

Making ward committees function

# Ward Committee Resource Book

Best practices & lessons learnt  
for municipal officials,  
councillors & local governance practitioners



the dplg

Department:  
Provincial and Local Government  
REPUBLIC OF SOUTH AFRICA

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Prepared by Idasa and Afesis-corplan

the **dplg** and GTZ South Africa

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**Mr F.S. Mufamadi**

Minister for Provincial and Local Government

# Foreword

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When we introduced the new system of local government in 2000, we correctly positioned this as the sphere of government that is best placed to give practical meaning and substance to the basic political commitment, that the People Shall Govern. We said to our people, through local government, together with you, we shall bring democracy to where you live. In our conceptualization of local government, we placed it at the cutting edge of addressing such basic national challenges as underdevelopment, unemployment, stagnation and poverty.

The newly created sub-municipal Ward Committees play a critical role in achieving the above. Being a representative structure of the community and citizens, they need to inform the municipality about the aspirations, potentials and problems of the people. They should also form a bridge by facilitating proper communication between council and citizens they represent. Local government legislation provides for the establishment of ward committees that will serve as a cord which articulates our system of government to the mass base. Ward committees have an important role to play in actively taking part and determining core municipal process, such as the Integrated Development Planning, municipal budgeting and municipal performance management processes. Without them, our system of democratic government and developmental local government cannot be said to be rooted among the people.

Ward committees have been established in more than 80% of the wards. These ward committees are of varying functional strengths. By paying attention to the functional status of these ward committees as well as to the task of establishing the balance of the remaining committees, we shall be extending the benefits of citizenship to greater numbers of our people.

This Resource Book aims to provide very practical guidance on how to establish and, specifically how to make the ward committee system functional.

The Ministry and the Department of Provincial and Local Government would like to acknowledge the support of the German Agency for Technical Cooperation (GTZ) in making this practical resource book possible.

# Abbreviations

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ANC	African National Congress
CBO	Community-Based Organisation
CBP	Community-Based Planning
CSO	Civil Society Organisation
CDW	Community Development Worker
DA	Democratic Alliance
<b>dplg</b>	Department of Provincial and Local Government
GGLN	Good Governance Learning Network South Africa
GTZ	German Agency for Technical Co-operation
IDP	Integrated Development Planning
Idasa	Institute for Democracy in Southern Africa
KPA	Key Performance Area
KPI	Key Performance Indicator
LED	Local Economic Development
LGTA	Local Government Transition Act
MEC	Member of the Executive (of a Province)
MFMA	Local Government: Municipal Finance Management Act
MSA 1998	Local Government: Municipal Structures Act 1998
MSA 2000	Local Government: Municipal Systems Act 2000
NGO	Non-Governmental Organisation
NT	National Treasury
PMS	Performance Management System
PR	Proportional Representation
SALGA	South African Local Government Association
ToT	Training of Trainers
WC	Ward Committee

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# Introduction

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# Chapter 1

## Section 1: Why the need for a Ward Committee Resource Book?



“We must engage one another in a similar manner on a whole range of important specific issues such as improving service delivery and strengthening local government, including the Ward Committees. These Committees, whose members are ordinary workers, play a critical role in ensuring the necessary contact between the people and our institutions of government.”<sup>1</sup>

“Of particular importance in this regard will be the need for us to ensure that the local government Ward Committees meet regularly and function as they were intended.”<sup>2</sup>

South Africa’s new system of developmental local government is part of the country’s law and policy. This new vision is called the ‘Ward Participatory System’ and is a very important part of the new system.

Although there have been achievements in setting up ward committees in the country, municipalities still face major challenges in making ward committees effective. These **challenges** include factors such as:

- some members of ward committees not having experience in participating in committee meetings and not being accustomed to committee procedures
- this is the first time some ward committee members have had to work with budgets and financial statements
- as ward committees have only been set up since 1999, ward committee members have had to learn what the role, functions and responsibilities of ward committees are
- ward committee members have not been in a situation before where they have had to report back to their communities
- this is the first time that communities are being asked to give their comments and suggestions in matters that affect them.

Even though there are some success stories regarding the establishment of ward committee structures, research shows that ward committees need support to:

- firstly, ‘get off the ground’,
- secondly, find a useful role as the bridge between citizens and municipality.

<sup>1</sup> President Thabo Mbeki, Address at the opening of the 3rd COSATU Central Committee Meeting, Ekurhuleni, 15 August 2005.

<sup>2</sup> President Thabo Mbeki, Address on the occasion of the Budget Vote of the Presidency, National Assembly, Cape Town, 23 June 2004.

The experience of ward committees across the country is not identical. Most ward committees only managed some form of operational effectiveness that is working effectively, halfway through the term of councils elected for the period 2000-2005. Since 2001 there have been many interventions and programmes aimed at establishing ward committees and building their capacity to function more effectively.



**This book aims to build upon those efforts by providing practical guidance on how to establish and, more especially how to make the ward committee system functional so that ward committees are efficient and effective.**

This book is developed as a **guide for**:

- municipal councillors and officials who are responsible for public participation and setting up the ward committee system.
- local government practitioners involved in strengthening the ward committee system.
- to a certain extent, ward committee members themselves.<sup>3</sup>

The book was developed after interaction, discussion and consultation with municipalities and ward committees in the period 2000-2005. The book also considered and used training and capacity-building programmes, studies and research. The book is designed to be an easy reference but never a simple 'how to' guide!

In line with the lessons of many years of training in the area of public and civil society, the aim of the book is to provoke critical thought amongst its users rather than merely setting out a list of instructions.

<sup>3</sup> A **Ward Committee Handbook** has also been developed for ward committee members and ward councillors. This handbook provides very **handy hints and good practical ideas** for running ward committees.



# Public Participation in Local Governance

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## Chapter **2**

## Section 1: International Context of Public Participation in Local Governance



**Because local government is regarded as the level of government 'closest to the people', the core of all the legislation that has been put in place is to find ways that ensure that citizens give input to the decisions that local councils make. The purpose of all the pieces of legislation is to make sure that citizens participate fully in the decisions that affect them at local level.**

International experience has shown that citizen and community participation is an essential part of effective and accountable governance at local level. A great deal has been written about the legal and policy arrangements for citizens' participation in different countries around the world.

International experience has shown that one way of achieving successful and lasting models to ensure that citizen participation takes place is through **establishing structured and institutionalised frameworks for participatory local governance.**

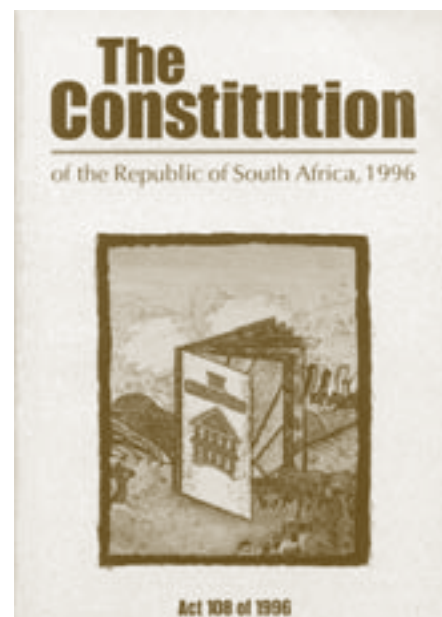
Structured and institutionalised models of participation generally work when citizens see them as legitimate and credible, where there is a political commitment to their implementation and they have legal status.

Structured and institutional models of participation **will not work when:**

- they try to co-opt independent and legitimate voices within civil society
- there is no definite political commitment to the model
- the system exists in principle (that is, it sounds good on paper) but when it comes to carrying it out, the necessary resources are not available.

In discussion about South African local government, we see **workable principles for participation** in the calls for:

- bringing citizens more effectively on board when it comes to local governance and development
- making government more responsive to the people's needs and aspirations
- empowering citizens to fulfil their potential as partners with government
- deepening democracy beyond the representative dimension into a more participatory system.



The Constitution of South Africa (1996) and key legislation such as Chapter 4 of the Local Government: Municipal Systems Act (2000) and Chapter 4 of the Local Government: Municipal Structures Act (1998) provide a powerful legal framework for participatory local democracy and ward committees in particular. Ward committees were included in the legislation as a way of providing an opportunity for communities to be heard at the local government level in a structured and institutionalised way. Ward committees are the structure that makes it possible to narrow the gap between local municipalities and communities, since ward committees have the knowledge and understanding of the citizens and communities they represent.

**In 2004 a survey by the Australia-South Africa Local Governance Partnership suggested a few simple pre-conditions for the ward committee system to be successful<sup>4</sup>. These include the need:**

- for the process of participation to be meaningful and to be seen as meaningful
- for both parties – the municipality and the public – to listen to each other rather than just talk to each other
- to make it clear at the outset who makes the final decision, for example, if the views of the community are different to that of Council, whose view will prevail?
- for resources to support the process – in all examples of good practice, public participation is funded. In some cases public participation is the object of a special programme, such as the renowned participatory budgeting process in Porto Alegre, Brazil, which involves thousands of community members each year supported by a team of municipal employees dedicated to facilitating the process
- to ensure that information relevant to the participative process is conveyed in a manner that is relevant and understandable to the communities involved, which may require the use of local languages
- to understand the distinction between:
  - providing information
  - consultation
  - participation
 and being clear which is being used in particular circumstances
- to provide feedback on the participation process and the final decision that emerges
- to include officially elected councilors in the participatory process
- to ensure that policies exist that guide municipal staff in the manner and the reasons for participation
- to recognise that meetings are only one form of participation and unless properly managed, can bias input in favour of those that are vocal and/or articulate.

<sup>4</sup> Findings based on research conducted by Australia-South Africa Local Governance Partnership, March 2004.

Many people may say that South Africa's ward committee system already meets most of these conditions, since funding is set aside for ward committees, municipalities are sensitised to the need for appropriate local communication strategy, and there are extensive guidelines and laws to guide both elected councillors and staff in participatory processes.

Although all these conditions are in place, what is more important is the extent to which these conditions are met, that is the *quality*. This includes:

- the need for 'meaningful participation', that is the extent to which people in the community actually participate in processes of relevance to them so they can also make a valuable contribution to the municipality
- recognising different levels of consultation and participation of the community and where necessary to set the right level of participation to make sure that there is effective government, and
- the need to be transparent about the link between participatory process and actual decision-making, that is the link between consulting with the community and making a decision.

These qualitative aspects are more difficult to achieve and can never be guaranteed through procedures and regulations. We must then recognise the importance of political culture and convention – the **habits** of municipalities or the way they usually operate as this is often more important than the officially endorsed operating principles and policies.

The creation of government systems, regulations and frameworks for citizens' participation is usually regarded as the hallmark of advanced democracies. Citizens should, however, be alert to the possibility that these provisions do not come without costs to the independence and vibrancy of civil society – participation loses its value if it is entirely within terms dictated by the State. American political scientist J. C. Scott has warned of the inclination of modern states to "high modernism" – a tendency to seek increasing intervention and regulation of all aspects of society.

A useful distinction between different forms of participation was outlined in a recent submission by the Good Governance Learning Network South Africa (GGLN) to the Department of Provincial and Local Government (**dplg**).

The GGLN proposed that:

A distinction can be drawn between two types of "spaces" for public participation. One is "provided space" which refers to government-provided opportunities for participation. **"Provided spaces"** tend to be regulated and institutionalised through a set of policies and laws. Since 1994, South Africans have seen the opening of "provided spaces" for public participation in democratic local governance through policies and laws such as the South African Constitution, the White Paper on Local Government, the Municipal Structures Act, Municipal Systems Act, the Municipal Finance Management Act, and the Municipal Property Rates Act. These policies and laws invite citizens to participate in a range of government created and regulated structures such as IDP representative forums and ward committees. Participation taking place in these "provided spaces" is generally known as structured participation or participation by invitation.

A second set of "spaces" are **"popular spaces"**, which refers to arenas in which people come together on their own initiative – whether for solidarity or to protest government policies or performance, or simply to engage government on terms that are not provided for within "provided spaces". "Popular spaces" may be institutionalised in the form of groups or associations (e.g. the Anti-Privatisation Forum or civic associations), but they are mostly transient expressions of public dissatisfaction or dissent.

## Section 2: Legislation and Policy

Since 1994, local government in South Africa has been shaped and guided by the following pieces of **legislation**, amongst others:

1. The Constitution of the Republic of South Africa, 1996
2. The *Batho Pele* White Paper, 1997
3. The White Paper on Local Government, 1998
4. Local Government: Municipal Demarcation Act, 1998
5. Local Government: Municipal Structures Act, 1998
6. Local Government: Municipal Systems Act, 2000
7. Promotion of Access to Information Act, 2000
8. Municipal Planning and Performance Management Regulations, 2001
9. Local Government: Municipal Finance Management Act, 2003
10. The Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005.

All these pieces of legislation describe the way in which local government should function, and provide the framework for how local government interacts with local civil society.

The following is a brief **summary of the provisions** in the local government legislation relating to community participation.

### a) The Constitution of the Republic of South Africa, 1996

Chapter 7 (Section 152) of the Constitution sets out the objectives of local government. Public participation is an imperative of two objectives, to:

- provide democratic and accountable government for local communities,
- encourage the involvement of communities and community organisations in the matters of local government.

### b) The White Paper on Local Government, 1998

The White Paper – which is often referred to as the ‘mini-constitution’ for the local sphere of government – defines **Developmental Local Government** as local government committed to working with citizens and groups within the community to find long-term or sustainable ways to meet the social, economic and material needs and improve the quality of the lives of the community. To realise this vision, municipalities are encouraged to build local democracy by developing strategies and mechanisms to continuously engage with citizens, business and community groups. The *White Paper* requires active participation of citizens at four levels, as:

**Chapter 7 of the Constitution sets out the objectives of local government.**

**Developmental Local Government is local government committed to working with citizens and groups within the community.**

1. voters
2. participants in the policy process
3. consumers and service-users
4. partners in resource mobilisation.

The *White Paper* further states that municipalities must represent the interests of the people in the community and work with all sections of the community to build a shared vision and to set goals for development.

### c) Local Government: Municipal Structures Act, 1998

**Requires a municipality to strive to achieve the objectives set out in the Constitution.**

Chapter 2 (Section 19) of the Act requires a municipality to strive, within its capacity, to achieve the objectives set out in Section 152 of the Constitution, namely to:

- develop mechanisms to consult the community and community organisations in performance of its functions and exercising its powers,
- annually review the needs of the community and municipal priorities and strategies for meeting those needs and involving the community in municipal processes.

Chapter 4 (Part 4) is the section of the Act that requires the establishment of ward committees. The objective is to enhance participatory democracy in local government. This chapter also provides that the ward councillor shall be the chairperson of the ward committee and obliges the municipal council to make rules regulating the procedure to elect members of the ward committees.

The Act further provides:

- a framework for the powers and functions of ward committees
- the term of office
- procedures for dealing with vacancies
- a ruling on remuneration
- procedures for dissolution of ward committees.

### d) Local Government: Municipal Systems Act, 2000

**Chapter 4 calls for municipalities to develop a culture of municipal governance that works hand-in-hand with formal representative government with a system of participatory governance.**

Chapter 4 of this Act calls for municipalities to develop a culture of municipal governance that works hand-in-hand with formal representative government (that is elected leaders) with a system of participatory governance (that is community participation).

The Act also requires that municipalities develop **mechanisms, processes and procedures for community participation.**

Section 5 (1) of the Act sets out **Rights and Duties of Members of the Local Community** and specifically outlines the citizen's right to:

- contribute to the decision-making process of the municipality; and submit written or oral recommendations, representations and complaints to the municipal council or to another political structure or a political office bearer or the administration of the municipality

- prompt responses to their written or oral communications, including complaints to the municipal council
- be informed of decisions of the municipal council, or another political structure or any political office bearer of the municipality, affecting their rights, property and reasonable expectations.

As we can see from these pieces of legislation, the emphasis is on the **rights of citizens in relation to municipal functions**. The legislation is put in place because it recognises that participatory democracy is a critical component of local government.

### Points for reflection

**Municipal research conducted in 2004 suggests that if citizens enter the participatory process without knowing and being aware of their rights, the process of local government participation will not necessarily respect or deliver this right.**

## e) Municipal Planning and Performance Management Regulations, 2001

### **There is a close connection between the Municipal Planning and Performance Management Regulations and the Municipal Systems Act.**

The Local Government: Municipal Systems Act (2000) states that:

A municipality through appropriate mechanisms, processes and procedures established in terms of Chapter 4, must involve the local community in the development, implementation and review of the municipality's performance management system, and, in particular, allow the community to participate in the setting of appropriate key performance indicators and performance targets for the municipality. [Section 42]

**The Act states that a municipality must involve the local community in the performance management system of the municipality.**

The Act requires that a municipality:

- develops a performance management system (PMS)
- sets targets and indicators and monitors and reviews performance based on those indicators
- publishes an annual report on performance for the councillors, the staff, the public and other spheres of government
- conducts an internal audit on performance before tabling the above report
- has the annual performance report audited by the Auditor General
- includes in their PMS the General Key Performance Indicators (KPIs) prescribed by the Minister and reports on these indicators
- involves the community in setting indicators and targets and reviewing municipal performance.

Section 15 of the Municipal Planning and Performance Management Regulations further says that if there are no other municipal-wide structures for community participation, a municipality must establish a **forum**. The forum must be representative and enhance community participation in the Integrated Development Plan (IDP).

In addition the forum must enhance public participation in monitoring, measuring and reviewing municipal performance.



The **functions of the forum** include:

- consultation and monitoring of the IDP and its implementation and review
- discussion of the PMS and its implementation and review
- monitoring municipal performance according to the Key Performance Indicators and targets set by the municipality.



**In essence, the White Paper on Local Government visualises a process where communities will be involved in governance matters, including planning, implementation and performance monitoring and review... communities would be empowered to identify their needs, set performance indicators and targets and thereby hold municipalities accountable for their performance in service delivery.**

**Thus, where ward committees exist as the principal or main form of community participation, there is an obligation on the municipality to involve these committees in the setting of key performance indicators and targets and monitoring of these indicators and targets.**

## f) Promotion of Access to Information Act, 2000

The Act is intended to “give effect to the Constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith”.

Within the context of local government, this means that the public, that is the citizens, have a right (using the correct channels and procedures) to access any information or records of a municipality, especially if by doing so they are requesting this information exercise for the broader public interest.

These documents of public interest may include financial records and any other information related to the performance of the municipality in discharging its obligations of service delivery.

## g) Local Government: Municipal Finance Management Act, 2003 (MFMA)

The **purpose of the MFMA** is to:

- bring about transparent and effective financial management in municipalities and municipal public entities (such as the Johannesburg Bus Company). This Act must indicate clearly what both the obligations and the liabilities are to the responsible officials and structures
- the MFMA also sets up a Municipal Financial Recovery Service. This allows the National Treasury (NT) to intervene where a municipality faces a financial emergency
- another key provision is a chapter on debt which shows the difference between short-term borrowing and long-term capital investment.

Although the national and/or provincial government will not give a guarantee that it will pay any municipal debt or ‘bailouts’, government is confident that by including the different measures in the Act the credit worthiness of municipalities will increase.

The Act explicitly sets out how the non-discretionary nature of the grant may need to be limited (by stopping transfers) where there are serious and persistent breaches of the Act [Section 5 (2)].

The **Equitable Share** transfer is a key financial instrument for providing services to poor people and for subsidising services to indigent households.

One of the responsibilities of ward committees is to help make sure that financial transfers from national government are used for the purposes they are intended for, such as ensuring that poor people get basic services.

**The Act gives access to state and other information required for the protection of rights.**

**The MFMA has been put in place because of problems associated with municipal spending. It also outlines ways in which the community can be informed of the financial situation of a municipality.**

## What the MFMA says to ensure that communities know about the financial situation of their municipalities:

### Making the budget and supporting documents available to the public

This Act requires that the budget and accompanying documents must be made available to the public immediately after it has been tabled in the council. The council must allow for public representations on the budget in accordance with Section 22 (a) (i) and (ii). Ward committees are a good way for the budget to be circulated and to facilitate representation and feedback from the community.

### The accounting officer must put key financial information on the municipality's website

Another requirement outlined in the MFMA as a way of ensuring that the public knows about the finances of the municipality is that the accounting officer of a municipality must put key financial information in the public domain by placing it on the municipality's website. [Section 75]

This information includes:

- budgets and related documents
- the annual report
- performance agreements
- service delivery agreements
- partnership agreements
- any other documents providing insight into the state of the municipality's financial affairs.

Since a minority of the public enjoys access to websites, this is clearly a limited form of transparency. For this reason ward committees are an important way of reaching the broader community as they may be able to assist a broader spectrum of the public to access and understand this information.

### Produce an annual report

Municipalities have an obligation to produce and table an annual report as another important mechanism for accountability and transparency. The purpose of the annual report includes: "to promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity." [Section 121 (2)]

The annual report sets out information on:

- municipal activities
- performance against budget
- the state of finances, including arrears (as set out in financial statements)
- the Auditor General's assessment and the municipality's responses to audit remarks. [Section 121 (1) - (3)]

The annual financial statements must include notes on the salary packages of senior managers and allowances and benefits of councillors, as well as any arrears owed by councillors to the municipality. This information is usually of considerable public interest. [Section 124 (1) - (2)] Again, ward committees should ensure that this information is disseminated and understood by persons who would not ordinarily read technical reports.

Council meeting that deal with the annual report must be open to the public and sufficient time must be allocated for members of the public to address the council. [Section 130(1)]

Although not a provision of the MFMA, it is clear that ward committees can play a role in mobilising public attendance and even assisting with preparing community inputs for such meetings.



**These strong policy provisions for public participation will only be translated into reality once they are broadly known to citizens and there is increasing awareness of the existence and practical value of ward committees.**

## h) *Batho Pele* White Paper, 1997

The *Batho Pele* White Paper aims to provide **citizen-oriented** customer services. This means that all public servants, including municipal staff, are required to ensure that the service they offer to the public is efficient and polite. *Batho Pele* calls for a shift away from inward-looking, bureaucratic systems, processes and attitudes to an attitude that says 'the needs of the public come first'. This may mean that new ways of working with the public are required, such as offering a public service that is better, faster and more responsive to the citizens' needs.

The objectives of service delivery therefore include welfare, equity and efficiency. *Batho Pele* is a Sotho expression meaning 'People First'. The *Batho Pele* policy framework consists of eight service delivery principles:

**The *Batho Pele* White Paper is the national governments' key policy document for transforming public service delivery.**

## The Eight Principles of *Batho Pele*

### 1. Consultation

Citizens should be consulted about the level and quality of the public services they receive and, wherever possible, should be given a choice about the services that are offered

### 2. Service standards

Citizens should be told what level and quality of public services they will receive so that they are aware of what to expect

### 3. Access

All citizens should have equal access to the services to which they are entitled

### 4. Courtesy

Citizens should be treated with courtesy and consideration

### 5. Information

Citizens should be given full, accurate information about the public services they are entitled to receive

### 6. Openness and transparency

Citizens should be told how national and provincial departments are run, how much they cost, and who is in charge

### 7. Redress

If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic, positive response

### 8. Value for money

Public services should be provided economically and efficiently in order to give citizens the best possible value for money

Improving public service delivery not only affects the individual user of the services but also society in general (communities, business, NGOs/CBOs, etc.). Improved delivery of services is essential for the future economic prosperity and social development of the country. The *Batho Pele* principles can be used as excellent benchmarks for ward committees to monitor and provide feedback on municipal service quality, especially 'across the counter' service.

## Section 2: Ward Participatory System

The Local Government: Municipal Structures Act, 1998 says:

The objective of a ward committee is to enhance participatory democracy in local government.

Ward committees are a part of local governance and an important way of achieving the aims of local governance and democracy mentioned in the Constitution, 1996.

The Local Government: Municipal Structures Act, 1998 is the Act that makes provision for the establishment of ward committees as a possible way of encouraging community participation in municipal matters.

A general understanding has emerged that a ward committee is an area-based committee whose boundaries coincide with ward boundaries.

### Ward committees:

- are made up of representatives of a particular ward
- are made up of members who represent various interests within the ward
- ward committees are chaired by the ward councillor
- are meant to be an institutionalised channel of communication and interaction between communities and municipalities
- give the community members the opportunity to express their needs, their opinions on issues that affect their lives and to have them heard at the municipal level via the ward councillor
- are advisory bodies created within the sphere of civil society to assist the ward councillor in carrying out his or her mandate in the most democratic manner possible.

### Points for reflection

- **Ward committees raise issues about the local ward to the ward councillor.**
- **They are the link between the councillor and the community.**
- **They have a say (on behalf of the community) in decisions, planning, projects, the Integrated Development Planning, performance management and allocation of funds that the council or municipality may decide on that will affect the ward.**
- **They play an important role in informing municipal performance management and budgeting.**

# Establishment of Ward Committees

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## Chapter 3

## Introduction

A survey conducted by **dplg** and GTZ in 2004 showed that the establishment date for municipalities differs from province to province and municipality to municipality. One of the key guiding factors was legislation, i.e. the fact that the current municipal regime only came into being in 2000 with the Local Government: Municipal Systems Act, 2000 and the first local government elections took place in December 2000.

The Local Government: Municipal Structures Act, 1998 contains most of the pertinent provisions relating to ward committees. However, the establishment of municipal types that included the ward committee option only happened after December 2000. Those municipalities that established ward committees prior to this date deserve recognition for being forward-looking and innovative. The lessons from this period should not be overlooked.

2001 was the year in which most ward committees were established, notable exceptions being the Western Cape and KwaZulu-Natal where provincial governments generally opted not to have the system until 2004.

### Benefits and challenges: Establishment of ward sub-committees

The establishment of ward sub-committees is more effective in places where there are clearly defined geographic areas or localities and also well-organised sectoral structures. In case of geographic area representatives, the establishment of sub-committees assists representatives by advising them on issues affecting the community. In ensuring full spatial (that is geographic) or sector-based representation, the 'problem' of the 10-member limitation is easily overcome by providing for ex-officio representation, that is, representatives of the community who are asked to join ward committee deliberations on particular issues.

## Section 1: Experiences after the 2000 Local Government Elections

The 2004 national survey suggests that most municipalities seem to have regarded the provisions of the Local Government: Municipal Structures Act, 1998 and the Municipal Systems Act, 2000 as insufficient for the full establishment and operation of ward committees. National government prescribed guidelines rather than a detailed prescription of how ward committees should be put in place and this may have made some municipalities cautious about establishing ward committees.

Some policy-makers expressed concern that municipalities followed different processes when establishing ward committee systems. While this 'lack of uniformity' was to be expected, each municipality is unique and had to adapt the legal provisions outlined in these Acts to suit their local conditions and conventions. In order to assist weaker municipalities who had struggled with the establishment process, the South African Local Government Association (SALGA) provided a set of national ward committee guidelines. Unfortunately, these became confused with the legal provisions and in some instances were regarded as mandatory rather than discretionary.

### Guidelines are to guide, not to regulate!

The result of this rather cautious and **rule-driven** approach to ward committee systems is that five years after the ward committee policy came into being, there is little innovation or imagination evident in the manner in which ward committees were established.

This is largely due to the fact that **best practices** were not identified in ward committee research conducted since 2001. Good governance will always depend to some degree on experimentation and creativity and municipalities and ward committees should not be afraid to attempt resourceful local solutions.

Since then, the **dplg** has gazetted **Guidelines for the Establishment and Operation of Municipal Ward Committees** in 2005. The purpose of these is:

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

There were some lessons to be learnt from the implementation of ward committee systems as certain methods worked better than others, as illustrated below.



**When reading the following information, consider it in conjunction with the respective legislation and ward committee guidelines described above.**

#### a) Provincial guidelines

In 2001 two provinces, Gauteng and the Northern Cape, provided guidelines in response to requests for assistance from many municipalities who were unsure how to go about establishing their ward committees. These guidelines operated as a framework and were adapted to local circumstances. The City of Johannesburg's by-law on ward committees, for example, is adapted from guidelines issued by the Gauteng Provincial Department of Local Government.

## b) Municipal policies and by-laws

A number of municipalities have passed by-laws, sometimes also referred to as regulatory frameworks, for ward committees falling under their jurisdiction. Such by-laws are important as they serve as an official document of the councils, regulating the establishment, operations and functioning of ward committees.

Not all municipalities have a policy for ward committee operations. Some provinces like the Western Cape only recently adopted the ward committee system but reported that there is already a high percentage of municipalities with policies in place.

Clear local policies to regulate the operation of the ward committee system have been put in place not as a way of controlling a municipality but rather to provide a clear outline of the systems and procedures that will help ward committees to operate successfully.

Currently there is much reliance on national (SALGA and **dplg**) guidelines. The function of guidelines has, however, become blurred and it appears that many municipalities are seeking 'policy conformity', i.e. they adopt the guidelines per se with little thought given to local conditions and the need for adaptation. Each municipality is different and should try and put in place policies that are most suitable for their needs so that they can service their communities effectively.

Research has indicated that successful local policies for the ward committee system should contain the following:

- give a basic outline of how the municipality operates its ward committee system
- act as a basic handbook for officials and councillors who are responsible for implementing procedures like elections, tabling of ward committee reports, and providing the necessary resources for effective operations
- clearly signal to civil society how the ward committee system can be used for improved communication with council and what can reasonably be expected from such a system.

## c) Council Resolution

In the cases where a simple **council resolution** was taken for the establishment of ward committees, there appear to have been problems of interpretation. This has led to non-uniformity across wards. The lesson is that differences in the establishment and operations were a result of lack of detail in the council resolutions. In the absence of a clear resolution from council, ward councillors exercised their own initiative, resulting in divergent models that are not always supported by the local community.

## Section 2: Ward Committee Membership and Composition

### a) Composition

Legislation and the national guidelines state that **each ward** will have:

- a ward committee, made up of not more than 10 members
- the 10 elected people should represent a diversity of interests in the ward and be equitably representative of women. Diversity has typically been understood to mean a variety of representation, e.g. civic or rate-payers bodies, development organisations, labour unions, business associations, transport and commuter associations, women, youth, faith-based, cultural and other organisations<sup>5</sup>
- elected by communities residing in the ward area
- the ward councillor is the chairperson of the ward committee.

The Council, however, makes the rules for electing Ward Committee members.

### b) Election procedures and methods of nomination

The nomination and election of ward committees has mostly been conducted in an informal way. As a result, the outcomes varied and it is not possible for municipalities to claim that ward committee legitimacy is based purely on voter turnout and the rigour of the election process. At the same time we must be aware of the conditions under which many municipalities operate and the resources at their disposal.

Municipalities conducted nomination and election procedures in a number of different ways and frequently conflated the nomination procedure with the election procedure. In the *National Ward Committee Survey 2004/05* half the respondents regarded ward committees as 'elected' whilst slightly less (41%) said the ward committee was formed by nomination.

It appears unrealistic to expect a high percentage of registered voters to formally turn out and vote in ward elections. Nonetheless, most municipal respondents tend to regard such elections as 'effective' or partly 'effective'.

Public perceptions and awareness are often quite different. For this reason, municipal stakeholders need to be careful about using electoral procedures to claim legitimacy for ward committees. Given resource and capacity constraints this is unlikely to change, and ward committees are best treated as bodies with a **partial public mandate** that need to remain as open as possible to further public representation.

This should not detract from the fact that ward committees exist as the primary vehicle for participation.

<sup>5</sup> For actual legal provisions see section 73 (1) – (4) of the Local Government: Municipal Structures Act, 1998.

### A typical election procedure and method of nominating candidates would be:

- Community members representing various interest groups are elected at a community meeting (show of hands or formal ballot) to serve in the ward committee.

**or**

- Similar type of sectoral structures (for example women's groups, farmers' organisations) come together to nominate their representative to represent their sectoral interest in the ward committee.

**or**

- Existing structures in the ward are requested to send their nominations to a meeting where names are to be confirmed by residents of the ward to constitute the ward committee.

**or**

- Geographic areas constituting the ward are requested to send their nominated representatives to serve as members of the ward committee.



Whatever nomination or election process is used, it is important that this process is agreed upon by all stakeholders and that clear written records of the process are put in place and available for public scrutiny. This does not guarantee legitimacy but it helps!

Ward councillors should also be encouraged to review the process at the first meeting of their ward committee, and if necessary put in place ward plans to improve the credibility and public awareness of the ward committee. This is especially important if the nomination and/or election process was informal or attracted little public interest and a low voter turnout.

## Some scenarios of ward committee establishment

### Value for money – One

The Blesbok municipality managed to assemble a budget of R1 million for the first year of its ward committee (WC) operations. To ensure that its ward committees were democratically elected, council spent R50 000 on a weekend multi-party *bosberaad* where the principles of nominating and electing ward committee members were thrashed out. An additional R350 000 was spent on the logistics of electing ward committee members. This included a full-colour pullout in the local paper that listed the approved nominations for each ward. Unfortunately the wards were listed by number only with no corresponding map and so only a handful of citizens were able to match the names of the candidates to their particular wards. As a result, the turnout at the ward committee elections ranged from 0.3% - 11% of the eligible voters.

Council then contracted a national training consultancy to provide a 10-module training course for ward committees over 6 months.

The course was comprehensive and covered everything from the *Constitutional Mandate of Local Government to the Division of Revenue Act* plus skills required for community leadership.

Participants were required to attend 2 sessions of 3 hours per week. Because the training was mostly during working hours only unemployed WC members were available to attend.

However, some of this group was only partially literate and most had an average education of Standard 6. They quickly lost interest in the complex ideas being presented and dropped out of the course. Eventually 15% of the total number of WC members actually completed the course which cost the municipality R275 000. By this stage the WC system was beginning to falter so council had the idea of providing the WC with smart new offices and furniture at the newly built multi-purpose resource centres. Twenty such offices were fitted and equipped at a cost of R300 000. The remaining R25 000 was divided amongst the 75 wards for stationery and transport costs – however, this operating budget ran out after 3 months. Currently only about a quarter of the municipality's wards actually function and members pay their own transport costs and record minutes on the back of old ballot papers.

## Value for money - One

### Value for money – Two

The Mtilini municipality had a budget of only R65 000 for the operation of its 18 wards. Mtilini ward committee members were elected by a show of hands at community meetings. Nobody objected to this informality and it cost the municipality R2 000 for posters and local advertisements plus a few tanks of petrol for presiding officers to attend the election meetings. Council immediately set aside R200 for each WC meeting but allowed the committees discretion in deciding how to use this money.

Council set conditions:

- it needed a set of written minutes from each ward committee meeting
- such meetings should be at least once a month
- all expenses should be accounted for
- any indigent member of a WC who required a transport subsidy would be eligible for an amount of R20 provided the committee approved such payment
- the ward committee has the discretion to forgo a ward meeting and use the R200 for community outreach activities.

## Value for money - Two

Council commissioned a basic training course from a regional NGO. The NGO provided 2 hours of evening training at 3 cluster WC workshops spread over the municipal area. The NGO has now been commissioned to do back-up support/mentoring at quarterly intervals in conjunction with the newly deployed community development worker. The total cost of these services is R36 000, of which the NGO managed to raise R20 000 from donors through its partnership with Mtilini. Mtilini has further negotiated a deal with local clinics to use their waiting rooms for WC meetings; alternatively some rural schools have made classrooms available.

Currently about 75% of Mtilini ward committees meet at least fortnightly and the committee often sends members to community meetings in remote parts of the municipality, sometimes catching a lift with district health staff. One ward committee has been disbanded for misusing its budgetary allocation on a 'cocktail party'. In October 2004 the local farmers association was so impressed with the WC outreach programme to farming areas that they donated an old off-road motorcycle to assist the committee in its work. So far, none of the committee members has managed to master the bike but one has sprained his ankle trying!

### Points for reflection

- **From the Blesbok and Mtilini examples, which municipality demonstrates the most effective use of a WC budget?**
- **What lessons would you take away for your ward committee or local municipality?**

### Representation

Earlier research on ward committees conducted by the Urban Sector Network South Africa/Afesis-corplan and HOLOGRAM outlined issues of representation which are worth revisiting:

#### Sound practice in representation:

The mix of area-based representatives and sector-based representatives is a sound principle that can be adjusted to suit circumstances. **Rural wards** may, for example, need a higher proportion of geographically-based representatives to cover dispersed settlements/villages. Where villages are highly dispersed and numerous it may be necessary to cluster villages for representation purposes.

Where the number of seats (10) still restricts village representation it is possible to have ex-officio representation of villages thus reserving a few seats for those interests, e.g. farmers and traditional leaders, which are clearly important stakeholders across the ward as a whole. In Afesis-corplan studies on Mbhashe ward committees, the emphasis on geographic rather than sector representation was marked.

In **urban areas** where certain interests cross-cut localities, it may be advisable to have a higher proportion of seats given to interest groups. Nevertheless one needs to be mindful that South Africa is still a class- and race-delineated society and good judgement is necessary in ensuring that ward committees are also representative of local demographics.

The issue with the limits on representation imposed by the membership limit of 10 may disappear if the **potential of ex-officio membership** is explored.

As indicated in the findings of case studies, ward committees elected under weak systems and with low percentage polls need to be especially open to the idea of ex-officio or occasional interest representation even if only on a temporary basis. This could be especially important in new and rapidly expanding settlements like Diepsloot where Planact observes the potential for new community organisations to grow as the settlement rapidly expands through the arrival of new residents and land occupation.

Issues of representation tend to become quite complex with regard to who screens potential interest groups from civil society and how they are finally elected to the ward committee.

**A few simple principles** may help to guide municipalities and local civil society:

- Clearly identifiable interest groups with existing standing in the community and a well-defined focus that intersects with municipal governance are clearly important.
- Insofar as possible, let local civil society define its own preferred and credible representatives.
- While it is important for council to recognise civil society interest groups on ward committees, council should avoid screening nominations or 'hand-picking' such groups. The idea that council should elect ward committees is clearly antithetical to the essential autonomy of these bodies.
- Negotiations between political parties for the recognition of civil society groups is a misguided exercise and only confuses the distinction between a community mandate and a party mandate.
- Using important development issues within the ward to define which interest groups are relevant to municipal functions is pragmatic. It is important to balance this against trying to use technically derived Key Performance Areas (KPA) to assess the relevance of interest groups as a measurement to decide which interest groups should be represented. The point is to identify and include the relevant interest groups, and KPA should not be used as an exclusionary instrument.
- Never allow organisational dominance of ward committees to override its services to individual citizens, especially with regard to basic functions like receiving and referring complaints and petitions.

### Benefits and challenges: Election process

The mixed election system, that is the system that draws representatives from different sectors (youth, business, health, etc.) and from geographic areas or localities, has been widely applied and is likely to remain the most feasible and pragmatic basis for representation. In rural areas with weak forms of civil organisation, the matter of geographic representation is usually more important than sector representation.

Where elections were held, these were often confused and/or uncontested. Regarding the costs and effort to municipalities in running ward committee elections, there is no guarantee that there will be any concomitant benefit in attaining a credible and legitimate ward committee system.

In most cases, ward committee elections over-stretched municipal administrative and logistical capacity and also attracted very low turnouts at the ward committee establishment meetings.

In the interests of deeper public understanding, municipalities should conduct education programmes around the ward committee model of representation immediately prior to ward elections and ensure that the nomination process for such elections is clearly understood and open to all significant interest groups within local civil society.

### Points for reflection: Real practice versus policy and legislation

- **Municipalities have made a concerted effort to have properly elected ward committees but the process has been difficult, expensive and inconclusive as to how strong the electoral mandate of ward committees is.**
- **Although some ward committees have been elected on the basis of a small percentage of the eligible voters and even at informal public meetings, these procedures are seen to be important even when they are simple and informal. Since ward committees play an important role as the link between the community and the councillors, the election or formation of ward committees should be conducted in the way best suited to that particular council, provided that all the people involved agree to the way in which it will be established. This may mean that a council has to follow a more practical approach rather than strict adherence to legislative compliance.**
- **Another policy question for a council may be whether to scrap elections and rely purely on nominated ward committees or spend further resources and effort on bolstering the elections process.**

## Points for reflection

- **Not all municipalities can have ward committees and those that are eligible in terms of the law by virtue of their type of municipality, do so as a matter of choice. This needs to be clearly understood by citizens and ward committee members alike. Otherwise this can lead to dissatisfaction in the community as they may have an expectation that their council must have a ward committee even though the legislation does not require it.**

### Benefits and challenges: Political influence

Although political parties should not influence how a ward committee is elected or appointed as set out in the policy provisions, there have been situations where party political influence has played a significant role in ward committee nomination processes. In some instances, councillors, municipal staff and political parties have had a major role in determining who is represented on ward committees. There have also been instances of attempts to strike a deal across party lines. In Buffalo City in the Eastern Cape, for example, multiparty caucuses were convened to get consensus on the nomination process.

While this practice is clearly better than having the nomination process decided by a single party, it nonetheless brings a high degree of party influence into what, in policy terms, is intended to be a civil society function. In such circumstances, given the reality that some political parties took on the responsibility for mobilising communities to participate in the ward activities, it is unsurprising that many ward committees are seen to be party-aligned.

There are a few obvious **problems with this way of establishing a ward committee** such as:

- It may simply reproduce the main political forces already represented on council and it therefore becomes difficult for council to hear anything new from local civil society as most feedback will be filtered through the party machine.
- Many wards contain citizens who do not all vote for the same party. When the ward committee is seen to be controlled by a single party, potentially important interest groups and individuals aligned to other parties inevitably become alienated from the ward committee and feel that there is little or no point in participating as their opinions, ideas and suggestions will not be listened to.

- Because South Africa's political parties attracted support largely on race and class lines (despite their efforts to overcome this), party alignment of ward committees serves only to entrench divisions of race and class at neighbourhood level.
- Local government is increasingly vulnerable to allegations of political cronyism, i.e. practices of nepotism and patronage that favour those who are powerful or influential within the party rather than those with proven leadership ability or professional competence.
- Party dominance of ward committees carries the risk of spreading the same problem into local civil matters.



Party political influence is not one of the issues covered in the national ward committee guidelines. However, the guidelines do provide for the **general conduct of members** and suggest an institutional culture for ward committees:

(1) A member of the committee:

- Must perform the functions of the committee in good faith and without fear, favour or prejudice;
- May not use the position or privileges of a member for private gain, or to improperly benefit another person;
- May not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee;
- Must adopt the principle of accountability to the community and all political parties represented in council;

- (e) Must be accessible for the community and ensure that all role-players can relate to the process and the issues at hand and are able to make their input into the processes of the committee;
- (f) Must adopt the principle of transparency to promote openness, sincerity and honesty among all the role-players in a participatory process; promote trust and respect for the integrity of each role-player; and a commitment by all to the overriding objectives of the process in the interest of the common good;
- (g) Must recognise diversity and understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation, among others;
- (h) Must embrace all views and opinions in the process of community participation. Special effort should be made to include previously disadvantaged persons and groups, including women and youth in the activities of the ward committee; and
- (i) Must provide an apology with a valid reason to the chairperson of the committee if a meeting cannot be attended.

(2) Ward committee members must sign a Code of Conduct, which should be administered by the ward councillor.<sup>6</sup>

### Note from the dplg and GTZ National Ward Committee Survey 2004/05

**In general it is not clear that ward committees have succeeded in delivering a diversity of interests as required by the Municipal Structures Act. However, there had been much effort devoted to ensuring equitable gender representation.**

### c) Composition and portfolios

Since ward committees are established to ensure that the opinions of the public are taken into account, giving ward committee members specific portfolios is one way of making sure that this happens. For this reason, many ward committees have adopted a practice of giving portfolios to ward committee members to manage to ensure effectiveness. This approach allows portfolio members from all the wards (who are responsible for the same portfolio) to meet with relevant municipal departments and portfolio committees to discuss issues related to their portfolio.

In some areas where the wards are extensive and cover either large geographic areas or large numbers of people, sub-committees have been established based on portfolios. In this way, ward committee members who are responsible for particular portfolios are able to link with these sub-committees, thereby deepening consultation with communities on issues affecting them. This system aims to strengthen community and ward committee involvement in council decision-making processes.

<sup>6</sup> Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005

Ward councillors and their ward secretaries remain the central communication links between the ward committees and municipal councils, and the overall effectiveness of the system depends on how the councillors and secretaries perform.

### Benefits and challenges: Portfolios

In cases where ward committee members are allocated portfolios, the system ensures that each member has a particular role to play within the ward. This also allows members to develop experience and understand the issues related to their portfolio. The portfolio arrangement allows members to engage with both the municipal line departments and the sub-committees of council that are relevant to the portfolio.

### Allocation of portfolios

In some cases ward committee members are allocated to portfolios by virtue of the structures or sectors in which they are already active as members of civil society. For example, the member representing farmers may be given the portfolio on Agriculture, or a ward committee member who is an educator may work on the Education portfolio. Portfolios will differ from council to council depending on the needs of the council. The reason is that this sector-based experience or expertise gives them an advantage when engaging the particular municipal line function as they are familiar with the situation on the ground.

Understandably not all sector-based activity or individual interest can be matched to a particular municipal line function. Interaction with ward committees suggests that members, who are allocated portfolios irrespective of their organisational base in civil society, are likely to be less actively engaged with municipal functions.

Furthermore, persons may find that their particular interests and sector involvement as ordinary citizens does not clearly match the day-to-day functions of the municipality so portfolio members remain inactive, leading to their disillusionment.

Due to limited resources allocated to ward committees, portfolio members in wards which are extensive are overstretched and therefore not in a position to cover all the ward areas when consulting on issues related to their portfolios. In the wards that are spatially concentrated, such as in urban areas, the system is easy to apply.

Ward committee members may be given more than one portfolio. For example, where the size of wards tends to overstretch the council members responsible for a particular portfolio, ward committee members may be required to assume more than one portfolio and maintain an overall knowledge of issues within the ward.

### The benefits of ward committees can be summed up as follows:

- ward committees exist as the primary vehicle for public participation in municipal affairs
- they constitute the most feasible and pragmatic base for civic representation, whether sector or geographic
- ward committees form the link between the community and the ward councillors
- by virtue of being a function of civic society and not party political they can function independently of the strictures imposed by party alliances.

# Roles and Responsibilities of Ward Committees

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## Chapter **4**

## Section 1: The Functions, Roles and Responsibilities of Ward Committees



### Functions of ward committees<sup>7</sup>

When devising a ward committee system it is important to proceed from the principle that structure and form must follow function.

#### Communication channel

The primary function of a ward committee is to be a formal communication channel between the community and the council. The Local Government: Municipal Structures Act, 1998 specifies that a ward committee may make recommendations on any matter affecting the ward to the ward councillor or through that councillor to the council (Section 74(a)).

A ward committee is the appropriate channel through which communities can lodge their complaints and it is obliged to forward such complaints to council in the most effective manner.

Ward committees can also be a forum for communication between the ward councillor and the ward community about:

- general municipal issues
- development
- service options.

<sup>7</sup> These functions are based on ward committee establishment guidelines provided by SALGA in the **Local Government Law Bulletin** Vol. 3 No. 1 April 2001.

### A communication channel for the ward community

A ward committee should, in a broad sense, be a communication channel for the entire community residing in the respective ward.

### Tendencies to avoid

As ward committees are an important channel to mobilise, educate and empower people to have their say in matters that affect them, we need to make sure that:

- the ward committee does not merely reflect and replicate the existing arrangement of political power on the elected council
- the ward committee does not function as a communication channel for the ruling party or for any party for that matter, as the councillor and his or her supporting political structure already perform this function
- a ward committee does not provide a forum for the losing candidate to fight the municipal election all over again. Minority parties have their own structures within the system of proportional representation (PR) and are an integral part of council.

### Other functions

The Local Government: Municipal Structures Act, 1998 provides that a council may also **delegate** specific municipal duties and powers to a ward committee (Section 74(b)).

The official standpoint is that 'It is difficult to conceive what functions a ward committee should be entrusted with'. Therefore SALGA and its legal advisors have generally advised against delegations to ward committees.

Apart from its primary communication function, a ward committee could:

- be an important mobilising agent for community action, and
- can play an important part in mobilising partnerships for the development of local projects.

However, the ward committee cannot prescribe to the ward councillor how to vote in council meetings. While it may well call on the ward councillor to resign and pass motions of no confidence in him or her, it may not impede or prevent any of the activities of the councillor in the ward.

Apart from the more generic roles and responsibilities already mentioned, a municipality can also use by-laws to further elaborate on, create or define the roles and responsibilities of ward committees.

## Roles and responsibilities of ward committees<sup>8</sup>

### A ward committee:

- (1) Will create formal unbiased communication channels and co-operative partnerships between the municipality and the community within a ward.
- (2) Will ensure contact between the municipality and community through the use of, and payment for, services.
- (3) Will create harmonious relationships between residents of a ward, the ward councillor, geographic community and the municipality.
- (4) Will facilitate public participation in the process of development, review and implementation management of the Integrated Development Planning of the municipality.
- (5) Will act as advisory body on council policies and matters affecting communities in the ward.
- (6) Will serve as officially recognised and specialised participatory structures in the municipality.
- (7) Will serve as a mobilising agent for community action.
- (8) May receive and record complaints from the community within the ward and provide feedback on council's responses.
- (9) May make recommendations on any matter affecting the ward to the ward councillor or the local council, the executive committee and the mayor.
- (10) May execute other functions as delegated by the municipality.
- (11) Ward committee members shall participate in the stakeholder cluster forums.
- (12) Ward committees shall be represented in the council's study groups by their chairpersons.

### Points for reflection

- Experiences show that the roles and responsibilities of ward committees are fairly well understood and most of the assumed roles and responsibilities are consistent with the policy framework for ward committees.
- Currently there is very little delegation of powers to ward committees and this conservative approach appears to have been heavily influenced by the *Guidelines* rather than a careful scrutiny of the legislation or the lessons of practical experience.

<sup>8</sup> Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005

## Points for reflection

- A key consideration for both ward committee members and municipal practitioners in deciding on delegations to ward committees should be the preservation of ward committee autonomy. This is threatened where ward committees begin to take on decentralised municipal functions like local project management and the administration/supervision of municipal facilities. These initiatives often entail some form of reward or payment that can lead to the growth of a network of patronage, rooted in the ward councillor.

The national guidelines state that:

A ward committee may, subject to available capacity and resources, conduct an **annual satisfaction survey** in order to assist the committee in the execution of its functions and powers. The satisfaction survey should be administered in the ward by ward committee members under the supervision of the ward councillor and with the administrative support of the municipality.

## Other functions

Not all the potential functions of ward committees are contained in local government legislation.

Ward committees have important powers that come from other legislation, such as, the Liquor Act 59 of 2003 for example, which requires that the ward committee must be consulted before a liquor license is granted to premises in a particular neighbourhood.

**Clearly satisfaction surveys are a useful feedback to council. What may be even more useful is for ward committees to actually measure (using simple indicators) the performance of services against benchmarks set in the IDP – this plus an indication of local satisfaction levels, would constitute a valuable form of feedback.**

## Section 2: Managing Municipal Performance: the Role of Ward Committees



**The role of ward committees in municipal performance management is detailed in the next chapter. However, some preliminary observations are useful at this stage.**

The Local Government: Municipal Systems Act, 2000 requires municipalities to develop a Performance Management System (PMS).

In addition to framing its own performance indicators, this system must also address the Key Performance Indicators set out by the Minister of Provincial and Local Government.

Apart from serving the constitutional obligation of national government to provide oversight and support to municipalities, these reports to national government also impact on fiscal decisions and the ongoing assessment of the current breakdown of powers and functions assigned to particular municipal categories and individual municipalities.

The following are the SALGA guidelines in relation to measuring or identifying key performance areas of interest groups represented within a municipal ward:

### Identification of key performance areas of a ward

Because of the wide range of municipal functions and powers, many interest groups could claim an interest in municipal matters. With a maximum of 10 members in a ward committee, one should select from a broad range of interest groups those who would be the most relevant to the key performance areas of the municipality in a particular ward. Key performance areas in a ward are those identified through the Integrated Development Planning (IDP) and implementation process.

**Also remember the ex-officio option.**

### Basic services

In most wards, key performance areas relate to the major services that must be delivered: water, electricity, sanitation, roads, storm-water and drainage. Other social services that are important include health and safety and security. There is no closed list of key performance areas. Additional areas can be identified through the IDP process.

### Ward-specific key performance areas

Some key performance areas could be linked to a particular ward. For example, where a large truck stop along a national road is situated in a particular ward, leading to a high prevalence of HIV and AIDS in that ward, the combating of the disease would be a key performance area for that ward. The same applies to economic development in wards where central business districts are located. The identified key performance areas of a particular ward should thus be used to identify interest groups.

**It is also useful to frame targets and indicators for service delivery.**

SALGA also suggests ways of distinguishing between legitimate interest groups and those that merely replicate political positions already represented in council (as discussed under 'political influence' in Chapter 3).

Clearly such an exercise of 'screening' CSOs and assessing which are 'civil' and which are 'political' presents considerable scope for discretion and interpretation. This is further complicated by the council itself invariably having a party political character.

The exercise below therefore needs to be undertaken with great caution, if at all:

### Service or municipal-directed groups

Some civil society organisations are formed with the specific goal of ensuring performance by a municipality in key performance areas. Such organisations include community-based organisations (CBOs) and ratepayers' associations. These structures would obviously be candidates for inclusion. However, where such structures have been political actors in the election campaign, they would already have representation in the council, and should not be included.

Identifying specialist groups is easier and simply requires that there is some level of overlap between the groups' mission or focus and the key functions of the municipality:

### Specialist groups

The second set of interest groups comprises organisations that focus on a particular issue. These interests may or may not be the same as the municipal activities.

A council should thus identify those groups whose specific areas of interest relate directly to the ward's key performance areas. For example, where safety and security is a key performance area, community safety forums may be appropriate interest groups. Other interest groups may include business chambers, informal trader associations, environmental groups, etc.

As indicated, exclusionary provisions with regard to 'who is fit to serve on ward committees' need to be approached with great caution. Council and those responsible for the ward committee system must remember that occasional interests are also important and can easily be accommodated on ward committees by inviting them in as special stakeholders when the relevant matter is to be discussed, or when such groupings request the right to meet/address the ward committee.

Sections 17 and 20 of the Local Government: Municipal Systems Act, 2000 do not apply specifically to ward committees; nonetheless, the general principle of openness and accessibility for council and sub-committee meetings is firmly established and, by inference, should be carried through to ward committees.

## Rural areas

The model presented here is based on the assumption that there are well-developed, functioning civil society structures formed around specific interests. In some rural areas this may not be the case. Interest groups may not have been sufficiently developed for them to represent the ward community adequately. In such a case, geographical spread of representation would be the preferred option.

## Traditional leaders

The possible role of traditional leaders, as a particular interest group in a ward committee, will depend upon the outcome of the deliberations between government and the coalition of traditional leaders.

It is suggested that traditional leaders should be considered as an interest group within a ward. A recent survey reminds us that the influence of traditional leaders is limited to certain provinces and to rural areas within those provinces.

The main reason for not developing relations with traditional leaders appears to be their absence, rather than hostility between traditional authorities and ward committees. The relationship between traditional leaders and ward committees is still evolving. Traditional leaders have legally enshrined powers and functions that shape their relations with municipalities. The idea of negotiated arrangements at ward level is useful, but this last point should be kept in mind.

## Community Development Workers

Community Development Workers (CDWs) are multi-skilled public servants who are deployed at community level to bridge the gap between the provision of services by government and access to those services by the communities.

CDWs are deployed to municipalities where they live to address, amongst other things, the lack of information, knowledge and poor communication that communities experience in relation to government services. Municipalities are responsible for the CDW daily programme.

### Role and task of the CDWs

The role and task of CDWs is to link communities with all government spheres and departments. CDWs work as community facilitators and organisers focusing on the following key functions:

- Assisting communities with developing and articulation of their needs
- Facilitating the development of community structures
- Facilitating public participation in government development projects (e.g. IDP, LED, infrastructure and service delivery projects etc.)
- Identification of service blockages in the community
- Finding solutions to identified needs and blockages by interacting with national, provincial and local government structures.

### What is the link between ward committees and CDWs?

In the *2004/05 National Ward Committee Survey*, only 32% of respondents said there was a link between community development workers and ward committees. However, in the relatively new strategy for CDWs there is clearly some potential for overlapping functions. This is a challenge for local councils as it could either result in competition or co-operation, depending on how it is handled locally.

In more detailed training interactions, some ward committee members have indicated a concern that community development workers duplicate their functions. In general, however, it seems that in the limited number of areas where CDWs have been deployed, a **healthy working relationship is beginning to emerge.**

The CDW job description contains a description of how they are to work with ward committees and in some municipalities it appears that CDWs attend ward committee meetings and offer advice.

Ward committees should endeavour to become familiar with the CDWs deployed to their area and meet them to compare terms of reference, including whether the CDWs are able to offer any operational/secretarial support to the ward committee.

The CDW model also suggests that CDWs may be able to resolve co-ordination problems between various spheres of government that arise at the local level. However, the ward committee must always ensure that the municipality is fully briefed on its efforts to resolve such problems through CDWs.

### CDWs and ward committees can build good relations by:

- CDWs supporting ward committees by assisting with the production of reports, minutes, plans
- CDWs creating awareness of ward committee activities amongst the local constituency and acting as referral agencies.

It is important for ward committees to meet with their local CDWs and work on mutually beneficial terms of reference and operating systems. The municipality should support and facilitate co-operation between CDWs and ward committees.



# Ward Committees and Council Decision-Making

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## Chapter 5

## Section 1: Communication between Community, Ward Committee and Council

The 2004/2005 National Ward Committee Survey highlighted effective communication and interaction between the ward committee, municipal council and the community as one of the main challenges of the ward committee system. Less than half the respondents in the survey were able to affirm that ward committees do, in fact, impact on council decisions. For the ward committee to fulfil its core function of being a link between the municipality and its communities, there has to be a **structured way of communicating**.



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### Improving accountability between the stakeholders

The survey suggests a number of options for improving accountability between ward committees and communities on one hand, and ward committees and councils on the other, namely:

- (a) Holding regular ward committee meetings: not all ward councillors are doing this and this needs to become part of their own performance assessment.
- (b) Ensure there is clear communication from ward committee meetings to council. This can be done by having proper procedures and formats for tabling reports. The system of simply returning minutes to council is inadequate. Key points for council's information that require a direct response or where further process is necessary, needs to be summarised and made explicit for the council to respond.
- (c) Ensuring that there is clear communication between council and the ward committee via the ward councillor. This can only be done if there are proper procedures and formats in place for tabling reports. Having a checklist that records which points and queries are resolved and which remain unresolved will help the ward committee and the councillor keep track of what matters still need to be attended to.
- (d) Ensuring that issues raised by the ward committee are adequately dealt with and answered by council. This requires continuity between meetings and ensuring that important issues are only removed from the agenda once they have been resolved. The checklist mentioned in (c) can help the ward committee in keeping track of the outstanding matters.
- (e) Being able to present council with a detailed and accurate picture of the ward and its needs and priorities when called on to do so by council.
- (f) Being able to provide council with accurate feedback on the performance of its various line/service functions and the impact in the ward.

### Circulating relevant information between stakeholders

Information dissemination, circulating relevant information to and between all the stakeholders, is a key function of ward committees and one they are not currently performing, according to public perception.

The **challenge** is two-fold:

1. Ensure adequate, relevant and reliable information is obtained from council. Council's own communication strategies cannot always be relied on to provide this information and public relations procedures do not always help. We have outlined in previous chapters the type of information that is important and how it may be secured if it is not readily forthcoming.

2. Ensure that this information is effectively communicated to the community in a way that allows effective engagement and meaningful responses.

The national survey suggested a **checklist of questions** to be asked when determining whether public communication and reporting functions were truly serving accountability. Ward committees can use this checklist to help them obtain the information they need.

### The following questions can be useful

- Is the information useful to the community in making its own objective decisions around the issue under discussion or is it mainly about promoting the image of the municipality?
- Whose interests are mainly served by the communication exercise? Is it a political party, the mayor, the municipality as a whole, the community or a sector of the community?
- Will the information communicated allow the stakeholders to obtain a balanced view of the issue under discussion and promote their understanding so that they are able to make a meaningful contribution towards resolving the matter?
- If any information is to be withheld, what specific purpose is served by this step and can clear public benefits be demonstrated by withholding such information?
- Does the interaction between the municipality and the community clearly demonstrate the principle that both councillors and municipal staff are servants of the public and ultimately answerable for their actions?

A recent assessment of community-based planning (CBP) models, and how these models contribute to the IDP process, shows that there is a need for closer interaction with municipal technical line functions such as planning.

In general, support could also be provided to ward committees by strengthening the relationship between municipal administration and the committee. By doing this, logistical and administrative assistance can be drawn in directly from the municipal administration. This may enhance accountability and transparency in the use of municipal resources and make ward committees and citizens in general more aware of the real technical constraints and opportunities that must guide the decisions of managers and professionals.

### Ward committees are not 'gate-keepers' of the community

While ensuring strong links with the local community, ward committees need to avoid becoming gate-keepers, i.e. trying to become the 'only voice' of the local community. Previous research commissioned for HOLOGRAM highlighted the problems associated with this type of approach.

#### **Pitfalls: Competition between ward committees and community-based structures**

In the Thembelihle and Msundizi case-studies there is clearly a problem of competing structures. Some are long-standing, that have, over time, facilitated community interaction with the municipality or other organs of state on projects or programmes whilst others are newly created and have yet to establish a relationship with the community, municipality or other organs whom they are meant to serve. Clear lines of responsibility are not always in place which can lead to confusion as to which committee or structure is responsible for a specific task or tasks.

The fact is that some of these structures have a very specific focus; for example, a water service committee suggests that it should be a specialised sub-component of the ward committee. Some may object to this option on the basis that it diminishes their status as a consultative body. This poses a challenge to the political maturity and diplomacy skills of ward committees.

Ward committees must maintain their mandate as consultative bodies without reinforcing the perception that they are 'gate-keepers'. In this regard it is important that the ward committee sees itself as a facilitator and not a neighbourhood-level municipality. (We should be wary of certain trends, such as the Buffalo City Community Liaison model which appears to cast the ward committee in the role of decentralised administrative unit of the municipality.)

The ward committee must accept a certain level of decision-making discretion by community-based structures. The role of these community structures may well involve project implementation and management, whereas the ward committee is there to facilitate and assist projects without necessarily controlling the projects.

Ward committees must show maturity and objectivity in ensuring that input and feedback from the municipality is directed to the most appropriate forums and are not simply acting as a clearing-house for these functions. Only where local forums are clearly weak, divisive or otherwise ineffectual, should the ward committee consider taking over these functions. In such instances, the ward committee must stop short of taking on project management and implementation responsibilities, especially where the integrity of ward committee members could be compromised due to vested interests in the project at hand.

The credibility of ward committees in the eyes of the public suffers greatly when the ward committees are distanced from key municipal functions like the IDP, or the ward committee is seen to have a narrow participation function that is not connected to the municipality's main activities.

Research conducted by the Horizontal Learning Network (HOLOGRAM) in 2003<sup>9</sup> noted that:

Much of the ward committee's dilemma about their functions relates to their dislocation from what is supposed to be the broadly endorsed blueprint for development, namely the IDP. Without a proper understanding of the targets and indicators for development as set out in the IDP, and the ability to disaggregate these to their own ward areas, ward committees cannot be expected to provide any empirical or qualitative feedback on municipal delivery strategies and performance. The need to get ward committees focused on IDP-specified outputs and strategies needs to be stressed.

A lack of any basic communication protocol between ward committees, council (and sub-committees) and the administration was reported. As ward committees are entirely dependent on the ward councillor when linking to council, the performance of the councillor thus becomes key.

Some ward councillors report very limited, if any, opportunity to table committee issues and concerns to council. An exception to this trend was Ward 95 in Diepsloot, where Planact described ongoing contact and consultation between the ward committee and regional administration of the Johannesburg Metro Council.

This suggests that ward committees may be more effective when they can relate directly to a decentralised administrative unit of the municipality. Where political and administrative structures of the municipality are centralised, it was apparent that some councillors experience difficulty in trying to raise ward committee matters within council.

## Feedback to and between ward committees and council

Councils need to ensure **structured feedback from council to the ward committee**, even to the extent of ensuring that council minutes are circulated to ward committees.

The general impression is one of a ward committee system that has been reluctantly 'tacked onto' the council system, where the business of ward committee is a matter for political oversight. In Buffalo City, for example, informal discussion with officials indicated that although the speaker is formally responsible for ward committees, the executive mayor has a more central role.

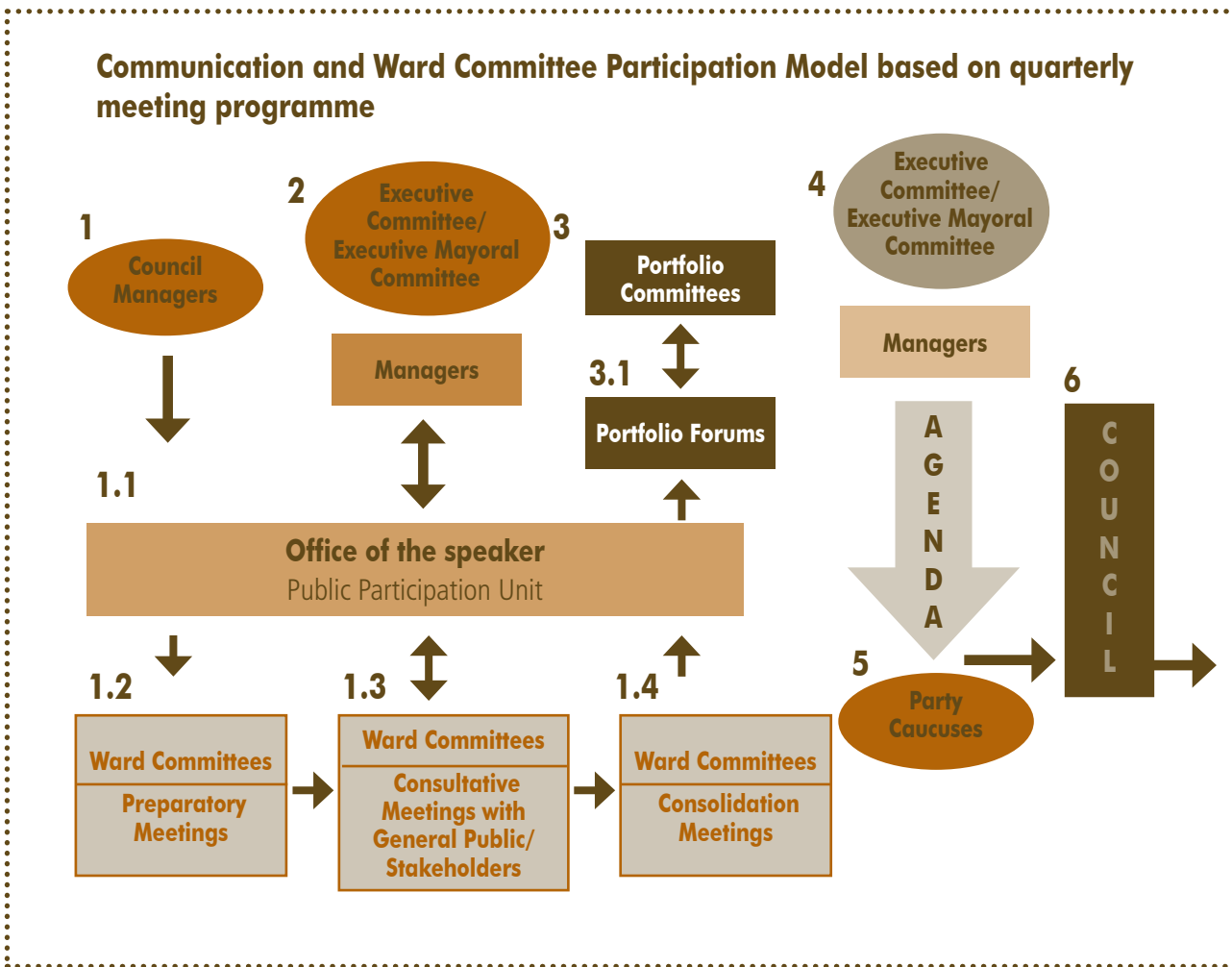
One of the most commonly mentioned needs from a ward committee perspective was for a 'responsive council' or in the case of the Naledi case study, some indication "...that their voices are heard." Committee members frequently pointed out that unless they were able to produce answers and information from council, they would be rendered 'useless' in the eyes of the public.

<sup>9</sup> HOLOGRAM - Horizontal Learning Network (2003): Issues and Practice in South African Local Government

Ward committees are a conduit for citizen’s participation in the decision-making process. Therefore they must strive to carry out the full mandate suggested by Section 17 of the Local Government: Municipal Systems Act, 2000 and seek involvement in:

- the process of receiving, processing and consideration of petitions and complaints
- procedures for notifying the public of issues being considered by the council and a process that allows for public comment
- procedures for public meetings and hearing by councillors and municipal officials
- regular sharing on information on the state of affairs of the municipality through consultation with community organisations and traditional leaders.

Below is one possible model for effective communication and participation, developed after an interaction with some of the municipalities.



### Interpretation of the model

1. Council managers discuss issues and come up with 'Resolutions' as outcomes of the council meeting and then they inform officials in the Public Participation Unit attached to the Office of the Speaker.
  - 1.1 Public Participation Unit in the Office of the Speaker compiles the agenda with Standardised Official Report for Ward Committees.
  - 1.2 The ward committees have their **1st Meeting Programmes** (preparatory meetings) where the agenda with Standardised Official Report from council is discussed to develop a common understanding on issues before consultative meetings with the general public and stakeholders.
  - 1.3 Ward committees conduct their **2nd Meeting Programmes** (consultative meetings) with the general public or stakeholders on issues from council as well as any new matters affecting the community in the ward. The Public Participation Unit assists the ward committees in the co-ordination or publicity for these meetings.
  - 1.4 Ward committees have their **3rd Meeting Programmes** (consolidation meetings) where reports from their general public or stakeholders meetings will be compiled and consolidated with recommendations before submission to the Public Participation Unit for analysis.
2. The council managers receive reports from the Public Participation Unit for administrative action or for consideration by management before submission to executive committee or executive mayoral committee for political decisions.
3. Some issues are referred to council portfolio committees for further discussion and recommendations.
  - 3.1 In some cases the portfolio committees further consult the key role-players and stakeholders affected by, or relevant to, the issue for more inputs in the local portfolio forums e.g. Transport or Electricity Forums.
4. Executive committee or executive mayoral committee receives recommendations from portfolio committees and council management which will then inform the Council Agenda.
5. The council agenda is discussed in the party caucuses for party political positions on issues on the agenda before council meeting.
6. The council meeting takes decisions on matters on the agenda and the council managers take the process further under activity one to continue the cycle.

### Benefits and challenges: The conditions for the success of the model

- a) The council must meet at least quarterly as provided by Section 18(2) of the Local Government: Municipal Structures Act, 1998 to avoid congested communication and participation processes between council and communities.
- b) The council must adopt a delegation system as provided by Section 53 of the Local Government: Municipal Systems Act 1998 to fast-track the decision-making and implementation processes.
- c) The Council must have a well-capacitated and resourced Political and Administrative Support Centre in the Office of the Speaker to ensure effective co-ordination.
- d) Ward committees must be well-structured, capacitated and resourced so that they can execute their meeting programmes and mandate.

### Some experiences from the ground

#### Example: Who is responsible for your ward committee system?

**In the Gemsbok municipality it is generally held that the speaker is responsible for the ward committee system. When Victoria Ndlovu discovers that her ward committee is not meeting to discuss serious service shortfalls within the neighbourhood:**

- Mrs Ndlovu initially approaches ward councillor Smith but he says that he is too busy. He explains that his own accounting business and his party duties are more important than waiting for ward committee members who arrive late, if at all, for ward meetings.
- Mrs Ndlovu then sees the branch chairperson of the XTC party which is the political home of councillor Smith. The chairperson promises to have a word with Smith but says "really the operation of ward committees is the responsibility of the corporate services directorate which is paid to provide strategic support to the ward committee system and community participation in general".
- The director of corporate services says her department provides limited support to ward committees within the constraints of the budget, but that in any case it sounds like a political problem which the speaker needs to resolve.

- The speaker acknowledges that she is formally responsible for the ward committee system but says that the real decisions are made by the executive mayor who insists that anything political related to ward committees be passed by him.
- Mrs Ndlovu tries to secure a meeting with the executive mayor but his secretary tells her “Why did you not resolve this petty issue with your councillor... this municipality has 90 wards and the mayor cannot be expected to bother himself with one slack ward councillor?”

### Could this be your municipality?



**Ward Committees and the  
Core Business of the  
Municipality**

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Chapter **6**

## Section 1: Integrated Development Planning

Section 16 (1) (a) of the Local Government Municipal: Systems Act, 2000 states that:

A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory democracy. To this end the municipality must encourage and create conditions for the local community to participate in the affairs of the municipality.

Chapter 5 of the Act requires specifically that citizens participate in the preparation, implementation and **review** of the Integrated Development Plan (IDP).

Integrated Development Planning is a process through which municipalities prepare a strategic development plan which extends over a five year period. It is a broad plan for an area that gives an overall framework for development. It is a planning process and instrument which guides and informs planning, budgeting, management and decision-making processes in a municipality.

### **Integrated**

**Fitted together, with parts united into a whole**

### **Development**

**Progress and long-term growth**

### **Planning**

**Designing and preparing for the future**

In essence, the *White Paper* on Local Government visualises a process where communities will be involved in governance matters, including planning, implementation and performance monitoring and review. Communities would be empowered to identify their needs, set performance indicators and targets and thereby hold municipalities accountable for their performance in service delivery.

Through the IDP process, the ward committees can become involved in:

- identifying its key development priorities
- formulating appropriate strategies
- developing the appropriate systems to realise the vision and mission of municipalities
- aligning resources with the development priorities.

Section 15 of the Municipal Planning and Performance Management Regulations further states that:

.... where other municipal-wide structures for community participation do not exist, a municipality must establish a forum. The forum must be representative and enhance community participation in the IDP. In addition, it must enhance public participation in monitoring, measuring and reviewing municipal performance.

#### The functions of the forum include:

- consultation and monitoring of the IDP and its implementation and review
- discussion of the PMS and its implementation and review
- monitoring of municipal performance according to the KPIs and targets set by the municipality.

This has led to the creation of **IDP Representative Forums** for general public participation. Ward committee members should also take the initiative to attend IDP portfolio committee hearings and ordinary sittings of the relevant sub-committee.

The integration of ward committees as an institutionalised structure into the IDP process has, in many cases, been an imperfect exercise and ward committees tend to become involved as members of the public at large, with the result that the local consultative and decentralisation potential of ward committees is not fully explored.

## Section 2: Community-based Planning

dplg and SALGA have piloted community-based planning (CBP) which presents some concrete opportunities for entrenching and detailing the role of ward committees in the IDP process.

### Community-based planning aims to:

- empower the community to plan for itself
- help local government and the municipality to understand and address service needs of the citizens
- help the municipality to be responsive to the community.

### The objectives of CBP are to:

- improve the quality of plans
- improve the quality of services
- improve the community's control over development
- increase community action and reduce dependency.

The CBP model outlines a specific role for ward committees in the needs analysis and participatory review procedures of the IDP.

### Ward plans should include:

- specific targets for service delivery and infrastructure development which can be monitored through properly defined ward indicators
- reporting systems to council and line departments should accommodate periodic feedback guided by these ward indicator reports
- the presentation of the Annual Report to council should make special provision for a summary report on ward committee feedback.

## Section 3: The Municipal Budgeting Process

Similar to the IDP portfolio committee meetings, municipal budget hearings also offer ward committees participation as any other sector within civil society. Other examples of ward committee engagement with budgeting include:

- budget hearings per ward with specific feedback on ward submissions
- outreach to ward committees by joint mayoral and finance committee teams.

(Also compare Chapter 2, Section 2 on the legal requirements of the MFMA.)

## Section 4: The Performance Management/Service Delivery Process

Ward committees and residents have very important roles to play in the planning and delivery of municipal services.

### Some of the ways in which they play a part:

- assisting the municipality to accurately decide on which services should be expanded and improved, particularly during the planning stages, and insisting that council consults citizens during the decision-making process.
- residents should work with NGOs, CBOs and political parties to develop proposals for council to consider.
- communities can also request the municipality to appoint a committee of community representatives to monitor processes as well as to advise the municipality on priorities for service extension and improvement.
- communities or their representatives can also play some role in the evaluation of potential service providers, the involvement of communities in service provision and monitoring of the service providers.

It is important in these functions that ward committees do not blur their 'watchdog' role with that of a local 'project manager' as this can lead to a weakening of checks and balances.

A key consideration for both ward committee members and municipal practitioners, when deciding on who should be part of the delegation to ward committees, should be the preservation of ward committee autonomy. This is threatened where ward committees begin to take on decentralised municipal functions like local project management and the administration/supervision of municipal facilities.



**As already highlighted above, where ward committees exist as the principle form of community participation, there is an obligation on the municipality to involve these committees in the setting of key performance indicators and targets and the monitoring thereof.**

Ward committees can play a key part in performance management in three stages:

## Three stages of performance management

### Planning

### Follow-up

### Yearly performance reviews

- **Planning:** Work closely with your councillor and other community organisations, to identify priority needs and make sure that these needs are included in the budget proposals and plans.
- **Follow-up and feedback:** Insist on regular reports on municipal projects and services to the ward committee and at public meetings in your ward so that you keep residents informed of progress and/or problems. Make constructive suggestions for improvement and, if necessary, organise the community to help get the job done.
- **Yearly performance reviews:** Council should report regularly to the ward committees and communities on their budget and performance reviews, as part of community meetings. In addition, if your committee does not get a regular performance report from your council, let the mayor know that your ward committee expects better performance from democratic local government.

## Monitoring and evaluation

Through NGO or other programmes, develop and operate monitoring and evaluation systems within the ward and prepare for input into the annual performance management review.

By drawing key indicators from its IDP document, particularly service output indicators, the municipality must show that it has addressed the Section 7 (2) (d) requirement that the PMS

clarifies the processes of implementing the system within the framework of the integrated development planning process.

An award-based monitoring and evaluation instrument should allow targets to be set in a consensual way so that indicators and the target for each indicator are clear to everyone from the beginning, including municipal practitioners and local citizens.

These targets will be derived from the IDP and reflect typical municipal functions and obligations contained in legislation and requirements relating to IDPs. For example, Chapter 2 of the Municipal Planning and Performance Management Regulations of 2001 set out the minimum details for an IDP and the process for amending IDPs. The instrument is thus an integral part of the IDP implementation system and assists in fulfilling the procedures for management, monitoring and evaluation.

**Example**

If the strategic objective in a municipal IDP is to “improve the environmental and health situation of the community through an improved and expanded solid waste management system” then the indicator might be the level and coverage of the refuse service to be provided. The target for such an indicator might therefore read: “By December 2006 to provide 80% of households with a once-a-week refuse collection service where the refuse is collected from the pavement outside each dwelling.”

This indicator has the following important attributes:

1. It has a target date for reaching the required service level.
2. It specifies the scale or coverage of the service in a realistic way viz. 80% of households (note that it is important to know where you started – this is referred to as the baseline). In this case perhaps 60% of households had the required level of service).
3. It specifies the quality of the service (regular weekly collection from the pavement outside each dwelling).



**Term of Office,  
Termination of Membership  
and Dissolution of Ward  
Committees**

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Chapter



## Section 1: Term of Office for Ward Committee Members

The Local Government: Municipal Structures Act, 1998 allows municipalities to determine the term of office for ward committees. From the 2004/05 national ward committee survey it would seem that the most common term of office for ward committee members is between two and two and a half years. The next preferred term of office is five years. More in-depth interaction and discussion with ward committees suggests that the following should be considered:

- How long it takes for newly-elected ward committee members to become fully effective in their role.
- The time required to effectively complete programmes and campaigns initiated at ward level.
- Limiting the financial and logistical costs to municipalities by ensuring there is a proper interval between ward committee elections.
- Ensuring that ward committee members do not become stale or complacent through overly long service.
- Ensuring that the election routine is sufficiently frequent to deal with problems of poor performance by ward committee members.

### Points for reflection

**There would seem to be sound argument for keeping the term of office a discretionary matter, thus allowing municipalities to try different approaches. The emergence of a particularly useful practice may yet take a few more years.**

## Section 2: Termination of Membership by a Ward Committee Member and Filling of Vacancies<sup>10</sup>

If a vacancy occurs in a ward committee as a result of the termination of membership, the Local Government: Municipal Structures Act, 1998 leaves it up to the municipality to determine a procedure to fill the vacancy. The municipality must decide on possible scenarios under which ward committee members would be relieved of their duties. This could also be covered under the code of conduct for ward committees.

Generally a person's membership is terminated through death or resignation. Even though the council may make rules regulating the circumstances under which persons may have to renounce their membership, an issue still to be resolved is whether an interest group can terminate the membership of its elected representative. A complication may arise where the representative is from an interest group and that group cannot, without consultation, withdraw the elected person from the committee.

<sup>10</sup> Due acknowledgement is given to Jaap de Visser of the **Local Government Project of the Community Law Centre** for the section on the dissolution of ward committees.

## Section 3: Conditions for the Dissolution of Ward Committees

The Local Government: Municipal Structures Act, 1998 grants wide discretion in regard to the dissolution of ward committees. The Act only notes that a municipality has a right to dissolve a ward committee if it fails to fulfil its objective.

For most municipalities, conditions that would necessitate the dissolution of a ward committee are contained in their establishment notices for ward committees as well as the code of conduct.

Where ward committees have been dissolved it has generally been for reasons of inefficiency; inability to fulfil its mandate and obligations, and sometimes political party interference in the structures of ward committees.





# Training and Capacity-Building for Ward Committees

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## Chapter 8

## A critical evaluation of current training and capacity-building for ward committees

Most of the training directed to ward committees is in the form of formal training by government or government appointed service providers. Little capacitation happens through in-service training/briefings. Despite the considerable resources dedicated by government to this objective, some partnerships with international donors and NGOs, and lucrative training contracts for private sector providers, the impact of this training has been mixed. Only 50% of the *National Ward Committee Survey* respondents thought it was effective. In general, the reason given relates to the lack of continuity of the capacitation process.

Training strategies have often been conventional. The main strategy has been event-centred initiatives with little recognition of the unique nature of ward committees as fragile voluntary bodies who are still in the process of exploring and building upon this new and uniquely structured model of participatory democracy. Capacity-building has seldom encompassed strategies of practice and reflection or doing and learning, sometimes known as praxis. Effective training needs to be interactive and participatory to achieve the maximum output.

The above observations are important when embarking on training initiatives. Ward committees were established nearly four years ago and it is crucial that the experience of longer serving ward committee members is carried over into capacity-building strategies. Municipalities should also conduct a careful and participatory review of ward committee experiences and local knowledge bases before planning any further ward committee training and capacity-building programmes.

### Approach to ward committee training

The legislation for local government obliges municipalities to provide support to the ward committees and to build their capacity. However, the form of this support and the institutional and financial investment is at the discretion of the municipality.

The **National Ward Committee Guidelines** identify the following **capacity-building and training needs**:

#### Generic training needs

- Basic literacy
- Communication
- Interpersonal skills
- Conflict management and negotiation skills
- Democracy and community participation
- Identification, monitoring and prioritisation of needs, including basic training in survey methodology
- Leadership

#### Training needs on municipal policies and processes

- The establishment, terms of reference, nature and functions of ward committees
- Municipal structures, legislation & processes
- Municipal Service Partnerships
- Payment for services
- Principles of good governance

### Specialised training needs

- Meeting procedures and secretariat services
- Administration
- Budgeting
- Monitoring and evaluation
- Project management
- Performance management

### Ward committee member training

Ward committees supported by the municipality are expected to annually assess their capacity-building and training needs and to develop programmes for each member of the committee with an appropriate budget. Given their voluntary nature and the varying levels of expertise and skill of ward committee members it is not surprising that ward committees seldom comply with this requirement. Training needs, in most cases, are determined by councillors and municipal officials.

Ward committee training needs vary from municipality to municipality. Some successful examples of capacity and training approaches emphasise the importance of building upon past experiences and gains in capacity. This can be accomplished by working with beneficiaries in an interactive manner and focusing them on the key development challenges and issues that are identified by both internal stakeholders and external service providers.

It should be ensured that ward committees have a structured and focused approach in determining their own training needs and priorities. They should be encouraged to confront problems and issues that are frequently concealed in the more list-driven approach.

The GTZ-supported Strengthening Local Governance Programme's training approach consisted of the following steps:

#### **Step 1: A desktop review of reports of ward committee capacitation needs within a municipality**

The main purpose of the review is to outline experiences and lessons, audit success or failure in resolving previously identified capacity shortfalls, and create a general background and framework for identifying new needs. Based on these and the facilitator's knowledge of broader challenges that typically confront ward committees, a list of training priorities is then created.

#### **Step 2: A focus group exercise**

A focus group exercise is then conducted to present the draft list of training priorities to a variety of stakeholders including ward committees, ward councillors, the speaker of council, the manager for community services and the municipal manager. This exercise is aimed at verifying needs and ensuring that different constituencies have input.

#### **Step 3: A review and adjustment of training objectives**

Comprises a review and adjustment of the list of training objectives based on the focus group input. This is followed by preparation of the final presentation and resource materials.

### Training methodology

Preparations for the training workshops commence with matching available resource materials to training needs, and designing new resources where required. Careful consideration is given to the appropriate format for a particular presentation and games and activities that will ensure full engagement of the participants. A facilitator's or trainer's guide, which consists of topics, learning goals, activities and expected outcomes is also developed.

Training workshops are generally designed to be as participatory as possible. They normally include group discussions, ward committee presentations, role-plays and case studies. Once all the preparations are complete, the stakeholders are again consulted on the programme for the training workshop and the final list of training priorities.

This process is followed by the actual implementation of the training workshop. Municipal officials and/or senior councillors are usually present in the training in order to act as Trainers of Trainers in future capacity-building activities. They also serve as resource persons during the training.

### General training components

Ward committee capacity-building and training generally encompasses the following topics:

- Roles, responsibilities and functions of ward committees
- Effective communication between ward committees and broader community
- Matters related to the establishment and operation of ward committees
- Integrated development planning and review thereof
- Related to the above, municipal budgeting and citizen participation in the budgeting cycle
- Municipal Performance Management Systems
- Ensuring adequate community participation in all municipal functions and processes. This includes an overview of the National Guidelines for Ward Committees
- Other legislative provisions that relate to community participation in municipal governance, including the recently enacted Local Government: Municipal Finance Management Act, 2003.

### Valuable training components

Based on past experience, some aspects of the training generated more interest and enthusiasm than other components of the programme. These tended to be areas in which it was found that the municipality needed to improve its performance in order to facilitate optimum participation by ward committees, and included the following:

- Roles, functions, establishment and operation of ward committees
  - Ward committees generally tended to be uncertain about the statutory requirements, although their practical understanding was good. An outline of basic legal and policy provisions is normally useful. It is also important to assess how ward committees have measured up to such provisions.

In Emalahleni local municipality most ward committees demonstrated a good understanding of their roles and functions but they were unclear about their powers and the legislative basis thereof.

## Training and Capacity Building for Ward Committees

- Integrated development planning and review thereof
  - Ward committees tended to be aware of the IDP and the process of developing it. However the role ward committees have played in reviewing the IDP has mostly been in regard to the identification of community needs. It is vital, therefore, to clearly outline the role ward committees should play when reviewing the IDP, even before the review process commences, so that ward committees are objectively able to assess the extent of their engagement.

For example, in Emalahleni local municipality all the ward committees reported that they had limited participation in the IDP review and budgeting process. They were generally not aware of what was contained in their municipal IDP. After the training, they indicated a renewed commitment to actively participate in the IDP review and budgeting process.

- Municipal budgeting and citizen participation in the budgeting process
  - A common practice is for ward committees simply to be consulted on the draft. This means that they usually have very little input or influence in terms of resource allocation.

In Mbhashe local municipality, for instance, the majority of ward committee members stated that the only time they heard of the municipal budget was at a meeting where the mayor presented the draft budget. However, they said that they did not participate in any deliberations on the budget as they were just observers.

- Other challenges associated with the municipal budget relate to the difficulty in understanding a technical document, particularly for people who are not financially literate. Outlining the role to be played by ward committees in the budget cycle is useful, but municipalities could also assist by simplifying their budget formats.
- Municipal Performance Management Systems
  - Even though most of the small local municipalities have not yet developed fully-fledged performance management systems, ward committees find the idea of participating in municipal performance assessments very appealing. A user-friendly Key Performance Indicators matrix has been developed to empower ward committees to assess municipal performance at the ward level and provide structured feedback to the municipalities. Giving ward committees the opportunity to have a meaningful role in municipal performance assessment also gives them a sense of purpose.

Mbhashe local municipality is currently at an early stage in developing a performance management system, and their ward committees demonstrated great interest in the PMS when it was presented and their role in it was outlined.

The examples above are some of the insights generated by training. A series of workshops typically concludes with presenting a review report to the stakeholders and other support agencies. These wrap-up sessions include recommendations for after-care and follow-up activities and a mentoring system to sustain the capacity enhancement process.

Most of these training areas have since been reinforced by ward committees in subsequent training encounters.

### Training of Trainers at district level

To sustain the knowledge and capacity needed for well-functioning ward committees, a training-of-trainers approach has been conducted in a number of municipalities. The district can play a strong role in facilitating train-the-trainer workshops involving all local municipalities falling under its jurisdiction.

### Experiences from the Eastern Cape

The Training of Trainers (ToT) aims at capacitating two dedicated representatives of each of the local municipalities falling under the jurisdiction of the district and two representatives of the district. These representatives will have to be identified in close co-operation with the local municipalities and the district, based on identified criteria. The ToT should draw on important lessons and experiences gained during the previous ward committee trainings conducted within the district.

The **first phase** of training should focus on important components of facilitation and training skills.

#### The aim of this workshop will be to:

1. develop participants as facilitators or trainers so that they will be able to train in their selected field
2. develop awareness and understanding about what it is that a trainer/facilitator is undertaking with a group in a workshop situation
3. explore theoretical bases for participatory models of education and development
4. explore the attributes, qualities and skills required for an effective trainer/facilitator
5. develop skills to deal with problem situations.

The **second phase** of the process will focus on content issues concerning local governance and ward committees. It should focus on the following:

1. current system of local government
2. roles, functions and responsibilities of ward committees within the current policy, legislative and municipal operating environment
3. establishment and operation of ward committees
4. meeting and record keeping procedures
5. core municipal functions ward committees need to engage with
6. the Integrated Development Planning and Implementation Process (IDP)
7. municipal finance and budgeting (relevant Sections 15 and 16 of the Local Government: Municipal Finance Management Act, 2003)
8. municipal performance management system (PMS);
9. communication strategies to properly communicate and channel information to their constituencies
10. role of Community Development Workers
11. additional demands raised by participants.

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The **third phase** of the process will focus on the mentoring and assessment of the newly trained facilitators. This will take the form of the facilitators organising a ward committee skills workshop in which they will have to conduct the training. They will be assessed by the service provider during the workshop and written feedback will be provided on their performance.



### Checklist of key documents relevant for participatory local governance and the ward committee system

The Constitution of the Republic of South Africa, 1996 (Chapter 7 Section 152)

The *Batho Pele* White Paper, 1997

The White Paper on Local Government, 1998

The Local Government: Municipal Structures Act, 1998 (Sections 73 and 74)

The Local Government: Municipal Systems Act, 2000 (Chapter 4)

The Promotion of Access to Information Act, 2000

The Municipal Planning and Performance Management Regulations, 2001

The Local Government: Municipal Finance Management Act, 2003

The Guidelines for the Establishment and Operation of Municipal Ward Committees as gazetted 24 June 2005

Having your say: A Handbook for Ward Committees (**dplg** and GTZ 2005)

Your municipality's Integrated Development Plan

Your municipality's ward committee policy and public participation policy (if there is one).

# Glossary

## Definition of key concepts

### Accountability

The responsibility that elected representatives have to keep their promises to voters to be honest and open about political and financial actions and keep in touch with their constituents.

### Area of jurisdiction

The area within which a local authority has governing powers and responsibilities.

### Budget

The local authority's financial plan of action. There is an annual plan of action, but increasingly multi-year budgets are also drafted to provide a longer term financial plan.

### Bureaucracy

The officials of government departments at the central, provincial and local levels.

### By-laws

Regulations made by a local authority.

### Consensus

General agreement among a group of decision-makers.

### Constituency/constituents

The voters (constituents) in the specified area (constituency) who elect a councillor to represent them on the council.

### Constitution

The most important law of the country that lays down the functions and powers of the different levels of government. It includes the Bill of Rights that outlines the fundamental rights of citizens.

### Council

A group of people elected by voters at the local level to be the political decision-makers of a local authority.

### Councillor

An elected representative on a local council.

### Decentralisation

A transfer of political, financial and administrative power from central/national government to sub-national or provincial and local governments.

### Departments

The units of administration of the local authority which perform specific functions, for example, water, health and town planning.

### Electorate

The voters.

### Equitable Share Transfer

The equitable share allocations formula was first introduced in 1998 in line with section 214 of the Constitution to enable the local sphere of government to provide basic services and to perform functions assigned to it. The primary purposes of the equitable share are to enable municipalities to provide basic services to low-income households and maintain administrations.

### Ethics

Principles of morally correct and honourable conduct.

### Integrated Development Planning and Implementation

A process through which the municipality prepares a strategic development plan, for a five year period. The Integrated Development Plan (IDP) is a product of the integrated development planning process. It spells out what the council is going to do, how it is going to do it and the cost in response to the needs of the community. The IDP is the principal strategic planning instrument which guides and informs planning, budgeting, management and decision-making in a municipality.



### Key Performance Indicators

Specific or agreed upon areas or criteria used to measure the performance of a municipality, for example, service delivery, crime prevention.

### Local authority

A structure that is responsible for local government in a specific local area. It consists of officials who serve the public under the political leadership of an elected council and the elected councillors.

### Mandate

Collective authority or permission given to an individual or group of individuals to act on behalf of others.

### Municipality

Another name for a primary local authority.

### Official

Civil servants employed by a local authority, as opposed to elected councillors.

### Party caucus

A forum consisting of all the members of a particular party who are serving in a political structure, such as a local council.

### Party line

The policy adopted by a political party on a specific issue.

### Private sector

Business and other organisations that are not part of the government.

### Proportional representation

A voting system where parties are given a number of seats on the basis of the number of voters obtained by each party.

### Quorum

The number of members that must be present to take a decision at a meeting. It is usually based on a percentage of the total number of councillors.

### Simple majority

A majority of more than 50% of the councillors present at a meeting, providing that they form a quorum.

### Standing committees

Committees of the council which focus on a specific issue such as housing, economic development, service delivery and infrastructure.

### Subsidies

Money given by central or provincial levels of government to local authorities so that the local authority can make certain services more affordable to the public.

### Survey

A mechanism (in the form of questionnaires or interviews) aimed at studying certain trends in a society that will later be used for certain types of interventions.

### Sustainable local government

Local government that can sustain itself financially by collecting enough money to cover its expenses.

### Tender

An offer in writing by a company or any individual to work or supply goods at a fixed price to the municipality. The tender will also say what is needed and how the application should be made.

### Transparency

Openness and honesty in governmental decision-making and financial management whereby the public (that is, the citizens and community) can know how their elected representatives are governing on their behalf.

### Ward

A smaller unit of a local authority (like a neighbourhood, or suburb) which can elect a councillor or councillors to represent residents of the respective ward on the local authority/ municipal council.





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