THE INFLUENCE OF POLITICAL AND ADMINISTRATIVE INTERACTION ON MUNICIPAL SERVICE DELIVERY IN SELECTED MUNICIPALITIES IN THE FREE STATE PROVINCE

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BLOEMFONTEIN

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DECLARATION OF INDEPENDENT WORK

I, Marlize Carine Pretorius, student number ▮▮▮▮▮▮▮, do hereby declare that this research project submitted to the Central University of Technology, Free State Province for the Degree Doctor of Public Management is my own work. To the best of my knowledge, this project has not been submitted previously to any university or other institution of higher learning, by myself or another person in fulfilment (or partial fulfilment) of the requirements for the attainment of any qualification. Wherever contributions of others are involved, every effort has been made to indicate and acknowledge this by means of complete references.

27 February 2017

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Signature

Date

(Ms MC Pretorius)

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SUMMARY

The *Constitution of South Africa, 1996,* (the *Constitution*) is the supreme law of the country and its ultimate goal is to improve the quality of life of all citizens and free the potential of each person. In striving to achieve this goal, the *Constitution* established (among others) the local sphere of government with the objectives of providing democratic and accountable government and sustainable service delivery to local communities. The reality, however, indicates that residents are dissatisfied with poor service provision by municipalities which has led to frequent service delivery protests throughout South Africa.

The local government sphere experiences challenges in governance, such as tension between the political- and administrative interface, the poor ability of many councillors to deal with the demands of local communities, the insufficient separation of powers between political parties and municipal councils and inadequate accountability measures. Against the background of these comprehensive challenges, the research focused on the role that the political (municipal councils) and administrative institutions fulfil in municipal service provision. The nature and extent of political- and administrative relationships at selected municipalities in the Free State Province were investigated and the extent to which the misconception of roles influences effective and efficient local government and –administration in the Free State Province were established. Possible reasons for the poorly harmonised interaction between the political- and administrative institutions in the Free State Province and their inability to provide the required services to the community were identified.

Based on the literature study and the interviews conducted at selected municipalities in the Free State Province, the study resolved that poor interaction between the political and administrative institutions directly and indirectly influences the quality of service provision at municipalities which, in many cases,

lead to service delivery protests. A lack of political and administrative interaction furthermore leads to bad governance. Therefore, a set of recommendations is provided that proposes how the current challenges can be unravelled, and how to rectify and restore the appropriate roles and relations of political institutions (municipal councils) and administrative institutions in the Free State Province local government milieu. Some of these recommendations included improved and/or reinforced accountability in local governance, a clearer separation between the roles of the political principles and the administrative heads, lifelong training, and skills development.

Key concepts: political and administrative interaction; municipal service delivery; good governance; local government sphere; influence; political authorities; administrative authorities; challenges.

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CHAPTER 1:   INTRODUCTION AND ORGANISATION OF RESEARCH

1.1   Introduction and background

In the year 2000, Local Government was established as a third sphere of government to serve as a democratic and inclusive vehicle of service delivery (Nkhahle 2015:5). This sphere of government consists of municipalities that are organs of state which consist of political structures, the administration as well as the community within the municipal area (Tredoux 2014:3). Good governance is built upon the effective interaction between the political office-bearers, political structures, councillors and officials.

The *Constitution of South Africa, 1996* determines that all citizens have a right to a basic level of services and that municipalities are expected to deliver these services within the limits of their resources. The *Constitution* furthermore mandates local government to provide democratic and accountable government for local communities, to ensure the provision of services to communities in a sustainable manner, to promote social and economic development, to promote a safe and healthy environment and to encourage the involvement of communities and community organisations in the matters of local government. It can be stated that the sphere of local government in South Africa is constitutionally and legislatively required to be developmental and it has to acknowledge that service provision is not an end in itself, but a means for socio-economic development.

It is thus clear that local government in South Africa is a statutory institution and therefore the actions and activities of the political- and administrative institutions, collectively identified as the municipality, are regulated by acts of Parliament and relevant provincial acts. The obligations, powers and functions of municipalities are determined by legislation, such as the *Constitution* which means that all political- and administrative actions must be carried out in terms of the applicable legislation.

According to Nelson (2004:1) government systems in general operate in an environment of politics and administration, dealing with the expression of the will of the state and the execution of that will. The political system has to be such that bureaucrats (officials) are insulated from direct political pressure and this means that political leaders must create space for bureaucratic initiative unconstrained by political power (Johnson 1987). However, since the inception of public administration as a recognized discipline during the late 1880's, the nature of the relationship between politics and administration, as well as the respective roles, powers and functions of the political office-bearers and public servants in government in general, were viewed as problematic.

The nature of this relationship may be addressed if municipalities function on the basis that the decisions of the political institutions that determine the broad policy directions and thereafter demand accountability from administrative institutions for their actions to achieve the various goals. Therefore, the community can demand from politicians to adhere to the requirements of public accountability (Cloete 2012:101). The activities of a municipality must be guided by the obligation to, among others, meet the basic needs of their respective communities, and build clean, responsive and accountable local government in an environment of functionality, effective performance and professionalism.

Local government in South Africa is constitutionally and legislatively required to be developmental. The *White Paper on Local Government* (WPLG) establishes the basis for a new developmental local government system, which is committed to working with citizens, groups and communities. The purpose of this networked relationship is to create sustainable human settlements that contribute to the provision of a decent quality of life for all citizens and to meet the social, economic and material needs of communities in a holistic way. To this effect, the objects of developmental local government are to promote social and economic development of citizens (SANGONET 2011:2). It can thus be stated that local government is critical to the developmental processes and delivery of services to communities.

They are however, faced with the task of improving not only the quantity but also the quality of basic services being delivered. Unfortunately, local government has been pre-occupied with service provision (quantity) and not incorporating a developmental approach to the services provided. Therefore, the full potential of developmental local government is not realised, because the social and human development aspects do not receive priority in the Integrated Development Plan (IDP) processes. Unfortunately, local government thus become reduced to a 'provider of service'.

An important legal instrument is the National Development Plan – 2030 (NDP) that was implemented during 2013. It is a plan for the country to eliminate poverty and reduce inequality by 2030 through uniting South Africans, growing an inclusive economy, building capacities, enhancing the capabilities of the state and leaders working together to solve complex problems (Key issues – National Development Plan 2012:1). The NDP identified certain challenges that should receive priority and the local government sphere must address these challenges as well. Therefore, the NDP highlights the need to strengthen the ability of local government to fulfil its developmental role. Municipal Integrated Development Plans (IDP's) should be used to focus on aspects of the NDP that fit within a municipality's core responsibilities (National Development Plan unpacked n.d:1). Through the IDP's municipalities must address the critical priorities identified in the NDP that relate to the mandate of local government (such as infrastructure and basic services).

Many local governments in South Africa are accused of poor financial administration and management, municipal councillors and officials are quite often accused of irresponsible financial decisions that lead to waste and unnecessary expenses (Ababio & Makgoba 2002:1). Some of the challenges facing municipalities throughout South Africa include poor service delivery, non-payment of services, as well as the ineffective management of resources in general. In these circumstances, the confidence of the majority of municipal citizens in the ability of

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their respective municipalities to deliver the necessary services in an effective and efficient manner is declining rapidly. Municipalities in South Africa urgently need to focus on the basic obligation to be a functional, responsive, accountable, effective, and efficient developmental local government.

Part of the aforementioned challenges result from the fact that political and executive institutions and their role players do not always abide by the different demarcated fields of their respective powers and functions. This directly contributes to ineffective and problematic relations; with poor service provision the negative reality. In this regard, the *Local Government: Municipal Structures Act, 1998* (the *Municipal Structures Act*) clearly determines that municipal councillors may not interfere in the administration or management of a functional department of a municipality, unless they received a mandate from the council.

Therefore, certain channels for communication and accountability are determined and the different powers and functions of councillors and officials must be set out clearly and comprehensively. Individual councillors may not interfere in the management or administration of a functional department, for example by issuing direct instructions to municipal employees (section 11(a), Code of Conduct of the *Municipal Structures Act*). Section 7 of Schedule 2 of the *Local Government: Municipal Systems Act, 2000* (the *Municipal Systems Act)* determines that municipal officials, on the other hand, may not attempt to influence the council on purpose or supply the council with misleading information. Too often, the different powers and functions of the political institutions, comprising of mayors and councillors, and the administrative institutions, consisting of municipal officials employed by the particular municipal council, are misinterpreted and wrongfully executed. Because of these skewed views and application concerning the nature and extent of powers and functions, miscued interaction and relationships can develop to the detriment of accountable local government service provision.

Although significant progress has been made in service delivery in the past sixteen years of local government, certain challenges still remain. These challenges are exacerbated by the growth in populations and households in some municipalities and the significant infrastructure and services backlogs at rural and district municipalities. It is in this environment where the challenges are escalating in the local government sphere in South Africa.

Responsible and transparent management in the local government sphere in South Africa requires close and meaningful cooperation between the political office-bearers and the municipal officials. Cooperation between the role players in these two structures is of utmost importance to manage municipalities with leadership that testifies of vision, insight, viability, and effectiveness and efficiency (Laubscher 2007:336). However, to achieve these sound relations between the political- and administrative institutions respect for the applicable demarcated powers and functions are of vital importance.

The research will reflect on the consequences and mandatory nature of the separation of powers and functions in terms of the principles of *trias politica*, between the legislative and administrative institutions in a democracy. It is also necessary to review the relationship between politicians and bureaucrats and establish leadership by politicians in order to bring about democracy in the truest sense. Furthermore, the decisiveness of monitoring measures to ensure accountability, responsiveness, and openness will be analysed as important foundation for effective and efficient local government service provision in the Free State Province.

1.2   Problem statement

Local authorities in South Africa, including the Free State Province, are criticized for poor financial administration and -management and political office-bearers and municipal officials are blamed for irresponsible financial decisions that lead to

fruitless and wasteful expenditure. In the 2011/2012 report of the Auditor-General South Africa (AGSA), Mr Nombembe, it was found that unauthorised, irregular and fruitless and wasteful expenditure amounted to R14,6 billion (Volksblad 31 July 2012). Challenges identified in this report were inadequate skills, inadequate accountability, and the fact that local government is viewed as the entry level for self-enrichment purposes.

Newspapers in general report on various incidents of political interference, corruption and a lack of transparency almost on a daily basis. According to a report released in 2014 by the South African Institute of Race Relations political interference is one of the main causes dragging down South African municipalities (City Press 18 May 2014). Old Mutual, for instance, criticized politicians for interfering in the finances of municipalities and stated that political interference in the local government sphere jeopardizes service provision (Volksblad 5 February 2010).

The challenging relations between the political and appointed municipal officials need to be aligned to democratic requirements and these different fields of relationship furthermore need to be aligned according to the demarcated spheres of separated powers and functions. According to Ammons and Newell (1989 in Nelson 2003:1), contemporary researchers found that the relation and therefore the separation between politics and administration are generally vague and unclear to political office-bearers and the operational municipal officials alike.

Large numbers of citizens also experience their municipalities as ineffective and view them as institutions that waste money and that they do not succeed in satisfying the real needs of the community. In 2014, dissatisfied residents of the Maokeng area demonstrated their discontent with irregularities at the Moqhaka municipality by strewing garbage in the streets of Maokeng and Kroonstad (Volksblad 23 January 2014). Residents had been without water for two weeks and

refuse had not been removed for fourteen days. In another incident, the Mantsopa municipality was criticised for its decision to allocate money for the purchase of car for its mayor while service delivery and infrastructure allegedly deteriorated in the area (News24 19 May 2015). There were protest marches and memoranda were handed over, but the municipality did not respond to the memoranda.

During 2014 there were 176 protests over service delivery across South Africa (City Press 28 January 2015). The causes of these protests can be categorised as: systemic (maladministration, fraud, nepotism and corruption), structural (healthcare, poverty, unemployment and land issues) and governance issues (limited opportunities for civic participation, lack of accountability, weak leadership and the erosion of public confidence in leadership). These aspects need to be investigated and evaluated with the purpose of identifying recommendations.

Municipalities furthermore experience challenges with regard to the political-administrative interface, high political in-fighting and instability, non-compliance with rules and regulations, high vacancy rates, high levels of incompetency among staff, inappropriate spending of public budgets, low levels of capital budget spending, compromised service delivery and a high level of community dissatisfaction that result in protests.

The National Planning Commission was appointed in 2010 to draft a National Development Plan for South Africa. The Commission released a Diagnostic Report in June 2011 in which the country's achievements and shortcomings since 1994 were set out in the National Development Plan 2030. According to the Report nine primary challenges need to be addressed by all three spheres of government:

   i)   High levels of unemployment
   ii)   Poor quality of school education for black people
   iii)   Poorly located infrastructure which is furthermore inadequate and under-maintained

iv)   Spatial divides that weaken inclusive development

v)   An economy that is too resource intensive (not sustainable)

vi)   Inability of the public health system to meet the demand or sustain quality

vii)   Uneven, poor quality public services

viii)   High levels of corruption

ix)   South Africa's divided society (National Development Plan 2030, 2015:14).

Amongst others, the NDP identified the need to professionalise civil service and to attract highly skilled people that will be committed to a career in local government. The local government sphere plays a crucial role in addressing these identified challenges. Poor interaction between politicians and management will have a negative influence on how these challenges should be addressed.

It was explained that the local government sphere must be development oriented. One of South Africa's development goals is to beat poverty and dependency levels by placing people in a position to improve their own lives (City Press 18 May 2014). However, it will be futile for local authorities to provide millions of free and subsidised electricity and water connections if the macroeconomic environment is not favourable for drawing the investment and growth to allow poor people to find a job. Therefore, even if service delivery is improved, residents will still be frustrated due to a lack of jobs and opportunities for growth.

An increase to the access of basic services were recorded: between 1996 and 2011 the number of households with electricity increased by 7,1 million; households with piped water increased by 5,9 million, households with access to flush or chemical toilets increased by 4,4 million and households with refuse removal increased by 4,3 million (City Press 18 May 2014). Despite the increased access to basic services, aspects such as high unemployment and poverty rates need to be urgently addressed by the local government sphere in South Africa.

These development goals should be taken into account with the compilation of the Integrated Development Plans (these are 5 year plans that should be developmentally oriented to enable them to achieve the developmental objects as contained in the *Constitution*) of municipalities. Without proper cooperation and interaction between the political and administrative authorities the IDP's of municipalities will not become a reality.

It is important to investigate the roles of political- and administrative relationships at local governments in the improvement of effective- and efficient administration and management in municipalities in the Free State in order to indicate that a lack of properly described/defined political- and administrative relationships will lead to poor and negative results. The hierarchical nature of local authorities in the Free State is also investigated to determine to what extent (or not) it contributes to undesired political influence over municipal officials.

The purpose with this research is to develop recommendations to assist the different role players in their interaction and mutual aim to improve service provision in the Free State Province and to fulfil the important requirement to provide effective, transparent, accountable, and coherent municipal governance. The study will seek to provide answers as to whether a lack of or poor quality service delivery can be attributed to inadequate or poor political and administrative interaction at the local government sphere. It will contribute to the knowledge in the field of local governance by developing comprehensive recommendations to be considered and implemented by practitioners and stimulate further research by academics.

1.3   Aim and objective of the study

In terms of the problem statement it is of critical importance to investigate the nature and extent of political- and administrative relationships in municipalities and to establish to what extent this misconception of roles influence effective and

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efficient local government and –administration in the Free State Province in particular and public accountability in general. The research will also focus on the extent to which activities and actions of municipal managers influence the governing process of a municipality.

Against the background of the comprehensive challenges currently experienced by the local government sphere in South Africa, the research will furthermore focus on the role that the political and administrative institutions fulfil in this environment. Thus, the aim will be to analyse the possible reasons why the interaction between the political and administrative institutions at the local government sphere in the Free State Province is not properly harmonized and therefore unable to provide the required services to the community. The study contributes to the scholarly discourse and knowledge in the discipline of Public Management by developing comprehensive recommendations from the interviews conducted and the literature study undertaken to propose how these challenges at the local government sphere can be disentangled. It furthermore proposes how the appropriate roles of and relations between the political and administrative authorities in the Free State Province local government milieu can be rectified and restored.

The objectives of the study are:

(i)   to contextualize the interaction between the political- and administrative authorities at the local government sphere in South Africa;

(ii)   to determine the institutions responsible for political- and operational activities at the local government sphere;

(iii)   to explore the institutional powers and functions of the executive authority on the one hand and those of the administrative authority (municipal officials employed by municipal councils) on the other hand;

(iv) to investigate the nature of the political and administrative interaction at selected municipalities in the Free State and identify and investigate the challenges experienced by these municipalities due to poor interaction between the political and administrative authorities;

(v) to investigate the application of ethics, professionalism and leadership in an ideal environment of transparent, responsive and accountable local government;

(vi) to assess the obligation and commitment of municipalities in the Free State Province to meet the basic needs of their communities in an environment of service excellence; and

(vii) to develop recommendations that will enable political office-bearers and municipal officials to improve political and administrative interaction and service delivery in the Free State Province.

1.4   Research questions

Based on the research problem identified particular research questions were set to establish:

- if and how political and administrative interaction at selected municipalities in the Free State Province can influence service delivery (chapter 3 and 4);

- what the theoretical foundation of the relationship and interaction between the political and administrative institutions in the local government sphere in South Africa is (chapter 2);

- what the institutional powers and functions of the political and administrative institutions and officials in the Free State Province are and if it is aligned to the theoretical foundation as elucidated in chapter 2 (chapter 3 and 4);

- how the application of good governance, ethics, professionalism and strong leadership may enhance responsive and accountable local government (chapter 5);

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- how committed selected municipalities in the Free State Province are to meet the needs of their communities in an environment of service excellence (chapter 4 and 5); and
- if recommendations can be developed for improved political and administrative interaction and service delivery at municipalities in the Free State Province (chapter 6).

1.5   Research methodology

The focus of this study is of such a nature that it necessitates a scientific explanation and analysis (descriptive) of specific circumstances, events and the contribution of role players involved in a demarcated field of work (Marshall & Rossman 1995:16). This warrants the implementation of the qualitative methodology of research. The research design will be outlined in the following paragraphs.

1.5.1 Approach

The research questions posed above convey the need to learn more about the fundamental nature and leading concepts of political and administrative interaction and relations at municipalities in the Free State Province. Therefore, a qualitative research approach based on an extensive literature study, interviews and focus group discussions at selected municipalities in the Free State Province was argued for. These selected municipalities were used as a case study for the empirical research component of the study and included Mangaung Metropolitan Municipality, Fezile Dabe District Municipality, Lejweleputswa District Municipality, Mohokare Local Municipality, Kopanong Local Municipality, Mantsopa Local Municipality, Masilonyana Local Municipality, Tswelopele Local Municipality, Matjhabeng Local Municipality, Dihlabeng Local Municipality, Nketoana Local Municipality and Moqhaka Local Municipality). A case study can be described as "..a problem contextualized around the application of in-depth analysis, interpretation, and discussion, often resulting in specific recommendations for

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action or for improving existing conditions" (Seawright & Gerring 2008:296). It is a research design that examines a person, place, event, phenomenon, or other type of subject of analysis in order to infer key themes and results that will help predict future trends and/or provide a means for understanding an important research problem with greater clarity (Swanborn 2010:3).

A case can be single (individual); it can be a group, an institution (such as a school) or a large-scale community (for example a town). Multiple cases can also be studied, for example several schools or a number of different towns. The aim of a case study is to investigate the case(s) to answer specific research questions and it seeks a range of different kinds of evidence which has to be abstracted and collated (from the case) to get the best possible answers (Gillham 2000:1-2).

As indicated, a qualitative research approach was argued for. According to Denzin and Lincoln (2000:3) the term 'qualitative' refers to an emphasis on "…processes and meanings that are not rigorously examined, or measured (if measured at all) in terms of quantity, amount, intensity or frequency". Qualitative research deals with subjective data that are produced by the minds of interviewees or participants. This research approach can be described as a descriptive form of research which is inferential in characther (Welman, Kruger & Mitchell 2005:188, Gillham 2000:8) and is particularly useful for understanding the meaning that participants in a study give to the events/situations that they are involved with; understanding the particular context within which the participants act and the influence this context has on their actions; identifying unanticipated trends and influences and generating new theories about them and developing contributory explanations (Maxwell 2013:66).

According to Merriam (1998:49) findings from qualitative research are usually discussed in relation to existing knowledge with the aim of indicating how the present study has contributed to expanding the knowledge base. Although the

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qualitative nature of the research makes its findings more subjective it is indicative of the challenges brought about by poor relations and interaction between the decision-makers (politicians) and the appointed officials and can therefore be used as a basis for policy making around the roles of the above-mentioned role-players in municipal service delivery.

1.5.2 Research instruments/data collection

The most common sources of data collection in qualitative research are interviews, observations and review of documents (Creswell 2009; Locke, Silverman & Spirduso 2010). Data collection methods for qualitative research are time consuming, thus the sample from which the data is collected, is usually smaller than in the case of quantitative research approaches. The main methods used in this study for collecting qualitative data were interviews, focus group discussions and the review of scholarly literature.

1.5.2.1 Interviews

The interview is the most common source of data in qualitative studies. A series of interviews has been conducted and it ranged from the semi-structured style (questions were determined before the interview) to an open-ended conversational style of interviews. The semi-structured interviews were two-way conversations between the researcher and the participant and focused primarily on the ideas, beliefs, views, experiences, and opinions of the participants/interviewees in the applicable work environment. The interviewer asked the same questions to all the participants, but the order of questions, the exact wording and follow-up questions varied considerably. Interviews were guided by a list of questions (attached hereto as Appendix D), which were not unthinkingly adhered to. Interviewees were guaranteed confidentiality (Appendix C) and they were assured that no reference would be made to their respective identities in the thesis or elsewhere.

1.5.2.2   Focus group discussions

A focus group is a type of qualitative research technique which employs interviews on a specific topic with a small group of people. The focus group is usually homogeneous and in this study the focus groups were made up of councillors from different political parties at the selected municipalities. The aims of the focus group discussions were to verify the findings obtained from the interviews and the literature review and to give the councillors an opportunity to interact in a different forum where they were able to discuss specific issues. The discussions in the groups were guided by the feedback from the floor and questions from the interview guide. According to Patton (2002) focus group interviews may present quality controls, because participants usually tend to provide checks and balances on one another. This may serve to curb false or extreme views from the participants. Focus groups were furthermore utilised in this research to obtain rich data that emerged through interaction within the group and because participants develop and express ideas they would not have thought of on their own.

Findings from the interviews and focus group discussions conducted, are not elaborated on in a specific chapter, but were incorporated throughout the thesis in an effort to support the theory of sound political and administrative interaction and good governance with the knowledge, experience and insight of the practitioners.

1.5.2.3   Review of scholarly documents

A comprehensive literature study served as the primary source of data collection for, including primary sources such as legislation and government reports was done. The literature review also includes secondary sources of information such as books, dissertations, theses, accredited journals and newspaper articles.

1.5.3   Population/participants in the study

"The population is the study object and consists of individuals, groups, organisations, human products and events, or the conditions to which they are exposed" (Welman **et al.** 2005:52). It can also be described as the full set of cases from which a sample is taken; it is a group of potential participants to whom the researcher wants to generalise the results of the study. This study was conducted at identified municipalities in the Free State Province and research participants included politicians and senior employees from these selected municipalities.

Purposeful sampling was utilised to select a sample for this study. It is a non-random method of sampling and the most common sampling strategy in qualitative research (Merriam 1998). In purposeful sampling the researcher selects a sample from which the most can be learned; information-rich cases for study in depth (Patton 2002). The researcher relied on previous research findings to obtain units of analysis in such a manner that the sample obtained may be regarded as being representative of the relevant population.

For purposes of the research and to have a representative sample of the population, the researcher selected municipalities from different categories, i.e. category A (metropolitan municipalities), B (local municipalities) and C (district) municipalities (explained in the next chapter). Thus, the following municipalities were included as the sample from the population of the research:

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Municipality	Council	Administrative Management	Interviews	Focus Group discussion	E-mail
Mangaung Metropolitan Municipality	ANC: 65 DA:26 COPE: 3 FF+: 2 APC: 1.	Municipal Manager Chief Financial Officer Communications Officer LED Officer, Senior Management: Head of Planning, Social Services, Human Settlement and Housing, Engineering Services and Corporate Services.	Head: Corporate Services (15 May 2012). Head: Engineering Services (2 June 2012). Two Members of the Mayoral Committee (MMC) councillors (4 September 2012).	DA Councillors (3 October 2014) ANC councillors (10 October 2014)	Speaker (22 July 2013)
Lejweleputswa District Municipality	ANC: 27 DA: 7 COPE: 2	Municipal Manager Chief Financial Officer Media Liaison	Municipal Manager (5 March 2013)		

Municipality	Council	Administrative management	Interviews	Focus group discussion	E-mail
Fezile Dabe District Municipality	ANC - 23, DA - 8 and COPE – 1.	Municipal Manager, Chief Financial Officer, Communications Officer, LED Officer, Senior Managers: Corporate Support Services, LED and Tourism, Community Health and Environmental Services.	Mayor (12 August 2014) DA councillor (14 November 2014) Director: LED and Tourism (13 November 2014).		
Mohokare Local Municipality	ANC: 9 DA: 2	Municipal Manager Chief Financial Officer Communications Officer LED Officer Senior Management: Corporate Services, Technical Services and Community Services.			LED Officer (23 July 2013)

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Municipality	Council	Administrative management	Interviews	Focus group discussions	E-mail
Kopanong Local Municipality	ANC: 10 DA: 3 COPE: 1 Independent: 1	Municipal Manager Chief Financial Officer Communications Officer LED Officer Senior Management: Financial Services, Technical Services and Community Services.	Director: Technical Services (11 March 2013)		
Mantsopa Local Municipality	ANC: 13 DA:3 COPE: 1	Municipal Manager Chief Financial Officer Communications Officer LED Officer Senior Management: Corporate Services, Technical Services and Community Services.			LED Officer (20 July 2013)

Municipality	Council	Administrative management	Interviews	Focus group discussion	E-mail
Masilonyana Local Municipality	ANC: 16 DA: 2 FF+: 1 COPE: 1	Municipal Manager Chief Financial Officer Communications Officer LED Officer Senior Management: Corporate Services and Human Resources, Infrastructure and Technical Services and Social and Community Services.			No response.
Tswelopele Local Municipality	ANC: 12 DA: 2 COPE: 1	Municipal Manager Chief Financial Officer Communications Officer LED Officer Senior Management: Corporate Services, Community Services and Infrastructure Services.	No response.		
Matjhabeng Local Municipality	ANC: 52 DA: 16 COPE: 3 FF+: 1	Municipal Manager Chief Financial Officer Communications Officer		ANC and DA councillors (4 March 2013).	

Municipality	Council	Administrative management	Interviews	Focus group discussions	E-mail
Dihlabeng Local Municipality	ANC: 30 DA: 8 COPE: 1 FF+: 1	Municipal Manager Chief Financial Officer Communications Officer	Director of Corporate Services (12 August 2014).	ANC and DA councillors (13 August 2014)	
Nketoana Local Municipality	ANC: 14 DA: 2 APC: 1 FF+: 1	Municipal Manager Chief Financial Officer Communications Officer LED Officer Senior Management: Corporate Services, Community Services, Infrastructure and Technical Services and Complaints and Customer Care Officer.	Municipal Manager (5 August 2014)		
Moqhaka Local Municipality	ANC: 34 DA: 11 COPE: 3 APC: 1 FF+: 1	Municipal Manager Chief Financial Officer LED Officer Senior Management: Community and Emergency Services, Corporate Services and Technical Services.	LED Officer (11 August 2014).		

Telephonic and personal interviews, as well as e-mail correspondence were conducted with eighteen senior officials from the above municipalities and four focus group sessions took place at three different municipalities. Furthermore, personal and telephonic interviews were conducted with the following individuals who hold extensive experience in the field of Public Administration and Management:

- Dr. CJ Hendriks, Lecturer: University of the Free State.
- Dr. WH Boshoff, Commissioner, Free State: Public Service Commission.
- Mr. J Maree, Manager: Office of the Auditor-General, Bloemfontein.
- Mr. M Mothekhe, Deputy Director: Department of Cooperative Governance and Traditional Affairs, Free State Province.
- Mr. A Oosthuizen. Retired Chairperson of the Provincial Committee on Public Accounts, Free State Province.

In terms of the nature and extent of the research, these identified municipalities and individuals provided the most appropriate information for the study based on their experience and were representative of the different districts in the Free State Province. The research findings depicted the general circumstances in the Free State Province with regard to the influence of political and administrative interaction on municipal service provision.

1.5.4   Data analysis

According to Creswell (2003:217) data analysis involves understanding the data, representing the data, and making an interpretation of the larger meaning of the data. After data was collected from the interviews and focus groups the raw data was analysed in order for inferences to be drawn from it. Wahyuni (2012:75) describes data analysis as the drawing of inferences from raw data. In this study the personal interviews and focus group discussions were recorded and where possible, notes were taken. The transcribed interviews and discussions were

analysed by re-listening to it repeatedly to enable the researcher to develop summaries from it, identify and examine patterns and draw inferences from these patterns.

1.6   Ethical considerations

Welman, Kruger and Mitchell (2005:181) state that the principles which underlie research ethics are universal and may include aspects such as honesty (for example when reporting results) and respect for the rights of individuals. According to Fox and Bayat (2007:61) ethics in research involves getting the informed consent of those who are going to be interviewed, questioned, observed or from whom material will be taken. Therefore, the researcher obtained the approval of all participants and respondents who took part in the interviews and focus group discussions. The purpose, as well as the benefits of the study, was explained to all involved, and they were informed that participating was on an entirely voluntary basis.

Privacy and confidentiality are profound ethical issues in research (Zikmund 2003:79). All participants were assured of their right of privacy and that their identities will remain anonymous. Thus, the researcher did not include any personal information that could be harmful to the participants. Due to the sensitivity of the research problem, it may also prevent participants being placed in situations where they may be at risk of both physical and psychological harm as a result of their participation (Fox & Bayat 2007:148). It can be confirmed that confidentiality, informed consent and avoidance of harm to the participants were observed by the researcher throughout the course of the study.

1.7   Clarification of terms and concepts

In the next sections certain key concepts are explained in context with the political- and administrative interface at the local sphere of government.

1.7.1 Interaction and interface

"Interaction" can be defined as: "...the process by which different things affect each other or change each other" (Macmillan Online Dictionary 2015) while synonyms for "interaction" can include affect, impact, collaboration, communication, make a difference and shape. It can be argued that 'political-administrative interaction' refers to the fact that the political office bearers and municipal officials affect and/or shape each other in their relations, actions and decisions which directly influence service provision at municipalities.

The concept (political/administrative) "interface" is not synonymous to "interaction". "Interface" can be defined as "the place at which independent and often unrelated systems meet and act on or communicate with each other (Merriam Webster Online Dictionary 2015). It can thus be deduced that politics and administration (also in local government) affect and impact each other and these "systems" need to act on and communicate with one another in a positive manner in order to enhance its service delivery capacity. The difference between politics and administration will be addressed next.

1.7.2 Politics and administration

Government systems in general operate in an environment of politics and administration. The nature of the relationship between politics and administration, as well as the respective roles, powers and functions of the political office bearers and public officials in government, are viewed as problematic. The specific challenges experienced by this interaction will be analysed in chapter 3.

Politics itself lacks a clear-cut definition. Easton (1953) defines politics as the authoritative allocation of values in society. Thus, politics refers to the formulation of policies as to whom, how much, when and how societal resources will be allocated. Politics can also be described as a process through which

disagreements and conflicts can be resolved and of which the result culminates into acts and policies. It is a struggle among participants "pursuing conflicting desires on public issues" (Van Dyke 1960:134 in Du Toit **et al**. 2002:58).

Public administration, on the other hand, refers to the activities of the administrative (bureaucratic) agencies of government that must implement approved policies and programs. Legislation in a country provides for the creation of administrative agencies with the primary mandate to implement the policy programs of the ruling government. Public (municipal) administration has also been defined as the management of public programs (Denhardt & Denhardt 2009); the translation of politics into the reality that citizens see every day (Kettl & Fessler 2009); and "the study of government decision making, the analysis of the policies themselves, the various inputs that have produced them, and the inputs necessary to produce alternative policies" (McKinney & Howard 1998:62). Dekker (1989:iii) argues that public (municipal) administration's fundamental goal is to advance management and policies so that government can function.

An interesting viewpoint on public administration is held by Sheila Applebly. In 1947 she defined public administration as "public leadership of public affairs directly responsible for executive action". In a democracy, it refers to leadership and executive action that respect and contribute to the dignity, the worth, and the potentials of the citizen (Appleby 1947:93). She further explained that public (municipal) administration deals with the "stewardship" and implementation of the "products" of a "living" democracy (Shields 1998:195). This statement can be explained as follows:

- the concept "products" refers to those items that are constructed or produced, e.g. roads, laws, schools, and security. Public managers engage with these products, because they are the implementers;
- the term "living" refers to a changing, inconsistent environment associated with values; and

- the term "stewardship" emphasizes certain principles, for example accountability and the effective use of scarce (public) resources (Shields 1998:199).

It can thus be concluded that the process of public (municipal) administration consists of the actions involved in effecting the intent or desire of a government. It is therefore the continuously active, "business" part of government, concerned with carrying out the law, as made by legislative bodies (or any other organ of state), through the processes of organization and management.

From the above definitions of "politics" and "administration" it is possible to identify the differences between these, and then to develop an appreciation of their critical roles in the processes of providing quality services to communities. In layman terms, the purpose of politics, on the one hand, is to provide political guidance to the municipal administration of government. The main responsibility of the administration, on the other hand, is to transform the value-choices of political functionaries into concrete results. Since municipal administration plays a crucial role in the formulation of policies, it can be argued that it is a part of the political process as well, since these policies have to be eventually approved by the municipal council. The next chapter will address the different schools of thought on the political and administrative interface and interaction.

1.7.3 Separation of powers

The doctrine of the separation of powers or the so-called *trias politica* is associated with the work of the philosophers John Locke and Charles de Montesquieu. Locke wrote: "it may be too great a temptation for the humane frailty, apt to grasp at powers, for the same persons who have power of making laws, to have also in their hands the power to execute them, whereby they may exempt themselves from the law, both in its making and execution to their own private advantage" (Braman 1996:1).

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The operational principles behind *trias politica* are that legal state (political) powers should not be entrusted to a single person or institution in a state. Granting legislative-, executive- and judicial (state) powers to three separate institutions will ensure that each institution acts as a check and a balance on the others (Venter & Landsberg 2006:48). This principle of checks and balances, which is made possible by the implementation of the principle of *trias politica* prevents the unnecessary centralisation of power in any one individual or office.

Montesquieu recognised the three pillars of state authority (legislative, executive and judicial) and developed them into four basic principles:
- the principle of *trias politica* (refers to a formal distinction between the legislative, executive and judiciary authorities);
- the principle of *separation of personnel* (*i.e.* a person serving in one organ of state authority – legislature, executive, judiciary - is disqualified from serving in one of the others);
- the principle of the *separation of functions* (every organ of state should be entrusted with its appropriate functions only); and
- the principle of *checks and balances* (requires that each state organ be entrusted with special powers designed to keep a check on the exercise of functions by the others in order that the equilibrium in the distribution of powers may be upheld) (Mojapelo 2013:38).

The *trias politica* doctrine is the very core of a democratic state (Craythorne 2006:40). Cloete (1998:103) argues that to act in accordance with the tenets of democracy, the government should be arranged in such a manner that it cannot abuse the powers that have been entrusted to it. As explained above, the ideal for a democracy is to separate the legislative, executive and judicial authority and to vest them in separate government institutions with interconnected checks and balances (Gildenhuys & Knipe 2006:8). It is not acceptable to have one body making the laws, executing them and adjudicating on the execution and

contravention of its own laws; however, since a state and its powers are interdependent, a complete separation is impossible. In centralized unitary systems with no clear separation of these authorities, political and administrative corruption is a common occurrence (Gildenhuys & Knipe 2006:8).

A country's constitution must determine the margins of the different government institutions' independence, autonomy and the allocation of functions to them (as explained previously) (Gildenhuys & Knipe 2006:6). The South African government is divided into the legislative- (has the authority to make laws), executive- (has the authority to execute orders of the legislature), judicial- (adjudicate on the execution and contravention of such laws) and administrative authority (to manage and administer the functions of government and render services) (Gildenhuys & Knipe 2006:7). On the local government sphere the legislative authority is vested in municipal councils (section 151(2) of the *Constitution).* Taljaard & Venter (2006 in Venter & Landsberg 2011:17) state that the most important function of the legislature, in this instance municipal councils, is to transform the policies of the political party-in-power into laws. According to Gildenhuys & Knipe (2006:7), the task of the executive is to execute the orders of the legislature as contained in its laws, or by-laws as in the case of local government. The executive authority is not permitted to exercise any authority not legislated for, or delegated to it by the particular legislative authority.

At the local government sphere, the separation of powers is complex and the *Constitution* does not clearly separate its legislative and executive roles. The Constitutional Court termed the local government system "a hybrid one" (*Democratic Alliance v Masondo* (supra) at para 21). The Constitutional provision (section 151(2)) which determines that the executive and legislative authority of a municipality is vested in its municipal council, implies that the council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality (RSA 1996:74).

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The lack of a clear separation of powers at municipal level is due to the following features of local governance, namely:

a)   all members of the municipal executive (including the mayor) remain members of the municipal council;

b)   the municipal executive possesses no (original) executive *powers*, except those delegated to it by the municipal council (in terms of statutory law it may possess executive *functions*);

c)   as the municipal executive's powers are delegated, the municipal council has extensive oversight powers; and

d)   municipalities are subject to extensive legal framework (De Visser & Akintan 2008:36).

The main purpose that the separation of powers-principle serves is to prevent the accumulation of all powers (legislative, executive and judicial) in one body or person so as to allow a proper and reciprocal check or control of the exercise of the powers of government (Maoni 2013:16). The challenge of any political party in power is to ensure that public service becomes an effective instrument for executing the mandate of the ruling party.

1.7.4   Good governance and service delivery

People want good government and good government means that the public's needs must be satisfied optimally by the government. Effective and efficient government demands good governance and good governance must be based on sound principles, for example participation, rule of law, transparency, etc. (Venter & Landsberg 2011: xi). Local government services are of fundamental importance to growth, development and stability of a municipality (Craythorne 2006:153) and are aimed at satisfying the needs of the community. Van der Waldt (2007:5) argues that good governance implies the inclusion and representation of all groups of society and that local government has to uphold accountability, integrity and transparency in pursuing its goals.

There are different explanations for the concept "good governance". Pierre and Peters (2000 in Semeela & Mkhonto 2007:201) argue that the term governance is about government's capacity and role that must change to pursue collective interests under severe external and internal constraints. Good governance may deepen democracy, structure social relationships and conflicts, and ultimately ensure responsive service provision, which in turn may lead to social stability.

Good governance can be described as the best possible processes for making and implementing decisions made by the local authorities. Effective processes for decision-making and implementation generally lead to improved outcomes for local governments and their communities – as was experienced by local governments in Australia (Governance Institute of Australia 2015:6). Sound decision making processes, and therefore good governance, have a positive effect on various aspects of local government, including consultation policies and practices, meeting procedures, service quality protocols, councillor and officer conduct, role clarification and appropriate working relationships (Governance Institute of Australia 2015:7). Successes obtained with these 'best practices' from the Australian local governments may be effectively applied at the local government sphere in the Free State Province.

Good governance is important for several reasons. It not only gives the local community confidence in its council, but improves the faith that elected members and officers have in their own local government and its decision making processes. It also leads to better decisions, helps local government meet its legislative responsibilities and, importantly, provides an ethical basis for governance (Governance Institute of Australia 2015:9).

Poor governance in South Africa includes not simply corruption, but also poor performance of government officials in their management of public resources and a lack of political will to act against underperforming officials. The poor

management of public resources translates directly into poor public service delivery implementation.

The elements of good governance can be hampered by several types of political corruption that occur in local government. Local governments may be more susceptible to corruption, because interactions between private individuals and officials happen at greater levels of intimacy and with more frequency. Forms of corruption like bribery, extortion, embezzlement, graft and nepotism (political corruption) have a negative impact on local government service delivery and political corruption specifically creates ethical dilemmas at grassroots level. Corruption and its influence on service delivery will be addressed in chapter 5.

1.7.5 Political interference

Macmillan Online Dictionary (2015) defines the term "interference" as "...the process of deliberately becoming involved in a situation and trying to influence the way that it develops, although you have no right to do this". Synonyms include involvement, intrusion and participation.

Politics can be broadly defined as the allocation of values in the form of policies formulated by parties and elected political office-bearers, and administration as the provision of goods and services to the public, applying the policies defined purely through political processes (Hauya 2011:1). When political interference occurs, it may be any behaviour, action or idea that prevents public officials to act in neutral, apolitical ways. It can include all forms of involvement of politicians, political decisions and interests in (municipal) administration.

Political interference can also be viewed as the impact of the political establishment on bureaucrats' personal and official decisions and the effects thereof. The activities of politicians should be prevented from encroaching the administration "realm", which is led by appointed technicians or bureaucrats (Hauya 2011:2).

Research confirms that political interference is sometimes prompted by intentional self-serving political motivation in which an official receives a concealed benefit (Trautman 2003:2).

Political interference corrupts, incapacitates and destroys people and institutions. Shafritz, Hyde and Parks (2004:415) hold that political interference in administration would erode the opportunity for administrative efficiency. Policy making activities ought to be wholly separated from administration functions and administrators have to have explicit assignment of objectives before they could begin to develop an efficient administrative function. The models for the separation of politics and administration will be analysed in the next chapter.

Citizens who step forward to serve as political representatives such as municipal councillors, must truly be dedicated and should not have self-serving hidden agendas. Elected office-bearers must be unselfishly willing to dedicate an enormous amount of their time for no other reason than wanting to improve their community. They must have a passion for facilitating the efficiency and effectiveness of government operations (Trautman 2003:1).

In conclusion, the following statement is of relevance: "If politicians want public organisations to be empowered to take decisions and run their own affairs then the same politicians must give the organisations the freedom to do so" (The Independent 15 April 2015).

1.8   Layout of chapters

The following chapters are included in the delineation of the research:

Chapter 1 – Introduction and organization of the research

Chapter 1 serves as an introductory chapter and overview of the research theme and explains the problem statement, goal, and objective, methodology, limitations of the study and the demarcation of the study. Certain key concepts, for example *trias politica* (separation of powers), good governance, and political interference are placed in context with political- and administrative relationships at the local government sphere.

Chapter 2 – Statutory and regulatory framework for political- and administrative interaction at the local government sphere in South Africa

This chapter focuses on the theoretical foundation of political- and administrative relations and interaction in terms of, among others, the constitutional and legal framework in relation to the separation of political- and administrative activities and the powers and functions of political office-bearers and municipal officials in South Africa. The structure of local government, as the system nearest to direct participatory democracy and the importance of local government in service provision, is explained.

Chapter 3 – Political and administrative realities in the Free State Province

In chapter 3 the politics-administration debate is addressed and the different models for separating politics and administration is investigated. The chapter then evaluates current political- and administrative interaction and relations at specific local authorities in the Free State Province and how it influences service delivery.

Chapter 4 – Political and administrative interaction and service provision challenges at local governments in the Free State Province

Chapter 4 identifies service provision challenges that stem from poor relations between the political executive- and administrative executive authorities. There are various challenges that impede the maintenance of excellent political- and administrative relationships at local governments in the Free State Province. An overview and analysis of the current situation of local authorities in the Free State Province in terms of the interference of politicians in administrative activities are included. A number of challenges, for example the uncertainty of municipal officials about the separation of political- and administrative powers and functions, the interference of politicians in operational activities, the lack of expertise and comprehensive political corruption are addressed in this chapter.

Chapter 5 – Political- and administrative leadership to enhance good governance and service excellence

Chapter 5 focuses on the purpose of sound political- and administrative leadership in local governments and its influence on service excellence. The factors that influence political- and administrative relationships are also exploited.

The chapter further expands on key concepts such as leadership, accountability, ethics, professionalism, transparency, and corruption. The meaning of political- and administrative accountability for local governments in the Free State Province is then analysed. The importance of applying ethical norms by political executive- and administrative executive institutions in ensuring accountable local government is explained. Lastly, an explanation of how excellent political- and administrative relations and interaction may improve and enhance good governance is given.

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Chapter 6 – Conclusion and recommendations

Chapter six consists of a framework of recommendations on how the appropriate roles and relations of political executive- and administrative executive institutions in the Free State Province local government milieu may be addressed effectively.

CHAPTER 2: STATUTORY AND REGULATORY FRAMEWORK FOR POLITICAL- AND ADMINISTRATIVE INTERACTION AT THE LOCAL GOVERNMENT SPHERE IN SOUTH AFRICA

2.1 Introduction

Local Government, which is the oldest form of government, originates from early tribal villages and primitive communities (Visser 2003:15). Local government was created to render services in defined geographical areas, primarily because of the inability of central and provincial or regional governments to attend to all the detailed aspects of government (Mokwena 2014:1). The ultimate goal of any modern government is to create a good quality of life for every citizen and therefore it must identify specific objectives, attainable targets, services and strategies through which they can realise this goal. The priorities and strategies of the government of a democratic country will depend on the ruling political party's definition of a good quality of life (Boshoff 2011:57). It is generally accepted that local government is in the most favourable position to address and satisfy the needs and expectations of the community. As the sphere of government that functions closest to the community, local government is an essential service provider.

Therefore, the statutory framework that regulates the local government sphere in South Africa will be addressed to indicate its influence on the political and administrative interface and interaction. The *Constitution*, amongst others, provides for a national system of local government; charged with a developmental mandate and equips each municipality with a set of constitutionally protected powers.

Local government is furthermore founded on the principles of community of interest, access and accountability and is a vital factor in the social, economic and political structure of society (Municipal World n.d:1 of 3). Ismail, Bayat and Meyer (1998:7)

states that the character of local government can be explained as a local area and a local community formed and kept together by common interests, whether rural, urban or regional. The structure of the local government sphere in South Africa, which includes an exposition of the political- and executive systems, will be explained in detail. To conclude the chapter, the importance of the local government sphere in South Africa is emphasised.

2.2   Local government in South Africa

South Africa is a constitutional democracy with three spheres of government. Section 151 of the *Constitution* makes provision for a national system of local government and recognizes it as an independent sphere (and no longer a tier or level) of government with entrenching powers and rights (RSA 1996:74). It is no longer a function or administrative implementing arm of national or provincial government. Although the three spheres of government are autonomous, they exist in a unitary South Africa which implies that they have to co-operate in decision making and coordinating budgets, policies and activities (RSA 1996:21).

Reddy (1996:3) and Venter and Landsberg (2011:130) observe that local government is globally regarded as the second or third sphere of government that was created with the purpose of bringing government to the grass roots and providing its residents with a 'sense of involvement in the political processes that control their daily lives'. Heymans and Tötemeyer (1988:2) define local government as "a decentralised representative institution with general and specific powers devolved on it in respect of an identified restricted geographical area within a state". Local government can thus be viewed as the management and administration of local communities in order to regulate and promote the activities of these communities (Cloete 2012:17).

Since the first democratic municipal elections in the Republic of South Africa in 2000, a local government system, which comprises municipalities led by

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democratically elected councils, was created. This system introduced, amongst others, the following changes (which are continuously being reviewed and amended):

- municipalities cover the total geographical area of the Republic and not only the urban areas;
- municipal councils are representative of the South African electorate;
- communities have a constitutional right to participate in and be consulted on decisions concerning the municipal area in which they reside; and
- municipalities do not only provide basic services, but a wider variety of services (taking into account their capacity to do so) (Thornhill 2008(a):494).

The term "municipality" originated from the Latin word *municipalis* and, in the time of the Roman Empire, meant a subordinated city with a measure of self-government (Gildenhuys & Knipe 2006:228). A municipality is a district under the control and legal authority of a city council or a town council and may consist of several established towns with large public and private open spaces within its boundaries. Municipalities are established to govern and manage the local public activities of their residents/inhabitants through promulgating local laws for governing the local community and providing and managing local services (Gildenhuys & Knipe 2006:228).

Municipalities are the core institutions within the local sphere of government; they are organs of state that consist of the political structures of the municipality, the administration of the municipality and the community within (residents inhabiting) the municipal area (South African Local Government Association 2011:6). In South Africa these political structures and administrations within municipalities are regulated by a statutory framework in terms of their structure, functions and interaction with the relevant role players.

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2.2.1 Statutory framework regulating the local government sphere in South Africa

Section 40 of the *Constitution* determines that the government of the Republic of South Africa is constituted as national, provincial and local spheres of government, which are distinctive, interdependent and interrelated (RSA 1996:21). The purpose of the three spheres is to make government more effective by taking it closer to and making it more accessible to the people. According to section 41 of the *Constitution,* these spheres of government must, amongst others:

- be loyal to the *Constitution* and the Republic (including its people);
- ensure the well-being of the people of the Republic;
- provide effective, transparent, accountable and coherent government; and
- not assume any power or function except that conferred on them in terms of the *Constitution* (RSA 1996:21).

While section 155 of the *Constitution* provides the foundation for the establishment of municipalities, various Acts of Parliament have further defined these municipal structures since the inception of the current *Constitution*. The most important Acts and policies, forming a policy- and legislative framework and aim to guide local government in carrying out its constitutional mandate, include:

- ***Local Government: Municipal Systems Act,*** *2000* (Act 32 of 2000);
- ***Local Government: Municipal Systems Amendment Act*** (Act 7 of 2011;
- ***Local Government: Municipal Structures Act***, 1998 (Act 117 of 1998);
- ***Local Government: Municipal Finance Management Act***, 2003 (Act 56 of 2003);
- ***Local Government: Municipal Demarcation Act****, 1998* (Act 27 of 1998);
- ***The Intergovernmental Relations Framework Act****,* 2005 (Act 13 of 2005);
- ***Local Government: Municipal Electoral Act****, 2000* (Act 27 of 2000);

- ***Local Government: Municipal Property Rates Amendment Act**, 2014* (Act 29 of 2014);
- ***Municipal Fiscal Powers and Functions Act**, 2007 (Act 12 of 2007);
- ***White Paper on Local Government**, 1998;
- ***Local Government Turnaround Strategy**, 2009;
- ***Back to Basics Approach/Strategy,** 2014; and
- ***National Development Plan 2030.***

The aim of the above-mentioned statutory framework is to give practical effect to the vision of developmental local government as envisaged in the *Constitution* (Main 2014:23). According to Labuschagne (2010:96), each of these Acts and policies focus on different aspects of local government, such as, amongst others, the rights, duties, functions and powers of municipalities, community participation and integrated development planning. It provides local authorities with a structure for managing their administration, outlines political decision making systems, defines principles for structuring administrations and ensures that adequate internal oversight structures can be implemented at a municipal level (Williams 2012:18). In the next section, selected Acts and policies (from the above-mentioned list) will be elaborated on.

2.2.1.1   Constitution of South Africa, 1996

Chapter 7 of the *Constitution* deals with local government which makes it an integral part of the government system in South Africa. Section 151 of the *Constitution* provides the following with respect to the status of municipalities:

i)   the local sphere of government consists of municipalities, which must be established for the whole of the South African territory;

ii)   the executive and legislative authority of a municipality is vested in its municipal council;

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iii)   a municipality has the right to govern, on its own initiative, the local government affairs of its community (i.e. create its own by-laws, systems and structures to render sustainable services to the local communities - subject to national and provincial legislation); and

iv)   the national or provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions (RSA 1996:74).

Section 152 of the *Constitution* determines that the objects of local government are:

(a) "to provide democratic and accountable government for local communities;

(b) to ensure the provision of services to communities in a sustainable manner;

(c) to promote social and economic development;

(d) to promote a safe and healthy environment; and

(e) to encourage the involvement of communities and community organisations in the matter of local government" (RSA 1996:75).

Local government thus has a legal obligation to deliver municipal services. It is a requirement of section 152(2) of the *Constitution* that municipalities must strive to achieve these objects within their financial and administrative capacity. The most important duties include providing basic services such as water and sanitation, electricity, refuse removal, municipal health services, municipal public transport and municipal roads (Craythorne 2006:7).

The fact that municipalities' structural and functional outline is established in a separate and independent chapter (Chapter 7) of the *Constitution*, is an indication of the heightened importance of local government (Devenish 2000:200) and a confirmation of its dynamic role as instruments of service delivery. Municipalities are mandated (according to section 151(2) of the *Constitution*) to ensure "democratic and accountable government" and are an essential part of the South African constitutional structures (RSA 1996:74).

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Furthermore, municipalities have been assigned certain functions and powers in terms of the *Constitution* (section 156), which include:

- the right to administer the local government matters entrusted to them in the *Constitution*;
- the authority to make and administer by-laws for the effective administration of the matters assigned to them, may impose rates, taxes and surcharges for the services provided by on behalf of the municipality;
- may develop and adopt policies, plans and strategies, promote development and implement national and provincial legislation as assigned to them; and
- to carry out any other activities/functions within their legislative and executive competence (RSA 1996:76-77).

To enable municipalities to perform these assigned functions and power the *Constitution* provides in section 151(2) that the executive and legislative authority of municipalities vests in the municipal council (RSA 1996:74). The *Constitution* (section 156 (2)) gives the power and duty to the municipal council to exercise the necessary discretion with the formulation and adoption of policies and by-laws in the areas that are listed in Part B of Schedule 4 and Part B of Schedule 5 (for example building regulations, electricity and gas reticulation, fire-fighting services, refuse removal and water and sanitation services) of the *Constitution* (RSA 1996:76). Furthermore, section 156(4) of the *Constitution* determines that a municipality has the right to administer particular matters which fall within the concurrent or exclusive competence of the provincial governments (parts A of Schedules 4 and 5 of the *Constitution*) "if (a) that matter would most effectively be administered locally; and (b) the municipality has the capacity to administer it" (RSA 1996:76).

Section 152(1) (b) of the *Constitution* requires that local government services be sustainable (RSA 1996:74). Sustainability, according to Zybrands (2006:144 in Venter & Landsberg 2011:16), implies that services should be continuous, affordable and must address the needs of the citizens. Sustainable service delivery furthermore involves good delivery of excellent services to residents, uninterrupted, seamless provision of quality services to the people and services that is continuously improving. The challenge that municipalities in South Africa need to address is to ensure that service provision meets these criteria of sustainability (Boshoff 2011:61). Failure to render local government services will be detrimental to the constitutional obligation or mandate of local authorities (Mokwena 2014:4).

2.2.1.2   The White Paper on Local Government, 1998

The White Paper on Local Government (WPLG) is unique, because it deals with an entire sphere of government – local government. It can almost be regarded as a "Mini-Constitution" for the local sphere of government (RSA 1998:6). The WPLG establishes the basis for a new developmental local government system, which is committed to working with citizens, groups and communities to create sustainable human settlements which provide for a decent quality of life and meet the social, economic and material needs of communities in a holistic way. It also states that local government must be accepted as a sphere of government in its own right and should no longer be viewed as subordinate to provincial and national government (RSA 1998:9). Provision is made for dynamic leadership in the political structure and for powers to be delegated to provide for wider participation in political processes.

The WPLG thus highlights the need for local government to focus on realising developmental outcomes, such as the provision of household infrastructure and services; the creation of liveable, integrated cities, towns and rural areas, the promotion of local economic development and community empowerment (RSA 1998:2). All municipalities are expected to deliver on these functions despite the

large variations in their levels of capacity (NPC Online n.d:1) which was proven, according to the Back to Basics Approach, not to have been realistic and successful.

2.2.1.3   Local Government: *Municipal Structures Act*, 1998 (Act 117 of 1998)

The *Local Government: Municipal Structures Act, 1998* (Act 117 of 1998) (hereafter referred to as the *Municipal Structures Act*) provides for the establishment of different types and categories of municipalities in South Africa (categories A, B and C municipalities) as identified in the *Constitution*, and giving effect to section 155(2) of the *Constitution* (RSA 1998:8-10). The *Municipal Structures Act* defines the different types of municipalities that can be established within each category, provides for an appropriate division of functions and powers among categories of municipality, regulates the internal structures and functionaries and provides for appropriate electoral systems (RSA 1998: chapters 2, 3, 4).

The *Municipal Structures Act* also deals extensively with issues related to the municipal council, such as the election, removal from office of councillors and the internal proceedings in and dissolution of the council (RSA 1998:15). It further provides for ward committees whose tasks include, amongst others, preparing, implementing and reviewing Integrated Development Plans (IDP's) and establishing, implementing and reviewing municipalities' performance management systems (RSA 1998:31).

It was found that although the *Municipal Structures Act* makes provision for municipal executives (such as an executive mayor or an executive committee and mayor) and describes their functions, it does not specify the functions of the individual members of the executive (RSA 1998:22-28). The distinguished powers and functions of local government place specific service provision obligations on

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municipalities, which could create a serious predicament for local government if those obligations are not fulfilled (Main 2014:24).

2.2.1.4 Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

The *Municipal Systems Act* defines the legal nature of a municipality and provides for the manner in which municipal powers and functions are exercised and performed (RSA 2000:12). In addition, this Act also provides the framework for local public administration, which includes a framework for the operation of municipalities, with guidelines for development planning and service provision (including a partnership-based approach), staffing matters and performance management systems (RSA 2000:33-34).

According to Craythorne (2006:153), the *Municipal Systems Act* also places a duty on municipalities to implement the provisions of the *Constitution* by giving priority to the basic needs of the community and promoting its development. Section 73(2) of the *Municipal Systems Act* places a duty on municipalities to deliver equitable and accessible services in a manner that is conducive to the prudent, economic, efficient and effective use of available resources (RSA 2000:43-44). Municipal services must also be financially and environmentally sustainable and should be regularly reviewed with a view to upgrading, extension and improvement. Furthermore, municipalities are obliged to ensure that the community has access to, at least, the minimum level of basic municipal services (RSA 2000:13).

Boshoff (2011:63) is of the opinion that the *Municipal Systems Act* provides for, among other things, the core principles and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities and to ensure general access to essential services that are affordable to all.

The *Local Government: Municipal Systems Amendment Act*, 2011 is aimed at professionalising the local government sphere for improved service delivery and performance management, while also instilling a people-centred government mind-set in municipalities (RSA 2011:2). A key objective of the Act is to progressively align the systems of municipal administration and human-resource management with those of the public service in national and provincial government (RSA 2011:3).

The aim of the Act, amongst others, is to:

- professionalise the local government sphere by ensuring that the administrative apparatus of municipalities is staffed by appropriately qualified and competent persons to improve service delivery; and
- requires that employment contracts and performance agreements of municipal managers (and managers directly accountable to municipal managers) are consistent with the uniform systems and procedures set nationally (RSA 2011:2,6).

The MSSA Act, when adhered to, may enhance the interaction and relations between the politicians and managers due to the possible establishment of a more professional human resource "pool".

2.2.1.5 Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)

The Municipal Finance Management Act, 56 of 2003 (the *MFMA*) aims to ensure sound and sustainable financial management in municipalities and determines that community involvement in the budgetary process in municipalities is compulsory (RSA 2003:12). One of the most important objectives of the *MFMA* is that of developing sound financial governance within every municipality, which includes developing a comprehensive system clarifying and separating the responsibilities of mayors, councillors and officials (RSA 2003:35, 38). The *MFMA*, read together

with the *Municipal Systems- and the Municipal Structures Acts*, provides clear guidance on the roles and responsibilities of councillors and officials.

2.2.1.6 Local Government Turnaround Strategy (LGTAS), 2009

The State of Local Government Report (2009), which conducted an assessment (throughout all nine provinces) of the state/position of the local government sphere, identified challenges/problems that arose in municipalities, including, *inter alia*, poor governance and accountability, weak financial management, a high vacancy rate in critical senior management posts in many instances and an inability in some municipalities to deliver on critical, basic municipal services(State of Local Government Report 2009:5). In reaction to these findings, the LGTAS was introduced as a government programme of action and a blueprint for better service delivery aimed at responsive, accountable, effective and efficient local government. The overall aim was to restore the confidence of the majority of the people in their municipalities.

Five focus areas were identified, namely service delivery, governance, financial management, infrastructure development and fighting corruption. The reason for these five areas is to fast-track the implementation of this turnaround strategy (Sate of Local Government Report 2009:6). Working with provinces and municipalities, 108 priority municipalities were identified to receive targeted support. These municipalities were those with the highest backlogs in basic services, were financially distressed, had the highest number of informal settlements and were under-spending on their infrastructure grants.

Since the phasing in of the LGTAS in 2010, some challenges have been identified (Kakaza 2011 and Siyaya 2011 in Taylor n.d.:19-21), namely:

- political interference,
- unrealistic time frames for implementation purposes,

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- lack of resources,

- unwillingness of the bureaucracy to co-operate,

- significant differences between municipalities in terms of their specific challenges,

- lack of co-ordination by sector departments and role-players,

- smaller municipalities have huge infrastructure backlogs which need significant funding,

- primary health care undertaken by municipalities remains unresolved,

- a lack of adequate funding for the LGTAS to be effective,

- the impact of uniform regulatory frameworks for all municipalities, municipalities focus on compliance of policy prescriptions and not service delivery; and

- ineffective support by both the provincial and central spheres of government.

The LGTAS identified two sets of Implementation Priorities, i.e. the immediate pre-2011 priorities and the post-2011 priorities (referred to as Vision 2014). Due to an unrealistic timeframe in which to implement the LGTAS, not all the set objectives were achieved (including Vision 2014). After a non-financial census of municipalities had been released on 2 September 2014, the Department of Cooperative Governance and Traditional Affairs (CoGTA) launched the Back to Basics program with the goal to improve the functioning of municipalities in South Africa to better serve communities by getting the basics right.

2.2.1.7 Back to Basics Strategy, 2014

The Back to Basics Strategy in the Free State Province was launched in October 2014 to revitalise municipalities and ensure that they deliver basic service to citizens. The implementation of this strategy would address the challenges faced by the local government sphere and instil a sense of urgency towards improving citizens' lives. The Strategy focuses on six pillars, namely:

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- to put people and their concerns first and ensure constant contact with communities through effective public participation platforms;
- to create conditions for decent living by consistently delivering municipal services of the right quality and standard (including planning for, delivering and maintaining infrastructure and amenities, and managing the budget);
- to ensure that there are no failures in services and, where these occur, urgently restore services;
- to be well-governed and demonstrate good governance and administration - cut wastage, spend public funds prudently, hire competent staff, ensure transparency and accountability;
- to ensure sound financial management and accounting, and prudently manage resources to sustainably deliver services and bring development to communities;
- to build and maintain sound institutional and administrative capabilities, administered and managed by dedicated and skilled personnel at all levels (Gordhan 2014:3).

A review by CoGTA of South Africa's 278 municipalities revealed that, despite delivery achievements, the governance system remains a cause for concern (Gordhan 2014:4). Based on this review, three groups of municipalities were established, namely the top group of municipalities which have the basics right, the middle group of municipalities whose overall performance is average and the bottom third group of municipalities that require urgent intervention and support to correct the decay in the system.

The Minister of CoGTA emphasized that municipalities need to ensure that they continue to deliver basic services such as water, sanitation, housing and refuse collection. He stated that the Back to Basics mechanism is an important vehicle for the implementation of the National Development Plan (NDP). The Back to Basics

program will be integrated into the IDP of municipalities, which will serve as a vehicle for implementation of the NDP within municipalities (SANews 6 March 2015:1).

2.2.1.8 National Development Plan 2030

The National Development Plan 2030 (NDP) is an important legal instrument that was implemented during 2013. The NDP serves as a plan for South Africa to eliminate poverty and reduce inequality by 2030 through uniting South Africans, growing an inclusive economy, building capacities, enhancing the capabilities of the state and leaders working together to solve complex problems (Key issues – National Development Plan 2012:1). The NDP identified nine primary challenges that need to be addressed by all three spheres of government:

i) High levels of unemployment
ii) Poor quality of school education for black people
iii) Poorly located infrastructure which is furthermore inadequate and under-maintained
iv) Spatial divides that weaken inclusive development
v) An economy that is too resource intensive (not sustainable)
vi) Inability of the public health system to meet the demand or sustain quality
vii) Uneven, poor quality public services
viii) High levels of corruption
ix) South Africa's divided society (National Development Plan 2030, 2015:14).

Amongst others, the NDP identified the need to professionalise civil service and to attract highly skilled people that will be committed to a career in the local government sphere. This government sphere plays a crucial role in addressing these identified challenges; poor interaction between politicians and management will have a negative influence on how these challenges should be addressed.

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In conclusion, it can be stated that the above elaborate legal framework establishes the various structures, office bearers and administrative positions within municipalities, authorizes municipalities to perform their functions and obligations to ensure the achievement of governmental goals and objectives (Venter & Landsberg 2011:133). However, according to SALGA (2014:115) it has become evident that a review of the legislation (such as the *Constitution*, the *Municipal Structures Act* and the *Municipal Systems Act*) is necessary. It is, for instance, necessary to review the institutional and other arrangements to prevent conflicting and/or overlapping responsibilities, or to align these and to improve municipal monitoring and accountability. However, the framework provides for a number of instruments to enable and facilitate checks and balances among, and accountability between, the various structures, office bearers and administrative positions.

The difficulty facing the local government sphere is to ensure that government's objectives, as identified in the applicable legislation, are adequately executed (Venter & Landsberg 2011:130). The purpose of the above Acts and policies are to transform and guide municipalities in order to achieve the constitutional objectives of the local government sphere as set out in Section 152 of the *Constitution* (RSA 1996:75). With the effective implementation of the legal framework it may be possible to ensure an effective and efficient political administrative interface in municipalities. In the paragraphs that follow the structure of the local government sphere and the powers and functions of the political and administrative institutions and functionaries on this sphere of the South African government will be discussed.

2.3   Structure of the local government sphere in South Africa

South Africa has a complex network of public institutions that exist to provide public goods and services to maintain the state and promote the general welfare of the people. The local government sphere (municipal government) is made up of three

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groups which are the **elected councillors** who form a municipal council (political structures), **an administration** made up of officials appointed by a municipal council and **the people** who live in the municipality, including residents, groups, community based organisations and businesses (section 2(b) of the *Municipal Systems Act*) (RSA 2000:12).

In Section 155 of the *Constitution* three categories of municipalities are established:

- Category A municipalities have exclusive municipal executive and legislative authority in their areas and are also called *metropolitan* municipalities;
- Category C municipalities have municipal executive and legislative authority in an area that includes more than one municipality and is also referred to as *district* municipalities; and
- Category B municipalities share municipal executive and legislative authority with a Category C municipality, within whose area they fall, and are also known as *local* municipalities (RSA 1996:75).

Metropolitan municipalities (MM) have been established to administer South Africa's most urbanised areas and may decentralise powers and functions, but the original municipal, legislative and executive powers are vested in the metropolitan council.

There are eight metropolitan municipalities in South Africa:

- Buffalo City MM (East London)
- City of Cape Town MM
- City of Johannesburg MM
- City of Tshwane MM (Pretoria)
- Ekurhuleni MM (East Rand)
- eThekwini MM (Durban)

- Mangaung MM (Bloemfontein)
- Nelson Mandela Bay MM (Port Elizabeth).

The non-metropolitan areas (the remainder of South Africa's territory) are administered by 44 district municipalities (also known as Category C municipalities). Each district municipality is further subdivided into various smaller local municipalities (also known as Category B municipalities). Within the local jurisdiction of each district municipality there are several individual local municipalities which share their municipal authority with the district municipality. In essence, district municipalities administer and make rules for a district, which includes more than one local municipality (Atkinson 2002 in Buhlungu, Daniel & Southall 2007:56). For example, in the Free State Province, the territory administered by the Xhariep District Municipality includes the Letsemeng-, Kopanong-, and Mohokare Local Municipalities. In 2013 there were 278 municipalities in South Africa, comprising eight metropolitan, 44 district and 226 local municipalities.

A variety of functions are conducted to develop and operate the different public institutions on the three spheres of government. Section 151 of the *Constitution* determines that the local government sphere consists of municipalities that have the right to govern the affairs of their communities (RSA 1996:74). To ensure that municipalities carry out their developmental duties effectively and efficiently, the *Constitution* vests legislative and executive authority of municipalities in municipal councils. In South Africa, municipal councils perform governmental (executive) functions in addition to their legislative functions (Thornhill 2012:67). This implies that the council may legislate by way of by-laws or resolutions AND has to exercise the executive authority within its area of jurisdiction (Khalo 2013:283).

It is thus clear that the local government sphere in South Africa has its own legislative, executive and administrative institutions and in the following sections

the executive and administrative systems, as well as their interaction, will be discussed.

2.3.1 The executive systems in the local government sphere

There are two categories of authorities at the local government sphere, namely:

- *executive authority* (municipal councils), which perform the governmental functions and include the political executive office bearers (executive mayor, speaker, executive committees), and
- *administrative authority*, which are staffed by officials (municipal managers and senior managers) and perform the administrative, managerial, auxiliary and instrumental functions to implement the legislation (by-laws) passed by the council and the directives (e.g. proclamations) issued by the executive authority and executive office bearers, such as the executive mayor (Khalo 2013:280).

See the diagram on the next page for a layout of the organisational structure of a municipality.

Diagram 1:   Illustration of structures and responsibilities in municipal councils

Organisational structure of a municipality

ADMINISTRATION

POLITICAL OFFICE-BEARERS
should be the custodian of good governance in council; take an active role in strategic planning; performance to be assessed.

Municipal council
- Executive authority
- Elected councillors
- Responsibility towards political party
- Council chaired by Speaker

Municipal manager
- Accounting officer
- Appointed by council
- Head of administration
- Accountable for some fiduciary duties

Executive mayor
- Elected by council
- Chairs the mayoral committee

Heads of departments
- Elected by council
- Chairs the mayoral committee

Members of the mayoral committee (MMC)
- Chaired by executive mayor
- Appointed by executive mayor
- Head of the portfolio committee
- Accountable for some fiduciary duties

Portfolio committees (example)
Finance | Corporate services | Safety | Infrastructure | Economic development

Portfolio committees (example)
Finance | Corporate services | Safety | Infrastructure | Economic development

Departmental representatives
- Attend portfolio committee meetings
- Advise members of portfolio committee

Members of portfolio committee
- Consider reports from departments

Source: Local Government and King III: Public Sector Working Group Position Paper, 2 October 2010.

These authorities have specific responsibilities that have been identified in the *Constitution* and other legislation to ensure that adequate local government services are provided to the community (Boshoff 2011:35). The two categories of authorities have the following characteristics:

2.3.1.1 Executive authority

In the organisational structure of an organ of state such as a municipality, the executive authority is the liaison between the legislative authority (council) and the administrative authority as well as the community (section 2(b)(ii) of the *Municipal Systems Act*) (RSA 2000:12). Within the limits of the provisions of the relevant legislation, every executive authority must issue directives (on behalf of its legislature) to the administrative authority so that they can perform the appropriate functions to give effect to the legislation and policy decisions (Thornhill 2012:56).

As alluded to previously the *Constitution* establishes three categories of municipalities, namely:

- the category A (metropolitan) municipality that has *exclusive* municipal executive and legislative authority in its area;
- the category B (local) municipality that *shares* municipal executive and legislative authority in its area with a category C municipality; and
- the category C (district) municipality that has municipal executive and legislative authority in an area that includes more than one municipality.

Within each of these categories of municipalities certain types of municipalities may be established. The "type" refers to the way in which a municipality is governed and is determined by the member of the executive council responsible for Local Government in the province (SALGA 2011:13). Section 7 of the *Municipal Systems Act* provides for essentially three different types of municipalities, namely:

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- the collective executive system (allows for the exercising of executive authority through an executive committee in which the executive leadership of the municipality is collectively vested);
- the mayoral executive system (allows for the exercising of executive authority through an executive mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee); and
- the plenary executive system (limits the exercising of executive authority to the municipal council itself) (RSA 1996:16).

The category of municipality will determine if the above systems can be expanded/supported by either a ward participatory system (allows for matters of local concern to be dealt with by committees established for those wards) or a sub-council participatory system (allows for delegated powers to be exercised by sub-councils established for parts of the municipality) (RSA 2000:15).

The structure and functions of the municipal council (as part of the political executive institutions), will be briefly elaborated on in the next paragraphs.

i) Municipal council

As explained, each municipality covers a defined geographic area, which varies in size, population, and land use. The area may be rural or urban and the population may vary from fewer than 20 000 inhabitants to several million. Each municipality is headed by a municipal council consisting of the members elected by the voters of a specific area of jurisdiction and all the municipal councils, irrespective of its size or population, have the same responsibilities over the governmental affairs of its community (Local Government Action 2015:1). The council must decide on behalf of the residents and ratepayers of a municipality on the overall direction and policies for the municipality. It is the main representative organ of the local

government sphere, and it is primarily through the municipal council that the public has a voice in the affairs of local government (SALGA 2014:6).

The responsibilities of the municipal council include making the laws and policies, providing financial oversight, planning the budget, hiring the municipal manager and ensuring that the municipal administration fulfils its duties to the community (Local Government Action 2015:1).

According to section 44(3)(g) & (h) of the *Municipal Structures Act*, the municipal council has considerable executive powers and include the duty to:

- monitor the municipal administration and review the performance of all aspects of local government ;
- make recommendations to council;
- oversee provision of services to the community; and
- report annually to council on the effect of community participation and consultation in local government (RSA 1998:22).

The *Municipal Structures Act*, the *Municipal Systems Act* and the *MFMA* prescribe the legal framework for the structure and operation of municipal councils. The municipal council operates by votes taken at formal meetings of the council where it makes decisions to ensure that its functions are performed correctly. Individual councillors have no authority to make decisions or act on behalf of the council unless the council has made a specific delegation (RSA 1998:21). The council members as a whole form the body that has the power to govern. Therefore, councillors need to understand that the best way to influence policy decisions is by giving input when council policies are formulated and approved at council meetings (Local Government Action 2015:3).

The municipal council must elect its executive mayor (or mayor) (sections 48(1) and 55(1) of the *Municipal Structures Act*), speaker (section 36(2) of the *Municipal Structures Act*), and may elect an executive committee (section 42(1) of the *Municipal Structures Act*) and other committees in terms of the *Municipal Structures Act*.

Section 31(1) of the *Municipal Structures Act* requires a municipal council and its committees to conduct business in an open manner. In an open and democratic society, municipal councils or council committees must make provision for notifying the public about meetings and how they can attend and participate (RSA 1998:19). They may close their sittings only when the nature of the business being conducted demands this. Members of a municipal council are entitled to participate in all council and council committee proceedings. Consistent with the principles of democracy, all interest groups are allowed to be fairly represented in all matters before the council.

From the above stipulations, it can be deduced that the role of the municipal council include:

- exercising the municipality's executive and legislative authority;
- providing democratic and accountable government;
- encouraging the community to be involved in municipal affairs;
- consulting the community about the quality, range and impact of services and the available options for service delivery; and
- promoting and undertaking development in the municipality (SALGA 2014:6).

Apart from municipal councils, there are also committees and senior managers who must exercise oversight and accountability over municipal officials so that municipalities are able to meet their constitutional obligations and gain public trust. Depending on the type of municipality, the relevant office bearers are elected by

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the municipal council in terms of sections 36(2); 42(1); 48(1) and 55(1) of the *Municipal Structures Act.* The powers and functions of the executive mayor, the mayoral committee and the executive committee are as follows:

ii)   Executive Mayor

A significant participant in the current local government political-executive system is the executive mayor who is the political head of the municipality. The *Municipal Structures Act* (section 55) determines that an executive mayor must be elected by the municipal council, but only by municipalities with a mayoral executive system (RSA 1998:27). A mayoral executive system is a system of municipal government which is characterised by a powerful mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee (De Visser, Steytler & May 2009:11).

The powers and functions of the executive mayor are set out in section 56 of the *Municipal Structures Act* (RSA 1998:28). These powers and functions correspond with those of the executive committee as contained in section 44 of the *Municipal Structures Act*. The executive mayor is at the centre of the system of governance, with executive powers to manage the city or town and therefore has an overarching strategic and political responsibility (RSA 1998:25).

Section 60(1) (a) of the *Municipal Structures Act* determines that If a municipal council has more than nine members, the executive mayor must appoint a mayoral committee from amongst the councillors to assist the executive mayor (RSA 1998:30). The executive mayor may also, in terms of section 60 of the *Municipal Structures Act*, delegate responsibilities and powers to the respective members. In a case where a municipal council has designated a specific power or function to the executive mayor, it must be exercised and performed by him together with the other members of the mayoral committee (section 60(3) of the *Municipal Structures*

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Act) (RSA 1998:30). The executive mayor may also dismiss members of the mayoral committee.

As mentioned earlier, the functions and powers of the executive mayor are substantially the same as those entrusted to the executive committee. There are two major exceptions: firstly, the executive committee is the principal committee of council while the executive mayor is not and therefore receiving reports from other committees; and secondly, the executive mayor may perform ceremonial duties as the council may determine, but an executive committee cannot perform such function. Thus it could be argued that from a functional point of view the two types are largely comparable (Thornhill 2008a:501).

The offices of the executive mayor and the city manager should be linked to strengthen the implementation of political decisions. The combined office will ensure proper alignment of policy development, monitoring and evaluation, and alignment of programs and initiatives with the political agenda of the executive mayor and the mayoral committee (City of Johannesburg n.d:1). According to Bekink (2006:128), the mayoral executive system should provide for decisive leadership and rapid-decision making, which is useful in larger and complex municipalities.

iii)   Mayoral Committees

The mayoral committee functions like a cabinet at the local government sphere; each individual member has a responsibility for different aspects of municipal government. Powers are not only exercised by the committee, but can be delegated to committee members. Each member of the mayoral committee chairs a portfolio committee which is made up of councillors drawn from all political parties. According to section 60(1)(a)-(c) of the *Municipal Structures Act* the mayoral sub-committees were established to facilitate working relationships between the

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political leadership of the mayoral committee and the senior management of the municipal manager's team (RSA 1998:30).

iv) Executive Committees

The executive powers of local government are exercised either by an executive mayor (as explained above), or by an executive committee. Only municipalities with a collective executive system may establish an executive committee. A collective executive system is a system of local government where the exercise of the executive authority is through an executive committee in which the executive leadership of the municipality is collectively vested. Section 43 of the *Municipal Structures Act* stipulates that such a committee is elected by the council of the municipality and must be composed in such a way that parties and interests represented in council are represented in the executive committee in the same proportions as they are represented in council (RSA 1998:22)*.*

One member of the executive must be elected by the council as the mayor to act as its chairperson, but the mayor does not have greater power than other members of the committee (sections 45 & 48(6) of the *Municipal Structures Act*). According to section 44 of the *Municipal Structures Act* the executive committee must report on all its decisions to the council (RSA 1998:24).

The executive committee is the principal committee of council (where it has been established); receives reports from other committees and forwards them with comments to council; and may delegate duties and powers assigned to it by council to another member of the executive committee. It also has to obtain draft estimates of income and expenditure and submit these to the council. The executive committee must furthermore exercise control over the administrative authority of the municipality. Thornhill (2012:68) states that the executive committee of a

municipal council is a link between the council on the one hand, and the public (represented by political parties and interest groups) on the other.

A major difference between the executive committee and the mayoral committee is that the executive committee's members are elected by the council, but the mayoral committee's members are appointed by the executive mayor. Secondly, the executive committee serves for the term of the council, while the mayoral committee members serve for the term of the executive mayor. Thus, Thornhill (2012:66) argues that the mayoral committee system is comparable to the cabinet system, but with the main difference that the executive committee must report on all its decisions to council (as is the case with the executive committee).

It should be emphasised that the final executive authority of a municipality is vested in the municipal council. It may delegate functions and responsibilities to the executive arm of council, but the latter remains accountable for executive actions of the municipality.

v) Councillors

Section 22(1)(a) of the *Municipal Structures Act* describe councillors as representatives of the people due to their election by the registered voters (RSA 1998:16), and who receive their mandate to rule from the people (Mahviva 2007:121 in Surty 2010:14). This political arm of local government must formulate by-laws and council decisions and guide and monitor the activities of the municipal administration (Surty 2010:14). As already alluded to, councillors as a whole form the body that has governing power (municipal council); and individual councillors have no authority to make decisions or act on behalf of the council unless the council has made a specific delegation.

Municipal councillors are required to ensure that community issues are on the council's agenda. These councillors are involved in ratifying decisions made by the council through voting on issues such as resolutions, policy changes, the IDP and the annual budget. The above-mentioned activities provide them with opportunities to represent the interests of their constituents (Local Government Action 2015:2).

It is expected from councillors to communicate regularly with their constituents to get input into council decisions, understand and express the needs of the community and collect information on concerns related to municipal delivery and then report back to council. They should furthermore provide the community with information on the details of council meetings; ensure that the concerns of the community are taken seriously and that they are reflected in the IDP process (Local Government Action 2015:1).

The second category of executive institutions, namely the administrative executive institutions, has the following characteristics:

2.3.1.2   Administrative authority

The *Municipal Systems Act* (section 46) requires of the administration "… to be responsive to the needs of the local community; to facilitate a culture of public service and accountability amongst its staff; to perform its functions through operationally effective and administrative units; to assign clear responsibilities for the management of the administrative units and mechanisms; to delegate responsibilities to the most effective level within the administration; and establish a performance management system" (RSA 2000:32). The role of administrators is thus to understand and coordinate public policy and to interpret policy directives to the operating services. This role is essentially to give effect to the decisions taken by the politicians.

The numerous matters with which public institutions have to deal require that a variety of organs of state are established. The administrative authorities are the core of the public sector and they have to give effect to the decisions taken by the different legislatures at the three spheres of government, and in the case of the local government sphere, the political office bearers such as the executive mayors and municipal executive committees. The administrative activities of municipalities are usually undertaken by departments and divisions, and the functions are allocated to those departments and divisions on the basis of specialization. Health and engineering functions will therefore be allocated to the health department and the engineering department respectively (Du Toit, Knipe, Van Niekerk, Van der Waldt, & Doyle 2002:79). The activities or functions performed by the administrative executive institutions are collectively known as municipal administration.

The Guideline Document on the Roles and Responsibilities of Councillors and Officials issued by SALGA (2011:12-13) describes the administrative role of a municipality as follows:

- to implement the policies, strategies, plans, resolutions and legislation of the municipal council and the other spheres of government;
- to provide advice to the council, its structures and political office-bearers;
- to develop operational policies;
- to manage, operate and maintain the provision of services in a sustainable and equitable manner;
- to administer the municipality's affairs; and
- to manage the resources of the municipality.

According to Thornhill (2012:87), the activities undertaken by the administrative authority can be classified as follows:

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- generic administrative and managerial functions (e.g. policy making, organising, leading, reporting);
- instrumental functions (e.g. conducting meetings, negotiating, provisioning of offices, furniture, workshops); and
- line functions (e.g. professional/occupational work - nursing patients, building roads, etc.).

The above-mentioned functions can only be separated in theory, because in practice they are usually carried out simultaneously. However, in the public sector, a policy (on any matter) first needs to be approved and accepted by the legislature or other competent institution before any action can be undertaken. When a policy and objectives are in place, the other generic administrative functions, along with the instrumental- and line functions, can commence. Administrative functions may therefore also be referred to as *enabling* functions that create the system within which services have to be managed (Thornhill 2012:88).

The *Constitution* stipulates that a municipal council employs personnel that are necessary for the effective performance of its functions. Section 82 of the *Municipal Structures Act* obliges a municipal council to appoint a municipal manager who is the head of administration and also the accounting officer for the municipality (RSA 1998:33). Section 56 of the *Municipal Systems Act* also provides for the appointment of managers directly accountable to the municipal manager (RSA 2000:37).

i) Municipal Manager

The municipal manager is essentially the right-hand man of the executive committee, and is accountable to it for the effective and efficient management of the local government administration (those enabling functions required to give effect to the political decisions/policies), including the financial administration

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(Thornhill 2008:264). According to section 60 of the *MFMA*, he/she is the accounting officer of a municipality and must provide managerial and administrative guidance and advice to the political structures, office-bearers and officials of the municipality (RSA 2003:56).

A person appointed as municipal manager must have the relevant skills and expertise to perform the duties associated with the post as stipulated by section 82 (2) of the *Municipal Structures Act* (RSA 1998:33). According to section 51(i) of the *Municipal Systems Act* the municipality must organise its administration in such a manner that will enable it to hold the municipal manager accountable for the overall performance of the municipality (RSA 2000:34). This has two implications:

- the council must have the tools to demand explanation from the municipal manager and to review his/her performance; and
- the municipal manager must have the tools to manage the administration in such a way that he/she is able to account for the performance of the entire administration.

Section 55(1) of the *Municipal Systems Act* determines that the municipal manager, as head of the administration, is responsible for the formation and development of an economical, effective, efficient and accountable administration, which is equipped to implement the IDP; operates within the municipality's performance management system; and is responsive to the needs of the local community to participate in municipal affairs (RSA 2000:34). According to this section, the municipal manager's responsibility is subject to the policy directions of the municipal council. However, the municipal manager is not responsible for the policy, but for its implementation.

The municipal manager is furthermore responsible for managing the communication between the political structures and office-bearers and the

administration (section 55(1)(j) of the *Municipal Systems Act*) (RSA 2000:36). Section 51(i) of this Act determines that all instructions, queries and other forms of communication from the council, committees, the (executive) mayor or the speaker to the administration have to go through the office of the municipal manager, because the municipal manager is accountable for the entire municipal administration (RSA 2000:34).

In chapter 3 the interface between these role players and how it influences service delivery will be investigated.

2.4   The relations between the political and administrative offices

According to Cameron (2003:55), the relationship between the political and administrative arms of a municipality should not be viewed as a master-servant relationship, but is rather a multi-faceted and complex one. In South Africa, municipal councils exercise both legislative and executive functions and the rationale is to facilitate synergy between the elected representatives, the executive and administration and to enable a more responsive municipality that would result in efficient service delivery (SALGA 2014:9). The politicians/councillors and officials work together closely in a complex environment and uncertainty about their roles and responsibilities can lead to tension and conflict within a municipality.

Councillors cause difficulties with their undue interference in the administration which ultimately influences service delivery negatively. A further concern is the instances where management employees occupy positions in political parties which distort the reporting lines within the municipal administration. The municipal manager should not take the stance that he/she is in control of the municipality (to the exclusion of the executive), because it may harm the relationship and interaction between the politicians and the manager (SALGA 2014:11).

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As politicians have the power to legislate and are those who represent the people, they will carry out their responsibility for oversight to ensure that municipal administration is conducted impartially and neutrally. In addition, they will responsibly formulate, coordinate and decide upon policies for municipal administration while also engaging in the guidance and supervision of the bureaucrats.

On the other hand, bureaucrats, as servants of the entire nation, will respect the principle of political neutrality and primarily implement policies and undertake the execution of individual municipal administrative duties in keeping with their areas of expertise, based on laws and ordinances.

Politicians will take responsibility for formulating, coordinating, and deciding upon policies. In keeping with the needs of the residents grasped during the course of their duties, bureaucrats will assist politicians in formulating, coordinating, and deciding upon policies, such as through providing basic data and information for those policies, presenting multiple options, and so on.

Politicians and bureaucrats will have a relationship characterised by separate duties. They will act as one in executing their duties for the municipality and the residents, each on the basis of these separate duties.

Politicians and bureaucrats must each respect these separate roles for which they are responsible and always endeavour to create a relationship based on trust (Ministerial Conference 2009:1-2). To avoid role confusion, conflict and abuse of power within this system it demands checks and balances.

2.5   Importance of the local government sphere in South Africa

It is argued that no political system is considered to be complete and democratic if it does not have a system of local government. Local government has the potential

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to be the most transparent and accountable sphere of government in providing services to the citizenry (Shah 2007:15). Alam & Nickson (2006:1) believe that the local government sphere plays a constructive role in a society as agent of change and development. It is created deliberately to bring government to the grass roots, giving people a sense of involvement in the political processes controlling their lives.

The local government sphere is an essential factor in the social, political and economic structure of society; in proximity and value it is closest to the people and should be founded on the principles of promoting the interest of the communities, access and accountability. Successful local government enjoys high levels of confidence of the community and contribute materially to the growth of the local economy. Local government services are of fundamental importance to the growth, development and stability of a municipality (Craythorne 2006:153) and are aimed at satisfying the needs of the community.

The local government sphere in South Africa has undergone radical and almost continual transformation since 1994, which included a systematic overhaul of all previous local government policies and legislation. The *White Paper on Local Government* (1998) established the vision and framework of the local government system and served as the founding platform for the local government restructuring process (RSA 1998:2). Fundamental changes over the past few decades were made to ensure that the local communities receive a specific level of municipal services (Boshoff 2011:55).

It is the objective of the local government sphere to ensure service provision, the eradication of poverty, and the "improvement of social and economic living conditions for all" (Bekink 2006:27). The current local government system endeavours to achieve a local government decision making process that involves the community; and to provide essential services that are required by the community on a daily basis (Boshoff 2011:56). The challenge, however, is that the

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local government sphere plays an indispensable role in ensuring that municipal services are provided to the community in a financially sustainable manner and that there is equitable access to the municipal services to which the community is entitled.

2.6.   Conclusion

The local government sphere can be viewed as the most significant sphere of government as it provides a point of contact with their government for citizens. It is the only sphere of government that allows face-to-face engagement between citizens and their representatives. The local government sphere consists of municipalities which are complex institutions with wide-ranging powers and duties and are regulated by a broad statutory framework. These municipalities are categorised into different groups and types and are governed by politicians and appointed staff members. To reach the goal of ensuring service provision to the community, it is imperative that proper interaction between the above role players should be maintained.

CHAPTER 3:   POLITICAL AND ADMINISTRATIVE REALITIES IN THE FREE STATE PROVINCE

3.1   Introduction

At SALGA's 8th National Municipal Manager's Forum, Minister Gordhan stated that the complex processes of development, governance, transformation of life and living conditions take place within the local government sphere on a daily basis (Gordhan 2014:1). Therefore, it is within the areas under the jurisdiction of each of the 278 municipalities where educational, health, recreational, economic, housing, and other related activities take place daily. He stated: "This is the space in which our children grow to adulthood, where our talents are shaped, and our institutions operate and our wellbeing determined" (Gordhan 2014:1).

It is therefore of utmost importance that all the role-players in a municipality should know exactly what their respective functions are and how they should integrate their respective actions so that they can collectively address the challenges that a municipality faces.

In this chapter one of the most difficult issues to address in municipal administration and development, namely political and administrative relations and interaction. The importance of separating politics and administration for proper service provision will be highlighted and certain politics-administration model will be analysed. Lastly, the challenges that the municipalities in the Free State experience concerning service delivery, will be examined.

3.2   Separation of politics and administration

In the developing world scholars are also actively taking part in the discussions on the relations and interaction between politics and administration in democratic governments. This politics-administration debate amongst various political and

administration scholars is mostly about whether or not politics can be separated from administration and the key factors that affect the politics-administration relationship (Azunu 2013:4). The question of how to position (municipal) administration in relation to politics bears important implications for the institutional development of the (municipal) administration (Rutgers 1997:278).

Nalbandian (2000) did extensive research on the different models of politics and administration. He depicted the characteristics of politics and administration as follows:

Diagram 2: Characteristics of politics and administration

▪ Politics is about problem solving	▪ Administration also involves problem solving
▪ The players in politics are representatives	▪ The players in administration are experts
▪ In politics, conversation as a characteristic refers to passion, dreams, stories	▪ In administration conversation as a characteristic refers to data, goals, reports
▪ Politics includes intangible aspects (e.g. interests and symbols)	▪ Administration includes tangible aspects (e.g. information, money, people, equipment)
▪ Currency in politics refers to power	▪ Currency in administration refers to knowledge
▪ The dynamics of politics include conflict, compromise and change	▪ The dynamics of administration include predictability, cooperation and continuity

(Source: Nalbandian 2000)

Based on this research over the years, Nalbandian (2000) also drew up "The Model Relationship between council and staff". In this Model Relationship Nalbandian

(2000) depicted, on the one hand *"What the governing body (municipal council) expects from the staff"* which include, amongst others, communicating in lay terms, being aware of and sensitive to community values, making reliable, professional, factual and unemotional recommendations, demonstrating commitment to the organisation and the community and understanding the value and importance of citizen trust of the local government sphere.

On the other hand, Nalbandian (2000) indicated *"What the staff expects from the governing body (municipal council)"*. These aspects included:

- Broad policy direction (not involvement in day-to-day decisions)
- Respectful consideration for professional judgment and the staff personally
- Trust that staff's motives are oriented towards the public good
- Provide freedom and resources to staff to carry out their mission
- Speak as a body.

In this model he further classified the *"Obligations of the governing body (municipal council) to the staff"* which included:

- To back up the staff
- Trust staff's recommendations
- Respect staff expertise, training, and knowledge
- Provide leeway/autonomy in carrying out goals
- Educate the community
- Communicate their priorities as a body (Nalbandian 2000).

Lastly, the *"Obligations of the staff to the governing body (municipal council)"* were identified as:

- Do their job skilfully and with integrity

- Provide the best professional recommendations/encourage community input
- Maintain a professional character
- Demonstrate their commitment to the city/town and community
- Identify policy issues and take them to the municipal council
- Be responsive to the municipal council needs and requests
- Provide best practices and benchmark with high quality peer institutions
- Provide a range of options and explain consequences of policy recommendations
- Educate the council (Nalbandian 2000).

The relationship between administration/management and politics is multi-faceted and complex; it is not a servant-master relationship (Cameron 2003:55). This relationship is more complex on the local sphere mainly due to the fact that the issues involved in municipalities concern the communities' daily lives directly (Thornhill 2008a:507). Local governments exercise powers in order to execute functions as provided for in various acts; and in exercising these powers and functions they are rendering municipal services. Therefore, municipal service delivery needs to be understood as a fusion of applying power or authority by municipalities with the functions they are supposed to perform (Nkuna & Nemutanzhela 2012:366).

The African National Congress (ANC), through its National Executive Sub-committee, noted that the absence of separation of powers at municipal level results in a blurred line of accountability of the mayors and mayoral committees to the municipal council (African National Congress 2010:17), as the mayor and mayoral committee are part and parcel of the council. The accountability and oversight relationships at the local government sphere are not clear and straight forward and create a challenge in governance.

Lack of service delivery is observable and often results in direct calls to the municipal councillor who in turn tends to liaise directly with the manager concerned, or worse still, with the particular official involved. This practice tends to contribute to communication failures within the managerial system and detrimentally affects lines of authority within the system. It is necessary to consider the respective roles of the politicians and of the appointed personnel to be able to comprehend the administrative/political interaction and interface.

While it is critical for elected representatives and municipal managers to appreciate this separation of powers, in the real world the distinction between the two is often blurred. It is difficult to draw a line of demarcation between the policy formulation process and the implementation process (Svara 2001:176). Thus the challenge appears to be the need to define and strengthen the relationship between elected representatives and professional municipal managers rather than to separate them. The two are not incompatible nor are they performing conflicting roles, but rather reinforce and complement each other's role. Any simple division of government into politics and administration is simplistic and practically untenable. As Svara (2001:177) puts it: '...there is continuity between the political and administrative spheres, not a separation of the two, except as it applies to insulating administrative staff from partisan political interference'. Therefore, to ensure effective governance, both elected representatives and municipal managers should complement each other.

3.3   Politics-Administration Models

Researchers have identified different normative models to describe the politics-administration relationship (Dunn & Legge 2002:403), but the fundamental difference among them is the allocation of institutional authorities between elected officials and appointed administrators. Each model formulates a certain form of balance between political control and administrative discretion.

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The relationship between politicians (elected officials) and administrators (appointed officials) is the cornerstone to understanding the governing process and has always been highly debated in the public administration literature. Traditionally, the debate focuses on Weber's clear separation between politicians and administrators (Hansen & Ejersbo 2002:734).

This first model developed is Wilson's politics-administration dichotomy which is premised on the idea that (public) administration is somehow distinct from politics. Politics is about policy making, a set of activities that involves explicit value choices and is a process by which disagreements and conflicts are worked out. This policy-making process ends with laws and policies through legislation.

The purpose of politics is to provide political guidance to the administration. On the other hand, municipal administration is an instrument used for translating formulated policies into concrete results through the application of specialised knowledge and skills – i.e. bureaucratic expertise (Demir & Nyhan 2008:81). Administration applies special knowledge and skills called expertise and their purpose is to provide neutral competence to the policy process which refers to expertise, neutrality and hierarchy. Appointed officials must "understand the meaning of professionalism, the professional's desire to his expertise, to demonstrate his competence and to have it acknowledged" (Nalbandian & Edwards 1983:125). Expertise helps make policies sound and feasible. Municipal administrators make expert contributions to policy-making while maintaining a low political profile (neutrality) and minimising undue political influences through the hierarchical administrative structure. They must furthermore be capable of planning for the translation of policies into successful implementation programs. Policy implementation must take place in conformity with legislative intensions and instructions to ensure democratic accountability.

Elected officials provide political guidance through formulating and clarifying the public's preferences and communicating them to municipal administrators. Policy leadership links elected officials to citizens, while legislative oversight links elected officials to the municipal administrators. It can also be stated that elected officials oversee municipal administrators to ensure that policy implementation proceeds in conformity with legislative intentions and instructions. Legislative oversight helps to allocate resources and exercise some form of popular accountability on appointed administrators (Loveridge 1971). It also provides an opportunity to provide administrators with timely feedback regarding policy implementation.

This politics-administration dichotomy-model further assumes that elected leadership is eager to incorporate expert advice from administrators into the policy formation process. With expert contributions to the policy process, municipal administrators can minimise the influence of partisan politics. Elected officials, according to the dichotomy, are not seen as mere partisans that make decisions to satisfy particular interests, but rather to maximise public interest with assistance from expert administrators.

As explained by Loveridge (1971) "…employees and activities (need) to be non-partisan, apolitical, and void of any particular policy agenda," and "administering the affairs of the city with integrity and efficiency and loyalty to the council, without participating in or allowing their work to be affected by contending programmes or partisans".

The dichotomy model draws attention to the possibility that the political activities of administrative officials might pose a threat to elected officials' guiding function. Svara (1990) notes that there are three specific goals in advising a low political profile for municipal administrators:

- to minimise their identification with political positions;

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- to avoid undermining the political power of elected officials and by creating competition between elected officials and administrative officials regarding policy; and
- to keep the rough-and-tumble of politics away from administration to ensure rational administrative decisions rather than bargaining-based decisions.

The governing of local communities has become very challenging as a result of major changes taking place in the political, social, and economic environments and therefore the politics-administration dichotomy was contested. These complex and dynamic environments need a more collaborative mode of policy making that accepts shared roles and reciprocal influence between elected officials and professional administrators. Nalbandian (1999:190) argues that it underscores the importance of "connectedness", "communication", and "cooperation". The nature of these challenging environment forces municipal managers to undertake a broader and more potent role in policy-making.

An increasing number of authors have begun to point out that the mere separation of politics and administration is quite simplistic. They posit that empirical observations have actually challenged the simplistic separation by showing that both politicians and managers participate in policy making (Frederickson & Smith 2003, Svara 1998, 1999a, b, 2001, 2006).

Nalbandian (1994:535) emphasises that the "…complex political environment in which elected officials are trying to make decisions and exercise leadership is getting more complicated. If the purpose of professional staff is to support the governing body, in the future it must do so taking this complex environment into consideration". Complex environments increase uncertainty, stretch limited resources, put more pressure on decision makers, and require creative problem solving, all of which are grounds/justifications for shared responsibility. This

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perspective is in contrast with the politics-administration dichotomy where policy-making and implementation tasks are kept in separate hands (Martin 1988:632).

Thus, due to the vast amounts of empirical research that provided evidence against the dichotomy view (Demir & Nyhan 2008), some scholars have developed the complementarity view which allows shared roles between elected officials and municipal administrators with respect to policy-making and administration. Svara (2001:181) states that the emphasis is on ongoing interaction, shared responsibilities, and reciprocal influence.

The complementarity model treats the politics-administration relationship as a continuum rather than a dichotomy (Svara 2001:181) and suggests that the broader political questions should be framed by elected officials while entrusting professional managers with routine management functions. Duality is inherent in this model and implies the sharing of roles with respect to policy-making and administration. The relationship between elected officials and administrators could be seen as simply the interaction between political control and professional independence. Control involves the capacity to set direction and maintain oversight, while independence involves asserting professional perspectives in policy development and adhering to professional standards in implementation (Svara 2001:182).

Appointed officials (administrators) engage in questions that relate to policy-making, while elected officials contribute to administration by directing, shaping and overseeing policy implementation (Dunn & Legge 2002). This model is thus based on the premise that elected officials and administrators join together in the common pursuit of sound governance. Complementarity entails separate parts that come together in a mutually supportive way where the one part fills out the other to create a whole.

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Svara (1999b:677) confirms that complementarity stresses interdependence along with distinct roles; compliance along with independence; respect for political control along with a commitment to shape and implement policy in ways that promote the public interest; respect for and regard of elected incumbents along with adherence to the law and support for fair electoral competition; and appreciation of politics along with support for professional standards.

The usefulness of the dichotomy model lies in its intentions to protect municipal administration from interference by elected representatives and members of political parties in the day-to-day administrative activities (Svara 2001:178). It also helps to protect municipal administration from political patronage, where party political connections become the over-riding criteria in municipal personnel functions such as recruitment, transfer, training and promotion.

Svara (1999b:679) underlines that boundaries between politicians and managers are increasingly blurred and shifting to include both more administration and management in political matters and mission-definition in the sphere of management. Thus, politicians' and managers' roles can overlap where politicians can be involved in operational choices, while managers can be active in setting the policies (Svara 2001:179). The challenge is how to manage the relationship between elected representatives and municipal managers in a manner that ensures that the municipal service is not abused for narrow party political agendas, but remains an instrument of service delivery for the people as a whole, but under the policy direction of the ruling party.

In theory, elected representatives could dominate administrative practice, but the assumption is that in practice they will be constrained by a respect for administrative competence and commitment. Municipal managers could use their considerable resources to become self-directed, but it is assumed that they will be restrained by a commitment to accountability in the complementary relationship.

It can be concluded that complementarity is a conceptual framework which acknowledges different roles and responsibilities, but sees the need for interaction and interdependence. The administrative component needs political and strategic direction from the political head, and political heads need effective administrative machinery for the translation of the political programmes into government policy. The challenge is how to properly locate the public service within the broader political process and to ensure a relationship of complementarity between the two.

3.3.1 Integration of legislative and executive roles at the local government sphere

The *Constitution* has not expressly used the term separation of powers, but has made provisions which put into effect principles of the doctrine. According to section 43 (a) of the *Constitution* the legislative authority at national level is vested in Parliament (RSA 1996:24) and executive authority is vested in the President who is supported by the cabinet (section 83 of the *Constitution*) (RSA 1996:45). At provincial level section 43 (b) of the Constitution determines that the legislative power is vested in the provincial legislature and executive authority vested in the premier who is supported by the provincial executive council (section 125(1) of the *Constitution*) (RSA 1996:62). There is, in this case, a clear division of powers between the legislative and executive authorities of government at the national and provincial level.

At the local government sphere, however, section 151(2) of the *Constitution* has vested both legislative and executive powers in the council (RSA 1996:73). Section 11(1) of the *Municipal Systems Act*, in line with the constitutional provision, has also provided that executive and legislative authority of a municipality rests in the council of the municipality, subject to delegation (RSA 2000:17). In the plenary type of municipalities though, the executive authority is also exercised by the council. According to sections 44 and 104 of the *Constitution*, it is thus clear that the executive and the legislative authorities in the local government sphere are not

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complete separate branches as is the case in the national and provincial spheres of government.

The issues of separation of executive and legislative powers at local level and those of accountability, checks and balances, and oversight have been debated at various levels. The argument has been that the fusion/integration/combination of executive and legislative functions in the council as provided by section 151(2) of the *Constitution* leads to the lack of clarity on the roles of office bearers as well as lack of oversight (RSA 1996:74). The challenge in obtaining an effective interface lies in the politicisation of the administration and management. It appears as though councillors, and in particular executive mayors, tend to intervene in the administration of a municipality which causes normal administrative and managerial duties to become obscured/shadowed by political concerns. The concern often seems to be whether the municipal manager and senior managers will support the ruling party and not whether they will deliver services or satisfy the needs of the municipal community.

One of the first lessons to be learnt from the political/administrative interface is that role clarification is imperative. Secondly, politicians should not become involved in the administration of the municipality. In the third place, the municipal manager should not become involved in council's politics although he/she should be fully aware of the political motives driving the council and then make the necessary administrative arrangements to maintain accountable administration. A fourth lesson is that council should only appoint a Municipal Manager who is competent to perform the administrative and managerial responsibilities associated with the post. Lastly, mutual trust should exist between the executive mayor/council on the one hand and the Municipal manager on the other hand if the objectives of the municipality are to be realized effectively and efficiently (Sunday Independent 2014:3).

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During 2014 a Public Service Commission (PSC) report titled "*State of Human Resource, Grievance and Discipline Management in the Public Service*", found that Ministers and Members of the Executive Committee (MEC's) interfere in appointments and disciplinary hearings. They furthermore want to organise their departments according to their personal preferences and not according to government's strategic goals. The report cites, among the reasons for the political interference, a lack of trust, suspicion and abuse of power by ministers and MEC's (Sunday Independent 2014:1).

The report stated "(I)n many instances these restructuring processes tend to follow the preferences of the political and/or administrative principals instead of government and the departmental strategic priorities," reads the report. This results in organisational structures "not fit for purpose with dire consequences for service delivery" (Public Service Commission 2014:5).

It is furthermore noted that changes in political and administrative principals creates an environment where organisational structures are not aligned to the organisational objectives of departments and undermines the capacity of the departments to deliver on their mandate. "It is important to note that this challenge was ascribed to, amongst others, the constant restructuring of departments whenever there are changes at the political and/or administrative levels," the report emphasised (Public Service Commission 2014:7).

Concerned senior government officials asked the PSC to pay serious attention to this contentious issue and develop sustainable solutions. According to the report, there is also reluctance by executive authorities (ministers and MECs) to delegate human resource functions and authority to their administrative leaders (Directors-general and Heads of Department).

The PSC report confirmed that political interference in the disciplinary process is problematic and compromises the disciplinary management process (Public Service Commission 2014:8). Executive authorities, according to the report,

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"cherry pick" cases based on the individuals involved. "In some cases, alleged perpetrators are not subjected to a disciplinary inquiry because of their political connections, whilst another employee having committed a similar offence will be prosecuted," it observed. The PSC report suggests that ministers and MEC's should not be involved in the disciplinary process.

According to the Report labour relations officers were instructed by an executive authority to get rid of a particular employee, and because of fear of victimisation, the labour relations personnel often acted on these instructions. Advice provided by labour relations units on the management of discipline is not always taken into consideration (Public Service Commission 2014:11).

An interviewee mentioned that political interference in administration sometimes leads to low morale among public servants because some politicians allow their personal interests to influence their decisions. They have their own interests and because of party political interests, an official who follows a reasonable approach in developing a policy proposal might be embarrassed after months of hard work by a councillor who might not like the person who initiated the proposal. It is of utmost importance that the power and influence of formal and informal relationships in the work environment are never underestimated as they can impact negatively on the overall efficiency of a municipality and the public interest at large.

3.4 Service provision responsibilities of political and administrative authorities in the local government sphere

"The municipalities are the first door that our people knock on when they need assistance from government. When people are frustrated with the slow movement of the wheel of government they engage municipalities before other spheres. Citizens also blame municipalities for functions that they have no direct control over. For example, municipalities are blamed for dysfunctional schools, poor service at hospitals and the slow pace of building houses" (Zuma 2009).

An efficient and effective local government sphere are generally recognised as condition to enable municipalities to function and deliver on its mandates. Furthermore, the relationship and interface between the political and administrative bodies and individuals is essential to ensure that services are delivered to residents in a timely and effective manner (Commonwealth Good Governance 2011/12:31).

Municipalities perform the following functions entrusted to them by the provincial governments and Acts of Parliament:

- construction of drainage works to drain streets;
- provision of electricity and water;
- provision for the naming of streets;
- provision of water meters;
- control over the construction of buildings in the municipal area;
- combating contagious and infectious diseases;
- refuse removal;
- sewerage services also known as sanitary services;
- licensing of motor vehicles and the enforcement of traffic regulations;
- provision and maintenance of cemeteries; and
- the establishment and maintenance of parks and recreation grounds.

To be able to carry out this extensive list of functions it is critical that the executive mayor, municipal council, councillors, municipal manager and administration have a good understanding of their roles. These role-players in the municipality should know exactly what their respective functions are and how they should integrate their actions so that they can collectively address the challenges that the municipalities face (Stellenbosch Municipality n.d:54). Having a good understanding of these roles contributes significantly to good governance. Good relationships, which are based on understanding and agreements around roles, help the different elements of a local government to work together effectively.

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3.5 Service delivery protests

According to the Deputy Minister of CoGTA, Andries Nel, the local government sphere is a very important one because it is closest to the people and has the most direct impact on the quality of life of people in so far as it relates to the provision of basic services and the creation of an environment within which people live (The Citizen 2014:82). Being directly responsible for the provision of basic services to the relevant communities implies that municipalities must furthermore be able to address the challenges and increasing demands for improved services by the communities.

Though progress has been made in transforming the local government sector and rendering services to communities, challenges still prevail. A shortage of technical skills, poor recruitment practices and violent community protests are some of the challenges hampering the evolution of the local government sphere. The first few months of 2014 saw a wave of violent protests, often accompanied by the destruction of State property. According to Deputy Minister Nel, a breakdown of the protests demands during the first 2 months of 2014 shows that water (38%), housing (38%), electricity (23%) and sanitation (23%) are the major reasons for unhappiness. Fifty-four percent (54%) of the protests were in the metropolitan areas and 92% of the protests during 2014 were violent (The Citizen 2014:83).

Minister Nel also added that "(t)he failure of the authorities to respond positively to community demands often leads to protests. Corruption is mentioned by all the protest participants as a major concern in the operation of the local government sphere and recently, lack of employment is raised at protests" (The Citizen 2014:83). He also stated that local government authorities need to improve their communication with communities, because poor communication has been identified by both analysts and government as one of the challenges surrounding protests. An increase in service delivery protests illustrates a need to foster closer

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and more regular engagement between citizens and their public representatives (The Citizen 2014:83).

According to Kroukamp (2011:22) the reasons contributing towards inefficient (municipal) service delivery, are:

- the appointment of incompetent people to various positions;
- low capacity that can be attributed to weak personnel and system capacities due to insufficient skills bases, low compensation and poor human resource and operational policies;
- lack of co-ordination and integration of governmental activities;
- poor management systems coupled with organisational centralisation and top-down governance;
- municipalities' objectives exceed its capacities;
- a vulnerable political context that is not conducive to efficient systems;
- low transparency and poor participation;
- poor organisational evaluation and accountability mechanisms; and
- lack of communication with citizens.

There have been a number of government programmes to advance service delivery and institutional support and during the last decade significant progress has been made to deliver basic services to the people; however, significant backlogs still remain and it is clear that more needs to be done, and it needs to be done differently (Kroukamp 2011:23).

At the Presidential Local Government Summit of 2014 the Minister of Finance described a poorly functioning municipality as one where political and administrative instability and factionalism occur, where committees do not meet, fraud and corruption prevail, suspensions take place and vacancies are not filled, low service delivery levels prevail, outages occur, asset theft occurs, poor

maintenance causes service provision problems; where qualified/disclaimer audit results are obtained or non-submittal of audits occurs; where institutional management are poor - policies overridden, no delegations are used; and where a high number of community protests occurs. It is at these municipalities where residents/communities protest to show their dissatisfaction with the poor service provision (Gordhan 2014:3).

Municipal IQ's Municipal Hotspots Monitor (2015:1) shows that there have been 191 major service delivery protests staged against the local government sphere during 2014; occurring roughly at a rate of more than a protest every second day. More than fifteen percent (15%) of protests registered on the Municipal IQ's Municipal Hotspots Monitor since 2004 took place during 2014. There were slightly fewer protests during 2015; by the end of September of the specific year 129 protests were recorded.

Diagram 3: Major service delivery protests, by year (2004 – 30th September 2015)
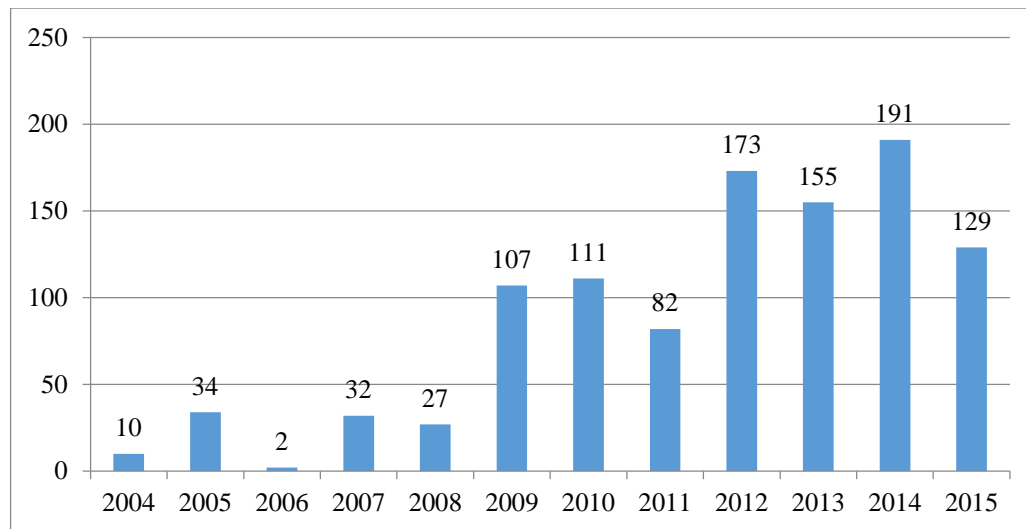
(Source: Municipal IQ Municipal Hotspots Monitor)

Municipal IQ's Hotspots Monitor records major protests staged by community members (identified to a particular ward) against a municipality, as recorded by the

media or other public domain sources. Protesters raise issues that are the responsibility or perceived responsibility of local government, such as councillor accountability, the quality and pace of basic service delivery, and in metro areas, housing (Municipal IQ Hotspots Monitor 2015:2). These protests take place to show a clear dissatisfaction with the management of a municipality. Against this background, the importance of improving municipal service delivery is clear.

According to the State President of South Africa, Mr. Zuma, the blurred political and administrative roles have hampered service delivery at the local level. Speaking at Freedom Day celebrations at the Union Buildings in Pretoria (27 April 2014), Mr. Zuma vowed to push ahead with local government reforms to achieve improved levels of service delivery. He stated that "(t)he blurring of the lines between the political and administrative aspects of governance has tended to affect service delivery in the outgoing municipal administrations".

Professor de Visser, coordinator of the Local Democracy, Peace and Human Security Project at the Community Law Centre at the University of Cape Town, believes that the root of the problems within municipalities lies in the "political-administrative interface".   He stated that "(p)olitical problems (including factionalism) immediately affect the administration and service delivery. Officials become despondent when they don't know who they are actually reporting to. There is a growing resentment among councillors who feel marginalised and lacking control" (De Visser 2009).

The extent, to which relevant legislation and policies delineate the roles of the different individuals in the executive- and administrative authorities, was explained in chapter 2. It might seem that this legislative framework makes provision for every aspect of each individual's roles and also the manner in which the different roles relates to one another. However, based on the interviewees' feedback, it became clear that the relationship between these individuals is far from ideal. In the next

section the role and importance of the separation of politics and administration in facilitating sound interaction between the political and administrative role players will be explained.

3.6 Interaction between the political and administrative authorities in the Free State Province local government

Statutory law establishes a system of municipal executives. The first and most popular system is the executive mayoral system (section 7(b) of the *Municipal Structures Act*) where the council elects an executive mayor who exercises all executive authority (RSA 1998:10). According to sections 54 to 60 of the *Municipal Structures Act* the executive mayor appoints a mayoral committee to assist him/her (RSA 1998:25-27). The second, less popular system is the collective executive system as stipulated by section 7(a) of the *Municipal Structures Act* where the council elects an executive committee that collectively exercises executive authority (RSA 1998:10).

Importantly, neither of the two forms of executive has any original executive authority. The council delegates parts of its executive authority to its executive mayor or executive committee. As the delegating authority, the council therefore remains ultimately responsible for the exercise of executive authority and has concurrent controlling powers over the executive.

An interviewee stated that there is currently political interference in the local government sphere in the Free State Province. The ideal situation is that the mayor and the council will be able to leave the implementation of programs in the capable hands of the appointed officials, but because incompetent municipal servants were appointed, they have to interfere in the implementation process. The political authorities become involved in the administrative processes due to the fact that they cannot trust the officials that were appointed. The political/administrative interface in the Free State Province experiences interference from politicians on a provincial level in the municipality's internal matters.

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Opposition councillors from all the municipalities that were included in the research confirmed that the link between political and administrative role players should be that the council should make the decisions on, for example, the budget and the administrators must compile this document and submit it for approval to the council (focus group, Mangaung Metropolitan Municipality). After its approval, the administrators must ensure that it gets implemented. The problem seems to be that politicians influence the budget and the IDP by only taking certain councillors inputs into account when compiling these documents (focus group, Mangaung Metropolitan Municipality). Certain items will receive preference above others, for instance councillors from a certain ward requested to include the building of speed bumps into the IDP of the municipality. This will be taken up in the IDP (part of the planning for future activities), but it will not be included in the budget of the municipality which means that no money will be made available during that specific financial year for the project. Due to this situation, councillors were forced to interfere and request the specific manager to use the R200 000 from their budget (allocated to wards for, amongst others, job creation) to build the speed bumps for the safety of the children crossing the road on a daily basis (focus group, Mangaung Metropolitan Municipality).

Politicians and administrators, especially in developing democracies, continue to struggle for supremacy within the governance system, and in most cases, this result in conflicts which obviously affect the overall performance of local authorities. The focus therefore falls on politics and administration and the interaction between elected members and appointed senior officials in this relationship.

In the Free State Province local government, the interference of politicians into the administration of municipalities creates problems and negatively influences service provision in this province. An interviewee of the ruling party confirmed in an interview that officials from high-ranking political circles receive direct instructions from Luthuli House (also known as Chief Albert Luthuli House which is the

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headquarters of the ANC and is used as a metonym for the national leadership of the ANC) and even the Premier to ensure that they enforce the will of the ruling party and not those decisions that were made in the specific council. Opposition councillors are not enough in number to try and stop the implementation and approval of the council's decision(s). Appointed officials are sometimes politically driven and do not implement programs that are in the best interests of the community.

Section 52 of the *Municipal Systems Act* stipulates that the respective roles and responsibilities of each political structure and political office bearer and the municipal manager must be defined in precise terms in writing and be acknowledged and given effect to in the rules, procedures and instructions and policy statements. The Act further states that in defining the areas of responsibility, the manner in which they must interact must be determined; appropriate lines of communication and reporting must be determined; and mechanisms, processes and procedures for interaction between the political structures and the municipal manager and other staff have to be clearly established (Thornhill 2008a:505).

Participants of a focus group discussion stated that they experience conflict due to interference by politicians in the operational management processes. This situation has a negative influence on accountability in their municipality. They explained that the council must determine policy and the direction for the municipality; they are also ultimately accountable for the outcomes of the municipality. The accounting officer and the appointed officials are responsible for the outputs. The current problem is the interference in the micro-management of the municipality, for example the involvement of councillors in the bidding/tender processes (operational aspects). Councillors and mayors should be viewed as "inexperienced", because they are not elected into position for their administrative expertise. However, they want to be part and interfere in these administrative aspects which demand certain skills.

The political and administrative authorities use different criteria for decision-making purposes. The administrative officials rely on technically defined and administratively feasible solutions, while the politicians align their decisions to consensus and the political advantages thereof (Liguori, Sicilia & Steccolini, 2009:2-3). An opposition councillor of the metropolitan municipality in the Free State Province said that administrators must ensure that they achieve the planned outcomes with their outputs. They must aim for value for money, effectiveness, efficiency and appropriateness. Their programmes should be evaluated to determine if they are appropriate. Although politics is largely "practiced" by politicians, even in determining the relative importance of a proposed policy, the possible administrative implications have to be considered. This is one of the occasions where the politicians have to liaise with the appointed officials and rely on their expertise. It is important to mention that Government can only keep its promises made in election campaigns and in policy statements if they can rely on the support of the appointed officials. The latter have to translate political decisions into actions and must thus ensure that policies become reality (Thornhill 2008b:179).

If there is a lack of trust or a lack of clarity regarding the respective responsibilities of the politicians and the administrators, the department cannot provide the services required. It should also be stated that to be able to separate the political and administrative functions to some extent, one has to assume that sufficient educated and talented people are available to fill both offices (Cameron 2003:58). If this condition cannot be met, a department cannot promote and achieve the policy objectives of the governing structure and will not be able to integrate political values into the administrative and managerial systems and *vice versa* (Thornhill 2012:65). Politicians must determine the broad guidelines of the council's objectives for the new financial year and the administrators have to budget and determine if funds are available for the implementation of these objectives; in other words the one 'group' determines what should be done while the other 'group'

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determines how it should be done. They should not get involved in each other's activities. Due to an unclear dividing line between the politicians and administrators, it is also not clear who to be held accountable. Administrative posts are politicised; candidates with political agendas are appointed instead of the best qualified candidates (Laubscher 2007:84).

3.7   Conclusion

It can be concluded that both politicians and administrators should work within their own parameters. Politicians should know their role in administration and when to intervene in administrative activities so that the professional administrators are in a position to carry out their day-to-day activities effectively and efficiently. It can be stated that politicians' main role is to guide the professional administrators by formulating municipal policy which has to be implemented by the administrators.

When the mayor and municipal manager have a good working relationship, it helps to promote good understanding and communication between the elected members and the administration and this, in turn, promotes good governance. Good relationships help the administration and councillors to anticipate, identify and resolve issues, contribute to good planning and create a positive organisational culture.

Trust is fundamental to the relationship between the political and executive leadership and it must be built using communication, understanding of each other's roles and open sharing of information. They should ideally share information that helps each other to do their jobs and, through discussion, gain a clear understanding about which kind of information is important. The power differential between the roles needs to be acknowledged.

Besides the lack of funding, municipalities can only perform as well as the administrators in charge. In those municipalities where there is a lack of managerial capacity the local authorities find it difficult to spend funds economically and

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efficiently and account for the money they spend. Not only does such a situation lend itself to abuse, particularly in impoverished communities where the position of a councillor or municipal manager opens up the possibility of creating patronage networks, it encourages unaccountability and non-transparent decision making where citizens are ignored by small political elites whose sole purpose quickly becomes to establish means of self-enrichment.

Administrative skills, particularly on budget matters, but also in terms of technical skill levels (for example construction and maintenance) are in short supply. Many of the municipalities do not fill important technical vacancies and therefore cannot acquire the necessary skills to fulfil their roles as providers of service.

The effort by government to turn the local government sphere into the agent of economic development has led to an unfortunate situation where certain political factions have taken control over municipal governance and are using this platform to foster their own self-interest. As a result, a lack of responsiveness to citizen grievances and outright nepotism and corruption are already widespread phenomena and need to be addressed urgently if they are not to spill over into great social and political unrest.

CHAPTER 4: POLITICAL AND ADMINISTRATIVE INTERACTION AND SERVICE PROVISION CHALLENGES AT MUNICIPALITIES IN THE FREE STATE PROVINCE

4.1   Introduction

Municipalities in South Africa are faced with increasing demands for improved services and competition for resources. The local government sphere is responsible for creating an environment in which citizens can thrive and the essential services that it provides are prerequisites for the economic growth of towns and cities, which can spur improved prosperity and enable future improvements in municipal services (as indicated in the NDP of South Africa). Public (including municipal) services are not a privilege in a civilised society, but a legitimate expectation; thus government institutions should ensure access to these services by all communities.

Efficient, competent municipalities are fundamental to addressing widespread grievances about service delivery. Appointing incompetent people to top posts pervades entire organisations as a result of unfitting top leadership and subsequently leads to low morale among officials when they observe that they do not receive incentives for excellent performance. The building of capacity and skills and the appointment of suitably qualified and competent employees and leaders have been identified as important building blocks in ensuring improvement in service delivery at local level.

The political system of local government draws a number of powerful bodies (for example councils) and individuals (for example councillors and senior managers) together, with one goal in mind, i.e. to provide good, effective and accountable government to the community. Role players (which may include citizens, politicians and senior managers) have specifically conferred powers, different mandates and may even have divergent personal views. This also includes the community with

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its many needs. These different and/or opposing views may be a recipe for confrontation. Relationships are formed whenever these role players interact with each other, ranging from the formal meeting of council to the simple conveyance of a resident's complaint (Stellenbosch Municipality n.d:54). Challenges faced by Free State Province municipalities due to poor relations and lack of interaction between the political and administrative leadership will be analysed.

4.2 Influence of relations and interaction between political-and administrative authorities on service provision

Section 53(5) of the *Municipal Systems Act* specifically determines that when defining the roles and areas of responsibility of the political structures, the political office bearers and those of the municipal manager, a municipality must determine:

- the relationship among the political structures and the political office bearers and the municipal manager and the manner in which they must interact;
- appropriate lines of accountability and reporting for the political structures and the political office bearers and the municipal manager;
- mechanisms, processes and procedures for minimizing unnecessary overlapping responsibilities between the two groups of role players;
- mechanisms, processes and procedures for resolving disputes; and
- mechanisms, processes and procedures for interaction between those political structures and office bearers; between the municipal manager and other staff members of the municipality; between councillors and the municipal manager; and between the council and other staff members of the municipality (RSA 2000:35).

The interaction between the above role players should be healthy/sturdy in order for a municipality to reach its purpose of enhancing and guaranteeing the general welfare of its inhabitants. In this relationship between the political and administrative authorities all the activities (financial and administrative) of a

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municipality should be geared towards the development of the local environment (Laubscher 2007:335). Excellent management on local government sphere demands a meaningful and close cooperation between the political office-bearers (for example, the municipal councillors and the Executive mayor) and the officials (for example, a Municipal manager and section 56 managers). Cooperation between these functionaries is of the utmost importance to ensure that municipalities will be managed with leadership that will testify of vision, insight, sustainability, effectiveness and efficiency.

Svara (2006:133) observes that interactions between political functionaries and administrators have the following characteristics:

- Political functionaries and administrators maintain distinct perspectives based on their unique values and the differences in their formal position;
- officials have partially overlapping functions as elected officials provide political oversight of administration and administrators are involved in policy making; and
- there is interdependency and reciprocal influence between elected officials and administrators.

It is critical to ensure that clear lines of authority concerning the political- and administrative leadership of a municipality exist between the municipal council (responsible for the approval of council policies), the executive mayor (responsible for the exercising of political leadership) and the municipal manager (accountable to the mayor and the council for effective and efficient policy execution).

It is clear that this relationship between political functionaries and administrators is dynamic and changing. The two sets of officials – and the political and administrative functions – are interlocked and tied together in an interdependent relationship in the governmental process. According to Hanekom and Thornhill (1994:37), the relationship between politicians and top officials (municipal

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managers and senior managers) depends on the nature of the political and administrative systems, the individual personalities involved and the strongest powers (dynamisms) in the system concerned at a given time. Politicians and top officials constitute a multi-disciplinary leadership and management team which is supposed to give direction to and supervise the implementation of government policies.

The development of politicians' and bureaucrats' roles and the unfolding of their relationship is a distinctive element of the evolution of the public sector (and the local government sphere) over time. This relationship is particularly important during the budgeting, accounting and control processes (Hansen & Ejersbo 2002:738). Municipalities are complex institutions with a wide range of powers and functions. The political and administrative authorities in municipalities are the people and structures responsible for the efficient running of a municipality, and they are the ones who must give account to the community with regard to poor service provision (Corruption Watch n.d:1). Challenges caused by the interaction between the politicians and the administrators which may hamper improved service provision will be analysed in the next sections.

4.2.1 Political authorities' influence on municipal service provision

According to Molomo and Semolokae (1998:209 in Hope & Semolokae 1998), politicians play a crucial role in the promotion of good governance and democracy. As representatives, they derive their mandate to rule from the people and must therefore serve them to the best of their ability. The political authority resides with legislators who formulate directives which will become a norm of conduct for others, create instruments by means of which these directives will be followed and instruments by means of which they will verify their execution.

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4.2.1.1 Municipal councils

As explained in chapter 2, the *Constitution* (sections 151 and 160) not only confers on a municipality the right to govern the affairs of the community within the municipal area, but also empowers the municipal council to make decisions concerning the exercise of all the powers and the performance of all the functions of a municipality. Therefore, the municipal council is the principal political structure and the ultimate executive decision maker of a municipality (Stellenbosch Municipality n.d:5). It plays a crucial role in directing the municipal administration by, amongst others, appointing the Municipal Manager and section 56 managers (senior managers directly accountable to the Municipal manager).

It is imperative to note that in the municipal sphere the council is both the legislative and executive authority (section 151(2) of the *Constitution* and section 11(1) of the *Municipal Systems Act*). These legislative and executive powers of council empower it to determine and administer local policies for the effective administration of certain matters (according to Schedules 4B and 5B of the *Constitution*) and to implement these local policies. This is different from the national and provincial governments where the legislature (Parliament and provincial legislature) makes laws and the executive (Cabinet and provincial executive council) implements them, which means that the legislature oversees the executive; therefore the dividing line between the political and administrative authorities on these spheres are better grasped and followed by the relevant role players.

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of their vast powers. The laws pertaining to the local government sphere contain numerous provisions requiring the executive and administration to report to council. Sections 56(5) and 63 of the *Municipal Structures Act* determine that the municipal council oversees the activities of the executive and administration by ensuring that the executive

mayor and municipal manager reports regularly and timeously to the council on all decisions taken (in terms of statutory and delegated powers) by the executive mayor (RSA 1998:26). The council must also ensure that the executive mayor consults the members of the mayoral committee on matters of importance (section 60(3) of the *Municipal Structures Act*) (RSA 1998:24). Furthermore, section 59(4) of the *Municipal Structures Act* determines that the council must ensure that the municipal manager personally takes decisions on important matters by not allowing delegation or sub-delegation of such power (RSA 1998:27)*.*

From the above, it may be argued that the object of oversight also includes avoidance of abuse of power and guarding against under-performance. The municipal council has important policy-setting and oversight roles especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities, and by-laws.

Good governance means that council must 'own' the strategic plans (e.g. the IDP) by being involved in its development and be committed to the outcomes. Merely rubber-stamping a draft put in front of it by an administration will not result in ownership. Plans that are 'owned' by council are more likely to be adhered to and will also better accommodate issues and ideas that can arise from time to time during the year (Governance Institute of Australia 2015:21).

The approach that council takes in fulfilling its role is important for good governance. Its focus should be high-level strategic- and policy oriented, for example council should set the policies and priorities for road maintenance rather than spend time on discussing what materials should be used on a specific road (Governance Institute of Australia 2015:20). This will prevent the municipal council from interfering in the day-to-day operations and management of the municipalities.

In two different focus group sessions it was stated that council planning is a particular challenge for democratic local government. Councillors will try to implement their (mandated) promises, but the challenge is to plan a way to deal with perceived individual mandates, manage community input, and respond to issues which come up from time to time and to ensure continuity and stability.

To ensure sound relationships between the decision-makers and administrators, open and inclusive processes are crucial during the planning process to ensure that:

- council consider and discuss issues raised by councillors;
- appropriate discussions take place between elected office-bearers and the administration for increased knowledge and understanding; and
- input from the community is considered early in the planning process (Governance Institute of Australia 2015:22).

When good governance processes are followed, councillors, administrations and the community are more likely to 'own' council decisions (Department of Transport, Planning and Local Infrastructure 2014:20-21). This 'ownership' is likely to improve the relationship between the decision-makers and the administrators and ultimately the quality of service delivery in the municipality.

The municipal council has the final decision-making power, while the municipal manager and other managerial staff are charged with the responsibility of ensuring that council is fully briefed on all administrative and executive activities. The municipal manager will ultimately be held accountable by the council if the policies or other policy decisions are not affected. Therefore, if the executive mayor neglects his overseeing function, the electorate will take the responsible elected representative and ultimately the council to task. However, these failures to act will ultimately have to be dealt with by council or one of its committees. Lack of clarity regarding this division of responsibilities often results in communities physically demonstrating their opposition to inefficiency and ineffectiveness.

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i)   Relationship between the Municipal Council and the administrative authority

The relationship between the council and the administration is one of the most complex relationships and critical to ensure good governance. Goodwill, the understanding of roles, communication, protocols/procedures and a good understanding of legislative requirements are the most important factors that might influence this relationship and determine the quality of services being delivered (Governance Institute of Australia 2015:1).

Both the council and administration must display commitment and goodwill to enhance their relationship. They need to believe that it is only possible to become a high-achieving municipality with a first-rate municipal council and an outstanding administration if they have the will to work through the different issues that they need to address (Reddy 2003:70).

It can be argued that the council and administration must have a good understanding of the different roles performed in the local government sphere. The administration must recognise the complex political environments in which municipal councils operate and councillors, on the other hand, need to understand that it is a highly complex task to prepare information and provide quality advice on a wide range of aspects.

4.2.1.2   Municipal councillors

The South African Local Government Association (SALGA 2011:59) specifies seven functions to be fulfilled by municipal councillors:

- to participate in policy-making and monitor the effective implementation of policy;

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- to represent community needs and expectations in an accountable and transparent manner;
- to communicate with the communities to ensure that they get their input into council decisions and to collect information on any serious concerns related to municipal service delivery;
- to fulfil their leadership responsibilities in executive positions such as that of mayor, executive mayor, member of the executive committee or executive mayoral committee;
- to behave ethically in accordance with the code of conduct contained in Schedule 1 of the *Municipal Systems Act*;
- to delegate certain council functions to the relevant committees with the aim of improving the efficiency of the council decision-making process; and
- to promote developmental local government.

Paradza, Mokwena and Richards (2010:11) describe the role of councillors broadly as follows: to provide residents with a progress report explaining the decisions made by the council in committing resources to development projects and programmes affecting the local community; to assess whether his particular municipality's programmes and plans are having their intended impact and whether services are being delivered fairly, effectively and in a sustainable manner; to determine whether capital projects meet the requirements of the council's IDP; and to maintain close contact with the community to ensure that the council is informed of all issues on the ground and to convey important information from the council to the residents. It can thus be confirmed that councillors should provide representation and leadership; promote participation in decision-making and exercise delegation and legislative powers (Paradza **et al**. 2010:12).

Based on the above, it can be argued that councillors serve as the interface between the citizens they represent and the municipal officials who draw up and implement development policies. The councillor does not only serve as the voice

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of the people to raise/express their community needs, but must act as a watchdog to ensure that the municipality implements policies to address the needs of citizens. He/she must furthermore perform these functions in good faith, honestly and in a transparent manner and at all times act in the best interest of the municipality (Craythorne 2003:101).

A distinction needs to be made between the two categories of councillors, i.e. ward councillors and Proportional Representation (PR) councillors. The PR councillor is elected through the Party lists and is primarily accountable to the party (Councillor Induction Programme: Handbook for Municipal Councillors 2006:54). The PR Councillor may interact with local and provincial party structures and may sometimes serve as a substitute chairperson on Ward Committees in cases where ward councillors cannot be present. PR Councillors are also allocated to wards to improve their accountability to communities.

Ward councillors, who are elected in a specific, geographically-defined ward, on the other hand, are expected to make sure that the concerns related to the wards they serve in are represented in council. Ward councillors are responsible for:

- giving ward residents progress reports (explaining council decisions affecting them);
- assessing the impact of the municipalities' programmes and plans;
- assessing whether service provision is being fair, effective and can be sustained;
- determining whether capital projects are being committed in accordance with the IPD Plan;
- staying in close contact with their constituencies; and
- conveying important information from council to residents (Councillor Induction Programme: Handbook for Municipal Councillors 2006:55).

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These councillors are therefore in the position to make recommendations to municipalities for the improvement of policies and programmes within the broad framework of developmental local government.

Municipal councillors are confronted with situations where they must make decisions and formulate policies that will actively influence the quality of inhabitants' lives. Botha (2001:18) declares that "(d)ue to the unique nature of municipalities and the normative standards that apply to public institutions, councillors are often dependent on officials for guidance, especially as far as municipal financial matters are concerned".

Elected officials can play an important part in assisting municipal managers in administration (Whitaker & Jenne 1995:89). Their involvement in administration helps clarify legislative goals and expectations, develop politically feasible solutions, reduce the gap between policy formulation and implementation, and enhances the overall effectiveness of policy implementation (Demir 2009:880). However, National Treasury (2006:30) determines that municipal councils "…cannot play an operational role, as this would interfere with the role of the executive (mayor or committee) and Municipal manager and weaken the accountability of officials".

Municipal councillors cannot become involved in the day-to-day administrative functions of a municipality, but it must be left to the administration of a municipality (under the competent leadership of the Municipal Manager). The governing functions are exclusively the function of a municipal council (Laubscher 2007:336). Section 93 of the *Municipal Structures Act* determines that the municipal councillors should not interfere with the administration or management of a department/section of a municipality, unless they have received a mandate from council (RSA 1998:38). This implies that certain communication and accountability channels should be determined and the respective roles that should be fulfilled by

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councillors and officials should be clearly and extensively explained. Furthermore, individual councillors have no authority to make decisions or act on behalf of the council unless the council has made a specific delegation. Councillors must work through the municipal manager in all matters involving both service delivery and municipal employees.

When councillors respect administrative competence, are eager to incorporate municipal managers' expertise into the policy making processes and do not interfere with routine management operations, it is likely that managers will be more willing to cooperate with their councils in the administrative domain (Demir 2009). The manager may even use council's involvement in administration as an opportunity to increase his own influence in the policy process by proposing changes to existing policies and/or proposing new policies (Palus & Yackee 2009). Further advantages of councillors' involvement in the administrative domain may be that it allows them to oversee policy implementation and to review and correct specific performance problems through fine tuning (Svara 2001:176).

Abney and Lauth (1982:438) identify three motives for elected officials' involvement (not interference) in administration:

- to obtain information about departmental programs;
- to represent the interests of constituents in matters related to departmental services; and
- to seek special treatment for their constituency or individual constituents.

Councillors furthermore help to keep the town/city in touch with the electorate, they serve as a pressure valve that helps to curb the tension of distressed constituents, they draw attention to specific breakdowns in systems and problems with municipal services, they promote consideration of a wider range of alternatives than

professionals might raise, and they deal with the political realities that surround many towns/cities (Svara 1999a:51).

Municipal managers are advised to increase their support for municipal councillors to improve the governing capacity of the councils. Several scholars already acknowledged that in many local governments councillors have become evidently ineffective in fulfilling their responsibilities in the governance process (Vogelsang-Coombs & Miller 1999). The most important remedy repeatedly voiced in the literature is to move municipal managers into a more supportive and educational role when interacting with councillors (Demir & Nyhan 2008:84; Nalbandian 1999:188). A municipal manager's support to his council will provide it with first-hand and accurate understanding of policy implementation, which, in turn, will increase its capacity to direct administration and shape policy implementation as it unfolds. This will depend largely on the municipal manager's frequent interaction with the council, communication, and information sharing.

The challenge, however, for both political functionaries and municipal managers is to keep their relations cooperative, based on mutual respect, understanding, and trust. Municipal managers need to develop important skills such as facilitation, situation analysis, and conflict resolution (Hansen & Ejersbo 2002:747). Political functionaries, on the other hand, need skills that will help them adopt a more strategic, longer-term, and broader perspective on policy problems, as opposed to short term and opportunistic orientation aimed only at increasing constituent support. Only when they are furnished with such skills can elected officials and municipal managers work together as a team under challenging conditions (Hans & Ejersbo 2002:748).

A critical factor playing a role in the dismal performance of councillors in service delivery and in negatively influencing the general state of local governance in many parts of the Free State Province is the internal division within the ANC and the

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faction fighting among party members and officials. For instance, an interviewee from an opposition party stated that portfolio committee meetings stopped because of factions in the ANC. Another interviewee from the ruling party (ANC) mentioned that he is being brought into discredit in his constituency by withholding municipal projects in his specific ward because of the faction he belongs to. It can be argued that the internal unity of the ANC is important for the political stability of the Republic of South Africa and for the effectiveness of the ANC as the ruling party.

Participants from the focus group discussions at the Mangaung Metropolitan Municipality all agreed that the fragmentation of the ANC in the Free State Province has had a negative impact on the majority of the municipalities' performance. They confirmed the importance of unity within the ruling party to enhance policy coherence, which in turn is important in the development planning and service delivery implementation processes. The essence of clarity among municipal officials about the administrative and political locations of power and accountability was also emphasised. Because of the nature of a councillor's role, they all have individual agendas and issues which they would like to pursue during their term. Despite their differences of opinion, councillors need to work together as members of the council to achieve the best outcomes for the municipality. Relationships between councillors are ideally characterised by mutual respect and an acknowledgement that they are all doing complex and important work. Good governance and the capacity for councillors to get things done depend on the quality of the relationships between them (Governance Institute of Australia 2015:30).

The relationship between the collective body (council) and the individual member (councillor) is generally one of ethics. A councillor must perform the functions of office in good faith, honestly and in a transparent manner and at all times act in the best interest of the municipality, in such a way that the credibility and integrity of the municipality are not compromised. The main factors that limit councillors' ability

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to facilitate the effective provision of services to its residents by the municipality include:

- conflict-ridden party politics in the municipality as well as in the province;
- unclear information flow and limitations in terms of access to information;
- lack of skills and portfolio-specific competencies; and
- ward demarcation and the geographical spread of constituencies (Governance Institute of Australia 2015:32).

If these challenges can be addressed over time, it might be possible to create an environment more conducive to the improved performance of councillors in their 'indirect' service delivery roles.

4.2.1.3 Executive mayor

Mayors are councillors elected by members of a municipal council. A mayor's power depends on whether the municipal council gives executive powers to him/her, or to an executive committee that includes the mayor as well as other elected councillors. In very small councils, with nine or less members, each councillor has both executive and legislative responsibilities. If executive powers are given to a committee, the mayor becomes the chairperson of the committee. The mayor then has the responsibility to set committee agendas and run meetings, but does not have greater power than the rest of the committee members (Mangaung Metropolitan Municipality n.d:26).

If the mayor has executive powers, he may appoint a mayoral committee. A mayoral committee is like a cabinet at the local government sphere. It is not obliged to hold its meetings in public or include other members of council.

The mayor oversees the implementation of council decisions and policy directives. The mayor must review the performance of the municipality to ensure its efficiency and effectiveness as well as the sustainability of service provision to communities.

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As such, the mayor is expected to have the necessary knowledge to understand the roles and responsibilities of the municipal manager (head of the municipal administration) and the skills to ensure that these roles and responsibilities are complied with (De Visser **et al.** 2009:11). Section 56(3) (f) of the *Municipal Structures Act* provides the office with significant oversight functions regarding the activities of the municipality and control over strategic planning (RSA 1998:26).

The executive mayor is not absolved of financial matters within a municipality. Apart from being responsible for the budget preparation process, (section 21(1) (a) of the *MFMA*) the executive mayor has to table the annual budget before council (section 16(2) of the *MFMA*) and is also responsible for informing the MEC for Finance in the province of non-compliance with provisions of the *MFMA* (section 27(3) of the *MFMA*). He/she has to provide general political guidance over the financial affairs, particularly the budget process of the municipality, (sections 52(a) and 53(1)(a) of the *MFMA*) and may monitor and oversee the execution of responsibilities assigned to the municipal manager and chief financial officer in terms of the *MFMA* (section 52(b) of the *MFMA*).

The mayor must further ensure that the municipality performs its functions within the limits of the municipality's approved budget (section 52(c) of the *MFMA*); must at the end of each quarter report to council on the financial status of the municipality (section 52(d) of the *MFMA*), and must act in accordance with any further delegated duties assigned to him/her (section 52(e) of the *MFMA*). All these roles require the mayor to have great skills and experience. As such, the mayor's position should go to the councillor best suited to the role. It should not be a reward for long service or the result of 'deals' between councillors or factional manoeuvring.

The relationship between the mayor and councillors is very important, because good leadership and good relationships contribute to effective participation of the councillors and good governance (positively affecting service provision efforts).

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The position of mayor requires great skill and expertise to encourage all the councillors to work together in the interests of the municipality as a whole, to provide guidance and support to individual councillors, and to assist in resolving disputes. The mayor must encourage all the councillors to work together as a cohesive governing body. Councillors must, in turn, show respect for the mayor despite differences of opinion or political allegiances. If councillors feel that their points of view are being heard, acknowledged and respected, they are more inclined to accept decisions that they do not agree with. They will also remain active and involved members of the group.

The mayor should also be the first point of contact for councillors who have particular goals they want to achieve on behalf of their constituents. One aspect of developing council and annual plans involves the need to bring together many diverse and sometimes conflicting goals. The mayor can assist this process by providing advice and support to individual councillors, and by facilitating communication and negotiations between councillors themselves and councillors and the administration. This ultimately helps councillors to represent the interests of their constituents and do their best to deliver on their election promises.

An interviewee from a district municipality in the Free State Province stated that it is important for a municipality to focus on strong leadership, the political-administration interface and to ensure adherence to all internal controls of audit. Leadership is important at a political and administrative level and is the glue that holds it together.

According to this interviewee, it is important to have a clear delegation of responsibility at a municipality. At municipalities where clean audits are obtained, there is no interference with administration or with the role of the municipal manager. It is critical to differentiate clearly between interference and intervention, because many municipalities can get caught up in these issues which cause

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problems. To ensure compliance with standard measures and controls, the municipal manager in this municipality holds regular staff meetings. This is in addition to the weekly meetings he holds with senior managers. He furthermore believes that it is critical that everyone at the municipality should know that there will be consequences for wrongdoing. Failure to perform will result in recourse and if employees contravene regulations, action will be taken. These are examples of decisive leadership: a good leader should rather be unpopular for good reasons.

Lastly, the interviewee pointed out that the views of the minority parties are not disregarded. They (all councillors) are a collective team and minority parties are able to make inputs. Ideas are used wherever they come from; all good ideas are considered and implemented if possible.

Good relationships form the glue for good governance. Councillors in particular rely on the cooperation and support of colleagues and the administration to achieve their goals. This cooperation is based on good relationships, and an understanding and acceptance of respective roles. The mayor is the ideal person to foster positive relationships between the various elements of local government by setting a good example. These include relationships between the mayor and councillors, council and the administration, and the mayor and municipal manager.

4.2.2 Administrative authorities' influence on municipal service provision

Administration and management could be defined as the enabling functions required to give effect to political decisions/policies. Administration, on the one hand, provides an enabling framework for the performance of duties and could be divided into:

- systems and processes for policy making;
- development of organizational structures;
- a system for the appointment and utilization of human resources;

- a system for the acquisition and utilization of financial resources;
- a system to ensure that work methods promote efficient and effective service delivery; and
- a system to ensure effective control and that public accountability can be maintained (Thornhill 2010:45).

Management, on the other hand, may be viewed as the way in which the system is operated. It includes, amongst others, the decisions taken regarding the different components of the system, as well as the way in which managerial staff operate to ensure that the resources are utilised effectively and efficiently by the line functionaries (Cloete in Parnell, Pieterse, Swilling & Wooldridge 2002:56).

Administrators in the local government sphere should have relevant knowledge and skills to run municipalities effectively and efficiently. Therefore, officials in municipalities must be development-oriented; provide services impartially, fairly and equitably; and the employment of officials must be based on ability and the capability of the candidate. An interviewee (with extensive experience in the provincial government) mentioned that administrators must ensure that their outputs will lead to realising the outcomes of the municipality. They must furthermore ensure cost effectiveness (value for money) in their operations. This means that the focus of administrators cannot only be on effectiveness, efficiency and economy, but should also include appropriateness. They need to evaluate programmes to ensure fitness for purpose.

The administration should support good governance by providing advice and support on consultation and engagement, establishing robust systems that refer complaints and queries to the relevant area, and maintaining responsive services and processes to further good governance (Governance Institute of Australia 2015:21).

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Politicians make political choices; however, these choices have to be considered within the framework of its administrative, managerial and technical feasibility. This is the domain of the senior managerial employees of the executive institution (Thornhill 2010:48). Public officials are appointed as a result of their expertise in the various functions executive institutions have to perform. The management echelon requires specialists in management and administration. Managers should manage and administer the affairs of an executive institution. It is important that council officers are able to help individual councillors where appropriate, without becoming involved in political activity or acting outside approved practices. Councillors, for their part, need to understand that the administration is fundamentally the public service of local government and is not there to promote the re-election prospects of individual councillors (SALGA 2014:13).

It can be recommended that actions aimed at enhancing a professional corps of officials who understand administrative tasks well and are capable of carrying them out, should be supported by municipalities. An increase in the number of qualified officials (recruited through an open and transparent process) will ensure a more effective municipal administration.

The connection between the administration and politics will always remain, as officials administer processes that serve political goals. The mutual relationship between administrators and politicians, who are elected officials, is important in view of proper functioning of the municipal administration, its professional standards, impartiality and social credibility. Officials and politicians frequently develop networks promoting common interests (Pastwa 2005:12).

The senior management officials are involved in the political arena within which the political office bearer operates. The managerial level is the actual area within which the politics-administrative interface operates, as these functions bring the two participating role players into direct contact with one another, creating the political-

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administrative interface (Pastwa 2005:12). Unfortunately, in practice, these senior managers are often appointed based on the fact that they are political activists. The ideal is to appoint candidates that are politically neutral. According to an interviewee appointments take place according to the ANC list which reflects possible successful candidates for senior positions in order of priority. The interviewee stated that the result is that appointments are often not based on qualifications and competencies of candidates. Managers should bear in mind that they are appointed to serve the broad community and not only certain sections thereof.

4.2.2.1   Municipal Manager

Whilst a large component of the responsibilities of the municipal manager is determined by council itself, legislation is specific on the duties imposed on the municipal manager. As head of the administration the municipal manager has a variety of statutory powers and duties (Mangaung Metropolitan Municipality n.d:42). His institutional powers and duties include, amongst others, to form and develop an economical, effective, efficient, accountable and performance driven administration for the municipality and to manage the administration in accordance with the provisions of the *Municipal Systems Act* and other applicable legislation.

Section 54(1)(a) of the *Municipal Systems Act* states that the municipal manager is the head of the administration of the municipality and section 55(1)(a) & (b) determine that he/she is accountable and responsible for the administration's formation, development and management in an efficient, economical and legislative compliant manner (RSA 2000:36-37).

Section 82 of the *Municipal Structures Act* obliges the municipal council to appoint the municipal manager and ensure that he/she has the relevant skills and experience (RSA 1998:33). He is responsible for the overall functioning of the administration; the day-to-day running of the municipal administration and for

ensuring that the policies, plans and budgets of council are implemented (Corruption Watch n.d:2). The municipal manager is furthermore responsible for managing the finances and for hiring and disciplining staff.

The municipal manager is accountable and reports directly to the executive mayor or council for implementing specifically agreed outputs and reports indirectly through the mayor to council for the overall administration of the municipality (National Treasury 2006:10). The executive mayor is responsible for approving the annual performance contract for the municipal manager and monitors his actual performance.

Whilst not being involved in the actual decision-making of the council, the municipal manager is tasked with the responsibility of advising the political structures and office bearers of the municipality (section 55(1)(i) of the *Municipal Systems Act*) and managing communications between the administration and political arms of the municipality (section 55(1)(j) of the *Municipal Systems Act*); while at the same time carrying out decisions of the political structures (section 55(1)(k) of the *Municipal Systems Act*) and implementing by-laws and legislation (section 55(1)(l) of the *Municipal Systems Act*).

An interviewee from the Mangaung Metropolitan Municipality confirmed that the objectives of the municipal manager's office are:

- the effective management of the city by ensuring that agreed political priorities are addressed;
- to ensure that citizens are given sufficient information and opportunity to participate in and influence the affairs of the municipality;
- to ensure that Mangaung has an Integrated Development Plan (IDP) and Budget (agreed with all stakeholders) which address the challenges of growth and redistribution;

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- to ensure that residents are informed and aware of the policies, services and activities of the municipality; and
- to ensure that the city complies with all prescribed legal requirements.

In the words of Minister Gordhan (2014:1), the responsibilities of the municipal managers are to work with citizens and different groupings in the community on a daily basis and to structure and manage their administration, budgeting and planning processes in such a manner that they prioritise the needs of the people. He further stated that the National Development Plan (NDP) is clear about where the local government sphere and municipal managers fit in in terms of the 2030 vision and in the context of a capable and developmental state of which the local government sphere is an essential part. The question that arises is about the type of manager that is required to achieve and realize the objectives of the NDP (Gordhan 2014:2). The NDP calls for:

- the professionalising of the public service to ensure that it is insulated from undue political interference;
- staff at all levels be afforded the authority, experience and support they require to fulfil their duties; and
- the development of graduate and development programmes should be looked into (to encourage skilled young people to be recruited into the local government sphere) (Gordhan 2014:3).

Based on the above requirements of the NDP an assessment of the qualifications of municipal managers was undertaken by CoGTA. Mr Gordhan confirmed that there are, for example, non-financial people occupying Chief Financial Officer (CFO) positions (people who know nothing about asset management work), people who have no qualification in engineering, doing technical work and people who have very poor or non-existent experience in managing, who manage a municipality (an extremely important and complex entity). One of CoGTA's

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objectives (at national level) is thus to standardise/regularize this situation and remove the difficulties that were created (Gordhan 2014:3).

Section 103(a) and (b) of the *MFMA* state that the municipal manager is compelled to report to the speaker of the council any interference by a councillor outside of his duties in the financial affairs of the municipality or in the responsibilities of the board of directors of the municipality (RSA 2003:72).

Considering that many problems in the local government sphere cut across politics, municipal managers need a political perspective on many administrative issues (Alford 2008). This may increase the effectiveness of administration and political acceptance of administrative decisions and action in the larger community. This perspective requires municipal managers to be more open with their elected officials and less protective of the administrative domain.

It may be concluded that the notion of a neutral municipal manager is a myth, as any ruling party governs on the basis of its election manifesto which is informed by the policies initiated by that particular political party. A 'neutral' municipal manager may not be able to cope with such challenges. It may be possible, however, to appoint a municipal manager who is not a card carrying member of a particular party but who would not necessarily be neutral. The need exists for the ruling party to deploy municipal managers who have a thorough understanding of its policy directives and basic skills for the job.

4.2.2.2 Senior managers reporting to the municipal manager (section 56 managers)

Senior managers reporting directly to the municipal manager are appointed by a municipal council and are responsible for the implementation of the decisions of a council. These officials are grouped in the respective departments/sections of a council and work under the leadership of the municipal manager. It is important to

emphasize that the formal contact persons between a municipal council and the administration of a municipality are the executive mayor and the municipal manager. It is therefore critical that an informal relationship should exist between "…each executive committee member and the matching head of department within the municipal administration, for example between the councillor responsible for health and the head of the health department" (Paralegal Manual – Local Government n.d:2).

According to section 56(a) of the *Municipal Systems Act* the municipal council must appoint senior managers, after consultation with the municipal manager (RSA 2000:36). If the municipal manager does not have satisfactory input in selecting candidates, establishing a good working relationship may be very difficult which may lead to poor service delivery outcomes.

Councillors are involved in appointing senior managers who report directly to the municipal manager. These managers make up the municipality's senior management team and are limited to the top structure of the municipality. Council should take utmost care in appointing section 56 managers. Section 56(b) of the *Municipal Systems Act* states that the managers appointed must have the relevant skills and expertise to perform the duties required by the position in question (RSA 2000:37). This senior management team has a critical role in the delivery of municipal services to the local community in a sustainable and equitable manner (National Treasury 2006:11), and therefore the municipal council should give considerable attention to the selection criteria for such positions developed by the municipal manager.

The appointment of the municipal manager and section 56 (senior) managers has direct bearing on the administration, as the municipality is dependent on a competent personnel corps that is separated from political structures, is minimally influenced and not susceptible to political manipulation.

It can be argued that council is the major authority to determine municipal policy. Although council is responsible for passing by-laws and resolutions (which could be regarded as written statements of policy), the municipal manager and other managers in the municipal departments, as well as civil society, contribute to the formulation of policy.

However, the position of section 56 managers remains an area of confusion, because they are appointed by the council, but report to the municipal manager. The law is not clear as to where the responsibility and authority lies to discipline these officials if they violate staff codes (De Visser **et al**. 2009:5). This is often an arena where politics and administration clash because these senior managers are political appointments. In a worst case scenario where the senior manager is an office-bearer in the structures of the ruling party, tension between the executive mayor and the municipal manager is likely to build up. It may be recommended that the responsibility for the appointment of senior managers be placed directly on the municipal manager, possibly in consultation with the mayor.

The primary role of the administration is to support the council, which includes implementing council's goals and strategies, managing the delivery of municipal services, and providing advice and support. The administration can enhance good governance by recognising and supporting the governance role of the council (Governance Institute of Australia 2015:1-2). Councillors rely on the administration for support, advice and assistance with the day-to-day activities of council. They also need help dealing with concerns raised by constituents.

Participants from a focus group discussion confirmed that there should be a sound/firm relationship between councillors and officials that resides in mutual trust, respect and specialised expertise/capabilities of municipal officials to serve councillors with advice, expertise and information. According to Botha (2001:18) "…in the absence of such a situation of trust, councillors will constantly be

suspicious and will not accept guidance from officials which will inevitably result in camps that devote most of their energies to opposing each other while the needs of residents are ignored".

It is critical that senior managers be equipped with the necessary knowledge and competencies about technical and specialised aspects of municipal matters to provide direction to councillors on policy matters. Appointed municipal officials are involved with the day-to-day administration of a municipality that leads to the fact that they are better informed about, for example, socio-economic issues (Ababio & Makgoba 2002:17).

Municipal councillors that do not have the necessary technical and specialised knowledge and competencies, rely heavily on the reports and other information from the respective senior managers to enable them to take balanced and rational decisions. Councillors have to constantly weigh up the recommendations of the officials against value judgements and community needs and interests. When council takes a final decision regarding a certain matter, it is expected of the officials to implement these decisions (taken up in programmes) as effectively and efficiently as possible.

Municipal managers play an integral role in local policy making because of their key positions as advisors to the elected officials and as full-time professionals. The issues city managers bring before the council, the information they present to support their recommendations, and the direction they provide to employees who carry out programs all thrust managers into the policy-making process (Feiock, Jeong & Kim 2003:619).

In particular, municipal managers are expected to play a key role in the formulation of economic development policy (Banovetz 1995; Wright 1969). Consequently, they have become such an integral part of the policy process that policy proposals

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frequently originate with the manager, rather than with the council (Morgan & Watson 1992:441).

The political-administrative relationship is inherently complex and the number of variables that can affect this relationship appear to be inexhaustible. The changing landscape of local governments, the lack of resources available to elected officials (e.g. time, staff, knowledge) and the increasingly complex nature of policy issues put overwhelming pressures on municipal managers to become more deeply involved in all phases and aspects of the policy-making process (Demir & Nyhan 2008:93; Nalbandian 1991). Consequently, these managers are expected to complement and contribute to the policy making process in a broad array of activities, including policy leadership, policy formulation, goal setting, and resource allocation (Demir 2009a).

According to an interviewee, senior managers are required to perform loyally the duties assigned to them by the government of the day, whatever its political persuasion. It is essential that councillors and the community members should have confidence that the personal views of municipal officials do not influence the performance of their official 'political' duties, given the role of the local authorities in developmental local government. The aim of the rules which govern the political activities by municipal officials is to allow them the greatest possible freedom to take part in municipal affairs consistent with their rights and duties as citizens (Institute of Contemporary British History n.d:23).

To conclude, the following causes of serious tensions and confusion between the executive mayor (political functionaries) and municipal managers can be highlighted:

- Municipal managers and executive mayors being members of different (opposing) political parties

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- Undue influence of political authority, i.e. executive mayor interfering in supply chain management processes
- Executive mayor and municipal managers being senior members of the same political party (leadership role clashes)
- Political authority (executive mayor) perceiving the municipal manager's salary to be higher than his
- The municipal manager being senior to the executive mayor outside the municipality, i.e. within the political party
- Alleged meddling and interfering of elected representatives in administrative matters
- Lack of understanding of institutional history by municipal functionaries
- Lack of understanding of technical issues by the elected representatives
- Political differences between the elected representatives and their municipal managers
- Strong participation in political issues by the municipal managers
- Seizing expert power by the municipal managers through intentionally misleading elected representatives maintaining a veil of secrecy, withholding information and delaying decisions.

Accommodating all of these complex, and at times opposing, roles is ongoing and constant. To ensure good governance, it is important to recognise and manage these pressures (Governance Institute of Australia 2015:23). According to an interviewee there has to be a relationship of trust between the administrative authority and the political office-bearers and the responsibilities need to be clearly set out. The importance to ensure clarity of roles and responsibilities in municipalities between elected and appointed officials cannot be overemphasised. These role players have to work together in order to promote the developmental role of the local government sphere.

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4.3 Challenges in the local government sphere due to poor political-administrative interaction

Municipalities form the backbone of service provision and as the first sphere of government it is also taxpayers' primary contact point with government. Should this sphere of government collapse, it would inevitably affect the provincial government's capability to govern successfully. If a province languishes/deteriorates, it increases the pressure on the country (Volksblad 2013:6). Gordhan (2014:5) stated that the challenges that the local government sphere in South Africa face include insufficient institutional capacity, a low rate of revenue collection, unskilled or incorrect personnel, slow service delivery, inadequate public participation, ward councillors and committees, and the social distance of officials.

According to the Auditor General South Africa, Mr. Makwetu (Auditor General Report - MFMA Free State Province 2015:1), the financial health of the Free State Province has deteriorated since the 2012/13 financial year. The province faces severe cash flow constraints, resulting in late payments to creditors. If the current situation is not addressed, this will have a significant impact on service delivery. He emphasised in the 2013/14 MFMA report for the Free State Province (2015:5) that the root causes for poor audit outcomes were key positions not being filled, key officials lacking the appropriate competence, inadequate consequences for poor performance and transgressions, and a slow response by leaders to address all of the above.

Hleko, the spokesperson for COPE in the Free State Province, stated that the Free State Provincial Government promotes corrupt officials (The Citizen 24 April:1). For instance, Dr Malakoane, MEC for Health, was accused of leading the Mafube municipality to bankruptcy, but was still promoted to MEC for Health in the Free State Province. Patricia Kopane (leader of the DA in the Free State Province), said that the ANC has no respect for the law and does not give account of its actions.

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"Those found guilty of corruption know that nothing will happen to them". She also stated that municipalities will not improve before competent officials are appointed. A shortage of people who are committed to quality work is the root of poor service provision.

According to an interviewee, internal political infighting is partly responsible for the poor performances of municipalities. The focus of municipal leaders should shift from leadership battles to that of service delivery, he said. Most of the municipalities lost focus of their service provision responsibilities, as they primarily focused on politics.

The interviewee furthermore stated that another concern relates to municipalities that failed to spend their 2015 capital budgets and thus compromised service delivery in the process. Capital projects amount to deliverable services, and without these projects the province will not be able to develop and improve on service delivery. It is unjustifiable that funds are being sent back to treasury while people are left without basic services.

The AGSA furthermore requested strong action against political leaders and municipal officials who, either purposefully or due to negligence, do not carry out their duties or do not act within legislative stipulations. He stated that the serious unwillingness to comply with legislation and transparent performance reporting prevent auditees from moving to clean audit outcomes (Auditor General Report - MFMA 2015:25).

Vacancies and the general incompetency of key officials affect service delivery in the province due to a shortage of skilled technical staff (engineers). Twelve (44%) auditees did not have any engineering staff, while at eight of auditees (30%) only some of the engineering positions had been filled. The shortage of skilled technical staff had an impact on service delivery as the infrastructure to deliver services was

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not adequately maintained or upgraded (Auditor General Report – MFMA 2015:26).

At 74% of the municipalities, the AGSA identified a lack of consequences for officials who fail to perform their tasks or who behave unethically when carrying out their official duties. "The management does not hold personnel accountable for poor quality work, because no performance management programs were implemented or did not function properly" (Auditor General Report - MFMA 2015:51). It is critical for the political and administrative leadership to be proactive in implementing performance reviews and following up poor performance in order to ensure a culture of accountability.

Although goods and services were delivered in most cases, the critical aspect of value for money/cost effectiveness could not be confirmed.

Challenges faced by municipalities in the Free State Province thus include the following:

- The fact that current service provision should be considered against a background of a global economic crisis, which means that the necessary resources needed to fulfil set goals are extremely limited. Many municipalities are bankrupt, many people are unemployed and cannot pay for services which means revenue collection is stagnant and the tax base has shrunk.

- Many municipalities face a deep crisis of governance due to political power struggles which cause the affected municipalities to be dysfunctional. The gap between the political and administrative authorities widens, which lead to alienation and frustration which is often reflected in violent service delivery protests.

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- The strengthening of the basic administrative systems (which are absent in some municipalities) should receive immediate attention. The capacity to collect revenue that is critical for providing basic services must be urgently addressed. Weak financial management, which often results in irregular expenditure, corruption, and adverse audit outcomes by the Auditor General, is another concern that needs to be addressed. Part of the solution might be to creatively look into strengthening institutional capacity through skills acquisition and development. Ways must be found to attract the best technical, managerial and financial minds to municipalities to affect a turnaround (McKinley 2011:2).

During the 2011 Local Government Budgets and Expenditure Review (2011:10) certain key concerns were identified:

- the quality of governance is critical to meeting service requirements; therefore more competent senior managers are needed;
- the frequent turnover of senior management weakens continuity in a department;
- municipal budgets must be funded and realistic – bring operating expenditures down and focus on priority spending;
- the maintenance of existing assets needs urgent attention – key technical skills are required (qualified managers, engineers and technicians) and weak asset management systems need to be improved;
- own funding of capital budgets needs to increase – local municipalities are not adequately leveraging private finance to fund economic infrastructure; and
- reconsider the approach to poverty alleviation, because the current modes of service delivery are too expensive and unsustainable, especially for poor households in rural areas.

The following areas of concern have been identified in terms of the service delivery of municipalities in the Free State Province:

- the net current liability position of the local municipalities (that are primarily responsible for service delivery) is R2 billion;
- financial pressure is created by the fact that it takes local municipalities an average of 583 days to collect amounts owed to them, but payments are made to creditors within an average of 190 days, a period that is almost three times shorter.
- to compensate for this negative cash flow some municipalities have resorted to using conditional grants to fund operating activities, which is indicative of a 31% decline in capital expenditure.

After results of the audit outcomes released in August 2014 had indicated that nine out of 10 municipalities were irregularly spending public money, SALGA indicated that they will supply support to these municipalities that are in "the intensive care unit" (Business Day Live 1 August 2014:1).

The intervention by SALGA would focus on building institutional capacity, improving financial management, leadership coaching, and governance. The Chief Executive Officer of SALGA, Xolile George, confirmed that the focused intervention would start with 35 municipalities — six in Limpopo, five in the Northern Cape, four each in the Eastern Cape, KwaZulu-Natal, North West and the Free State Province, three in Mpumalanga and the Western Cape, and two in Gauteng. Mr George said that each municipality would receive a customised support plan that would be discussed and agreed with the municipality.

Furthermore, the Independent Municipal and Allied Trade Union (Imatu) mentioned that further improvement in the finances of municipalities "can only take place when municipal management commits to taking ownership of municipal performance

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practices, insists on adequately qualified staff, roots out corruption and provides strong leadership" (Business Day Live 1 August 2014).

"The Auditor General's findings mirror the issues we are trying to address. Every year our members are promised that supply chain management and financial controls will improve, corruption and nepotism will be tackled, and vacancies will be filled (Business Day Live 1 August 2014). It is very difficult for workers to achieve effective service delivery while these issues continue to go unaddressed," said Imatu general secretary Johan Koen. He furthermore said that it had become "difficult … to understand how municipal managers continue to be awarded huge salaries and performance bonuses in the face of these dismal results" (Business Day Live 1 August 2014).

Another extremely critical challenge is the different capacities of the municipalities in the country, as well as the social and economic challenges that they have to address. Depending on the different challenges, it will be necessary for each municipality to focus and improve on the responsibilities that they are able to deliver (Mgwebi n.d:1-3).

Furthermore, one of the major concerns faced by municipalities is the serious leadership and governance deficiency in municipalities, including weak responsiveness and accountability to communities. Closely related to these are the high rate of financial mismanagement (including corruption), inadequate human resources to ensure professional administrations; and positive relations between labour, management and councils. Municipalities also fail to fulfil legal requirements to ensure the active participation of communities in local government processes.

Ratings Africa is a ratings agency that undertakes surveys to measure the success of municipalities and the outcomes serve as a good indication of the general level

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of service provision in the country. Municipalities' financial positions, the management of liabilities and liquidity and working capital were measured; in other words, the municipalities' ability to manage taxpayers' money purposefully. The national average of 45 out of 100 sheds a poor light on the political leaders of the local government sphere (Moneyweb 2016:1).

Municipalities in the Free State Province received the lowest rating – 32 out of 100. It is noticeable how many of the Free State Province municipalities that were included in the rating, experienced community protests in the recent past as a result of poor service delivery. These municipalities included Metsimaholo (Sasolburg), Ngwathe (Parys) and Setsotso (Ficksburg). These protests should serve as indication to the local and provincial governments that residents are slowly but surely losing their patience with empty promises about a better quality life (Moneyweb 2016:1).

At the core of the poor performance is poor financial management which can be traced back to the appointment of incompetent officials. Cadre deployment and/or political appointments seem to be more important than the noble calling to provide a service to the community. This results in a situation where individuals enrich themselves while infrastructure and services around them fall apart.

The ability of a council to collect taxes is as critical as its ability to spend the money to the advantage of the taxpayers. Unfortunately, the feedback provided from the survey of Ratings Africa, confirms the taxpayers' worst suspicions – that politics and self-enrichment seem to be of higher importance than the welfare and wellbeing of the residents of the Free State Province.

It is questionable whether the current functions and powers of the local government sphere are sufficient to achieve the developmental goals set out in the *Constitution* and the NDP. There is a need to look, on a case-by-case basis, at the scope for

transferring certain functions, such as housing, public transport and land use planning, to the local government sphere. A lack of clarity about the powers and functions of the local government sphere impedes progress in service delivery across a range of municipalities. In many cases, it has led to municipalities being saddled with a burden of "unfunded mandates" in areas such as housing, libraries, roads, water treatment and other infrastructure.

Even though non-metropolitan municipalities are making progress with regard to financial governance, they continue to face a number of challenges which include a low revenue base, limited fiscal transfers, an inability to attract and retain appropriately qualified personnel, an absence of appropriate financial management systems and difficulties with revenue collection (National Planning Commission Online 2012:2). Many rural municipalities may find it difficult to recruit suitably qualified staff due to the combined effect of the shortage of certain skills and a rigid approach to employment equity. Skilled professionals are reluctant to take up posts in highly politicised municipal workplaces.

Cadre deployment in the country is also a concern for local governments. The deployed cadres are perceived to have crippled service delivery in several municipalities. Zille (SA Today 2009:2) argues that indications from municipalities are that many of the distresses they experience are a consequence of the deployment practice.   He further states that what the strange practice of 'deployment' ignores is the fact that the ANC is the strategic centre of power and is not meant to micromanage government.

A Human Sciences Research Council's study (The Times 13 July 2012) found that "the ANC's deployment strategy systematically places loyalty ahead of merit and even competence ... a serious obstacle to an efficient public service" and the appointment of politically connected, incompetent and unqualified people to positions has led to low morale in the public sector. Shiceka (Sunday Times 13

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December 2009) admitted that "(i)n local government we don't have the best cadres, although it is the most important sphere." He/she suggested that municipal managers should be barred from holding political office.

The ANC accepts that if it wants to go forward it should "... ensure that no cadre is deployed into a position without any proper training and preparation, (and) ... most of our deployed cadres have been found wanting on issues of ethics and integrity," as "(we) have been deploying comrades into positions of serious responsibility and authority without adequate preparation ..." (Sowetan 30 March 2012).

To tackle the problem of deployment it is suggested that political parties promote and enhance the institutional integrity of municipalities by ensuring that elected representatives deployed in municipalities are well trained, inducted and have the capacity and integrity to provide leadership in the best interest of communities (CoGTA 2009:21-22).

In African countries many problems are associated with the use of political patronage to appoint public officials. Chazan, Mortimer, Ravenhill and Rothchild (1992:180-181) identify the disadvantages of using political support/patronage to appoint public officials (specifically in African countries) as follows:

- Political corruption (practices aimed at diverting resources from public coffers to private hands, e.g. bribery) is common.
- Inefficiency seems to be another common problem associated with political patronage. Many transactions undertaken are aimed at acquiring support and therefore allocations are often not made according to the principles of cost efficiency or productivity.
- Political appointments (linkages) encourage passivity, because they nurture the idea of the private consumption of supposedly public goods and too little

is done to initiate innovative plans of how these public goods may be expanded.

The Local Government Turnaround Strategy (CoGTA 2009:18) identified the root cause of much of municipal failure to political parties that undermine the integrity and functioning of municipal councils through intra- and interparty conflicts and inappropriate interference in councils and administration.

The main effects of a poor relationship between the political role players and the administrators are far-reaching and have a direct influence on municipal service delivery. A brief explanation of these effects follows in the next paragraphs.

Over-politicisation refers to situations where newly appointed municipal managers request for the transfer of senior managers (directors). These requests for transfers are often based on differences in terms of age, qualifications and perceived political differences (instead of performance). An interviewee indicated that one of the senior managers (a colleague) had resigned to avoid the "humiliation" of being transferred. The administrators are supposed to remain generally neutral and non-partisan, but some exacerbated the problem of transfers by openly exhibiting/revealing their political affiliation.

The poor relationship between politicians and administrators has led to high levels of administrative turnover in the local government sphere. The first type of turnover is early ('forced') retirement of administrators and the second type involves moving these officials to a different department. One of the participants from a focus group mentioned that he simply falls in with the notions of the politicians rather than trying to prevent the politicians from being involved in the administrative matters of the department. Unfortunately, this situation makes it difficult to keep someone accountable and to assign blame when an administrative problem occurs.

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The instability caused by the high administrative turnover affects the department's policy direction and the robust implementation of programmes. Another interviewee explained that every time that a new manager is appointed it takes time for him to get acquainted with the specific department's terrain and this situation leads to the slowing down of the implementation of the department's programs. It was also mentioned that frequent changes in top management negatively affect the building of an excellent team in the department. The new manager needs time to get to know the existing team members' skills and competencies in order to guide his team by taking appropriate action. It can be concluded that frequent turnovers of senior managers have a negative impact on the overall performance of the municipality.

An issue that seems to emerge into the politics-bureaucracy interface is perceived organizational disloyalty, in other words, being disloyal in terms of the faithfulness and devotion of the bureaucrat in relation to his clients (the politician, fellow bureaucrats, and the inhabitants). Without such loyalty it is impossible for the organization to achieve its goals. It is thus believed that employees who are loyal and enthusiastic will work dedicatedly and to the best of their ability.

The mentioned failures of the local government sphere have resulted in regular service delivery backlogs and protests throughout the country. As a result, there is a general negative perception regarding the overall performance of the municipal governments and indeed the entire local government system.

4.4 Conclusion

The core function of the local sphere of government is service delivery and municipal councils are key participants in ensuring that the objectives of government are achieved. The current local government system in South Africa has come under severe scrutiny/criticism, specifically the management of the system and the leadership applied to it. The notion of an independent and

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depoliticised municipal service does not match reality. The municipal service is expected to embrace the policy agenda of the governing party and this, by itself, draws the municipal service into politics. To effectively execute their professional mandates, municipal managers are expected to be appreciative of, and responsive to, the political context within which municipal administration takes place. It may be theoretically possible to separate politics from administration, albeit extremely difficult in practice.

On the one hand, the municipal manager is formally accountable to the council as its employee. Councillors, sitting as council, are therefore responsible for both employing the municipal manager and for managing performance. On the other hand, the municipal manager is a source of valuable support and assistance to councillors, particularly when there are issues in their wards.

The political nature of the local sphere of government means that the relationship between municipal councillors and senior municipal officials is often a complicated one, especially in view of the deployment policy.

While the formal relationship is very important, it is equally important for councillors and municipal managers to create positive working relationships. They are generally in regular contact to share information, discuss issues and manage problems. As with the relationship between the mayor and the municipal manager, there needs to be trust between both groups. This trust should be based on good communication and an understanding of each other's roles and functions.

The appointment of qualified and experienced personnel, the transparency of tender and procurement systems should be ensured and the levels of financial management and accountability should be improved. Ways to manage the relations between councillors and municipal officials in a better manner should also be found.

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The challenge for the Free State Province remains to build a public service characterised by transparent financial management and performance reporting. These aspects should be led by municipal managers with the councils' support and oversight. Municipal managers must demand/expect ethical and professional behaviour, and have zero tolerance for the indecisive execution of controls and deviation from legislation. A performance management system needs to flow from measuring the strategic objectives to measuring the performance of each municipal employee. This will ensure that staff is held accountable for poor performance or transgressions.

CHAPTER 5: POLITICAL AND ADMINISTRATIVE LEADERSHIP TO ENHANCE GOOD GOVERNANCE AND SERVICE EXCELLENCE

5.1   Introduction

Municipalities operate in a fast changing and complex environment that demands quality, value for money and social justice. Each municipality is furthermore unique in terms of its socio-economic, cultural and political environments which pose additional challenges to the administrative and political leaders. Many changes have been sweeping through the local government sphere. These include the increasing emphasis on governance as opposed to government; the introduction of new forms of strategic and corporate planning (the King III report); the growing importance of closer engagement with a broad range of stakeholders; and the perceived need for stronger political and community leadership.

Service delivery remains one of the biggest challenges that the South African government faces. In the 22 years of democracy there has been some progress in certain key sectors like education and health; however, at the local government sphere the quality and efficient delivery of basic services (such as water, sanitation, housing and electricity) to people remains a major challenge. The increasing number of violent service delivery protests across the country serves as an indication of people's frustration with the slow pace of service delivery and with the corrupt practices that have become prevalent in many municipalities.

The institutional performance of municipalities is worrying - poor financial and administrative management, weak technical and planning capacity, weak leadership and governance (for example, contracts awarded to employees, councillors and other government officials) and decreasing revenues. Effective service delivery requires an efficient and accountable administration devoid of red tape with strong anti-corruption and compliance measures.

The role of local government leadership and the responsibility placed upon political and administrative leaders necessitates ethical values of responsibility, accountability, fairness and transparency as underpinning governance principles. It can be argued that accountability is the fundamental prerequisite for preventing the abuse of power and for ensuring that power is directed towards the achievement of efficiency, effectiveness, responsiveness and transparency. Open, transparent and accountable government is an imperative prerequisite for community-oriented municipal service delivery because without it covert unethical behaviour will result.

Unethical conduct, especially in developing countries, is of major concern for governments, organisations and the public because of the effect it has on service delivery. Corruption and ineffective service delivery seem to be the two main causes of the lack of ethical conduct. By eliminating the incentives leading to corruption, a culture of ethical behaviour could be established to accomplish a strong correlation between ethics and sustainable performance in efficient service delivery. The challenge seems to be to lead people to more ethical behaviour.

A municipality is like any other organization; therefore, what applies to accountable and efficient actions of any organization applies to a municipality as well. These may include a clear division of the roles and responsibilities of relevant role players, defined working procedures, planning and determining services according to the needs and requirements of the residents/communities, financial management that enhances accountability, transparency, and development of staff, sound communication, and determining the satisfaction of residents/communities with service provision.

5.2   Good local governance

Governance refers to the processes, procedures/protocols, conduct and relationships involved in decision-making and the processes by which decisions

are implemented (or not implemented). Therefore, governance is about the way in which municipalities or local governments operate as decision-making bodies and their relationship with the administration which advises council and implements its decisions. It furthermore includes the ways that the local government sphere engages with their communities in the governing process. Local governance is based on democratic governance and must be understood in the light of councillors being democratically elected as community representatives (Exiner 2004:3).

Worldwide there is a general agreement that good governance is based on the crucial values of fairness, accountability, responsibility and transparency. *Fairness* implies that in making any decisions, municipalities must give due consideration to the interests of all their stakeholders and communities. *Accountability* refers to the ability of all municipal employees to properly explain and justify their actions, while *responsibility* can be described as the obligation of management and all employees to take good care of the municipal assets at their disposal as well as of all the funds and interests of their stakeholders (Witthöft n.d:14). In the last instance, *transparency* relates to the ease with which an outsider can gain a reliable view of the actions and decisions of public sector institutions, which implies proper disclosure of not only financial performance, but also of social and environmental performance. A truly inclusive system of good governance can only be realised when management and employees properly adhere to these four cardinal values (Witthöft n.d:15).

Thus, the main characteristics of good governance may include:

- **accountability** (the local government sphere is obliged to report, explain and give account on the consequences of the decisions it has made on behalf of the community it represents);
- **transparency** (residents must be able to clearly understand how and why a decision was made; what information, advice and consultation were

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considered and which legislative requirements (when relevant) council followed);

- **following the rule of law** (decisions must be consistent with relevant legislation and are within the powers of council);
- **responsiveness** (the aim should be to serve the needs of the entire community in a timely, appropriate and responsive manner);
- **equitability and inclusiveness** (all groups in a community, particularly the most vulnerable, should have opportunities to participate in the decision making process);
- **effectiveness and efficiency** (the local government sphere should implement decisions and follow processes to ensure the best possible results for the community;
- **participation** (community members should be able to participate in the decision making process, e.g. by being provided with information or given the opportunity to make recommendations (Governance Institute of Australia 2015:8).

Gildenhuys & Knipe (2006:91) state that there are basic requirements that form the framework for good governance. If municipalities cannot meet these requirements, good quality of life for all its citizens will not be attained. The requirements to develop satisfactory (or good) quality of life are:

- ample and equal opportunities for every individual to subsist, including equal opportunities to do business as producers, manufacturers, traders, contractors and professionals, or to sell his/her skills and labour in and open and free market;
- the efficient and effective supply of sufficient indispensable municipal services and amenities of optimum quality and quantity;

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- the quality of the physical environment within which the individual lives, works, does business and relaxes, is satisfactory and not threatening his/her life; and
- people feel safe and are able to live without fear of social, political and economic disruption (Gildenhuys & Knipe 2006:92).

Thus, governance will be good when government attains its ultimate goal of creating conditions for good and satisfactory quality of life for each citizen. It is the task of government to create circumstances conducive for people to develop themselves. Democratic free-market governments believe that they should only create a positive environment for the individual to attain satisfactory quality of life through his/her own efforts according to his/her own mental and physical abilities.

Good governance in the local sphere of government requires:

- That councils being elected by, be representative of, and accountable to their community.
- Policies and programs which reflect the mandate councils have received from voters.
- Policy implementation arising from the council's strategic plan (IDP) with appropriate performance management, not only to assess the council's progress, but also regarding the performance of management.
- Community participation in governance.
- That the mayor and councillors provide leadership to the community and reflect the community's collective needs.
- A management structure which implements and maintains the council's objectives in accordance with its priorities and approved budget and adherence to the requirements of the *Constitution*.
- Cooperation between municipalities (Exiner 2004:5).

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It may be stated that good governance in the local government sphere requires a council to fulfil its roles effectively, with its governing being characterised by the governance elements outlined above. The majority of interviewees agreed that it requires an effective and committed council that is at the heart of the effective functioning of municipalities and supporting the Back to Basics approach. It is thus critical to constantly monitor and evaluate municipalities on their ability to carry out the following basics:

- The holding of regular council meetings as legislated.
- The functionality of oversight structures, Section 79 committees, and audit committees.
- The existence and efficiency of anti-corruption measures.
- The extent to which there is compliance with legislation and the enforcement of by-laws.
- The rate of service delivery protests and approaches to address them (CoGTA 2014:11).

Governance is not a synonym for government; it can be described as a continuous process in which decisions are taken through the interaction of different stakeholders. Good governance means to employ all available administrative, social and economic resources at various levels in the decision-making processes. It furthermore necessitates that the municipal administration's activities are driven by public (communities') interest through compliance with laws and the execution of its decisions (Public Service Commission 2014:4). An interviewee identified self-interest of officials as a challenge in his municipality – nepotism was mentioned as a major concern at this municipality.

The King III Report on Governance for South Africa (2009), which is effective since 1 March 2010, opened up discussions on good governance in the local government sphere. Section 152 of the *Constitution* is clear on the responsibilities of the local

government sphere (refer to chapter 2 of the thesis); for instance, to provide democratic and accountable government for local communities and to ensure the provision of services to the communities in a sustainable manner. Despite the fact that local government legislation addresses several governance principles, local government officials and office-bearers do in many instances not view these principles as a priority (Price Waterhouse Coopers 2010:1).

The introduction of the King III Report forced the relevant parties to promote the awareness and advantages of good governance in municipal councils in line with the principles of King III Report. Attempts to instil governance principles are unfortunately often met with resistance from municipal managers and politicians. Both officials and political office-bearers should be held accountable for the way in which the community's tax money is spent and utilised and they should ensure this is done effectively to deliver the services to which that community has a constitutional right (Price Waterhouse Coopers 2010:12).

In 2009 the so-called Turnaround Strategy (LGTAS) for the local government sphere was introduced by CoGTA (2010:3) with the following objectives:

- To ensure that municipalities meet the basic service needs of communities.
- To build clean, effective, efficient responsive and accountable local government.
- To improve performance and professionalism in municipalities.
- To improve national and provincial policy, oversight and support.
- To strengthen partnerships between communities, civil society and the local government sphere.

The objectives of the LGTAS are just a confirmation of what is envisaged by the King III report and expected by the *Constitution*. It is, however, also general knowledge that the LGTAS with its high expectations was a failure because of the lack of commitment by councillors and municipal management. It has now been

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replaced by the Back to Basics program. The Business Day of 19 September 2014 reported that "(t)he new plan was expected to focus municipalities on getting small things right such as fixing street lights, leaking taps and collecting refuse." It appears to be an attempt at breathing new life into municipalities after the failure of "operation clean audit", introduced in 2009. It is still to be seen if this strategy will be successful.

It is thus clear that the onus of service delivery is placed on municipalities, which, through their leadership, are responsible for the promotion of the social and economic development of the community. The role of local government leadership and the responsibility placed upon these leaders necessitates ethical values of responsibility, accountability, fairness and transparency as underpinning governance principles (Price Waterhouse Coopers 2010:2). The influence of local government leadership on the quality of service provision will be analysed in the next few paragraphs.

5.3   Leadership at municipalities

The political landscape is far more complex than it was a decade ago and the local government sphere has a democratic right to provide leadership across a geographic area, not only confined to local government services, but it also has a right to influence every aspect of services provided locally (Silvester 2013:4). Developing new leadership skills to meet this challenge is vital. Councillors by their very nature have strong leadership instincts and those skills must continuously be developed to ensure that they are able to meet the challenges, opportunities and risks that come with local governance.

Manual Pineiro, a Cuban revolutionary, challenged public officials to act differently by making the following statement: "Let us increase our vigilance against complacency and arrogance – which may appear like weeds in our work and, if we don't uproot them in time, wind up by invading everything. Let us oppose them with

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revolutionary unpretentiousness… Let us oppose this with the careful administration of resources, systemisation, planning, and the most intelligent use of all human and technical resources we have" (Ngcaweni 2014:46).

The need for strong political leadership (councillors) and managerial/administrative leadership (municipal manager and senior management) in municipalities to address the above-mentioned challenge and positively influence the quality of service provision cannot be over-emphasised. It is about leading by example (setting the tone from the top) and by motivating and encouraging staff to perform as best as they could. Leaders must adopt and support principles such as honesty, integrity, fairness, transparency and the commitment to be accountable for one's actions, as well as the willingness to root out fraud and corruption (Visser 2013:21).

The political leadership sets the broad development agenda and the administrative leadership devises and deploys the policy tools toward its attainment. Thus, political leaders *reigned* while administrative leaders *ruled* (Johnson 1982; 1987). Political leaders/appointees must not interfere with day-to-day administration and with recruitment. The political system has to be such that bureaucrats are insulated (not isolated) from direct political pressure which implies that political leaders must create space for bureaucratic initiative, unrestrained by political power. According to an interviewee, bureaucrats however, must be responsive to political leaders, that is, must work within the broad development agenda set by the latter.

The direct link between political and administrative leadership holds both direct and indirect consequences for all aspects of municipal management. A collaborative, cooperative and moral relationship among political and administrative leadership can, for instance, be a shield against corruption at all levels of municipal administration. Such a relationship should be based on an ethical foundation, integrity, solid knowledge management, and innovative and comprehensive initiatives to become a shield against corruption (Mantzaris & Pillay 2014:17).

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Evidence suggests that effective municipalities are those that show strong levels of cohesion and trust between political leadership and senior officials (Schmidt 2011:36). It is expected that the municipal manager's appointment will be based on professionalism, skills, experience and ethical leadership (although he/she is effectively politically appointed). The municipal manager has to ensure that the credibility/integrity of the administration is not lowered through his/her actions. At the end of the day, it is the quality of people in the local government sphere, and not the structures, that will save municipalities.

A distinction between leadership and management will be made to indicate the importance of both concepts and how the relationship between leaders and managers may influence (positively and/or negatively) the outputs and outcomes of municipalities.

5.3.1 Management and leadership

The main difference between management and leadership lies in the manner in which a task is perceived. A leader creates a vision for an institution and strategies for achieving that vision, whilst a manager creates a system that can be used to implement plans as effectively (goal achievement) and efficiently (transforming inputs into outputs) as possible (Minnaar & Bekker 2005:128).

While management and leadership are distinct concepts, there is a natural overlap between the skills they require. Management is a set of processes that keep an organisation functioning, including planning, budgeting, staffing, clarifying jobs, measuring performance, and problem-solving when objectives are not reached. Leadership is very different. "It is about aligning people to the vision, which means buy-in and communication, motivation and inspiration" (Ratcliffe 2013:2).

According to Sproats (1997:9), management and leadership can be compared (or distinguished from each other) in the following manner:

Diagram 4: Comparison between management and leadership

Management	Leadership
Plans and budgets	Vision and strategy
Organising and staffing	Communicating and aligning
Controlling and problem-solving	Motivating and inspiring
Minimising risk	Taking risks

(Source: Sproats 1997:9).

An interviewee confirmed that the political leaders should determine the policies of and the direction for the municipality and that they should be accountable for its outcomes/results while the managers (accounting officers and managers) are responsible for municipalities' outputs. If an organisation is run effectively, leadership and management will exist in tandem (at the same time), adds Jonathan Gosling, professor of leadership studies at University of Exeter Business School (in Ratcliffe 2013:2). He points to the management technique known as target-setting – a concept that will only work when good leadership is present. "Target-setting is a management technique used to focus attention on certain activities. A hospital, for example, might set targets around waiting times." For this exercise to work, someone within the hospital must show leadership by emphasising the importance of the activity. "In this example, the wider purpose is helping patients to lead better lives. A leader needs to inspire employees by showing how meeting a target can contribute towards this aim and they need to think of new ways of reaching that target" (in Ratcliffe 2013:2).

The management level of a municipality normally comprises the municipal manager and various heads of departments (Craythorne 1997:438). These senior managers face the challenge of responding to the vision and commitment that has been established by the political leadership. Senior managers who understand the context of accelerated service provision are required to equip themselves with the required skills and commitment to bring about meaningful change in the lives of the

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communities that they serve (Fraser-Moleketi 2005:11). These managers of a municipality are dependent on the council for their job functions and share in the management of municipal organisations. They are furthermore required to ensure that local governance takes place according to acceptable norms and standards as stipulated by section 195 of the *Constitution* (for example using resources efficiently, effectively and economically).

Senior managers are not only responsible for the organisational management of various municipal departments and directorates/divisions, but also for ensuring that municipal governments are at the forefront of economic and social development of local areas.

5.3.2 Administrative leadership

Leadership is the ability to persuade others to seek defined objectives enthusiastically. It is the human factor that binds a group together and motivates it towards goals (Coetzee 1992:149). The municipal manager has a vital role in developing morale and creating enthusiasm in local government and administration. Heads of departments also need leadership from the municipal manager; they need to be guided in the right direction and have their efforts focused. The municipal manager must have a clear and strong sense of vision, mission and focus. As a leader, he/she must concentrate the attention of subordinates on pre-determined objectives (Shea 1990:33).

As a leader, the municipal manager must portray moral attributes such as sound judgement, endurance and tactfulness. Sound judgement implies that the municipal manager must have the ability to aggregate all macro- and micro influences and to come to rational conclusions. It also implies designing an effective administrative system for a municipality (Mafunisa 2001:334). Endurance means that he/she must be able to endure and survive, and it requires the municipal manager to move forward despite setbacks. He/she must have the ability

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to avoid the mistakes of the past or setbacks. Tactfulness means that the municipal manager must have a keen sense of timing and an eye for an opportunity; the ability to take decisions at the right time and act swiftly when required (Shea 1990:34, 36-37).

When acting as a leader, it is crucial that the municipal manager should act as a positive behaviour model (Selznick 1992:125). Cherrington (1980:153) states that to create an institutional climate that contributes to the development of professionalism, managers need to set an example in their own behaviour and the functioning of their institutions. He further states that top officials exert a much greater influence on subordinates through their personal behaviour than through their spoken words.

Economic values such as efficiency and professional values such as respect for a code of conduct and pride in one's job are just words if the municipal managers are indifferent to them in their actions. If the municipal manager wants his/her subordinates to adhere to the provisions of the code of conduct he/she has to adhere to these provisions. According to Mafunisa (2001:334), professionalism in municipal administration entails that the municipal manager should act in an exemplary manner and in such a way that the characteristics of an administrative profession are seen to be honoured.

5.3.3 Political leadership

Political leadership and its effectiveness at the local government sphere is an important aspect of governance. Leaders at various municipalities have different leadership styles which influence the specific municipal dynamics.

Both urban and rural environments are becoming increasingly complex units to govern. Local areas are increasingly part of a web of social, economic and political transactions that transcend their boundaries. According to the WPLG (RSA

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2008:67) the actions of a wide range of civil and corporate players impact on the local economy and society. In this context of complexity, municipalities must be guided by strong political leadership that are able to make difficult policy judgements, work with a range of role-players and guide the actions of the administration to promote the social and economic well-being of the local communities.

Political leaders are generally municipal councillors. They serve in the municipal council to represent members of the community who elect them and they are thus responsible for ensuring that all matters pertaining to the wellbeing of communities are decided upon in a manner that will benefit the community (Reddy, Sing & Moodley 2003:74). Political leaders in the local government sphere are thus elected by local communities based on the perception that they will best serve those interests that the communities regard as vital to their wellbeing. According to Craythorne (1997:37) the leadership role of a municipal councillor as a community representative includes:

- representing communities by ensuring that group or individual interests are represented at council meetings; and
- ensuring that, where decisions on policies and the allocation of resources are taken, the principles of fairness and justice are applied in the achievement of a balance between competing interests and in the consultation of the public on matters concerning them.

When thinking about the skills needed for the local government sphere, political leadership should not be forgotten. To meet current challenges in the local government sphere, such as creating local jobs and stimulating economic growth, there is a need for strong leadership and for investment in developing the proper skills of leaders (Craythorne 1997:38). This leadership is furthermore critical to address the objectives identified by die NDP (as explained in chapter 1). Being a

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councillor is a demanding and challenging task; thus municipal councillors need to be supported in developing their political leadership skills.

It is determined in section 26(a) of the *Municipal Systems Act* that municipal councillors, as leaders, must determine the short-, medium- and long-term strategic vision for the municipalities in which they serve (RSA 2000:22). Section 25(1) of the *Municipal Systems Act* refers to the IDP as the municipality's strategic plan (a vital component in the management domain of any current organisation); thus it confirms the link between the leadership and managerial responsibilities of municipal councillors (RSA 2000:23). Gaffoor and Cloete (2010:4) argue that the IDP should serve as the roadmap for achieving service delivery in the area. They furthermore state that municipalities should subscribe to a management model that enhances the human (in terms of leadership) and intellectual (in terms of management) ability of councillors, in order to "create a resource system that can implement plans as effectively and efficiently as possible and thereby attaining a competitive edge" (Gaffoor & Cloete 2010:4).

It is possible to obtain clean administration if there is a real will to change and if the leadership actively strives for quality and sustainability in executing its duties. This can be achieved by:

- Ownership - political and administrative leadership must take full ownership of the internal control environment.
- Skills - investment in appointing skilled staff.
- Discipline - daily discipline that ensures excellence in financial management, service delivery execution and compliance with legislation, must be instilled.
- Credibility - leadership must set the tone and implement processes to ensure the credibility of all the municipalities' reports.

- Performance management systems - implementing performance management systems with clear and decisive consequences for poor performance.
- Governance - internal audit, audit committees and municipal public accounts committees (MPAC's) need to ensure that all their activities are coordinated and contribute to the credibility of information (Auditor General Report - MFMA 2014:25).

One of the interviewees in the administration of a municipality stated that some politicians invade on territory that is more suited to the professional officials, while they avoid some of the complicated strategic decisions. In terms of accountability and legitimacy, political office-bearers must lead and seen to be leading municipalities, but some office-bearers spend time on "easier" operational issues rather than on policy considerations. In the local government sphere the political office-bearers are much closer to the action than the administrators (decision-makers). The management of political-office bearers will be easier if officials consult the council executives and work through the logic of their decisions.

Many officials in local government leadership positions face increasing challenges, such as decreasing revenue, higher demand for services, collaborative service delivery, keeping pace with changing technology, engaging communities through social initiatives and aiming to manage the demanding politicians. In order to address these challenges, the role of strong local government leaders is becoming increasingly important (Reddy 2003:80).

Sansom (2012:5) identified an apparent need for local 'facilitative leadership' or 'place-based leadership' grounded in the local government sphere. It is argued that more effective municipal leaders are required in order to, amongst others:

- engage the community and other local stakeholders in formulating a strategic vision and supporting plans;

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- secure political support within the body politic for the adoption and rigorous, consistent implementation of strategic plans (for example the IDP) and budgets; and

- maintain sound intergovernmental relations in which the local voice is heard and respected.

The indicators of good political leadership may include the following:

- **Formulating a clear vision for the municipality and providing community-wide leadership**

  Leaders and decision-makers should develop the strategic policy direction of the municipality, listen to the local people and lead initiatives for improving the outcomes of the municipality. Local communities are mostly diverse and contain a multiplicity of varying (often conflicting) interests. The WPLG state that by putting forward a vision for the local area and encouraging the development of a vibrant civil society, local political leadership can enhance the capacity of diverse groups of people to act together around shared goals (RSA 2008:66).

- **Promoting the qualities of the municipality**

  The leaders of the municipality must aim to build civic pride, promote the benefits of the area/region and attract private investment to stimulate local economic development (Hambleton 2009:538).

- **Securing/acquiring resources**

  The leadership of the municipality should negotiate for power and funding from the higher levels of government and maximise income from a variety of sources. Participants from a focus group discussion indicated that some

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councillors lack the skill to negotiate on behalf of their constituencies and municipalities.

- Developing partnerships and coalitions

The challenge of meeting the needs and aspirations of local communities requires a political leadership able to build partnerships with communities, business, labour and other public agencies (RSA 2008:67).

- Addressing complex social issues

The increasingly fragmented nature of the local government sphere and the growing number of service providers active in a given area means that complex issues that cross boundaries need to be taken up by leadership that can bring together the correct combination of organisations to address a particular problem.

- Maintaining support and cohesion by representing the diversity of interests

Managing contrasting interests and keeping people involved are essential if the leadership is to maintain authority. Municipal councils which represent the diversity of interests within the local community are best able to provide credible and effective leadership.

- Constantly builds its capacity to make policy judgements

Local political leaders can actively strengthen their ability to make policy judgements through deepening their understanding of the dynamics in the local area, anticipating changes and learning from past practices (RSA 2008:67).

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-   Is accountable and transparent

The local government sphere requires a political leadership which creates opportunities to account to the community. Increased accountability ensures that the actions of the council reflect the aspirations of the community and increases the legitimacy of the council (RSA 2008:68).

-   Demonstrates value for money

Local political leadership should be concerned with the efficiency and effectiveness of the local administration, and constantly seek to enhance performance and service quality.

Various support mechanisms are required to enable dynamic local political leadership, including capacity-building programmes for councillors, support for the policy formulation process and information systems (RSA 2008:68).

5.3.4 Ethical leadership

Municipal officials are constantly in the eye of the public and society expects them to be ethical as they work with public funds. Sound governance is ruined when the communities no longer trust municipal officials as a result of their corrupt practices and unethical conduct. The ethics applied in the workplace is influenced by the visibility of the values practised by management (Dellaportas, Gibson, Alagiah, Hutchinson, Leung & Van Homrigh 2005:330-331). Managers should model the ethical principles with enthusiasm and they should be willing to have their own performance measured against it. Piper, Gentile and Parks (1993:162-176) argue that managers need to build faith in their ethical conduct through their vision, leadership abilities, commitment, consistency, integrity and sufficient values.

Ethical leadership is the most important determinant of ethical conduct in the local government sphere. Managers on all levels are influential in setting the ethical tone

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of the organisation (Northouse 2001:255). Senior managers, apart from setting an excellent example in terms of their personal ethical conduct, should communicate their ethical expectations throughout the municipality and should be held accountable for unethical conduct. Stiglitz (2002:8-9) observes that "(A) new moral consciousness is dawning in which many people who strive to live morally are now insisting that their institutions and leaders do the same".

Ethical leadership entails more than just influencing employees to achieve the goals of the organisation. It also entails that leaders should sacrifice their own self-interest and place the interest of municipal institutions above their own. It further implies that leaders should model high professional ethics in all their day-to-day actions and conduct (Holtzhausen 2010:276). Ethical leadership is the key to creating an organisation culture that embodies ethics and values.

5.3.5 The influence of leadership on municipal service provision

The delivery of services has a direct and immediate effect on the quality of the lives of the people in a given community (Humphreys 1998). In developing countries, specifically, the issue of service delivery is a challenge that needs to be addressed given the low quality of service provision and the pressing needs of the poor (Besley & Ghaatak 2007). Furthermore, poor service provision can make it difficult to attract business or industry to an area and it will also limit job opportunities for the residents.

Leadership is about conceiving a vision and strategy and engaging people to achieve that same vision (Fox & Meyer 1995:38). Leadership therefore focuses on the ability to influence people and resources in a manner that will result in the achievement of one or more identified goals. Vil-Nkomo (1998:201) confirms that specific leadership skills are needed to improve service delivery in the local government sphere in South Africa. Changing strategic orientation is not easy and it requires bold leadership and political will. In order to achieve the improvement of

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political management and the responsiveness of municipalities to the needs and aspirations of local communities the following is urgently required:

- Mayors and municipal mayoral committees with a vision to change and leadership quality that can drive the change/reform process.
- Speakers of councils who are able to effectively manage the business of council and lead it in its engagement.
- Councillors that will inspire and organize for the purpose of serving the people and create an active link to their constituencies.
- Municipal managers and senior managers that understand their specific roles in delivering the local government vision as envisaged in the WPLG and act in a manner which ensures that the local government sphere primarily serves its people by delivering basic services (Gordhan 2014:7).

Former Deputy President Kgalema Motlanthe condemned weak and undistinguished political leadership within government as one of the causes of tensions which worsen inefficient service delivery (City Press Online 2012:1). Motlanthe confirmed that a lack of "connection" between political leadership and public administration was a source of strain between administrators and political heads. "This has in some cases led to strained relations between ministers and directors-general, resulting in the high turnover of senior administrative personnel, who take with them invaluable skills needed in public service. This loss of rare skills and pivotal institutional memory further constrains the ability of the public service to deliver" (Sowetan Live 2013:1).

According to Motlanthe, a lack of leadership, weak managerial capacity, poor organisational design, low staff morale, and tensions caused by weak political and administrative "interface" had led to the erosion of "accountability and authority", poor performance and lack of capacity. The instability at political and administrative level in government was also caused by a "skills deficit and short-shrift changes in

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leadership, policy and priorities that give rise to instability in leadership". He claimed that a new culture and ethos of service delivery had to be instilled into public servants to instil accountability in the public service. "Accountability in the public service is as important as the transformation of the human resource management principles that underpin work in the public service. It requires a mind-set change and an understanding by citizens that they have a right to government services." (Sowetan Live 2013:1). Motlanthe went on to say that "(i)t will be important that institutions such as parliament, provincial legislatures and (municipal) councils that provide oversight, always interrogate whether public resources are allocated and used in accordance with policy priorities" (Sowetan Live 2013:1).

Challenges exist concerning disagreements of the administrative leadership with political leadership and the challenge of "saying no" to the politicians. The question that surfaces is what the issues are that arise around disagreeing with political leadership in key policy areas. If faced with an ethical challenge, municipal officials are still held by ethical standards and a commitment to serve the residents justly.

Another challenge in improving local governance is the constant changes to the municipal leadership that have a negative impact on the implementation of service delivery plans, Johan Leibbrandt, associate-director of Price Waterhouse Coopers said. Leibbrandt stated that changes to leadership have an influence on all organisations: "If you change the leadership every five years or even more often, you are in deep trouble" (Die Burger 2012:13). Municipalities are more productive when the mayor remains in office for more than one term (five years), but these leaders often do not even serve for one term and municipal managers are sometimes replaced yearly (Die Burger 2012:13). Leadership has a major influence on the successful implementation of service delivery plans and therefore the continuous change in local leadership negatively affects the quality of service provision at municipalities.

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In conclusion, it is confirmed that three fundamentals of good leadership may be identified, namely character (what a person values and how he/she views his/her responsibilities to others), stewardship (leaders must be agents of the people they lead) and experience (acquiring competence relevant to the job of leadership). Bad leaders are incompetent, unethical, insensitive, corrupt, narrow-minded, inward-looking and immoral and will not be able to lead a municipality to improved service delivery levels and critical economic growth (Die Burger 2012:13).

All societies expect their leaders to set an example, but the manner in which such authority is exercised varies from one society to another. Leaders in the local government sphere are expected to be above reproach and should enjoy honour and respect.

5.4 Accountable and transparent service delivery at the local government sphere

Transparency and accountability are important pillars in an organisational culture to prevent the municipal administration and the political leadership from corruption and fraud in the relations between residents, businesses and municipalities. The improvement of accountability and transparency of the municipal administration and political leadership to enhance the quality of local governance in the Free State Province is an important challenge that needs to be addressed.

5.4.1 Accountability

Much has already been written about the need for improved accountability and good governance. Accountability and good governance and the measures needed to support the practical application thereof are not always adequately understood or fully appreciated by especially the senior management of municipalities (Reddy **et al**. 2003:87). This inevitably impacts on performance issues such as service delivery and value for money.

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An interviewee emphasized the importance of value for money. He argued that outcomes should not only be reached effectively, efficiently and economically, but it should also be determined if they were appropriate. If outcomes/programs are inappropriate it will lead to a waste of money and no value for money will be received.

Accountability in its simplest form can be described as the requirement to give an account of how a responsibility that has been conferred or delegated to some person or institution has been carried out or fulfilled by that person or institution (Witthöft 2011:13). Stiglitz (2002:9) states that accountability requires firstly, that people are given certain objectives; secondly, that there should be a reliable way of assessing whether they have met those objectives and thirdly, that there should be consequences for both success and failure in reaching the objectives. Participants in focus groups mentioned that a concern in the majority of municipalities is that there are no consequences for poor performance by top officials. This situation complicates any efforts to enhance the service delivery objectives of municipalities.

According to Fox and Meyer (1995:105), accountability refers to "…the obligation resting on each public functionary to act in the public interest and in accordance with his conscience, with solutions for every matter based on professionalism and participation, and divulgement as a safety measure". Thus, it is clear that accountability is of critical importance to prevent the abuse of power to ensure that the requirements of a democratic government will be met. Accountability should therefore include the establishment of checks and balances in an administrative system.

Accountability can furthermore be described as a social relationship where one or more principal entrusted resources and responsibilities to a supervisor/manager for a particular task, with the consequent potential for an account to be called for,

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judgement made and remedies and/or sanctions imposed (Lupson 2007:38). In a focus group discussion, the majority of councillors confirmed that accountability (the lack thereof) at their municipality is problematic. According to the group, nobody wants to accept responsibility for poor outcomes and low outputs of their municipality.

From the above definitions, it is clear that accountability is a critical part of local governance and the concept applies to a wide range of important decisions and authorities that are responsible for making those decisions. The main aim of accountability is the checking and balancing of potential abuse of power by municipal officials in order to limit the potential for corruption of offices and officials (Community Law Centre of the University of the Western Cape 2008). The abuse of power includes all deficient (unsatisfactory) actions and activities/operations of a government and therefore it is not only about the so-called unlawful or illegal use of authority. It also refers specifically to the failure or simply negligence of the government to render services that have already been approved and funded (Laubscher 2007:29).

In its simplest form, accountability is about holding people accountable for their actions and in the context of service delivery, it may refer to:

- a political process intended to allow citizens to hold the municipality accountable for information and enforcement; clients as citizens influencing policymakers, and policymakers influencing providers; and
- the exercise of client power by citizens through direct interaction with service providers (the client-provider relationship) (Laubscher 2007:30).

In a democratic government it is of utmost importance to understand that certain internal norms are also linked to accountability (Raga & Taylor 2005:i). These refer to professional, ethical and pragmatic/realistic guidelines that are indicated for

responsibility. According to these norms the actions of municipal officials must be aimed at satisfying the standards of a specific profession. Therefore a municipal official should not even consider carrying out tasks for personal gain (Mulgan 2000:90). Chapman (2000:185) observes that municipal officials have to be accountable to their immediate superiors, the political leadership and the communities. All local government organisations have to be efficient to ensure value for taxpayers' money, i.e. satisfying the value-laden expectations and needs of communities efficiently and effectively (Raga & Taylor 2005:i).

Furthermore, in the local government sphere a single official (the municipal manager) can be held personally responsible for all financial transactions of all departments/directorates of a municipal council. According to chapter 5 of the *MFMA,* the municipal manager is the accounting officer of a municipality and his/her functions and obligations in this regard are clearly explained.

A further important aspect of accountability is the availability and accessibility of information. For example, a resident can appeal against a decision taken by a municipal council by going to the ward representative for relevant information and thereafter raise objections and initiate actions if necessary. Pimstone (1998:148) declares that "(i)n South Africa, good local government is accountable government; and is answerable to, and recallable by the people." It is fundamentally important that municipal councillors should be thoroughly familiar with the nature and extent of accountability.

The political office-bearers, as elected representatives of the voters, are held responsible during their tenure of office to enforce accountability on local authorities and thus enabling them to give public account on their own activities (Moshabesha 2000:18). With this research, clear and definitive accountability mechanisms and –procedures at local authorities that can ensure public accountability, is proposed.

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The role of political-, administrative- and ethical accountability in enhancing good local governance will be taken into consideration in the next sections.

5.4.2 Political accountability

In the context of the local government sphere, the characteristic of good local governance is a people- centred approach that enhances participatory development and promotes equity, transparency and accountability in the management of resources and service delivery. This approach will provide opportunities for the citizens to voice their views and express their interests and preferences with a view to ensuring that council decision-making, with regard to resource allocation and service delivery, is responsive to their needs and priorities (Laubscher 2007:37.

Marshall (1989:25) distinguishes three aspects of accountability in relation to political decision-making and –actions, which include:

- decision makers are subject to public opinion for all public decisions that they make and should therefore be accountable;
- all decisions taken in the public must be taken with responsibility in order to meet the requirements of sensibility and consistency; and
- all decision makers stay accountable to a higher authority, e.g. the council, for the decisions they make.

Municipalities are frequently required to account for their conduct to various forums in a variety of ways. Four important questions can be asked in connection with the various elements contained within the concept of accountability. These questions include, i) *to whom* account should be rendered; ii) *who* should render account; ii) *what about* is account to be rendered and lastly, *why* the official feels compelled to render account (Bovens 2003 in Pollit, Lynn & Ferlie 2005:14).

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An interviewee from a local municipality in the Lejweleputswa district mentioned that providing account for the lack of performance should receive very high priority. He stated that municipalities need to focus on proper management and accountability from their employees and should not tolerate a lack of performance by them. The elected officials should accept the responsibility of holding the staff accountable.

To be able to uphold accountability in a municipality, it is critical to develop and implement quality procedures for fighting against corruption and unethical behaviour. It is furthermore vital to revise the procedures aimed at the improvement of ethical behaviour in a municipality and ensuring public trust. This would require the following:

- clear guidelines must be established for actions of municipal employees who are involved in the decision-making process and training must be provided to them;
- clear mechanisms must be established for the auditing and internal control of the implementation of procedures;
- ensuring that conflict of interests are made public and steps are taken to ensure that they do not affect decision-making;
- independent decision-making on appeals and complaints;
- public procurement are managed efficiently and effectively in a way that ensures that municipalities and their residents get appropriate value for money;
- procedures and outputs (achieved results) are reviewed to minimize opportunities for prohibited activities; and
- effective internal communication is in place and it is ensured that all municipal officials are well aware of the development of services and procedures.

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Interviewees were of the opinion that although they do have measures to combat corruption and unethical behaviour, it is not regularly revised and shared with officials within the municipality.

Effective performance reporting by councils is essential for ensuring accountability to residents as to how public money is being spent and the quality of services delivered. In Australia, the Victorian Auditor-General's Office found that council performance reporting had limited relevance to residents, because it lacked information about the quality of services, the outcomes being achieved and how these related to councils' strategic objectives. This situation is also relevant to what residents in the Free State municipalities experience and it sometimes lead to protests by dissatisfied (uninformed) residents.

Based on these findings and recommendations of the Auditor-General, the Australian government introduced a mandatory system of performance reporting to improve the transparency and availability of performance information about councils. The performance reporting framework includes three indicator areas, namely *service performance*, *financial performance* and *sustainability* and is made up of seventy quantitative measures and twenty-four qualitative checklist measures which build a comprehensive picture of council performance. Residents will be able to view their council's results alongside a council explanation on an interactive website that will enable the community, councils and the government to benchmark and compare similar councils. Unfortunately, the majority of people in South Africa do not have Internet access and will not be able to make use of such an interactive website, but should be strongly considered for implementation in the near future. This reporting framework will allow councils to report up to four years of historical data and four years of forecast data to enable the community to observe trends (Department of Transport, Planning and Local Infrastructure 2014:1-2).

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Public accountability is of great importance to municipalities in the Republic of South Africa: account must be given of the spending of money to the municipal council in public, as well as to the voters. Public accountability can be viewed as a key ingredient of a democratic form of government (Ellis 2002:101). It is a responsibility that should be accepted by all in government who exercise authority. This implies that account should be given on the way in which a responsibility was carried out. "Political office-bearers should be accountable to and removable by the people, either directly or through their representatives" (Roberts & Edwards 1991:82).

Municipal officials must account to the council on the municipal operations and activities. Public accountability at municipalities may refer to:

- obligatory/enforced accountability for the spending of public funds and executive activities should be seated in a single functionary, that is the accounting officer, who will provide account to the municipal council;
- account that should be given to the municipal council about the collection, safekeeping and spending of public funds that are made available to executive institutions (departments/directorates of a municipality) to finance certain approved programmes;
- reasons and explanations for actions should be provided, as well as justifying actions to keep to responsibilities to reach the objectives of the municipal council; and
- the leading functionaries should act responsibly when implementing the approved policies according to established standards, acts, approved programmes, as well as a sense of duty and honesty (Laubscher 2007:27).

An effective oversight mechanism will require available channels of interaction between local councillors and plans and actions by the appointed officials in the delivery of services (Abuodha 2011:2).

According to Phiffner & Presthus (1960:551), accountability contains a high degree of personal, moral quality and it does not necessarily relate to the formal status or authority, although more authority brings along greater responsibility. In practice accountability should be shared. Felton (1992:40) supports this approach and urges for a leadership style that will enhance and ensure the sharing of control and accountability and the establishment of co-responsibility.

Improving government accountability improves service delivery, particularly for the poor, a point the *World Development Report 2004: Making Services Work for Poor People convincingly makes* (World Bank 2004). Conversely, increasing the resources allocated for municipal services without fixing the accountability incentive structure will most likely not translate into greater development benefits for the poor (Yilmaz, Beris, & Serrano-Berthet 2008).

5.4.3 Administrative accountability

In administrative accountability the focus is on the activities of municipal employees. The public nature of their employment and the goals that have been set for them to achieve, in effect prescribe the behaviour of these employees and also outline their choices. While individual opinions and the approaches followed in achieving set goals may vary from one person to the next, these employees all operate within a legislative framework in terms of which they will also be evaluated and held accountable (refer to chapter 2 of the thesis). It is the task of accounting officers and senior management to ensure that this responsibility is properly understood by each and every employee (Witthöft n.d:14).

Traditional accountability is the most common kind of accountability which focuses on the regularity of financial transactions and the faithful compliance with legal requirements and administrative policies. The standards, by which the official actions of an employee are judged, will always be those of legality (acting within

the provisions of the law and regulations governing the relevant municipality), and regularity (the authority to perform an act) (Witthöft n.d:14).

A second kind of administrative accountability is managerial accountability, which concerns matters of performance and economy and efficiency in the use of public funds and property, as well as human and other resources. Municipal employees are responsible for more than just compliance and the regularity of their actions. Administrative accountability thus focuses on the input side and suggests the need for constant concern in order to avoid waste and unnecessary expenditure and to promote the judicious use of public resources. Consequently, an ongoing comparison of costs against outputs is necessary to ensure that set goals and the benefits to be derived from them are achieved as cost-effectively as possible (Witthöft n.d:14).

Programme accountability is concerned with the results of government operations and is the responsibility of each municipality as well as every employee to ensure that all assigned programmes are effectively achieved. Usually the accounting officer and senior management (as the managers of the programmes) are required to account for what has been achieved by means of performance audits, programme evaluations, cost-benefit and productivity analyses and analysis of economic and social impact of the programmes (Witthöft n.d:15).

The fourth type of administrative accountability can be referred to as process accountability: it emphasises procedures and methods of operation and therefore focuses on the manner in which inputs are converted into outputs. It is particularly relevant where goals may not be measurable directly, and where it is more useful and appropriate to judge performance in terms of the process that was agreed upon by both the service provider as well as the recipients of the specified goods or services (Witthöft n.d:15).

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5.4.4 The importance of accountability in local government service delivery

Worldwide, governments are under increasing public and media scrutiny. The demand for access to information concerning governments', institutions' and officials' controversial actions and decisions is growing (World Bank 2004:47). Organisations such as Transparency International and Corruption Watch monitor the levels of corruption and social responsibilities of both public and private actors in different parts of the world.

Enhanced accountability improves service delivery performance. "Successful services for poor people emerge from institutional relationships in which the actors are accountable to each other" (World Bank 2004:46). An important pillar of democracy is engaged citizenship; thus citizens need to inform themselves of how government operates and how to play a role in enforcing public accountability. According to Blankenberg (2007), the delivery of services to poor people in social sectors such as education, health, water and sanitation fails as a result of a lack of accountability.

5.4.5 Transparency

Transparency and accountability are critical ingredients for improving service delivery and are achieved through proper monitoring and reporting. Accountability requires that responsibilities are clearly identified (who needs to do it and what needs to be done) and that there are consequences for failing to meet minimum requirements. The importance of building local transparency, as a tool for addressing some of the greatest challenges for sustainable development and democracy, is increasingly being anticipated (Online Transparency 2012:1).

In order to achieve transparency, the municipality should:

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- ensure that information is provided to citizens, non-governmental organisations (NGO's) and the private sector with regard to municipal income/sources and amount of income and expenditures in an easily understandable and accessible manner;
- ensure that all decisions can be justified in terms of the value, value for money and/or interest for the municipality, its residents and other stakeholders;
- ensure that appeal and complaint procedures are known to the public, and that the public has easy access to them;
- elected representatives and officials must report conflicts of interest and withdraw from the decision-making process in case of a conflict of interest;
- ensure that the agenda for the municipal meetings contains the time, day and venue of the session, and that minutes and decisions are published on, for example, the municipal web-site;
- ensure the decision-making process regarding funds, income, obligations of residents and other entities, and costs for service provision is transparent, and that residents are involved in the process;
- establish criteria that will be used in making decisions and allocating funds in advance; and
- ensure that decisions are subject to strict procedures, such as external (auditing) and internal control (Union of Municipalities of Montenegro 2015:14).

The establishment and attending of ethical public life and an ethical environment, which is a condition for a transparent, accountable and efficient municipality, is the responsibility of the management and political authority. An interviewee expressed the need for managers and leaders in municipalities to set the example by promoting accountability, professionalism and behaviour in line with ethical rules and standards.

To conclude, to facilitate transparent service provision, the following is required:

- provision of information for beneficiaries in an easy and accessible manner on for example, the types of services available to them;
- submission of requests/applications; deadlines for making decisions; criteria for making decisions; appeal procedure and costs incurred by provision of services;
- ensured satisfaction of beneficiaries through an established practice for receiving feedback from beneficiaries and taking them into account;
- elected and appointed officials and that the local population is well-informed about local policies and they are consulted about municipal plans (Union of Municipalities of Montenegro 2015:14).

5.5   The effects of corruption on service provision

From the literature studied, a multitude of approaches and views on corruption were identified and it was determined that a unanimous definition of the term corruption does not exist. Corruption can be described as the misuse of public office for private gain and encompasses abuses by government officials such as embezzlement and nepotism, bribery, extortion, fraud and influence peddling (USAID 2003:1). According to Caiden (1991:3), the briefer definition of corruption can be stated as "abuse of authority, bribery, favouritism, extortion, fraud, patronage, theft, deceit, malfeasance and illegality".

Corruption undermines public trust in (and the credibility of) the local government sphere and can arise in both political and bureaucratic offices (Reddy **et al.** 2003:120). Participants in the focus groups mentioned the following common forms of corruption experienced at their municipalities: businesses or individuals that pays a bribe to a municipal official in order to be given a government contract or licence; the use of government-owned resources for private purposes and

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municipal officials that take advantage of their position to favour a family member or business associate for a job or tender contract.

Madonsela, the Public Protector (tenure from 2009-2016), believes that her work counteracts corruption in the local government sphere. The office of South Africa's Public Protector has the task to strengthen constitutional democracy and good governance. It is independent from the state and has the power to investigate and make recommendations on improper dealings within government, which hamper service delivery and perpetuate poverty and inequality (Corruption Watch 2013:1). Me Madonsela views the counteraction of corruption as critical because it is at the local government sphere where the nation's future lies. She acknowledges that "(c)orruption siphons away large chunks of much-needed public funds towards selfish endeavours. Due to corruption, the South African state – and particularly local government – is suffering a huge public-trust deficit" (Corruption Watch 2013:2). Corruption poses a serious development challenge and it undermines democracy and good governance in the political realm. In elections and legislative bodies corruption reduces accountability and representation in policy-making and in the judiciary it suspends the rule of law.

In municipal administration corruption leads to unequal service provision. The institutional capacity of municipalities is eroded because procedures are disregarded, resources are tapped and officials are hired or promoted without regard to performance (USAID 2003:1).

According to Odendaal (2015:1) the latest Transparency International Report paints a bleak picture on corruption in Africa. The African edition of the Global Corruption Barometer, released by Transparency International and Afrobarometer (December 2015), revealed that more than 80% of South African citizens believed corruption had increased since 2014, with 79% believing that government failed to fight corruption effectively (Odendaal 2015:1). Several major corruption scandals

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emerged, including the allegations surrounding the trains acquired by the Passenger Rail Agency of South Africa, and the allegations of corruption between converged network operator Neotel and State-owned Transnet.

Corruption undermines the legitimacy of government and democratic values such as trust and tolerance. It may also generate economic distortions in the public sector by diverting public investment away from education and into capital projects where bribes and kickbacks are more plentiful. Officials may increase the technical complexity of projects to conceal such dealings; thus further distorting investment. Corruption also lowers compliance with construction, environmental or other regulations, reduces the quality of government services and infrastructure and increases budgetary pressures on government (USAID 2003:2).

The local government arena is where the overlap between the citizens' needs and the government's ability to deliver is most noticeable. Therefore, corruption at municipal level must be addressed to ensure that the existing relationship between the local government sphere and its people is one based on trust (Weidemann 2014:18). An interviewee state that although comprehensive legislative frameworks exist to guide municipalities in setting up procedures, principles and measures to detect, prevent and address corruption, the challenge is to implement and apply the stipulations from all these policies and Acts.

Certain challenges in the local government sphere still remain and SALGA has identified specific areas of great risk regarding corruption in municipalities, such as potential nepotism in the employment of staff, inadequate financial controls and general issues around procurement, the implementation of the procurement processes and the abuse of municipal assets. At its 2012 National Conference, SALGA passed a number of resolutions dealing with the issue of corruption, including:

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- the support and establishment of Municipal Public Accounts Committees (MPAC's) in all municipalities;
- building the capacities of MPAC's to enable them to effectively execute their roles;
- the development of a practical guideline for the establishment of MPAC's and offering training for these Committees in all nine provinces;
- commitment to ensure that Section 79 and 80 portfolio committees are capacitated and strengthened to execute their oversight and executive functions respectively;
- developing a differentiated model for oversight and accountability in municipalities that also explains the relationship between section 79 and 80 committees;
- advocating the declaration of interest to be cascaded to all levels of employees in municipalities;
- councillors, in particular, should sign the declaration of interest at the beginning of their term and update it on a continuous basis, as their business interests change;
- advocating for the incorporation of ethics in the performance agreements of senior management at a municipal level;
- lobbying for the implementation of shared services in the form of inter-municipal cooperation for the internal audit function, as well as audit committees where no capacity exists in individual municipalities (Weidemann 2014:19).

Councils and councillors should strive towards good governance and administration in municipalities and they must be aware of the measures and governance tools available for the fight against corruption and maladministration.

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5.5.1 Political corruption

Political corruption is the use of legislated powers by elected government officials for illegitimate private gain. Forms of corruption vary, but include bribery, extortion, cronyism, nepotism, patronage, graft and embezzlement. Political corruption can also be described as "the behaviour of elected public officials which diverges from the formal components – the duties and powers, rights and obligations – of a public role to seek private gain" (Kramer 1997).

A broad definition of political corruption refers to the purposeful and secretive violation of the standards of moral behaviour in a certain political community by municipal officials or politicians who act or neglect to act to the advantage of a certain person or group of persons, so that the action no longer answers up to its dictated purpose, and this person or group of persons gains access to a higher level of decision-making than in case of a public transaction, so that damage is done to other persons or groups of persons or so that at least these aren't protected from it. This behaviour may result in tangible benefits for one or all participants (Robben & Sluka 2007:120).

5.5.2 Administrative corruption

Administrative corruption can be defined as "the institutionalised personal abuse of public resources by civil servants" (Gould 1991 in Farazmand 1991:469). Municipal officials (elected and appointed) can thus convert public office into private gain in many ways. The level of corruption varies depending on how influential a position the particular official holds (Khan 1997).

Some of the reasons for large-scale administrative corruption may include the following:

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- municipal officials involved in corrupt practices are very rarely dismissed from service and they have not been compelled to return their accumulated "wealth" to the municipality;
- people tend to not only tolerate corruption, but to show admiration for those municipal officials who make a fortune through dubious means;
- it is easier for a resident to get quick service because he has already paid the municipal official rather than wait;
- the social acceptance of corruption by municipal officials;
- barring occasional public procurements, the representatives of the people (politicians in power) are unwilling to take effective measures to curb corrupt practices in municipal dealings (Khan 1997).

The impact of corruption has been and continues to be negative. It has a negative and devastating influence on investment and economic growth, administrative performance and efficiency, and political development. If corruption is allowed to continue in a country, it will lead to economic problems and the squandering of public resources, lower governmental performance, adversely affect the general morale in the municipalities, jeopardise administrative reform efforts and accountability measures, and prolong social and economic inequalities (United Nations 1990).

The eradication of corruption is only possible if strong political commitment exists. Without this commitment and strong political leadership, it is almost impossible to achieve bureaucratic re-orientation and develop a vibrant and organised civil society that checks corruption. Interviewees agreed that it is critical for each municipality to develop anti-corruption strategies and to ensure that there will be swift consequences for wrongdoing, for example suspending employees over allegations of fraud and maladministration.

If political and administrative corruption can be eradicated, municipalities should be able to provide democratic and accountable government for local communities

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by being responsive to the needs of the community, providing services to communities in a sustainable manner, promoting social and economic development, and building a safe and healthy environment.

5.6　Ethics and professionalism in the local government sphere

"In leadership we see morality magnified, and that is why the study of ethics is fundamental to our understanding of leadership" (Antonakis, Cianciolo, & Sternberg 2004:302).

Ethics are rules or standards governing the moral conduct of employees in an institution. Ethics deal with values relating to human conduct, with respect to rightness or wrongness of particular actions and to the goodness or badness of the motives and the ends of such actions (Chandler & Plano 1988:17). Rightness refers to what ought to be or what is approved and wrongness to what ought not to be or what is disapproved of by the society (Kirkpatrick in Mafunisa 2001:327).

Ethics can be defined as "…concerned not only with distinguishing right from wrong and good from bad, but also with the commitment to do what is right or what is good. The concept of ethics is inextricably linked to that of values, which is enduring beliefs that influence the choices we make from among available means and end" (Kernaghan 1996:16). It has to do with the actions of man and therefore requires local government leaders to adjust their actions and attitudes in relation to colleagues and the public (residents), as well as in relation to the self.

Municipal employees and politicians exercise significant discretionary powers in their daily activities, in their management of municipal resources, at the interface with residents, and within the context of policy-making (Holtzhausen 2010:275). Ethical principles are a key check against the arbitrary use of municipal power and the quality of local governance. Unethical governance leads to a lack of trust and confidence in the municipality which ultimately results in a lack of participation or

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involvement of residents and businesses in municipal affairs (Van Niekerk, Van der Waldt & Jonker 2001:116).

Participants in a focus group discussion confirmed that council and management should ensure that the municipality is seen as an asset and that it has social and moral standing in the community. Municipalities should respect human rights, more specifically by providing free basic services effectively. A municipal official needs to comprehend the ethical nature of his/her profession in terms of the promotion of the public good, as well as the manner in which he/she fulfils this role. The morality and ethics of the local government sphere rest on the morality and ethics of municipal officials that do not put self-interest first, are true to their standing/position and fulfil their duties in accordance with all the necessary resources (Laubscher 2007:25).

Ethical values and integrity as basic values, as well as the rule of law, are key elements of every democratic society (Raga & Taylor 2005:2). In the daily execution of their functions and management of public funding, municipal officials exercise discretionary competencies. Ethical values and integrity may protect, on the one hand, the residents against the arbitrary use of this discretion and, on the other hand, the municipality itself against any improper use of this power by its municipal officials. The officials themselves must be protected against any abuse or diversion of law or authority on behalf of the municipality or its official bodies (Raga & Taylor 2005:2).

Ethical behaviour is essential for an effective and stable political-administrative authority as well as for social and economic structures. The main purpose of ethical principles is to promote acceptable behaviour of both political office-bearers and officials. Hondeghem (1998:29) states that ethics are not just about establishing a set of rules or code of conduct, but are an on-going management process that underpins the work of government. Ethics do not provide clear-cut answers to

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difficult problems, but can assist in framing relevant questions about what government ought to be doing and how municipal administration ought to go about achieving those purposes (Hondeghem 1998:29).

Norms can be defined as standards of behaviour within the organisation which serve as a guide to all its members and cannot be separated from ethics. An example of such a norm in municipal administration is neutrality, which means that municipal officials should be a-political policy implementation functionaries, rather than policy makers. Within the context of municipal administration, the emphasis on norms is associated with the recommendation of certain values that are viewed as desirable by their promoters (Raga & Taylor 2005:3).

An ethical code of conduct, adherence to accountability principles and appropriate training can make a difference in the ethical dilemmas of municipal officials, particularly with regard to effective and efficient service delivery (Reddy **et al.** 2003:122). A universally acceptable code of conduct is a necessary component for municipal officials to perform their activities ethically, and it is proposed that selflessness, integrity, objectivity, accountability, openness, honesty, and leadership should specifically be addressed in such a code. An interviewee expressed the notion that officials need to receive training on the importance and contents of such a code of conduct.

In South Africa two codes of conduct were issued. Section 54 of the *Municipal Systems Act* refers to a code of conduct which applies to all councillors. In order to affirm the code of conduct, individual councillors should sign this code (RSA 2000:36). Similarly, Section 69 of the *Municipal Systems Act* refers to a code of conduct for municipal staff members (RSA 2000:42). These codes have been designed to promote the core values underlying the tradition of honesty, impartiality, integrity and serving the common good that is necessary for honest and impartial service to communities by local authorities, and to provide a

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framework so that all elected members and employees can be seen to act solely in the public interest and within the law.

Government and society cannot promote and enforce ethical behaviour solely through the utilisation of ethical codes of conduct or through the promulgation of too much legislation. An interviewee felt strongly about the fact that South Africa needs an organisational culture that ensures that it defines and underpins right and wrong conduct at an individual and institutional sphere. He also stated that an adjustment of attitudes and action in South Africa lies in continuous contact and communication across racial, cultural, language and geographical boundaries. Normative communication between the political parties and the government with their own electorates is of primary importance.

According to Hanekom (1984:58), ethics deal with the character and conduct and morals of human beings. It deals with good or bad, right or wrong behaviour; it evaluates conduct against some absolute criteria and puts negative or positive values to that conduct. Guy (1990:6) notes that ethics involve no formal sanctions. Ethics, as a code of conduct, are like an inner eye that enables people to see the rightness or wrongness of their actions.

The following is adapted from "The Nolan Committee's Seven Principles of Public Life" (Chapman 2000:230-231) and suggests the following principles as critical in the public sector:

Selflessness	Officials should base decisions solely on serving the public's interest and not in order to gain financial or other material benefits for themselves, their family or their friends.
Integrity	Holders of public office should not place themselves under any financial or other obligation to external individuals or

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	organisations that might influence them in the performance of their official duties.
Objectivity	In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make their choices based on merit.
Accountability	Holders of public office are accountable for their decisions and actions to the public. They must submit themselves to whatever scrutiny is appropriate to their office.
Openness	Holders of public office should be as open as possible about all the decisions and actions that they take and they should provide reasons for their decisions.
Honesty	Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
Leadership	Holders of public office should promote and support these principles by leadership and example.

In a focus group discussion, all the participants confirmed that an ethical code of conduct, the adherence to accountability principles as well as appropriate training can make a difference in the ethical dilemmas of the municipal officials, particularly with regard to effective and efficient service delivery.

The following are examples of unethical conduct by municipal officials that may reduce public trust in the local government sphere:

- Manifestations of inefficiency and ineffectiveness
- Corruption (the unethical use of public office)
- Subjective and arbitrary decisions

- Unauthorised disclosure of confidential information
- Nepotism
- Bribery
- Theft and misuse of public property
- Victimisation (Khalo 2013:581).

Every political office-bearer and official should make it his/her duty to keep himself/herself informed about unethical conduct and the measures to eliminate them. In order to gain and keep public trust, municipalities must ensure the prevalence of accountability, integrity and ethical conduct when delivering municipal services in order to promote good governance. Government must instil municipal service values through education, training and enforcement in order to deal with unethical practices (Khalo 2013:582).

As part of promoting professional ethics and integrity, section 8(1) and (2) of the *Public Administration Management Act*, 2014 (Act 11 of 2014) prohibits employees, across the three spheres of government, from conducting business with the State or being a director of a public or private company conducting business with the State. Failure to comply with this prohibition is an offence which may result in imprisonment, a fine or both. Such contravention constitutes serious misconduct which may result in the termination of employment. The AGSA reported in the local government audit report of 2013/2014 that R781 million of municipality contracts went to close relatives of employees and councillors (Auditor General Report, MFMA 2015:27).

5.6.1 Role of the municipal manager in the promotion of ethical behaviour

The municipal manager plays an important role in promoting ethics. When a municipal employee is involved in unethical conduct, the remedy lies in the requirements of the *Constitution* and the code of conduct as provided in Schedule 2 of the *Municipal Systems Act* (RSA 2000:79). The objective of the code of

conduct for municipal officials is to promote professionalism and the municipal manager fulfils a major role in enforcing this code.

According to paragraph 3 of the code, a staff member of a municipality must foster a culture of commitment to serving the public and must display a collective sense of responsibility for performance in terms of standards and targets (RSA 2000:79). It furthermore determines that he/she must promote and seek to implement the basic values and principles of public administration. According to section 195(1) of the *Constitution* these basic values and principles of public administration determine that:

- a high standard of professional ethics must be promoted and maintained;
- efficient, effective and economic use of resources must be promoted;
- services must be provided impartially, fairly, equitably and without bias;
- public administration must be accountable; and
- providing the members of the public with timely, accessible and accurate information must foster transparency.

The municipal manager, as an employee of a municipal council, owes a duty of loyalty to the councillors and to the code of conduct of his/her profession. Loyalty is one of the moral attributes of the municipal manager. It involves loyalty to the democratic ideals, which at times may conflict with the logic or purity of professional expertise. Loyalty to the democratic ideals is also referred to as the ethics of democratic responsibility (Evans 1989:192).

Craythorne (1993:314) states that the municipal manager's independence from all political parties should be unquestionable. He/she should display total objectivity and the impartiality of a judge and he/she should not be aligned to a particular political party in the municipal council. However, this objectivity of the municipal managers does not repudiate the importance of acute political awareness on

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his/her part. There is a difference between political awareness and political commitment and the municipal manager should be fully aware of the difference between the two functions. From the professionally oriented municipal manager a clear commitment to efficient and effective administration is required. However, there should also be an acknowledgement of the political effects of administrative decisions, i.e. a political awareness (Mafunisa 2001:332).

The municipal manager must serve all councillors on an equal, objective and thus professional manner to get respect and co-operation from all the councillors. According to Boynton (1986:58), the municipal manager owes a duty to the municipal council as a whole. The municipal manager cannot simply inform the majority party about the administration of the council, he/she must inform the entire council. If, for example, a legal counsel had advised that a contemplated action was unlawful, the municipal manager and chief legal officer could not simply accept or suppress such a view or even make it known to only some of the councillors. It is the duty of the municipal manager to ensure that all the councillors were aware that the opinion had been given. The municipal manager has a duty to ensure that the council considers all material facts within his/her knowledge before councillors enter into any commitment, for example, penalty clauses in a contract, hidden extras to a disclosed purchase price or the possibility of various future liabilities. All councillors must be informed about the administrative and other consequences of policies, which they may wish to adopt. If the administration was undertaken in a professional manner, it would contribute significantly towards obtaining policies that would be executed efficiently and effectively (Mafunisa 2001:333).

According to Mafunisa (2008:90), the following steps could be taken to promote ethical conduct in municipalities and hence improve service delivery:

- An honest display by government and every politician of commitment to the (formal) code of conduct.

- Incorporation of ethical principles in the vision and mission statements of the municipalities.
- Regular institutional workshops on ethical values should be held.
- Enforcement of formal codes of conduct must be made part of performance contracts of the senior managers.
- An in-depth communication strategy must be developed on professional ethics, public service values, the nature of unethical conduct and how to prevent and report it.
- Senior public employees must exemplify ethical behaviour.

The most important requirement of the code of conduct remains the attitude of its employees towards their work, employer and members of the public. If employees do not adhere to the code of conduct in terms of their actions and attitudes, their success will be seriously impaired.

5.6.2 Professionalism to enhance ethical behaviour

Ethics are universal and wide-ranging, whereas professionalism gives pride of place to the specific vocation of each profession. For a manager in regular contact with the public, it is the quest for the greatest level of customer satisfaction, i.e. serving the public interest (Le Bris 1996:24 in Rosenbaum 2007). According to Sinclair (1993:68), professionalism refers to being competent, efficient, skilled and qualified. It can also be described as a commitment to ethics of product and service quality, and a need to be innovative (Ott, Hyde & Shafritz 1991:388). Professionalism must form part of an individual's philosophy and it is most effective when it derives from the top officials and permeates throughout the organisational structures.

Professional (proficient and skilled) municipal managers would promote respect for technical expertise; foster rationality in decision-making and high work standards; provide incentives for the acquisition of new knowledge and promote the ethical

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behaviour of employees (Cox & Haruna 2016:27). Professionalism amongst political and administrative leaders will also insulate the officials from undue political and public pressures; facilitate communication and innovation in the municipality and bring about professional loyalty (Mafunisa 2001:326). Politicians, on the other hand, are responsible for upholding high ethical standards. Their commitment is demonstrated by example and by taking action that is only possible at the political level, for instance by introducing legislative and institutional measures that reinforce ethical conduct and create sanctions against wrongdoing (Mafunisa 2001:334).

Professionalism in municipal administration can be promoted by ensuring the strict but cautious application of the prescribed code of conduct in a manner that will enable society to note that those who violate the code are acted against. A professional municipal administration should be promoted, as professionalism is one of the effective cures for unethical conduct (Mafunisa 2001:327).

The Institute for Accountability in South Africa, as reported in The Times (3 February 2010), argues that for service delivery to reach effective and efficient levels it is necessary to introduce good human resource management practices in municipal administration so that professionalism, objectivity, accountability and responsiveness to the needs of the communities could be cultivated. The Institute also called for "ethical civil servants who are not answerable to cadre deployment committees, but are transparently accountable in the constitutionally prescribed way". Accountable municipal administration will, to a great extent, have to be ensured by the ethical conduct of officials (Cloete 1996:125).

An institutional environment where high standards of conduct are encouraged by providing appropriate incentives for ethical conduct, such as adequate working conditions and effective performance assessment, has a direct impact on the daily practice of public service values and ethical standards. Municipal managers have

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an important part to play by serving as role models and providing consistent leadership in terms of ethics and conduct in their professional relationship with politicians, other employees and members of the public (Mafunisa 2008:85).

From the above discussion it is clear that professionalism is an effective cure for unethical conduct and that local government education, re-education, training and re-training play important roles in promoting professionalism. In this regard the municipal manager plays a pivotal role, as he/she is the chief administrative official. Municipal managers should be trained to be able to operate effectively and efficiently in the changing external environments and also to enable them to perform their duties in a manner conducive to the development of professionalism.

5.7   Conclusion

Municipalities exist to add greater value to communities by being able to identify and respond to the residents' needs; increase the quantity and quality of activities to enhance effective and efficient service provision; reduce the costs incurred to achieve their outcomes; and increase capacity to transform and improve service delivery outcomes. However, the aforementioned depends on supportive and dynamic management and efficient and effective administrative practices in municipalities.

Strained and/or damaged relationships amongst political and administrative leaders lead to poor communication- and accountability relationships in communities. Furthermore, extensive fraud and corruption lead to a lack of service delivery which results in violent protests and newly elected political leadership that is obligated to work with opposition-backing management causes inter-political rivalries. Political or administrative-managerial interference may lead to a lack of skills capacity (Mantzaris & Pillay 2014:16). Poor service delivery protests show the communities' frustration with the poor quality or lack of service provision and demanding proper and professional administration.

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Municipal councillors are elected representatives of local communities who, on the one hand, represent the needs and interests of local communities through the making of locally based policies, and on the other hand are involved in the management of municipalities by virtue of their involvement in the allocation and management of resources to achieve their policy intentions. Trust, honesty and integrity are important virtues of the municipal officials and functionaries. They must be truthful to their work by taking the vision, mission and mandate of their government into account and serve with humility.

It is clear that professionalism is an effective cure for unethical conduct and that local government education, re-education, training and re-training play an important role in promoting professionalism. In this regard the municipal manager plays a pivotal role, as he/she is the chief administrative official. Municipal managers and their juniors should be trained to be able to operate effectively and efficiently in the changing external environments and also to enable them to perform their duties in a manner conducive to the development of professionalism.

A municipal councillor is indeed charged with both managerial and leadership responsibilities and ignorance of their existence may be one of the main reasons for the current crisis in the local government sphere. Being the representatives of the citizens, elected politicians should be aware of their tough/challenging but honourable position in the heart of the public administration.

Corruption Watch (2013:1) stated that the local government sphere is the 'weakest link' of the three spheres of government in South Africa. It reported on "practices in municipalities, where officials are channelling funds into personal bank accounts using political influence to ensure certain officials escape prosecution, stealing equipment and supplies and distributing food parcels and funds to secure votes in local government elections".

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Subban and Singh (2013:81) state that effective engagement and communication between government and local communities would contribute to improved accountability with effective municipal service delivery as a product of both public service provision and public benefit.

Accountability requires disclosure; the obligation to publish in some form either by verbal statement or by written document. The information must be published in forms easily accessed, easily understood and at no cost to the citizen. Partial disclosure of information may lead to those who are entitled to make judgements on performance to arrive at the wrong conclusion, because they were not fully informed. Information must be based on facts that must be backed by evidence and be verifiable in some way.

CHAPTER 6:   CONCLUSION AND RECOMMENDATIONS

6.1   Introduction

It is imperative that government is able to provide quality and efficient services to all the citizens. As the sphere closest to the people, effective local government is critical for ensuring that citizens have a positive experience of government. Public satisfaction is of cardinal importance for developing responsive, effective and accountable local governments. The mission of government is to support the building of a capable, efficient and effective local government system that changes the quality of life of citizens. The essence of local government objectives is centred in service delivery to the communities, while enabling social and economic growth thereof.

One of the reasons why service delivery is poor is often because the municipalities which are supposed to manage and deliver services are weak and ineffective. Some common weaknesses are that municipalities are underfunded; policies and standards are poorly formulated, making it more difficult to implement and monitor; officials do not have the skills they need to follow financial and management procedures, or implement service delivery; too expensive and time-consuming to train sufficient officials; and elected leaders may not have the capacity or time to exercise proper oversight.

The landscape of the local government sphere presents countless challenges for elected and administrative officials, as it is characterised by constant change, conflict-generating forces, and growing uncertainty. Furthermore, municipal officials face the reality of dwindling resources along with rising expectations of residents, which puts a great deal of pressure on them to accomplish more with less in a constantly changing and complex environment (Demir & Nank 2012:330). It is imperative therefore, that local government office-bearers and officials take

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part in collaborative decision-making processes and work together in pursuit of innovative solutions to the pressing, and often elusive, problems of our times.

Unfortunately, the local government sphere is only as vibrant, effective and relevant as the people elected to run it and good governance is highly dependent on how well the relationship between the elected members and the administration works. The administration is formally accountable to council through the municipal manager who is directly accountable to council and also has specific authority (including that of managing the municipality).

Municipalities may improve their performance by cultivating a strong political and administrative leadership, including a functioning council with oversight structures that is performance-driven by its IDP and budgets. Secondly, effective municipalities must value public consultation and communication through updating on progress made and inviting residents to make suggestions. Residents need to be educated on for instance, ward committees and the roles of political office-bearers in their municipalities. These local representatives must consistently engage with their communities and residents must participate in meetings and hold their council to account. Effective municipalities must furthermore ensure that there are responsive service points for water, electricity, waste removal and public transport. It is furthermore of critical importance to deliver and maintain infrastructure such as health facilities, housing, sanitation and water.

There is a very strong link between disclosure requirements, improved performance, improved ethical behaviour, and an improved level of accountability. The mere perception of poor standards of accountability has the same effect as poor accountability in practice. For public confidence and trust in government to improve, it is necessary to remove all those practices that lead to public perceptions of unaccountable government. Almost without exception, public mistrust is a result of secrecy and the cure is increased transparency.

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Of the many challenges faced by municipalities, one of the major concerns is the serious leadership and governance deficiency in municipalities, including weak responsiveness and accountability to communities. Furthermore, municipalities have inadequate human resources to ensure professional administrations, and positive relations between labour, management and councils. Municipalities fail to fulfil legal requirements to ensure the active participation of communities in local government processes. These failures have resulted in regular service delivery backlogs and protests throughout the country.

Fair government is based on the principle that officials – either appointed or elected – can be trusted as independent actors in the provision of municipal services for all residents. Officials should strive to keep up the trust between them and the residents, because this forms the basis for effective government and efficient service delivery at all levels of society.

In this chapter the findings made from the literature study, focus group discussions and interviews are used to make certain recommendations as part of the objectives of the study and specific conclusions are drawn.

6.2   Summary of the chapters

As indicated in chapter 2, local government systems in general operate in an environment of politics and administration, dealing with the expression of the will of the state and the execution of that will. Since the inception of public administration as a recognized discipline during the late 1880's, the nature of the relationship between politics and administration, as well as the respective roles, powers and functions of the political office-bearers and public servants in government in general, has been viewed as problematic.

The local sphere of government in South Africa is an executive organ of state; thus the actions and activities of the political- and administrative structures, collectively

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identified as municipalities, are regulated by acts of Parliament and relevant provincial legislation (as explained in chapter 2). Furthermore, the local government sphere functions on the basis of the decisions of the legislative authority that determine the broad policy directions and thereafter demand accountability from the administrative or executive institutions for their actions to achieve the various goals.

The activities of a municipality are guided by the obligation to, among others, meet the basic needs of their respective communities, build clean, responsive, and accountable local government in an environment of functionality, perform effectively, and act professionally. In terms of section 152(1) of the *Constitution* the purpose of any local authority is to improve and secure the general welfare of the community that it serves. Section 153(a) of the *Constitution* also determines that municipalities are required to structure their administration, budgeting and planning processes to give priority to the basic needs of the communities that they serve.

However, many local governments in South Africa are accused of poor financial administration- and management and municipal councillors and –officials are quite often accused of irresponsible financial decisions that lead to waste and unnecessary expenses (Ababio & Makgoba 2002:1). Some of the challenges facing municipalities throughout South Africa include poor service delivery, non-payment of services, as well as the ineffective management of resources in general. Part of the aforementioned challenges result from the fact that political and executive institutions and their role players do not always obey the different demarcated fields of their respective powers and functions. This directly contributes to ineffective and problematic relations, negatively affecting municipal service provision.

Therefore, certain channels for communication and accountability are determined and the different powers and functions of councillors and officials must be set out

clearly and comprehensively. Cooperation in the local government sphere between the political office-bearers and the municipal officials is critical to ensure excellent financial management; a prerequisite for appropriate service delivery.

A municipal council is regarded as the political supreme authority in the local government sphere, and as the legislative authority accepts responsibility for the execution of approved programmes to meet the requirements of effective and efficient service provision and is accountable to the public for its achievements. Responsible and transparent management in the local government sphere requires close and meaningful cooperation between the political office-bearers and the municipal officials. Cooperation between the role players in these two structures is of utmost importance to manage municipalities with leadership that testifies of vision, insight, viability, and effectiveness and efficiency.

Too often, the different powers and functions of the political (executive) institutions, comprising of mayors and councillors, and the administrative (executive) institutions, consisting of municipal officials employed by the particular municipal council, are misinterpreted and executed. Because of these inaccurate views and application concerning the nature and extent of powers and functions, improper interaction and relationships can develop to the detriment of local government service provision.

The challenging relations between the political office-bearers and the appointed municipal officials need to be aligned to democratic requirements; and these different fields of relationship should be tempered according to the demarcated spheres of separated powers and functions. It was found that the relation and therefore the separation between politics and administration are generally vague and unclear to political office-bearers and the operational municipal officials alike. The main aim of the study was to investigate and analyse the nature and extent of political- and administrative relationships and interaction in municipalities and its

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influence on good governance and service provision at Free State Province municipalities. It was furthermore determined to what extent a misconception of the roles of administrative officials and political office-bearers might influence effective and efficient local government and –administration in particular and public accountability in general. With these results recommendations were developed, proposing how the challenges can be disentangled, and how to rectify and restore the appropriate roles and relations of political executive institutions (municipal councils) and administrative institutions in the Free State Province local government milieu.

The following objectives were identified to explore the major research field that could contribute towards solutions for the research problem:

(i)   to contextualize the interaction between the political- and administrative authorities at the local government sphere in South Africa;

(ii)   to determine the institutions responsible for political- and operational activities at the local government sphere;

(iii)   to explore the institutional powers and functions of the executive authority on the one hand and those of the administrative authority (municipal officials employed by municipal councils) on the other hand;

(iv)   to investigate the nature of the political and administrative interaction at selected municipalities in the Free State and identify and investigate the challenges experienced by these municipalities due to poor interaction between the political and administrative authorities;

(v)   to investigate the application of ethics, professionalism and leadership in an ideal environment of transparent, responsive and accountable local government;

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(vi) to assess the obligation and commitment of municipalities in the Free State Province to meet the basic needs of their communities in an environment of service excellence; and

(vii) to develop recommendations that will enable political office-bearers and municipal officials to improve political and administrative interaction and service delivery in the Free State Province.

Chapter 1 served as an introductory chapter and provided an overview of the research theme and clarified concepts related to the study. It indicated that newspapers in general report on various incidents of political interference, corruption and a lack of transparency at municipalities almost on a daily basis. According to a report released in 2014 by the South African Institute of Race Relations political interference is one of the main causes dragging down South African municipalities (City Press 18 May 2014).

According to Ammons and Newell (1989 in Nelson 2003:1), contemporary researchers found that the relation and therefore the separation between politics and administration are generally vague and unclear to political office-bearers and the operational municipal officials alike. The challenging relations between the and the appointed municipal officials need to be aligned to democratic requirements and these different fields of relationship furthermore need to be aligned according to the demarcated spheres of separated powers and functions.

Furthermore, large numbers of citizens experience their municipalities as ineffective and view them as institutions that waste money and that they do not succeed in satisfying the real needs of the community. In 2014, dissatisfied residents of the Maokeng area demonstrated their discontent with irregularities at the Moqhaka municipality by strewing garbage in the streets of Maokeng and Kroonstad (Volksblad 23 January 2014). Residents had been without water for two weeks and refuse had not been removed for fourteen days. In another incident, the

Mantsopa municipality was criticised for its decision to allocate money for the purchase of car for its mayor while service delivery and infrastructure allegedly deteriorated in the area (News24 19 May 2015).

Other challenges identified in chapter 1 were the achievement of the NDP 2030 goals, the infrastructural backlogs that municipalities need to address, the Sustainable Development Goals that need to be reached and service delivery protests. This chapter lastly stated the problem, goal and objectives, methodology, limitations of the study and the demarcation of the study.

Chapter 2 focused on the theoretical foundation of political- and administrative relations and interaction in the Republic of South Africa in terms of, among others, the constitutional and legal framework in relation to the separation of political- and administrative activities and the powers and functions of political office-bearers and municipal officials. Certain key concepts, such as *trias politica*, good governance, and political interference were placed in context with political- and administrative relationships at the local government sphere.

The next chapter focused on the political- and administrative realities in the Free State Province local government sphere specifically. Chapter 3 aimed to draw a clear distinction between the powers and functions of the political executive- and the administrative executive authorities. The chapter subsequently evaluated current political- and administrative interaction and relations at specific local authorities in the Free State Province.

In chapter 4 the service provision challenges, stemming directly and indirectly from political and administrative interaction at local governments in the Free State Province were addressed. There are various challenges that impede the maintenance of excellent political- and administrative relationships at local governments in the Free State Province. An analysis of the current situation of local

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authorities in the Free State Province in terms of the interference of politicians in administrative activities was addressed in this chapter.

Chapter 5 focused on the meaning of sound political- and administrative leadership in local governments and its influence on service excellence. The chapter furthermore expanded on key concepts such as leadership, accountability, public accountability, ethics, professionalism, transparency, and corruption. The meaning of political- and administrative accountability for local governments in the Free State Province was analysed and the importance of applying ethical norms by political executive- and administrative executive institutions in ensuring accountable local government was explained.

The misconception and possible confusion that exist concerning the separation of powers and functions of political (executive) institutions and administrative (executive) institutions and the resulting deteriorating relationships that directly influence the effectiveness and efficiency of municipal service provision in the Free State Province were analysed. Recommendations were formulated to assist the different role players in their interaction and mutual aim to improve service provision in the Free State Province and to fulfil the important requirement to provide effective, transparent, accountable, and coherent municipal government.

6.3   Recommendations

Mr Manuel (Chairperson of the National Planning Commission) stated: "Let me state unequivocally that public service is a calling and a responsibility. It is a choice exercised. We choose to serve and accept that we will be comfortable, or we enter the private sector in pursuit of wealth – we cannot do both" (Manuel 2013:5).

The local government sphere provides services that are necessary to satisfy the communities' needs and services that are financially sustainable. However, residents' dissatisfaction with poor service provision by municipalities has led to

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frequent service delivery protests throughout South Africa. According to the country's socio-economic blueprint, the National Development Plan – 2030, a number of areas for targeted action in improving governance and administration need to be addressed. Some of the priority areas to improve delivery include achieving a clearer separation between the roles of the political principals and the administrative heads of municipalities and improved or reinforced accountability and oversight in local governance.

Furthermore, SALGA is especially concerned about three systemic issues at municipalities. The first aspect refers to overregulated and over-structured municipal matters; municipalities should carry out plans in a more meaningful way rather than merely trying to keep to specific directions/prescriptions. Secondly, the necessary skills should be developed to ensure that plans are implemented. Thirdly, plans must be properly financed and these funds must be managed correctly. These issues, as well as various other factors which affect high quality service provision at municipalities in the Free State Province, have been identified from the in-depth literature study and the responses from interviewees. Recommendations on how these local government service provision challenges may be addressed, with specific reference to the interaction between political heads and administrators, are identified below. It is suggested that these recommendations should be considered by the relevant role-players at Free State Province municipalities in order to possibly enhance sound political-administrative relations and improved service provision.

6.3.1 Addressing service delivery challenges in Free State Province municipalities

Community protests (see chapter 4) indicate the dissatisfaction of residents with poor service delivery. Some of the causes of poor service delivery in the local government sphere (see chapter 4) include councillor interference in

administration, lack of political and administrative leadership, inadequate infrastructure and the shortage of skilled personnel in municipalities.

Interviewees and participants of focus groups agreed that municipalities should take cognisance of the stipulations of the Back to Basics Approach to enable them to address dissatisfied communities. This Approach determines that the basic services that municipalities are responsible for to create conditions for acceptable living conditions are basic electricity, basic water, sanitation, and waste removal. In addition to the above functions, municipalities must ensure that services such as cutting grass, patching potholes, working robots and streetlights and consistent refuse removal are provided. A municipal council must ensure proper maintenance and immediately address outages or maintenance issues to ensure the continuity of service provision. Municipalities must furthermore improve mechanisms to deliver new infrastructure at a faster pace whilst adhering to the relevant (quality) standards.

An acceptable level of performance means that municipalities must provide municipal services to the people and not only to a select few. This implies the creation of conditions for decent living by consistently delivering municipal services to the right quality and standard. In a focus group the participants indicated that their municipality struggled to cut wastage, spend public funds sensibly, hire competent staff and ensure transparency and accountability. This led to poor governance and ultimately dissatisfied residents. It is crucial for municipalities to build and maintain sound institutional and administrative capabilities, administered and managed by dedicated and skilled personnel at all levels.

6.3.2 Clearer separation between roles of the political principals and administrative heads

A productive political administrative interface is key to effective municipal governance and performance, and this can only be achieved in a situation where

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there is mutual trust and respect between politicians and senior officials; where the local government sphere is relatively apolitical and there is minimal political patronage; and where politicians manage their multiple roles effectively and avoid confusing their responsibilities as politicians with those of their constituency responsibilities.

In future a more definite line of separation between the political- and administrative leadership of a municipality should be drawn to prevent unnecessary friction, interference and tension between the political decision-makers on the one hand, and the administrators on the other hand. Therefore, the provisions of the *MFMA* determining the clear separation of the roles and responsibilities of a council, an executive mayor, a municipal manager and other senior officials (see chapters 2 and 3) should be strictly adhered to. It is recommended that the systems of reference and delegations should be made available to the relevant personnel in the municipality by publishing it and making it available on the municipality's website. Training and/or workshops need to be offered to ensure that officials and office-bearers are properly informed about their importance in enhancing the political-administrative interaction at the municipality.

In terms of the *MFMA* clear lines of authority are determined between a council that must approve council policies, the executive mayor that must exercise political leadership and the municipal manager who is accountable to the executive mayor, as well as to the council for the effective implementation of council policies. It is of utmost importance that this separation should be maintained and implemented in practice to enhance the interface and the quality of service provision to residents.

Furthermore, a clear distinction should be made (in terms of the role players) between policy determination and –implementation. While policy determination is the exclusive function of a municipal council, policy implementation is the function of the officials of a municipality. However, the municipal manager and his

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management team should be provided the opportunity to influence the policy direction of a municipality by ensuring that they provide the input received from residents and interest groups to the councillors.

A definite separation between the governance and administrative functions will ensure that there will be less confusion about the relevant role-players' responsibilities and who is accountable for what. A council should leave the administrative function to the appointed officials of a municipality and should not aim to interfere or abuse its political supremacy to manipulate officials in the execution of their activities. Council should not interfere with the operational activities and the micro-management of a municipality. It is suggested that consideration must be given to the design and implementation of leadership development programmes that aim to strengthen the political administrative interface at municipalities.

The municipal council should keep the executive mayor accountable for the promised outcomes and the municipal manager for the specific results of the programmes, obtained during a financial year. The municipal manager should implement the decisions/instructions, issued via the executive- or mayoral committee on behalf of a council, to the best of his/her abilities. The municipal council should thus regularly monitor the activities of the executive mayor and the executive- or mayoral committee in order to determine if they implement the approved programmes of the municipality. The executive mayor must, on behalf of a council, exercise oversight over the activities of the municipal manager. Therefore, mayors should be skilled and have the necessary knowledge to perform their function of interface with the administration. Mayors need to understand the roles and responsibilities of the municipal manager to ensure that they can exercise proper oversight. Political parties should thus ensure that the necessary skilled persons are elected as mayors.

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Individual municipal councillors may not issue direct instructions to municipal officials because it is against the accountability lines of municipalities, while municipal officials are not allowed to deliberately influence a council or provide it with misleading information that might negatively influence decision-making.

The balance between these functionaries and the administrators could be maintained by upholding the following norms:

- administrators support the law, respect political supremacy, and acknowledge the need for accountability;
- administrators are responsible for serving the communities and supporting the democratic process;
- administrators are independent with a commitment to professional values and competence, and they are loyal to the mission of their department/directorate;
- administrators are honest in their dealings with political functionaries, seek to promote the broadest conception of the public interest, and act in an ethically grounded way; and
- political functionaries respect the contribution of professional administrators and the integrity of the administrative process (Svara 2006:133).

The Local Government Association in the United Kingdom launched the "Leading Edge" program that focuses on the critical interface between elected leaders and senior officers – challenging them to consider key issues facing councils, communities and the wider public sector (LGA, Highlighting Political Leadership – The LGA Development Offer 2016:8). Top level politicians and officers get the opportunity to share thinking and ideas on key issues affecting their councils. Leaders and chief executives from a variety of councils can take part in a series of workshop events which will focus on the most challenging issues facing the local government sphere. It is recommended that municipalities in the Free State

Province, in cooperation with the SALGA, should arrange similar leadership programs/workshops.

In practice the linear model of interaction between councillors and the administration occurring only through municipal managers is not feasible. Council committees deal directly with the relevant line managers as do individual councillors with regard to matters raised by the public. According to an interviewee it is simply not practical that all communication between a councillor and the administration is channelled through the municipal manager's office as that will be too time-consuming. However, the interaction should not be unregulated. A municipality should draft a protocol for interaction between councillors and the administration in terms of which the municipal manager is also notified of such interaction (for example the use of a complaints book when councillors want to bring issues to the attention of the senior managers).

6.3.3 Tips for improved relationships

For municipal officials to maintain good relationships with elected officials the following might be required:

- Elected officials must be clear on the legal, ethical and professional lines over which officials are not allowed (and willing) to step.
- Elected officials must respect the fact that the municipal officials' professional reputation for competence and integrity in the long term is an extremely valuable career asset (rather than keeping a particular job).

The municipal council and municipal manager should agree on what the outputs for their municipality should be. The outcomes and outputs for the municipality should be clearly stipulated in the IDP and it should be determined how the appropriateness of outputs can be measured. To facilitate and enhance cooperation and communication between the political structures (municipal

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council), political office-bearers and the administration, the following recommendations can be made:

- build and maintain good working relationships, built on mutual trust and with a development-orientated focus;
- cultivate an operational environment that is formed by a consultative process and policies;
- foster a culture of open and mutually respectful communication;
- strive towards honesty, integrity, team work and commitment; and
- adhere to applicable legislation and codes of conduct pertaining to politicians and officials.

The ideal is that politicians should determine policies and guidelines for what the council wants to achieve in a financial year, while the administrators should ask questions about the viability (for example, if it can be funded) of these decisions. There should be an understanding that best practice commands specific, straightforward formal systems of interaction and well- articulated lines of accountability and reporting mechanisms. This may improve relationships and minimise tension between the relevant role players.

6.3.4 Effective and accountable leadership

Municipal leadership requires innovation, commitment and respect, while the strength of personal character is a primary characteristic of a good leader who wants to build character and integrity in the local government sphere.

The following can be recommended to ensure effective and accountable leadership in municipalities:

- if the municipality and its political leadership fail to improve on poor audit outcomes (adverse and disclaimer opinions), councillor remuneration

should be affected; section 139(1)(c) of the *Constitution* (dissolve the municipal council and appoint an administrator) should be resorted to in case of the repetition of bad performance by the municipality; and additional funding to the municipality should be discontinued;

- the overall performance of a municipality should be judged by a panel that consists of government, SALGA and the community. This could be made possible by implementing a strict Performance Management System (PMS) for senior managers and developing a scorecard that outlines the minimum acceptable level of performance for ward councillors or PR councillors;
- political appointments (cadre deployment) should ensure expertise and minimise undue political tension;
- in the case of good performance by a municipality, the reward should for example include increased remuneration levels and additional skills development funding; and
- citizens-based monitoring of key council projects and programmes should be introduced for improved external accountability.

Another important aspect that should be critically addressed is the increasingly prevalent issue of educating and developing the next generation of leaders. Large numbers of retiring public servants and the 'juniorisation' of municipalities underline the urgency of identifying clear strategies to monitor and develop young professionals into future leaders. There is a need to provide mentoring and training programmes that will transfer knowledge from the current generation to the next. It is critical to establish strong values and ethics in municipal service leaders; of equal importance in addressing improved leadership is strong management, strategic thinking and the need to find effective ways of training leaders.

Lifelong training programmes should be introduced and the willingness and ability of leaders to adapt and learn in new situations should be instilled. "Thinking and doing" leaders are needed in the municipal service. Public service training and

development institutes (PSTDI's) such as the National School of Government should play a critical role in building capacities of future municipal service leadership. However, the challenges involve that PSTDI's fail to sufficiently understand the municipalities' environment, have insufficient funding support and a lack of clarity in their mandates. The primary challenges of building leadership are overcoming political interference, poor management, and limited resources.

There needs to be a shift toward enabling municipalities in a practical and sustainable manner by providing operational guidelines and access to training and specialised skills.

6.3.5 More effective local councillor leadership

In order to understand and represent local views and priorities, a local councillor needs to build strong relationships and encourage local people to make their views known and to engage with residents and the council. Good communication and engagement is central to being an effective councillor. Residents will expect from a councillor to:

- respond to their queries and investigate their concerns;
- communicate council decisions that affect them;
- know his/her area/ward and be aware of any problems;
- represent their views at council meetings; and
- lead local campaigns on their behalf.

Unfortunately, councillors are generally unclear about the role they must play and are consequently not properly equipped to function effectively, often resulting in interference in administrative matters. Prior to election, political parties should make a rigorous effort to prepare candidates for their political leadership roles through exposing candidates to training as early as possible.

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Councillors play an essential role as the interface between residents and the municipal administration. Where there is effective and transparent oversight by councillors of municipal progress with service delivery, combined with feedback to residents on progress, residents appear to be more satisfied with service delivery, because they are aware of the challenges facing the municipality and what is being done to address the situation.

Municipal councillors should pursue the knowledge and skills they need to perform their oversight duties and insist on support from national and provincial government for their continuous development. If councillors do not feel equipped and enabled to effectively oversee the administration they will not be able to hold municipal management to account and enforce consequences for poor performance and transgressions. Councillors should furthermore ethically apply the leadership skills that earned them the trust of their communities, adhere to legislation and account for actions in a credible manner.

6.3.6   Institutional design of municipalities

The institutional design of the local government sphere needs to be assessed to interrogate whether it does not contribute to or worsen negative interaction and relationships. Only political parties themselves can 'govern' how politics play out in municipalities. The responsibility lies with these parties, especially the ruling party, to discuss the 'thin line' between politics and administration; as a failure to respect this distinction invariably leads to problems. Parties must make an honest assessment of their practices and find ways of professionalising themselves.

6.3.7   A political skills toolkit

Interviewees mentioned that they do not always fully comprehend their role and functions as representatives of their communities. A possible solution might include the development of a political skills framework which can serve as a 'toolkit' to support municipal councillors. To be effective in any job a person needs to know

what is required of him/her and must have the knowledge and skills to achieve it. A political framework can set out the key knowledge and -skills needed to support new and experienced councillors in their efforts to develop the knowledge and skills to be effective in their role.

A toolkit should be developed that contains an easy-to-access skills framework that takes account of changes in councillors' roles and self-reflective learning reviews that can be used by councillors to identify their own areas of strength and areas for development. This skills framework should be utilised in different ways, for example for member induction purposes, self-review, mentoring and continuous training and development.

6.3.8 Diminishing political interference

The effective functioning of a municipal council depends much on the co-operation and coherent distribution of functions between the various office holders and committees it consists of and thus clear role definitions are critical.

In an attempt to diminish political interference the following may be considered:

- to develop and offer a nationwide credit-bearing, distance-learning course on Local Government Political Interference;
- establish a nationwide public awareness campaign to diminish political interference; and
- establish measurable criteria and procedures that allow local governments to be assessed, statistically evaluated, ranked, and compared to others throughout the Free State Province (refer to section 6.3.12.1).

6.3.8.1 Political appointments (cadre deployment)

There is widespread agreement on the destructive consequences of political appointments on the efficient and effective functioning of a municipality.

Appointments on the grounds of political considerations, and not on the skills and experience of the person, undermine certain fundamental objectives of a good administration. For instance, the appointment of incompetent persons will compromise the effectiveness of the municipality, because they will not be able to implement council's policies and decisions. Thus, the municipal council cannot rely on their senior administrators to successfully carry out their decisions. Moreover, a political appointee is likely to be accountable to his/her political masters rather than to the council as a whole, which may compromise the impartial provision of services. Municipal officials should serve the general community interests and not only part of it; therefore appointments should not be made based on political affiliation.

Another aspect that needs to be addressed is re-deployment. One interviewee referred to the moving of officials, who were found guilty of misconduct, fraud or poor performance, from one municipality to another as simply "re-arranging the chairs on the deck of the Titanic". He referred to a specific incident (Volksblad 5 March 2010) and stated that the move/re-deployment will not keep the ship from sinking. Municipalities should ensure that they implement formal disciplinary measures to ensure that officials will know that there will be consequences if they do not act according to policies and procedures.

Articulating ways of avoiding political interference into administrative activities are extremely complicated. The first possible approach implies greater political maturity by the political parties. It may be recommended that these parties should recruit better councillors. Should political appointments into the administration remain a strategy in the South African municipalities, the political parties must ensure that their candidate(s) meets the minimum statutory requirements.

A municipality can only function effectively and efficiently if both political and administrative office bearers are able to work cooperatively together in the interest

of ensuring services are provided to the people. Municipal officials are required to maintain a broad picture and to remain free from local political concerns. This can often be a challenge as working directly with the political leadership presents competing priorities and challenges. Politicians should uphold dignity in the municipal council and discharge their responsibilities of administrative oversight effectively in accordance with policy guidelines.

Cabinet has approved the *Municipal Systems Amendment Act (MSSA)*, Act 7 of 2011, which seeks to depoliticise municipalities and ensure that skilled people are appointed at the local government sphere. This Act makes it mandatory for municipalities to employ appropriately qualified and competent people and regulates the re-employment of employees who were dismissed for serious misconduct (RSA 2011:12). Those officials found to have taken advantage of the state and found guilty of such serious misconduct, fraud and corruption will not be re-employed by any municipality for a period of ten years. Most importantly, with regard to inappropriate political interference in municipal administrations, the *MSSA* prohibits the appointment of political office bearers to top municipal posts and ensures the establishment of uniform systems and procedures for municipalities (RSA 2011:31).

The *MSSA* is an important step towards professionalising the local government sphere by fending off the undue influence of political officials or political parties over the administrative function of a municipality. The effectiveness of the Act depends on whether the legislative provisions are adhered to, how these are monitored and what the repercussions are for non-compliance.

Additional aspects concerning certain appointments at municipalities include:

- leaving the appointment of the municipal manager to the council upon recommendation from an interview panel, to prevent inaccurate and politically motivated appointment processes followed by the council; and

- Section 57 employees should be appointed by the municipal manager instead of politicians (council), as it promotes political interference (RSA 2011:17).

South Africa's political-administrative interface is in many cases a source of confusion for civil servants. According to Manuel (2013:5), the problem was not political appointments as such, but the "blurred accountability" that came with political appointments. "No matter how you were appointed, no matter who appointed you, you are not accountable to the ruling party. You are civil servants who are meant to serve all citizens irrespective of political persuasion" (Manuel 2013:5). "This new approach may come as a surprise to you. It may also come as a surprise to your political principals. However, without a professional civil service rewarded for their competence and commitment to the Constitution, we do not stand any chance of transforming South Africa."

"There should be no blurred lines," Manuel said. "As civil servants and as public representatives, we must act in accordance with the law, regardless of what may appear to be expedient, or shaped by pressures exerted on us. Let us commit to strengthen that which is correct, that which is focused on measurable improvements in the quality of life and services to citizens. More importantly, let us carry ourselves with pride, in the knowledge that we are servants of our people" (Manuel 2013:6).

6.3.9 Improve audit outcomes

Municipalities that receive clean audits generally demonstrate impeccable levels of discipline and oversight in their financial management and operational activities. They have responsible managers and leaders who were able to provide

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explanations and additional evidence in support of the transactions they are reporting on. They also have the support of strong oversight by mayors and councils that back the efforts of municipal managers and chief financial officers.

6.3.10 Orderly administration which collectively prioritise fraud prevention and risk management

Fraud and corruption in the local government sphere remains a concern for government and a challenge that government aims to fight. Minister Gordhan (2014) said that they are concerned about fraud and corruption in the local government sphere and the role players need to do a lot more to discourage people from this kind of conduct.

Besides the promotion of good governance principles and their importance for socio-economic development, residents must be familiarised with their rights, with the administration's responsibilities and obligations, as well as the ways for all of them to contribute to local policy development. The importance of well -informed citizens, as well as civic learning, is crucial to draw the residents' attention to the basic good governance principles, such as accountability, transparency, citizens' participation, efficiency and equality.

6.3.10.1 Combatting corruption

Corruption is not only a consequence of weak governance, but also an obstacle to economic development and the growth of strong democratic societies. A corrupt or ineffective local government sphere can slow down economic development, undermine the strength and credibility of democratic institutions and erode the social capital necessary for increased human wellbeing and the development of human potential.

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The widespread corruption at municipalities in the Free State Province which were discussed in chapter 5, led to general mistrust in municipal government among residents. "Increasingly there is a perception that local municipalities simply skim-off a significant portion of the financial transfers from national government for expenditure that has little bearing on development or the provision of basic services to indigent households (Sokupa n.d:2). If a community does not trust a municipal council it may lead to low levels of involvement in municipal issues, which in turn, negatively influence service provision. A democracy and social order is "fragile" and corruption and the misuse of authority put this democracy and social order under pressure.

Combatting corruption should be made a priority by government, because it is eating away at South Africa's economy, stifling growth and most importantly, hurting the poor. Reform should indeed start at the top, as it is the government that sets the country's moral compass. For example, to establish a benchmark for transparency throughout the political system, all top government officials should be asked to publish a register of their assets. The majority of interviewees and participant felt that officials found to have committed corruption should be dealt with harshly, dismissed from the municipality and banned from working in other spheres of government. A culture of accountability should be impressed on municipalities.

It is important to stress the need for a political elite that values integrity and public service above self-interest and patronage. If this is not the case and corruption continues to flourish, the battle for freedom from oppression will not deliver true justice to the most vulnerable in society, who will suffer yet again.

Corrupt officials must be investigated and dismissed timeously if found guilty of committing a criminal offence in order to ensure the integrity of a municipality and for the community to have confidence in the municipality, knowing that corrupt

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officials will be dealt with under the law and corruption will not be tolerated. To prevent corruption, municipal councillors and officials may not be allowed to get involved in a business venture together.

6.3.11 Lifelong training and capacity building

Training can be described as all the planned and purpose-driven activities that enable councillors and officials to improve and "overhaul" their knowledge, skills, insight, attitudes, values and work-habits to such an extent that they are able to carry out specific task(s) more effectively and efficiently (Van der Waldt & Du Toit 1999:397). Training furthermore serves the purpose of cultivating virtues such as diligence, honesty, loyalty, responsibility and employability which are critical to ensure ethical behaviour and -decisions. Different methods and levels of training are available, such as occupational training (for example, tertiary education to become an accountant) and aptitude training (for developing skills).

Throughout the thesis, reference has been made to the lack of expertise in the local government sphere in the Free State Province, as well as how it negatively influences effective and efficient service provision. It seems as if the majority of municipalities in the province are not able to deliver basic services and are not financially viable. These basic services (such as water provision, electricity supply and municipal parks) directly influence the quality of life of residents and should be addressed by a municipality on a regular basis. At the Moqhaka municipality (Kroonstad), for example, residents tossed garbage in the streets of Maokeng (informal settlement) and Kroonstad to show their dissatisfaction with the irregularities and lack of service delivery (Volksblad 2014:4). They had no water in the township (Maokeng) for two consecutive weeks and no refuse was removed. This posed an unsafe living environment and a health threat to the residents. This incident illustrates the importance of the provision of high quality basic services, as well as the need to appoint experts, for example engineers, to ensure that these services are satisfactorily delivered.

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Capacity building and competency are critical for municipalities if they want to strive towards effective and efficient service delivery. Extensive and permanent investment in teaching and training, accompanied by excellent cooperation between all relevant role players, is therefore the key to success in the local government sphere. It is critical to look creatively into strengthening institutional capacity through skills acquisition and development. Ways must be found of attracting the best technical, managerial and financial minds to municipalities to effect a turnaround.

There has to be a focus on building strong municipal administrative systems and processes. It includes ensuring that administrative positions are filled with competent and committed people whose performance is closely monitored. Targeted and measurable training and capacity building should be provided for councillors and municipal officials so that they are able to deal with the challenges of local governance. To achieve this, the following is required:

- ensure that the top six posts in a municipality (municipal manager, Heads of Finance, Infrastructure, Corporate Services, Community Development and Development Planning) are filled with competent and qualified persons;
- comprehensive municipal organograms that are realistic, affordable and supported/strengthened by a service delivery model;
- appropriate human resources development and management programmes;
- establish resilient systems such as billing; and
- maintain adequate levels of experience and institutional memory (CoGTA 2014:12).

Qualifications and experience should serve as the primary criteria when recruiting managers in municipalities. Qualifications provide a theoretical base for the job, and experience, when rightly employed, enhances performance. For productivity to increase, the two need to complement each other. All municipalities should

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enforce competency standards for managers and all staff should sign performance agreements.

The path to effective management and leadership begins at school and therefore communication and writing should be nurtured in the classroom. There are managers and leaders who have great qualities and capacities for huge workloads or determining what is and what is not of strategic importance, but who do not have the 'soft skills' such as the ability to communicate with or engender trust among people. Due to the importance of these skills in the workplace, it is suggested that opportunities should be identified and provided to municipal officials and office bearers for the development thereof.

Political parties should ensure that candidates receive proper training prior to being nominated and that they educate potential councillors before nomination and hold councillors accountable to a code of ethics; which will be rigorously enforced at a party political level. A minimum standard of qualification should be required in order to be nominated. Once elected, they would have to undergo continuous training to equip them to conduct oversight properly.

A number of interviewees were of the opinion that political parties should prioritise the recruitment of skilled and knowledgeable political candidates instead of trying to manage municipalities *after* they have deployed political leaders there. A more radical proposal was that there should be a set of minimum criteria for councillors.

The capacity of councillors to participate meaningfully in council activities needs to be addressed. Political parties can assist by improving their recruitment of candidates for council membership. A framework for the required competencies and skills is necessary to guide recruitment and capacity building. The development of proper protocols and terms of reference to address difficult

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relationships such as those between councillors and the administration should receive proper support.

It was deduced from the focus group discussions that many councillors lacked the basic core skills to enable them to perform their functions effectively. These core skills include basic literacy and numeracy, as some councillors were unable to read council documents, policies and plans in preparation for council meetings. Consequently some councillors (especially the newly elected councillors) are forced to rely on the municipal administrators to assist them and therefore they compromise their ability to exercise effective oversight. Some councillors lacked basic literacy skills, and therefore traditional training methods, dependent on the use of reading material, may not be useful to these councillors. Training support programmes to build councillor capacity should be developed in a way to accommodate councillors who lack basic literacy (for example through the use of audio and visual material).

It is suggested that the selection criteria for the appointment of councillors should be reviewed and tightened to ensure that the quality of councillors is improved. The minimum educational standard should be a matric qualification, and prospective councillors with a track record of community work in the ward they are representing should be given preference in the selection criteria, as should relevant work experience, including experience in the local government sphere.

It should be ensured that councillors know what their functions and powers entail. Due to the fact that they were not elected to council because of their knowledge and technical competence, they often have limited knowledge about, for instance, acts or by-laws relevant to the local government sphere. Therefore they should receive training in all possible facets of their responsibilities. Most councillors only receive basic councillor induction training, relating to their broad roles and functions as councillors. Some receive other types of training such as in the fields of

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leadership and management, but training in the area of developing budgets and financial management is lacking. There is a need to equip councillors with the technical skills needed for developing budgets as well as their implementation. Municipal councillors should be more accessible to communities.

Councillors need to familiarise themselves thoroughly with the Councillor Handbook on the roles and functions of councillors. SALGA, together with municipalities, should create awareness of the need for this handbook to support councillors in their duties and responsibilities. The use of the Councillor Handbook should be encouraged alongside the need for comprehensive and large-scale training of councillors and citizens. This would ensure that councillors are aware of their roles and responsibilities and citizens are informed about what they can and should expect from councillors, especially in respect of the functional jurisdictions of councillors within the framework of local government service delivery.

It can be recommended that the Free State Provincial Government and local municipalities should cooperate in addressing the training needs of municipal officials and office-bearers. Municipalities should establish and/or upgrade their training divisions/sections and facilities to enable them to provide training at their premises. Training should be provided by internal expertise or accredited external facilitators from, for example, local universities.

One of the challenges that the majority of municipalities currently face (as referred to in chapter 4) is the lack of competence on the local sphere. This challenge can be addressed by means of implementing relevant training programmes to municipal councillors and officials. Training has too often been general and basic and it resulted in councillors showing very little interest in attending such programmes. To ensure that generally accepted values are being instilled in municipal councillors and officials, training and education programmes should include the following:

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- knowledge about the law system and the implementation of equity systems within the context of different cultures and municipalities;
- the upholding of the rights, obligations and responsibilities of individuals and groups within the social and political system(s);
- informing and familiarising themselves with the objectives and restrictions of a municipality that fosters and/or encourages economic and social progress and cultural values;
- maintaining standards of objectivity, effectiveness, impartiality, integrity and honesty in the implementation of municipal activities within the context of professionalism;
- developing and implementing of a public communication system that encourages participation to government processes by residents; and
- developing and implementing a government system that will foster the accountability and participation of municipal councillors and officials (Bayat & Meyer 1994:39).

It should be kept in mind that there are a relatively large number of new municipal councillors employed by municipalities who do not have any previous experience of the local government sphere. Training programmes for these councillors are thus non-negotiable to address these backlogs/handicaps of the past and to equip them with the required knowledge and skills needed to serve the community effectively and efficiently. In practice the Local Government Sector Education and Training Authority (LGSETA) provides a variety of skills development interventions such as the Sector Skills Plan (SSP) and learning programmes aimed at local government employees and others working within the sphere such as traditional leaders and ward councillors.

LGSETA's mission is to partner with their strategic stakeholders (including Department of Higher Education and Training, CoGTA, Independent Municipal and Allied Trade Union, South African Municipal Workers Union and SALGA) to create a pool of local government skills, relevant for effective and efficient service delivery

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of their local communities across South Africa. It furthermore ensures that the way in which learners are trained and educated fulfils the requirements of the local government sphere.

Although several attempts have been made in the past to train councillors and officials, this training still seems to be inadequate. It might possibly be ascribed to a lack of funding, as municipalities on their own cannot satisfy all the training needs in the province. It is necessary for municipalities to rely heavily on higher education institutions (such as universities) to assist in the provision of occupational education to councillors and officials. Innovative thoughts, policies and approaches will have to be developed in future to address the training needs of municipalities.

The Free State Province should take comprehensive steps to ensure that councillors and officials are qualified in the theory of financial management and aim to provide, on a more regular basis, training courses to municipal councillors and officials. Seminars and workshops to get councillors and officials skilled in specific areas of municipal management and administration can assist in motivating them to undertake their functions scrupulously.

It is recommended that the services of retired professionals/specialists, such as engineers and ex-chief executive officers be obtained to assist in building the capacity of newly appointed municipal councillors and officials. These professionals should also serve as mentors to the councillors and officials. Current municipal officials and councillors should be re-trained to ensure that they are informed about new developments in municipal governance and administration. Municipalities should not hesitate to invest money in the training and development of their personnel.

A professional grid of different levels or categories could be developed, taking into account formal academic qualifications, experience, on-the-job training, and

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position held within the ranks of local government management. Officials could be grouped into categories, indicating levels of their seniority, similar to the legal profession. These officials could be used in different capacities including the training of successive generations of municipal managers and the setting up of think-tanks to contribute to local government legislation and policy development processes, as well as acting as mentors and coaches to newly-appointed municipal managers.

Greater effort should be made by government to lure the young professionals who left the country back to South Africa to practice their skills here. The young, new generation should be motivated to become experts in the "scarce skills" jobs. Steps should be taken to issue outreach programmes to schools and their learners to motivate them to study subjects such as Mathematics and Science.

To deal with the challenges of capacity- and skills building and the appointment of suitably qualified and competent people, CoGTA prioritised the professionalization of the local government sphere and introduced the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers (Government Gazette 2013 no.167). These regulations are aimed at strengthening governance and institutional systems by guiding municipalities in the appointment of senior managers to ensure that their skills are fit for purpose. The regulations provide for the creation of a database of managers who have been dismissed for misconduct or corrupt activities in order to prevent the rehiring of such unsuitable managers who may move on to other municipalities, once dismissed or subjected to a disciplinary process elsewhere.

SALGA launched an induction programme for senior managers (Senior Managers Induction Programme) during 2014 and is expected to spend about R3 million in the next few years to equip senior managers with the necessary skills to manage their municipalities. The inaugural training session took place in Kempton Park;

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hereafter quarterly sessions will be run in all provinces (Hugo n.d:64). The target audience is municipal managers and senior managers who report to the municipal manager. The aim of the programme is to induct newly appointed senior managers, as well as to address the development needs of those managers who have been in the system for a while. The induction programme focuses on the individual needs of municipalities and therefore SALGA will collaborate with individual municipalities who indicate a need for assistance in conducting such in-house training programmes, according to SALGA's Chief Executive Officer (Pule 2014:41).

The training programme will assist municipalities in dealing with capacity challenges, for instance people leading municipalities at political and administrative levels that are not up to the task of fulfilling their responsibilities.

It is arguable that both the soft skills of a councillor (i.e. a councillor's capacity to empathise with his constituency and to communicate effectively and regularly with the community, the party, and with municipal officials), as well as the hard skills (that is, professional experience and educational training) become critical in determining how valuable representative democracy really is. Ultimately, democracy is about processes of political selection and, importantly, about outcomes that are commensurate with the stated needs and aspirations of citizens.

Councillors need more training to be able to:

(i)   interpret council decisions better;
(ii)   have a better understanding of certain aspects of legislation, and
(iii)   understand submissions made by administrators and councillors should have some basic literacy and numeracy skills.

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6.3.12 Performance management

A culture of performance excellence amongst municipal employees should be created or strengthened. To enhance the quality of service delivery continuous monitoring of a municipality's achievements/outputs is critical. A performance management system needs to flow from measuring the strategic objectives to measuring the performance of each municipal employee. This will ensure that staff is held accountable for poor performance or transgressions. In support, the Office of the Premier must strengthen intergovernmental relations in conjunction with the oversight of the two coordinating departments – CoGTA and the Provincial Treasury – and SALGA, all of which have a direct bearing on municipal functions.

From the interviews conducted and the focus group discussions certain key weaknesses and challenges that councillors face at municipalities in the Free State Province were identified. With regard to the performance of councillors, a number of issues that negatively impact on their performance were identified. These include high councillor turnover on the one hand and work-overload on the other, as councillors attempt to meet the requirements of their positions as specified in the *Municipal Systems Act* and the *Municipal Systems Amendment Act*. Another issue is a virtual/near collapse of municipal administration due to key appointments not being made which renders the continuation of the daily functioning of a municipality nearly unattainable.

6.3.13 Professionalising the local government sphere

To lay the foundation for a professional municipal service, a deeply committed leadership that is prepared for unpopularity is needed.

Municipalities need to ensure that the officials (elected and appointed) are familiar with the Professionalization Framework for Local Government (developed by SALGA and CoGTA during 2013). This Framework includes guiding principles to

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strengthen the local government system, promote a high level of professional competence (knowledge and skills), experience, behaviour and ethics on the part of local government officials (appointed and elected); and promote professional ethics, ensure uniformity, standardisation and harmony in the approach to professionalization, professionalism and professional ethics. Municipalities must have plans and objectives in place to enable them to implement the principles contained in the Framework.

The professionalization of the local government sphere must include four broad fields of professionalism, namely:

- professionalism in local government service orientation (may be achieved by institutionalising the Batho Pele Ethos; implementing a corruption and anti-fraud strategy; a Local Government Service Charter and implementing a Senior Management Induction Programme);
- professionalism in leadership and management (actions may include the establishment of the Local Government Service Charter; introduce Portfolio Based Capacity Building; develop councillor development and leadership programmes;
- technical Professionalism (may be achieved through determining and implementing Minimum Competency Requirements and Compliance Measures; developing of Scarce and Critical Skills and securing support from professional bodies); and
- institutional Professionalism (through establishing Senior Management Regulation Measures and providing Performance Management Systems support to municipalities (George 2014:31).

Emphasis should continuously be placed on changing attitudes and values of councillors and officials which will mean that, in future, they will have to adopt and develop a political will, excellent attitude, insight, dedication and professionalism to bring about actual changes to the local government sphere.

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Municipal managers should be governed by norms and standards that ensure that municipal services are delivered efficiently and effectively in a professional manner. These norms and standards include loyalty to an occupation and municipal objectives and functions, and not to party politics or private interests. Municipal managers should appreciate the fact that local government administration operates within the public sector and therefore have to work within the prevailing political system. They should manage the interface between councillors (politicians) and officials with utmost diplomacy.

The true professional acts as a role model to those observing his conduct and work – both in his private and public life. To be professional is to be ethical and to give full and authoritative advice when in a position to do so.

6.3.14 Municipal managers must acknowledge municipal politics

Craythorne (1993:314) states that when a municipality is democratic in the sense that voters elect councillors to govern and represent them, it is inevitable that the municipal manager's independence of the political parties should be unquestionable. To assess the objectivity of the municipal managers is not to deny the need for acute political awareness on his/her part. There is a difference between political awareness and political commitment and the municipal manager should ensure that he/she is fully aware of the difference between the two functions. From the professionally oriented municipal manager a clear commitment to efficient and effective administration is required. However, there should also be an acknowledgement of the political effects of administrative decisions, i.e. a political awareness.

The municipal manager should display total objectivity and impartiality and must not align him/herself with a particular political party in the municipal council. He/she must serve all councillors on an equal, objective and thus professional manner to get respect and co-operation from all the councillors.

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6.3.15 Improved accountability and oversight in local governance

Accountability is widely accepted as a key issue in service delivery improvements. Accountability in service delivery at its simplest is about making sure that people who are responsible for delivering public services do their jobs as best they can and use resources in an efficient and equitable way. Definite and clear accountability mechanisms and –procedures must exist at all municipalities to make public accountability possible. It is suggested that municipalities should give account on the state of ethical affairs, fraud, corruption and misbehaviour.

Local governments should work on strengthening local democracy to improve transparency and accountability in their daily work. The importance of open relationships between the local government sphere, civil society and citizens cannot be overemphasised. Municipal councils and the administration should practice accountability in an active way; they must inform citizens about municipal budgets and raise public awareness about the importance of value for money and the fact that money raised by taxes should be managed carefully. A satisfactory judgement of communities' (including businesses) needs (for example, waste management, public lighting, and building permits) is an important stimulus for a trustful position of the local government sphere.

Elected leaders are supposed to represent the needs and concerns of the people in their constituency. They have a responsibility to their constituents to make sure that the decisions they have made are implemented fairly and the promises honoured. Residents should monitor standards and commitments and call attention to out-dated, vague and inadequate standards. People have a right to question elected leaders about their decisions and elected leaders are obligated to listen to citizens and follow up on their concerns. Monitoring elected leaders' performance and engaging them to account are therefore important for furthering accountability in service delivery.

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Providing accountability may be problematic when an official on the lower management levels is a high ranking official in the political party structure, because in many cases the middle-level manager, for example, will not be able to reprimand this official who ranks high on a political level. This situation has a detrimental effect on service provision at municipalities, due to the fact that the high-level managers are not able to discipline the lower-level managers in their municipalities.

Elected leaders make the laws about service delivery and these laws inform municipal officials about how they are supposed to deliver services. If officials do not do their jobs properly, elected representatives should hold them to account. Residents should monitor whether elected leaders do carry out their oversight function. They should gather evidence about how well departments and officials are managing services and put pressure on elected leaders to hold officials to account.

Accountability comes in two dimensions: that of municipal officials/workers to elected officials; and that of elected officials to the residents who elected them. Residents need more astute instruments to enforce accountability, such as vigorous political parties that have a built-in incentive to uncover and publicise wrongdoing by the ruling party and to present an alternative set of public policies to the voters; some form of media (print, low-wattage AM and/or FM radio) to transmit information on a municipality's outcomes/activities on for example talk shows; public meetings for encouraging citizens to express their views and obliging municipal officials to answer them; and formal redress procedures such as municipal committees that are based on traditional local structures and are charged with monitoring elected councils.

It is recommended that councillors should receive more education and training on the Code of Conduct. This would encourage them to be accountable and to abide by the rules that govern their actions and behaviour. Through this emphasis, the

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performance of councillors would be improved, and the residents they are representing would begin to place more trust and faith in the ability of their public representatives to serve their interests honestly and in a transparent manner.

6.3.16 Local Economic Development

Economic development in small towns and rural areas seems to be lacking or slow. The urban areas have enjoyed investment and significant infrastructural development over the past decade due to factors which include a decline in the number of people living in rural areas and small towns (Geyer & Geyer 2015:28-29); the rural population that continues to decline and the economies of numerous rural towns that are not growing at all.

It is recommended that municipalities in the Free State Province should not only strive towards providing basic services to communities, but also strive towards addressing local economic development (especially in the smaller towns). Councillors and the mayor should focus on how to develop local economies, but unfortunately there is a lack of political will in this regard. A city/town is not only a place of residence, but people should also be able to make a living within these towns/cities. There are people who are willing to establish industries/small businesses in the smaller towns, but not without the support and assistance of the specific municipality. It is thus critical to have the political will at these municipalities to take them forward and not serving self-interest of politicians and senior managers. The challenge is that, due to extreme poverty in communities, municipalities only focus on providing the free basic services to keep residents satisfied and they do not show interest in stimulating the local economy in order to provide residents the opportunity to make a living.

To conclude, it can be stated that for the local government sphere to address its current challenges, the following aspects should be taken into cognisance:

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- ensure that the root causes of municipal performance failures, as annually indicated in the reports of the Auditor-General, are being addressed;
- realise that the improvement of municipal performance is a long-term and dynamic process and that no 'quick-fixes' exist;
- it is critical to clearly articulate the roles and responsibilities of role players in the local government sphere;
- assist municipalities to get the basics right (Back to Basics Approach);
- ensure that initiatives to improve performance are properly sequenced; and
- properly design, manage and evaluate the capacity building initiatives (George 2014:49).

6.4 Contribution of the study

According to section 195 of the *Constitution* one of the basic values and principles guiding public administration is that "…services must be provided impartially, fairly, equitably and without bias" (RSA 1996:99). The study investigated the relation between political-administrative interaction and service delivery challenges at the local sphere of government in the Free State Province; thus it contributed to the knowledge in the discipline of Public Management.

Another major aspect that the study explored was the interference of politicians in the management and administration of municipalities. In this regard, section 11 of Schedule 1 (Code of Conduct for Councillors) of the *Municipal Systems Act* (RSA 2000:77) determines that:

"11. A councillor may not, except as provided by law –
- interfere in the management or administration of any department of the municipal council unless mandated by council;
- give or purport to give any instruction to any employee of the council except when authorised to do so;

- obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or
- encourage or participate in any conduct which would cause or contribute to maladministration in the council."

This study pursued to provide answers as to whether and to what extent the political-administrative interaction at the local government sphere influences municipal service delivery (which included the interference of politicians in the administrative activities). Based on the results obtained from the study, it provided recommendations for the improvement of relations and interaction between the political and administrative authorities with the ultimate aim of improving municipal service delivery in the Free State Province. The study contributed to the knowledge in the field of local governance by developing comprehensive recommendations to be considered and implemented by practitioners and stimulate further research by academics.

6.5   Conclusion

The political-administrative interface is a complex one, specifically at the local government sphere, where an incredibly close working relationship exists. Problems experienced in each individual municipality are often overlooked, possibly due to the multiplicity of municipalities that exist.

The reasons for services failing the poor are many, ranging from the failure of officials to ensure the delivery of services, not enough staff with the right qualifications and unaccountable politicians who see no political advantage in promoting service delivery for the poor. In addition, government policies and funding may be inadequate and unresponsive and programmes at the sub-national and national levels may be plagued by a lack of political will and commitment, corruption and distorted priorities. In these circumstances, the confidence of the majority of municipal citizens in the ability of their respective municipalities to deliver the necessary services in an effective and efficient manner is declining

rapidly on a daily basis. Municipalities in South Africa urgently need to focus on the basic obligation to be a functional, responsive, accountable, effective, and efficient developmental local government.

Despite shortcomings of municipalities, there are many areas of excellence in the local government sphere that could be leveraged on. The municipalities that are functioning effectively have effective political and administrative systems with strong internal audit and financial management structures. The councils of these municipalities are actively involved in monitoring the implementation of all governance resolutions/decisions. These successful municipalities are furthermore characterised by clean administration where the staff prioritise fraud prevention and risk management; they express a zero tolerance to poor performance; conduct regular performance reviews and implement corrective measures where needed.

Proposals for improving the municipal service may include the strengthening of accountability chains, building capacity and providing lifelong training, and managing the political-administrative interface. Many of them do not require legal changes or policy; simply a commitment to common sense and to getting things right. In order to establish a professional municipal service, there is a need for accountability, for professionalism, for service to citizenry, for being neutral in relation to party-political contestation, for municipal officials to be prudent with the use of public funds and to be responsible stewards of the public's trust.

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APPENDICES

_____

Appendix A:

Consent form: Focus group discussion

Researcher: Marlize Pretorius

E-mail: mpretor@cut.ac.za

Research: Doctor of Public Management (CUT, FS)

Date: _____

I hereby confirm that my participation in answering these questions is voluntary and that I may choose not to answer certain questions. I give my consent to participate in this focus group discussion, provided that my contribution to this discussion will be treated as part of collective feedback and that I will not be identified as an individual.

_____   _____

Signature: Participant   Signature: Researcher

Appendix B:

FOCUS GROUP DISCUSSION

Researcher: Marlize Pretorius

Research: Doctor: Public Management (CUT, FS)

E-mail: mpretor@cut.ac.za

Date: _____

RESEARCH PROJECT FOR THE DEGREE DOCTOR OF PUBLIC MANAGEMENT

Topic: Political and administrative interaction dictate local government service provision in the Free State Province.

Main objectives of the study:

1. To contextualize the relationship and interaction between the political- and administrative executive institutions in the local government sphere in South Africa;

2. To explore the institutional powers and functions of mayors and councillors as members of the political executive institutions on the one hand and those of municipal servants employed by municipal councils on the other hand in the Free State Province;

3. To investigate the application of ethics and professionalism in an environment of transparent, responsive and accountable local government; and

4. To assess the obligation and commitment of municipalities in the Free State Province to meet the basic needs of the applicable communities in an environment of service excellence.

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Questions:

1. What is your understanding of the politics-administrative interface?

2. To what extent should politicians be involved with the issues of administration of the municipality?

3. What is the role of political parties in strengthening local decision making and local governance?

4. How can a ruling party strike a balance in giving leadership to effect its policy mandate (manifesto) in a municipality on managerial and administrative matters?

5. Should senior local government officials base their decisions on technical or political criteria or both?

6. Should municipal managers be actively involved in the policy-making process or divorced from political matters?

7. Are the politicians and administrators of the municipality executing powers and functions as stipulated by the various pieces of local government legislation? Can you give reasons for your answer?

8. In your opinion, how should the relationship between politicians and administrators be managed in order to promote and render sustainable municipal services to communities?

9. What are the implications of political appointments?

10. Does the Municipal Systems Amendment Act (2011) go far enough in professionalising local government?

11. How can proper political- and administrative relations and interaction improve and enhance public accountability?

12. What is your understanding on the contents of "Back to Basics" document compiled by the office of the Minister of Cooperative Governance & Traditional Affairs?

13. Do you have any other issues which you think needs addressing in terms of the politics-administrative interface in this specific municipality or municipalities in the Free State Province?

14. What solutions can you suggest in order for the municipality to solve service provision challenges brought about by poor relations between politicians and administrators?

End of discussion questions.

Thank you for your participation.

Marlize Pretorius

Appendix C:

Consent form: Interviews

Researcher: Marlize Pretorius
E-mail: mpretor@cut.ac.za
Research: Doctor: Public Management (CUT, FS)
Date: _____

I hereby confirm that my participation in answering these questions is voluntary and that I may choose not to answer certain questions. I give my consent to participate in this interview, provided that my contribution to this discussion will be treated as confidential and that I will not be identified as an individual.

_____   _____

Signature: Participant   Signature: Researcher

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APPENDIX D

Interview questions

Researcher: Marlize Pretorius

E-mail: mpretor@cut.ac.za

Research: Doctor: Public Management (CUT, FS)

Date: _____

INTERVIEW FOR DOCTORAL THESIS: **Political and administrative interaction dictate local government service provision in the Free State Province.**

Purpose

This interview seeks to elicit information on the influence of political and administrative interaction on local government service provision and it forms part of the data-collection processes required for the completion of the thesis.

Main objectives of the study:

1. To contextualize the relationship and interaction between the political- and administrative executive institutions in the local government sphere in South Africa;

2. To explore the institutional powers and functions of mayors and councillors as members of the political executive institutions on the one hand and those of municipal servants employed by municipal councils on the other hand in the Free State Province;

3. To investigate the application of ethics and professionalism in an environment of transparent, responsive and accountable local government; and

4. To assess the obligation and commitment of municipalities in the Free State Province to meet the basic needs of the applicable communities in an environment of service excellence.

INTERVIEW QUESTIONS:

1. What is your understanding of the politics-administrative interface?

2. To what extent should politicians be involved with the issues of administration of the municipality?

3. How can a ruling party strike a balance in giving leadership to effect its policy mandate (manifesto) in a municipality on managerial and administrative matters?

4. Should senior local government officials base their decisions on technical or political criteria or both?

5. Should municipal managers be actively involved in the policy-making process or divorced from political matters?

6. Are the politicians and administrators of the municipality executing powers and functions as stipulated by the various pieces of local government legislation? Can you give reasons for your answer?

7. In your opinion, how should the relationship between politicians and administrators be managed in order to promote and render sustainable municipal services to communities?

8. Does the Municipal Systems Amendment Act (2011) go far enough in professionalising local government?

9. How can proper political- and administrative relations and interaction improve and enhance public accountability?

10. Does corruption have an influence on the performance of your municipality?

11. Do you have any other issues which you think needs addressing in terms of the politics-administrative interface in this specific municipality or municipalities in the Free State Province?

12. What solutions can you suggest in order for the municipality to solve service provision challenges brought about by poor relations between politicians and administrators?

End of questions.

Thank you for your participation.

Marlize Pretorius