

Guidelines for ward committees

Strengthening participatory governance

Following a national conference on ward committees in June 2003, the Department of Provincial and Local Government published its long-awaited *Draft Guidelines for the Establishment and Operation of Municipal Ward Committees* (the Guidelines) for comment. The Guidelines aim to streamline the process of establishing ward committees and their internal operations and are a product of comments and suggestions received at the conference.

Powers and functions

Ward committees may be established by all metropolitan and

local municipalities that are ward-participatory municipalities. Their objective is to enhance participatory governance and to serve as independent advisory bodies. Although ward committees' powers and functions are left to municipalities' discretion, the Guidelines do provide a list of duties that can be delegated to them. These include:

- advising ward councillors on policy matters affecting wards;
- identifying the needs and challenges that wards face;
- receiving complaints from residents about municipal service delivery; and
- communicating information to wards on budgets, IDPs and service delivery options.

This list is not exhaustive and is there merely to guide municipalities on ward committees' duties and functions. Of importance is that no executive powers can be

delegated to ward committees. The Guidelines also include a list of potential capacity building and training programmes for ward committee members.

Composition of ward committees

The election procedure and the composition of ward committees should take women's needs into account and the representation of diversity in the ward.

Furthermore, gender equity should be pursued by ensuring an even spread of male and female ward committee members. The Guidelines include a list of interest groups to guide municipalities on their selection. A ward committee may only have ten members but the Guidelines make provision for the establishment of sub-committees to assist them in performing their functions and to involve the community more broadly. Some ward committees cover large areas that include a wide variety of interest groups, which cannot all be accommodated on the ward committee. Sub-committees are helping to ensure the participation of all interest groups in the affairs of the ward committee and to enhance participatory governance. The sub-committees and the ward committee can meet around issues requiring major discussion, forming the ward forum.

Election criteria and procedures

The Guidelines provide for a choice between two types of election models, namely sectoral and geographic representation. These models are only a framework, however, and municipalities can combine and adapt them to suit their needs. In the sectoral model, a council identifies interest groups that focus on the key performance areas of the ward. These interest groups can also form a cluster and nominate a qualifying person for election. In the geographic model, a council identifies the villages and clusters of farms that represent an equitable spread of the residents in a ward. As with the sectoral model, the clusters can also nominate a person who will qualify for elections.

Conduct and meetings

The Guidelines provide that a ward committee can adopt a draft code of conduct. Once adopted, each member of the ward committee must sign the code

of conduct and the ward councillor must implement and administer it within the committee. Municipalities can make rules to regulate the frequency of meetings, though a ward committee must meet quarterly and the meetings should coincide with council meetings. Decisions in the committee are largely taken by consensus or by majority vote. Public meetings should be held to register concerns with the ward and to get input on matters such as service delivery and the general development of the community. The ward councillor should chair these meetings and the community should be notified about them well in advance by radio, posters at clinics, schools, bus stops, and libraries, and/or through notices in local newspapers.

Administrative support and term of office

Municipalities must make administrative arrangements to support ward committees in performing their functions. More importantly, municipalities should allocate resources and allocate funds for community participation. The term of office for members of the ward committees is at the discretion of the municipality, but it may not be less than two years or more than three years. Municipalities should apply the same term of office to all ward committees within their jurisdiction.

Vacancies and termination of membership

Municipalities can determine their own procedure to fill vacancies, but the Guidelines make some recommendations on how it can be done. It is recommended, for example, that the ward councillor declare that the person who received the second highest number of votes in the most recent election is elected to fill a vacancy. If a person cannot be declared elected in this way, the election process must be repeated. Termination of membership occurs as a consequence of the following circumstances: resignation, death, relocation from the ward, election to position of councillor, failure to attend three consecutive meetings without apology, proven involvement in corruption, failure to adhere to meeting procedures, misconduct during ward

key points

- No executive powers can be delegated to ward committees.
- No remuneration for ward committee members.
- Composition of ward committees should take women's needs into account.

meetings, failure to submit priorities with the mandate of the community, involvement in proven activities that undermine the council or ward councillor, being dismissed by the executive mayor in consultation with the ward councillor or in terms of a resolution by the ward committee, ceasing to be a member of the organisation the member represents, or being declared insolvent or mentally incompetent by a court.

Budget and accountability

Of importance is that no remuneration is to be paid to ward committee members, though municipalities must budget for members' out-of-pocket expenses incurred in their participation in the committees. The ward councillor must, among other things, keep full and proper records of minutes of meetings, and of the committee's income and expenditure, assets and liabilities and financial transactions. Disputes should be resolved through mediation, and if this fails, through arbitration. Where the majority of members of the ward committee remain aggrieved, the matter can be referred to council through a channel decided by council. A council can dissolve a ward committee if it fails to meet for three consecutive times, when the members decide to dissolve it, or when there is misadministration, fraud, corruption or serious malpractice.

Geraldine Mettler
Local Government Bulletin
Community Law Centre, UWC

This article is only a snapshot of the Guidelines, which can be viewed in full at www.communitylawcentre.org.za/links.php