



NELSON MANDELA BAY
METROPOLITAN MUNICIPALITY

PETITIONS POLICY

POLICY HISTORY		
Policy Champion: Corporate Services Directorate		
<i>Policy Title</i>	<i>Council Adoption date</i>	<i>Council Resolution Reference</i>
Petitions Policy	11 October 2012	19/8/2/6/1

TABLE OF CONTENTS

1	PURPOSE	1
2	DEFINITIONS	1
3	REGULATORY FRAMEWORK	2
4	POLICY PRINCIPLES	2
5	OBJECTIVES OF THE POLICY	3
6	SCOPE OF APPLICATION OF THE POLICY	3
7	SUBMISSION OF PETITIONS	4
8	PETITIONS COMMITTEE	5
8.1	Establishment of Petitions Committee	5
8.2	Terms of Reference of the Petitions Committee	6
8.3	Powers and Functions of the Petitions Committee	6
9	REPORTING	7
10	DISPUTE RESOLUTION	7
11	POLICY ADOPTION AND REVIEW	7

1 PURPOSE

1.1 The purpose of the Policy is to:

- 1.1.1 Provide for the right to submit a petition to the Nelson Mandela Bay Metropolitan Municipality.
- 1.1.2 Provide for the general principles and procedures for the submission of a petition to the *Municipality*;
- 1.1.3 Provide for the establishment of a Petitions Committee to consider and dispose of petitions, and matters incidental thereto.
- 1.1.4 Create mechanisms for communicating with petitioners and providing feedback to petitioners.
- 1.1.5 Provide for the resolution of disputes that may arise from petitions.

2. DEFINITIONS

In the *Policy*, unless the context indicates otherwise-

“Council” refers to the council of the Nelson Mandela Bay Metropolitan Municipality as established in terms of section 18 of the Local Government: Municipal Structures Act 117 of 1998;

“Municipality” refers to the Nelson Mandela Bay Metropolitan Municipality, a Category A municipality established in terms of Part 2 of Schedule 1 of Notice 85 in the Eastern Cape Provincial Gazette No. 654 on 27 September 2000 promulgated in terms of Section 12(1) of the Local Government: Municipal Structures Act 117 of 1998, for the municipal area described in such Notice;

“petition” means a complaint or request or a representation or submission to the Petitions Committee of the Municipality by:

- (a) an individual (single petitioner)
- (b) an association (or an individual submission mandated by an association)
- (c) a collective (a collection of signatures from a number of individuals)
- (d) a mass group (group submission concerning the same or substantially similar complaints or requests

“*petitioner*” means a person who submits a petition in terms of the Policy;

“*Petitions Committee*” means a Standing Committee assigned by the Speaker to be responsible for the consideration of petitions as set out in the Policy.

“*Policy*” refers to the Petitions Policy of the Nelson Mandela Bay Metropolitan Municipality’s.

3. REGULATORY FRAMEWORK

In terms of section 152(1)(a) of the Constitution of the Republic of South Africa, Act 108 of 1996 (Constitution) the objects of local government are to provide democratic and accountable government for local communities. Section 152(1)(e) furthermore encourages the involvement of communities and community organisations in the matters of local government.

In giving effect to section 152 of the Constitution, the Local Government: Municipal Systems Act 32 of 2000, section 17(2)(a) stipulates that a municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in its affairs, and to this end make provision for the receipt, processing and consideration of petitions and complaints lodged by members of the local community. Section 17(3)(a and b) furthermore imposes a duty on a municipality to establish mechanisms, processes and procedures that take into account the special needs of those who are illiterate and people with disabilities.

4. POLICY PRINCIPLES

4.1 The *Municipality* is committed to:

4.1.1 promoting a democratic, open, transparent and participatory system of local governance.

4.1.2 developing a culture of community participation through the creation of mechanisms that allow the “voice” of the community to be heard.

- 4.1.3 being responsive to communities by providing feedback to petitioners in respect of petitions received.
- 4.1.4 responding appropriately to the needs of persons with disabilities and those with special needs, by rendering appropriate assistance where and when needed.

5. OBJECTIVES OF THE POLICY

- 5.1 Through the provisions of the *Policy*, *Council* seeks to achieve the following:
 - 5.1.1 Establish implementation protocols within the *Municipality* that are consistent with the Constitution and/or any other applicable policy, the scope and objectives of which endeavour to promote public participation.
 - 5.1.2 Provide mechanisms, structures, processes and procedures for receiving *petitions* from the local community
 - 5.1.3 Provide a framework for processing *petitions* and providing feedback to the *petitioner(s)*.
 - 5.1.4 Create a reliable record of *petitions* received and the manner in which they have been disposed of.
 - 5.1.5 Determine clear roles and responsibilities for those affected by the *Policy*.
 - 5.1.6 Establish a framework for implementing, monitoring and evaluating the management of *petitions* in the *Municipality*.

6. SCOPE OF APPLICATION OF THE POLICY

- 6.1 The *Policy* applies to *petitions* in as far as the matter(s) raised:
 - 6.1.1 falls within the jurisdiction, powers and functions of the Nelson Mandela Bay Metropolitan Municipality, and
 - 6.1.2 is not pending in a court of law or other tribunal or forum contemplated in the Constitution of the Republic of South Africa.

7 SUBMISSION OF PETITIONS

- 7.1 A *petitioner* may submit a *petition* in any of the official languages of the Republic of South Africa.
- 7.2 A *petition* must be signed by every *petitioner*.
- 7.3 Where a *petitioner* is unable to sign his/her name, he/she may make a mark on the *petition*, which mark must be witnessed by two other persons, whom must sign as witnesses next to the mark.
- 7.4 A *petition* will:
- 7.4.1 clearly indicate the full name and physical address of each signatory;
 - 7.4.2 clearly indicate the full name and postal address, telephone number, facsimile number and e-mail address of one person to whom further communication relating to the *petition* may be directed; provided that where such information is not made available, the *Municipality* will direct further communication only to the first person who signed the *petition* and whose address is known.
 - 7.4.3 clearly indicate the topic.
 - 7.4.4 be legible (written or typed);
- 7.5 Any *petition* that does not meet the requirements in para., 7.4 above, will not be considered.
- 7.6 A *petition* may be hand delivered, posted, e-mailed or delivered as a memorandum through a march.
- 7.7 The Speaker in consultation with the Chief Whip will designate a person to receive hand delivered petitions.
- 7.7 The central receiving point for *petitions* submitted to the *Municipality* is the Office of the Speaker.
- 7.8 A *petition* submitted to any other office (administrative or political office) must be forwarded to the Office of the Speaker by that Office.
- 7.9 The Office of the Speaker will:

- 7.9.1 receive all *petitions* and record details (such as date and time received, from whom and short description of the content of the *petition*) thereof in a *petitions* register/database;
- 7.9.2 render any reasonable assistance to persons with disabilities or special needs who require assistance in submitting a *petition*
- 7.9.3 record verbal submissions made by those who are unable to put their *petition* in writing;
- 7.9.4 acknowledge receipt of a *petition*, in writing, within seven (7) days of receipt thereof;
- 7.9.5 contact the *petitioner* or a representative if there are any unclear matters or outstanding information;
- 7.9.6 determine the timeframe within which information is expected and follow up with reminders or telephone calls if no response is received from affected parties;
- 7.9.7 forward details of the nature of the *petition* to the Executive Director or *Council* structure, as the case may be, for consideration and preparation for the next monthly Petitions Committee meeting;
- 7.9.8 prepare *petitions* received for consideration by the Petitions Committee;
- 7.9.9 promote and facilitate a fair and equitable process of considering and disposing of *petitions*.

8 PETITIONS COMMITTEE

8.1 Establishment of Petitions Committee

- 8.1.1 A Petitions Committee will be established and constituted as follow:
 - (a) The Speaker (as Chair of the Petitions Committee)
 - (b) A representative from the Office of the Executive Mayor
 - (c) The Portfolio Councillor: Constituency Services

- (d) A senior official from the affected Directorate(s) (where appropriate)
- (e) Secretariat (to provide secretarial services)
- (f) Representative from the Office of the Chief Operating Officer

8.2 Terms of Reference of the Petitions Committee

8.2.1 The Petitions Committee will meet once a month.

8.2.2 The meetings of the Petitions Committee will be chaired by the Speaker.

8.2.3 Secretarial support will be rendered by the Corporate Services Directorate.

8.2.4 Administrative support to the Petitions Committee will be rendered by the Office of the Speaker.

8.3 Functions and Powers of the Petitions Committee

8.3.1 The Petitions Committee will:

- (a) consider every *petition* received and submitted by the Office of the Speaker;
- (b) make a decision or recommendation in respect of a *petition*;
- (c) dispose of the request or complaint raised in a *petition*;
- (d) obtain additional information from affected parties in order to arrive at a decision, a recommendation in order to dispose of a *petition*;
- (e) inform a *petitioner* of the grounds upon which it will not consider a *petition* submitted to the *Municipality*;
- (f) require a Directorate or *Council* structure to furnish the Petitions Committee with a detailed report in respect of the steps to be taken to address the substance of the *petition*, at the following monthly meeting of the Petitions Committee;

- (g) submit *petitions* that could not be finalized in accordance with the powers delegated to it, for consideration to the Mayoral Committee;
- (h) in writing notify the *petitioner* who submitted the *petition* of the outcome of the *petition*;
- (i) where there is a need for feedback to the communities, a political champion supported by officials will give verbal feedback to communities.

9 REPORTING

9.1 The Office of the Speaker will submit quarterly reports to the Mayoral Committee and thereafter to *Council*.

9.2 Reports will include information about:

9.1.1 the number of *petitions* received per quarter;

9.1.2 the nature of the matters raised by *petitions*;

9.1.3 the number of meetings held by the Petitions Committee;

9.1.4 problems/challenges experienced by stakeholders, progress, successes/achievements and any other matters that may assist in the efficient and effective resolution of *petitions*;

9.1.5 *petitions* that fall outside the scope of jurisdiction and powers of the *Municipality*;

9.1.6 the final resolutions of the Petitions Committee.

10 DISPUTE RESOLUTION

10.1 The Executive Mayoral Committee will consider, with the purpose of resolving, any dispute that may arise from *petitions* considered by the Petitions Committee.

11 POLICY ADOPTION AND REVIEW

11.1 The *Policy* takes effect from the date of its adoption by Council.

11.2 The *Policy* will be reviewed every three years, or sooner, as circumstances may dictate.