



CITY OF CAPE TOWN
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DIRECTIVE 6 of 2018

Executive Directors
Portfolio Managers
Directors

STANDARD OPERATING PROCEDURES FOR THE MANAGEMENT AND ADMINISTRATION OF PUBLIC PARTICIPATION CONDUCTED BY THE CITY OF CAPE TOWN

This Directive supersedes Directive 24 of 2017 which is hereby withdrawn.

The public participation standard operating procedure has been re-assessed and reviewed. The standard operating procedure (SOP) as communicated in December 2017 has been revised and updated.

Attached in the latest version of the SOP and attention is brought to the key i.e.

- [] Denotes deletions
- ___ denotes additions/ amendments

This updated version of the SOP is for the management and administration of public participation conducted by the City of Cape Town. Line departments are reminded that the Public Participation Unit is responsible for co-ordinating, planning and advising on all public participation conducted by the City.

This directive comes into effect on the date of signature.

Line departments wishing to undertake any public participation initiatives are required to contact the Manager: Public Participation Unit: Advocate Irwin Robson on 021 400 3779 or irwin.robson@capetown.gov.za.

Many thanks

LUNGELU MBANDAZAYO
ACTING CITY MANAGER

2018-03-20



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AMENDMENT STANDARD OPERATING PROCEDURES FOR THE MANAGEMENT AND ADMINISTRATION OF PUBLIC PARTICIPATION CONDUCTED BY THE CITY OF CAPE TOWN

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Key: [] Denotes deletions ____ denotes additions/ amendments

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DEFINITIONS AND ACRONYMS

ABSD	Area Based Service Delivery
"City"	Means the City of Cape Town established in terms of section 12 of the Local Government: Municipal Structures Act of 1998 by Provincial Notice No. 479 of 2000.
ED	Executive Director
IDP	Integrated Development Plan
Line department	Means the functional line directorate /department responsible for the public participation process
Mayco Member	Member of the Mayoral Committee responsible for relevant portfolio or area
ODTP	Organisational Development and Transformation Plan
Process	Means the public participation process being undertaken
[Chair of the section 79] <u>Chairperson</u>	Means the Chairperson of the relevant Section 79 Committee under whose jurisdiction the specific public participation process resorts
PPU	Means the Public Participation Unit
Public Participation	Means the degree of involvement required to take residents views seriously, and public engagement shall bear the same meaning
MFMA	Local Government Municipal Finance Management Act, 56 of 2003
MSA	Local Government Municipal Systems Act 32 of 2000
PCC	Means the Policy Coordinating Committee
Structures Act	Local Government Municipal Structures Act 117 of 1998
SOP	Standard Operating Procedures
SPU	Means the Strategic Policy Unit
Section 79 Committee	Means an oversight committee of council established under Section 79 of the Structures Act.

1. PURPOSE

The City of Cape Town adopted the ODTP on 24 August 2016. This plan drives a 'customer-centric' approach to service delivery across the City. It also promotes a participative and evidence-based approach to Policy development – the formal articulation of which is the issuance of Directive 6 of 2017 by the City Manager. Given the important emphasis which this places on how the City formally and informally interacts with customers it is necessary to update and align the City's methodology of Public Participation which, prior to the ODTP, had been very compliance oriented.

2. SCOPE

This SOP is a component of the overall 'turnaround strategy' for the PPU, City. It outlines the key structures, roles, tools and processes required to undertake, track and report on meaningful Public Participation activities across the City of Cape Town.

The SOP does not deal with the authorisation of Public Participation processes which have specifically been delegated by council in terms of its System of Delegation. Thus the following instances are excluded in terms of authorisations, but will need to adhere to the general requirements specified in 4.1 (below):

- MFMA: Section 116 processes
- MFMA: Section 33 processes
- MFMA: Municipal Asset Transfer Regulations

3. APPLICABLE LEGISLATION

Whilst this SOP marks a departure from a compliance-oriented approach to Public Participation, it is mindful of, and aligned to the following key legislative requirements:

- Section 152(1) (e) of the RSA Constitution, 1996: Local government must encourage the involvement of communities and community organisations in matters of local government;
- Section 16(1) (a) of the MSA: A municipality must ... encourage and create conditions for the local community to participate in the affairs of the municipality;
- Section 17(2) of the Systems Act: A municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality;
- MFMA
- Public Participation plans developed through the implementation of this SOP will also take into account any specific legislation associated with the particular subject matter.

Additionally, in accordance with the City Manager's Directive 6 of 2017: Policy and By-Law Development and Approval Process, it is incumbent on the administration to deliver and ensure meaningful public participation in the development of Policies and By-laws.

4. PROCEDURE

The process of public participation is not just confined to soliciting input on legislated processes of municipal administration but also entails any opportunity to meaningfully interact with the public to improve service delivery.

Each of these interactions with the public require nuanced or bespoke procedures which will be supported and tracked by the PPU in order to ensure overall co-ordination and a Community of Practice will be established to continually develop and enhance the City's competence and capabilities around Public Participation.

The following procedures have therefore been outlined in this SOP to provide details on the legislated processes of Policy and By-Law Development in-line with Directive 6 of 2017: Policy and By-Law Development and Approval Process, as well as to give general guidance for all other Public Participation Processes.

4.1. General Requirements of Public Participation Processes

The following procedures apply to **all Public Participation activities** whereby the City engages with members of the public in relation to strategies, plans, initiatives, policies or by-laws which would affect them.

- 4.1.1. The department requiring to interact with the public will identify a champion who will approach the PPU with a rationale for undertaking public participation
- 4.1.2. PPU will log the request in a tracking tool which will be accessible to all active public participation champions (across all line departments)
- 4.1.3. PPU will support the development of a public participation plan for all instances of public participation. Such a plan will include, but may not necessarily be limited to the following:
 - 4.1.3.1. The level of involvement from PPU – which will range from reviewing/approving the plan through to developing the plan in accordance with the line department's needs and capabilities.
 - 4.1.3.2. Any unique legislative requirements due to the subject matter/context.
 - 4.1.3.3. Confirmation of ~~[engagement]~~**consultation** with the relevant sub-council(s), [or section 79 committee] **Chairperson** and Mayco member
 - 4.1.3.4. Type of engagement (e.g. meetings, workshops, surveys, adverts, etc)
 - 4.1.3.5. Details of the use of social media and other digital platforms (where appropriate)
 - 4.1.3.6. Timelines for delivering on the public participation plan
 - 4.1.3.7. Confirmation of budget (from line Department) for implementing the public participation plan
- 4.1.4. In consultation with the PPU, the responsible line department will be required to compile a post public participation report which will be submitted to the PPU. As a minimum, this report will need to capture the successes, challenges and recommendations for improvement.
- 4.1.5. The PPU will be responsible for aggregating all of the public participation reports submitted by line departments (as per 4.1.4) into a quarterly report to the [ABSD Section 79 Committees] **Area based Cluster Committees** and to the Public Participation Community of Practice.

4.2. Specific Public Participation Process for Policy and By-Law Development

The following procedures are set out in order to ensure effective public participation aligned to the **Policy and By-Law Development and Approval Process**.

- 4.2.1. PPU will be notified of policies and by-laws in the development pipeline as soon as they are supported for development by the ED: Directorate of the Mayor.
- 4.2.2. A Policy and By-Law Development Tracking Tool, maintained by SPU, will enable PPU to track the developments of a policy or by-law.
- 4.2.3. A member of PPU will be appointed to the PCC to ensure that public participation implications and requirements are considered when reviewing draft policies and by-laws.
- 4.2.4. Once the draft Policy (or By-Law) is supported by the PCC, PPU will be instructed to support the development of, and facilitate the sign-off of a public participation plan.

- 4.2.5. In the development of the Public Participation Plan, the PPU and the relevant line department will engage with the relevant [Section 79 Committee Chair] **Chairperson** to enhance the Public Participation process
- 4.2.6. Once the draft Policy (or By-law) has been reviewed by Legislative Development and signed-off by the relevant Mayco Member/Mayor and the ED: Directorate of the Mayor, it will be presented along with the public participation plan to the relevant Section 79 Committee for overseeing the implementation of the Public Participation Plan.
- 4.2.7. Upon [recognition of the Public Participation Plan] informing the Section 79 Committee on the public participation plan [by the Section 79 Committee,] the Manager: Public Participation will authorise/approve/initiate the implementation of the plan.
- 4.2.8. PPU will then execute the Public Participation Plan (which will include support from the relevant line department) and report the results thereof back to the relevant Section 79 committee along with a revised version of the Policy (or By-Law).
- 4.2.9. Relevant section 79 Committee to decide whether public comment has been duly considered and may require further amendments to the draft Policy/by-law as a result.
- 4.2.10. A close-out report on the public participation process (highlighting the process followed and subsequent amends to the draft, as well as process related successes, challenges and recommendations for improvement) will be compiled by the PPU and submitted to the SPU and the Public Participation Community of Practice.
- 4.2.11. As per 4.1.5, the PPU will be responsible for aggregating all Public Participation close-out reports (including those on Policy and by-law development) and submitting them to the Area Based Section 79 Committees, and to the Public Participation Community of Practice, highlighting the relevant inputs/observations/implications for the respective area.

5. ROLES AND RESPONSIBILITIES

5.1. Public Participation Community of Practice

- 5.1.1. The Community of Practice is to be established in order to support the PPU in considering and reviewing public participation practices across the City – helping to drive a more integrated approach and share tools and methodologies in order to give greater effectiveness to and co-ordination between individual public participation plans.

5.2. Policy Co-ordinating Committee

- 5.2.1. Act in accordance with their Terms of Reference in order to provide input on the integrated development of Policies and By-laws.

5.3. Mayco Member

- 5.3.1. [The relevant Mayco member will need to consider and endorse any public participation activities as they relate to the achievement of SDBiPS which they are accountable for.]
The relevant Mayco member would need to be consulted in terms of clauses 4.1.3.3, in order to give effect to the achievement of SDBiPS which they are accountable for.

5.4. ED: Directorate of the Mayor

- 5.4.1. Approve and process the development of Policies and By-Laws in accordance with Directive 6 of 2017

5.5. Section 79 Portfolio Committee [Area Based and Cluster] Committees

- 5.5.1. Provide input to the relevant draft public participation plans

- 5.5.2. [Oversee the implementation of the relevant public participation plans by PPU. This would entail having sight of the plan prior to implementation by the Manager: Public Participation and considering the Close-out Report to ensure that the plan was delivered appropriately.
- 5.5.3. Area Based Committees will receive an additional quarterly report from the PPU highlighting the Public Participation activities within their respective areas.]
- 5.5.2 **Exercise its oversight function in respect of the public participation reports submitted in terms of clauses 4.1.5 and 4.2.11**

5.6. [Section 79 Committee Chairs] Chairperson

- 5.6.1. Relevant chair to provide input to the Public Participation Plan through engagement with line department and PPU as per 4.2.5.

5.7. PPU

- 5.7.1. Convene and provide administrative support to the Public Participation Community of Practice
- 5.7.2. Develop and maintain a Public Participation Tracking Tool, and provide access thereof to relevant stakeholders
- 5.7.3. Support the development of Public Participation Plans through engagement with the relevant line department and [Section 79 Committee Chair.] **Chairperson**
- 5.7.4. Manager: Public Participation to specifically approve public participation plans once [endorsed] **tabled** at [by] **the** relevant section 79 Committee **for information**
- 5.7.5. Collate Public Participation close-out reports and submit summaries to relevant Section 79 Committees

5.8. Sub-councils

- 5.8.1. To provide the critical interface for public engagement via Ward Committees and the Community Organisations Database of which Subcouncils are the custodians.
- 5.8.2. Provide logistical support to the implementation of Public Participation Plans.

5.9. Lead line department

- 5.9.1. Engage with the PPU to develop an appropriate Public Participation Plan
- 5.9.2. Develop Public Participation Plans with PPU support and engagement from the relevant Section 79 Committee Chair.
- 5.9.3. Provide budget and resources for the implementation of the Public Participation Plan
- 5.9.4. Implement the approved (by the Manager: Public Participation) Public Participation Plan with support of the PPU
- 5.9.5. Courteously and timeously respond to members of the public around their input/contributions to Policy (by-law) development
- 5.9.6. Incorporate comments/input from public into Policy (or By-Law) development
- 5.9.7. Submit a Public Participation Close-out report to PPU (highlighting the process followed and subsequent amends to the draft, as well as process related successes, challenges and recommendations for improvement)

5.10. SPU

- 5.10.1. Maintenance of the Policy Development Tracking Tool to which PPU will be granted access

5.11. Communications and Marketing Department

- 5.11.1. Establish a Service Level Agreement (SLA) with PPU for the implementation of communications and marketing services relating to Public Participation in relation to Policy and By-Law Development

5.11.2. Receive and deliver on requests for support in relation to SLA envisioned in 5.11.1 for specific Policy or By-Law.

6. MONITORING AND EVALUATION

The effectiveness of this SOP will be monitored by the PPU on an ongoing basis. The SOP will be formally reviewed at least once per year to ensure ongoing relevance and effectiveness. Ad-hoc amends will be allowed if agreed to by the Public Participation Unit and signed-off by the City Manager.

APPROVED BY:



LUNGELO MBANDAZAYO

ACTING CITY MANAGER

DATE 2018-03-20

7. TABLE OF ROLES AND RESPONSIBILITIES FOR PUBLIC PARTICIPATION

Stakeholder	Public Participation Community of Practice	Policy Co-ordinating Committee	Mayco Member	ED: Directorate of the Mayor	Chairperson	Section 79 Portfolio and Cluster Committees	Public Participation Unit	Sub-councils and Ward Committees	Strategic Policy Unit	Communications and Marketing Department	Line Department
Functions Review public participation practices across the City	X										
Provide input on the integrated development of Policies and By-Laws.		X									
Consider and endorse any public participation [activities] <u>plan</u>			X								
Approve and process the development of Policies and By-Laws				X							
[Provide input to the relevant draft public participation plans] Receive reports and information on public participation plans i.t.o 4.2.6						X	X				

Stakeholder	Public Participation Community of Practice	Policy Co-ordinating Committee	Mayco Member	ED: Directorate of the Mayor	<u>Chairperson</u>	Section 79 Portfolio and Cluster Committees	Public Participation Unit	Sub-councils and Ward Committees	Strategic Policy Unit	Communications and Marketing Department	Line Department
Functions [Oversee the implementation of the relevant public participation plans]						X					
Report from the PPU highlighting public participation activities conducted in the ABSD Areas]						X	X	X (for notification)			
Relevant chair to provide input to the Public Participation Plan					X	X		X			
Convene and provide administrative support to the Public Participation Community of Practice	[X]						X				
Develop and maintain a Public Participation Tracking Tool							X			X	

Stakeholder	Public Participation Community of Practice	Policy Co-ordinating Committee	Mayco Member	ED: Directorate of the Mayor	<u>Chairperson</u>	Section 79 Portfolio and Cluster Committees	Public Participation Unit	Sub-councils and Ward Committees	Strategic Policy Unit	Communications and Marketing Department	Line Department
Functions Support the development of Public Participation Plans through engagement with the relevant line department and [Section 79 Committee Chair.] <u>Chairperson</u>						X	X				X
Manager: Public Participation to specifically approve public participation plans [once endorsed by relevant section 79 Committee]						X	X				
Collate Public Participation close-out reports and submit summaries to relevant Section 79 Committees						X	X				
Provide the critical								X			

Stakeholder	Public Participation Community of Practice	Policy Co-ordinating Committee	Mayco Member	ED: Directorate of the Mayor	<u>Chairperson</u>	Section 79 Portfolio and Cluster Committees	Public Participation Unit	Sub-councils and Ward Committees	Strategic Policy Unit	Communications and Marketing Department	Line Department
Functions for interface for public engagement via ward committees and the community organisations databases of which Subcouncils are the custodians.											
Provide logistical support to the implementation of Public Participation Plans.								X			
Engage with the PPU to develop an appropriate Public Participation Plan [and engagement from the relevant Section 79 Committee Chair.]						[X]	X				X
Provide budget and resources for								X			X

Stakeholder Functions	Public Participation Community of Practice	Policy Coordinating Committee	Mayco Member	ED: Directorate of the Mayor	<u>Chairperson</u>	Section 79 Portfolio and Cluster Committees	Public Participation Unit	Sub-councils and Ward Committees	Strategic Policy Unit	Communications and Marketing Department	Line Department
the implementation of the Public Participation Plan											
Implement the approved (by the Manager: Public Participation) Public Participation Plan with support of the PPU							X				X
Respond to members of the public around their input/contributions during a public participation process											X
Incorporate comments/input from public into Policy (or By-Law) development											X
Submit a Public Participation Close-out report to PPU							[X]				X

Stakeholder	Public Participation Community of Practice	Policy Co-ordinating Committee	Mayco Member	ED: Directorate of the Mayor	<u>Chairperson</u>	Section 79 Portfolio and Cluster Committees	Public Participation Unit	Sub-councils and Ward Committees	Strategic Policy Unit	Communications and Marketing Department	Line Department
Functions Maintenance of the SPU tracking tool with access granted to PPU							X		X (Lit. o policies & by-laws)		
Implementation of communications and marketing services relating to public participation by way of an <u>SLA with the Communications Department</u>							X		X	X	