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GENERAL NOTICE

NOTICE 965 OF 2005

MINISTRY FOR PROVINCIAL AND LOCAL GOVERNMENT

**GUIDELINES FOR THE ESTABLISHMENT AND OPERATION OF MUNICIPAL WARD
COMMITTEES**

I, Fholisani Sydney Mufamadi, Minister for Provincial and Local Government, in terms of section 120, read with section 22, of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), after consultation with the MEC's for local government and organized local government representing local government nationally, hereby issue Guidelines for the Establishment and Operation of Municipal Ward Committees.

F S MUFAMADI

Minister for Provincial and Local Government

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Guidelines for the Establishment and Operation of Municipal Ward Committees



Department of Provincial and Local Government

GUIDELINES FOR THE ESTABLISHMENT AND OPERATION OF MUNICIPAL WARD COMMITTEES

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Preamble

Mindful of the legislative responsibility of ward committees in enhancing public participation in local government decision making,

Recognizing the need for ward committees to have guidelines on how to enhance public participation,

Desiring that ward committees engender and maintain the spirit of public participation in the community,

Guidelines to support ward committees in their all important task is hereby issued.

Definitions

1. In these guidelines a word or a phrase to which a meaning has been assigned in the Local Government: Municipal Structures Act, **1998** (Act No. 117 of **1998**) and the **Local** Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), has that meaning, unless the context otherwise indicates.

Purpose of Guidelines

2. To provide uniform and simplified guidelines to ward committee members, ward councillors and metropolitan and local municipalities on the establishment and operation of ward committees.

Establishment process

3. Only metropolitan and local municipalities of the "ward participatory type" may establish ward committees. **when-**
 - (a) Provincial legislation determines whether this type of municipality exists in the province;

- (b) The establishment notice (section 12 notice) of a municipality determines whether that particular municipality is of the "ward participatory type";
- (c) If a municipality is allowed, in terms of its establishment notice, to have ward committees, the council decided to have ward committees and it took this decision by resolution; and
- (d) Subsequent (or together with) the decision to have ward committees, made a resolution, adopting an establishment notice for ward committees.

Status of Ward Committees

- 4. (1) The object of a ward committee is to enhance participatory democracy in local government.
- (2) A ward committee:
 - (a) Is an advisory body;
 - (b) Is a representative structure;
 - (c) Is independent; and
 - (d) Must be impartial and perform its functions without fear, favour or prejudice.

Functions and Powers of Ward Committees

- 5. (1) A ward committee may make recommendations on any matter affecting its ward to the ward councillor; or through the ward councillor, to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan sub-council.
 - (2) A ward committee may have such duties and powers as may be delegated to it by the metro or local council in terms of Section 59 of the Municipal Systems Act.
 - (3) The following represents duties and powers that may be delegated to ward committees by municipalities:
 - (a) To serve as an official specialised participatory structure in the municipality;
 - (b) To create formal unbiased communication channels as well as cooperative partnerships between the community and the council. This may be achieved as follows:
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- (i) Advise and make recommendations to the ward councillor on matters and policy affecting the ward;
 - (ii) Assist the ward councillor in identifying challenges and needs of residents;
 - (iii) Disseminate information in the ward concerning municipal affairs such as the budget, integrated development planning, performance management system (PMS), service delivery options and municipal properties;
 - (iv) Receive queries and complaints from residents concerning municipal service delivery, communicate it to council and provide feedback to the community on council's response;
 - (v) Ensure constructive and harmonious interaction between the municipality and community through the use and co-ordination of ward residents meetings and other community development forums; and
 - (vi) Interact with other forums and organisations on matters affecting the ward.
- (c) To serve as a mobilising agent for community action within the ward. This may be achieved as follows:
- (i) Attending to all matters that affect and benefit the community;
 - (ii) Acting in the best interest of the community;
 - (iii) Ensure the active participation of the community in:
 - (aa) Service payment campaigns;
 - (bb) The integrated development planning process;
 - (cc) The municipality's budgetary process;
 - (dd) Decisions about the provision of municipal services; and
 - (ee) Decisions about by-laws.
 - (iv) Delimitate and chair zonal meetings.
- (d) No executive powers should be delegated to ward committee members;
- (e) A ward committee may express dissatisfaction in writing to the municipal council on the non-performance of a ward councillor.
- (4) A ward committee may, subject to available capacity and resources, conduct an annual satisfaction survey in order to assist the committee in the execution of its functions and powers. The satisfaction survey should be administered in the ward by ward committee members under the supervision of the ward councillor and with the administrative support of the municipality. Annexure A represents an example of such a survey.

Capacity Building and Training

6. (1) Ward committees should, with the assistance of the municipality, prepare an annual capacity building and training needs assessment for members of the committee.
- (2) An annual capacity building and training programme should be developed for each member of the ward committee.
- (3) An annual budget, taking into account any funds budgeted by the municipality, for the capacity building and training programme should be prepared according to the needs assessment.
- (4) The following requirements may be included in the training and capacity building programmes of municipalities:
- (a) Generic training needs, including:
- (i) Basic literacy;
 - (ii) Communication;
 - (iii) Interpersonal skills;
 - (iv) Community upliftment;
 - (v) Conflict management and negotiation skills;
 - (vi) Democracy and community participation;
 - (vii) Identification, monitoring and prioritisation of needs; and
 - (ix) Leadership.
- (b) Training needs on municipal policy and processes, including
- (i) Principles of good governance;
 - (ii) The establishment of ward committees, their terms of reference, nature and functions;
 - (iii) Municipal structures, legislation and processes (including CMIP, PMS and IDP);
 - (iv) Intergovernmental community development;
 - (v) Municipal Service Partnerships; and
 - (vi) Payment for services (indigent policy, credit and debt control policy);
- (c) Specialised training needs, including
- (i) Meeting procedures and secretariat services, including minute taking, report writing, and letter writing;
 - (ii) Administration, including clerical/administrative skills, bookkeeping and basic accounting;
 - (iii) Budgeting;
 - (iv) Monitoring and evaluation;

- (5) Unless a ward councillor, or municipality, wishes to appoint a secretary, the ward committee may appoint a secretary and assistant secretary from its membership to fulfill relevant duties of the ward committee.
- (6) A ward councillor may delegate in writing the chairing of a meeting in his/her absence to a proportional representation councillor or any member of the ward committee.
- (7) A ward committee may establish one or more sub-committees necessary for the performance of its functions and involve organisations more broadly.
- (8) A ward committee must appoint the members of such a sub-committee, appoint a chairperson from among its members and determine the function of such a committee.
- (9) The ward committee and sub-committees may meet together as a ward forum for major discussions.
- (10) All stakeholders in the ward are encouraged to participate in sub-committees that are relevant to their fields of interest and to their day-today functioning as a sector.

Election criteria

- 8. (1) A council is required to make rules regulating the procedure and criteria to elect members of ward committees.
- (2) The following election criteria may be applied for electing ward committee members:
 - (a) To be elected as a member of a ward committee, a person must be a registered voter in the ward;
 - (b) A person is not eligible for election if he or she works for the metro, local municipality or the district municipality within which the local municipality is demarcated;
 - (c) A person should not be in arrears to the municipality for rates and service charges for a period longer than three months;
 - (d) A person should not be an unrehabilitated insolvent;
 - (e) A person should not be elected who has been placed under curatorship;
 - (f) A person should not be elected who after February 1997 has been convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than twelve months;
 - (g) Persons of unsound mind who have been declared so by a competent court cannot be elected; and

- (h) Members should be active in the sector or geographic area they represent. They should be motivated to work on the ward committee by their commitment to working for a **better** life for members of their constituency.

Election Procedure

9. (1) A metropolitan or local municipality must make rules regulating the procedure to elect members to the ward committee taking into account the need for **women** to be equitably represented and for a diversity of interests to be represented.
- (2) Two different election models may be applied by municipalities. These models are based on **sectoral** and geographic representation, respectively. It is the responsibility of municipalities to decide on the applicability of each model. Since these models only represent frameworks, municipalities may decide to combine or adapt it according to specific circumstances.
- (3) **Sectoral** election model
- (a) Identification of interest groups:
- (i) The council identifies the key performance areas of each ward, for example, local economic development, **job** creation and basic services. The list of key areas of interest provided for under "Composition of Ward Committees" may be used for this purpose;
 - (ii) The council invites interest groups to state their interest in and concern **with** any of the key performance areas;
 - (iii) The council identifies the groups that have a demonstrable interest in any of the key performance areas and represent residents of the area; and
 - (iv) The council identifies the clusters of interest groups (no more than ten) that qualify for election.
- (b) Election should take place as follows (option 1-within the ward):
- (i) The ward councillor calls a meeting in the ward for the election of a ward committee;
 - (ii) Only residents who are registered voters may vote at the meeting;
 - (iii) In each cluster, identified groups nominate a representative;
 - (iv) The meeting votes by majority (50% plus one) for a representative of that cluster. If

no one obtains the majority the three candidates who received the most votes proceed to the next round.

(c) ***Election should take place as follows (option 2-within the council)***

- (i) The municipal council calls a meeting of all councillors for the election of ward committees to which all residents have been invited to attend;
- (ii) All councillors are entitled to vote at the meeting;
- (iii) In each cluster, an identified group will have nominated a representative;
- (iv) The meeting votes by majority (50% plus one) for a representative of that cluster. If no one obtains the majority, the three candidates who received the most votes proceed to the next round.

(4) Geographic election model

(a) ***Identification of interest groups should take place as follows:***

- (i) The council identifies the geographical area or villages or clusters of farms that will represent an equitable spread of the residents in the ward;
- (ii) Each geographical area or village or cluster of farms is requested to nominate a representative; and
- (iii) If five or less geographical areas or villages or clusters of farms are identified, a male and female representative should be nominated by each.

(b) ***Election should take place as follows (option 1-within the ward):***

- (i) The ward councillor calls a meeting in the ward for the election of a ward committee;
- (ii) Only residents who are registered voters may vote at the meeting;
- (iii) Each geographical area or village or cluster of farms nominates a representative; and
- (iv) The meeting votes by majority (50% plus one) for a representative of each village, geographical area or cluster of farms.

(c) ***Election should take place as follows (option 2-within the council)***

- (i) The municipal council calls a meeting of all councillors for the election of ward committees to which all residents have been invited to attend;
- (ii) All councillors are entitled to vote at the meeting;
- (iii) Each geographical area, village or cluster of farms would have nominated a representative; and

- (iv) The meeting votes by majority (50% plus one) for a representative of each geographical area, village or cluster of farms.
- (5) The type of election process conducted is left to the discretion of the municipality and is subject to respective levels of capacity. However, it is encouraged that in wards where communities/structures are known to be highly politicised, a formal ballot process is to be followed. In the medium to long term, all municipalities should aim to follow formal ballot processes for ward committee elections.
- (6) The election process is to be co-ordinated by the administrative division of the municipality with the consent of the municipal council.
- (7) The following election procedures are proposed:
 - (a) The ward councillor and office of the speaker or other designated political functionary must co-ordinate a schedule of meetings for election purposes;
 - (b) The ward councillor and administrative assistant (if applicable) must ensure that:
 - (i) Meetings are fully representative of almost all villages/stakeholders within the ward, although no quorum for the elections is required;
 - (ii) An attendance register is completed;
 - (iii) All people taking part should be registered voters of that ward; and
 - (iv) Women are equitably represented.
 - (c) Voting may take place by a majority show of hands or formal ballot.

Conduct of Members

- 10. (1) A member of the committee:
 - (a) Must perform the functions of the committee in good faith and without fear, favour or prejudice;
 - (b) May not use the position or privileges of a member for private gain, or to improperly benefit another person;
 - (c) May not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee;
 - (d) Must adopt the principle of accountability to the community and all political parties represented in council;
 - (e) Must be accessible for the community and ensure that all role players can relate to the process and the issues at hand and are able to make their input into the processes of the committee;

- (f) Must adopt the principle of transparency to promote openness, sincerity and honesty among all the role-players in a participative process and promote trust and respect for the integrity of each role-player and a commitment by all to the overriding objectives of the process in the interest of the common good;
 - (g) Must recognise diversity and understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation, among others;
 - (h) Must embrace all views and opinions in the process of community participation. Special effort should be made to include previously disadvantaged persons and groups, including women and youth in the activities of the ward committee;
 - (i) Must provide an apology with a valid reason to the chairperson of the committee if a meeting cannot be attended.
- (2) Ward committee members must sign a Code of Conduct, which should be administered by the ward councillor. A draft Code of Conduct, which may be amended and adopted by a ward committee meeting, is **contained** in Annexure B.

Ward Committee Meetings

11. (1) Chairperson

- (a) Ward committee meetings are convened and chaired by the ward councillor.
- (b) Members of the ward committee must submit items to be discussed, well in advance to the chairperson.
- (c) The chairperson will be responsible to prepare an agenda for ward committee meetings.

(2) Frequency of meetings

- (a) A metropolitan or local municipality must make rules regulating the frequency of meetings of ward committees.
- (b) Ward committees must at the beginning of the year determine a programme for ward committee meetings so as to coincide with meetings of the municipal council.
- (c) Regular meeting intervals need to be determined.
- (d) A ward committee must meet at least quarterly.
- (e) **All** ward committees in a municipality should as far as reasonably possible adhere to the **same** meeting intervals.

(3) Quorum and decisions

- (a) A majority of ward committee members must be present before a vote may be taken on any matter (50% + one member).
- (b) A ward committee shall endeavour to take decisions based on consensus.
- (c) If consensus on any matter cannot be achieved, such matter may be determined by a supporting vote of at least the majority of the members of the committee (50% + one of the committee members present).

(4) Public meetings (ward meetings)

- (a) Public meetings are mainly held in order-
 - (i) To register the concerns and inputs of the community with regard to service delivery, general development of the community, disaster management and any other municipal concern the community may have; and
 - (ii) To report back to the public on issues that affect it.
- (b) Ward or public meetings should be chaired by the ward councillor. A ward councillor may delegate in writing the chairing of the meeting in his/her absence to a proportional representation councillor or any member of the ward committee.
- (c) If the committee decides to hold a public meeting it may publish a notice in a news paper circulating in the area concerned, stating the time, date and place of the meeting or each meeting and inviting the public to attend the meeting or meetings.
- (d) The scheduled date, time and place of the public meeting should be convenient so as to encourage the greatest number of people to attend. The venue-
 - (i) Must be in a well known place;
 - (ii) Must be easily accessible and where possible, also disabled-friendly; and
 - (iii) Must be large enough to accommodate all people present.
- (e) Where the jurisdiction of a traditional authority extends to the ward where a public meeting is to be held, the relevant traditional authority should be informed of the public meeting.
- (f) When the committee publishes a notice, it must convey, where appropriate, by radio or other appropriate means of communication, such as direct mail outs and posters or notices in key areas such as clinics, schools, bus stops and libraries, the contents of the notice in the area concerned.
- (g) At a public meeting a representative of the committee must-
 - (i) Explain the meeting procedures, such as adoption of agenda and time allowed for questions;

- (ii) Explain the issues the committee has to consider, including any options open to the committee;
 - (iii) Allow members of the public attending the meeting to present their views on these issues;
 - (iv) Answer relevant questions;
 - (v) Keep minutes of the meeting and inform the public that ward committee meeting and public meeting minutes are public documents, and that the community has access to these documents and may make copies at their own cost; and
 - (vi) Give feedback on previous issues, including reasons if there is a lack of progress.
- (h) Public meetings are not political platforms and ward committee members and the public should refrain from making party political statements, campaigning and canvassing.
- (i) For the purposes of participation in public meetings, a ward committee may keep a register of interest groups and organisations that are active in the ward. An example of such a register is contained in Annexure C.

(5) Procedures

A ward committee with a supporting vote of the majority of its members may determine its own procedures subject to any directions of the chairperson .

(6) Work programme

The ward committee:

- (a) must submit a programme with specific outputs of work for one year to the office of the speaker or other designated political functionary in July of each year;
- (b) must perform the functions as set out to achieve and indicated in the work programme;
 - (i) on own initiative;
 - (ii) on request by the ward councillor;
 - (iii) on request by the speaker or other designated political functionary; and
 - (iv) in accordance with priorities and reasonable time frames determined by the speaker or other designated political functionary.

Administrative Support

- 12. (1)** Municipalities must make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

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- (2) Section 16(1)(c) of the Municipal Systems Act (No. 32 of 2000) also requires that municipalities use their resources and allocate funds in their annual budgets for community participation.
- (3) Administrative support may include the following:
- (a) The promotion of ward committees in the community – informing the communities of the roles and responsibilities of ward committees. A practical example in this regard may be the provision of formal identification cards to ward committee members in order for them to be recognised as legitimate ward committee members amongst the community;
 - (b) The permanent availability of an administrative staff capacity to attend all scheduled/non-scheduled ward committee meetings and to assist the ward councillor and members in fulfilling their clerical and administrative functions. The exact nature and extent of such capacity may differ from municipality to municipality. In larger municipalities this could take the form of a staff member to co-ordinate the work of ward committees as well as support the constituency work of a number of ward councillors. In smaller municipalities this could mean a portion of the work time of one administrator to deal with bookings, arrangements and minutes of meetings;
 - (c) To identify/build/arrange central meeting places in the ward where communities have access to information and where ward committees can conduct meetings;
 - (d) To provide the necessary logistical resources, including furniture, computers and stationery for ward committees to fulfil their functions;
 - (e) To assist with the translation of information and documentation for the community;
 - (f) To assist the ward committees in fulfilling their tasks, including the provision of additional capacity and advertising campaigns required for purposes of arranging larger public meetings, if necessary;
 - (g) To provide municipal transport to ward councillors and ward members in particular circumstances at the request of the ward councillor, especially in rural areas;
 - (h) To develop and provide capacity building and training programmes for ward committees on an ongoing basis during their term of office; and
 - (i) To facilitate ward committee elections.

Term of Office

13. (1) Members of a ward committee are elected for a term determined by the metropolitan or local council.
- (2) It is recommended that members of a ward committee are elected for a period of no less than two years, and no longer than three years.

- (3) It is further recommended that a municipality apply the same term of office with regard to all its ward committees.

Vacancies

- 14.** (1) If a vacancy occurs among members of a ward committee, it must be filled in accordance with a procedure determined by the metropolitan or local council.
- (2) The following procedure may be considered in this regard:
- (a) The ward councillor must **fill** a vacancy by declaring as elected the person who received the second highest number of votes in terms of the previous election; and
- (b) If nobody can be declared elected in the above manner, the election process must be repeated.

Termination of membership

- 15.** The following may serve as sufficient motivation to terminate the membership of a ward committee member:
- (1) Death;
- (2) Resignation;
- (3) Relocation from ward;
- (4) Election to position of councillor
- (5) Failure to attend three consecutive meetings of the ward committee without apology;
- (6) Proven involvement in corruption;
- (7) Failure to adhere to meeting procedures or misconduct during ward committee meetings;
- (8) Not submitting priorities with the mandate of the community;
- (9) Being involved in proven activities that undermine the council or ward councillor's authority;
- (10) Dismissed in accordance with a resolution of the ward committee or by the executive mayor or executive committee of the council in consultation with the ward councillor and the speaker or designated political functionary;
- (11) Ceases to be a member of the organisation he/she represents;

- (12) Is insolvent or declared mentally incompetent by a competent court.

Budget

- 16. (1)** No remuneration is to be paid to ward committee members.

- (2) Municipalities may annually budget for:

- (a) Ou. of pocket expenses of members of ward committees in respect of their participation in ward committees;
- (b) A municipal council must determine the criteria for, and calculation of, the out of pocket expenses referred to in subparagraph (a); and
- (c) Capacity building and training programmes for committee members.

Accountability

- 17. (a)** The ward councillor must ensure that full and proper records are kept of the minutes of ward committee meetings;
- (b) Ensure that the committee's available resources are properly safeguarded and used in the most effective and efficient way;
 - (c) Ensure that all statutory measures applicable to the committee are complied with;
 - (e) Ensure that all recommendations made by the ward committee is formalised and submitted to the office of the speaker or other designated political functionary for presentation to the council at intervals determined by the speaker or other designated political functionary;
 - (f) Must report a view adopted by the ward committee to the council but may indicate his or her disagreement with the view in the report;
 - (g) Ensure the production of a progress report on **major** achievements and areas of failure, with reasons, within two months after the end of the financial year;
 - (h) Submit the progress report to the speaker or other designated political functionary for a review of the performance of the committee; and
 - (i) Implement any corrective measures to ensure effective and efficient performance of the committee as suggested by the speaker or other designated political functionary.

Dispute Resolution

18. The following mechanisms are recommended when disputes arise within ward committees:
- (a) Every effort should be made to deal with disputes;
 - (b) When a dispute arises, the ward councillor should appoint a person or persons, the maximum being two, to attempt and resolve the dispute through mediation;
 - (c) If the attempt at mediation fails, the matter is then submitted to the ward councillor who should arbitrate, provided that the matter does not involve the councillor and the majority of the members of the committee;
 - (d) If the majority of committee members remain aggrieved, the matter should be taken to the council through a channel decided upon by council or through the office of the speaker or other designated political functionary. This should be avoided as far as possible.

Dissolution

19. (1) A council may dissolve a ward committee if it fails to fulfil its object.
- (2) The following may serve as an indication that a committee may exceed its functions and fails to fulfil its object:
- (a) When it fails to meet three consecutive times;
 - (b) When members decide to dissolve it; and
 - (c) When maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in a committee.
- (3) There should be due notice before a council proceeds to dissolve a ward committee.

Annexure A

Satisfaction Survey Questionnaire

Name of the municipality: _____

Name of the ward councillor: _____

Ward number: _____

Name of the ward committee member administering the questionnaire:
_____1. What is the important **need(s)** in your area?

Water
Electricity
Refuse removal
Sewerage systems
Telephones
Roads
Any other need not listed

2. Do you think that the municipality is responding to the **need(s)** identified above?

3. Are you satisfied with the services and quality of services provided by the municipality?

4. Is there any significant development or improvement of your area since the inception of the municipality?

Name such development. _____

5. Are you happy about the general development in your ward since the inception of the municipality?

Yes ☐ or No ☐ (tick the appropriate **box**)Why?

Annexure B

Ward Committee Code of Conduct

Interest of the community

- (i) Committee members must at all times advance and act in the interests of the ward community;
- (ii) Committee members must not use their position to promote personal ~~or~~ private interest;
- (iii) Conduct of ward committee members should not be influenced by or dictated to by improper motives;
- (iv) In the execution of their functions, committee members must not favour any individuals, groups or organizations.

Ward committee meetings

- (i) Committee members must strive to attend all ward committee meetings;
- (ii) Committee members must submit a legitimate reason if they are unable to attend ward committee meetings
- (iii) Committee members who are unable to attend a ward committee meeting must tender his or her apology stating reasons why he or she is unable to attend;
- (iv) Committee members may not be absent from ward committee meetings three times in succession without a legitimate excuse;
- (v) Failure to attend three ward committee meetings in succession without a legitimate excuse will result in a member losing his membership; and
- (vi) Committee members must refrain from engaging in disruptive behaviour during meetings.

Political matters

- (i) Committee members should avoid political conflicts among themselves and must also avoid political conflicts between themselves and the ward councillor;
- (ii) In their interaction with the community, committee members must not discriminate on the grounds of political affiliation, culture,

race gender, sexual orientation, disability, religion or on any other grounds that would constitute unfair discrimination;

- (iii) In the execution of their duties committee members must not advance the interest of any political party; and
- (iv) Committee members may not use ward committee meetings as a political platform or forum or to canvass for political support for re-election as a ward committee member or as a ward councillor in the next local government elections;

Conflicts

- (i) Committee members must avoid conflicts among themselves and between themselves and the ward councillor;
- (ii) Conflicts should be dealt with as provided for in the guidelines.

Declaration

Name _____ of
municipality: _____

Number _____ of
ward: _____

I, **declare** that **I** have read the Code of Conduct for Members of Ward Committees and that **I** understand it and agree to be bound by the Code of Conduct in the execution of my duties and functions as a Ward Committee member.

Signature.. ..

Date:

Annexure C

Register of all active organisations in the ward

Name of municipality: _____

Name of the ward councillor: _____

Ward number: _____

Year: _____

Name of organisation	Sector or area of activity	Postal address	Contact person and position within the organisation