CHAPTER 3

THE ROLE AND PURPOSE OF LOCAL GOVERNMENT

3.1.   INTRODUCTION

The existence of local government has always been defended on the basis that it is a crucial aspect of the process of democratization and intensification of mass participation in the decision-making process. No political system is considered complete and democratic if it does not have a system of local government.

Local government serves a two-fold purpose. The first purpose is the administrative purpose of supplying goods and services; the other purpose is to represent and involve citizens in determining specific local public needs and how these local needs can be met. Local representative government is a process that spans and connects representation and administration at local levels within local government structures. In order to understand the function and structure of local government, it is important to define local government and understand the meaning of local government democracy and values. The significance of local government will be addressed. With these aspects of local government in mind, attention will be directed towards the typical structure of local government as the administrative structure of local government forms the basic framework where in local public policy is determined and implemented. Therefore attention will be directed to the composition of councils and their activities.

3.2.   DEFINING A LOCAL GOVERNMENT

Local government is a product of devolution as a dimension of decentralization. Olowu (1988: 12) remarks:

There are two approaches to the definition of local government in the literature. One approach, which is usually adopted in comparative studies, is to regard all such national structures below the central government as local government. A second approach is more circumspect in that local governments are identified by certain defining characteristics. These characteristics usually focus on the following five attributes: legal personality, specified powers to perform a range of functions, substantial budgetary and staffing autonomy subject to limited central control, effective citizen participation and localness. These are regarded as essential to distinguish it from all other forms of local institutions and also ensure its organizational effectiveness.

These so-called essential features of local government are misleading. Not all local governments provide an opportunity for effective citizen participation. There are various issues to be considered. A number of questions arise. How is effective citizen participation determined? Is it determined in terms of electoral participation? Is citizen participation unique to local government? With these issues in mind it appears that the same problems afflict identifying legal personality as a feature of local government, for legal personality is not a monopoly of local government. Robson (1937: 574) defines local government from a legal point of view as follows:

In general, local government may be said to involve the conception of a territorial, non-sovereign community possessing the legal right and the necessary organization to regulate its own affairs. This, in turn, pre-supposes the existence of a local authority with power to act independent of external control as well as the participation of the local community in the administration of its own affairs...

Gomme (1987: 1-2) defines local government in the following manner:

Local government is that part of the whole government of a nation or state which is administered by authorities subordinate to the state authority, but elected independently of control by the state authority, by

qualified persons resident, or having property in certain localities, which localities have been formed by communities having common interests and common history...

Both Robson and Gomme seem to emphasize independence whilst local governments are actually not independent of central government control. Local governments enjoy only relative autonomy, due to the division of responsibilities for services between national and local government. It should be noted that the division of responsibilities is a political or policy issue. There are several preconditions that determine successful relationships between central and local government as indicated by the World Bank (1989: 88) and Heymans & Totemeyer (1988: 6). These are:

(a) the need and urge for a strong system of local government in a democratic political environment;

(b) that local government be allowed to play a vital role as a full partner in regional and national development;

(c) a fair division of financial resources between central, regional and local bodies;

(d) a fair division of human resources between central and local government;

(e) formal and effective checks and balances between central and local government;

(f) full and adequate consultation and a regular flow of accurate information at and between all levels;

(g) the full participation of each citizen, irrespective of race and gender at all levels of administration and government – thus, the extension of democracy to all spheres of government;

(h) political and social harmony;

(i) defined legal relations between the different levels of government and the ability for local pressure on central government to change legislation;

(j) trust and honesty as basic principles of government; and

(k) openness to innovation.

Local governments should be seen as the cornerstones in the structure of a democratic political system since local government serves as a vehicle for intelligent and responsible citizenship on this particular level. Marshall's (1965: 1) definition seems to come closer to the real features of local government and identifies three distinct characteristics: "operation in a restricted geographical area within a nation or state; local election or selection; and the enjoyment of a measure of autonomy…"

Meyer (1978: 10) defines local government as follows:

> Local democratic governing units within the unitary democratic system of this country, which are subordinate members of the government vested with prescribed, controlled governmental powers and sources of income to render specific local services and to develop, control and regulate the geographic, social and economic environment of defined local area.

One could argue that the weakness of Meyer's definition is that it includes democracy as an essential element of local government whilst a local government can exist without being democratic in the same way that a national government can exist in a country without that government being democratic. For instance, a government brought into power through a *coup de' etat* may be called repressive and undemocratic. It is thus also possible to refer to an undemocratic local government.

In spite of this weakness in Meyer's definition, it seems to capture the essence of local government, which is closely linked to the distinct characteristics identified by Marshall. The essence, therefore, is that local government is a government institution with limited legislative power and authority, which operates within clearly defined geographical and legal jurisdiction, within a nation or state. The defining feature of local government is the authority to enact legislation within the defined jurisdiction and therefore the enjoyment of a measure of autonomy. These characteristics of local government should be considered with the restructuring of local government so as to ensure that the purpose of local government is not overlooked.

3.2.1. LOCAL AUTHORITY

A local authority, sometimes also referred to as a municipal authority, is a term that refers to a rural and urban political subdivision below the national level which is constituted by law and has substantial control of local affairs, and which includes authorities in counties, municipalities, cities, villages and others. The term excludes district or regional subdivisions of the national government that are set up solely for national administrative purposes (United Nations, 1997: vi).

Local authorities are created to render services in defined geographical areas, primarily because of the inability of central government to attend in detail to all the requirements of society that have to be satisfied by a government institution. The range of urban services provided by local authorities in developing countries, more particularly in Africa, are, *inter alia,* parks, street cleaning, sanitation, refuse collection, road construction and maintenance, housing, water and sewerage, primary education, clinics, residential and industrial estates, planning and zoning, fire and ambulance services, camping sites and recreational services (Meyer, 1978: 12).

A local authority is thus a public institution functioning under the direction and control of an elected council but subject to the directives of the national and

provincial legislative and political executive institutions. A local authority is a corporate body which is a legal person and exists separately from and independently of the persons who head it. Local authorities are created to give residents of their area a say in the government and administration of local affairs and are vested with specific powers to enable them to make by-laws, which are not inconsistent with the legislation passed by Parliament and provincial legislatures. Local authorities are usually headed by councils consisting of elected members. In other words local authorities are intended to be democratic institutions which are responsive to real needs and the justifiable expectations of people. They are thus subject to public accountability and therefore, it is important to focus on local government democracy.

3.3.   LOCAL GOVERNMENT DEMOCRACY

Local government is the third level of government deliberately created to bring government to the grass-roots population and gives the grass-roots population a sense of involvement in the political processes that control their daily lives. Democracy denotes a political system in which the eligible people participate actively not only in determining who governs them, but also in shaping the policy output of their government. The composition of a government is usually determined in free and fair elections supervised by an impartial body. Gildenhuys *et al* (1991: 124) are of the opinion that there are specific democratic values that can serve as guiding principles for local government management and development. These democratic values will, therefore, be analyzed.

3.3.1. LOCAL GOVERNMENT AND DEMOCRATIC VALUES

The reconciliation of conflict through local policy and decision-making identifies common collective needs and the equitable allocation and

application of scarce public resources amongst competing needs. As indicated in Gildenhuys *et al* (1991: 124), these values are as follows:

(a) the application of resources must satisfy the collective needs of individuals. The object of local government is to serve individuals in communities. In democratic theory, local government exists for the sake of the individual and the individual does not exist to support the local government financially or otherwise;

(b) direct participation in decision-making by citizens. This could be achieved through town meetings in small communities and through ratepayer associations, vigilante groups and social/political associations in larger communities. Direct or indirect public participation and decision making is an imperative for democratic local government;

(c) valuing responsibility and accountability arising from the tenets of democracy. Councillors must be sensitive to public problems and needs, feel responsible for satisfying those needs and problems and realize their accountability to the public. This calls for frequent interaction between councillors and the electorate;

(d) taking responsibility for management of programme effectiveness in order to ensure that needs are satisfied efficiently and effectively; and

(e) social equity emanating from the tenets of democracy. The conventional and classical philosophy of local government and management revolves around the following: Do municipal services rendered by local authorities enhance social equity? One of the main principles of social equity is the maintenance of high ethical and moral standards.

The effective implementation of democratic values requires councillors and officials with integrity, which in turn demands fairness, reasonableness and honesty. Social equity may also demand that local government development should take place in such a manner that the rule of law will prevail (Cloete,

1993: 24 – 25). In the context of local government this means in accordance with Gildenhuys *et al* (1991: 125), that:

(a) local authorities should not be allowed to exercise discretionary powers that are too wide and unrestrained and nor should they be allowed to act in an arbitrary manner;

(b) all citizens should be equal under local law and should be treated equally in terms of such law;

(c) the judiciary should function independently of local authorities and judges; and

(d) magistrates should act as independent guardians to ensure that the rights and freedom of individuals are respected.

Social equity requires the support of well-known tenets of democracy. The objective of democracy is to create conditions under which each individual may achieve his greatest welfare and prosperity (Cloete, 1993: 25). The machinery of local government should be organized in such a way that it will allow mutual deliberation and consultation to attain the objectives of democracy. Caution should be exercised at all times to ensure that the interests of one group are not unfairly prejudiced or those of another unjustly favoured. Furthermore, there should be no secrecy in local government administration. The citizenry observing or investigating the particular activity should have the right and freedom to express their views on the matter. With democratic values in mind, it is important to focus on the significance of local government.

3.4.   THE SIGNIFICANCE OF LOCAL GOVERNMENT

The existence of local government has always been defended on the basis that local government is a crucial aspect of the process of democratization

and intensification of mass participation in the decision-making process. It is furthermore argued that no political system is considered to be complete and democratic if it does not have a system of local government. (Mawhood, 1993: 66; cf. also Wraith, 1964: 118).

A number of reasons have been advanced as to why a system of local government is essential. These reasons are that it is:

(a) training ground for mass political education;
(b) training ground for political leadership; and
(c) that it facilitates government accountability.

The aforementioned forms a crucial part of the need for the existence of local government. The role and purpose of local government is furthermore strengthened when these reasons for it are considered.

3.4.1. TRAINING GROUND FOR MASS POLITICAL EDUCATION

The system of local government has been advocated and supported as it is generally believed that the system of local government serves as a training ground and nursery school for mass political education and mobilization. In this regard Tocqueville (1935: 631) remarks as follows:

> town meetings are to liberty what primary schools are to science: they bring it within the people's reach, they teach men how to use and how to enjoy.

Marshall (1965: 59) is more explicit stating the following:

> a principal objective of local government is that it should foster healthy political understanding. The citizens learn to recognize the specious demagogue, to avoid electing the incompetent or corrupt

representative, to debate issues effectively, to relate expenditure to income, to think for tomorrow.

This does not imply that the mere existence of local government will automatically lead to the development, nourishment and maturation of a public spirit of political awareness and consciousness. Intensive political mobilization programmes must be introduced by these institutions to galvanize the public into active and meaningful political involvement. This will enable people to see the usefulness of local government and their role in the process of decision making. Conscious political work by local government councillors, carried out with the explicit and vowed aim of intensifying, accelerating and directing the participation of people in local politics lets the public sees local government as just another bureaucratic government institution (Holm, 1971: 61).

3.4.2. TRAINING GROUND FOR POLITICAL LEADERSHIP

Local government is essential as it provides training ground for political leadership, especially for those intending to venture into the arena of national politics, and in this regard Laski (1931: 31) remarks:

> If members (M.P.'s) were, before their candidature was legal, required to serve three years on a local body, they would gain the feel of institutions so necessary to success.

There is some merit in this logic, but it cannot be logically deduced that legislators with some experience in local government politics are better national legislators than those without it. There is no doubt that participation in local government politics provide an opportunity for councillors to gain experience in the mechanics of politics such as the process of law-making and budgeting (Laski, 1931: 31). Letting councillors experience the mechanics of politics will impact on the restructuring of local government, as will be indicated in ensuing chapters.

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3.4.3. FACILITATION OF GOVERNMENT ACCOUNTABILITY

Local government is generally seen as a defense mechanism against arbitrary power by government as it is a means whereby an unhealthy concentration of power at the centre is prevented. Local government, it is claimed, discourages the tyranny of the centralization of power and, in this regard Smith (1985: 27) states that:

> There is some truth in the proposition that local democracy provides for greater accountability and control than field administration, public corporates and appointed agencies. The processes involved in local government make accountability more meaningful because of the elective elements linking bureaucrat and citizen. The political activities inherent in local government, i.e. elections, rule-making, political pressure, publicity and public debate – close the gap between the citizen and the administration and provide opportunities for grievances to be aired and wrong remedied.

Whilst the above may be true, there is a strong feeling that local government is, unfortunately, prone to corruption (Olowu, 1988: 12). Stewart (1983: 8) remarks in this regard:

> Where such accusations are made, and justifiably so, they are made because of the very visibility of local governments. There is no official secret act guarding even routine decisions from public scrutiny. Committees of local authorities generally meet in public and their agendas are open in ways that would horrify civil servants or central politicians. The system is open and provides thereby correctives to reveal defects.

Commenting on the African situation with regard to complaints that local governments are prone to corruption, Olowu (1988: 20) observes that:

When the first books on corruption in African countries were published, they concentrated on the local government level. Local governments in some parts of Africa were described as a conspiracy against the public, an institution that is riddled with 'bribery, nepotism, politics and corruption.' Over the years, as more documentation on corruption in central governments has accumulated, it has become evident that corruption is a universal problem for all governments in all countries.

The argument is persuasive and has merit, for the central government is not only geographically distant but also psychologically and socially distant. In developing countries a physical infrastructure is necessary to facilitate communication between the central government and the people. A local government can therefore become a viable and flexible instrument for promoting and facilitating good governance and public accountability. Held (1987: 15) aptly comments in this regard that:

> The affairs of government and national politics are not things many claim to understand, nor are they a source of sustained interest. Significantly, those closest to the centres of power and privilege are the ones who indicate the most interest in and are most favorable to political life. However, it may well be that those who express lack of interest in politics do so precisely because they experience 'politics' as remote, because they feel it does not directly touch their lives and/or that they are powerless to affect its course.

Local government may, therefore, assist to put some measure of power in the hands of the masses, thereby making the notion of government of the people, by the people, and for the people a little more realistic. Latib (1995: 8), in this regard, remarks:

> Far too much attention has historically been placed on compliance and process ... what is needed is the building of a broader community perception of accountability ... This broader perspective implies that accountability should be based on an overall concept of governance.

This approach emphasizes not only political representation and the supremacy of political structures in the accountability process, but also interactive processes with civil society.

Conceptualized in this way, accountability becomes an integral component of the democratic process. Local government can go a long way to enriching accountability. Accountability may require extensive efforts to remove or at least reduce the cynicism of the 'ordinary' people, and the absolutely poor who see politics as a sophisticated game designed by a small clique of power holders to manipulate and cheat them (Holm, 1989). For the 'ordinary' people and the absolutely poor have come to believe that government by the majority is merely a tantalizing mask, an illusion, which masks what really happens in the body politic. The body politic is embodied in the structure of local government and will subsequently be discussed.

3.5.   THE STRUCTURE OF LOCAL GOVERNMENT

The administrative structure of local government is the framework within which local public policy is determined and implemented. The structure of an organization not only determines the relationship between the organs but also its character and strength.

A distinction must be drawn between formal static structures and the more informal kinetic structures. The static structures may be reduced to a set of laws and an organizational chart, which diagrams the skeleton and organs. The informal structures, by contrast, form complex living bodies, which are best described in terms of what the body does rather than how it is made up. The Council and its committees as legislative authorities and, the Chief Executive Officer and staff as administrative authorities will therefore be discussed as the organs of deliberation and representation.

3.5.1. THE COUNCIL

The council is the main representative organ of local government. A council is an essential part of every unit of local representative government. The role of the council as a representative body varies with the evolution and the mechanics of the processes of local government in each country. The degree to which a local unit has a representative government depends largely on two factors. The one factor is the extent to which the membership of a council represents and is answerable to the public, and the other factor is the extent to which the council has the authority and power to define local policy objectives and to have these objectives implemented (Humes & Martin, 1969: 80-81).

A unit of local representative government has one or more representative organs with some authority to govern. Almost invariably one of these organs is the council, which offers the opportunity to discuss and give advice on local issues, but also has the responsibility for making decisions authorizing or directing the local staff to perform tasks. The council makes decisions by such acts as passing the budget, enacting ordinances and by-laws and making or approving appointments (Humes & Martin, 1969:82). The council approves and in many cases amends proposals submitted to it, and generally may take the initiative in making proposals. A council with decisive authority may take decisions regarding matters of overall policy objectives or of relatively more minor matters concerning the routine co-ordination of staff (Humes & Martin, 1969: 82).

The number of members of local councils varies, in general, with the population of the unit of local government. The size of councils, however, is also closely interrelated to their role in local government structures. The largeness or the smallness of the council affects its representative character, its effectiveness and the nature of its deliberations (Humes & Martin, 1969: 86).

Large councils must rely heavily on the executive organs, or on the committees of council or both, to be effective. A large council makes it possible to have more citizens participate in local government work, therefore making local government more representative and closer to the people. Size is a relatively minor factor in the determination of the representative character of a council; more important are the methods of selection and the degree to which the members of council can responsibly and effectively represent the will of the electorate. A council with a very small membership often allows little opportunity for the expression of minority opinions and may thus be at a disadvantage in knowing the thinking, desires and needs of the people (Humes & Martin, 1965: 86-88).

Private citizens appointed to the council are selected for a variety of reasons. Upon appointment to the council these private citizens are referred to as councillors. Councillors may be leading citizens who contribute wisdom to the discussions of council and stature to its public image. Councillors may also be political supporters of the party leadership, which controls the nomination, or they may represent minority groups whom it is politically advantageous to include on the council. Appointed councillors are frequently among the hardest workers in council activities (Laski, 1936: 87). Supporters of the appointment method of selecting councillors emphasize the importance of having some members who can afford to ignore the political pressures faced by those who must contest elections. Appointed members are more sensitive to the wishes of the political leadership responsible for their appointment than to public sentiment. Terms of office for a councilor, therefore, should be short enough to provide for electoral control, but long enough to provide time effective action and continuity (Steiner, 1956: 190).

3.5.1.1. THE COUNCIL CHAIRPERSON AND THE SECRETARY

No council can operate without a chairperson. The function of the chairperson is to promote and maintain orderly discussion within the council. The chairperson is responsible for order and his/her unique position of being the

focus of all remarks in the course of a council meeting provide him/her with ample opportunities for guiding the discussions (Wheare, 1955: 39-40).

The chairperson has some opportunity to influence council decisions by virtue of his/her participation in the developing of the agenda for the council session. Usually this is drawn up in co-operation with the secretary or clerk. The chairperson is in a crucial position to determine what items will be discussed and in what order. The chairperson moderates or controls the discussion (Wheare, 1955: 39-40). The chairperson exerts influence over the discussion and decisions by recognizing and encouraging speakers as well as by discouraging others, by the manner in which he accepts, defers and declines motions and amendments and even by the timing of calls for meetings. The chairperson is expected to exercise an impartial role. Council election is the general method for choosing a chairperson (Humes & Martin, 1969: 96).

A secretary of council has the task of recording the minutes, keeping the records and usually the actual preparing of the agenda. This official must work closely with the council chairperson and usually is in a strategic position to give the latter advice on the initiation and guidance of council deliberations. Usually the council secretary is a salaried full-time career official in the local administration. His/her knowledge of administration and his/her experience in local government make his/her advice valuable and therefore less likely to be ignored (Humes & Martin, 1969: 96-97).

3.5.2. THE EXECUTIVE COMMITTEE

Due to the limited size of the council it is difficult for the council as single structure to perform all the actions necessary within local government. Therefore certain supportive structures have been created to assist the council in the execution of its tasks. One of these structures is the Executive Committee.

The Executive Committee is an executive organ of a unit of local government that has the central overall task of directing, initiating and co-ordinating all or most of the activities of the unit. There are three essential, interdependent duties of an executive organ: initiation, integration and interpretation. An executive organ is expected to take the initiative in developing and implementing those measures, which are in the best interests of the public and those that are necessary for the efficient administration of local services. A second essential duty of an executive organ is integration; it is expected to integrate and co-ordinate all the various local activities into one effective whole. Another essential duty of an executive organ is interpretation for the making and implementing of policy is one continuous process of exposition. Policy objectives must be interpreted to those who help with implementation if the tasks are to be carried out meaningfully (Humes & Martin, 1969: 113-114).

The executive committee of a local government is a plural executive organ composed of elected persons. It is responsible to the council and generally has fewer than eight members. The elected persons on the executive committee are chosen by and from the council. The term of office of the elected executive committee members coincides with the term for the council (Urwick, 1957: 44-45).

The tasks of the executive committee could be divided according to two different points of view. The one viewpoint is from the side of the council to whom the executive committee is responsible; the other viewpoint is from the side of the staff for whose activities the executive committee is responsible. In the representative aspects of the process of local government, the executive committee is the steering committee of the council and is expected, along with the chief executive officer (to be discussed further on in the chapter), to provide overall initiative in the policy-making process. The executive committee also goes over the council agenda and makes recommendations on the items to be discussed and the final form of the proposals to be submitted to council. An executive committee generally has broad latitude to exercise discretion as long as decisions are in accord with policy as determined by the council. The executive committee usually also has a fairly

broad power to make decisions on matters which come up between council sessions and cannot be held over until a succeeding meeting. The executive committee is responsible for the overall co-ordinated implementation of the decisions of the council (Locke, 1957: 1-7).

The importance of the executive committee is demonstrated by the fact that the chairperson is almost invariably the most important single position in the local government structure from which the formulation, exposition and implementation of municipal policy can be influenced. The role of the executive committee chairperson is dependent on the extent of his executive power, both within the executive committee and in other capacities. It is inevitable that the collective power of the executive committee is focused to some extent on the chairman. The prerogatives of the chairperson as presiding officer of the executive committee meetings provide him/her with a natural opportunity to present ideas, guide discussions and influence decisions (Locke, 1957: 1-7). The capacity of the chairperson to focus this collective power in himself/herself is strengthened by the fact that he/she is usually accepted by most, if not all, of the executive committee members, as well as by the council, as the leader and representative of the executive committee.

The executive committee considers matter referred to it by the standing committees and special committees. An analysis of the functions and composition of these committees follows.

3.5.3. SPECIAL AND STANDING COMMITTEES OF COUNCIL

A distinction has to be made between standing committees and special committees. Special committees, or *ad hoc* committees, are appointed for a special task and their existence is expected to terminate upon completion of that task. A standing committee is a continuing body although its membership may change. A standing committee is considered to be permanent, at least until there is a general reorganization of the system of committees of a

council. Standing committees play the more important roles in the continuing process of local government (Laski, 1936: 82).

Most committees specialize in matters dealing with one particular geographical area, activity or management aspect of local government. The majority of council committees are set up to deal with matters affecting a particular purpose or activity, such as libraries, education or public health. Often the arrangement of these committees corresponds to a certain degree with the organization of the departments of the local authority. This arrangement along so-called vertical lines allows the education standing committee, for instance, to work closely with the education department. The decisions of the committees must receive the approval of the council (Wheare, 1955: 66). A council, through its leaders, may exercise its control over the committees in an informal manner, and much of the control over committee decisions may be exercised through informal contacts between committee and council leaders.

The size of the committee can vary considerably, but generally the size ranges between three and twenty members. An argument for the use of committees is that it enables fewer people than the whole council to be associated with a particular process. The workload of the council is passed on to smaller organs, which may more thoroughly assess relevant factors in making a decision. When the committees themselves are too large to deal with the volume of work presented to them, the committees tend to subdivide into smaller bodies or working groups. A committee may be used though, not just to enable fewer people to be associated with a particular process but also to enable more people to be associated with a particular process (Humes & Martin, 1969: 100-102). The smaller membership of a committee of council does not preclude the possibility of using committees as an opportunity to expand public participation in the representative governmental process.

The nominations of committee members are approved by councils. Councils whose committees consist mainly of council members generally have a small group prepare a list of which members should serve on which committees.

This small group is in some cases formally constituted as a special committee and usually consists of the most important individuals on the council with the council chairperson and majority party leadership usually having a key role in its deliberations. Usually a council member who has been selected to serve on a given committee continues in this position as long as he is re-elected to the council. The general practice is to include members from all parties represented on the council; however, committees are often packed with members of the majority party – either as a matter of patronage or to control decisions, or both (Robson, 1954: 39).

The committee chairperson and the secretary have positions of considerable importance. The chairperson is generally a senior or leading member of the committee who is selected by the committee itself or by the council. Once selected, a chairperson often continues to be re-elected to this post. To a large degree the effectiveness of the committee is dependent upon the chairperson's personality and ability, for the chairperson of a committee, like the chairperson of council, can do much to determine the scope of discussions and guide the conclusions of the group over which he presides. In some cases a committee chairperson may exercise more power in his relations with his committee than a council chairperson can with regard to the council as a whole (Humes & Martin, 1969: 102-103).

A committee secretary, in some cases the chief administrative officer or his/her assistants and, in many cases, a department head, renders advice, furnishes statistical information and explains and answers criticism concerning the working of the department. He/she has to undertake the execution of any work after obtaining the financial and administrative sanction of the committee.

The council and its committees form the political or legislative authority. To implement the decisions of the political or legislative authority, an administrative authority is required. The administrative authority is comprised of the Chief Executive Officer, departmental heads and staff members. These will be discussed below.

3.5.4. THE CHIEF EXECUTIVE OFFICER

In the past, the term Town Clerk was used to refer to the position of Chief Executive Officer. This created confusion as this person was seen as the clerk of the council.

The post of the chief executive officer is essentially and pre-eminently the focal point of a local government structure. He/she is the principal person co-ordinating the representative and staff aspects of the process of local government. As the focal point in the local government process, the chief executive officer works closely with the council in the development of policy and directs staff in implementing policies (Humes & Martin, 1969: 125-126). In many instances, he/she also aids the executive committee in co-ordinating these two aspects of government at a local level.

The chief executive officer does not only take the leading part in formulating ideas, but also has an important expository role as the mobilizer of support for proposals. As the focus for the development of the proposals, he/she is expected by the council and the public to ensure their favorable consideration. The effective chief executive officer, either directly or indirectly, must not only build up enough support in council so that his/her proposals are adopted but he/she must also develop sufficient support within the electorate so that he/she and those council members who support his/her proposals are re-elected to office (Ridley, 1959: 13). As the focal person charged with the co-ordination of the implementation of policy, he/she has the resources to find out about and thereafter explain the various technical aspects involved in carrying out decisions as well as how specific decisions will fit into overall local government policy (Humes & Martin, 1969: 127).

A decision of a representative organ remains practically meaningless until it is transformed into action. This indicates why the role of the chief executive officer as the head of the local staff is as important as his/her part in the formulation and exposition of decisions of the council and the executive committee. Invariably the use of executive power involves some exercise of

discretion. The amount of discretion exerted depends partially on national and local customs, partially on the laws pertaining to the local unit, and partially on the rapport existing between the local chief executive and the other governmental organs, including the organs of higher units as well as local representative organs and staff (Steiner, 1956: 190).

The local chief executive officer, as the apex of the administrative hierarchical pyramid, is charged with carrying out the overall policies made for the local unit by the organs of higher units of government or by local representative organs. He/she, often with the executive committee, therefore has the right and the duty to make such decisions as may be necessary to supplement and carry out the policies of higher units, or of local representative organs, or of both (Robson, 1954: 39). An essential aspect of this job is the duty to lead in preparing and controlling the execution of the budget. He/she has the duty to supervise the employees of local units, to co-ordinate their activities and to maintain their efficiency.

3.5.5. THE STAFF OF A LOCAL GOVERNMENT

The staff of a local government are the employees engaged in the preparation and the implementation of local policies. Local governments with more than a few employees divide their staff into departments, which constitute the major parts of the local staff structure. The primary consideration in the establishment of most departments is that they handle all matters affecting a particular purpose or activity or two or more closely related purposes or activities. For instance, a city might have a security department to deal with all matters affecting public security and a fire department to handle all fire fighting, or it might have a public safety department dealing with all police and fire matters. Other departments may be organized to handle such activities as public works, water supply, education and health. Such departments are also known as line departments (Jackson, 1959: 104).

Other departments are organized to deal with matters affecting one or more aspects of the management of local government activities. There may be, for instance, a finance department, a legal department, a records department, a personnel, or a building and supply department. These non-line departments deal with matters that affect all local activities and thus every one of the departments; sometimes these are called auxiliary or staff departments (Bromage, 1957: 313-324).

Whereas the line departments exist primarily to serve the public and a large proportion of their employees work outside of their headquarters, the non-line departments exist primarily to assist the other departments in carrying out their activities. The non-line departments affect matters pertaining to all the departments, especially finance, and are therefore in a strategic position to co-ordinate and sometimes to control the activities of local units.

3.5.6. THE DEPARTMENTAL HEADS

Among the most important positions on the staff are the heads of departments. Not only do department heads direct the work of the employees in their respective departments, they also play an important part in the preparation and in the actual making of the decisions which determine the policies affecting their departments (Humes & Martin, 1969: 155-156).

The department heads work in close conjunction with the representative organs not only in carrying out the decisions of the councils, the executive committee and the standing committees, but also in preparing the papers which lay the groundwork for the decisions made by these bodies. The department heads report directly to the chief executive officer (Humes & Martin, 1969: 155-157).

Departmental heads have responsibility for a specific discipline within a local authority. For example, the departmental head of finance will take responsibility for the administration of finances and the implementation of

financial policy within the local authority as derived from council resolutions. The departmental head of electricity will have the main responsibility for ensuring service delivery with regard to the electricity function.

3.6.   CONCERNS IN RESTRUCTURING LOCAL GOVERNMENT

Effective and optimal local government restructuring must be approached in a multi-disciplinary way involving the generic administrative processes and the environment. Application and adherence to the following principles in a multi-disciplinary fashion should substantially enhance the effectiveness and efficiency of local government:

(a) principles of good government;

(b) principles of megapolitics;

(c) constitutional and other legal principles;

(d) the realities of the urban environment;

(e) the impacts of the socio-political dimension; and

(f) the principles of balanced application of all criteria.

The restructuring of local government should be done with the future in mind. Population growth, urbanization, the incidence of crime, economic development, technical developments and world-wide trends of privatization and decentralization of power should be recognized and incorporated in local government restructuring.

In addition, increasing international awareness of the environment makes it imperative that metropolitan areas are not separated from their rural linkages. Environmental management, including solid waste management and environmental protection, dictates that metropolitan areas should have some measure of control over adjacent rural areas.

3.6.1. PRINCIPLES OF GOOD GOVERNMENT

Good government is not an end in itself as it means the achieving of wider goals, such as social and political development, the alleviation of poverty, and the protection of the environment. Good government cannot be precisely defined. It is rather a set of ideas regarding the legitimacy, competence and accountability of government, about respect for human rights and the rule of law, which together add up to what most people expect from those who rule over them.

Good government is the essential framework within which business can flourish and provide economic prosperity, and ordinary citizens can seek to have their health, education and welfare needs met. Without good government, economic, social and political progress is difficult to achieve and impossible to guarantee.

There is no single blueprint for good government, only a set of principles that can be applied according to local circumstances. In an attempt to simplify responses to the above, the British Council explains the key elements of good government by stating that it (British Council, 1999: 18):

(a) is accountable;

(b) gives value for money;

(c) is responsive;

(d) is open;

(e) observes standards;

(f) offers information;

(g) is fair;

(h) observes rights;

(i) is helpful; and

(j) depends on consent.

The Consultative Business Movement in their report (Consultative Business Movement, 1993: 4) defines the following principles of good government for any government wherever it may be:

(a) responsibility and accountability;

(b) legitimacy;

(c) efficiency;

(d) inclusivity;

(e) cost-effectiveness;

(f) adherence to the Rule of Law;

(g) accessibility and bringing government close to people; and

(h) respect for individual liberty.

The report further underlines the following important issues that the South African government will have to address:

(a) building one nation on the principles of strengths and unity in diversity by promoting liberty, non-racialism and democracy;

(b) building a democratic culture where tolerance, openness and free expression will flourish;

(c) developing legitimacy, accountability and credibility, where public administrations become the servants of the people;

(d) establishing of equity in society and commencing of reconstruction;

(e) establishing and maintaining an environment conducive to economic growth and development; and

(f) making a massive effort to restore law and order and to build respect for security, public law and order in order to contain violence, crime and corruption.

Botha (1993: 25) defines local government as a mechanism for the promotion of three fundamental values:

(a) freedom by distributing political power and providing for local variation;

(b) participation by providing choice and individual involvement; and

(c) effectiveness and efficiency by being close to people and providing for unique local goals.

Important trends, often overlooked by local politicians and administrators, are the world-wide trends towards decentralization of activities and the privatization of government. The main forces behind privatization may be summarized as being that it is (Savas, 1987: 45):

(a) pragmatic: resulting in better government;
(b) ideological: the need for less government;
(c) commercial: more business and increasing global competitiveness; and
(d) populist: more choice in public services, building a better society.

Another emerging principle is that of 'cities without boundaries' implying that for every function there exists an optimal area of jurisdiction or functioning. Principles of good government can therefore be regarded as the following:

(a) responsibility, transparency and accountability;
(b) legitimacy;
(c) effectiveness and efficiency, and economy of scale;
(d) inclusivity;
(e) adherence to the Rule of Law;
(f) sustainability and consistency;
(g) financial self-sufficiency;
(h) accessibility;
(i) respect for individual liberty;

(j) community involvement;

(k) responsiveness and flexibility;

(l) empowerment and reconstruction; and

(m) privatization, decentralization and devolution of power.

A review of the above literature and inputs has resulted in the proposal that, for local government restructuring to be effective and efficient, the results should be tested against the principles of good government.

3.6.2. PRINCIPLE OF MEGAPOLITICS AND INCREASING GLOBALIZATION

South Africa is part of the world and hence functions in an open system. Megatrends, or megapolitics (Davidson & Rees-Mogg, 1992: 34) thus also have an impact on the South African community. Davidson & Ress-Mogg (1992: 35) identify four major megapolitical factors, i.e. topography, climate, technology and microbes. The latter three are already affecting South Africa's position in relation to the world.

The climate severely affects our long-term ability to be self-sufficient with regard to food and water and could place a limit on population growth and development. The use of computers in the industrialization process has widened the gap between high technology and emerging countries, making the emerging countries less competitive and more subservient to high technology nations. More importantly however, the use of technology has made the cost of power (i.e. weapons) affordable, and hence has shifted the power base from a historically centralized system to a decentralized system. Africa is also currently under severe threat from microbes, including AIDS, hepatitis, malaria and tuberculosis.

Globalization, however much it is written about and debated, should never be underestimated and nor should the impact it has had on the South African situation. The world has indeed shrunk to a village in which South Africa's

every move, for example in the political and economic fields, is clearly visible and immediately becomes part of the global debate.

The impact of globalization has also been recognized in Section 2.6 of the White Paper on Local Government, March 1998, issued by the Department of Provincial Affairs and Constitutional Development:

> No municipality can ignore the economic changes taking place in its locality, in the surrounding region, in the nation, and globally. The rise or decline of industries can have a marked impact on local income, employment and tax revenue.

> Globalization, or the internationalization of capital, production, services and culture, has had, and will continue to have a major impact, in particular on metropolitan areas. The logic of transitional corporations, the fact that economic transactions and the integration of systems of production occur on a world-wide basis, and the rapid development of information technologies, have resulted in the emergence of the so-called 'global economy'. In this context large cities become the nodes or points of contact which connect economies across the globe.

> The Growth, Employment and Redistribution (GEAR) strategy places greater emphasis on an export-oriented economy, and will lead to increased international openness and competition. The ultimate aim is to achieve internationally competitive industries and enhance economic growth and well-being. In the immediate term, municipalities will need to manage the consequences of globalisation – such as the restructuring and relocation of industries.

Local government has an interest in attracting investment based on promoting the comparative advantages of the area for competitive industries as well as supporting the growth of local enterprises. It will become increasingly important for municipalities to find the right balance between competition and co-operation among themselves. While some competition will improve both

efficiency and innovation, co-operation between South African municipalities is necessary to enhance the performance of the national economy as a whole, and to avoid damaging forms of competition between municipalities.

3.6.3. LEGAL PRINCIPLES

The Constitution of a country and other laws determine the legal framework and nature of local government structures. The analysis of the legal environment is important in assessing the viability of a metropolitan area and in determining various restructuring options. An overview and assessment of the legal environment in conjunction with other relevant factors will enable decision-makers to take informed strategic decisions regarding the future of the Greater Pretoria Metropolitan Area (GPMA).

The Constitution, national legislation, provincial legislation as well as by-laws guide the operations of local government and provide the framework for determining restructuring options. It is therefore important that these sources of authority be viewed holistically in assessing issues of demarcation. Any demarcation design should derive its authority from the above-mentioned sources of legality and competence.

The ideas and visions of the lawmakers are manifested in laws which do create a total vision of what future local government should look like and provide a framework for determining municipal areas and guidelines for administrative systems as well as procedures for administering local government issues. Laws are not prescriptive about determining municipal viability or exact administrative and governance systems. Legislation does not prescribe which administrative system is the best for a specified municipal area, but only provides a framework and therefore local government officials, politicians and other stakeholders should determine the correct and optimal design for a municipal system.

Restructuring assessment and the development of options are in essence a determination of the municipal system value chain. Laws provide a framework against which the system can be evaluated whilst true value realization is acquired through the application of strategy, structure and technology driven by a clear vision of a healthy metropolitan area. (Chapter 6 of this thesis contains a detailed discussion of the relevant legal issues pertaining to restructuring.)

3.6.4. THE URBAN ENVIRONMENT

Urban geographers use different ways to delimit urban populations, but often include the following criteria (Carter 1989: 6):

(a) size of population;
(b) density of population or housing;
(c) predominant type of economic activity;
(d) urban characteristics; and
(e) administrative function or structure.

In addition, several systems of classification have been designed to classify towns and urban areas. Jones (1990: 21), however, concludes that, at best, these models are still crude, as the models ignore common sense criteria and suggest that the concept of region is trying to capture a relationship that is becoming outdated.

A metropolitan area in its strictest sense refers to a mother city (i.e. Cape Town with its dependent substructures for example Bellville and Parow). The Gauteng Province may be described as a conurbation, which initially was comprised of seperate independent entities, but gradually grew into a massive integrated urban system (Van der Merwe, 1991: 53). The term metropolitan, however, is used widely in a loose format. For example, the World Bank (1993: 7) describes South Africa as follows:

Nowhere is this concentration of people and economic activity more visible than in the four metropolitan areas – the PWV complex, Cape Town, Durban and Port Elizabeth ... For South Africa, the reality of such demographic and economic concentrations is clear: without functioning cities, the ability to sustain overall economic recovery will be jeopardized. Designing a comprehensive urban strategy is therefore an important national priority for South Africa.

Jones (1990: 53) describes the vision of the future metropolis as follows:

The city of the future is already recognizable. It will be a city of suburbs, each more or less self-contained with its basic retail and public services, each with basically sound housing. There will be plenty of local, suburban jobs: an efficient highway system will provide good access to a wider variety of jobs across the city as a whole and to those services and social and recreational opportunities which cannot be obtained locally ... What can be wrong with it?

The restructuring of local government is not enough to ensure viable and sustainable urban areas. Managing the process of urbanization has become, and in the future will continue to be the critical factor for determining success.

3.6.5. THE SOCIO-POLITICAL DIMENSION

The principles of good government have already defined the desired state of affairs. Politicians and bureaucrats should, however, also be aware of the real needs and wants of the people. Berger (1988: 16) assumes that political interest for the middle classes are the same regardless of race. Political interests include:

(a) preserving of orderly suburban life;
(b) combating crime;
(c) preserving income and avoiding higher taxation;

(d) growing an efficient economy;

(e) fostering a dependable civil service;

(f) having a social service that works; and

(g) ensuring a physically secure living and working environment.

With these political interests in mind, an analysis of the socio-political system is required.

3.6.5.1.   A SOCIO-POLITICAL SYSTEM ANALYSIS

In the complex and interwoven field of local government and municipal systems management where there is a real or perceived effort to satisfy the needs and wants of people, there exists an increasing need to describe, evaluate and explain concepts of the urban system. To this extent the widely accepted model for socio-political systems analysis of David Easton can be applied as follows (Easton, 1965: 83):

(i)   Minimal Concepts for a Systems Analysis

A systems analysis provides for a more inclusive, more flexible and more expansive theoretical structure than is available in other comparative approaches. According to Easton (1965: 84), a system is defined as "…any set of variables regardless of the degree of interrelationship among them". This definition is also useful in describing urban systems as it frees us from the need to argue about whether an urban system is really a system. The only question of importance about a set of variables is whether this set constitutes a useful one – does it help us to understand and explain some aspect of human behaviour of concern to us? Does it do so in the case of the system in question, in this case a urban system?

To be of maximum use in describing urban systems, a socio-political system can be designated as "those interactions through which values are authoritatively allocated for a society" (Easton, 1965: 84). This would then also hold true for an element of urban systems such as demarcation because

ultimately demarcation has to do with the allocation of societal values in the form of boundaries. The environment within which the system dynamically exists may be divided into two parts, the intra-societal and the extra-societal. The total environment is illustrated in Figure 2.4.
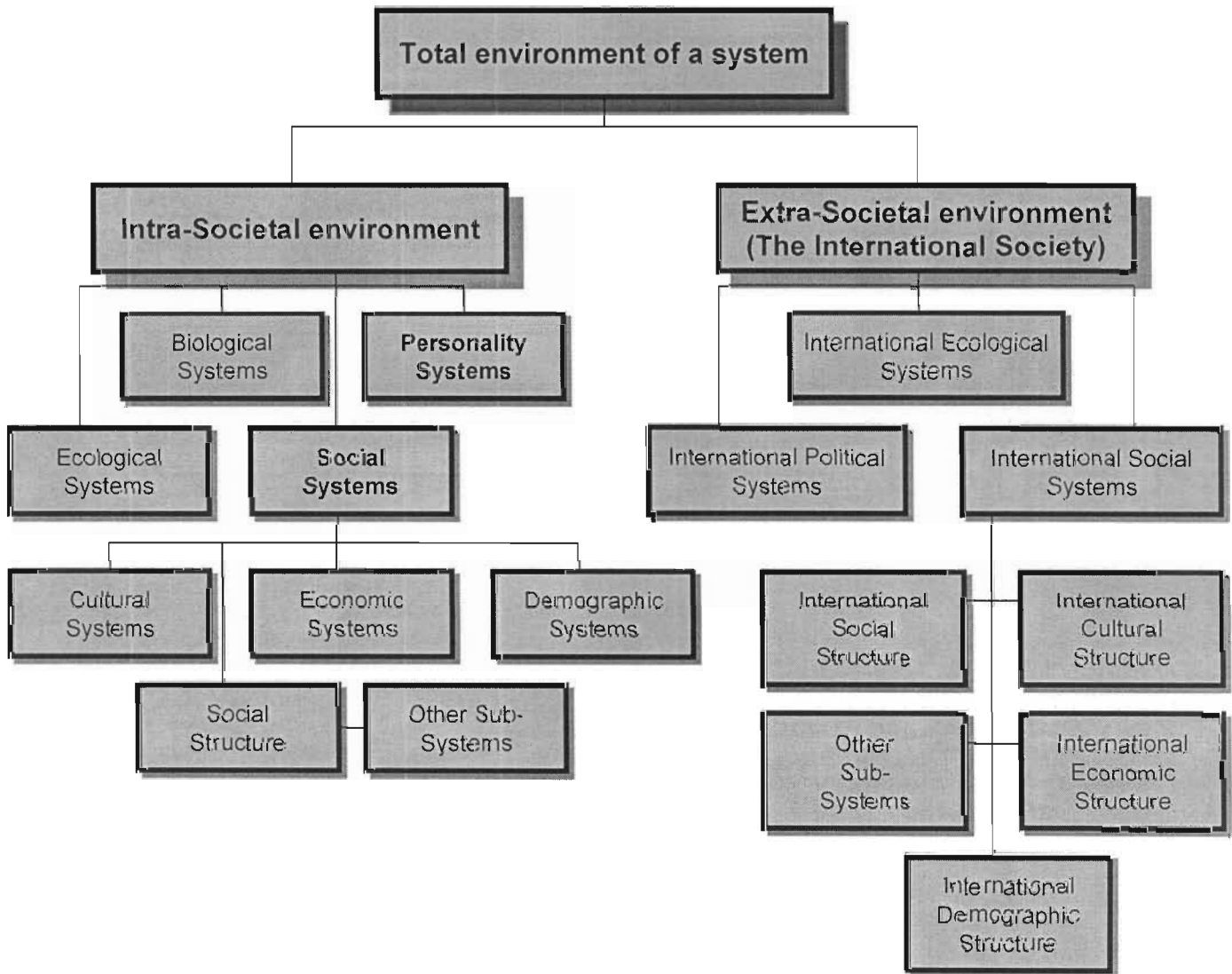
The intra-societal aspect consists of those systems that form part of society but are excluded from the system itself by our definition of the nature of interactions. Intra-societal systems would include such sets of behaviour, attitudes and ideas as might be called the economy, culture, social structure or personalities. They are functional segments of the society with respect to which the system (urban system) itself is a component. In a given society the systems other than the urban system constitute a source of many influences that create and shape the conditions under which the urban system itself must operate.

The second part of the environment – the extra societal – includes all those systems that lie outside the given society itself. They are functional components of an international society or what we might describe as the supra-society, a supra-system of which any single society is part. For the purposes of this thesis these elements are of importance as they constitute the elements of globalization and internationalization.

Together these two classes of systems (the intra – and extra-societal) may be described as the total environment of a system or the urban system. From these environmental sources arise influences that are of consequence for possible stresses on the urban system.

Disturbance is a concept that may be used to identify those influences from the total environment of the system that act upon it so that it is different after the stimulus from what it was before. Disturbances may be favourable with respect to the persistence of the system; others may be entirely neutral with respect to possible stress. Many disturbances can be expected to lead in the direction of system stress. As far as the model of Easton is concerned, the concept of system stress is fairly important. An urban system is recognized as

FIGURE 2.4: COMPONENTS OF THE TOTAL ENVIRONMENT OF A SYSTEM (a)

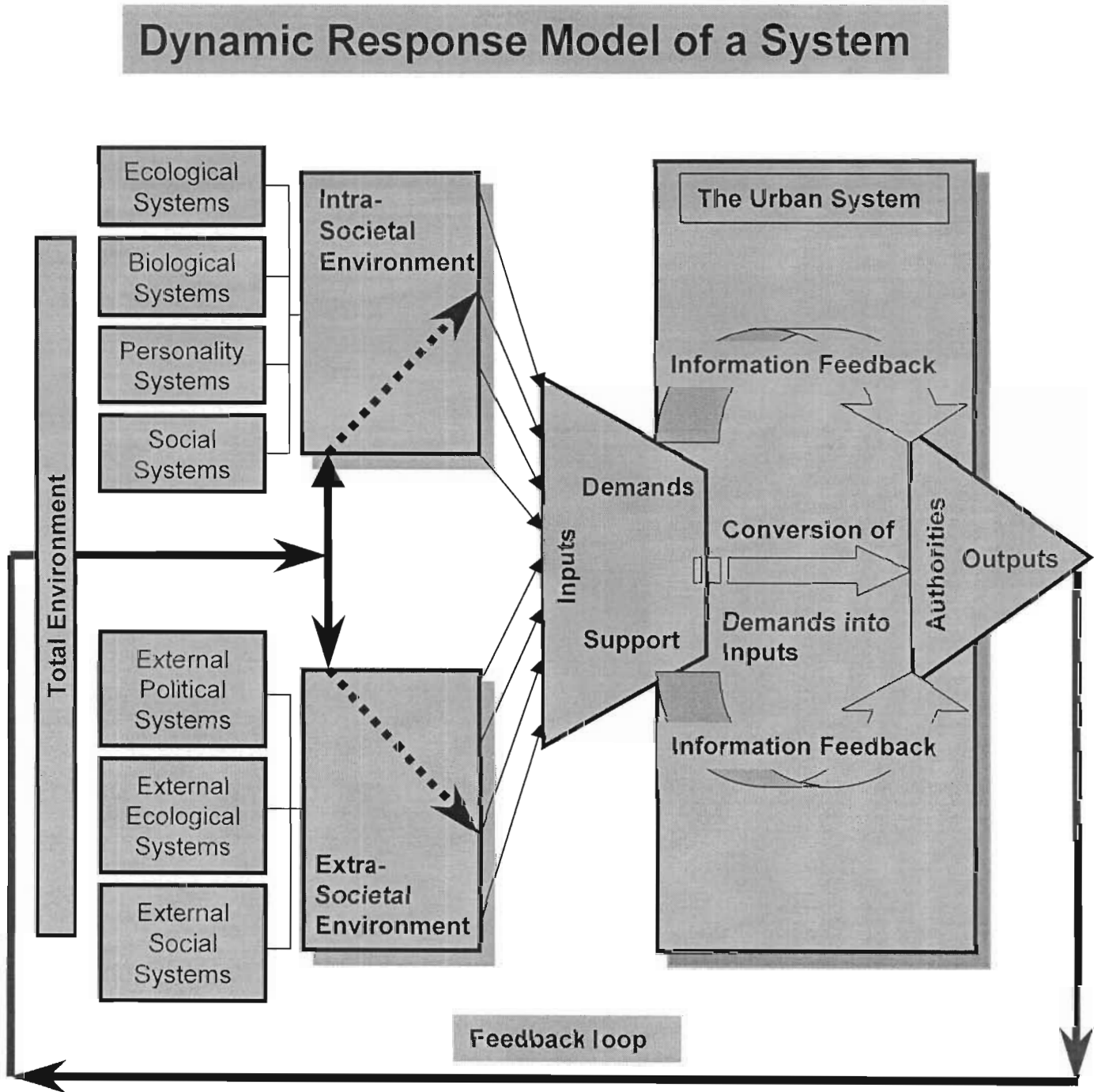(a) Source: Adapted from '*A system analysis of political life*', Easton, 1965: 83-84.

being a system by virtue of the fact that it contributes to the successful fulfillment of two functions. An urban system must be able to allocate values for the society it serves and it must manage to induce most members to accept these allocations as binding, at least for most of the time.

South African urban systems lack many of the qualitative elements of successful systems, which puts the systems under severe stress. South African society at large is expecting the urban systems to allocate values and be successful in sustaining that function but that very same society lacks the will to accept the allocations as binding.

(ii)   Dynamic Response Model of an Urban System

From what has been explained above, it is clear that the urban system also needs description in terms of a dynamic response or flow model. Such a model not only illustrates the fact that the system allows for the implementation of plans, but also sensitizes us to the fact that what it does may dynamically influence each successive stage of behaviour. Figure 2.5 illustrates a dynamic response model of a system.

FIGURE 2.5: DYNAMIC RESPONSE MODEL OF A SYSTEM (a)

Dynamic Response Model of a System

(a) Source: Adapted from '*A system analysis of political life*', Easton, 1965: 83-84.

3.6.6. PRINCIPLES OF BALANCED APPLICATION OF ALL CRITERIA

The hypothesis presented is that for democratic and efficient restructuring of local government, the following principles should be taken into account.

(a) the principle of good government: restructuring should enhance and assist governance;

(b) the principle of megapolitics: restructuring should take cognisance of trends with respect to the shift of power from a central to a decentralized base;

(c) the principles defined in the Constitution of the Republic of South Africa, 1996, (Act 108 of 1996) as well as the requirements of the statutory framework;

(d) the demands, forces and realities of the modern South African urban environment;

(e) the socio-political dimension: addressing the real needs and expectations of the people and emphasizing the system dynamics; and

(f) the principle of balance: the variety of important criteria and principles of demarcation should be applied in a balanced way.

This section has presented important principles and perspectives that should be taken into account when considering the restructuring of local government.

3.7. CONCLUSION

Local government remains a sphere of government with limited legislative power and authority that operates within clearly defined geographical and

legal jurisdiction. The defining feature of local government is the authority to enact legislation within the defined jurisdiction.

Local government is comprised of a number of local authorities. Local authorities are created to render services in defined geographical areas, primarily because of the inability of central government to attend to all the detailed requirements of society that have to be satisfied by government institutions. The range of urban services provided by local authorities in developing countries, more particularly in Africa are, *inter alia*, parks, street cleaning, sanitation, refuse collection, road construction and maintenance, housing, water and sewerage, primary education, clinics, residential and industrial estates, planning and zoning, fire and ambulance services, camping sites and recreational services.

Local government is an essential link in the relationship between the government and the citizenry, especially because it is bound to particular geographical areas, and to the people who are affected by the problems that are peculiar to those areas. This enables local government to better understand and address these problems. Local governments are also instruments for greater community participation, because they have jurisdiction over fewer people than do higher levels of government. Consequently, they provide more channels and opportunities to utilize the talents, insights and creative abilities of individual citizens. These channels can also be referred to as the structure of local government which is comprised of various role players striving towards the common goal of delivering a service to the community. The council is the main organ within the structure of local government. A council is an essential part of every unit of local representative government.

Local government, then, is an essential instrument of national or state government which unites the people of a defined area in a common organization whose functions are essentially complementary to those of the central government and in the interests of the local residents since they satisfy common community needs. All communities have problems and needs which

are shared by their citizens and which can be alleviated only by their joint actions, generally through government. Just as government in general is the means by which all the people can do jointly what they cannot do, or cannot do as economically or as effectively, acting alone, so local government is the means by which the residents of a local community can together accomplish what neither the national or state government nor the individual residents can accomplish as adeptly alone.

The concerns regarding the restructuring of local government according to important principles and perspectives that should be taken into account have been presented. Efficient and democratic local government restructuring must be approached in a multi-disciplinary manner involving the generic administrative processes and the environment. Conclusion is drawn in this chapter, that the application and adherence to specific principles in a multi-disciplinary manner, should substantially enhance the effectiveness and efficiency of local government.

The following chapter provides a historical perspective on the restructuring of local government in South Africa up to 1994. The emergence of local authorities as well as the development of local authorities for the urban areas populated by non-whites, are addressed. The process towards local government democratization, which culminated in the identification of the three phases of local government restructuring towards the final phase, is addressed.