

**THE ROLE OF WARD COMMITTEE MEMBERS IN LOCAL GOVERNMENT AND  
ADMINISTRATION IN SOUTH AFRICA WITH REFERENCE TO THE CITY OF  
TSHWANE METROPOLITAN MUNICIPALITY**

**BY**

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## ABSTRACT

This research study deals with the role of ward committee members in local government and administration in South Africa with reference to the City of Tshwane Metropolitan Municipality (CTMM). Most importantly, the transformation of local government and administration in South Africa and the role of the state as well as local government from the public administration perspective in this study highlight the importance of municipal regulatory framework and policies in decision-making.

There are two scientific research methodologies called qualitative and quantitative methodologies. In this research project, the qualitative research methodology has been used to assess the roles, functions and performance of ward committees in enhancing service delivery in the local communities. It involved collecting data, processing and analysing data to necessitate a reflection on the planning, and the structuring and execution of the research in order to comply with the demands of truth, objectivity and validity. The methodology has resulted in a research project through which the ward committee system in the City of Tshwane Metropolitan Municipality (CTMM) can be understood within the government service delivery programme and one that attempts to clarify the involvement of local communities and stakeholders.

A hypothetical process model for ward committees in the City of Tshwane outlines and clarifies the roles and functions of ward committees in the service delivery processes. A City of Tshwane ward committee model system is proposed to promote working relationships in the municipality and efficacy in service delivery to the local communities other stakeholders by the City of Tshwane Metropolitan Municipality (CTMM) departments.

The recommendations from the findings is that the City of Tshwane Metropolitan Municipality (CTMM) should build the capacity of ward committee members through continuous training and development and consider increasing the term of office of ward committees to be concurrent with the elections of councillors and that communication, verbal and written for the local communities meetings, should be improved. Monitoring and evaluation of departments within the current performance management system of both ward committee members and local communities, holding the municipal government accountable should be included.

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## CHAPTER 1

### GENERAL INTRODUCTION AND RESEARCH DESIGN

*“Government is a trust, and the officers of government are the trustees; and both the trust and trustees are created for the benefit of the people.” Henry Clay (1829)*

#### 1.1 INTRODUCTION

The process of democratisation and transformation of local government in South Africa is significant. The aim of this dissertation is to provide research data that will compel municipalities to ensure efficient and effective service delivery to local communities. Local government can be regarded as complex, because it involves many actors, as well as the interplay of a variety of competing demands for services. Administrative changes since 1994 have had far-reaching effects within the local communities, where the aim has been close cooperation within municipalities and a working relationship with communities in the provision of sustainable services. However, this ideal of collaboration has not always materialised and service delivery has been intermittent at best.

An important element in the promotion of local democracy is the enlargement of community participation in municipal governance. To this effect, the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* provides for the establishment of a ward committee system. Ward committees are structures created to assist democratically elected public representatives of wards (the ward councillors) to carry out their duties and responsibilities. Ward committee members are members of the communities, representing different interests from formal community structures (Department of Provincial and Local Government, 2004/2005: 1).

Once established, ward committees should be strengthened to foster democratic, participatory local government and to ensure municipalities render service to local communities. Municipalities should use their resources and allocate funds in their budget annually to empower and develop the capacity of ward committees to achieve optimum community participation in local affairs. Ward committees are

important mediators between municipalities and their local communities especially in enhancing service delivery in local communities.

## **1.2 AIMS AND OBJECTIVES OF THE RESEARCH**

This research highlights the theoretical and practical importance of legislation and related policy documents that govern local government and administration. The focus is on the performance of the ward committees in assisting the City of Tshwane Metropolitan Municipality (CTMM) administration to render services efficiently. The aim is to assist ward committee members to understand the foundations upon which ward committees are established and to draw their attention to the envisaged influence they should have to enhance service delivery.

One of the assumptions in this study is that ward committee members may need to be capacitated to play a significant role in their municipalities in planning and rendering of services to local communities. Once ward committee members are capacitated, they should be able to enhance service delivery by raising service issues, because they are working with local communities and structures on a daily basis. The local communities should be able to hold the municipality accountable if service delivery has not been satisfactory.

An objective of this study is, therefore, to provide a working model to facilitate the training and education of ward committee members in local government and administration. This is deemed necessary, because the legislation for the establishment of ward committees was promulgated in 1998. The ward committee system is not yet properly understood in the broader society and in government as a mechanism to bridge the gap between municipal officials, on the one hand, and councillors and the local communities, on the other, to ensure adequate service delivery.

### **1.2.1 The significance of the proposed research**

The research study highlights the following important obligations of ward committees:

1. To improve the management of local government structures in line with the relevant legislative frameworks and policy guidelines
2. To educate ward committee members about local government and their role in enhancing service delivery in their communities
3. To convey information to community members in order that they may acquire the necessary understanding of local government and service delivery.

### **1.3 RESEARCH METHODOLOGY**

Research methodology is about collecting data, processing and analysing data to necessitate a reflection on the planning, structuring and execution of the research in order to comply with the demands of truth, objectivity and validity. Research methodology focuses on the approaches of research and the decisions which the researcher has to take to execute the research project. In the Human Sciences, two basic methodological research methodologies may be distinguished: qualitative and quantitative methodology, discussed more fully below. Although types of research and research methods are often associated with the field or academic discipline in which the research is conducted, the two methodologies are of importance in all scientific investigation (Brynard and Hanekom, 1997: 28-29).

Scientific research requires a thorough investigation into the subject, for example, into the ward committee system, in order to make informed decisions. The best research results are based on a careful planned process (Bless and Higson-Smith, 1995: 14). In this research project, the qualitative research methodology approach is used. The identified qualitative research method will be used as a methodology to assess the roles, functions and performance of ward committees in enhancing service delivery in the local communities.

The research methodology adopted has to result in a project through which the ward committee system in the City of Tshwane Metropolitan Municipality (CTMM) could be understood within the government service delivery programme and one that would clarify the involvement of local communities and stakeholders, such as non-governmental organisations (NGOs) and community-based organisations (CBOs) in the process. Thus, the identified methodology or technique for data collection is significant in ensuring the completion of the research project.

### **1.3.1 Primary and secondary research sources**

Where researchers collect their own data on the ward committee system or other research problem, it is called primary data. Should they use data collected by other researchers concerning the ward committee system or other research problems, this data may be referred to as secondary data (Brynard and Hanekom, 1997: 28). Primary data is the most adequate to fulfil the aim of the research, since the gathering of the data is directed towards answering, as precisely as possible, the question raised on the topic of the ward committee system.

For the purpose of this research project, the sources used include government notices, regulatory framework, policy documents with reference to the ward committee system. In addition, internal municipal reports and other related information, including reference material in the form of books, journals and the Internet as well as relevant published and unpublished papers or reports. Thus, when research is based on the analysis of secondary data, great care must be taken in its interpretation (Bless and Higson-Smith, 1995: 99-100).

### **1.3.2 Qualitative and quantitative methodology**

Qualitative methodology refers to research which produces descriptive data – generally people’s own written or spoken words. Qualitative research entails discovering novel or unanticipated findings and the possibility of altering research plans in response to accidental discoveries (Brynard and Hanekom, 1997: 29). The fundamental theme of qualitative research is a phenomenological one, where the actor’s perspective is the empirical point of departure. Qualitative methodology allows the researcher to know people personally and to see them as they are, that is, to experience their daily struggles when

confronted with real-life situations. This enables the researcher to interpret and describe the actions of people from a real-life perspective.

In both qualitative and quantitative research methodology, methods such as case studies, in-depth interviewing of key informants, participant observation, questionnaires and perusal of personal documents are used. However, the former interprets the data, whereas the latter quantifies it. Qualitative methodology and historical and descriptive research go hand in hand (Brynard and Hanekom, 1997: 30). More information on the importance or non-importance of the implementation of the ward committee system is gained.

Quantitative methodology, as suggested above, is expressed in numbers, for example, the number of ward committees performing their functions would be cited. Quantitative methodology assigns numbers to observation. By counting and measuring “things” or “objects”, data is produced (Brynard and Hanekom, 1997: 29). Numerical (quantitative) data is considered more reliable and easier to utilise, in particular by statistical techniques.

Scientific research would be inconceivable without non-numerical data which may assist in interpreting numerical data and the disregard of which would lead to an incomplete description of the social reality. However, in specific areas of social reality, purely qualitative research is often the most adequate method of investigation, involving sophisticated techniques (Bless and Higson-Smith, 1995: 10).

In particular, descriptive research may focus on individual subjects (ward committee members) and go into great depth and detail in describing ward committees. This type of research concerns information obtained through observation. In short, descriptive research is what the researcher observer observes and describes in words, and on which his or her conclusion is formulated (Brynard and Hanekom, 1997: 6).

Leedy (1989: 140) explains descriptive research as follows “... to behold is to look beyond the fact; to observe, to go beyond the observation. Look at the world of men and women, and you are overwhelmed by what you see. Select from that mass of humanity a well-chosen few, and these

observe with insight, and they will tell you more than all the multitudes together. This is the way we must learn by sampling judiciously, by looking intently with the inward eye, then from these few that you behold, tell us what you see to be the truth. This is the descriptive survey method.” In this case, the particular research may fall within the ambit of a qualitative research which can, “theoretically speaking, be described as an approach rather than a particular design or set of techniques” (Welman, Kruger & Mitchell, 2005: 188) which is “fundamentally a descriptive form of research” (Welman, Kruger & Mitchell, 2005: 188). Among the array of qualitative approaches to conducting research, a particular research called historical research seems especially applicable to the human behavioural sciences (Welman & Kruger, 1999: 186). In this case researchers are obliged to locate existing sources which may “consist of documents (for example, newspaper reports, law reports, correspondence)...and relics in which information from the past has been preserved” (Welman & Kruger, 1999:186). The researcher does not interfere or intervene with events or typically does not observe them directly, but “describes, analyses and interprets those which have already taken place” (Welman & Kruger, 1999:186). In addition, although it is preferable that primary sources of research be utilised, it is stated by Welman & Kruger (1999: 186) that this should be done “wherever possible”.

It could therefore be stated that this research study follows a qualitative research approach which is descriptive in its content and form. It is a descriptive research because it seeks to accurately describe current or past phenomena and is mainly done to gain a better understanding of the subject matter. For the purpose of this study, the sources included policy documents, legislation, official council reports of primary and secondary nature.

#### **1.4 PROBLEM STATEMENT**

Apparent lack of ability among ward committees regarding municipal government and administration may prevent the effective operation of ward committee members in improving service delivery in the local communities. In the City of Tshwane Metropolitan Municipality (CTMM) there are ten portfolios or departments where each member of the mayoral committee is the political incumbent.



On this basis, the ten elected ward committee members, each head a portfolio or department align to those of the municipality or political incumbents (Establishment of Ward Committees, 2001: 6). The inability or failure of ward committee members to ensure municipal service delivery is a serious problem to local communities (1<sup>st</sup> Regional Conference on Ward Committees, 2005: 8 and 20).

#### **1.4.1 Research questions**

The following research questions are addressed in this study:

1. What is the current state of affairs regarding local government in South Africa? (Chapter 2)
2. What legislation and policies currently govern the functioning of local government? (Chapter 3)
3. What limitation confronts ward committee members in the City of Tshwane Metropolitan Municipality (CTMM) to enhance service delivery? (Chapter 4)
4. What is the role of ward committee members in enhancing service delivery? (Chapter 4 and 5)
5. Which applicable model may be used to assist ward committee members to play a meaningful role in service delivery? (Chapter 6)

The research questions and the topic were selected on the basis that there is a need to develop local government structures, including ward committees, in order to enhance service delivery in local communities. The rationale is that local government is the closest sphere of government to the people whose needs must be fulfilled.

#### **1.5 DISSERTATION: TITLE**

The research study is titled as follows: **The role of ward committee members in local government and administration in South Africa with reference to the City of Tshwane Metropolitan Municipality.**

## **1.6 STRUCTURE OF THE RESEARCH PROJECT**

Following is brief outline of each chapter in sequence.

### **Chapter 1: General introduction and research design**

This chapter provides a comprehensive structure of the research design and covers a brief background on each chapter of the dissertation. Important or critical points are highlighted in each chapter. The direction with regard to processes and the title of the research project are elucidated. Most importantly, this chapter deals with a scientific research method of collecting data and techniques for collecting data in this research project.

### **Chapter 2: Local government in South Africa**

This chapter deals with local government in South Africa from 1909 to 1996. The emphasis is around constitutional development that guide local government legislation and beyond. The focus is on legitimate processes that enforce and deepens democratic principles guided by the constitution to ensure equal representation and service delivery in local communities. In addition, this chapter focuses on representation and establishment of structures to enhance service delivery in local communities.

### **Chapter 3: The role of the state and local government in Public Administration**

This chapter deals with municipal regulatory framework and policies from the public administration perspective. This highlights the significant role of the state in society to ensure that government delivers services in terms of its mandate. In addition, this chapter deals with the institutionalisation of municipal administration to deliver services in an integrated approach with other spheres of government as well as the human development capital of municipalities to render effective and efficient service to local communities.

#### **Chapter 4: Ward committee systems within a developmental local government**

This chapter deals with the establishment of ward committees in the City of Tshwane Metropolitan Municipality (CTMM). The establishment of ward committees is guided by a regulatory framework and council resolutions. The institutional arrangements in and development of the City of Tshwane Metropolitan Municipality (CTMM) is to enhance and empower ward committees to perform their responsibilities. International perspectives on the ward committee system respecting the powers, roles and functions of ward committees are also explained.

#### **Chapter 5: Community participation**

This chapter deals with community participation in order to enhance service delivery at local communities. In the process of municipal service delivery, there are key stakeholders in communities who should be involved, such as ward committees, non-government organisations (NGOs) and community-based organisations (CBOs). This chapter also emphasises the importance of a cordial working relationship among municipal officials, community organisations and ward committees in their endeavour to render services to their local communities.

#### **Chapter 6: A model for the City of Tshwane ward committees**

This chapter deals with model building to realise the objectives of the City of Tshwane Metropolitan Municipality (CTMM) and ward committee members to render services efficiently to local communities and to anchor democratic governance. The model is also a capacity-building programme for ward committees and local communities to understand municipal procedures in the course of service delivery.

#### **Chapter 7: Conclusion and recommendations**

This chapter deals with a detailed summary of all the chapters. It also attempts to determine whether or not ward committee members in the City of Tshwane Metropolitan Municipality (CTMM) have the capacity to enhance service delivery in their respective local communities. Then, an approach is

suggested on how to build capacity among ward committees to enhance service delivery. The model approach (education and development) may be used to assist particular municipalities in the realisation of their intended objectives and that of their citizens through ward committees.

## **BIBLIOGRAPHY**

Sources utilised during the research compilation process have been comprehensively listed. Many of these sources derived from the City of Tshwane Metropolitan Municipality (CTMM) official documents and unpublished reports. National and international references on local government were used to provide a comprehensive analytical perspective on the topic.

## **1.7 SAMMARY**

In this chapter an introduction as well as an elucidation on the study environment and research methodology was supplied. The particular chosen research methodology was explained and information was supplied as to the structure of the dissertation. In the following chapters, the research is set out systematically and, finally (last chapter) a model and recommendations are suggested.

## CHAPTER 2

### LOCAL GOVERNMENT IN SOUTH AFRICA

#### 2.1 INTRODUCTION

The objective of this chapter is to explain the past and transitional period of local government in South Africa. The focus is on legitimate processes that enforce and deepens democratic principles guided by the constitution to ensure equal representation and service delivery in local communities. The primary emphasis is on relevant legislation that promulgates the establishment and existence of local government, and any other related policies that regulate the functioning of local government in South Africa.

South Africa has a system of government which consists of three spheres of government, namely, the national; the provincial; and the local spheres of government. The last mentioned (the local government sphere) is often termed the government closest to the people. The role of local government in South Africa is largely to deliver a variety of services, such as water and sanitation; electricity; storm water drainage; refuse removal and infrastructural development.

Unlike governance under the previous dispensation, local government is now based on the unification of all population groups as reflected in the *Constitution of the Republic of South Africa, 1996*. In subsequent paragraphs, relevant concepts in relation to local government – such as democracy and local government – are defined. Local government is also explained and assessed in an historical context.

#### 2.2 DEFINITION OF CONCEPTS

In this chapter local government and democracy, as concepts are defined. These concepts are defined as follows:

a. Local government.

Local government is an autonomous and people-orientated tier of government. It is the tier of government that is closest to the public and which best addresses their interests and needs (De Beer and Lourens 1995: 5).

Meyer (1978: 10) defines local government as “... local democratic units within the democratic system consisting of subordinate members of the government vested with prescribed, controlled governmental powers and sources of income to render specific local services and to control and regulate the geographic, social and economic development of defined local areas”.

What can be deduced from the above definition is that local government is a sphere of government that is close to the people whose interests and needs come first. In addition, local government seeks to ensure that a wide range of community interests and needs are considered and that services and functions are organised to meet the interests and needs of the communities it serves.

#### b. Democracy

As this chapter deals with the past and present developments within the local government sphere in South Africa, it is relevant to define democracy as a process that has evolved with constitutional transformation. According to Van Niekerk, Van der Waldt and Jonker (2001: 320), democracy literally means “...government of the people. It is associated with fundamental political equality and participation of all individuals in the political process, and guarantee individual freedom”.

Democracy can also be defined as a political system in which decision-making power is widely shared among members of society. Democracy is derived from the Greek words *demos* (the people) and *kratos* (authority). Democracy is a system of government in which ultimate political power rests with the public at large. Members of a society are to control decisions made by government. As a result of the complexity of modern society, the population is not able to make direct decisions (participative democracy), but representatives make decisions on their behalf (representative democracy) (Fox and Meyer, 1995: 35).

As deduced from the above, democracy can be defined as a process that recognises the participation of people in matters that affects them (the people) directly, for example, matters on policy formulation and decision-making in the provision of services. Democracy in local government may contribute to the socio-economic and political education of the citizens. Democratic local government also enables both provincial and national government to be aware of local opinion.

### **2.3 LOCAL GOVERNMENT DEVELOPMENT BEFORE 1983**

The present system of local government in South Africa cannot be fully appreciated without reference to the past. Hence, a brief synopsis of the constitutional developments of 1909 and 1961 regarding local government development is given. The purpose is to provide an understanding of local government affairs as based on the framework of the *Constitution of South Africa Act, 1909* and the *Constitution of the Republic of South Africa Act, 1961 (Act 32 of 1961)*. Constitutional issues related to local government since the adoption of the *Constitution of the Republic of South Africa Act, 1983 (Act 110 of 1983)* are explained in subsequent paragraphs.

The Union of South Africa was established on 31 May 1910 in terms of the provisions of the *South Africa Act, 1909*. This Act made provision for four provinces, namely, Natal, Transvaal, the Cape of Good Hope and the Orange Free State. Each of these provinces had its own system of municipal authorities as partially inherited from earlier colonising structures.

Section 93 of the *Constitution of South Africa Act, 1909* provided that all powers, authorities and functions lawfully exercised at the commencement of this Act by divisional or municipal council shall be retained and shall remain in force until altered or withdrawn by parliament or by a provincial council having the power to do so. Section 85 of the *Constitution of South Africa Act, 1909* made the provincial councils responsible for municipal and other local authorities with effect from 31 May 1910. The *Constitution of South Africa Act, 1909* accorded each provincial council power to pass ordinances to regulate the systems of municipal governance and administration in its province (*Constitution of South Africa Act, 1909*: Section 88 and 85).

The establishment of the Republic of South Africa with effect from 31 May 1961, under the *Constitution of the Republic of South Africa Act, 1961 (Act 32 of 1961)* brought about no immediate change in the systems of municipal government and administration existing in the four provinces (Cloete, 1988: 239). The *Constitution of the Republic of South Africa Act, 1961 (Act 32 of 1961)* provided that the municipal authorities should remain under the jurisdiction of the provincial councils and that the existing institutions remain in force (*Constitution of the Republic of South Africa Act, 1961 (Act 32 of 1961)*: Section 84 and 85).

The horizontal and vertical relations created by the *Constitution of South Africa Act, 1909* were incorporated into the *Constitution of the Republic of South Africa Act, 1961 (Act 32 of 1961)* and provided for three spheres of authority (national, provincial and local) as well as a legislative, an executive and a judicial authority at the horizontal level.

#### **2.4 CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1983 (ACT 110 OF 1983)**

Apart from provisions for a national government, the *Constitution of the Republic of South Africa Act, 1983 (Act 110 of 1983)* also endorsed the provision for four provinces, namely, the Natal, the Cape of Good Hope, the Orange Free State and the Transvaal. According to this Act, the four provincial governments developed a system of local government administration only for coloureds, Indians and whites. There was almost no difference in the systems of local government development in the four provinces, especially in terms of their operations and polices (Cloete, 1997: 12).

In contrast to the *Constitution of the Republic of South Africa Act, 1961 (Act 32 of 1961)*, the *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)* provided for a dispensation where distinction was made between so-called “Own Affairs” and “General Affairs”. This was a result of the recognition of the distinctive population groups within the country, namely, whites, coloureds, and Indians, by the then government. The House of Assembly comprised these recognised population groups. The House of Assembly discussed matters that pertain to the citizenry of South Africa in general. An explanation of “Own Affairs” and “General Affairs” is dealt with in accordance to the *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)* in sections 2.4.1 and 2.4.2 of this dissertation which follow.



In 1983, government indicated that the *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)* was not a final model. The political rights of black South Africans still had to be addressed. This could be regarded as one of the first breakthroughs in the search for democratic solutions to South Africa's consistent problems (De Beer and Lourens, 1995: 23). The government felt that all population groups must be included in the *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)* in order to ensure stability in the socio-political situation in the country at that stage. The inclusion of all population groups would result in the democratisation of the State.

#### **2.4.1 Own affairs**

Section 14 (1) of the *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)* states that matters which specially or differentially affect a population group in relation to the maintenance of its identity and the upholding and furtherance of its way of life, cultural traditions and customs are subject to the provisions of Section 16 of the *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)* "Own Affairs".

Following the above section (Section 14), Schedule 1 (6) of the *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)* states that "... local government within any area declared by or under any general law as a local government area for the population in question, but subject to any general law in relation to matters to be administered on local government level on a joint basis, and excluding – (a) any matter assigned to local authorities by or under any general law; and (b) the exercise by any local authority, otherwise than in accordance with general policy determined by the State President acting as provided in section 19 (1) (b), of any power to raise loans."

While the practice of "Own Affairs" at local government level was only established in 1989, arguments for and against this approach have been heard, especially since the acceptance of the *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)*. Government's basic point of departure was self-determination over own communities, which had to be realised through the establishment of the necessary government structures in all spheres of government. At local government, this necessitated the creation of local government institutions for the various population

groups and certain steps had to be taken to ensure the viability of such local authorities (De Beer and Lourens, 1995: 77-78).

The own affairs concept was based on the main principles of the *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)* namely, self-determination over own affairs and joint decision-making on matters concerning general affairs. Although self-determination was the main principle of the then government, it was not generally acceptable and was regarded as a further extension of apartheid ideology. The own affairs notion was intended as an inclusive one, but it only applied to minority groups and completely excluded the black majority community (De Beer and Lourens, 1995: 80).

The own affairs practice entrenched racial and population segregation within different racial groups and perpetuated separate development and separate service delivery to communities living within the same region. The municipalities were grouped and developed along racial lines. The black majority was excluded and, as a result, disadvantaged from any major decision-making processes.

#### **2.4.2 General affairs**

According to Section 15 of the *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)*, matters which are not affairs of a population group in terms of matters stipulated in Section 14 (“Own Affairs”) of the *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)* are general affairs. Different population groups were protected by the Act and the application thereof was subject to the approval of the State President on any question that arose. The State President had to decide as to whether particular matters were “Own Affairs” or “General Affairs”. Government institutions or departments serving the interests of a particular population were not entitled to affect the interests of any other population group by their decisions (*Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)*): Section 16 (1)).

After realising that the own affairs situation was not acceptable to the black African population, coloureds and Indians, the then government moved towards reform within all three spheres of government. The phasing out of the own affairs concept appeared to be a much broader reform process, stimulating new thought on future policies. The *Constitution of the Republic of South Africa,*

*1983 (Act 110 of 1983)* was not promulgated in isolation from other pieces of legislation which were enacted to facilitate the transformation of local government. The *Constitution of the Republic of South Africa, 1983 (Act 110 of 1983)* mainly emphasised a separate state of affairs for the different population groups.

The circumstances and living conditions of the different population groups were contentious as a result of the policy of separate development. However, the general affairs practice paved the way for the transformation of local government affairs. Different population groups had, then, to be recognised because of their value and contribution to the affairs of government.

## **2.5 THE PROMOTION OF LOCAL GOVERNMENT AFFAIRS**

The *Promotion of Local Government Affairs Act, 1983 (Act 91 of 1983)* was a significant step towards the process of development in and the transformation of local government affairs in South Africa. The main objective of the Act was “... to make provision for the coordination of functions of general interest to local authorities and of those functions of local authorities which should be coordinated in the national interest. It also provides for the establishment of a council for coordination of local government affairs and relevant councils’ action committee, as well as a body which should be responsible for the coordination of the local government affairs at national level.”

The objective of the coordinating council was to advise the government with regard to the coordination of the functions of local authorities which were of general interest to the local authorities, as well as of matters relating to local authorities which were to be coordinated with general national interests. The council, as an advisory body and entrusted with local government affairs, was expected to make recommendations to government for a decision to be taken on matters of national interest (*Promotion of Local Government Affairs Act, 1983 (Act 91 of 1983)*: Section 1).

There was a degree of agreement that the transformation of local government affairs should not to be based on racial boundaries as reflected in the *Promotion of Local Government Affairs Act, 1983 (Act 91 of 1983)*, and should involve different population groups with matters dealt with at different levels, such as those concerning national and local interests.

## 2.6 REGIONAL SERVICES COUNCILS

As those described above an equally important Act in the development process of local government transformation was the *Regional Services Councils Act, 1985 (Act 109 of 1985)*. The main objectives of the *Regional Services Councils Act, 1985 (Act 109 of 1985)* were to provide for joint services and the carrying out of powers and duties in relation to certain functions in certain areas by local bodies within such areas, and to provide for: the demarcation of regions; the establishment of regional services councils; and the constitution, functioning, functions, powers, duties, assets, rights, employees and financing of councils. Regional services councils were mandated to render functions that were listed in Schedule 2 of the *Regional Services Council Act, 1985 (Act 109 of 1985)*. The functions referred to are basic local authorities' functions, such as the provision of water, electricity, refuse dumps, and other regional functions.

The regional services councils were based on joint decision-making within regional services councils and between neighbouring local government bodies on matters of mutual interest irrespective of population groups. Regional services councils were to be autonomous bodies that represented all population groups. The functioning of each council, once established, was confined to a particular area of jurisdiction within a region. The council was subject to joint decision-making and cooperation with the neighbouring councils on matters of common interest.

A decision of the regional services councils became official only when it enjoyed the support of the majority of representatives or participants in that region. In 1988, the *Regional Services Councils Act, 1985 (Act 109 of 1985)* was amended to make provision for the establishment of rural councils, which were an important development in advancing local government transformation in rural areas. The objective for the establishment of rural councils was to cater for persons resident in such regions, for registered owners of immovable property situated in that region and for persons who held an interest in a juristic person who was the registered owner of immovable property situated in that region, but outside the area of jurisdiction of a local authority or a management body other than a rural council.

The composition of a rural council was dependent on the relevant rural community and the minister responsible for local government. In 1989, the establishment of elected rural councils for black communities outside the urban areas was approved by the coordinating committee and a rural council dealt with matters affecting the rural communities (*Regional Services Councils Act, 1985 (Act 109 of 1985)*: Section 12A).

It is worth mentioning that the rural councils were a mechanism to empower council representatives by furnishing them with government information and procedures to ensure service delivery in rural communities. The rural councils were also significant to black communities with regard to joint decision-making on the welfare of the people under their jurisdiction.

## **2.7 THE DEVELOPMENT OF LOCAL GOVERNMENT AFFAIRS FROM 1985 TO 1995**

During 1990, there were major changes in the political landscape of South Africa. Major political organisations, most notably the African National Congress (ANC), the Pan Africanist Congress (PAC), and the South African Communist Party (SACP) were unbanned by the then government. The National Party government committed itself to negotiating a new constitution with all participating parties and people of South Africa (Cameron, 1999: 81). It was believed that maximum participation of all stakeholders would eventually provide for autonomous and non-racial local authorities (De Beer and Lourens, 1995: 81; and Cameron, 1999: 81) and De Beer and Lourens (1995: 82) and Cameron (1999: 81-82) identified different possible models of local government as follows --

1. Separate local authorities for the population groups with own areas of jurisdiction, with the provision that racially separate cities would be allowed where financially viable
2. A local services council with a joint administration composed of autonomous local authorities and local bodies
3. A joint local authority consisting of local affairs committees on a non-racial and geographical basis
4. A simple majoritarian model with or without protection for minority groups and
5. Any other locally negotiated model.

The suggested models and a specific model that was chosen among the five models were to address local government issues, for example, service delivery and constitutional protection of all population groups. A further step was a model that had to be acceptable to everyone and serve the needs of local communities.

## **2.8 THE INTERIM MEASURES FOR LOCAL GOVERNMENT ACT, 1991 (ACT 128 OF 1991)**

To avert instability in many black townships on the basis of rent and services boycott of the local authorities and the voluminous resignation of councillors, the government promulgated the *Interim Measures for Local Government Act, 1991 (Act 128 of 1991)*. The Act was criticised by various political organisations and civic movements at the time. The Act was seen as perpetuating the same policies of the then government. Despite the criticism from different sectors of local government, the Act was regarded as the basis for the democratisation of local government (Cameron, 1999: 82).

The objectives of the *Interim Measures for Local Government Act, 1991 (Act 128 of 1991)* was to create interim measures to encourage negotiations at local level and to establish negotiating forums for joint service rendering and the possible amalgamation of services. The Act provides for local authorities of different population groups to manage and negotiate matters affecting local authorities in the interest of the local authorities.

The Act also made provision for joint meetings between the relevant parties and community leaders for the purpose of joint decision-making, as well as for the establishment of joint administrations. Neighbouring local authority bodies could establish a single administrative body to perform activities and duties on behalf of the relevant authorities. This was, to a certain extent, the main objective of the Act, as joint administration was the most important step towards non-racial, amalgamated local authorities (De Beer and Lourens, 1995: 84).

The criticism of the *Interim Measures for Local Government Act, 1991 (Act 128 of 1991)* by non-statutory organisations or civic organisations, such as the South African National Civic Organisation (SANCO) and the community-based organisations (CBOs), was based on the legitimacy of the *Interim Measures for Local Government Act, 1991 (Act 128 of 1991)*, with no guiding principles

on which new local government structures should be based. The *Interim Measures for Local Government Act, 1991 (Act 128 of 1991)* continued to support the existing racially-based local government structures. The Act did not force local authorities to enter into local government negotiations. Where negotiations did take place, they often resulted in a variety of negative consequences for residents of black townships, including the one-sided rationalisation of black local authorities' staff, non-negotiated tariff increases, and the suspension of services and evictions (ANC, 1991; SANCO, 1993).

Whilst the Act was criticised, there were positive results that accrued from it. For example, twelve forums were established across the country and deliberations were held on the creation of other forums in some towns and cities. The Act was also used as a basis for the drafting of the *Local Government Transition Act, 1993 (Act 209 of 1993)* in democratising local government affairs in South Africa. All agreements reached in terms of the *Interim Measures for Local Government Act, 1991 (Act 109 of 1991)* were recognised in terms of the *Local Government Transition Act, 1993, (Act 209 of 1993)*. The *Local Government Transition Act, 1993 (Act 209 of 1993)* was promulgated to repeal the *Interim Measures for Local Government Act, 1991 (Act 109 of 1991)* (Cloete, 1997: 37).

Despite negative perceptions and sceptical responses from different non-statutory organisations in respect to the representation status of the interests of the previously disadvantaged communities in local government affairs, the *Interim Measures for Local Government Act, 1991 (Act 109 of 1991)* played an important role in bringing together different organisations to negotiate on behalf of communities. In this context, there was an attempt to provide solutions to problems facing local government and service delivery.

## **2.9 THE LOCAL GOVERNMENT NEGOTIATING FORUM**

Before the establishment of the Local Government Negotiating Forum (LGNF), there were discussions unfolding between statutory bodies, for example, local government representatives and non-statutory bodies, for example, civic organisations, such as the South African National Civics Organisation (SANCO) and community-based organisations (CBOs). Their precedent-setting discussion culminated

in consensus on the establishment of a forum to be known as the Local Government Negotiating Forum (LGNF).

The forum was established on 22 March 1993 as a vehicle to accelerate a new system of local government affairs and was not seen as a model *per se*, but as a forum for discussion of local government affairs. The objective of the forum was to contribute to a democratic, non-racial, non-sexist and financially viable local government system (Local Government Negotiating Forum, 1993A: 4). The forum was a bilateral body between a statutory delegation, consisting of representatives of central, provincial and organised local government, and on the other hand, a non-statutory delegation, consisting of representatives of the South African National Civic Organisation (SANCO), on the other hand.

The terms of reference of the Local Government Negotiating Forum (LGNF) were, *inter alia*, to compile and analyse the necessary data, in close cooperation with and within the framework of the national negotiation process, and to seek agreement between the delegations on the procedure for and substance of the restructuring of local government (Local Government Negotiating Forum, 1993A: 7).

There was to be equal representation of statutory representatives and non-statutory representatives. The total representation was sixty (60), thirty (30) from statutory and thirty (30) from non-statutory representatives. Every function that was performed by the forum was subject to dual performance between the statutory and non-statutory representatives. The forum was assisted by technical working groups. Cloete (1997: 5) points out that most of the bargaining and negotiations in the Local Government Negotiating Forum (LGNF) were done in three working groups which are as follows:

1. The legal and constitutional working groups
2. Services and finance working groups and
3. The management, administration and training working groups.

Different stakeholders were initially adamant about their respective policy viewpoints, but because of time constraints were compelled to compromise. They eventually came up with a model for local government reform, which was subsequently amended and ratified by the Multiparty Negotiating



Forum (MPNF) at the World Trade Centre at Kempton Park. The forum was also regarded as an advisory body to the Multiparty Negotiating Forum (MPNF) and was not a decision-making body on local government reform (Cloete, 1995:5).

Although the forum was regarded as the first truly representative forum for local government, voices were raised in protest against the legitimacy of the forum. Not everybody regarded the forum as truly representative in terms of the transformation of local government. The legitimacy of the forum was also questioned at the Multiparty Negotiating Forum (MPNF). Nonetheless, different structures took part in the negotiations even though there were some reservations.

## **2.10 LOCAL GOVERNMENT TRANSITION ACT, 1993 (ACT 209 OF 1993)**

After intensive discussions among various institutions and interest groups, in particular, the Department of Local Government and the South African National Civic Organisation (SANCO), as well as with the Associations of Local Authorities, the *Interim Measures for Local Government Act, 1991 (Act 128 of 1991)* was repealed and was succeeded by the *Local Government Transition Act, 1993 (Act 209 of 1993)*. The latter provided for revised interim measures with a view to promoting the restructuring of local government (*Local Government Transition Act, 1993 (Act 209 of 1993)*; Cloete, 1997: 32).

Local government was democratised through the provisions of Chapter 10 of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*, which is described in subsequent paragraphs. The important phases of the *Local Government Transition Act, 1993 (Act 209 of 1993)* are described in Parts IV, V and VI of the Act. These phases are as follows: the pre-interim; interim; and final phase and are discussed in sequence.

### **2.10.1 Pre-interim phase**

The pre-interim phase commenced with the passing of the *Local Government Transition Act, 1993 (Act 209 of 1993)* on 2 February 1994 and was operative until the first democratic local government elections, held in November 1995 in seven of the nine provinces, namely, Eastern Cape, Gauteng, Free

State, Limpopo (known as Northern province), Northern Cape, North West and Mpumalanga. Local government elections were held in the remaining two provinces, namely, the Western Cape in May 1996 and KwaZulu-Natal in June 1996.

The main objective of the pre-interim phase was the recognition and establishment of forums to negotiate matters at local government level. This phase attempted to bring about cooperation and to give more legitimacy at local level by providing for the abolition of racially-based local authorities. These were to be replaced by Transition Local Councils (LTCs); and in metropolitan areas, Transitional Metropolitan Councils (TMCs). Primary Local Authorities (PLA) in metropolitan areas were referred to as Transitional Metropolitan Substructures (TMSs) (Cameron, 1996: 3).

The Act also provided for the establishment of a forum for each economically and historically bound area. It also provided the criteria for the establishment of a forum, including commercial and industrial linkage, daily commuting patterns, provision of services within the area, and the areas of jurisdiction of local government bodies, including areas of jurisdiction of such local government bodies existing before 1971 if any (Schedule 1 (1 and 2) of the *Local Government Transition Act, 1993 (Act 209 of 1993)*). The forums were deemed negotiating forums for the purpose of the Act after the administrator had satisfied himself or herself about the information provided in written applications. The administrator was only recognising any forum that was substantially established in accordance with the principles of the Act.

The Act provided for the negotiation of matters which included the area of a forum as contemplated in paragraph 1, Schedule 1; negotiation on the establishment of any Transitional Local Council (TLC) for a non-metropolitan area of local government, and any Transitional Metropolitan Council (TMC) with Transitional Metropolitan Substructures (TMS) for a metropolitan area of a local government.

Subject to the principles and procedures contained in Schedule 1 of the *Local Government Transition Act, 1993 (Act 209 of 1993)*, the negotiating forum discussed the establishment of a Local Government Coordinating Committee (LGCC) for local government bodies within the area of the forum for a non-metropolitan area of local government. The council and coordinating committee were to have shared

powers and duties within their area of jurisdiction (*Local Government Transition Act, 1993 (Act 209 of 1993)*: Section 7).

For the purpose of negotiating the nomination of members of a transitional council and the transitional metropolitan substructure, the statutory and non-statutory components of the forum were required to complete a list of potential candidates, whereupon a representative committee comprising members from each component met to attempt to reach consensus on the persons to be nominated by the forum for appointment as members of transitional councils and transitional substructures.

The persons so nominated were to be acceptable to the statutory and non-statutory components. Furthermore, lists of additional candidates in order of preference were submitted by statutory and non-statutory components to facilitate the filling of any vacancy which may occur (*Local Government Transition Act, 1993 (Act 209 of 1993)*: Schedule 1, Section 5 (1)).

Nominated members to serve on the transitional local government structures were members of the local government bodies and equitable weighted representation of the local government bodies concerned. The other nominated members comprised equitable representation of all those sectors of society which in the past had not participated in the electoral process in the area of the Forum (*Local Government Transition Act, 1993 (Act 209 of 1993)*: Schedule 1, Section 5(2)).

During the pre-interim phase, the forums were negotiating on various matters, which included the location of the forum, the type of transitional structure, the number of seats, the powers and duties, and the nomination of members for appointment. Agreements reached within these forums were submitted to the administrator within ninety days. This was to formalise and tighten the work of the forums before it was submitted to the administrator for final decision.

The administrator was to satisfy him or herself that a proposed transitional structure was legitimate and sufficiently representative, before a proclamation to this effect could be published in the official gazette. When the forum was unable to make decisions, the administrator was to decide which legal option was appropriate. However, the legal action was regarded as the last resort after all other efforts had been made (De Beer and Lourens, 1995: 145).

Because of the local government circumstances and relations between statutory and non-statutory bodies, it was always advisable for the two different bodies to reach consensus. A forum may generally, as local government circumstances were dictating, explore and propose short, medium and long term practical solutions to the problems of local government in the area of such forums, and these were to be submitted to the administrator for consideration. A forum was also able to decide on the establishment of one of the transitional models of local government. The models were as follows:

1. Transitional Local Council (TLC) for non-metropolitan areas and
2. Transitional Metropolitan Council (TMC) with Transitional Metropolitan Substructures (TMSs) for metropolitan areas.

The Transitional Metropolitan Council (TMC) and Transitional Metropolitan Substructures (TMSs) were assigned local service delivery functions, unless otherwise determined by national legislation, in line with Schedule 2 and Section 126 of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*. It was also incumbent upon any transitional metropolitan council to exercise its discretion whether to perform such powers or duties assigned (*Local Government Transition Act, 1993 (Act 209 of 1993): Section 7 (1) (b)*).

A forum was also negotiating the establishment of a Local Government Coordinating Committee (LGCC) for the local government bodies within the area of the forum for a non-metropolitan area of local government. The Local Government Coordinating Committee (LGCC) was vested with specific powers and duties to perform. Among its powers and duties was that of ensuring access by all persons residing within the areas of jurisdiction of the individual local government bodies to the following services, namely, water supply, sewerage purification, electricity, refuse removal, roads and storm-water drainage, health services, emergency services, financial administration, and any other services deemed appropriate.

When individual local government bodies did not have sufficient capacity to render services efficiently and effectively, the Local Government Coordinating Committee (LGCC) was tasked with negotiating

access to be provided on its behalf by a competent body. But that did not relieve the Local Government Coordinating Committee (LGCC) of its responsibilities.

The budget of the Local Government Coordinating Committee (LGCC) was prepared and approved in accordance with the appropriate law of the then government. The budget was to include at least an amount of not less than ten per cent of the total assessment rates of the individual local government bodies, which was to be used for the improvement and restoration of services as identified and arranged in order of priority by Local Government Coordinating Committee (LGCC). The Local Government Coordinating Committee (LGCC) was required to investigate the rationalisation of the administration and the personnel employed by the individual local government in the area of the forum and, subject to applicable law, to implement a programme of rationalisation at the commencement of the interim phase (*Local Government Transition Act, 1993 (Act 209 of 1993)*: Section 7 (1) (b and c)).

### **2.10.2 Interim phase**

The interim phase commenced with the first local government elections for the Transitional Metropolitan Councils (TMCs), Transitional Metropolitan Substructures (TMSs), Transitional Local Councils (TLCs), and rural local government structures and ended with the implementation of the final constitutional model at local government level. This phase lasted for a period of between three and four years. The *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* was amended for two provinces, KwaZulu-Natal and Western Cape respectively. This was in response to demarcation disputes (Cloete, 1995: 21; Cameron, 1996: 12).

During the interim phase, the restructuring process of local government progressed some steps further towards legitimacy. The main objective of the interim phase was the delimitation of areas of jurisdiction and the election of transitional councils. Part V, Section 8 (1) of the *Local Government Transition Act, 1993 (Act 209 of 1993)* provided for transitional council for which elections were held as provided in Section of the *Local Government Transition Act, 1993 (Act 209 of 1993)*. Transitional councils were known as follows:

1. Transitional Local Council (LTC) for a non-metropolitan area of local government, including the area of jurisdiction of a traditional authority as contemplated in Section 81 of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*.
2. Transitional Metropolitan Council (TMC) with Transitional Metropolitan Substructures (TMSs) for a metropolitan area of local government.

The Act provided for the delimitation of the wards of the different municipalities. The area of jurisdiction of any transitional local council and transitional metropolitan substructures was divided into wards. The delimitation of jurisdiction of areas was inclusive of all areas that were recognised in legislation or various Acts of Parliament (*Local Government Transition Act, 1993 (Act 209 of 1993)*): Schedule 3, Section 8 (2)).

Section 8 (2) of the *Local Government Transition Act, 1993 (Act 209 of 1993)* dealt with the written representations of any transitional council or transitional metropolitan substructure which was affected, and the advice and written recommendation of the Demarcation Board was then submitted to the administrator. After due consideration of the written representation and the advice provided, the administrator was to take the following actions:

- a) Delimit the areas of jurisdiction of transitional councils and transitional metropolitan substructures
- b) Determine the powers and duties of any transitional metropolitan councils and transitional metropolitan substructures
- c) Determine the number of seats in a transitional local council or transitional metropolitan substructure and
- d) Delimit the area of jurisdiction of any transitional local council and transitional metropolitan substructure into wards in accordance with Schedule 3 of the *Local Government Transition Act, 1993 (Act 209 of 1993)*.

The administrator was tasked with exercising the powers conferred upon him or her as stipulated in the *Local Government Transition Act, 1993 (Act 209 of 1993)* (Section 10 (1)) and with incorporating the provisions of such delimitation and determination in the proclamation as contemplated. The elections

for transitional councils were to be consistent with the *Local Government Transition Act, 1993 (Act 209 of 1991)* and the date of commencement of the appointment was determined by the Minister by notice in the government/official gazette after consultation with administrators of all provinces. The administrators had, by proclamation in the official gazette, to make regulations not inconsistent with the *Local Government Transition Act, 1993 (Act 209 of 1993)* and the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* regarding the following matters:

1. The determination of wards and polling districts
2. Voters and voters' roll, including the determination of the qualification of voters
3. Members of transitional councils and transitional metropolitan substructures, including the qualifications and terms of office of members
4. The conducting of and procedures at the elections
5. Elections expenses and
6. Any other matter which the administrator deemed necessary or expedient to prescribe in order to achieve or promote the objectives of this section.

Section 9 (4) of the *Local Government Transition Act, 1993 (Act 209 of 1993)* dealt with any natural person who was eligible to vote in terms of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* (Section 6), as well as the residents within the area of jurisdiction of a municipality entitled to be included in the voters' roll and thereupon be entitled to vote in an election of members of the council, and any person was entitled to exercise only one vote for any local government election.

A voters' roll had to be prepared by the local government concerned and divided according to wards for delimitation. Any person, who was entitled to be included in the appropriated voters' roll, was entitled to be nominated and elected as a member of the council of the local government, unless such person was an elected member of the National Assembly, or an employee of the local government concerned or any other local government, or was disqualified from election as a member in terms of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*.

For the transitional local council elections and allocation of council seats, forty per cent of councillors were to be elected according to a proportional representation system. The other sixty per cent of councillors was nominated by Transitional Metropolitan Substructures (TMSs) from their area of jurisdiction on a *pro rata* basis according to the number of registered voters (*Local Government Transition Act, 1993 (Act 209 of 1993)*: Schedule 4, Section 8).

### **2.10.3 Final phase**

The final phase commenced with the implementation of the final constitutional model at local government level. There is no reference of the final phase in the *Local Government Transition Act, 1993 (Act 209 of 1993)*. The Constitutional Assembly was responsible for the development and finalisation of a democratic constitution of the Republic of South Africa. The constitution was likely to change the national framework within which local government was operating. The first and last target was the power-sharing element (Cloete, 1995: 6; Cameron, 1996: 19). It was important that a non-racial, legitimate local government system that embraces equitable local communities in South Africa be established.

### **2.11 INTERIM CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA ACT, 1993 (ACT 200 OF 1993)**

Discussions in the Local Government Negotiating Forum (LGNF) and the Council for the Coordination of Local Government Affairs (CLGA) culminated with the establishment of the *Local Government Transition Act, 1993 (Act 209 of 1993)* and Chapter 10 of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*. During the period of negotiations on the drafting of Chapter 10 of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*, certain principles were noted as essential and entailed the following:

1. The third sphere of government should comprise autonomous local authorities in various forms and sizes for metropolitan, urban, and rural area.
2. Local government should possess applicable and sufficient powers to issue regulations that do not contradict regional and national legislation.



3. There should be an ethical code of conduct for councillors.
4. The powers and functions of local authorities were to be entrenched in the national and regional legislation.

Chapter 10 of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* dealt with local government matters. Sections 174 to 182 of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* laid down a policy framework for the system of a transitional local government in the transformation of the local government system. Section 245 of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* restricted the application of this provision to elected local government (Cloete, 1995: 27).

The *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* provided for the establishment and status of local government. In addition, in order to emphasise the establishment of local government, it provided for categories of autonomous local government for metropolitan, urban and rural areas with distinct powers, functions and structures according to the needs of the area concerned (*Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*: Section 174).

Local government, as an autonomous sphere of government, was to be autonomous in regulating its own affairs as prescribed by the law. Parliament and provincial legislatures were to respect the autonomy of local government by not encroaching on their powers, function and structures of local government in the extent to compromise the fundamental status, purpose and character of local government.

Furthermore, the legitimacy of local government was realised by Section 174 (5) of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* which stated that "... any proposed local government legislation by either parliament or a legislature which materially affects the status, powers or functions of local governments was first to be published so that interested stakeholders are afforded an opportunity to submit written comments and make representation".

The *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* dealt with the powers and functions of local government. Local government, as with the provincial legislatures, had powers conferred upon it and functions vested in it to execute its statutory obligation. Local government also had the power and function to provide services for the maintenance and promotion of the wellbeing of all persons within its area of jurisdiction. Local government provided for access by all persons residing within its area of jurisdiction to water, sanitation, transportation facilities, electricity, primary health services, education, housing and security within a safe and healthy environment (*Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*: Section 175).

The above-mentioned services and amenities were to be rendered in a sustainable manner and to be financially and physically practicable. Section 175 (4) of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* dealt with local government powers to make by-laws not inconsistent with the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* or any Act of Parliament. Local government had executive power, which allowed it to function effectively in executing its statutory obligations.

With the powers and functions bestowed on local government, a council might resolve to delegate a particular assignment of its work to a local or sub-municipal body to facilitate the functions within its area of jurisdiction (*Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*: Section 175). This allowed some participation of civic organisations and community-based organisations in the affairs of local government. The process assisted some community members to enhance their skills and to become informed about local government administration.

The *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* dealt with council resolutions, for example, the council budget and town planning. It stipulated that a majority of at least two-thirds of all councillors were to decide on matters concerning the council budget. And, on matters pertaining town planning, a majority of at least fifty plus one (50 + 1) of all councillors was required. A council might delegate the power of decision-making on matters pertaining to town planning to the executive committee or to a committee appointed for that purpose only (*Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*: Section 176).

Every democratically elected local council could elect executive committees from among its members to exercise powers and functions as determined by the council. The council determined the number of and quorum for the executive committees and endeavoured to take decisions on the basis of consensus among its members.

If the committee were unable to reach consensus on any matter in particular, on the adoption of a committee report, a majority of at least two-third of its members decided on the way forward by resolution. The decision had to be made by the majority of the members, and the committee had to submit a report and recommendation (if any) to the council for ratification. Executive committee members had to be constituted on the basis of proportional representation as prescribed by law (*Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993): Section 177*).

The *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* dealt with the administration and finance of a local government. Section 178 outlined the powers and functions of local government within its area of jurisdiction in terms of administration and finances. A democratically elected local government aimed to ensure that its administration was based on sound principles of public administration, good governance and public accountability so as to render efficient services to the people within its area of jurisdiction as well as to ensure the effective administration of its affairs (*Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993): Section 178*).

Furthermore, local government was empowered to levy and recover property rates, levies, fees, taxes and tariffs on a uniform basis for its area of jurisdiction. It was also entitled to an equitable allocation from the provincial government according to the criteria prescribed by the Financial and Fiscal Commission (FFC) (*Local Government Transition Act, 1993 (Act 209 of 1993): Section 178*). The criteria should take into consideration the different categories of municipalities referred to by the law (*Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993): Section 174 (2)*).

Section 179 of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* dealt with election procedures and requirements. Local government elections had to be democratic and

to take place at an interval of every three to five years. The electoral system for local government had to include both proportional and ward representation and was regulated by law.

Every natural person was entitled to vote in an election of local government in accordance with the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* (Section 6) provided that he or she was ordinarily resident within the area of jurisdiction of that local government or was under law liable for the payment of property rates, rent, service charges or levies to that local government, and registered as a voter on the voter's roll of that local government. Only South Africans are currently entitled to vote; this includes students, boarders or residents in informal settlements and landlords who comply with the requirements, but not hotel guests, tourists, visitors and contract workers.

A person eligible to vote is be entitled to cast one vote during local government elections. Local government employees and members of the National Assembly or Senate are disqualified from being elected or remaining in office as members of a local council. In the public interest, an exemption of disqualification may be given by the Provincial Executive Council in which the local government is situated and proof of such exemption must accompany the nomination of such person.

The Act dealt with the code of conduct for councillors and officials of a local government. A code of conduct for councillors was codified in the *Local Government Transition Act, 1993 (Act 209 of 1993)*: Schedule 7 as stipulated by the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*. This code protects municipal government from any unethical practices from councillors and officials. As public representatives, councillors must sign the Code of Conduct to respect and safeguard the interest of municipalities and the public. Municipal officials must also sign the Code of Conduct requiring professionalism in their work (*Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*: Section 180).

In addition, the Act dealt with the roles, powers and functions of traditional authorities in local government. A traditional leader of a community observing a system of indigenous law and residing on land within the area of jurisdiction of an elected local government was entitled to be an *ex-officio*

member of council and be eligible to be elected to any office of such municipality (*Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*: Section 182).

Traditional leaders were expected to recognise and implement policies of the government and to disseminate any relevant information to communities to which they were entitled by law. However, government recognised the need for a new constitution that would ensure that spheres of government were interdependent and cooperated with one another in their programmes and would also build a strong and developmental government.

## **2.12 THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996**

Municipalities are afforded the right to govern their own affairs, in particular, the affairs of communities within the area of their jurisdiction. Their right also concurs with national and provincial legislation as provided in the *Constitution of the Republic of South Africa, 1996*. National or provincial governments must not encroach on a municipality in exercising its powers or performing its functions to the best of its ability. Section 152 of the *Constitution of the Republic of South Africa, 1996* refers to the objectives of local government, which are as follows:

1. To provide democratic and accountable government for local communities
2. To ensure the provision of services to communities in a sustainable manner
3. To promote social and economic development
4. To promote a safe and healthy environment and
5. To encourage the involvement of communities and community organisations in the matters of local government.

Subject to Section 178 of the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)*, a municipality should strive within its financial and administrative capacity to achieve the objectives set out in Section 152 of the *Constitution of the Republic of South Africa, 1996*. Such responsiveness from municipal government will ensure service delivery and will empower local communities.

Section 153 of the *Constitution of the Republic of South Africa, 1996* deals with the developmental duties of municipalities. A local government, as the closest sphere of government to communities, should structure and manage its administration, budgetary and planning processes to give priority to the needs of the community. Local government should promote the social and economic development of the communities and participate in national and provincial development programmes.

Section 154 of the *Constitution of the Republic of South Africa, 1996* deals with municipalities in cooperative government with national and provincial governments. Cooperative government is explained in the next chapter of this study in some detail. National and provincial governments should continue to support and strengthen the capacity of municipalities to manage their own affairs in their area of jurisdiction. The support necessitates that municipalities exercise their powers and perform their functions as required by the legislation. The importance of this section is that it recognises public participation and the involvement of people in government legislation as well as policy development that aligns with the spirit of the *Constitution of the Republic of South Africa, 1996*.

Section 155 of the *Constitution of the Republic of South Africa, 1996* deals with the establishment of municipalities. There are different categories and type of municipalities:

1. Category A: A municipality that has exclusive municipal executive and legislative authority in its area of jurisdiction, for example, the City of Tshwane Metropolitan Municipality
2. Category B: A municipality that shares municipal executive and legislative authority in its area of jurisdiction with a category C municipality within whose area it falls, for example, the Rustenburg Local Municipality and
3. Category C: A municipality that shares municipal executive and legislative authority in an area that includes more than one municipal municipality, for example, Bojanala District Municipality.

The Act deals with the nature and character of organised local government. The recognition of local government by the *Constitution of the Republic of South Africa, 1996* enhances the status and role of local government as a whole and of municipalities in particular, and has given municipalities a new dynamic role as centres of service delivery.

For local government to achieve the objectives of the establishment of municipalities, the national legislative authority through the *Constitution of the Republic of South Africa, 1996* promulgated the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*. Among the objectives of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* is that it deals with the criteria for determining an area for a category A or B or C municipality. The *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* receives closer attention in the next chapter of this study.

Provincial governments monitor and support the local government in that province, and promote the development of local government capacity to enable municipalities to perform their functions and manage their own affairs in their area of jurisdiction. National and provincial governments are statutorily bound to monitor the effective performance of municipalities in respect of matters listed in Schedule 4 and 5 of the *Constitution of the Republic of South Africa, 1996 (Constitution of the Republic of South Africa, 1996: Section 155)*.

Section 156 of the *Constitution of the Republic of South Africa, 1996* deals with the powers and functions of municipalities in respect of their different categories. A municipality has executive authority in respect of Part B of Schedule 4 and Part B of Schedule 5, and has the right to administer local government matters, as listed in Parts B of Schedules 4 and 5 of the *Constitution of the Republic of South Africa, 1996*, and any other matter assigned to it by national and provincial legislation.

Municipalities are statutorily bound to make and to administer by-laws for the effective administration within the areas of their jurisdiction. Subject to Section 151(4), a by-law that conflicts with national or provincial legislation is invalid. If there is a conflict between a by-law and national or provincial legislation that is inoperative because of a conflict referred to in Section 149 of the *Constitution of the Republic of South Africa, 1996*, the by-law must be regarded as valid for as long as that legislation is inoperative (*Constitution of the Republic of South Africa, 1996: Section 156 (2 and 3)*).

National and provincial governments must assign to municipalities, by agreement and subject to any conditions, the administration of matters listed in Part A of Schedule 4 or Part A of Schedule 5 of the *Constitution of the Republic of South Africa, 1996*. Such conditions necessarily relate to local

government, if such matters are effectively administered locally; and the municipality has the capacity to administer them. Municipalities will be accorded the right to exercise any power concerning a matter reasonably necessary for the effective performance of its functions (*Constitution of the Republic of South Africa, 1996*: Section 156 (4)).

The Independent Electoral Commission (IEC) is responsible for presiding over elections in South Africa to ensure free and fair elections. The composition and conducting of elections in a municipality fall under the jurisdiction of the Independent Electoral Commission (IEC). This is to ensure free and fair local government elections. The composition of municipal councils consists of proportional representation and ward representation respectively. All candidates are drawn from different political party lists and are registered with the Independent Electoral Commission (IEC) by their political parties.

Political parties have the prerogative to list the names of their own candidates in order of preferences. For example, the first persons on the lists of political parties are regarded as candidates for executive mayor or mayor of the metropolitan or district municipality. After elections, the Independent Electoral Commission ensures that municipal council seats are allocated in accordance with the votes recorded for each political party. An individual person may only vote once and must be registered on that municipality segment of the national voters' roll. If the Independent Electoral Commission includes ward representation, the delimitation of wards is done by an independent authority, such as the Municipal Demarcation Board, appointed in terms of national legislation, and operating according to procedures and criteria prescribed by the national legislature (*Constitution of the Republic of South Africa, 1996*: Section 157).

The *Constitution of the Republic of South Africa, 1996* deals with membership of municipal councils for every citizen who is qualified to vote for a municipal council as well as with an individual's eligibility to become members of a specific council within his or her area of jurisdiction, although some people are prohibited by law from becoming members of a municipal council within their area of jurisdiction (*Constitution of the Republic of South Africa, 1996*: Section 158). This refers to those appointed by, and in the service of, the municipality, who receive remuneration for that appointment or service, and who have not been exempted from this disqualification in terms of national legislation.



The *Constitution of the Republic of South Africa, 1996* Section 47 (1) (c), (d) or (e) refers to unrehabilitated insolvents; anyone declared to be of unsound mind by a court of the Republic; or anyone who, after this section took effect, is convicted of an offence and sentenced to more than twelve months imprisonment without the option of a fine, either in the Republic, or outside the Republic, if the conduct constituting the offence would have been an offence in the Republic. But no one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined, or until the time for an appeal has expired. A disqualification ends five years after the sentence has been completed.

Municipal councils are established in terms of the national legislation and the term of office is also determined nationally. This may be no more than five years, as determined by the national legislation (*Constitution of the Republic of South Africa, 1996*: Section 159). Section 160 of the *Constitution of the Republic of South Africa, 1996* deals with internal procedures of the municipal council. Internal procedures ensure that municipal councils make and administer by-laws which prescribe rules and orders for their internal arrangements, business and proceedings, and the establishment of guidelines for the composition, procedures, powers and functions of its committees.

A municipal council must conduct its business in an open manner, and may close its sittings, or those of its committees, only when it is reasonable to do so having regard for the nature of the business being transacted. This situation arises when a council or executive committee discusses internal matters which are not for public dissemination. Furthermore, councillors (as members of municipal council) are entitled to participate in its proceedings and those of its committees in a manner that allows parties and interests reflected within the council to be fairly represented, consistent with democracy, and may be regulated by national legislation (*Constitution of the Republic of South Africa, 1996*: Section 160).

The Act provides for privileges for public representatives. Therefore, the provincial legislature within the framework of national legislation provides for the privileges and immunities of municipal councils and their members. This is the current practice that is taking place among municipal councils and

through the national legislative framework (*Constitution of the Republic of South Africa, 1996*: Section 161).

In addition, the Act provides for the process and publication of municipal by-laws in the relevant official gazette of the province. The by-laws of a municipal council become enforceable once published upon request of the municipality in an official provincial gazette. Municipal by-laws should be accessible to the public and be consistent with national and provincial legislation (*Constitution of the Republic of South Africa, 1996*: Section 162). Section 156 (2 and 3) and Section 160 (4 and 6) of the *Constitution of the Republic of South Africa, 1996* also deal with the making and administering of by-laws for the effective and efficient performance of the municipality.

The *Constitution of the Republic of South Africa, 1996* and *Organised Local Government Act, 1997 (Act 52 of 1997)* formally recognises the South African Local Government Association (SALGA) and nine provincial local government associations. Organised local government designates up to ten part-time representatives to represent the different categories of municipalities, to participate in the proceedings of the National Council of Provinces (NCOP), and to nominate persons to the Financial and Fiscal Commission (FFC) (*Constitution of the Republic of South Africa, 1996*: Section 163).

The Act also deals with other matters which are pertinent to the establishment and existence of local government. The *Constitution of the Republic of South Africa, 1996* requires that such matters concerning local government, not dealt with in the *Constitution of the Republic of South Africa, 1996* may be prescribed by national legislation or provincial legislation within the framework of national legislation (*Constitution of the Republic of South Africa, 1996*: Section 164). There are numerous acts of parliament and provincial legislation promulgated, for example, *Organised Local Government Act, 1997 (Act 52 of 1997)* and *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*. The Act deals with matters pertinent local government within the national framework.

Chapter 12 of the *Constitution of the Republic of South Africa, 1996* deals with the affairs of traditional leaders in local government. Traditional leadership affairs were recognised in both the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* and the *Constitution of the Republic of South Africa, 1996* as important in the affairs of local government. Furthermore, the

institution, status and role of traditional leadership, according to customary law are recognised subject to the law (*Constitution of the Republic of South Africa, 1996*: Section 211).

Section 212 of the *Constitution of the Republic of South Africa, 1996* deals with the role of traditional leaders in local government affecting local communities within their area of jurisdiction. Traditional leaders perform the functions provided for in terms of customary law and the customs of the traditional community concerned and in applicable legislation. The national government or a provincial government through the legislature or other measures provides a role for traditional councils of traditional leaders (*Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003)*: Section 19 and 20 (1)). This section clarifies the role and responsibilities of the local communities and the municipalities as well as traditional leadership in the light of regulatory framework. This section also deals with the Independent Electoral Commission (IEC) which guides party politics in terms of public representative suitability from party lists and elections as well as allocation of seats in councils.

### **2.13 PARTICIPATORY LOCAL AFFAIRS SYSTEM**

In pursuit of local government transformation, Section 152 (1) (e) of the *Constitution of the Republic of South Africa, 1996* read together with Section 72 (1 and 2) of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* gives a direct mandate to municipalities to encourage the involvement of communities and community organisations in matters of local government and to establish community participatory systems.

Local government structures, in accordance with this dispensation, have the responsibility for the promotion of local democratic, social and economic development, as well as for the provision of sustainable municipal services to local communities. The municipality should be accountable to its constituencies and encourage the active participation of local communities in local government affairs.

Hence, municipalities should establish ward participatory systems as a mechanism to deepen participatory democracy in order to enhance service delivery. The ward committee system is an appropriate mechanism to promote community participation and involvement in local affairs (*Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*: Section 8, 9 and 72). The ward committee system should give local communities a direct voice as a link between ward community,

ward councillor and municipal council. Therefore, it is also crucial that this link is strengthened and nurtured for ward committees to be effective in rendering service in local affairs.

## 2.14 CONCLUSION

The process of the engagement and transformation of local government began with the adoption of the *South Africa Act, 1909* and the *Constitution of the Republic of South Africa, 1961 (Act 32 of 1961)*. The adoption of the *Constitution of the Republic of South Africa Act, 1983 (Act 110 of 1983)* in the eighties (1980s) envisaged a fundamental transformation of local government, and was followed by the *Interim Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)* in the nineties (1990s).

The transformation process of local government was envisaged as leading to a new system of local government. The new system of local government was effected after members of transitional local councils were elected in 1995 and 1996 respectively. The process was the result of professional negotiation between statutory and non-statutory negotiators. All parties that negotiated the transformation of local government were carrying out their party positions; as the negotiations proceeded, they were overpowered by circumstances and had to compromise some of their objectives in order to reach a consensus on the new system of local government. The rationale for negotiations was to repeal and amend some policies of the then government and to unify the South African population groups into one system of local government.

Local government was transformed with the adoption of the *Constitution of the Republic of South Africa, 1996* on 8 May 1996. The *Constitution of the Republic of South Africa, 1996* advocates the formulation and development of national legislation for specific operations of local government, for example, the *Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003)* to strengthen the process of transformation and to protect local government institutions from unethical business practice.

The next chapter of this dissertation explores governance and the administration of local government affairs, most notably, the legislative frameworks and policies that guide a developmental local government in the City of Tshwane Metropolitan Municipality (CTMM).

## CHAPTER 3

# THE ROLE OF THE STATE AND LOCAL GOVERNMENT IN PUBLIC ADMINISTRATION

### 3.1 INTRODUCTION

Chapter Two dealt with past and transitional period of local government systems in South Africa from 1909 to 1996. There is legislation that gives specific direction to activities and functions in respect to spheres of government. The existence of national and local government regulatory framework and policies make it possible to govern at local government administration level and to ensure the provision of services and the safeguarding of local interests.

The current chapter explores the role of the state and local government in Public Administration. This is to highlight the significant role of the state in society to ensure that government delivers services in terms of its mandate as well as institutionalisation of municipal administration to deliver services in an integrated approach with other spheres of government in local communities. It begins with a definition of concepts, such as governance, public administration, administration, policy, and decision-making.

Local government is a sphere of government that consumes resources, provides services, and is managed by both elected and appointed officials. Understanding local government implies an understanding of intergovernmental relations, because of the interaction with other spheres of government with which it shares responsibilities. More important is the fact that local government involves different and complex activities and that there are specific functions to be performed. These include water and sanitation, refuse removal, storm water drainage, electricity, health care, fire protection, transportation, and city planning and land use. For the City of Tshwane Metropolitan Municipality (CTMM) to perform the aforementioned functions optimally, community stakeholders as well as ward committees should be involved (City of Tshwane Integrated Development Plan, 2006 – 2011: 30).

Wilson (1886: 1) in his essay states that “...civil service reform must, after the accomplishment of its first purpose, expand into efforts to improve, not the personnel only, but also the organisation and methods of our government offices: because it is plain that their organisations and methods need improvement only less than their personnel. It is the object of administrative study to discover, first, what government can properly and successfully do, and, secondly, how it can do these proper things with the utmost possible efficiency and at the least possible cost either of money or of energy. On both these points there is obviously much need of light among us; and only careful study can supply that light.”

The City of Tshwane Metropolitan Municipality (CTMM) should embrace professional ethics and empower its employees and supportive structures to deliver on its mandate. Ward Committees are an important and integral part of the City of Tshwane Metropolitan Municipality (CTMM) because they interface with local communities in service delivery matters on day to day basis. This is important for the City of Tshwane Metropolitan Municipality (CTMM) because the process is engineered to improve and accelerate service delivery to local communities.

### **3.2 DEFINITION OF CONCEPTS**

In this chapter Public Administration and public administration, governance, administration, policy and decision-making are defined. These concepts are defined for the purpose of this chapter as follows:

#### **a. Public Administration and public administration**

Cloete (1995: 61) defines Public Administration (capital P and A) as the field of study or academic discipline focused on the study of and research into the functions and activities collectively known as public administration. Public administration (small p and a) is defined as the collection of functions or activities performed by officials employed in public institutions such as state and provincial departments or administrations. Craythorne (1997: 71) argues that “...public administration is concerned with the elected representatives and the appointed officials in the fields of policy-making

and decision-making at different levels of activity, and is also concerned with the efficient carrying out of activities such as directing, coordinating, staffing, planning and organising”.

In general, the development of discipline (Public Administration) and practice (public administration) has not followed the same course, nor did it take place at the same tempo or have the same degree of impact. In contrast to the practice, the development of Public Administration as an academic discipline (capital P and A) is of fairly recent origin. The practice of public administration (small p and a) developed along with society and is, therefore, as old as humankind. Such development was guided by the political, social, economic and technological factors or areas of community life (Hanekom and Thornhill, 1983: 41).

#### b. Governance

Van Niekerk, Van der Waldt and Jonker (2001: 305-306) argue that “...governance can be defined as the connections and interactions between central, provincial and local authorities and their publics. Connections and interactions between local authorities and their publics are of interest, as opposed to the static analysis that has been conventionally applied when studying local government”.

However, Cloete (1995: 34) argues that “...governance is the model or manner or style of governing, for example, governance in a democratic state should be characterised by integration of the roles of the public institutions and the civil society institutions”. Deduced from the above definitions, governance refers to the mode of governing in a democratic government with political and civil society institutions.

#### c. Administration

According to Hanekom and Thornhill (1995: 10), administration has to do with rationality, with specific processes and functional activities, and that through common effort the endeavour is to effect a predetermined goal in either the public or private sector. However, Shariftz (2004: 4) claims more simply that “...administration is the management and direction of the affairs of governments and institutions”. It can therefore be argued that administration refers to the totality of generic processes

aimed at achieving a set of objectives which take place in public and private institutions. Administration in public and private institutions takes place within different contexts and is motivated by different outcomes which are institutionalised.

#### d. Policy

According to Cloete (1995: 57), policy refers to “...a statement of the intention to reach a specific objective, for example, the policy to combat crime could be to educate people”. Venter (1998: 123-124) refers to “...a policy as the product of policy-making and can be viewed as plan of action to achieve a preferred outcome within the overall purpose of government, and provides parameters within which government action takes place”. Anderson (1979: 3) states that “...a policy is a purposive course of action by an actor in dealing with matters of concern”.

A policy is thus a guiding document of each and every institution, and without it the institution is doomed to fail on its operations to achieve its intended objectives. A policy may also be described as a springboard for all government activities, for example, the *Constitution of the Republic of South Africa, 1996* is the supreme law of the land and the policy document of the country.

#### e. Decision-making

According to Shafritz (2004: 142-143), decision-making refers “...to a process of selecting the most desirable course of action or policy from among alternatives. This is a process whereby public managers act to achieve the public service goals. Public or private managers must make the right decisions at the right time to effect changes for the purpose of optimising performance [among] their subordinates and leave a desired leadership in the organisation”.

Fox and Meyer (1995: 33) refer to decision-making as management techniques used to reach decisions by analysing information, evaluating alternatives and in each case choosing the best policy or line of action. Decision-making is driven by certain aspects of fulfilment and satisfaction of an organisation or individual upon which they will be judged. The process must encompass careful consideration of a decision that is made, and an alternative in case option one fails and option two must be used. Deduced



from other definitions on decision-making, therefore, decision-making refers to discharging responsibilities in the interest of the institution, whether public or private. Individual or/and collective decision-making is guided by institutional interests as well as the objective of rendering services.

### **3.3 THE ROLE AND PURPOSE OF THE STATE**

The traditional view that the state is merely to protect its citizens against external encroachment is something of an anachronism, because the function of government, with its complicated network of executive institutions, is also to deal with all facets of public service and their concomitant administrative problems in the interest of the state (Thornhill and Hanekom, 1995: 1).

The word *state* is complex and has a number of meanings. According to Cloete (1998: 3), a State refers to "...a territory, with a population constituting a community, independent from and not part of another sovereign political entity, with public institutions to maintain law and order and to provide public services for the maintenance of the community and to promote the general welfare of the population". A 'state' is a structure that has the legal right to make rules that are binding over a given population within a given territory. It can also be defined as a structure that has the legal right to make rules that are binding over a given population within a given territory (Van Niekerk, Van der Waldt and Jonker, 2001: 41 and 313).

The evolution of the state brought with it a complex, interwoven system of power, knowledge, and influence within society. Not every state follows the same beliefs, political system, government, or form. Yet all adhere to one universal truth, and that is the division of power—who gets what, when, and how much. One of the first tangible characteristics that define a state is the presence of a government. The government normally consists of three branches, namely, the legislative, the executive, and the judicial branches. The type of government has direct impact on the separation of these powers. The government is the mechanism that maintains the state's existence. Another important distinction between the state and government is the fact that a government consists of a small number of people to whom authority is entrusted, whereas the state consists of the entire population (Van Niekerk *et al.*, 2001: 40 and 49).

It is significant for every state with a large territory to be divided into smaller geographical units for the maintenance of law and for order and the provision of public services. It is this division of the state into smaller geographical units which led to the creation of the three spheres of government, namely, national, provincial and local spheres of government (Cloete, 1998: 7). The environment of public administration is shaped by the contemporary role of the state, in that the nature and extent of government action goes hand-in-hand with the level of development of the state (Thornhill and Hanekom, 1995: 16).

### **3.3.1 Functions of the state**

A federal state is a governing system premised from legal and administrative relationships between units of government which, to a varying extent, have real authority and jurisdictional autonomy. This system is found in countries such as the United State of America or Germany. Each is having a respective sphere of functions in a jurisdictional area. On the other side, a unitary state is a state within which all authority is concentrated within the national government, and where the other spheres of government exercise only that authority allocated or delegated by the national government.

This system is found in countries such as South Africa or Britain. Although authority may be delegated, final decision making remains with the national government (Fox and Meyer, 1995: 49 and 132). The functions of the state in South Africa are not limited to the national sphere of government but can also manifest themselves in provincial and local spheres of government. They are evident in the form of public goods and services that are provided by the state in order to establish a suitable environment in which individuals, groups and society itself may strive to maintain or improve the quality of life. The nature of these functions of state are dealt with in the manner in which they are manifested in practice in South Africa. The functions of the state, according to Venter (1998: 117) may be described as follows:

#### *a. Power functions*

The state functions primarily involve the maintenance and projection of the power of the state and tend to reside at the national sphere of government. Diplomacy, military strength and economic

power are integrally linked with the ability of a state to maintain and project its power both within and across its own borders for purposes of deterrence, expansion of influence, strategic interests and so forth (Venter, 1998: 117).

b. *Security and protection function*

The security function of the state relates primarily to the most basic of human need – protection. Protection is not limited to the obvious, such as protection by the defence forces from hostile aggressors from outside the state’s borders, and protection from criminal activity by law enforcement and crime prevention services, such as the South African Police Service. It also includes aspects, such as the management of the judicial system and the administration of justice.

The protection function of government takes place in all three spheres of government. However, functions, such as defence and policing, reside at the national sphere and protection services, such as ambulance services, paramedical services, fire brigades and traffic control, operate at the provincial and local government spheres. It is worth reiterating that in South Africa the constitution is the supreme law of the land. All persons, groups and institutions are subject to the provisions and protection of the constitution (Venter, 1998: 117–118).

c. *Economic functions*

The economic functions of the state primarily relate to the creation of wealth within a country. The degree of state intervention on the economic front is a source of considerable debate in many countries. The approach to creating economic wealth within a state differs from country to country; however, there are certain basic services and products that tend to be provided by government. Such services include the provision of basic infrastructure, the development and promotion of a sound industrial and technological base, and job creation.

The state provides for many of the basic services by means of government departments and public corporations. These include the departments of national treasury, water affairs and forestry, labour, transport, trade and industry and agriculture. The Department of National Treasury may be singled

out for the most important economic role they play in South Africa. They are instrumental, together with the South African Reserve Bank, in promoting economic growth in the country as well as maintaining financial and economic stability (Venter, 1998: 118).

d. *Redistribution functions*

The redistribution function of government is primarily concerned with the provision of welfare and social services, such as those related to health, education, housing and so forth. Government departments and parastatal institutions are active in the provision of these services. Most of the services provided for by the redistribution function of government fall within the scope of the national government with regard to their overall policy and budget determination.

The roles of the Reconstruction Development Programme (RDP) and the Growth, Employment, and Redistribution (GEAR) strategy are important to the consideration of the need for a redistribution programme in South Africa. The redistribution function of the government is an important means for inhabitants of the country to obtain the minimum survival requirements and for the potential for development, and to achieve an acceptable quality of life (Venter, 1998: 120–121).

It is against this background that it is significant for South Africans to be informed and empowered with the roles and purposes of both the state and the different spheres of government in the course of service delivery. Most importantly, structures such as the ward committee should be able to guide local communities to hold government, officials and public representatives accountable on its performance.

### **3.4. PUBLIC ADMINISTRATION**

The ideal civil service (administration) is cultured and self-sufficient enough to act with vigour, and yet so intimately connect with popular thought, by means of deepening democracy (elections) and constant public counsel (Wilson, 1886: 1–2). The study of administration is as old as history, but the modern phase begins in the late nineteenth and the early twentieth centuries. The change from a predominantly rural to a complex urban civilization, the rapid developments in physical technology,

and the consequent need for more orderly processes in both the private and the public sectors were all factors in the emergence of administration as “a self-conscious study” (Nigro and Nigro, 1980: 14).

Public Administration is a field of study for those who favour applied research. The experience with developing countries has shown that without administrative skills, little progress in economic development is possible – administration is crucial. By extension, it is also now apparent that once a nation reaches a high level of economic and political power, sound administrative judgement should guide public policy decisions or no amount of effort can offset the consequences of pursuing wrong directions (Dimock and Dimock, 1969: 6).

Public administration as an activity refers to the work done by officials within government institutions to enable different spheres of government and organs of state to achieve their objectives. The action of public administration has to do mainly with government institutions producing certain products and/or services (outputs) for society. Governments are expected to render certain services to society, because individuals cannot meet certain needs in specific situations (Du Toit and Van der Waldt, 1997: 8–10).

Public administration is highly practical, because it deals with cooperative efforts to achieve common goals with increasingly sophisticated techniques. Its mastery does much to determine national standards. But public administration is also an intellectual challenge because so much depends upon the subtleties it contains: cultural difference, psychological states of mind, variations and gradations in the values cherished by diverse societies, and especially the balance of factors needed to achieve unity for a particular purpose, at a give time, and within a given supply of resources. The fact is that there are many theories in public administration, but only one necessity: to learn what is involved in the policies and techniques that administrators should provide themselves with so as to meet the changing and expanding demands of society in its attempt to adjust to complexity and to protect and promote the human element in human institutions (Dimock and Dimock, 1969: 7–8).

Public administration in practice and broadly described is the development, implementation and study of branches of government policy. Non-profit institutions serving citizens are driven by values of public administration rendering service to citizens. Public administration is linked to pursuing the public good by enhancing civil society and social justice. This linkage is more concerned with service

delivery to communities and not acting out of self-interest. Society would continue to raise problems requiring governmental institutions to resolve ([http://en.wikipedia.org/wiki/Public\\_administration](http://en.wikipedia.org/wiki/Public_administration)).

Public administration is recognised as a distinctive field of work because of the requirement that those who practise public administration (for example, the political office-bearers and public officials in a democratic state) have to respect specific guidelines that govern their conduct when carrying out their work. These guidelines, which are derived from the body politic of the state and the prevailing values of society, are the foundation of public administration. The guidelines should indeed provide the values that inform the ethos and culture of government and public administration in a democratic state (Cloete, 1998: 91). It is important to note that the guidelines from the body politic are political supremacy, public accountability and the tenets of democracy that should be observed. However, guidelines emanating from community values include constitutional provisions, fairness and reasonableness, balanced decisions, thoroughness, probity and economy, effectiveness and efficiency developed to secure the public interests of the people (Cloete, 1998: 91–107 and 107–111).

Citizen's perception of the role of public administration and their assessment of public services can provide valuable information for improving service delivery. This is because citizens have direct experience of public services in terms of their efficiency, adequacy, accessibility and reliability. This will enhance democratic principles such as accountability and transparency of the municipality in dealing with service delivery (Mutahaba, 1998: 3).

Public Administration is a consequence and a part of the political life of society. It is in this respect that public administration differs fundamentally from the management of private undertakings, and exhibits its own distinct character. It must always be borne in mind that public administration will necessarily be based on political values and not business motives and principles. Nevertheless, political functionaries and public officials will also be bound by the reality that resources are inadequate to satisfy community needs (Cloete, 1991: 56; Cloete, 1998: 117).

In the colonial and immediate post colonial period, it was accepted for governments in Africa to restrict themselves to maintenance of law and order, tax collection and provision of limited social and infrastructure services. Public administration was not developmental to develop and empower citizens

equally, and issues of social and economic development of communities were left to the private sector, which was weak and underdeveloped (Mutahaba, 1998: 3). Thus later, the contribution of public administration was to focus attention on the administrative function as such and to improve the organisation, procedures, and quality of the public service personnel. Public Administration achieves recognition as a field and the public service improved because of its many successes (Nigro and Nigro, 1980: 15).

Comparative studies of administration are significant in different spheres of government to distinguish between democratic and non-democratic practices. Such study would grant democracy the sufficient honour of ultimately determining essential questions affecting the public will, of basing all structures of policy upon the major will in finding a rule of good administration for all governments alike. So far as administrative functions are concerned, governments have a strong structural likeness; more than that, if they are to be uniformly useful and efficient; they must have a strong structural likeness.

The three spheres of government in discharging their administrative responsibilities should keep each other informed in the provision of services yet making interdependent and co-operative decision-making, combining independence with mutual helpfulness. This interacting of local government and other spheres should keep government live with a possibility of an equally assured healthfulness of administration processes (Wilson, 1886: 3).

The City of Tshwane Metropolitan Municipality (CTMM) should perform its administrative duties beyond reproach in order to prudently deliver services to local communities on targeted time frame. There officials of the municipality should ensure that procedures and processes are followed accordingly and all important stakeholders are involved to avoid body-politics of communities.

### **3.5 PUBLIC ADMINISTRATION FUNCTIONS**

The generic administrative functions are high level functions which are increasingly used in the different spheres of government to achieve the objectives of such spheres in an efficient and effective manner (Roux, Brynard, Botes and Fourie, 1997: 9) with a view to deliver services to communities. There are six generic functions for analytical purposes, namely, policy-making, organising, financing,

personnel, determination of work procedures and control measures, and these are described briefly as follows:

### 1. *Policy-making*

Public policy is composed of the decisions that governments make and the programmes they sponsor to achieve their purpose. This is what different spheres of government do or the results of their decision. Most often, public policy in government is regarded as regulating trade, controlling inflation, or building public housing, consists of a purposive or goal-directed course of action by government (Garson and Williams, 1982: 403).

Government accomplishes purposes by developing programmes either to intervene or not on societal problems. Government is not the sole policy-maker because there many interest groups in public policy which involves the actions, decisions, and operations of many quasi-governmental associations and non-governmental entities (Garson and Williams, 1982: 403–404).

The identification of a goal or need implies that information is to be obtained on the need or goal, the community groups involved, and the alternative measures that may be taken to attain the goal or to alleviate the need (Hanekom and Thornhill, 1983: 83). It is no purposeless activity, because all public activities should have a clear public goal. The goal should be known to all concerned in order to ensure that their activities are aimed at the goal (Thornhill and Hanekom, 1995: 55).

The public policy-making process is guided by the following stages: problem identification, gathering of information, policy agenda/agenda-setting, policy formulation, policy legitimisation, programme design and development, policy implementation, programme feedback, policy analysis, and policy change/innovation (Roux *et al.*, 1997: 145; Cloete and Wissink (eds), 2000: 98).

On the basis of this, ward committees should play an important role in the involvement of communities in the identification of needs and in ensuring that public policy-making processes reflect the needs of communities. The City of Tshwane Metropolitan Municipality (CTMM) should



set up a process whereby mechanisms are put in place in respect to the involvement of communities in policy-making with a view to expedite service delivery to communities.

## 2. *Organising*

Organising is an activity of formally establishing a structure and arranging workers in a specific pattern of relationships. It is about systematically bringing together different, independent parts or units to form a unified whole, with the view to achieving specific goals (Thornhill and Hanekom, 1995: 157). Organising is a continuous function that should not be neglected as a result of continual changes in the environment. Rationalisation and adaptation are necessary for the survival of the institution (Hanekom, Rowland and Bain, 1985: 208).

The City of Tshwane Metropolitan Municipality (CTMM) should set aside a budget for the engagements of ward committees to win the confidence of communities and to improve community structures. Ward committee members should be capacitated to mobilise communities and distinguished individuals to support and play significant roles in assisting the City of Tshwane Metropolitan Municipality (CTMM) to render services more effectively. Organising different individuals and experts to serve in different intellectual capacities on ward committees may assist ward committees to be focused in terms of the service-delivery agenda of the municipality. In addition, ward committees should harness community participation in public processes (Tshwane Integrated Development Plan, 2006 – 2011: 30).

## 3. *Financing*

No institutional objectives may be achieved unless funds are budgeted for that purpose (Coetzee 1988: 62). Financing is necessary to give effect to every public action and to continue service provision. Allocation of funds should be intertwined with planning with a view to preventing omissions in the budget (Thornhill and Hanekom, 1995: 104-105). In South Africa, the *Local Government: Municipal Finance Management Act (MFMA), 2003 (Act 56 of 2003)* seeks to secure sound and sustainable management of the financial affairs of municipalities and other institutions

in the local spheres of government and to establish treasury norms and standards for the local sphere of government.

The MFMA objectively seeks to achieve transparency, accountability and appropriate lines of responsibility in the fiscal and financial affairs of municipalities and municipal entities; the management of their revenues, expenditures, assets and liabilities and handling of their financial dealings; budgetary and financial planning processes and the coordination of those process with the processes of organs of state in other spheres of government; the handling of financial problems in municipalities; and supply chain management (MFMA, 2003: Section 1a,b,c) to ensure comprehensive service delivery.

The City of Tshwane Metropolitan Municipality (CTMM) should allocate finances to the ward committee programmes, such as training and development and capacity building, to enhance service delivery to communities. Substantial cognitive and cost involvement in ward committee affairs and staffing may produce positive benefits for the municipality in the long-term. There is, however, difficulty in measuring output in the public sector, which implies that it may not be easy to determine whether ward committees are delivering cost savings for the municipality (Hanekom *et al.*, 1985: 198).

#### 4. *Personnel*

For the purpose of comprehensive planning, the contributions of a variety of expert personnel may be required, and administrative experts are necessary to establish a framework within which planning may be undertaken (Thornhill and Hanekom, 1995: 104). Trained personnel are needed to perform the actual work and to give effect to government policies as far as service delivery is concerned (Coetzee, 1988: 61).

Personnel administration is shaped by scientific management and group dynamics influences. People in personnel administration are trained employees and occupied with consistency in ranks, classification precedents and enforcement of legal guidelines in the interest of the organisation. Personnel administrators are significant in shaping the successes of the organisation because they

are motivated by the desire to overcome institutional and individual problems. The rationale for personnel administration is needed to suppress widespread patronage politics and to upgrade professionalism in government (Garson and Williams, 1982: 219).

The City of Tshwane Metropolitan Municipality (CTMM) should prioritise staffing and support for ward committees, because without the necessary support in terms of human resource personnel it may be difficult for ward committees to discharge their responsibilities and service delivery. Moreover, communication with communities may be impossible if not difficult. Furthermore, it may be important to consider an expert in local government for the training of municipal officials to build and strengthen the capacity of officials and to enable them to deal with ward committees' affairs in a manner that enhances service delivery and resolves problems within communities (The Inaugural Budget Speech, 2006: 10).

#### 5. *Determination of work procedures*

No goal can be achieved without effective and formal work procedures and methods. Therefore, it is essential that work procedures are standardised and formalised to nullify unscrupulous methods intended to militate against the reaching of institutional objectives (Coetzee, 1988: 62). Thus, in establishing procedural codes for undertaking work on a continuous basis, it is necessary to integrate institutional programmes with work procedures (Thornhill and Hanekom, 1995: 105).

The establishment of ward committees in City of Tshwane Metropolitan Municipality (CTMM) was guided by regulatory framework and policy that shed more light on work procedures and methods. Subsequently, the City of Tshwane Metropolitan Municipality (CTMM) approved a report titled the Establishment of Ward Committees in 2001.

#### 6. *Control measures*

Control may be inevitable and exercised in a number of ways, for example, by inspection, auditing and reporting. Control measures are inevitable when a number of people work together to reach mutually agreed upon objectives and/or they are charged with public responsibility (Coetzee, 1988:

63). Thus, public accountability is honoured, and even more importantly, there is transparency. As well as putting monitoring and evaluation system in place for programmes to be able to establish their course of actions against targeted objectives (Thornhill and Hanekom, 1995: 105).

The immediate availability of service delivery data enables municipal officials and ward committees to maintain control in the rendering of services to communities. This means municipal officials and ward committees are able to control events or activities by obtaining rapid and correct feedback about ongoing service delivery programmes (Hanekom *et al.*, 1985: 198).

The above-mentioned functions highlight the fact that in order for municipal officials to render services in a more efficient and effective way to local communities, they should integrate these functions into their day-to-day work. In order to make a meaningful contribution in the system of service delivery in the City of Tshwane Metropolitan Municipality (CTMM) programmes, ward committees should also integrate these functions into their day-to-day operations.

### **3.6 TRANSFORMATION OF LOCAL GOVERNMENT**

It may be argued that the pre-1994 government left a legacy of fragmented local authorities and bureaucracies characterised by corruption, nepotism and inefficiencies. The African National Congress (ANC) (1992: 11) stated that it was committed to building an accountable and mandated system of representative local government. Local government should operate in such a manner that resources are used efficiently. The theory behind the ANC system of local government is that all South Africans, irrespective of race, should benefit equally from available government programmes.

Local government faced new challenges and demands as the country was approaching the 21<sup>st</sup> century, especially in view of the fact that the South African system of local government had been significantly altered with the inception of a democratic government in 1994. The period also heralded the first democratic local government elections, which were held in November 1995 in seven provinces (Eastern Cape; Free State; Gauteng; Limpopo; Mpumalanga; North West; and Northern Cape) and, in May and July, in the other two provinces – Western Cape and KwaZulu-Natal provinces (Reddy, 1999: 201).

The preamble of the *Constitution of the Republic of South Africa, 1996* served as a good start for a democratic, responsive, non-sexist, non-racist, united and prosperous local government in South Africa. The transformation of local government in the 21<sup>st</sup> century was not about the institutions only, but also about the personnel and methods of government as well as improvements in the life of the people.

The system of local government in South Africa is divided into three categories as set out in the *Interim Constitution of the Republic of South Africa, 1993 (Act 200 of 1993)* and the *Constitution of the Republic of South Africa, 1996*. These categories are as follows: Category A represents metropolitan municipality; Category B represents local municipality; and Category C represents district municipality, as illustrated in Chapter Two of this study.

The shift in emphasis from central government, which holds the power of governance (that is, the act of governing), is linked to the global acknowledgement that organs of civil society need to be empowered to enable them to share in the responsibility of governance with local government. In essence, local government, as the closest sphere of government to the people, requires a new citizen-oriented management approach. Hence, the City of Tshwane Metropolitan Municipality (CTMM) has established ward committees in 76 wards of the municipality to strengthen local democracy and to enhance community participation in service delivery. Ward committee members have an important role to play in ensuring optimal service delivery to local communities.

Local government is further strengthened by legislation promulgated by Parliament, which enables local government to become more effective and efficient in its governance and administration when rendering service to the communities. Local government comprises elected and appointed officials, who operate within a specific geographical area to provide services for their local community. Local government is guided by legislation that seeks to enhance effective and efficient governance (Ismail, Bayat and Meyer, 1997: 3). Local government system is a sphere of government closest to local communities. This means that the City of Tshwane Metropolitan Municipality (CTMM) should embrace constructive reconstruction and development guided by the regulatory frameworks to advance service delivery and human development.

### 3.7 HUMAN RESOURCE DEVELOPMENT IN LOCAL GOVERNMENT

Local government employs a large and diverse workforce, which is expected to be united in executing tasks assigned (Fowler, 1995: 15). Local government is labour-intensive in its delivery of goods and services which depend on municipal employees and, in particular, on those who work in non-managerial positions. Those who work in managerial positions also have an important role to play to enhance good governance practices in the delivery of goods and services.

Van Dyk, Nel, Van Loedolff and Haasbroek (1997: 15) argue that “...central to growth and development is human resource development. The country’s human resources hold the solutions to many of its economic and social problems. It is the country’s human resources, and not so much its materials resources, that will eventually make the difference”. People are viewed primary as resources for the success of the municipality with regard to their personal skills and knowledge. Hence, for its success, a municipality must develop the capacity of its human resources so that these are in line with its strategic objectives. The most important element in human resource development is to integrate municipal personnel with service delivery in the process of development to achieve municipal objectives.

The functioning of local government requires a substantial commitment of time, effort, loyalty, competence, and aptitude from its employees. Human resources are the quintessential ingredient in managing various municipal departments as well as ensuring effective and efficient delivery of municipal services to the citizenry, perhaps more so than material resources (DeSario in Bingham *et al.* (ed), 1991: 76). Therefore, the City of Tshwane Metropolitan Municipality (CTMM) requires the very best human resources with relevant skills and knowledge to ensure the rendering of services and the promotion of activities in the name of local government.

A municipality should develop and adopt appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration to enhance good governance for the provision of services to local communities in accordance with the *Employment Equity Act, 1998 (Act 55 of 1998)*. Systems and procedures to be adopted should be consistent with the labour laws and should ensure the

rights and interests of staff members (*Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*: Section 67 (2)).

A municipality should develop its human resource capacity to a level that enables the municipality to perform its functions and exercise its powers in an economical, effective, efficient and accountable way as predetermined by the *Constitution of the Republic of South Africa, 1996*. Municipalities should comply with the *Skills Development Act, 1998 (Act 81 of 1998)* and the *Skills Development Levies Act, 1999 (Act 28 of 1999)* to enhance the capacity of its human resources in the form of training and development. The Sector Education and Training Authority (SETA) for local government may provide funds to a municipality for the programmed training and development of its employees (*Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*: Section 68).

Human resources development should be intertwined with training and development in the City of Tshwane Metropolitan Municipality (CTMM). The description, here, is not aimed necessarily at training and development, but serves to illustrate the effective role that human resources development plays in good governance and administration when rendering goods and services. Apart from recruitment, the best method of raising the efficiency of staff is effective and relevant training.

### **3.7.1 Training and development**

No employee can perform his or her duties properly from the outset without suitable training. While on-the-job training will always have to be done, it is plain that this type of training cannot possibly satisfy all the needs of the worker. Hence, proper training programmes will be required to satisfy workers and employers (Cloete, 1994: 186). Before training and development can take place, a municipality should conduct a skills' audit focused on what is required to achieve municipal objectives. Training and development should be categorised in line with the different levels of employment in the workplace, for example, junior, middle and senior management.

Relevant training serves as a method of increasing the employees' motivation to work harder and make an effective contribution to the municipal objectives. It also implants and improves the skills which the individuals will need in order to work within the municipality. Training should not be seen as a once

off process, but rather as a continuous process. The following circumstances might necessitate the implementation of training and development programme (Craythorne, 1997: 290), namely:

1. Poor personnel mobility
2. Lack of proper supervision
3. New skills and job change and
4. Lack of coordination.

Training and development, as a method of enhancing the good governance and administration of a municipality should be frequently assessed. The ultimate objective of any training and development programme is to establish the achievement of its strategic objectives. Hence, it is also imperative to evaluate the impact of training and development after the completion of the programme (Gerber, Nel and Van Dyk, 1996: 524). For the municipality to be able to govern appropriately and in an ever-changing environment, it is appropriate for the municipality to explore human resource development options. Having skilled personnel, it will be possible for the municipality to implement its strategic business plan to the satisfaction of the local communities.

The ANC (1992: 13) argues that the government of the day will be committed to the administration of local government on the basis of participatory management and the reorganisation of bureaucracy. Accordingly, local government staff will have to be properly trained if they are to deal effectively with development and government challenges. Local government and employer organisations, together with national government, should coordinate a training and development programme that will equip employees with pertinent skills such as time management, professionalism, punctuality, awareness of municipal objectives and organisational ability to enable them to respond effectively and efficient to municipal challenges.

### **3.8 ENVIRONMENT WITHIN WHICH LOCAL GOVERNMENT OPERATES**

The local government system operates in accordance with a significant degree of legislation that serves as a guideline in regulating municipal governance and administration. There are numerous regulatory



framework and policies that are intended to enhance effective and efficient governance and administration of local affairs.

In this study, the focus is on the following legislation and policies, Chapter 3 and 10 of the *Constitution of the Republic of South Africa, 1996*, *The White Paper on Local Government, 1998*, *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*, *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*, *Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)*, *Intergovernmental Fiscal Relations Act, 1997 (Act 97 of 1997)* and *Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)*. The above-mentioned legislation and policy documents deal mainly with the reorganisation of local government in fulfilling its statutory obligations.

*The White Paper on Local Government, 1998* was enacted during the period when local government was still precept and governed by the *Local Government Transition Act, 1993 (Act 209 of 1993)*, which prevailed until the local government elections. The *Local Government Transition Act, 1993 (Act 209 of 1993)* was significant during the local government transition period, owing to its stabilising effect on municipalities until new legislation was enacted to govern local government after the elections of 5 December 2000.

The *Constitution of the Republic of South Africa, 1996* re-defined local government and regarded it as a sphere of government that exists in its own right and no longer as a function of national and provincial government. The *White Paper on Local Government, 1998* emphasised a way that would transform the local governance into democratic and developmental local government structures on the basis of the *Constitution of the Republic of South Africa, 1996* principle.

The *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* was enacted to give effect to the institutional arrangement of local government in and for municipalities. It seeks to provide for the establishment of municipalities in accordance with the requirements relating to categories and types of municipality. The institutions set up by the Act are democratic and developmental in nature in order to enhance good governance in a municipality. The *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* also provides for the establishment of criteria for determining the category

of municipality to be established in an area that would define the types of municipality that may be established within each category. When different categories of municipalities are established, there must be an appropriate division of functions and powers among these categories that regulate the internal systems, structures and office-bearers of municipalities, and provide for appropriate democratic electoral systems.

The *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* is referred to by the *White Paper on Local Government, 1998*. This Act championed developmental local government in the transformation period. The Act deals with the establishment of constitutional and democratic municipal structures to enhance effective and efficient local government. In addition, it serves as a guideline to political office-bearers and municipal officials in their work procedures in different municipal categories to enable them to execute their tasks effectively.

The adoption of the Act fosters cooperative government on the basis of local government participating in national and provincial government programmes because of a shared democratic vision of building the spheres of government that are developmental in nature and that promote nation-building. It also advocates the participation of communities and community structures in the decision-making processes of the municipalities.

The promulgation of the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* gave effect to core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities, and to ensure universal access to essential services that are affordable to all. It is a statutory obligation for a municipality to provide basic services to citizenry in their area of jurisdiction.

A municipality is a legal entity within the local sphere of government exercising legislative and executive authority within its area of jurisdiction as determined by the *Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998)*. A municipality consists of the political structures, administration, and the community as envisaged by the demarcation authority. There is a relationship in terms of functions between political structures, administration, and community in its day-to-day activities. The *Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998)* provides for

community participation in the decision-making processes of local government. A municipality is obliged to involve its community in the planning process of service delivery, and administrative operation and performance, and in how to mobilize the required resources to enhance effective and efficient governance. The Act advocates empowerment of the poor and seeks to ensure that municipalities put in place service tariffs and credit control policies that take their needs into account by providing a framework for the provision of services, service delivery agreements and municipal service districts.

National and provincial governments should establish frameworks for support, monitoring and standard setting for municipalities. These frameworks may assist both the national and provincial governments to continuously develop local government into an efficient, frontline development agency capable of integrating the activities of all spheres of government for the overall social and economic upliftment and service delivery to communities.

### **3.9 EFFECTIVE AND EFFICIENT COOPERATIVE GOVERNMENT**

The local government system in South Africa functions within the national constitutional framework. Local government focuses on local initiatives, provided these do not conflict with national policies. The South African government system is constituted as consisting of national, provincial and local spheres of government. Section 40 (1) of the *Constitution of the Republic of South Africa, 1996* states that “...the spheres of government are distinctive, interdependent and interrelated in nature”. It emphasises adherence to cooperative government principles and collaboration between the different spheres of government. The underlying idea of cooperative governance is the promotion of partnership among the three spheres of government. The spheres should also acknowledge that each sphere of government has its own responsibilities, powers, and functions to perform.

A new constitutional dispensation was introduced in 1994 with the *Interim Constitution of the Republic of South Africa, 1993* as already noted. The present constitutional dispensation differs significantly from the previous constitutions adopted in 1909, 1961 and 1983 as described in Chapter Two of this research project. Of particular importance is the provision regarding cooperative government in the assignment of functions and powers to each sphere of government. As a result of

the *Constitution of the Republic of South Africa, 1996* a need has developed to ensure that each sphere of government operates effectively and efficiently without encroachment by another sphere of government (Thornhill, 1995: 105).

### **3.9.1 Cooperative government**

The concept of cooperative government is embodied in the *Constitution of the Republic of South Africa, 1996*. Chapter 3 of the *Constitution of the Republic of South Africa, 1996* recognises the principles of working together of the three spheres of government and to some extent any organs of state within each sphere. The emphasis is also on preserving peace, national unity and the indivisibility of the country, while providing effective, transparent, accountable and coherent government (*Constitution of the Republic of South Africa, 1996*: Section 41(1a and b)).

National, provincial and local spheres of government should cooperate with one another to foster friendly relations, assist and support one another in mutual trust and faith in the recognition of the complex nature of government in modern society. The three spheres of government should develop effective communication and consultation in the coordination of activities to avoid wasteful competition and to utilise human resources effectively. The spheres of government should also avoid legal proceedings against one another and instead settle their disputes constructively through consultation and dialogue.

When a dispute arises between different spheres of government or organs of state, all possible remedies should be sought before approaching a court to resolve their disputes. If they fail to exhaust all local remedies and if a court is still not satisfied, the court should refer the dispute back for the parties involved to exhaust all local remedies before its final consideration thereof (*Constitution of the Republic of South Africa, 1996*: Section 41, 3 and 4 and *The White Paper on Local Government, 1998*: 37).

The forms of intergovernmental relations are a set of informal and formal processes, channels, structures and institutional arrangements for bilateral and multilateral interaction within and between spheres of government. The purpose of intergovernmental relations with reference to local government

is to enhance good cooperative government administration as well as to ensure service delivery to local communities.

The principles of cooperative government are given practical application by the National Council of Provinces (NCOP). The National Council of Provinces (NCOP) provides a direct role for both the provinces and organised local government in the national legislative process. Various forms of intervention by the National Executive in the province and the Provincial Executives in local government are promulgated in Chapters 5 and 6 of the *Constitution of the Republic of South Africa, 1996* respectively. The National Council of Provinces (NCOP) is given constitutional powers to oversee or monitor these interventions with a view to creating checks and balances (*Constitution of the Republic of South Africa, 1996: Section 68 (c)*).

Local government is the third sphere of government which consists of different types and categories of municipalities. The legislative authority of the local sphere of government is vested in a municipal council, as is set out in Section 156 of the *Constitution of the Republic of South Africa, 1996*. A municipal council has executive and law-making powers over affairs in its area of jurisdiction.

Local government exists for the purpose of providing democratic and accountable government in respect to basic service delivery to communities as well as for the provision of sustainable services, the promotion of social and economic development, and to encourage the involvement of communities in local government affairs. The administration of a municipality should respond to the basic needs of its local community, and promote social and economic development. National, provincial and local government should cooperate with one another to meet the challenges of local government and the set objectives.

National and provincial governments are increasingly relying on local government as a logical point of coordination and a necessary vehicle for the implementation of policies and programmes. Provincial governments further decentralise certain functions to local government, while local government is constitutionally obliged to participate in national and provincial government programmes. National and provincial government should support and strengthen the capacity of municipalities to manage

their own affairs, exercise their powers and perform their functions (*Constitution of the Republic of South Africa, 1996*: Section 154 (1)).

A municipality has the executive authority to administer local government matters, and any other matter assigned to it by national and provincial government. A municipality may also make and administer by-laws in those areas which it has the right to administer. Likewise, national and provincial governments may assign to a municipality the administration of a matter which relates to local government, if that matter would be most effectively administered locally, and the municipality has the capacity to administer the matter (*Constitution of the Republic of South Africa, 1996*: Section 156).

The policies and programmes of national and provincial governments have far-reaching implications for local government. They possess a positive impact on municipal capacity and strong synergy with municipal programmes. In order for local government to govern effectively and play an integrating, coordinating role at the local level, some of the activities of national and provincial governments may need to be brought under local government authority to be implemented (*The White Paper on Local Government, 1998*: 52).

All spheres of government should commit themselves to the principles of cooperative government as embodied in Chapter 3 (Section 41 (1)) of the *Constitution of the Republic of South Africa, 1996*. These principles must be further explained with the basic values and principles that govern public administration. The objectives of the basic values and principles are to foster good governance and administration at local government level. The City of Tshwane will only benefit from these principles if they are integral part of the municipal administration and are implemented accordingly. Local government should also be governed by the following democratic values and principles as embodied in Section 195 (1) of the *Constitution of the Republic of South Africa, 1996*:

1. Local government should promote and maintain a high standard of professional ethics in the municipality.
2. Local government should promote efficient economic growth and effective use of resources in municipalities when rendering services.

3. Local government should be developmentally oriented. As stipulated in Section 153 of the *Constitution of the Republic of South Africa, 1996* municipalities (in their planning processes) should promote the social and economic development of the local communities.
4. Local government should provide services impartially, fairly, equitably and without bias.
5. Local government should respond to peoples' needs, encourage the public to participate in policy-making and be accountable in its day-to-day activities.
6. Local government should be transparent in providing the public with timely, accessible and accurate information on its business.
7. Local government should strive for good human resource management and career development practices. Such a culture should be cultivated to maximise human potential as part of human resource development in dealing with the challenges of municipal governance.
8. Local government should reflect the demographics of the country in its personnel and management, whilst proactively trying to redress the imbalances of the past.

Municipalities should consider the implementation of the basic values and principles of public administration to ensure effective and efficient local government administration and management. The principles apply to all spheres of government and inculcate the spirit of working together. All spheres of government should implement the principles of cooperative government and basic values and principles of public administration to enhance good governance of municipalities.

### **3.9.2 Organised local government**

The *Constitution of the Republic of South Africa, 1996* and the *Organised Local Government Act, 1997 (Act 52 of 1997)* formally recognises the South African Local Government Association (SALGA) and the nine provincial local government associations. Organised local government may designate up to ten part-time representatives to represent the different categories of municipalities and to participate in the proceedings of the National Council of Provinces (NCOP). The *Organised Local Government Act, 1997 (Act 52 of 1997)*, furthermore, determines the procedure for the nomination of the persons to sit on the Financial and Fiscal Commission (FFC).

SALGA has a mandate effectively to represent the interests of organised local government in the legislative processes of all spheres of government. SALGA represents local government interests in forums, such as National Council of Provinces (NCOP), the Financial and Fiscal Commission (FFC), the Budget Forum, Minister and MECs Forum, and in the drafting of legislation that affects the status, institutions, powers and functions of municipalities (*White Paper on Local Government, 1998: 54*).

Furthermore, SALGA should develop its own policy formulation and advocacy capacity to fulfil its representative role effectively. As an employer organisation, it constitutes the employment component of the South African Local Government Bargaining Council (SALGBC) which must ensure that matters affecting employees are fully recognised in the day-to-day operations of local government. It should also build the capacity of local government to contribute towards a developmental democratic governance system that will also meet basic human needs.

The South African Local Government Bargaining Council (SALGBC) should build the capacity of the employees of municipalities in terms of labour relations in order to maintain open and constructive relationships with organised labour. The successful transformation of local government requires that relations between employer body, SALGA, and municipal trade unions are conducted within a framework of a common commitment to a developmental role of local government. The negotiation process of this partnership requires vision and leadership, as well as considerable expertise in labour relations, bargaining, conflict resolution and human resource management and development (*White Paper on Local Government, 1998: 54*).

The Department of Labour is relevant as it plays an important role in supporting SALGA as an employer organisation on matters of labour relations. The Department should develop the capacity of SALGA to handle its own labour affairs as predetermined by the *Labour Relations Act, 1995 (Act 66 of 1995)* (*White Paper on Local Government, 1998: 54*). The enactment of the *Labour Relations Act, 1995 (Act 66 of 1995)*, among other things, seeks to advance labour peace and the democratisation of the working environment to advance good governance in rendering services to local communities.



### 3.9.3 Intergovernmental relations

The *Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)* was promulgated to establish a framework for the national, provincial and local spheres of government to promote and facilitate intergovernmental relations and to provide a mechanism and procedures to facilitate resolutions to intergovernmental disputes. The objective of the *Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)* is to provide, within the principle of cooperative government set out in Chapter 3 of the *Constitution of the Republic of South Africa, 1996* a framework for the national, provincial and local spheres of government, and all organs of state within those governments, to facilitate coordination in the implementation of policy and legislation, including coherent governance; the effective provision of services; the monitoring the implementation of policy and legislation; and the realisation of national priorities (*Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)*: Section 4).

The phrase “intergovernmental relations” refers to mutual relations between governmental bodies, and includes the coordination of public policies determined by the legislative and executive bodies of the various governmental structures. The term also refers to the actions and transactions of political office bearers and officials in any sphere of government (Hattingh, 1998: 23). Intergovernmental relations between the various governmental bodies occur at the horizontal and vertical level, both of which are briefly described hereunder:

#### a. Vertical intergovernmental relations

Vertical intergovernmental relations take place between government bodies in different spheres of government, for example, a provincial government department signs a memorandum of agreement with a municipality or a national department signs a memorandum of agreement with a municipality. A vertical structure of authority is necessary to formalise lines of authority and to determine accountability and responsibility.

Vertical authority is necessary in view of the extensive delegation of powers which occurs in governmental bodies. A vertical structure of authority also facilitates control to ensure that policies and

decisions of higher authorities are implemented and that allocated resources (funds or manpower) are efficiently utilised to achieve the identified objectives (Hattingh, 1998: 23 and 28).

#### b. Horizontal intergovernmental relations

Horizontal intergovernmental relations take place between governmental bodies in the same sphere of government, for example, two municipalities in South Africa may sign a memorandum of agreement to cooperate as far as their respective programmes are concerned. Relations between authorities on the same (horizontal) level differ considerably from vertical relations. In the first instance, horizontal relations are not characterized by the formal concept of power. The term “formal” serves to denote that power will inevitably come into play in relations between different categories of municipalities, even if such power is founded on unequal levels municipalities (Hattingh, 1998: 24).

Relatively speaking, there should be no disparity in the respective negotiating and bargaining powers of government bodies in the same sphere of government. In this context, however, the quality of the negotiation and bargaining should not be overlooked. Besides interdependence in vertical relations, the interdependence of government bodies also occurs in horizontal relations, although the nature of interdependence differs according to the resources mutually required.

In the case of vertical relations, resources, such as policy decisions and finances, may be relevant, while under horizontal relations, information and physical assistance may be prioritised. For example, municipalities may exchange information during South African Local Government Association (SALGA) conferences and workshops to enhance the capacity of municipalities (Hattingh, 1998: 24).

Like all other municipal bodies in South Africa, the City of Tshwane Metropolitan Municipality (CTMM) was established to deliver services to communities in its sphere of operation. To accelerate the delivery of services, it should cooperate with other spheres of government and legal structures created by government through legislation. Ward committees would be appropriate in the delivery of integrated and government-wide services to communities because of their closeness to communities.

### 3.9.4 Intergovernmental finances

Local authorities should be assisted in dealing with the existing backlog of municipal services through intergovernmental transfers from central and provincial government, according to criteria established by the Financial and Fiscal Commission (FFC) (RDP, 1994: 82). The interaction and working together of the three spheres of government to finance one another's programmes, in particular local government, will actually address the backlog of services and ensure good governance.

The successful implementation of the local government mandate depends on the sound financial status of municipalities. And there should be cooperation between national, provincial and local government in financial support. The National Executive should intervene in provinces and the Provincial Executive should intervene in municipalities where appropriate. The *Intergovernmental Fiscal Relations Act, 1997 (Act 97 of 1997)* promotes cooperation among national, provincial and local government on fiscal, budgetary and financial matters. The local sphere of government also depends on the *Intergovernmental Fiscal Relations Act, 1997 (Act 97 of 1997)* to determine a process of an equitable sharing of the allocation of revenue raised nationally. If all spheres of government are allocated their fair share of revenue, they will be able to execute their statutory obligations.

The process for the sharing of revenue raised nationally among the three spheres of government is also captured in Section 214 of the *Constitution of the Republic of South Africa, 1996* and the *Intergovernmental Fiscal Relations Act, 1997 (Act 97 of 1997)* to safeguard the interests of local government from national and provincial governments. In addition, the *Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)* was enacted and its objective is to secure sound and sustainable management of the financial affairs of municipalities and municipal entities by establishing treasury norms and standards for local government, which will ensure good governance in the municipality.

The national and provincial governments should, by agreement, assist municipalities in building the capacity of municipalities for efficient, effective and transparent financial management (*Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)*: Section 34 (1)). The building of the capacity of municipalities is also advocated by the *Constitution of the Republic of*

*South Africa, 1996* to ensure the good governance of municipalities for local communities. Municipal finances should support the developmental role of local communities as enshrined in the *Constitution of the Republic of South Africa, 1996* (*Constitution of the Republic of South Africa, 1996*: Section 153 (a and b)).

The concept of cooperative government goes beyond government institutions and bodies. It is important for government to speed up service delivery in local communities by cooperating with different structures which ward committees. Ward committees should be empowered to work within the regulatory framework and ensure that local community needs are met via effective and efficient cooperative government.

### **3.10 ADMINISTRATION AND THE POLITICAL ENVIRONMENT OF LOCAL GOVERNMENT**

The strengthening of the management capacity of municipalities and their staff to ensure service delivery and good governance requires a monitoring and evaluation system in the municipalities. As a general proposition, such systems should be maintained to take the form of laying down standards of performance, and where necessary, regular and periodic systems of overall review. The system may contribute significantly in building effective administrative support for municipalities.

Local government and its officials should be held accountable for maintaining high standards so that they become fully involved in furthering the development of standards that correspond with its developmental role (Institute of Public Administration, 1971: 40) and respond to local communities. The standards developed should leave a positive image of the municipality, in fulfilling its statutory obligations. The delivery of services should be in line with such standards and the performance of individual employees of municipalities.

Local governance involves not only the municipalities but also a range of organisations, such as non-government organisations (NGOs), community-based organisations (CBOs) and agencies in the public, voluntary and private sectors. These organisations play a significant role in shaping the direction for the provision of services, and, as partners of municipalities, also assist in making services

possible to the local communities, and in ensuring that services rendered embody good governance and administration.

Local government is an important partner in order for local communities to find ways of trying to build processes which give explicit form to services and enable collaborative and cooperative efforts where appropriate. Local government comes as a multi-functional organisation and, above all, with its democratic legitimacy in conducting its day-to-day business (Clarke, 1996: 10). Municipalities should facilitate the process of collaboration with the different sectors within their area of jurisdiction, and within their own structures. This implies the cooperation and collaboration of politicians, councillors and municipal officials in dealing with local government matters in the interest of society.

Councillors and municipal officials must not only consider their internal, domestic concerns, but also apply local governance as well as search for ways of strengthening the processes which bring organisations and agencies together to shape the local communities and to ensure the provision of services and define the local government role (Clarke, 1996: 38). Collaboration among politicians, community and municipal officials is of paramount importance to ensure the effective and efficient administration of a municipality.

### **3.10.1 The relationship between councillors and municipal officials**

The relationship between councillors and municipal officials is legislated in the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*. Schedule 1 deals with the code of conduct for councillors and Schedule 2 deals with the code of conduct for municipal staff members, while the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* Schedule 5 also deals with the code of conduct for councillors. Schedule 5 states unequivocally that councillors should be supervisors and disciplinarians of municipal officials in their day-to-day work. Thus, the amendment extended the code of conduct to all municipal employees.

In terms of the relationship between councillors and other municipal officials, it may be difficult for the individual councillors to discipline an official who had worked and supported him/her during the period of campaigning to become a councillor. The role of councillors and municipal officials is, at

once, distinct and interdependent. Political viewpoints are often narrow or limited and administrative viewpoints are often broad in nature given the scope of the work that has to be executed to ensure more effective and efficient municipal governance. However, in the operational plan of the council, there are areas of interaction as well as areas of conflict between the two groups of officials arising from the styles and interests of particular councillors and municipal officials beneath them in status.

As the ultimate controllers of administrative systems, councillors need to demonstrate their control and this can lead to conflict with administrators' interest in effective delegation and in rendering service to the local communities. Councillors should, therefore, be careful not to interfere with administrative operational plans; instead they should focus on policy (by-laws) development to enhance good governance of administrative structures. Local government is the most politicised sphere of government because of its close proximity to the citizenry.

Municipal officials need not be party politicians. It is inevitable that, whatever the system, officials must accept some form or type of political control from the elected representatives, that is, the councillors. To deny councillors their role of authority may result in tensions and divisions inimical to the community and to the will of a frustrated electorate (Craythorne, 1997: 80-83).

Public services are delivered through systems which vary in scope from single-purpose to multipurpose centres and agencies of various spheres of government which involves different stakeholders. Local government is part of national government service delivery systems. These systems combine people, ideas, resources, and processes to produce services intended to further the public interest.

Service delivery in local communities is regulated by government procedures which also has the power to identify social needs and complementary service projects, and effect the redistribution of public resources. In the course of service delivery public representatives and municipal officials act together on behalf of the local communities (Golembiewski and Gibson, 1983: 130–131) guided by mutual interests.

### 3.10.2 Councillors and officials' Code of Conduct

In the light of the preceding analysis of municipal government, it can be stated that councillors are there to govern and to take decisions on behalf of the constituencies that they represent. Councillors should act in keeping with the requirements of representativeness and the other cornerstones of democracy (Thornhill, 1995: 18). Councillors should ensure that their municipality has structured mechanisms of accountability to local communities. They are obliged to meet the priority needs of communities by ensuring the provision of equitable, effective and sustainable services within the means of the municipality.

Councillors should perform the functions of their office in good faith, with honesty and in a transparent manner, and they should at all times act in the interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised by their conduct (*Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*: Schedule 1, Section 2). Councillors may not interfere in the management or administration of any department of a municipal council unless mandated by council to do so.

Councillors may interfere in matters of administration when authorised to so by law, in particular, in instructing an employee, and/or obstructing the implementation of a council decision or that of any council committee (*Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*: Schedule 1, Section 11). Staff members of a municipality should at all times loyally execute the lawful policies of its municipal council, and perform the functions of office in good faith, diligently, with honesty and in a transparent manner, as already noted. They should act in such a way that municipalities achieve the basic values and principles that govern public administration of which local government is a part.

Municipal officials should act in the interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised. They should act impartially and treat all people, including other staff members, equally, that is, without favour or prejudice. Councillors and municipal staff members should ensure that they all adhere to the code of conduct as described by law. Councillors should always bear in mind that they are public representatives and have been voted into

office for a period of not more than five years by their electorate. Hence, their conduct should reflect their stature, and they should respect council policies in their capacity as policy-makers.

Municipal officials should also take cognizance of the fact that they are public servants and should not breach the code of conduct for personal gain at the expense of the public they serve. Any breach of the code of conduct by a staff member must be dealt with in accordance of the disciplinary procedures of the municipality envisaged in the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*: Section 67 (1h)).

Municipal officials should concern themselves with the administration of the municipality and leave politics to politicians such as councillors. Officials as technocrats should empower councillors with the professional knowledge and build professional relationship inform by service delivery to local communities. Councillors should be empowered to understand their roles and responsibilities in the administration of the municipality. Most important, the oversight role over administration and strategic intervention to promote service delivery are fundamental responsibilities of councillors. The City of Tshwane Metropolitan Municipality (CTMM) officials and councillors should act within this guide at all times without undermining one another's role and responsibilities.

### **3.10.3 Council committees**

Section 177 of the *Interim Constitution of the Republic of South Africa, 1993* and Section 160 of the *Constitution of the Republic of South Africa, 1996* require the council of a local government to elect, according to the system of proportional representation and from among its members, an executive and other committees subject to national legislation. A municipal council may establish one or more committees for the effective and efficient performance of any of its functions and the exercise of its powers. Council appoints members of a committee from among its members, and may dissolve a committee at any time when a committee does not execute its mandate as agreed (*Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*: Section 79 (1)).

A municipal council should determine the functions of a committee and appoint its chairperson. Municipal committees may have either delegated powers to take decisions within their terms of



reference or advisory powers to advise the executive on issues which fall within their terms of reference or a combination of both (*White Paper on Local Government, 1998: 86*). A municipal committee, however, as authorised by council, may co-opt advisory members who are not members of the council within the limit determined by the council. Co-opted members should bring a wealth of expertise that a committee does not have and that is needed for the better functioning of a committee.

Committees established to oversee the workings of the administration tend to operate best when they have distinct areas of competence and are aligned with the administrative department or cluster which they supervise. The alignment of committees along departmental lines will lead committees to more informed decision-making. A municipal council with large areas of jurisdiction may wish to delegate managerial or supervisory powers to area-based committees whose areas of jurisdiction correspond to decentralised administrative units. Area-based committees can assist with the coordination of municipal service delivery within a particular area, and should have delegated or advisory powers over aspects of a number of functions within their area of jurisdiction.

The kind of committee system that may best enable a municipality to fulfil its functions depends on local requirements, needs and policy priorities. Within any committee system, it is crucial that councillors are provided with sound information as a basis for decision-making (*White Paper on Local Government 1998: 86*). Documents before committees should prioritise municipal business interests. Committees play an important role in service delivery to local communities and in implementing council business.

### **3.11 CONCLUSION**

This chapter commenced by defining concepts, such as governance, administration, public administration, policy, and decision-making. The aim is to achieve a meaningful understanding of local governance administration. Local government is the form of government closest to the people. People will only support a local government if they are satisfied with its governance and administration. For an effective and efficient local government administration, a municipality should have experienced and skilled human resources to discharge its statutory obligations. Training and development of municipal human resources is important to equip them with relevant skills.

The system of enhancing good governance in local government is strengthened by various legislative frameworks. These frameworks include, Chapters 3 and 10 of the *Constitution of the Republic of South Africa, 1996*, the *Organised Local Government Act, 1997 (Act 52 of 1997)*, the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*, the *White Paper on Local Government, 1998*; the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*, the *Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)* and the *Intergovernmental Fiscal Relations Act, 1997 (Act 97 of 1997)*. Councillors and municipal officials should cooperate to ensure that legislation and policies that govern local government are respected in order to meet the needs of local communities. A municipal council should establish political committees to oversee the work of the departments and account both in the council and public. Councillors should avoid interfering with administration and focus on the formulation of the by-laws, and monitor their implementation.

While municipalities, headed by the municipal manager or city manager, should ensure that the municipality's administration is effective in order to expedite social and economic development in meeting the objectives of a municipality, the basic function of a municipality is delivery of sustainable essential services. The human resource component of a municipality must ensure economic and sustainable delivery of services. Perhaps the best way to guarantee service delivery is through ward committees. The next chapter focuses on the system of ward committees, on their role in local government administration. The aim is to emphasise the claim that ward committees are an important component of local government service delivery to communities. The discussion on ward committees in this study is explored with reference to the City of Tshwane Metropolitan Municipality (CTMM).

## CHAPTER 4

### WARD COMMITTEE SYSTEM WITHIN DEVELOPMENTAL LOCAL GOVERNMENT

#### 4.1 INTRODUCTION

The current chapter argues that developmental local government should put emphasis on strong institutional arrangements that embrace democracy and participatory governance to deliver services to the local communities. The City of Tshwane Metropolitan Municipality (CTMM), guided by principles of developmental local government, established ward committees in the 76 wards within its jurisdiction. As stated earlier, ward committees are government structures and are promulgated in various regulatory frameworks, such as the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*.

This chapter explores the concept of the ward committee system in the City of Tshwane Metropolitan Municipality (CTMM). First, concepts, such as metropolitan, capacity building, and ward committee are defined. Secondly, a description of the establishment of ward committees as required and mandatory by the regulatory framework is provided. Thirdly, this chapter deals with the structure and institutional arrangement in the City of Tshwane Metropolitan Municipality (CTMM) and a comparative analysis on the concept of ward committees with international municipalities follows. Lastly, a number of related aspects, such as public participation, accountability and transparency, capacity building and the relationship among ward committee, ward councillor and departments in the City of Tshwane Metropolitan Municipality (CTMM), are explored.

#### 4.2 DEFINITION OF CONCEPTS

In this chapter important concepts were identified and listed as the metropolitan area, capacity building, and ward committee. For the purposes of this chapter the abovementioned concepts are defined below as follows:

- a. Metropolitan area

Section 1 (1) of the *Local Government Transition Act, 1993 (Act 209 of 1993)* defines a metropolitan area as:

1. The area of jurisdiction of multiple local governments
2. Densely populated and has an intense movement of people, goods and services within the area
3. Extensively developed or urbanised and has more than one central business district, industrial area and concentration of employment and
4. Economically, forms a functional unit comprising various smaller units that are interdependent economically and in respect of services.

Cloete (1995: 46) defines a metropolitan area as “... a large urban area consisting of a core known as the metropolis, surrounded by urbanised areas that could function as separate municipalities”. This definition is reiterated in government legislation: a metropolitan area is a large urban settlement with high population densities, complex and diversified economies, and a high degree of functional integration across a larger geographic area than the normal jurisdiction of a municipality (*White Paper on Local Government 1998: 58*). The City of Tshwane Metropolitan Municipality (CTMM) conforms well to the definitions provided above.

#### b. Capacity building

Capacity building can be defined as a process to develop the capacity of government institutions and personnel within their jurisdiction to manage their affairs more effectively and protect and promote their interest. Capacity building reduces institutional vulnerability to disruptive changes arising from without (Maheshwari, 2002: 85-86).

According to Shafritz (1985: 79), capacity building refers “... to any system, effort, or process including a federal grant or contract – which includes among its major objectives strengthening the capability of [the] elected chief executive officer, chief administrative officers, department and agency heads, and programme managers. In general, [the] purpose [of] government [is] to plan, implement, manage or evaluate policies, strategies, programmes designed to impact on social conditions in the community”.

Capacity building is a process which emphasises teaching and education in as much as it facilitates individuals in institutions to solve problems and plan the future accordingly. Building the capacity of people could result in a greater measure of risk-taking when deciding on programmes and priorities.

#### c. Ward Committee

The term “ward committee” signifies a committee of a municipal ward, established in terms of Part 4 of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*. A ward committee refers to a structure created to assist the democratically elected public representative of a ward (the councillor) to carry out his or her mandate. A ward committee is not a structure with a mandate to govern the ward (DPLG, 2003/2004: 2). Deduced from these definitions, a ward committee refers to an advisory statutory body to both the municipality and the local community. It carries out its mandate on municipal affairs by championing participatory governance and local democracy in collaboration with the ward councillor.

### **4.3 ESTABLISHMENT OF WARD COMMITTEES**

Ward committees constitute one of the mechanisms whereby community participation in local government is made possible (The Planact, 2001: 10), and metropolitan governance with ward committees are category A municipalities that consist of:

1. A metropolitan council which exercises the complete range of legislative, executive and administrative municipal powers and duties
2. Ward committees which are area-based committees, the boundaries of which coincide with ward boundaries.

Ward committees have no original powers and duties. They are established as committees of the metropolitan council, and their powers and functions must be delegated from the metropolitan council. They may have advisory powers and the right to be consulted on specific issues prior to council

approval. They may also correspond to decentralised service centres which bring the administration closer to residents (*White Paper on Local Government, 1998: 64-65*).

The City of Tshwane Metropolitan Municipality (CTMM) was established after the 5 December 2000 local government elections. According to *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*, Part 4) only metropolitan and local municipalities of certain types may have ward committees. Section 73 (1) of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* provides only for metropolitan and local councils which should establish a ward committee for each ward in the municipality.

Ward committees are established as a mechanism to encourage community and public participation in municipal affairs. Hence, the City of Tshwane Metropolitan Municipality (CTMM) opted for a ward participatory type municipality to work together with its community in rendering services. The City of Tshwane Metropolitan Municipality (CTMM) did so, guided by various legislative frameworks including the *White Paper on Local Government, 1998* which proposed developmental local government in order to accelerate service delivery (*White Paper on Local Government, 1998: 17*).

Ward committees provide a structured channel of communication between geographically divided communities within the metropolitan area and the public representatives, for example, the ward councillor at the ward and metropolitan level. Well-functioning ward committees may provide every metropolitan resident with a local point of access to municipal government and so strengthen the accountability of ward councillors to local residents. The establishment of ward committees goes hand in hand with the strengthening of ward councillors and building accountable and effective local political leadership (*White Paper on Local Government, 1998: 65*).

The City of Tshwane Metropolitan Municipality (CTMM) is demarcated into seventy-six (76) wards by the *Local Government: Municipal Demarcation Board Act, 1998 (Act 27 of 1998)*, as indicated earlier. Ward committees are established through such legislation as the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*, which gives effect to Chapter 7 of the *Constitution of the Republic of South Africa, 1996*.

The objectives of the above-mentioned demarcation are to facilitate the provision of democratic and accountable government for local communities, the provision of services to the communities in a sustainable manner, the promotion of social and economic development and the promotion of a safe and healthy environment. A ward councillor should be able to interact effectively with the community owing to the demarcation of the larger area into smaller geographic units or wards.

Section 73 (2) (a and b) of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* deals with the composition of a ward committee. Ward committees consist of the Ward Councillor representing the ward in the council, who is also the chairperson of the committee comprising not more than ten other ward committee members. A metro or local council should make rules regulating the procedure for the election of members of a ward committee, taking into account the need for women to be equitably represented in a ward committee and to provide for a diversity of interests in the ward to be represented.

Section 73 (3) (a, b and c) of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* also determines the circumstances under which elected ward committee members should vacate their office and the frequency of meetings of ward committees. Lastly, Section 73 (4) of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* deals with administrative arrangements by a metro or local council to enable ward committees to perform their functions and exercise their powers effectively.

Each metropolitan council should develop procedures and rules to govern the membership and proceedings of ward committees, provided that membership rules are applied consistently across the metropolitan area and do not unfairly discriminate against any individual or institution. The City of Tshwane Metropolitan Municipality (CTMM) has developed and adopted rules regulating procedures for elections, and the term of office of ward committee members, which is two years. Ward committee members cannot be elected into office for more than two terms. The City of Tshwane Metropolitan Municipality (CTMM) ward committees should meet at least once a month. Other extra-ordinary meetings may be convened when deemed necessary (Establishment of Ward Committees, 2001: 7-13). The system of ward committees should be in line and consistent with the law regulating their establishment.

### 4.3.1 Functions and powers of ward committees

Section 74 of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* deals with the functions and powers of ward committees as follows: 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. 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 32 of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* and Section 59 of the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*.

The powers and duties delegated to ward committees are determined by the metropolitan council. Metropolitan councils can utilise ward committees effectively through the delegation of powers, especially when local needs have to be determined and prioritised. This is of particular importance for integrated development planning. Thus, ward committees have advisory powers with respect to policies impacting on the local area; they should be consulted on specific issues prior to council approval (*White Paper on Local Government, 1998: 64-65*).

Despite the delegation of powers and duties of ward committees by a metropolitan council, the central role of ward committees is the facilitation of local community participation in decisions which affect the local community, the articulation of local community interests, and the representation of these interests within the metropolitan government system (*White Paper on Local Government, 1998: 65*). The duties and powers that may be delegated to ward committees by municipalities according to DPLG (2003/2004: 2) are the following:

- 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 council. This may be achieved in the following ways:
  - i. advising and making recommendations to the ward councillor on matters and policy affecting the ward;
  - ii. assisting the ward councillor in identifying conditions, problems and residents' needs;



- iii. spreading information in the ward concerning municipal issues, such as the budget, integrated development planning, service delivery options and municipal properties;
  - iv. receiving queries and complaints from residents concerning municipal service delivery, and communicating them to council and providing feedback to community on council's response;
  - v. ensuring constructive and harmonious interaction between municipality and community through the use and coordination of ward residents' meetings and other community development forums; and
  - vi. interacting with other forums and organisations on matters affecting the ward.
- c. To serve as a mobilising agent for community action. This may be achieved as follows:
- attending all matters that affect and benefit the community;
  - acting in the best interest of community;
  - ensuring the active participation of the community in the following matters: service payment campaigns; integrated development planning processes; decisions about the provision of municipal services; and decisions about by-laws; and
  - chairing zone meetings.

No executive powers should be delegated to ward committee members. A ward committee may express dissatisfaction to the municipal council on the non-performance of a ward councillor. 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 (DPLG, 2003/2004: 3).

Ward committees in the City of Tshwane Metropolitan Municipality (CTMM) should act as mechanisms through which council and its departments, and provincial and national government departments consult with and canvass community opinions on any matter they deem necessary. Ward committees should serve as a resource to community organisations and apolitical organisations, provided that they do not make council liable for any expenditure which might be incurred. Ward committees may, within their scope of work, invite council officials and other people with specialised knowledge to advise them on matters affecting their wards, when they deem it necessary (Establishment of Ward Committees, 2001: 6).

After thorough research [perusal of official council document such as the annual reports and other related official document] there are no records suggesting that ward committees in the City of Tshwane Metropolitan Municipality (CTMM) are utilising local government professionals and experts to enhance service delivery in communities. The utilisation of professionals and experts in the field of local government may enhance the capacity of ward committee members. In addition, the sharing of experiences and knowledge in the planning and implementation of municipal plans and the following of procedures may accelerate service delivery to communities.

#### **4.4 INTERNATIONAL PERSPECTIVES ON THE WARD COMMITTEE SYSTEM**

The ward committee system in South Africa is a fairly new concept and appears to be of importance in enhancing local democracy and participatory governance. Being a new concept, it has been deemed necessary, for the purposes of this dissertation, to explore comparable international trends and best practices in the use of ward committee systems in local government.

Although there are various municipalities across the globe that utilise ward committee systems, after thorough determination, two municipalities from the United Kingdom (UK) were selected to serve as example for the purposes of this research. These municipalities are the Birmingham City Council and the City of York Council. These two municipalities provide a fresh perspective of the ward committee system applied in British municipalities. The City of Tshwane Metropolitan Municipality (CTMM) and ward committees should identify some similarities and dissimilarities to learn from other municipalities to be able to enhance service delivery. It is worth mentioning that best practices of the ward committee system in South Africa should be developed in the process.

##### **4.4.1 Ward committee functions in the Birmingham City Council**

Ward committee functions in the Birmingham City Council are as follows:

- a. To encourage and facilitate dialogue, between the Council and local people within their ward with a view to:

- i. ensuring that the needs of the ward and key issues affecting local people are identified and assessed
  - ii. ensuring that such needs and issues are clearly expressed to, and considered by, the relevant cabinet member/committees/departments of the Council (or, where relevant, other public agencies) and
  - iii. generally, maximising the influence of local people over the way in which the functions of the Council (or other public agencies) are discharged within the ward.
- b. To encourage and facilitate the development of constructive and effective partnerships between local people and the Council with regard to any matters relevant to their ward
  - c. To make recommendations to any cabinet member/committee/department of the council on any matters relevant to their ward
  - d. To approve expenditure and services from whatever budget may be allocated to their Ward, and in this regard to have all the necessary powers of the Council relevant to such approvals, provided that in exercising this delegation, the Ward Committee shall comply with all relevant procedures and requirements of the City Council
  - e. To be responsible for approving the expenditure to the Neighbourhood Renewal Fund monies allocated to the ward by the Executive and to ensure that all required procedures are adhered to
  - f. To approve the establishment of Neighbourhood Forums and to make grants, from the budget approved for this purpose, to Neighbourhood Forums
  - g. To nominate, to the Council Business Management Committee, members to serve on the Police Local Consultative Committees covering their ward
  - h. The relevant cabinet member/committee is responsible for the appointment of representatives to serve on management committees of the Council's managed Youth and/or Community Centres and Community Service Advisory Committees. The nomination of the Council Business Management Committee as well as persons to serve on the management committees of voluntary organisations in receipt of grant aid from the Council ([http://www.birmingham.gov.uk/GenerateContent/accessed/21 December 2004](http://www.birmingham.gov.uk/GenerateContent/accessed/21%20December%202004)).

#### **4.4.2 Ward committees in City of York Council**

The City of York Council has established ward committees in every ward in York. Local councillors have delegated powers to ward committees to take decisions which should benefit residents of the wards. Ward committees publish annual reports which inform interested parties about past accomplishments and future plans.

A ward committee always meets in public at least four times a year. It has a duty to consult local residents before taking decisions. Through a ward committee meeting, local residents can:

- a. find out more about local services
- b. put forward views about local issues
- c. find solutions to local problems and
- d. help make council and other services work better for the benefit of the whole neighbourhood.

Ward committees in the City of York have an own allocated budget. Funds can, for example, be used to pay for extra council services, local projects or to attract other funding into the area. Residents are continuing to be informed about the activities of the ward committee, as well as being invited to participate in the working of the committee. (<http://www.york.gov.uk/wards/wards.html>/accessed, 21 December 2004).

#### **4.4.3 Differences and similarities of ward committees**

The following are the main differences and similarities between the City of Tshwane Metropolitan Municipality (CTMM), on the one hand, and the Birmingham City Council and the City of York Council on the functions, powers and role of ward committees, on the other hand. The Birmingham City Council and the City of York Council have been established to develop a culture of municipal governance that complements formal representative government with a system of participatory governance on municipal and state agencies' affairs, whereas the South African ward committees are mainly responsible for enhancing participatory democracy in local government. Ward committees in the City of Tshwane Metropolitan Municipality (CTMM) are established to enhance public

participation by coordinating meetings for municipal officials and councillors to address local communities on projects and programmes of council.

In the Birmingham City Council and the City of York Council, ward committees are actively involved in the activities of municipalities and their administration by determining ward budgets and influencing their respective councils on strategic decision-making on matters affecting their communities. Ward committees in the City of Tshwane Metropolitan Municipality (CTMM) are not delegated functions and powers to have their own budgets and to fund-raise for their ward projects. Ward committees in the City of Tshwane Metropolitan Municipality (CTMM) have limited powers and functions which makes it difficult for the ward committees to make significant service delivery impact.

There are comparative differences and similarities with both the Birmingham City Council and City of York Council in dealing with matters affecting local communities. International perspectives on ward committees from the two councils selected may be scrutinised to improve the capacity of local ward committee members in the City of Tshwane Metropolitan Municipality (CTMM). The two cities were selected because of advanced development in the ward committee system. In addition the City of Tshwane Metropolitan Municipality (CTMM) may learn international best practices build effective and efficient ward committees in South Africa to speed up service delivery.

#### **4.5 INSTITUTIONAL ARRANGEMENTS OF THE WARD COMMITTEE SYSTEM IN THE CITY OF TSHWANE**

The ward committee system in the City of Tshwane Metropolitan Municipality (CTMM) is institutionally arranged as follows:

##### **4.5.1 Ward committee system**

The City of Tshwane Metropolitan Council delegated the Office of the Speaker to establish ward committees, through which it provides democratic and accountable government for the municipality's constituencies. The ward committee system comprises ward-based committees and portfolios or

sub-committees to anchor the ward committees, area-wide forums that bring all the ward committees in the different areas together, and a city-wide forum that ensures the involvement of stakeholders who are non-ward-based in matters of local government.

In order to implement council delegated functions, the Office of the Speaker established a ward committee section responsible for the establishment of ward committees. The ward committee section should ensure that all ward committees are established in line with the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*, Part 4. Furthermore, the ward committee section should ensure that ward committees are capacitated and empowered to perform legislated and delegated duties.

The City of Tshwane Metropolitan Municipality (CTMM) has seventy-six (76) wards, and each ward has a ward committee, as noted earlier (Establishment of Ward Committees, 2001: 16). The ward committee system meets the needs of community participation by providing appropriate structures through which communities and community organisations participate. All of these wards combined at a city-wide level constitute a region. The region is divided into three (3) sub-regions:

- a) Sub-region 1 consists of 25 wards.
- b) Sub-region 2 consists of 25 wards.
- c) Sub-region 3 consists of 26 wards.

Each sub-region is divided into three (3) zones. A sub-region is further subdivided into eight (8) or nine (9) zones. The zones are constituted as follows:

- a) Sub-region 1 (25 wards)
  - i. Zone A with 8 wards.
  - ii. Zone B with 8 wards.
  - iii. Zone C with 9 wards.
- b) Sub-region 2 (25 wards)
  - i. Zone D with 8 wards.
  - ii. Zone E with 8 wards.

- iii. Zone F with 9 wards.
- c) Sub-region 3 (26 wards)
- i. Zone G with 8 wards.
  - ii. Zone H with 9 wards.
  - iii. Zone I with 9 wards.

Each zone has a number of wards, as indicated above, with its own ward committees. The region, sub-regions and zones have a coordinating function for the purpose of community development. The ward committee system of the City of Tshwane Metropolitan Municipality (CTMM) is structured in such a way that it provides for the following forums:

- a) Regional Development Forum
- b) Three (3) Sub-regional Development Forums and
- c) Nine (9) Zonal Development Forums.

The City of Tshwane Metropolitan Municipality (CTMM) map depicting all wards and sub-regions is illustrated in Figure 4.1 below:

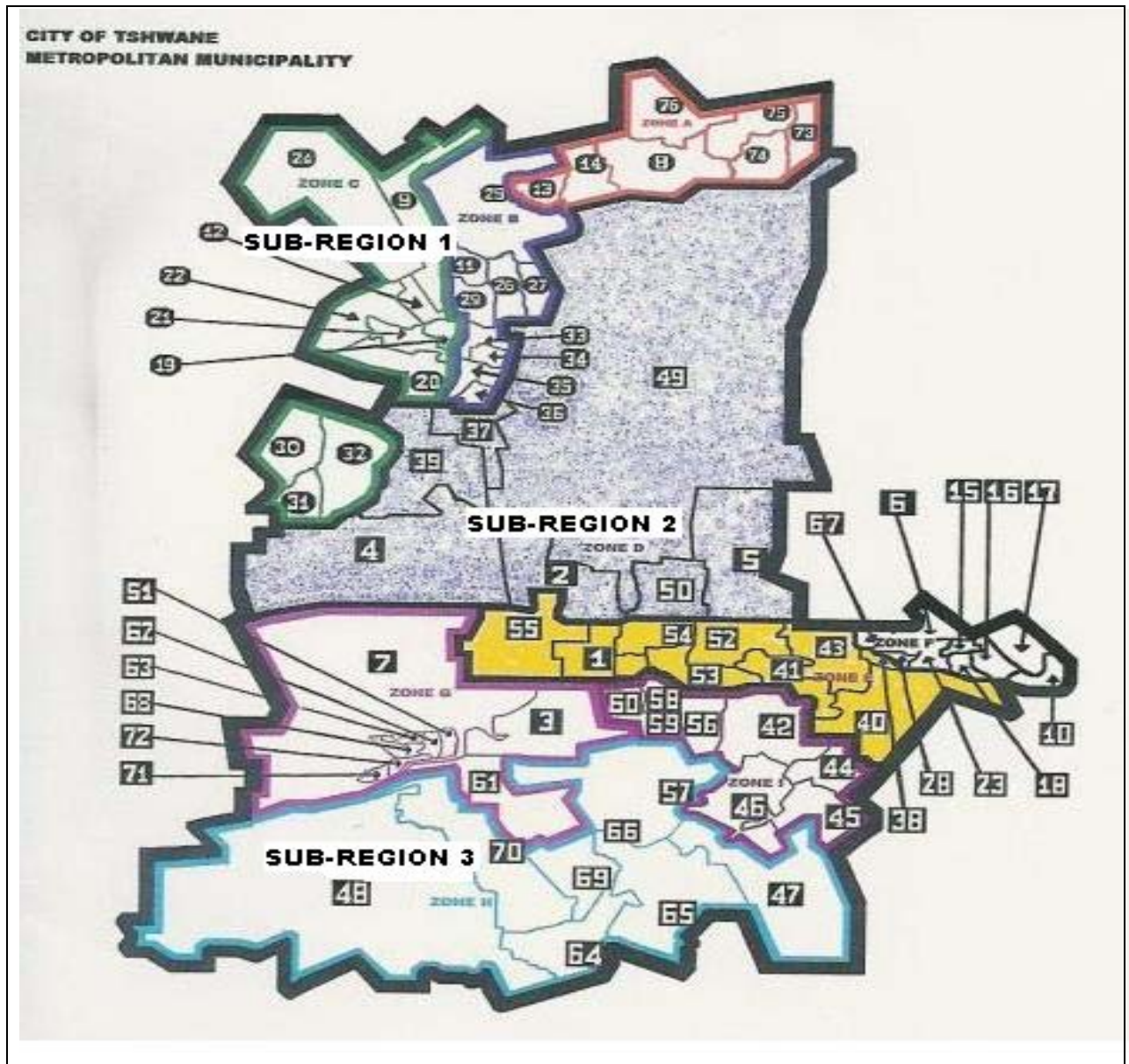


Figure 4.1: City of Tshwane Metropolitan Council

#### 4.5.2. Organisational and management structure

The coordinating and management structure of ward committees in the City of Tshwane Metropolitan Municipality (CTMM) is as follows: the manager; administrator; three (3) coordinators; and nine (9) liaison officers (Establishment of Ward Committees, 2001: 17). The posts are located in the Office of the Speaker, and officials assist, *inter alia*, with the administrative responsibilities in the Office of the Speaker.



#### **4.5.2.1 Functions and duties of personnel in the Office of the Speaker**

Human resources in the Office of the Speaker are structured as follows:

a) The Manager

The manager is the most senior person responsible for the effective and efficient management and coordination of the Office of the Speaker including Ward Committee Section. The incumbent reports politically to the Speaker and administratively to the Chief of Staff and the Municipal Manager respectively.

b) Administrator

The administrator is the second most senior person, after the manager, responsible for all the administrative support services, *viz.* offices, and equipment. He or she is responsible for providing assistance in the management and coordination of work activities. The administrator is administratively also responsible for the Regional Development Forum. The administrator reports directly to the manager.

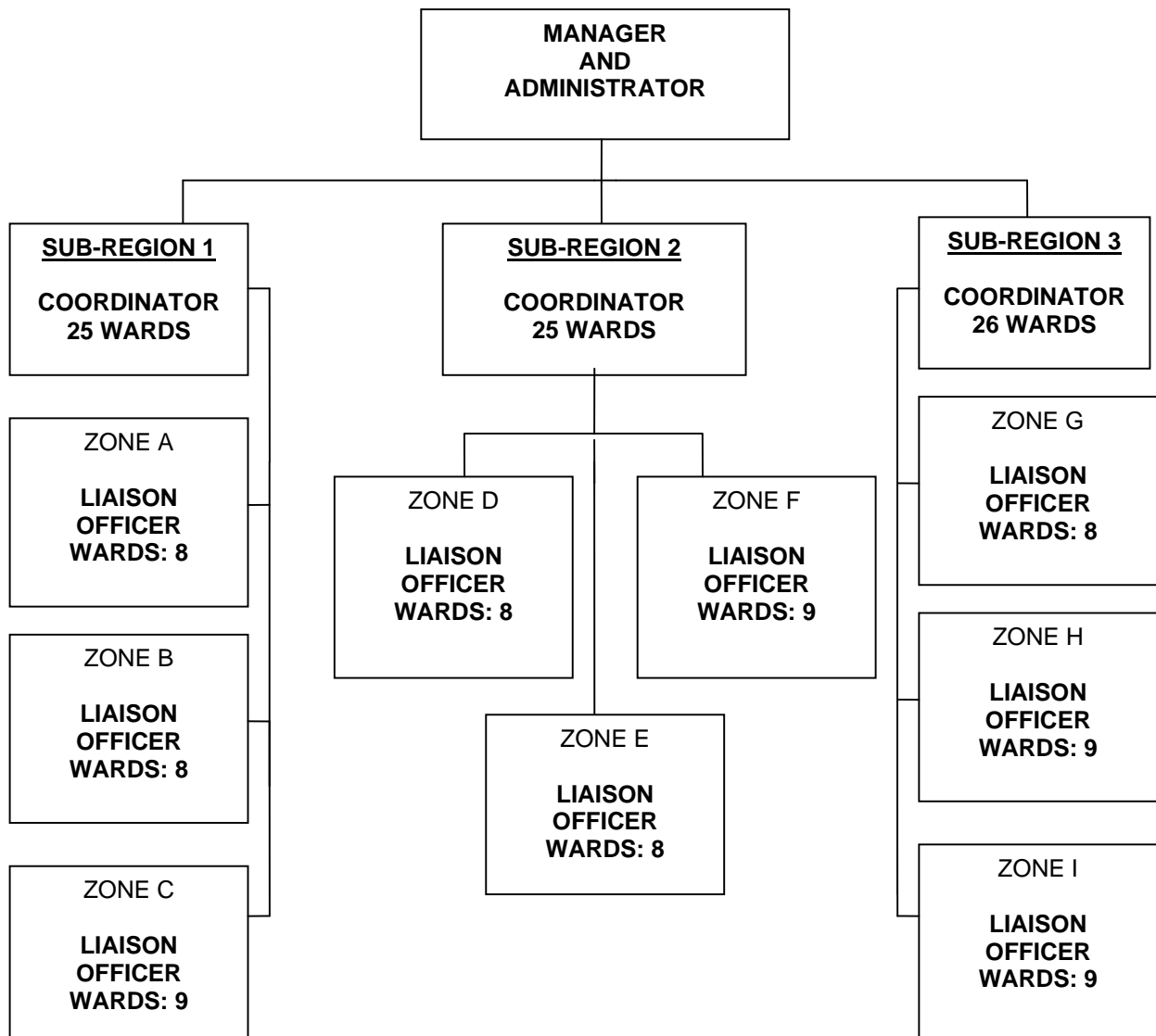
c) Coordinators

There are three (3) coordinators and each is responsible for the coordination of a sub-region as allocated. Coordinators are administratively responsible for the Sub-regional Development Forum. Coordinators report directly to the Administrator on the implementation of the programme. They (the coordinators) will also report directly to the Manager on urgent and specific issues, for example, if the Manager urgently wants a detailed report on the working relationship between the councillors and ward committees in a food parcel distribution project to the indigents' households in the sub-region.

d) Liaison Officers

There are nine (9) liaison officers and each is responsible for the coordination of a zone as allocated, including all the different ward committees in the specific zone. Liaison officers also provide secretarial services to ward committees and the zone’s development forum. They may also provide secretarial services to sub-regional and regional development forums when requested to do so. Liaison officers report directly to the coordinators on their work at different zones.

**Figure 4.2: The organisational and management structure of the Office of the Speaker**



Source: *Establishment of Ward Committees, 2001: 25*

The Office of the Speaker has a diagram depicting the location of each zone of ward committees within the City of Tshwane Metropolitan Municipality (CTMM) for local communities to familiarise themselves with, as and when they interact with municipal officials. The organisational and management structure of the Office of the Speaker is illustrated as in Figure 4.2 above.

#### **4.5.2.2 Administrative and funding support of ward committees**

The City of Tshwane Metropolitan Municipality (CTMM) has created administrative arrangements to enable the ward committees to perform their functions and exercise their powers effectively, in terms of Section 73 (4) of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*. Furthermore, the City of Tshwane Metropolitan Municipality (CTMM) has allocated funds in its budget to further the objectives of ward committees which, as already mentioned, are managed by the Office of the Speaker.

Section 77 of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* prohibits councils from remunerating ward committee members. However, it is recommended that travel and other costs incurred within the scope of ward committee duties be reimbursed to the ward committee members, excluding the cost of the Ward Councillor.

In addition, the Council of City of Tshwane Metropolitan Municipality (CTMM) should make available its officials, as well as council resources, such as office space, computers, facsimile facilities, copying facilities and other related facilities, to the ward committees for administrative support and to ensure effective functioning. Furthermore, the CTMM Council should make funds available to ward committees when there is/are project(s) within the scope of its mandate that require the attention of the Council. However, as just noted and to reiterate, ward committees may not receive any cash funding (Establishment of Ward Committees, 2001: 15). According to the DPLG (2003/2004: 10), administrative support may include the following:

- a. The promotion of ward committees in the community – informing the community of the roles and responsibilities of ward committees

- b. The permanent availability of an administrative staff capacity to attend all scheduled or non-scheduled ward committee meetings and to assist the ward councillor and members in fulfilling their clerical and administrative functions
- c. The identification/building/arrangement of central meeting places in the ward where communities have access to information and where ward committees can meet
- d. Assistance with the translation of information and documentation for the community
- e. Assistance of the ward committees in fulfilling their tasks, for example, the provision of additional capacity, advertising campaigns required for purposes of arranging large public meetings if necessary
- f. Facilitation of ward committee elections.

The ward committee section in the Office of the Speaker provides administrative and financial support to ward committees. Ward councillors and ward committees, through the support provided, should be seen as a mechanism that allows greater interaction between a municipality and the community. Active interaction aims to build community confidence to engage the City of Tshwane Metropolitan Municipality (CTMM) whenever there are service provision problems. In addition, ward committees need to be informed of resources that can be utilised when discharging their responsibilities as delegated by the council.

#### **4.6 PUBLIC PARTICIPATION AND WARD COMMITTEES**

At all spheres of government, public participation has been identified as an important factor in engaging the broader community. This is even more crucial at a local level where the City of Tshwane Metropolitan Municipality (CTMM) has a major task of providing services to communities. Several government policy documents, such as the Reconstruction Development Programme (RDP) and the *White Paper on Local Government, 1998* serve as the policy frameworks advocating and promoting the need for public participation or involvement.

Public participation in local government and development is also influenced by historical and current dynamics of the social, political and economic context in which local government seeks to operate. These dynamics should be acknowledged by local authorities in their formulation and implementation

of development policies and their intentions to foster public participation (Atkinson and Reitzes, 1998: 128). The phenomenon of public participation in the South African system of government has become one of the major (and also dynamic) challenges for public managers at all levels and in all spheres of government. In the public domain, many services are provided. The public may be regarded as consumers who are entitled to good service, but they are also citizens (Du Toit, Van der Walldt, Bayat and Cheminals, 1998: 124) of the City of Tshwane Metropolitan Municipality (CTMM) residing in numerous wards. Public participation within the municipality is performed by ward committees. This is also advocated and promoted by government policies and legislation, which should be utilised to capacitate communities as far as the municipal governance process and procedures are concerned.

Participation embraces many different levels of involvement apart from the provision of basic information which is an essential base for all levels of participation. There are four general, separate arrangements embodied in the terms of reference: consultation, where the Council identifies an issue and seeks public response; direct involvement or power sharing, where community representatives are full members of the decision-making body; community action, where groups put forward their own demands; and community self-management, where groups have control of facilities and resources (Stewart, 1983: 132).

Public participation is more often than not restricted to public response to identified issues. The local authority has its own pattern of working, represented by its procedures, settings and roles, and giving expression to the values, assumptions and beliefs of the established organisational interests. Those interests should be respected and not disturbed by uncontrolled public involvement. Public participation is, however, one of the conditions set by the local authority (Stewart, 1983: 131-132).

Furthermore, the public, as customers and citizens, can share needs and wants, but can also differ in their purposes. Citizens, as customers of government, are naturally more responsive to public needs than are government officials and the poorest of moral performances and accountability by government are generally associated with conditions in which few citizens have any influence. For these reasons, among others, it is not surprising to see government at all levels/spheres trying to facilitate the participation of citizens in the administrative process (Du Toit *et al.*, 1998: 124).

People have the right to participate in government programmes and in civil society. Public participation includes standing for elections, voting in elections, becoming informed, holding and attending community meetings, joining civil and/or political organisations, paying taxes, protesting and petitioning. Craythorne (1997: 74) argues “...that public participation must also be understood in the context that cannot mean the submission of all decisions on public affairs to a decibel auction by some vague entity known as the public, as it is likely that decisions will not be taken or that the wrong decisions will be taken, and such a step would amount to the abdication by the elected representative (Ward Councillor) of his/her responsibility to govern”.

Furthermore, some City of Tshwane Metropolitan Municipality (CTMM) officials should view public participation as a way to rid themselves of insoluble problems. By bringing highly dissatisfied groups into the governing process, officials may be able to pacify or to co-opt them. Public participation may also be used by a bureaucracy as an agency for building a clientele – a nucleus of an effective citizens’ lobby for its pet programmes (Du Toit *et al.*, 1998: 124-125).

Public participation in the City of Tshwane Metropolitan Municipality (CTMM) is spearheaded by the Office of the Speaker through ward committees. Ward committees have participated in various activities of the City of Tshwane Metropolitan Municipality (CTMM) and Gauteng Provincial Government ranging from municipal budget processes, by-laws, consultative meetings, an Integrated Development Plan, mayoral *Izimbizo*, the Zivuseni poverty alleviation programme, the Bakwena platinum highway project, a debt summit, and registration of indigent people (Annual performance of ward committees, 2003: 2-7). The participation by ward committees in municipal and provincial government programmes is to enhance participatory governance and local democracy in communities. As a vehicle of community participation, ward committees will then engage community members in discussions on the affairs of the municipality and provincial government to enable individuals to learn that they are part of society, and so to develop a sense of justice.

#### **4.7 ACCOUNTABILITY AND TRANSPARENCY OF WARD COMMITTEES**

Ward councillors and municipal officials should be accountable for their actions to their constituencies and their superiors respectively, and, more broadly, to communities. An accountability mechanism

should be used by civil society to hold public representatives accountable, as already intimated. Mechanisms promoting accountability should be designed to provide adequate controls while allowing for appropriately flexible management.

The public has a right to know how public institutions, such as the City of Tshwane Metropolitan Municipality (CTMM), apply the powers and resources entrusted to them. Public scrutiny should be facilitated by transparent and democratic processes and by “oversight” (inspection-in-loco) functions by municipal councillors as public representatives, so that they may access information for the purposes of accountability to communities (Van der Waldt, Van Niekerk, Doyle, Knipe and Du Toit, 2001: 124-125). According to the Department of Provincial and Local Government (2003/2004: 11-12), the ward councillor is the accounting officer for the ward committee on the municipal council. The ward councillor, as the accounting officer should:

- a. Keep full and proper records of minutes of the meetings, of all income and expenditure of the committee and of all assets, liabilities and financial transactions of the committee
- b. Ensure that the committees’ 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
- d. Ensure the preparation of financial statements in accordance with generally accepted accounting practice within a month after the end of each financial year
- e. Ensure that all decisions taken by the ward committee are formalised and submitted to the office of the mayor for presentation to the council (intervals to be determined by the Speaker)
- f. Report a viewpoint adopted by the ward committee to the council, but may disagree with the viewpoint in the report
- g. Ensure the production of a progress report on major achievements and areas of failure with reasons two months after the end of the financial year
- h. Submit the progress report to the municipal manager 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 municipal manager.

The accountability and transparency chain between the electorate and elected officials is vital, indispensable element of democratic government. Continuously ways must be developed to increase citizens' involvement in the process. Whatever can be achieved in this direction is clearly worth the effort for all stakeholders (Golembiewski and Gibson, 1983: 374).

Ward committees should ensure consistent feedback, reporting to local communities on the City of Tshwane Metropolitan Municipality (CTMM) development programme. They should adhere to their code of conduct and report dissatisfaction to the office of the Speaker and/or the municipal manager in writing. The ward committee should have access to information pertaining to service provision in the ward. Ward councillors and ward committees should maintain a consistent interaction with sectoral groups by convening sub-committee information session meetings. Accountability and transparency by ward committees should instil confidence towards the municipality in local communities.

#### **4.8 WARD COMMITTEE CAPACITY BUILDING PROGRAMME**

Capacity building is a key instrument to the successful functioning of ward committees and, particularly, to the ward committee section in the office of the Speaker, in accelerating service delivery and providing leadership to ward councillors and communities in the City of Tshwane Metropolitan Municipality (CTMM). Ward committees have to be capacitated to participate in the initiation, monitoring and evaluation of local government activities (The Planact, 2001: 10).

The office of the Speaker is responsible for ward committees in its endeavour to accelerate service delivery within the seventy-six wards of the City of Tshwane Metropolitan Municipality (CTMM) and for capacity building to facilitate more effective participation in municipality affairs and to assist the ward councillor to discharge his/her responsibilities. According to JUPMET (2004: 7-8), the objective of the capacity building programme for ward committees was and is to improve or enhance the capacity of ward committees, municipal officials and councillors to build, develop and sustain the institutional foundations for local democracy in the City of Tshwane Metropolitan Municipality (CTMM) training programme. This programme was also aimed at developing a greater awareness amongst the targeted group to participate effectively in community processes and to play a more meaningful role in the development of the City of Tshwane Metropolitan Municipality (CTMM) in



monitoring the delivery of infrastructural services and encouraging the creation of employment opportunities specifically for historically disadvantaged communities. In addition the objective of this programme was and is to enable councillors, ward committee members and community liaison officers to:

- a. Participate actively in processes as contained in Chapter 4 of the *Local Government: Municipal System Amendment Act, 2003 (Act 44 of 2003)* viz. Integrated Development Plan (IDP), Performance Management System (PMS), budget and alternative service delivery
- b. Act as channels of communication for the policies and development plan of government
- c. Promote a culture of participation in the community and
- d. Create an understanding of their roles and responsibilities towards one another and the community they are supposed to serve.

**Table 4.1: City of Tshwane – Ward Committee Training: Summary of Attendance by Zones within Sub-Regions**

Sub-regions	Potential	Registered	Attended	Percentage (%)
Sub-region 1				
Zone A	80	71	61	
Zone B	90	80	68	
Zone C	90	89	63	
	<u>260</u>	<u>240</u>	<u>192</u>	<u>74%</u>
Sub-region 2				
Zone D	70	57	45	
Zone E	90	16	7	
Zone F	90	72	66	
	<u>250</u>	<u>145</u>	<u>118</u>	<u>47%</u>
Sub-region 3				
Zone G	90	40	28	
Zone H	80	0	0	
Zone I	80	0	0	
	<u>250</u>	<u>40</u>	<u>28</u>	<u>11%</u>
Total (Overall)	<u>760</u>	<u>425</u>	<u>338</u>	<u>44%</u>

Source: JUPMET, 2004: 4

The ward committees' training took place during November and December 2003. Some members of ward committees could not attend the capacity building programme owing to work commitments. The latter appears as the major cause of their unavailability. Less than fifty per cent (44%) of ward committees attended the capacity building programme (JUPMET, 2004: 4).

As can be seen in Table 4.1, fewer than fifty per cent of ward committee members in the City of Tshwane Metropolitan Municipality (CTMM) attended the first capacity building programme organised by the office of the Speaker. In addition to work commitments already mentioned, poor attendance of ward committee members and councillors in the capacity building programme is attributable to a number of other factors. Amongst the factors is poor coordination and lack of communication with either the ward councillors or coordinators. This militated against the fulfilment of their functions. The management in the office of the Speaker should have monitored and overseen the implementation of the capacity building programme. Moreover, there should always be continual engagement between ward committee coordinators and the office of the Speaker in zones on the implementation of programmes. According to the DPLG (2003/2004: 3), municipalities should:

- a. Conduct capacity building and training needs assessment for members of the ward committee on an annual basis
- b. Include ward committees in their skills development plans
- c. Develop and implement capacity building and training programmes for member of the ward committee and
- d. Set aside a budget for the capacity building and training in accordance with the needs assessment.

In addition, some training and capacity building programmes for municipalities may be illustrated as in Table 4.2 below as follows:

**Table 4.2: Training and capacity building programmes for municipalities**

1. Generic training needs, including:
  - 1.1 Basic literacy
  - 1.2 Communication
  - 1.3 Interpersonal skills
  - 1.4 Community development
  - 1.5 Conflict management and negotiation skills
  - 1.6 Democracy and community participation
  - 1.7 Leadership and
  - 1.8 Identification, monitoring and prioritisation of needs. The above will include basic training in survey methodology.
2. Training needs on municipal policy and processes, including:
  - 2.1 Principle of good governance
  - 2.2 The establishment of ward committees, its terms of reference, nature and functions
  - 2.3 Municipal structures, legislation and processes (including CMIP and IDP)
  - 2.4 Intergovernmental community development
  - 2.5 Municipal service partnerships and
  - 2.6 Payment for services (credit control).
3. Specialised training needs, including:
  - 3.1 Meeting procedures and secretariat services (minutes taking, report and letter writing)
  - 3.2 Administration (clerical/administrative skills, bookkeeping, basic accounting)
  - 3.3 Budgeting
  - 3.4 Monitoring and evaluation of implementation of service delivery to communities
  - 3.5 Policy development
  - 3.6 Project management
  - 3.7 Stress management and
  - 3.8 Performance management.

#### **4.8.1 Recommendations**

Based on the above table on training and capacity building programmes, ward committees should be afforded time to brainstorm on training programme needs. They should identify training needs on basic and advanced municipal programmes for service provision. Local government specialists should advise ward committee members on relevant programmes and should ensure that the programme design for ward committees is community-municipal oriented with a view to ensuring provision of services to communities. Ward committee training programmes should build specialists and generalists to enhance communication between ward committees, municipality and communities.

The emphasis of the training programme on ward committees in the City of Tshwane Metropolitan Municipality (CTMM) should be customised. The focal areas of the ward committees customised training programme should be service delivery oriented and enhance the role clarification of ward committees, ward councillors and the City of Tshwane Metropolitan Municipality (CTMM). The training and development of ward committees should also instil public confidence on ward committees.

#### **4.9 THE RELATIONSHIP AMONG A WARD COMMITTEE, A WARD COUNCILLOR AND MUNICIPAL DEPARTMENTS**

Apparent poor leadership provided by City of Tshwane Metropolitan Municipality (CTMM) ward councillors has, in some cases, resulted in ward committees becoming weak with the consequence that they have executed their mandate poorly. In some areas, ward councillors ignored the existence of ward committees and took decisions unilaterally, thus undermining people who serve in these structures. This often results in ward committee members losing their respect for councillors, creating obvious tensions in the functioning of the ward committees.

In some instances, however, ward committee members, especially ward coordinators, have undermined the leadership of ward councillors by taking decisions without consulting them. There has been an improvement regarding the relationship of ward committees and some departments of the municipality. Some officials of the municipality have finally accepted that ward committees are

statutory and, as a result, their cooperation has improved. Hence, there is a need for educational programmes to inform all officials about the nature and role of ward committees in the communities (Annual performance of ward committees, 2003: 1-2 and 8-9), as suggested earlier.

Ward committees should support participatory governance and local democracy in communities in which the municipality renders services. Ward committees in the City of Tshwane Metropolitan Municipality (CTMM) should interact with municipal departments on matters of service delivery and should report to communities. There should be a cordial relationship between the departments and ward committees. The ward councillor should also play an important role in ensuring that the priorities of his/her ward are captured correctly in the integrated development plan of the municipality to enhance delivery of essential services prioritised by community members themselves. This would serve to strengthen the relationship between the ward councillors and ward committees.

#### 4.10 EVALUATION TECHNIQUE OF WARD COMMITTEES

The evaluation of community satisfaction on service delivery and sharing of information between ward committees and ward councillors should influence the municipal council decisions-making process to meet the needs of communities and thereafter to develop sustainable processes. The DPLG (2003/2004: 13) has developed a pro-forma satisfaction survey questionnaire as a guide to municipalities and, in particular, to the ward committee system type of municipality. The satisfaction survey is presented hereafter for the benefit of ward committees and ward councillors in respect to service delivery as follows:

**Table 4.3: Satisfaction survey questionnaire**

Name of the municipality: .....
Name of the ward councillor: .....
Number of ward: .....
Name of the ward committee member administering the questionnaire: .....
1. What are the most important needs of your area/ward?
Water
Electricity
Refuse removal

Sewerage systems

Roads

Any other need not listed: .....

2. Do you think the municipality is responding to those needs? Yes  or No

3. Are you satisfied with the services and quality of services provided by the municipality?  
Yes  or No

4. Is there any significant development or improvement of your area/ward since the inception of the municipality? Yes  or No

4.1. Name such development: .....

5. Are you happy about the general development in your ward since the inception of the municipality? Yes  or No

5.1. Why/Why not?  
.....

*Source:* Department of Provincial and Local Government, 2003/2004:13

The City of Tshwane Metropolitan Municipality (CTMM), through the office of the Speaker, should assist ward committees to develop a register of all active organisations in their wards and submit copies to the office of the Speaker, ward committee section. The exercise may assist during the election of ward committees and assist some organisations to understand the importance of the ward committee system in government affairs.

The DPLG (2003/2004: 15) has developed a pro-forma guide to all municipalities, in particular, to the ward committee system type of municipality. The pro-forma guide may assist ward councillors during and after the establishment of ward committees. Below is an example of such a pro-forma guide for ward committees to register all active organisations in the ward:

**Table 4.4: Register of all active organisations in the ward**

Name of the 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

Source: Department of Provincial and Local Government, 2003/2004: 15

The Ward committee section in the office of the Speaker should consider conducting a satisfaction survey questionnaire and register of active organisations in wards as illustrated by the DPLG (2003/2004: 13 and 15). There is no information or are there records indicating any surveys undertaken since the establishment of ward committees in the office of the Speaker by the ward committee section. Ward committees should be responsible in ensuring that communities are represented by organisations that are active and accountable to the broader community in their activities. In addition, active organisations (NGOs and CBOs) should assist ward committees through monitoring and evaluation systems to ensure that the City of Tshwane Metropolitan Municipality (CTMM) prioritises basic service delivery to communities.

#### 4.11 CONCLUSION

Ward committees are regarded as the most important agency in enhancing local democracy and the participatory governance of local communities in municipal affairs. The City of Tshwane Metropolitan Municipality (CTMM) established its ward committees guided by the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* Part 4. Before the promulgation of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* that established ward committee system, other government policy documents, such as the Reconstruction and Development Programme (RDP), 1994

and the *White Paper on Local Government, 1998*, suggested a system of local government that involves local communities in policy formulation processes and governance, as well as assists people to understand government service-rendering processes.

Ward committees in the City of Tshwane Metropolitan Municipality (CTMM) were primarily established as mandated by legislative framework to ensure that Tshwane residents participate in all activities of the municipality and to deepen local democracy. A comparative analysis shows that little has been written on ward committee systems, especially on the roles, functions and powers of ward committees. Lessons learnt are that ward committees in other municipalities are vested with powers to decide on certain programmes and projects on behalf of the municipalities.

Human resource personnel recruited in the office of the Speaker dealt with the establishment of ward committees to encourage public participation and foster the accountability and transparency of councillors to local communities. A capacity building programme ensued through sponsorship to capacitate ward committees, officials in the office of the Speaker, and councillors in order to foster a better understanding of the role and responsibilities of ward committees and a building of cordial relationships between the ward councillors, ward committee members, and City of Tshwane Metropolitan Municipality (CTMM) departments. This chapter has also dealt with an evaluation technique to assess the performance of ward committees and the registration of sectors in wards to take part in the establishment and election process of ward committees. The next chapter is on community participation in municipal affairs to speed up service provision to communities.

## CHAPTER 5



## COMMUNITY PARTICIPATION

### 5.1 INTRODUCTION

Chapter Four dealt with the ward committee system in the City of Tshwane Metropolitan Municipality (CTMM). Most importantly, it elaborated upon the establishment, role and performance of ward committees in ensuring service delivery in local communities. Community participation is also important as outlined by various legislative frameworks, such as the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* amongst others.

The sphere of local government has experienced changes since the municipal elections of 1995 and 1996. Such changes have also impacted on the system of local government with the introduction of new institutional arrangements to ensure that local government becomes more effective and efficient in rendering services. Municipal governance will inevitably be exposed to public scrutiny, because it is close to people and its performance may be measured with the level of service delivery.

The notion of local communities involved in interventions to promote development and reduce poverty enjoys strong support from communities and community-based organisations. The reason for community participation is not only that there is an inherent value in ensuring that people are able to influence activities that will affect them, but also that participation helps to build capacity and contributes to empowerment.

Furthermore, local communities and beneficiaries need to be sharply defined if participation is to be effective. It is necessary to build on the strengths of and to work through existing community structures to achieve the objectives of the City of Tshwane Metropolitan Municipalities (CTMM) and local communities. Participatory processes that go beyond the intermittent and inadequate consultation that takes place through the Integrated Development Planning (IDP) and budget processes need to be set in place. Communities need to be consulted on appropriate technology and service levels. A new approach to participation implies a new approach to capacity building in the City of Tshwane Metropolitan Municipality (CTMM).

In this chapter, various relevant concepts need to be described to assist in the conceptualisation of community participation, followed by an overview of community participation in local government affairs from different perspectives. Community, as a catalyst of development and empowerment, and municipal-community partnerships together with decentralisation and centralisation will highlight the importance of the role of ward committees in relation to power relationships, and the participation of different organisations in an endeavour to deliver services optimally to local communities. Finally, communication between ward committees and the City of Tshwane Metropolitan Municipality (CTMM) with different community-based organisations (CBOs) in the process of the planning and implementation of the municipal service delivery programmes is of importance to local communities.

## 5.2 DEFINITION OF CONCEPTS

In this chapter relevant concept such as development, implementation, and communication were identified to be defined. The abovementioned concepts for the purpose of this chapter may be defined as follows:

### a. Development

According to Fox and Meyer (1995: 36), development refers “... to the process of improving the quality of all human lives”. The concept of development is elusive; it is perceived not only as a condition of life, but also as a goal to be attained, and as the capacity to grow and change and progress. Development fluctuates according to what is needed, what is possible, and what is desired (World Bank, World Development Report, 1978: 07).

Development can be defined as the process of growth from one state of existence to another that is better than the first. Development can be the systematic process of education, training, and growing by which a person learns to be self-sufficient and to apply the information, skills, knowledge, attitudes, and perceptions gained in the process (Van Niekerk *et al.*, 2001: 303). Development is a process which involves both government institutions, in particular, municipal governance, and community. A

municipality, in consultation with the community, must create an environment for community participation on policy and decision-making.

#### b. Implementation

According to Meyer and Fox (1995: 60), implementation can be defined as “...actions to put into operation policy or programmes, which result in the creation of links in the contingent chain to attain the objectives envisaged”. Implementation can also be defined as a process of interaction between the setting of goals and actions geared to achieving them (Cheema and Rondinelli, 1983: 26). Cloete (1995: 38) refers to implementation “...as the carrying out of a law, regulation, rule, command or other directive by officials working under the direction of political office-bearers”. Implementation refers to putting activities into effect and performing them according to a set of specific time frames.

#### c. Communication

Communication is defined as an effective system and essential requirement of modern administration. Important messages have to be communicated within an organisation, and outside communication is one of the most important managerial activities defined in an institution. Communication is needed for conveying facts, ideas and experience to everyone in the institution (Pattanayak, 2000: 75-76).

Communication is the exchange of thoughts, ideas or information in a written, verbal or non-verbal way; it is perception based on shared values. It is through the communication process that the executive authority conveys the objectives of the organisation and gauges the needs of employees, interest groups, or voters. The effectiveness of decision-making and organisational performance is dependent on adequate communication (Meyer and Fox, 1995: 23). Communication can be useful in bringing the municipality and the local community together in order to prevent misunderstandings between government and society. Communication is an important mechanism to ensure that government policies are made known to local communities, and to establish the real needs of such communities.

### **5.3 AN OVERVIEW OF COMMUNITY PARTICIPATION**

The transformation of the institutional arrangement of local government in South Africa in recent years has now found itself functioning alongside a wide range of other agencies. Local government is witnessing the transformation of the structure of government into a system of local government, involving complex sets of organisations drawn from different sectors, such as the public, private and voluntary sectors (Stoker, 1996: 1).

Municipal councils are playing a central role in promoting local democracy. In addition to representing community interests within the council, municipal councillors promote the involvement of citizens and community groups in the design and delivery of municipal programmes. In the past, local government tended to make its presence felt in communities by controlling or regulating citizens' actions. While regulation remains an important municipal function, it should be supplemented by leadership, encouragement, practical support and resources for local community action.

Municipalities should adopt an inclusive approach to foster community participation, including strategies aimed at removing obstacles and actively encouraging the participation of marginalised groups in the local community. At the same time, participatory processes should not become an obstacle to development; and narrow interest groups should not be allowed to 'capture' the development processes. It is important for municipalities to find ways of structuring participation which enhance, rather than impede the delivery processes (*White Paper on Local Government, 1998: 102*).

However, it is incumbent on the City of Tshwane Metropolitan Municipality (CTMM) to elicit community participation in development and to demonstrate accountability to local communities. Community participation should be correctly conceptualised to enhance effective participation in municipal government decision-making and service delivery. However, the participation of local communities in development is always uneven owing to other influential and powerful organisations and to lack of knowledge and skills in some local communities. The level of community participation of different stakeholders at local affairs should be characterised by developmental needs, accountability, and transparent and sound working relationships to enhance service delivery.

The municipality should provide procedures by which many of its activities are carried out and are planned, programmed, controlled and monitored. The reasons for local community participation in municipality activities is not only that there is an inherent value in ensuring that people are able to influence activities that will affect them, but also that participation helps to build capacity and contributes to the empowerment of local community participants, as stated the beginning of this chapter. Community participation in municipal activities, among others, is to critically assess current policies and practices in order to propose ways in which the involvement of local communities in the provision of services should be enhanced and made more meaningful.

In an effort to encourage and strengthen community participation, the City of Tshwane Metropolitan Municipality (CTMM) has created a Constituency Affairs Unit in the executive mayor's office and ward committees in the speaker's office. This is in line with the provisions of the *Constitution of the Republic South Africa, 1996* and *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* amongst others, to encourage the involvement of communities.

#### **5.4 COMMUNITY AS A CATALYST TO DEVELOPMENT**

Community as a catalyst to development promotes community participation and ensures that municipal government renders quality services to the local communities and that there is maximum community participation in development, leading to empowerment. Municipal governments should find their basic principles of operation subject to correction as new demands emerge from citizens, higher level authorities and the interests of non-governmental organisations (NGOs) and community-based organisations (CBOs) (Hoggart and Clark, 2000: 01).

Local communities may be examined from a variety of perspectives; some have seen them as a convenient laboratory for testing general propositions concerning political power, leadership, or the decision-making process generically. The local authority leadership is popular, because it is ordinarily easier to secure interview time with metropolitan leadership than with provincial or national leadership. In the past, a vast amount of effort and money was spent on theorising on how to involve communities in decision-making, relating to the manner in which their best interests could be served by municipal government and municipal entities (Frederickson and O'Leary, 1973: 6).

Currently, the forum is more on practical policy implementation as well as ensuring that local communities become involved in matters that affect their daily lives. Politicians and executive office bearers have, for far too long, presumed to know what is in the best interest of communities, without necessarily considering empowering people to take responsibility for the manner in which their quality of life is serviced. Services are often based on assumptions and preconceived ideas of what is deemed to be necessary to improve the quality of life of communities (Van Niekerk *et al.*, 2001: 266).

Community empowerment and development in the City of Tshwane Metropolitan Municipality (CTMM) may be possible with the involvement of local communities from policy making, implementation and service delivery processes. Furthermore, a strong working relationship between municipal councillors and municipal officials as well as ward committee members in the course of service delivery may enhance the empowerment and development of local communities.

#### **5.4.1 Empowerment and development**

Empowerment and the development of local communities are vital aspects in developing community-owned solutions to enhance effective and efficient service delivery in the City of Tshwane Metropolitan Municipality (CTMM). An empowered community will engage the municipality in programmes that respond to local community needs and priorities. Such local communities should ensure that the municipality belongs to the people and that programmes are synchronised to ensure service delivery.

Participation in municipal programmes should be utilised as a means of empowering communities and requires the endorsement of municipal public representatives. Adequate resources should be allocated to ensure meaningful community participation. There are several factors that prevent communities from participating, which include language barriers, lack of information, and lack of understanding of roles, responsibilities and expectations of various role players in local governance (Fair Share, 2001: 4).

The empowerment and development of local communities should be relevant to municipal governments entrusted with participatory governance and local democracy in which the most important decisions are no longer necessarily those being taken by elected public representatives in isolation from local communities. This is a recognition that should lead to a notion of “community government” – that is, government as a political lightning rod or campaigning body, with the role of enabling or, perhaps better, “empowering” groups and individuals to make decisions or to act. But it also highlights the need to think about other ways in which democratic participation and involvement should be encouraged or developed (King and Stoker, 1996: 204).

Participation encourages the empowerment of those who were previously merely defined as passive recipients of initiatives developed by experts of one sort or another. King and Stoker (1996: 205) argue that “...empowerment can be viewed from two perspectives. The first implies a ‘top-down’ approach, in which those with economic or political power licensed certain groups to represent people who have little power or influence. Another perspective on empowerment might start from [a ‘bottom-up’] approach. Such a vision immediately implies a revitalisation of local democracy, suggesting that the appropriate arena for political action by citizens is not through electoral politics, but through a range of organisations, some of which will be based in local communities, while others may be based on shared [the] interests [of] users”.

The people-centred (empowerment) approach to development builds on basic needs, social learning and a participatory approach. It is endogenous, not interventionist and allows the community to define development. Social learning and people-centres require adaptive administration, and responsive, creative, innovative institutions applying bottom-up decision-making and partnership action. In other words, they require an enabling rather than a beneficiary bureaucracy. Non-governmental institutions are important role-players in this approach. The process of empowerment and the development of communities are factors that make democracy work by building strong and self-sufficient communities. Furthermore, this implies that people can make a contribution towards the making of rules by which they choose to live for solving their own social, economic, and political problems in cooperation with a municipality (Van Niekerk *et al.*, 2001: 269).

Local community development and empowerment by local government on procedures and processes of service delivery in this context should have positive rewards. People would have the opportunity to assist in designing their own government programmes; they empower one another with information. Councillors and ward committees as well as other municipal officials would be required to account for their performance in respect to good governance.

## **5.5 MUNICIPAL-COMMUNITY PARTNERSHIP**

The South African system of local government promotes municipal-community partnerships, especially the involvement of local communities in decision-making and implementation processes. The promotion of this working relationship between municipality and community is advocated by various legislative frameworks and government policies, such as the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*, the *Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)* and the *White Paper on Local Government, 1998*; and the City of Tshwane Metropolitan Municipality (CTMM) functions in line with such legislative frameworks and government policies.

A municipal-community partnership should be one type of partnership that promotes one form of engagement which assumes different forms and entails different levels of complexity depending on resource endowments, institutional capacities and development priorities. Successful municipal-community partnerships are understood as service delivery and governance mechanisms which include three elements: organisational effectiveness; extending basic services to address areas of greatest unmet needs and poverty and community empowerment and deepening of the social contract at local level (Khan and Cranko in Parnell, Pieterse, Swilling and Wooldridge, 2002: 267).

The rationale for the City of Tshwane Metropolitan Municipality (CTMM)-community partnership is to ensure that the communities play an effective role in the service delivery planning process, implementation and policy decision-making and that they hold the municipality accountable for its performance. The municipality should ensure that communities understand analytical tools, such as performance management systems, and possess the capacity to play a meaningful role during service delivery performance assessment in line with municipal policies and legislation.



Chapter Four of the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* deals with community participation. The *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* Section 16 (1) advocates that municipalities should develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and should for this purpose – (a) encourage, and create conditions for, the local community to participate in the affairs of the municipality, including in (i) the establishment, implementation and review of its performance management; (ii) the monitoring and review of its performance, including the outcomes and impact of such performance; and (iii) strategic decisions relating to the provision of municipal services; (b) contribute to build the capacity of – (i) the local community to enable it to participate in the affairs of the municipality; and (ii) councillors and staff to foster community participation; and (c) use its resources and annually allocate funds in its budget as may be appropriate for the purpose of implementing paragraphs a and b. The process should not be interpreted as permitting interference with a municipal council’s right to govern and exercise the executive and legislative authority of the municipality.

The *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* Section 17 (1) deals with participation by the local community in the affairs of the municipality which should take place through – (a) political structures for participation in terms of the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*; (b) the mechanisms, processes and procedures for participation in municipal governance established in terms of the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*; (c) other appropriate mechanisms, processes and procedures established by the municipality; and (d) councillors; and generally applying the provisions of participation as provided for in this Act.

According to the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* Section 17 (2), a municipality should establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality and should, for this purpose, provide for – (a) the receipt, processing and consideration of petitions and complaints lodged by members of the local community; (b) notification and public comment procedures, when appropriate; (c) public meetings and hearings by the municipal council and other political structures

and political office bearers of the municipality, when appropriate; and (d) consultative sessions with locally recognised community organisations and, where appropriate, traditional authorities; and report-back to the local community.

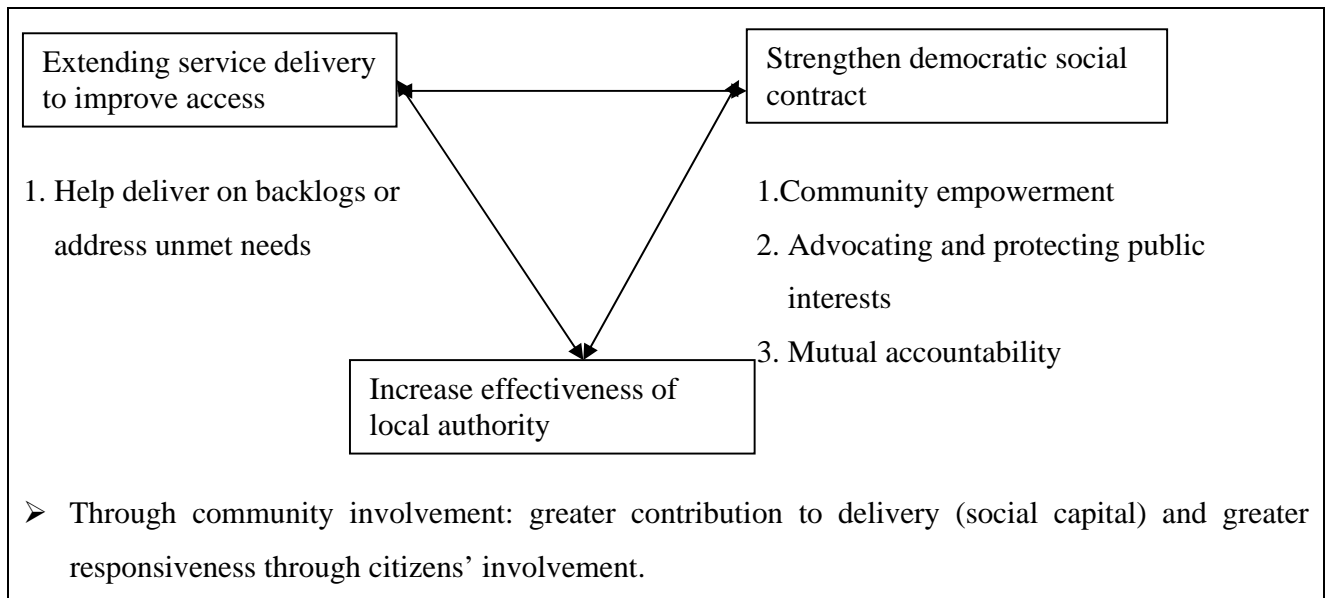
The *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* Section 17 (3) deals with establishment of mechanisms, processes and procedures in terms of subsection (2), that the municipality should take into account the special needs of – (a) people who cannot read or/and write; and (b) people with disability; and women; and other disadvantaged groups.

Furthermore, the central objective of the Reconstruction and Development Programme (RDP), 1994 is to improve the quality of life of all South Africans and, in particular, the poorest and marginalised sections of communities. This objective should be realised through a process of empowerment which gives poor control over their lives and increases their ability to mobilise sufficient development resources, including those from the democratic government, where necessary. The RDP reflects a commitment to grassroots, bottom-up development, which is owned and driven by communities and their representative organisations (RDP, 1994: 12).

Efficient delivery systems depend upon community participation. While the national government has financing responsibilities, provincial and local governments should be the primary agencies for facilitating delivery to local communities. Organisations of civil society should play a supportive role in relation to local government to enhance the delivery process. Local communities, because they are beneficiaries, should be involved at all levels of the decision-making and implementation process (RDP, 1994: 20).

The municipal-community partnership may play a significant role in reducing poverty and empowering local communities within the City of Tshwane Metropolitan Municipality (CTMM). The process of building partnerships should take into account the existing capacity of the City of Tshwane Metropolitan Municipality (CTMM) and its local communities. Khan and Cranko (in Parnell *et al.*, 2002: 271) identify three elements that are important for municipal-community participation strategies related to service delivery. The process of municipal-community partnership can be illustrated as in Figure 5.1, as follows:

**Figure 5.1: Three elements of municipal-community partnership strategies**



*Source:* adapted from Khan and Cranko in Parnell, *et al.* (2002: 271)

A municipal-community partnership should support service delivery and governance processes wherein all three elements are present and potentially strong. The partnership that builds governance across and between sectors, with a focus on meeting basic needs and eradicating poverty, generally has a competitive advantage over other service delivery options, namely, private-public partnerships. A paradigm of competitive advantage means targeting municipal-community partnerships in a manner that improves the effectiveness and responsiveness of a municipality, meets basic needs and eradicates poverty, and empowers communities to realise their potential and capabilities for local self-governance (Khan and Cranko in Parnell *et al.*, 2002: 271).

These three elements of municipal-community partnership strategies adapted from Khan and Cranko (in Parnell *et al.*, 2002: 272) provide a compelling argument for the role that ward committees and communities should play to deliver services. First, they should extend service delivery to improve access – ward committees should undertake a service delivery audit and convene community meetings to communicate and scrutinise the audit and recommend possible solutions to deliver on backlog needs by the City of Tshwane Metropolitan Municipality (CTMM). Ward committees should continuously convene sub-committee meetings to assess delivery on projects identified and approved in the

Integrated Development Plan (IDP) document. The ward councillor and ward committees should collaborate with relevant departments responsible for identified needs and development in their wards.

Secondly, they should strengthen the democratic social contract – community participation in the process of IDP formulation empowers communities and strengthens the municipal-community partnership in service delivery. For the City of Tshwane Metropolitan Municipality (CTMM) to be effective in its endeavour to deliver services through a municipal-community partnership, it should require community members to advocate for and protect public interests by deepening the social contract at local level. Community and municipal officials should accept mutual accountability for improving service delivery to communities and for empowering them.

Lastly, they should increase the effectiveness of the local authority – effective community participation should enhance the ability of the City of Tshwane Metropolitan Municipality (CTMM) to deliver on backlogs and solicit social contracts in the greater contribution of communities. The municipal-community partnership should dovetail to ensure greater responsiveness and mutual accountability in advocating and protecting public interests in cooperative government and the rendering of services.

## **5.6 CENTRALISATION AND DECENTRALISATION**

Cameron and Stone (1995: xii) define decentralisation as “...the transfer of responsibility for planning, management and resource use and allocation from the central government and its agencies, to subordinate units of government, semi-autonomous public corporations, or non-governmental, private or voluntary organisations”. Decentralisation is important at local government level in speeding service delivery and in the involvement of people.

### **5.6.1 Advantages and disadvantages of centralisation**

Where an institution appears to be centralised, the following practical advantages and disadvantages can be identified (Roux, 1989: 312):

### **Advantages**

- a. Maximum control is obtained owing to the fact that all activities are executed under the constant supervision of the senior officials.
- b. A greater degree of standardisation can be achieved by utilising particular work procedures, processes and labour-saving devices.
- c. Equality in the treatment of all people who are involved in or affected by the activities of the institution is assured.
- d. Benefits may be derived from specialisation, because the amount of work that needs to be carried out within one centralised institution allows for greater division of labour and therefore also specialisation.

### **Disadvantages**

- a. Delays can be caused, because a central source of authority must be used.
- b. Adaptability or flexibility within management can influence the execution of functions negatively.
- c. Too much routine work can originate from a centralised head office.
- d. Functions exercised centrally can become unrealistic, because they are not always relevant to local circumstances.

Centralisation is important in all spheres of government, especially during the early stages of development of a system. Centralisation may be important during capacity building and development in the City of Tshwane Metropolitan Municipality (CTMM) as far as ward committee members are concerned. However, the development of systems towards service delivery to the communities should not be frustrated by the centralisation of authority.

The thrust on centralisation should be enhancement of service delivery to the communities and the participation of communities in government programmes. It should guide and control the distribution of services and resources and integrate and unify all spheres of government in the delivery of services. Ward committees and the City of Tshwane Metropolitan Municipality (CTMM) departments should ensure that interventions in the implementation of programmes eventually push poor communities into a stage of growth and development.

Centralisation is the process whereby political authority is concentrated in a single or a few political institutions and decisions made by government are taken on a central basis; participation is therefore limited. The process is characterised as autocratic or totalitarian (Van Niekerk *et al.*, 2001: 300). Moving away from speculations on the deep structures of ideology, which should be perceived behind trends in government thinking and attitudes, there are more overt and practical reasons which can be presented in support of centralisation. These are the reasons that have to be faced and answered if attitudes towards local government are to be changed and greater participation accepted.

Further justifications for centralisation include: the supposition that larger units are more efficient at providing services; the perceived need for national standards and control to enforce those standards; the need for larger spatial units for forward planning of infrastructure and environmental change given the increased scale of life and greater interdependency between areas; and, finally, the need for central control over the growing and massive funds that the Treasury directs into local government (Darke and Walker, 1977:234).

### **5.6.2 Advantages and disadvantages of decentralisation**

In cases where an institution appears to be decentralising its executive functions, there are the following practical advantages and disadvantages (Roux, 1989: 313).

#### **Advantages**

- a. Since decentralisation implies that institutional functions are brought closer to the client, activities can be completed more rapidly. This means that unnecessary delays at the point of execution can be avoided.
- b. The adaptability and flexibility of activities can be enhanced, because offices on the lower hierarchical level are better informed about local conditions in which the functions need to be performed.
- c. Decentralised regional or branch offices can relieve the head office personnel of routine activities. Head office personnel may be provided with the opportunity to spend more time on long-term planning and overall policy-making.

- d. Decentralisation of activities can mean that the needs of those who require the service can be accommodated in a meaningful way. This means that a more realistic service in relation to local needs can be rendered.

### **Disadvantages**

- a. The decentralisation of activities to regional or branch offices may cause coordination and control problems as a result of extended communication channels.
- b. Standardisation of activities can be more difficult due to the fact that the deployment of labour-saving devices and aids is expensive and difficult to provide to all lower level offices.
- c. Personnel who are scattered over a large geographic area and need to function within particular local circumstances can hardly expect to be treated on an equal basis with the personnel of the head office.
- d. Decentralisation may make specialisation more difficult, because activities are concentrated in various lower level offices, often with divergent needs.

The decentralisation of programmes in the City of Tshwane Metropolitan Municipality (CTMM) administration and management to community-based offices may enhance service delivery. Most importantly, planning and development would be informed by communities during the ward committees' public participation process. The emphasis of decentralisation is to ensure that service delivery is accelerated to communities.

However, the City of Tshwane Metropolitan Municipality (CTMM) should ensure that decentralisation is not manipulated in favour of programmes that may not benefit communities or that may be against the development of communities. Decentralisation of responsibility would provide an opportunity for the municipality to communicate with the people, to influence them and to get feedback from them within their jurisdiction and to build a sound working relationship.

In spite of its constitutional autonomy, an increasingly politicised local government has been under the influence of national and provincial political projects for the creation of a sound welfare state (Hoggart and Clark, 2000: 230). Local government is the sphere of government that is closest to the people,

where service delivery is happening and party politics are more visible, and this sometimes influences municipal governance programmes in favour of a ruling party in the municipality.

A very significant aspect of the recent changes in local government is the shift from an idea of local government as representing local communities to an idea of local government as a service provider within a given local community (King and Stoker, 1996: 101). This argument signifies that local government is in line with the prescripts of the law and is serving the needs of local communities.

Municipalities, in ensuring effective community participation, should capacitate councillors to have the skills required for and the understanding to effectively represent the needs of their communities within councils (Fair Share, 2001: 4), in order to influence the agenda of the municipality to deliver services. Decentralisation to local levels allows officials to disaggregate and tailor development plans and programmes to the needs of heterogeneous regions and groups. To make a decentralised system of administration work effectively, capacity at local level is a necessity; indeed, at least in the initial stages, high-level staff should be placed in the field to ensure greater responsibility.

Thus, administrative reforms require commitment at the local level. Frequent transfers, a centralised civil service, and intense departmental loyalties do not create support for centralisation. Decentralised local government becomes alien in an otherwise centralised administrative system and is perceived as a “data feeding unit”. A fundamental reorientation in planning and implementation processes is needed.

Decentralisation results in a greater willingness by the community to contribute financially to local projects and initiatives, owing to the fact that local communities themselves are involved in decisions relating to the manner in which their quality of life is promoted. It is beneficial in that a relatively small degree of monopoly power exists, in contrast to centralised government, which contributes to greater efficiency in the provision of services (Van Niekerk *et al.*, 2001: 249).

The involvement of the community and their willingness to contribute financially or in kind clearly indicate the level of satisfaction in the community to enhance effective and efficient local government. The efforts of decentralisation to the local community by local government should further increase the



efficiency and effectiveness of human resources which should be utilised optimally to benefit the system and the people.

The decentralisation of local government is advantageous in the sense that the institutions are able to respond quickly to changing circumstances and to customer needs. It encourages more direct contact between local functionaries, such as voters, political representatives, and office-bearers. Decentralised local government is far more innovative than centralised local government. Local government should generate higher morale and more commitment as well as greater productivity in the execution of its activities with decentralisation.

Decentralisation encourages service excellence to ensure that the well-being of the communities is promoted. It is easier to pinpoint responsibilities and to demand accountability from political representatives because of the geographical proximity of voters to elected representatives. Decentralisation encourages community participation in policy-making and decision-making as well as in implementation processes (Van Niekerk *et al.*, 2001: 250-251).

Moreover, the decentralisation of functions to achieve decongestion in administration gives dividends in terms of speed and efficiency in service and performance. In the same way, by permitting and enabling decisions to be made at the local level, coordination of related functions assigned to a variety of local officers is achieved on well thought out information and is also much quicker than in a centralised system which can negate the impact of participation by the community.

The purpose of decentralisation is, to some extent, to benefit the people in the localities in which they live, localities with distinguishable characteristics and localities with residents who have information and opinions about local development and are better able to express them. The basis for decentralisation is the creation of a system of interconnection between the people in the community and the municipality in their respective jurisdiction (Gant, 1982:169).

Centralist ideology tends to attract talented and capable persons away from the local level and toward the centre. Those who are at the centre are not inclined to return to the field after having completed the necessary stint for advancement. The empowerment of community members in local governance is

limited and tends to benefit those at the centre. The ward committee system should be seen as an extension of municipal offices in an endeavour to expedite service delivery and contribute to community development. Hence, the City of Tshwane Metropolitan Municipality (CTMM) ward committees should be familiar with municipal procedures in the course of service provision, and should work very closely with departments to empower themselves and their communities.

Ward committees are community-based structures and should help the City of Tshwane Metropolitan Municipality (CTMM) departments with their service delivery audit. Ward committees should have local offices to register community service delivery and development problems to enable them to process them within the relevant City of Tshwane Metropolitan Municipality (CTMM) departments for solutions. Decentralisation of municipal services becomes important and beneficial to indigent community members and community participation will be enhanced.

## **5.7 NON-GOVERNMENTAL AND COMMUNITY-BASED ORGANISATIONS**

The City of Tshwane Metropolitan Municipality (CTMM) should build partnerships with community-based organisations (CBOs) and non-governmental organisations (NGOs) to gain access to external expertise and experience of development planning. NGOs and CBOs often have particular skills relating to facilitating development initiatives, developing small, medium and micro-sized enterprises, and capacity-building.

The municipality should also consider including NGOs and CBOs in partnerships with other public or private institutions. Some municipalities have found three-way, public-private-CBO partnerships to be very effective. In such partnerships, the municipality provides funding and project management capacity; the private sector contractor provides access to equipment and training; and the CBOs facilitate functions, such as the recruitment and management of local labour and community liaison; while ward committees ensure delivery of the project timeously. This approach enables the transfer of skills, creates employment and provides an effective service without draining municipal capacity (*White Paper on Local Government, 1998: 98*). The concept of NGOs, in a more general context, relates mainly to the role of these organisations in the policy-making process. CBOs in South Africa

started emerging particularly in the late 1980s and early 1990s and they have become role players in the socio-political transition process.

To remain relevant in the context of public administration and management as an activity, government institutions have to adapt to changing circumstances. This implies sound work relations and ongoing interaction among government institutions, NGOs and other organisations. To meet current demands, government needs to move away from a state-centred model of governing where NGOs are not regarded as role players in the political arena (Du Toit and Van Der Waldt, 1997: 279-287).

Of overriding importance, however, is the local organisation capacity to do the job, to deliver results in the performance of functions assigned to municipal government. Such action is ineffective without administrative capacity in the form of adequate money and qualified personnel and an operating organisational structure. In the absence of this capacity, decentralisation is meaningless and fruitless to the local community and NGOs (Gant, 1982: 170).

It appears that NGOs do have an important role to play in providing services, among other things, to communities and groups in society. The functions of these organisations correspond to the activities and services usually carried out by government institutions. In rendering these services, NGOs constantly interact with government institutions. As a result, NGOs make an important contribution to policy-making. Each type of organisation can perform functions that help to implement local development programmes and projects. The effective performance of these functions depends on the characteristics and capacities of organisations involved as well as the dynamics of the political, social, and economic environment in which they operate.

NGOs and CBOs play various roles in facilitating decentralised development as envisaged by a community. These organisations can act as agents for popular participation and the mobilisation of people; and are pivotal depending on the extent to which they are successful at influencing decentralisation policies. They can also contribute to providing services as requested and required by municipal government. The mobilisation of local resources is another important task that could be performed.

NGOs and CBOs can define and express local needs and demands, which can then be incorporated into government development programmes. Finally, these organisations create political awareness among people at the local level. NGOs should facilitate the creation of political awareness by providing disadvantaged groups with opportunities to make collective decisions (Cheema and Rondinelli, 1983: 204-207).

The cohesion of NGOs and CBOs in communities should be wholeheartedly accepted as a valuable element in local politics, and self-help should be welcomed in the local provision of some services. Cognizance of municipal government or national government can never fully predict all local problems or adequately provide for all preferences alone. Nor can the future hold much prospect for the expansion of statutory local services on the scale that it has become used to. It would be a pity if greater devolution of government and support for community participation and autonomy came about by default, because there are powerful ideological and practical reasons for supporting community participation (Darke and Walker, 1977: 232).

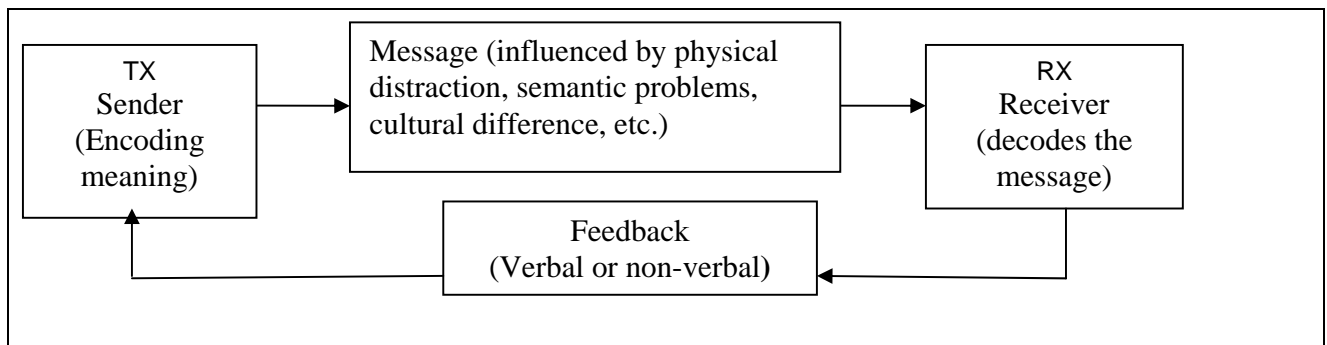
It is very likely that a municipality does not have the resources to achieve many of the much needed improvements. Hence, the municipal council can often offset this by mobilising resources that are available outside of the general revenue of the municipality. Partnerships with NGOs or CBOs or with community development programmes can draw in additional revenue for development projects that may require little or no finance from the municipality (The Planact, 2001: 12). The participation of NGOs and CBOs at municipal affairs level should be appreciated since some members of these organisations possess the expertise required to ensure that community members play a meaningful role in an elected government. These will stimulate local initiatives and impart skills to local communities.

Ward committee members should be members and representatives of NGOs and CBOs in the ward committee. As members of ward committees, NGOs and CBOs should play a key role in building democracy, bringing government closer to the people and actively involving people in the decision-making and the planning process that affects local communities. An effective ward committee offers greater potential for community participation and development because of their closeness to communities and is essential for accountability regarding development.

## 5.8 COMMUNICATION

The City of Tshwane Metropolitan Municipality (CTMM) should interact with the local communities through ward committees as the vehicle of community participation programmes to enhance service delivery. Information sharing is one of the most important components of all spheres of government to engage with local communities on government programmes. Effective communication contributes to community participation and effective service delivery. Local communities tend to mistrust government if little or no information on government activities and policies is available. Therefore, information and communication are of the utmost importance in creating tolerance and understanding with the local communities (Van Niekerk *et al.*, 2001: 161–162). To illustrate this principle, the elements in the communications process may be illustrated as in Figure 5.2:

**Figure 5.2: Elements in the communication process**



Source: adapted from Van Niekerk *et al.* (2001: 163)

Key elements in the communication process include a source or person, who or which is responsible for encoding an intended meaning into a message, and a receiver, who decodes the message into a perceived meaning. Feedback from receiver to source may be verbal or non-verbal (Van Niekerk *et al.*, 2001: 162-163). The diagram on elements in the communication process highlights the importance and influence of the communication process within the environment and society. The communication process to the City of Tshwane Metropolitan Municipality (CTMM) programmes should be objective and understood before being sent out to the recipients. Hence, the process should be properly managed to avoid the message being influenced by physical distraction, semantic problems and cultural differences.

The City of Tshwane Metropolitan Municipality (CTMM) should use different mechanisms to filter information down to society and community organisations. Broadly speaking, the dissemination of information may have a positive impact on community participation in and accountability for the municipality's programmes to communities.

The *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* Section 18 (1) requires that a municipality should communicate to its community information concerning – (a) the available mechanisms, processes and procedures to encourage and facilitate community participation; (b) the matters with regard to which community participation is encouraged; (c) the rights and duties of members of the local community; and (d) municipal governance, management and development. The *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* Section 18 (2) states that when communicating the information mentioned in subsection (1), a municipality must take into account – (a) language preferences and usage in the municipality; and (b) the special needs of the people who cannot read or/and write.

The *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* Section 19 provides that the municipal manager of a municipality should give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every – (a) ordinary meeting of the council; and (b) special or urgent meeting of the council, except when time constraints make this impossible.

The *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* Section 21 (1) deals with notices by a municipality to the local community, through the media or any other applicable legislation, concerning what must be communicated – (a) in the local newspaper or newspapers of its area; (b) in a newspaper or newspapers circulating in its area and determined by the council as a newspaper of record; or (c) by means of radio broadcasts covering the area of the municipality.

The *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* Section 21 (2) states that any such notification should be in the official languages determined by the council, having regard to language preferences and usage within its area. The *Local Government: Municipal: Systems Amendment Act, 2003 (Act 44 of 2003)* Section 21 (3) states "...a copy of every notice that should be

published in the *Provincial Gazette* or the media or any other applicable legislation, must be displayed at the municipal offices”.

The *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* Section 21 (4) declares that when the municipality invites the local community to submit written comments or representations on any matter before the council, it should be stated in the invitation that any person who cannot write may come during office hours to a place where a staff member of the municipality, named in the invitation, will assist that person to transcribe that person’s comments or representations.

The City of Tshwane Metropolitan Municipality (CTMM) is responsible for periodically communicating with its residents about municipal programmes. Community members have the right to be informed of municipal policy, action, and views to enable them to comply with legally binding requirements arising from municipal government policy, such as taxation and legislation. The City of Tshwane Metropolitan Municipality (CTMM) should communicate with communities on its developmental agenda as widely as possible through acceptable communication channels by making the widest possible use of the mass media and communication liaison. Sources of communication should communicate the City of Tshwane Metropolitan Municipality’s (CTMM) priorities and commitments to local communities and other sectors.

Interaction among the City of Tshwane Metropolitan Municipality (CTMM), NGOs, the private sector, interest groups and community members is important to enhance service delivery. Communication between the City of Tshwane Metropolitan Municipality (CTMM) and partners on service delivery may be direct or indirect and formal or informal. For example, the City of Tshwane Metropolitan Municipality (CTMM) employs *Izimbizo* (the interface between communities and all structures with the executive mayor and her mayoral committee) and the media to communicate with the local community on progress on the implementation of the municipal programme.

### **5.8.1 Barriers to government communication**

Various barriers may impair or block the City of Tshwane Metropolitan Municipality’s (CTMM) communication at all three major stages, namely, encoding, sending, and receiving as sketched in the

elements of communication process. According to Van Niekerk *et al.* (2001: 168) and Robbins (1996: 387), the following communication barriers are not the only barriers to political or government communication, but they are the ones most likely to challenge both political representatives and public officials at all levels of government:

- a. *Emotions*: When ward committee members encode messages when angry or distraught, the messages are often interpreted differently and thus are likely to hinder effective communication with municipal officials. In such instances, members are most prone to disregard their rational and judgemental processes.
- b. *Selective attention, perception, and retention*: In the communication process, municipal officials see and hear selectively based on their personal needs and characteristics despite undermining community participation. Service delivery to local communities thus suffers greatly.
- c. *Physical distant*: Vast wards have communication problems with communities. It is difficult to hold meetings with electorates or community stakeholders to give feedback and plan for the future when distances are too great. Such situations create possible instability in communities, because people are not informed about development.
- d. *Hierarchy*: Challenges faced by ward committees reporting to top management through junior officials could lead to purposeful manipulation of information to make it seem more favourable to top management. Communication tends to be distorted as a result of screening and filtering by junior officials, especially with regard to the quantity and quality of the phenomenon.
- e. *Information overload*: When an individual employee has more information and work than his/her capacity for processing it, this acts as a barrier between sender and the municipality, and the barrier, in this case, is attributable to one individual.
- f. *Language*: Words mean different things to different people, particularly in a heterogeneous and multilingual society. But there are many things that contribute to language barriers; amongst



them is age group and education. The use of uniform language in the workplace minimises language difficulties. Senders tend to assume that the words and terms they use mean the same to the receiver as they do to them. This assumption is often incorrect.

- g. *Prejudice*: Ward committees should be open and transparent to all stakeholders in communities. They should guard against prejudging individual ideas or groups and look at the merit of the issues presented. Prejudice prevents careful evaluation of people's ideas and proposals to the broader community development.
- h. *Poor communication skills*: When individual ward committee members, tasked to represent the committee, encode messages poorly, this leads to the faulty transmission of a message. Poor communication skills have a serious negative impact on organisations and individuals in the performance of their functions.

The City of Tshwane Metropolitan Municipality (CTMM) should consider communication as a priority to put service delivery messages across. Effective communication is important to enhance working relationship and service delivery. All attempts should be made to promote effective communication between different stakeholders involve in the municipal programmes. This will overcome the barriers of communication and speed up service delivery and open up communication.

## **5.9 ADVANTAGES AND DISADVANTAGES OF COMMUNITY PARTICIPATION**

The way in which governmental decisions are made has changed. It is no longer acceptable for such decisions to be made by a few powerful leaders, who purport to act on behalf of the communities, but refuse to involve them in the planning process. As the spread of information through education has been aided and abetted by development and new technologies, communities have come to feel capable of speaking out about decisions that affect their lives, and consequently, demand community participation in decision-making (Thomas, 1995: 1).

Processes and procedures of community participation are stipulated in different legislative frameworks and government policy documents as described in the previous sections of this chapter. The City of

Tshwane Metropolitan Municipality (CTMM) uses various mechanisms to engage communities, such as *Izimbizo* (the interface between communities and all structures with the executive mayor and his/her mayoral committee, as already noted); public meetings convened by ward committees; and feedback sessions. Most communities participate in these meetings to thus get more information from the councillors and ward committee members as well as municipal officials than hitherto.

While it is important to realise the advantages of engaging community participation, the municipality should not make the mistake of thinking it can solve all problems raised at the aforementioned meetings. Very often the solutions to the problems identified turn out to be very costly, especially in relation to the limited amount of money and resources available to council. As a result, choices have to be made about which community development projects to support with the limited municipal resources; and community members need to be informed if the projects can be fully funded or only partially supported (The Planact, 2001: 11).

Full individual participation in making societal choices and decisions is a natural outcome of the endowment of individual dignity, because it contributes to individual self-development and, to a large extent, to community development. Within the City of Tshwane Metropolitan Municipality (CTMM) context, participation contributes to the creation of community solidarity, because the community feels involved in matters relevant to its welfare, and people are able to express their wishes on issues of governance in such ward committee forums and *Izimbizo* (Reddy, 1996: 5).

Furthermore, community participation in budget processes and in the Integrated Development Planning (IDP) at all stages may assist in capacitating community members to understand municipal planning processes in rendering services and impart skills to one another. Conflict sometimes arises between the local government forums in a community for specific development projects. Such conflict may cause difficulties that have an impact on the roles and functions of ward committees, and sometimes this undermines the municipal initiatives and partnership with communities.

A disadvantage of community participation is that conflicts between different community organisations may arise. Therefore, ways of resolving conflicts among organisations should be identified and solutions should be found in order to ensure that the development programme proceeds.

Such differences may impede the empowerment and development of individual members of communities as well as their understanding of municipal government programmes, especially service delivery to communities (The Planact, 2001: 12).

Communities may agree on broad community needs, but specific issues may cause conflicts over which of these needs should be prioritised and delivered by the City of Tshwane Metropolitan Municipality (CTMM) in favour of particular communities. Municipal officials and ward committees should advise the municipal council to be sensitive to the priorities of communities. The process of community participation is generally time-consuming and probably frustrating to municipal officials wishing to render services in a speedy fashion without community involvement. However, the legislation and policies of government require the municipality to involve its communities.

## 5.10 CONCLUSION

This chapter demonstrates the importance of community participation from various sources and outlines government policies and legislative frameworks, such as the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*: Chapter 4 and the *White Paper on Local Government, 1998*, which enforce the concept of community participation. Community participation in the City of Tshwane Metropolitan Municipality (CTMM) should be guided by the above policy and legislative framework, among others. Most important, however, is the conceptualisation of community participation in service delivery, policy decision-making and implementation processes in the municipality.

The chapter describes the process of community participation, focusing on local government, and in particular, on the City of Tshwane Metropolitan Municipality (CTMM). It has dealt with community as a catalyst of development with an emphasis on the responsibilities that the community and ward committee members should take in ensuring that communities participate in municipal processes of service delivery and implementation. Linked to this is the municipal-community partnership that emphasises collaboration among community, municipality, and civil society organisations in rendering services and building institutional capacity.

Furthermore, the argument has stressed that non-governmental organisations (NGOs) and community-based organisations (CBOs) representing different sectors should form part of the ward committee, because they have expertise and experience that may be utilised by the City of Tshwane Metropolitan Municipality (CTMM) to assist in capacity building, ranging from policy, research, management, to finance, and execute developmental programmes on behalf of the municipality involving community members. The distinction between and the advantages and disadvantages of decentralisation and centralisation to render services effectively at local government level and, in particular, in the City of Tshwane Metropolitan Municipality (CTMM) have been highlighted and linked to ward committees and community participation.

Communication is central and important to community participation in the City of Tshwane Metropolitan Municipality (CTMM) and various mechanisms have been identified to provide feedback to community members, such as *Izimbizo* and ward committee meetings. Most notably, community members remain uninformed because of communication barriers and municipal officials' attitudes and behaviour in relation to community participation.

The emphasis on community participation has served to highlight the need to enhance service delivery in the City of Tshwane Metropolitan Municipality (CTMM) and to avoid interference in the municipal administration by communities. Community members should build strong working relationships with ward committees, ward councillors and other stakeholders to ensure that their respective communities are empowered and can understand municipal processes and procedures in rendering services. In the next chapter, a hypothetical model for the participation of ward committees in service delivery and capacity building in local government affairs is proposed and described.

## **CHAPTER 6**

### **A MODEL FOR THE CITY OF TSHWANE WARD COMMITTEES**

#### **6.1 INTRODUCTION**

The objective of this chapter is to present a hypothetical model that should assist both the City of Tshwane Metropolitan Municipality (CTMM) and ward committees to work together to deliver services. There has been a limited amount of research into the concept of ward committees to guide local government and other spheres of government. While the roles and functions of ward committees in the City of Tshwane Metropolitan Municipality (CTMM) have already been defined, it is also important that this chapter focuses beyond the current institutional arrangements to investigate more effective roles that ward committees should play to enhance service delivery. An effective and efficient model for ward committees should serve as a catalyst for the acceleration of service delivery.

The objective of model should is to acknowledge ward committees and councillors as directly working with local communities on a daily basis to resolve community problems, especially service delivery. The model should predict successful service delivery and the roles of municipal officials and ward committees within local communities. The City of Tshwane Metropolitan Municipality (CTMM) should develop officials to be able to implement ward committee programmes effectively

Various concepts are described in the process of model-building to clarify ambiguities. The process addresses the disparities on the know-how of individual ward committee members by developing an effective ward-based planning model for the City of Tshwane Metropolitan Municipality (CTMM) to help ward committees understand municipal processes and procedures in rendering services to local communities.

#### **6.2 DEFINITION OF CONCEPTS**

In this chapter relevant concepts for definition were identified as model, effective/effectiveness, and efficiency. The abovementioned concepts are defined for the purpose of this chapter as follows:

#### a. Model

According to Coetzee (1991: 52), a model is "... a symbol or a physical representation of something, as an object, usually representing accurately something to be made or already existing, a plan or drawing. In addition, a model could refer to an abstract image of a phenomenon and provides a basis for propositions". De Coning and Cloete (2000: 24), however, argue that a model is "...a representation of a more complex reality that has been oversimplified in order to describe and explain the relationships among variables, and even sometimes to prescribe how something should happen". Deduced from other definitions, a model refers to a simplification of a more complex phenomenon which seeks to provide a process plan in an environment. A model is an artificial construct or imitation of a real phenomenon simplified to be more easily understood.

#### b. Effective/Effectiveness

According to Cloete (1995: 52), effective/effectiveness refers "... to satisfactory output of goods or services to achieve set objectives". Dunn (1994: 329) argues that effectiveness refers to "... a criterion according to which an alternative is recommended if it results in maximum achievement of a valued outcome (effect), apart from efficiency consideration". Effectiveness is defined as an activity that has been performed effectively if it has reached its objectives or goals (Cameron and Stone, 1995: XII). Deduced from the above, effective/effectiveness implies that an activity has been performed satisfactorily and has reached its intended objectives.

#### c. Efficiency

According to Cloete (1995: 52), efficiency refers "...to a production of goods and rendering of services without wasting money, material and labour". Efficiency can also be defined as the unit cost which is low if output is divided by resources consumed, or if the cost of input is divided by the output units. An activity should be performed in the most economic fashion (Cameron, 1995: XII). Efficiency is defined as a criterion according to which an alternative is recommended if it results in a higher ratio

of effectiveness to cost at the margin (Dunn, 1994: 329). Efficiency refers to useful work performed with the minimum waste of resources but still productive.

### **6.3 WARD COMMITTEE SYSTEM IN THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

The City of Tshwane Metropolitan Municipality (CTMM) has established ward committees across its boundary as described in Chapter Four of this study. The performance of ward committees in the municipality is important in deepening governance and community participation to ensure community understanding in the service delivery process, as well as driving the strategic planning process of local government to deliver services to local communities.

After the establishment of the ward committee section, the office of the speaker and the then Gauteng Department of Developmental Planning and Local Government (GDDPLG), now known as the Gauteng Department of Local Government (GDLG), discussed the functioning of ward committees in the entire municipality. The response to these workshops was positive, especially in predominantly African townships (Office of the Speaker, 2005). Ward committees are firmly rooted in the local government system as a mechanism to enhance local democracy and accountability as well as to emphasise community participation in local government as a means of strengthening local democracy at community level.

The ward committee system allows for maximum administrative flexibility, but ensures that diversity within the metropolitan community is given voice (*White Paper on Local Government, 1998: 65*). It enhances the ability of citizens to organise and represent interests which are sometimes not adequately represented by political parties in a municipal council. These include access to resources, organisational capacity, access to information, literacy, the profile of the community, the organisation or the leaders, and, citizenship skills (Atkinson and Reitzes, 2002: 140).

### **6.3.1 Performance of ward committees**

Ward committees, when established within the City of Tshwane Metropolitan Municipality (CTMM), were expected to perform certain functions as outlined by the *Local Government: Municipal Structures Act, 1998 (Act of 117 of 1998)* and the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)* in addition to those that were delegated by municipal council. The City of Tshwane Metropolitan Municipality (CTMM) ward committees should be capacitated to deliver services, to carry out broad municipal planning, and to be able to perform their responsibilities as expected.

The City of Tshwane Metropolitan Municipality (CTMM), in its endeavour to building capacity and well performing ward committees, secured donor funding from the United States Agency for International Development (USAID) to deliver a capacity building programme for ward committee members, councillors and municipal officials. The programme mainly targeted ward committees as mechanisms of participation to deepen local democracy and community participation in the City of Tshwane Metropolitan Municipality (CTMM) as already stated (JUPMET, 2004: 2).

Since the establishment of ward committees, the office of the speaker in the City of Tshwane Metropolitan Municipality (CTMM) has not conducted any scientific investigation into the performance (roles and functions) of ward committees and its staff in enhancing community service delivery. Rather, the ward committee section in the office of the speaker depends on monthly or bi-monthly reports from ward councillors and ward committees in order to assess the performance of ward committees.

## **6.4 CONTINUOUS HUMAN RESOURCE DEVELOPMENT**

Human resource development should address the development of human capabilities, abilities, knowledge and know-how to meet the people's ever-growing needs for goods and services, in order to improve their standard of living and quality of life. It is a process in which the citizens of a nation acquire and develop the knowledge and skills necessary for occupational tasks and for other social, cultural, intellectual, and political roles that are part and parcel of a vibrant democratic society (RDP, 1994: 40).



A lack of effective local structures for the planning and management of service delivery questions the establishment of ward committees as mechanisms of community participation in the City of Tshwane Metropolitan Municipality (CTMM) and their ability to render effective and efficient services. Ward committee officials, together with government agencies and potential institutions dealing with capacity building (training and development programmes), should identify programmes to facilitate the continuous development of ward committee officials and ward committee members in its endeavour to play an effective role in community service delivery.

Capacity building programmes for ward committees should be planned from short-term, middle-term to long-term programmes to accommodate new members of ward committees and officials. Programmes should capacitate ward committees to focus on the implementation and delivery of community needs which the City of Tshwane Metropolitan Municipality (CTMM) has set out to deliver according to its plans. The following statement by Pigors and Myers (1977: 260-261) summarises the need for training as follows: “...no organisation can choose whether or not to train employees. All new employees need to be introduced to their new employer’s work environment and be taught how to perform specific tasks. Moreover, specific occasions arise when employees are transferred or promoted, or when jobs change and new skills must be learned perhaps because of changes by advancing automation”.

Stahl (1976: 235) argues that “...like training itself, analysis of (training) needs is a continuous process; it is not something that can be done once and for all. A number of conditions give signs of training needs: low productivity, slow service, low mobility of personnel, poor supervision, lack of co-ordination, and client complaints”. Ward committee members and municipal officials in the office of the speaker should continuously work on capacity building programmes’ needs analysis for empowerment.

#### **6.4.1 Training and education**

Training should not just be a classroom exercise; it is usually more effective if done via audio-visual media, role-playing and simulations. Another effective means is the mentor or buddy approach in

terms of which two people are teamed up, one with the necessary expertise, and the other being the learner (Craythorne, 1997: 393). Continuous exchange programmes in between the City of Tshwane Metropolitan Municipality (CTMM) ward committees with other municipalities' ward committees will harness and enhance the necessary skills that are required by ward committees to play an effective role in community service delivery.

JUPMET (2004: 2), on their capacity building programme on ward committees for the City of Tshwane Metropolitan Municipality (CTMM), concluded that they "...did not believe that the total target as identified in the statement of work was reached for example, councillors, ward committee members, council officials, and ward committee staff. Participants to the capacity building programme were largely ward committee members". Training is also an essential part of manpower development and planning and can be described as follows:

- a. Training complements the selection process. It is seldom possible to recruit persons with precisely the skills and knowledge required by the job.
- b. Training is frequently seen as a method of increasing the employee's motivation to work harder or to make a more effective contribution to the employer's objectives.
- c. The major function of a good deal of training is simply to improve or implant the skills which the individual needs to work within the organisation.

The following types of training and development should be considered by municipal council and senior officials:

- a. *Orientation and induction*

Even a fully trained professional or qualified artisan may not know the goals and philosophy of the organisation he or she is joining. New employees need to be taught or shown the nature of the organisation, lines of communication, their rights and duties, the general rules under which the council operates, and, in fact, everything calculated to enable them to fit into the municipality as quickly as possible. Where the new employee has no previous municipal experience, orientation is essential, seeing that most municipal councils operate a number of

different services that constitute a number of sub-organisations within the whole. Furthermore, each new employee needs on-the-job training in respect of in-house methods and procedures.

b. *In-service training*

This is a continuation of the training given to a new employee, and consists of training given by an experienced instructor to do a specific job in the workplace. Ward committees deserve this kind of training to be apprised of local government processes and procedures in respect to service provision. Training provided should capacitate ward committee members to be able to accelerate and disseminate service delivery information to Tshwane residents and other stakeholders.

c. *Development training*

Development training may be used to improve existing skills or to introduce new ones. On a different level, staff can be trained how to write clear and understandable reports and letters, clerical procedures, how to deal with the public and the like. Each organisation needs to develop leadership qualities among its potentially up-and-coming employees. Ward committees, as government structures, should be continuously taken to development training programmes to enhance their skills when interacting with local communities and municipal officials while discharging their responsibilities.

The development and empowerment of ward committee members and municipal officials should be seen as a continuous programme that emphasises optimal community service delivery and performance. An educational model that empowers ward committees on municipal service delivery to hold the City of Tshwane Metropolitan Municipality (CTMM) accountable is important. Ward committees should initiate a process of engaging City of Tshwane Metropolitan Municipality (CTMM) departments and government departments on developmental programmes to enhance service delivery in local communities. The education and training of ward committees for skills development should be modular and outcome-based; must recognise prior learning and experience; must develop transferable and portable skill; and must have common standards (RDP, 1994: 45) to ensure effective and efficient

service delivery by the City of Tshwane Metropolitan Municipality (CTMM) to Tshwane [and Pretoria] residents.

## 6.5 EFFICIENCY AND EFFECTIVENESS OF WARD COMMITTEES

Present-day government and administration are increasingly confronted by a growing imbalance between the demand for more and better services and the dwindling capacity of human and other facilitating resources. Although the means of overcoming these problems are limited, the optimal use of human endeavour in public institutions can nonetheless be regarded as a *sine qua non*. More precisely, public institutions should pro-actively strive for the efficient and effective use of their human resource to yield more benefits (Hanekom, Rowland and Bain, 1992: 207).

For the purpose of this explanation, efficiency denotes the “how” of government action; in other words, the ways in which functions and activities are carried out. By contrast, effectiveness denotes the result of such function or action, in other words, how “successful” it is (Hanekom *et al.*, 1992: 212). In practice, ward committee members must bring pragmatic service delivery plans to the fore and interact with the ward councillor and municipal officials to yield optimal results on behalf of their communities.

The City of Tshwane Metropolitan Municipality (CTMM) has established ward committees to perform an effective development role which is visible to communities and which is satisfactory. In addressing the communities’ problems through the ward committee system, the City of Tshwane Metropolitan Municipality (CTMM) should understand the nature of the problems and identify its potential ability to resolve problems. Ward committees are constituted of people living in the vicinity of a ward and who have an interest in the development of their community. Thus, ward committee members should take active participation in the development of a comprehensive approach to service delivery improvement.

The measurability of efficiency and effectiveness as phenomena in the public sector are difficult to quantify and qualify in terms of effectuation of aims, since the public sector works mainly for such intangible objectives as the promotion of the general welfare of the community or the creation and maintenance of satisfactory urbanisation (Rowland *et al.*, 1992: 212). However, the City of Tshwane

Metropolitan Municipality (CTMM) should make a purposeful attempt to achieve efficiency and effectiveness in serving communities and be held accountable for any unfulfilled government mandate when is necessary.

Central to the efficiency and effectiveness of ward committees is both the human being (ward committee members) and the City of Tshwane Metropolitan Municipality (CTMM), as an organisation. Inherent in human beings are their behaviour, actions and abilities, which in turn can influence the achievement of optimal identification, definition and realisation of goals (Rowland *et al.*, 1992: 213). Once improvement methods have been implemented, they should be monitored to ensure that they are being properly used, or are not having adverse side-effects; and are, in fact, improving productivity. Active participation of employees in all aspects of the public service should help overcome resistance to change. The City Tshwane Metropolitan Municipality (CTMM) officials, as members of communities, should assist ward committees voluntarily in accelerating community service delivery without interfering with ward committees and the governance programme of the municipality.

### **6.5.1 Factors contributing to efficiency and effectiveness**

Cloete (1981: 89-98) considers the following contributing factors for efficiency and effectiveness as primarily important in an organisational context and these may be important for the City of Tshwane Metropolitan Municipality (CTMM) and ward committees in organising service delivery in partnership with local communities. The factors contributing to efficiency and effectiveness are:

- a. *Identification of need:* Ward committees should publicise community participation meetings widely to listen to communities when identifying their needs and demands. Municipal officials should be invited and present to ensure that the process is credible.
- b. *Structure creation:* Ward committees and municipal officials responsible for ward committees should meet regularly to assess service delivery communities and empowerment of ward committees.

- c. *Determination of authority*: Council should explicitly spell out all functions of ward committees regarding service provision. The specific functions will provide ward committees with authority to perform within their jurisdiction.
- d. *Preservation of unity of authority*: Mutual working relations between municipal officials and ward committees should be fostered together with responsibilities and delegated functions to enhance service delivery to communities.
- e. *Span of control*: Council, in order to expedite decision-making on service delivery, should designate some municipal officials to work very closely with ward committees. Council should invest in the training and development of ward committees to work with communities and the City of Tshwane Metropolitan Municipality (CTMM) in general.
- f. *Delegation*: Council should delegate some of its functions to ward committees to have more time available for long-term planning and policy-making. However, Council should ensure ward committee members are qualified and trained to execute delegated functions. Delegation of some functions to ward committees may serve as a gesture of trust and confidence.
- g. *Centralisation and decentralisation*: When the council and top management take key decisions with little or no input from ward committees and community participation, then the City of Tshwane Metropolitan Municipality (CTMM) is centralised. In contrast, more ward committee and community participation provides input or actually gives ward committees the discretion to make decisions on service delivery, while decentralisation increases proportionally.
- h. *Control and supervision*: Council and ward committees should ensure that municipal departments render services to communities. Ward committees should link with council or portfolio committees to give account on delivery status to communities.
- i. *Coordination*: Municipal departments and ward committees should synchronise and harmonise community needs and demands to avoid duplication and to enhance service delivery and

sustain the performance of the City of Tshwane Metropolitan Municipality (CTMM) and ward committee members.

The City of Tshwane Metropolitan Municipality (CTMM) should promote capacity building and empowerment of ward committee members. Their human capital development will assist and empower the municipality with information and speed up service delivery to local communities. Ward committee members will understand their role and responsibilities when dealing with communities as well as the urgency of responding to matters affecting the municipality and local communities efficiently.

## **6.6 A MODEL FOR THE CITY OF TSHWANE WARD COMMITTEES**

Various sources in the process of model building for ward committees in the City of Tshwane Metropolitan Municipality (CTMM) are described. This is a model that may be used by other municipalities of the same type to promote effective participation of ward committees in the initiation, implementation, and monitoring and evaluation of the City of Tshwane Metropolitan Municipality (CTMM) activities.

In furtherance of previous definitions on a model, Dye (1998: 14) describes a model as a “.... simplified representation of some aspect of the real world. It may be an actual physical representation – a model airplane, for example, or the tabletop buildings that planners and architects use to show how things will look when proposed projects are completed. Or a model may be a diagram – a road map, for example, or a flow chart that political scientists use to show how a bill becomes law”.

Policy models may be expressed as concepts, diagrams, graphs, or mathematical equations and may be used not only to describe, explain, and predict elements of a problematic situation, but also to improve it by recommending courses of action to resolve particular problems. Policy models are useful and even necessary. Models simplify systems of problems by helping to reduce and make manageable the complexities encountered by policy analysts in their work.

Policy models help to distinguish essential from non-essential features of a problematic situation, to highlight relationships among important factors or variables, and to assist in explaining and predicting the consequences of policy choice. Policy models also play a self-critical and creative role in policy analysis by forcing analysts to make their own assumptions explicit and to challenge conventional ideas and methods of analysis (Dunn, 1994:152-3). Anderson (1994: 35), concluding his discussion on models in a conciliatory note, warns that it is wise not to be confined too dogmatically or rigidly to one model or approach. He regards it as a good rule to be flexible and to draw from different theories or concepts that which seems most useful in explaining policy making.

### **6.6.1. The importance of using models**

Hogwood and Gunn (1984: 42) remark that "...we are all model builders, in the sense that we need to see some sort of pattern in the world around us and tend to interpret events in terms of that perceived pattern". A model has been defined and described in the previous sections of this chapter. The rationale for using a model for the City of Tshwane ward committees is that a model may:

- a. Simplify and clarify one's thinking on the work of both the ward committees and City of Tshwane Metropolitan Municipality (CTMM)
- b. Identify important aspects of problems faced by ward committees and the City of Tshwane Metropolitan Municipality (CTMM) in executing their responsibilities
- c. Help to disseminate information to communities on the service delivery programmes of the City of Tshwane Metropolitan Municipality (CTMM) and
- d. Direct efforts to understand better by suggesting what is important and what is unimportant for the City of Tshwane Metropolitan Municipality (CTMM) local communities.
- e. Predict processes and procedures that need to be followed in the process of service delivery at local communities.

Furthermore, a model may assist in explaining the comprehensive process involved when objectives of ward committees and the City of Tshwane Metropolitan Municipality (CTMM) should be achieved. Dye (1998: 37-38) describes some general criteria for evaluating the usefulness of concepts and models as follows:



- a. *Order and simplify reality:* Certainly the utility of a model lies in its ability to order and simplify political life so that we can think about it more clearly and understand the relationships we find in the real world. In other words, some theories of politics may be too complex to be helpful, while others may be too simplistic. The City of Tshwane ward committee model is procedural and draws a distinction between politicians and municipal officials' roles and responsibilities in service delivery implementation.
- b. *Identify what is significant:* A model should also identify the really significant aspects of a phenomenon. It should direct attention away from irrelevant variables or circumstances and focus on the real causes and significant consequences of phenomenon. Of course, what is "real", "relevant" or "significant" is to some extent a function of an individual's personal value. Ward committee members should be service delivery oriented as a basis for their appointment. Ward committee members should provide leadership in the ward and follow municipal protocol in raising service delivery grievances.
- c. *Be congruent with reality:* Generally, a model should be congruent with reality – that is, it ought to have real empirical referents. There would be some difficulty with a concept that identifies a process that does not really occur or symbolises phenomena that do not exist in the real world. However, one must not be too quick to dismiss unrealistic concepts if they succeed in directing our attention to why they are unrealistic.
- d. *Provide meaningful communication:* A concept or model should also communicate something meaningful. If many people disagree over the meaning of a concept, its utility in communication is diminished. A City of Tshwane ward committee model may anchor democratic participation of communities and serve as a link between municipal officials and communities in municipal programmes and information sharing.
- e. *Direct inquiry and research:* A model should help to direct inquiry and research into phenomenon. A concept should be operational – that is, it should refer directly to real world phenomena that can be observed, measured, and verified. A concept, or a series of interrelated

concepts (which is referred to as a model), should suggest relationships in the real world that can be tested and verified. If there is no way to prove or disprove the ideas suggested by a concept, the concept is not really useful in developing a science.

- f. *Suggest explanation:* Finally, a model approach should suggest an explanation of a phenomenon. It should suggest hypotheses about the causes and consequences of a phenomenon – hypotheses that can be tested against real world data. The introduction of the City of Tshwane ward committee model will ease community service delivery challenges and ensure that communities understand municipal processes and procedures.

The application of a policy model by the City of Tshwane Metropolitan Municipality (CTMM) in relations to the ward committee system may be sign of confidence to the ward committee model to enable the municipality to deliver services to the local communities. The model may be significant in addressing problems faced by the municipality in the changing environment of service delivery. Lastly, this highlights the link that should be followed to the end results of a rational consideration of alternative.

#### **6.6.2 A hypothetical process model for ward committees in the City of Tshwane**

Ward committees are established to enhance service delivery at community level. Although the environment is more extensive, for the purpose of this study only economic, political, social and technological factors will receive consideration. Hogwood and Gunn (1984: 42-44) observe that “...practical people such as politicians and administrators are as much prisoners of theory as any social scientist”. A model to promote representation, simulation, explanation, prediction, experimentation, and hypothesis testing follows:

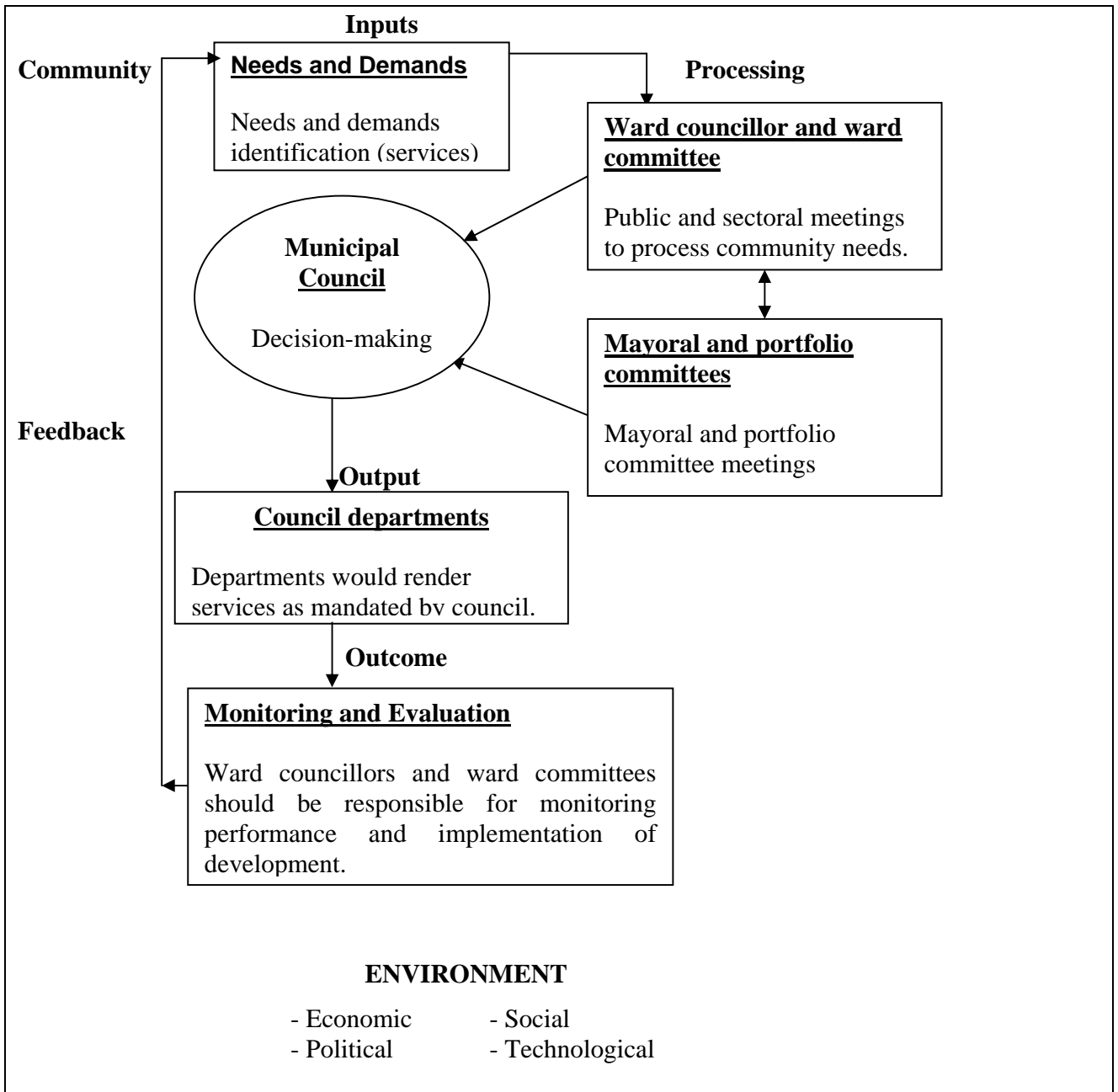


Figure 6.1: A hypothetical process model for ward committees in the City of Tshwane

**Step 1: Identification Phase**

**Inputs**

**Needs and demands**  
Needs and demands  
identification (services)



**Step 2: Processing Phase**

**Processing**

**Ward Councillor and Ward  
committee**  
Public and sectoral meeting  
to process community needs



**Mayoral and Portfolio  
Committee**  
Mayoral and Portfolio  
Committee meetings



**Municipal  
Council**  
Decision-maker

**Step 3: Implementation Phase**



**Output**

**Step 4: Delivery**

**Council departments**  
Departments would render services  
as mandated by council.

V  
V  
**Outcome**

**Monitoring and Evaluation**

Ward councillors and ward committees should be responsible for monitoring performance and implementation of development.

**Step 5: Feedback Phase**

V  
V  
V  
**Feedback**

**Ward Councillor and Ward Committee**

Giving feedback to the following:  
Community  
Sectors i.e. Youth, Sports, Business

**Step 1: Identification Phase**

Ward committee and Ward Councillor >>> community >>> public meeting for needs identification such as water, electricity, housing, roads, dumping site, parks and so forth.

**Step 2: Processing Phase**

Ward Councillor and Ward Committee >>> consolidation of needs and prioritisation.

Mayoral Committee >>> processing of consolidated communities needs for approval.

Council >>> arrives at a decision-making process after considering all processes such as legal, finance, human resources and so forth giving departments mandate to implement.

**Step 3: Implementation Phase**

Departments >>> delivery of services such as water, electricity, roads, etc. >>> communities.

**Step 4: Delivery Phase**

Satisfaction vice-versa dissatisfaction of services in phase 3 >>> community

**Step 5: Feedback Phase**

Ward Councillor and Ward Committee >>> giving feedback >>> community and sectors.

This model, which is closely related to the well-known systems model developed by David Easton (1965), focuses on the response by the political system to the demands and needs of the people. Such needs and demands enter the (political) system as inputs and, through the political process via such channels as political debates, council memoranda, proposals, counterproposals, consensus reached and decisions taken (or “conversion”), agreement is finally reached on the output to be made.

According to Robbins (1987: 10), a system is “... a set of interrelated and interdependent parts arranged in a manner that produces a unified whole”. A system can be defined as any physical or conceptual entity composed of interrelated parts (Van Niekerk *et al.*, 2001: 98). Hence, a system model can provide perspectives on aspects, such as the influence of the environment on political policy and vice versa, the success or ability of the political system to convert demands into public policy, the effectiveness of the feedback process, and the extent to which feedback information (results, impacts and consequences of policies) is incorporated in the adoption of existing or new policies (Hanekom, 1978: 81).

To understand the hypothetical ward committee process model, essential concepts, such as environment, input, processing, output, and outcome, are described to provide an understanding of the service delivery processes from municipal departments to local communities, facilitated by ward committees. The latter process is also described below to clarify ambiguities as far as the role and functions of ward committees and the City of Tshwane Metropolitan Municipality (CTMM) are concerned:

#### a. Environment

The environment is the total setting within which ward committees operate. Ward committees operate in a larger environment or as sub-systems of some large system, such as the City of Tshwane Metropolitan Municipality (CTMM), and they require certain resources from other systems in the environment, such as the economic, political, social, and technological sub-systems. The environment is where problems originate, for example, the lack of infrastructure delivery to communities. Hence, it is necessary to analyse the environment when determining policies and planning service delivery to communities. Ward committees should play a significant role in

collating pertinent information for municipal officials and councillors to enhance service rendering and to promote transparency and accountability.

#### b. Input

Communities, interest groups, non-governmental organisations, and the private sector should convey their needs and demands to municipal councils through public meetings of ward committees. Ward councillors and ward committees should ensure that the municipal council responds to the needs and demands of the community, and maintains a cordial relationship with ward committees and community stakeholders through municipal departments. The relationship between municipal officials and ward committees will develop in due course owing to the collaboration.

The environment in which community meetings are arranged for individuals and stakeholders to express their socio-economic, political and technological needs and demands, such water and sanitation, housing, electricity, transport and rail infrastructure, small and medium enterprise development, dissatisfaction with municipal leadership and information communication technology, should contribute to satisfying community needs and demands and municipal objectives respectively.

#### c. Processing

Municipal councils should ensure that ward committees either directly attend or indirectly have access to issues discussed in the portfolio committees and the mayoral committee to give correct service delivery information. Ward councillors and ward committees should also process community needs and demands through established ward committee sub-committees whereby departmental officials are invited to describe municipal processes when services are rendered according to policies and legislative frameworks. Ward committees should be acquainted with the following institutional arrangements of the City of Tshwane Metropolitan Municipality (CTMM):

- i. The mayoral committee is constituted by political incumbents of the ten municipal departments and the executive mayor.

- ii. Portfolio committees include all municipal councillors, and play an important role, such as supervision and monitoring in the functioning of the ten municipal departments.
- iii. The council is the legislature and decision-making body of high level performance areas, such as the budget and the Integrated Development Plan (IDP).
- iv. Municipal departments are responsible for implementing council decisions.

The mayoral committee and portfolio committees should consolidate ward committees' needs and demands for council decision-making. Departmental officials should provide support to the mayoral and portfolio committees to process correct service delivery information to council according to community needs and demands.

#### d. Output

Output implies the ability of departments to convert council decisions into tangible services as initially recommended by ward committees and portfolio committees. In practical terms, outputs are actions taken by public institutions in solving a problem and/or meeting the needs and demands of citizens (Van Niekerk *et al.*, 2001: 99). Council should allocate resources in line with the ward committees' needs and demands to departments for provision of services. Departments should investigate possible external funding and resources to implement council decisions.

In addition, departments should implement council decisions and render services to communities after legitimate processes have been followed. Departments should involve ward committees in the rendering of services to communities. In order to expedite service delivery to communities, departments should utilise external service providers, such as community-based organisations (CBOs) or non-governmental organisations (NGOs) and private companies. Departments and ward committees should ensure that outputs are met, that is, that quality services are delivered to communities and that the standard of such services is acceptable.



e. Outcome

The City of Tshwane Metropolitan Municipality (CTMM) as a developmental sphere of government should be committed to work with Tshwane citizens and organisations within communities to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives. Understandably, citizens and communities are concerned about municipal service delivery. Therefore, feedback of information to communities by ward committees and councillors will enhance accountability. The *White Paper on Local Government (1998: 22)* argues that “...the outcomes which developmental local government seeks to achieve may differ over time. However, in the current circumstances key outcomes are as follows:

- a. Provision of household infrastructure and services
- b. Creation of liveable, integrated cities, towns and rural areas
- c. Local economic development, and
- d. Community empowerment and redistribution”.

In promoting the service delivery efficacy of the City of Tshwane Metropolitan Municipality (CTMM) departments, the ward committee model system should be able to identify indicators and to assess the impact of departments on service delivery to communities. The process should serve as a yardstick for ward committees to be able to influence council decision-making and ensure the implementation of the objectives of the City of Tshwane Metropolitan Municipality (CTMM) and ward committees in pursuit of the communities’ needs and demands.

## 6.7 CONCLUSION

In the light of a hypothetical process model for ward committees in the City of Tshwane Metropolitan Municipality (CTMM), an effective and efficient process of ward committees to enhance community service delivery is described to improve cooperation between ward committees and municipal departments to meet community needs and demands in their work. The model should serve as a mechanism to accelerate service delivery and in educating local communities on procedures and processes in municipal affairs.

The application of a hypothetical City of Tshwane Ward Committee Process Model should enhance local communities' service delivery and serve as a catalyst of City of Tshwane Metropolitan Municipality (CTMM) departments and ward committees. Councillors, ward committees, the community, and municipal officials should cooperate as directed by the proposed process model in the rendering of services. The next chapter focuses on recommendations and conclusions as to how ward committees should enhance service delivery to communities. A conceptualisation of a ward committee system for municipalities is provided. Thereafter, a summary of all chapters and possible solutions and further research issues for the City of Tshwane Metropolitan Municipality (CTMM) are provided.

## CHAPTER 7

### CONCLUSION AND RECOMMENDATIONS

#### 7.1 INTRODUCTION

Previous chapters have described local government in South Africa and the manner in which the municipalities should render services to local communities. There is a need to redefine the role of local government to be able to render services in an efficient, effective, and responsive manner to the advantage of local communities and other stakeholders. Service delivery is a cornerstone of the existence of local government in fulfilling its developmental role.

Ward committees became an appropriate option for municipalities after the local government elections of 5 December 2000. Although ward committees are not the only agents for community participation to deepen local democracy, they exist currently as the most broadly applied and accepted model. The establishment of the ward committee system in the City of Tshwane Metropolitan Municipality (CTMM) in line with the relevant legislation was the right step towards service delivery provision to local communities.

What follows, is a summary of all chapters and recommendations derived from the research project on the ward committee system of the City of Tshwane Metropolitan Municipality (CTMM) to enhance service delivery in local communities. The City of Tshwane Metropolitan Municipality (CTMM) should forge a strong partnership with ward committee members in the rendering of guarantee services to local communities.

Chapter One provides a detailed description in a general introduction to the project research design as well as significant research processes. The research was chosen as a result of a paradigm shift in the South African local government system, influenced by policies and legislative framework changes, as far as rendering services to local communities is concerned. The rationale for this specific research was as follows:

To probe the understanding of ward committee members on their role and functions in assisting in the enhancement of service delivery in local communities and

To probe whether or not ward committees are sufficiently familiar with legislative frameworks and policy documents governing local government administration and management.

The research is deemed important, because it will capacitate ward committee members with legislative frameworks and policies governing local government administration and management and raise the awareness of ward committee members of the role they should play to enhance service delivery in local communities. It will also stimulate debate between the municipal officials and ward committee members, if the City of Tshwane Metropolitan Municipality (CTMM) does not render services very effectively.

The research aimed to achieve the following set of objectives:

To make recommendations on how ward committee members should be capacitated to be resourceful and enhance service delivery in local communities and

To present a model to facilitate the training and development of ward committee members about municipal procedures and service delivery to local communities.

In addition, the topic was selected, because there is a need to develop local government structures, including ward committees, to enhance service delivery; ward committees will have to bridge the gap between municipal officials, councillors, and local communities; and lastly, local government is a sphere of government closest to the people whose needs must be fulfilled.

Chapter Two provides a detailed description of the perspective on local government in South Africa from previous policies and legislative frameworks to the present. This chapter focuses on the formulation of policies and legislative frameworks that established the municipalities in South Africa. Of paramount importance were constitutional developments from 1909 to 1996 and their role in respect

to local government affairs. When the Union of South Africa was established in 1910 in terms of the provisions of the *South Africa Act, 1909* municipal government affairs were made the responsibility of the provincial authorities. The *South Africa Act, 1909* was then amended by the *Republic of South Africa Constitution Act, 1961*. In contrast with the *Republic of South Africa Constitution Act, 1961* the *Republic of South Africa Constitution, 1983* provided a dispensation where a distinction was made between the so-called “Own Affairs” and “General Affairs”.

The adoption of the *Republic of South Africa Act, 1983* envisaged a fundamental transformation of local government. That was followed by the *Interim Constitution of the Republic of South Africa Act, 1993* which was a negotiated settlement among parties that were involved in the negotiations. The *Interim Constitution of the Republic of South Africa Act, 1993* advocated transformation of government affairs, including local government.

Ultimately, the *Republic of South Africa Constitution, 1996* added some impetus through Chapter 7 that deals with local government affairs. Chapter 7 of the *Republic of South Africa Constitution, 1996* deals with the establishment and responsibilities of municipalities, cooperation with other spheres of government, and national and provincial and local government associations (SALGA). The process of transformation of local government was guided by legislation and policies.

Chapter Three provides a detailed description of the role of the state and local government in Public Administration. This is to highlight the significant role of the state in society to promote service delivery in local communities together with other spheres of government. Local communities will only support municipalities if they are satisfied with its governance and administration. To have effective and efficient local government administration, a municipality must have knowledgeable, experienced and skilled human resources to discharge statutory obligations. Training and development are of importance in ensuring that municipal human resources are equipped with relevant skills and knowledge which are service delivery oriented.

The system of enhancing good government in local government is strengthened by various legislative frameworks and policies. These frameworks include among others, Chapters 3 and 10 of the *Republic of South Africa Constitution, 1996*, and the *Organised Local Government Act, 1997 (Act 52 of*

1997); the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)*; the *White Paper on Local Government, 1998*; the Reconstruction and Development Programme (RDP), 1994; the *Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003)*; the *Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)*; and the *Intergovernmental Fiscal Relations Act, 1997 (Act 97 of 1997)*.

Public representatives (councillors) and officials should work together to ensure that all legislation and policies that govern local government are implemented in response to the needs and demands of local communities. The City of Tshwane Metropolitan Municipality (CTMM) should establish portfolio committees to oversee the work of the departments and to give account as public representatives both in the council and the public. Politicians must respect administrative jurisdiction and concern themselves with policy (by-laws) formulation, implementation, and monitoring and evaluation.

Chapter Four provides a detailed description of ward committee systems within a developmental local government. The City of Tshwane Metropolitan Municipality (CTMM), guided by principles of developmental local government, established ward committees in the seventy-six (76) wards within its jurisdiction. Ward committees are government structures, promulgated in various policies and legislative frameworks, such as the *Constitution of the Republic of South Africa, 1996*; the *Local Government Municipal Structures Act, 1998 (Act 117 of 1998)*; and the *White Paper on Local Government, 1998*. Ward committees are regarded as the vehicle to enhance local democracy and participatory governance of local communities in municipal affairs

Before the promulgation of the ward committee system, government policy documents, such as the Reconstruction and Development Programme (RDP), 1994 and the *White Paper on Local Government, 1998* had already advocated a system of local government that involved local communities on policy formulation processes and governance which should have assisted people to understand government processes to render services.

Ward committees in the City of Tshwane Metropolitan Municipality (CTMM) were primarily established as mandated by legislative framework to ensure that Tshwane residents participate in all activities of the municipality. On comparative analysis, no extensive research has been written on ward

committee systems, especially not on the powers and functions of ward committees. Despite municipalities being globally demarcated into wards represented by councillors in the municipal councils, lessons learnt are that ward committees in other municipalities are vested with powers to decide on some programmes and projects on behalf of the municipalities.

While quality human resources personnel, recruited in the office of the speaker, dealt with the establishment of ward committees to encourage public participation and foster accountability and transparency of councillors, a capacity building programme [training] was initiated through donor assistance, the United States Agency for International Development (USAID) to capacitate ward committees, officials in the office of the speaker, and councillors. The aim was to foster understanding of the role and responsibilities of ward committees in an attempt to build a cordial relationship among the ward councillors, ward committee members, and municipality departments. This chapter dealt with evaluation techniques to assess the performance of ward committees and the registration of sectors in wards taking part in the establishment and election processes of ward committees.

Chapter Five provides a detailed description of community participation in a transforming local government system. Transformation of the institutional map of local government in South Africa in recent years has been such that local government now finds itself working alongside a wide range of other agencies. Local government is witnessing the transformation of the structure of government into a system of local government involving complex groups of organisations drawn from public, private and volunteer sectors.

The municipal council plays a central role in promoting local democracy. In addition to representing community interests within the council; councillors should promote the involvement of citizens and community groups in the design and delivery of municipal programmes. Previously, local government has tended to make its presence felt in communities by controlling or regulating citizens' actions. While regulation remains an important municipal function, it must be supplemented by leadership skills, incentives, practical support and resources for community action.

The main thrust of the argument is that the City of Tshwane Metropolitan Municipality (CTMM) should adopt inclusive approaches to fostering community participation, including strategies aimed at

removing obstacles to, and actively encouraging, the participation of marginalised groups in the local communities. At the same time, the participatory processes must not become an obstacle to development, and narrow interest groups should not be allowed to capture the development processes. It is important for the City of Tshwane Metropolitan Municipality (CTMM) to find ways of structuring participation which enhance, rather than impede the delivery processes.

Non-governmental organisations (NGOs) and community-based organisations (CBOs) need to re-conceptualise, recognise the fractured and differentiated nature of communities and realign their strategies to address marginal and excluded social groups in participation on local government affairs more effectively. The level of community participation in municipal governance affairs should be characterised by development, needs, accountability, a transparent and good working relationship to enhance service delivery.

The City of Tshwane Metropolitan Municipality (CTMM) should lay down procedures by which many of its activities are carried out and are planned, programmed, controlled and monitored. The reason for local community participation in municipality activities is not only that there is an inherent value in ensuring that people are able to influence activities that will affect them, but also that participation helps to build capacity and contributes to the empowerment of local community participants.

The participation of the community in municipality activities, among others, is to critically assess current policies and practices with the aim of proposing ways in which the involvement of local communities in the provision of services might be enhanced and made more meaningful. In an effort to encourage and strengthen such community participation, the City of Tshwane Metropolitan Municipality (CTMM) has established ward committees in its jurisdiction of seventy-six (76) wards, which is in line with recommendations in the *Constitution of the Republic South Africa, 1996* and the *Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)* as a viable mechanism.

Chapter Six provides a detailed description of a model for the City of Tshwane ward committees. This model may be used by other municipalities in an endeavour to build capacity within ward committees and local communities in respect to procedures and processes to enhance service delivery. A model for



the City of Tshwane Metropolitan Municipality (CTMM) ward committees is pivotal for ward committee members, councillors and municipal officials in fulfilling their role of service delivery.

In the light of model building for ward committees in the City of Tshwane Metropolitan Municipality (CTMM), an effective and efficient process in enhancing local community service delivery is described. It starts by acknowledging the processes faced by the municipality in rendering services and thereafter, highlights the importance of working together between the ward committees and the municipal departments to address or deliver local communities needs in line with their mandate.

A model is a representation of a complex phenomenon in a simplified format. Hence, this model is intended to have a major impact on the daily lives of Tshwane residents by assisting the municipality to expedite service delivery, and to educate communities and stakeholders on procedures and processes in municipal affairs. Models are important in complex situations, such as service delivery by simplifying and clarifying processes and procedures. Therefore, a hypothetical City of Tshwane Ward Committee Model should enhance community service delivery and serve as a catalyst of City of Tshwane Metropolitan Municipality (CTMM) departments and ward committees. Councillors, ward committees, municipal officials and local communities should work together in line with the links suggested in the proposed model in the process of service delivery to local communities. Ward committees, as vehicles of public participation and deepening democracy, will assist in the enhancement of community service delivery in partnership with municipal officials and councillors.

## **7.2 RECOMMENDATIONS**

Proposed recommendations to promote the effectiveness and efficiency of service delivery to local communities through the ward committee system in the City of Tshwane Metropolitan Municipality (CTMM) are as follows:

- a. Continuous training and education in the development of ward committee members to enhance service delivery to local communities should become a priority. Ward committee members should be considered for training and development at least on a quarterly basis to enhance their skills and knowledge about local government and government generally.

- b. The role, functions and powers of ward committees in the City of Tshwane Metropolitan Municipality (CTMM) should be strengthened since the legislation is not restrictive; the municipal council should be encouraged to be innovative. Ward committee members should play a central role in compiling the municipal budget. They should ensure that the budget is community-based and community ward-based projects oriented to enhance service delivery.
- c. Effective communication channels are important determinants in the formal internal and external environment of the City of Tshwane Metropolitan Municipality (CTMM). Municipal officials responsible for ward committees should consider different languages for different local communities. Language is identified as a barrier to performance by ward committees and during public participation programmes.
- d. Ward committee members should serve two terms that run concurrently with the local government term of office which is five years. The elections and term of office of ward committees of two years is not helpful to either ward committee members or the City of Tshwane Metropolitan Municipality (CTMM) in optimal participation in service delivery as well as strengthening and deepening democracy in local affairs.
- e. The City of Tshwane Metropolitan Municipality (CTMM) should develop a monitoring and evaluation system for ward committees in the reigning performance management system. The performance system may add value into the work of ward committees and local communities. The system should be designed to link ward committees with different departments and should be service delivery oriented.

### **7.3 FURTHER RESEARCH AREAS**

The City of Tshwane Metropolitan Municipality (CTMM) may immensely benefit by commissioning further research in ward committees. The following research areas should be considered:

- a. The City of Tshwane Metropolitan Municipality (CTMM) should investigate delegation of powers and functions to ward committees in respect to basic service delivery in local communities in partnership with civil society organisations and the budget allocation per ward to enhance service delivery.
- b. The City of Tshwane Metropolitan Municipality (CTMM) should investigate the role of ward committees in policy and strategic business planning of the municipality to accelerate service delivery to local communities.
- c. The City of Tshwane Metropolitan Municipality (CTMM) should further investigate the use of experts from different fields into ward committee sub-committees to share knowledge and experiences in the course of service delivery in local communities.

## **7.4 CONCLUSION**

The City of Tshwane should thoroughly investigate alternative representation model in ward committees in an endeavour to enhance service delivery in local communities and to assist municipal officials in their responsibilities. The rationale is that the institutional arrangement used for elections to serve in the ward committee is ineffective to enhance service delivery performance. This is because ward committee members are not sufficiently empowered with relevant knowledge to represent local communities effectively.

Ward committees have been in an unsatisfactory state to ensure optimum local community service delivery since their inception. Notwithstanding the above, ward committees should facilitate a formal continuous interaction of councillors and local communities to be able to deliver services to the people. Ward committee members and councillors should work together to process community needs and demands to the relevant municipal departments to enable better service delivery.

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