafting committee review)

6.1 (proposed replacement) A Ward Committee consists of the Ward Councillor and ten (10) other persons, each elected to represent one predetermined geographical block within the ward. Geographical blocks must be delimited in accordance with clause 6.12 (Ward Geographic Division Criteria) so that, as far as reasonably practicable, each block represents a comparable number of registered voters.

6.3 (proposed replacement) All ten members of a Ward Committee are elected on a geographical block model. Sector or organisational interests are represented through public participation, task teams and sub-committees under clause 11.12, rather than through reserved seats.

(These are starting points only — final wording should be checked against clauses 12.4.3–12.4.5, 17.6–17.7 and Schedule 1 to ensure the whole document is internally consistent if this proposal is adopted.)

PROPOSAL 2: VIRTUAL AND INTERACTIVE PUBLIC PARTICIPATION

Current position in the draft

The only reference to non-in-person engagement is clause 3.3, which permits a WhatsApp group or social media as an informal communication channel. There is no formal provision anywhere in the draft for virtual attendance of meetings, live online Q&A, or accessibility support for residents who cannot attend in person.

Proposal

Introduce a formal requirement that each Ward Committee offer a virtual or hybrid channel for public meetings and quarterly report-backs, including a moderated live question-and-answer session, so that participation is not limited to residents who can physically attend.

Rationale

- Widens access — residents who work during meeting hours, have mobility constraints, or live far from the meeting venue can still participate, which strengthens the participatory-democracy objective in clause 3.1.
- Matches how communities already communicate — clause 3.3 already acknowledges WhatsApp/social media use; formalising a virtual meeting channel builds on a habit that is already forming rather than introducing something foreign.
- Improves transparency and record-keeping — a formal virtual channel (with minuted Q&A) is more accountable and auditable than informal WhatsApp exchanges, supporting the transparency objective in clause 10.8.
- Addresses an equity gap if implemented carefully — data costs and connectivity are real barriers in parts of the municipality, so the proposal deliberately includes a call-in option and municipal-facility access, not just an online link, so it does not unintentionally exclude the residents who most need in-person alternatives.

Suggested clause wording (for drafting committee review)

14.19.1 In addition to in-person attendance, each Ward Committee must offer a virtual or hybrid channel (for example, a live-streamed or video-conference link) for quarterly public report-back meetings referred to in clause 14.3, to widen access for residents who cannot attend in person.

14.19.2 Notice of the virtual or hybrid meeting link must be published together with the notice required under clause 19.1.5, at least seven (7) calendar days before the meeting.

14.19.3 A moderated live question-and-answer session must form part of every virtual or hybrid public meeting, allowing residents to submit questions in real time

(verbally or in writing) for response by the Ward Councillor or Chairperson during or immediately after the meeting.

14.19.4 The Municipal Administration must take reasonable steps to mitigate barriers to virtual participation, including publicising a telephonic or low-data call-in option and, where feasible, making a municipal facility with internet access available for residents without personal connectivity.

14.19.5 Questions and responses raised through the virtual channel must be recorded and reflected in the minutes in the same manner as questions raised in person.

14.19.6 Virtual attendance may be counted for public-participation record-keeping purposes but does not count toward the formal quorum requirement in clause 14.4 unless and until Council adopts separate hybrid-quorum rules.

14.19.7 Ordinary (non-public) ward committee meetings under clause 14.2 may also be conducted virtually or in hybrid format at the discretion of the Chairperson, provided all members can participate meaningfully and the requirements of clauses 14.6 and 14.7 (openness to the public) continue to be met.

Points the drafting committee should weigh before adopting

- Budget: streaming/video-conferencing tools and any physical access points (municipal facility with internet) will need a line item — clause 19.4 (budget requests for ward committee administration) should be updated to reference this.
- Platform and moderation responsibility should be assigned to a specific administration role, not left implicit.
- Whether virtual attendance should eventually count toward quorum is a bigger policy question

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CAROLINE GABB

Please note my objection to the proposed voting method contained in the new Ward Committee rules.

I strongly believe that, in order for members of the community to have a fair opportunity to elect a Ward Committee that truly reflects the wishes of the ward, each voter should be allocated up to 10 votes.

For example, if there are 15 (or any number of) candidates on the ballot paper, each voter should be permitted to vote for up to 10 candidates of their choice.

- A ballot indicating more than 10 votes should be regarded as a spoiled ballot.
- A ballot indicating between 1 and 10 votes should be accepted as valid. Many voters may not know every candidate and should not be compelled to vote for people they are unfamiliar with simply to complete a ballot.

Limiting voters to a single vote or using any system that does not allow them to select multiple preferred candidates, risks producing a Ward Committee that does not accurately reflect the broader views of the community. A multi-vote system gives residents the opportunity to support a range of candidates they believe would work well together, resulting in a more balanced and representative committee.

This method is also simple to administer, easy for voters to understand, and reduces the likelihood of tactical voting, where electors feel pressured to vote for only one candidate rather than all those they believe would serve the community effectively.

I therefore respectfully request that the proposed voting method be reconsidered and amended to allow each voter to cast up to 10 votes, with ballots containing more than 10 selections being treated as invalid, while ballots containing between 1 and 10 selections remain valid.

#20

FANIE COETZEE

30 July 2026

For Attention: Rochelle Louw

Divisional Manager: Strategic Support Services
 Office of the Municipal Manager
 Overstrand Municipality
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Dear Ms Louw

COMMENTS AND QUESTIONS REGARDING THE PROPOSED 2026 DRAFT OVERSTRAND WARD COMMITTEE RULES

Herewith the comments and questions from the **AfriForum Overstrand Branch**, regarding the proposed Draft Overstrand Ward Committee Rules.

In serving the Overstrand community effectively and to ensure constructive participation of all interested parties, especially the rate- and taxpayers, any change in legislation, pseudo legislation, rules or any prescriptive documentation should have as goal to improve democratic yet orderly functionality.

Our highlighted focus points include concerns about how the Draft Rules appear to significantly restrict public participation, reduce transparency and weaken independent community oversight within ward committee processes.

MAIN CONCERNS

The Draft Rules emphasize participatory democracy, transparency and accountability in Local Government, yet several rules appear to limit the public's practical ability to participate in-, observe-, speak at-, influence-, and independently monitor ward committee processes. Of particular concern is that the draft makes a distinction between "ordinary" and "public" ward committee meetings, limits public speaking rights at ward committee meetings, broadens powers of the ward councillor to exclude, evict or silence the public, and centralises control (through the ward councillor) over information, ward committee composition, and disciplinary processes, whilst simultaneously removing any disciplinary appeal processes. *[Ref 8.2 Current 2022 Rules & Ref 8.2 Draft 2026 Rules]*

June 2024

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Member Affairs – Email: ledesake@afriforum.co.za • **Directors:** Ms A. Bailey, Mr P.J.W. Buys, Dr H.K. Coetzee, Mr P.L. Dekker, Mr F.J.D. de Klerk, Mr G.R. de Vries, Dr D.J. Hermann, Mr W.G. Human, Mr C.M. Kriel and Dr R. Pretorius. • **Company Secretary:** Mr W.A. Vogel.

Registration number: 2005/042861/08 • **NGO number:** 054 - 590

A number of specific areas of concern are raised below:

1. PUBLIC PARTICIPATION & ACCESS TO WARD COMMITTEE MEETINGS

- 1.1 Why does the draft create a distinction between an “ordinary ward committee meeting” and a “public meeting”, when ward committees are meant to be a participatory bridge between the community and the Municipality?
- 1.2 On what legal basis are members of the public reduced to “observer status” at “ordinary” ward committee meetings, with the right to speak only if the Chairperson grants permission?
- 1.3 How does the restriction on speaking at “ordinary” ward committee meetings align with the stated objective of enhancing participatory democracy in local government?
- 1.4 Will the Municipality clarify whether members of the public may raise questions, submit inputs, or challenge factual inaccuracies during ordinary ward committee meetings, and if so, under what rules?
- 1.5 Why is direct public engagement effectively reserved for quarterly “public” meetings, rather than being built into all ward committee meetings where ward matters are discussed?

2. RULES 14.2 and 14.6 – PROPOSED 2026 DRAFT WC RULES

“14.2 Ward Committees must meet monthly/bi-monthly and the meetings must be aligned to Council’s scheduled ordinary- and special meetings in a financial year except when Council is in recess.

14.6 Subject to the provisions of Rule 2 above, all ward committee meetings as per Council’s schedule must be open to the public.”

- 2.1 The current 2022 WC Rules state that “*all meetings of the committee must be open to the public*” [Ref 9.3], but the draft 2026 WC Rules now state that “*all ward committee meetings *as per Council’s schedule* must be open to the public*” [Ref 14.6].

Why was this wording changed?

- 2.2 Does the phrase “*as per Council’s schedule*” mean that meetings not formally placed on the Council schedule may be held without public access?
- 2.3 Will every ward committee meeting, including special meetings, informal meetings, task-team meetings, ward forums, and sub-committee meetings dealing with ward matters, be publicly scheduled in advance?

June 2024

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2.4 If some meetings will not be publicly scheduled, what safeguards will prevent substantive ward discussions or decisions from being shifted into less visible forums?

2.5 Will the Municipality retain the simpler and stronger wording *that “all ward committee meetings must be open to the public”*, subject only to lawful and narrowly defined exclusions proposed by the Speaker and/or OM Council, as per Rule 17 of the OM Rules of Order, i.e. not at the behest of the Ward Councillor alone?

“9.3. All meetings of the committee must be open to the public.” [Current 2022 WC Rules]

3. RULE 15.1.1 - VAGUE CONDUCT RULES

Ref *“15.1.1 Ward Committee Members and members of the public must preserve order and observe decorum at meetings, and they may not –*

a) behave in an inappropriate and/or unbecoming manner.

b) obstruct the business of the meeting

c) challenge the ruling of the Chairperson on any point of order

d) commit any breach of the rules and specifically with regard to Ward Committee Members, the provisions of the Code of Conduct of Ward Committee Members.”

3.1 The draft prohibits “inappropriate and/or unbecoming” behaviour by members of the public and allows removal from meetings for breach. These terms must be defined.

3.2 Could peaceful filming, recording, critical questioning, or persistent disagreement be treated as “inappropriate” or “unbecoming” conduct under the draft?

3.3 What safeguards will prevent these vague conduct provisions from being used to remove lawful but inconvenient public participation?

3.4 Will the Municipality define unacceptable conduct narrowly and objectively so that residents know what is prohibited before attending meetings?

3.5 Will there be an appeal or objection procedure available at the meeting if a member of the public is unfairly silenced or removed?

4. RULE 15.4.1 - EXCLUSION OF THE PUBLIC

4.1 Rule 15.4.1 in the proposed Draft WC Rules provides for the public to be excluded from a meeting where so directed by the Chairperson or where so decided by the Ward Committee.

Should the draft not clearly define narrow and objective grounds for such exclusion?

4.2 What specific circumstances will justify excluding the public from a ward committee meeting?

June 2024

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- 4.3 Why is the power to exclude the public framed so broadly when ward committees are supposed to be instruments of community participation and transparency?
- 4.4 Will the Municipality commit that the public may not be excluded merely because discussion is politically sensitive, embarrassing, contentious, or critical of councillors or officials?
- 4.5 Should the motivation for excluding the public not always be published in advance, linked to the relevant agenda item, instead of only being minuted after the meeting? *[Ref 15.4.4 of the Draft WC Rules]*
- 4.6 Will the Rules require that any exclusion of the public be exceptional, temporary, and limited only to the specific item requiring protection?

5. WARD COUNCILLOR DISCRETION AND PUBLIC SPEAKING

[Ref “15.6.2 Right to speak and limitation” - Draft WC Rules]

- 5.1 The Draft Rules state the Chairperson (Ward Councillor) may permit a member of the public to address a committee.
Why is this framed as a discretionary permission instead of a defined procedural right?
- 5.2 What criteria will guide the Chairperson in deciding who may speak, for how long, and in what order?
- 5.3 How will the Municipality prevent selective recognition of supportive voices while limiting critical or dissenting voices?
- 5.4 Will there be a written speaking procedure to ensure equal and fair treatment of all residents who wish to address a ward committee meeting?
- 5.5 Will members of the public have a right of reply if a councillor, official or committee member makes inaccurate statements about them or their community organisation?

6. RESTRICTIONS ON REPORTING BACK in CODE OF CONDUCT

“A Ward Committee Member must not:

6.1 Interfere in the administration or any department of the Municipality.

6.2 Publish comments and or information purporting to be ward committee minutes prior to the administration loading such minutes on the municipal website.”

- 6.1 The Draft WC Rules prohibit ward committee members from publishing information purporting to be minutes before administration uploads the minutes.
Why does the draft restrict prompt reporting back to constituencies?

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- 6.2 How are ward committee members expected to fulfil their duty to report back timeously to their organisations, sectors and geographical blocks if they may not share meeting information until administration acts?
- 6.3 Why does the draft appear to centralise control over the official narrative of meetings in the hands of municipal administration?
- 6.4 What protection exists for ward committee members who share accurate, good-faith summaries or notes with their constituencies before official minutes are published?
- 6.5 Will the Municipality revise this clause to distinguish clearly between unauthorised publication of false minutes and legitimate constituency feedback by elected representatives?

7. TRANSPARENCY AND ACCESS TO INFORMATION

- 7.1 The draft states *[Ref 10.8]* ward committees must keep records of meetings, decisions and actions which should be accessible to the public.
What does “accessible to the public” mean in practice?
- 7.2 Will agendas, attachments, minutes, attendance registers, recommendations and resolutions all be published on the municipal website within fixed deadlines?
- 7.3 If minutes are delayed, how will the public access the substance of meetings in the meantime?
- 7.4 Will draft minutes, audio recordings, or video recordings be made available before formal adoption to improve public oversight and factual accuracy?
- 7.5 Will residents be able to obtain records on request without needing permission from a Ward Councillor or municipal official?

8. ELIGIBILITY, COMPOSITION AND ELECTION OF WARD COMMITTEE MEMBERS

- 8.1 The Draft Rules allow the ratio between organisation or sector representatives and geographical block representatives to be determined by the newly elected Ward Councillor in consultation with the election official.

[Ref 12.4.5 The ratio between organisations/sectors and geographical block representation, also taking into consideration 12.4.4 above, will be determined by the newly elected Ward Councillor, in consultation with the appointed election officer, taking into consideration the nominations received for the particular ward, upon finalizing the list of nominations (refer to 12.1.7 above).]

Why is there a need for pre-determined ratios, which would vary significantly from ward to ward in terms of diversity representativity?

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- 8.2 What preventative measures exist to prevent manipulation of the committee's composition in favour of politically aligned or compliant representatives?
- 8.3 Why is such an important representational choice left to a post-nomination process rather than defined and verified openly before the election?
- 8.4 Will the Municipality publish the proposed ratios (should these be imposed) for each ward before voting, so that the public knows what it is voting for?
- 8.5 Why are elections not truly democratic and informed by numbers of votes only?
- 8.6 Why are ward committee membership eligibility criteria not captured and verified by election officials prior to preparing the ballots for voting?

9. INDEPENDENCE AND ACCOUNTABILITY

- 9.1 The Draft Rules state that ward committees are advisory bodies, yet many powers in practice appear to sit with the Ward Councillor, Speaker and administration. How will the independence of ward committees be protected?
- 9.2 What mechanisms ensure that ward committees can challenge the Municipality or their own Ward Councillor without fear of being sidelined, disciplined or excluded from information?
- 9.3 How will the Municipality ensure that ward committees do not become extensions of party-political control rather than authentic, apolitical community structures?
- 9.4 What role will ordinary residents play in holding ward committees accountable between elections?

10. WARD COMMITTEE MEMBER PARTICIPATION AND SERVICE LOGGING

- 10.1 [Rule 11.11](#) in the Draft Rules, requires ward committee members to report at least 15 service delivery requests or infrastructure issues each quarter.
Why is a fixed numerical quota being imposed?
- 10.2 How does this fixed target accommodate wards where fewer service problems exist or where residents already report issues through other channels?
- 10.3 Does this requirement risk reducing ward committees to complaint-loggers rather than participatory democratic structures involved in planning, budgeting and oversight?
- 10.4 Will the Municipality remove or revise the “at least 15” requirement so that ward committee member performance is measured more meaningfully and contextually?

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11. DISCIPLINARY POWERS

11.1 The draft gives the Speaker and Council strong powers in disciplinary matters, while the former appeal authority appears to have been removed.

[Ref 8.2 Current 2022 Rules & Ref 8.2 Draft 2026 Rules – Code of Conduct]

Why was the appeal mechanism deleted?

11.2 What independent safeguards will protect ward committee members from politically motivated complaints or disciplinary action?

11.3 Will disciplinary hearings be conducted according to clear written procedures, including notice, evidence, representation, reasons, and a right to review or appeal?

11.4 Could a ward committee member be disciplined for publicly disagreeing with a Ward Councillor or the official minutes of a meeting?

11.5 Will the Municipality create an independent appeal mechanism outside Council for ward committee disciplinary investigations?

12. VALIDITY OF STATEMENTS OF INTENT

12.1 The Draft Rules repeatedly use the language of transparency, accountability, participation and community engagement.

[Refs 8.4 Oversight and Accountability; 10.4 Promoting Accountability and Transparency; 10.8 Transparency and Accountability - Draft WC Rules]

Why do several operational clauses appear to restrict those same values in practice?

12.2 How does the Municipality reconcile the promise that ward committee records should be accessible to the public, despite the new restrictions on speech, reporting and access?

[Ref Code of Conduct for WC Members: 6.2 - Draft WC Rules]

12.3 How does the Municipality reconcile the claim that ward committees help ensure all sectors of the community are heard with rules that let the Chairperson limit speaking and remove members of the public?

[Ref “15.6.2 Right to speak and limitation” - Draft WC Rules]

12.4 Was a formal legal review conducted to test whether the draft is fully consistent with the Constitution, the Municipal Systems Act, the Municipal Structures Act, the National Policy Framework for Public Participation, and Overstrand’s own Public Participation Policy?

12.5 Will that legal review be made publicly available before the policy is adopted?

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13. CLARIFY WHY TERMINOLOGY 'POLICY' INSTEAD OF 'RULES' USED

13.1 Ref 12.4.1 in Draft WC Rules:

*12.4.1 The elections will be conducted in accordance with the election (voting) process at election venues as contained in Schedule 1 of this **Policy**.*

13.2 Why is there reference made to 'Policy', instead of 'Rules'?

13.3 It is a statutory requirement for these to be Rules.

The LG: Municipal Structures Act, No. 117 of 1998. Specifically, Section 73(3) mandates that metropolitan and local councils establish Rules regulating how ward committee members are elected, circumstances for vacating office, and meeting frequencies etc.

14. PROPOSED REQUESTS FOR CONSIDERATION

The following amendments should be considered before adoption:

14.1 Restore the wording that all ward committee meetings must be open to the public and dismiss the distinction of "ordinary" vs "public" ward committee meetings.

14.2 Remove or tightly define the phrase "as per Council's schedule" so that it cannot be used to exclude ad hoc or unscheduled meetings from public access.

14.3 Create a clear procedural right for the public to speak at ward committee meetings, rather than leaving it entirely to the Chairperson's discretion.

14.4 Define the grounds for excluding the public clearly and objectively, with written reasons provided for each exclusion.

14.5 Remove vague behavioural standards such as "inappropriate" or "unbecoming" unless clearly defined.

14.6 Allow ward committee members to provide timely good-faith reports to their constituencies, even before formal publication of official minutes, provided they are clearly marked as provisional notes or summaries.

14.7 Publish all schedules, agendas, minutes and attendance records promptly and in a standardised format on the municipal website. Schedules should be published at least bi-annually, for calendar planning and preparation purposes.

14.8 Reconsider the powers awarded to the Ward Councillor, Speaker and administration over representation ratios, replacements, discipline and information flow.

14.9 Remove or revise the rigid "**15 service requests**" requirement so that participation is not reduced to a numerical administrative output.

14.10 Reinstate an independent appeal mechanism for disciplinary findings and processes.

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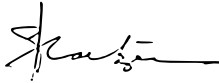
14.11 Make use of existing and Draft Rules ward committee membership eligibility criteria, to prepare ballots for the elections.

14.12 Clarify the 'Rules' vs 'Policy' nomenclature.

CONCLUDING REMARKS

These comments are submitted in the interest of strengthening, rather than obstructing, participatory local governance. The policy should not merely describe public participation in principle; it should protect it in practice through clear rights, well-defined limitations, transparent procedures, and meaningful community oversight

Yours sincerely



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SARA WESSELS

I refer to the invitation to comment on the Draft Revised Ward Committee rules dated 9 June 2026 (“the Draft”), published for comment with a closing date of 30 July 2026. I welcome this opportunity to comment and hereby submit my comments, as supported and endorsed by Adv Edmund Wessels SC.

Kindly acknowledge receipt.

CONTENTS**A. BACKGROUND****B. SUMMARY OF COMMENTS****C. LIMITATIONS ON PUBLIC PARTICIPATION****D. DEFINITIONS****E. COMMENTS ON MISCELLANEOUS RULES****F. TIMEFRAMES FOR MEETINGS, AGENDAS, MINUTES AND NOTICES****G. CONCLUSION AND RECOMMENDATIONS****A. BACKGROUND**

Public participation and transparency at all levels of government, including local government, are core constitutional duties in South Africa. These duties are mandated through legislative obligations, open governance, and public administration standards. The Constitution establishes a system of participatory democracy in which citizens do not merely vote but actively engage in law making and oversight.

In line with these duties every legislative body, including a local government, must conduct its business in an open manner and hold sittings and committee meetings in public, restricting access only when reasonable and justifiable in a democratic society. A local government must also facilitate public participation through public hearings, written submissions on draft bills, petition processes, and community outreach.

The Constitution contains specific provisions for public participation in local government. Section 152(1)(e) sets out the core objective of encouraging the involvement of communities and community organisations in local governance matters. One of the most important mechanisms through which local government complies with these provisions is the establishment of ward committees. The object of a ward committee is to enhance participatory democracy in local government.

Public participation necessarily implies transparency, which constitutionally obliges accessibility to all meetings of the municipal council and its committees, save for narrowly defined exceptions. It follows that any revision of the existing ward committee rules must adhere to, and aim to strengthen, these principles. Revisions should be regarded as an opportunity to clarify ambiguities in the existing rules and to delete provisions that are inconsistent with constitutional principles. Unfortunately, the current Draft Rules appears to do the opposite: it limits the right of the public to participate by excising enabling provisions from the existing rules and introducing new rules that arbitrarily and unjustifiably severely restrict public rights in this regard.

I wish to refer to a recently published article by Hlatshwayo, J. and K. Tissington (2026), Strengthening the Functionality of Ward Committees in South Africa, which states:

“Ward committees are legislated neighbourhood level structures intended to act as the link between communities and municipalities. Ward committees are meant to ensure that community voices and concerns are heard in decision making processes, and to promote transparency, accountability and inclusiveness in local government.”

“Unfortunately, ward committees are increasingly seen as ineffective structures for community participation in municipalities and there has been declining trust in them over the past decades. Research done as part of the current White Paper on Local Government review process has outlined this. However, there is still a sense that ward committees are important and that there needs to be more support for them. The fact that they are not ‘taken seriously’ speaks to the broader issue of how municipalities are avoiding the important and difficult work of participatory democracy, preferring a top down, opaque mode of governance (own emphasis).”

B. SUMMARY OF COMMENTS

There are several genuine improvements in the draft, including the clear eligibility requirements for members and the strengthened Code of Conduct. These improvements are recommendable and supported. However, the following issues are most concerning:

B.1 Limitation of Right to Public Participation

Reading through the Draft Rules it becomes apparent that there is a definite attempt to limit, rather than enhance, the public's right to participation. A discernible pattern runs through several of the new provisions: procedural authority over public participation is concentrated in the Chairperson individually, exercised at “sole discretion” or by unilateral direction (and thus arbitrarily/irrationally, in breach of the Constitutionally enshrined doctrine of legality), while the public's ability to question and/or contest such individual decisions is simultaneously restricted or removed. These unwarranted limitations extend even to ward committee members themselves, thereby undermining both internal accountability and broader community engagement and transparency. There are no less than twenty points in the Draft Rules which either: limit, restrict or prevent a committee member or a member of the public from speaking or asking questions at a ward committee meeting; or limit or exclude public and/or media access to ward meetings. If the Draft Rule is accepted in its current form, it will result in the public having even less rights with regard to public participation than in the existing Ward Committee Rules. This is clearly unconstitutional and not acceptable.

B.2 Drafting

I respectfully submit that the drafting of the Draft Rules is severely deficient. Numerous ambiguities, contradictions, and vague provisions are evident throughout. The arrangement of the rules lacks coherence, with related subjects dispersed across several provisions, often unrelated to the stated heading. The section dealing with definitions is of particular concern, as illustrated below. Inconsistent drafting will inevitably lead to confusion, difficulties in interpretation, and unnecessary conflict. It would be prudent for the drafters to refer the Draft to a qualified legal professional to ensure the necessary improvements are made.

NOTE: The comments below should be read in conjunction with the draft rules and will follow the same numbering system. The methodology followed in the comments was to group Rules that deal with similar issues together for purposes of discussion. In addition, Rules are also commented on a Rule-by-Rule basis, while this might lead to duplications, I have deemed it necessary in the interest of clarity.

ABBREVIATIONS:

Overstrand Draft Revised Ward Committee Rules 9 June 2026: the Draft Rules

The Constitution of the Republic of South Africa: the Constitution

Local Government Structures Act, 1998: the Structures Act

Local Government Systems Act, 2000: the Systems Act

Guidelines for the Establishment and Operating of Municipal Ward Committees issued by the Ministry of Provincial and Local Government, Government Gazette 24 June 2005: the Guidelines

Overstrand Municipality Ward Committee Rules dated 14 December 2022: the existing Rules

C. LIMITATIONS ON PUBLIC PARTICIPATION

There are no less than twenty instances where the Draft Rules severely restrict a member of the public's right to public participation by, inter alia, denying access to ward meetings and/or by limiting or excluding the right to speak at a ward meeting. See in this regard the two tables of provisions below.

Table of provisions that allow the Chairperson (or others) to arbitrarily limit or exclude public/media access to a meeting:

Rule	Provision	Who holds the power
4 (definition of "Ordinary Ward Committee Meeting")	Public have "observer status" only. Sets the default position, public is present but passive.	Sets the default position
4 (definition of "In-Committee")	A meeting type from which the public is excluded for confidential/legally protected information.	Rule itself (no named person or entity)
14.6	Meetings "must be open to the public," but expressly "subject to the provisions of Rule 2", which extends all conduct/order rules to the public.	Qualifies and limits the openness guarantee from the outset
14.15	No item marked confidential by the Municipal Manager may be discussed at a Ward Committee meeting.	Municipal Manager (indirectly limits what a present member of the public can access, even without physical exclusion)
15.1.2–15.1.3	If a person breaches conduct rules and disregards a Chairperson's direction to stop, the Chairperson may direct removal from the meeting, by a person the Chairperson designates.	Chairperson, individually
15.3.1	"The Chairperson must take reasonable steps to regulate public access to... meetings."	Chairperson, individually — a standing, general access-control power
15.4.1(a)	The public may be excluded... where so directed by the Chairperson.	Chairperson, individually, unilaterally, absolute discretion, no motion, vote, or recorded reasons required
15.4.1(b)–15.4.4	Alternatively, the public may be excluded on a Ward Committee motion, seconded and voted on, with reasons minuted.	Ward Committee, collectively
15.4.3	If exclusion is carried, the venue "shall be cleared of all members of the public, including the media."	Confirms media is captured by every exclusion power above
15.5.1	Re-admission of the public requires a Ward Committee Member to move a motion during the meeting.	Only a Committee Member can initiate reversal, the excluded public/media have no direct route back in

Table of provisions limiting or preventing a Committee Member or a member of the public from speaking or asking questions:

Clause	Provision	Who holds the power
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4 (def., "Ordinary Ward Committee Meeting")	Public "may only address the meeting with approval of the Chairperson."	Chairperson, individually
14.7	A member of the public may address the committee "with the permission of the Chairperson."	Chairperson, individually
15.1.1(c)	Ward Committee Members and members of the public "may not... challenge the ruling of the Chairperson on any point of order."	Rule itself — removes recourse against the Chairperson's other decisions in this list
15.1.2–15.1.3	Chairperson may direct a speaking person to "discontinue his or her speech", or withdraw/be removed.	Chairperson, individually
15.3.2	Chairperson may, "at his sole discretion," allocate speaking time to a member of the public.	Chairperson, individually
15.6.1.1–15.6.1.2	A person "who is recognised to speak" must address the Chairperson; a public speaker must state their name and any organisation represented.	Chairperson controls the gateway ("recognition") before anyone may speak at all
15.6.2.1–15.6.2.2	A Ward Committee Member may speak "after being recognised by the Chairperson."	Chairperson, individually
15.6.2.4	A Member may speak only once on a matter, motion, amendment, or point of order, "unless otherwise authorised by the Chairperson."	Chairperson controls any exception
15.6.2.5	A member may not speak for longer than five (5) minutes, "unless otherwise permitted by the Chairperson."	Chairperson controls any exception
15.6.2.8	The Chairperson "may not recognise" a Member to speak on a matter once it has already been voted on.	Rule itself cuts off further speech post-vote
15.6.2.9	The chairperson "may not allow" debate that anticipates an agenda item, or concerns a matter awaiting a judicial/administrative decision.	Rule itself is a topic-based speaking restriction
15.7.2	If a member persists in irrelevance after being asked to stop, "the Chairperson must order him or her not to speak further."	Chairperson, individually
15.7.3	Members and public "may not indulge in tedious repetition... or unbecoming language."	Rule is a content-based restriction on what may be said

These rules are clearly not conducive to public participation. A member of the public's right to access ward meetings is guaranteed by numerous laws, including the Constitution. See also in this regard:

Section 5(1)(e) of the Systems Act, which provides that:

"Members of the local community have the right – (e) to demand that the proceedings of the municipal council and those of its committees must be – (i) open to the public, subject to section 20;"

Section 20 of the Systems Act provides that:

"(1) Meetings of a municipal council and those of its committees are open to the public, including the media, and the council or such committee may not exclude the public, including the media, from a meeting, except

when – (a) ...; and (b) a by-law or a resolution of the council specifying the circumstance in which the council or such committee may close a meeting and which complies with paragraph (a) authorises the council or such committee to close the meeting to the public.”

It should be noted that neither the Systems Act nor any other legislation makes any distinction between “public” and “ordinary” meetings as is the case in the Draft Rules. All meetings must be open to the public. This is at least still the case in the existing Ward Committee Rules, which expressly state so despite the plainly unlawful endeavours by some ward councillors to thwart public attendance and participation at every turn. Artificially changing the designation of a meeting by labelling it “ordinary” or “public” in order to exclude the public when not “public”, cannot supersede the very clear provisions of the Systems Act and other empowering legislation, which will always trump subordinate legislation (used here in the broad sense) such as the Rules (or any Bylaw, for that matter). This would be a further breach of the doctrine of legality.

Furthermore, the right to exclude the public from a meeting of a public body as provided in Section 20 of the Systems Act is not a general discretion; it is a narrow exception that must be exercised rationally and justified in each instance. Public participation exclusion can never be justified in Ward Committee meetings under any circumstances and will blatantly subvert not only public participation on Ward issues, but also accountability and transparency, all constitutional imperatives. In Primedia Broadcasting (a division of Primedia (Pty) Ltd) and Others v Speaker of the National Assembly and Others (784/2015) [2016] ZASCA 142, the Supreme Court of Appeal confirmed that openness is the default position and that any departure from it requires strong justification, since the right of the public to observe proceedings, while not unlimited, may only be curtailed where reasonable and justifiable having regard to the specific business being transacted.

Section 20(1) of the Municipal Systems Act reflects the same approach at municipal level: it does not create a standing power to exclude the public, but permits exclusion only where reasonable in the circumstances and authorised by a by-law or council resolution meeting that standard. Arbitrary, irrational decisions/reasons/grounds do not pass the requirements of the doctrine of legality and would be unconstitutional and thus unlawful. A rule, policy or bylaw that allows the Chairperson alone to direct exclusion, without a resolution, recorded reasons, or reference to the nature of the specific business being transacted, does not reflect a case-by-case reasonableness assessment and is accordingly difficult to reconcile with this line of authority. It effectively converts a narrowly bounded exception into a standing, unqualified discretion (which does not have to meet the ever-present requirement of rationality), which is the opposite of what section 20(1) and the case law interpreting equivalent provisions require.

In view of the above I wish to propose the following amendments:

Rule 15.4.1(a), which provides that the public may be excluded from meetings at the discretion of the Chairperson, should be deleted. It follows that Rules 15.4 and 15.5 should be deleted as a whole. So-called “in-committee”/secret ward meetings away from public scrutiny can never be justified on a ward committee level, and is directly contrary to and in subversion of the Constitutionally enshrined principles of public participation, transparency and accountability.

Rule 15.3.2 grants a “sole discretion” to limit public speaking time to the Chairperson, with no minimum allocation, no published criteria and no avenue to question the allocation. This is not constitutionally justifiable since it leaves public participation entirely dependent on the goodwill of one individual at each meeting rather than on a predictable, rational rule. It is proposed that the words “sole discretion” **be replaced** with a default minimum speaking allocation per member, which the Chairperson may extend but not reduce. Once again, the decision not to extend the time allocation must be based on reasonableness, and not undermine the Constitutionally enshrined principles of public participation, accountability, and transparency, which principles must always be protected, not stifled or given lip-service to.

Rule 15.1.1(c), which prohibits the public from questioning and/or challenging the Chairperson’s rulings on any point of order. This Rule, read with Rule 2.2, in terms of which the conduct rules for Councillors are extended to members of the public except where clearly inappropriate, is clearly not appropriate or applicable to a ward meeting. It is proposed that it be clarified in Rule 2.2 that clause 15.1.1(c) applies only to ward

committee members, and that a right be inserted for a member of the public to have an objection to a Chairperson's ruling minuted, even where the ruling itself stands.

It is submitted that both the above tables should be reviewed as a whole, rather than Rule by Rule, when considering this submission. Individually, several of these provisions may appear to be ordinary procedural housekeeping. Collectively, they concentrate a very wide range of access and speech-limiting powers in a single office, largely without a vote, recorded reasons, or a right of appeal available to the person affected, which is difficult to reconcile with Rule 3.1's stated objective of enhancing participatory democracy.

D. DEFINITIONS

The purpose of the definitions section is to define only those terms that depart from the ordinary meaning or are legal or technical terms that require precision.

A definition must be unambiguous and drafted in plain, consistent language and must align with other provisions in the document. Definitions embody legislative intent and shape judicial interpretation. Poorly drafted definitions (ambiguous, inconsistent, or scattered) create interpretive uncertainty and conflict. Precision is essential to avoid ambiguity and prevent arbitrary discretion, especially where public participation rights are at stake.

A definition should state what a term means when used elsewhere in the rules and it shouldn't itself create an obligation or a right-limiting rule that never appears in the operative clauses. The Draft Rules do that repeatedly, which is a serious drafting fault because it hides substantive rules where a reader wouldn't think to look for them.

It is submitted that a simple solution to many of these issues would be to follow the example in Section 1 of the Guidelines, which provides as follows:

"In these guidelines (replace with 'Rules') a word or phrase to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), has that meaning, unless the context otherwise indicates."

The following definitions do not comply with the above principles:

D.1 Circular or tautological definitions

"Code of Conduct" – "Code of conduct means Code of Conduct available to Ward Committee Members as set out per Schedule 2." and

"Community" – "Residents of a ward, i.e. the ward community."

Both these definitions are circular or tautological; in other words, they define a term by using the term itself.

D.2 Definitions creating an obligation or a right-limiting rule that never appears in the operative clauses

"Ordinary Ward Committee Meeting": this is the worst offender: it doesn't just describe the meeting type, it creates the "observer status" or Chairperson-approval rule (which is unconstitutional, as explained below). This rule then sits in uneasy tension with three other, differently worded provisions governing the same question. See in this regard Rule 14.7 ("permission of the Chairperson"), Rule 15.3.2 ("sole discretion... allocate reasonable time"), and the definition itself ("approval of the Chairperson"). None of the three cross-references the others. A reader, or the Chairperson on the night, cannot tell whether these are three independent hurdles that the public must clear, or three sloppy restatements of one rule. That ambiguity is itself worth flagging to the Municipality as a drafting defect, independent of the policy objection.

"Community Engagement" and "Monitoring and Evaluation": both these definitions are lifted almost word-for-word from operative Rules 10.7 and 10.11 respectively, and pasted into the definitions section as if they were meanings of terms. They're not; they're duties, duplicated in two places, which risks the two copies drifting out of sync in a future amendment.

“Organisation” quietly excludes political parties (“...but not a political party”) inside the definition, with no corresponding rule about political party exclusion anywhere in the substantive Membership section (clause 6). A rule that significant shouldn't only exist as a parenthetical in a definition.

“Ward Councillor” reads as a condensed re-statement of the entire “Role of the Ward Councillor” section (clause 8), not a definition. It's several sentences of description that belong in clause 8, not clause 4.

D.3 Redundant, overlapping or contradictory definitions that create ambiguity rather than clarity

“Geographical Block” vs. “Predetermined Geographical Block/s” are two separate defined terms for what appears to be the same concept, worded differently. The rules then use “geographical block” throughout without consistently signalling which defined term is meant. If there's an intended distinction, it's never explained; if there isn't, one of the two entries should be deleted. The definition of a geographical block should refer to the Rule which sets out how such a block will be determined, e.g. “A geographical block is an area within the ward as determined in terms of Rule 6.1” (note the comments on Rule 6.1).

“Public meeting” (defined) vs. the undefined phrases “public community meeting” (Rules 3.3, 11.3) and “quarterly public report back meeting” (Rule 14.9) are at least three phrasings for what seems to be the same category of meeting. A drafting document should pick one defined term and use it consistently; here a reader has to infer synonymy.

“Sector/Interested Group” – defining two words joined by a slash as a single entry is poor practice. Rule 6.7 later uses “Sector” alone. Is “Interested Group” the same thing, or a separate category with different rules? The definition doesn't say.

D.4 Missing definitions: several material terms used throughout the rules are never defined

“OMAF” (Overstrand Municipal Advisory Forum) is used in Rules 11.1, 11.19 and 18.1.5, and is central to a provision that effectively (and illegally) dilutes the Ward Committee's role on IDP/budget matters, yet it doesn't appear in the definitions list at all.

“SALGA guideline” referred to in Rule 6.5 is never defined and also not referred to in the Legal Framework referred to in Rule 5.

“Secundus” is used repeatedly (11.5, 16.4, 18.1.3, 18.2.3) as if self-explanatory but never defined. It's not a term most readers of an English-language public document will recognise without explanation.

“Member of the public”, the phrase doing the most work in the entire controversial section of this draft is never defined, while the generic “Member” is defined (and refers only to ward committee members). This leaves “member of the public” floating as an undefined term precisely where precision matters most.

“Task team(s)/sub-committee(s)” is used substantively in clauses 11.12–11.17 with real delegated functions and is never defined.

D.5 Legal citation error

“PR Councillor” is defined as elected “in terms of Section 22(a) of the Local Government: Municipal Structures Act, No 117 of 1996.” Every other citation of this Act in the same document (e.g., the “Speaker” definition, Rule 1.3, Rule 5.2) correctly cites it as Act No. 117 of 1998. The “1996” appears to be a typographical error citing the wrong year for a piece of legislation. Perhaps a small matter, but the kind of error that shouldn't survive into a Council-approved legal document and should be corrected.

D.6 A definition that appears to be leftover template content

“Special Meetings” is defined as meetings “scheduled for Council to consider... the annual IDP/Budget Process Plan... etc.”, but “Special Meetings” (of full Council) doesn't appear anywhere in the operative Ward Committee provisions. This reads like boilerplate carried over from a municipal Council's standing rules of order without being adapted for a ward-committee-specific document, which is probably the result of careless adaptation rather than deliberate restriction, but should nevertheless be corrected.

D.7 “Youth”

This definition is confusing and internally contradictory: “People within the age group of 18 to 30 years are elected to a ward committee to represent the interest of young people between the age groups of 14 to 35 years.”

Two different age bands are used for two different things without any reconciliation: the representative must be 18–30 and the constituency being represented is defined as 14–35. This means a 32-year-old and a 16-year-old both fall within the group whose interests are supposedly being represented, but neither could serve as the “Youth” representative. It also raises an unaddressed legal question: Rule 6.9.1 requires all Ward Committee members to be registered voters (18 years and older), so how are 14–17-year-olds' interests represented through a structure whose election process is legally restricted to adult voters? The definition doesn't say. This looks like two different source definitions (a National Youth Policy age band of 14–35, and a narrower eligibility-for-office band of 18–30) that were merged without being reconciled. Unfortunately, this is exactly the type of thing that happens when text is spliced from more than one template without a careful read-through.

I wish to emphasise that these drafting concerns are raised not as a matter of style, but because an internally contradictory or ambiguous rule cannot be reliably applied by a chairperson or relied upon by a member of the public in the moment a meeting is underway. It is proposed that the definitions section be reviewed and corrected before the Draft Rules are submitted to Council for adoption.

E. COMMENTS ON MISCELLANEOUS RULES

Schedule 2, Rules 4.3–4.5 contain unclear voting-related provisions inserted under “Disclosure of Interest”. Three new Rules requiring a confirmation screen before final submission, stating that a submitted vote is encrypted and cannot be changed, and blocking duplicate voting attempts, appear under the Code of Conduct's Disclosure of Interest heading, where they do not fit the surrounding subject matter. As drafted, it is not clear whose votes these Rules govern (Ward Committee elections, or some other online public participation mechanism), nor what recourse exists if a vote is submitted in error. Ambiguous provisions of this kind should not be adopted without clarification, particularly if they are intended to govern any form of public voting or input. It is proposed that Rules 4.3–4.5 be removed from the Disclosure of Interest section. If they relate to an electronic voting or participation platform, they should be relocated to a clearly headed section, the mechanism they govern should be defined, and a correction/appeal process for erroneous submissions should be included.

Rule 11.1 dilutes the Ward Committee's role as official liaison on IDP, budget and performance matters. The current wording naming Ward Committees, together with the Overstrand Municipal Advisory Forum (OMAF), as the official liaison mechanism on IDP, performance and budget matters is amended so that OMAF becomes the official liaison mechanism for these matters, with Ward Committees acting only “in conjunction with” it. However, OMAF is a municipal-wide structure, not a ward-based one. Shifting primacy on IDP, budget and performance matters away from the directly elected, ward-based committee and toward a municipal-wide advisory forum risks weakening localised public input into precisely the processes — i.e. budgeting and IDP — that most directly affect ward residents. It is proposed that the Rule be amended to retain the current formulation naming Ward Committees and OMAF jointly as the official liaison mechanism, without demoting Ward Committees to a supporting role on IDP, budget and performance matters.

Rule 12.1.1 Six-month operational requirement for organisations/sectors

Rule 12.1.1 requires an organisation or sector to have been operational in the ward for at least six months before it may nominate a candidate for election to a Ward Committee, subject to an exception for organisations representing women, youth, the disabled and the elderly. No reason for this limitation is given anywhere in the Draft Rules, and none is apparent.

The object of a Ward Committee, as stated in Rule 3.1, is to enhance participatory democracy, and Rule 6.5 encourages representation from a wide range of sectors, including civil society, socio-economic development groups, and special designated groups. A newly formed residents' association or community initiative may be genuine, active and representative, yet be automatically excluded from nominating a candidate for no reason other than its age. This is an arbitrary bar unrelated to whether the organisation genuinely represents the

interests it claims to represent, and it risks excluding exactly the kind of grassroots organisations Ward Committees are meant to draw in.

The exception for organisations representing women, youth, disabled persons and the elderly undermines the rule further: if the six-month period served a legitimate purpose, such as guarding against fake organisations formed purely to secure a seat, that purpose would apply equally to the excepted categories. That an exception was thought necessary for some groups but not others suggests the rule is not calibrated to any coherent concern, but is simply an arbitrary and inconsistently applied cut-off.

If the underlying concern is to prevent opportunistic or fabricated organisations from securing representation shortly before an election, a rule aimed at that concern directly, for example, requiring proof of a functioning committee, a constitution, or an active membership base, as is already required for continued recognition under Rule 16.8, would achieve that purpose without excluding legitimate, newly formed community organisations on the basis of age alone. It is submitted that Rule 12.1.1 should be reconsidered, and that eligibility should be assessed by reference to the genuineness and representativeness of the organisation, not an arbitrary period of existence.

Rule 12.4.3, read with Rule 6.1 and Rule 12.4.4 limit voters are limited to one vote per category despite multiple seats being filled from that category

Rule 6.1 establishes that a Ward Committee consists of up to ten members, and Rule 12.4.4 requires that a minimum of five of those ten seats be filled by organisation/sector representatives, with the remaining seats filled from geographical blocks. Despite multiple seats being awarded within each category, Rule 12.4.3 permits a registered voter to cast only one vote for an organisation/sector candidate and one vote for a geographical block candidate.

This creates a mismatch between the number of representatives being elected within a category and the number of votes a voter may exercise within that category. Where, for example, six organisation/sector seats are to be filled, a voter who supports six different organisations they consider worthy of representation may express a preference for only one of them. This risks producing a Ward Committee that reflects the preferences of whichever single organisations happened to mobilise the most first-preference votes, rather than a Committee that reflects the fuller range of organisations and interests that voters in the ward actually support.

It is proposed that Rule 12.4.3 be reconsidered to allow a voter to cast one vote per available seat within each category (i.e., up to the number of organisation/sector seats to be filled, and up to the number of geographical block seats to be filled), so that the ballot more accurately reflects the breadth of community support the Ward Committee is intended to represent.

Rule 14.1, read with Rule 19.1.4 do not require that meetings be held at an accessible venue within the ward, and of a size sufficient to accommodate the public

Rule 14.1 requires only that the ward councillor convene meetings "within the jurisdiction of the ward", a broad concept that does not guarantee the venue itself is conveniently located for residents of that ward. Rule 19.1.4 obliges the municipal administration to arrange venues free of charge, but says nothing about their location, accessibility or capacity.

As a result, there is no requirement that a meeting venue be situated within reasonable and practical reach of the ward it serves, nor that it be large enough to accommodate the public expected to attend. This undermines the openness obligation in Rule 14.6, since a meeting can be nominally "open to the public" while being held in a venue too distant or too small for residents to realistically attend and participate.

It is proposed that Rule 14.1 be amended to require that ward committee and public meetings be held at a venue situated within the ward itself, and that the venue be of a size and nature reasonably sufficient to accommodate anticipated public attendance.

Rule 14.2, read with Rule 14.8 and Rule 14.10 Timing of ward committee meetings

Rule 14.10 requires quarterly public report-back meetings to be held after office hours, but this protection does not extend to the far more frequent monthly or bi-monthly "ordinary" (the issues with this term has been explained above) ward committee meetings under Rule 14.2. Rule 14.8 simply leaves meeting times to the Committee's discretion, with no requirement that they accommodate working people.

This matters because ordinary meetings, not the quarterly report-backs, are where most substantive business is conducted, including IDP, budget and service delivery input. If these meetings may be held during office hours, both employed committee members and working members of the public are effectively excluded from the meetings that count most, undermining the objective of participatory democracy in Rule 3.1.

It is proposed that Rule 14.2 (or 14.8) be amended to require that all ordinary Ward Committee meetings, not only quarterly report-back meetings, be held after municipal office hours.

Rule 14.9 provides for a fixed, non-extendable time limit on meetings. Quarterly public report-back meetings are capped at three hours and other meetings at two hours, with no provision for extension. A time limit with no extension mechanism risks cutting off public input in wards with high attendance, a long agenda, or a contentious item, precisely the situations in which participation matters most. It is proposed that this Rule be amended to allow the meeting to be extended by resolution of the ward committee (or, for report-back meetings, on a show of support from those present) where business or public input is not yet concluded within the time limit.

Rule 15.2, read with the definition of "business attire" in the Overstrand Municipality: By-law on Rules of Order for Internal Arrangements, 2022

Rule 15.2.1(a) requires members to dress in "business or traditional attire" at Council meetings. The incorporated By-law defines "business attire" as a specific wardrobe (for men, pants, a collared shirt, socks, shoes and a tie and for women, a skirt or pants, blouse, dress and shoes, expressly excluding jeans). No issue is taken with "traditional wear" as an equally valid alternative.

The concern is with the "business attire" requirement. Ward Committee Members are unpaid volunteer representatives, not salaried officials, and Rule 18 already recognises that they incur out-of-pocket costs requiring reimbursement. Prescribing a specific formal wardrobe as the default standard imposes a real financial burden that falls disproportionately on members from lower-income households, precisely the communities Ward Committees are meant to represent and risks excluding capable, willing representatives simply because they cannot afford clothing meeting this prescribed standard.

It is proposed that Rule 15.2.1(a) require attire that is "neat, clean and respectful of the dignity of the meeting", with traditional wear expressly retained as an equally acceptable option, rather than "business attire" standard imported from the By-law.

Rule 16 Termination of Membership and Rule 17 Filling of Vacancies

Rule 17.1 provides that vacancies "will be filled from the replacement list available from the initial or previous election," without qualification. Read literally, this means that whenever a member's term ends for any reason listed in Rule 16, the vacancy passes automatically to the next-ranked organisation/sector/geographical block on the replacement list, that is, to an entity that was not elected and does not represent the same constituency as the outgoing member. This is not in line with basic democratic principles.

This is also inconsistent with the structure of the Rules themselves. Rule 6.1 establishes that a Ward Committee member does not sit in a personal capacity but represents an organisation, sector, or geographical block. Rule 16.4 recognises this principle for the specific case of death, expressly affording "the organisation's representative... the opportunity to appoint a new member and Secundus." There is no reason in principle why the same courtesy should not extend to the other grounds of termination listed in Rule 16

(resignation, incapacity, indebtedness, conviction, or absenteeism under 14.16/14.17) where the underlying organisation, sector, or block remains eligible and in good standing. An organisation that has been duly elected to represent a constituency should not lose that representation merely because its individual nominee has resigned, fallen ill, or been absent, provided the organisation itself continues to meet the eligibility requirements in Rule 6.9.

It is proposed that Rule 17 be amended to provide that:

(a) where membership terminates for any reason under Rule 16, the organisation/sector/geographical block which the outgoing member represented has the first right to nominate a replacement member and Secundus, provided that organisation/sector/geographical block still complies with the eligibility requirements set out in Rule 6.9; and

(b) only where the represented organisation/sector/geographical block itself no longer qualifies, has been dissolved, or declines to nominate a replacement, should the vacancy pass to the next-ranked entity on the replacement list — and even then, that next-ranked entity's continued eligibility under Rule 6.9 should be verified afresh before appointment, rather than assumed from the date of the original election.

This amendment would align Rule 17 with the representative model already established in Rule 6 and already partially reflected in Rule 16.4, and would prevent an organisation from being displaced from a Ward Committee through no fault of its own.

F. TIMEFRAMES FOR MEETINGS, AGENDAS, MINUTES AND NOTICES

Every provision that sets a timeframe relating to Ward Committee meetings, agenda items, minutes, and notices is set out in the table below.

Category	Rule	Requirement
Meeting frequency	14.2	Ward Committees “must meet monthly/bi-monthly,” aligned to Council's ordinary and special meetings, except when Council is in recess
Meeting frequency	14.3	“Public meetings within the ward must be held quarterly”
Meeting frequency	11.9	Members must report back to their constituencies “at least on a quarterly basis”
Meeting duration	14.9	Quarterly public report-back meetings: 3 hours; other meetings: 2 hours — no extension mechanism
Meeting duration	14.10	All quarterly report-back meetings must be conducted after municipal office hours
Adding agenda items	11.6	Members must submit items for discussion “at least ten (10) working days before” the meeting
Adding agenda items	11.7	Items requiring a Portfolio Committee report must be finalised “at the following ordinary meeting cycle” — no specific number of days given
Publishing the agenda	19.1.2	Administration must circulate the agenda “at least 5 (five) working days prior to” the meeting
Publishing the agenda	19.1.6	Agendas (and minutes) must be “loaded and available on the municipal website” — no timeframe specified
Minutes	19.1.3	Administration must circulate minutes “not more than 7 (seven) working days after” the meeting

Minutes	11.10	Minutes of quarterly report-back meetings specifically must be submitted “within fourteen (14) working days after” the meeting
Minutes	19.1.6	(as above) minutes loaded on the website — no deadline given
Public notice of meetings	19.1.5	Administration must communicate notices of public meetings to residents “on a quarterly basis” — a frequency, not a lead time before any specific meeting

The following issues have been identified in respect of the above timeframes:

F.1 There are **two different deadlines for the same minutes:** Rule 19.1.3 gives the administration 7 working days to circulate the minutes of a meeting generally, while Rule 11.10 gives 14 working days specifically for the minutes of quarterly report-back meetings. Nothing in the Draft Rules excludes a quarterly report-back meeting from the general category of “a meeting” for purposes of Rule 19.1.3. As drafted, these two Rules set two different deadlines for the same document in respect of the same meeting, and it is not clear which prevails. It is proposed that this be resolved by amendment, either by expressly carving quarterly report-back meetings out of Rule 19.1.3, or by aligning the two timeframes.

F.2 No minimum notice period for the public before a specific meeting

Rule 19.1.5 is the only provision in the draft dealing with notice to the public of a meeting, and it states a frequency (“on a quarterly basis”), not a minimum lead time before any particular meeting takes place. By contrast, the agenda must be circulated at least 5 working days before a meeting (19.1.2), and items for the agenda must be submitted at least 10 working days before a meeting (11.6). There is no equivalent minimum number of days' notice guaranteed to a member of the public before a specific meeting they may wish to attend. Even if every other access provision addressed elsewhere in this submission were amended as proposed, the absence of a minimum public notice period would remain a separate barrier to attendance. It is proposed that Rule 19.1.5 be amended to require notice of a specific meeting to be given at least a stated minimum number of working days (for example, 5 working days, aligned with the agenda circulation deadline in 19.1.2) before that meeting.

G. CONCLUSION AND RECOMMENDATIONS

The Draft Rules, in their current form, are not ready for consideration by Council, as there are numerous issues that should be revisited by the author. It is submitted that the Draft should be referred back to the author to make the necessary corrections and amendments. While specific amendments are proposed throughout this submission, their number and cumulative effect indicate that piecemeal correction will not be sufficient. To bring the Draft up to the standard required for a legal document, and to ensure compliance with the prevailing legislation, the current Draft will have to be substantially reworked, resulting in a revised draft that is substantially different from the current one. As a result, it is submitted that the final draft should be resubmitted to members of the public for comment.

I request that the concerns and proposed amendments set out above be recorded and considered as part of the public participation process before the revised Ward Committee Rules are submitted to Council for adoption, and that I be advised of how each has been addressed prior to adoption.

I thank the Municipality for the opportunity to comment.

DRAFT WARD COMMITTEE RULES : PUBLIC COMMENT – 30 JULY 2026

While the Overstrand Municipality makes a big point of supporting the ethico-legal principle of **‘participatory democracy’**, these new Draft Ward Committee Rules unfortunately appear to do exactly the opposite.

The proposed Draft WC Rules are instead heavily laden with ‘limitation rules’ which restrict public participation, openness and transparency, while simultaneously granting immense deciding powers to Ward Councillors and even Ward Committee Members to (inter alia):

- Restrict/close access to WC Meetings;
- Restrict times allowed for the public to speak;
- Restrict any opposition from the public on matters ‘decided’ by the Ward Councillor;
- ‘Evict’ members of the public from WC Meetings.

South African law requires that Municipalities **must** promote community participation as part of democratic local governance (Constitution, s152(1) – Objects of LG).

The Overstrand Municipality echoes this obligation in its Public Participation Policy Framework (2016), which emphasises:

- ✓ inclusive decision making;
- ✓ transparency;
- ✓ community consultation in IDP, budgeting, service delivery, and by law development;
- ✓ participatory processes as a legal and ethical duty.

True ‘participatory democracy’ holds that residents must thus have meaningful influence over municipal decisions.

It is a pointless exercise to draft new WC Rules which fall short of TRUE participatory democracy standards.

The insertion of the **‘By-Law on Rules of Order’** to apply to members of the public, seems inordinately restrictive and contrary to the principle of ‘inclusivity’, given that 2.2 alludes to *‘inappropriate’*, without defining such:

NEW DRAFT WC RULES**2.APPLICATION OF RULES**

- 2.1 *As per section 2 of the Overstrand Municipality: By-law on Rules of Order for Internal Arrangements, these rules apply to all meetings of committees.*
- 2.2 *Except where it is clearly **inappropriate**, a rule applying to a Councillor in any proceedings, also applies to a member of the public who attends those proceedings*

There also appears to be some confusion about whether this will be a ‘Policy’ or ‘Rules’ document, with references to ‘Policy’ made, (replacing ‘Rules’) in the Draft WCR document, in the definitions section as well as in 12.4.1, 17.2 & 18.1.2.

The almost oxymoronic definitions of **‘Public’ vs ‘Ordinary’ WC Meetings**, clearly fail to be legally compliant, given that the **LG Municipal Systems Act 32 of 2 000** in Section 20, instructs that:

LG Municipal Systems Act 32 of 2 000, Section 20**20. Admission of public to meetings**

- (1) Meetings of a municipal council and those of its committees are **open to the public, including the media**, and the council or such committee **may not exclude the public, including the media**, from a meeting ...
- (2) A municipal council, or a committee of the council, may not exclude the public, including the media, **when considering or voting on** any of the following matters—
- (a) a draft by-law tabled in the council;
 - (b) a budget tabled in the council;
 - (c) the municipality’s **draft integrated development plan**, or any amendment of the plan, tabled in the council;
 - (d) the municipality’s draft performance management system, or any amendment of the system, tabled in the council;
 - (e) the decision to enter into a service delivery agreement referred to in section 76(b); or
 - (f) any other matter prescribed by regulation.

Realistically, every single meeting of a Ward Committee will have the Ward's IDP as a standing item and will thus lead to discussions relating to the IDP.

To even suggest that there should be any distinction between an 'ordinary' vs a 'public' Ward Committee Meeting's 'openness' to the public, is thus moot.

There is no valid or meaningful reason to argue that **some** Ward Committee Meetings are open to the public while others are not. All Ward Committee Meetings **must** be open to the public, so the distinction between 'public' and 'ordinary' WC Meetings, is irrelevant.

The concept of purely 'observer status' (of the public) in so-called 'ordinary' WC Meetings, to maintain the pretence of 'openness' to the public, is unethical, illegal and utterly defeats the principle of '**participatory democracy**'.

NEW DRAFT WC RULES

Ordinary Ward Committee Meeting

*Means a scheduled, official meeting of a ward committee convened to consider routine matters, community issues, and the municipal service delivery within the ward. **Members of the public have observer status** and may only address the meeting with approval of the Chairperson*

A Ward Councillor could/should obviously have 'brainstorming' sessions with WC Members, but these would differ from Ward to Ward and **must** fall outside of and/or be in addition to any legally required, officially scheduled WC meetings, ALL of which **MUST** be open to- and welcoming of the public's participation.

Even the 'OM: By-Law on Rules of Order' referred to in 5.9 (Legal Framework) specifically emphasize that **all meetings must be open to members of the public, unless they have been excluded under rule 17**, with rule 17's 'exclusions' being a Speaker and/or Council prerogative only.

OM: BY-LAW ON RULES OF ORDER EXTRACTS:

Meetings

➤ **Rule 6:**

- (1) The **Council** must meet at least quarterly, as required by section 18(2) of the Structures Act.*
- (2) Subject to section 20 of the Systems Act, **all meetings must be open to members of the public, unless they have been excluded under rule 17.***

Exclusion of the public from meetings

➤ **Rule 17:**

- (1) Subject to section 20 of the Systems Act the public may be excluded from the meeting-

 - (a) where so directed by the **Speaker**; or*
 - (b) where so decided by **Council** upon a motion from any councillor to that effect.**
- (2) If a motion to exclude the public from the meeting is seconded, the motion must be put to the vote, after discussion of the reasons but without discussion of the matter.*
- (3) If a motion to exclude the public is carried, the place of meeting shall be cleared of all members of the public, including the media.*
- (4) The motivation for the exclusion of the public must be minuted.*

Rules **6. (MEMBERSHIP)** in the Draft WC Rules and **5. (MEMBERSHIP)** in the Current WC Rules, attempt to define eligibility criteria of Membership of a Ward Committee in 6.1 and 6.3 to 6.9.

However Rules **12 (ELECTION PROCEDURES)** and **16 (MEMBERSHIP TERMINATIONS)** in the Draft WC Rules, also reflect WC Membership eligibility requirements, as extracted below:

[These are included in Rules **7. (PROCEDURE FOR ELECTION)** & **10. (TERMINATION OF MEMBERSHIP)** in the Current WC Rules]

NEW DRAFT WC RULES**6. MEMBERSHIP**

6.1 A Ward Committee consists of the Ward Councillor and not more than ten (10) other persons elected to represent organisations/sectors or pre-determined geographical blocks which will be clearly defined and demarcated sections within a specific area or ward that are identified in advance for administrative, planning, operational or representation purposes.

6.2 The Ward Councillor representing the Ward in the Council must be the chairperson of the Ward Committee.

6.3 The members represented in a ward committee can be elected based on sectorial model (organisation/sector) or geographical (block) model or a combination of both models to accommodate circumstances prevailing in a particular ward.

6.4 In areas where there are many similar interest groups, a need may exist to cluster them in order to ensure the broadest representation in Ward Committees. Thus, **Umbrella Bodies** to serve on the Ward Committees.

6.5 Criteria for Membership

Proposal to ensure a balanced **sectoral representation** in terms of the SALGA guideline (pg. 16 – 17), the following representation is proposed:

- i. Gender
 - ii. Organised formal business community (examples: Local business forums; Tourism and Hospitality Associations; Industrial area business forums; Shopping Centre or CBD business forums)
 - iii. Organised informal business community (examples: Street/Informal Traders' Association; Spaza Shop Forums; Home-Based Business Forums)
 - iv. Civil Society Organisation (examples: Non-Governmental Organisations (NGOs); Community-Based Organisations (CBOs); Faith-Based Organisations (FBOs); Environmental & Social Development Groups; Community Safety Structures)
 - v. Socio-Economic Development (examples: Skills Development & Employment Creation; Poverty Alleviation & Social Support; Youth, Women & Vulnerable Group Empowerment; Education & Digital Access)
 - vi. Traditional Institutions and faith-based organisations (examples: Traditional Councils; Recognised Traditional Leaders; Houses of Traditional Leaders; Customary Community Structures)
 - vii. Special designated groups (examples: Youth; Senior Citizens/Older Persons; LGBTQIA+; Persons with Disabilities; Women, children & vulnerable groups).
- 6.6 The election of Ward Committee Members described in 5.3 (sic) above must take into account the need:
- ~~[That at least 3 (three) of the 10 (ten) community members elected on the Ward Committee are women.]~~
 - To strive for equal gender representation in the composition of the ward committee.
- 6.7 **No organisation may have more than one representative in a Sector** on a Ward Committee.
- 6.8 **No individual representation will be allowed** in a ward committee.
- 6.9 A person to be elected to represent a sector/organisation/geographical interest on a ward committee must:
- 6.9.1 be a registered voter (18 years and older) and whose name appears on the voters' roll for the particular ward,
 - 6.9.2 not be a member of a Municipal Council,
 - 6.9.3 not be permanently or contractually employed by the Municipality,
 - 6.9.4 not be a Community Development Worker or employed by another sphere (Local, Provincial, National of Government,
 - 6.9.5 not have been indebted with the Municipality for a period longer than three (3) calendar months, with the exception that proof can be provided 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,
 - 6.9.6 not have been convicted of an offence and sentenced for a period of more than twelve (12) months.
- 6.10 **Close family members** (husband, wife, child, parent) may not serve on the same ward committee.
- 6.11 The Code of Conduct for Ward Committee Members will be applicable to members of the committee during their term of office.

NEW DRAFT WC RULES**12. OVERALL PROCEDURE FOR ELECTION**

12.1.1 The Municipal Manager will advertise in the local newspaper(s) a notice for the organisations/sectors eligible for election must have been **operational in the particular ward for at least six (6) months**, except newly established organisations that directly represent the interest of women, youth, disabled and the elderly.

12.1.2 Representatives nominated by sectors/organisations/geographical blocks on respective Ward Committee must represent a **diversity of interest** located in a particular ward and also comply with requirements listed under item 6 above.

NEW DRAFT WC RULES**16. TERMINATION OF MEMBERSHIP**

16.8 Represents an organization/sector/geographical block which fails to adopt a **constitution** or to provide **minutes of at least three meetings** per annum. Minutes must be submitted to the Administration via the Ward Councillor;

The various **eligibility criteria for Ward Committee Membership**, are not all clearly specified in one section or rule-heading (*in both the Current and new Draft WC Rules*), which allows for missing/misinterpretation of relevant requirements for eligibility.

In order to ensure **diversity** of community interests/concerns, community representativity, as well as the **validity** and **eligibility** of Organisations/Sectors/Geographical Blocks nominated for Ward Committee Membership elections, Overstrand Municipality should implement a **DATABASE of 'registered' Organisations/Sectors** in its 15 wards, in addition to any **pre-determined Geographical Blocks** (but only where relevant).

This will facilitate and simplify verification of the **'ELIGIBILITY CRITERIA'** of Organisations / Sectors / Geographical Blocks for Ward Committee Membership nominations for election, well in advance of drafting and finalising the ballots for Ward Committee Member elections.

This verification process must be performed by an assigned **OM Election Official** in a non-political, unbiased manner – i.e. a pure fact-checking process.

The gathering of information on nominations, as well as 'registration' of organisations/sectors and geographical blocks are already described in both the Current and Draft Rules.

(Refs: Current Rules 7.1.8 / Draft Rules 12.1.7)

CURRENT RULE 7.1.8 *Information of nominations received for organisations, sectors and geographical blocks for each Ward Committee (refer to 7.1.6 above) can be **verified** and revised by **registered** organisations/sectors and geographical block where necessary **prior to announcement of Ward Committee election dates** for the Municipality.*

DRAFT RULE 12.1.7 *Information of nominations received for organisations, sectors and geographical locks for each Ward Committee (refer to 12.1.6 above) can be **verified** and revised by **registered** organisations/sectors and geographical block where necessary **prior to announcement of Ward Committee election dates** for the Municipality.*

The OM should thus create a DATABASE CHECKLIST to capture all the required information for both Verification and Nomination Eligibility, which must include:

- Verification that a nominated Organisation/Sector/Geographical Block **exists** and has been actively **operational** in a Ward for at least **6 months**;
 - (Refs: Current Rules 7.1.2 / Draft Rules 12.1.1)
- Verification of a nominated Organisation/Sector's submitted **Constitution**;
 - (Refs: Current Rules 10.1.8 / Draft Rules 16.8)
- Verification of at least 1 (one) **MOST RECENT Quarterly Report / set of Minutes** to its constituents, of the nominated Organisation/Sector/Geographical Block;
 - (Refs: Current Rules 10.1.8 / Draft Rules 16.8)
- Verification of disclosed/undisclosed **close familial ties** (spouse, child, parent) with the newly nominated Ward Councillor(s), of an executive of an Organisation / Sector / Geographical Block, with elimination/rejection of Ward Committee Member nominations, where such inappropriate, close familial ties are identified;
 - (Refs: Current Rules 5.8 / Draft Rules 6.10)
- Identification and **categorisation of a nominated Organisations' Sectoral and/or Geographical Block representation**;
 - (Refs: Current Rules 5.4-5.6 / Draft Rules 6.3-6.5)

The other (fairly standard) verifications can then also be performed **well in advance** of preparing the final ballots for election, and which are also already included in both the **Current Rules** (Ref: 5.6 – 5.8) and **Draft Rules** (Ref: 6.4 – 6.10) Ward Committee Rules:

CURRENT RULES 5.6 – 5.8

- 5.6 No individual representation will be allowed in a ward committee.
- 5.7 A person to be elected to represent a sector/organisation/geographical interest on a ward committee must:
 - 5.7.1 be a registered voter and whose name appears on the voters' roll for the particular ward,
 - 5.7.2 not be a member of a Municipal Council,
 - 5.7.3 not be permanently or contractually employed by the Municipality,
 - 5.7.4 not be a Community Development Worker or employed by another sphere (Provincial/National) of Government,
 - 5.7.5 not have been indebted with the Municipality for a period longer than three (3) calendar months, with the exception that proof can be provided 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,
 - 5.7.6 not have been convicted of an offence and sentenced for a period of more than twelve (12) months.
- 5.8 Close family members (husband, wife, child, parent) may not serve on the same ward committee.

Of note is that ALL of the above (*already included in both the Current & Draft Rules*) can be implemented prior to finalisation of the NEW PROPOSED **Draft Ward Committee Rules**, under the prescripts of an **'Overstrand Municipality Pre-Election 'Nominations Ward Committees': Requirements Guideline'**, or even simply published (as in years before) on the OM Website under the heading: **'Nominations for new Ward Committees'** (Please see 2021 publication below, in url link <https://www.overstrand.gov.za/nominations-for-new-ward-committees-2/>)

However, the 'rule' that the newly appointed Ward Councillor has the power/authority to 'pick-and-choose' amongst the genuinely **'eligible'** nominees, WHO to include on the Voting Ballot Papers for Ward Committee Membership, flies in the face of true participatory democracy and transparency. (Refs: **Current 7.1.6 / Draft 12.4.5**).

If a Ward Councillor is empowered to select / exclude / alter any **'eligible'** Ward Committee Memberships from a Ballot Paper, it does not instil much (any) faith/confidence in the 'political impartiality' and democratic processes of Ward Committee Member nominations / elections.

This 'impartiality' can be achieved by the appointment of knowledgeable/trained **'election officials'** from within the OM administration, headed up by the Municipal Manager, to verify 'eligibility criteria'. (Refs: **Current 7.3.1 / Draft 12.3.1**)

The **Ballot Papers** should also be prepared by such **election officials** (with oversight by the Municipal Manager / Delegee), without any 'tampering' or influence by a 'newly nominated/elected' Ward Councillor.

It should be a pure, administrative impartially prepared Ballot Paper, based on the verified eligibility criteria captured in the OM Database.

After the elections, the process whereby the newly appointed Ward Councillor 'selects' Ward Committee Members is extremely concerning, albeit with the (ideal) objective of ensuring **diversity** representations:

(Refs: Current 7.4.5 / Draft 12.4.5)

CURRENT RULES

7.4.5 The ratio between organisations/sectors and geographical block representation, also taking into consideration 7.4.4 above, will be determined by the newly elected Ward Councillor, in consultation with the appointed election officer, taking into consideration the nominations received for the particular ward, upon finalising the list of nominations (refer to 7.1.8 above).

DRAFT RULES

12.4.5 The ratio between organisations/sectors and geographical block representation, also taking into consideration 12.4.4 above, will be determined by the newly elected Ward Councillor, in consultation with the appointed election officer, taking into consideration the nominations received for the particular ward, upon finalising the list of nominations (refer to 12.1.7 above).

If a Ward Councillor is empowered to 'select or exclude' the potential 'eligible' nominated and **voted-for-by-the-public Ward Committee Members**, it does not instil much (any) faith/confidence in the 'political / personal impartiality' of Ward Committee member elections.

In addition, all selections and exclusions must be accompanied by a fully motivated narrative.

After the elections, the final Ward Committee Member selection, should be a pure, impartial administrative process embarked on by the **appointed election official**, based on the number of public votes received per balloted nomination, given that eligibility verification based on the criteria captured in the OM Database would already have been performed.

*(No potential nominee should have been included on the Ballot Paper, without **prior eligibility verification**.)*

Novice ('newly elected') Ward Councillors are known to have used their lack of experience / knowledge to 'defend' unscrupulous **inclusions of ineligible Ward Committee Members / Organisations / Sectors / Geographical Blocks** on their 'selected-by-them' Ward Committee Members.

During the final Ward Committee Member selection, the (*presumably well-trained*) election official then has the important responsibility to ensure **diversity** representation **AND** that there is **no duplication** of organisations / sectors / geographic blocks and where such exists, to select the one with the **highest number of votes**.

*(e.g. When two or three 'communal housing' / 'estates' / 'complexes' are elected in a single ward, **ONLY the ONE with the highest number of votes may be selected as WC Member**.*

[I believe this is similar to the First-Past-The-Post (FPTP) principle, where the person with the most votes (in a specific sector) wins.]

The selected/winning 'communal housing' / 'estates' / 'complexes' Ward Committee Member should/could be advised to create an UMBRELLA organisation/sector to represent all 'communal housing' / 'estates' / 'complexes' entities, under the selected-by-vote-numbers 'communal housing' / 'estates' / 'complexes' Ward Committee Member.

It is untenable for each 'communal housing' Home-Owners-Association (HOA) in a Ward to have an independent, separate seat on a Ward Committee (because of high numbers of HOA votes) when 'communal housing' (as an umbrella sector) only represents e.g. 27% of an entire ward.)

This may be done **in consultation with** the newly elected Ward Councillor, but **DIVERSITY** and **DUPLICATION-PREVENTION** MUST be the prioritised decision-making criteria, **NOT** personal likes or dislikes of a Ward Councillor.

Some wards may have marked **geographic distinctions** (e.g. OM Wards 3, 4 & 15), where specific attention must be given to achieving representation of each geographic block, where such ELIGIBLE geographic block organisational/sector representatives exist. (These geo-blocks are easily distinguished in the published 2024-2026 WARD DELIMITATION TECHNICAL CONFIGURATION document (<https://www.demarcation.org.za/ward-delimitation-2024-2026/>), should the election official or Ward Councillor not be familiar with such).

However, pre-determining a prescribed ratio as below in the Rules (both current and draft), does not fully consider the various geographic differences in ward demarcations, where no distinct geographic blocks exist and allows for unethical ‘manipulation’ of ward committee member selections.

CURRENT RULES: 7.4.4 & DRAFT RULES 12.4.4

“A minimum of not less than 5 (five) organisations/sectors to be elected as members of a particular ward committee whilst the balance must be elected from geographical blocks.”

In the spirit of transparency and oversight, the entire Ward Committee Member ballot-nomination/election/selection decision-making process must be accurately documented in writing and made available to the public for scrutiny, should any disputes/questions arise.

Given that time is short and that this would be a ‘**Guideline**’, compliance with this Guideline will be encouraged by OM stating upfront, that if any of the above **checklist items** are **outstanding/absent at the time of applications for nomination**, such nominations will be considered ineligible and will be disqualified.

All the required eligibility criteria information on the nomination applications must be captured by the **designated election official(s)**, to simplify validation of the finalised Ballot Papers.

**PLEASE SEE NEXT 2 PAGES FOR SUGGESTIONS TO BE
PUBLISHED ON THE OM WEBSITE, WHEN THE
‘NOMINATIONS FOR NEW WARD COMMITTEES’
PAGE IS PUBLISHED.**

During the 2021 Election Year, the OM published the following on their website, which could simply be expanded upon, as an interim measure BEFORE the NEW Draft Ward Committee Rules are finalised and/or implemented.

<https://www.overstrand.gov.za/nominations-for-new-ward-committees-2>



September 10, 2021 - In Overstrand News By admin Comment off

Nominations for new Ward Committees

After the 2021 Local Government Elections, new Ward Committees in all wards will be established.

Overstrand Municipality will be having an additional Ward with changes in demarcation as set out below.

Ward 1: Stanford and Thembelihle

Ward 2: Gansbaai North-East and Masakhane

Ward 9 & 10: There is a change in the Ward demarcation between ward 9 and ward 10 with the ward boundary being moved to now include Beverly Hills/Extension 6 in Ward 9

Ward 11: Baardskeerdersbos, Eluxolweni, Pearly Beach, Buffeljagsbaai and Franskraal

Ward 14: Blompark, De Kelders, Gansbaai South-West and Van Dyksbaai

Nominations

All organisations/sectors, geographical block/area and other stakeholders with a vested interest in community development and good governance are hereby invited to submit nominations for ward committee candidates that will participate in the elections for new Ward Committees for the next five-year term.

Applications must be made in the local ward where the organisation/sector and geographical blocks are located and mainly operates before **8 October 2021**.

Nominations to serve as a Ward Committee Member, should be submitted at your nearest Municipal Office of the Area Manager.

Full details with regards to this process is available on the website www.overstrand.gov.za click on Documents, click on Forms.

Kindly note, ward committee elections to take place (dates to be announced) after the upcoming local government election.

**Please see what should/could be added below, highlighted in red and yellow:
These are eligibility 'CRITERIA' included in both the *CURRENT (2022) WC Rules*
and the new *DRAFT WC Rules (2026)***

The qualifying **eligibility** criteria for registration is as follow:

- 1) Be a registered voter and whose name appears on the voters' roll for the particular ward
- 2) Not be a member of the Municipal Council
- 3) Not be permanently or contractually employed by the Municipality
- 4) Not be a Community Development Worker or employed by another sphere (provincial/national) of government
- 5) Not have been indebted with the Municipality for a period longer than three (3) calendar months, with the exception that proof can be provided 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
- 6) Not have been convicted of an offence and sentenced for a period of more than twelve (12) months
- 7) No individual representation will be allowed in a ward committee
- 8) Evidence that a nominated Organisation/Sector/Geographical Block exists and has been actively **operational in a Ward for at least 6 months** must be provided:
 - a. The **Constitution** of a nominated Organisation/Sector/Geographical Block must accompany the application
 - b. The most recent **Quarterly Reports / sets of Minutes** to its constituents, of a nominated Organisation/Sector/Geographical Block, must accompany the application
 - c. Verifiable Organisation/Sector/Geographical Block **membership number**
- 9) Disclosure of close **familial ties** (spouse, child, parent) with the nominated/elected new Ward Councillor(s), in the executive of an Organisation/Sector/Geographical Block, must accompany the application
- 10) Identification and **categorisation** of a nominated Organisations' Sectoral and/or Geographical Block representation, must be included in the application, where relevant.

Nomination forms and criteria are also available from:

Hermanus Administration (Wards 3,4,5,6,7,8,12 &13)

Mr A. Wyngaard: 028-313 8112 hdignas@overstrand.gov.za, 1 Magnolia Street

Gansbaai Administration (Wards 1,2,11,& 14)

Mr F. Myburgh: 028 384 8300, mswart@overstrand.gov.za, Main Road

Stanford Office, 17 Queen Victoria Street

Kleinmond Administration (Wards 9 &10)

Mr D.Lakey: 028 271 8400, santoni@overstrand.gov.za, 33 5th Avenue

EXECUTIVE SUMMARY & CONCLUDING REMARKS:

- There is no urgent necessity to rush the public participation process and approval of the **new Draft Ward Committee Rules**, prior to the 4 November 2026 LG Elections.
- It would be a much more valid and reliable Ward Committee Membership election process, if the **existing ELIGIBILITY CRITERIA for Ward Committee Membership** were stringently adhered to and the newly elected Ward Committees were tasked with following a true public participation process, to scrutinise (and comment on) the new Draft Ward Committee Rules.
- The Current and Draft WC Rules both include Ward Committee Membership eligibility criteria, albeit in somewhat dissociated manners, within these Rules.
 - The various criteria may be found in Rule 6. (MEMBERSHIP) in the Draft WC Rules and Rule 5. (MEMBERSHIP) in the Current WC Rules.
 - However, Rules 12 (ELECTION PROCEDURES) and 16 (MEMBERSHIP TERMINATIONS) in the Draft WC Rules, also reflect WC Membership eligibility requirements, as do Rules 7. (PROCEDURE FOR ELECTION) & 10. (TERMINATION OF MEMBERSHIP) in the Current WC Rules.
- **Collectively these include the following eligibility criteria:**
 - 1) Be a registered voter and whose name appears on the voters' roll for the particular ward
 - 2) Not be a member of the Municipal Council
 - 3) Not be permanently or contractually employed by the Municipality
 - 4) Not be a Community Development Worker or employed by another sphere (provincial/national) of government
 - 5) Not have been indebted with the Municipality for a period longer than three (3) calendar months, with the exception that proof can be provided 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
 - 6) Not have been convicted of an offence and sentenced for a period of more than twelve (12) months
 - 7) **No individual representation will be allowed in a ward committee**
 - 8) **Evidence that a nominated Organisation/Sector/Geographical Block exists and has been actively operational in a Ward for at least 6 months must be provided:**
 - a. The **Constitution** of a nominated Organisation/Sector/Geographical Block must accompany the application
 - b. The most recent **Quarterly Reports / sets of Minutes** to its constituents, of a nominated Organisation/Sector/Geographical Block, must accompany the application
 - c. Verifiable Organisation/Sector/Geographical Block **membership number**
 - 9) Disclosure of close **familial ties** (spouse, child, parent) with the nominated/elected new Ward Councillor(s), in the executive of an Organisation/Sector/Geographical Block, must accompany the application
 - 10) Identification and **categorisation** of a nominated Organisations' Sectoral and/or Geographical Block representation, must be included in the application, where relevant.
- A simple **WC Membership Eligibility Verification Database**, administered by designated **OM Election Officials**, would facilitate easy recognition of- or disqualification of nominated Ward Committee Membership applicants.
- This will minimise any potential 'personal' inclusions by Ward Councillors of ineligible WC Member nominations and will likewise prevent exclusions by Ward Councillors of eligible WC Member nominations – hence create a neutral, a-political process.
- The further objectives of **participatory democracy, diversity representation** and **non-duplication** of sectors/organisations/geographical blocks within Ward Committees, would also be much simpler to achieve, when all relevant eligibility information of WC Member nominees, (*as indicated above*) is captured on an OM Database, for quick referencing.

Yours sincerely,

Jeanine Vellema.

Prof Jeanine Vellema
 Honorary Member: Wits Division of Forensic Medicine & Pathology
 Retired Head: Clinical Department / Chief Specialist
 GDoH FPS Southern Cluster & Wits Division of Forensic Medicine & Pathology
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[illegible]

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WA KRIGE**Includes separate PDF insert as well.**

Please note that the time allowed for making comments were very short, and inadequate for proper public participation.

I hereby submit only some comments within portions of the Draft document as an attachment together with very limited additional remarks that follow.

To put Rule 6.1 in proper regulatory order, a complete restructuring is proposed that defines the authority, timeframe, prerequisites, and mandate on face value:

6.1 A Ward Committee [WC] consists of the Ward Councillor and not more than ten (10) other persons. For the purposes of geographical representation, the Municipal Manager, in consultation with the Office of the Speaker, shall formally demarcate and publish the boundaries of the Geographical Blocks within 30 days prior to the call for nominations.

6.1.1 These demarcated Geographical Blocks shall remain fixed and legally binding for the entire 5-year term of the Ward Committee.

6.1.2 A person elected to represent a Geographical Block must be a registered voter in that specific ward and must ordinarily reside within the boundaries of the specific block they are elected to represent."

6.1.3 No election or nomination process for a Geographical Block may take place unless a formal, written notice has been physically distributed and digitally broadcasted to all residents within that specific Block at least fourteen (14) days prior. The notice must explicitly state the date, time, venue, and purpose of the meeting.

6.1.4 All nominations for a Geographical Block representative must be submitted in writing, signed by at least ten (10) independent residents of that block, and published on the municipal website seven (7) days BEFORE the election. No floor nominations or surprise candidates will be permitted on the day of the vote."

6.1.5 The demarcation of blocks and the counting of votes must be entirely managed by an independent municipal electoral officer or an objective third party. A Ward Councillor may not draw the boundaries, may not preside over the voting meeting for any block, and may not tally the votes.

Rule 6.7 (meaningless as it stands). Rather something like this:

No single organisation, sector body, or geographical block may be represented on the Ward Committee [WC] by more than one member of its executive committee or governing structure, regardless of the capacity or category (sector or Geo-block) in which they are elected.

Rule 6.8 Rather state as: No person may serve on the WC as an independent individual; all members must officiall represent an approved sector or geo-block.

And this is as far as time allows me to respond.

DEFINITIONS

Budget	Refer to the annual budget of a municipality in terms of the Local Government: Municipal Finance Management Act, 2003
<u>CBO</u>	<u>A Community Based Organisation</u>
<u>Chairperson</u>	<u>A Ward Councillor of the Municipality elected to chair the Ward Committee meetings in terms of Section 73(2)(a) of the Municipal Structures Act</u>
Code of Conduct	Code of conduct means Code of Conduct available to Ward Committee Members as set out per Schedule 2
<u>Community</u>	<u>Residents of a ward, i.e. the ward community</u>
<u>Community Engagement</u>	<u>Ward Committee should actively engage with the community through regular public meetings, surveys and feedback mechanisms to ensure that the community's needs and concerns are accurately represented</u>
Constitution	The Constitution of the Republic of South Africa, 1996, which is the supreme law of the country
Council	The municipality's body of elected Councillors and proportionally representative Councillors (comprising of the local government) as established in terms of the Municipal Structures Act
<u>Election Assistant</u>	<u>Municipal and/or Provincial Department Local Government (DLG), Independent Electoral Commission (IEC) or District Municipality appointed by the Election Officer to assist with the election of Ward Committee Members</u>
Election Officer	<u>Municipal and/or Provincial Department Local Government (DLG), Independent Electoral Commission (IEC) or District Municipality responsible for supervising and coordinating an election venue to ensure that the election (voting) of Ward Committees is conducted in terms of this Policy</u>
<u>Geographical Block</u>	Represents the interests of an identified geographical block, for example neighbourhood, extension, village in a particular ward how is such a Block properly constituted...?
<u>IEC</u>	The IEC most commonly refers to the Electoral Commission of South Africa, an independent, Chapter 9 constitutional institution established in 1996 to manage free and fair elections for national, provincial and municipal legislative bodies. It handles voter registration, election administration, results and voter education
<u>In-Committee</u>	Means a formally constituted meeting of a council or committee from which the public is excluded in order to consider confidential or legally protected information What !?
Integrated Development Plan	The principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development in a municipality
<u>Member</u>	<u>A person elected or co-opted into a Ward Committee</u>

<u>Monitoring and Evaluation</u>	Ward Committees should regularly <u>monitor and evaluate their activities</u> and the impact of their decisions on the community, <u>reporting</u> their findings to the Council <u>and the public</u>
Municipal Manager	Head of administration, accounting officer of the Municipality and appointed by Council in terms of Section 54A of the Local Government: Municipal Systems Act, No 32 of 2000
Ordinary Meeting Cycle	Consists of meetings in the following order, namely: Ward Committees, Portfolio Committees, Executive Mayoral Committee meetings and Council meetings
<u>Ordinary Ward Committee Meeting</u>	Means a scheduled, official meeting of a ward committee convened to consider routine matters, community issues, and the municipal service delivery within the ward. <u>Members of the public have observer status and may only address the meeting with approval of the Chairperson</u>
Organisation	Represents a specific interest of the community resident in the particular ward, for example youth, women, religious grouping, ratepayers' associations, etc. but not a political party
Performance Management System (PMS)	A two-way communication process between the Municipality and the community that measures specific targets, standards and priorities that were agreed upon during the IDP process
<u>PR Councillor</u>	<u>A proportional representative municipal councillor elected in terms of Section 22(a) of the Local Government: Municipal Structures Act, No 117 of 1996 to represent a party on the Council of a municipality</u>
<u>Predetermined Geographical Block/s</u>	Means <u>formally identified and demarcated areas</u> within a ward or municipal boundary that are <u>established in advance</u> for planning, administrative or community representation purposes <u>By who and what proper method...?</u>
<u>Public meeting</u>	Means a ward committee meeting convened to facilitate <u>community participation</u> , where residents of the ward are <u>afforded an opportunity to engage with the Ward Councillor and committee members on municipal matters</u>
Sector/Interested Group	Represents a broader scope of similar interests (umbrella body/structure) of the community for example, Sport & Recreation, Health & Welfare, etc.
Speaker	The Speaker of the Council elected in terms of Section 36 of the Local Government: Municipal Structures Act 117 of 1998
Special Meetings	Scheduled for Council to consider for example the annual IDP/Budget Process Plan, new/revised IDP, the Budget, Mid-year Adjustment Budget, etc.
Voters' Roll	The national common IEC voters' roll compiled in terms of the Electoral Act, 1998
Ward <u>Committee</u> Operational Plan	Annual plan of activities to be performed/executed by Ward Committee Member's representative in a ward committee
<u>Ward Councillor</u>	<u>A representative that serves as the liaison/link/channel between the communities they represent and the municipal council, reporting back regularly through ward meetings and assisting the community in identifying needs and priority</u>

note the spelling is with "s"...

S: 29x ; Z: 15x used!

	<u>areas of development which feed into the municipality's planning processes</u>
Youth	People within the age group of 18 to 30 years are elected to a ward committee to represent the interest of young people between the age groups of 14 to 35 years. The mentioned age group eligible for election will ensure that representatives can be registered on the voters' roll and are able to serve a term of five years on ward committee

5 LEGAL FRAMEWORK

- 5.1 The Constitution of South Africa, 1996
- 5.2 Municipal Structures Act, Local Government: Municipal Structures Act, No 117 of 1998
- 5.3 Municipal Systems Act, Local Government: Municipal Systems Act, No 32 of 2000
- 5.4 Municipal Finance Management Act (MFMA), Local Government: Municipal Finance Management Act, No 56 of 2003
- 5.5 Guidelines for the establishment and operation of Municipal Ward Committees, Notice 965 of 2005
- 5.6 National Policy Framework for Public Participation, 2007
- 5.7 National Framework: Criteria for Determining out of pocket expenses for Ward Committee Members, 2009
- 5.8 Overstrand Municipality: Public Participation Policy, 2016
- 5.9 Overstrand Municipality: By-law on Rules of Order for Internal Arrangements, 2022

6 MEMBERSHIP

- 6.1 A Ward Committee consists of the Ward Councillor and not more than ten (10) other persons elected to represent organisations/sectors or pre-determined geographical blocks **#** which will be clearly defined and demarcated sections within a specific area or ward that are identified in advance for administrative, planning, operational or representation purposes. **# Again: authority, prerequisite, leadership validation ... ?**
- 6.2 The Ward Councillor representing the Ward in the Council must be the chairperson of the Ward Committee.
- 6.3 The members represented in a ward committee can be elected based on sectorial model (organization/sector) or pre-determined geographical (block) model or a combination of both models to accommodate circumstances prevailing in a particular ward. **Spelled 15 times with Z**
- 6.4 In areas where there are many similar interest groups, a need may exist to cluster them in order to ensure the broadest representation in Ward Committees. Thus, **Umbrella Bodies** to serve on the Ward Committees.
- 6.5 Criteria for Membership

Proposal to ensure a balanced sectoral representation in terms of the SALGA guideline (pg. 16 – 17), the following representation is proposed:

- i) Gender
- ii) Organised formal business community (examples: Local business forums; Tourism and Hospitality Associations; Industrial area business forums; Shopping Centre or CBD business forums)
- iii) Organised informal business community (examples: Street/Informal Traders' Association; Spaza Shop Forums; Home-Based Business Forums) X
- iv) Civil Society Organisation (examples: Non-Governmental Organisations (NGOs); Community-Based Organisations (CBOs); Faith-Based Organisations (FBOs); Environmental & Social Development Groups; Community Safety Structures)
- v) Socio-Economic Development (examples: Skills Development & Employment Creation; Poverty Alleviation & Social Support; Youth, Women & Vulnerable Group Empowerment; Education & Digital Access)
- vi) Traditional Institutions and faith-based organisations (examples: Traditional Councils; Recognised Traditional Leaders; Houses of Traditional Leaders; Customary Community Structures)
- vii) Special designated groups (examples: Youth; Senior Citizens/Older Persons; LGBTQIA+; Persons with Disabilities; Women, children & vulnerable groups).

6.6 The election of Ward Committee Members described in 5.3 above must take into account the need: X

6.3 ...

- **[That at least 3 (three) of the 10 (ten) community members elected on the Ward Committee are women.]**
- To strive for equal gender representation in the composition of the ward committee.

6.7 No organisation may have more than one representative in a Sector on a Ward Committee. ?

Why limited to "organisation" and "Sector", and NOT rather: see ** at the bottom

6.8 No individual representation will be allowed in a ward committee.

6.9 A person to be elected to represent a sector/organization/geographical interest on a ward committee must:

- 6.9.1 Be a registered voter (18 years and older) and whose name appears on the voters' roll for the particular ward;
- 6.9.2 Not be a member of a Municipal Council;
- 6.9.3 Not be permanently or contractually employed by the Municipality;
- 6.9.4 Not be a Community Development Worker or employed by another sphere (Local, Provincial, National of Government);
- 6.9.5 Not have been indebted to the Municipality for a period longer than three (3) calendar months, with the exception that proof can be provided 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;

Kommentaar op die Ontwerp Hersiene Wykskomiteereëls gedateerd 9 Junie 2026

Algemeen

Die hersiene, heelwat meer omvattende weergawe is oor algemeen 'n meer duidelike uiteensetting en derhalwe 'n verbetering van die bestaande stel reëls en daarom baie geregverdigd en te verwelkom. Verskeie van die 'nuwe' reëls het reeds so gegeld en party daarvan, selfs uitmuntend so deur ons wyksraadslid en wykskomiteevoorsitter gevolg. Geluk met en dankie vir die inisiatief om met die hersiening, by te dra 'to promote good governance at the local government level'

Hieronder volg kommentare oor enkele spesifieke sake aan die hand van die gelyste/genommerde paragrawe (reëlnommers) en hoofde/opskrifomskrywings daarvan in die Ontwerpreëls. Kommentaar is *kursief aangedui*.

Kommentaar 1:

3. "OBJECTIVES

3.4 The ward committee is an **advisory body**, meaning that it can make recommendations to the Ward Councillor(s) and Municipal Council, but **does not have the power to make decisions on its own**". (*my kursifering*)

4. DEFINITIONS

Monitoring and Evaluation

Ward Committees should regularly monitor and evaluate their activities and the **impact of their decisions** on the community, reporting their findings to the Council and the public" (*my kursifering*)

Daar is 'n teenstrydigheid tussen geen mag van besluitneming (soos ook o.a. bevestig met notulering van besluite op wykskomiteevergaderinge as aanbevelings eerder as besluite) en die aangeduide vereiste dat wykskomitees die impak van hul besluite op die gemeenskap moet monitor en evalueer. Duidelikheid hieroor is gewens.

Kommentaar 2:

3. "OBJECTIVES

3.2.2 Establishment, implementation, and review of a Performance Management System (PMS);

19.5 Municipal Administration Responsibility. Facilitate and assist with involvement of Ward Committees in obtaining its objectives for example IDP, budget processes, *Performance Management*, etc."

Dit is onduidelik op welke wyse wykskomiteelede betrokke is by Prestasiebeoordeling ("Performance management") en waarvoor hulle verantwoordelik is.

Kommentaar 3:

8 "THE ROLE OF THE WARD COUNCILLOR

8.4 Oversight and Accountability

Ward Councillors **monitor service delivery** within their wards and **report shortcomings or poor service delivery** to the municipality. *(my kursifering)*

They play a **watchdog role** by **holding the municipal administration accountable** for services delivered to their communities". *(my kursifering)*

8.5 Problem-Solving and Conflict Resolution

They assist in addressing grievances related to municipal services".

*Duidelikheid oor hoe die **monitering, verslaggewing en rekenskap** plaasvind is gewens/noodsaaklik – met 'n aanduiding van hoe dit in die praktyk moet geskied.*

Kommentaar 4:

10. THE ROLE OF THE WARD COMMITTEE

10.3 Monitoring Service Delivery They **help identify service delivery** failures or challenges and **communicate them** to the municipality. *(my kursifering)*

10.4 Promoting Accountability and Transparency They **assist** in holding the municipality accountable for the **quality and effectiveness of services**. *(my kursifering)*

Duidelikheid oor die hoe die hulp en bystand plaasvind (d.i. begin, omvang en einde daarvan) is wenslik – met 'n aanduiding van hoe dit in die praktyk geskied.

Kommentaar 5:

11. POWERS AND FUNCTIONS OF WARD COMMITTEES

11.1 Ward Committees **[together with the Overstrand Municipal Advisory Forum (OMAF)]** will act as the official liaison mechanism on **all strategic municipal matters** affecting the community. *(my kursifering)*

'n Omskrywing van welke sake as "strategies" geag word, is wenslik/noodsaaklik.

Kommentaar 6:

SCHEDULE 2

CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

3.3 Organisations/sectors/geographical blocks (block representatives) will automatically be dismissed from affected Ward Committee(s) if their Ward Committee Member(s) and secondi(s) fail to comply with **clauses 10.16 or 10.17**.

Spoor nie die "clauses 10.16 or 10.17" waarna verwys word nie – of kyk ek net sleg?

Kommentaar 7:

SCHEDULE 2 CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

6. INTERVENTION IN ADMINISTRATION

A Ward Committee Member must not:

6.1 **Interfere** in the administration or any department of the Municipality. (*my kursifering*)

Uitbreiding van hierdie bepaling lyk noodsaaklik – om byvoorbeeld onduidelikhede uit te skakel oor skakeling/briefwisseling met amptenare oor sake wat uit wykskomiteebesprekinge/besluite/aanbeveling voortspruit as “inmenging” beskou sou word, voorbeelde te gee van handeling wat as “inmenging” beskou word.

Slotopmerkings

In die kursief aangeduide kommentare hierbo, is by 'n paar Kommentare (no's 3 en 4) versoek dat duidelikheid oor die omskrywing van die Ontwerp Hersiene Wykskomiteereëls versoek/voorgestel dat meer/groter duidelikheid verskaf word. Omvattende verduidelikinge sou kwalik ook bykomend in die reëls ingepas kon word. 'n Toegewyde Wykskomiteewerkswinkel (gehou voor eind September 2026) waartydens 'n opsomming van die kommentare wat wykskomiteeledede en verwante lede van die publiek ingedien het, word voorgestel – aan die hand waarvan, die Hersiene Wykskomiteereëls, gefinaliseer kon word vir tydige ingebruikneming deur die nuwe wykskomitees wat na November gaan geskied.

HB Maree

Wykskomiteelid Wyk 9

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JILL SCHLACHTER

Overall, I find the additions/insertions very acceptable and easy to understand. I have only 3 comments that may add some value:

- Item **11.11** states that “Ward Committee Members must report at least 15 basic service delivery requests.....”. This seems like a potentially difficult requirement to fulfil – perhaps there will not be 15 request to report. In addition, I was under the impression that the long-term objective is to train the public to use the Citizen Collab app to register service delivery problems. I’m not sure what the purpose is behind the requirement in item 11.11 so I don’t have an alternative suggestion to make.
- Item **15.4 Exclusions of the public from meetings** appears to me to go against the very purpose of the Ward Committee system, which is to serve as a vehicle for community participation. Item 15.4 as currently phrased opens the door for Ward Councillors or Ward Committee Members to block the attendance of members of the public whom they disagree with or find objectionable. It also enables the Ward Committee to conduct its business in secret. I recommend that you add a clause that provides members of the public with the right to appeal, and to be given access to the minutes of the meeting within 7 days. I would even recommend that in such circumstances, the meeting be recorded and that the recording be made available to the public.
- I would like to note that Rate Payer Associations are never actually named as a category of community organisation. Would a geographic section/block be represented by a Rate Payers Association?

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HELÉNE STEPHAN WARD 3**UPDATED FORMAL PUBLIC COMMENTS: OVERSTRAND WARD COMMITTEE POLICY –****INTRODUCTION**

My ward is a high-density, high-tourism ward with serious safety, environmental and service delivery challenges.

The current Ward Committee system is failing us due to gaps in the Rules. The Rules must be strengthened to ensure accountability, communication and real representation of people, not just organized groups.

PROPOSED AMENDMENTS / COMMENTS TO THE WARD COMMITTEE RULES**1. COMMUNICATION & PUBLIC MEETINGS - MANDATORY**

Problem: One-way communication. No public meetings. Emails ghosted. Residents have no platform.

Proposed Rule Change:

1. Ward Councillor + Ward Committee must hold minimum quarterly public meetings in Wards rotating between different areas.
2. Agenda, minutes, attendance register must be published on Overstrand website + official Ward channels within 7 days.
3. Councillor and ward committees must respond to written resident queries within 10 working days. Non-response to be reported to Speaker who need the authority to hold ward councillors to account

2. ACCOUNTABILITY & REPORTING

Problem: No accountability. Ward issues like safety, vagrants, baboons, densification are not followed up. Ward Councils rubberstamps everything decided by the Ward Councillor, Mayor and party policies.

Proposed Rule Change:

1. Ward Councillor and ward committees must table a monthly written report to the Ward Committee and residents on issues raised, actions taken, and Council decisions affecting Wards
2. Safety/Security and Environmental Impact must be standing items on every Ward agenda due to vagrancy and mass tourism pressures in the ward.
3. Clear Code of Conduct + removal process for Ward Committee members and Councillors who miss 3 meetings or fail to represent the ward.

3. REPRESENTATION & RESIDENT PARTICIPATION

Problem: Weak leadership style by ward councillor and ward committees. Residents do not get opportunity to talk or be heard. Developments rubber stamped with no Ward input.

Proposed Rule Change:

1. No development application or ward budget allocation may go to Council without prior consultation and comment from the Ward Committee + 30-day public comment.
2. If there are 10 ward committee members (no block representation, individuals only)
Add dedicated seats to Ward Committee: 1x Youth and retirees and 2x Environment - (1x fauna, flora 1x special marine Representative,) 1x Heritage protection which should include lifestyle, social cohesion, building restrictions, demolitions, developments, 1x sustainable tourism including river and beaches and 1x security 1x infrastructure- given the ward's unique pressures, the rest as needed.
3. Create official Ward communication channels: email list + WhatsApp in Afrikaans, English, isiXhosa.

4. CAPACITY & RESOURCES

Problem: Volunteers expected to deal with major issues like safety, vagrants, densification with no support.

Proposed Rule Change:

1. Annual training for Ward Committee on municipal finance, IDP, bylaws, and oversight.
2. Provide Ward Committee with venue, data, and administrative support to do their work.

5. MEMBERSHIP COMPOSITION - INDIVIDUALS NOT JUST BLOCKS

Problem: Current system only allows representatives in "block format" eg Ratepayers Associations, Societies, NGOs. This means the committee represents organized interests only and excludes ordinary residents. My ward has thousands of individual ratepayers and residents who are not part of any society but are directly affected by safety, tourism and densification.

Proposed Rule Change:

1. Amend selection criteria to allow individual residents to apply and be elected to the Ward Committee, not only representatives of formal organizations.
2. Minimum 5 of the 10 seats must be reserved for individual residents elected directly by Ward voters in a public process.
3. This will ensure the Ward Committee represents the people of Ward, not just the interests of societies and blocks.

CONCLUSION

Ward Committees must be more than rubberstamps for organized groups. For Wards, we need rules that enforce two-way communication, accountability, individual representation, and real resident participation.

The current gaps in the Rules allow for silence, exclusion, and non-representation. Please adopt these amendments.

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DUNCAN HEARD

Thank you for attending the recent Ward 13 meeting via Teams/Zoom. As discussed, the Ward 13 Committee was unanimous in its opposition to the proposed “one person / one vote” election system (IEC-style) for Ward Committee member elections as currently put forward by the Overstrand Municipality.

Our reasons for not supporting the proposed voting system are as follows:

- **The IEC voting model was designed for electing political representatives**, whether at national, provincial or municipal level. Ward Committees, however, are *not political structures*. Their purpose is to ensure broad representation of organisations and sectors within the ward, reflecting the interests and diversity of the local community. Applying a political voting model to a non-political representative structure is inappropriate and misaligned with the intended function of Ward Committees.
- **Restricting each attendee to a single vote can significantly skew representation**. A ward may have ten organisational or sectoral positions available, yet under the proposed system it is entirely possible that only a small subset of nominees—perhaps as few as five—receive votes. This occurs simply because each voter is limited to supporting only one organisation or sector. To counter this, the community would need to coordinate extensive campaigning to distribute votes across multiple organisations. This is time-consuming, impractical, and still may not achieve balanced representation.
- **Campaigning for votes among organisations and sectors introduces unnecessary political dynamics** into a structure that is intended to be community-based and collaborative. This risks divisiveness within the ward and undermines the cooperative spirit that Ward Committees are meant to foster.

To illustrate the practical implications using a hypothetical example: As a resident of Onrus, I may wish to support several organisations that contribute positively to our community, including:

- The Onrus Homeowners Association
- My local church community
- The OVSRA (for public-space security concerns)
- The Vermont Conservation Foundation (for environmental stewardship of the Salt Pan where I enjoy picnicking, walking and birding)
- The Vermont Coastal Path Committee (for helping to maintain the coastal path where I enjoy walking)
- The Onrus Trading Post (as a key local business hub)

Under the proposed “one person / one vote” system, I would be able to support only *one* of these organisations, despite valuing the contributions of all of them. This limitation could result in active, community-serving organisations being excluded from the Ward Committee simply because voters cannot express support for more than one nominee. The previous system, where each voter had five or more votes, far better reflected the values, priorities, and diversity of the ward community.

Should Council decide not to adopt the proposed alternative voting model, we respectfully request that a clear and rational explanation be provided to the Overstrand community outlining the compelling reasons for such a decision.

We look forward to your feedback.