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WARD COMMITTEES AND THE MANAGEMENT OF DEVELOPMENT POLICY IN TSHWANE METROPOLITAN MUNICIPALITY

By

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A research report submitted to the Faculty of Law, Commerce and Management, University of Witwatersrand, in partial fulfilment of the requirements for the degree of Master of Management (in the field of Public and Development Management).

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ABSTRACT

The advent of democracy in 1994 and the local government reform process that followed heralded a new era of consultation with citizens on matters that affected them. One important aspect of this reform process is the introduction of the Ward committee system to foster public participation and subsequently the management of development policy. However, municipalities are increasingly challenged by service delivery protests. The challenge seems to be that Ward committees, having been established for the above purpose, have not been as effective as they should. A study in this regard was conducted amongst specific Ward committees in the Tshwane Metropolitan Municipality.

The purpose of the study was to determine what inhibits Ward committees from playing their required role in respect of the management of development policy with particular reference to the abovementioned municipality. It was further intended to determine, although not comprehensively, some of the root causes of poor service delivery over and above bureaucratic incapacity. Seventy-six Ward committees of Tshwane Metropolitan Municipality before the current municipal realignment were categorized into two groups: those that experienced service delivery protests and those who did not. Following the categorization of Ward committees, one from each group was randomly selected to constitute units of analysis. A questionnaire was administered among the Ward committee members and interviews conducted with some ward councillors, including the Speaker.

One of the findings is that the municipality has established Ward committees to ensure local community participation. This is despite participation being limited to compulsory consultation on issues of Integrated Development Plans and budgets. Another finding is that the municipality convenes a session immediately after the election of Ward committees to induct them into their roles and responsibilities. Despite this,

the Ward committees are not adequately capacitated to discharge their mandate of, *inter alia,* making meaningful inputs on policy development, implementation, monitoring and evaluation.

To address the above, it is essential that Ward committees are capacitated. This will include, but is not limited to, improving communication with those committees, allocating resources to them, promoting new or strengthening existing interest groups, acting upon issues raised by Ward committees, and developing and undertaking training programmes based on a training needs analysis.

DECLARATION

I, Mogale Moses Rabothata, declare that apart from the recognised references, this research report is my own original work done without assistance. It is submitted in partial fulfilment of the degree of Master of Management in the field of Public and Development Management in the University of the Witwatersrand, Johannesburg. I further declare that it has not been submitted for any degree or examination at this or any other university for the purposes of obtaining a qualification.

_____

Mogale Moses Rabothata

February 2014

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“Appreciation can make a day, even change a life. Your willingness to put it into words is all that is necessary”. Margaret Cousins

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CHAPTER ONE

INTRODUCTION

1.1 BACKGROUND

Local governments are institutions closest to the communities they serve. Their roles include identifying local problems, setting priorities for development, mobilising resources, implementing programmes, and monitoring and evaluating progress. To this effect, local governments have been established around the world and differ according to the peculiarities of each country. In addition, their effectiveness depends on the challenges they face as well as prevailing material conditions.

In Europe, for instance, local government evolved from looking at the council as being both a provider of public services and a public body based on a community of local people. The key issue was the organisation of large urban areas inclusive of their capital cities. However, the problem remained one of how to structure and connect the different levels of urban organisation while allowing for functional needs as well as the demands of democracy (Marcou and Wollman, in 1st Global report by United Cities and Local Government, 2008: 130).

In pursuance of the above, local authorities were organised around two levels, namely local councils and a higher level covering a more extensive constituency. Elections of local councils in all the countries of the Council of Europe are through direct, free and secret universal vote. The system of proportional representation is practiced in almost all the countries, apart from Georgia where, in addition to a party list system, members are elected from single mandate constituencies.

In Latin America, the evolution of local government followed a major process of decentralisation which emerged during the period of democratisation from the late 1980s. The main features of that process included greater political autonomy for, and strengthening of, local government. Accordingly, two versions of local government emerged: ‘managerial’ and ‘governmental’ types. The managerial type is the type of

local government whose primary purpose is the efficient delivery of services with clearly defined competencies that are regulated by statute and circumscribed by the application of the principle of *ultra vires* (Nickson, 2011:1). It is held accountable to local citizens for its economic performance in the delivery of services. Consequently, citizen participation is viewed as a vehicle contributing towards improved service delivery.

With the governmental type, there is a wider role for local government, both as the mouthpiece of shared community interests of a locality and also in making policy choices in its name within the wider body politic, “as a natural part of an organic whole” (Norton in Nickson, 2011: 3). Emphasis is placed on ways and means that foster citizen participation with organisations of civil society in mind. In trying to locate the Latin American local government system within the two types, a point is made by Nickson (2011: 6) that they would seem at first to conform to the ‘governmental’ type.

The constitutions of almost every country define a municipality as a primary and autonomous unit of government within the national political system. Elections for this unit of government throughout the region, with the exception of Panama where the ‘first-past-the-post’ system based on sub-municipal electoral wards is practised, take place under the d’Hondt system of proportional representation (Nickson, 2011: 11).

In the Asia-Pacific region, most countries undertook reforms aimed at decentralising and devolving government functions to the local level. Issues that drove the reform process included public sector efficiency, democratisation and political-economic regimes shifting to mixed and market economies. The legislative base for this is determined by higher legislatures through either the central government or state legislatures. The law also provides for citizen participation and partnerships and entitles local authorities to define appropriate forms of popular participation and civic engagement in decision-making and fulfilment of their function of community leadership. It is only in India where the ward system, with members acting as public auditors of the development process, is practised. To this effect, councils or assemblies are elected by secret ballot on the basis of direct, equal and universal suffrage.

In the United States, local governments are governmental jurisdictions below the level of the state with most states having two tiers: counties and municipalities. Counties and county-equivalents form the first tier administrative division of the states, although not all of them have organised county governments. In areas lacking county governments, services are provided by lower level townships, municipalities or states. At the local level, elections for county or city governments are filled by election especially within the legislative branch, the extent of which varies from county to county.

In Africa, the evolution of local government was necessitated by what Olowu and Wunsch (2004: 1) refers to as “democratic” decentralisation. By this they mean that significant elements of authority, responsibility for services, fiscal and human resources were transferred to local governments. They further state that major revisions in accountability were made so that the local public had a significant role in its own “local governance”, through the existence of working local systems of collective action that manage a locality’s public affairs and are accountable to local residents.

The 1st Global Report of the United Cities and Local Governments (2008: 23) states that, “there has been a substantial rise in the number of democratic political systems since the 1990s as opposed to the 1950s and 1960s, the two decades following African independence”. During that time, one-party political systems predominated and access to state power was often gained by means of *coups d’état.* The report further states that, “most political systems are now multiparty and leaders are chosen by universal suffrage. In respect of local government, many countries such as Mozambique, Benin, Mauritania and South Africa do allow independent candidates in local elections despite allowing political parties to monopolise local and national politics. The following section outlines the evolution of local government in South Africa.

1.2 LOCAL GOVERNMENT IN SOUTH AFRICA

1.2.1 Evolution of Local Government

Local government developed as a form of decentralised local indirect self-government, area-bound and somewhat limited in powers (Craythorne, 1994: 7). The legal framework as it evolved over time provided for the form, content, powers and functions to be performed at that level. Of note is the pressure from burghers in the 18th century for them to have a greater share in the government of the Cape Colony (Craythorne, 1994: 106). The historical background in South Africa highlights a local government system structured along racial lines. There were White local government institutions as well as those for Coloured and Indian people. Those for Black people were, until 1971, administered by White local authorities on a decentralised basis.

To ensure greater participation by communities, the Ward committee system was introduced. This worked alongside the single constituency systems which were applicable in all the then-provinces, namely the Cape Province, the Orange Free State and Transvaal, as well as for black local authorities, except in the province of Natal where boroughs were divided into at least nine wards. Their role entailed being a form of contact between the people and municipal commissioners (Craythorne, 1994: 106).

The number of wards was determined by the administrator within the powers vested in provinces. This took into account the differences in respect of provincial legislation. With regard to Black local authorities, provision was made for the administrator to decide whether they did or did not have wards. This was, *inter alia,* a source of dispute that contributed to community struggles and subsequently local government reform.

1.2.2 Local Government reform

Local government reform in South Africa followed a protracted process of negotiations dating back to the late 1980s. During that period, individual local authorities, political parties and civic organisations engaged in negotiations in order to shape the structures of municipalities within their

localities. The process gained momentum following the State of the Nation address by the then President of South Africa F.W. de Klerk in 1991, and culminated in the establishment, within the ambit of the Interim Measures for Local Government Act of 1991, of local government negotiating forums across the country.

The African National Congress (ANC) argued that government at that time was attempting to manipulate local government initiatives and pushed for negotiations to be conducted at national level. Consequently, deliberations for the democratic structures of local government began within the Local Government Negotiation Forum (LGNF). The forum consisted of two delegations, statutory and non-statutory. The statutory side comprised representatives of central, provincial and local government while the non-statutory side comprised civil society organisations under the banner of the South African National Civics Organisation.

The LGNF was a voluntary and not statutory body, with its role being that of advising the Multi-Party Negotiating Council with regard to options pertaining to local government structures. The outcome was the introduction of the Local Government Transition Act No. 209 of 1993. This Act provided for, *inter alia,* phases in local and metropolitan reform and also established a platform for local government elections in 1995 as provided for in the interim Constitution. Further reform following the local government elections of 1995 led to the current electoral system which provides for proportional representation and ward representation. The provision of ward representation was intended to, *inter alia,* allow for greater community participation in policy-making and thus improve service delivery at local government level. To this effect, a legislative framework governing such reform was developed.

1.3 LEGISLATIVE FRAMEWORK IN SOUTH AFRICA

The legislative framework governing local government reform in South Africa is derived from the following five documents: The Constitution of South Africa Act; the White Paper on Local Government; the Municipal Structures Act; the Municipal Systems Act; and the Municipal Planning and Performance Management Regulations. To a large extent, these

documents provide for public participation at local government level inclusive of Ward committees.

1.3.1 Constitution of the Republic of South Africa Act No. 108 of 1996

The Constitution as the supreme governing law of the country provides a basis for a democratic political system in the country. Among others, it envisages a system of local government where communities are given a stronger voice and participation in how their communities are governed. Chapter 7 (Section 152) stipulates that local government should, *inter alia,* provide democratic and accountable government for local communities, ensure the provision of services to communities in a sustainable manner, and encourage the involvement of communities and community organisations in matters of local government.

The above were elaborated further in the White Paper on Local Government as the process towards the establishment of Ward committees unfolded.

1.3.2 The White Paper on Local Government, 1998

To give effect to Chapter 7 of the Constitution, the White Paper on Local Government outlined a new vision for local government. It envisages a local government deeply rooted within communities. Accordingly, it challenges local government to be developmental and puts forth the following as a definition of developmental local government: “A local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives”.

In keeping with the above definition, municipalities are encouraged to establish strategies and mechanisms including, but not limited to, participative planning, and to continuously engage with citizens, business and community groups. The White Paper further provides for the establishment of Ward committees and states that, “the central role of Ward committees is the facilitation of local community participation in decisions which affect the local community, the articulation of local

community interests and the representation of these interests within the metropolitan government system".

1.3.3 Municipal Structures Act, 1998

Flowing from the White Paper was the Municipal Structures Act, which is intended to regulate the internal systems, structures and office-bearers of municipalities. Section 19(3) states that,

> *… a municipal council must develop mechanisms to consult the community and community organisations in performing its functions and exercising its powers.*

The functions and powers will, to a large extent, relate to decision-making on issues that affect the communities. Of note is Chapter 4 of the Act, which requires that municipalities establish Ward committees with the object of enhancing participatory democracy in local government. The Act places an obligation on the part of a municipality to make rules on how members of the Ward committees are to be elected and the frequency of its Ward committee meetings.

1.3.4 Municipal Systems Act, 2000

This Act differs from the Municipal Structures Act in that, when it comes to community participation it places a greater emphasis on the rights and duties of citizens with regard to municipal functions. These duties include their contributions towards the decision-making process of the municipality and receiving feedback in respect of decisions taken by council on issues affecting their rights. Of key importance is the requirement for the municipality to determine methods of ensuring that communities participate in the drafting of Integrated Development Plans (IDPs). Although the Act does not specifically refer to Ward committees, it is envisaged that the drafting of IDPs will follow a participatory process through Ward committees.

1.3.5 Municipal Planning and Performance Management Regulations

The Municipal Planning and Performance Regulations further entrench the issue of community participation, and state that, "in the absence of an appropriate municipal wide structure for community participation, a

municipality must establish a forum that will enhance community participation". Community participation will be in the form of engaging in the following activities:

- Drafting and implementation of the IDPs;
- Monitoring, measurement and review of the municipality's performance in relation to the key performance indicators and performance targets set by the municipality;

The regulation further provides that:

- The forum referred to above be representative of the composition of the community and comprise people identified by the community through mechanisms established by the municipality;
- The municipality convenes regular meetings of the forum to:
    - discuss the process to be followed in drafting the integrated development plan;
    - consult on the content of the integrated development plan;
    - monitor the implementation of the integrated development plan;
    - discuss the development, implementation and review of the municipality's performance management system; and
    - monitor the municipality's performance in relation to the key performance indicators and performance targets set by the municipality.

This regulation seems to recognise that there are interest groups within the community and that these should be part of a consultative structure such as Ward committees. It further recognises that regular meetings be convened.

1.4 PROBLEM STATEMENT

Despite the transformation process that took place, the legislative framework provided, and the subsequent delimitation of wards, including the establishment of Ward committees in most municipalities, service delivery has not improved at local government level. A report released by the South African Institute of Race Relations in 2006 notes that,

> *… of the 284 local municipalities, 203 could not provide sanitation to 60% of their residents, 182 were unable to provide refuse removal to 60% of houses, 155 could not provide water for 60% of properties, 122 could not provide electricity to 60% of homes, 116 were unable to provide housing for 60% of their residents and 42 were unable to execute 50% of their functions (South African Survey 2004/2005: 551).*

Four years after the release of that report, Mr Elroy Africa (the then Director General of the Department of Cooperative Governance and Traditional Affairs which oversees local municipalities) told a press briefing on 16 November 2010 that about 24 municipalities had failed to spend R920 million in the Municipal Infrastructure Grant (MIG) funds in the past municipal financial year ending 30 June 2010 (Majavu, 17/11/2011, writing in Sowetan, page 4). The money was for water, sanitation, roads, street-lights, parks and other basic services.

The challenge seems to be that Ward committees, having been established to facilitate public participation at local government level and subsequently support the management of development policy, are not as effective as they should be. In other words, participation in those committees has not attained the expected levels. Where it is at the level expected, participants do not appear to be adequately capacitated and do not understand their mandate. Studies conducted with regard to Ward committees in municipalities such as Msunduzi, Buffalo and Nelson Mandela have scratched the surface of this challenge and focused more on community participation. This study focuses not only on public participation but on determining the extent to which Ward committee members understand their mandate in respect of the management of development policy.

In addition, the study will analyze the organizational challenges faced by Ward committees in respect of managing development policy. These relate to, *inter alia,* capacity, participation, knowledge and information with regard to meeting their legislative functions and thus contributing to development and service delivery.

1.5 PURPOSE STATEMENT

The purpose of this research, with particular focus on the Tshwane Metropolitan Municipality is to firstly investigate factors leading to problems in respect of Ward committees; secondly, to present findings on local governance arising from questionnaires administered on Ward committee members and interviews conducted with selected ward councillors and the Speaker; thirdly, to interpret and analyse those findings, and finally to recommend strategies for consideration in relation to local governance and improvement of service delivery.

1.6 RESEARCH QUESTIONS

The research will attempt to answer the following questions:

- To what extent are Ward committee members participating in policy development, implementation and monitoring?
- To what extent are Ward committees capacitated to discharge their mandate?
- To what extent is the mandate of Ward committees understood by its members as well as municipal officials?

1.7 SIGNIFICANCE OF THE RESEARCH

The need to ensure that local government, which is the sphere of government closest to the people, responds adequately to the needs and aspirations of the people cannot be underestimated. This need is further reinforced by demands from communities that municipalities should deliver quality services. To meet this demand, institutions that support service delivery such as Ward committees have been established by municipalities. Despite that, municipalities face challenges such as the limited capacity of those committees and the degree of understanding demonstrated by participants.

Given the challenges, this research will present ways and means of how Ward committees can play a role in the management of development policy. It will also provide recommendations with regard to participation, the understanding of their mandate and how they could be capacitated.

1.8 CONCLUSION

Local government plays an important role in the provision of services to residents. This is widely recognised at the international level. Countries around the world have been through a process of decentralisation and subsequently devolved powers to local government. Of note is the recognition by countries such as Georgia, Panama, India, Mozambique, Benin, Mauritania and South Africa of the role played by constituencies and wards to the extent whereby constituencies and wards have been delineated.

In this chapter, some background to the evolution of local government was provided. This background touched on local government reform in South Africa citing the legislative frameworks governing such reform. It also highlighted service delivery challenges faced by local government in South Africa which increasingly lead to violent protests by communities.

CHAPTER TWO

LITERATURE REVIEW

2.1 INTRODUCTION

The provision of services by national, provincial and in particular local government has become a burning issue for residents in various municipalities. Of critical importance is the role played by institutions set up by government to promote public participation and thus ensure effective service delivery. Having a proper understanding of these institutions as well as what should constitute them, most importantly by those who serve in them, cannot be underestimated.

This chapter provides an overview of literature pertaining to Ward committees. It starts with the exposition of the theory of local governance focusing on governance, democratisation, civil society and participation. It further outlines the management of development policy, following with policy-making, implementation, monitoring and evaluation. This is followed by an overview of some South African cases of municipalities that adopted the Ward committee system.

2.2 LITERATURE REVIEW

Literature review is a process of obtaining and reading background information relevant to the research topic in order to conceive it in a way that permits a clear formulation of the problem and the hypothesis (Bless and Higson-Smith, 1995: 22). Neuman (2006: 124) states that, *"doing literature review builds on the idea that knowledge accumulates and that we can learn from and build on what others have done".* He further outlines the goals of literature review which are to demonstrate a familiarity with a body of knowledge and establish credibility, show the path of prior research and how a current project is linked to it, integrate and summarise what is known in an area, to learn from others and stimulate new ideas. This provides the background for examining theory of local governance and/ or local governance.

2.3 THEORY OF LOCAL GOVERNANCE

Local governance comprises a set of institutions, mechanisms and processes through which citizens and their groups can articulate their interests and needs, mediate their differences and exercise their rights and obligations at the local level. The building blocks of good local governance are mainly citizen participation, partnerships among key actors at the local level, capacity of local actors across all sectors, multiple flows of information, institutions of accountability, and a pro-poor orientation (UNPD, 2004: 4). Before examining the theory of local governance, it will be prudent to define the concept “governance” This is deemed necessary in order to locate the building blocks referred to above within the literature.

2.3.1 Governance

Governance is defined as structures of political and economic relationships and rules by which the productive as well as distributive life of a society is governed (Leftwich, 1993: 611). Stated differently, it refers to political and economic structures with rules that regulate how a society is governed to improve its well-being. Hyden (1992: 7) defines governance along similar lines when he states that, *“governance is the conscious management of regime structures with a view to enhancing the legitimacy of the public realm”.*

Drawing on the above definitions, it can be concluded that governance should be concerned with how rules or structures affect political action and the prospect of solving societal problems. Governance exists when there is trust, reciprocity, accountability and authority. Trust is a normative consensus on the limits of action present in a political community. Reciprocity refers to the quality of social interaction among members of a political community. Accountability is the effectiveness with which the governed can exercise influence over their governors. Authority stresses the significance of effective political leadership (Hyden, 1992: 14).

In the light of the foregoing, governance should focus not only on how elected representatives make policies and choose tools for implementation but on processes that public managers, citizens and stakeholders use to influence policy development and implementation. Public managers

should firstly manage complex networks. Secondly, they should rely more on inter-personal and inter-organisational processes. Thirdly, they should use information technology and performance management effectively. Fourthly, public managers should provide transparency and build human capital in terms of negotiation coupled with co-ordination skills; and finally they should provide channels for citizens to participate and supply bottom-up accountability to the public (Bingham, Nabatchi and O'Leary, 2005: 548).

Mhone (Mhone and Edigheji, 2003: 3) astutely defines governance as the manner in which the apparatus of the state is constituted, how it executes its mandate and its relationship to society in general and to particular constituencies such as the private sector, civil society, non-governmental organisations and community organisations, and how it fulfils the substantive aspects of democracy. Mhone (2000: 3) further touches on the concept of "good governance", observing that it,

> *may be understood to have at least three aspects: first, the need for a rule-based, open, transparent, efficient and accountable government; second, the need for government to undertake its task in a manner that is participatory and consultative and that generally lives up to the democratic precepts of formal democracy; and, third for government or the state to ensure that substantive aspects of democracy are achieved, which would be compatible with the need to attain sustainable human development in the long term.*

From this it can be assumed that governance is about the structure of government, how it relates to non-governmental institutions and how it executes its mandate within the context of democracy. This could be said to be the cornerstone of the theory of local governance and will thus guide this research report. Consequently, the concepts "democratisation", "civil society" and "participation" are defined.

2.3.2 Democratisation

Democratisation entails making a society, institution, organization or country democratic. Underpinning this is the concept, "democracy". Democracy refers to a system of government in which the ruling power of

a state is legally vested, not in any particular population group or class, but in the people (Cloete, 1993: 4). Ranney (1990: 112) defines democracy as a form of government organized in accordance with the principles of popular sovereignty, political equality, popular consultation and majority rule.

Popular sovereignty requires that the ultimate power to make political decisions is vested in all the people rather than in some of them or one of them. Political equality requires that each adult citizen has the same opportunity as every other adult citizen to participate in the political decision-making process. Popular consultation requires two arrangements: firstly, that some institutional machinery, through which public officials learn what kind of public policies the people wish adopted and enforced, should exist; and secondly, that having ascertained the people's preferences, public officials should then put them into effect whether they approve or not. Majority rule requires that when people disagree on an issue, the government should act according to the wishes of the larger rather than the smaller number (Ranney, 1990: 112-115).

In both the above definitions, the common denominator is the "people". In other words, whatever decisions are made by the state, these should be based on the will of the people and not just a selected few. By the same token, implementation of government policies should take into account the wishes of the majority as opposed to the few. This notion is supported by Bevir (2006: 428) who brings an element of system governance and states that,

> *… it derives in part the communitarian idea that the effectiveness of political institutions depends on the incorporation of stakeholders within decision-making processes so as to secure a social consensus over values, policies and the legitimacy of the institutions themselves.*

This requires not only representative democracy where citizens participate through an institutionalized process of voting for parties in periodic elections and by joining structured groups. It also requires participatory democracy where citizens are treated from a point of view of being agents

capable of deliberating on any prescribed issue and making meaningful inputs with regard to policies.

In that context, the active participation of citizens in the management of policy, namely policy development, implementation, monitoring and evaluation, is paramount. Bevir (2006: 431) goes further by stating that,

> *"to promote participatory democracy that emphasizes deliberation and ethical conduct, we might seek to devolve aspects of governance to associations within civil society".*

2.3.3 Civil Society

Walzer in Chandhoke (2001: 4) speaks of civil society as the space of uncoerced human association. He defines it as the 'setting of setting' where people associate with each other on various grounds but notably for the sake of realising their natures as social beings. In other words, it is an association of people coming together to pursue a common goal.

Taylor, supported by Isaac in Chandhoke (2001: 5) looks at civil society as institutions existing outside of the state. The view is that of a third sphere with the state being the first and the market the second. In that context, Chandhoke (2001: 6) states that, "the idea of civil society thus embodies for many an ethical ideal of the social order, one that if not overcomes, at least harmonises the conflicting demands of individual interest and social good". This could mean that civil society bridges the gap between individual interests and that of the state. This gap can be bridged with civil society assuming the role of a voluntary or non-profit sector acting outside the market and the state.

Similarly to Taylor, Jørgensen in Clayton (1996: 36) defines civil society as organised activities by groups or individuals either performing certain services or trying to influence and improve society as a whole, but that are not part of government or business. In other words, it is a grouping of individuals who come together to pursue a goal of improving the well-being of a society. As with Chandhoke (2001), Jørgensen indicates that civil society covers all voluntary constituted social relations, institutions and organisations that are not reducible to the administrative grasp of the

state. Thus, the definition says that civil society is much broader than political debate and advocacy.

The summary provided by Chandhoke (2001) of civil society being thought of as a third sphere of political participation is echoed by Trivedy and Acharya in Clayton (1996: 57). They mention that, “advocates of the trinity framework generally define civil society through a principle of exclusion of that which is neither state nor market”. This is because the state is equated with coercion and domination whilst the market is equated with profit-making and competition. Civil society is therefore seen as the realm of citizens outside of those spheres.

The above exposition is supported by Putnam’s theory of civil society which states that civil society is a dense network of associations generating what he calls social capital. Social capital is any feature of social relations that contributes to the ability of society to work together and accomplish certain goals. There is a correlation between the density of social associations that manage to bridge social divides, the creation of civic culture and strong democracy (Chandhoke: 2001: 15).

In South Africa, the establishment of Ward committees could be seen as an attempt to bring together various civil society groupings with a view to bringing about a more structured relationship free of conflict between the state and communities. In other words, Ward committees have been created to occupy the space currently occupied by civil society. This is supported by the understanding that members of Ward committees are to be drawn from interest groups to foster participation. The following section takes the concept of civil society to greater heights by defining participation.

2.3.4 Participation

Participation is a wider term to be defined. For the purposes of this research report, the definition of “public participation” will be provided. It will be used interchangeably with “citizen participation”. This is intended to narrow the definitions and focus specifically on participation by the people in matters that affect their daily lives. Citizen participation is defined as the ways in which citizens exercise influence and control over the decisions

that affect them (Devas and Grant, 2003: 309). For this to happen, the state should treat citizens not only as voters but as active participants in decision-making.

In the above context, ideal conditions for public participation have to exist. These relate to projects being beneficial to the entire community. Secondly, key stakeholders should not be geographically dispersed. Thirdly, citizens should have enough financial resources to enable them to attend meetings. Fourthly, community has to be homogenous to allow for speedy decision-making. Lastly, the topic to be discussed should not be technically complex (Irvin and Stansbury, 2004: 62). The above conditions have the potential of assisting citizen participation to produce better decisions and contribute to a more efficient provision of services. Unfortunately this is not always the case because in some instances citizen participation can be chaotic, stall decision-making and ultimately hinder development.

For better decisions to emerge through the participatory process, the careful selection of participants is important. This hinges on whether participants are appropriately representative of those they claim to represent. Thus a thorough stakeholder analysis focusing on their interests, strengths, assumptions and needs is crucial. In addition, the manner in which they (participants) communicate and also choose issues to be discussed is critical. Equally important are the methods of participation put in place by decision-makers.

2.3.4.1 Methods of participation

Methods of participation, if properly used, serve as good tools that allow citizens to meaningfully make input into decisions to be taken. Adams (2004: 43-44) identifies five methods of participation, namely citizen juries, round-tables, electronic town meetings, public meetings and surveys.

A citizen jury is a group of randomly selected and geographically representative panel of citizens that meets over a period of four or five days to deliberate on an issue of public interest and significance (Citizen Jury Handbook, 2004: 3). The guiding principles are that it has to be

representative, informed and impartial. The purpose is to provide on the one hand an opportunity for decision-makers to hear thoughtful citizen inputs. On the other hand, it enables citizens to have an understanding about an issue, engage in joint deliberation and come up with well informed solutions. In South Africa, citizen juries could be likened to Ward committees even though the selection thereof is not the same. Ward committee members are nominated by various interest groups they represent in the community and go through an election process to represent various interest groups.

Round-tables are a method of participation where there is no “head” and no “sides” and thus no person can claim to be having an advantage or be privileged over others. This type of method is usually used in conferences involving many parties. Parties attend to present the views of their members with an intention of influencing the outcome of deliberations. Although the objectives of a party attending will be to extract concessions from other parties, the guiding principle is to reach consensus. An example of this within the South African context is the Multiparty Negotiations of 1993 that gave birth to the current democratic government. Similarly, Ward committees endeavour to reach consensus on development and service delivery issues within the community.

Electronic town meetings entail a public planning and participation process which utilizes technology to reach as many people as possible. They could be a televised programme whereby viewers phone in and ask questions of public representatives. They could also refer to live debates where public representatives debate against each other with viewers given an opportunity to ask questions and also comment. In some instances, telephone numbers are flashed on the screen and viewers are invited to vote on an issue. While these are valid forms of electronic dialogue, there are two basic requirements to be met (Elgin, 1993: 9). Firstly, citizens and decision-makers must be able to obtain accurate feedback regarding public sentiments. Secondly, feedback must be fast enough to enable citizens to give more than a single response to an issue under discussion. This method could be problematic or inaccessible for Ward committees, given the level of development in South Africa because not everyone,

especially in poorer communities, has access to the type of technology alluded to.

Public meetings are a convergence of citizens in one venue to convey information to officials, influence public opinion, attract media attention, set future agendas, delay decisions and communicate with other citizens (Adams, 2004: 43). They play the role of soliciting responsiveness and accountability on the part of government and maintaining a democratic system. However, what is critical is attendance of participants at those meetings. A high turnout would signify popular support for the issue under discussion. On the contrary, a poor turnout would raise questions regarding the legitimacy of a decision made. Thus, public meetings provide citizens with power to mobilize for or against a particular decision. Ward committee members as well as municipalities utilise this method quite often to get the views of the community and also provide feedback.

Surveys are used to gather first-hand information or views of citizens about a particular issue. Although they are important mechanisms to gather information, they are not always successful in effecting meaningful participation. The reasons relate to the costs of administering them, the communication gap between those surveying and surveyed, language and cultural barriers, and the tendency by the interviewee to provide information required by the interviewer and not genuine facts.

2.3.4.2 Means of participation

The means of participation enables citizens as a collective to be in a more favourable position of influencing government decisions than as individuals. Bekker (1996: 29) identifies interest and pressure groups as means of participation. Interest groups are all groups which seek to influence public policy in their own chosen direction, without accepting responsibility for government (Ehrman in Bekker, 1996: 30). Pressure groups are any organization that endeavours to influence the policies of government without accepting responsibility for public office (Wootton in Bekker, 1996: 30). Flowing from this, it can be seen that interest and pressure groups are synonymous. These could be likened to civil society which had been defined earlier.

Another means of participation is through the utilization of extension staff. They provide a link between those making policies and citizens who are to be affected by those policies. The link may also have a more general nature, in that information about local needs and conditions can be communicated to local authorities and information about local government policies and programmes to the people (Brynard in Bekker, 1996: 138). In the South African language, with particular reference to local government, extension staff could be said to refer to Community Development Workers (CDWs). They are special public servants who engage with citizens and determine what services are needed, to ensure that these services are made available. CDWs link communities with a plethora of government services and programmes. This is seen as a means of capacitating Ward committees on issues of development and service delivery.

The means of participation outlined above lead to the types of relationships that shape the patterns of participation pursued by decision-makers. The following section provides an exposition of patterns of participation.

2.3.4.3 Patterns of participation

Patterns of participation are premised around the type of relationship that must exist between public officials and citizens. Susskind and Elliot (1983: 5-6) mentions three such patterns that were observed in Western Europe as public participation evolved. These are paternalism, conflict and co-production.

Paternalism is when decision-making is highly centralised and advice from citizens is either discouraged or closely managed by government officials. In other words, public officials tend to micro-manage citizen participation. Conflict is the pattern of participation where decision-making is centralised with citizens struggling openly to wrest control over resource allocation or policy decisions from decision-makers. This is observable in South Africa where citizens openly challenge the status quo or policies taken. The challenges quite often lead to violent confrontation with the authorities.

Co-production is when decisions are made through face-to-face negotiation between decision-makers and citizens claiming a major stake in particular decisions. Similarly to Susskind and Elliot (1983), Cooper, Bryer and Meek (2006: 82) brings an element of deliberative approaches to citizen participation. They state that, “deliberative approaches include efforts that seek joint action across sectors of society, classes of people or types of individuals”. Put differently, they entail joint decision-making between public officials and citizens as they seek ways of delivering services to communities. The glue that keeps this relationship intact is government trust in citizens, citizen efficacy, and trust in government, citizen competence, government responsiveness, and legitimacy. Ward committees seem to be established with this pattern of participation in mind. What is important is the extent to which this approach is not misunderstood to mean co-option and what role they play in the management of development policy.

2.4 MANAGING DEVELOPMENT POLICY

Public institutions by their very nature undertake activities to produce or provide goods and services. The undertaking of such activities requires the formulation of policies. To this effect, the management of policies from the point of view of formulation, implementation, monitoring and evaluation is critical.

This section is not intended to dissect in detail development policy, policy formulation or policy-making, implementation, monitoring or evaluation. It is intended to provide a broad overview of those concepts with a view to indicate at a later stage the role Ward committees can play in their actualisation.

2.4.1 Development policy

Development policy refers to deliberate action by public institutions seeking to promote development (Mackintosh in Wuyts, Mackintosh and Hewitt, 1992: 1). Deliberate actions are normally articulated in policies that are adopted by public institutions. Policies are purposive actions undertaken by the state (governments and their employees) or by other

institutions (such as voluntary organisations) with an avowedly public purpose (Mackintosh in Wuyts, Mackintosh and Hewitt, 1992: 2).

The above author cites two models of development policy, namely policy as social process and as prescription. As social process, the underlying factor is that policy ideas are pursued when institutions to put them into practice are available. As a prescription, the identification of what government should do and how to do it is done. Questions are asked in terms of what worked or did not work, with the aim of extracting models and lessons from evidence of success. To respond to those questions, a great deal of information is required. Such information is gathered when policies are made, implemented and continuously assessed. This can be linked to the concepts of, “policy-making, policy implementation and policy monitoring and evaluation”.

2.4.2 Policy-making

Policy-making, sometimes referred to by other authors as policy formulation, is defined as the development and synthesis of alternative solutions for policy problems (Fox and Meyer, 1996: 97). In policy-making, various theories and models are applied. De Coning and Cloete as quoted in Cloete and Wissink (2000: 25) states that, “as with definitions, grand theories of policy-making do not exist”. They define some of the theories designed by authors to explain policy-making processes, namely classical, liberal democratic, elite and systems theories.

Classical theory emphasises that the different concerns and interests of government should be given preference. In liberal democratic theory, the political party assumes the position of primary force in policy-making. With elite theory, a small elite group leads a large group of followers in policy-making. Systems theory focuses on the contributions of interrelated forces to policy-making (De Coning and Cloete in Cloete and Wissink, 2000: 26-27). This could explain why in some instances, various interest groups in South Africa which could prefer systems theory approach challenge both the ruling party and government with regard to policy-making. It could also explain the establishment of Ward committees at local level as vehicles to breach the gap between government, civil society and communities and thus pursue a particular theory, in that case, systems theory.

2.4.3 Policy implementation

Van Meter and Van Horn in Cloete, Wissink and de Coning (2000: 183) defines policy implementation as encompassing those actions by public or private individuals or groups that are directed at the achievement of objectives set forth in prior policy decisions. Policy implementation should not be seen as simple and straightforward. Brynard in Cloete, Wissink and de Coning (2006: 166) states that, “scholars have in fact done much to highlight the complexity of the importance of process and the importance of trying to understand this complexity”. In this context, he raises the big debate between top-down and bottom-up approaches to policy implementation.

Top-down approach moves from the authoritative policy position at central government and cascades downward, with the following questions being asked:

- To what extent were the actions of implementers and target groups consistent with policy decisions?
- To what extent were objectives attained over time?
- What were the principal factors affecting policy outputs and impacts?
- How was the policy reformulated over time on the basis of experience? (Brynard in Cloete, Wissink and de Coning, 2006: 169)

Bottom-up approach was developed in response to the top-down approach. In challenging the bottom-up approach, Rein and Rabinowitz as cited by Brynard proposes the, “principle of circularity”. This is further built upon by Nakamura and Smallwood in Brynard, who suggests the implementation process as a system of functional environments, each of which contains a variety of actors and arenas and is connected to the others by various communication and compliance linkages.

Without undermining the differences that exist between scholars of those two approaches, there are areas where there is commonality. The commonality relates to a general acceptance that implementation is a complex process, involving various levels or organs and actors influenced by the environment within which it (implementation) is taking place. With

this in mind, Ward committees could be seen as important organs for policy implementation. This is because they are representative of various interest groups in a community.

2.4.4 Policy monitoring and evaluation

Policy monitoring and evaluation will be defined focusing on the two concepts of “monitoring” and “evaluation”. This is because whether the concepts are applied to policies, programmes or projects, the definitions are more or less the same. Monitoring refers to the periodic re-measurement of appropriate parameters to determine the effects of particular management strategies or policies and the response of systems to changes in the wider environment (Bosch, 1996: 12). In essence, it is an assessment of how a project or programme is being implemented, the extent to which programme objectives are met, and the nature of failures that need to be responded to.

Evaluation refers to an activity designed to judge the merits of government programmes or processes (Jones, 184: 199). It is a process through which policy makers determine whether the stated goals are achieved, what the cost implications are as well as intended and unintended consequences. This is reinforced by Shafritz in Cloete and Wissink (2000:211) who states that, “evaluation determines the value or effectiveness of an activity for the purpose of decision-making”.

Dye (2002), in the same literature, states that, “programme evaluation consists of the systematic description and judgements of programmes and to the extent feasible, systematic assessment of the extent to which they have the intended results”. Cloete in Cloete and Wissink (2000: 211) could be seen to be providing a summary of the above statements when he states that, “in its ideal form, policy evaluation or assessment should be viewed as a judging process to compare explicit and implicit policy objectives with real or projected outcomes or results or impacts”.

Drawing on the above definitions, it is clear that the continuous shaping of policies from the point of view of formulation and implementation is derived in part from the end products of those concepts. In this context, Ward committee members as representatives of people directly affected by

policies implemented at a ward level can play a critical role in the monitoring and evaluation of policy implementation. This role will be examined through the analysis of some South African cases.

2.5 SOUTH AFRICAN CASES

Local government, and in particular Ward committees, has aroused a great deal of research interest to establish Ward committees relate to governance structures of municipalities and also how they execute their monitoring and evaluation function. Most of these focus on communication and public participation while a few focus on their functioning. Five cases are cited in this regard.

The first looks at public participation in the integrated development planning processes of local government in Pretoria. The second is an overview of the Ward committee system in the Nelson Mandela Metropolitan Municipality (Raga and Taylor, 2005: 244-254). The third is an assessment of, “participatory governance” in local government focusing on two cities, namely Msunduzi (Pietermaritzburg) and Buffalo (East London) (Barichievy, Piper and Parker, 2005: 370-393). The fourth is a critical evaluation of the role of Ward committees in enhancing public participation in Rustenburg Municipality (Putu, 2006). The fifth one is a study seeking to understand how well Ward committees are working and whether representation is inclusive and meaningful (Smith, 2008).These studies are of importance in gaining an insight into the functioning and progress of Ward committees in entrenching democracy, participation and governance over the years. They lay a foundation upon which this research will attempt to further elaborate on issues facing Ward committees.

2.5.1 Public participation in the integrated development planning (IDP) processes of local government in Pretoria

An evaluation into the participation of organs of civil society in the IDP process in Pretoria was published by the Human Sciences Research Council (HSRC) in 2001. This evaluation aimed to explore the experiences of officials of the then Pretoria City Council in developing participatory governance for its IDP process, and solicit the views of key civil society

participants towards the participatory process as used to develop IDPs in Pretoria from 1996 onwards.

The findings of that evaluation were that almost all respondents felt that the IDP process enabled citizens to play a role in the planning process. In other words, it allowed citizens who are affected by decisions of the Council to express a view in respect of those decisions.

Notwithstanding, the following problems in respect of the process were raised:

- IDP reports were not given adequate consideration by the City Council;
- There was limited participation of councillors in the process;
- Conflict between community structures and councillors was experienced;
- There was insecurity about the future of the IDP process, in particular in relation to planning zone forums;
- Resources were lacking for the community participation process and the implementation of IDP projects;
- Community participation in the process was limited;
- The process was dominated by a small number of individuals or a particular sector such as consultants or developers; and
- There was a high prevalence of self-interest in the planning process.

The above problems arose at the time when Ward committees were not in existence. It will be important to establish whether those problems are still prevalent.

2.5.2 An overview of the Ward committee system: A case study of the Nelson Mandela Metropolitan Municipality.

A survey involving certain Ward committees was conducted in 2003 to determine what needs existed for the empowerment of such committees in order to significantly influence the decision-making process of the Municipality. The following results emerged.

- Ward committee members were aware of the additional developmental responsibilities imposed on the municipality in terms of the new developmental mandate;
- Legislative prescriptions pertaining to the functions and duties of Ward committees were generally understood by committee members;
- The majority of Ward committee members interviewed reported that they were not functioning well with their respective ward councillor on policy matters;
- A high percentage of respondents reported that insufficient meetings in order to keep all parties informed of local issues were called by ward councillors;
- Committee members felt that the Ward committee system in the municipality was not functioning as envisaged because certain members, including ward councillors, did not attend meetings regularly;
- Most of the respondents felt that Ward committees did not enjoy sufficient decision-making powers;
- The majority of the respondents stated that their Ward committees did not influence the policy-making process in local government;
- Most of the respondents felt that Ward committees did not have sufficient delegated powers to influence the policy-making process;
- Respondents felt that giving Ward committees greater policy-making powers would enhance participatory democracy and help speed up the process of service delivery;
- The policy-making process in local government was generally understood by members of Ward committees; and
- All respondents stated that Ward committee members should receive regular training in local government matters in order to be more effective in influencing policy-making.

Drawing from the above, it would appear that the results are prompted by lack of capacity in respect of Ward committees and to some extent the misunderstanding of its mandate. This will be tested as to whether it can be attributed to the Tshwane Metropolitan Municipality as well.

2.5.3 Assessing 'participatory governance' in local government: A case study of two South African cities

The study focused on two South African cities: Msunduzi (Pietermaritzburg) and Buffalo (East London), with the intention of answering the question, "Does participatory governance actually deepen democracy?" This was deemed important in that the Municipal Systems Act highlights the importance of participatory governance through a term referred to as community participation. Although as reported in the case that there was insufficient data, the findings were as follows:

- Ward committees did not involve large numbers of residents in council decision-making;
- In both municipalities, Ward committees performed poorly and participation in law and policy-making was generally low;
- The respondents felt that Ward committees were toothless in that they play only advisory roles rather than being representative bodies independent of the ward councillor; and
- There appeared to be a lack of correspondence between the degree of public participation in council processes and the internal democratic operation.

2.5.4 The role of Ward committees in enhancing public participation in Rustenburg Municipality: A critical evaluation

This study investigated the paradigm shift in democratic governance and the role of Ward committees towards enhancing community participation in the process of governance. The study reveals the following in respect of Ward committees:

- The culture of democratic practice was new and people did not know how to constructively engage with local government including Ward committees;
- Many Ward committee members had very poor educational qualifications and found it difficult to contribute to the discussions;
- As Ward committees are chaired by ward councillors, in many cases conflict ensued due to the fact that the ward councillors

wanted to satisfy their political mandate rather than improving the lives of citizens;

- The high level of unemployment contributed to high expectations of remuneration and employment for Ward committee members;
- Capacity building in respect of Ward committee members did not take place on the scale necessary to realise meaningful participation;
- A number of professional people in the area did not participate in community issues; and
- Friction was experienced between ward councillors, Ward committee members and traditional leaders as a result of their decision-making powers being taken away and given to ward councillors and Ward committees.

2.5.5 Are Ward committees working? Insights from six case studies

This study sought to understand how Ward committees are functioning and whether their representation is inclusive of the broader communities and is meaningful. Six Ward committees, two each from three municipalities, were chosen. The names and identifying features of the municipalities in the report were held to ensure anonymity. They were chosen based on the category of the municipality, size in terms of the number of wards, and whether it is urban or rural. The following were the findings:

2.5.5.1 Profile

Four of the six committees had their full complement of ten members as required by law. Representation in respect of men and women appears to be even. Most of the committees surveyed consist of only black people with one having seven white and two Indian members. The age of members ranges between 26 and 50 with only five members aged just under 25. In most cases, the majority of members are unemployed and most have a matriculation qualification.

2.5.5.2 Roles and expectations

In this study, Ward committee members had a reasonable understanding of the role which they have to play in respect of local governance. They see their role as that of bridging the communication gap between the community and municipality via the ward councillor. Communities also view Ward committees as a structure that should shoulder the responsibility of service delivery.

2.5.5.3 Nomination and election process

Nomination and election processes appears to have functioned well in line with the national guidelines. There is only one municipality where the process appeared to have been flawed and politicised.

2.5.5.4 Representation

Representation of key sectors in most cases appears to be insufficient despite attempts to ensure inclusivity of key sectors and geographical areas. Part of the problem seems to be that Ward committees lack the skills to effectively consult their wider sectoral communities.

2.5.5.5 Functioning

Of the six Ward committees sampled, only two are functioning as they should be, implying that there are regular meetings held and a prevailing sense of common purpose. Despite some committees meeting as often as monthly, it is not clear as to the actual value of those meetings. The malfunctioning of the committees was attributed to lack of training.

2.5.5.6 Influence on council decision-making

One discouraging finding reported is the lesser role played by Ward committees in respect of influencing council decisions. This was attributed to the lack of a structured mechanism to solicit inputs from Ward committees to the Council's policy processes. The assumption is that inputs are submitted to the ward councillor who in turn submits to the relevant portfolio committee or the Speaker's Office to be placed on the Council's agenda.

2.5.5.7 Support and resources

One other finding was the need to capacitate Ward committees from the point of view of training, providing resources such as stationery, transport and catering, as well as allowance or stipend for committee members. Only one municipality was providing stipends while two others plan to do so.

2.5.5.8 Relationships

In general, Ward committees seem to have good relationships with ward councillors except in one where there appears to have been a complete breakdown of the relationship. The level of support from ward councillors seemed to be satisfying insofar as committee members were concerned. In addition, the relationship with other parties, notably officials, community development workers and traditional leaders was reported to be good.

2.6 CONCLUSION

Local government has evolved over time to give effect to the constitutional requirement of enhancing participation at community level. Underpinning this are the concepts of “governance, democratisation, civil society and participation”. The sum total of these concepts could be regarded as forming the basis of the theory of local governance. In this regard, pieces of legislation providing institutional mechanisms such as Ward committees have been enacted by Parliament. The objective is to ensure that communities play a meaningful role in respect of the management of development policy and actualise the theory of local governance.

Despite the above, the level of development of Ward committees differs from one municipality to another. More importantly is the extent to which their mandate is understood by members and municipal officials. This, as reflected in the cited South African cases, leads to tensions between ward councillors and committee members, with the former perceiving the latter as taking away his/her powers and functions.

CHAPTER THREE

RESEARCH FRAMEWORK

3.1 INTRODUCTION

While the literature on research framework is extensive, the gist thereof is that well-articulated and properly planned research is widely accepted. By so doing, a process that assesses evidence seeking answers on questions around aspects of analysing and interpreting research is outlined. Without this, the research exercise is not likely to yield good results.

This chapter provides the research framework that guided the research. It starts by examining the research methodology. This is followed by all aspects of research, namely sample, research approach, design, techniques and planning. The structure of the report is also outlined. It concludes by providing an overview of data analysis touching on, among others, validity, reliability and ethics.

3.2 RESEARCH METHODOLOGY

Research methodology consists of the systematic, methodological and accurate execution of the research design. It focuses on the research process and the tools and procedures to be used (Mouton: 2001: 55-56). The research undertaken on selected Ward committees in Tshwane Metropolitan Municipality is intended to firstly establish the extent to which Ward committee members participate in policy development, implementation and monitoring; secondly, how Ward committees are capacitated to discharge their mandate; and thirdly, whether their mandate was understood or not. This was done taking into account the requirements of the Municipal Structures Act and the Municipal Systems Act. Underpinning this is the view of Burt et al., (1997: 61) who states that, “a good process analysis design is guided by a set of core questions which are that the project model is implemented as specified, whether the programme has unintended consequences and unanticipated outcomes or not and what the view of staff, participants and community is on the project”.

The following section outlines how a sample of Ward committees to be evaluated was obtained.

3.3 SAMPLE

A sample is a subset of the whole population which is actually investigated by a researcher and whose characteristics are generalised to the entire population. It is obtained through the guidance of sampling theory which is a technical accounting device to rationalise the collection of information, choose in an appropriate way the restricted set of objects, persons, events and so forth from which the actual information is drawn (Bless and Higson-Smith, 1995: 85). Seventy-six Ward committees of Tshwane Metropolitan Municipality before the current municipal realignment were categorized into two groups: those that were hit by service delivery protests and those who were not.

Following the categorization of Ward committees, one from each group was randomly selected to constitute units of analysis. Notwithstanding the categorization of Ward committees, the research methods used to collect data, which are outlined below, played an important role.

3.4 RESEARCH APPROACH

The approach used to collect data was based on both quantitative and qualitative research methods.

3.4.1 Quantitative methodology

Data collected using the quantitative method was in the form of responses to closed ended questions. These were converted to represent values of variables which measured the characteristics of Ward committee members. The idea was to determine firstly, the extent to which members participate in policy development, implementation and monitoring; secondly, the number of those who have been capacitated; and thirdly, the extent to which members understand their mandate.

The responses obtained from the above were systematically reorganized into a format readable by computers and analysed using descriptive statistics which describe numerical data. In that instance, frequency

distribution which is easy to use and can be utilised in many forms, such as in raw count or graphical representation, was applied.

3.4.2. Qualitative methodology

Data collected using qualitative methodology are in the form of text, written words, phrases or symbols describing or representing people, actions and events in social life (Neuman, 2006: 457). Using this method with regard to Ward committees in Tshwane Metropolitan Municipality, the aim was to obtain an in-depth overview of Ward committees and their operations rather than the extent of understanding. Underpinning this was to extend the research to Ward Councillors and the Speaker. The research was thus bound by the themes of participation, capacity and mandate.

As with quantitative method, coding was also used, albeit differently. Three types of coding, namely open, axial and selective, were applied. Open coding is a first stage of coding qualitative data in which a researcher examines the data to condense them into preliminary analytic categories or codes. Axial coding is a second stage in which a researcher organizes the codes, links them and discovers key analytic categories. Selective coding is the last stage in which a researcher examines previous codes to identify and select data that will support the conceptual coding categories that were developed (Neuman, 2006: 461- 464). After this exercise, themes were identified along the lines of participation, capacity of Ward committees, and the understanding of their mandate.

3.5 RESEARCH DESIGN

Bless and Higson-Smith (1995: 63) describes research design as a programme to guide the researcher in collecting, analyzing and interpreting observed facts. They state that, “several fundamental questions relating to the focus, unit of analysis and time dimension of the problem at hand need to be answered”. Focus is understood in terms of conditions, orientation and actions. Conditions explore the current state of the subjects, orientation is concerned with attitudes and beliefs of subjects, while actions take into account the behaviour of subjects or what they do.

A unit of analysis is the person or object from which data is collected. This can take the form of individuals, groups or organisations. In respect of individuals, the researcher studies the conditions, orientations or actions of a group of individual people. In a group, individuals are brought together to constitute an area of focus. Organisations are an entity with a formal structure and questions of interest might relate to, *inter alia,* a proportion of employees from a particular group. In the case of the research in question, the units of analysis were Ward committees as groups and members as individuals.

Time dimension relates to the time when the study is conducted. Bless and Higson-Smith (1995: 66-67) states that when all data is collected at the same time, the design is cross-sectional. Longitudinal designs distribute data collection over time. In other words, it focuses on the time series. For the purposes of the research in respect of Tshwane Metropolitan Municipality, a cross-sectional design was adopted and data collected at the same time. This is because similar research has not been conducted previously and thus longitudinal design would have been inappropriate.

3.6 RESEARCH TECHNIQUES

The techniques to be applied in respect of data collection will take into account both the quantitative and qualitative methods that were used. Insofar as quantitative method is concerned, data from records held by the municipality were scrutinised to identify functional and dysfunctional Ward committees. In addition, questionnaires with specific items to which committee members were to respond were distributed. Structured questions focusing on research questions were administered for that purpose. These gave a choice of responses or guidelines on the procedure to be followed.

With regard to qualitative method, semi-structured interviews with the Speaker and Ward Councillors were conducted. Interviews are called “semi-structured” in that respondents were allowed to give long, detailed and complex responses. The idea was to get more information around the themes and also enrich the responses from questionnaires.

3.7 RESEARCH PLANNING

Seeing that data was collected from various respondents, interviews and questionnaires were structured in advance around a set of research questions indicated earlier. Attention was paid to defining objectives, issues, criteria, available information and drawing up a timetable.

The above were done through constant interaction between a dedicated municipal official, Ward Councillors, the Speaker and the researcher. This approach was critical to ensure that there is buy-in from the side of the municipality. It also assisted in gaining greater commitment from the respondents to participate in the research.

Thereafter a survey of available legislation as well as other additional documents received was done. As a quality assurance measure, a questionnaire together with interview schedule was administered to colleagues to eliminate ambiguity. Thereafter the research was rolled out and the questionnaires were distributed among all members of the two Ward committees. Interviews with relevant Ward Councillors followed. Data was then captured on a computer and write-up done.

Following the above, an analysis of data using quantitative and qualitative data analysis methods mentioned was undertaken. The purpose was to present findings as well as conclusions that could be drawn.

3.8 STRUCTURE OF THE REPORT

The report consists of six chapters: Introduction, Literature review, Research framework, Data presentation, Interpretation of results as well as Summary and recommendations. Chapter One, the introduction, provides an overview of the research itself touching on background, research problem and research questions.

Literature review in chapter two examines the concept of “local governance” focusing on governance, democratisation, civil society and participation. It also defines management of development policy and provides a summary of some South African cases of municipalities that

adopted the Ward committee system. This is intended to determine whether findings from this research study are common or not.

The research framework is addressed in chapter three and focuses on how the study is to be conducted. It outlines the research objectives, sample, research methods, design, techniques and planning. It also explains the limitations.

Chapter four addresses the findings arising out of questionnaires administered and interviews conducted, while the interpretation of results in chapter five links the data presented to the literature review chapter. In essence, it highlights the gaps between the real and ideal situation.

Chapter six provides the summary and recommendations and highlights what has been deduced with regard to the themes, participation, mandate and capacity. It concludes by providing recommendations on how development policy can be managed through the Ward committee system in Tshwane Metropolitan Municipality.

3.9 DATA ANALYSIS

Bless and Higson-Smith (1995: 143) states that, “once data has been completed, a statistical analysis is performed in order to infer some properties of the population from sample results”. This exercise is called data analysis. It involves breaking up the data into manageable themes, patterns, trends and relationships. The aim is to understand various constitutive elements of one’s data through an inspection of the relationships between concepts, constructs or variables and to see whether there are any patterns or trends that can be identified or isolated, or to establish themes in the data (Mouton, 2001: 108).

In analysing data, issues of reliability and validity come into play. Reliability refers to the extent to which the observable (or empirical) measures that represent a theoretical concept are accurate and stable when used for the concept in several studies (Bless and Higson-Smith, 1995: 129). Leedy and Ormrod (2001: 31) defines reliability as the consistency with which a measuring instrument yields a certain result when the entity being measured has not changed.

Drawing from the above definitions, it can be inferred that reliability is concerned with how consistent the measures are. On the other hand, validity is concerned with just how accurately the observable measures actually represent the concept in question or whether in fact they represent something else (Bless and Higson-Smith, 1995: 129). In other words, it is about whether what is measured is indeed what is being measured.

In addition to reliability and validity, the issue of ethics should not be underestimated. This is because it plays a crucial role in the conduct of the researcher. Ethics refers to the range of moral and immoral choices and the construction of bonds within any community. Ethical researchers should not:

- Plagiarise or claim credit for the results of others;
- Misreport sources or invent results;
- Submit data whose accuracy they have reason to question, unless they raise the questions;
- Caricature or distort opposing views;
- Destroy or conceal sources and data important for those who follow (Booth, Colomb and Williams, 2003: 285-286).

Bless and Higson-Smith (1995: 102-103) states that, generally accepted ethical rights of participants which a social scientist should respect entail privacy or voluntary participation, anonymity, confidentiality and the space case of action research. Privacy or voluntary participation means that participants must volunteer and be allowed to withhold certain information about themselves. Anonymity means that participants should be allowed to divulge information of a private nature on condition that their names are not mentioned. Confidentiality means that information given should be used for the stated purpose of the research and that no other person should have access to it. The special case of action research means that the problem being researched should be the one raised by the community or should be a particular problem facing the community at the time.

3.10 LIMITATIONS OF THE RESEARCH

Although the issues of fear of councillors and party officials because of the challenges that faced the ruling party then, as well as transport challenges, were identified earlier as being those that could limit the research, the questionnaire was administered before the start of Ward committee meetings. The relationship between respondents, councillors and officials was highly cordial to an extent that there was no fear of responding to questions. The only limitation was with regard to language. This was overcome by having to explain the questionnaires in detail.

3.11 CONCLUSION

Research framework is an important component of a research exercise. As with many disciplines, researchers recognise the importance of a well thought out research plan which outlines how research is to be undertaken.

This chapter explained how the research was conducted. It defined the research methodology and the determination of a sample coupled with research approach and design. This was followed by limitations which impacted on the study itself.

CHAPTER FOUR

PRESENTATION OF THE DATA

4.1 INTRODUCTION

Data presentation plays an integral role in research and involves showing the workings of data. This is because the best experiments and logical arguments depend on the presentation of data to communicate the reason or rationale for the research. In other words, it intends to get the message through to the target audience.

This chapter focuses on presenting data obtained both from questionnaires administered to Ward committee members and interviews conducted with a sample of Ward Councillors including the Speaker within the City of Tshwane Metropolitan Municipality. It starts by providing an overview of the municipality in terms of how it is structured. This is followed by survey and interview responses sorted into three themes: participation, mandate and capacity.

4.2 OVERVIEW OF TSHWANE METROPOLITAN MUNICIPALITY

The City of Tshwane Metropolitan Municipality is an organ of state as provided for in Chapter 7 of the Constitution of the Republic of South Africa Act 108 of 1996 as amended. Its area of jurisdiction has been determined in terms of the Local Government: Municipal Demarcation Act 27 of 1998 as well as Cross-boundary Municipalities Laws Repeal and Related Matters Act 23 of 2005. Prior to Local Government elections of 2011, it comprised 76 wards and was divided into five administrative regions: Southern, North West, Central, North East and Eastern. The region executes the following core functions of the municipality:

- Regional planning, strategy implementation and monitoring;
- Housing implementation;
- Health and social development implementation;
- Sports, recreation, arts and culture;

- Environmental management; and
- Customer care.

In addition, each region provides support and corporate support services structures for the Ward Councillor and Ward committee (TIDP, 2006-2011, Third Revision). Thus, the relationship between the Ward Councillor, Ward committee and municipal officials is crucial to ensure a stable environment within which policy development, implementation, monitoring and evaluation is to take place. In this context and for the purposes of this research report, 2 wards were randomly selected and questionnaires distributed to 20 Ward committee members, of which 13 were returned, giving a response rate of 65%. In addition, 11 Ward Councillors including the Speaker were interviewed. The following section provides the responses to the survey.

4.3 SURVEY RESPONSES

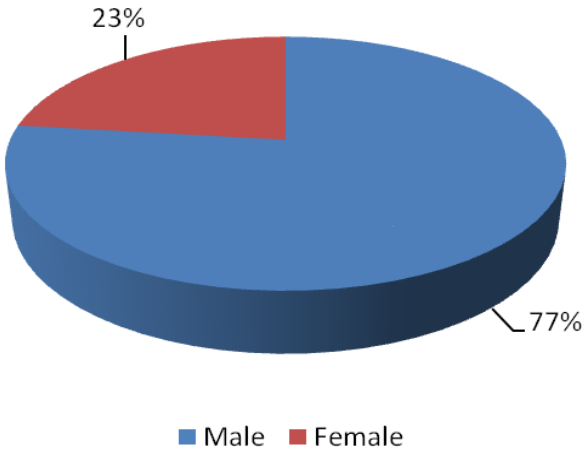
Survey respondents were asked to provide their profiles focusing on gender, age, education level and organisations they represent.

4.3.1 Profile of respondents

Gender

Of the 13 respondents who returned their questionnaires, only a few are females as opposed to males who constitute almost 80%. Figure 1 below provides a representation of the respondents by gender.

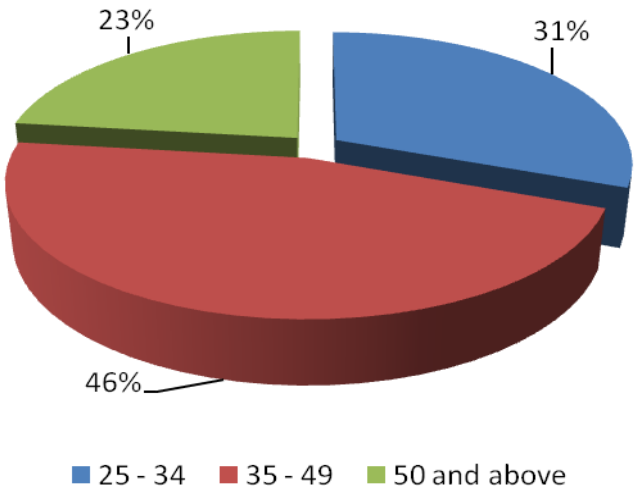
Figure 1: Gender



Age

The questionnaire respondents were asked to indicate in which category their ages fall. Figure 2 below indicates that there is generally a fair combination of both youth and adult population (77%) within the Ward committees. The rest of the respondents (23%) are aged 50 years and above.

Figure 2: Age



Education

The results from the questionnaire indicates that more than two-thirds (69%) of the respondents have an education level that ranges from standard 6 to Matric. Table 1 below outlines the number of respondents and percentage per education level.

Table 1: Education level

Education level	Count	Percentage
None - Standard 5	2	15%
Standard 6 - Standard 9	5	38%
Matric	4	31%
Certificates and National Diploma	2	15%
Grand Total	**13**	**100%**

Representation

All members who responded to the questionnaire belonged to various organisations ranging from political parties, which should not be the case to other committees such as health, education, Community Policing Fora and section committees. Table 2 below indicates representation.

Table 2: Representation

Organisation	Count	Percentage
Political Party	1	8%
Youth Formation	2	17%
Religious Group	2	17%
Business Community	1	8%
Other	6	50%
Grand Total	**12**	**100%**

4.3.2 Participation

With regard to participation, questions regarding the regularity of meetings, Ward committee members making inputs at those meetings, being consulted on ward or community matters, being provided with a year planner of meetings and being given an opportunity to advise the Ward Councillor were asked.

Responding to the question on the regularity of meetings of the Ward committees, the respondents indicated that meetings take place regularly. Of the 13 respondents, 92% said meetings take place monthly while 8% said not at all. Coupled with this are 62% of those who said they made inputs monthly, 15% said fortnightly and another 15% said as and when needed. The same pattern emerges with regard to the regularity of being consulted on ward or community matters. The regularity of meetings and consultation as well as making input into meetings is done irrespective of whether the yearly calendar of meetings has been made available. This is true because 54% said the yearly calendar was distributed while 46% said not.

With the above in mind, the response of Ward committee members to the question of whether they are given an opportunity to advise the Ward Councillor or Council on issues affecting the ward or community was 31% strongly agreeing; 54% agreeing; and 1% each disagreeing and strongly disagreeing.

4.3.3 Capacity

With regard to capacity and in particular training, the following were areas of focus; assessment of training needs, training offered by the municipality and attendance of training programmes. Of the 13 respondents, 77% indicated that their training needs were assessed while 23% said not. Furthermore, 92% indicated that the municipality offered training while 8% said not. On the part of attendance; 77% attended training once while 23% attended more than once. Tables 3, 4 and 5 below depict the above scenario.

Table 3: Training needs assessment

Training needs assessment	Count	Percentage
Yes	10	77%
No	3	23%
Grand Total	**13**	**100%**

Table 4: Training offered

Offer training	Count	Percentage
Training offered	12	92%
Training not offered	1	8%
Grand Total	**13**	**100%**

Table 5: Training attended

Training attendance	Count	Percentage
Once	10	77%
Twice	2	15%
Four times	1	8%
Grand Total	**13**	**100%**

When looking at the provision of information by the municipality, 85% responded in the affirmative while 8% were both in disagreement and neutral, as depicted in Table 6 below.

Table 6: Information provided

Information provided	Count	Percentage
Strongly Agree	4	31%
Agree	7	54%
Neutral	1	8%
Disagree	1	8%
Grand Total	**13**	**100%**

4.3.4 Mandate

One aspect of mandate is the extent to which issues are clarified to Ward committee members. On the question of the Ward Councillor clarifying issues to be discussed; 85% of the 13 respondents either agreed or strongly agreed. Table 7 below presents the responses.

Table 7: Clarity of issues

Issues are clarified by Ward Councillor	Count	Percentage
Strongly agree	4	31%
Agree	7	54%
Neutral	1	8%
Disagree	1	8%
Grand Total	**13**	**100%**

4.4 INTERVIEW RESPONSES

4.4.1 Profile of respondents

As indicated above, 11 Ward Councillors inclusive of the Speaker were interviewed: 73% were male while 27% were female.

4.4.2 Participation

In respect of participation, the respondents were requested to outline challenges facing Ward committees, how elected officials balance what the people want against what the municipality prefers, and whether there are other committees or sub-committees over and above Ward committees. The respondents raised a number of challenges which impact negatively on Ward committee members' participation. These challenges vary from ward to ward and the major one relates to costs, in particular transport costs, with one respondent noting that, "while the municipality has dealt with this by paying members a stipend, in some instances payment takes long". The other challenge relates to Ward committee members not being recognised by municipal officials. As a result, members from some wards have raised the issue of being given name tags which will identify them as members, thus enabling them to have access to officials and enhance their participation.

The above is further exacerbated by a perception among members that their views and inputs are not taken seriously by Council, with one respondent observing that, "Very little attention is paid to their inputs despite having been established in terms of the law i.e Constitution, section 152(1) (e); local communities must be involved in the affairs' of local government. One good way of doing this is through Ward committees. There is a view that public participation is poor with some committees struggling to operate. They are generally perceived as talk shops".

Another issue which was raised by one respondent is that Ward committee members say that, "once they come to a meeting, the chair of the committee being the Ward Councillor would normally inform them on what needs to be done without them being engaged". In other words, the Ward Councillor does not share information but merely tells people what to do. This has the potential to demoralise members and thus inhibit participation. It was echoed by another respondent who said that, "Ward committees do not manage development policy. Ward committees make little input in development policy. Policy emerges from bureaucrats and officials and is sometimes presented to Ward committees, but generally

goes to council for approval". This was supported by a respondent who said that, "many of their recommendations when it comes to rezoning and other local issues are ignored. They never receive any feedback from council officials concerning their inputs".

On balancing what communities want against what council prefers, this is done through the IDP process where they are asked to indicate what would be preferred as developmental areas. Comments included that, "Ward committee is the one to influence the budget and inform the IDP"; "Communities would raise matters which are a shopping list and not prioritise. Council then prioritises and the chairperson of the Ward committee provides feedback". This is because the Council as a statutory body has the power to take decisions within its jurisdiction.

Notwithstanding the above, if communities are not satisfied with a decision, they have the right to petition the Council, as one respondent explained: "Decisions from council are majority decisions. If a decision is made by any committee of council or council itself, then residents or representative residents associations have a right to challenge those decisions on appeal and there are several ways to do that (Section 62 or 67 of Municipal Systems Act). Resident Association has a right to challenge decisions on appeal".

On the question of other committees or sub-committees existing over and above the Ward committees, most respondents indicated that they do exist. However, where they exist, they differ from ward to ward. In other words, a Ward Councillor can model committees or sub-committees in whatever manner he/she wishes. In some instances, they are modelled around the municipal portfolio or departments while others are modelled around key developmental areas such as education, health, social development and crime.

4.4.3 Capacity

With regard to capacity, focal areas were whether rules governing Ward committees do exist, how training needs of Ward committees are determined taking into account the location of budget, and how Ward committees are to be capacitated. The municipality has a policy document

called *"Establishment of Ward committees"* which was approved in May 2001. This document provides for, *inter alia,* powers, functions and responsibilities of Ward committees, composition and electoral regulation since, "There is no bye-law governing Ward committees but a set of rules".

Pertaining to training, there is no systematic way of identifying training needs of Ward committee members, as explained: "There seems to be no uniform approach to training. Individual Ward Councillors pick up training programmes related to specific sectors and encourage members to attend". It is generally assumed that all Ward committee members need to go through an induction training programme. To this effect, an induction workshop attended by Ward committee members upon election to office is conducted. At that workshop, a document called "*Establishment, roles, responsibilities and functions of Ward committees*" is distributed. This document is intended to clarify the roles of Ward committees and their relationship with the Council, according to one respondent: "They are taken through to understand their role. In other words they are workshopped around the document (by-law) and understanding exactly the operation of Ward committees and what their role will be".

It emerged during the interviews that the above is not enough to capacitate committee members largely because election of community members to the Ward committee does not take into account literacy, numeracy, expertise and experience. However, it was noted that, "Ward committee members could be capacitated through being given good training". The other issue mentioned was that the budget for training is centrally located in the Speaker's office and is not enough, as confirmed by one respondent: "There is no budget set aside to capacitate members".

On the issue of how committee members could be capacitated, it emerged that over and above training, the term of office of Ward committees should be aligned to the term of office of the council, as, "This will prevent a situation whereby the implementation of the Ward committee programmes aligned to council term of office is not disrupted by election of new members". They also need to be capacitated on all municipality by-laws, how budget is formulated as well as how their needs become a priority within Council, taking into account the budget cycle.

4.4.4 Mandate

With regard to mandate, the focus was firstly on who defines or determines the agenda of Ward committee meetings and which issues get discussed. Secondly, there was discussion on whether conflict between Community Development Workers and Ward committee members occurs. Thirdly, the question of how issues raised by Ward committees find expression on the municipality's agenda was explored.

There is a misconception among Ward committee members with regard to what Ward committees are and should do. This happens especially when they are elected, as one respondent observed: "They (committee members) tend to forget that council is a statutory body with decision-making powers implying that whatever developments they want might not happen as speedily as they think because it has to go through processes of council". Furthermore, "The reality is they make inputs or suggestions which can either be accepted or rejected by council". To address this challenge, Ward committee members are taken through an induction workshop that clarifies their roles and those of other officials and structures of council. In essence, as mentioned by almost all respondents, the mandate of Ward committees is clarified to members. The challenge is whether that is understood or adhered to.

On the question of whether conflict occurs between the Community Development Workers and Ward committees, the general trend is that there has been moderate conflict. In other words, it has not been extreme enough to lead to a paralysis of municipal functions. As explained by one respondent, "There has been moderate conflict and not a lot. CDWs tend to overstep especially when dealing with community issues". This moderate conflict is as a result of the induction workshop having clarified the roles of each, where, "… the induction clarified the different roles i.e. that of Ward committee members and Community Development Workers".

4.5 CONCLUSION

This chapter has presented data on issues of participation, capacity and mandate. In respect of participation, the focus was on the regularity of meetings, whether Ward committee members are consulted on issues

relating to the wards, and whether they make inputs. With regard to capacity, the focus was on training, training needs assessment and whether Ward committee members attended training.

On the issue of mandate, the focus was on whether issues to be discussed are clarified to Ward committee members. In general, there is a high level of participation from communities with regard to Ward committees. However, Ward committees are facing numerous challenges which, if not addressed, have the potential of creating apathy and inciting protest from communities.

CHAPTER FIVE

INTERPRETATION OF THE RESULTS

5.1 INTRODUCTION

An important element of any research or study is the link between the findings, that is, what is happening in practice and theory or literature. This is intended to determine whether the real-life situation follows a particular pattern as provided for theoretically in the literature. This is true because theory and practice have a reciprocal relationship with practice informing theory as well.

This chapter provides a link between the findings presented in the previous chapter and the theory. It focuses on the three identified themes: participation, capacity and mandate.

5.2 NEXUS WITH THE LITERATURE

The theory of local governance, as alluded to in the previous chapter on literature review, moves from the premise that the structure of government, how it relates to non-governmental institutions and how it executes its mandate within the context of democracy is a necessary precondition for effective and efficient service delivery. Underpinning this is a set of institutions, mechanisms and processes, through which citizens and their groups articulate their interests and needs, mediate their differences and exercise their rights and obligations.

Of critical importance is the manner in which the apparatus of the state is constituted, how it executes its mandate and its relationship to society in general and to particular constituencies such as the private sector, civil society, non-governmental organisations and community organisations; and lastly, how it fulfils the substantive aspects of democracy. It may be inferred, therefore, that structures of government should foster participation, and those participating should clearly understand their mandate and be appropriately capacitated.

5.2.1 Participation

Participation refers to the ways in which citizens exercise influence and control over decisions that affect them, and requires that the state treats citizens not only as voters but as active participants in decision-making. For this to happen, ideal conditions for public participation have to exist. These include the project being beneficial to the entire community; that citizens should not be geographically dispersed; that citizens should have adequate financial resources to enable them to attend meetings; the community has to be homogenous to allow for speedy decision-making; and the topic to be discussed should not be technically complex.

Focusing on participation as one of the themes in this study, indicators that were reviewed included the regularity of meetings, the extent of Ward committee members making inputs on policy issues, the extent of being consulted, the extent to which a year planner of meetings is circulated, and the extent to which Ward committee members advise the Ward Councillor. The above are premised one of the principles of democracy, namely popular consultation, which requires firstly that some institutional machinery, through which public officials learn what kind of public policies the people wish to see adopted and enforced, should exist. Secondly, having ascertained the people's preferences, public officials should then put them into effect whether they themselves approve or not (Ranney, 1990: 112-115).

In the South African context, the institutional machinery is provided for in the Municipal Planning and Performance Regulations which place the onus on municipalities in instances where Ward committees do not exist for forums to be established. The regulations further provide that:

- The forum referred to above be representative of the composition of the community and comprise people identified by the community through mechanisms established by the municipality.
- The municipality convenes regular meetings of the forum to-
    i. discuss the process to be followed in drafting the integrated development plan;

ii. consult on the content of the integrated development plan;
iii. monitor the implementation of the integrated development plan;
iv. discuss the development, implementation and review of the municipality's performance management system; and
v. monitor the municipality's performance in relation to the key performance indicators and performance targets set by the municipality.

The study revealed that institutions to facilitate popular consultation and/ or public participation in the form of Ward committees do exist in Tshwane Metropolitan Municipality although not as widely as they should be. Some do comprise representatives from various stakeholders or groups as indicated in Table 2. This is in line with various pieces of legislation and policies, notably the White Paper on Local Government and Municipal Structures Act which places the responsibility on municipalities to provide for consultative mechanisms. It is also in line with the Municipal Systems Act which places more emphasis on the rights and duties of citizens with regard to municipal functions including their contributions towards the decision-making process of the municipality and receiving feedback in respect of decisions taken by council on issues affecting their rights.

In addition to the existence of institutions to facilitate public participation, the study has further revealed that meetings of Ward committees take place regularly, i.e. monthly as required by law. The majority of members make inputs on community issues on a monthly basis. However, the complex nature of some of the issues or policy documents such as the IDP and the budget, poses a challenge to the quality of inputs made. Hence discussions at meetings centre on operational issues such as incorrect billing, safety and security in their communities, as well as rezoning.

Another challenge is lack of financial resources that would enable members to attend meetings. On this issue, the study revealed that the municipality pays a stipend even though it takes a long time for it to be paid because of administrative processes that need to be followed.

5.2.2 Mandate

Governance, as defined by Mhone in Mhone and Edigheji (2003: 3), refers to the manner in which the apparatus of the state is constituted, how it executes its mandate and its relationship to society in general and to particular constituencies such as the private sector, civil society, non-governmental organisations and community organisations, and how it fulfils the substantive aspects of democracy. This requires that participants in apparatus of the state understand their mandates in a manner that will not encroach on the territories of others. It must further take into account the complex nature of the state and the issues to be dealt with.

Under this theme, the indicators considered are whether issues are clarified to members, who define or determine the agenda of the Ward committee meeting and whether there is conflict between Ward committee members and Community Development Workers (CDWs) or not. To address this and within the legislative context, pieces of legislation have been enacted to clarify the mandates of various stakeholders in local governance particularly as they relate to Ward committees, participation and consultation.

Chapter 7 (Section 152) of the Constitution of the Republic of South Africa Act 108 of 1996 stipulates that local government should, *inter alia,* provide democratic and accountable government for local communities, ensure the provision of services to communities in a sustainable manner, and encourage the involvement of communities and community organisations in matters of local government. Furthermore, the White Paper on Local Government of 1998 challenges local government to be developmental and encourages municipalities to establish strategies and mechanisms to continuously engage with citizens, business and community groups.

The above further provides for the establishment of Ward committees to facilitate local community participation in decisions which affect the community, the articulation of local community interests, and representation of these interests within the metropolitan government system. It must, however, be mentioned that for better decisions to emerge through the participatory process as indicated earlier, the careful

selection of participants is important. This hinges on whether participants are appropriately representative of those they claim to represent. Thus a thorough stakeholder analysis focusing on their interests, strengths, assumptions and needs is crucial. In addition, the manner in which the participants communicate and also choose issues to be discussed is critical.

The research revealed that there are instances where a misconception arises with regard to the roles and mandate of Ward committee members. This could be further exacerbated by the introduction of Community Development Workers who act as a link between communities and local government as well as other statutory bodies. To deal with this, the municipality convenes induction workshops where roles of Ward committee members, municipal officials and councillors are clarified. Of importance to note is that there is no conflict between Ward committee members and CDWs which bodes well for the relationship of various stakeholders. The research further revealed that the agenda of Ward committee meetings is determined by the Ward Councillor even though in some instances members are requested to put items on the agenda.

5.2.3 Capacity

Under this theme, indicators looked at the existence of rules governing the establishment of Ward committees, the identification of training needs, provision of training, attendance of training programmes by Ward committee members, the extent to which the municipality provides information, regularity of information sharing sessions, and performance monitoring of Ward committee members. These indicators were identified taking into account the complex nature of local governance, policy development, implementation and monitoring as alluded to earlier in this document. They also took into account the means of participation which underpins the need to build capacity.

Means of participation enables citizens as a collective to be in a more favourable position of influencing government decisions than as individuals. Bekker (1996: 29) identifies interest and pressure groups as means of participation. Interest groups are all groups which seek to

influence public policy in their own chosen direction, without accepting responsibility for government (Ehrman in Bekker, 1996: 30). Pressure groups are any organization that endeavours to influence the policies of government without accepting responsibility for public office (Wootton in Bekker, 1996: 30). Flowing from this, it can be seen that interest and pressure groups are synonymous. These could be likened to civil society which had been defined earlier.

Another means of participation is through the utilization of extension staff. They provide a link between those making policies and citizens who are to be affected by those policies. The link may also have a more general purpose in that information about local needs and conditions can be communicated to local authorities and that information about local government policies and programmes can be provided to the people (Brynard in Bekker, 1996: 138).

In the South African context, with particular reference to local government, extension staff could be said to equate to Community Development Workers (CDWs). They are special public servants who engage with citizens and determine what services are needed, so as to ensure that these services are made available. CDWs link communities with a range of government services and programmes. This is seen as a means of capacitating Ward committees on issues of development and service delivery. Put differently, they entail joint decision-making between public officials and citizens as they seek ways of delivering services to communities. The glue that keeps this relationship intact is government trust in citizens, citizen efficacy and trust in government, citizen competence, government responsiveness and legitimacy.

The study revealed that there is no structured way of identifying their training needs. Training centres around the provision of an induction for members to clarify their roles. There is no training programme over and above the induction training programme. Because members are expected to attend the induction programme, the study revealed that they did attend such, either once and in some instances more than once. This is due to some members serving more than one term. The study further revealed

that the municipality provides information and that members share information at such induction sessions.

5.3 CONCLUSION

Theory is generally based on the assessment of data and provides the basis from which logical conclusions can be drawn. In doing so, patterns and potential causal relationships among opinions and actions are identified. This implies that the relationship between theory and practice is crucial because without theoretical knowledge it is not easy to utilise the skills in practice to make correct decisions.

This chapter has attempted to highlight the link between theory as outlined in the chapter on literature review and the findings derived from data collection. By so doing, the relationship between the theory of governance and the findings were presented, taking into account participation, capacity of Ward committees and the understanding of their roles.

CHAPTER SIX

SUMMARY AND RECOMMENDATIONS

6.1 INTRODUCTION

The democratic dispensation of 1994 envisaged a situation whereby there will be an effective and efficient local government system. Among measures to make this system effective and efficient were the establishment of Ward committees as provided for through government policies and legislation, where the intention was to promote public participation.

This chapter will provide a summary of the research report as well as recommendations. It will start by highlighting the significant learning points followed by a relationship model conceptualised from those points.

6.2 LOCAL GOVERNMENT EVOLUTION

6.2.1 Global perspective

Local government which is the sphere closest to communities they serve evolved over time. Their evolution is premised around the need to identify local problems, set priorities for development, mobilise resources, implement programmes, and monitor and evaluate progress. In Europe for instance, local government was considered as both a provider of public services and a public body based on a community of local people. In Latin America, the evolution followed a major process of decentralisation with central features including greater political autonomy and its strengthening.

In the Asia-Pacific region, most countries undertook reforms aimed at decentralising and devolving government functions to the local level. Issues that drove the reform process included public sector efficiency, democratisation and changing political-economic regimes to mixed and market economies. In the United States, local governments are governmental jurisdictions below the level of the state with most states having two tiers, namely counties and municipalities. Counties and county-equivalents form the first tier administrative division of the states although

not all of them have organised county governments. In areas lacking county governments, services are provided by lower level townships, municipalities or states.

In Africa, the evolution of local government was necessitated by what was referred to as “democratic” decentralisation. By this is meant that significant elements of authority, responsibility for services, fiscal and human resources are transferred to local governments. Major revisions in accountability were enacted so that the local public had a significant role in its own “local governance”, through the existence of working local systems of collective action that manage a locality’s public affairs and are accountable to local residents.

There has been a substantial rise in the number of democratic political systems since the 1990s as opposed to the 1950s and 1960s, the two decades following African independence. During that time, one-party political systems predominated and access to state power was often gained by means of *coups d’état.* The report further states that, “most political systems are now multiparty and leaders are chosen by universal suffrage. In respect of local government, many countries such as Mozambique, Benin, Mauritania and South Africa allow independent candidates in local elections despite allowing political parties to monopolise local and national politics.

6.2.2 South African perspective

In South Africa, local government evolved as a form of decentralised local indirect self-government, area bound and limited in powers though it may be. The legal framework over time provided for the form, content, powers and functions to be performed at that level. To ensure greater participation by communities, the Ward committee system was introduced. This worked alongside the single constituency systems which were applicable in all the then provinces, which were Cape, Orange Free State and Transvaal, as well as for Black local authorities, except in Natal where boroughs were divided into at least nine wards. Their role entailed being a form of contact between the people and municipal commissioners. The number of wards was determined by the administrator within the powers vested in

Provinces. Despite the noble approach of establishing local government, it was based along racial lines and became a source of contention leading to community struggles and subsequently local government reform.

Local government reform in South Africa followed a protracted process of negotiations dating back to the late 1980s. During that period, individual local authorities, political parties and civic organisations engaged in negotiations in order to shape the structures of municipalities within their localities. The process gained momentum following the State of the Nation address by the then President of South Africa, F.W. de Klerk in 1991 and culminated in the establishment, within the ambit of the Interim Measures for Local Government Act of 1991, of local government negotiating forums across the country.

This culminated in the current electoral system which provides for proportional and ward representation. The provision of ward representation was intended to, *inter alia,* allow for greater community participation in policy-making and thus improve service delivery at local government level. To this effect, a legislative framework governing such reform was developed. The main documents within that framework are the Constitution of South Africa, White Paper on Local Government, Municipal Structures Act, Municipal Systems Act and Municipal Planning and Performance Management Regulations.

Despite the transformation process that took place, the legislative framework provided, and the subsequent delimitation of wards, including the establishment of Ward committees in most municipalities, service delivery has not improved at local government level. The challenge seems to be that Ward committees, having been established to facilitate public participation at local government level and subsequently the management of development policy, are not as effective as they should be. In other words, participation in those committees is not seen at the level that was anticipated. Where it is at the expected level, participants do not appear to be sufficiently capacitated and do not fully understand their mandate.

Studies conducted with regard to Ward committees in municipalities such as Msunduzi, Buffalo and Nelson Mandela have not addressed this

challenge in any depth and have focused more on community participation. This study, although not comprehensive, has focused not only on public participation but on determining the extent to which Ward committee members understand their mandate in respect of the management of development policy. It also focused on the extent to which they are capacitated. Consequently, significant learning points emerged.

6.3 SIGNIFICANT LEARNING POINTS

6.3.1 Participation

The study has identified that the Municipality complies with the legislation that requires Ward committees to be established. This is in part intended to ensure the facilitation of local community participation, the articulation of local community interests and the representation of those interests within the Municipality. As a move to enhance the above, Ward committee meetings take place on a monthly basis as required by law and a year planner of such is distributed well in advance. In addition it confirmed some of the findings from other case studies in that public participation is provided for in various municipalities that opted for their establishment, albeit with challenges. It also showed some improvements on issues that were hindering the operations of Ward committees, such as financial resources to enable members to attend meetings.

Notwithstanding the above, participation and thus consultation with communities and citizens is usually limited to the compulsory consultation interactions defined in the various acts such as the Municipal Systems and Municipal Structures Acts, particularly in relation to issues of Integrated Development Plans (IDP) and budgets. In essence and taking into account the complex nature of issues presented in both the IDP and budgets, it is conducted to comply with the requirements of the legislation rather than paying more attention to the inputs of Ward committee members. Policy terrain seems to be a contested area with limited involvement of Ward committee members, leading to them getting involved or fighting to be involved in operational issues of the municipality. This negates what the systems theory of policy-making calls for, namely the contributions of inter-related forces.

6.3.2 Mandate

Effective participation is dependent on whether or not the participants understand their mandate. This understanding cuts across being able to articulate the views of the group that is being represented. In this context, the manner in which they communicate and also select issues to be discussed cannot be underestimated. The rallying point is the building of relationships among participating stakeholders. As mentioned earlier in this report, the glue that keeps a relationship together in the context of governance is government trust in citizens, citizen efficacy and trust in government, citizen competence, government responsiveness and legitimacy. Citizen competence presupposes that their mandate is understood. With this in mind, it is imperative that Ward committee members should fully understand their mandate.

The study established that the municipality has taken upon itself to convene a session immediately after the election of Ward committee members where their roles and responsibilities are clarified. During that session, roles and responsibilities of municipal officials as well as those of councillors are explained. This helps a great deal in preventing conflicts that normally occur when various stakeholders engage one another. As was observed in other case studies, and confirmed by the findings of this study, to some extent Ward committee members were aware of their mandate despite some having a poor educational background which limits their contribution to discussions. In addition, Ward committee members are consulted on issues that need to be discussed. In other words, they participate in formulating agenda items for meetings.

6.3.3 Capacity

Seeing that governance is concerned with how rules or structures affect political action and the prospect of solving societal problems, and exists when there is trust, reciprocity, accountability and authority, the capacity of those affected by the rules or participating in governance structures is crucial. Furthermore, the literature identified that policy implementation is a complex process involving various levels or organs and actors influenced by the environment within which it is taking place. To this effect, making sure that Ward committee members go through training programmes in

various areas relevant to local governance is strongly recommended. The idea is to empower them to understand complex policy issues.

The research established that the Municipality focuses on an induction programme as opposed to a comprehensive training programme. It is therefore not surprising when Ward committee members focus their attention on operational issues rather than shaping the policy direction that a ward and subsequently a municipality should follow. There exists a need for regular training in order for Ward committee members to be able to influence policy-making.

Furthermore, and in keeping with the group model of policy-making, various groups are represented on Ward committees. However, representation by those groups seems to be uneven or limited. It does not seem like those groupings are capacitated to make meaningful inputs on policy development, implementation, monitoring and evaluation.

6.4 RELATIONSHIP MODEL

The outcome of the research as well as the learning points gained led to the conceptualisation of the following relationship model for the enhancement of the Ward committee system.

Figure 3: Relationship model



The above model moves from the premise that, at the core of a relationship with particular reference to the community level, lays three inter-dependent groups of stakeholders and these are political, administration and civil society. In the context of local government; the circle depicting the political comprises councillors; administration, the municipal officials; and civil society, the various groups existing within a community. The centre which represents a Ward committee system provides the space for interaction between the political structure, the administration of the municipality, and the community.

Thus the link and co-operation among those stakeholders is critical in ensuring that there is effective and efficient service delivery. Debates that will ensue at the centre will ensure that policy and practice is aligned to effect meaningful change at community level. The common denominator in the relationship is to satisfy the needs, aspirations and desires of the community. To minimise confusion and conflict, it will be important for stakeholders to understand their roles.

In respect of the above relationship model, councillors sitting in a council, irrespective of whether they are ward or proportional councillors, should execute the following functions:

- Exercise the executive and legislative responsibilities in respect of the municipality. In the case of a ward, these responsibilities will pertain to executive leadership.
- Formulate policies.
- Provide political direction, leadership and motivation to municipal officials and public on policy issues.
- Provide overall political control and management of the council.
- Consult the community with regard to service delivery.
- Promote and ensure that development takes place in the community.
- Administration, which is to a large extent made up of municipal officials, should ensure that the centre functions effectively and efficiently. In doing so, it should undertake the following functions:

- Provide technical and administrative support to the Ward committee;
- Undertake training needs assessment of Ward committee members;
- Facilitate training and capacity building of Ward committee members;
- Supply and summarise documents to be perused and discussed by Ward committee members; and
- Create awareness to the community with regard to what the role of Ward committees are.

The civil society component of the model moves from the premise that at the community level there exist various interest groups whose needs and interests must be provided for. To advance these needs and interests as depicted in the model, civil society contributes to decision-making through the Ward committee system. To this effect, written and oral recommendations for deliberations and decision-making should be made.

The above could be achieved by firstly, building social alliances to advance development agenda at community level. Secondly, engage in civic action that is positive in fostering development. Thirdly, make follow-ups on promises made in order to advocate for their realisation. Fourthly, engage in advocacy work to press for a range of policy objectives. The fifth step is to act as agents for promoting good governance such as transparency and accountability. Finally, the community should be mobilised to participate fully in politics and public affairs.

6.5 RECOMMENDATIONS

Based on the research findings, the summary and learning points made above, the following recommendations are made to the Municipality:

1. Improve communication and information with citizens and in particular Ward committee members. This means firstly, translating the IDPs, audit reports and policy documents into more accessible documents in local languages, where possible. Secondly, important information should be made easily and widely available. Thirdly, the

Council should demonstrate that it listens to residents and takes complaints seriously by deploying senior officials to Ward committees.

2. Allocate resources to Ward committees to encourage participation beyond the compulsory moments prescribed in various pieces of legislation. This is because lack of resources makes Ward committee members feel marginalized.
3. Promote the establishment of new, or strengthening of existing interest groups to cater for various interests in the ward. This will allow a fair representation of various interests in the community and make engagement easy and fruitful.
4. Ensure that issues raised by Ward committees are acted upon and where they have not been acted upon, feedback on reasons be provided. People tend to sustain their participation if they feel that their participation in the past had practical results.
5. Make technical staff available to assist the Ward committees with technical issues.
6. Undertake training needs analysis, develop training programmes and conduct training that will address training gaps among Ward committee members.
7. Convene regular network sessions where members will share ideas on issues of common interests. These networking sessions could be approached from the perspective of panel discussions where experts are invited to share best practice in local government.
8. Provide a summary of issues to be discussed by Ward committees such as IDPs, budgets and policy documents. This will address the complexity of those documents

6.6 CONCLUSION

Good governance has become widely accepted as a critical condition for advancing development agendas despite observations that democratic politics have not delivered better outcomes for the poor in developing countries. Recent trends challenge the conventional wisdom that democratic institutions advance the needs and aspirations of the people. A

critical approach to the dynamics of power and the interactions between influential stakeholders (business groups, political elites, the military, the media, civil society and international aid system) is necessary.

This chapter provided a summary and recommendations in respect of improving the workings of Ward committees with particular reference to Tshwane Metropolitan Municipality. These focused on how development policy, which is deliberate action by public institutions seeking to promote development, could be managed.

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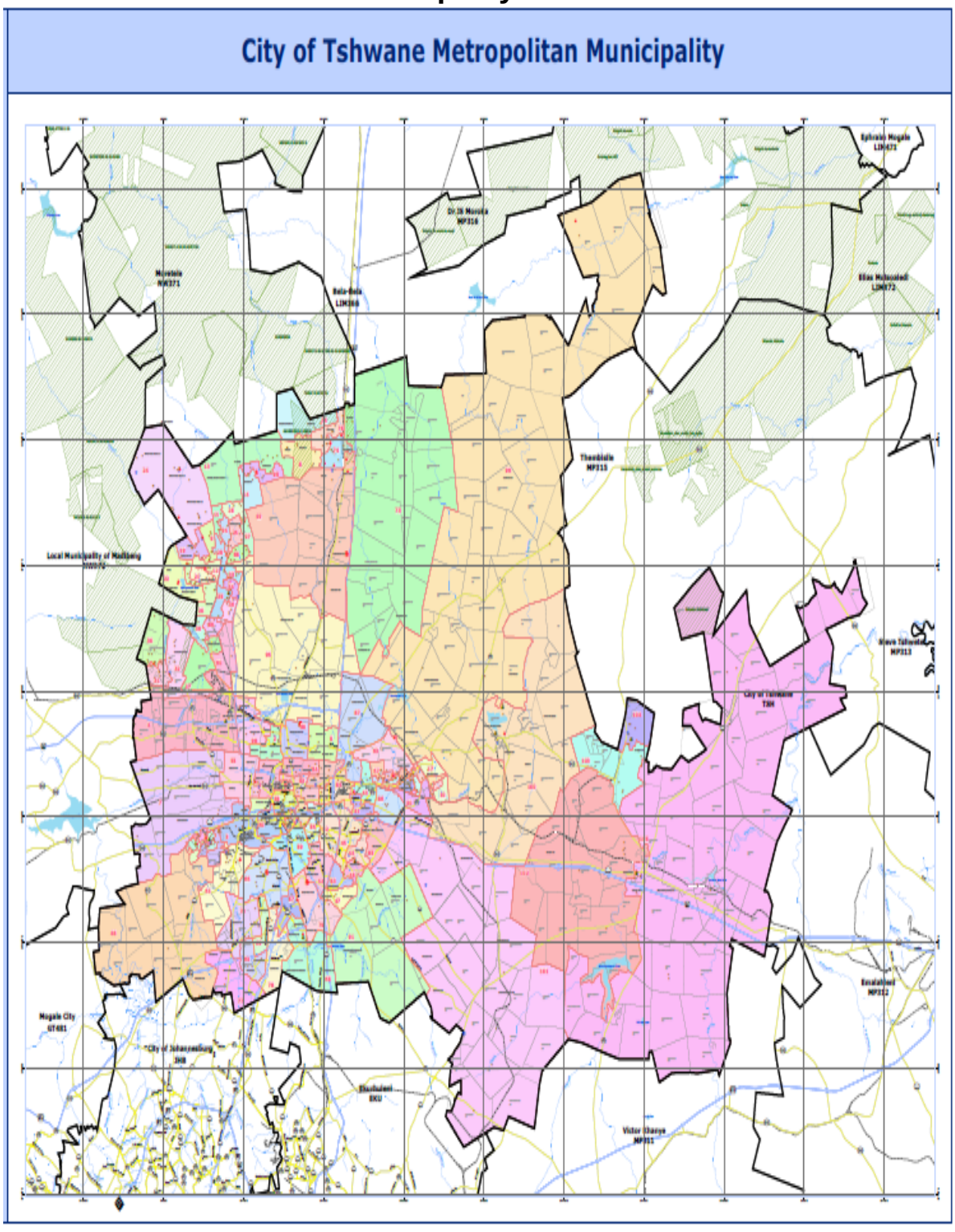
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APPENDICES

Appendix 1: Map of the City of Tshwane Metropolitan Municipality



Appendix 2: BYLAW- Public Participation (Ward committees etc.)

(City of Tshwane)

ESTABLISHMENT OF WARD COMMITTEES

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

BYLAW
PUBLIC PARTICIPATION: WARD COMMITTEES, PETITIONS, PUBLIC MEETINGS AND HEARINGS

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PREAMBLE

Mindful of the legislative responsibility regarding Ward committees, petitions, public meetings and hearings to enable a process of public participation in local government;

Recognising the legislative stipulations requiring of the City of Tshwane Metropolitan Municipality to make rules on how to execute the process; and

Desiring that public participation engender and maintain the spirit of cooperative governance in the community, and substantiate democracy through a management model, the Bylaw on Public Participation: Ward committees, Petitions, Public Meetings and Hearings, is hereby issued by the City of Tshwane Metropolitan Municipality.

DEFINITIONS AND ABBREVIATIONS

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

Appeals Committee :the committee appointed by the Speaker to hear appeals against decisions on disciplinary matters with regard to Ward committee members

Assigned :an instruction to perform a duty

Area Agent :an official appointed by the MEO to oversee voting matters in a given area of the Municipality

CBO : community based organisation

Chairperson :a ward councillor of the Municipality appointed to chair the Ward committee meetings in terms of section 73 (2) (a) of the Municipal Structures Act

Chief Whip :a municipal councillor who is appointed to this position by the Municipal Council in terms of section 12 of the Municipal Structures Act

Community :residents of, and all stakeholders in, a ward, i.e. the total ward community, duly represented by an elected Ward committee

Council :the Municipality's body of elected ward councillors and proportionally representative councillors comprising the local government structure as established in terms of the Municipal Structures Act

Disciplinary Committee : the committee appointed by the Speaker to assist in decisions of the Speaker on disciplinary matters with regard to Ward committee members

Election Assistant :a person appointed by the MEO to perform duties under supervision of the presiding officer during a Ward committee election

Election Officer :any person appointed by the MEO to assume assigned responsibilities during the election of Ward committee members

Electoral Committee :a committee established by the Speaker to conduct the election for members of the Ward committees

Finance Department :Municipal department responsible for all financial matters of the Municipality in accordance with the MFMA

IDP :the integrated development plan of the Municipality as adopted by the Council in terms of the Systems Act

IEC :the Independent Electoral Commission (national body)

Interest group :a ward based loosely organised formation that takes an active interest in the affairs of a ward

LGLAA :the Local Government Laws Amendment Act, No. 19 of 2008

Mayoral Committee :An executive political body of councillors of the Municipality that is appointed by the Executive Mayor as Members of the Mayoral Committee

MDF :Municipal Development Form

MEO :the Municipal Electoral Officer operating under the auspices of the IEC and accountable for the administration and functioning of municipal elections

MFMA :the Municipal Finance Management Act, No. 96 of 2003

Municipality :the City of Tshwane Metropolitan Municipality, established in terms of section 12 of the Structures Act

Municipal Manager :the head of administration and accounting officer of the Municipality and appointed by the Council in terms of section 82 of the Municipal Structures Act

Municipal Official :a person officially appointed by the Municipality to assume administrative responsibility

Municipal Demarcation Board :the national body responsible for the demarcation of municipal wards

NGO :a non-governmental organisation

Office of the Speaker :collective for appointed municipal officials, and the Speaker as the political head, serving in the Office of the Speaker

Petitions :a statutory process as stipulated in section 17(2) of the Systems Act as a method by which public participation should take place in the affairs of a municipality

PR Councillor :a proportionally representative municipal councillor appointed in terms of section 22 (1) (a) of the Structures Act, by a political party to represent that party in Council

Presiding Officer :an official appointed by the MEO to preside during a Ward committee election

Public :The public at large consisting of the general public (persons with no affiliation or no immediate involvement with the issue at hand) and the involved public (participants with an affiliation or personal stake in the issue at hand)

Public Participation :a statutory process by which public concerns, needs and values are incorporated into the CTMM decision-making process. Public participation is a two-way communication with the overall goal of improved quality of decisions, supported by the public. The participation process may consist of a single event or e series of events embedded in long-term partnerships integrated in a programme of Council that synchronizes CTMM public engagements across all departments.

Public meetings :Izimbizo, Region -, Zone (Sub-region) – and Ward based meetings

Public hearings :public events called by all three levels of government. It is usually a fixed period (e.g. day-long) procedure, publicly advertised in the media, taking place in series of geographically spread events

Region :a geographically demarcated development area of adjacent zones (sub-regions), and containing adjacent wards, of the Municipality in which the Ward committees cooperate and integrate in terms of certain key performance indicators of the Municipality

Region Coordinator :an official in the Office of the Speaker, appointed to coordinate all municipal matters in a demarcated Region of the Municipality

RDF :a regional development forum

Sector :a ward based organised formation that takes an active interest in the affairs of a ward.

Section :a portion of the geographical area of a municipal ward

Section 79 Committees :committees of Council established in terms of section 79 of the Structures Act (e.g. Petitions Committee)

Section 80 Committees :committees of Council established in terms of section 80 of the Structures Act (e.g. Finance Committee)

Speaker :the chairperson of Council and a municipal councillor elected in this position by Council in terms of section 36 of the Structures Act

Structures Act :the Local Government: Municipal Structures Act, No. 117 of 1998, as amended

Sub-committees :sub-committees of Ward committees established by each Ward committee, in such a way as to answer to the planning and development needs of the ward, and in accordance with the existing section 79 and section 80 committees of Council, and also functioning in the broader context of a zone (sub-region) or a region of the Municipality

Systems Act :the Local Government: Municipal Systems Act, No. 32 of 2000

Unorganised Sector :any sector of specialised activity that is not structurally organised within a ward – ref *Interest Group*

Ward :a geographically demarcated area in the Municipality as stipulated by the Municipal Demarcation Board

Ward committee :a public committee, duly elected in terms of this Bylaw, representing a municipal ward and established in terms of Part 4 of the Municipal Structures Act

Ward committee Meeting :A public meeting, where only the ten elected (or their substitute co-opted replacements) members have voting rights, with the Ward Councillor having the balancing vote in the event of a draw.

Ward committee Member :a person elected by each ward community during a series of specially publicised metro-wide meetings; or co-opted by the ward councillor in consultation with the Ward committee to serve voluntarily in a Ward committee of the Municipality in terms of this bylaw

Ward committee System :the Ward committee system of the Municipality, comprising of the collective of political, official and community incumbents, enabling the collective functioning of the Ward committees, the zone (sub-region) - and the metropolitan development forums and maintaining public participation as one of the key performance areas of the Municipality

Ward Co-ordinator :a member of the Ward committee appointed by the ward councillor in consultation with the Ward committee to ensure the integrated functioning of the Ward committee in the ward community it represents in terms of this bylaw

Ward Councillor :a municipal councillor elected in terms of section 22 (1) (b), of the Structures Act, to represent the population of a demarcated council ward

ZDF :a zone (sub-region) development forum

Zone (sub-region) :a cluster of municipal wards in which the Ward committees cooperate and integrate in terms of certain key performance indicators of the Municipality

Zone Liaison Specialist :an official appointed in the Office of the Speaker, tasked with liaising all municipal matters in a demarcated zone (sub-region) of the Municipality

LEGISLATION

1. LEGITIMACY AND ESTABLISHMENT OF WARD COMMITTEES AND THE PROCESS OF PUBLIC PARTICIPATION

1.1 The obligation of local government to secure democracy in governance through statutory public participation is engendered in the Constitution, Act No.108 of 1996; the Local Government: Municipal Structures Act, No. 117 of 1998, as amended; the Local Government: Municipal Systems Act, No. 32 of 2000; as well as the Local Government Laws Amendment Act, No.19 of 2008.

1.2 The Municipal Structures Act, section 72 (3) states: “The object of a Ward committee is to enhance participatory democracy in local government”, and as such it provides the legal basis for the existence of Ward committees.

1.3 The Municipal Structures Act, section 73 (1), (2), (3) and (4) state that:

1. If a metro or local council decides to have Ward committees, it must establish a Ward committee for each ward in the municipality,

2. A Ward committee consists of –

a. The councillor representing that ward in the council, who must also be the chairperson of the committee:

and

b. Not more than 10 other persons.

3. A metro or local council must make rules regulating –

a. The procedure to elect the subsection (2) (b) members of Ward committee, taking into account the need –

i. For women to be equitably represented in a ward committee; and

ii. For a diversity of interests in the ward to be represented

b. The circumstances under which those members must vacate office; and

c. The frequency of meetings of Ward committees.

4. A metro or local council may make administrative arrangements to enable Ward committees to perform their functions and exercise their powers effectively

2. COMPOSITION OF WARD COMMITTEES

In view of the above legislative stipulations, each Ward committee must comprise of the ward councillor as chairperson and a maximum of 10 (ten) members elected by and from the ward community members.

2.1.1 Each of the 10 (ten) Ward committee members must be a registered voter (that is 18 years or older) and a legitimate resident or employer/employee in the ward. Or own a business or property in the ward or must represent an interest group/sector located in the ward.

2.1.2 No person may be a member of more than 1 (one) Ward committee at the same time.

2.2 The composition of a Ward committee should reflect the following factors -

2.2.1 gender equity - at least 5 (five) members must be women;

2.2.2 geographic representation;

2.2.3 representation of people with disabilities;

2.2.4 population diversity and interests

2.3 The Ward committee members must assume office upon election, each taking responsibility for a portfolio that corresponds with a different core-function of the Municipality, as reflected in the portfolios of the Mayoral Committee.

2.4 When less than 10 (ten) persons are nominated in terms of paragraph 2.1.1 during an election process, the election may proceed, provided that –

2.4.1 There are no less than 6 (six) people elected; and

2.4.2 That the ward councillor undertakes to co-opt the rest of the Ward committee members as soon as possible after the Ward committee election, and provide them each with a written statement of co-option.

2.5 If the ward councillor does not succeed in co-opting enough Ward committee members, this failure must be reported to the Speaker within 3 months after the election date.

2.6 Proportionally represented councillors assigned to specific wards by their political parties shall serve as *ex officio* members of

the Ward committee or of any other Ward committee assigned to them -

2.6.1 In any action regarding the Ward committee, PR Councillors are subjected to the Code of Conduct contained in section 23 of this Bylaw, and must at all times respect the position of the ward councillor as chairperson of the Ward committee.

2.6.2 Ward Councillors must allow PR Councillors allocated to their Ward committees the right to freely participate in the activities of the Ward committee but may not participate in internal committee votes.

2.7 In the term of office of a Ward committee any person deemed to be necessary for the success of the committee, or who could add value to the Ward committee can be co-opted by the Ward Councillor in consultation with the Ward committee to serve as *ex officio* member; in an advisory capacity, to that Ward committee.

3. POLITICAL AFFILIATION IN WARD COMMITTEES

3.1 Ward committee members must not be elected to represent political parties or for the benefit of any political party.

3.2 Canvassing or advocacy for election of Ward committee members must not be motivated by political party concerns.

4. ESTABLISHMENT, ROLE AND FUNCTIONS OF THE ELECTORAL COMMITTEE

4.1 Establishment of the electoral committee

4.1.1 *The* Speaker will, in consultation with the City Manager and the MEO, appoint an independent electoral committee chaired by the Departmental Head in the Office

of the Speaker. The electoral committee will be constituted before a round of Ward committee elections is due.

4.1.2 The Municipal Manager will immediately notify the members of the electoral committee through a letter, of the date and venue of the first meeting of the electoral committee.

4.2 Role and functions of the electoral committee

4.2.1 The electoral committee will draw up a time frame and meet regularly to manage and administer the Ward committee elections.

4.2.2 An action plan containing the date time frame must be presented in writing to the Speaker 1 (one) month after the meeting.

4.2.3 The electoral committee must instruct the Public Participation and Ward committees Division in the Office of the Speaker to set the dates secure the venues and compile a schedule for the elections in all municipal wards.

4.2.3.1 The time span on the date schedule for the individual wards should not exceed 12 (twelve) weeks from start to finish.

4.2.3.2 The Public Participation and Ward committees Division must make the schedule available to all incumbents of the electoral committee at least 30 calendar days before the first election date.

4.2.4 The electoral committee must instruct the MEO to -

4.2.4.1 appoint election officers to oversee the Ward committee elections;

4.2.4.2 submit a report on each Ward committee election for presentation to the Speaker once the election process is finished.

4.3 Appointment of, control over and general provisions concerning election officers

4.3.1 The MEO must, in consultation with the Chairperson of the electoral committee appoint area agents, presiding officers and election assistants as election officers for each of the Municipal wards;

4.3.2 The MEO must make an official list of all allocated election officers and their contact particulars and duty posts available;

4.3.3 Upon receiving the election schedule from the Public Participation and Ward committees Division, the MEO must establish an official list of the election officers on duty at each election, their allocated positions, contact particulars and duty stations and make the list available to the Office of the Speaker 1 month (30 days) before the first election.

4.3.4 The MEO must provide a written set of rules and training for the election officers before the Ward committee elections commence and exercise of control over election officers.

4.3.5 General provisions concerning appointment of election officers -

A person may not be appointed as an election officer in a Ward committee election if that person -

4.3.4.1 is a Ward committee member contesting the election; or

4.3.4.2 holds a political Council office;

4.3.6 *Remuneration and conditions of appointment and duties of election officers*

The electoral committee must instruct the MEO to determine in writing the terms and conditions of appointment of an election officer, including remuneration payable to that officer

5. DUTIES OF ELECTION OFFICERS

The election officers (area agents, presiding officers, and election assistants) must manage and administer Ward committee elections in the wards assigned to them by the MEO, and they must -

5.1 exercise the powers and perform the duties conferred on or assigned to that officer by the MEO and the electoral committee subject to the directions, control and disciplinary authority of the electoral committee;

5.2 perform the tasks allocated to them by the MEO;

5.3 declare the voting process open and closed;

5.4 manage, co-ordinate and supervise the voting process at the voting station concerned;

5.5 take all reasonable steps to ensure orderly conduct at the voting station;

5.6 may order a member of the security services on duty (Metro Police) to assist in ensuring orderly conduct at the voting station;

5.7 may order any person within the boundary of the voting station the conduct of whom is not conducive to a free and fair election or interferes with the impartiality of the electoral processes at that voting station, to leave the premises;

5.8 may declare the voting process closed in case of disorderly conduct and submit a report to the electoral committee;

5.9 must count and announce the votes received for each nominee from the ward community members present at the voting station;

5.10 must secure the number of votes received by each nominee in writing on the relevant nomination form;

5.11 must submit the election results and a report on the election process that was followed for each Ward committee election to MEO;

5.12 If a person refuses to comply with an order of an election officer on duty during a Ward committee election, any officer-in-charge may order a member of the security services (Metro Police) to forcefully remove that person or declare the voting process closed and submit a report to the Election Committee.

6 NOMINATIONS FOR WARD COMMITTEE CANDIDATES

6.1 *Sectoral, geographical and individual representation by candidates for Ward committees -*
The electoral committee must invite all CBO's and NGO's as well as individual stakeholders in every ward to nominate candidates as their representatives on the Ward committee.

6.2 *Notice of nominations to the ward communities*

The electoral committee must give public notice of the time, venue and mode whereby nominations for Ward committee members will be received. This notice must be published in at least 1 (one) news-paper of general circulation at least 10 (ten) calendar days before the first Ward committee election.

6.3 *Nominees*

6.3.1 Nominations must comply with section 2.1.1

6.3.2 The nominees should be a resident or employer/employee in the ward or own a business or property in the ward or must represent an interest group/sector located in the ward.

6.3.3 Only persons 18 years and older and who owns a legitimate business or registered property in the ward will have the right to nominate candidates for the Ward committee of the ward.

6.4 *Nomination - and Acceptance of Nomination forms*

6.4.1 The electoral committee must request the MEO to prepare and make available, the official nomination form for the *nomination* - and *acceptance of nomination* forms;

6.4.2 Official nomination forms must be freely available to the ward communities as indicated and advertised by the electoral committee

6.4.3 *Nomination* forms and *acceptance of nomination* forms must contain the following information –

6.4.3.1 The full names (as per ID) of the nominee and the nominator;

6.4.3.2 The ID numbers of the nominee and his/her nominator;

6.4.3.3 The residential or business addresses of the nominee and the nominator;

6.4.3.4 The specialist sector or geographic area that the nominee and nominator represent;

6.4.3.5 A designated space where the presiding officer will enter the number of votes the candidate received during the election.

6.4.4 Each *nomination* form and *acceptance of nomination* form must be accompanied by a certified photocopy of the RSA ID Document (photograph) of the nominee.

6.4.5 A sufficient supply of the forms must be made available by the electoral committee, and assistance should be provided by the MEO and the Office of the Speaker to communities, NGO's and CBO's to complete the forms as prescribed by par. 7.4.3.

6.4.6 The Office of the Speaker and the Office of the MEO must keep sufficient supply of the forms in decentralised Council offices and freely assist individual, communities, NGO's and CBO's to complete the forms as prescribed by par. 7.4.2.

6.4.7 After completion of each *nomination form* and its accompanying *acceptance of nomination form*, it must be handed over to the MEO who will designate

election officers for this purpose. The assigned officer will formally acknowledge and keep receipt of each completed form.

6.5 Safe keeping of nominations

6.5.1 The MEO must assign officials to keep a register of all the nominations received, and also keep the completed *nomination forms* and *acceptance of nomination forms* in a safe place until the day of the Ward committee election, when it will be handed over to the presiding officer at the voting station;

6.5.2 The names of the nominees for each ward is not privileged information and will be made available on request to interested parties;

6.5.3 After the elections the *nomination forms*, with the number of votes received for the specific candidate added in the designated space and signed by the presiding officer must be kept safe by the MEO, and if a dispute arises copies of these forms must be made available to the ward councillor and relevant official in the Section Ward committees in the Office of the Speaker.

7. ELECTION PROCESS

7.1 Notice of elections

The electoral committee must give written notice of the election date, time of commencement of meeting and venue of the election of Ward committee members in each council ward at least 30 (thirty) calendar days before the election. This notice must be published in at least 1 (one) newspaper of general circulation at least 30 (thirty) calendar days before each Ward committee election and announced on local radio stations.

7.2 Postponement of elections

7.2.1 The MEO in consultation with the Ward Councillor and the Office of the Speaker may postpone the election if it is satisfied that it is not reasonably possible to conduct a free and fair election on that day.

7.2.2 If an election is postponed, written public notice of the time and venue of the postponed elections must be given and also be published in at least 1 (one) newspaper of general circulation at least 15 (fifteen) calendar days before the new date of the ensuing Ward committee election.

7.3 Election Procedure

The election must be conducted in accordance with the statutory requirements of the Independent Electoral Committee (IEC) as well as the following specific regulations -

7.3.1 The presiding election officer and the ward councillor act as main office bearers during a particular Ward committee election. They must meet at the voting station at least 1 (one) hour before the election commences, to ensure that the –

7.3.1.1 *Nomination* - and *acceptance of nomination forms* of the Ward committee candidates were completed correctly;

7.3.1.2 Forms are accompanied by copies of the candidates' ID document photographs;

7.3.1.4 Nominations are clustered according to sector, section, or interest group active in the ward.

7.3.2 On the day of the election the presiding election officer must -

7.3.2.1 Ensure that the official attendance register requesting name, home or business address in

the ward is made available to, completed and signed by everybody present at the election meeting;

7.3.2.2 Allow an allotted time before the voting procedure starts for last minute presenting of nominations. These nominations must answer to the stipulations of par. 7.4.3 and the candidate nominated must also sign an acceptance of nomination form in the prescribed manner.

7.3.3 In the event that there are more than 10 sectors, sections, or interest groups according to the nominations received, a consensus decision must be reached between the office bearers on clustering the nominations into only 10 sectors, sections/, or interest groups. This decision must be put before the house for ratification before the election process can proceed.

7.3.4 The candidates nominated for each sector/, section/ or interest group must be presented to the electorate before voting commences for the relevant sector, section or interest group.

7.3.5 After the voting process has taken place and the votes counted, the successful candidate for each sector, section or interest group must be announced to the electorate by the presiding election officer.

7.3.6 The presiding election officer must prepare a report to the MEO containing the ward number, location of the election, date and time, procedure that was followed and the names and contact particulars of each Ward committee member. The report must be signed and validated by the presiding officer.

7.3.7 The MEO must validate the report and present it to the Office of the Speaker to serve as official record of the newly elected Ward committees for all the wards.

7.4 *Voting rights*

7.4.1 Only persons 18 years and older, who are registered voters, residents or registered owners of property or owners of legitimate businesses in each ward have the right to vote.

7.4.2 Before the election process starts, the presiding election officer must make it clear to the assembly who the people with voting rights are, and ensure by the procedure that visitors or observers have official clearance and refrain from voting.

7.4.3 The electorate will decide through a show of hands, the type of election (secret ballot or not) that should be undertaken

7.5 *Representation*

The presiding officer must ensure that the outcome of the election shows -

7.5.1 A balanced representation of gender and people with disabilities on the Ward committee;

7.5.2 At least 5 members of a Ward committee must be women;

7.5.3 Proper sectoral and sectional representation.

7.5.4 That each elected member understands their responsibility to represent the sector/interest group that supported their election, and that they express a

willingness and ability to meet with the demands of the sub-committee that they will be responsible for.

7.6 *Keeping of records*

7.6.1 The MEO must keep the records of nominations, ballot papers and election report of each of the Municipal wards in a safe place for submission to the Office of the Speaker after the election;

7.6.2 The Office of the Speaker must assist, coordinate and observe in the election process and obtain copies of the outcomes and records of the Ward committee elections;

7.6.3 The records must be kept for at least two terms of office of the Ward committees.

7.7 *Prohibited conduct during election process*

7.7.1 No person may compel or persuade any person to vote or not to vote for a candidate of choice or interfere with the impartiality of the electoral processes.

7.7.2 Because only people who reside in the ward in Council acknowledged dwellings or structures, or who owns a business in the ward are allowed to vote for the Ward committee of a specific ward, nobody else will be allowed into the voting venue, unless they act in official capacity. Proof of residence may be requested by the presiding election officer.

7.7.3 Any person attempting to disrupt the procedure should be disciplined by the presiding officer with the assistance of the Metro Police (ref 6.6).

7.8 Offence and penalties for unlawful acts during elections

The penalty for Ward committee electoral offences will be determined by the Speaker in consultation with the MEO.

8 TERM OF OFFICE OF AN ELECTED WARD COMMITTEE

As decreed in the Government Gazette No. 32626 (Regulation No. R 972 of 8 October 2009) -

8.1 Ward committee members will be elected following each local government election.

8.2 A Ward committee so elected will serve until the day on which a local government election is held.

8.3 Ward committee members are eligible for re-election once their term expires.

8.4 Over and above the stipulations of the Code of Conduct for Ward committees in this Bylaw; non-performing, negligent or unsuitable Ward committee members will be subjected to the scrutiny of the Ward Councillor, the other members of the Ward committee and the Speaker of Council.

9. VACATION OF OFFICE BY A WARD COMMITTEE MEMBER

A Ward committee member must vacate his/her office:

9.1 If a member -

9.1.1 Absents him/herself from 3 (three) consecutive meetings without rendering an apology;

9.1.2 Absents him/herself in an *ad hoc* fashion from 6 (six) meetings in a financial year with or without an

apology acceptable to the Ward committee members and the ward councillor;

9.1.3 Is proven to be actively involved in campaigns for the removal of the ward councillor without having raised grievances against the ward councillor in a Ward committee meeting;

9.1.4 Acts in a manner which seeks to undermine the authority of the ward councillor, the Council and/or the Ward committee;

9.1.5 Commits a crime that results in a conviction without the option of a fine;

9.1.6 Consistently exhibits violent, abusive and intimidating behaviour towards other committee members and/or the community;

9.1.7 Attends a meeting under the influence of alcohol and/or illegal drugs;

9.1.8 Is proven to have accepted a bribe from any party that has an interest in a development project for that particular ward;

9.1.9 Is proven to have used his/her membership of the Ward committee to extract, or attempt to extract, favours of any kind;

9.1.10 Is elected as a councillor in the Municipality;

9.1.11 Is appointed as a staff member of the Municipality;

9.1.12 Without good cause, acts against the decision(s) of the Ward committee;

9.1.13 Is involved in party political canvassing or similar activity during Ward committee meetings;

9.1.14 After being found guilty of an infringement of this Bylaw is ordered by the Speaker to vacate his/her office;

9.1.15 Is ordered to vacate the office by an order of the Supreme Court of South Africa;

9.1.16 Resigns;

9.1.17 Dies.

9.2 In case of a decision taken that a Ward committee member must vacate office, the member must be informed in writing by –

9.2.1 the Ward Councillor, if the decision is taken in accordance with 9.1.1 and 9.1.2; and

9.2.2 the Speaker, in the case of a decision taken in accordance with 9.1.3 to 9.1.15, in which case the Speaker must be also be in possession of valid documentation to prove the changed circumstances or the complaints about the Ward committee member's conduct.

9.2.3 A copy must be kept by the relevant office holder for the duration of office of service in the Municipality.

9.3 Any member who has been instructed to vacate his or her office as Ward committee member may appeal to the appeals committee against the dismissal.

9.4 The disciplinary and appeals committee appointed by the Speaker (*Code of Conduct 17.6*) will assist the Speaker in all matters of discipline.

10. FILLING OF VACANCIES AND CO-OPTION OF ADDITIONAL MEMBERS IN WARD COMMITTEES DURING TERM

10.1 Filling of vacancies

If less than 10 (ten) but not more than 4 (four) suitable Ward committee members cannot be appointed during the election procedure, the election officer must instruct the ward councillor and elected members to canvass suitable members from the ward community within 2 (two) months after the election.

The councillor must also, in consultation with the Ward committee fill ad hoc vacancies that occur during a term of office of the Ward committee with other suitable people answering to the criteria as stated in Chapter 2, Section 7.

10.1.1 When a vacancy occurs as a result of the departure of a sector representative, the affected sector must be requested to nominate a replacement. The sector nominee will then form part of the Ward committee and have full voting rights in the Ward committee;

10.1.2 When a vacancy occurs as a result of the departure of an unorganised sector (interest group or geographic section) representative, the ward councillor must nominate 2 (two) people from the affected group, which will be put before the Ward committee for a decision. The Ward committee must appoint 1 (one) person whom will then form part of the Ward committee and have full voting rights in the Ward committee;

10.1.3 The councillor and Ward committee must fill vacancies of voting Ward committee members only if the number of vacancies does not exceed the majority of elected members. In the event of 50 % (fifty percent) plus 1 (one) of elected members simultaneously ceasing to be Ward committee members, the ward councillor must notify the Speaker to arrange for an election of a new Ward committee.

10.1.4 Ward committee members will be appointed to fill specific vacancies in the Ward committee membership of 10 (ten) people

10.1.5 The councillor must appoint members in this fashion by issuing a formal letter to the new member, after the decision is formally minuted when a quorum of Ward committee members is present.

10.2 Co-option of additional members in a Ward committee

The councillor, in consultation with the Ward committee, can co-opt any person deemed to be necessary for the success of the committee, or who could add value to the Ward committee to serve as an *ex officio* member, or act in an ad hoc advisory capacity to that Ward committee. Members so co-opted shall not have voting rights during formal Ward committee meetings.

11. OFFICE BEARERS IN A WARD COMMITTEE

11.1 The ward councillor

The Ward Councillor must be the chairperson of the Ward committee;

11.2 The ward coordinator

11.2.1 The councillor must appoint a ward coordinator from among the ranks of the elected Ward committee in consultation with the Ward committee;

11.2.2 The ward coordinator will assist the ward councillor in the administration of the committee and ensure that the committee is functioning properly.

11.3 Ward committee members as convenors of the sub-committees of the Ward committee and responsible for a sub-committee of sectoral, sectional, interest group representatives to act in advisory capacity for the Ward committee

11.3.1 Following an election, Ward committee members shall act as convenor of sub-committees as envisage in paragraph 2.3 taking into account the skills and interests of the members elected.

12. POWERS, FUNCTIONS, DUTIES AND OBLIGATIONS OF WARD COMMITTEES

The Ward committee has the following powers, functions, duties and an obligation to assist, monitor, advise and recommend in the following duties of municipal officials

12.1 The Ward committees must -

12.1.1 make recommendations on matters affecting their ward through the ward councillor;

12.1.2 act in an advisory capacity to the ward councillor;

12.1.3 act as a resource through which Council and its departments, provincial and national governments must consult with, and obtain community opinion on any matter;

12.1.4 act as a resource for NGO's and CBO's to consult with ward communities, with no resultant liability to the Municipality

12.1.5 in consultation with the councillor co-opt non-voting members with specialist skills to the Ward committee; and

12.1.6 In terms of section 74 (as amended) of the Structures Act, Ward committees "*has such duties and powers as the metro or local council may delegate to them"* in writing "*in terms of section 59"* of the Systems Act, "*Part 3: Delegation system"*, which deals with *Delegations* of municipal councils.

12.2 The Ward committees must comment on the –

12.2.1 Preparation, implementation and review of the IDP;

12.2.2 Establishment, implementation and review of the Municipality's management system;

12.2.3 Monitoring and review of the Municipality's performance including the outcomes and impact of such performance;

12.2.4 Municipality's budget;

12.2.5 Strategic decisions relating to the provision of municipal services.

12.3 The Ward committees must make their inputs in the form of recommendations to the Municipality –

12.3.1 through the Ward Councillor;

12.3.2 through their participation in public meetings called by the office of the Speaker in request of the various departments of Council.

12.4 The above-mentioned duties and powers must not interfere with the Council's right to govern and to exercise its executive and legislative authority.

13. WARD COMMITTEE MEETINGS

The Office of the Speaker must assist the ward councillors and Ward committees to prepare and coordinate Ward, Zone (sub-region), Region and City-wide-based event calendars to regulate Ward committee and other official consultative meetings.

13.1 Regular Ward committee meetings

(a) The ward councillor must convene monthly meetings of the Ward committee with not less than 10 meetings per financial year;

(b) A list of the Ward committee meeting dates, venues, time and duration for the Fiscal Year must be supplied to the Office of the Speaker not later than 31 July;

(c) The list of meeting dates can be revised and re-supplied to the Office of the Speaker not later that 31 January for inclusion in the official Calendar of Council.

13.2 *Venue, date & time of meetings*

The ward councillor must negotiate on the place, dates and times of Ward committee meetings in consultation with members of the Ward committee and the Office of the Speaker.

13.*3* *Cancelling of meetings*

The ward councillor, in consultation with the Ward committee, may cancel a scheduled Ward committee meeting if the agenda is lacking any necessary ward matters.

13.*4* *Notice of meetings*

13.4.1 The calendar of meetings should be supplied to each Ward committee member as soon as it is finalised.

13.4.2 Notice of any change in the time and place of every meeting of the Ward committee must be served on every member at least 7 (seven) days before the meeting.

13.*5* *Validity of meeting if noticed is not served*

The validity of the cancelling of a meeting is not affected if the notice of the cancellation is accidentally not served on a member.

13.*6* *Record of attendance*

Every member attending a meeting must sign his or her name in the attendance register kept for this purpose.

13.7 *A Quorum*

A quorum for a duly constituted Ward committee meeting consists of 50 percent plus one member of the Ward committee elected at the founding meeting.

13.7.1 If a quorum is not formed within 10 minutes after the time appointed for a meeting, the meeting will not be held unless it is decided by the chairperson that a further ten minutes should be allowed to enable a quorum to be formed.

13.7.2 If a quorum is still not present after the extended time contemplated in subsection 13.7.1 the chairperson may rule to postpone the meeting to a later date.

13.7.1 Notice of a postponed meeting must be given in accordance with 13.4.2.

13.8 *Decision making in Ward committee meetings*

13.8.1 The Ward committee must strive to reach decisions on a basis of consensus.

13.8.2 If a matter remains unresolved after thorough discussion, the matter will be decided by a vote.

13.8.3 If the votes are equal, the chairperson will have the deciding vote.

13.9 *Inclusiveness*

Ward committee meetings are open to all interested parties to attend in observer capacity.

14. DISSOLUTION OF WARD COMMITTEES

In the normal cause of events a Ward committee will dissolve on the day local government elections take place. A new Ward committee will be elected as soon as the new Council is formed after the local government elections. Individual Ward committee members may avail themselves for re-election only after one term was served in office in a particular ward.

The Council may dissolve a Ward committee on the basis of a recommendation from the Speaker.

14.1 *Instances under which a Ward committee can be dissolved*

14.1.1 The failure to fulfil it's objectives as set out in this Bylaw and other legislation;

14.1.2 Non-adherence to this Bylaw;

14.1.3 Resignation of more that 50% (fifty percent) of the members of the Ward committee.

14.2 *Procedure for dissolution of a Ward committee*

The Speaker must investigate the circumstances surrounding actions of a Ward committee accused of failing in the manner stipulated by 13.1, and report his/her findings to the Ward committee and the ward councillor.

14.2.1 If 50% plus 1 of the Ward committee in question objects to the findings, they must do so formally to the appeals committee, which must decide on the matter within a month and forward their decision with a copy of the minutes of the hearing to the Speaker.

14.2.2 The Speaker must make a final decision on the matter and if the decision is to dissolve the Ward

committee he/she must report the findings to Council within 3 months of the formal lodging of the complaint.

14.2.3 After Council has resolved to dissolve a Ward committee, notice of the dissolution of the Ward committee must be given to the Ward Councillor and the Ward committee in writing by the Office of the Speaker, at which time the Ward committee will cease to exist;

14.3 *Procedure for reconstitution of a Ward committee*

Notice of the reconstitution of the Ward committee must be given in terms of section 7.1 of this Bylaw; if and when the Ward committee members appointed at the Ward committee election to represent sections, sectors and/or interest groups in the community, for any reason fail to fulfil this obligation.

14.3.1 Members, with exception of the ward councillor, of the Ward committee that has been dissolved will not be eligible for re-election to the Ward committee for a period of one year after its dissolution;

14.3.2 The requirements for the composition of the reconstituted Ward committee are the same as those set out in section 2.4 of this Bylaw.

15. SUB-COMMITTEES OF WARD COMMITTEES LINKING TO REGIONAL FORUMS AND METROPOLITAN DEVELOPMENT FORUM

15.1 Each Ward committee must form sub-committees in accordance with the Mayoral Committee Portfolios to advise the Ward committee on special issues, handle sectoral matters or form working groups to research any matter that needs special attention in the ward;

15.2 The individual ward sub-committees, assisted by the Zone Liaison Specialist, must liaise within a zonal structure to elect representatives from that zone (sub-region) to serve on the Regional Development Forum (RDF), and Municipal Development Forum (MDF);

15.3 The Office of the Speaker must, through the Region Coordinators, activate the RDF's of the Regions if and when their input is required for the IDP, or any other matter. The MDF must consist of representatives from the RDF's, and other Metro-wide bodies and organisations serving according the Mayoral Committee Member's Portfolios, and any other grouping the Speaker considers necessary.

16. ROLE OF COUNCIL OFFICIALS IN WARD COMMITTEES

16.1 No serving municipal official is eligible to stand for election on a Ward committee;

16.2 Any Council official can be assigned to, or be requested to attend a Ward committee meeting in line with assigned duties;

16.3 The request should be made to the ward councillor or the official responsible for the meeting agenda of the relevant Ward committee, with dual responsibility for proper communication;

16.4 Ward committees must invite municipal officials, within their scope of work, and other people with specialised knowledge, to advise them on matters affecting their wards when deemed necessary;

16.5 When the need arises for municipal officials or their departments to consult with the ward communities on ad hoc issues, or for the purposes of the Budget

and IDP consultation and other key performance indicators; they must arrange these consultations with the Office of the Speaker in adherence to sections 12 and 13 of this Bylaw;

16.6 The conduct and duty of Council officials with regard to deployment in the Ward committees shall be subject to the CTMM Human Resource Regulations.

17. ADMINISTRATIVE ARRANGEMENTS, FUNDING AND REIMBURSEMENT

17.1 No remuneration is payable to members of the Ward committee in terms of section 77 of the Municipal Structures Act;

17.2 Membership and duties of the Ward committee members must therefore be regarded as voluntary service for the benefit of the community;

17.3 However, in terms of section 73 (4) of the Municipal Structures Act, as amended by section 6 of the LGLAA "*out of pocket expenses incurred by Ward committee members in their line of duty must be paid from the budget of the municipality in question, based on a provincial framework determined by the MEC subject to paragraph (e)"* - where paragraph (e) states, "*The Minister must determine a national framework including criteria for the calculation of the out of pocket expenses referred to in paragraph (b)".*

17.4 The Tshwane Council decided that -

17.4.1 All administrative services to enable effective functioning of the Ward committees must be located in the Office of the Speaker.

17.4.2 The expenses must be budgeted for and paid out by the Office of the Speaker in co-operation with the Finance Department;

17.4.3 In doing so Council will use its resources and allocates funds in its budget to the Office of the Speaker to further the objectives of Ward committees; and

17.4.4 Ward committee members will be reimbursed for travelling and out-of-pocket costs incurred.

18. DISPUTE RESOLUTION MECHANISMS FOR WARD COMMITTEES

The following dispute solving mechanism must be applied:

18.1 Every effort must be made to deal with disputes internally if they do not involve the ward councillor;

18.2 When a dispute arises, the ward councillor should appoint a person or persons to try and resolve the dispute through mediation;

18.3 If the attempt at mediation fails, the ward councillor must arbitrate;

18.4 If one of the parties is still aggrieved, the matter must be referred to the Speaker;

18.5 If the matter involves the ward councillor the matter must be referred to the Office of the Speaker, where the Speaker will be the arbiter;

18.6 The Speaker must appoint a disciplinary committee and an appeals committee to deal with matters of dispute on his/her decisions.

19. *AD HOC* ABSENCE AND VACATION OF OFFICE BY WARD COUNCILLORS

19.1 Appointment of acting chairperson

19.1.1 In special circumstances when the ward councillor is unable to attend a Ward committee meeting, he/she must appoint a Ward committee member to chair the meeting.

19.1.2 If the ward councillor is unable to appoint a substitute chairperson, the Ward committee must do so at the start of the meeting.

19.2 When the ward councillor is no longer in office, the Ward committee will continue to function for the rest of its term as determined by Council.

19.3 A temporary chairperson must be appointed by the political party of the original councillor. If the councillor was an independent candidate, the Chief Whip must appoint an interim chairperson from the PR Councillors assigned to the ward.

19.4 The new or interim chairperson/councillor and the Ward committee must re-appoint a co-ordinator for the Ward committee. It can be the same member who previously occupied the position.

20. ROLE OF PROPORTIONALLY REPRESENTATIVE COUNCILLORS IN WARD COMMITTEES (Ref. section 3.5.2 and section 20.3)

The Chief Whip of each political party must assign proportionally representative councillors of their respective parties to specific wards and make the list of assignments available to the Office of the Speaker on request.

21. DECLARATION OF INTERESTS BY WARD COMMITTEE MEMBERS (Ref section 23.)

21.1 A member must declare his/her personal interests in any matter serving before the Ward committee;

21.2 The Office of the Speaker shall be responsible for the maintenance of the register of declared interests.

21.3 A copy of the register of declared interests for each ward in the zone (sub-region) must be kept and updated in the office of the Zone Liaison Specialist.

22. CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

Ward committee members are elected to represent local communities in their respective wards, to ensure that wards have mechanisms of accountability to local communities, and to meet the priority needs of the community on ward matters, including the performance of the Municipality in terms of established indicators. In order to ensure that Ward committee members fulfil their obligations to their communities, and support the achievements of the ward, the following Code of Conduct is established.

22.1 *Definitions*

In this context “partner” means a person who permanently lives with another person in a manner as if married.

22.2 *General conduct of members*

A member must –

(a) Perform the functions of office in good faith, honestly and in a transparent manner; and

(b) at all times act in the best interest of the Ward committee and the community it represents and in such a way that the credibility and integrity of the Ward committee are not compromised.

22.3 *Meeting attendance*

A member must attend each meeting of the ward except when –

(a) an apology is rendered before or at the meeting;

(b) leave of absence is granted by the chairperson of the Ward committee;

(c) a member is required in terms of this Code to withdraw from the meeting.

22.4 *Disclosure of interests* –

(1) A member must –

(a) Disclose to the Ward committee, or to any sub-committee of which that member is a member, any direct or indirect personal or private business interest that that member, or any spouse, partner or business associate of that member may have in any matter before the Ward committee; and

(b) Withdraw from the proceedings of the Ward committee when the matter is considered by the Ward committee.

22.5 *Personal gain* –

(1) A member may not use the position or privileges of a ward member, or confidential information obtained as a member, for private gain or to improperly benefit another person.

(2) Except with the prior consent of the Speaker, a member may not –

(a) be a party to or beneficiary under a contract for –

(i) the provision of goods or services to the ward; or

(ii) the performance of any work done in the ward.

(b) obtain a financial interest in any business of the Ward committee; or

(3) If more than one quarter of the members object to consent being given to a member in terms of sub item (2), such consent may only be given to the member with the written approval of the Speaker of the Municipality.

22.6 *Rewards, gifts and favours* – a member may not request solicit or accept any reward, gift or favour in return for-.

(a) voting or not voting in a particular manner or any matter before the Ward committee;

(b) persuading the Ward committee with regard to the exercise of any power, function or duty;

(c) disclosing privileged or confidential information.

22.7 *Unauthorised disclosure of information* –

This item does not derogate from the right of any person to access to information in terms of national legislation (Section 32 of the Constitution; Schedule 5.10. (c)(d) of the Structures Act).

(1) A member may not without the permission of the ward councillor or a committee of Council disclose any privileged or confidential information of the ward or Ward committee to any unauthorised person.

(2) For the purpose of this item "privileged or confidential information" includes any information –

(a) Declared by the Municipal Council or Ward committee to be privileged or confidential

(b) disclosure of which would violate a person's right to privacy; or

(c) declared to be privileged, confidential or secret in terms of law.

22.8 Municipal *property* – A member may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the Municipality to which he/she has no right.

22.9 *Duty of chairpersons of Ward committees regarding the Disciplinary Code* –

(1) If the chairperson of a Ward committee, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must –

(a) authorise an investigation of the facts and circumstances of the alleged breach;

(b) give the member a reasonable opportunity to reply in writing regarding the alleged breach;

(c) report the matter to a meeting of the Ward committee after paragraphs (a) and (b) have been complied with.

(2) A report in terms of sub item 22.9 (1) (c) is open to the public.

(3) The chairperson must ensure that each member when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the Ward committee meets.

22.10 *Breaches of the Code* –

(1) The Speaker may

(a) Investigate and make a finding on any alleged breach of a provision of this Code;

(b) Establish a special disciplinary committee or appoint a person –

(i) to investigate and make a finding on any alleged breach of this Code;

(ii) to make appropriate recommendations to the Speaker.

(2) If the disciplinary committee finds that a member has breached a provision of this Code, the special committee may -

(a) issue a formal warning to the member;

(b) reprimand the member;

(c) request the Speaker to suspend the member for a period;

(d) request the Speaker to remove the member from the Ward committee.

(3) If the Speaker is of the opinion that the member has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the Speaker may –

(a) suspend the member for a period and on conditions determined by the Speaker;

(b) remove the member from office.

(4) Any member who has been warned or reprimanded in terms of paragraph (3) may -

(a) Within 14 days of having been notified of the decision of Speaker appeal to the Speaker in writing, setting out the reasons on which the appeal is based. The Speaker will then convene an appeals committee to finalise the matter.

(b) The appeal must be secured in the Office of the Speaker and a copy supplied to the appeals committee.

(5) A register of all disciplinary actions taken against individuals will be kept by the Office of the Speaker.

CHAPTER 3 PETITIONS

23. ORGANISATIONAL PROCEDURE OF PETITIONS SECTION

23.1 Object of Petitions

23.1.1 Petitions relate to the service delivery within the Municipality's jurisdiction; and are usually on issues that relate to the administration of the Municipality; or are on issues relating to the Municipality that cannot necessarily be dealt with on a political level

23.1.2 The Petitions Committee (a Section 79 Committee of Council) was established on 30 May 2002 by the CTTM Council. The current procedure was finalized on 29 January 2003 by the Petitions Committee and approved on 27 February 2003 by the Council

23.2 Legislative requirements regarding petitions:

Section 17(2)(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) determines that a Municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the Municipality and must provide for the receipt, processing and consideration of petitions and complaints lodged by members of the local community.

23.3 Actions taken by personnel in the Petitions Section

23.3.1 Acknowledge receipt of the petition

23.3.2 Administrative matters (allocation of file number; determination of jurisdiction; determination of relevant Departments)

23.3.3 Refer to relevant Departments for technical inputs

23.3.4 Refer to Ward committees for inputs on behalf of the community

23.3.5 After receipt of all the comments, a report is drafted and submitted to the Petitions Committee for consideration

23.4 Procedure during the meeting of the Petitions Committee:

23.4.1 The petitioners or representatives are invited to attend the meeting

23.4.2 Inform petitioner after finalization of the petition by the Petitions Committee, Mayoral Committee or Council (depending on the delegated power) of the outcome

23.4.3 Arrange for the archiving of the petitions file.

23.5 A petitions register must be kept

23.6 When a petition is received by the Section Petitions it must be numbered and registered under the date received

23.7 Return date for finalisation of petitions

No more than 90 days should expire before a report back on the outcome of a petition is given by way of a letter from the Speaker's Office to the petitioner(s).

24. ROLE OF WARD COMMITTEES, WARD AND PROPORTIONALLY ELECTED COUNCILORS IN PETITIONS

24.1 When a petition is handed to the ward councillor, PR Councillors or any of the members of the Ward committee, or to the sub-committee of the Ward committee tasked with petitions, they must submit it to the Ward committee by way of an item on the agenda of the next Ward committee meeting.

24.2 The Office of the Speaker must submit the petition to the official responsible for the registration of the petition on the next working day after the Ward committee meeting took place.

CHAPTER 4 MEETINGS AND HEARINGS

The Office of the Speaker must prepare a list (data base) with the contact particulars and field of interest and activity of all stakeholder organisations residing and/or active in their assigned zone (sub-region).

25. PUBLIC MEETINGS

25.1 Scheduled public meetings

Key performance areas of the Municipality are subjected to a documented public participation process to comply with official scorecards, therefore -

25.1.1 Municipal Departments must supply the Office of the Speaker with their requirements for public participation for each financial year not later than 31 August.

25.1.2 The Office of the Speaker must then prepare a year calendar corresponding with the Financial Year to accommodate these meetings on regional level for inclusion in the official municipal calendar.

25.2 *Ad Hoc* Public - and Consultation Meetings

25.2.1 Should the need arises for Council officials or their departments to consult with a Ward committee on an *ad hoc* ward - or zonal (sub-region) issue, they must arrange with the ward councillor and/or relevant WCS official to attend a scheduled Ward committee or zonal meeting with inclusion of their item on the agenda for the meeting.

25.2.2 Ward committees must invite officials within their scope of work, and other people with specialised knowledge to advise them on matters affecting their wards when deemed necessary.

26. PUBLIC HEARINGS

26.1 Public hearings on local level will be requested from time to time by all levels of government, and should be dealt with in the same way as *ad hoc* public meetings.

26.2 Over and above the invitation to Councillors and Ward committee members to public hearings, the Office of the Speaker will invite the people and/or organisations registered in their zone (sub-region) stakeholders' lists to all public hearings

27. THE MANNER OF ASSISTANCE PROVIDED BY THE OFFICE OF THE SPEAKER AND THE WARD COMMITTEE SYSTEM

27.1 The Office of the Speaker must assist in the organisation of all Ward committees.

27.2 The assistance must be provided with the organising of various public hearings as needed by other CTMM Departments and Provincial and National Government and any other body. The assistance must be with regard to -

27.2.1 Planning the events on managerial level;

27.2.2 Identifying and booking of venues;

27.2.3 keeping records of all attendance registers;

27.2.4 Providing report back to the Speaker on a regular basis.