



A CASE STUDY ON THE WORKING RELATIONSHIP OF
THE MAYOR, SPEAKER AND MUNICIPAL MANAGER IN
UMVOTI LOCAL MUNICIPALITY

by

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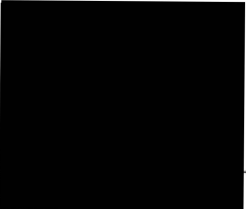
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DECLARATION

I, Petros M. Ngubane, do hereby assert that this dissertation is the product of my investigation and research and has never before been a submission in part or full for any degree or for any other degree to any other University.



P.M. Ngubane

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LIST OF TERMS/ACRONYMS

Important terms and abbreviations used in this document and their meanings:

Accounting Officer	:	The municipal manager
AG	:	The auditor-general
CFO	:	An individual selected and tasked by the Municipal Manager to execute the responsibilities subscribed to a chief financial officer
COGTA	:	Department of Cooperative Governance and Traditional Affairs
Delegating Authority	:	A power or duty delegated by the accounting officer to a senior official below their rank
DPLG	:	Department of Provincial and Local Government
Executive Committee	:	A power delegated by the municipal council to a subcommittee, political office bearers, councillors or staff members, e.g. the accounting officer
IDP	:	a super plan for an area that gives an overall framework for development. The full name being an Integrated Development Plan
ILGM	:	The Institute for Local Government Management
Mayor	:	A senior political office bearer in the municipal Council

Municipal Manger	:	The most senior official in a municipality sometimes known as the Accounting Officer
MEC	:	A Member of the Executive Council
MFMA	:	Municipal Finance Management Act No 5 of 2003
SALGA	:	South African Local Government Association for Municipalities
SANCO	:	South African National Civic Organisation
SPSS	:	Statistical Package for Social Sciences
Structures Act	:	The Local Government Municipal Structures Act, Act No 117 of 1998
Systems Act	:	The Local Government Municipal Systems Act, Act No 32 of 2000

ABSTRACT

This study set out to explore the general working relationship that exists in local government between the mayor, speaker and municipal manager using Umvoti Municipality as a case study. The main aim of the study was to establish how service delivery is affected, whether positively or negatively, by the type of relationship that exists between the political office bearers and municipal officials in local government. Umvoti Local Municipality was used as a case study.

Eleven participants consisting of five senior politicians and six senior municipal officials undertook the study. The data was found using a structured questionnaire which was administered by the researcher. The main results of the study revealed that legislation governing the relationship between the mayor, the speaker and the municipal manager was clear in terms of their respective roles, functions and powers. While their roles, functions and powers were clear, the senior officials were not able to fully execute their functions because of political interference. The study found that the senior politicians allowed their political affiliations to determine how they performed their functions. Therefore, this impedes proper distribution of basic resources in the municipality.

The study revealed that there is a need to improve the working relations of the mayor, the speaker and the municipal manager to enhance the distribution of basic resources in the municipality. It is recommended that to improve this relationship, the legal framework, taken from the *Constitution of the Republic of South Africa of 1996* is read with all other policies and be translated into action. This will enable the municipality to address the misunderstandings while correcting the issues that have been identified as prohibiting smooth working relationships among the mayor, the speaker and the municipal manager. It is further recommended that workshops are presented pertaining to the job descriptions of the councillors and senior officials to ensure that everyone is of the same understanding regarding their roles and functions. These working relationship issues need to be prioritised to establish an environment which is conducive to service delivery (South African Government, 2020).

CHAPTER ONE: INTRODUCTION

1.1 BACKGROUND

The *Constitution of the Republic of South Africa of 1996* makes provision for local government to play a decisive role on matters pertaining to internal procedures. This right includes municipalities deciding on how they structure their internal operation as well as the duty assigned to the political parties, workers and managers in the municipality (South African Government, 2020).

Each of the mentioned role players significantly impacts the performance of the municipality. When working together, respecting their officers and being mindful of their roles and responsibilities, these role players will function more efficiently and achieve better service delivery to communities.

However, the power struggle between politicians and officials strains their working relationship, thereby causing a barrier in service delivery. As a result, the relationship between government and citizens is weakened as trust is compromised because the expected standard of service delivery that was promised has not been realised.

The researcher is a councillor and politician who serve in local government and who is concerned about the strained relationship between the mayor, the municipal manager and the speaker, and the adverse reporting on corruption and political interference, which ultimately hinders service delivery in municipalities. This has led the researcher to undertake a study which examines the issues that create the strained relationships between these key role players, with the aim of providing constructive and corrective recommendations.

The study will focus on the Umvoti Local Municipality which is located within the Umzinyathi District Municipality in KwaZulu-Natal, with specific reference to the working relationship between the municipal manager, mayor, deputy mayor and speaker.

1.2 MOTIVATION FOR THE STUDY

The trials of transformation in South African Municipalities since the introduction of a democratic dispensation in 1994, brought about the need to consolidate and strengthen local governance that engages senior municipal functionaries in making informed, collective decisions, and furthermore, to deliver sustainable service delivery. During this process, it has become increasingly evident that effective leadership, both at political and administrative level, is vital to accelerate the transformation and to improve the prospects of service delivery.

For service delivery to be efficient and effective, democratic governance is crucial. In democratic governance, it is anticipated that local government be responsive to the social, economic and political needs of the people. Therefore, this is regarded as a system of governance through which loyal and responsible leadership is exercised in relation to the diverse interests and concerns of the local community.

The Constitution of the Republic of South Africa of 1996 noticeably goes further than the constitutions of many other democracies in guaranteeing the rights of all South Africans to basic services. The services rendered to the people are based on values and approaches for local government as outlined in the *Local Government Municipal Systems Act, Act No 32 of 2000* and the *Local Government Structures Act; Act No 117 of 1998*. These acts advocate the delivery of efficient, effective, economic and equitable services by local government practitioners. Local government practitioners such as the municipal manager, the mayor, and the speaker are key role players in the delivery of such services. For example, responsibilities given to the municipal manager comprise of:

- "Managing the delivery of services to the community of the municipality in a maintainable and impartial manner;
- Forming an economical, effective, efficient and accountable administration;
- Advising the political decision makers of the municipality and managing communication between them and the administration;
- Maintaining the discipline of staff, promoting good labour relations and ensuring the adherence to all applicable labour laws; Implementing the decisions of the council and the executive mayor"

(South African Government, 2020).

While the mayor is a symbolic leader of the city, chair of the executive committee and elected by the council, overall mayors also have the following roles:

- Presiding over Executive Committee Meetings and ensuring orderly conduct of business during meetings (as determined in the Standing Rules and Orders);
- Leading policy identification and development;
- Acting as spokesperson for the council;
- Advocating on behalf of the community and promoting the community and representing its interests in the provision of basic services.

(SALGA, 201: 25-34)

The speaker's is mainly responsible for presiding over meetings of the council. He or she is tasked with ensuring that there is good conduct among elected councillors. The speaker is expected to work closely with the mayor since they may often be requests to chair official meetings where the executive mayor is not present. Part of the responsibilities of the speaker is to supervise and ensure the implementation of several programmes from their office. Furthermore, he or she must promote community participation and ensure functional the ward committees.

The relationships between the municipal manager, the speaker and the mayor are central to service delivery, as indicated in their roles and responsibilities. When a municipality fails to deliver affordable and sustainable services to its community, it is in violation of its constitutional mandate. Service delivery challenges cannot be met if the manager of the municipality, who is the accounting officer in the administration of the municipality, does not have good working relationships with the mayor, the speaker and other senior municipal officials.

In light of the above, examining the working relationships between the municipal manager, the speaker and the mayor in local government, with particular reference to Umvoti Municipality, will help to explain and understand certain challenges that are currently being experienced in the working relationships between these role players

and how such challenges, if any, might be contributing to the poor performance of municipalities. Furthermore, this research might assist in providing constructive recommendations for establishing stronger working relationships between the various key role players.

1.3 PURPOSE OF THE STUDY

The current organization of municipal administration began in South Africa in 1994 with the aim of addressing the developmental dilemmas created by former apartheid rule. Being a level of government most accessible to the people, municipalities have been tasked with the important function of propelling the agenda of development of national government by ensuring the establishment of a democratic culture within municipal communities (Madumo, 2015: 154).

However, evidence of dissatisfied citizen demonstrations and adverse audit results, suggests that municipal government is overcome with a number of challenges, including the inability to provide sustainable and efficient services in the communities under which the municipalities serve.

This investigation was inspired by a desire to attempt to find how the working relationships of the municipal manager, the mayor, and the speaker can either improve service delivery or impact negatively on it.

1.4 OBJECTIVES OF THE STUDY

The intentions of the investigation are to:

- Critically examine the policy and legislative framework governing the relationship between the municipal manager, the mayor and the speaker in municipalities;
- Evaluate the link in relation to the municipal manager, the mayor and the speaker in Umvoti Municipality;
- Investigate challenges currently being experienced in the relationship between the municipal manager, the mayor and the speaker and how it can be addressed;

- Develop a model for the working relationship between the municipal manager and the speaker in local government.

1.5 HYPOTHESIS

A good working relationship between the mayor, the municipal manager and the speaker is essential if the municipality is to succeed in executing its constitutional mandate of service delivery. Therefore, a strained relationship between these three stakeholders negatively affects the municipality's performance and its ability to deliver basic and quality services to the community.

1.6 PROBLEM STATEMENT

Any misunderstanding that could exist among the municipal manager, the mayor and the speaker compromises the quality of service delivery a municipality can render to its community. An example of how a poor relationship between the municipal manager, the mayor and the speaker can delay the speed with which service delivery can be undertaken, is when decision making is delayed due to meetings that do not sit, as required by law. As a result, no clear mandate is given to the municipal manager regarding the resolutions of standing matters. It has been noted that the Umvoti Municipal Council Executive Committee also faces such challenges in instances where it does not sit as prescribed by the *Local Government Municipal Structures Act, Act No 117 of 1998*, (South African Government, 2020).

The terms of reference for the executive committee prescribe that the committee listens to municipal matters, and that the committee takes decisions as delegated by the *Local Government Municipal Structures Act, Act, Act No 117 of 1998*, taking into consideration matters related only to their powers and function, excluding matters pertaining to land, by-laws, the IDP, budgets, and the raising of loans which are matters designated to the municipal council only (South African Government, 2020).

The Municipal Council Executive Committee helps to deliberate interim issues and makes recommendations to the full council. It may defer crucial matters and issues to the competence of the full council of a municipality. This, however, is not an excuse

for failing to attend to urgent and crucial matters and giving clear recommendations to the municipal manager.

The working relationship between the mayor and the municipal manager is therefore crucial for the above-mentioned decision taking. The links in decision making as explained above emphasise the importance of a strong and well-coordinated work atmosphere existing between the municipal manager, the speaker and the mayor in service delivery. Their roles and responsibilities are found in the *Local Government Municipal Structures Act, Act No 117 of 1998*, and the *Municipal Finance Management Act, Act No 56 of 2003* (South African Government, 2020).

1.7 RESEARCH METHODOLOGY

For this study, both primary and secondary data have been used. Primary data was gathered using quantitative methods, where a self-administered structured questionnaire was utilized. The questionnaire (Appendix 3) was made up of closed ended questions.

The researcher administered the research questionnaire on eleven participants. The participants were made up of five senior politicians and six senior municipal officials. The senior politicians interviewed were the deputy mayor, in lieu of the mayor because the primary researcher is the mayor, the speaker, a member of the executive committee, a ward councillor, and one ward committee member. All senior officials of the municipality were interviewed. These were the municipal manager, the Director of Planning and Economic Services, the Chief Financial Officer, the Director of Technical Services, the Director of Corporate Services and the Director of Community Services.

Secondary data was obtained in different books, journals and internet sources. The secondary data was utilized with the aim of understanding the legislation guiding the roles and functions of the mayor, the municipal manager and the speaker.

In the end, and with equal importance and relevance to the study, both the primary and secondary data were then combined to form a meaningful report.

1.8 CHAPTER OUTLINE

1.8.1 CHAPTER ONE

The first chapter gives a descriptive introduction and historical foundation to the study. It also explains the problem that was identified which contributed to the motivation for undertaking this research study. The chapter briefly touches on how conducting the study would result in a report that could contribute to a more clear understanding of the working relationship between the municipal manager, the mayor and the speaker, the challenges experienced and furthermore, producing possible solutions that are likely to bring about favourable change. The research methods used for the study are also highlighted.

1.8.2 CHAPTER TWO

The second chapter provides an analysis of local government reformation and revolution with specific mention to Umvoti Municipality. The chapter first discusses the history of the country and the impact of its legislation on the current institutional arrangements. It then highlights the legislation that assisted in the transformation of local government and the mandate that local government has been assigned by the democratic government. The chapter further discusses the current arrangements of local government and zooms in on the institutional arrangements of Umvoti Municipality. It also gives a brief view on corruption and how it negatively impacts on a municipality's ability to provide efficient services to its communities. Lastly, this chapter talks to the current state of affairs regarding service delivery in Umvoti Municipality.

1.8.3 CHAPTER THREE

Chapter three deliberates on the roles and responsibilities of the mayor, the municipal manager and the speaker. Furthermore, it explores the organisational structure of Umvoti Municipality. This chapter aims to highlight the different roles and functions of the mayor, the municipal manager and the speaker in terms of legislation governing local government to establish that the roles and functions are clear for each role player.

1.8.4 CHAPTER FOUR

The chapter seeks to analyse the data collected from the respondents. The entire population is referenced for the purpose of the research. The data collected through the questionnaire is analysed to determine whether the poor working relationship between the senior politicians i.e., the mayor, the speaker and senior officials in Umvoti Municipality, has a negative impact on service delivery, which results in service delivery protests and vandalising of the municipal property and assets.

1.8.5 CHAPTER FIVE

Chapter five is an analysis of the main findings and discusses how these findings helped to establish that the poor working relationship between the senior political office bearers and the municipal manager in Umvoti Municipality pose a challenge to quality and sustainable service delivery. The chapter also discusses the study limitations.

1.8.6 CHAPTER SIX

Chapter six outlines the outcomes of the statistical investigations undertaken during the gathering of data, including expressive aspects and the conclusions relating to the central research questions. The demographic characteristics of the sample are discussed first, followed by the outcomes on understanding the roles and responsibilities, powers and functions of the mayor, the speaker and the municipal manager and issues that directly impact on service delivery.

1.9 CONCLUSION

Local government has been given the mandate to ensure the provision of services to communities through responsive, accountable, effective and efficient methods. To achieve the mandate of quality and responsive service delivery, role players responsible for the efficient functioning of municipalities must work cooperatively. The role players that this research has focused on are the mayor, the municipal manager and the speaker. Through quantitative research methodology the study will analyse the relationship between Umvoti Municipality's Mayor, Municipal Manager and Speaker in terms of legislative prescripts and policies. The legislation is analysed to help the researcher achieve a clearer view of the roles and functions of each key role player. The study will then highlight the importance of progressive working relations of

the mayor, the municipal manger and speaker in relation to the success of a municipality in executing the role prescribed to it by the constitutional, in relation to service delivery. In addition, the study will discuss the challenges that result when the working relationships of the three role players are strained. Lastly, the researcher provides recommendations for strengthening the working relationship of the mayor, the municipal manager and the speaker based on the findings and conclusion reached from data collected at Umvoti Municipality.

CHAPTER TWO: LOCAL GOVERNMENT RESTRUCTURING AND TRANSFORMATION WITH PARTICULAR REFERENCE TO UMVOTI LOCAL MUNICIPALITY

21 INTRODUCTION

It is an indisputable statement that South Africa's institutional arrangements have been highly influenced by the Apartheid political system, due to the imprint it has left on the country's human settlements and its municipal institutions (Madumo, 2015: 154 -155).

The apartheid laws imposed municipal boundaries which were racially motivated and favoured a population of a particular dominion. Various pieces of legislation were established to manage municipal boundaries and promote segregation. Such legislation cannot be thoroughly discussed in this paper, but a few will be mentioned.

The introduction of democracy in 1994 brought immense transformation for the country. An example of this transformation was the change in municipalities which are now arranged to be responsive to the communities, accountable, and service provision orientated (Madumo, 2015:154 -155).

For South Africa to move forward progressively with its transformation, in-depth studies of how history concerning the course of municipal government has contributed in forming and spreading local segregation and injustices, and how apartheid has and continues to impact municipalities, is essential (The White Paper on Local Government, 1998).

2.2 APARTHEID INSTITUTIONAL ARRANGEMENTS

The institutional arrangements during apartheid led to strict classification and segregation which centred around race and skin colour. Through spatial separation, strategic management of inflow, and management of municipal areas in silos, the apartheid legislation built an environment in which affluent white municipalities would barely be affected by the monetary burden of having to look after disadvantaged black areas. The apartheid government succeeded in attaining favourable living conditions and a worthwhile civic revenue base for white areas through legislation and policies that promoted segregation. This included dividing townships and industrial development (Koma, 2012:53).

2.2.1 Legislation referring to restricted residential areas, land/property ownership

Firstly, the *Black Land Act, Act No 27 of 1913*, placed the white population at an economic and social advantage by prohibiting black people from owning or renting land that had been targeted for white ownership. Secondly, the *Group Areas Act 36 of 1966* ensured that non-whites stayed out of areas reserved for the white population. This was achieved through the act's establishment of racial categories. The population was divided into three categories such as Whites, Bantu and Coloured groups. It was not permitted for a Bantu categorised person to be found in an area specifically designated for White or Coloured group without some sort of permit. Only people who were employed in those areas were allowed access to and from their place of employment. Furthermore, the *Development Trust and Land Act, Act No 18 of 1936*, authorised the Department of Bantu Administration and Development to ensure that black people were unable to own land in areas surrounded by white-owned land (Kloppers & Pienaar, 2014: 679-686).

The *Group Areas Act, Act No 41 of 1950*, the *Group Areas Act, Act No 77 of 1957*, and the *Group Areas Act, Act No 36 of 1966*, were introduced to support severe classification and segregation based on race and skin colour. The foreword of the 1966 *Group Areas Act* specifically highlights that the core aim of the legislation was to establish and manage group areas, and manage the purchase of fixed property, and the occupation of land and premises. The effect of these pieces of legislation and other moments of appropriation are still evident in the landscape and map of South Africa to date (Koma, 2012:53).

The above-mentioned legislation, together with other legislation that was passed but not mentioned in this paper, resulted in the black population and other people of colour having to live in areas on the borders or outside of the cities, which were badly serviced and amongst other things, had poor healthcare and educational facilities (Nkala - Dlamini, 2019).

Within Umvoti Municipal area, the living conditions of the black people were tough, and the legislative arrangements ensured that these conditions would have long term effects. The planning of the town itself represented this poor practice. The black people

were allocated land with one street access, which was five kilometres away from the town. The living conditions in these areas were poor and posed health hazards. To illustrate, the sewer plant for the whole town was built near the black, overpopulated township, Enhlalakahle. The human settlement consisted of very poorly built two-room houses with a bucket toilet system, a hostel, a beer hall at the entrance to the township, and a poorly built sports field that served the township's youth.

The coloureds were provided with a compound. Coloureds had one- or two-room houses and shared the toilets among families. They did not have a school of their own but had to rely upon the schools for Indians. They did not have amenities and facilities of their own. The properties were poorly planned, and no consideration was given to family growth and development. The location of the site was not ideal for human settlement since it is downtown. During storms, water and dirty drainage washed into their living space. The properties were located along the riverbanks and flood plain area with the likelihood of breeding insects such as mosquitos and rodents affecting them.

The town was planned to accommodate whites at the upper part of the town. Focus and attention was given mainly to their areas when it came to cleaning, mowing the grass and the upkeep of their sports facilities.

2.2.2 Legislation referring to Separate Amenities and Education

Another one of the numerous racially discriminative rulings and regulations of the apartheid system, the *Reservation of Separate Amenities Act, Act No 49 of 1953*, ensured that segregation was implemented even when it came to the use of public facilities, public premises, vehicles and basic services. For example, black people could not use the same conveniences such as beaches, various transportation systems, educational facilities, public lavatories, diners, and night clubs that had been strictly reserved for the white population. Schools and health facilities that serviced black people were poorly maintained (South African History Archives, 2012).

The *Black Education Act, Act No 47 of 1953*, which commenced in 1954, particularly focused on ensuring that even the education system put white people at an advantage and disadvantaged the non-white population. It laid the foundations for Bantu

Education. This act directly affected the lives of the black youth. It left the black young people with little to no hope of a bright future and ensured little or no competition with the white people in the job market (Mhlauli, Salani & Mokotedi, 2015: 206-208). The *Extension of University Education Act, Act No 45 of 1959*, was established to allow the Minister of Bantu Education to delegate certain educational facilities for specified African racial groups. Black students had to acquire permission to attend certain universities. The universities which allowed non-whites to attend separated them from the white students and the quality of education received by the non-white students was lower than that received by white students (Lear, 2018: 379).

The educational facilities available to Umvoti Municipality were scarce. Black people were serviced by a school which combined both a primary and secondary school on the same premises. Coloureds on the other hand did not have a school of their own but had to rely upon the Indians' schools. Indians were afforded facilities that were better than the ones offered to black people and coloureds. Whites were privileged and had two schools on separate premises, a secondary and a primary school, which had well maintained facilities.

2.2.4 Unlawful Organisations

The *Unlawful Organisations Act, Act No 34 of 1960*, prohibited the establishment of any organisations which had the potential of threatening public order. This law also ensured that groups did not gather to discuss dissatisfaction with legislation and/or policies being implemented by the government. This means that people could not voice their dissatisfaction with anything that was going on. The laws resulted in the ANC and the PAC being confirmed unlawful. Furthermore, the *General Law Amendment Act, Act No 76 of 1962*, known as the *Sabotage Act*, banned people from social events, or visitors exceeding one. A list of persons who were banned would be published by the minister in the Government Gazette (GG) (O'Malley, no date).

2.2.5 Administration

The introduction of the *Black Affairs Administration Act, Act No 45 of 1971*, brought some hope as it allowed black, self-government in townships. The *Community Councils Act, Act No 125 of 1977*, established community councils, and civil and criminal judicial powers that were conferred in certain black townships. In 1982 the

Black Local Authorities Act, Act No 102 of 1982, was adopted and created a platform for the founding of local communities, village councils and town councils for black people in certain areas. The *Public Service Act, Act No 111 of 1984*, gave way for the administration of the public service, dictated footings of office and circumstances of engagement and release for public service representatives. The *Black Communities Development Amendment Act, Act No 42 of 1988*, modified the *1984 Black Communities Amendment Act* and created means for further establishments of settlements. It further enabled rights for owners of mineral rights and mining titles where townships were situated on land which these rights were held (O'Malley, no date).

2.3 LOCAL GOVERNMENT TRANSFORMATION

Important to note are the hereditary problems caused by the institutional arrangements of apartheid. This includes ±1 100 uneven local authorities spread through the country. The nature of the structures was diverse and reflected the racially discriminating laws of apartheid. It was clear that to successfully renovate these arrangements, strategic political decisions, governmental reform, and the review of the mandate to be given to the local sphere of government in the renewed political order was necessary (Thornhill, 2008).

Furthermore, the apartheid system did not deliver services to the black communities but opened up to spatial misrepresentations, economic discrepancies, distorted urban economic logic, multiple political authorities and a great blockage in terms of service and infrastructure, caused by laws that only catered for a specific racial group (Ntliziywana, 2017).

The approval of the *Interim Measures for Local Government Act, Act No 128 of 1991*, was one of the first, yet very strategic pieces of legislation, which enabled the previous administration to relook at the existing arrangements of local government. It ushered in major change by enabling local authorities to have discussions enabling joint administration and management of services. As a result, it gave ground to redistribution of economic resources between local systems in similar location and to utilise standing infrastructure and expertise (Thornhill, 2008: 494).

Once the *Interim Measures for Local Government Act, Act No 128 of 1991*, was put in place, it became important for other legislation to be amended in support of the envisioned transformation. "This included abolishing discriminatory legislation; drafting guidelines for negotiating financial and human resource issues; broad participation by stakeholders; policy options; and finalising legally recognised local government structures" (Thornhill, 2008:501). Legislative amendments included the revision of *Sections 28 and 29 of the Provincial and Local Authority Affairs Amendment Act, Act No 134 of 1992*, which enabled the separation of municipalities for shared administrative purposes; introduced the grant system which was to contribute towards improving circumstances in disadvantaged areas; and redistributing revenue among participating local authorities. The advantaged local authorities were then able to share money which they had in their areas of authority with the less privileged black local figures, management and local affairs committees (Thornhill, 2008: 494).

Another highlight was launching the *Local Government Negotiating Forum in March 1993*. This forum constituted of discourse cancelling the outstanding amount due from black local authorities. Further, it conveyed the *Local Government Transition Act of 1993* (The White Paper on Local Government, 1998).

Once the ANC came into power in May 1994, race specific councils were substituted by temporary non-racial structures where black representation was much stronger than in the former white councils. The makeover of local government that was more impactful, however, was ushered in by the last draft of the constitution for local government in 1997, even though a few of the constitutional requirements were implemented subsequently after the local government elections in 2000 (Koma, 2012:53 - 55). *The Constitution of the Republic of South Africa of 1996* disabled local government as a function of national or provincial government and re-established it as a sphere of government. This rearrangement tasks Local government with a unique status and character in formulating and consolidating democracy and stimulating economic sustainability (The White Paper on Local Government, 1998).

The municipalities have become a strategic point at which government aims to effectively improve the lives of its citizens. Municipalities have become central to

government efforts of economic progress. However, most municipalities, and especially those in Kwa-Zulu-Natal, are experiencing challenges in fulfilling their constitutional duty of providing effective, efficient, sustainable and quality services to their communities.

2.4 DEMOGRAPHICS OF UMVOTI MUNICIPALITY

The Umvoti municipality derives its name from the Umvoti River which runs towards the Indian Ocean. The community of Umvoti Municipality is situated close to the mouth of the Umvoti River. This local municipality falls under Category B of municipalities. The closest towns to Umvoti Municipality are Dundee which is approximately 65km away and Pietermaritzburg which is around 70km away. Umvoti Municipality is within four of the municipalities in Umzinyathi District. The town boasts being the largest of the four and makes up a third of its geographical area. It has been measured, covering 2 516 km², and is well aided by provincial and regional roads (Statistics South Africa, 2011).

Umvoti Local Municipality is situated in the Natal Midlands with a population of approximately 140 000. It operates in an area with a radius of 65km, it has 22 councillors and about 350 permanent staff as well as about 300 casual staff that are recruited seasonally and when the need may arise.

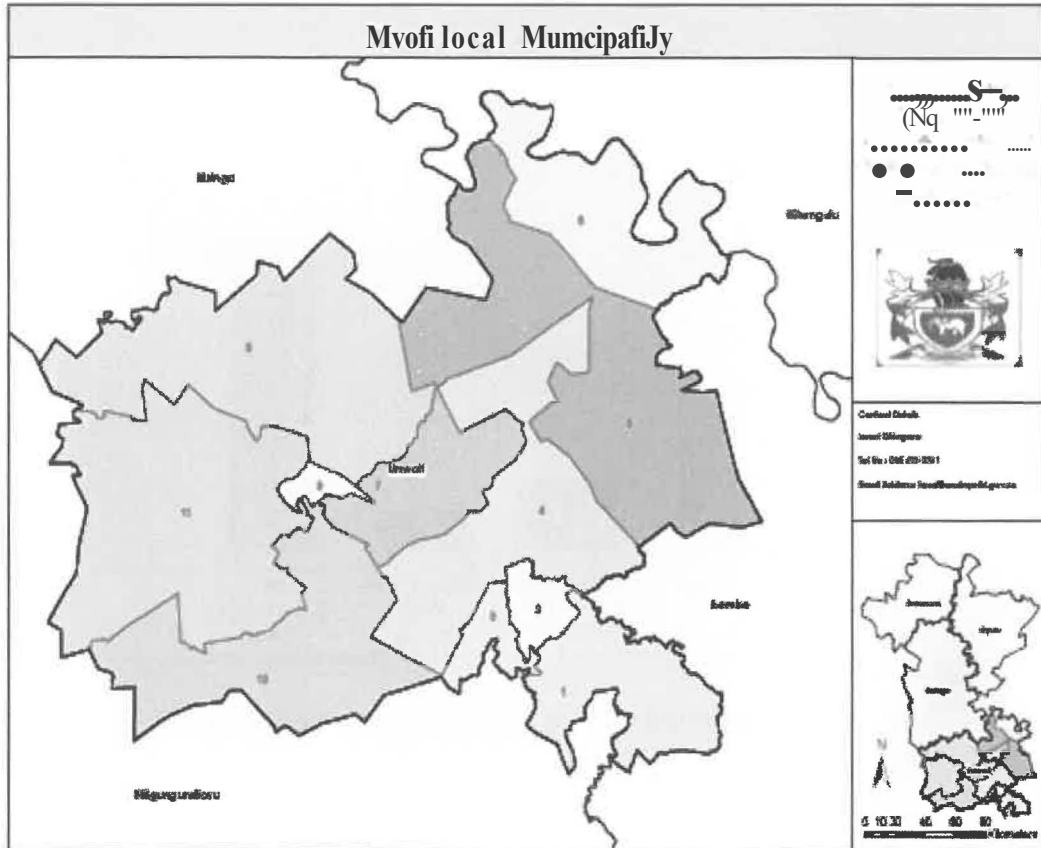


Figure 1 Umvoti Local Municipality Map {Umvoti Municipality /DP, 2016/2017}

2.5 ECONOMIC PROFILE OF UMVOTI MUNICIPALITY

According to statistics shared by Statistics South Africa, emanating from the most last census count conducted 2011; the employment statistics indicate that the general unemployment rate in Umvoti has declined from 40.7% to 30.4% between 2001 and 2011. However, although the rate for young people who were unemployment showed a decreased from 48% in 2001 to 38% in 2011, the percentage of unemployed youth is still high. The school leavers who cannot be accommodated at tertiary institutions are noted to be the main contributors to the unemployment rate that has seen a stagnant decrease. This shows that the municipality must find better strategies to assist this category of unemployed youth. Also, the dependency rate is 66% for those who receive grants and pension benefits. Most of this group are made up of the youth, mostly young females, while only 17% are senior citizens.

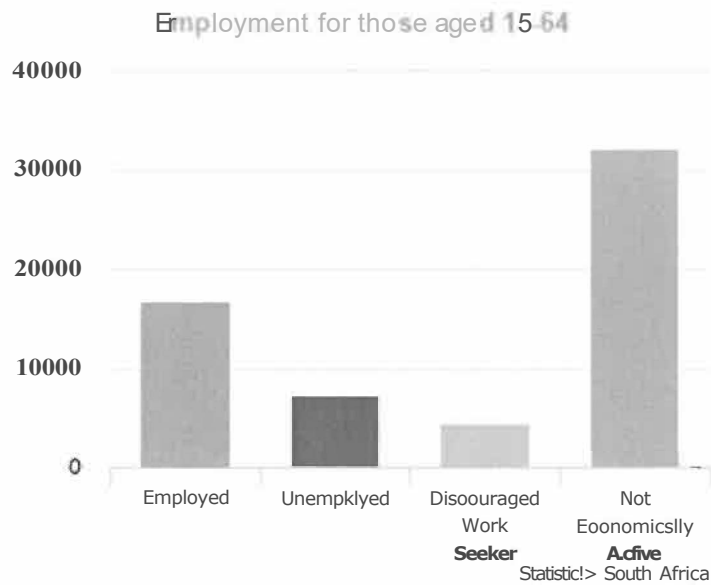


Figure 2. Economic Profile of Umvoti Local Municipality (STATS SA, 2011)

It is evident that more economic development interventions need to be implemented and existing ones strengthened, as the number of economically inactive community members in the population has increased and there are clear indications that the dependency rate is also increasing (2011 Statistic SA census).

However, it should be noted that the municipality has economic potential as it is situated in the deep rural area of the Amakhosi's, Ingonyama Trust Land. Private timber farms, dairy farming, agriculture, cash crops and sugar cane offer job opportunities to most Umvoti people. The youth of Umvoti are provided with educational facilities up to high school, while tertiary institutions are found to be lacking. The closest institutions of higher learning are in Pietermaritzburg and Durban, which are 80km and 150km respectively from Umvoti (<http://www.umvoti.gov.za/history-of-umvoti/>)

Furthermore, the municipality is faced with the demands of diverse needs. In addition, there are people living in the urban areas of Umvoti (Kranskop and Greytown) whose needs are different and whose service delivery expectations and perceptions may not necessarily be the same as those living in the rural areas. Their needs include, but are

not limited to, low cost housing, electricity, sanitation and job opportunities. The municipality must therefore supply services to both urban and rural communities in accordance with their needs which are influenced by different settings, experiences and backgrounds.

The municipality encounters a challenge when trying to cater for the needs of those living on privately owned land, farm dwellers, trust land and mission land, is that they expect the same services to be delivered to them as those delivered to other communities, whereas this is not possible due to legal constraints. For example, the long bureaucratic process and the constitutional requirements make it difficult to build infrastructure on private land.

2.6 SERVICE DELIVERY

The demographic and economic profiles of a municipality play a vital role in understanding the characteristics of a municipality, its achievements, and the potential and challenges regarding the issue of service delivery. Again, as discussed above, it is important to be conscious of the fact the political history of the country has also carved the perspective of how South Africa is governed and how public services are delivered. As a result, the country has celebrated more than a decade into democracy, yet there is an increasing challenge in meeting service provision and citizens expectations (Sithole and Mathonsi, 2015: 5-6).

2.6.1 SERVICE DELIVERY DEFINED

Before we can truly discuss the matters associated with service delivery, it is necessary to define the term service delivery. The *Local Government Municipal Systems Act, Act No 32 of 2000 as amended*, defines service delivery as bringing services to the community in a sustained manner. Crous, 2012 characterises service delivery using key words such as "providing the public with something useful, or necessary, producing or performing, taking products or services to the intended recipient, as was promised to, or which is expected by that community". These two definitions place the emphasis on the community as the common factor in service

delivery. They also emphasise the term in a manner that is active (South African Government, 2020).

Municipalities are at a sphere that is critical in implementing the government's constitutional mandate for service delivery, as it is situated on the doorstep of the citizens. Since this sphere of government is more accessible to communities, it can service the communities according to their specific needs. The basic services by municipalities include - but are not limited to - water, electricity, houses, and infrastructure such as roads, community halls, creches, sports fields, and bridges. This extends - but is not limited to - social grants, as well as birth and death registrations.

2.6.2 PERSPECTIVE ON SERVICE DELIVERY

Service delivery is not a simple task as some may view it. It is particularly a challenge, more so in South Africa. Many factors come into play and must be considered. These include - but are not limited to - the country's historic background, its infrastructure backbone which lacks the foundation of inclusiveness, and the undeniable truth in reforming the entire system to enable and satisfy the population being an overwhelming mission for a government that is generally under capacitated. The unique characteristics of a municipality such its location, population density, financial ability, human capacity, internal and external political influence etc., must be considered when rating performance. Citizens, however, do not consider such issues and are growing impatient with the inability of government to meet their needs. The evidently unbalanced dissemination of services poses as one of the biggest threats. When citizens see others being serviced at a better level than what they are, anger is generated (PSA, 2015: 6-7).

Madumo, 2015 highlights that an investigation undertaken by the *Human Sciences Research Council in 2013* established that only 34% of the surveyed individuals trust the local government sphere. Factors such as the perception of corruption that is widespread, nepotism and maladministration can be attributed to the low rate, which have led to the non-delivery of services in various municipalities.

2.6.3 CORRUPTION IN SERVICE DELIVERY

Corruption robs the citizens of what is due to them. This results in disgruntled citizens who see no other solution but to act against the government.

There are many definitions for the concept of corruption. Lyanda, 2012, summarises corruption as a worldwide sickness that knows no gender, nation or skin colour, where a person violates and disregards the norms, standards and what is expectations from him or her in association with his or her role as a public representative and public official and uses this power and influence for his or her own selfish gain.

"Corruption can be further conceptualised as the inappropriate use of a civic position for personal benefit as well as detrimentally substituting personal or specific goals for wider societal goals and disregarding public trust that is vested in public representatives and public officials" (The Department of International Development, 2015).

The trust of the public slowly wanes due to corrupt politicians and civil servants. This results in an increase of protests in different municipalities that is accompanied by the destruction of infrastructure and government assets such as municipal buildings, offices, libraries, clinics, schools and vehicles. A possible outcome that results from the ineffectiveness, inefficiency or failure of the justice system to swiftly respond to areas that have been hit by such protests, is the loss of lives (Clausen, Kraay & Nyiri, 2012).

Every single act of corruption will negatively affect the valuable objectives of government. For example, if certain SCM control procedures implemented to ensure transparency, accountability and fairness, are neglected, audit queries and questionable practices are inevitable. Furthermore, politicians and government officials serve as the face of government and a hope to communities of the daily efforts of government attending to their needs. Corruption therefore results in the decline of public trust in government efforts (Sumah, 2018:70-75)

Corruption is a challenge that is faced by many developing countries. Such countries may devise powerful strategies to address its socio-economic challenges but see

these strategies yield unsatisfactory results due to the fact that the already limited resources that are meant to contribute towards the development of the citizens are stolen by government representatives or officials to enrich themselves. It has been pointed out that officials, who exercise high levels of indiscretion, evade the formal rules that guide them and therefore disregard supervisory controls. Officials are particularly vulnerable and resort to corrupt behaviour such as bribery when they are motivated by ideology, insecurity, political pressure, family interests and materialism (Manyaka & Nkuna, 2014).

In this regard, mayors and speakers hold a high political office and have more powers of control in municipal councils. The temptation to unjustly influence outcomes by intimidating and threatening the municipal managers, cannot be ruled out as a significant factor in corruption. Political interference in the affairs of governance, whether directly or indirectly, does contribute to corruption in municipalities.

Corruption is endorsed by the attitudes of people in public offices and who are trusted by virtue of them being in those offices. The matter is aggravated by the fact that those who are employed to perform certain functions, are under pressure and eventually succumb to the demands of the politicians. Corruption can involve promises, threats or both and can be initiated by a public functionary or an interested client. Corruption entails and involves acts of omission or commission and can be outside or inside the public institution. Corruption is, therefore, just one of many factors that present a hurdle to service delivery in many municipalities. It also influences the working relationships among those working for the municipality. In other words, corruption can be a contributing factor to a healthy or unhealthy working relationship among the mayor, the manager of the municipality and the speaker (Manyaka & Nkuna, 2014).

2.7. SERVICE DELIVERY IN UMVOTI LOCAL MUNICIPALITY

The inadequate access to services in Umvoti Municipality can possibly be as a result of the distribution factors in settlement patterns that have led to the experienced

challenges around basic service delivery. The alterations in municipal boundaries have also contributed to the increased demand for services. As with all South African municipalities, service delivery in Umvoti Municipality is driven by the *Integrated Development Plan (IDP)*. An IDP is a plan that provides an idea of the development vision for an area (DPLG, 2000). It is a framework that seeks to direct the co-ordination of efforts by local administration and other domains of government in an articulated plan which aims to progress the value of life for residents of the area. It is developed through the consideration of existing environmental factors and problems and the means available for development thereby considering economic and social development for the entire area (DPLG, 2000).

All municipalities are required to develop this framework. The coordination of the IDP is the responsibility of each municipality, who must also involve other stakeholders in the area who can be beneficial to the development of the municipality. Possible stakeholders include: the municipality, councillors, communities and civil societies, national and provincial sector departments.

The *Department of Provincial and Local Government (DPLG)*(2000), identifies six main reasons why municipalities need to develop and implement IDP's. The reasons are as follows:

- "To use scarce resources effectively: The nature of IDP assists the local municipality to invest effort in essential needs of communities based on the available resources;
- Having a solid plan assists in focused implementation which therefore results in speedy delivery of services: The IDP enables the municipality to identify and focus on the least serviced and most impoverished communities. This process also fosters stakeholder consultation and buy in and thus results in easier implementation since the relevant stakeholders have been part of the process;
- It attracts additional investors: It has been evident that financiers such as Government departments and private investors are find more interest in investing in municipalities where clear development plans are in place;

- It strengthens democracy: Allowing active participation of stakeholders ensures that decisions making is done in a democratic and transparent manner. This encourages community members to have faith in their municipality;
- It contributes to the dismantling of the apartheid legacy: Municipal resources are used equally among communities. This helps in the integration of rural and urban areas and extend services to the poor;
- It encourages good working relations between local, provincial and national government: Through necessitating coordinated efforts between the different spheres of government, joint efforts become more impactful in tackling the development needs in a local area."

The Umvoti Municipality drafts an IDP that is valid for a period of five years. There are ten key developmental priorities that have been identified for the municipality through public consultation meetings during the process of planning for the IDP. These priorities are used as instruments to realise the developmental mandate of council.

The priorities that were identified are listed below (Umvoti Municipality, 2018):

- Water and sanitation
- Electricity
- Adequate housing
- Access roads
- Infrastructure maintenance
- Local economic development (LED)
- Rural development
- Special programmes (Youth, OSS, Women, Children, Elderly, HIV/AIDS)
- Sound financial management
- Environmental management

The *Local Government Municipal Systems Act, Act No 32 of 2000*, requires municipalities to formulate a performance management system with targets, a monitoring and reviewing session with indicators linked to the IDP. For the 2016/17 IDP review, Umvoti Municipality has put in place an efficient and effective organisational performance management system. The system monitors performance

standards of the institution and further aims to stimulate a culture of performance management and encourages the municipality to manage its businesses in an economical, operative, resourceful and accountable manner as contemplated in legislation (South African Government, 2020).

The achievements of the municipality against its set targets is monitored annually by the municipality and the auditor general, it is reported on in the annual reports of the municipality. At the time the study was conducted, the annual reports for the years 2016/17 and 2017/2018 had not yet been made public for the researcher to assess the municipality's service delivery performance against the IDP performance targets.

2.8 APPLICATION OF SECTION 139 {A)AND INTRODUCTION OF ADMINISTRATION IN UMVOTI LOCAL MUNICIPALITY

Umvoti Municipality is faced with challenges to execute its constitutional mandate for service delivery successfully and efficiently. The municipality is compliant when it comes to submitting reports to the relevant figures such as National Treasury, the Auditor-General, and COGTA.

The Municipal Finance Management Act, Act No 5 of 2000, states in Section 136 (1) of the regulations that where the MEG for local government in a province is responding to a serious financial problem that faced by the municipality, the MEG must promptly:

- Determine the facts through consultations with the municipal mayor Consult;
- Conduct an assessment of the seriousness of the situation and the manner in which the municipality has responded to the situation at hand;
- Decide whether or not the situation constitutes the implementation of Section 139 of the Constitution, (South African Government, 2020).

The Umvoti Municipal Council is also faced with administration challenges that constitute intervention. Legislation provides that in such cases the provincial executive council, through the MEG of COGTA, must introduce an intervention as per section 139 (1) of the Constitution that seeks to:

1. "Assess exactly how bad the financial problem of the municipality is;

2. Come up with possible solutions to end these financial problems in a manner that fosters sustainability and strengthens the municipality's ability to capacitate its financial state,
3. Decide whether or not the problem is only based on one issue or on a combination of issues and whether a recovery plan would be beneficial to the municipality; and if so, place the most suitably qualified person to:
 - (a) "Put together a suitable plan that will assist the municipality to recover financially;
 - (b) Recommend changes that will be most impactful and will bring about positive change in the municipality's budget and revenue, in accordance with the recovery plan;
 - (c) Submit the recovery plan with recommendations referred to in sub paragraph (i) and (ii) to the MEC for local government in the province within a period determined by the MEC."
4. Deliberate with the mayor of the municipality so as to guarantee that the municipality co-operates in the activities initiated to resolve the financial challenges and where there is a need, to implement the financial recovery plan."

2.9 CONCLUSION

Apartheid undoubtedly impacted and still presently features in the lives of South Africans. The demographics of a municipality, its economic profile and its institutional arrangements are major contributing factors in the degree to which a municipality can successfully deliver services to its community. Corruption is an additional factor that needs to be addressed as it also contributes to slow progress in striving to provide successful service delivery. Local government has a huge task of rebuilding local communities and environments if it seeks to build a democracy based on an integrated, developing and non-discriminatory society.

The restructuring and transformation of local government has been accompanied by many changes and developments in the legal environment and in practice. The constitutional framework brought a new look and new approach to dealing with issues of concern. The legislative requirements outlining the restructuring of local government and the system to be followed, provides clear roles and responsibilities for everyone

involved. The clear delegation of duties and the separation of duties and functions are outlined in the *Local Government Municipal Structures Act*, and the *Local Government Municipal Systems Act*.

CHAPTER THREE: STATUTORY FRAMEWORK GOVERNING THE RELATIONSHIPS BETWEEN MAYOR, SPEAKER AND MUNICIPAL MANAGER

3.1 INTRODUCTION

According to SALGA's "guideline document on the roles and responsibilities of councillors, political structures and officials, a municipality consists of political structures, the municipal administration, and the people living within its jurisdiction, is the core institution within the sphere of local government". The function and duties of the council, the mayor, the speaker and the municipal manager are clearly outlined within *Chapter Seven of the Constitution of the Republic of South Africa of 1996; the Local Government Municipal Structures Act, Act No 117 of 1998; the Municipal Systems Act, Act No 32 of 2000; and the Municipal Finance Management Act, Act No 56 of 2003 (MFMA)* (South African Government, 2020).

The Constitution of the Republic of South Africa of 1996 also further gives the right to municipalities to regulate their own internal procedures by structuring their internal operation and also decided the area of obligation assigned to its political structures, street level bureaucrats and the municipal manager. However, the right to determine their own internal procedures must not be exercised outside of the parameters of the *Municipal Systems Act, Act No 32 of 2000*, which stipulates that "municipalities should distinctively outline the roles and areas of responsibility of political office bearers and political structures" (South African Government, 2020).

3.2 COLLECTIVE EXECUTIVE SYSTEM

The municipal council assigns the executive committee. "The executive committee is the principal committee of the council of the municipality. After receiving reports from the other committees of the council, it must dispose of the matter in terms of its delegated powers, failing which it must forward these reports together with its recommendations to the council" (<http://www.umvoti.gov.za/executive-committee-exco/>)

The executive leadership is collectively vested. This group of people is elected through proportional representation emanating from the voting outcomes of the various political parties.

Accountability in Local Government





Figure 3. Collective Executive Committee {SALGA,-2011}

3.3 ROLES AND RESPONSIBILITIES OF THE MAYOR, MUNICIPAL MANAGER AND SPEAKER

3.3.1 THE MAYOR

A mayor is the representative leader of a municipality who chairs the executive committee and is elected by the council. There are many functions that are fulfilled and roles that are played by the mayor. These include taking up the position of a political head and specific duties such as attending ceremonial functions and following the line of authority. The role is associated with administration, management of staff and dispute resolution.

Section 56 of the Local Government Municipal Structures Act, Act No 117 of 1998, and Chapter 7 of the MFMA, clearly outline the roles and responsibilities of the mayor. It is important to note that occasionally, council resolutions that are passed, affect these responsibilities as and when they are passed. These resolutions do not however contradict the legislation (South African Government, 2020).

3.3.1.2 ROLES AND RESPONSIBILITIES OF THE MAYOR

The *Local Government Municipal Structures Act, Act 117 of 1998*, tasks the mayor with identifying what is needed by the municipality and forwarding suggestions to the Council, of approaches, possible programmes and the service area to respond to the requirements by:

- "Identifying and producing criteria for evaluating strategies, programmes and services aimed at fulfilling what is needed by the municipality;
- Measuring progress against key the identified performance indicators;
- Reviewing how the municipality is performing based on its economy, efficiency and effectiveness, and ability to manage its credit and debt collection efficiency;
- Observing the management of the administration;
- Supervising the provision of sustainable services to communities;
- Fulfilling duties and exercising powers as passed by council;
- Providing annual reports regarding matters of public involvement in the matters of the municipality which are to be presented at the institutional political forum, thereby ensuring that the executive accepts ownership and is accountable for the reports by the executive;
- Ensuring that the views of the public are considered and reporting on the effect of consultation on the decisions of council" (South African Government, 2020).

Additional fiscal liabilities as prescribed under *Chapter 7 of the Municipal Finance Management Act, Act No 56 of 2003*, are as follows:

- "Providing political input for consideration in the fiscal and financial affairs of the municipality;
- Providing supervision on executing financial responsibilities assigned to the accounting officer and chief financial officer in terms of the MFMA;
- Ensuring that the municipalities performance is adhering to its constitutional and statutory functions in accordance with its approved budget;
- Ensuring the submission of a report on the implementation of the budget and the financial affairs of the municipality within 30 days of the end of each quarter;
- Executing any additional duties that may be delegated by council" (South African Government, 2020).

The *Municipal Finance Management Act, Act No 56 of 2003*, describes the significant role played by mayors in terms of the budget process. A mayor:

- "Is the political voice during the annual budget preparation process and ensures that the preparations are guided by government and community priorities;
- Coordinates the annual review of the IDP and determines how the IDP is to be considered during budget preparations, or revised, for the purpose of the budget;
- Must ensure that Council approves the budget before the start of the budget year;
- Must ensure that the Service Delivery and Budget Implementation Plan (SDBIP) is approved within 28 days after the approval of the budget;
- Must take all reasonable steps to ensure that performance agreements for S56 managers are in accordance with the Municipal Systems Act and relevant regulations, and are concluded as per the act;
- Must provide a report to the MEC for finance in the province on any projected delays in tabling the budget for approval, or in the approval of the SDBIP, or the signing of annual performance agreements for S56 managers;
- Must ensure that the public is notified of the revenue and expenditure projections for each month, the service delivery targets and performance indicators for each quarter, as set out in the SDBIP, within 14 days of the approval of the SDBIP;
- Must ensure that performance agreements of S56 managers are publicised within 14 days after the approval of the SDBIP and are submitted to council and the MEC for local government in the province" (South African Government, 2020).

The mayor's responsibilities regarding budgetary control are as follows

- "Receiving the monthly budget statements or mid-year budget and performance assessment reports submitted by the accounting officer;
- Monitoring that the budget implementation is in accordance with the SDBIP;

- Considering the revision of the SDBIP, provided that the service delivery targets and performance indicators in the plan may only be made with the approval of council after approving an adjustment budget;
- Ensuring that the public is informed promptly regarding any revisions to the SDBIP;
- Submitting a report on the mid-year budget and performance assessment to council by 31 January each year;
- Identifying financial challenges faced by the municipality;
- Initiating remedial or corrective steps where financial problems are identified;
- Alerting council and the MEC for local government to financial challenges identified" (Municipal Finance Management Act, Act No 56 of 2003).

In terms of rights and powers over municipal entities, *the Local Government Municipal Structures Act, Act No 117 of 1997* states that "the mayor is accountable for supporting the municipality in exercising its rights and powers over the municipal entity" in a manner that:

- "Ensures that the municipal entity complies with the *Local Government Municipal Financial Management Act, Act No 56 of 2005* and remains accountable to the municipality;
- Does not impede the municipal entity from performing its operational responsibilities;
- Monitors the operational functions of the municipal entity but does not interfere in the performance of those functions" (South African Government, 2020).

In addition, the municipal council may also determine and assign certain duties and roles to the mayor. Such assignments in Umvoti Municipality include:

- "Opening of projects
- Attending to civic functions and events
- Hosting dignitaries
- Advocating council policy
- Receiving petitions on behalf of the council
- Presiding at public meetings" (South African Government, 2020).

Additional functions include:

- "Approving the municipal manager's leave application;
- Interacting with the municipal manager, formulating the IDP and budget dates for public participation;
- Resolving disputes between the mayor and the speaker or municipal manager and referring certain disputes to the council for consideration" (Local Government Municipal Structures Act, Act No 117 of 1997).

3.3.1.3 CONCLUSION

It is expected of the mayor of a municipality to afford general political leadership pertaining to monetary and financial affairs of a municipality. In doing so, a mayor is also expected to conduct monitoring and, to the extent provided for in the *Local Government Municipal Structures Act, Act No 117 of 1998*, oversee the exercise of responsibilities assigned to the accounting officer, in terms of *the Local Government Municipal Structures Act, Act No 117 of 1998*, but may not interfere in exercising those responsibilities (South African Government, 2020).

The duties of mayors oblige them "to take all reasonable steps to ensure that a municipality performs within its constitutional mandate, statutory functions, the limits of the municipal capacity and approved budget", and as a municipal political head they have to:

- "Uphold the municipal council's image;
- Endorse and defend the constitutional status of the municipality;
- Uphold the principles of cooperative governance;
- Ensure that the executive committee performs its functions;
- Promote social and economic development;
- Promote intergovernmental and inter institutional relations;
- Prepare agendas and minutes for the executive committee;
- Be available to interview the public, visitors and business representatives;
- Perform all the functions considered as ceremonial."

The reporting and the oversight are therefore played slightly differently to other systems. The executive members collectively work with the mayor to monitor the work within municipality monthly. Financial transactions and the performance of various sections of the municipality are reported monthly while reporting quarterly to council.

3.3.2 THE MUNICIPAL MANAGER

The municipal manager is appointed as defined in the *Local Government Municipal Systems Act, Act 32 of 2000*, and the *Local Government Municipal Structures Act, Act No117 of 1998, as amended* (South African Government, 2020). *The Government Gazette No 7 of 2013*, details the requirements of the advertisement and covers matters such as the requirements, qualifications, experience and setting up a recommended panel to shortlist, interview and recommend a relevant, suitable candidate to council.

The manager of the municipality ensures that the administration functions in the most reasonable, effective, resourceful and responsible manner since heading the administration. His performance is measured by "his ability to successfully implement the IDP, operating within the municipality's performance management system, and being responsive to the needs of the local community" (SALGA, 2011).

The duties assigned to the manager of a municipality are based on the implementation of policy. Municipal managers, therefore, help with the translation and interpretation of laws, policies, legislation and by-laws and translating these from theory into practice (Local Government Municipal Structures Act, Act No 117 of 1998).

The municipal manager is legally responsible to the entire municipality consisting of locals, administration and political heads. Therefore, the *Local Government Systems Act, Act No 32 of 2000* also "gives the community a role in the administration by holding the municipal manager liable for the performance of the municipality". However, the above role gives no right to the civics or office barriers to hinder operations to the extent that their actions become a challenge for the municipal manager to perform his or her functions or to hold the municipal manager accountable. The *Local Government Systems Act, Act No 32 of 2000* does however "entitle the community and the

administration to a municipal manager's office that is grounded by the Batho Pele Principles". For example, the transparency requirement is reflected in *Section 58 of the Local Government Municipal Systems Act, Act No 32 of 2000*, "which instructs the municipality to publicly avail information regarding the salary scales and benefits of the municipal manager" (South Africa, 2000).

The obligation is on the municipal manager to make sure that all principles listed in *the Local Government Municipal Systems Act, Act No 32 of 2000* are implemented. Critically, Section 51 (d) specifies the obligation "of all staff and councillors to ensure that their roles and responsibilities are aligned with the priorities and objectives of the IDP. The municipal manager must then be certain that everyone within the administration is contributing towards the successful implementation of the IDP" (South African Government, 2020).

3.3.2.1 PERFORMANCE AGREEMENT OF MUNICIPAL MANAGER

"The performance objectives and targets that the municipal manager must reach, together with the time frames, must be specified in the performance agreement. The performance of the municipal manager is systematically evaluated in accordance with the consequences of performance agreed upon" (SALGA, 2011).

3.3.2.2 MUNICIPAL MANAGER'S EMPLOYMENT CONTRACTS

Section 57 of the Local Government Municipal Systems Act, Act No 32 of 2000, governs the appointment of the manager of the municipality and states that the municipal manager must enter into a fixed term employment contract. The contract also provides for cancellation where a Municipal Manager fails to comply with the contract (South African Government, 2020).

3.3.2.3 ANNUAL REPORT

The municipal manager must be hands on in the formulation of the municipality's annual report and is obliged to advise the community, the auditor-general and the MEC of all meetings pertaining to the annual report (SALGA, 2011). Significantly, the *Local*

Government Systems Act, Act No 32 of 2000, states that "the municipal manager must be available at the meeting to respond to questions, which can come from the council, but also from the auditor-general or the MEC "(South African Government, 2020).

3.3.2.4 DELEGATIONS

The municipal manager is responsible for drafting a report on standing designations for submission to the newly elected council. The report must include recommended changes. The assignment of submitting the report to the executive mayor's executive committee rests with the municipal manager. This report is prepared with the intent to enable the newly elected council to make an analysis present system of designations inherited from the previous council (SALGA, 2011).

3.3.2.5 DUTIES IN RELATION TO THE PUBLIC RESPONSIVE ADMINISTRATION

Section 55(1) (a) (iii) of the Local Government Systems Act, Act No 32 of 2000, "outlines that the municipal manager has to make sure that the municipal administration allows the community to input in the local municipality affairs". This means being certain that the administration is receptive and allows the contribution of community members in municipal affairs (South African Government, 2020).

3.3.2.6 SERVICE DELIVERY

The municipal manager bears the obligation of ensuring that the municipal services are delivered in a sustainable and unbiased fashion. The Municipal managers must further develop and maintain a community satisfaction assessment system (SALGA, 2011). *The Local Government Municipal Structures Act, Act No 117 of 2000*, "states that the executive committee or executive mayor must supervise the sustainable provision of services" (South African Government, 2020).

3.3.2.7 DUTIES IN RELATION TO THE ADMINISTRATION

Policy dictates and gives direction to the council and the municipal manager on how to manage the administration in accordance with *the Local Government Systems Act, Act No 32 of 2000*, and other applicable legislation (South African Government, 2020).

The guiding document of SALGA clearly "state that according to the roles and responsibilities of Councillors, Political Structures and Officials, a councillor does not have a right to interfere in the management or administration of any department of the council, unless mandated by the council. Individual councillors should therefore not give instructions to employees without authorisation from the council" (SALGA, 2011).

3.3.2.8 STAFF MATTERS

The Local Government Municipal Systems Act, Act No 32 of 2000, assigns the municipal manager with the duty of handling all matters pertaining to employees, including:

- The appointment of staff;
- Staff establishment (evaluation and review);
- Job descriptions;
- Remuneration;
- Training and labour relations (South African Government, 2020).

The Local Government Municipal Systems Act, Act No 32 of 2000, tasks the municipal managers with the management of day-to-day staff matters. They must fulfil these obligations without contradicting the policy stipulations from board. "The role of the council is to provide the policy framework and give political direction" (South African Government, 2020).

The executive committee or executive mayor governs employment policy document guiding staff appointments. It should also be noted that the *Local Government Systems Act, Act No.32 of 2000*, "gives right of individual appointments to the municipal manager who may use his discretion to take these decisions, provided that these decisions take place within the framework of the said policy". However, it must be noted that such terms and conditions as above, do not apply to managers who report straight to the municipal manager (South African Government, 2020).

3.3.2.9 FIDUCIARY RESPONSIBILITIES OF ACCOUNTING OFFICERS.

When handling its financial affairs, the accounting officer of a municipality must conduct himself in a manner that is ethical, with utmost honour and with the benefit of the municipality as his biggest priority (SALGA, 2011).

3.3.2.10 CONCLUSION

The performance of municipal councils relies upon the capability of municipal managers to fulfil his purpose, role and powers allocated to them as the accounting officers to:

1. "Provide direction and guidance on compliance with any municipal entity under the role or shared control of the municipality, including the political structures, political office bearers and officials of the municipality;
2. Display conduct that reflects loyalty, honesty, integrity, and that is geared towards achieving the best interests of the municipality regarding the administration of its financial affairs;
3. Exercise transparency to the municipal council and mayor in relation all material facts which are available to the accounting officer or reasonably discoverable, and which might in any way influence the decision making;
4. Work in such a manner as to prevent any prejudice to the financial interests of the municipality".

The accounting is prohibited from:

- "Behaving in a manner that is inconsistent with the duties assigned to accounting officers of municipalities in terms of the act;
- Using the position or privilege of confidential information obtained as accounting officer for personal gain or to improperly benefit another person".

"The municipal manager as the accounting officer is responsible for all income and expenditure, all assets and discharge of liabilities of the municipality and compliance with municipal finance management legislation" (SALGA 2011).

3.3.3 THE SPEAKER

The Local Government Municipal Structures Act, Act No 117 of 1998, describes the speaker as a councillor nominated in accordance with Section 36 of the act and given

the duties of a chairperson of a municipal council in line with *Section 160 (1) (b) of the Constitution of the Republic of South Africa of 1996*. The directives of the Local Government Municipal Structures Act, Act No 117 of 1998 locate the municipal councillors within the speaker's jurisdiction (South African Government, 2020).

The speaker's role can differ with each municipality depending on the operations within the specific municipality. Section 53 of the Local Government Municipal Systems Act highlights the creation of the terms of reference for the speaker as an important and necessary process (SALGA, 2011).

In a municipality, "the speaker's role is crucial in ensuring oversight, answerability, truthfulness, discipline of office, and the efficient running of council meetings. As such, neutrality in this function is vital. The speaker's independence and impartiality help to maintain the integrity, privileges and interests of the council and councillors. It is very important that Speakers are able to distinguish between their political interests and their obligatory role as a speaker. It also means that the function of the speaker and the non-partisan exercise of that function must be respected by members, parties and interests represented in the council" (SALGA, 2011).

3.3.3.1 FUNCTIONS, POWERS AND ROLES OF THE SPEAKER

The Local Government Municipal Structures Act, Act No 117 of 1998, states that the Speaker of a municipality:

- "Presides over all municipal council meetings and is responsible for the welfare of all councillors;
- Oversees the standing orders of council meetings;
- Manages the work and functions of portfolio committees;
- Ensures public participation in the affairs of the municipality;
- Is responsible for constituting the ward committees and their functioning and facilitates meetings and community awareness campaigns on indigent registration and other benefits to the community;
- Is responsible for the upkeep of council meeting records and minutes, including:
 - o compiling resolutions from council meeting deliberations;
 - o signing minutes;

- o implementing resolutions;
- o compiling agenda items for council in conjunction with the municipal manager;
- o receiving submissions of written motions to be tabled at council meetings" (South African Government, 2020).

The key values fundamental to the role of the speaker according to the *Local Government Municipal Structures Act, Act No 117 of 1998* are:

- "Chairing council meetings;
- Maintaining the code of conduct;
- Exercising delegated functions that include:
 - o facilitating public participation in legislative matters;
 - o establishing functioning ward committees;
 - o supporting councillors" (South African Government, 2020).

3.4.3 CONCLUSION

From the above, it can be concluded that the speaker's most prominent role points to council meetings. The speaker of a municipal council summons for meetings chairs them, makes sure that order is maintained, there is submission to council's rules of order, and makes decides regarding when and where the council meets, subject to *Section 18 (2) of the Local Government Municipal Structures Act, 2003*. However, the Speaker is obliged to convene a meeting where a written request from a majority of councillors has been received. The meeting must convene at a time requested in the letter.

3.5 THE UMVOTI LOCAL MUNICIPALITY ORGANISATIONAL STRUCTURE

Umvoti Municipality was placed under administration in August 2013 after a resolution was passed by the provincial executive council of the Province of KwaZulu-Natal to intervene in accordance with *Section 139 (1) (b) of the Constitution of the Republic of South Africa of 1996*. One of the findings of the administrator, who was appointed, was that the organisational structure was bloated and thus failing to sufficiently respond to

the needs of the community in an operative and competent manner as assigned to the municipality.

The municipality had to undergo a restructuring process that saw the municipal departments being reduced from eight to five, namely:

1. Finance: Responsible for the implementation of supply chain management and contract management, financial administration and reporting as well as asset management.
2. Corporate Services: Duties include the function of Human Resources i.e., recruitment and selection, staff welfare and wellness, skills development, occupational safety, labour relations, as well as functions like Information Technology, Fleet Management, Administration and Committees, Public Participation and Council Support.
3. Technical Services: Duties include planning, design, the implementation and management of all new capital projects, the provision of electricity, road maintenance, the management of a minor repairs workshop and provision of public works services.
4. Community Services: Responsible for public amenities, parks and gardens, solid waste management, traffic management services, firefighting, disaster management, and security services.
5. Planning and Economic Services: Responsible for development planning, establishing regulations and inspectorate, local economic development and tourism, IDP and performance management system, as well as human settlements and municipal estates.

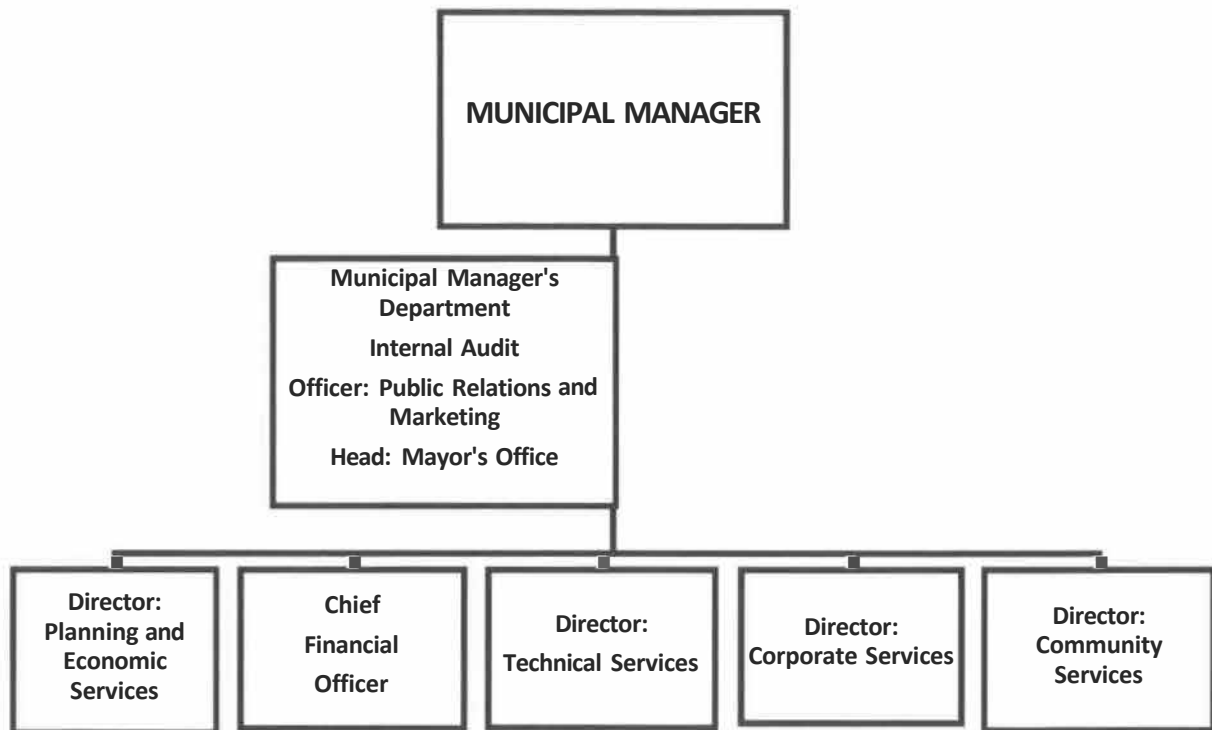


Figure 4. Umvoti Municipality Management Organizational Structure (Umvoti Municipality /DP, 2016/2017)

The leadership of the five departments reports to the Office of the Municipal Manager, who is tasked with driving the strategic directional decisions and functions of the municipality, and in addition execution the internal audit function, public relations and marketing, and overall management of governance offices, mayoralty and ensuring that special programmes are undertaken.

3.6 CONCLUSION.

The deliberations above give evidence that the mayor, the speaker and the municipal manager need each other in terms of executing their respective roles and responsibilities. They cannot work in isolation. Each position is necessary to give the needed support to the other.

There is no overlapping of powers and functions, roles or responsibilities. Each office has been strategically created to compliment another. Their functions and roles are

clear and are intended for the municipality to function efficiently, with the priority being the betterment of the community and not about who has more power or which office is more important than the other.

The cooperation and smooth working relations of these offices is important. The mayor, the speaker and the municipal manager in a municipality with a collective executive system such as Umvoti Municipality, must cooperate and function consultatively in order to ascertain that decisions (including planning and policy-making) that are in the best interest of the municipality are reached and implementation of these decisions is through smooth processes that will bring about the best outcome.

CHAPTER FOUR: RESEARCH METHODOLOGY

4.1 INTRODUCTION

Umvoti Municipality is one of the municipalities that already existed; preceding the local government elections held in 2000. The functionality of the municipality at that time was healthy and it had the necessary resources such as capable and experienced staff as well as the financial stability to render quality and sustainable services to its community. This has, however, changed over the years. The transformation in local government might have come with negative consequences.

Umvoti Municipality is experiencing problems such as political instability, poor service delivery and lack of good governance. Of growing concern is the protest action that is

happening due to unsatisfactory delivery of services, lack of communication, the lack of policies and the defective systems that should be in place to deal with community needs. These issues have all paved the way for a poor and weak administration. Although Umvoti Municipality once enjoyed the status of a clean audit, financial statements are now unqualified with identified issues that need attention. Having been placed under administration is a growing concern and imposing Section 139 (a) is indicative that something must be done to address the shortcomings.

The situation has, therefore, led to a need for this study to be undertaken. It aims to examine the nature of the working relationships between the mayor, the municipal manager and the speaker with the purpose of establishing how these relationships affect service delivery.

The results should be interpreted with caution since the sample statistics cannot be used to cover population parameters. The data collected and the results thereof will allow the researcher to decide whether the hypothesis of the study can be accepted or rejected.

4.2 TARGET POPULATION

A definition of population is provided from Rassel and O'Sullivan (1995:34) "a population is any group that is the subject of research interest". The key population for this study were senior politicians and senior officials of Umvoti Local Municipality. In the interim of the study, Umvoti Local Municipality had approximately 22 senior politicians and 6 senior officials.

4.3 THE RESEARCH INSTRUMENT

4.3.1 QUESTIONNAIRE

Calculatable methods of gathering data were utilized collect information needed for this study. The participants were given a structured questionnaire to complete. The data collection tool was developed in reference to the guidelines and corporate

standards that consent to individual secrecy as well as confidentiality. Respondents to the questionnaire are issued numbers for participant identification.

The data collection tool utilized was chosen due to its ability to gather data from a growing number of participants as is the case in this study. Furthermore, the tool was also chosen because of its economical properties. The tool delivered a significant volume of data at a low cost when it comes to material, money and time (Kabir, 2016: 208-210).

4.3.2 QUESTIONNAIRE CONSTRUCTION

The questionnaire (Appendix 3) was made up of questions that only required answer selection from the list on the questionnaire. Often preference is given to these types of questions as they are standard and easy to answer questions. The benefit of closed ended questions is the uniformity, they are simple to manage and are relatively comprehensible to participants. 'The limited set of possible responses for respondents in closed ended questions may result in the responses failing to correspond exactly to the respondent's position. Closed ended questions tend to have more reliability than open-ended questions. The questionnaires used in this study were, therefore, structured" (Kabir, 2016: 208-210).

4.3.3 THE QUESTIONNAIRE ITEMS

The data collection tool used to gather the required data consisted of two sub-sections and a covering letter (Appendix 2). Section A solicited demographic data and Section B was the body that gathered all data required to fulfil the objectives of the study (Appendix 3).

4.3.4 COVERING LETTER

The covering letter explained the questionnaire's purpose, procedure for completion and consent indemnity of respondents.

Section A

All the respondents of the study were able to complete Section A of the questionnaire. This section aimed to collect basic information that classified the respondents into

basic demographic groups in terms of gender, age, educational level and qualifications obtained. The demographic data was used to compare the opinions of the senior politicians to those of senior officers.

Section B

Section B of the data collection tool was completed by all the respondents at whom the questionnaire was targeted, namely: the political office bearers as indicated, the municipal manager, other senior officials and the ward community representing the community. This section gathered information on the roles and duties, powers and functions of the political office bearers and the municipal manager in relation to three important areas, namely: finance, budget, communication and the IDP. The questions in this section were formulated using different statutory requirements as a basis as stipulated in the *Local Government Municipal Systems Act*, the *Local Government Municipal Structures Act* and the *Local Government Municipal Finance Management Act*.

4.4 THE RESEARCH PROCESS

4.4.1 INTRODUCTION

The data collection period was six months due to the availability of the study participants. Permission from the Umvoti Executive Council was first sought, thereafter written consent to conduct the study was pursued to conduct the study using certain senior politicians and senior officials of the council.

4.4.2 ADMINISTRATION OF QUESTIONNAIRES

The data gathering tool was administered face-to-face by the researcher with all the study participants. The participants were first given the covering letter (Appendix 2) explaining the purpose and objectives research. The covering letter also assured participants on namelessness and privacy and required consent from the participant prior to completing the questionnaire. After signing consent for participation in the study, the researcher proceeded to interview the study participants. The interviews lasted for approximately 60 minutes.

4.4.3 DATA ANALYSIS

Once the data collection process was completed, scoring and scrutinization of data took place. Scrutinizing data mainly subjects information collected (data) to answering the original research question. A quantitative method was employed to scrutinize the information collected from the participants. "Quantitative data analysis is the numerical representation and the manipulation of observations for the purpose of describing and explaining the phenomena of those observations" (Kabir, 2016: 203).

The data analysis method employed was the Statistical Package for Social Sciences (SPSS). SPSS enables quick scoring and analysis of quantitative data using various statistical methods.

Descriptive statistics were conducted, using one-way frequencies and percentages to determine the number of senior politicians and senior officials who opted for the same reply for each question in the questionnaire. Rating scale analysis was also conducted to measure the degree of agreement or disagreement in the sample.

4.5 VALIDITY AND RELIABILITY

Validity is determined by whether the intended outcome measurability can be achieved. According to Leung (2015), "it is not the measure that is valid or invalid but the use to which it is put. It is therefore important for the researcher to ensure that the research questions are relevant for collecting the desired information to yield valid data and hence, valid findings". Generally it is advisable to for a measurement to always confirm its validity, for what it should measure.

Reliability means the trustworthiness of a measuring instrument. "Reliability is concerned with the consistency and stability of the instrument. For example, if another researcher were to repeat the same study as proposed herein, they should obtain the same results as this study yielded originally" Leung (2015).

The Cronbach's alpha coefficient was utilized to determine the trustworthiness of the research instrument. "Cronbach's alpha coefficient serves as an indication of the internal consistency of the instrument, and as a result, it offers an indication of test reliability internal consistency. The alpha coefficient represents the consistency of responses across all items within an item set or sub-scale" (Tavakol & Dennick, 2011).

4.6 SAMPLING

The researcher administered the research questionnaire to five senior politicians from the target group of 22 senior politicians, and six senior officials. The senior politicians interviewed were the deputy mayor in lieu of the mayor because the primary researcher is the mayor, the speaker, a member of the executive committee, a ward councillor, and a ward committee member. All the senior officials were interviewed namely, the municipal manager, the Director of Planning and Economic Services, the Chief Finance Officer, the Director of Technical Services, the Director of Corporate Services and the Director of Community Services.

4.7 DEPENDENT VARIABLE

The dependent variable in this study is the poor working relationship of political office bearers and the Municipal Manager of Umvoti Local Municipality.

4.8 INDEPENDENT VARIABLE

The independent variable in this study is poor service delivery and protest action of the community.

4.9 HYPOTHESIS

The good working relationship of the political office bearer and the municipal manger is important for the success of the municipality's obligation to ensure quality and sustainable service delivery to its citizens.

A further hypothesis is that if the roles, responsibilities, powers and functions of the political office bearers and the municipal manager that have been identified, are dealt with as seen in this study, a better performance in service delivery can be achieved.

4.10 MEASURING INSTRUMENT

The questionnaires pertain to areas where the roles, responsibilities, powers and functions of political office bearers and the municipal manager are designed in relation to three important areas: finance, the budget, communication and the IDP.

The three questionnaires will be addressed within the following targeted population. The political office bearers as indicated, the municipal manager and other officials and the ward Community members representing the community. The questionnaire will focus on the issues that have been highlighted: budget, communication and the IDP.

"The responses of the interviewee are assessed on the five-point Likert Scale for each item: 1 = Strongly Disagree; 2 = Disagree; 4 = Agree; 5 = Strongly Agree".

5.4 CONCLUSION

The instruments and research methods highlighted above were strategically designed to test the working relations of the Senior Political Office Bearers of Umvoti Municipality and the Municipal Manager. The stakeholders interviewed were the ward committee members, the ward councillors and proportional representation (PR) councillors, the mayor, the speaker and the municipal manager. The questionnaire was related to holding meetings, communication, acknowledging the roles and responsibilities of each stakeholder as listed in the *Local Government Municipal Systems Act, Act No 23 of 2000*; the *Local Government Municipal Structures Act, Act No 117 of 1998*; the *Local Government Municipal Finance Management Act, Act No 56 of 2003* and the *Constitution of the Republic of South Africa of 1996*.

CHAPTER FIVE: DATA ANALYSIS AND DISCUSSION

5.1 INTRODUCTION

Responses were presented in terms of the outcome of the research conducted on Umvoti Municipality stakeholders with those being the ward committees, councillors, the mayor, the speaker and the municipal manager.

Questions were developed to focus on the knowledge and understanding of individual stakeholders, their background and educational achievements, and the issues that have a direct impact on service delivery.

5.2 WARD COMMITTEES' CONTRIBUTION TO THE RESEARCH STUDY

Ward committees are established as per the South African constitutional framework. *The Constitution of the Republic of South Africa of 1996 as amended, the Local*

Government Municipal Structures Act, Act No 117 of 1998 as amended, the Local Government Municipal Systems Act, Act No 32 of 2000 and the Local Government Municipal Finance Management Act, Act No 56 of 2003 as amended, all give a detailed background to the reasons for having the ward committees established in every ward of the municipality.

The main purpose of establishing ward committees within municipalities is to assist in facilitating public participation and communicating the affairs of a municipality. The terms of reference outline the mandate of the committee is to jointly work with the ward councillor in classifying the needs of the community and essential services that are needed in the ward, prioritising the needs and finding a common approach to list the identified needs and projects accordingly,.

There are 14 wards in Umvoti Municipality and therefore the study has also confirmed that 14 ward committees were recognized. The ward committees' function in terms of the guidelines outlined in the *Municipal Finance Management Act, Act No 56 of 2003*. The policy guidelines have been adopted by the council. Committee meetings convene as per the guidelines. The chairperson is the ward councillor of the ward.

Ward committee elections are held according to the terms of reference of the municipal council. This means that the ward committees have a lifespan of five years. By-elections are held when a member dies or when a person resigns for personal reasons. The ward committees are elected through their sectors. Each member represents a sector. These sectors may include, but are not restricted to, gender, women, the youth, faith or religion or tradition. The criteria used to establish the sectors are done according to the needs agreed upon by the municipal council and in consideration of the guidelines found in *the Municipal Finance Management Act, Act No 56 of 2003*.

5.3 COUNCILLORS' CONTRIBUTION TO THE STUDY

Municipal councillors play a vital role in exercising political oversight in municipal councils. Their duties include interacting with their constituencies and holding report-back meetings. The ward councillors play the role of a ward committee chairperson. They

attend to issues of indigent registration in the ward by identifying and helping families that need grants and assistance with the registration of births and deaths.

The ward councillor is delegated to be a medium of communication between the municipality and community members in the ward. It is the ward councillor's duty to work with all the service providers and government departments to identify needy households in the ward. The duties of the ward councillor are outlined in the *Local Government Municipal Finance Management Act, Act No 56 of 2003*, the *Local Government Municipal Systems Act, Act No 32 of 2000*, and the *Local Government Structures Act, Act No 117 of 1998*.

The Councillors' duties that relate to reporting to the municipality, include providing references to the municipal council officials and the council on issues of the ward. For this study, the questions asked are related to the work and performance of both the council and the administration. It seeks to understand the benefit of ward committees to both council and to the wards in terms of service delivery and poverty alleviation.

5.4 WARD COMMITTEES AND OTHER COUNCILLORS' INVOLVEMENT IN THE AFFAIRS OF UMVOTI MUNICIPALITY COUNCIL

- The councillors agree to having a lack of understanding regarding the municipal laws and by-laws. The councillors strongly disagree that although they are involved in decision making during procurement, they however do not have much influence on the final decision that is made.
- Councillors strongly disagree that officials should be involved when making decisions on employing casual and permanent staff;
- The councillors express their dissatisfaction with the issue of officials implementing employment decisions without their involvement;
- The councillors disagree with the way that the budget and IDP are prepared and implemented;

- They strongly express their dissatisfaction with the negative attitudes of officials when working with them in their wards;
- When it comes to consultations and project implementation, councillors express strong dissatisfaction with the approach used by officials. They feel that there is a need for intervention to improve work practices;
- The councillors agree that they have been trained on Umvoti Municipality's Budget, IDP and Communication Strategy;
- In the survey, councillors agree that Umvoti Municipality does arrange workshops and meetings but suggest that it is possible that this was merely done for the sake to comply with certain legal requirements;
- The perception is that there is unequal treatment of councillors. They feel that certain councillors are given special attention and preference;
- Politics plays a great role in Umvoti Municipality and therefore also contributes to the unequal treatment of councillors. The favoured wards and councillors are from the ruling political party;
- Regarding councillors and community participation meetings, 65% of the councillors were found to consistently not hold community meetings, while 22% of the councillors constantly held community meetings. The other 13% did not hold any community meetings.
- The finding that 78% of councillors have not been consistent in holding community participation meetings, is contrary to the *Local Government Municipal System Act, Act No 32 of 2000*, which requires councils to have a communication strategy to ascertain that the community contribute in local municipality's budget and IDP and planning economic development.

- The paragraph in the previous bullet therefore suggests that good governance in Umvoti Local Municipal Council does not exist. The constitutional requirement of equal treatment of all people before the law has not been realised. There is lack of political education and political maturity. Ward councillors and PR councillors need to be treated equally, supported and acknowledged by the staff of Umvoti Municipality.
- Ward councillors do not agree with PR councillors coming to their community meetings. This is contrary to the *Local Government Municipal Structures Act, Act No 117 of 1998* and the *Local Government Municipal Systems Act, Act No 32 of 2000*, which state that all the councillors are supposed to interact with stakeholders, listen to the needs of the community and report on them, assist with identifying solutions and encourage the community to participate in the affairs and decisions of their local municipality.
- All ward councillors perceive that the PR councillors interfere in their work rather than provide support. They enter their wards without their approval.

5.5 RESPONSE TO QUESTIONS ASKED TO WARD COMMITTEE MEMBERS

The *Local Government Municipal Structures Act, Act 117 of 1998* indicates that ward committees must be set up in Category A and B municipalities. Their main purpose is to be a medium of communicate with the community and the municipal council. As advisory committees they make endorsements on any matters affecting their ward. The ward committees must be supported by the municipal council by providing training for ward committee members and they must be empowered with the necessary knowledge and skills related to municipal processes and logistics such as transport, meeting venues, reimbursement for out of pocket expenses etc.

The overall responses are summarised as follows:

The ward committee members were aged between 20 and 60 years old

	Primary	Secondary	Tertiary
The ward committee member's level of education	x	x	x

Table 1. Ward committee member's level of education

	Unequally represented	Equally represented
Gender Representation		X

Table 2. Gender representation in ward committee

	Youth	Women	People living with disabilities
Structures that are represented	X	X	X

Table 3. Structures represented in ward committee

	Availability of community members to serve in community structures such as ward committees
Perception	Most learned people work in the bigger towns and cities far from their homes. Only the unemployed youth and retired people are available to serve on structures.

Table 4. Availability of community members to serve in community participation structures

	Fair	Satisfactory	Good	Excellent
Communication with ward councillor	65%	15%	6%	4%

Table 5. Level of communication with ward councillor

5.6 QUESTIONNAIRES RELATED AND ADDRESSED TO WARD COUNCILLORS' FINDINGS

The questionnaires related and addressed to ward councillors were structured with the intent to measure the level of municipal performance. The questionnaires dealt with the issues of municipal processes, the legal framework environment, corruption, professionalism, ethics and protocols.

5.7 RESPONSE TO QUESTIONS

- All the councillors agree on the availability of the Umvoti Municipal Council: Standing Rules and Orders. This can be interpreted as favourable since councillors do get the opportunity to interact with the Standing Rules and Orders and therefore get to know and understand the working environment of the municipal council. They then also become respectful of the procedures of meetings which are included in the council's standing orders. The Standing Rules and Orders highlight that meetings are held to:
 - o "Exchange and evaluate information;
 - o Solve problems;
 - o Resolve conflict;
 - o Share information;
 - o Exchange ideas and experiences;
 - o Inspire and develop teamwork".
- The Standing Rules and Orders were adopted by council.
- All councillors were workshopped on the Standing Rules and Orders and by-laws.

	Agree	Strongly agree	Strongly disagree
Compliance with Standing Rules and Orders	53%	45%	2%

• **Table 6. Compliance with standing orders**

- Other challenges mentioned, were related to:
 - Discrimination based on political party alliance;
 - The lack of decision making and implementation regarding issues brought to the attention of councillors at council meetings;
 - The procurement of goods and services;
 - The recruitment of staff; and
 - Agendas for meetings not being distributed as per the Standing Rules and Orders.

- All councillors received the tools of trade such as documentation covering the laws that govern local government. An example of these documents can be found at the Local Government Library.
- A budget for the developmental needs of councillors and staff is available
- Public and community participation is not happening as stipulated in *the Municipal Systems Act, Act No 32 of 2000, the Local Government Municipal Structures Act, Act No 117 of 1998* and Umvoti Municipalities Standing Orders.

Councillors' responses are as follows:

	Strongly agree	Strongly disagree	Agree
Public participation happening as per the requirements of legislation	50%	48%	2%

Table 7. Public participation implementation

- The PR councillors are excluded at ward committee meetings. Ward councillors restrict entry into their wards.
- The speaker is responsible for ward committees and community participation. This is per the Local Government Municipal Systems Act. However, venues, dates and times of meetings are changed at short notice and the PR councillors and traditional leaders are not informed timeously.
- The dominant political party deliberately side-lines areas and communities they feel are not in support of their political party.
- The municipality does not respond equally to the requirements of the councillors and ward community.

	Strongly Agree	Strongly Disagree	Agree
Municipality responds equally to the needs of the councillors and ward community.	45%	50%	5%.

Table 8. Unbiased response to ward community needs

- There is no transparency

	Agree	Strongly Agree	Strongly Disagree
The secretariat organises and provides all documentation needed for public meetings by the municipality	90%	4%	6%

Table 9. Availability of secretariat for all public meetings

- All respondents agree that project identification is done and included in the IDP.

5.8 RESPONSES TO QUESTIONNAIRES ADDRESSED TO THE MAYOR, SPEAKER AND MUNICIPAL MANAGER

The Umvoti Municipality has chosen as its vision that "It is a place of Peace and Prosperity". This is a promising sign that attracts the attention of prospective investors and people wishing to stay in an area with stability and development opportunities.

5.8.1 FINDINGS

- If there is lack of good governance, this may hamper further development, and scare away investors.
- Both the mayor and the speaker agree that the Batho Pele Principles are applied in Umvoti Municipality. However, although the municipal manager was in agreement, he also felt that there was a need for a workshop on Batho Pele Principles. The municipal staff were supposed to have been workshopped on the Batho Pele Principles. This had been an omission on the part of the municipality.
- The Umvoti Municipal Council has been recruiting staff on a weekly and monthly basis. This has created a perception that there is lack of senior managers accounting directly to the municipal manager. The situation that has been observed is also reflected in the Auditor General's report. At times, there is no municipal

manager and the heads of departments are not there since the vacancies have not been filled.

- The level of respect for municipal councillors by the officials is said to be low. The cause is ascribed to the lack of supervision. New staff induction and workshops are not done due to the non-availability of senior managers.
- There was political interference

	Mayor	Speaker	Municipal Manager
Adherence to protocol and professionalism in Umvoti Municipal Council	Agreed	Agreed	Strongly disagreed

Table 10. Adherence to protocol and professionalism in Umvoti Municipal Council

- Policy workshops for both senior officials and political office bearers are organised. All responses pertaining to these questions showed that respondents strongly agreed at 100%.
- 100% of respondents agreed that legislation and laws governing the municipal environment are made available, since the Local Government Library is supplied by COGTA.
- The municipal manager understands the role of the mayor, however in other instances the mayor is sometimes given instructions which are contrary to what he considers correct actions.
- The Mayor of Umvoti Municipal Council understands his roles and responsibilities. He also knows the roles and functions of the municipal manager. However, there is political interference and a breach of protocol in terms of procurement and appointments while decisions that have been agreed upon are changed without consulting the municipal executive and municipal council. An example of this is the

termination of the municipal manager's contract and the appointment of acting managers.

5.8.2 QUESTIONS TO THE MAYOR

	Response	Reason/s
The mayor chairs executive committee meetings monthly	Strongly disagree	Sometimes meetings do not take place.

Table 11. Mayor chairing executive committee meetings monthly

- The mayor classifies what the municipality needs and reviews and evaluates these needs in order of priority.
- All respondents disagreed that the effectiveness of credit control and income collection and debt collection services was reviewed timeously.
- The Umvoti Municipal Council is owed a lot of money, millions, due to the lack of systems to enforce and monitor credit control. Electricity theft and meter tampering was also high.
- The Mayor monitors the implementation of by-laws.
- Mayor monitors the municipality's administration management in line with legal requirements.
- Monitors the sustainability of the service delivery to communities
- Respondents strongly agree that the mayor performs duties and exercises powers that the municipal council gives *him in terms of "Section 59 of the Local Government Systems Act, Act No 32 of 2000"*.

- Respondents strongly agree that the mayor reports yearly on community consultation and participation in the municipalities services.
- Respondents agree that the mayor does invite public views and reports on decisions of the municipal council.
- Respondents suggested that the mayor plays a fatherly role in the municipality. He is expected to act impartial, transparent and in a manner that earns the respect and trust of the citizens of the municipality.

5.8.3 QUESTIONS TO THE SPEAKER

- The Speaker chairs the municipal council meetings.
- The code of conduct for councillors as per *Schedule 1 of the Municipal Systems Act, Act No 23 of 2000*, was implemented.
- The speaker facilitates public participation as required by legislation.
- The ward committees have been established in every ward.
- No responsibility and accountability have been monitored by the speaker.
- The speaker facilitates the sitting of the municipal council meetings at least quarterly.
- The speaker supports the municipal councillors.
- The speaker's office maintains integrity and discipline. However, the speaker's office fails to treat all councillors in the same manner and is sometimes biased towards the ruling party.

- The speaker is not objective and fair when carrying out his functions. Lack of transparency and equal treatment of councillors in Umvoti Municipal Council exists.
- The speaker is unable to separate his responsibilities as a political representative from his functions as a Speaker.
- The treatment of councillors is not equal. The speaker is biased towards the ruling party and gives more attention and support to his colleagues than to the opposition party councillors.
- The speaker does not respect and serve all councillors equally.
- The PR councillors from the opposition parties are not invited to ward community meetings and are not allowed to help the citizens with vouchers or to sign letters for the residents in their constituencies, despite them being given municipal councils stamps and letter heads.
- The hypothesis is that the ruling party uses its majority when taking decisions to implement resolutions which are biased to favour the interest and will of the ruling party.
- The Speaker is always expected to be impartial and serve councillors with honour and dignity while also being expected to be a politician.

5.8.4 QUESTIONS TO THE MUNICIPAL MANAGER

The municipal manager strongly agreed that:

- The municipal manager calls the first meeting of the newly elected municipal council.
- It is the municipal manager's duty to preside over the election of the speaker.

- The declaration by the municipal councillors to the municipal manager of any financial interests that are held, must be done within 60 days.
- The municipal manager is the leader of the municipal's organization.
- The basis of an effective, resourceful and responsible administration is the responsibility of the municipal manager.
- The implementation of the IDP is the duty of the municipal manager.
- The implementation of the Performance Management System is the responsibility of the office of the municipal manager.
- The municipal manager is in charge of preparing the Municipal Annual Report.
- The notice of the meeting on the end year report Annual Report must be made or issued to the community, the auditor general and the MEC.
- The municipal manager account to the new municipal council with a report on current designations.
- The municipal manager was asked if he had any comments on issues or problems that are seen to be having a negative impact on service delivery. He offered the following responses:
 - o The appointment of managers and senior staff must not be attached/associated with politics.
 - o The country needs to extend the democratic gains to the practical functionality of the government practice at all levels and structures.

- o Political interference is a problem in good governance. The administration is frustrated by a top down approach that ignores the legal framework and procedures.
- o There should be a conflict resolution mechanism for cases where managers and council disagree on legal matters. This will ensure that disagreements do not become a tool to coerce or involve influence.
- o The relationship between the senior managers and political office bearers must be guided by their code of conduct and nothing else to maintain professionalism. Respect of processes and upholding professionalism might help in maintaining the standard.
- o The issues of procurement and appointment of staff need to be the sole responsibility of the municipal manager and the administration.

5.9 CORRELATION OF RESPONSES

5.9.1 CORRELATION OF RESPONSES TO QUESTIONS THAT CONTAIN "STRONGLY AGREE"

The responses to the questions seem acceptable and render the responses as being true and honest when tested for internal validity.

5.9.2 CORRELATION BETWEEN RESPONSES TO QUESTIONS THAT CONTAIN "AGREE"

All the responses to the relevant questions seem acceptable and render the responses as being credible when tested for internal validity.

5.9.3 CORRELATION BETWEEN RESPONSES TO QUESTIONS THAT CONTAIN "DISAGREE"

The average return of responses to the relevant questions renders the responses as true and honest when tested for internal validity.

5.9.4 CORRELATION BETWEEN RESPONSES TO QUESTIONS THAT CONTAIN "STRONGLY DISAGREE"

The return response to the relevant questions renders the responses as true and honest when tested for internal validity.

5.9.5 CORRELATION BETWEEN RESPONSES TO QUESTIONS THAT CONTAIN 1-25%

The return response to the relevant questions renders the responses as true and honest when tested for internal validity.

5.9.6 CORRELATION BETWEEN RESPONSES TO QUESTIONS THAT CONTAIN 26-50%

The return response to the relevant questions renders the responses as true and honest when tested for internal validity.

5.9.7 CORRELATION BETWEEN RESPONSES TO QUESTIONS THAT CONTAIN 51-75%

The return response to the relevant questions renders the responses as true and honest when tested for internal validity.

5.9.8 CORRELATION BETWEEN RESPONSES TO QUESTIONS THAT CONTAIN 26-50%

The return response to the relevant questions renders the responses as true and honest when tested for internal validity.

The other questions could not be tested for internal validity and they were only for the purpose of getting the perceptions on specific issues related to the work environment and adhering to good governance by implementing various legislative frameworks of local government.

The researcher did consider conducting a chi squared test for testing the hypothesis, but a test determining whether the hypothesis results are verified by an experiment could not be conducted since no value has been put on the hypothesized results.

The data range contains observations that provide conclusive results to support the hypothesis of this study, which is that "A poor working relationship exists between the municipal manager and senior political office bearers, and the mayor and the speaker which makes it difficult to deliver services to the community in Umvoti Local Municipality".

The researcher will discuss the main research findings and limitations of this study further in Chapter five.

5.10 MAIN RESEARCH FINDINGS

The *Municipal Finance Management Act, Act No 56 of 2003*, informs us about the separation of powers in a municipality. The key to good governance issues in local government are as follows:

- The distinction between judicial and administrative powers and the council and administrative functions;
- Clearly differentiate between policy making and policy implementation;
- The appropriate delegation of authority and responsibility for efficient and effective public administration;
- Satisfactory and cost-effective methods of internal control and reporting;
- Easily understandable, unambiguous accountability systems;

- Codes of conduct for both councillors and officials.

According to Dworkin (1977) public representatives and officials lacking awareness may be labelled amoral. This means that they are neither moral nor immoral, but they are indifferent to the ethical implications of their actions.

Ethical behaviour according to Gildenhuis (2004: 13-20) is considered a blend of moral qualities and neutral attitudes, which become essential ingredients for moral governance and public administration. Such a mixture strengthens the basis of legitimate and effective governance and public administration which is founded on public trust and confidence.

Poor co-operation, poor communication and the lack of a communication strategy in Umvoti Local Municipality contribute to some of the problem areas that have been highlighted by the respondents. Some of these are non-compliant with the legislation governing the municipality while others are non-compliant with the constitutional obligation by stakeholders of the Umvoti Municipal Council.

South Africa is an independent country; it is rooted on several values that principally are:

- "Human dignity;
- Equality;
- Advancement of human rights and freedom;
- Non racialism;
- Non sexism;
- The rule of law;
- Universal adult suffrage and accountability;
- Responsiveness and openness"

(Constitution of the Republic of South Africa of 1996)

Public representatives and public officials are principal role players in improving and promoting the value of life of all citizens and are therefore bound by the democratic nature of the country and the values that underpin it.

Thus, public representatives and public officials are under obligation to appreciate these values and to consciously strive to ensure that their daily activities are guided by them. The founding provision of the *Constitution of the Republic of South Africa of 1996* must therefore be regarded as a powerful cue and impetus for the ethical performance of duties by public representatives and public officials (Constitution of the Republic of South Africa of 1996).

Senior members of a provincial legislature and the municipal manager are bound by the *Constitution of the Republic of South Africa of 1996* to work with, respect and commit to the issues of good governance. Each role player must accept the responsibilities of another and appreciate that these are roles and functions to be performed at different levels and that have been designed to assist both the council and the administration. *Section 195 (1) of the Constitution of the Republic of South Africa of 1996* details how public representatives and public officials should perform their duties. The chapter on Public Administration "requires public representatives and public officials to be governed by democratic values and principles enshrined in the constitution". These are:

- "The promotion and maintenance of a high standard of professional ethics;
- Efficiency;
- Economical and effective use of resources;
- A development orientation;
- Impartial, fair and equitable provision of services;
- Responsiveness to people's needs and encouragement of the public to participate in public policymaking;
- Public accountability;
- Transparency;
- Good human resource management and broad representativeness" (*Section 195 (1) of the Constitution of the Republic of South Africa of 1996 and Robson 1999:161*).

5.11 LIMITATIONS OF STUDY

The first identified limitation was that although researcher fully attempted to engage all stakeholders who were identified as having the potential to contribute the most to this study, the ward committee representatives were not able to participate as fully as expected. This was because they did not have a full understanding of their roles as they were not exposed to the issues of governance.

The Local Government Municipal Finance Management Act, Act No 56 of 2003, the Local Government Municipal Systems Act, Act No 32 of 2000, and the Local Government Municipal Structures Act, Act No 117 of 1998, all deal with ward committees, their functions and powers, their establishment, their terms of office, and matters regarding their remuneration. Ward committees are very important structures as they represent the ward and communicate with the ward councillor. However, it is expressed that their working relationship with the ward councillors is not satisfactory.

The second identified limitation was the relationship between the PR councillor and the ward councillor. The researcher was unable to find the reasons for the poor communication and the absence of a working relationship between the two councillors. It was, therefore, not possible to make assumptions as this may compromise the findings.

The third identified limitation was the poor treatment of the opposition parties by the Speaker's Office and the staff. The responses given are that the councillors from opposition parties are not taken care of and at times neglected. Their wards are discriminated against due to political affiliation. The researcher could not conclude if this is by omission or due to ignorant behaviour of the ruling party and senior officials.

The fourth identified limitation was that researcher's scope of work tried to raise issues through the questionnaires regarding the legal framework and nature of work environment in Umvoti Municipality. However, it was observed that offering information was

restricted due to respondents attempting to not point fingers or to be talking ill of others. The researcher, therefore, experienced difficulty in working beyond the prepared data collection tool as this could contribute to the researcher being biased and subjective.

The fifth identified limitation was time frames and the availability of funds. The researcher observed that more time and funding would have been advantageous to the research project.

The sixth identified limitation was vacant posts within the senior management. Some municipal management positions and senior management are vacant in Umvoti Municipality. This became a limitation to the study since these officials would have had meaningful information to contribute to the study.

5.12 CONCLUSION

It is observed that all the responses to questionnaires are approximately the same. The questions asked were all answered, and it appears that there is validity in the result that indicates a poor working relationship between the municipal manager, the mayor and the speaker.

The responses which highlighted the need for a good governance system to help with the implementation of service delivery, gives support to the researcher's view that poor working relationships between the political office bearers and municipal management in Umvoti Municipality compromises service delivery and further fuels opportunities for corrupt activities.

The validity of responses was scrutinised internally by means of correlations taken from specific questions asked in the questionnaire and checking for consistency from respondents.

The research outcomes highlighted that the existence of unhealthy working relations among the key role players who are the senior political office bearers and the municipal manager in Umvoti Municipality pose a challenge to quality and sustainable service delivery.

Section 195 of the Constitution of the Republic of South Africa of 1996, states that the administration of a municipality must:

- (a) "Be responsive to the needs of the local community;
- (b) Encourage a culture of public service and responsibility among staff;
- (c) Establish strategic methods to prevent corruption;
- (d) Develop healthy and well-coordinated working relationships through facilitate cooperation and communication between it and the local community;
- (e) Afford community members with detailed and precise information regarding the quality of municipal services they should expect and are entitled to receive;
- (f) Communicate all financial implications of and persons in charge of financial matters."

CHAPTER SIX: KEY FINDINGS, GENERAL CONCLUSIONS AND RECOMMENDATIONS

6.1 INTRODUCTION

The findings are relevant to the research questions which the study addressed in full detail. Results are described and the data significance is shown to be within the 5% accuracy range. Furthermore, the chapter presents general conclusions emanating from the findings and provides commendations based on the findings.

Information based on characteristics was gathered from the study participants. This assisted in dividing the respondents into basic demographic groups to determine whether the individuals who participated in the study did indeed reflect the subset of the targeted group. The demographic features of the senior politicians and senior officials are presented below.

Table 6.1.1: Primary functions of the study participants in Umvoti Local Municipality

	N	%
Senior politicians	5	45.5%
Senior officials	6	54.5%
Total	11	100%

Table 12. Primary functions of the study participants in Umvoti Local Municipality

Of the participants who took part in the study, most of them (54.5%) were senior officials working in the municipality and the remainder (45.5%) were senior politicians.

Table 6.1.2: Gender of the senior politicians and officials

	N	%
Male	6	54.5%
Female	5	45.5%
Total	11	100%

Table 13. Gender of senior politicians and officials

Most of the politicians and officials who partook in this investigation were male, making up 54.5% of the total sample. The rest of the politicians and officials (45.5%) were female.

Table 6.1.3: Age of the senior politicians and officials

	N	%
32-41 years	4	36.4%
42-51 years	4	36.4%
52-61 years	3	27.3%
Total	11	100%

Table 14. Age of the senior politicians and officials

Approximately three quarters of the politicians and officials (72.8%) that took part in this study fell between the age group 32 - 51 years, while the rest of the participants (27.3%) were between 52 - 61 years of age.

Table 6.1.4: Education level of the senior politicians and officials

	N	%
High school education	2	18.2%
Tertiary education	9	81.8%
Total	11	100%

Table 15. Education level of the senior politicians and officials

Almost all the senior politicians and officials had received recognized schooling up to tertiary level. 81.8% the study participants had tertiary education while the remaining study participants (18.2%), only had a high school education.

Table 6.1.5: Qualification obtained by the senior politicians and officials

	N	%
Certificate	1	9.1%
Diploma	2	18.2%
Degree	8	72.7%
Total	11	100%

Table 16. Qualification obtained by senior politicians and officials

When questioned on the type of qualifications obtained, 72.7% of the senior politicians and officials specified that they held tertiary degree certificates; 18.2% held level 5 qualifications diplomas; and 9.1 % had obtained certificates.

6.2 ASSESSING THE OFFICE BEARERS OF UMVOTI LOCAL MUNICIPALITY

6.2.1 INTRODUCTION

Researchers that try to quantify non-directly measurable hypotheses frequently apply multiple-item scales and summated ratings to quantify the hypothesis(s) of interest. This was the case in this study. A 5-point Likert Scale made up of 73 statements was used to gather information on perceptions of what was happening in Umvoti Local Municipality. The respondents were asked to respond to each statement according to whether they agreed or disagreed and were also requested to choose one of five reactions: *"strongly disagree, disagree, neutral, agree, or strongly agree"*.

The reliability of the internal reliability of the scale was measured through the application of Cronbach's Alpha coefficient and the results are presented below.

TABLE 6.2.2: RELIABILITY STATISTICS

Cronbach's Alpha	.824	N of Items	22
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Table 17. Reliability statistics

The 5-point Likert Scale used during the study demonstrated a high score of $\alpha = 0.824$ for internal reliability. A high level of consistency is reflected by a high Alpha coefficient rate. According to Hair, Black, Babin, Anderson and Tatham (2006: 137), "an Alpha coefficient value of greater than 0.7 indicates that a high degree of reliability exists".

Although there were 73 statements in the 5-point Likert Scale, reliability could only be determined for 22 out of the 73 statements. The 51 statements that were not included in the reliability test had a covariance matrix of zero or approximately zero, which means that the study participants all gave a similar or close to similar rating for the

statements. All in all, the high internal reliability score in this study means that the scale consistently reflects the constructs that are being measured, which is the effectiveness of the relationship of the office bearers of the Umvoti Local Municipality.

TABLE 7.2.3: SCALE STATISTICS

Number of items	Mean	Variance	Standard Deviation
22	74	122.600	11.072

Table 18. Scale statistics

The scale had a total of 73 items of which 22 were included in the reliability test. The item average for the 22 items was 73, with a standard deviation of 11.072 and a variance of 122.600. The item statistics are presented in Table 4.8.

TABLE 7.2.4: ITEM STATISTICS

	Mean	Std. Deviation	N
Question 1	4,45	0,522	11
Question 2	3,91	0,701	11
Question 3	4,45	0,522	11
Question 4	3,64	0,809	11
Question 5	3,55	1,214	11
Question 6	3,91	1,136	11
Question 7	2,36	1,567	11
Question 8	2,55	1,368	11
Question 9	3,45	1,214	11
Question 10	3,45	1,368	11
Question 14	3,36	1,362	11
Question 15	4,73	0,467	11
Question 33	4,18	0,751	11
Question 34	4,09	0,701	11
Question 36	3,82	1,168	11
Question 38	3,18	0,874	11

Question 39	3,55	0,820	11
Question 40	2,27	1,272	11
Question 41	2,27	1,272	11
Question 42	2,27	1,272	11
Question 43	2,27	1,272	11
Question 44	2,27	1,272	11

Table 19. Item statistics

Table 7.2.4 shows that the average answer for the scale items in the questionnaire given by most of the employees who took part in the study, was "neutral". Based on the low standard deviations of the scale items, a conclusion can be drawn from most of the answers given by the respondents that clustered around the average answer which is "neutral".

6.3 PERCEPTIONS OF UMVOTI LOCAL MUNICIPALITY

6.3.1 INTRODUCTION

This section looks at the overall perception held by the senior politicians and officials on Umvoti Local Municipality. The responses are broken down in terms of the primary function of the study participants which is whether they are politicians or officials. This will enable us to differentiate between the views of the political leaders and the officials who are responsible for the implementation of policy.

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	0	0	0	0	100%
	Senior official	0	0	0	100%	0
	Total	0	0	0	6	5

Table 20. Umvoti Municipality as a place of peace and prosperity

To align itself with provincial and national visions and to attract prospective investors and people wishing to relocate to the area, Umvoti Local Municipality formulated a new vision which is: "Umvoti is a place of peace and prosperity, where people come first".

The general response was that the municipality was achieving this vision. While the politicians strongly agreed with the vision, the officials only agreed with the statement which possibly means that there are issues at the operational level that could be standing in the way of the municipality fully realising the vision.

TABLE 7.3.4: DEMOCRACY IS PRACTISED IN UMVOTI MUNICIPALITY

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	0	0	0	60%	40%
	Senior official	0	0	50%	50%	0
	Total	0	0	3	6	2

Table 21. Practice of Democracy in Umvoti

While Umvoti claimed to be a place of peace and prosperity, as seen in the table above, 50% of the officials were neutral when asked whether democracy was practised in the municipality. Most of the participants (60% of politicians and 50% of officials) agreed with the statement. 40% of the politicians strongly agreed. Politicians who were more involved in the politics of the municipality, were more inclined to agree with this statement.

TABLE 7.3.5: BATHO PELE PRINCIPLES ARE USED IN THE MUNICIPALITY

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior Politician	0	0	0	40%	60%
	Senior official	0	0	0	66.7%	33.3 %
	Total	0	0	0	6	5

Tobie 22. Botha Pele Principles implemented in Umvoti Municipality

The Batho Pele ("People First") Principles are aligned with the *Constitution of the Republic of South Africa of 1996* and they require "public servants to be polite, open and transparent and to deliver good service to the public" Batho Pele (no date). All the study participants were of the view that the Batho Pele Principles were being used in the municipality. Most of the politicians (60%) strongly agreed while most of the officials (66.7%) only agreed with the statement.

TABLE 6.3.6: THE MUNICIPAL STAFF UNDERSTAND THE PRINCIPLES OF BATHO PELE

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	0	0	20%	40%	40%
	Senior official	0	0	83.3%	16.7%	0
	Total	0	0	6	3	2

Table 23. Municipal staff's understanding of the Principles of Batho Pele

Although the consensus was that the Batho Pele Principles were used in the municipality, there was a much more neutral (83.3%) perception among the senior officials that the municipal staff understood the principles. This highlighted a gap between the usage and understanding of the principles by the staff responsible for service delivery.

TABLE 6.3.7: UMVOTI MUNICIPAL OFFICERS RESPECT THE COUNCILLORS

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	0	60%	40%	0	0
	Senior official	0	0	0	50%	50%
	Total	0	3	2	3	3

When it came to the respect of councillors by the municipal staff, more than half of the politicians (60%) believed the municipal staff did not award them the respect that they deserved. The opposite was true for the officials, who felt that they awarded the councillors the necessary respect with 50% agreeing and 50% strongly agreeing.

TABLE 6.3.8 UMVOTI MUNICIPAL STAFF ENJOY THE RESPECT OF THE COUNCILLORS

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	0	40%	20%	20%	20%
	Senior official	0	0	0	50%	50%
	Total	0	2	1	4	4

When comparing the responses of this statement to the responses of the statement presented in Table 4.13, the officials gave respect and received respect from the councillors. The views of the politicians on the other hand varied; while they felt councillors were not respected by the officials, the majority of the politicians were either

of the view that councillors also did not offer their respect to the staff (40%) or they had a neutral stance (20%).

TABLE 6.3.9: ALL MEMBERS OF THE MUNICIPALITY WORK AS A TEAM

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	20%	0	0	60%	20%
	Senior official	66.7%	33.3%	0	0	0
	Total	5	2	0	3	1

With both politicians and officials not fully giving each other respect, it was no surprise that there was a view that the members of the municipality did not work as a team. This view was mainly held by all the officials (100%) and 20% of the politicians. The rest of the politicians (80%) were of the view that the municipal team worked as a team.

TABLE 6.3.10: PROTOCOL IS OBSERVED AT ALL TIMES

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	0	0	40%	40%	20%
	Senior official	50%	50%	0	0	0
	Total	3	3	2	2	1

The negative perception held by the officials was evident in the responses to the question on protocol being observed at all times in the municipality. Once again, the officials were all (100%) of the view that protocol was not always observed in the municipality and 60% of the politicians agreed with this statement while 40% were neutral.

TABLE 6.3.11: PROFESSIONALISM IS PRACTISED AT ALL LEVELS

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	0	0	0	40%	60%
	Senior official	50%	50%	0	0	0
	Total	3	3	0	2	3

To certify that work objectives are achieved effectively and timeously, professionalism is a characteristic that is expected in all work environments. There was a lack of professionalism reported by all the officials with an even split between strongly disagree (50%) and disagree (50%); the politicians on the other hand reported that professionalism was practised at all levels by the officials and politicians.

6.4 PERCEPTIONS OF LEGISLATIVE FRAMEWORK

6.4.1 INTRODUCTION

In this section the views held by the senior politicians and officials in the Umvoti Local Municipality on the legislative framework that governs the work environment, as well as their mandate are explored. The responses are broken down in terms of the primary function of the study participants; that is whether they are politicians or officials.

There was strong agreement among both the politicians (100%) and officials (100%) that legislation and policies were available to govern the work environment of the Umvoti Local Municipality for municipal functions. Workshops were organised when necessary to take the politicians and officials through the legislative and policy frameworks as confirmed by all the study participants.

TABLE 6.4.2: IMPLEMENTATION OF THE CODE OF CONDUCT FOR COUNCILLORS

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	0	0	0	20%	80%
	Senior official	0	0	33.3%	66.7%	0
	Total	0	0	2	5	4

The general sense among both the politicians and officials was that the code of conduct for councillors in terms of *Schedule 1 of the Local Government Systems Act*, was implemented and was being followed. There were, however, 33.3% of officials who gave a neutral response to the question, possibly because with them not being part of the political team, they might not have been well informed to be able to respond to this question.

6.5 PERCEPTION OF THE MAYOR'S FUNCTION, POWER AND ROLE

6.5.1 INTRODUCTION

The Mayor's function, power and role are clearly articulated in *the Local Government Municipal Systems Act, Act No 32 of 2000*, and *The Local Government Municipal Structures Act, Act No 117 of 1998*, as amended. The following section explores how the Mayor's function, power and role are viewed by the politicians and officials. The responses are broken down in terms of the primary function of the study participants; that is whether they are politicians or officials.

TABLE 6.5.2: MAYOR KNOWS HIS ROLES AND FUNCTIONS

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	0	0	0	0	100%
	Senior official	0	0	0	50%	50%
	Total	0	0	0	3	8

Both politicians and officials were of the view that the mayor knew his role and functions. Responses to the statement were as follows: 50% of the politicians strongly agreed, 50% of the officials also strongly agreed and another 50% of the officials agreed with the statement. It was stimulating to note though, that while not all the study participants were of the strong view that the mayor knew his roles and functions, a 100% of both the politicians and officials strongly believed that the mayor understood his area of work.

With the mayor being a symbolic leader of the municipality, he is expected to chair the monthly executive committee meetings. This however did not appear to be the case as the meetings did not take place monthly, resulting in all (100%) the politicians and officials strongly disagreeing with the statement that said the mayor chairs the aforementioned meetings on a monthly basis.

While the executive committee might not have sat on a monthly basis, there was a general consensus among all (100%) the study participants who strongly agreed that the mayor performed his duties and exercised powers that the municipal council gave

him in terms of the *Local Government Systems Act*. Such duties included observing the municipals management administration in line with legal requirements (100% agree), reporting yearly on the contribution of community organisations in the services of the municipality (100% strongly agree), and inviting public interpretations and reports on the decisions of the municipal council (100% agree).

6.6 PERCEPTIONS OF THE SPEAKER'S FUNCTION, POWER AND ROLE

6.6.1 INTRODUCTION

The Speaker's function, power and role are also spelled out in the *Local Government Municipal Systems Act, Act No 32 of 2000* and *The Local Government Municipal Structures Act, Act No 117 of 1998, as amended*. The section below presents Speaker's function, power and role as perceived by the politicians and officials. The responses are broken down in terms of the primary function of the study participants; that is whether they are politicians or officials.

The legislation mentioned in the paragraph above states that every municipal council must elect a councillor to be a chairperson of the council. This chairperson serves as the speaker of the council. All the politicians and officials (100%) interviewed, strongly agreed that the speaker facilitated the sitting of the municipal council meeting at least once per quarter and went on to chair all of these meetings.

The expectation is that the speaker must be independent and impartial, which helps in maintaining the honesty, civil rights and benefits of the council and councillors. This, however, did not appear to be the case as perceived by the politicians and officials interviewed during the study. The tables bellow presents the views of the study partakers on the speaker's function, role and power.

TABLE 6.6.2: SPEAKER IS OBJECTIVE AND FAIR

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Disagree
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Function	Senior politician	60%	0	20%	0	20%
	Senior official	16.7%	33.3%	50%	0	0
	Total	4	2	4	0	1

The speaker was generally not perceived to be objective and fair when carrying out his functions. This was expressed by 60% of the politicians and 50% of the officials. There were 20% of the politicians who were of the view that the speaker was objective and fair while the rest of the politicians (20%) and officials (50%) had a neutral perspective.

A similar pattern of responses was observed when those who participated in the study were asked if the speaker (i) was able to detach his duties as a politician and his jobs as a Speaker; (ii) respected and served all councillors equally irrespective of their political party; (iii) was transparent; and (iv) listened and attended to the views and input of all of all municipal councillors with dignity.

TABLE 6.6.3: RESPONSIBILITY AND ACCOUNTABILITY IS MONITORED BY THE SPEAKER

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	0	40%	0	40%	20%
	Senior official	0	0	100%	0	0
	Total	0	2	6	2	1

Although the speaker's role, function and powers were generally not seen in a favourable manner when it came to be dealing with councillors, the study participants, in particular 60% of the politicians, were of the view that the speaker monitored responsibility and accountability in the council. All the officials gave neutral responses to this statement probably because they attended council meetings only on invitation.

TABLE 6.6.4: SPEAKER MAINTAINS INTEGRITY AND DISCIPLINE

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
	Senior politician	0	40%	20%	40%	0

Function	<u>Senior official</u>	0	0	0	100%	0
	Total	0	2	1	8	0

When it came to the speaker maintaining integrity and discipline, the responses were relatively more positive when compared to the responses given to the previous statements. Only 40% of the politicians disagreed with the statement. 100% senior officials and 40% politicians agreed with the statement while 20% of the politicians gave a neutral response.

6.7 PERCEPTIONS OF THE MUNICIPAL MANAGER'S FUNCTION, POWER AND ROLE

The manager of the municipality is selected by the municipal council to provide a leadership role in the municipal management and bookkeeping. As a result, it is important for the municipal manager to have the appropriate proficiency to uphold office during the tenure. The study participants were given a long list of statements on the functions, powers and roles of the municipal manager as stated in the *Local Government Systems Act*. For all these statements, all the study participants (100% politicians and 100% officials) strongly agreed that the municipal manager was performing all the duties listed in the act as expected and in line with the IDP. The IDP considers the objectives, targets and timeframes of the municipal manager as the overall performance of the municipality for a three-year period.

6.8 PERCEPTIONS OF THE RELATIONSHIP BETWEEN THE MAYOR, SPEAKER AND MUNICIPAL MANAGER

6.8.1 INTRODUCTION

The literature has shown that the mayor, the council office needs to work together for their roles and responsibilities to be carried out effectively and efficiently. For impeccable results in the best interest of the community, they cannot work in isolation. Each position is necessary to give support to the other. This section presents responses to questions posed to the study participants on the relationship amid the three office bearers; the mayor, the speaker and the municipal manager.

The tasks of the municipal manager were clearly understood by the mayor and vice versa. This was the view held by all the politicians as well as the officials who all strongly agreed with the statement.

TABLE 6.8.2: MAYOR RESPECTS THE MUNICIPAL MANAGER AND GIVES HIM SUPPORT

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Function	Senior politician	0	0	0	40%	60%
	Senior official	16.7%	33.3%	50%	0	0
	Total	1	2	3	2	3

Although the Mayor knew and understood the role and function of the municipal management, the senior officials were of the view that the mayor did not respect the municipal manager neither did he give him the necessary support. The senior politicians however held the opposite view when compared to the officials. This can be seen in Table 4.23 above.

While the mayor may not have been seen by the officials to respect or support the municipal manager, the municipal management was seen to assist the Mayor with some of his functions such as preparing the municipal budget and adjusting it where necessary.

6.9 PERCEPTIONS OF SERVICE DELIVERY IN UMVOTI LOCAL MUNICIPALITY

The delivery of services in communities is provided for in the *Local Government Municipal Structures Act, Act No 117 of 1998* and the *Local Government Municipal Systems Act, Act No 32 of 2000, as amended*. These acts advocate the delivery of effective, efficient, economic and equitable services in local government practices, rendering the municipal manager, mayor and speaker as major players in the execution of service delivery. This section looks at service delivery in Umvoti Municipality with specific focus on the perceptions held by the study participants on the roles played by the office bearers when it comes to service delivery. The mayor and municipal manager supported by the speaker are the key drivers of the IDP.

Looking at the role of the mayor, there was strong agreement among the study participants that the mayor identified and prioritised the needs of the municipality. The Mayor of Umvoti also developed strategies to implement and evaluate programmes and services set out in the IDP and evaluated progress of the municipality with the set key performance indicators. During the performance evaluation, the mayor was responsible for ensuring the improvement of the efficacy and success of the municipality; this included reviewing credit control, revenue and debt collection services to ensure that they were efficient.

The execution of the IDP was the main duty of the municipal manager as it is done at the administration level. This view was strongly held by both the politicians and officials. In supporting the mayor, the municipal manager had to develop and submit the budget and service delivery plan and ensure that income collection and expenses was in line with the budget.

The Speaker oversees and runs several programmes from his office. He is responsible for community participation and the functioning of the ward committees in identifying needs, which is the formulation of the IDP for service delivery. Ward committees were established in every ward in the municipality as reported by the study participants, and the speaker facilitated public participation found in legislative matters.

The overall perception by the senior politicians and senior officials was that service delivery was supervised in a justifiable manner for the benefit of the Umvoti Municipality.

6.10 GENERAL CONCLUSIONS

6.10.1 INTRODUCTION

This chapter provides the general conclusions representing data obtained in the study. An assessment of the obligations given to the mayor, the speaker and the municipal manager was undertaken, and a determination was made on whether the working relationship of these key role players impacts on service delivery.

The overall perception held by the senior politicians and officials on Umvoti Municipality is discussed first. Thereafter a discussion on the function, power and role of the mayor, the speaker and the municipal manager and the working relationship between the three parties. The section ends by looking at the perceptions of service delivery in Umvoti Municipality.

6.10.2 PERCEPTIONS OF UMVOTI LOCAL MUNICIPALITY

The vision statement of Umvoti Municipality is: "It is a place of peace and prosperity". This is a promising statement that is meant to attract the attention of prospective investors and people wishing to stay in an area that is deemed to be stable to develop themselves. However, if there is lack of good governance this may hinder development and deter prospective residents and investors from considering Umvoti Municipality as their area of choice.

In a sincerely competitive industry, private companies should listen and adhere to the needs of their customers for business benefits this is due to the fact that the dissatisfaction of customers opens up the opportunity for those customers to opt to do their business with others. Understanding and providing customers with what they are looking for faster, better and at lower costs than a competitor, is very important for the success of a business. Due to this realization, As, companies worldwide have discovered that the slogan Batho Pele ("People First") is not just a slogan (The Department of Social Development, 2020).

Citizens, "who are the customers of public services, unfortunately have little choice and clientele for competition. Many public services are not paid for directly by the individual citizens, and government entities which fail to satisfy their customers do not go out of business" (The Department of Social Development, 2020). It is for this reason that the Batho Pele principles need to be upheld. While the general perception is that Batho Pele principles are practiced in the municipality, it is important to ensure that all municipal staff is formally taken through the principles to ensure that all staff view the principles in the same way.

There was lack of respect of municipal councillors by the officials that was reported during the study. One of the reasons that could be attributed to this is the high number of vacancies that exist in the municipality especially at senior management level. This resulted in lack of guidance and supervision of staff and insufficient induction of new staff on expectations.

It was interesting to see that the politicians and officials predominantly had opposite views when it came to their perceptions on what was happening at Umvoti Municipality. While the politicians' perceptions were more on the positive side, the officials' perceptions were more negative. Political interference by the politicians in the administration of the municipality led to the officials reporting on the lack of protocol, professionalism and support from the politicians. This was not in line with good governance expectations.

The legislation and laws governing the municipal environment were made available to all politicians and officials through the Local Government Library.

6.10.3 PERCEPTIONS OF ROLES AND RESPONSIBILITIES OF THE MAYOR, SPEAKER AND MUNICIPAL MANAGER

The roles, functions and powers of the mayor, the speaker and the municipal manager are well documented in *the Local Government Municipal Structures Act, Act No 117 of 1998* and the *Municipal Finance Management Act, Act No 56 of 2003*. From the study it was clear that the roles and duties of the mayor, the speaker and the municipal manager were well known and understood by all the senior politicians and officials interviewed.

The Mayor

According to the above legislation, the mayor was expected to serve as the political head of the municipality. The study established that this was the case in Umvoti Municipality. However, there were certain responsibilities that were not being carried

out effectively. For example, the Mayor of Umvoti Municipality was expected to chair the Executive Committee meetings monthly. Such meetings did not take place as scheduled, but when the meetings sat, he did chair them. The mayor was also expected to observe the application and execution of the municipality's by-laws, but this did not happen in this municipality. The by-laws were reportedly not enforced, unlawful backrooms were erected, and street trading was taking place despite the Peace Officers who were employed by the municipality to monitor the by-laws.

While the mayor might not have effectively monitored the execution of the by-laws, he was able to monitor the administration of the municipality as per the legal requirements and fulfilled his obligations and exercised the authorities that the municipal council gave to him in terms of *Section 59 of the Local Government Systems Act*. Such duties included providing feedback reports on the involvement of communities and its organisations in the services of the municipality and engaging the people on their views and giving them timely feedback on the decisions of the municipal council.

Overall, the mayor was seen to be playing a fatherly figure in the Municipality while being expected to ensure impartiality, transparency and to act in a manner that earned respect and trust from the citizens of the municipality.

The Speaker

The speaker is a councillor who has been designated as the leader of a municipal council as per *Section 160 (1) (b) of the Constitution*. The speaker's primary responsibility was to preside over meetings of the council which took place at least quarterly and to promote good conduct among elected councillors. This was the case in Umvoti Municipality. It should be noted that most of the responses offered by the senior officials on the questions relating to the speaker were mainly neutral. This could be because, apart from the municipal manager, the senior officials did not have regular contact with the speaker.

The speaker is always expected to be impartial and serve the councillors with honour and dignity, and as such, is expected to be apolitical and earn the trust of all councillors irrespective of their political affiliation. In reference to responses received from the

study participants, the Speaker of Umvoti Municipality was seen to be lacking objectivity when carrying out his functions. The speaker was seen to be unable to separate his duties as a politician from his function as the speaker of council and thus his office lacked integrity and discipline.

The perception held by the study participants was that the speaker's office was more favourable and biased towards the councillors that were from the same political party that he belonged to. There was a lack of transparency and equal treatment of councillors in the municipality. The views and input of all municipal councillors were not listened to and not attended to with dignity. The ruling party used its majority representation when taking decisions and the implementation of resolutions was biased to favour the interests and will of the ruling party.

The speaker oversaw and ran numerous programmes from his office. He was responsible for community participation and the functioning of the ward committees. Ward committees were established in every ward. However, when it came to facilitating community participation as per *the Local Government Municipal Systems Act*, venues, dates and times of meetings were changed at short notice and the public relations councillors and traditional leaders were not informed timeously to encourage their participation.

The Municipal Manager

The municipal manager's appointment is governed by the *Local Government Municipal Systems Act*. The municipal manager is the heads and is accountable for the municipal administration who signs a fixed term contract. The municipal manager is considered the official with the highest rank in the municipality who helps with the translation of the legal framework dealing with the functioning of the municipality. The interpretation of laws, policies, legislation, by-laws from theory to practice is done with the help of the municipal manager.

When it came to the roles and responsibilities of the mayor as stipulated in the act, the mayor was reported to have been performing as expected. This could be attributed to the fact that the municipal manager signed a performance agreement that included performance objectives and targets that had to be reached, together with stipulated

timeframes. The municipality's IDP bases the objectives, targets and timeframes of the overall performance of the municipality for the three consecutive years as outlined in the medium-term financial framework.

The roles and functions of the municipal manager were known by both the politicians and officials. However, the belief was held that there was political interference by the senior politicians and resulted in a breach of protocol in terms of procurements, appointments and changing decisions without consulting the municipal executive and the municipal council. There was a strong opinion that the powers in the municipality rested with the politicians. The municipal manager had no power over staff and most decisions were taken by the politicians. At time these decisions were not in line with legal requirements.

6.10.4 PERCEPTIONS OF SERVICE DELIVERY IN UMVOTI LOCAL MUNICIPALITY

The view that was held by the participants of this study was that the mayor must be able to establish what is needed by the municipality, reviews and classify these needs in the order of importance. Furthermore, it is the duty of the mayor to recommend policies, programmes and services to the municipal council which are aimed at addressing the prioritised needs through the IDP and highlight in approximation the projected profits and costs. However, to implement programmes that are aimed at ensuring service delivery, financial resources are required.

One source of financial income that the municipality relies on is revenue and debt collection services. For such services to be efficient and effective, they need to be reviewed timeously. The study participants reported that this review did not take place timeously and this resulted in the Umvoti Municipal Council being owed millions in financial income due to the lack of enough systems to enforce and monitor credit control. This impacted negatively on service delivery in the municipality.

Given the dissatisfactory levels in the provision of services in the municipality, the overall understanding among the participants of the study was that supervision of service delivery in the municipality was not done in a sustainable manner. People in

the Umvoti Municipality were not all treated equally. Wards and ward committees that did not belong to the ruling party were neglected and discriminated against when it came to service delivery.

The Speaker oversaw and ran several programmes from his office. He was responsible for community participation and ensuring operational ward committees that is prompt in the identification of the needs of the community as part of the formulation of the IDP for service delivery. The councillors from the opposition parties were not invited to such ward community meetings thereby preventing them from assisting the citizens that resided in their constituencies.

The municipal manager was liable for the execution of the IDP. This was clearly understood by all the study participants. However, the interference by the senior politicians that was observed during the study on the administration side of the municipal operational activities compromised good governance principles that were supposed to aid the implementation of service provision in the Umvoti Municipality. This impacted negatively on service delivery and opened avenues for corruption.

6.10.SASSESSING THE WORKING RELATIONSHIP BETWEEN THE MAYOR, SPEAKER AND MUNICIPAL MANAGER AND ITS IMPACT ON SERVICE DELIVERY

The findings of this study have reflected on the gap in the working relationship between the senior politicians and senior officials of the Umvoti Municipality with particular reference to holding meetings, communication, acknowledgment of the roles and responsibilities of each stakeholder together with the powers and functions as listed in the *Local Government Municipal Systems Act*, *the Local Government Municipal Structures Act*, *the Local Government Municipal Finance Management Act* and the *Constitution of the Republic of South Africa of 1996*.

Political interference is a problem in good governance. The Umvoti Municipal Administration is frustrated by a top down approach that ignores the legal framework and procedures. The *Municipal Finance Management Act, Act No 56 of 2003*, talks

about the separation of powers in a municipality. The key to good governance in local government lies in: following the guidelines for the distinction between judicial and administrative powers; understanding the council and administrative functions; making a clear distinction between policymaking and policy implementation; giving appropriate delegations of authority and responsibility for efficient and effective public administration; implementing adequate and cost effective systems of internal control and reporting; instituting clear, unambiguous accountability systems and codes of conduct for both politicians and officials.

The public representatives and public officials are principal role players in improving and promoting and affording citizens with reasonable living standards. They are bound by the democratic nature of the state and the values that underpin it. Therefore, public representatives and public officials are under an unqualified obligation to appreciate these values and to consciously strive to ensure that their daily activities are guided by them. The founding provision of the *Constitution of the Republic of South Africa of 1996* must therefore be regarded as a powerful cue and impetus for the ethical performance of duties by public representatives and public officials (UNDESDPEPA, 2000)

The mayor, the speaker and the municipal manager are bound by the *Constitution of the Republic of South Africa of 1996* to work respectfully and commit to the issues pertaining to good governance. In addition, they must accept the responsibilities of each role player and appreciate that these are roles and functions must be performed at different levels to assist both the council and the administration. The *Constitution of the Republic of South Africa of 1996* is the reference point for how public representatives and public officials should perform their duties and can be found in Section 195 (1) of the Constitution.

Ethical theories have evolved over the years and have added various factors in determining whether an act can be perceived right or wrong. Ethical theories of the 20th Century argue that an act is moral depending on the responsibility of the actor such as beneficence, trustworthiness, or justice (Amundsen & Andrade, 2009). Ethical behaviour according to Gildenhuis (2004: 13-20) is considered a blend of moral qualities and neutral attitudes, which become essential ingredients for moral

governance and public administration. Such a mixture strengthens the basis of legitimate and effective governance and public administration which is founded on public trust and confidence.

In the Umvoti Local Municipality, the poor cooperation and poor communication with no communication strategy in place, contribute to some of the issues that are given by the stakeholders as problems. Some of these issues relate to non-compliance with standing orders of the municipality while others relate to non-compliance with the constitutional obligation of all who are part and parcel of the Umvoti Municipal Council.

The appointment of managers and senior staff must not be attached to politics. The country needs to extend the democratic gains to the practical functionality of the government practice at all levels and structures. There should be a conflict resolution mechanism to draw upon when managers and councils disagree on legal matters to ensure that this does not become a tool of coercion or involve influence.

Good working relationships between senior politicians and senior officials, but particularly between the mayor, the speaker and the municipal manager, are key to the success of a municipality's obligation in terms of service delivery and exercising its function effectively, efficiently and economically. It is a fact that where there are poor working relationships, there is poor service delivery to communities, which results in service delivery protest actions.

6.11 RECOMMENDATIONS

6.11.1 INTRODUCTION

This section outlines several discrete commendations to assure the working relationships between the mayor, the speaker and the municipal manager produces favourable implications on the municipality's efforts on good quality service provision. It is imperative to note the recommendations suggested in the study are solely

preliminary suggestions emanating from conclusions reached through considering the primary and secondary literature of this investigation. It is likely that further investigations could validate or invalidate its truthfulness.

The *Local Government Municipal Structures Act, Act No 117 of 1998*, speaks to the establishment of municipalities and their categories. It addresses the need to have councillors elected to serve on municipalities. This act further outlines the roles and responsibilities of councillors. The *Local Government Municipal Systems Act, Act No 32 of 2000*, goes on to expand on the recruitment of municipal staff. It also gives a summary of the powers, functions and roles assigned to the mayor, the speaker and the municipal manager and other key senior officials such as the financial manager in relation to service delivery.

6.11.2 EXECUTING LEGISLATIVE PRESCRIPTS AND POLICIES

It is recommended that the legal framework taken from the *Constitution of the Republic of South Africa of 1996* is read with all other policies and translated into action. This can be done by holding ongoing workshops to continuously remind the mayor, the municipal manager and the speaker of the distinct yet, inter-relatedness of their roles and functions. Such workshops should be held annually or biannually. In addition, disciplinary measures should be taken against any role player who acts contrary to the legislation and policies. Municipalities should devise strategic complaint systems to escalate matters pertaining to role players who fail to act within their legislative mandate. Such role players should be viewed as risk factors that pose a threat to service delivery and democracy in its entirety. This would enable the municipality to address the misunderstanding and correct the issues identified regarding the cooperation of the key role players examined in this study.

6.11.3 WORKSHOPS ON JOB DESCRIPTIONS FOR COUNCILLORS AND SENIOR OFFICIALS

It is recommended that job descriptions for all the councillors and senior officials are workshopped with everyone who works within the municipality. In this way, all officials will know when a mayor, municipal manager or speaker acts in a manner beyond what

they have been mandated. This will afford all municipal employees the opportunity to work with clarity knowing which role player is responsible for what. This will also equip all municipal officials to be whistle blowers when a mayor, a municipal manager or a speaker acts contradictory to their legislative mandate.

6.11.4 STRENGTHEN IMPLEMENTATION AND COMMUNICATION OF BATHO PELE PRINCIPLE

Furthermore, it is suggested that the Umvoti Municipality also put focus on strengthening their communication and the instillation of *Batho Pele Principles*. All employees of the municipality should be well versed on the *principles of Batho Pele* and constantly report on their plans and how they intend implementing *Batho Pele* in their daily work activities. They should also report on the challenges involved in implementing Batho Pele but simultaneously suggest corrective measures. Municipalities should ensure that Batho Pele Principles are communicated to the communities so that the community members can hold them accountable should they divert from the principles. The Batho Pele Principles should be made a standing agenda item whenever the municipality holds an "izimbizo". The Batho Pele Principles can be used as a tool to address the culture of work ethics and good governance.

6.11.5 FURTHER INVESTIGATIONS

This approach used in this study was investigative in nature and was conducted mainly to gain insight and familiarity with the subject area. Therefore, more rigorous investigations need to be conducted at a later stage, particularly to establish what characteristics, if any, caused the perceptions of the politicians and officials to differ. The study failed to show, empirically, how the working relationship between the mayor, the speaker and the municipal manager impacted on service delivery. More investigations, would therefore needs to be undertaken to assess service delivery in Umvoti Municipality in order to reach conclusions on how it is impacted by the working relationships of the key office bearers namely; the mayor, the speaker and the municipal manager.

6.12 CONCLUSION

The research on the working relationships of the mayor, the speaker and the municipal manager in Umvoti Local Municipality has paved the way to revisit the different obligatory tasks assigned to the political office bearers and the municipal manager in the Umvoti Local Municipality.

In countries like Norway, Denmark, Australia, the UK and the United States, the assessment of the roles and relationships of council members and administrators has been found to have been successful. These countries have huge cities with large populations. The powers and functions at their local government levels have control over larger responsibilities such as health, education and safety services and have, nevertheless, mastered the relationship between politics and administration. They apply democracy and professionalism in a way that maintains distinct but shared roles between the two entities.

The question arises whether the South African government, at all levels, is ready to practice democracy and professionalism. The time has come for South Africans to put the country first, placing it before their allegiance to political parties and their interests. Umvoti Local Municipality must be held accountable for their decisions and actions as well as the policies the municipality is obliged to implement.

Compliance with the legal framework governing local government is necessary to achieve the goals of the Constitution. There is, however, a need to focus on the requirements of the *Constitution of the Republic of South Africa of 1996* to achieve this. Based on the findings of the study, the researcher concludes that the cooperative functioning of the mayor, the speaker and the municipal manager can be improved upon and that the capacity to implement and deliver services in terms of good governance practice is possible, if the following actions are taken: (i) senior officials are given the opportunity to work independently of political influence; (ii) the administration is empowered with the authority to practice professionalism in their work; (iii) political interference is rooted out in local government; (iv) mayors and councillors adhere to the code of conduct and good ethics; (v) politics does not play a

bigger role than council working collectively; and (vi) processes to evaluate positions of both the municipal manager and the mayor are put in place to ensure compliance and service delivery satisfaction of the community. This study helped to acknowledge the importance of building strong ties and respect for the constitutional obligation to serve the people with honour and integrity.

Overall, this study has highlighted that while the roles, powers and functions of the mayor, the speaker and the municipal manager were clear and well understood, more still needs to be done to improve the working relationship between the three office bearers under review; that is, the mayor, the speaker and the municipal manager. Although legislation that governs the relationship between politicians and officials is in place, it needs to be enforced and adhered to. Lastly, there is a need to ensure that politics does not interfere with the administration of the municipality to ensure that service delivery is undertaken effectively and efficiently.

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Appendix 1



School of Public Administration

To whom it may concern.

Re: Request for permission to conduct a survey at Umvoti Municipality

I am currently engaged in my Masters studies at the University of KwaZulu-Natal. My research focuses on the relationship between Municipal Managers, the Speaker and Mayors in Local Government it's a case study of Local Governance in Umvoti Municipality.

I hereby request permission to conduct a survey on the said topic at Umvoti Municipality. All information will be treated confidential. The aim of the study amongst other things is to:

- To understand the role and impact of the relationship of Municipal Managers and Mayors in the provision of service delivery;
- To evaluate the roles and responsibilities of different municipal officials in ensuring efficient and effective service delivery;
- To identify the challenges encountered with regard to service delivery; and
- To make recommendations in order to overcome these challenges thus promoting service delivery and good relations between stakeholders

Name of Project Leader:

Prof. PS Reddy

School of Public Administrator

University of KwaZulu-Natal (Westville Campus) Private Bag X54001

Durban 4000

Contact details: 031-260 7578/2607756

031-2607577 (Fax)

Name of the Researcher

Petros Ngubane

Reg: 204001442

P.O. Box 13 Kranskop 326

Appendix 2

COVERING LETTER

P.O.BOX 13 KRANSKOP 3268

083 505 3596

Dear Respondent

WORKING RELATIONSHIP OF MAYOR, SPEAKER AND MUNICIPAL MANAGER IN UMVOTI MUNICIPALITY HAMPERS SERVICE DELIVERY - CASE STUDY

The working relationship between the Political Office Bearers and Municipal Manager is of utmost important for the Municipality to render service delivery without problems.

This study is to help in identifying the problems that cause the poor working relationship which impacts negatively on service delivery and result to the community protesting for lack of delivery of services.

It will be appreciated if you may take part in responding to the attached questionnaire. Your contribution will be treated with confidentiality.

Thank you.

Kind Regards
PMS Ngubane

Appendix 3

A. Demographic information

1. What is your gender? Circle one.

Male _____ Female _____

2. What is your age group?

Less than 19 years	1
20- 31 years	2
32 - 41 years	3
42 - 51 years	4
52 - 61 years	5
Above 61 years	6

3. What is your educational level?

Primary school education	1
High school education	2
Tertiary education	3
None of the above	4

4. What qualifications have you obtained?

Certificate	1
Diploma	2
Degree	3
Other level	4

5. Primary function in Umvoti Local Municipality?

Senior politician	1
Senior official	2
Other	3

B. Perceptions on umyotj Munjcipal council

If (1) means you strongly disagree and (5) means you strongly agree. To what extent do you agree or disagree with the following statements:

		Strongly Disagree	Disagree	Neutral
1	Umvoti Municipality is a place of peace and prosperity	1	2	3
2	Democracy is practiced in Umvoti Municipality	1	2	3
3	Batho Pele Principles are used in the Municipality	1	2	3
4	The Municipal staff understand the Principles of Batho Pele	1	2	3
5	Umvoti Municipal Officers respect the Councillors	1	2	3

6	The municipal staff enjoy the respect of the Councillors	1	2	3
7	All the members of the municipality work as a team	1	2	3
8	the protocol is observed at all times	1	2	3
9	Professionalism is practiced at all levels of the Municipal staff and Municipal Councillors	1	2	3
10	All the people in Umvoti are treated equally	1	2	3
11	Policy workshops are organised for both Senior Management and Senior Political Office Bearers	1	2	3
12	Legislation and laws governing the work environment of Local Government is available to both officials and politicians	1	2	3
13	The Municipal Manager understands the role of the Mayor	1	2	3
14	The Mayor respects the Municipal Manager and gives the necessary support	1	2	3
15	The Mayor of Umvoti Municipal Council knows his roles and functions	1	2	3
16	The Mayor understands his area of work	1	2	3
17	The roles and function of the Municipal Manager are known to the Mayor	1	2	3
18	The Mayor chairs the Executive Committee Meetings monthly	1	2	3
19	The Mayor identifies the needs of the municipality	1	2	3
20	Prioritizing of the needs of the municipality is done by the Mayor	1	2	3
21	Identification and development of strategies to implement and evaluate programmes and services is done by the Mayor	1	2	3
22	The Mayor evaluates progress against the key performance indicators	1	2	3
23	The Mayor reviews the performance of the municipality	1	2	3
24	The improvement of the efficiency and effectiveness of the Municipality is done	1	2	3

25	The efficiency of credit control, revenue and debt collection services is reviewed timeously	1	2	3
26	The implementation of the municipality's by-laws is supported	1	2	3
27	The Mayor monitors the management of the municipality's administration in line with legal requirements	1	2	3
28	Supervision of service delivery to communities in the municipality is in a sustainable manner	1	2	3
29	Mayor perform duties and exercise powers that the municipal council gives him / her in terms of Section 59 of The Local Government Systems Act	1	2	3
30	The Mayor reports on the involvement of communities and community organisations in the work of the Municipality annually	1	2	3
31	The Mayor invites public views and reports on the decisions of the municipal council	1	2	3
32	The Speaker chairs the municipal council meetings	1	2	3
33	Implementation of the code of conduct for Councillors in schedule 1 of The Local Government Systems Act is followed	1	2	3
34	The Speaker facilitates public participation found in legislative matters	1	2	3
35	Ward Committees are established in every Ward	1	2	3
36	The Speaker supports the municipal councillors	1	2	3
37	The Speakers facilitates the seating of the municipal Council at least quarterly	1	2	3
38	The responsibility and accountability is monitored by the Speaker	1	2	3
39	The Speaker's Office maintains integrity and discipline	1	2	3
40	The Speaker is objective and fair when carrying out his or her functions	1	2	3
41	rrhe Speaker is able to separate his activities as a politician and his functions as a Speaker	1	2	3

42	The Speaker respects and serves all Councillors equally irrespective of their political party background	1	2	3
43	The Speakers Office is transparent	1	2	3
44	The views and inputs of all the Municipal Councillors are listened to and attended to with dignity	1	2	3
45	The Municipal Manager calls the first meeting of the newly elected Municipal Council	1	2	3
46	It is the Municipal Manager's duty to preside over the election of the Speaker	1	2	3
47	The declaration by the Municipal Councillor of any financial interests held must be done within 60 days to the Municipal Manager	1	2	3
48	Municipal Manager is head of the municipal administration	1	2	3
49	The formation and development of an effective, efficient and accountable administration is responsibility of the Municipal Manager	1	2	3
50	The integrated development plan implementation is the responsibility of the Municipal Manager	1	2	3
51	Implementation of the performance management system is the responsibility of the office of the Municipal Manager	1	2	3
52	The Municipal Manager is responsible for the preparation of the Municipality's Annual Report	1	2	3
53	The notice must be made or issued to the Community, the Auditor General and the MEG of a meeting on the Annual Report.	1	2	3
54	The Municipal Manager must provide the newly elected municipal council with a report on current delegations	1	2	3
55	The Municipal Manager is the accounting officer of the municipality	1	2	3
56	The fiducial and other responsibilities are in addition to all other regular management responsibilities expected of the Municipal Manager	1	2	3

Appendix4

Ethical Clearance



UNIVERSITY OF KWAZULU-NATAL III

INYUVESI YAKWAZULU-NATALI

18 December 2019

Mr PM Ngubane (204001442)
School of Management, IT and Governance
Westville Campus

Dear Mr Ngubane,

Protocol reference number: HSS/0717/07M

Project title: The relationship between Municipal Manager, the Speaker and Mayor in Local Government. A case study of Local Government in Urnvoti Municipality.

Approval Notification - Recertification Application

Your request for Recertification dated 17 December 2019 was received.

This letter confirms that you have been granted Recertification Approval for a period of one year from the date of this letter. This approval is based strictly on the research protocol submitted and approved in 2007.

Any alterations to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study must be reviewed and approved through the amendment /modification prior to its implementation. Please quote the above reference number for all queries relating to this study.

PLEASE NOTE: Research data should be securely stored in the school/department for a period of 5 years

Yours faithfully



Dr Shamila Naidoo (Acting Chair)

/ss

cc Supervisor: Prof PS Reddy
cc Academic Leader Research: Prof Isabel Martins
cc School Administrator: Ms Angela Pearce

Humanities & Social Sciences Research Ethics Committee

Dr Rosemary Sibanda (Chair)

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