



SETSOTO

LOCAL MUNICIPALITY
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PUBLIC PARTICIPATION ON DRAFT MUNICIPAL POLICIES AS FOLLOWS:

1. DRAFT POLICY ON CODE OF ETHICS

The Constitution of the RSA makes various calls for ethical behavior by Municipal officials and Councilors. Section 195 of the Constitution states that the public administration must be conducted within democratic values and principles enshrined in the Constitution.

2. DRAFT POLICY ON PETITIONS

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. 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.

3. DRAFT POLICY ON NAMING & RENAMING OF STREETS, PUBLIC PLACES/FACILITIES, NATURAL AREAS, ARTEFACTS AND COUNCIL OWNED BUILDINGS AND FACILITIES

The Naming and Renaming of streets, public places/facilities and Council owned buildings and facilities is recognized as being an integral part of land use management. This includes, but is not limited to the creation of places that residents and users can relate to and take pride in. This policy is compiled in line with the provisions of the South African Geographical Names Council Act, 1998 (Act 118 of 1998).

4. Written comments can be handed in at the office of the Manager Administration, Municipal Offices, Ficksburg or posted to P.O. Box 116, Ficksburg 9730, or faxed to (051) 933-9309 or sent by e-mail to admin@setsoto.co.za.
5. Comments must reach the Office of the Manager Administration not later than 30th April 2024. Comments received after this date will not be considered.
6. Copies of the draft policies will also be available for perusal at the Libraries and Municipal Offices in Ficksburg, Clocolan, Marquard and Senekal both in town and the township during normal office hours. The copies of these draft policies may also be obtained from the aforementioned offices at a nominal fee applicable for copies. These draft policies are also published on the Municipal website at www.setsoto.gov.za.
7. Persons who are not able to read or write and wish to comment on these draft policies will be assisted by the Area Coordinators in Clocolan, Marquard and Senekal or the Public Participation Officers at the Office of the Speaker in Ficksburg. Contact the respective offices to make an appointment.
8. Public Participation: Community meetings to discuss the contents and receive proposals towards the improvement of the above-mentioned policies will be held as follows:

Date	Venue	Time
Wednesday, 24 April 2024	Ficksburg Town Hall	14H00
Thursday, 25 April 2024	Senekal Town Hall	14H00
Friday, 26 April 2024	Marquard Town Hall	14H00
Tuesday, 30 April 2024	Clocolan Town Hall	14H00

MUNICIPAL MANAGER
Mrs. N F MALATJIE
Date:

**DRAFT POLICY ON
NAMING &
RENAMING OF
STREETS, PUBLIC
PLACES/FACILITIES
, NATURAL AREAS,
ARTEFACTS AND
COUNCIL OWNED
BUILDINGS AND
FACILITIES**

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1. PREAMBLE

The naming and renaming of streets, public places/facilities and Council owned buildings and facilities is recognized as being an integral part of land use management. This includes, but is not limited to the creation of places that residents and users can relate to and take pride in.

The naming of streets and public places after memorable events is a way of etching the country's history, both pleasant and unpleasant in people's memory. The allocation of names of people is recognized as being a way of honouring certain individuals for their contribution to the development of the country, and this municipality, and should therefore be done with careful consideration.

This policy is compiled in line with the provisions of the South African Geographical Names Council Act, 1998 (Act 118 of 1998)

2. POLICY STATEMENT

The Setsoto Municipality Council shall designate the names of public streets, public places, natural areas, artefacts and Council-owned buildings & facilities (hereafter referred to as features) by resolution. In all cases, the municipality shall have the prerogative of accepting or rejecting any proposal received.

3. REASONS FOR THIS POLICY

This policy seeks to spell out, regulate and standardise the process and procedures associated with the naming and re-naming of features such as streets, parks, municipal buildings, etc. in addition to the process, this policy also seeks to inform and influence the types of names that are chosen for various features.

The policy covers five processes:

- 3.1 the naming of unnamed features;
- 3.2 the re-naming of currently named features;
- 3.3 the naming as part of township establishment;
- 3.4 the naming in informing settlements; and
- 3.5 the naming and re-naming of private streets and other features.

4 OBJECTS OF THIS POLICY

The objectives of the policy are to establish a process that:

- 4.1 seeks to inform and influence the types of names that are chosen for various features as well as spell out the procedures that should be followed in the naming and renaming processes;
- 4.2 provide a standard and consistent policy framework which outlines effective administrative and decision-making procedures to deal with matters related to this policy;
- 4.3 prescribe an inclusive, consultative and clear process that can be followed;
- 4.4 enjoys public and political support and which will stand the test of time;
- 4.5 is transparent;
- 4.6 community-driven and

4.7 sets out the responsibilities of the relevant stakeholders involved.

5 SCOPE

The Setsoto Municipality Council has jurisdiction over the naming of features that are within the jurisdiction of the municipality, such as streets, municipal facilities/buildings such as libraries, sports stadiums/grounds, local parks and cemeteries. With regard to the naming of private features will however be different to that of public streets.

The naming and renaming of features that are of National and Provincial concern is administered by the South African Geographic Names Council (SAGNC) and the Free State Provincial Geographic Names Council (FSGNC). The FSGNC is responsible for advising relevant stakeholders, i.e. communities, local authorities, traditional leaders, etc. and working with them in ensuring that they apply the principles of the South African Geographical Names Council (SAGNC) to the names under their jurisdiction.

The FSGNC makes recommendations to the South African Geographical Names Council (SAGNC) on the names of geographical features that fall within its provincial boundaries. It does preparatory work for the submission of names to the SAGNC, and is responsible for seeing to it that local communities and other stakeholders are adequately consulted. On the other hand, the role of the SANGC is to serve as an advisory body to the Minister of Arts and Culture on the transformation and standardization of geographical names in South Africa.

NOTE: The naming of features that fall within the ambit of the SANGC, the FSGNC as well as the various state departments i.e. Department of Health and the Department of Transport is therefore excluded from this policy.

Council still has the role as contemplated by the South African Geographic Names Act in the allocation of geographical names that fall within the municipal area.

In instances where the road or a part of a road intended for naming/renaming is owned by another sphere of government then permission of the process being commenced with. The said authority should also indicate if there are any procedures that the municipality should comply with in managing the process.

6 PRINCIPLES

The principles detailed below should be adhered to for all submissions for the naming and renaming of streets, public open spaces and all public buildings within the Setsoto Municipality jurisdiction. Principles form a significant component of Policy formulation as they process for all features within Setsoto Municipality.

6.1 Naming and or renaming is the responsibility of Council. The decision to proceed with the process of naming and or renaming must therefore be taken by Council before the process may commence for all public features.

6.2 With reference to private developments within gated communities prior to the commencement of the naming or renaming process, a resolution needs to be provided by the Homeowners Association to undertake the process.

6.3 All names should be after themes, i.e. Flora and Fauna, only in exceptional cases should people's names be used and any submissions/petitions to name after people must be accompanied by a detailed motivation, indicating why the specific person is worthy of the honour and profile of the person should also be included. (NB. A theme provides for the structure and identity of an area.)

6.4 The municipality shall not name cemeteries after people, for religious and cultural reasons to the Setsoto Municipality.

Proposed names should meet one of the following criteria:

6.5 Public places should generally be named after people, places, events and things related to the Setsoto Municipality and citizens of Setsoto Municipality.

Proposed names should meet one of the following criteria:

6.5.1 to honour and commemorate noteworthy persons associated with Setsoto

6.5.2 to commemorate local history, places events or culture;

6.5.3 to strengthen neighbourhood identity; or

6.5.4 to recognize native wildlife, flora, fauna or natural features related to the community and the Setsoto Municipality.

6.5.5 A proposed name may not be repeated elsewhere within the jurisdiction of Setsoto Municipality. There should be one name for one entry.

6.6 The name must be derogatory, racist or insult in any manner to any person, body or group.

6.7 Names that exist elsewhere should be avoided. In an instance that such a name is chosen, Council will decide to approve or disapprove the proposed name.

6.8 Consideration should be given to names of local area or historic significances.

6.9 Names of living persons should be used only in exceptional circumstance

6.10 In the rare instances that features are named after a person, the Person's name and surname shall be used in full, e.g. Chief Albert Luthuli Street, not Luthuli nor Albert street, as a reflection of the unnecessary expenses.

6.11 The renaming of streets and public places should only be done where there is a need and in such a way as to curb unnecessary expenses.

6.12 With new townships, the application for street names should be lodged simultaneously with the application for township establishment or amendments of township layout and must also indicate street numbers.

6.13 Where an application is lodged with the Province for township establishment, comments on such application must put the approval of street names and allocation of street numbers in accordance with this policy as a condition of support.

6.14 With a subdivision, an application for street naming must be lodged simultaneously with the subdivision application.

6.15 The process of naming and or renaming must be undertaken in a consultative

6.15.1 manner and this must be clearly demonstrated before a final decision can be taken.

6.16 The Municipality shall establish a naming/renaming committee to be made up

of five (5) Councillors and officials from the Community Services Department, Economic Development and Planning (Town Planning & GIS) Department and technical Services Department (Civil Engineering)

- 6.17 The main responsibility of this committee will be to assess all naming and or renaming proposals received against the criteria as spelt out in this policy and to make recommendations to council or via Councils sub-committee(s).
- 6.18 Quorum of Meeting: the standard quorum of Council's meeting shall apply to the Street Naming/Renaming committee, namely that there must be 50% plus one member present to constitute a quorum.

7 LEGAL FRAMEWORK

The following legislation was taken into consideration in this policy:

- 7.1 Constitution of the Republic of South Africa, 1996
- 7.2 South African geographical Names council Act, 1988 (Act 118 of 1998)
- 7.3 Regulations on the standardisation of geographical names published in government Gazette 24999 of 7 March 2003 by Notice R339
- 7.4 Land Survey Act, 1997 (Act 8 of 1997)
- 7.5 Local government: Municipal Structures Act, 1998 (Act 117 of 1998)
- 7.6 Local Government: Municipal Systems Act, 2000 (Act 36 of 2000)
- 7.7 Development Facilitation Act, 1995 (Act 67 of 1995)

8 DEFINITION AND ABBREVIATIONS

(i) DEFINITIONS:

For the purpose of the Policy, the following definitions apply:

Act	this shall refer to the South African Geographical Names Council Act of 1998 (Act 118 of 1998) and the Regulations thereto (hereafter referred to as "The Act"). Affected property owners shall refer to property owners and/or residents and business within 150 meters of the feature whose name is proposed for naming or re-naming.
Applicant	refers to any person, who may in their individual capacity or on behalf of an organisation submit an application for naming or re-naming to the Setsoto Local Municipality. The Applicant may also be any Core Department, Councillor of Setsoto Municipality
Applicant Department	refers to the Department within Setsoto Municipality wherefrom the naming or renaming proposal originates. The applicant Department may also be the Responsible Body as described below.
Authorised Official	refers to the official which has delegated authority to consider certain land use planning applications.
Custodian Department	refers to the Department within the Municipality that is the primary custodian of the policy, represented by the head of the department and his/her Designated Official. The Office of the Speaker is recommended to be the custodian of this Policy. The Office of the Speaker provides an advisory service to other municipality's departments, government entities and the general public in respect of the Naming Policy and is responsible for the periodic review of the Policy. The Speaker is the Convenor of the Place Naming Committee.

Designated Official	refers to the officials from the Custodian Department and the applicant department who are officially delegated by their respective head of departments to undertake the naming or renaming initiative, from application stage to final decision stage. Features shall refer to all features that are the subject of this policy, including municipal buildings and squares, streets, local parks and cemeteries.
Geographical names	the national legislation governing the allocation of geographical names, the South African Geographical Names Council Act, 1998 (Act 118 of 1998) defines geographic names as the names of features on the earth that are natural of man-made and adapted. These features can be populated or unpopulated.
Council Committee	refers to the Section 79 Committee.
Municipal Planning Tribunal	refers to the body constituted in terms of planning legislation to consider certain land use planning applications.
Naming Panel	refers to the features in new developments and subdivisions.
Panel	refers to the Panel of Experts which may be established in terms of this policy by the Renaming committee.
Portfolio Committee	refers to the Portfolio Committee for planning matters, as decided by the Council.
Private	features which are privately owned and managed.
Public	features which is open to the public and owned by the municipality.
Regulations	refers to the regulations promulgated in terms of the South African Geographical Names Council Act, 1998 (Act 118 of 1998)
Renaming	refers to existing features, whether named or unnamed.
Responsible body	this shall mean the body responsible for maintenance and management of the specific asset. In the case of Public open space and community facilities, this shall be the Community Services Department.
Road Traffic Act	refers to the National Road Traffic Act (Act No 93 of 1996)
Signs manual	refers to the most recent version of the Southern African Development Community Road Traffic Signs Manual.

(ii) ABBREVIATIONS AND ACRONYMS:

All street names must contain one of the following generic terms of suffixes:

Avenue (Ave)	a wide and attractive public street, a tree lined road.
Boulevard (Blvd)	a broad prestigious street, formally laid out (landscaped) paved public way, approximately 30m or more in width, possibly ornamentally illuminated or decorated.
By-pass	is wide road which runs past a densely populated suburban area to allow traffic to run past.
Circle (Circ)	a ring road starting and ending at the same point.
Close (Cis) or Place)	a short street or "dead end" street or cul-de-sac.
Crescent (Cresc)	a ring road of street which forms a crescent.
Drive (Dr)	a scenic or picturesque route, or a private carriageway to a dwelling. A road through a park.
Freeway	is a dual carriageway road with access limited to interchanges only.
Highway	is a dual carriageway with limited, signal controlled or interchange access only.
Lane (Ln)	a narrow street or passageway, usually short.

Nature Trail	a footpath for hikers and/or people to enjoy the scenery and natural environment.
Private (Pvt)	all private accesses should be clearly identified with the statement "Private" or designation (PVT) shown on the street sign following the suffix.
Road	a public communication road (generally used to describe throughfares outside built-up-areas).
Square (sq.)	a road or portion of road the shape of which resembles a square or rectangle.
Street	is a road in a town/township that serves houses, businesses and shops, etc.
Terrace (Terr)	a short hillside street. A residential street, especially on a slope or hill.
Trail (Trl)	a public way following a historical route. A pedestrian way through mountainous or uneven terrain.
Walkway	A pedestrian way.

9 NAMING & RENAMING: CRITERIA FOR SELECTION

The following criteria in ranked order are to be used to assist in determining the suitability of a name (of a new street) or the desirability of the proposed renaming of a feature. Any submission for a name changes or new name must therefore make a strong case, which motivation should be based on the following:

- a) Must not be offensive or insensitive;
- b) Must promote goodwill and reconciliation;
- c) Will assist in building a sense of ownership, identity and community in a changing society;
- d) Where there is a strong degree of community participation and support;
- e) Should increase the marketing potential and investment attractiveness of an area;
- f) Honour and commemorate noteworthy persons associated with the municipal area. Any such submission or petition to name a feature after people must be accompanied by a detailed motivation, profile of the person and indication why the specific person is worthy of the honour;
- g) Commemorate local, national or international history, places, events, memories or culture of relevance to the people within the municipal area;
- h) Recognize indigenous and international flora fauna and natural environment relevant to the municipal area;
- i) Recognize the cultural diversity of the municipal area; and
- j) Promote improved place orientation and recognition.

10. NAMING & RENAMING: RULES FOR SELECTION

The following rules (along with the criteria contained under section 9 above) shall apply for the selection of names for features:

10.1 GENERAL

- 10.1.1 There shall be no duplication of names or confusingly similar names in Setsoto Municipality area. Where duplication has already been made, Council should ensure that this is rectified via a process contained within this policy.

- 10.1.2 The length of a name should preferably be limited to what can be practically accommodated on a name board and maps, which are no more than 20 characters including spaces;
- 10.1.3 No names should be used which could be construed as commercial advertising; and
- 10.1.4 Names that would generally improve the municipality's administration and provision of essential services are preferred.
- 10.1.5 Names of well-known places in other countries and the names of their countries should be avoided.
- 10.1.6 Changes of names for public buildings, facilities and open spaces shall only be approved when they do not violate historical or common usage names.
- 10.1.7 No feature may be named after a practicing Councillor or Politician.

10.2. STREETS

- a) Street names should be in keeping with the theme of the surrounding street names when falling within an establishment township;
- b) Street names should remain in the language in which it was given;
- c) Definitions of the street name adjuncts/suffixes are to be used to determine the appropriate adjunct/suffix to be applied to any street;
- d) Where a street is interrupted by a natural or man-made barrier, the resulting portions of that street may be named in the appropriate language by the addition of an appropriate identifier to one or both portions, such as North, South, East, West Lower, upper, Central, Extension;
- e) A continuous street should maintain its name through its length, except in cases where it is considered to be confusing;
- f) In Afrikaans, adjuncts/suffixes to short names other than proper nouns shall form one word with the name, while when in English these are written separately; and
- g) The provision of street name signage should comply with the requirements as prescribed in the Signs manual and approved by a delegated official of the Technical/Engineering Services Department.

11. Who May Apply for Approval of a Name

The following categories of persons, institutions, organs of state may apply on the prescribed form for approval of a name:

- 11.1. All government departments
- 11.2. The Municipality
- 11.3. Post Office
- 11.4. Any Person/member of the public
- 11.5. Home Owners Associations
- 11.6. Any Community through the designated Ward Councillor
- 11.7. Property Developers

12. Setsoto Local Municipality Geographical Names Database

The Setsoto Municipality Geographical Names Database is a database that is meant to assist the public in cases where a street, place, feature needs to be named or renamed. This database is a list of names approved by the Setsoto Municipality Council that are ready for allocation and approval by Ward Councillor and the Setsoto Municipality Street Naming Committee should they be used.

This database will assist in providing efficiency in naming processes. All new proposals will be categorized per ward; however, members of the public are at liberty to use any of the names on the database.

12.1 The procedure to be followed or proposing names to be included on the database includes inter alia:

- 12.1.1 Any member of the public, developers, organization or organ of state within the jurisdiction of Setsoto Municipality may put forward proposals of new names to be added to the database.
- 12.1.2 Names proposed MAY not be similar to existing names.
- 12.1.3 All names proposed should be motivated for, with a brief explanation of the origin of the name, language it is derived from on the prescribed form (Please refer to Annexure.....)
- 12.1.4 Names received will be researched by the Town Planning Department and a report prepared for consideration by the Setsoto Municipality Street Naming Committee.
- 12.1.5 Setsoto Municipality Street Naming Committee will then decide on the names to include onto the database and report to Council.

12.2 The procedure for selecting approved names in the Setsoto Municipality Geographical Names Database is as follows.

- 12.2.1 Prior to making an application to name or rename a street, place or feature the applicant would need to request the latest version of the database.
- 12.2.2 Upon applying to name or rename a street, place or feature the applicant or ward Councillor representing a particular community must indicate their intention to use names on the database.
- 12.2.3 The application should include a letter of support from the Ward Councillor that they support the use of the name selected from the database. In case of naming of public features, a petition must be signed by community members showing their support of the name selected from the database.
- 12.2.4 A confirmation letter thereafter is sent to the Ward Councillor to confirm the names that could be allocated from the database.
- 12.2.5 With consideration that the names within the database have already been approved by Council, after public consultation the names are finalized by the Setsoto Municipality Street Naming Committee.
- 12.2.6 Should there be any objections to the name proposed from the database, a report to EXCO/Council would be prepared for a final decision and objectors would be notified of the decision.

13. Street Numbering

All procedures for street numbering contained herein are to be read in conjunction with Annexure 1.

With consideration of the criteria set below, on completion of any building and approval of street numbers for new developments or allocation of a new street number for existing developments, it shall be the duty of the property owner to obtain and install suitable address numerals for property identification on a location that is clearly visible from the street.

13.1 Criteria for Street numbering

13.1.1 Streets that run from West to East (horizontally) with access on both sides

- (a) For all streets run horizontally, numbering must be done from left to right with all the even numbers on the southern side of the street and odd numbers on the northern side of the street.
- (b) Pan handles sites should be allocated a street number based on the side which the site gains access from in a case where the site is bound by two roads. **Please refer to Figure 1 of Annexure 1.**

13.1.2 Streets that run from West to East (Horizontally) with access on the Western Side

- (a) For streets that have access only from the western side and enclosed on the other end, numbering must be done from left to right with all the even numbers on the southern side of the street and odd numbers on the northern side of the street.
- (b) Numbering in such cases will end where the street ends ensuring that even numbers are on the northern side and off numbers on the southern side. **Please refer to Figure 2 of Annexure 1.**

13.1.3 Streets that run from West to East (Horizontally) with access on the Eastern side

- (a) For streets that have access only from the eastern side and enclosed on the western end, numbering must be done from right to left (east to west) with all the even numbers on the southern side of the street and odd numbers on the northern side of the street. **Please refer to Figure 3 of Annexure 1.**

13.1.4 Street that run from South to North (Vertically) with access on the both sides

- (a) For streets that run vertically numbering must start from south to north, with even numbers on the eastern side of the street and odd numbers on the western side of the street. **Please refer to Figure 4 of Annexure 1.**

13.1.5 Streets that run from South to North (Vertically) with access on the southern side

- (a) For streets that run vertically with access from the southern side numbering must start from south to north, with even numbers on the eastern side of the street and odd numbers on the western side of the street. Numbering stops where the street ends. **Please refer to figure 5 of Annexure 1.**

13.1.6 Streets that run from South to North (Vertically) with access on the northern side

- (a) For streets that run vertically with access from the northern side numbering must start from north to south, with even numbers on the eastern side of the street and odd numbers on the western side of the street. Numbering stops where the street ends. **Please refer to Figure 6 of Annexure 1.**

13.1.7 Street numbering for Corner properties bound by two streets

- (a) In a case where a property is located at the corner of two streets, the street number that will apply to that particular property will be determined by the side which the property gains access from.
- (b) In the case whereby the corner property has two access points from either side of the road that bounds the property, the street number to be allocated to the property will be at the discretion of the municipality. **Please refer to Figure 7 of Annexure 1.**

13.1.8 Street numbering within Cul-de-Sac's

- (a) In a situation whereby there are less than ten properties on the same side of the street with no development on the other side of the street in a cul-de-sac, the properties are numbered sequentially starting from the entry point of the cul-de-sac.
- (b) In a case where there is development (properties) on both side of the cul-de-sac numbering shall start at the entrance of the cul-de-sac with even numbers on the southern side and odd numbers on the northern side in case of a horizontal road running from west to east.
- (c) In a case where there is development (properties) on both side of the cul-de-sac numbering shall start at the entrance of the cul-de-sac with odd numbers on the western side and even numbers on the eastern side in case of a vertical road running from north to south.
- (d) In a case where there is development (properties) on both side of the cul-de-sac numbering shall start at the entrance of the cul-de-sac with odd numbers on the western side and even numbers on the eastern side in case of a vertical road running from south to north. **Please refer to figure 8 of Annexure 1.**

13.1.9 Street Numbering Public Open Space

- a) All public open spaces must be numbered. The street number that will apply should the public open space be bound on two sides of the road will be determined by the side the open space gains access from.
- b) Should the public open space have more than one access and is bound by two roads or more, the street number to be allocated will be at the discretion of the municipality. **Please refer to Figure 9 of Annexure 1.**

13.2 Allocation of Street Numbers within Existing Suburbs

In cases where an existing street is already numbered and a property requires to be allocated a street number, the existing street numbers must be considered. The street numbering should also fit the general plan of the area.

14. Procedure for Street Naming and Renaming of Public and Private Features

14.1 Renaming of public Features

The following criteria in ranked order is to be used to assist in the renaming of streets and public places. Any submission for a name change should make a strong case motivating on the basis of the following:

- 14.1.1 where the existing name is considered offensive;
- 14.1.2 where the existing name is meaningless or historically irrelevant;
- 14.1.3 where the name change is desirable to promote the goodwill of people now living in the new South Africa;
- 14.1.4 where the change in name will assist in building a sense of ownership and community and in redefining society;
- 14.1.5 where there is a strong degree of community participation and support;
- 14.1.6 where a name change is needed into a language more relevant to the local community;
- 14.1.7 where the name change is to increase the marketing potential and investment attractiveness of the area.

The same criteria as spelt out above for the identification and allocation of names shall apply with all renaming considerations.

14.1.8 Procedures for Renaming and Naming of Public Features

The principles spelt out in Section 14.1 of this policy must be strictly adhered to in the renaming process.

Guidelines for Applications:

The process to be followed in the renaming is the following:

1. Any ideas, proposals, petitions or requests from any party must be submitted to the Planning and Economic Development in the prescribed forms in order to be registered.
2. The application referred to in (1) above shall include the following information:
 - 2.1 The proposed new name and the reasons for the name.
 - 2.2 A locality map showing the feature proposed for renaming.
 - 2.3 Ward Councillor support letter.
 - 2.4 Petition form as proof of support of the proposal by the public.
 - 2.5 The applicant or requesting party's proof of legal residency or business address in the Setsoto Municipality Area.
3. The senior Manager development Planning or his/her nominee then assesses the application to check compliance with the policy in terms of the set criteria and subjects the application to the scrutiny of the naming/renaming committee i.e. once minimum documentation is submitted, the application will be circulated to the various members of the naming/renaming committee and the committee shall convene and discuss the proposal including the responsible body affected by that particular proposal;
 - 3.1 In case where the processed street names are for a still to be developed township, the proposed street names shall be made in writing to the PED at the time of the associated Subdivision/township application or soon thereafter but prior to the "occupation" of the proposed township.

- 3.2 The request shall include the proposed name, the specific street location and brief but complete background information on the name and how it meets the street name policy. If the new street name is indicated on the proposed plan at the time of the Subdivision/township application, it should have a prefix of "proposed" such as "proposed dolphin street."
4. On the basis of the recommendation of the committee, a report is submitted to Council for a decision to either proceed with the renaming or not. Should the decision be to not proceed with the renaming, the applicant is advised of the Council's decision, stating clear reasons for the decision.
 5. If the Council decision is to proceed with the renaming, the Speaker or his/her nominee informs the applicant or relevant organization to undertake the process and/or to implement the proposal.

14.2 Naming of Unnamed Public Features

The naming of unnamed features shall take precedence and priority over the renaming of streets and other public facilities as detailed elsewhere in this policy. The naming of features, should as far as possible be undertaken as part of the development of the feature.

In the case of streets for instance, this should be undertaken as part of the township development/establishment and for Public Open Spaces and other public facilities as part of their initial development or upgrading. The principle of public participation should still be adhered to, but maybe undertaken as part of the broader development or upgrading programme.

14.2.1 Procedure for naming unnamed public features

The process to be followed in the naming of unnamed features is the following:

- 14.2.1.1** Any ideas, proposals, petitions or requests from any party must be submitted to the office of the Senior Manager: PED in the prescribed form, in order to be registered.
- 14.2.1.2** The application referred to in (14.2.1) above shall include the following information:
 - (a) The proposed new name and the reasons for the name.
 - (b) Letter of support from the respective Ward Councillor.
 - (c) A petition form as proof of support from the public of the proposal.
 - (d) A locality map showing the feature proposed for naming.
 - (e) The applicant or requesting party's proof of legal residency or business address in the Setsoto Municipality area.
- 14.2.1.3** The senior Manager PED or his nominee then "assesses" the application to check compliance with the policy in terms of the set criteria and subject the application to the naming/renaming committee.
- 14.2.1.4** On the basis of the recommendation of the committee, a report is submitted to Council for a decision to either proceed with the naming or not. Should the decision be to not proceed with the naming, the applicant is advised of the Council's decision, stating clear reasons for the decision

- 14.2.1.5** If the Council decision is to proceed with the naming, the senior Manager PED or his nominee informs the relevant parties to undertake the process and to implement the proposal. The first stage in this regard should be the engagement with the ward councillor(s) to seek their comments on the proposed naming. If the feature being named services or traverses more than one ward, then all affected ward councillors must be consulted.
- 14.2.1.6** The extent of the public engagement should be reflective of the size and functional range of the feature being named. In the case of local roads and local facilities, consultation with the Ward councillor and the placement of public notices on site and on prominent and strategic positions such as schools, clinics, libraries, etc. should suffice. The application should also lie open for inspection for 28 days from the 1st date of publication of the advertisement at an office of the responsible body or office easily accessible to the public. In some instances it would be advisable to also convene a public meeting, the extent of which should be in keeping with the size and functional reach of the feature being named.
- 14.2.1.7** with regards to the naming of higher order features, such as main roads, regional facilities, etc, the public participation must include the placement of municipal notices in local papers, as prescribed in Section 14 of this Policy.
- 14.2.1.8** The Senior Manager PED or his nominee shall also circulate the application simultaneously to other relevant parties/ organisations e.g. DoT, RAL etc. for technical comment and input.
- 14.2.1.9** in terms of the notices and advertisement, the committee must request the public to make submissions with proposed names and any other submissions within 28 days. The criteria for the allocation of names should be included in notices and advertisements.
- 14.2.1.10** Once the views of the public and the Ward councillor have been obtained and where necessary reconciled, the Committee prepares a report detailing the proposal together with the recommendation, as well as all the comments received in view of the advertising and submits the report to Council for consideration. The report should also include the financial implications for naming.
- 14.2.1.11** Once the name is approved, the responsible body erects notices on the site and on prominent and strategic positions such as schools, clinics, libraries, etc, reflecting adequate details of the name i.e. the date of implementation, the approved name and the date of the Council decision.
- 14.2.1.12** The Department of Communication shall also notify all affected role-players such as the Limpopo Geographical Names Committee, Surveyor General and Postmaster General, the Registrar of Deeds, the Post Office, Telkom, the South African Police Service, Emergency Services, Department of Transport, RAL etc. any change or variation in the name of any feature in terms of Section 69(1) (a) of the Local Government Ordinance, 1939. Any such notification is to be accompanied by a Council Resolution.

14.2.1.13 Once the approval is obtained to name the feature the Communication division shall advise the relevant Utilities, Agencies and departments, such as GIS Unit and DoT, SANRAL, to implement the changes. The budget should make provision for capital funds as well as operating funds to implement the proposals as per responsible department.

14.3 Naming and Renaming of Private Streets

Not all the streets in the Setsoto Municipality area public streets, some, especially those in estates or settlements that emanate from subdivisions, are private streets. There are some of these streets, which have not been named as part of the "township establishment" and therefore need to be named, in other instances; there is a need to rename these streets.

While the Municipality does not have the authority to name and or rename private streets, there is still the need to regulate the naming and renaming of same. The intention in regulating this is to make sure that Council's renaming regime is respected and is consistent, without placing an onerous burden on the private owners of such streets.

Should the owner of a private street wish to name an unnamed private street, a submission must be made in the prescribed format to the Speaker.

The submission should be accompanied by the following information:

- 14.3.1** Proof of ownership
- 14.3.2** A locality map showing the street proposed for naming and or renaming
- 14.3.3** Motivation for the naming/renaming.
- 14.3.4** Proposed new name(s), the identification of which MUST comply with the criterion indicated above;
- 14.3.5** Home Owners Association support letter or resolution.
- 14.3.6** Ward councillor support letter.
- 14.3.7** Confirmation that the majority of residents of the street are in support of the proposed new name-this may be done in the form of a signed petition.
- 14.3.8** The petition should include the names, addresses, signatures and contact details of the affected property owners. These lists should indicate whether the affected property owner or resident supports the proposed street naming, and the signatures should not be older than one (1) year upon time of submission to the Municipality. Please refer to Annexure 2.
- 14.3.9** All costs associated with providing and erecting new name plates except in exceptional circumstances will have to be met by the applicant(s)/requesting party.
- 14.3.10** The Speaker or his nominee then assesses the application to check compliance with the policy in terms of the set criteria and subjects the application to the scrutiny of the Council's naming/renaming committee, which in turn makes recommendations to Council via a report
- 14.3.11** Should the recommended name(s) be in compliance with the provisions of this policy, the applicant to notify all relevant agencies, i.e. Telkom, Post Office, SAPS, ect of the new name.

- 14.3.12** On approval, the approval, the applicant should erect the new name to the standards specified by the Municipality or department of Transport or SANRAL, to his/her cost.

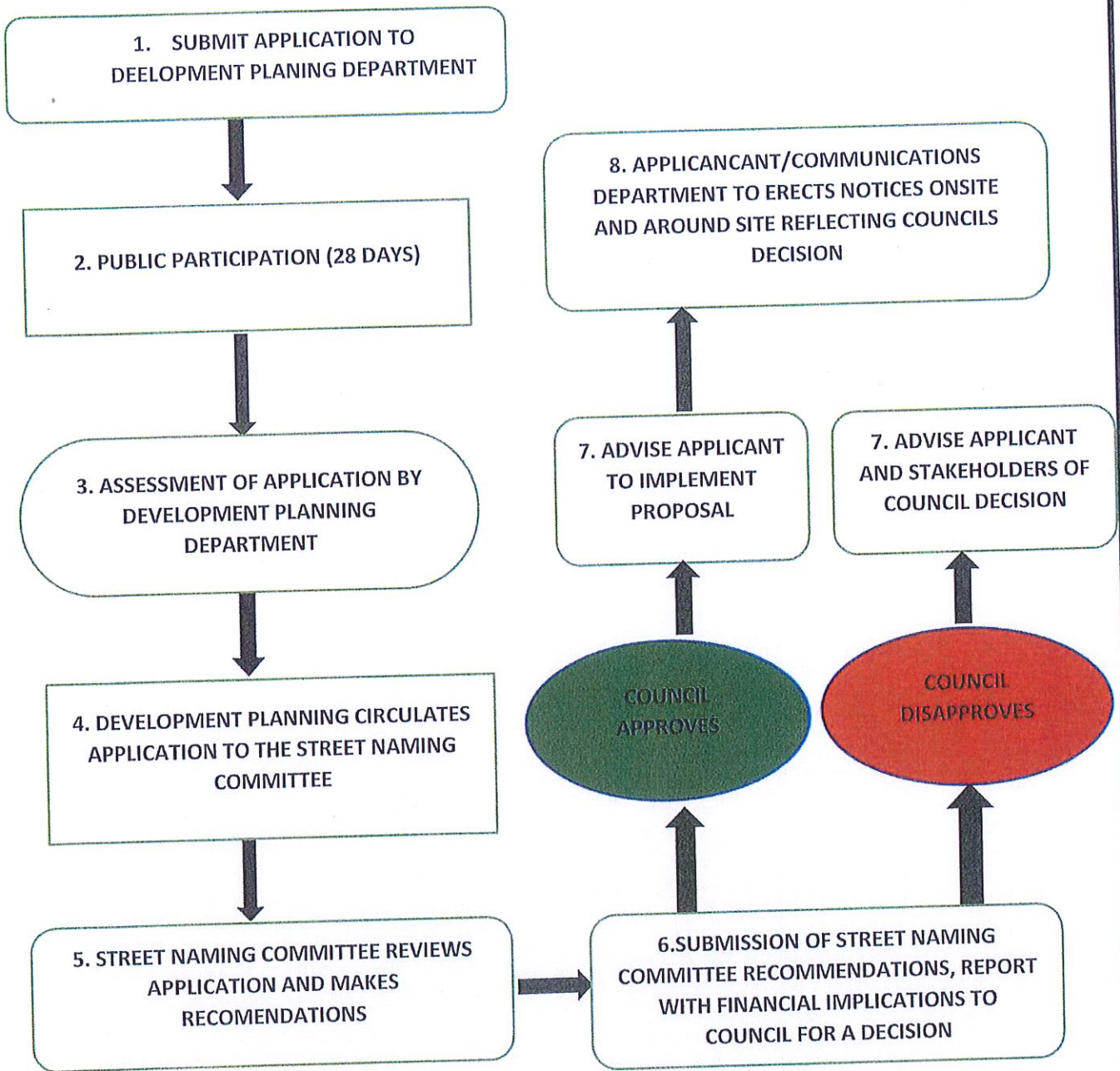
15. Street Naming as Part of Township Establishment

It is imperative that the public is afforded the opportunity to comment on, or object to, proposed names for new public places and townships. It is therefore recommended that the following process be followed:

- i. All proposed names are to be included in the formal application which should be on the prescribed municipal forms.
- ii. The application should be accompanied by the township layout and the proposed names, together with a detailed motivation for the names proposed.
- iii. The application should be accompanied by the Ward Councillors support letter.
- iv. The public is to have an opportunity to comment on, or object to, the proposed names at the application is advertised in terms of the relevant legislation;
- v. Where a street traverses the boundaries of more than one area, all relevant stakeholders specifically affected for the specific area will have to be consulted and proposals evaluated by all. Advertising must include these affected regions as well;
- vi. Renaming of section or partial areas of street should not be considered;
- vii. Comments on the proposed names be included in all reports dealing with township applications and the subdivision of land, which are submitted to the relevant committee for approval;
- viii. With respect to the allocation of names to townships, the South African Geographical Names Committee, which falls under the jurisdiction of the Department of Arts, culture, Science and Technology, is an advisory body to the Minister on township names. The proposed new name and written comments received must be forwarded to the National Place Names committee consideration and approval.
- ix. The name of a township or suburb is registered with the Surveyor General and the Registrar of Deeds when the General Plan of the township is approved in the process of township establishment. In addition to other comments received, the proposed name or change in name must be submitted to the Surveyor-General for comments, which must be submitted to the National Place Committee.

Note: For all application types, upon approval of the names of the feature (road, place, building etc. the municipality will inform the respective affected stakeholders of the name approval i.e. the SG Office.

Process of submission for road and place names



16. Public Participation Process

16.1 Methods for Public Participation

The main methods of consultation for all street, place and feature naming and renaming applications include inter alia:

- 16.1.1 Newspaper advertisements in Local Newspaper
- 16.1.2 Site Notices
- 16.1.3 Public Hearings and Public Meetings
- 16.1.4 Registered letters (only for private developments)

16.2 Process for Public Consultation

- 16.2.1 The first stage in this regard should be the engagement with the ward Councillor(s) to seek their comments on the proposed renaming or naming. If the feature being renamed services or traverses more than one ward, then all affected Ward Councillors must be consulted.
- 16.2.2 In the case of private developments i.e. gated Home Owners Associations (HOA) together with the Ward Councillor need to be consulted together with written correspondence being sent to informing them of the proposal.
- 16.2.3 The extent of the public engagement should be reflective of the size and functional range of the feature being renamed. In the case of local roads and local facilities, consultation with the Ward Councillor and the placement of public notices on site and on prominent and strategic positions such as schools, clinic, libraries, etc. should suffice.
- 16.2.4 The need for a public meeting will be dependent on the feature being named or renamed.
- 16.2.5 Street numbering applications will not require a public meeting.
- 16.2.6 The application should also lie open for inspection for 30 days from the 1st date of publication of the advertisement at an office of the responsible body or office easily accessible to the public. In some instances, it would be advisable to also convene a public meeting, the extent of which should be in keeping with the size and functional reach of the feature being renamed.
- 16.2.7 With regards to the renaming of higher order features, such as main roads, regional facilities, etc., the public participation must include the placement of municipal notices in local papers, in the manner prescribed.
- 16.2.8 The Senior Manager PED or his nominee should not only circulate the application to the members of the naming/renaming committee but simultaneously to DoT, SANRAL and any other relevant parties for technical comment and input when necessary.
- 16.2.9 In terms of the notices and advertisement, the applicant or the name / renaming committee must request the public to submit comments on proposed name and or make any other submissions within 30 days. Possible alternative names are also requested from the public. The criteria for the prioritising of name changes, as listed above are to be included in the advertisement as are the criteria for the allocation of names. These should be placed on public buildings/places.
- 16.2.10 Members of the public can lodge their comments at the Speakers Office with the assistance of a municipal official on any application.
- 16.2.11 Once the views of the public and the Ward Councillor have been obtained and where necessary reconciled, the committee shall prepare report to Council for consideration (via a Portfolio Committee of

Council) detailing the proposal together with the recommendations, as well as all the comments received in view of the advertising. The report should also include the financial implications for the change of each of the proposals.

- 16.2.12** Once the name is approved, the application or the Communication Division shall erect notices on the site and on prominent and strategic positions such as schools, clinics, libraries etc. Reflecting adequate details of the change of name i.e. the date of implementation, the approved name and the date of the Council decision.
- 16.2.13** The Communication Division shall also notify all affected role-players such as the Limpopo Geographical Names Committee, Surveyor General and Postmaster General, the Register of Deeds, the Post Office, Telkom, the South African Police Services, Emergency Services, Department of Transport, South African Roads Agency etc. any change or variation in the name of any feature in terms of Section 69(1)(a) of the Local Government Ordinance, 1939. Any such notification is to be accompanied by a Council Resolution.
- 16.2.14** The budget should make provision for capital funds as well as operating funds to implement the proposals as per responsible department.

16.3 Manner of Public Notification

16.3.1 Newspaper Adverts

All adverts related to the naming or renaming of street, place and features shall be advertised in a local newspaper that the Municipality has determined as its newspaper, on a day of the week that the Municipality has determined as its day of the week for publication of notices and in a language as prescribed in Section 21 (2) of the Municipality Systems Act as its official language.

16.3.2 Site Notices

- (a) A Site Notice should be placed surrounding the feature to be renamed informing the public of the proposal and inviting members of the public to provide comments on the proposed name.
- (b) The size of the site notice should be at least 29.7cm by 42cm or A3 size.
- (c) The size notice should contain the following information.
 - i) Provide details of the proposal and proposed names
 - ii) Stating physical address of the subject property and property description in cases of individual properties.
 - iii) For road naming and renaming, the ward within which the road falls must be included and the description of the location of the road
 - iv) State how comments may be lodged.
 - v) State place and provide an address where comments can be lodged and details of a municipal official who may be contacted for any queries.
 - vi) State the date by when the comments must be lodged, which date may not be earlier than 30 days, excluding public holidays.

16.3.3 Public hearings and Public Meetings

- a) Notices inviting members of the public to attend the public meeting should be sent at least 14 days prior to the meeting taking place.
- b) At least one (1) town planning official should be present at any public meeting, the ward Councillor and ward committee for the meeting to take place.
- c) Minutes of the public meeting should be submitted together with the application for assessment and decision making by the Committee.

16.4 Objections during the Public Consultation Process

- a) Should there be any objection received during the public consultation process for any municipal owned streets, places or features the municipality will have the responsibility of addressing issues raised and responding to objections.
- b) In the case of proposals for private streets, places or features the developer will have the responsibility of responding to objections lodged.
- c) Once there are objections received on a particular application, a report to EXCO needs to be prepared for a final decision.
- d) All reports prepared to EXCO shall include the detailed technical specifications of the proposal. Reports should also indicate recommendations on proposal.

17. Delegations

The roles of the various stakeholders involved in the application process and process and decision-making authority/body for the naming and renaming of all roads, places, features within the jurisdiction of Setsoto Municipality is summarized below:

- (i) **Ward Councillors / Ward Committee:** The Ward Councillor assists in fostering community participation and represents the public/communities within the municipal ward area they are responsible for.
- (ii) **Town Planning Department:** The Town Planning Department has the responsibility of administering all processes related to street and place naming/renaming and providing recommendations to the Street Naming Committee of consideration.
- (iii) **Street Naming Committee:** The Street Naming Committee is aimed at advising Council on all issues related to naming, renaming and street numbering as well as the implementation of this policy so as to enable properly guided processes and delegations.
The Street Naming Committee may recommend that a Panel of Experts established for the purposes of advising the Committee on any project or proposal. The committee has the responsibility of evaluating all naming and renaming applications and providing recommendations to Council for final approval.
- (iv) **Council-** the Setsoto Municipality Council shall have the prerogative of accepting or rejecting any proposal received.

18. Financial Considerations

The following financial considerations are to be made in respects of all streets, place and feature naming or renaming applications:

- 18.1 All costs for erecting or changing street name boards and boards and signs resulting from a name change for all municipal public roads, features and places shall be borne by the Municipality.
- 18.2 All costs for erecting or changing street name boards and signs resulting from a name change for all private developments (i.e. gated estates shall be borne by the developer.
- 18.3 Administrative costs resulting from naming or renaming processes for all public facilities, features and roads shall be incurred by the Municipality.
- 18.4 Administrative costs resulting from naming or renaming processes for all private facilities, features and roads shall be incurred by the developer. All private developments are subject to **an application processing fee for the following applications will be as per the current tariff of charges** which will be subject to change on an annual basis.
- 18.5 The municipality shall not be liable for any costs incurred by others as a result of naming or renaming processes.
- 18.6 For all private developments, public consultation costs (advertising, public meetings etc.) shall be borne by the developer or respective representative body /entity for that specific application.
- 18.7 In respect of street numbering or renumbering applications, affixing street numbers shall be the responsibility of the property owner. When council requests an owner to display the appropriate property street address, it must display in a form directed and approved by Council.

ANNEXURE 1: STREET NUMBERING GUIDE

ANNEXURE 1: STREET NUMBERING GUIDELINE

Figure 1

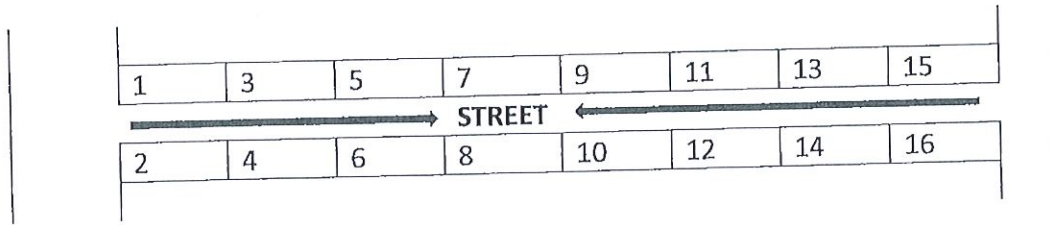


Figure 2

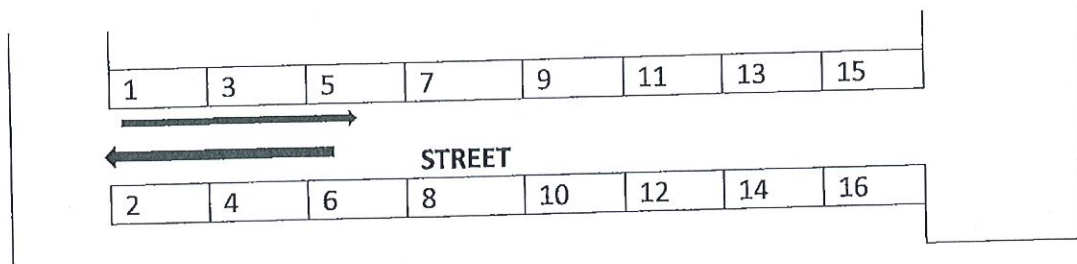


Figure 3

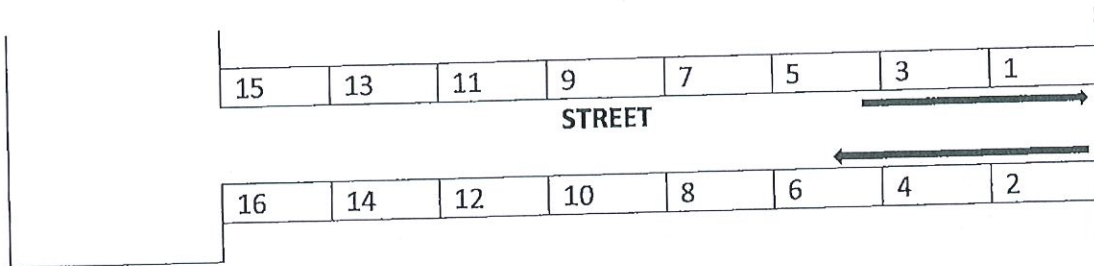


Figure 6

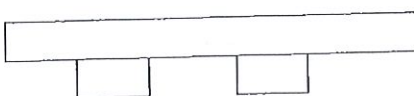
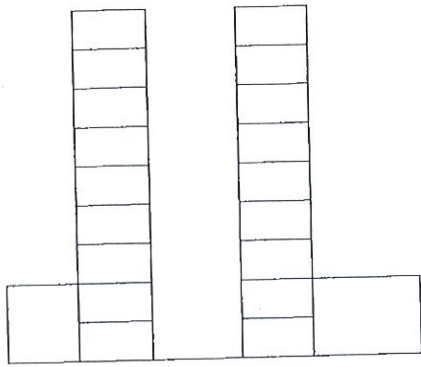


Figure 7

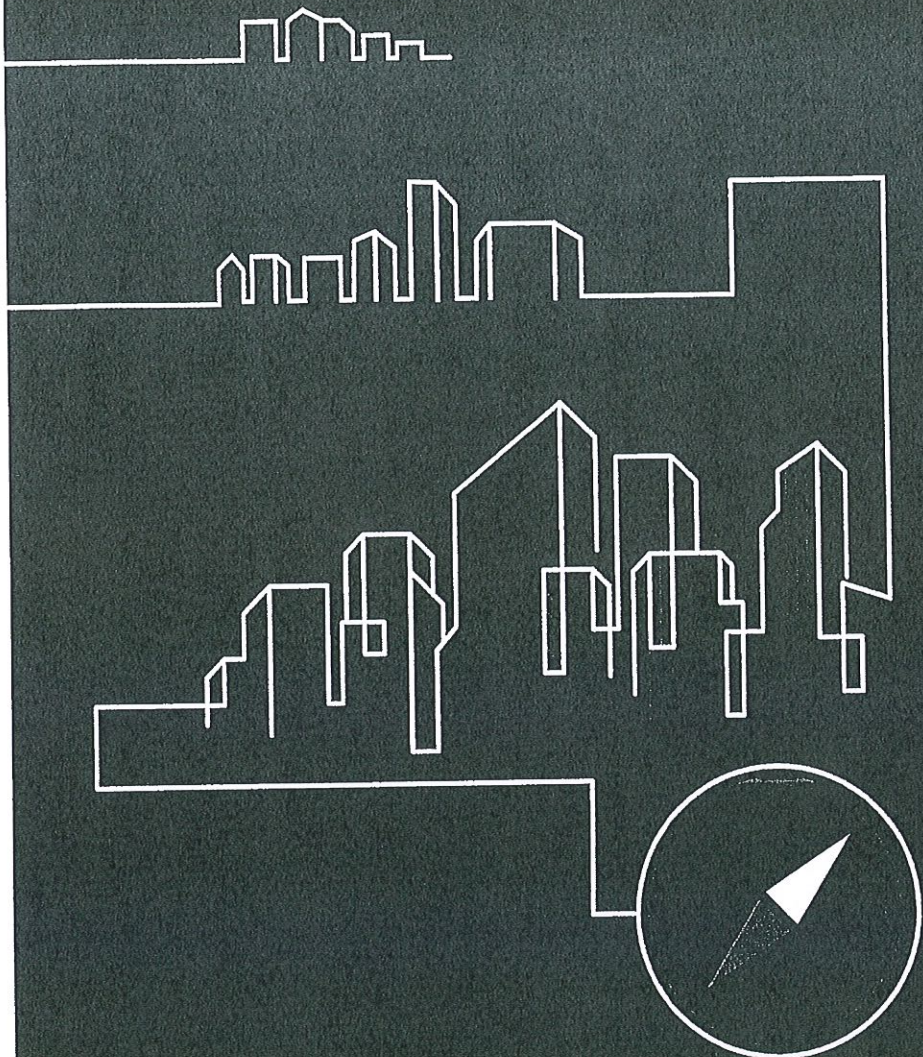


15
13
11
9
7
5
3
1

14				
12				
1	3	5	7	9
↑				

↓				
2	4	6	8	10
6				
4				
2				

Note: No 1 and No 2 Lily Street take on the numbering system based on the side of the street they gain access from.



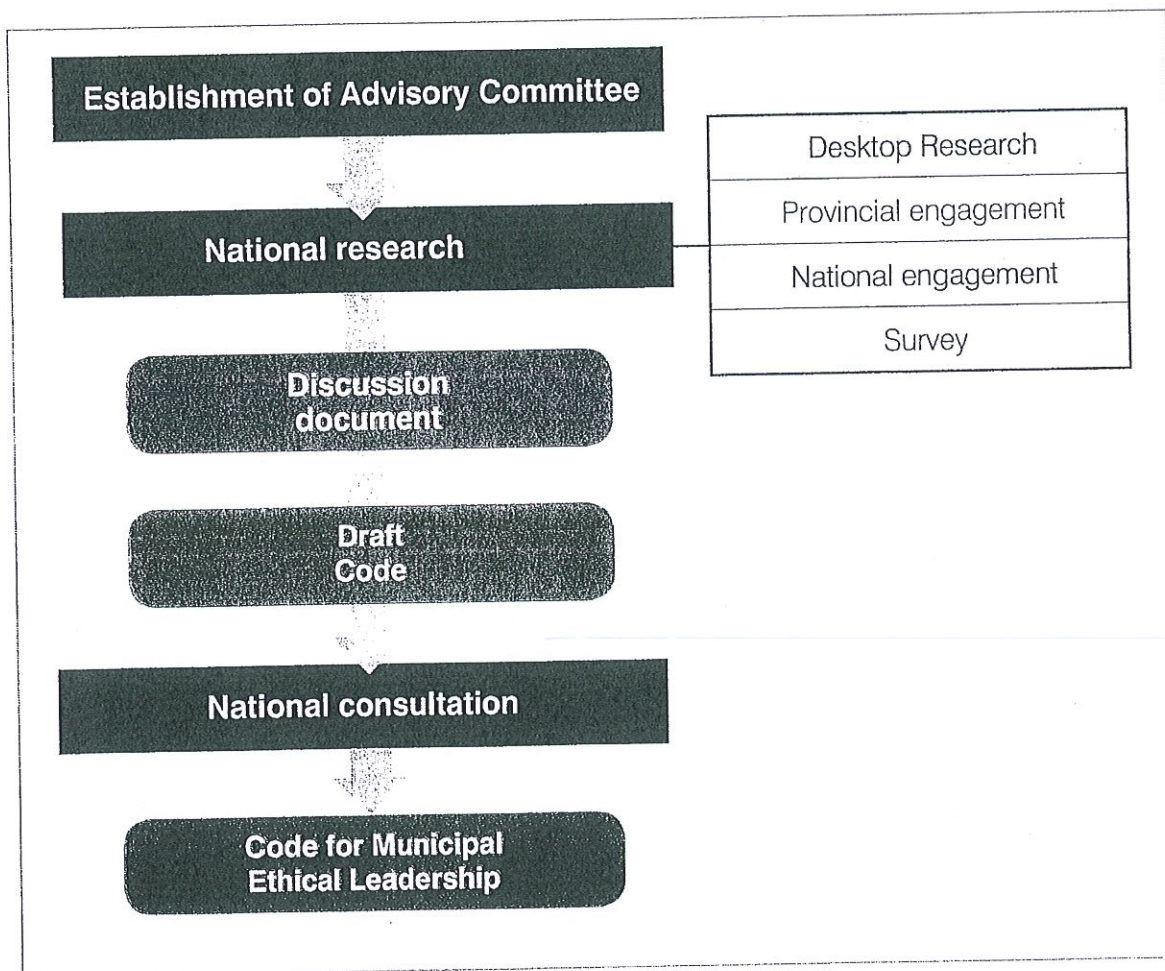
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The Local Government Ethical Leadership Initiative (LGELI) was therefore established to give effect to this part of the Local Government Anti-Corruption Strategy. It is a partnership between The Ethics Institute (TEI), the Department for Cooperative Governance (DCoG), the South African Local Government Association (SALGA), and the Moral Regeneration Movement (MRM), and it was set up specifically to develop the *Code for Ethical Leadership in Local Government*.

The Code was developed as part of a five-year project which commenced in 2020. The first year saw the establishment of the LGELI Advisory Committee to guide the project. During 2021, extensive research was conducted in all nine provinces to better understand issues surrounding municipal ethical leadership. From this, a draft code was developed that was taken back to the provinces in 2022 for consultation.

The process is summarised in the graphic below:



2. Purpose

The purpose of the Code is to give guidance to local government leaders on how to navigate those issues that have the biggest impact on ethical governance in municipalities based on the research. There are certain behaviours that are destructive to ethical governance, and should be avoided, and others that are supportive of ethical governance, and should be promoted.

3. How does this Code differ from the Municipal Codes of Conduct?

The Municipal Structures Amendment Act (3 of 2021) sets out the Code of Conduct for Councillors, and the Municipal Systems Act (32 of 2000) sets out the Code of Conduct for Municipal Staff Members.

While these codes contain vital principles of general conduct, they are predominantly a list of *do's and don'ts* that councillors and staff members have to abide by in terms of their personal conduct. As the names say, they are codes of conduct.

While the Code for Ethical Leadership in Local Government contains some elements of personal conduct, it is predominantly about the role that leaders can play to ensure an ethical and effective organisation. So instead of being a code of personal conduct, it is a governance code, similar to the King Code for Corporate Governance. It guides leaders on how to create well governed and effective organisations.

4. Who does the Code for apply to?

The Code sets out principles that should be applied by anybody who finds themselves in a municipal leadership role. At the political level this includes councillors and traditional leaders, and at the administrative level it includes municipal managers and all other senior managers.

Since the Code guides leaders on the ethical principles required to create healthy organisations, it applies both at the individual and collective levels. Each leader must personally decide to live the spirit and principles of the Code. The outcomes will however only be achieved if leaders also live and implement these principles as a collective. For that reason, Councils are encouraged to formally adopt the Code through a Council resolution.

The Constitution specifies that the municipality consists of three components: the council, the administration and the community. Since the community is included in the definition of a municipality, the Code also sets out how communities can support the spirit and principles of the Code..

There are a host of other role-players, for example political parties and business, who are not necessarily governed by municipal legislation and codes, but who also have a significant impact on the ethical culture in municipalities. These too should be guided by the spirit of the Code.

5. Will the Code be enforceable?

The Code sets out the spirit and intent with which legislation and regulations should be implemented in local government. This cannot be enforced. Leaders will either choose to abide by the Code, or they not. They must believe they can make a difference, and they must want to make a difference.

For example: one can put legislation in place to ensure that appointments are made. However, if people have bad intentions, they will find a way of complying with the law but still not appointing the best person. To ensure the spirit of the law is implemented requires good intent and moral commitment.

Our experience through the consultative process that was followed to produce this code convinced us that there are enough good leaders who want to do the right thing – even when no one is watching.

Leaders will hold themselves accountable to the Code, but will also informally hold other leaders to its spirit and principles. In the same way, communities can expect their leaders to abide by the Code, and hold them to account.

The Code can also guide the spirit of the law. The Local Government: Municipal Structures Amendment Act (Act 3 of 2021), specifies that the Speaker of Council "is responsible for the ethics and accountability of the municipal council". While the Speaker is not expected to hold councillors accountable to this Code, it may give the Speaker guidance when considering the spirit of ethical leadership. This will be easier in a municipality where Council has chosen to adopt the Code.

6. Who will promote the Code?

The Code will be promoted, institutionalised, and supported by the project partners. The impact of the Code will be monitored and evaluated over time by DCoG and SALGA.

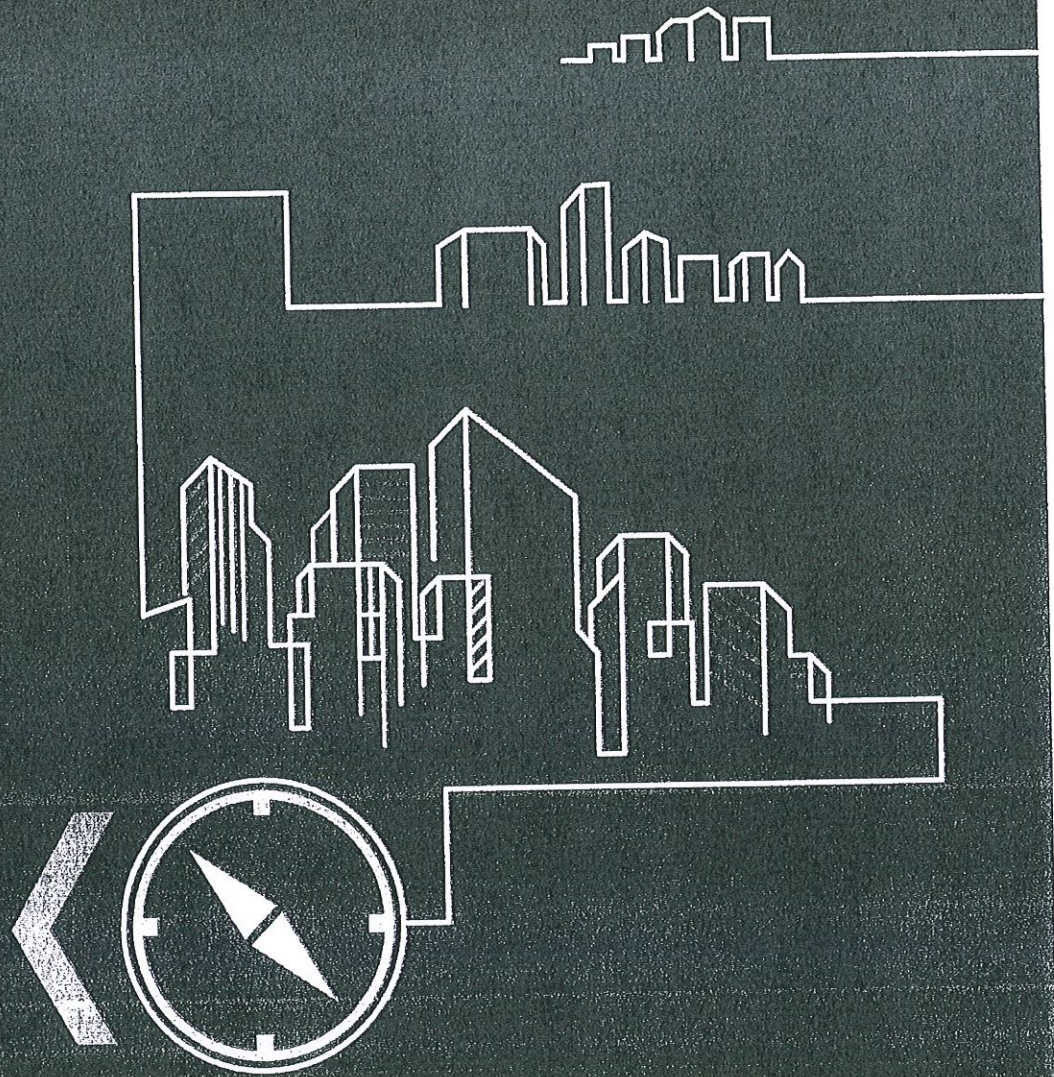
7. Acknowledgement to King IV

The King Report on Corporate Governance for South Africa (2016) (King IV) is now in its fourth iteration and has matured significantly since it was first released in 1994. It sets out 16 principles to assist governing bodies and organisations in achieving good governance outcomes.

The Code for Ethical Leadership in Local Government has leaned strongly on many of the foundational aspects that have been developed by the King Committee, and especially in the following respects:

The Code:

- Follows King IV's example of an *outcomes-based approach* for a governance code. This means that governance is not an end in itself, but a tool for delivering specific outcomes. The test of effectiveness is in whether these have been achieved.
- Adopts a *principle-based* (rather than a rules-based) approach to corporate governance. This approach requires leaders to mindfully apply the principles of the Code (in the intended spirit), rather than mindlessly complying with rules. *Mindful application* of codes of governance is about achieving the benefit of good governance in the interest of the municipality and applying the code as a way of adding value and not as a compliance burden that adds no value.
- Embraces the understanding as advocated by King IV of seeing governance as a *holistic and integrated* set of arrangements.
- Adopts the idea that all of the principles set out in the code are *collectively* required in order to work towards good governance.



A. Code for Ethical Leadership in Local Government

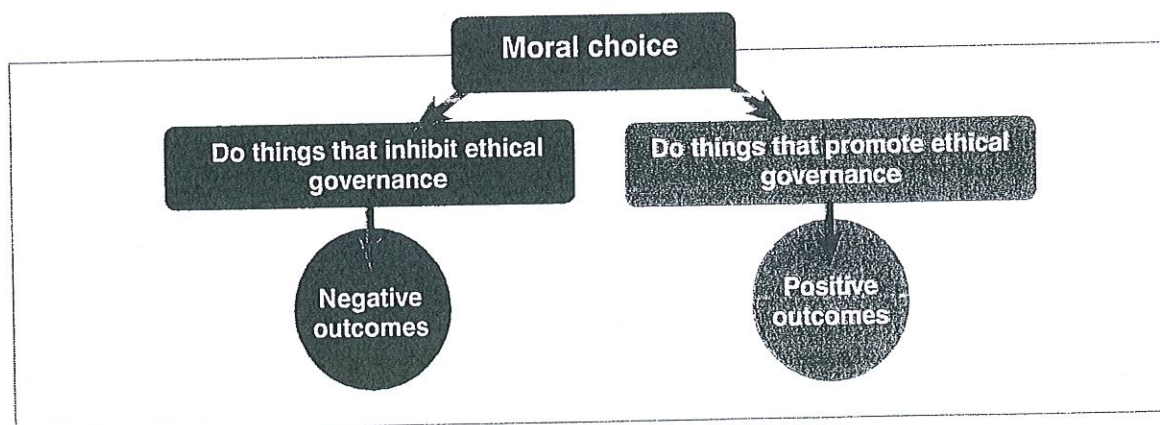
1. Rationale – Key to the Code

Ethical leadership is an absolute prerequisite for successful developmental local government as envisaged by the Constitution. The truth is however that neither ethics, nor leadership can be legislated or externally enforced. It is an individual choice.

It is the premise of this Code that the majority of leaders in local government are ethical people, who want to do the right thing. At the same time, the research has clearly shown that leading ethically in local government can be very difficult, and that there are certain practices that undermine ethical leadership (making it more difficult) and others that empower ethical leadership (making it easier).

This Code therefore aims to be a tool to help municipal leaders navigate this challenging terrain. It clarifies what practices have been proven by the research to undermine ethical governance, and should therefore be avoided, and what practices are enabling, and should be pursued.

It is not a case of minimally complying with the Code that will lead to good outcomes, but also the spirit and intent with which it is done. At the end of the day, it is a moral choice by the individual.

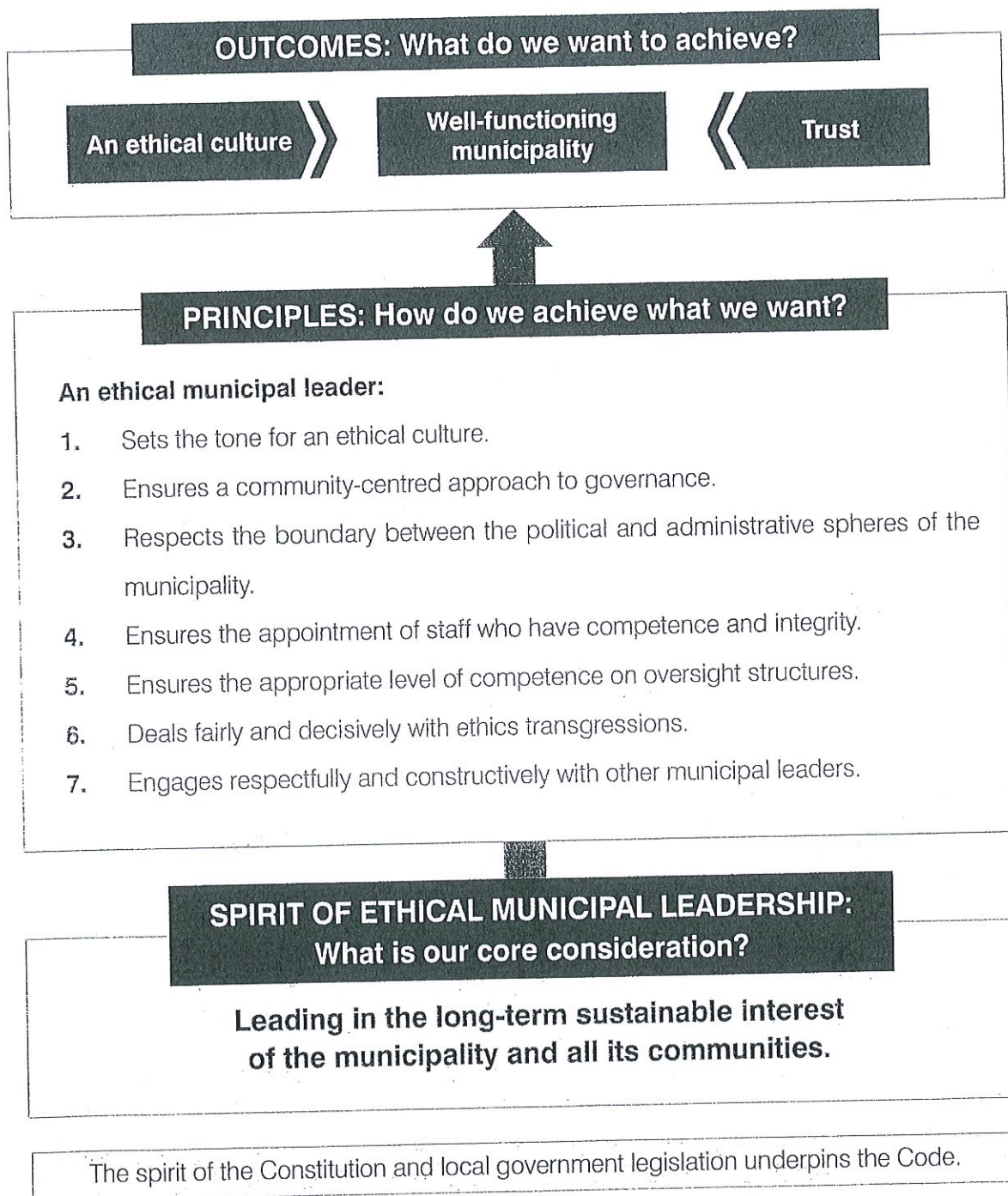


This Code aims give effect to the spirit of the South African Constitution and create an environment where the existing legislative and regulatory framework can thrive, by setting out the following in relation to ethical leadership in local government:

- The outcomes: What is it that we want to achieve?
- The spirit: What is our core consideration?
- The principles: What must be done to achieve the outcomes?

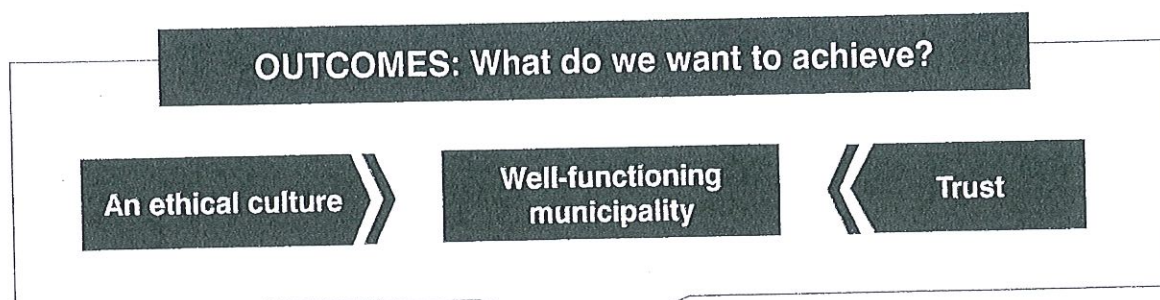
This Code has been developed for municipal leaders who want to be part of the solution – who want to build a better local government and a better South Africa.

2. Graphic overview



3. OUTCOMES of ethical municipal leadership

The test of the successful implementation of the Code will be in whether the outcomes have been achieved. The outcomes are the positive effects which the municipality will experience as a result of ethical municipal leadership.



Through the mindful application of the spirit and principles of ethical leadership, municipal leaders will contribute towards the following outcomes being achieved within their municipalities:

- Ethical culture

- Ethical leadership builds an ethical culture in the municipality as a workplace. This means that the systems and the culture make it easier for people to behave in the right way, rather than the wrong way, and people do the right things whether they are being watched or not.
- Ethical leadership promotes ethics in the community. Leaders are not just responsible for delivering services, but also strive to promote healthy community relations, social cohesion, and positive societal values within their communities.

- Well-functioning municipality

- The National Development plan emphasises that meeting our transformation agenda requires functional municipalities and a capable machinery at a local level that can create safe, healthy and economically sustainable areas where citizens and people can work, live and socialise.
- A well-functioning municipality is characterised by governance systems and processes that provide direction, create policy clarity, and ensure oversight and accountability. The right people are appointed and resources are used fairly and wisely.
- This leads to the developmental and sustainable provision of services to all citizens especially the most vulnerable – in fulfilment of the Constitutional mandate of local government.

- Trust

- Ethical leadership creates trust between the municipality and all its stakeholders, as well as trust that its leaders are able to fulfil their roles and responsibilities, and are morally committed to this task.

4. SPIRIT of ethical municipal leadership

**SPIRIT OF ETHICAL MUNICIPAL LEADERSHIP:
What is our core consideration?**

**Leading in the long-term sustainable interest
of the municipality and all its communities.**

In whose interest do municipal leaders lead?

The foundational question of municipal leadership (against which all other questions are measured) is whose interests one considers when making decisions. In other words: *In whose interest do we lead?*

Municipal leaders should lead in the long-term, sustainable interest of the municipality and all its communities.

What does this mean for leaders?

Leaders should ask themselves the question:

- ✓ Is what we are doing in the long-term sustainable interest of the municipality and all its communities?
- ✓ Am I considering the long-term, sustainable interest of the municipality and all its communities above personal, political and factional interests?
- ✗ If not, that course of action would not be in line with ethical leadership and should not be pursued.

The above does not mean that the interests of other stakeholders should be ignored. Good governance means considering the legitimate interests of all material stakeholders. Where interests are in conflict, leaders should carefully consider them, always keeping in mind their core mandate.

5. PRINCIPLES of ethical municipal leadership

The principles indicate what municipal leaders should do to ensure that they live the spirit of ethical municipal leadership.

The principles are mutually reinforcing, and all contribute collectively to achieving the outcomes.

PRINCIPLES: How do we achieve what we want?

An ethical municipal leader:

1. Sets the tone for an ethical culture.
2. Ensures a community-centred approach to governance.
3. Respects the boundary between the political and administrative spheres of the municipality.
4. Ensures the appointment of staff who have competence and integrity.
5. Ensures the appropriate level of competence on oversight structures.
6. Deals fairly and decisively with ethics transgressions.
7. Engages respectfully and constructively with other municipal leaders.

Principle 1: An ethical municipal leader sets the tone for an ethical culture

Unpacking the issue

Ethics is about doing what is good and right, balancing one's own interests with the interest of others. |

In the organisational context ethics refers to values that guides the organisation in its interaction with its stakeholders. Ethical action is therefore to achieve what is good, right and lawful both for the municipality, and for the community.

Ethical leadership goes beyond simply acting ethically oneself. It also means setting an ethical tone in one's environment and positively impacting the ethical culture, both in the municipality and the community.

An ethical culture is one where it is easier for people to do the right thing rather than the wrong thing. |

As leaders we create culture by what we do, and by what we do not do. Even if we allow others to set an unethical tone, we are busy creating a culture (but a negative one). It is therefore the responsibility of every municipal leader to always try to positively influence the ethical culture in their communities and municipalities.

Practical Implementation ✱

An ethical municipal leader:

- Leads by example – living the values of ethical municipal leadership

The following values are key to the spirit and execution of ethical municipal leadership and each municipal leader should aspire to integrate these into their character:

- **Integrity** – consistently living in an honest and upright manner.
- **Community centredness** – living the values of Ubuntu and Batho Pele to engage with communities meaningfully and respectfully, and objectively considering their long-term sustainable interests above personal, party-political or factional considerations.
- **Accountability** – holding oneself accountable, accounting to stakeholders for one's decisions and actions, and fairly holding others accountable for their decisions and actions.
- **Diligence** – working hard at achieving objectives, doing so to the best of one's abilities, and continuously striving to improve one's knowledge.
- **Courage** – standing strong in one's convictions, and standing up for what is right, especially when the above values are being compromised.

- Ensures compliance with the spirit and letter of the legislative and regulatory framework ¹

- As part of ensuring a well governed entity, municipal leaders strive to know and understand the municipal regulatory framework, abide by it, and ensure that others abide by it.
- Municipal leaders use the law to protect and improve governance and service delivery, and not to maliciously drive political agendas. The law must not be weaponised in bureaucratic wars.
- Municipal leaders act ethically beyond mere legal compliance, and as a minimum, abide by the relevant municipal Code of Conduct.

- Ensures that the ethics of the municipality is governed and managed in a way that results in an ethical culture ²

- They ensure the establishment of ethics structures and capacity as set out in the Municipal Integrity Management Framework.
- They clarify ethical expectations of councillors and officials.

- Promotes civic ethics in the community ³

Ethical leaders are not just responsible for delivering services, but should also strive to promote healthy community relations, social cohesion, and positive societal values.

Pitfalls that inhibit good governance

Councillors sometime ask for, or accept party-political, or personal donations or funding from people or companies who are suppliers to the municipality. There is a serious risk that this could cause those involved to put the interest of the supplier before that of the community, which would be a conflict of interest. It means that one cannot be objective in the best interest of the community, and places one's integrity at risk.

How other stakeholders support this principle

- Council should:
 - Formally adopt the Code for Ethical Leadership in Local Government through a council resolution.
 - Set an ethical tone in all their deliberations and committee meetings.

- Political parties should:
 - advocate the importance of abiding by the Code to the councillors that they deploy.
 - continuously emphasise the importance of setting the tone and that ethical leadership should be the non-negotiable 'way' in which they lead. Ethical leadership should be the core focus of training conducted by parties.
 - avoid accepting funding from companies or individuals who are suppliers to the municipality as this could lead to conflicts of interest.

- Business partners / suppliers should deal openly and transparently with municipalities and municipal leaders, and avoid giving donations where this could potentially lead to a conflict of interest.

- Communities should support the spirit of ethical leadership. As much as communities expect leaders to be ethical, they should similarly strive to abide by high ethical standards, and not put unreasonable demands that pressurise councillors into unethical conduct. They should engage respectfully with all municipal stakeholders.

Principle 2: An ethical municipal leader follows a community-centred approach to governance

Unpacking the issue

The Municipal Integrity Management Framework says that communities must be acknowledged as the owners of municipalities and are therefore entitled to transparent and accountable government.

The community elects leaders (councillors) to represent their interests in the municipality. There is therefore a responsibility on all municipal leaders to put the interest of the community first, actively engage with them to understand their needs and give them feedback on the work of the municipality. Community engagement is the foundation of participatory democracy.

Practical Implementation

An ethical municipal leader:

- * **Places the interest of the community first**
 - Where personal, party-political or factional interests are in clear conflict with the community's interests, municipal leaders should stand up for the community's interests and put them first.

*** - Consults meaningfully with communities**

- Councillors should have frequent engagement with communities, not just during elections. These engagements should be meaningful in that councillors should listen and be responsive to the community's needs.
- They should build constructive relationships with the community and seek out opportunities for engaging with civil society.
- Officials should similarly engage with communities to get a sense of realities on the ground.
- Councillors should aim to be a source of civic education, informing communities of their rights and responsibilities as citizens, and how to access services in all of government.
- Councillors should help communities think of their long-term sustainable interest and balancing that with short-term needs.
- Officials should advise councillors appropriately and timeously to ensure accurate communication with communities.

*** Is open and truthful with communities**

- Councillors should be thoughtful about not making commitments to communities that cannot be kept – especially during campaigning. They should always give honest feedback on what is possible in (line with municipal budgets) and manage community expectations.
- Leaders should proactively give the community information about issues that concern them.

- Is responsive to communities

- Councillors should give feedback to communities on their concerns.
- Officials should constructively support councillors to address community concerns, as far as it is lawful, sustainable and not at odds with the Integrated Development Plan (IDP).

- Ensures the prudent use of resources

- Leaders should always ensure that the resources of the municipality are used prudently, with long-term thinking in mind, and in the sustainable interest of the municipality and all its communities.

- Considers the interests of everyone in the community, not just those who voted for them

- Councillors should be careful of unfairly favouring their party members or constituencies where opportunities and services are meant for the whole community (for example the allocation of local labour opportunities or housing).
- This does not mean that they cannot promote the specific needs of their wards and constituencies, especially when their needs are neglected.

- Aspires to a shared, inclusive vision for the community

- Leaders should aim to bring together diverse role players and interest groups to formulate and realise a shared vision.

- Where required, builds coalitions in the best interest of the community

- Where required, councillors should seek to negotiate coalition agreements which are in the best interest

of the municipality and centred around what is best for the community. Coalition agreement should focus on achieving stability in the municipality and ensuring sustainable service delivery.

- Coalition agreements should be made transparent so that communities can hold municipal leaders to account.

Pitfalls that inhibit good governance

The fact that councillors and senior municipal officials all have five-year terms, means that they want to achieve as much as they can in this timespan. Ethical leadership however also considers the long-term sustainability of the municipality and its long-term financial health. Being prudent in the short-term will likely put the municipality in a better position to provide services in the long-term. Achievement of short-term objectives should not be done at the expense of the long-term sustainability and financial health of the municipality.

An example of short-term thinking is the creation of positions that are not actually required. Unnecessary positions should not be created as these are expensive to fund, and detrimental to the community in the long run.

How other stakeholders support this principle

- Communities should actively participate in municipal engagements.
 - They should do so constructively and in good faith, and should aim to educate themselves on the functioning of municipalities.
 - They should ask for feedback, and require their councillors to account to them.
 - They should hold municipal leaders to the spirit and principles set out in the Code.
 - The destruction of property is never in the interest of the municipality or the community, and should never be promoted or condoned.
- Political parties should inculcate community-centredness in councillors.
- DCoG and SALGA should assist with civic education of communities and leaders.

Principle 3: An ethical municipal leader respects the boundary between the political and administrative spheres of the municipality

Unpacking the issue

The political sphere (council) and the administrative sphere (officials) of the municipality have differing functions. Councillors are responsible for the governance of the municipality. That means that they should set the strategic objectives (through the IDP) and the policy framework for the municipality, and provide oversight.

Municipal officials (under the leadership of the Municipal Manager and senior managers) are responsible for the practical implementation of the objectives and policies, and for reporting to council. *

Many ethical challenges in municipalities occur at the political-administrative interface, and this frequently leads to the politicisation of the administration. It is crucial that the administration be driven by professional values to ensure that it can effectively fulfil the mandate of the municipality.

Practical Implementation

An ethical municipal leader:

- Respects the principle of separation of powers

Councillors set the strategic objectives and the policy framework for the municipality. They also provide oversight through appropriate structures. Outside of that, councillors should guard against being overly involved in operational matters of the municipality. They should work at an arms-length with municipal officials (following due process) to address community needs and service delivery, in line with the IDP.

They do not interfere in the administration and *specifically not* in the appointment of officials below section 56 managers, nor in tendering or procurement processes.

- Actively guards against politicising or factionalising the administration

- Officials should be apolitical in the execution of their duties.
- Councillors must assist in building the apolitical culture in the administration.

- Works in a constructive spirit with the other sphere of the municipality (i.e. council or administration)

Officials should implement the IDP and the policies that are set by council in a constructive and supportive spirit. They should communicate proactively to councillors where there are challenges with implementation, to allow councillors to inform communities accordingly.

They should not abuse the political-administrative boundary to avoid accounting to councillors, and should not let their own political affiliations interfere with doing their work professionally.

They should remain within the confines of the law and the restrictions of the IDP and sustainability considerations.

Pitfalls that inhibit good governance

Councillors might be required to engage with the administration to ensure service delivery. They however sometimes overstep this which leads to interference. It is important to keep a clear distinction between these two concepts:

Interference: Sometimes councillors want to get involved in operational matters of the municipality where they should not be involved. The most destructive areas of such interference are where councillors try to influence Supply Chain Management (SCM) and tender outcomes, as well as the appointment of staff below the level of section 56 managers. This can be done by interfering directly, or by utilising employees

in the administration. Councillors should create a positive ethical environment where the SCM and appointment policies can be applied fairly and objectively.

The Councillor Code of Conduct prohibits a councillor from interfering in the administration of the municipality, unless the council has given the councillor a mandate. It is a criminal offence for a councillor to attempt to improperly influence municipal officials, and this is punishable by a fine or imprisonment of up to two years.

Engagement: At other times councillors might want to follow up with the administration to ensure municipal responsiveness to community needs. There might be very legitimate reasons for this engagement, but at the same time it might place officials under pressure to bypass procedures or work schedules. To manage these pressures, council should, in consultation with the Municipal Manager, determine a procedure for engagement between councillors and officials. It should be made clear that the communication between councillors and officials should be to hold officials accountable to legitimate expectations and not to give instructions. Councillors should never require officials to bypass procedures, or to behave in a manner that is not in line with legislation, the IDP, policies or procedures.

How other stakeholders support this principle

Political parties should avoid becoming overly involved in the running of municipalities.

Council should set a process for engagement between councillors and officials in service delivery matters to ensure responsiveness to community concerns.

Municipal Public Accounts Committees (MPACs) should play an oversight role to ensure that there is no political interference in the administration.

Principle 4: An ethical municipal leader ensures the appointment of staff who have competence and integrity

Unpacking the issue

The appointment of strong, ethical leadership and staff can lay the foundation for a successful organisation. On the flipside, the appointment of inappropriate leaders and staff is one of the causal factors of unethical and unprofessional cultures in organisations.

The appointment of people who are too closely politically aligned to incumbent political leaders can be equally problematic in the long run. Politics is by its nature unstable (due to running in 5-year cycles) and one would want to avoid bringing this instability into the administration. Ideally leaders should aim to appoint apolitical, professional officials into the municipality.

Practical Implementation

An ethical municipal leader:

- **Ensures the appointment of the best possible staff (with competence and integrity) to fulfil the mandate of the municipality.**
 - Councillors should ensure the appointment of a municipal manager and s56 managers who have the competence (considering the set competence requirements and their track record) and experience to fulfil their duties, as well as the integrity to build trust with staff, councillors and communities.
 - They should ensure a robust and fair recruitment process to fill the above positions, including conducting pre-employment background checks, as well as competency assessments.
 - Staff who have been dismissed for misconduct should not be appointed before the expiry of the prescribed sanction period.
 - Similarly, the management team of the municipality should ensure the appointment of staff who have competence and integrity.

- **Avoids politicising the administration through staff appointments**
 - Political party office-bearers should not be appointed into the administration.
 - Councillors should not attempt to influence the appointment of staff at any level below that of s56 managers.
 - Councillors should develop policies to distinguish between appointment of officials to political offices and those who are appointed into administrative offices in the municipality. The policy should clearly stipulate that those who are in administrative offices should not be political deployees.

- **Strives to ensure stability in the management team of the municipality.**
 - Once a competent management team is employed, leaders should, as far as possible, aim to maintain stability in the team.
 - The practice of dismissing staff with every political change in council should be avoided. This is more attainable when professional, rather than political staff were appointed in the first place.

Pitfalls that inhibit good governance

Aside from destructive deployment practices, positions are sometimes created within the staff establishment of the municipality that are not necessary, or people are appointed to positions that do not exist in the staff establishment.

At other times, and perhaps because inappropriate people have been appointed, external consultants are used to perform the work that staff members should be able to perform.

All of these practices are extremely wasteful and deplete resources that should be used for service delivery.

How other stakeholders support this principle

The DCoG should maintain an up-to-date database of officials who have been dismissed for misconduct.

Provincial departments for cooperative governance should assess whether senior officials comply with the minimum competency requirements, and should take action where they do not.

Principle 5: An ethical municipal leader ensures the appropriate level of competence, integrity, and diversity on committees and oversight structures

Unpacking the issue

The municipal environment is highly complex in terms of legislation, regulation and budgets. Governance and oversight in this complex environment requires not only personal integrity, but also a very specific combination of technical skills and experience that is built over time.

There may be some councillors who, though they have the required integrity, do not (yet) have the specific skill set required to provide oversight of complex municipal governance processes and budgets. Should they be responsible for providing oversight, it will likely mean that the best interest of the municipality and its communities will not be served. This means that councils need to apply their minds to remedy the situation to ensure proper oversight.

Similarly, committees within the administration, such as recruitment and selection committees, or tender committees, should be comprised of officials who have the required competence and integrity.

Practical Implementation

An ethical municipal leader:

- Selects the strongest possible candidates (considering their competence and integrity) onto committees and oversight structures.
- Co-opts external expertise onto committees and oversight structures where the internal technical expertise is insufficient.
 - In council, the first prize is for political parties to ensure that councillors are capable, thus avoiding extra expense of external experts.
 - Councillors should ask themselves if they would trust MPAC and the audit committee to oversee their personal finances. The community deserves at least the same standard of oversight.

- **Ensures an appropriate mix of skills and diversity on committees.**
 - Strong committees have diverse and appropriate skill-sets that contribute to the effectiveness of the committee.
 - Diversity (for example in political, racial, cultural, gender and age terms) should be considered in the composition of committees.
 - Committees might also include a minority of councillors who are still developing their governance skills and experience. The number of such members need to be balanced with the need for the committee to still fulfil its functions effectively in the interest of the community.
- **Ensures stability on committees to allow for committee members to mature and gain experience.**

Pitfalls that inhibit good governance

Sometimes those with the appropriate competence and integrity are overlooked in favour of those who may be politically more favourable. The same would apply for officials – people who are more likely to toe the line may be preferred over those who may have the required skills.

How other stakeholders support this principle

Council should train committee members on their responsibilities.

Political parties should:

- As far as possible, and with due regard to the democratic process:
 - field councillors with competence and integrity.
 - ensure a diverse set of skills and competencies amongst councillors. (This can be done especially among proportional representation councillors.)

Principle 6: An ethical municipal leader deals fairly and decisively with ethics transgressions

Unpacking the issue

The overall focus of ethical leadership should be to proactively ensure a supportive ethical culture and strong governance environment, where transgressions are less likely to occur. Transgressions will however still occur in most organisations, and should be dealt with decisively. Failure to deal with transgressions creates a culture of impunity where people think that they can get away with misconduct without consequences. At the same time, disciplinary processes should not be abused to fight personal or political battles.

Practical Implementation

An ethical municipal leader:

- Ensures that the spirit and process with which disciplinary cases are adjudicated is:
 - Fair
 - Independent, and
 - Timely

This will require setting out specific policies and procedures for dealing with discipline or consequence management. Such policies should stipulate processes for ensuring that investigations and disciplinary matters relating to municipal leaders are dealt with independently. At the very least, independent external oversight should be involved.

- Ensures that personal and political considerations do not trump the best interest of the municipality and all its communities in disciplinary cases.
- Deals decisively with conflicts of interest.

This includes the development of policies and procedures to deal with conflicts of interest, including:

 - Managing the information from conflicts of interest or disclosure processes.
 - Conducting lifestyle audits when it is observed that a person's lifestyle appears excessive for their income.
 - Taking action when conflicts are discovered.
- Ensures that audit findings are addressed.

Pitfalls that inhibit good governance

One of the biggest challenges is to investigate and discipline people who are viewed as 'powerful' or 'connected', and to do so through a process that is trusted to be objective and independent. It frequently happens that disciplinary processes have pre-determined outcomes because they are not independently dealt with.

To ensure trust with the community, all disciplinary processes for senior leaders should be dealt with independently and include external oversight.

How other stakeholders support this principle

Political parties should consistently hold the councillors they deploy into municipalities, accountable for their actions.

Communities should hold political parties and representatives to account.

Council committees should ensure strong oversight and accountability.

Principle 7: An ethical municipal leader engages respectfully and constructively with other leaders

Unpacking the issue

In any professional environment there are likely to be differences with others. These are likely to be worse in an environment where people are on different sides of the political spectrum. In many municipal environments there have been incidents of personal, factional or political differences that have led to chaotic and sometimes violent scenes in council chambers. When the community sees these scenes it breaks down the trust they have in municipal leadership. It also creates an environment where the important work of council cannot continue.

Differences should be dealt with maturely so that they do not detract from the work of the municipality. This is also applicable in the administrative sphere.

Practical Implementation

Ethical municipal leaders:

- **Aspire to reciprocal relationships of trust and integrity with each other.**
 - Even though they are on different sides of the political spectrum, councillors should treat each other with respect.
 - Their dealings should be honest and above board to ensure an atmosphere of mutual trust in the interest of the community.
 - Officials should remain professional and committed when they have differences with others.
- **Ensure that personal, political and factional differences do not get in the way of doing the work of the municipality in the interest of the community.**
 - Councillors should constructively participate in council meetings – especially when there are differences of opinion.
 - They should keep in mind that they are setting an example to communities about how to engage with conflict. Communities are also watching how their councillors are spending the time they are being paid to do the work of the community.

How other stakeholders support this principle

Political parties should emphasise to their deployed councillors the importance of professionalism in the conduct of their roles and responsibilities. They should take action against councillors who act disrespectfully towards others.

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SETSOTO MUNICIPALITY PETITIONS POLICY

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1. PURPOSE

1.1 The purpose of the Policy is to:

- Provide for the right to submit a petition to the SETSOTO Municipality.
- Provide for the general principles and procedures for the submission of a petition to the Municipality;
- Provide for the establishment of a Petitions Committee to consider and dispose of petitions, and matters incidental thereto.
- Create mechanisms for communicating with petitioners and providing feedback to petitioners.
- 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 Setsoto Municipality as established in terms of section 18 of the Local Government: Municipal Structures Act 117 of 1998;

“*Municipality*” refers to the Setsoto Municipality, a Category B municipality established 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 Setsoto Municipality's.

2. 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) of the Systems Act 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 Setsoto Local 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. PROCEDURE FOR SUBMISSION OF A PETITION

(1) A petition must –

- (a) Be submitted to the Office of the Speaker by any person;
- (b) Be in any of the three official languages in the ;

- (c) Include the signatories of all the Petitioners;
 - (i) The identity number, address and contact details of all the petitioners;
 - (ii) 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.
 - (iii) Indicate the coordinators of the petition, their Identity numbers, address and contact details;
 - (iv) Must indicate the area where Petitions come from; and
 - (v) indicate in which ward they reside;
- (d) 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.
- (e) clearly indicate the topic.
- (f) 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 Executive Mayor will designate a person to receive hand delivered petitions.

7.8 The Speaker in consultation with the Executive Mayor will designate a person to receive hand delivered petitions.

RECORDING OF PETITIONS

- © The assigned officials must open all petitions and record details such as -
 - (i) Date of receipt of petition;
 - (ii) Time received;
 - (iii) Name, identity number and contact details of a Petitioner; and
 - (iv) Short description of the content of the Petition.
- (2) All petitions must be recorded in the petition register.

7. ROLE OF THE SPEAKER

7.1 The Office of the Speaker will:

- 7.1.1 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;
- 7.1.2 render any reasonable assistance to persons with disabilities or special needs who require assistance in submitting a petition
- 7.1.3 record verbal submissions made by those who are unable to put their petition in writing;
- 7.1.4 acknowledge receipt of a petition, in writing, within seven (7) days of receipt thereof;
- 7.1.5 contact the petitioner or a representative if there are any unclear matters or outstanding information;
- 7.1.6 determine the timeframe within which information is expected and follow up with reminders or telephone calls if no response is received from affected parties;
- 7.1.7 forward details of the nature of the petition to the Municipal Manager or Council structure, as the case may be, within 24 hours of receiving the petition, for consideration and preparation for the next monthly Petitions Committee meeting;
- 7.1.8 The Municipal Manager will meet with relevant department officials to share and obtain information on the petitions and submit a report within five working days to the Petitions Committee via the Speaker's office.
- 7.1.9 The Speaker's Office will inform the representatives of the petitioners of the date, time and venue for the petition to be considered and that the representative of petitioners attend that sitting of the Committee.
- 7.1.10 inform the petitioner of other remedies available, if any;
- 7.1.11 make the petitioner aware of the fact that the petitioner has access to the petition file at all reasonable times;
- 7.1.12 from time to time, inform the Petitioner of progress in respect of the consideration of a Petition;

7.1.13 communicate any decision taken by the Committee in respect of a Petition; and

7.1.14 promote and facilitate a fair and equitable process of considering and disposing of petitions, including the right to appear before the Petition Committee.

7.2 The following steps need to be completed before comments are requested from relevant departments:

- (a) Refer petitions outside the scope of the jurisdiction of the Council to the relevant institution and inform the petitioner accordingly;
- (b) Contact the petitioner or the petitioner's representative if there is any matter that is not clear of for any information that is lacking; and
- (c) Determine the timeframe within which comments (maximum of 5 working days) are expected and follow up with reminders if no response is received and keep proof of the reminders.

7.3 Recommendations must be properly formulated to reflect the following:

- (a) person responsible for the execution of the resolution;
- (b) timeframe, where applicable within which the resolution must be executed; and
- © a clear indication of what must be executed.

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 appointed by the Executive Mayor
- (c) The Municipal Manager or a senior official delegated by the Municipal Manager

The Committee Services staff will provide the secretariat services.

8.2 Terms of Reference of the Petitions Committee

- 8.2.1 The Petitions Committee will meet within 7 days after a petition is received.
- 8.2.2 The meetings of the Petitions Committee will be chaired by the Speaker.

8.3 Functions and Powers of the Petitions Committee

8.3.1 ACTIVITIES PRIOR TO CONSIDERATION BY PETITIONS COMMITTEE

- (a) Before commenting on any petition, the relevant departments must, if necessary, conduct inspection *in loco* to obtain relevant information that will assist in responding to the petition;
- (b) The relevant Councilllor must be involved in the preliminary investigation and *in loco* inspection.
- © Comments must include proposed solutions, financial implications and proposals for an inspection *in loco* if necessary to assist with making an informed decision;
- (d) Compare matters raised in the petition with report to determine if all aspects are addressed;
- (e) Interact with other departments on any ambiguities or lack of clarity; and
- (f) All reports must include full details of the investigation and proposed solutions including the dates and times of inspections and the dates of the directorates' comments.
- (g) Petitioners should be older than 18 years.

8.3.2 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;
- © record the oral submission or evidence of a petitioner given in terms of this policy;
- (d) dispose of the request or complaint raised in a petition;
- (e) obtain additional information from affected parties in order to arrive at a decision, a recommendation in order to dispose of a petition, including

but not limited to the calling of witnesses to present oral or written evidence to the Committee;

- (f) inform a petitioner of the grounds upon which it will not consider a petition submitted to the Municipality;
- (g) 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, within 5 working days;
- (h) submit petitions that could not be finalized in accordance with the powers delegated to it, for consideration to the Mayoral Committee;
- (i) the Committee may make a recommendation to refer the petition to
 - Council
 - Another Committee of Council
 - The Executive Mayor or Municipal Manager
 - A body supporting constitutional democracy established in terms of Chapter 9 of the Constitution.
- (i) the Petitioners may attend the hearing of the Petitions Committee.
- (j) in writing notify the petitioner who submitted the petition of the outcome of the petition within 7 working days;
- (k) where there is a need for feedback to the communities, a political champion nominated by the Executive Mayor, supported by officials will give verbal feedback to communities.
- (l) Where applicable the Petitions Committee meetings, may be open to the public.

9. LIMITATIONS

(1) The Committee must refuse to consider a petition –

- (a) Falling outside the scope of its powers;
- (b) Concerning a matter pending in a court of law or other tribunal or forum contemplated in the Constitution;
- (c) In concerning the conviction and sentencing by a criminal court of law of a person to a period of imprisonment;
- (d) Falling outside the powers and functions of the Municipality or its area of jurisdiction; or
- (e) Addressing a matter which falls within the scope of a commission of inquiry established by the National or Provincial

Government or a commission of enquiry established by the Council.

(f) If a matter is sub judicae.

(g) If a petition is less than 300 in cases where there is a call to remove a councillor.

(2) The Committee may refuse to consider a petition which is –

(a) Is illegible;

(b) Does not state the correct name, identity number and contact details of the petitioner and, where applicable, the name of the association or group on whose behalf the petition is being submitted;

(c) Has not been signed by the petitioner, except in the case of a petitioner who is unable to write;

(d) Has a mark thereon as a symbol of authority to submit the petition of which the mark was not made in their presence of two witnesses that the mark is that of the petitioner;

(e) Addresses a matter previously considered by the Committee except if that petition contains new information that may materially impact on the outcome of the consideration of the petition; or

(f) Contains defamatory statements or improper language.

10. RIGHT OF APPEAL

(1.) Petitioners shall be allowed the right to appeal the decision of the Petitions Committee to Council within seven working days of such a decision being made, in the event the petitioners are not satisfied with it.

(2.) A formal appeal must be lodged with the Office of the Speaker of Council, stating clearly reasons for the appeal.

(3.) Council may appoint an *ad hoc* Committee to deal with the said appeal and submit its recommendation to Council.

(4.) The *ad hoc* Committee has the right to summon any individual it deems necessary to appear before it.

(5.) The appeal process must be finalised by Council within a period of 90 days.

(6.) The decision of Council on the said appeal is final.

11. REPORTING

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

11.2 Reports will include information about:

- 11.2.1 the number of petitions received per quarter;
- 11.2.2 the nature of the matters raised by petitions;
- 11.2.3 the number of meetings held by the Petitions Committee;
- 11.2.4 problems/challenges experienced by stakeholders, progress, successes/achievements and any other matters that may assist in the efficient and effective resolution of petitions;
- 11.2.5 petitions that fall outside the scope of jurisdiction and powers of the Municipality;
- 11.2.6 the final resolutions of the Petitions Committee.

12 DISPUTE RESOLUTION

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

13. POLICY ADOPTION AND REVIEW

- 13.1 The Policy takes effect from the date of its adoption by Council.
- 13.2 The Policy will be reviewed every three years, or sooner, as circumstances may dictate.