
COUNCILLOR ALFRED MTSI
HONOURABLE SPEAKER
BUFFALO CITY METROPOLITAN MUNICIPALITY
28 JULY 2017
SCENE SETTING

- To provide a high level legislative context and policy regime on the role of the Office of the Speaker

- To broadly reflect on the strategic and developmental role of the Office of the Speaker in supporting Councillors

- To unearth multi-disciplinary approaches in addressing the capacity and management structure of the Office

- To enhance participatory democracy and local governance through direct citizenry involvement in the affairs and decision-making processes of a Municipality
LEGISLATIVE CONTEXT AND POLICY REGIME

- The birth of a historic and progressive Constitution of the Republic of South Africa, 1996, laid a founding philosophy, ethos, values and human rights culture which shaped and influenced the evolution of Local Government – As a legislative arm, Council under the stewardship of the Speaker has to function in conformity with the Supreme Law.

- The Constitution of the Republic of South Africa represents an embodiment of progressive legislative prescripts and developmental policy frameworks which define the role and responsibility of Local Government – Council is the custodian of legal compliance which the Speaker is its Presiding Officer, and therefore has a responsibility to ensure adherence.

- Section 152 (1) and (2) of Chapter 7 of the Constitution of Republic of South Africa, defines the strategic mandate of Local Government and further allude to the fact that it has to be undertaken within its administrative and financial capacity – Through Council, the Speaker has a responsibility to ensure accountability by management in implementing approved IDP/Budget to attain the strategic objectives of a developmental Local Government.
LEGISLATIVE CONTEXT AND POLICY REGIME

• The characterisation of the Constitution of the Republic of South Africa and what it represents, finds expression in the White Paper on Local Government which is founded on universal values, principles and developmental trajectory.

• In essence, the developmental trajectory that is espoused in the White Paper on Local Government rests on a range of values and principles but of prudence is:

  ➢ direct and meaningful citizenry participation in the affairs and decision making processes of a Municipality – the application of this progressive theory propagates not only the centrality of citizens but enhancement of local democracy and governance, and the Speaker must ensure that it happens;

  ➢ greater emphasis of a public participation model that fosters inclusivity, direct representation, social cohesion and integration – this approach is rooted and based on multiplicity of platforms of stakeholder engagement in the form of ward committees, business community, civil society formations, government sectors, non-governmental organisations, local communities – The Speaker with Council has a responsibility to undertake this work – share Buffalo City experience.
LEGISLATIVE CONTEXT AND POLICY REGIME

• The introduction of a range of Local Government Laws (Municipal Structures Act, Municipal Systems Act, Municipal Finance Management Act, Municipal Property Rates Act, underscores the progressive nature of Local Government – Local Government Legal Framework guiding the Speaker

• At the cornerstone of all these pieces of legislation – is the creation of an enabling environment to promote and foster sound relations between a Municipality and the local communities. – Speaker as a custodian of public participation in line with Batho Pele, Back to Basics

• In terms of Section 72(3) of the Municipal Structures Act - “the object of a ward committee is to enhance participatory democracy in local government”. The Office of the Speaker is therefore required to facilitate the formation of ward committee as an integral component of participatory democracy and local governance. – Buffalo City experience
LEGISLATIVE CONTEXT AND POLICY REGIME

- Section 73 on establishment of ward committees – some of important considerations are:-
  - Council must make rules regulating ward committee establishment – in this instance, the Office of the Speaker has a responsibility to facilitate the development and adoption of the Ward Committee Procedural Framework by Council in tandem with the law – Share the Buffalo City experiences – Council Resolution on adoption of Ward Committee Procedural Framework
  - also to ensure that the election of ward committees is in line with the Procedural Model and furthermore takes into account the need for women to be equitably represented and for a diversity of interests to be represented in the ward – Share the Diverse Social Groups in Ward Committees of the Buffalo City – Like People Living with Disability, Women and Youth,
  - incorporate the circumstances under which members must vacate office and the frequency of meetings including administrative arrangements to enable functionality of a ward committee – Share the Buffalo City experiences – Ward Committee Meetings, Multi-Party Committee, Tools of Trade and Office Space Provision, Appointment of Ward Assistants
included in the Procedure Manual are the functions and powers of ward committees in making recommendations on any matter affecting its ward to the ward councillor or through the ward councillor to the council – Buffalo City experiences – Procedures and processes of considering submission of ward committee reports or recommendation

must further incorporate such duties and powers as the council may delegate to it in terms of section 32 – Buffalo City experiences
THE ROLE OF THE SPEAKER

- Section 37 of the Municipal Structures Act, defines the functions of a Speaker of a Municipal Council as to:-

  - preside at meetings of the council; - key is to act within the law, standing rules of orders as adopted by Council – Buffalo City experiences – EFF removal due dress code – DA notice of questions

  - perform the duties and exercises the powers delegated to the Speaker in terms of section 59 of Municipal Systems Act – Buffalo City experience - Delegation Framework – Authority of Executive Mayoral Committee vs Council Powers

  - must ensure that the council meets at least quarterly – Buffalo City resolution and benefits of this process - the Speaker convenes Council and Portfolio Heads convene committees once every month for effective and efficient performance of oversight function
THE ROLE OF THE SPEAKER

- Has a responsibility to ensure that standing rules of orders are applicable to:
  - All councillors;
  - Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act;
  - Any municipal official of the municipality; and
  - Any member of the public while present in the council chamber and precinct.

- must maintain order during meetings – in accordance with the standing rules and orders of Council and Schedule 1 of the Municipal Systems Act – Buffalo City experience - Observation of Rules and Orders and Code of Conduct

- must ensure that Council and its committees undertake oversight functions in terms of Section 71 Reports, Mid-Year Term Report, Budget Adjustments, Annual Financial Statements, Annual Report., Annual Performance Report, IDP/Budget Approval which is MSCOA Complaint – Buffalo City experience – MPAC on circular 32, 2016/2017 Annual Report, AG Findings
THE ROLE OF THE SPEAKER

- must ensure compliance in the council and council committees with the Code of Conduct set out in Schedule 1 of Municipal Systems Act and must ensure that council meetings are conducted in accordance with the rules and orders of Council – **The Speaker guides this process**

- must encourage participation of communities and community organisations in the decision making process of the municipality – **Ward Committees, Public General Meetings, Imbizos**

- must develop mechanisms to ensure and monitor participation of communities in the decision making process – **Buffalo City experience on Feedback Sessions, Reports to Council**

- ensure that communities and community organizations are educated on their rights and responsibilities to participate and give input to the municipality’s policy development processes as well as planning and budget processes – **Buffalo City experience – Public Awareness Campaigns and Education Workshops**
THE ROLE IN SUPPORTING COUNCILLORS

➢ working with the whippery under the stewardship of Chief Whip of Council to promote political party relations and observation of Code of Conduct, Multi-Party Committee and Rules Ethics – Buffalo City experience

➢ equally working with the Troika Leadership to ensure political stability and sound relations with administration and local communities – Buffalo City experience – Calendar Monthly Meetings to process political matters and provide guidance on how to manage and resolve

➢ must ensure petition register and attendance of petition submission thereof with direct involvement of the affected communities – Buffalo City experience – Political Petitions Committee and Technical Petition Team – Feedback Reports
THE ROLE IN SUPPORTING COUNCILLORS

- The Office of the Speaker has a legislative obligation to ensure that Councillors undergo capacity development through:
  
  ➢ Training to acquire and improve their skills wealth, competencies and expertise
  
  ➢ Training of Councillors on legislative and policy discourse, integrated planning models and budgetary methodologies including other related disciplines – Buffalo City experience Training Policy
  
  ➢ Support enrolment of Councillors to academic institutions to broaden their knowledge horizons and practical experiences – SALGA Agreement – BCMM and Fort-Hare University
  
  ➢ Ward Committee Establishment – Buffalo City experience Ward Committee Induction and Training
  
  ➢ Ward Committee out of pocket expenses and ward based planning and funding – Council Resolution on Funding Model
THE ROLE IN SUPPORTING COUNCILLORS

- The Office of the Speaker has a legislative obligation to ensure that Councillors undergo capacity development through:

  - **Insurance Policy** — Councillors are insured against any public threat or danger emanating in the performance of their work — *Buffalo City experience of Indwe Risk Services*

  - **Funeral Policy** — The Speaker has a responsibility to look after the welfare of Councillors and to assist their families when death or fatality strikes — *Buffalo City experience*

  - **Pension Fund** — Councillors are required by law to have pension funds. The Speaker’s Office working with Human Resources and Councillors facilitates this process

  - **Medical Aid** — Councillors are assisted with medical aid provision in line with the terms and conditions of the Upper Limits for Public Office Bearers — *Buffalo City experience — some Councillors do not have medical aid*
CAPACITY AND MANAGEMENT STRUCTURE OF THE OFFICE

- is undertaking a review of the separation of roles and responsibilities between the legislative arm and executive authority to address its governance structure – Buffalo City understudy of O.R. Tambo District Council and Ekurhuleni Metro

- is also reviewing the delegations framework – Buffalo City experience – using Metros as a benchmark

- is in a process of undertaking a review of the standing rules and orders of Council – Buffalo City experience

- These process will result in the new institutional arrangements especially in the Office of the Speaker to address the prerequisite of its human capital and required competencies so as to diligently, effectively and efficiently discharge its functions and powers including duties.
CAPACITY AND MANAGEMENT STRUCTURE OF THE OFFICE

• In its current form – the Office of the Speaker is headed by Executive Director responsible for Executive Support Services with a General Manager directly reporting to the HoD and indirectly to the Speaker.

• Below the General Manager – there is an office manager responsible for overall management and coordination of the activities in the Office of the Speaker.

• Has a PA with administrative personnel that provides administrative support to the Office of the Speaker.

• Councillor Training Coordinator – who undertakes the training support programmes and welfare of Councillors.
CAPACITY AND MANAGEMENT STRUCTURE OF THE OFFICE

- Public participation unit under a manager with a team of public participation practitioners and aligned to the petitions team – fully fledged structure however given the importance of public participation – this may required reinforcement

- Council committee support unit under a manager however the capacity requires urgent reinforcement in order to undertake its work effectively and efficiently.
END OF THE PRESENTATION

THANK YOU