

**AN EVALUATION OF THE PRACTICE OF PUBLIC
ACCOUNTABILITY IN THE NDLAMBE MUNICIPALITY**

BY

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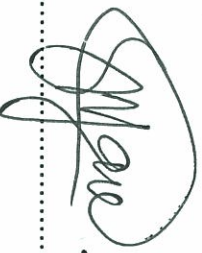
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of Master of Administration in the Department of Public
Administration of the Faculty of Management and
Commerce at the University of Fort Hare**

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DATE SUBMITTED: JANUARY 2009

DECLARATION

I, the undersigned, hereby declare that this dissertation is my own and independent work. It is being submitted for the Degree of Master of Administration at the University of Fort Hare and thus has not been submitted to any other institution of higher learning. I further cede copyright of the dissertation to the University of Fort Hare.

A handwritten signature in black ink, appearing to read 'S. Mare', is written over a horizontal dotted line.

Signature

JANUARY
.....2009

Date

DEDICATION

I dedicate this work to the late Ms B.H. Sikakane and my family. Thank you for your support throughout my period of study at Fort Hare.

ACKNOWLEDGEMENTS

I wish to express my sincere gratitude to my Heavenly Father who provided me with strength, courage and wisdom throughout the years of my studies.

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SUMMARY

Democracy is a people driven process in which public accountability plays a crucial role in ensuring good governance. In democratic countries, good governance is a product of the democratic process. During the apartheid regime public office bearers were hardly called to account to the public for their actions and inactions and people did not have any way to freely hold public officials and political office-bearers accountable.

The introduction of a democratic dispensation in South Africa in April 1994 drew the idea of public accountability in which the electorates can hold public officials and political office-bearers accountable into the spotlight. For all spheres of government public participation has been identified as an important factor. This is obviously more critical at a local level where municipalities have a daunting task of providing services to the communities. It facilitates closer interaction between citizens and elected representatives. Being close to the people, local government knows better the needs of the local area, and also how to engage the local people in economic activities.

Various pieces of legislation require municipalities to establish methods and mechanisms to ensure public accountability and citizen participation in public affairs. Ward committees are but one mechanism to promote public accountability. In these structures, local municipalities should ensure that various sector groups within its jurisdiction are represented.

Moreover, a municipality needs to communicate with the public it is designed to serve. This form of communication is mainly to some or other legal requirements, or to invite comments and objections on specific proposals. This helps to promote

public accountability and it also strengthens the relationship between public officials, political office-bearers and the members of the community. All these mechanisms are meant to enhance service delivery.

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CHAPTER 1

INTRODUCTION AND THE PROBLEM OF INTEREST TO THE RESEARCHER

1.1 INTRODUCTION

The 1994 elections began a transformation process that would, hopefully, lead to a democratic, non-racial and non-sexist society. In such a society, respect for the fundamental human rights would be institutionalised. To this end, the African National Congress (ANC)-led government has introduced systems and processes to improve the lives of all citizens. Public accountability has been accepted as one of the objects of local government in order to have efficient, effective and economic service delivery.

In democracy, a government is voted into power by its citizens to satisfy the needs, desires and aspirations of its citizens. It is thus incumbent upon the government to devise mechanisms to ensure that it remains on track in trying to fulfil its constitutional mandate. Sharma in Reddy *et. al.* (2003: 242), points out that efforts to realize good governance will require a responsible, responsive and caring government which is accountable to the citizens. Responsible behaviour of local government implies an adequate understanding by its bureaucracy of its roles, functions and authority.

One of the mechanisms that the government has come up with is that of accountability. By this mechanism the government seeks to ensure that it lies up to the expectations of the communities at large. It is largely believed that countries that are socially and economically prosperous are those that hold public functionaries accountable for their actions. It should be noted that for accountability to work, responsible and responsive public officials and managers are needed. Accountability goes hand in hand with responsibility. For example, if a person does not assume responsibility for a task, such a person cannot be accountable for that task. However, when a person takes it upon him/herself to execute a particular function he/she has accepted responsibility to carry out that function and is therefore accountable to the person who gave him/her that responsibility.

Accountability is very important as it promotes community involvement and participation. Local government is where everything is happening. All programmes and projects such as, *inter-alia*, housing, water supply, sanitation, schools and roads, require accountable politicians and officials so that they gain the confidence and trust of communities who will then take a keen interest in protecting the programmes or projects and in ensuring their success and sustainability. The success or failure of a municipality depends to a great extent on the accountability of all stakeholders. Accountability is a tool for local democracy.

1.2 BACKGROUND TO THE RESEARCH

The Ndlambe Municipality which incorporates Port Alfred, Bushman's River mouth, Kenton-on-sea, Alexandria, Bathurst, Seafield, Boknes, Cannon Rocks and the surrounding rural areas, was established in terms of the *Local Government: Municipal Structures Act, 1998* (Act 117 of 1998) and the *Local Government: Municipal Systems Act, 2000* (Act 32 of 2000). It is a Category B municipality with an estimated population of 47 526. Ndlambe municipality falls under the Cacadu District Municipality (CDM).

Local government in South Africa is undergoing a process of transformation from apartheid's highly unequal, racially classified local administrative apparatus, towards a more integrated, developmental, transparent, equitable and sustainable sphere of government. This transformation requires values and principles that all municipalities must adhere to. One of these values is accountability and is enshrined in the *Constitution of the Republic of South Africa, 1996* (Act 108 of 1996).

Accountability can lead to a more participatory form of democracy in the sense that public officials have to give account to the general public for their actions and the public on the other hand have a responsibility of holding the public officials accountable for their action or inaction.

Thus in one way or the other accountability enhances public participation. The aim of this paper is to evaluate the practice of accountability in the Ndlambe municipality.

1.3 STATEMENT OF THE PROBLEM

Many municipalities in the Eastern Cape and elsewhere in the country have been faced with protests from the communities who demand their share of public services. In other municipalities community members have caused severe damages to council property. This is not a desired state of affairs in municipalities and can be attributed to the lack of accountability from the officials and political office-bearers of the municipality. The *Municipal Structures Act, 1998* (Act 117 of 1998), *Municipal Systems Act, 2000* (Act 32 of 2000) and the Municipal Finance Management Act, 2005 (Act 53 of 2005) make provision for the accounting responsibilities of the municipal officials and political office-bearers. The *Municipal Structures Act, 2000* also provides for the establishment of ward committees in municipalities.

The ward committees are one of the mechanisms of ensuring public accountability in that the public is consulted through the ward committee which is chaired by the ward councillor who is supposed to give account to the public about the councils' decisions. In Ndlambe Municipality legitimate ward committees do not exist and councillors do not carry out their mandate of being

the representatives of the public. The councilors tend to be reactive as opposed to being proactive in terms of accounting to the public. This is the problem that has led to most of the violent protests around the country because people are not consulted and they resort to violence in demand of their share of public accountability.

Furthermore, the lack of accountability, unethical behaviour and corruption have become so pervasive to the extent that one can conveniently speak of a crisis of ethics in local government. Practices such as bribery and corruption, patronage, nepotism, embezzlement, bestowing of favours on friend and relatives, abuse of public property and the like are common manifestations of the lack of accountability. The obvious negative impact of such practices on productivity, service delivery and efforts to bring about development dictate that concerted action by all concerned must be taken upon to deal with these debilitating problems.

1.4 OBJECTIVES OF THE STUDY

The objectives of the study are: -

- to critically examine the state of public accountability to the residents of the Ndlambe Municipality;

- to evaluate the roles and responsibilities of the different stakeholders in ensuring the efficacy and efficiency of public accountability in the municipality; and
- to present recommendations for enhanced accountability in the Ndlambe municipality.

1.5 SIGNIFICANCE OF THE STUDY

The study has been undertaken because of the topicality and importance of accountability in South African democracy. Accountability serves as a powerful tool for democratic advancement. There is an increased demand for quality services with limited resources. Government must give an account to citizens for its actions or inaction, and citizens must take their fair share of accountability to government in order to promote service delivery. The study is also significant in that "...policy and practice should be informed by research evidence" (Becker and Bryman, 2004: 42).

1.6 LITERATURE REVIEW

Accountability means to give an account for one's actions or inaction. In democracy, a government (national, provincial or local) is voted into power by its voting citizens to satisfy the needs, desires and aspirations of the latter. Kernaghan and Langford (1990:160) in Matfunisa *et al* (2002: 193) define

accountability as “...the obligation to answer for the fulfilment of assigned and accepted duties within the framework of the authority and resources provided”. It is thus incumbent upon the government to devise ways to ensure accountability in terms of its constitutional mandate. Section 195 of the *Constitution of the Republic of South Africa*, (Act 108 of 1996) provides that public administration must be accountable and transparency must be fostered by providing the public with timely, accessible and accurate information. These principles are based on the democratic values and principles that govern public administration and their purpose is to ensure that the public participates in government matters, particularly in local government in order to ensure public accountability.

Chapter 2 of the *Constitution* consists of the Bill of Rights which is the cornerstone of democracy. It affirms the rights of all persons who should be accorded human dignity, equality and freedom. Section 16 deals with freedom of expression. This includes the right to receive and give information or ideas. Communication between the council, officials and the community is very important as it keeps people knowledgeable about all that is taking place in their municipality. Their participation in decisions helps to create a climate of trust and a feeling of belonging. This promotes accountability. As Sharma in Reddy *et al.* (2003:242) puts it,

“...efforts to realise good governance will require a responsible, responsive and caring local government which is accountable to the community it serves. Responsible behaviour of local government

implies an adequate understanding by its bureaucracy of its roles, functions and authority”.

Furthermore, the *White Paper on Local Government*, 1998 states that:

“...Involving communities in developing some municipal key performance indicators increase the accountability of the municipality. Whatever the priorities, by involving communities in setting key performance indicators and reporting back to communities on performance, accountability is increased and public trust in the local government system enhanced.

This implies that there should be an accountability relationship between government and citizens to ensure that the latter also act responsibly and, for example, pay for their services to enable government to provide the desired services. Citizens should thus be required to account for their failure to meet their responsibility. This mutual answerability will result in improved service delivery. An accountable government will gain the trust of citizens and will also promote citizen participation and involvement.

An attempt was made to utilise past studies as a foundation on which to build the investigation. Literature consulted consisted of books, journals and other publications which provided valuable information on the subject.

1.7 RESEARCH METHODOLOGY AND DESIGN

Methodology is a system of methods and procedures followed to collect information and data pertinent to a project and there are various approaches to conduct research. The idea that the same goal may be attained through different methods seems to manifest itself across social researchers. Two basic methods can thus be distinguished: qualitative and quantitative methodologies. Bless and Higson-Smith (2002:86) believe that a comprehensive research follows both methodologies, however these approaches absolutely depend on the setting to which the research is conducted. All methods do have applicability in appropriate situations; hence this research follows the mixed method (qualitative and quantitative) which is becoming increasingly popular in order to effectively address complex social phenomena arising in natural settings (Hart in David and Sutton, 2004:30).

1.7.1 Quantitative

Quantitative research relies on measurement to compare and analyse different variables. The method uses quantifying data to record aspects of society (Bless and Higson, 2002:86). It makes data collected to be reduced to some numerical representation of what is being measured. Emphasised in this method is the quantification of data into numerical variables; regarded as scientific observations that are recorded in a numeric or some other standardised coding format (Ethnis

in David and Mutton, 2004:36) Quantitative data is expressed in a numerical form, for example, numbers, percentages and tables (Lawson and Omrod, 1994:218). Therefore, quantitative data refers to units or element that have been or which can be counted and put in numerical scale. However, there are some kinds of information or data that can not be adequately recorded using quantitative data capturing, hence words can be used to describe a social phenomena.

1.7.2 Qualitative

Qualitative research, also known as Non-experimental research methodologies will be used in this research because of the researcher's understanding that they tend to observe, analyse and describe what exists rather than manipulating any factor as it may be in experimental research. The method's data is in form, they may record actual verbal utterances which occur naturally. Sarantakos, (1998:467) defines qualitative research as a method of social research that employ no quantitative standards and techniques, data is usually presented in words. It is a way of collecting information on the knowledge, values, feeling, attitudes, beliefs and behaviours of the target population (Leedy and Omrod, 2001:147). According to David and Mutton, qualitative data refers to the collection of materials in a linguistic form, a form that has not been translated into a location on a numerical scale. Brynard and Hanekom (1997:29) are of the idea that qualitative research methodology refer to the research which produces

descriptive data, generally people's own written and spoken words, this allows the researcher to know the respondents personally and see them as they are, thereby enabling the researcher to interpret and describe the actions of the people.

1.8 POPULATION AND SAMPLE

The population in this study refers to the subjects whom the researcher wishes to research on in order to establish or advance knowledge. Brynard and Hanekom (1997:43) states that "...population does not refer to the population of a country but to all objects, subjects, phenomena, cases, events or activities which the researcher wishes to research". According to De Vos *et. al.* (2000:198), population refers to all potential subjects who pose the attributes in which the researcher is interested. Powers in De Vos *et. al.* (2000:198) believes it is a set of entities in which all measurements of interest to the researcher are presented. In this study, the target population consisted of municipal officials, councillors, ward committee members and citizens of the Ndlambe Municipality.

However, like any other social and economic scientist, the researcher cannot collect data from everyone in the category being researched. As a result, the researcher will get evidence from a portion of the whole in the expectation and hope that what is found in this portion applies equally to the rest of the population, thus a sample.

1.9 SAMPLING

In a few words, Bless and Higson (2000:86) points out that:

“...if one wants to collect accurate information about a group, the best strategy is to observe each of them”.

However, following what has been mentioned earlier on, it is also possible to obtain accurate conclusions by examining only a portion of the whole population, which is a sample. A sample shows actual participants in the research. Sampling has been utilised in this research for the population is too large to undertake a research, at least a representative group (sample) will be selected.

According to Akra and Lane in De Vos et. Al. (2000:199) a sample consists of elements of the population only considered for the actual inclusion in the study, thus it can be viewed as a subset of the population in which the researcher is interested. Shipmen (1998:46) states that sampling becomes a systematic way of choosing a group small enough to study and large enough to be representative of the population under study.

Sampling rests on the premise that some way has to be found to generalise to a population without having to gather data concerning each element of that population. Careful sampling will be done in this study for the following reasons:

- sampling enables the researcher to study a relatively small section of the population and still be able to gather data representative of the whole;
- gathering data on a sample will be less time consuming and less costly for the researcher, hence samples may produce more accurate data economically; and
- it will be feasible to use a sample because a complete coverage of the total population is seldom possible; and all members of the population can not be reached.

According to Nel (2001:345), the sampling procedures must be designed so that samples of the actual population are collected accurately and consistently and reflect the concentrations of the population at the place and time of research.

1.9.1 Sampling techniques

Sampling theory distinguishes between, probability and non-probability sampling methods. Probability sampling provides known, equal and calculable chances that each element of the population can be included in the research. Such sampling methods like simple-random sampling stratified sampling, cluster sampling and multi-stage sampling are only but a few examples of probability sampling. Non-probability sampling suggests that chances of all elements to be included in the sample are not even and unknown. It follows among other

methods such as purposive/judgemental sampling, quota sampling, convenience sampling and snow-ball sampling (Bless and Higson-Smith, 2002:87).

This research will make use of both probability and non-probability sampling techniques, specifically stratified, purposive/judgemental and snow ball sampling.

- purposive sampling technique would allow the researcher to identify a sample composed of only those found to be more relevant to the study. Based on the researcher's judgement to select those that shall participate, the most informative samples in the municipality will be established. This directs the study to individuals responsible for the practice of accountability. In the municipality, it is the Mayor, Municipal Manager, the Directors and all senior managers that form the sample in this research as they are more relevant to the study; and

- snow ball sampling technique will be used because the researcher has not yet known some of the people involved in the practice of public accountability in the Ndlambe municipality so only the relevant ones would identify for the researcher such officials. This sampling technique will also be used to obtain a sample of the local communities. According to Welch & Corner (1988:193), when one member of the target population is found, he or she is asked to name other members of the target group who are then interviewed and asked to supply additional names, and so forth. This

makes the task of the researcher easier because the identified member will in turn give the names of people who will be willing to participate and who have knowledge about the problem at hand. In this study, community members of the wards would be knowledgeable about issues relating to accountability of political office-bearers and municipal officials.

This method will be used because samples should be chosen in such a way that the demand for representativeness and generalisation is not compromised. Moreover, the objective of choosing a sampling procedure is to select a sample that will be representative of the population from which they are drawn.

1.10 DATA COLLECTION

Data collection is a form of collecting information from various sources. This can be done through a number of instruments. For the purpose of this research, two sources of data will be used, namely primary and secondary sources of data. Literature from published and unpublished articles, journals, magazines or newspapers becomes a secondary source of data in this research, whereas information derived and extracted from the respondents of this research is the primary data. Layder (1993:54) has identified quite a number of instruments that can be used to gather data; among these are interviews, intake forms, questionnaires, and survey and attendance records. This study will however make use of questionnaires and interviews to gather the much needed data.

1.10.1 Interviews

An interview is a conversation between two or more people where questions are asked to obtain information from the interviewee. The researcher will use structured interviews with planned and detailed questions. A structured interview is one in which questions to be asked, their sequence, and detailed information to be gathered are all predetermined; this is needed because maximum consistency across interviews and interviewees is wanted. The interview questions will be arranged in such a way that interviewees can give lengthy and short answers.

There are major reasons why interviews will be considered in this research, such reasons include that:

- they appraise validity of the research, in that not only is the researcher able to get what respondents say, but also how they say it, which reveals information about complex and emotionally laden subjects;
- they give room for flexibility. This gives the researcher a chance to repeat or rephrase questions to make sure that they are understood and answered correctly and consistently;
- information given here is detailed and based on the respondents' real experiences on the depth of the subject matter; and
- they are a simple instrument built on good conversation skills which the researcher already has.

1.10.2 Questionnaire

A questionnaire is a method used for collecting data by means of written questions which calls for responses on the part of the respondent; they may be self-administered or group-administered (Grinnell, 1990). In this case the researcher will apply self administered questionnaires because:

- they are less expensive and require much less skill to administer. The researcher can use research assistants to distribute and collect questionnaires;
- they make researcher's life easier for they can be used to reach large numbers of people simultaneously, meaning they can cover a wider area and can obtain information from many people;
- they give respondents greater confidence in their anonymity so they can give out information freely especially on the views they fear might be disapproved or might get them into trouble; and
- generally, questionnaires give respondents ample time for filling them out, hence each answer may be considered carefully, which reduces mistakes and respondents' inconveniences.

A questionnaire is further defined as a formal, written, set of closed-ended and open-ended questions that are asked of every respondent in the study. This study will combine the two.

This enables respondents to fully express themselves and to give detailed and precise information. It gives accurate and adequate information about the situation on the ground.

In this study, qualitative data was accessed through, *inter alia*, the interviews with key stakeholders including the Municipal Manager, the Mayor, ward committees and municipal directors. Quantitative data was obtained through structured questionnaires which were administered to residents of the Ndlambe municipality.

1.11 DELIMITATION OF THE STUDY

This research, due to financial and time constraints, focuses only on evaluating the practice of accountability within the Ndlambe municipality.

1.12 OUTLINE OF THE STUDY

Chapter 1 provides the introduction and problem of interest to the researcher. It focuses on the objectives of the research, the hypothesis, research questions and the significance of the research. Chapter two gives a general overview of public accountability. It examines the types of accountability, its purposes, the various ways of promoting accountability, as well as the issues and challenges in relation to accountability.

Chapter three explores the statutory and legal framework within which accountability in local government operates, and includes consultation of

- *The Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996);*
- Batho Pele- "People First" White Paper on Transforming Public Service Delivery, 1997;
- *Local Government Municipal Structures Act, 1998 (Act 117 of 1998);*
- *Local Government Municipal Systems Act, 2000 (Act 32 of 2000);*
- White Paper on Human Resource Management in the Public Service, 1997;
- *Local Government Finance Management Act 2003 (Act 56 of 2003); and*
- *Public Finance Management Act, 1999 (Act 1 of 1999 as amended by Act 29 of 1999)*

Chapter four presents and explains the research methodology. It deals with the research design, the population to be studied, the sampling of research participants and the methods used to collect data.

Chapter five, the penultimate chapter, deals with the analysis of the data collected. It focuses on the questionnaire responses and interviews as well as the analysis and interpretation of the data.

Chapter six presents conclusions based on the results of the study as well as recommendations for enhanced accountability in the Ndlambe Municipality.

CHAPTER 2

AN OVERVIEW OF PUBLIC ACCOUNTABILITY IN LOCAL GOVERNMENT

2.1 INTRODUCTION

Accountability means to give an answer to some authority or persons or justification for one's actions or inaction, which are measured against set standards or expectations. Despite popular rhetoric, public accountability remains an elusive concept and a challenge for politicians, officials and citizens. It is an important democratic tool for ensuring that public needs, legitimate demands and entitlements are addressed. Good governance demands, *inter alia*, accountable politicians, appointed officials and civil society.

This chapter gives an overview of public accountability in terms of the types, purposes, the various ways of promoting accountability as well as the issues and challenges which may be encountered with regard to accountability. Special reference will be made to local government.

2.2 ETHICS AND ACCOUNTABILITY

Scandals and allegations of unethical behaviour by political office-bearers and municipal officials are very common in South Africa and elsewhere. As a result

there has been a global search for remedies in both the democratic and undemocratic countries. Ethics and accountability have been highlighted as the two of the enduring ethical values (Matunisa *et al*/ 2002:192). Measures to enhance ethics and accountability often feature prominently as part of the agenda of civil service reform in both the developing and developed world. The debate on and efforts to curb ethical violations and enforce accountability have also intensified. Rashheed (1995:12-14) attributes that to the following reasons:

- The increase in the incidence of unethical practices and lack of accountability;
- The wave of political liberalisation, which has emboldened a budding civil society into demanding greater enforcement of ethical standards and the punishment of violators;
- A growing recognition that unethical practices have contributed to the economic difficulties that many countries face; and
- The pressure exerted by international community requiring stricter adherence to good governance and the curtailment of waste and squandering of resources.

A comprehensive agenda to promote ethics and accountability in the public service, particularly in local government ought to comprise:

- **Fostering and promoting enabling conditions of service to enhance professional and ethical standards;**

- Advancing and affirming sound policies on recruitment, training and public personnel management;
- Promoting a psychology of service in political and public life;
- Creating strengthening and upholding the integrity and effectiveness of public institutions of accountability;
- Cutting down on excessive centralisation and bureaucratisation;
- Enacting, improving and effectively enforcing legal instruments, codes of conduct and regulations promoting ethics and accountability;
- Establishing coalitions of business associations and civil society to expose and fight corruption;
- Mass education campaigns on the extent and cost of corruption and unethical behaviour;
- The systematic and impartial prosecution of violators; and
- Fostering popular participation to ensure the responsiveness, accountability and transparency of governance (Rasheed 1995: 12-14).

2.3 TYPES OF ACCOUNTABILITY

According to Smit & Cronjé (2002:192) accountability “...implies that the responsible employees will be expected to account for outcomes, positive or negative, for that portion of the work directly under their control. Accountability links results directly to the actions of an individual, section, department or business unit”.

Various types of accountability have been identified depending on the accountability relationships that exist, some of which overlap.

2.3.1 Hierarchical accountability

A municipality consists of the political and administrative structures and also its community (Chapter 2 of the *Local Government Municipal Systems Act, 2000* (Act 32 of 2000). The administrative structure consists of the municipal manager as the administrative head of the municipality with managers heading the various departments. Within the administrative structure, hierarchical accountability relationships exist. Wolf (2000:24) states that these are based on supervisor-subordinate relationships, where the immediate supervisors carry out performance reviews periodically. Individuals are evaluated against performance expectations laid down in directives or codes, rules, regulations or other workplace mechanisms like performance evaluations and procedure manuals. Hague (1994: 265-286) refers to these as 'internal-formal means'.

Day & Klein (1995:199-203) echo this sentiment and state that managers and professionals should be answerable for different areas of service delivery and also for 'the way in which these combine to form a total tapestry of service provision'. Performance indicators can be effective as a mechanism of accountability if managers and professionals realise that they are accountable to citizens for service delivery as a whole.

Campbell (1993:112) makes an added point by stating that there is an extension to this type of accountability whereby the commitment of officials to serve extends to the anticipation of the wishes of supervisors and the duty to bring to their attention matters which supervisors may have overlooked.

In hierarchical accountability relationships, the following processes take place: -

- assignment and delegation of authority;
- co-ordination of functional activities;
- arrangement of communication channels so that all involved are kept abreast of all the activities taking place; and
- control measures established to ensure that at each level of the hierarchy all functionaries take all the necessary measures to achieve the desired objectives and will be held responsible for the assigned duties by the delegator to whom the delegates must give an account (Cloete 1984:8).

Cheminais *et al.* (1998:68-69) concur that the hierarchical structure of institutions ensures accountability through division of work. Officials have a superior to whom they should give account. The highest officials have to give an account to their political or legislative superiors with regard to specific work or a particular course of action. Through interest groups and other formations, the public keeps in touch with politicians or the legislature which in turn can then determine the needs and values of the public. The public also turn to officials to voice their

needs and demands. All this ensures that elected and appointed officials are answerable to the public.

2.3.2 Professional accountability

According to Seldon *et al.* (1999:194) professional accountability is reflected in work arrangements that provide for high degrees of autonomy to persons who base their decisions on internalised norms of appropriate practice, especially values and norms rather than political responsiveness. The term 'professional' conveys the sense that professional accountability reflects attributes of specialised knowledge and expertise.

This type of accountability requires individuals to answer questions about "...whether their performance is consistent with norms derived from professional socialisation, personal conviction, organisational conventions, or work experience. Performance standards are established by professional norms, accepted protocols and prevailing practices of one's peer or work group. The behavioural expectation is that discretion will be exercised responsibly and in a manner consistent with accepted norms of responsible practice" (Romzek 2000:26).

Campbell & Wilson (1995:38) maintain that senior public servants know how 'to work the government machines' and have the skills to simplify complex issues so

that they can be understood by politicians who have little training on policy matters.

Professional accountability in the public sector ensures that public officials perform their duties in line with ethical norms and standards, the violation of which will result in disciplinary action against the guilty official/s. Cloete (1994:64) contends that the guidelines that govern the conduct of public officials when executing their functions are derived from the prevailing values of society. Public managers are responsible and accountable for actions taken by officials under their control.

Although professional accountability grants the individuals a high degree of autonomy and are thus influenced by the norms and values of their profession rather than political responsiveness, in practice it is not a simple exercise. In some cases, officials find themselves in a dilemma of being true to their internalised norms and values or giving in to political pressure in the course of performing their activities. The latter course of action gives room for corrupt activities and does not augur well with public accountability.

2.3.3 Legal accountability

In legal accountability relationships, there are established performance mandates like legislative and constitutional provisions which have to be adhered to. West

(1995:68) believes that this type of relationship is between a principal and an agent. The underlying factor is whether the agent has complied with the expectations of the principal which are determined externally. There is thus detailed oversight which can be anticipatory, through formal inquiries and direct communication between administrators and external reviewers. This type of accountability is basically reactive with very limited discretionary powers.

In local government there are performance mandates like the *Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)* and many other *Local Government Municipal Acts* which municipal officials and councillors have to comply with.

2.3.4 Political accountability

Political accountability relationships allow public managers to be responsive to the needs and demands of stakeholders like politicians, the general public and clientele groups. In this type of accountability relationship, the public official has the discretion to decide whether or not and how to respond to concerns of main stakeholders (Romzek 2000:27). According to Aberbach *et al.* (1981:323) administrators and politicians recognize their interdependence. Administrators look for political signals and support and are answerable to external groups. The main emphasis in this type of relationship is being responsive to public needs

which can be determined by conducting customer satisfaction surveys. All this is an indication of responsiveness through performance measures.

This relationship is similar to that of politicians and their constituencies which stresses responsiveness to public needs. The administrator is the responsive actor and the stakeholders are the constituencies of the administrator. The administrator has to anticipate the mandate of politicians and public needs. Public servants should build a strong relationship between themselves and politicians and make sure that the image of government is not dented by being responsive to public concerns, dealing with problems promptly, efficiently and effectively (Campbell & Wilson, 1995: 284).

In local government, the municipal manager as the head of administration has to ensure that officials under his/her command are sensitive and responsive to public needs and have a good working relationship with councillors.

Rouzek (2000:21) states that the four types of accountability relationships can be found within one organisation and many of them within one office. One individual can be accountable for performance under all four different types of accountability at the same time.

2.5 PURPOSES OF ACCOUNTABILITY

Accountability serves various purposes which will be highlighted in the following discussion.

2.5.1 Accountability as control measure

Fox *et al.* (1991:118-119) refer to control as the monitoring of activities in order to determine whether or not individual units in an organisation are utilising available resources economically, efficiently and effectively. Control may be in the form of informal communication and interaction which include, *inter alia*, meetings, conversations and memoranda. Formal control involves performance measurement using written reports, oral reports, statistical reports and personal observation.

Control is important as a managerial activity. In the case of local government, the municipal council has delegated its authority and responsibility to the municipal manager and the latter in turn delegates to directors, managers and other officials to carry out operational activities. The municipal manager, as the delegator, should get information and feedback from delegates to determine if their performance is according to plan. The municipal manager is accountable to the council and has to justify actions or inaction to the council. The council has to account to the electorate.

2.5.2 Accountability as assurance

Members of the public need to be assured that public authority and resources are not used illegally. Citizens cannot govern themselves and thus elect representatives to govern on their behalf. In the case of local government, the municipal council has the power and authority to govern but may not have the skills and expertise to carry out administrative and operational activities. The council thus relies on appointed officials. Aucoin & Heintzman (2000:49) contend that "... in the language of 'agency' theory, sets of 'principles' must rely on sets of 'agents' to accomplish their objectives in institutional contexts where the former inevitably must place a degree of faith or trust in their agents to behave in ways that advance the objectives and secure the best interests of their principals. However the matter is expressed, the bottom line is that an effective system of accountability is necessary to provide assurance to principals that their agents are fulfilling their responsibilities as intended".

For accountability to succeed there should be set goals and objectives, service standards and entitlements, good management practices and performance targets. There must also be auditing, reviews and inspection. The performance management system is important to ensure that officials behave according to desired performance and this will help to maintain or rebuild public confidence in the institution. Citizens need to be assured that elected representatives and public managers ensure that accountability for individual management

performance is of utmost importance. The public service profession has professional standards against which performance is judged. Public managers should establish professional standards to give assurance that subordinates are held accountable against those standards (Aucoin & Heintzman 2000:49-51). In support of this, Cloete (1984:200) states that for public accountability to prevail the guidelines that apply to public administration should be complied with. These guidelines will be fulfilled if formal internal control measures are applied religiously and informal control measures are also strengthened so that officials develop self-control and self-discipline.

2.5.3 Accountability and continuous improvement

Performance measurement aims at identifying the strengths and weaknesses of the public official being assessed so that the official can be assisted to overcome the weaknesses and, at the same time, improving service delivery. According to Aucoin & Heintzman (2000:52) accountability to ensure continuous improvement is similar to the other purposes of accountability which are control and assurance. However, the latter purposes tend to apportion blame. It is assumed that continuous improvement will take place if there is willingness to tolerate failures or errors as part of the learning curve. This purpose of accountability also helps to identify and address constraints inherent in public management and governance which might affect the performance of officials. Wolf (2000:20) states that "...accountability is a precondition for trust in government and real

democracy, but democratic institutions are also needed to support a system of accountability. If there is no transparency and no living democracy with a free press, the controls of abuse and the advance performance evaluations will lead nowhere. Accountability in public administration cannot be reduced to a technical question of designing control procedures and institutions. It is a question of democracy”.

2.5.4 Accountability and public governance

Haque (1996:186-216) maintains that the standards of public accountability refer to the criteria for which public officials are held accountable to citizens. The standards have changed with the current form of public governance as a result of the restructuring of objectives and norms that shape such standards. Traditionally, objectives and norms of governance have been socio-economic growth, maintenance of law and order, alleviation of poverty and public welfare as well as maintaining values like equality, impartiality, fairness, representivity, citizenship and justice.

However, with the paradigm shift in the form of public governance, its objectives have also shifted to economic growth and productivity and its normative standards have changed towards efficiency and effectiveness, competition, value for money and profit. Such standards were initially associated with the private sector (Kickert 1997:15-39). According to Haque (2000:601-602) the changes in

the objectives and norms of governance mean that there are corresponding adjustments in the standards of its accountability. Instead of answerability for social welfare, the rights of citizens, alleviation of poverty, fairness, impartiality and justice, public governance is becoming more and more accountable for promoting economic growth, increasing efficiency, effectiveness and productivity, encouraging competition, increasing profit and ensuring cost effectiveness. This means that the standards of public accountability now overemphasise efficiency and productivity as against public concerns like representation and equality.

2.6 PROMOTING ACCOUNTABILITY

Accountability is one of the features of good governance and is enhanced by citizen participation, transparency, responsiveness and representivity.

2.6.1 Citizen participation

Civil society is an important part of democratic societies. It affords the citizens an opportunity to participate in public life and to check on the exercise of state power. They can hold the state accountable for its decisions and policies implemented on their behalf. The relationship between government structures and civil society is influenced to a large extent by the way in which government structures itself. Many operational problems affect citizen participation like: -

- lack of local government human, final and infrastructural resources;

- poorly skilled staff and councillors; and
- lack of capacity to communicate with and deliver services to the community (Reitzes 1998: 130-133).

Paul (1987:5) contends that "...community participation is the active process by which beneficiary client groups influence the direction and execution of a project rather than merely be consulted or to receive a share of project benefits".

According to Kliksberg (2000:162) citizen participation produces results. It enhances individual and group esteem. Citizens understand crucial problems affecting their municipal area, prioritise them, devise solutions, compare solutions with those adopted in other areas, target expenditure on the least costly and more viable programmes, decide on whether or not to approve a plan, and examine the merits or demerits of the plan, in order to improve the criteria for the following year.

Magwaza (2004: 3) is of the opinion that to advance democracy, citizens should be able to vote in a government. In addition, citizens should be accorded a whole set of rights to ensure an open, participatory and accountable government. The main point of contact of all citizens with local government within a municipal area is through service delivery as consumer of services. A municipality should identify and establish programmes to consolidate this relationship to promote active citizen participation which includes consultation and information-sharing which will provide an informed basis for policy-making in order to address

developmental challenges. According to Chimbunya (2004:iv-v) more participative governance can be assessed by changes in the number of citizens participating *inter alia*, in elections, representative bodies and associations and also in whether or not participating groups are more inclusive of the poor and disadvantaged. Furthermore, "...participation must be effective, which is a question of accountability and changes in organisational behaviour within relevant government bureaucracies. ...tracking the impact of participation involves assessing the operation of accountability mechanisms, both internally within local institutions e.g. accountability of bureaucrats to elected representatives and externally in relations with local institutions and the public e.g. fairness and competitiveness of elections or representiveness of elected councillors".

Meyer & Theron (2000:64) maintain that since public participation is a mandatory requirement, the council should ensure that it adheres to all policy and development issues. The council will be held accountable if mandatory requirements are not met. Councillors should be committed to participatory local government and democracy. They are vehicles through which the public speak and should thus be in touch with the needs of those they represent. Councillors must promote and supervise the implementation of public participation initiatives. If municipal councillors realize that they are accountable to local communities they will attempt to act in the interest of communities and try to improve their quality of life. It is thus important that citizens hold politicians accountable for

their actions or inactions. This has been the case with residents of a municipality in the Orange Free State where residents complained about non-performance of councillors and the Premier of the Orange Free State had to come and listen to their complaints.

Community participation plays an important role in promoting effective operation of a programme and preventing corruption. It encourages transparency and accountability, creates a climate of trust and contributes to efficiency of the organisation (Kliksberg, 2000: 167-169). It should be noted that no local government can succeed without citizen participation. The failure of many projects especially in rural areas is attributed to lack of citizen participation.

Participation of citizens should be harnessed as it inculcates a feeling of ownership of the project or programme and as a result, the citizens will jealously guard the project and ensure its sustainability. The public should oppose, reform and complement local government. Sekhesa (2004:5) lists the following benefits of citizen participation:

- it contributes to value-added decision-making by tapping into the different skills and experiences;
- it provides a clear direction for communities and ensures clarity and focus on community issues;
- if the municipality considers the input of the community its credibility will improve;
- service delivery will be citizen-focused;

- misconceptions about projects will be lessened as communities are well-informed; and
- community involvement brings about a better understanding of projects and their objectives.

Citizen participation promotes a better understanding on the part of the local communities as to the programmes and processes that are in place to improve the quality of their lives. This will enhance their co-operation and sustainable development.

Naidoo (2004:5) concurs that community participation in local government is important because:

- it ensures that the most pressing needs of communities are met by their elected representatives. Those affected by proposed policies can thus express their views and try to influence them;
- it provides local government with information regarding local conditions, needs, attitudes, aspirations and desires so that local government can try to meet those needs;
- it provides commitment of people in policies and projects they are involved in with planning and preparation. They will thus get feedback on the successful implementation of programmes and projects; and
- it is important in democracy by engaging active interest and responsibility of citizens and not only of elected or appointed officials.

When citizens are actively involved in local governance they are in position to express their needs and also participate in meeting them. According to Ismail et al. (1997:110-114), to enhance citizen participation, local government should:

- harness expertise and local knowledge to help in decision making and policy making by co-opting members of the public on to their subcommittees;
- use questionnaires, community forums, social surveys and advisory panels in consulting citizens to obtain their views on important issues. This will help to involve citizens in the local governance process,
- create an atmosphere which is conducive to forming advisory boards/committees. This will enable citizens to gain access to the political system through consultation and collaboration between municipalities and themselves. Such boards/ committees could be involved in issues like housing, transport as well as issues relating to women, children and the disabled;
- Create mechanisms whereby citizens can form interest groups to promote interaction between councillors and officials. These interest groups could take the form of:
 - groups pursuing common interest or objectives;
 - groups mainly composed of producer and trade unions; and
 - groups which are mainly concerned with specific social groups like women, the disabled and people living in informal settlements;

- allow citizens to participate in agenda setting for full council meetings/committees;
- promote informal channels for citizen participation;
- allow citizens and the media to access information in background documents and council meetings except in certain cases;
- provide information to citizens with regard to, *inter alia*, service performance and targets;
- make use of municipalities to publicise their activities;
- consider using radio stations and the television to broadcast proceedings of full council meetings to promote transparency of local governance and to educate citizens about issues of local government;
- use meetings, workshops, seminars and conferences to discuss issues and problems affecting local communities;
- establish telephone communications like hot-lines with citizens so that there can be a two-way communication which ensures immediate attention to issues at hand;
- provide for local referendums so that specific issues can be dealt with; and
- provide for opinion polls and citizens' enquiries which can help in policy-making and the decision-making process of municipalities.

All employees should internalise the notion of public participation and line managers throughout the municipality should engage and empower members of the public in their respective functional activities (Meyer & Theron 2000:69-70).

Empowerment is a process whereby power is made available and can be used to manipulate access and use of resources to achieve development objectives (Burkey 1993:59 and Marx-Neet, 1991:92). Chimbunya (2004:v) asserts that power is at the core of the concept of empowerment and states that power "... is the ability to negotiate and influence outcomes in a particular environment. Empowerment is gaining this ability". Empowerment helps people to have control over their lives, communities and societies, by taking action on matters they regard as important. It occurs at various levels which may be individual, group or community.

The following are the main issues of governance which enhance empowerment:

- community empowerment which involves active involvement of people in managing their own development and also an active and responsive network of community based, public and private sector service providers; and
- local government empowerment which refers to the local government level where "... services are facilitated, provided or promoted effectively and responsibly, co-ordinated and held accountable" (Chimbunya, 2004:10).

2.6.2 Representativeness and responsibility

Representativeness is an important feature of a democratic government as it ensures that the wishes of the people are reflected in the decisions taken on their

behalf. It is impossible for citizens to govern and as such, citizens have to govern through their elected representatives. In the case of local government, councillors are elected to form the municipal council. Representation goes with responsibility. The council represents the local communities and is responsible to them. It will be held accountable by the citizens for its actions or inactions. The council is accountable for the administration of policies and also the activities of public officials under its control. The administration is thus held accountable to the citizens through the council (Bayat & Meyer, 1994:37). Fourie (2000:162) states that even when a delivery agent has been contracted to deliver a service, the council has legislative responsibility regarding service delivery to the community. The council should demand regular information with regard to progress and compliance with the contract.

2.6.3 Transparency

Transparency is one of the features of good governance and reinforces public participation and accountability. All municipal activities should be open to public scrutiny and council meetings should be open to the public. Access to information for all stakeholders is important. Fuhr (2000: 66-67) is of the opinion that transparency enables people who are affected by development plans to know what options are available to them and thus make informed decisions.

In addition, "... transparency is a pre-requisite for successful beneficiary participation in programme design and implementation, as well as for ultimate public support of government's overall expenditure policies".

Gordon (2000:308) believes that members of the public who are more informed and are actively participating in civic life of their communities, have greater trust in local governments. They feel more responsible, demand useful information, demand accountability from their governments and vote those who are unaccountable, irresponsible or ineffective out of office. However, it is common knowledge that in some rural areas which are alive with illiterate communities, citizen participation, transparency and accountability are non-existent or minimal. Councillors are doing as they please and in the process service delivery is neglected. Some citizens hardly know who their ward councillors are.

2.7 THE ROLE OF WARD COMMITTEES IN PROMOTING ACCOUNTABILITY

According to Draft Guidelines for the establishment and Operation of Municipal Ward Committees (2003), in terms of section 120 read with section 22 of the *Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)* a ward committee aims at enhancing participatory democracy in local government. It is an advisory body which is independent and must be impartial in the performance of its functions without fear, favour or prejudice.

2.7.1 Composition of ward committees

A ward committee is composed of the councillor representing the ward in the council who also serves as chairperson of the committee, and not more than ten other persons. The election procedure of ward committee members should consider equal representation of women in the ward committee and other diverse interests in the ward like youth, women, religious groups, sports and welfare, environment, education, community-based organisations, ratepayers, associations, traditional leaders, the disabled, informal traders' association, employment agricultural associations and community safety forums. A ward committee may appoint a secretary, assistant secretary and a treasurer from its members to carry out relevant duties of a ward committee (Para 7 of the Draft Guidelines for the Establishment and Operation of Ward Committees (2003), in terms of section 120 read with section 22 of the *Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)*).

2.7.2 Functions and powers of ward committees

Paragraph 5 of the Draft Guidelines for the Establishment and Operation of Ward Committees (2003), in terms of section 120 read with section 22 of the *Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)* states that a ward committee may make recommendations on any matter, which affects its ward, to the ward councillor, through the ward councillor to the metro or local council, the

executive committee, the executive mayor or the relevant metropolitan sub-council. A ward committee may perform such duties and functions as may be delegated to it by the metro or local council according to section of 74 of the *Local Government Municipal Structures Act, 1998 (Act 117 of 1998)*.

Paragraph 5 of the Draft Guidelines for the Establishment and Operation of Ward Committees (2003), in terms of section 120 read with section 22 of the *Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)* further lists the duties and powers delegated by municipalities to ward committees as follows:

- to act as a specialised participatory structure in the municipality;
- to form formal communication channels and co-operative partnerships between the community and the council by:
 - advising and making recommendations to the ward councillor on various matters and policy affecting the council;
 - assisting the ward councillor in identifying needs and challenges of residents;
 - spreading information in the ward with regard to municipal affairs like budget, integrated development planning, municipal properties and service delivery options;
 - receiving queries and complaints from residents regarding service delivery, communicating these to council and giving feedback to the community on council's response;

- interacting with other forums and organisations on matters affecting the ward; and
- ensuring that constructive and harmonious interaction takes place between the municipality and community using and co-ordinating ward residents' meetings and other community development forums;

- to play a major role in mobilising community action. This may be achieved by:

- attending to all matters which affect and benefit the community;
- acting in the best interest of the municipality;
- promoting active community participation in:
 - service payment campaigns;
 - the integrated development planning process;
 - the budgetary process of the municipality;
 - decisions about municipal service delivery; and
 - decisions regarding by laws;
- no executive powers should be delegated to ward committees; and
- a ward committee may express dissatisfaction to the council on the ward councillors' failure to perform.

A ward committee may conduct an annual customer satisfaction survey, subject to availability of capacity and resources, in order to assist the committee in the execution of its functions and powers. The survey should be conducted in the

ward by ward committee members under the supervision of the ward councillor with administrative support provided by the municipality.

Naidoo (2004:10) outlines the following uses of ward committees:

- administration and ancillary activities. These include matters which should be included in agendas of ward meetings such as:
 - removal of refuse;
 - complaints and requests and complaints about street lighting;
 - potholes and verge cutting complaints;
 - library use and hours;
 - requests for roads and bridges;
 - request for bulk infrastructural facilities such as water and sewerage;
 - operational and capital budgets for the ward;
 - procedures for ward committees; and by-laws
- sessions for IDP review. This is important because the broader community should be informed of any envisaged changes in the IDP annual review; and
- adoption of draft by-laws. Before a draft by-law is adopted by the council, it should first be circulated in all ward committees for comment.

Ward communities should also play an important role in:

- monitoring the progress of projects planned and implemented at ward level. This helps to give citizens a sense of ownership of projects and solidarity with the efforts of the municipality;
- giving feedback to council through ward committee minutes;
- setting key performances areas (KPAs) and key performance indicators (KPIs); and
- measuring efficiency and effectiveness of municipality in service delivery (Naidoo 2004:14).

The ward committee as a representative and consultative structure plays a significant role in participatory democracy. It is an important link between the community and the council and can help to improve service delivery.

2.7.3 Issues of accountability

Paragraph 17 of the Draft Guidelines for the Establishment and Operation of Ward Committees (2003), in terms of Section 120 read with Section 22 of the *Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)*, states that as the accounting officer for the ward, the councillor must:

- keep full and proper records of:
 - minutes of meetings held;
 - committee income and expenditure; and

- assets, liabilities and financial transactions of the committee;
- ensure that the committee safeguards all its available resources which should be used efficiently and effectively;
- ensure that all statutory resources which apply to the committee are complied with;
- ensure that financial statements are prepared in accordance with generally accepted accounting practice within a month after the end of each financial year;
- ensure that all ward committee decisions are formalised and submitted to the Office of the Speaker for presentation to the council at intervals which are determined by the speaker;
- report a viewpoint adopted by the committee but may indicate his/her different viewpoint in the report;
- ensure that a progress report is produced highlighting major achievements, failures, giving reasons, within two months after the end of each financial year;
- submit the progress report to the speaker so that the performance review may be instituted; and
- implement any corrective action to ensure effective and efficient performance of the committee as suggested by the speaker.

The ward councilor is in a better position to keep the council abreast of the needs of the ward community, and also to ensure that those needs are attended to. If all

ward councillors could carry out their legislative mandate, South Africa would a better place to live in.

2.7.4 Ward Committee Code of Conduct

According to the Draft Guidelines for the Establishment and Operation of Ward Committees (20003), in terms of section 120 read with section 22 of the *Local Government: Municipal Systems Act, 2000* (Act 32 of 2000), a ward committee has a Code of Conduct relating to community interests, ward committee meetings and political matters.

Matters relating to community interest, state that ward committee members must:

- always act in the interest of the ward community;
- refrain from using their positions to advance personal or private interest;
- avoid being influenced or dictated to by improper motives;
- advance the interests of the ward as a body; and
- not favour individuals, groups or organisations in the execution of their functions.

Ward committee members should always bear in mind that they have been elected by local communities and should act in their best interest.

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With regard to ward committee meetings, committee members must:

- try by all means to attend all ward committee meetings except where there is a legitimate excuse and an apology must be tendered stating reasons for inability to attend;
- not be absent from three consecutive ward committee meetings without a legitimate excuse otherwise a member will lose membership; and
- not engage in disruptive behaviour during committee meetings.

It is important for ward committee members to always remember that without proper discussion of the ward business in ward committee meetings, their presence is a waste of government resources.

As far as political matters are concerned, ward committee members must:

- avoid political conflicts among themselves and between themselves and the ward councillor;
- in their interaction with the community, not discriminate on any grounds that would constitute unfair discrimination;
- avoid advancing the political interests of any political party; and
- avoid using ward committee meetings as a political platform or forum or to canvass for political support for re-election as a ward councillor or ward committee member.

Ward committee members are expected to sign a declaration that they understand and agree to be bound by the Code of Conduct in the execution of their functions and duties.

2.7.5 The ward councillor and communication

The ward councillor should be in practice and ensure that when the council produces media like pamphlets, posters and reports, these are made available at strategic points within the wards. These include clinics, paypoints, libraries and community boards so that residents have access to them. Such media should be in languages that can be understood by residents and should be user-friendly. The ward councillor can also prepare his/her own simple notices and have these on community notice boards. (Delivery: A Useful Guide 2006: 13).

Ward councillors should establish a relationship with all the local media which serve the area like community newspapers and radio stations so that these they can carry news relating to municipal issues including community participation (Delivery: A Useful Guide 2006:13).

2.8 CONDUCT OF COMMITTEE MEMBERS

Paragraph 10 of the Draft Guidelines for the Establishment and Operation of Ward Committees (20003), in terms of Section 120 read with Section 22 of the

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) requires committee members to:

- perform the functions of the committee in good faith without fear, favour or prejudice;
- act in a way that will not compromise the credibility, impartiality, independence and integrity of the committee;
- adopt the principle of accountability to members of the community and all political parties which have representatives in the council;
- promote the principle of transparency and openness, honesty and sincerity among all role players as well as trust and respect for all involved in governance; and
- embrace all views and opinions from the diverse members of the community in the process of community participation.

2.9 CHALLENGES IDENTIFIED WITH REGARD TO PARTICIPATORY STRUCTURES

Participatory structures were established to bring government closer to the people and to encourage them to take part in governance which is very important in a democratic society. Ward committees being one of the structures created to enhance participatory democracy experience the following challenges which are common to participatory structures (Urban Sector Network 2001: Chapter 2) :

- democratic practice is something new and people do not know how to engage constructively with government and development agencies. People do not even know that they are the backbone of development in their areas;
- people have low levels of education and cannot comprehend some of the issues and technical aspects of decisions taken. They also cannot make meaningful contributions;
- participation is voluntary and time-consuming. It requires individual commitment on the part of citizens. However, because of high levels of unemployment and poverty, participation elicits high expectations of employment. It is important that people be made aware that community work is voluntary so that they do not harbour expectations of employment;
- professionals are reluctant to participate on a voluntary basis. Ideally, professionals with specific skills and knowledge could add value to their specific areas of expertise if they participate voluntarily; and
- inadequate capacity building with regard to organizational guidance and resourcing can also hinder meaningful participation, resulting in internal conflicts and total collapse of the participatory structures.

It is incumbent upon municipalities to devise strategies to enhance community participation, so that communities develop ownership of their wards and make a conscious effort to actively participate in the various aspects of municipal governance. This could help to overcome civic apathy which plagues a citizen especially in rural communities.

2.10 ACCOUNTABILITY: ISSUES AND CHALLENGES

Accountability has been subject to challenges, some of which are identified and discussed in the ensuing exposition.

2.10.1 Politicisation of senior public officials

Haque (2000:607) argues that political neutrality of public officials, which is one of the prerequisites of public accountability in democracies, has been challenged by the increasing power of political office bearers to exert influence on the public service. Decisions with regard to appointment, dismissal and retirement of top officials are increasingly being based on political considerations and preferences of politicians. This politicisation of public officials by political office-bearers impacts negatively on political neutrality of public officials as well as their public accountability. This is exacerbated by the introduction of contract-based appointments. Political influence of political office bearers on senior public officials, especially where their appointments are short-term contracts, will make these public servants more loyal to their political heads while ignoring accountability to the public. The politicians themselves become less accountable to the public. Corruption is likely to thrive under such conditions.

2.10.2 Shift in the role of governance

Haque (2000:602) believes that the role of governance in promoting economic growth poses certain challenges to public accountability. When the public sector provides goods and services based on socio-economic programmes and projects, its activities are more tangible and measurable and easy to scrutinize. However, encouraging and facilitating the private sector to deliver goods and services, is intangible and immeasurable. It is possible to hold public organisations accountable for tangible functions like the quantity and quality of services they provide directly but it is not always possible to hold them accountable for their intangible functions like making business deals and monitoring service contracts.

2.10.3 Expansion of municipal partnerships

The backlog of services makes it impossible for municipalities to handle this challenge alone. It thus requires municipalities to enter into partnerships with government, private sector, community-based organisations (CBOs) and non-governmental organisations (NGOs).

According to Armstrong & Lenihan (1999:53) "... collaborative partnerships involve a formal agreement to plan and work together in specific ways to promote specific outcomes. The commitment may be fairly limited in scope, like a

partnership agreement to work together to provide integrated business information services or it can extend to the co-management of an entire policy field". Sigidi (2004) states that, initially, civil society used to play an advocacy role which encouraged communities to take part in policy development. The role has extended to include facilitating agreements, cost recovery in municipalities, provision and promotion of health and hygiene, monitoring and evaluation of projects as well as building local ownership of government programmes.

These partnerships pose a threat to accountability because private sector partners are not subject to normal legislative scrutiny and supervision as is the case with public agencies. It is not always possible to monitor the interaction and negotiation between government executives and business managers and to determine whether or not joint ventures are made in favour of private organisations at the expense of public interest (Haque, 2000:609). Armstrong & Lenihan (1999:57) concur that in collaborative partnerships, lines of accountability tend to be blurred. It is imperative that clear lines of accountability are identified and observed.

2.11 CONCLUSION

To conclude, it can be stated that there are various types of accountability relationships, namely, hierarchical accountability which is based on superior subordinate relationships. The subordinate should account to the superior for

actions taken, measured against set standards. In professional accountability, individuals have to answer to questions about whether or not their performance is consistent with professional norms and values. In legal accountability relationships, there are established performance mandates like legislative and constitutional provisions which have to be adhered to. Political accountability relationships stress the responsiveness of political office bearers to public needs.

Accountability can be used as a form of control to ensure that the delegatee is carrying out activities as expected by the delegator. In the case of local government, officials must render an account for their operational activities to the council and the latter must account to the respective communities. An effective system of accountability is important so that members of the public are assured that public authority and resources are not used illegally. Public accountability can also be used to ensure continuous improvement in official performance.

Accountability can be promoted through citizen participation, representativeness and responsibility and also transparency. The role of ward committees in enhancing accountability cannot be over-emphasised. They are an important link between the citizens and the council. The council has a legal mandate to devise strategies to promote citizen participation

Political neutrality of public officials has been challenged by increasing power of political office bearers who exert influence on the public servants. This impact negatively on public accountability and increases chances of corrupt activities.

The expansion of public-private partnerships poses a threat to accountability as private sector partners are not subject to normal legislative scrutiny as public agencies. Private companies are ultimately accountable to the interests of their shareholders and not to residents.

The following chapter will deal with the constitutional and legislative framework for public accountability.

CHAPTER 3

THE LEGISLATIVE FRAMEWORK PROVIDING FOR PUBLIC ACCOUNTABILITY IN SOUTH AFRICA

3.1 INTRODUCTION

The South African government is so committed to democracy that accountability permeates most of the constitutional provisions and many pieces of legislation in order to highlight its importance. The public service is extensively regulated by law and it is imperative that everybody in the public sector complies. This includes elected and appointed officials.

This chapter seeks to explore some of the provisions for accountability in the *Constitution of the Republic of South Africa*, 1996 (Act 108 of 1996) and also in some of the legislative and policy documents which complement each other.

Such documents include the following: -

- Batho-Pele- “People First” White Paper on transforming Public Service Delivery, 1997 and related legislation;
- *Local Government Municipal Structures Act*, 1998 (Act 117 of 1998);
- *Local Government Municipal Systems Act*, 2000 (Act 32 of 2000);
- White Paper on Local Government, 1998;

- *Local Government Municipal Finance Management Act, 2003; (Act 56 of 2003).*

3.2 CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (ACT 108 OF 1996)

The preamble to the *Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)* states that the people of South Africa adopt the Constitution to:

- “heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
- lay foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law”.

The founding provisions of the *Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)*, expressly state that South Africa is a democratic state and upholds democratic values, *inter alia*, a multi-party system of government with a national common voters’ roll, holding regular elections, giving every adult person a right to vote, in order to promote accountability, responsiveness and openness. This means that at local government level, citizens can vote for councillors of their choice to govern on their behalf. These councillors are expected to be accountable to citizens, responsive to their needs and to conduct business in an open and transparent manner.

Chapter 2 of the *Constitution* consists of the Bill of Rights which is the cornerstone of democracy. It affirms the rights of all persons who should be accorded human dignity, equality and freedom. Section 16 deals with freedom of expression. This includes the right to receive and give information or ideas. Communication between the council, officials and the community is very important as it keeps people knowledgeable about all that is taking place in their municipality. Their participation in decisions helps to create a climate of trust and a feeling of belonging. This promotes accountability.

Section 32 refers to access of information. It is the right of all people to have free access to information held by the state. This encourages openness and transparency which are important in promoting accountability.

According to Part C of the *Public Service Regulations, 2001*, an executing authority is required to establish and maintain a service delivery improvement programme for his / her department which should include the following:

- identification of actual and potential customers and services rendered to them;
- present and future arrangements made with the customers identified;
- access of customers to services, the barriers that prevent this access and strategies adopted to overcome such barriers in order to increase access;
- present and future service standards for services provided;

- arrangements for the present and future with regard to information about services rendered; and
- existing and future complaints, mechanisms or systems.

According to Section 41(1) each sphere of government and all state organs within the sphere must promote the well-being of all the people and ensure an effective, transparent, accountable and coherent government.

Chapter 7 of the *Constitution of the Republic of South Africa, 1996* (Act 108 of 1996) refers to local government and in section 152 (1) the objects of local government are given as follows:

- to ensure that local communities have a government that is democratic and accountable;
- to provide sustainable services to local communities;
- to promote social and economic development; and
- to promote community involvement in matters of local government.

In Section 160 (3) it is stated that a majority of municipal council members must be present before a vote is taken on any matter. This is an important clause as councillors have to account for all decisions taken by the council. Furthermore, section 160 (7) states that "...a municipal council must conduct its business in an open manner, and may close its sittings, or those of its committees, only when it is reasonable to do so having regard to the nature of the business being

transacted". Section 160(8) provides for participation of council members in council proceedings such that there is fair representation of parties and interests reflected within the council, consistent with democracy.

Chapter 10 of the *Constitution of the Republic of South Africa, 1996* (Act 108 of 1996) deals with public administration and highlights the democratic values and principles that govern public officials in the provision of services. These values and principles apply to all spheres of government, organs of the state and public enterprises. They include, *inter alia*: -

- promotion and maintenance of a high standard of professional ethics;
- promotion of economic, efficient and effective use of resources;
- impartial, equitable and fair provision of services, free of bias;
- being responsive to public needs and encouraging public participation in policy-making; and
- encouraging accountability and transparency and providing the public timeously with information which is accessible and accurate.

Putting people first is one of the attempts by government to emphasise the commitment of government to efficient and effective service delivery as the following discussion will indicate.

3.3 THE WHITE PAPER ON TRANSFORMING PUBLIC SERVICE DELIVERY, 1997 AND RELATED LEGISLATION

The *White Paper on Transforming Public Service Delivery*, 1997 section 1 identifies eight transformation priorities (also known as 'Batho Pele' principles) in order to ensure efficient and effective public service delivery which meets the basic needs of South African citizens. This resonates well with the Government's Reconstruction and Development Programme (RDP) as well as the Government's macro-economic policy strategy, namely, Growth, Employment and Redistribution, (GEAR) which calls for reduction in unnecessary government spending so that resources can be released for productive spending and redirected to areas of greatest need.

The *White Paper on Transforming Public Service Delivery*, 1997 complements the *Constitution of the Republic of South Africa*, 1996 (Act 108 of 1996) in terms of emphasis on democratic principles and values. There is an added dimension of ensuring that people come first (Batho-Pele- People First). This White Paper (1.2.5) is calling "... for a shift away from inward looking, bureaucratic systems, processes and attitudes, and a search for new ways of working which put the needs of the public first, is better, faster and more responsive to citizens' needs". The White Paper introduces a new culture in the public service whereby public servants see themselves as primarily there to serve the public.

Managers in the public sector have to use management tools which involve:

- assigning managers responsibility for using specified resources to deliver specific results and value for money;
- giving responsibility to an individual to obtain results in line with managerial authority for decisions on the use of resources;
- delegation of managerial responsibility and authority to the lowest level of the hierarchy; and
- transparency with regard to resources used and results obtained (1.2.7).

This ensures hierarchical accountability, responsibility and transparency.

The *White Paper on Transforming Public Service Delivery*, 1997 (1.2.12-1.3.3) creates a framework for service delivery in which citizens are treated like customers and can hold public servants accountable for services they receive. However, Hague (1998:5) differs in this regard and asserts that referring to citizens as customers implies that the relationship is based on monetary transaction. This 'business-oriented' idea implies that public service could possibly serve those who can afford to pay for services and thus qualify as customers while those who are economically underprivileged and cannot pay for such services could be ignored.

3.3.1 The “Batho Pele” Principles

The *White Paper on Transforming Public Service Delivery*, identifies the following principles:

- there should be consultation with citizens in order to give them an opportunity to make an input into decisions regarding public services and service delivery priorities. Consultation promotes co-operative and participative relationships between service providers and users;
- there should be set standards of service which should be relevant to the user as identified during the consultation process. These standards should be expressed in simple language which the users can understand and will be able to determine whether or not they are receiving what was promised. The service standards should be publicised and displayed so that the users know what they are entitled to and can forward their complaints if need arises;
- public service should aim at increasing access to services for those who were previously denied such services. This will increase the interest of previously disadvantaged communities in matters affecting them;
- public servants should be courteous and well disposed towards the public so that members of the public find them approachable;
- communication with communities is important so that they are kept informed about what is taking place in their areas. The language used should cater for the different needs of customers. Contact details should

be provided so that people know where to get more information and advice;

- openness and transparency are of utmost importance as these help to build trust and confidence between members of the public and public servants;
- when there has been failure or mistake, there should be due acknowledgement and willingness to take corrective action. There should be a convenient system of forwarding complaints and any complaint or dissatisfaction should be dealt with promptly and with fairness. Confidentiality and responsiveness in handling complaints should be encouraged; and
- the aims of public service should be an efficient, effective and cost-effective service delivery so that customers feel that they are getting the best value for their money.

To enable public servants to respond to the legitimate demands of citizens to be treated as customers instead of just users of public services, government has introduced enabling legislation called the Regulatory Framework and also the new Public Service Management Framework to assist in the implementation of the Regulatory Framework. All this is an attempt to transform the culture and the mindset of the public service to a commitment to ensure efficient and effective service delivery.

This is also captured in the eight Batho Pele principles which are emphasized in the *White Paper on the Transformation of Public Service Delivery* (Batho Pele Handbook: A Service Delivery Improvement Guide 2003:80).

The hallmarks of the Public Service Management Framework are integrated planning and the need to develop a Service Delivery Improvement Plan (SDIP) which will identify strategies to bring the Batho Pele principles to fruition. Each department is required to have a SDIP which should include a Service Delivery Charter. This is basically a statement in which the department commits itself to promote service delivery by:

- maintaining published service delivery standards;
- encouraging the treatment of all users of services as customers;
- protecting the rights of customers;
- promoting relationships with customers; and
- accelerating the transformation of public service to outcomes-based organisations.

All these are measures to ensure that the citizens receive quality services and are treated with the dignity and respect they deserve.

The *Promotion of Access to Information Act, 2000 (Act 2 of 2000)*, also helps in the implementation of the Service Delivery Charter. According to Chapter 3 (9) of the Act, a person has a constitutional right to access information held by the

State or any other person, which is required to exercise or protect the person's rights in order to enhance transparency, accountability and effective governance of public organisations. This can help to empower and educate all people so that:

- they understand and can exercise their rights in relation to public organisation;
- they understand how public organisations function and operate; and
- they can scrutinise and participate in decision-making organisations which affect their rights.

This is another way of promoting accountability of public officials and political office-bearers to members of the public.

The following discussion will further highlight legislative provisions which require elected and appointed officials to promote service delivery and be accountable to citizens.

3.4 LOCAL GOVERNMENT MUNICIPAL STRUCTURES ACT, 1998 (Act 117 of 1998)

Chapter 3 section 19 of the *Local Government Municipal Structures Act, 1998* (Act 117 of 1998) reiterates what section 152 of the constitution says and further adds that a municipal council must review the following annually: -

- community needs;

- its priorities in order to meet those needs;
- processes in place for community involvement;
- its mechanisms for service delivery to meet community needs; and
- its performance as a whole in trying to achieve the objectives set out in section 152 of the *Constitution of the Republic of South Africa, 1996* (Act 108 of 1996).

Section 44 states that an executive committee as the principal committee of the municipal council has to:

- identify community needs;
- review those needs and rank them in their order of priority;
- make recommendations to the municipal council with regard to programmes, strategies and services to address the priority needs through integrated development plans as well as estimates of revenue and expenditure, taking into consideration relevant national and provincial development plans;
- make recommendations on the best methods, partnerships and other strategies to ensure maximum benefit of the community;
- oversee service provision to communities in a sustainable manner;
- report annually on community involvement in municipal affairs; and
- consider public views and report on the effect of consultation on decisions of the council.

According to Section 56 of the *Local Government Municipal Structures Act, 1998* (Act 117 of 1998), the executive mayor has certain powers and functions to perform to ensure his/her accountability. These include:

- identifying community needs;
- reviewing and evaluating those needs in their order of priority;
- monitoring the management of municipal administration according to the directions of the municipal council;
- overseeing service provision to communities in the municipality in a sustainable manner;
- reporting annually on community involvement as well as community organisations in the affairs of the municipality; and
- ensuring that public views are considered and also reporting on the effect of consultation on the decisions of the council.

Sections 73 and 74 of the Act provide for the establishment of a ward committee for each ward with the ward councillor as chairperson. The committee consists of not more than ten members who should be broadly representative of the ward, taking into account gender and diverse interests in the ward. The ward committee makes recommendations on any matter affecting its ward to the ward councillor who must take the matter forward.

According to Section 81(3), "...before a municipal council takes a decision on any matter directly affecting the area of a traditional authority, the council must give

the leader of that authority the opportunity to express a view on that matter". It must be accepted that traditional leaders cannot be wished away as they form an important component of rural communities.

Schedule 5 of the *Local Government Municipal Structures Act, 1998* (Act 117 of 1998) relates to the Code of Conduct and states that councillors are elected by people to be their representatives on municipal councils to ensure that municipalities have devised mechanisms to promote accountability to local communities, and also to provide sustainable community services equitably, efficiently and effectively. To ensure accountability to local communities, councillors should report at least every quarter to their constituencies on matters of the council including performance in relation to the achievement of key performance indicators as set out.

According to items 3 and 4 of Schedule 5, the attendance at municipal council or committee meetings is compulsory and if this provision of the Code of Conduct is breached, the culprit may be fined. If there is continued absence for three or more consecutive meetings, the councillor should be told to vacate the office of councillor.

According to item 5 of Schedule 5, a councillor must disclose to the municipal council any direct or indirect interest in a matter before the council and should

recuse himself from proceedings in which the matter is being discussed, unless the council decides that the matter is trivial or irrelevant.

Items 6 and 7 of Schedule 5 state that a councillor may not use his/her position or information obtained as councillor for private gain or to benefit another person improperly. Once elected, a councillor must declare all personal interests within 60 days in writing to the municipal manager.

According to items 8 and 9, a full-time councillor may not be employed elsewhere without the consent of the council and soliciting, requesting or accepting any gift or favour by a councillor is forbidden. There should be no interference in administration by a councillor unless mandated by the council and no disclosure of unauthorized information is allowed. A councillor is not allowed to use, take, acquire or benefit from any municipal property or asset without authorisation. If there is any alleged breach of the provisions of the Code, the Council may discipline the offender or make recommendations to the MEC to suspend or cancel the right to participate in council proceedings.

3.5 LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 2000 (Act 32 of 2000)

Section 5 of the Act provides for the rights and duties of members of the local community. It states that members of the local community have a right -

- to make an input in decision-making in the municipality and to make recommendations orally or in writing, representations and complaints to the municipal political office bearer or the administration of the municipality;
- to get immediate response to their complaints;
- to be informed of municipal decisions affecting their lives;
- to be informed about municipal affairs including finances; and
- to demand that the municipal council and committee proceedings be open to the public, conducted impartially and with no personal self-interest, access to municipal services and use and enjoyment of public facilities.

Local municipalities are thus encouraged to participate in matters affecting them and to demand transparency and accountability of political-office bearers and municipal officials.

In Section 6 of the Act the duties of municipal administration are given as follows:

- being responsive to local community needs;
- facilitating a culture of public service and accountability amongst staff;
- taking measures to prevent corruption;
- establishing good relationships and promoting co-operation and communication between it and the citizens;
- giving citizens full and accurate information about municipal services they are entitled to receive; and

- informing citizens about the management of the municipality, costs and persons in charge.

This is a good reminder to municipal officials that they should adhere to the Batho Pele principles when performing their daily functions.

Chapter 4 of the *Local Government Municipal Systems Act, 2000* (Act 32 of 2000) is devoted to community participation and states that a municipality must:

- encourage community participation in municipal affairs including:
 - integrated development planning;
 - performance management system, its establishment, implementation, monitoring and review;
 - budget preparation; and
 - strategic decisions regarding municipal service delivery;
- build the capacity of citizens to enable them to participate in municipal affairs and also the capacity of councillors to enhance community participation; and
- provide resources and allocate funds annually in its budget to encourage and promote conditions for community participation (Section 16).

All these are measures to enhance community participation. Members of the local community will thus be in a better position to hold the councillors and officials accountable for their actions. This cannot be over-emphasised especially

in rural areas where illiteracy and civic apathy is rife. Commitment on the part of political office bearers to encourage people to participate is vital.

Section 17 gives mechanisms, processes and procedures to be put in place to promote community participation in municipal affairs like providing for;

- receiving, processing and considering petitions and complaints lodged by community members;
- notification and public comment procedures where necessary;
- hearings and public meetings by municipal council, political structures and political office bearers as may be necessary;
- holding consultative sessions with recognized community organisations; and
- giving citizens feedback.

While all the above is done, due cognisance should be taken of the illiterate, women and the disabled.

Section 18 compels a municipal council to inform the community about mechanisms, processes and procedures available for promoting community participation, on what matters and also the rights and duties of local communities. According to section 19 the municipal manager must give the public notice regarding ordinary and urgent or special meetings of the council

except when time does not allow it. Council and committee meetings are open to the public except in specific cases.

According to section 29 (1) (b) of the Act, a municipality must establish and use mechanisms, procedures and processes to allow for:

- consultation with the local community on its development needs and priorities;
- community participation in the drafting of the integrated development plan; and
- involving state organs including traditional leaders and other role players in the drafting of the integrated development plan.

With regard to performance management, Section 42 of the Act requires a municipality to involve the local community in developing, implementing and reviewing the performance management system and, more importantly, to allow community participation in setting key performance indicators and performance targets of the municipality. Appropriate mechanisms, processes and procedures should be established to enable all this to take place.

The performance management system is one of the strategies devised by government to promote efficient and effective service delivery. However, most municipalities have not fully implemented this system.

Section 55 relates to municipal managers. A municipal manager, as head of administration, is responsible and accountable and must be responsive to the needs of the local community. The municipal manager should:

- manage the provision of sustainable services to local communities;
- advise the political structures and political office bearers of the municipality;
- manage communication between the administration of the municipality and its political structures and political office bearers;
- be responsible for executing the decisions of the municipality's political structures and officer bearers;
- facilitate community participation in the affairs of the municipality;
- put in place systems of assessing community satisfaction with municipal services; and
- as an accounting officer be responsible and accountable for municipal financial management.

In section 70, the municipal manager is expected to provide a copy of the Code of Conduct to staff members. The contents, purpose and consequences of the Code of Conduct should be explained to illiterate staff members. Sections of the Code of Conduct which affect the public should be communicated to the local community.

Section 78 (3) of the Act states that if a municipality decides to look at the possibility of supplying services using external mechanisms, this should be communicated to the local community whose views and those of organised labour should be obtained. Section 80 stipulates that should a municipality decide to enter into a service delivery agreement with a municipal entity, another municipality or any organ of state, it must first determine how community consultation and dissemination of information will be carried out with regard to the service delivery agreement. The local community should be informed about the contents of the service delivery agreement through the media. According to Section 81(1) if a municipality decides to provide services through a service delivery agreement with external mechanisms, the municipality is still responsible for ensuring that the service is provided to the local community and should:

- regulate the provision of the service, including the establishment of appropriate policies, goals, standards and targets;
- monitor the implementation of the agreement, including the performance of the service provider in providing the service;
- exercise its powers and perform its duties in terms of integrated development plans and the performance management as required in Chapters 5 and 6 of the Act, if the particular municipal service is within a development priority and objective with regard to the integrated development plans of the municipality; and

- within a tariff policy determined by the council, control the setting and adjustment of customer tariffs by the service provider for the municipal service in question.

Schedule 2 of the *Local Government Municipal Systems Act, 2000* (Act 32 of 2000) deals with the Code of Conduct for municipal officials. A staff member must be honest, diligent, act in good faith in executing lawful policies of the municipal council and in accordance with the principles and basic values of local public administration. Officials should treat all people impartially, without favour or prejudice and uphold the credibility and integrity of the municipality.

According to Section 3, all staff members of the municipality should be committed to serving the public and display a sense of responsibility for performance in terms of standards and performance targets. The officials should endeavour to uphold the basic values and principles of public administration enshrined in Section 195(1) of the Constitution. They should seek to implement the integrated development plan of the municipality and also participate in the performance management system of the municipality and that of the individual.

Section 4 states that a staff member is not allowed to use his/her position or confidential information for private gain or for improper benefit of another person.

An official must disclose in writing full particulars of any direct or indirect benefit acquired or to be acquired from a contract concluded with council (section 5).

According to Section 7, a municipal official must not unduly influence any council member in order to obtain any appointment, promotion or advantage for a family member or friend.

Section 8 states that a municipal official is not allowed to solicit, request or accept any reward, gift or favour. Using, taking or benefiting from any property or asset of the municipality without consent, is forbidden.

Any breach of the Code must be reported to a superior officer or speaker of the council. Although the code of conduct expressly outlines what municipal officials should or should not do, media reports about corrupt activities of municipal officials illustrate that much is still to be done to ensure that the code of conduct is internalised and upheld.

3.6 WHITE PAPER ON LOCAL GOVERNMENT, 1998

The White Paper on Local Government, 1998 was introduced to enhance transformation in the system of local government to encourage community participation and accountability in finding ways and means to meet the needs of local communities and to improve the quality of their lives. One of the strategies

of officials and political office bearers is very important as the tax payers' money is involved.

The *Local Government Municipal Finance Management Act, 2003* (Act 56 of 2003) was enacted in order to establish norms and standards for managing financial affairs of municipalities and municipal entities in terms of:

- maintaining transparency, accountability and correct lines of responsibility in financial affairs of municipalities and municipal entities;
- managing revenues, expenditures, assets and liabilities as well as financial transactions;
- the budget and financial planning processes and coordinating those processes with those of state organs in other spheres of government;
- dealing with financial problems in municipalities;
- borrowing; and
- other financial matters (Section 2)

Chapter 2 (5) deals with the general functions of National Treasury which are also captured in section 216 of the *Constitution of the Republic of South Africa, 1996* (Act 108 of 1996) which states that national legislation must establish a national treasury with measures to ensure transparency and control of expenditure in all spheres of government.

- Chapter 3 of the *Local Government Municipal Finance Management Act, 2003* refers to municipal revenue. Sections 7 and 8 require a municipality to open and maintain at least one bank account in the name of the municipality which should be referred to as a primary bank account. All money received by a municipality must be paid promptly into its bank account(s). Money which must be paid into the primary bank account of the municipality include:
- all municipal allocations including those to be sent to a municipal entity or those meant to assist the municipality to perform its functions;
 - all income received from municipal investment;
 - all income received in relation to interest in a municipal entity or dividends;
 - money collected by a municipal entity or some other mechanism on behalf of the municipality; and
 - any other money as may be required.

No state organ, be it in the national, provincial or local sphere of government, may transfer any of the money listed above to a municipality except to the primary bank account of the municipality. The accounting officer of the municipality should inform the National Treasury, the relevant provincial treasury and the Auditor-General in writing stating the name of the bank where the municipality's bank account is held, the type and number of the account. The primary bank account can only be changed after the accounting officer has informed the National Treasury and the Auditor General, in writing, at least 30 days before the change takes place.

According to Section 9 of the Act, within 90 days after a new bank account has been opened by the municipality and annually before a financial year begins, the accounting officer must inform the Auditor-General and the relevant provincial treasury in writing, with regard to the name of the bank where the account has been opened or is held, and the type and number of the account.

Section 10 of Act 56 of 2003 gives the accounting officer of a municipality the responsibility of administering all the bank accounts and also makes the accounting officer accountable to the council for the bank accounts. The accounting officer may delegate the above financial duties to the chief financial officer of the municipality.

Withdrawals from the municipal bank accounts can only be done by the accounting officer or the chief financial officer or any other senior financial official of the municipality when authorised in writing by the accounting officer and in accordance with the prescribed framework. Within 30 days after the end of each quarter, the accounting officer must table in the municipal council a report of all withdrawals made and also submit a copy to the relevant provincial treasury and the Auditor-General (Section 11 of the *Local Government Municipal Finance Management Act, 2003*).

In terms of Section 13 of the Act, a municipality must establish a cash management and investment policy in line with the framework prescribed for

municipalities by the Minister of Finance and the Minister responsible for local government. Section 14 prevents a municipality from selling or disposing of a capital asset needed to provide the minimum level of basic services. If the municipal council has decided that the asset is not required to provide the minimum basic services and has applied its mind in a public meeting to the fair market value of the asset as well as the economic and community value that accrues from the disposal of the asset, the municipal council may sell or dispose of the property. The municipal council may delegate this determination to the accounting officer in terms of movable capital assets below a value determined by the council. In all these instances, the sale or disposal of a capital asset should be fair, transparent and competitive. This is important to prevent corruption.

Chapter 4 of the Act deals with municipal budgets. Section 15 states that a municipality, may only in terms of an approved budget and within the limits of the appropriation for the votes in the budget, incur expenditure unless otherwise indicated in the Act. According to section 21 of the Act, the mayor for the municipality should co-ordinate the processes of the annual budget preparation and the review of the integrated development plan as well as policies related to the budget. About 10 months before the beginning of the budget year, the mayor should table the budget in the council. The accounting officer of the municipality must then:

- publish the annual budget and the other documents stated above, inviting the local community to make representations with regard to the budget; and
- submit the annual budget to the National Treasury and the relevant provincial treasury and also to prescribed national or provincial state organs or other municipalities affected by the budget (section 22 of the Act). When the annual budget has been tabled, the council must consider local community views and those of the structures to which the annual budget was submitted. The council should give the mayor an opportunity to consider the submissions and this may necessitate revision of the budget. The Mayor should table the amendments to the council for consideration (section 23). In terms of the sections 25 and 26 of the Act, should the council fail to approve the budget, the council must consider the budget again and vote on it within seven days of the council meeting when there was failure of budget approval. If the annual budget has not been approved by the council by the start of the budget year, there is a need for the provincial executive to intervene in terms of section 139 (4) of the *Constitution* including dissolving the council and appointing an administrator until a new council is elected, and approving a temporary budget to ensure that the municipality can continue to operate.

Section 27 states that when the mayor becomes aware of any impending non-compliance by a municipality with any of the provisions of the *Local Government*

Municipal Finance Management Act, 2003, or any other legislation which deals with the tabling and approval of the budget, the mayor must inform the MEC for finance in the relevant province, in writing. In the case of actual non-compliance, the mayor must inform the MEC for finance and the National Treasury in writing, of such non-compliance and/any remedial or corrective action the municipality intends to take to prevent a recurrence.

Section 32 (1) of the Act refers to unauthorized, irregular or wasteful and fruitless expenditure and states that:

- a political office-bearer of a municipality will be held liable for unauthorized expenditure if the political office bearer instructs an official to incur an expenditure knowingly or after having been advised by the accounting officer that such an expenditure is likely to result in unauthorised expenditure;
- the accounting officer is liable for unauthorised expenditure incurred deliberately or negligently;
- a political office bearer or official of a municipality is liable for unauthorized expenditure made deliberately or negligently; and
- any official or political office bearer, who deliberately or negligently made or authorized expenditure which is wasteful and fruitless, is liable for that expenditure.

The unauthorised, irregular, fruitless or wasteful expenditure must be recovered by the municipality from the person liable for the expenditure, unless the unauthorised expenditure is authorised in an adjustments budget or, after thorough investigation by a council committee, the irregular or fruitless and wasteful expenditure has been certified by the council as irrecoverable or written off by the council (Section 32 (2) of the Act).

In terms of section 32 (3) of the Act, when the accounting officer becomes aware that the council, mayor or executive committee of the municipality has taken a decision which could result in unauthorised, irregular, fruitless or wasteful expenditure, the accounting officer should bring the attention of those involved to this fact. The accounting officer will thus be absolved from liability for such expenditure.

The accounting officer is required to report immediately, in writing, to the mayor, MEC for local government and the Auditor-General if:

- there is any unauthorised, irregular or fruitless and wasteful expenditure incurred by the municipality;
- any person is responsible or under investigation for such expenditure;
- there are steps to recover or correct such expenditure and also to prevent recurrence of the expenditure (section 32 (4) of the Act).

According to Section 32 (6) the accounting officer must report to the South African Police Service all cases involving alleged irregular expenditure and also theft and fraud which have taken place in a municipality. Section 32 (7) states that if the accounting officer has failed to report the cases stated above or if the charge is against the accounting officer, the municipal council must take all reasonable steps to see to it that such cases are reported to the South African Police Service.

Chapter 7 of the *Local Government Finance Management Act, 2003* describes the responsibilities of the mayor. In section 52 the general responsibilities of the mayor are outlined as follows:

- to provide political guidance in terms of the financial and fiscal matters of the municipality;
- to monitor and oversee the exercise of assigned responsibilities of the accounting officer and the chief financial officer but not to interfere in the exercise of their responsibilities;
- to ensure that the municipality performs its statutory and constitutional mandate within the limits of the approved budget; and
- to exercise powers and perform other assigned functions in terms of the Act or as delegated by council.

The Mayor is put on the spotlight as the political head of the municipality who has to give an account for all the activities of the municipality to the municipal council which in turn will be held accountable to the members of the community.

Section 53 identifies the responsibilities of the mayor in relation to budget processes and related activities as follows:

- provision of political guidance in terms of the budget process as well as the priorities that should guide budget preparation;
- coordination of the annual revision of the integrated development plan according to Section 34 of the Local Government: *Municipal Systems Act*, 2000 and budget preparation of the annual budget; and
- ensuring the approval of the annual budget of the municipality before the budget year starts;
- ensuring that the service delivery and budget implementation plan of the municipality is approved by the mayor 28 days after the budget has been approved;
- ensuring that annual performance agreements for the municipal manager and all senior managers are carried out in terms of Section 57(1)(b) of the Municipal Systems Act, 2000;
- reporting immediately to the municipal council and the MEC for finance if there is any delay in the tabling of an annual budget, the approval of the service delivery and implementation plan or the signing of the annual performance agreements;

- making public not later than 14 days after the approval of the service delivery plan, the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter; and
- ensuring that the performance agreements of the municipal manager, senior managers and all categories of staff are carried out and made public not later than 14 days after the approval of the service delivery and budget implementation plan. The council and the MEC for local government should be given copies of the performance agreements.

This Section of the Act is very important as the functioning and development of municipality largely depend on how its finances are handled.

The responsibilities of municipal officials are explained in Chapter 8 of the *Local Government Municipal Finance Act, 2003*. Section 60 of the Act recognises the municipal manager as the accounting officer of the municipality who should:

- carry out powers and assigned functions according to this Act; and
- give guidance and advice with regard to compliance with this Act to the political structures, political office bearers and officials of the municipality.

The municipal manager as the administrative head and accounting officer of the municipality must ensure that all directorates are performing their functions as required. Although he/she delegates to the heads of the directorates, he/she holds the end responsibility.

Section 62 (1) of the Act which deals with general financial management functions of the accounting officer who should ensure that:

- the resources of the municipality are used efficiently, effectively and economically;
- accurate and proper municipal records of the financial affairs are kept according to prescribed norms and standards;
- the municipality has and maintains effective, efficient and transparent systems;
- unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented;
- disciplinary or criminal procedures are instituted against municipal officials for allegedly committing acts of financial misconduct;
- tariff and rates' policies are implemented as required by section 74 of the Municipal Systems Act, 2000 or any applicable national legislation respectively; and
- a credit control and debt collection policy is implemented in terms of

Section 96 (b) of the *Municipal Systems Act*.

Section 62 (2) of the Act states that the accounting officer is responsible for and must account for all municipal bank accounts. According to section 63 of the Act, the accounting officer is responsible for the management of assets and liabilities of the municipality, maintaining a system of internal control of the assets and

liabilities. In terms of sections 64 and 65, the accounting officer is responsible for the management of revenue and expenditure respectively.

The accounting officer plays a role in the preparation of the budget and must:

- assist the mayor when performing assigned functions; and
- give the mayor administrative support, resources and the necessary information for performing these functions (Section 68 of the Act).

According to Section 69 of the Act, the accounting officer is responsible for implementing the approved budget of the municipality and must report to the mayor not later than 14 days after the annual budget has been approved:

- “a draft service delivery and budget implementation plan for the budget year; and
- drafts of the annual performance agreements as required in terms of section 57 (1)(b) of the *Municipal Systems Act* for the municipal manager and all seminar managers”.

The accounting officer must report to the council in writing, any shortfalls, overspending and overdrafts (Section 70). According to Section 71, the accounting officer must submit to the mayor and the provincial secretary not later than 10 working days after the end of each month, a statement in the prescribed format on the state of the budget of the municipality as well as, *inter alia*, a projection of the revenue and expenditure for the rest of the financial year.

Section 71 of the Act gives the composition of the top management of the municipality as:

- the accounting officer;
- the chief financial officer;
- all senior managers with the responsibilities of managing the respective votes of the municipality and who have delegated powers and duties for this purpose.

In terms of Section 78 of the Act, senior managers and officials of a municipality who are responsible for exercising financial management should ensure that in their respective areas of responsibility:

- the financial management and internal control system for that municipality is carried out religiously;
- the financial and other resources of the municipality are utilized efficiently, effectively and economically with transparency;
- unauthorised, irregular or fruitless expenditure as well as other losses are prevented;
- all revenue which accrues to the municipality is collected;
- assets and liabilities of the municipality are well managed;
- all information required by the accounting officer for compliance with the Act is transmitted to the accounting officer; and
- the provisions of this Act applicable to senior officials as well as delegations in terms of the Act are complied with.

Section 79 states that the accounting officer, must for the application of the Act in the administration of the municipality, develop a system of delegation that enhances operational and administrative efficiency and also provides checks and balances in financial administration. The accounting officer is not allowed to delegate powers and duties assigned to the accounting officer to a political structure or political office-bearer of the municipality.

Chapter 9 describes the municipal budget and treasury offices. Section 80 of the Act requires a municipality to have a budgetary and treasury office manned by:

- a chief financial officer designated by the accounting officer of the municipality;
- municipal officials allocated by the accounting officer to the chief financial officer; and
- other persons contracted by the municipality to work in the office.

The chief financial officer plays the following role of:

- being administratively in charge of the budget and treasury office;
- assisting the accounting officer in the administration of the bank accounts of the municipality and in preparing and implementing the budget of the municipality;
- advising the accounting officer on assigned powers and duties;
- advising senior managers and other senior officials with regard to the exercise of their assigned powers and functions; and

- performing functions like budgeting, accounting, financial reporting, cash management, review and other duties delegated by the accounting officer to the chief financial officer (Section 80 of the Act). While the municipal manager is the accounting officer, the chief financial officer is the accountable officer, accountable to the accounting officer.

Chapter 15 of the Act deals with financial misconduct by municipal officials.

Section 171 of the Act, identifies some of the acts which when committed by the accounting officer deliberately or negligently constitute financial misconduct as follows:

- contravention of the Act;
- failure to comply with a duty provided for in the Act;
- permitting or instructing another official of the municipality to make unauthorized, irregular or fruitless and wasteful expenditure; and
- providing incorrect or misleading information.

A municipal official or senior manager exercising financial management responsibilities is regarded as committing an act of financial misconduct for deliberately or negligently:

- failing to carry out the delegated duty;
- contravening or failing to comply with conditions of the delegated power;
- making unauthorized, irregular or fruitless and wasteful expenditure; or
- providing misleading information to the accounting officer.

A municipality must investigate the allegations against the official and if there is substance in the allegation, disciplinary action should be taken.

All the above legislation covers basically what should or should not be done to promote accountability by all stakeholders in a municipality.

3.8 CONCLUSION

The South African government has put in place constitutional and legislative provisions which abound with requirements to promote accountability. The founding provisions of the *Constitution of the Republic of South Africa*, 1996 (Act 108 of 1996) state that South Africa upholds democratic values and strives to promote accountability, responsiveness and openness. The *Constitution* requires all spheres of government to be accountable, transparent, promote community involvement and public participation in matters affecting communities, and also to provide services efficiently, effectively and economically.

Accountability permeates most of the legislation and policy documents like the Batho-Pele “People First” *White Paper on Transforming Public Service Delivery*, 1997, the *Local Government Municipal Structures Act*, 1998 (Act 117 of 1998) the *Local Government Municipal Systems Act*, 2000 (Act 32 of 2000), the *White Paper on Local Government*, 1998, and the *Local Government Municipal Finance Management Act*, 2003.

There is a Code of Conduct for Municipal councillors to ensure that they are accountable to the electorate. The Code of Conduct for municipal officials ensures that officials uphold a high standard of professional practice. The municipal manager has to ensure that each employee has a copy of the Code of Conduct. The contents, purpose and consequences of the Code of Conduct should be explained to illiterate staff members. Sections of the Code which affect the public should be communicated to local communities. The municipal manager as head of administration is responsible and accountable for all that takes place in the municipality and should be responsive to the needs of local communities.

Traditional leaders play an important role in promoting community participation. They should be brought into the fold of governance and cannot be wished away.

The *Local Government Municipal Finance Management Act, 2003* (Act 56 of 2003) assigns accountability and responsibility to certain members of the body politic within the municipality. The Act spells out how the accounting officer should interact with the mayor and council and prohibits the political office bearers from interfering with officials in fulfilling their statutory functions.

It must be stated quite categorically that government can put in place the best pieces of legislation and policies but if they are not properly implemented, all that becomes a futile exercise.

4.2.2 Qualitative

Qualitative research, also known as non-experimental research methodologies will be used in this research because of the researcher's understanding that they tend to observe, analyse and describe what exists rather than manipulating any factor as it may be in experimental research. The method's data is in form, they may record actual verbal utterances which occur naturally. Sarantakos, (1998:467) defines qualitative research as a method of social research that employ no quantitative standards and techniques, data is usually presented in words. It is a way of collecting information on the knowledge, values, feeling, attitudes, beliefs and behaviours of the target population (Leedy and Omrod, 2001:147). According to David and Mutton, qualitative data refers to the collection of materials in a linguistic form, a form that has not been translated into a location on a numerical scale. Brynard and Hanekom (1997:29) are of the idea that qualitative research methodology refer to the research which produces descriptive data, generally people's own written and spoken words, this allows the researcher to know the respondents personally and see them as they are, thereby enabling the researcher to interpret and describe the actions of the people. In quantitative research interviews would be used. Gubrium & Holstein in Gubrium & Holstein (2002:9) state that "... we can learn through interviewing about people's experiences. We can learn what people perceived and how they interpreted their perceptions. We can learn how events affect their thoughts and feelings".

4.3 THE TARGET POPULATION

The population in this study refers to the subjects whom the researcher wishes to research on in order to establish or advance knowledge. Brynard and Hanekom (1997:43) states that "...population does not refer to the population of a country but to all objects, subjects, phenomena, cases, events or activities which the researcher wishes to research". According to De Vos *et al.* (2000:198), population refers to all potential subjects who pose the attributes in which the researcher is interested. Powers in De Vos *et al.* (2000:198) believes it is a set of entities in which all measurements of interest to the researcher are presented. In this study, the target population consisted of municipal officials, councillors, ward committee members and citizens of the Ndlambe Municipality.

However, like any other social and economic scientist, the researcher cannot collect data from everyone in the category being researched. As a result, the researcher will get evidence from a portion of the whole in the expectation and hope that what is found in this portion applies equally to the rest of the population, thus a sample.

4.4 THE SAMPLE

In a few words, Bless and Higson (2000:86) points out that:

“...if one wants to collect accurate information about a group, the best strategy is to observe each of them”.

However, following what has been mentioned earlier on, it is also possible to obtain accurate conclusions by examining only a portion of the whole population, which is a sample. A sample shows actual participants in the research. Sampling has been utilised in this research for the population is too large to undertake a research, at least a representative group (sample) will be selected.

According to Akra and Lane in De Vos et. al. (2000:199) a sample consists of elements of the population only considered for the actual inclusion in the study, thus it can be viewed as a subset of the population in which the researcher is interested. Shipmen (1998:46) states that sampling becomes a systematic way of choosing a group small enough to study and large enough to be representative of the population under study.

Sampling rests on the premise that some way has to be found to generalise to a population without having to gather data concerning each element of that population. Careful sampling will be done in this study for the following reasons:

- sampling enables the researcher to study a relatively small section of the population and still be able to gather data representative of the whole;
- gathering data on a sample will be less time consuming and less costly for the researcher, hence samples may produce more accurate data economically; and
- it will be feasible to use a sample because a complete coverage of the total population is seldom possible; and all members of the population cannot be reached.

According to Nel (2001:345), the sampling procedures must be designed so that samples of the actual population are collected accurately and consistently and reflect the concentrations of the population at the place and time of research.

4.5 SAMPLING TECHNIQUES

Sampling theory distinguishes between, probability and non-probability sampling methods. Probability sampling provides known, equal and calculable chances that each element of the population can be included in the research. Such sampling methods like simple-random sampling, stratified sampling, cluster sampling and multi-stage sampling are only but a few examples of probability sampling. Non-probability sampling suggests that chances of all elements to be included in the sample are not even and unknown. It follows among other

methods such as purposive/judgemental sampling, quota sampling, convenience sampling and snow-ball sampling (Bless and Higson-Smith, 2000:87).

This research will make use of both probability and non-probability sampling techniques, specifically stratified, purposive/judgemental and snow ball sampling.

- Purposive or judgemental sampling was used in some of the political office bearers and municipal officials. Neuman (2003:213) states that purposive sampling "...uses the judgement of an expert in selecting cases or it selects cases with a specific purpose in mind". The researcher selected respondents that were specifically informative on the subject. To this end, the executive mayor was selected by virtue of being the head of the executive and legislative authority of municipality. The speaker was selected in his/her statutory capacity as chairperson of the municipal council. The municipal manager was selected in his/her statutory capacity as the accountable officer of the municipality;

- snow ball sampling technique will be used because the researcher has not yet known some of the people involved in the practice of public accountability in the Ndlambe municipality so only the relevant ones would identify for the researcher such officials. This sampling technique will also be used to obtain a sample of the local communities. According to Welch & Corner (1988:193), when one member of the target population is found,

he or she is asked to name other members of the target group who are then interviewed and asked to supply additional names, and so forth. This makes the task of the researcher easier because the identified member will in turn give the names of people who will be willing to participate and who have knowledge about the problem at hand.

- From the population of other municipal officials, a sample was obtained using stratified random sampling. Huysamen (1994:40-41) believes that in this type of sampling, the population is divided into different groups called strata so that each element of the population belongs to only one stratum. Accordingly, the municipal staff was divided into senior management, middle management and operational staff.

In terms of the *Local Government Municipal Finance Management Act, 2003* (Act 56 of 2003) accountability and responsibility are vested, *inter alia*, in municipal officials. There is upward escalation of accountability and responsibility to the highest level, namely the municipal manager. The municipal manager may delegate responsibilities in varying degrees to specific municipal officials at the various levels and responsibilities and accountability flow down to the operational level where there is operational accountability. However the ultimate accountability remains with the municipal manager.

4.6 PERMISSION TO CONDUCT RESEARCH

Prior to the research, a letter was written to the municipal manager of the Ndlambe Municipality, seeking permission to conduct research on accountability in the municipality. The letter expressly stated that information obtained would only be used for the purposes of the study

4.7 OBTAINING CONSENT FROM PARTICIPANTS

Before the interview, a project information sheet accompanied by a consent form was sent to the participants. The information sheet consists of all the information with regard to the study. The respondent had to read it, confer with friends and decide whether he/she would like to participate in the study or not. The respondent was assured that participation was voluntary. If the respondent decided to participate, he/she had to sign the consent form and return it to the researcher. On the basis of the consent, data collection then followed.

4.8 DATA COLLECTING METHODS AND INSTRUMENTS

Data collection is a form of collecting information from various sources. This can be done through a number of instruments. For the purpose of this research, two sources of data will be used, namely primary and secondary sources of data. Literature from published and unpublished articles, journals, magazines or

newspapers becomes a secondary source of data in this research, whereas information derived and extracted from the respondents of this research is the primary data. Layder (1993:54) has identified quite a number of instruments that can be used to gather data; among these are interviews, intake forms, questionnaires, and survey and attendance records. This study will however make use of questionnaires and interviews to gather the much needed data.

4.8.1 Interviews

Interviews would be used to obtain information from the political office bearers, municipal officials and ward committee members. The researcher will use structured interviews that include planned and detailed questions beforehand. The interviews would also be non-scheduled. According to Bless & Higson-Smith (1995:107) a non-scheduled interview requires respondents to comment on widely defined issues. The interviewees are free to expand as they deem fit, focusing on particular aspects and relating their own experiences. The interviewer will only intervene to ask for clarification or further explanation but not to confront the interviewee with probing questions. Interviews would consist of the opening phase where an introduction is made in an attempt to get the respondent to relax. Then actual phase would then come where questions are asked and answers recorded. The last phase would be the closure where the researcher would acknowledge the participation and co-operation of the respondent.

There are major reasons why interviews will be considered in this research, such reasons include that:

- they appraise validity of the research, in that not only is the researcher able to get what respondents say, but also how they say it, which reveals information about complex and emotionally laden subjects;
- they give room for flexibility. This gives the researcher a chance to repeat or rephrase questions to make sure that they are understood and answered correctly and consistently;
- information given here is detailed and based on the respondents' real experiences on the depth of the subject matter; and
- they are a simple instrument built on good conversation skills which the researcher already has.

4.8.2 Questionnaire

A questionnaire is a method used for collecting data by means of written questions which calls for responses on the part of the respondent; they may be self-administered or group-administered (Grinnell, 1990). In this case the researcher will apply self administered questionnaires because:

- they are less expensive and require much less skill to administer. The researcher can use research assistants to distribute and collect questionnaires;

- they make researcher's life easier for they can be used to reach large numbers of people simultaneously, meaning they can cover a wider area and can obtain information from many people;
- they give respondents greater confidence in their anonymity so they can give out information freely especially on the views they fear might be disapproved or might get them into trouble; and
- generally, questionnaires give respondents ample time for filling them out, hence each answer may be considered carefully, which reduces mistakes and respondents' inconveniences.

The researcher was also aware of the following disadvantages:

- the respondents might answer what they thought would please the researcher and might not reflect their true attitudes, thus distorting the facts;
- some respondents might choose not to answer all questions and no reasons might be given for the omission; and
- valuable information might be lost as the answers are usually brief especially in close-ended questions where the scope for expatiation is not given. To overcome this weakness the participants were allowed to express their opinions and suggestions as they deemed fit at the end of the questions.

4.9 CONFIDENTIALITY

The respondents were assured that information received from them would be treated confidentially. To ensure anonymity the respondents were requested not to identify themselves in any manner when completing the questionnaire.

The respondents were informed about the reason for data collection in order to minimise any anxiety and discomfort which could be caused by lack of knowledge regarding what was to be done with the information. At the end of the questionnaire respondents had to sign on the allocated space.

4.10 CONCLUSION

This chapter, elaborated on the various methods used to collect data. The question method, which includes questionnaires and interviews, was adopted. First, the population was identified and from this, the sample like probability sampling was done. In this sampling technique, the probability that any element in the population which will be included in the sample can be determined. Examples used were simple random sampling, systematic or interval sampling and stratified sampling. The non-probability sampling method which includes purposive and snowball samples was also adopted. In this technique, the probability cannot be specified.

Interviews would be held with political office bearers, some officials and ward committee members. Questionnaires were sent to members of the local communities. The researcher also deemed it necessary to inspect some documents like the minutes of ward committee meetings and also those of the council. The assumption was that the methodology used to collect data would provide a true reflection of the findings and would in turn enable the researcher to determine if the principles of accountability are being complied with in the Ndlambe Municipality, as well as problems encountered.

The next chapter is devoted to the analysis of the data collected.

CHAPTER 5

DATA PRESENTATION AND ANALYSIS

5.1 INTRODUCTION

This chapter focuses on the discussion of questionnaire responses and interviews as well as the analysis and interpretation of data. Each questionnaire response was coded to give quantitative value. Coded responses were entered into a coding sheet in order to obtain statistical data. The data was arranged in tables to clarify the meaning of the information presented.

5.2 DISCUSSION OF QUESTIONNAIRE RESPONSES

Of the 600 questionnaires distributed to the areas that fall within Ndlambe municipality, only 570 were completed and returned.

5.3 THEMATIC AREAS OF THE SURVEY

The researcher organised the central areas for probing into relevant themes associated with the discipline of accountability within the context of local government administration in South Africa. The following themes were studied and the accompanying findings revealed and analysed.

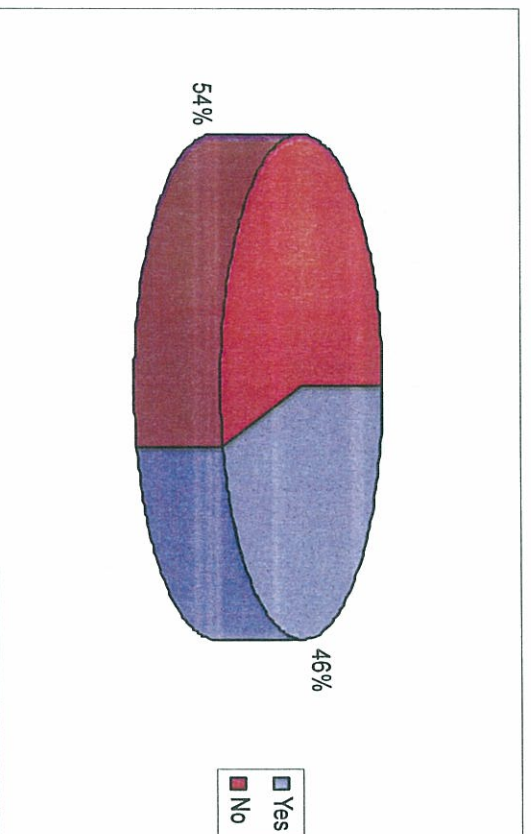
Acquaintance with Ward Councillors

In a representative democracy model, ward councillors are the instruments through which the voice of ordinary community members can be heard in decision-making and policy-making impacting on governance and service delivery of their locality. It is of paramount importance that the community is acquainted with their representatives.

Findings

A question was posed to the respondents, to gauge their familiarity with their councillors. On the whole, 46 percent of the respondents were familiar with their ward councillors, whereas 54 percent expressed their unfamiliarity with the ward councillors. These responses can be summed up as follows;

Figure 1: DO YOU KNOW WHO YOUR WARD COUNCILLOR IS?



This shows that the majority of residents do not know who their ward councillors are. This poses a challenge to accountability as it cannot bring this principle to fruition under such circumstances. Residents must be able to hold the councillor accountable for his / her actions or inactions. The council has to make a conscious effort to ensure that ward councillors are known to their wards.

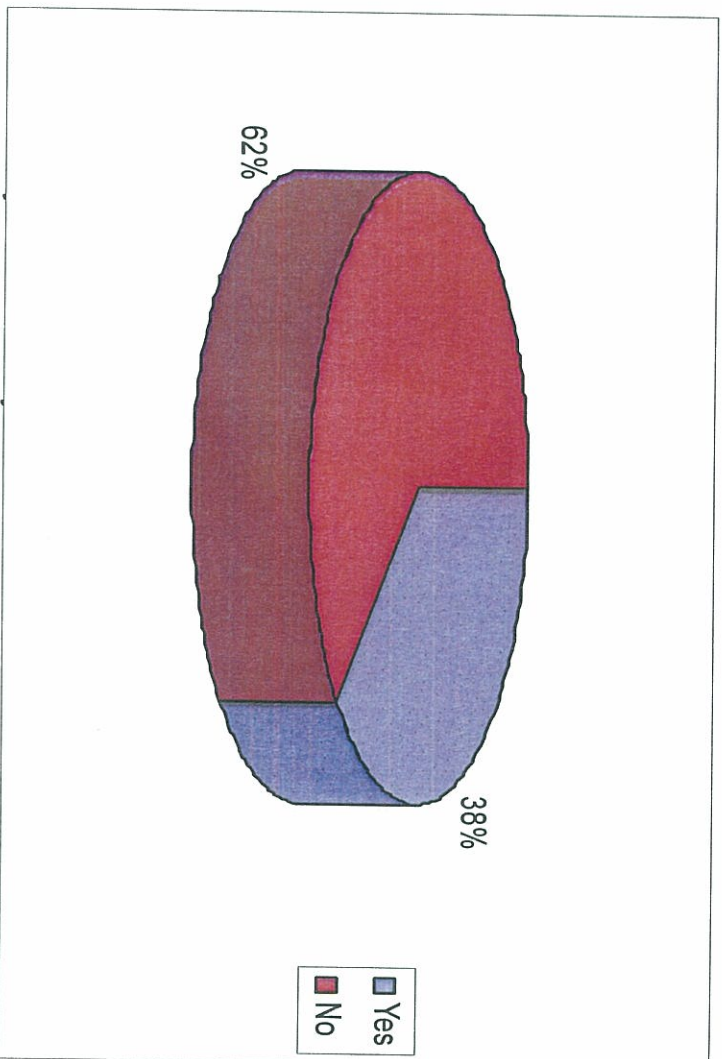
Acquaintance with Ward Committees

Since the December 2000 local government elections and the promulgation of the *Local Government Municipal Systems Act, 2000* (Act 32 of 2000) ward committees have been widely applied as the preferred option for structuring municipal – community relations. The objective of a ward committee is to enhance participatory democracy in local government.

Findings

A question was asked to ascertain the respondents' levels of awareness with regards to the membership of their ward committees. It was noted that only 38 percent of the respondents were aware of their ward committee members, while 62 percent were not aware of their ward committee members. The following chart illustrates the response distribution.

Figure 2: ARE YOU AWARE WHO YOU WARD COMMITTEE MEMBERS ARE?



SOURCE: Mjacu, 2008

The disparity between those who are acquainted and those unacquainted to ward committee members poses concern over the importance of a ward committee in participatory democracy. The ward committee is ideally a conduit or an interface between the ordinary community member and council. Some people see ward committee as an extension of the council. If the Ndlambe municipality is concerned about promoting public accountability, this challenge needs serious attention.

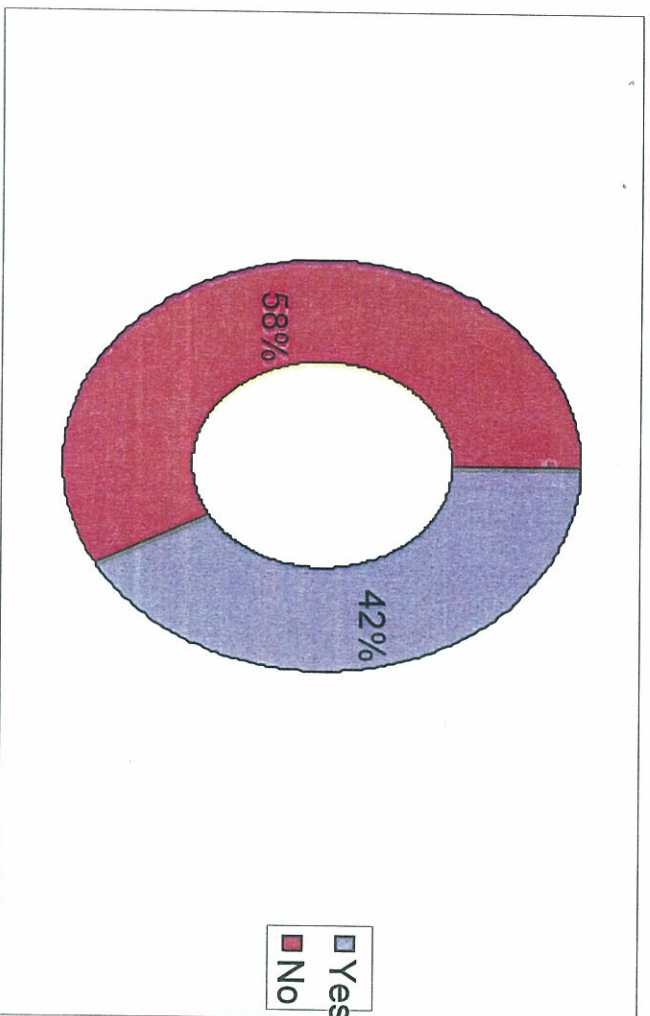
Rights and Duties of Community Members

The legislative framework of the Republic of South Africa places great emphasis on participatory democracy and prescribes in detail the principles under which the public can participate in governance. However, the community can only fully participate in governance if they have adequate knowledge about their rights and duties to partake in matters that affect them.

Findings

The respondents were asked a question to determine their knowledge on the rights and duties of community members in respect of public participation at ward level. It was revealed that 42 percent of the community members were aware of their rights and duties to take part in matters of governance in their locality. Having been asked whether or not they knew the rights and duties of community members, these findings are illustrated as follows;

Figure 3: RIGHTS AND DUTIES OF COMMUNITY MEMBERS IN RESPECT OF PUBLIC PARTICIPATION



SOURCE: Mjacu, 2008

The disparity between those who know and those who do not know these rights and duties is a cause for concern because to be able to hold politicians and municipal officials accountable, people should know what their rights and duties are. There is a need for community mobilisation, empowerment and education of local communities around their rights and duties.

Community Participation

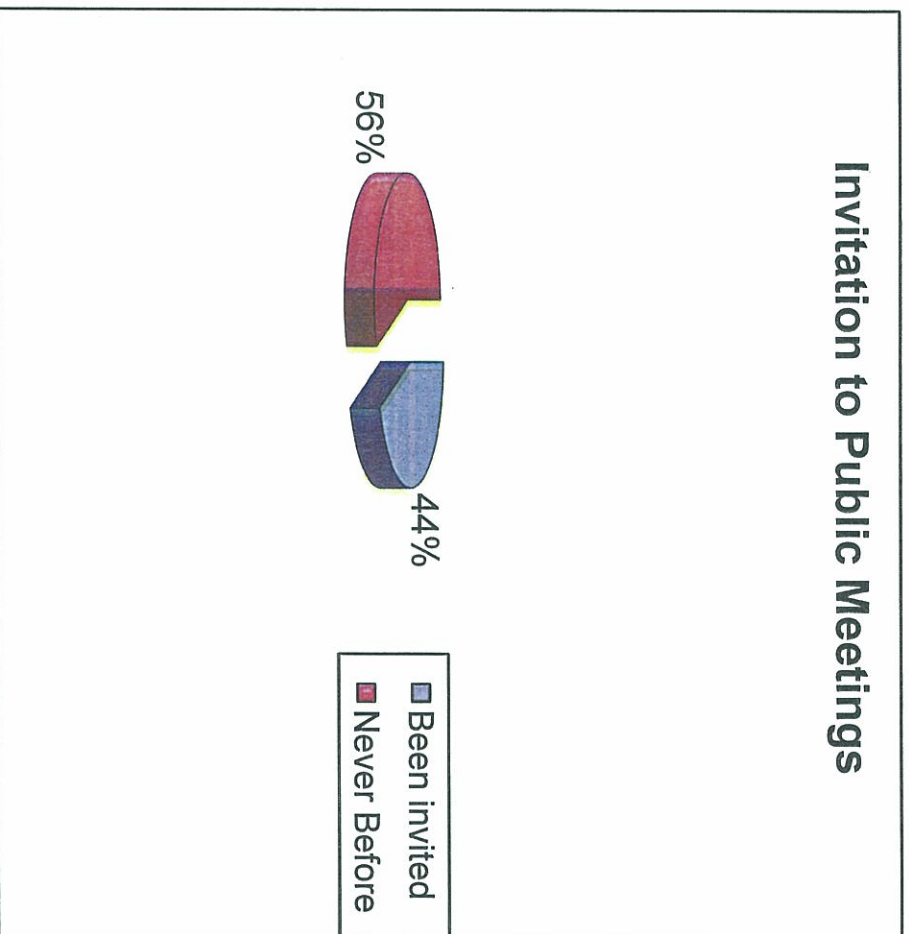
Section 16 (1) (a) of the *Local Government Municipal Systems Act, 2000 (Act 32 of 2000)* states that a municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory democracy. To this end the municipality must encourage and create conditions for the local community to participate in the affairs of the municipality.

Findings

Public meetings with ward committees

The respondents were asked if they had ever been invited to take part in a public meeting convened by a ward committee. About 44 percent claim to have been invited to public meetings while 56 percent said they have never invited. This is graphically illustrated in Figure 4 below.

Figure 4: INVITATION TO PUBLIC MEETINGS CONVENED BY WARD COMMITTEES



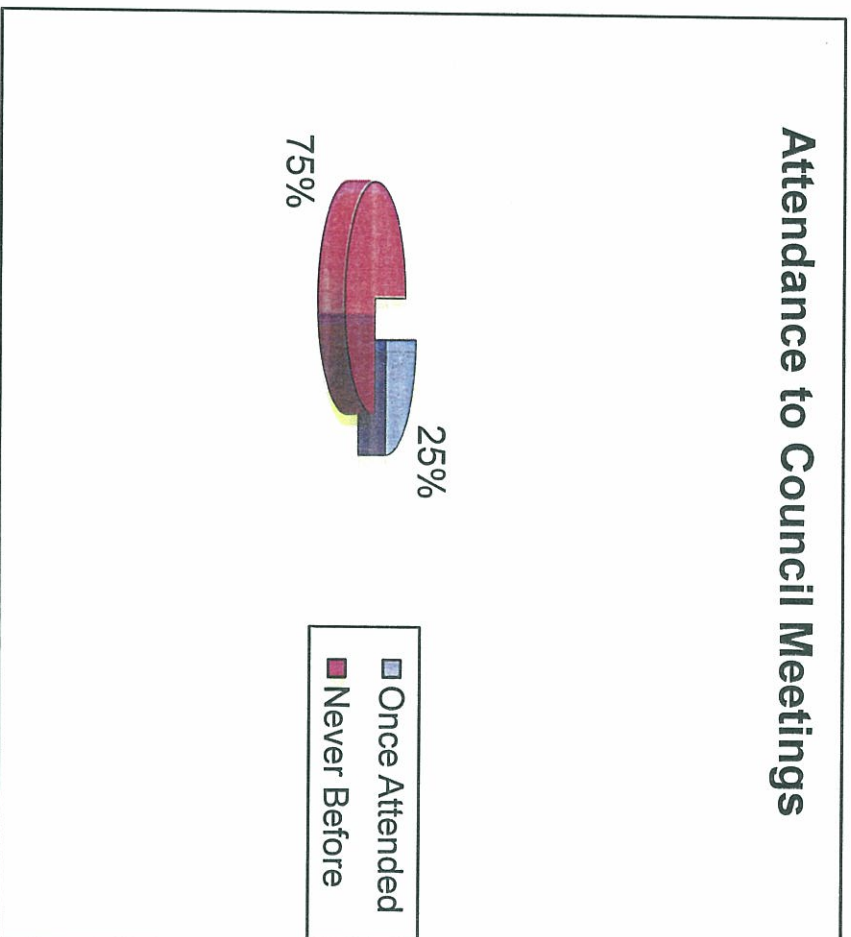
SOURCE: Mjacu, 2008

Council meetings

One question was asked to check if any of the respondents had ever attended a council meeting. Only 25 percent of the respondents had an opportunity to attend

a council meeting, while 75 percent said that they had never attended any council meeting. This is represented graphically as follows:

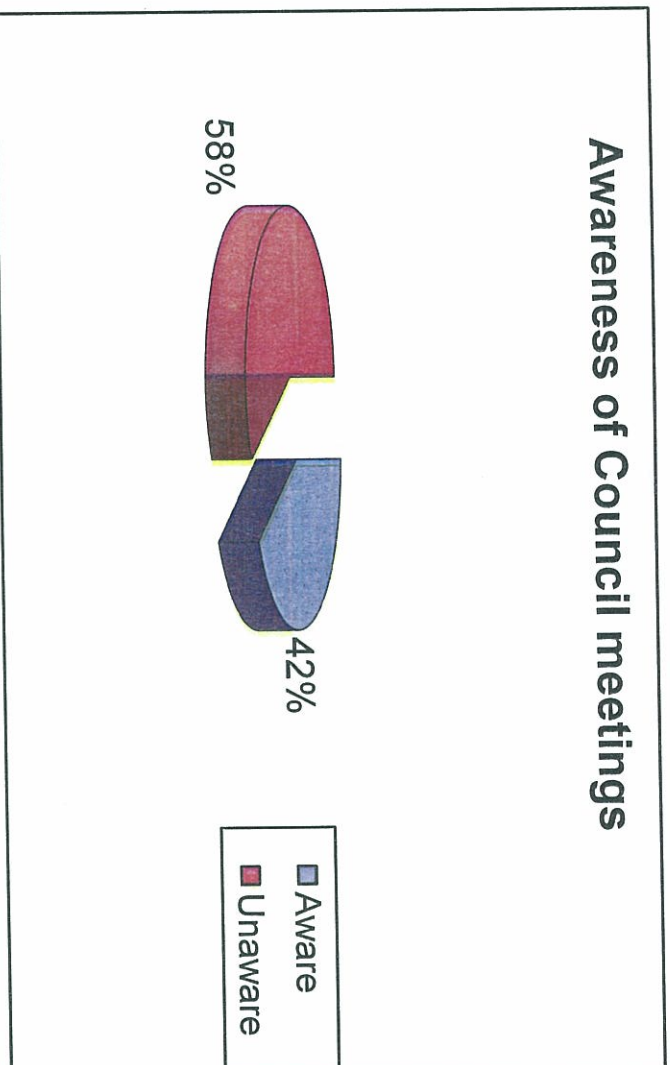
Figure 5: HAVE YOU EVER ATTENDED A COUNCIL MEETING?



SOURCE: Mjacu, 2008

Another question was also asked to the respondents to probe if they were aware that they could attend council meetings and observe their representatives making decisions and policy on behalf of them. An average of 42 percent is not aware, while 58 percent is aware, as shown in Figure 6 below.

Figure 6: ARE YOU AWARE THAT YOU CAN ATTEND COUNCIL MEETINGS?



SOURCE: Mjacu, 2008

The figures are very high and show that in general local communities in the municipal area do not attend council meetings. The council should determine the cause of this and make the necessary response. On the question of awareness of public meetings, rural communities show that they are the least aware that they should attend council meetings, with 24 percent being the difference between those who are aware and those who are not, followed by urban at 14 percent and the peri-urban communities at 10 percent.

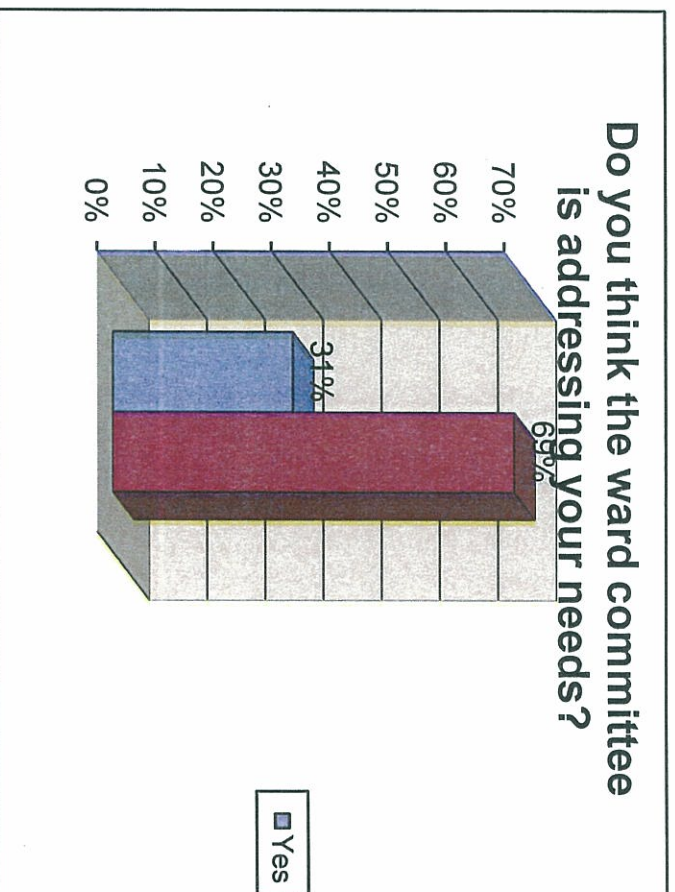
GOVERNANCE AND SERVICE DELIVERY

Findings

Effectiveness of Ward Committees

The respondents were asked to express their opinion on the effectiveness of their ward committees in responding to their service delivery issues. Only 31percent think their needs are being addressed while 69 percent do not think so. Figure 7 below illustrates this;

Figure 7: DO YOU THINK THE WARD COMMITTEE IS ADDRESSING YOUR NEEDS?



SOURCE: Mjacu, 2008

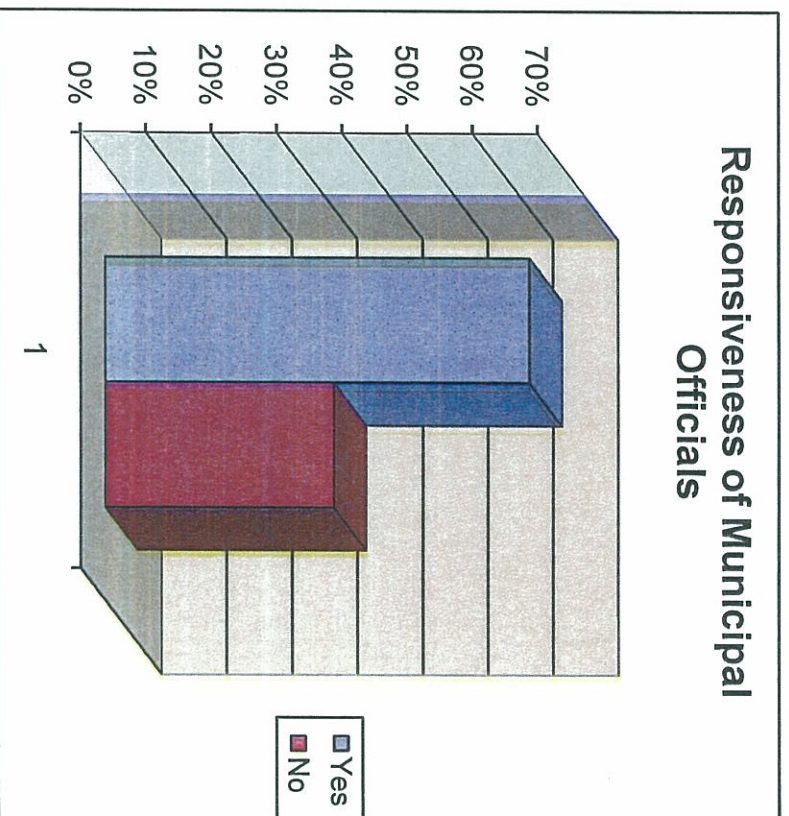
Several comments were raised with regard to the ineffectiveness of the ward committees. Some of the issues raised include:

Responsiveness of municipal officials to citizens' complaints.

Chapter 2, Section 6 of the *Local Government Municipal Systems Act, 2000 (Act 32 of 2000)* requires a municipal administration to, *inter alia*, be responsive to the needs of the local community, promote a culture of public service and accountability among staff and enhance cooperation and communication between it and the local community. Section 5 of the Act also states that local communities have the right to prompt responses to complaints to the municipal council, administration or any other political structure or political office bearer.

This study revealed that 35 percent of the respondents believe that municipal officials are responsive to the complaints of citizens, while 65 percent maintain that officials are not responsive to their complaints, see Figure 8.

Figure 8: DO MUNICIPAL OFFICIALS ATTEND TO YOUR COMPLAINTS?



SOURCE: Mjacu, 2008

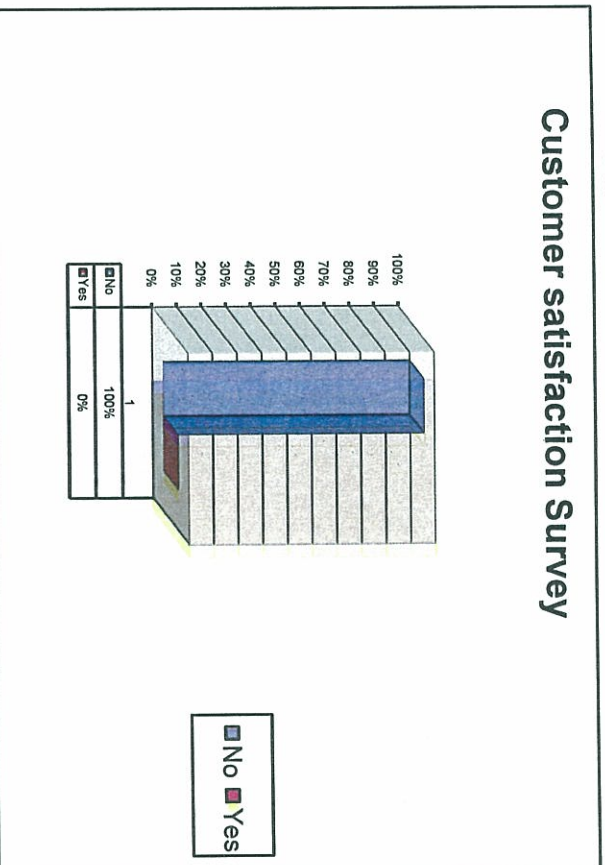
The disparities in the findings show that the majority of officials do not fulfill their legislative mandate of being responsive to the needs of the citizens. This poses a serious challenge to the requirements of accountability. The municipal council should devise mechanisms to promote responsiveness of municipal officials to complaints of citizens.

Participation in the Customer Satisfaction Surveys

According to Section 152 of the *Constitution of the Republic of South Africa, 1996* (Act 108 of 1996), one of the objects of local government is to provide a democratic and accountable government for local communities.

A municipality is expected to conduct a customer satisfaction survey to assess its ability to satisfy the needs of local communities. Asked if they had ever participated in customer satisfaction survey, the study revealed that 94 percent of respondents had never participated in a customer satisfaction survey while six percent were not participated.

Figure 9: HAVE YOU EVER PARTICIPATED IN A CUSTOMER SATISFACTION SURVEY



SOURCE: Mjacu, 2008

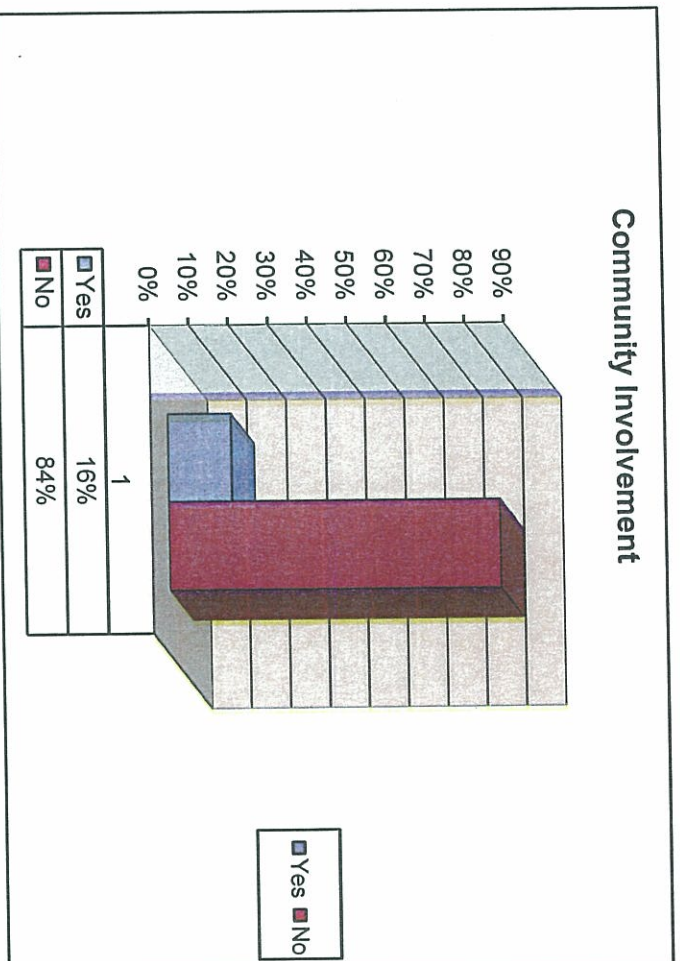
The fact that the customer satisfaction survey has never been carried out in the Ndlambe municipality has negative implications for public accountability. Ward committees should play a major role in conducting customer satisfaction survey. They are in a better position to ensure that a greater number of local communities are accessed in order to get a better picture of customer satisfaction with services.

INVOLVEMENT OF LOCAL COMMUNITIES IN WARD COMMITTEE ACTIVITIES

The Local Government Municipal Systems Act, 2000 (Act 32 of 2000) states that a municipality has a duty to promote community involvement. This is also supported by the Constitution of the Republic of South Africa, 1996, Section 152(i) (c) which requires a municipality to promote the involvement of communities and community organizations in matters affecting them.

This study revealed that 84% of the respondents had not been involved in ward committee activities while 16% had been involved in such activities.

Figure 10: DOES THE WARD COMMITTEE INVOLVE YOU IN THE PERFORMANCE OF WARD FUNCTIONS?



SOURCE: Mjacu, 2008

The small percentage of respondents who had participated in ward committee activities reflects the failure of the municipal council to educate local communities on the role of ward committees as structures that enhance participatory democracy and can thus promote accountability of political office bearers and officials. Education of residents in this respect is very important.

GENERAL COMMENTS FROM QUESTIONNAIRES ON THE EVALUATION OF
PUBLIC ACCOUNTABILITY IN THE NDLAMBE MUNICIPALITY

- there is no official body that addresses youth matters in council and as such, there are no sector-focused activities including accountability channels;
- councillors and ward committees behave as if they are doing local communities a favour when they report on work assigned to them by local communities. Ward councillors also maintain that it is not their duty to listen to complaints from local communities;
- some ward councillors do listen to people's complaints but they do not report back;
- ward councillors are not visible and local communities do not know how to contact them. People feel that they are not part of municipal governance;
- wrong municipal accounts are being sent to residents;
- there is no inspection of a healthy environment;
- not all people are aware of their rights and duties;
- councillors are only concerned with their own survival, serving their own interests and are not concerned with Batho Pele Principles. As a result demands, needs and wants of citizens are not being attended to;
- some ward councillors no longer reside in the wards where they were elected. They have moved to suburbs while still claiming to be in their original wards; and

- Ndlambe municipal officials and political office-bearers do not render an account for their actions and inaction.

5.4 DISCUSSION OF INTERVIEW RESPONSES

The following are the responses from interviews:

5.4.1 Ward committees

The majority of ward committees are structured such that there is no broad representation from all the stakeholders in the community hence they are not functioning well. In some cases, ward committee meetings are not held because the councillor fails to call meetings.

Some ward committee members are willing to do their jobs but do not get co-operation from the ward councillors as well as the council which does not give solutions to some of the problems forwarded. There is no capacity building and training needs assessment for ward committee members. There are no annual capacity building and training programmes prepared according to the needs assessment for each ward committee member.

Ward committee members do not get enough information, training and support from the municipality and some ward councillors do not work well with ward committee members.

5.4.2 Public participation

Council meetings are also not well attended by residents. There is a need to conduct a survey in order to determine the reasons for this.

There is a need to form sub-committees with focal areas. Departments should budget for public participation and not only the mayor's office as is the case currently. There is also no budget for communities with special needs like people infected with and affected by HIV/ AIDS, youth, aged, women, and people with disabilities. As a result, not much is done for them as the municipality depends on donor funding.

People are not educated on their rights as citizens, their role in municipal governance, the role of ward committees and also how the municipality functions.

5.4.3 Council and ward councillors

The council is not transparent when dealing with people's needs and ward councillors do not report back to the ward committees and local communities on matters forwarded to them by the people.

5.4.4 Service delivery and municipal officials

There is no Service Delivery Improvement Plan (SDIP) which is a progress report that can bring about better accountability. The administrative arm is still adjusting to new legislation. The Performance Management System is not implemented at all levels.

There is no commitment on the part of officials to communicate with local communities. Officials are hiding behind bureaucracy and will not communicate. The culture of the organisation is inward-looking and not outward-looking.

5.5 CONCLUSION

This chapter has dealt with analysis of data collected. The research focused on ward committees, ward councillors, the council, residents, officials and service delivery. The results of data analysis reveal that the needs of the community are not being attended to by the council, the officials are not performing their tasks

efficiently and effectively, ward committees are not functioning well and community participation is lacking.

The next chapter concludes the study and forwards recommendations based on the results of the study.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

6.1 INTRODUCTION

Public accountability is an important tool for good governance in a democratic society to ensure that public needs, legitimate demands and entitlements are met. This chapter deals with conclusions on the study carried out on “the evaluation of the practice of public accountability in the Ndlambe municipality” and provides recommendations on measures to be taken to overcome the identified challenges in order to promote public accountability.

6.2 GENERAL CONCLUSIONS

The following general conclusions have been drawn from the study:

There are various types of accountability depending on the accountability relationships that exist, some of which overlap.

Hierarchical accountability is based on a supervisor-subordinate relationship. In this type of accountability, the following processes take place;

- assignment and delegation of authority;

- coordination of functional activities;
- arrangement of functional activities; and
- establishment of control measures.

In a municipality, the municipal manager is the administrative head and accounting officer of the municipality. Although he/she delegates authority to the various directors under his/her command, he/she remains accountable to the council for all the activities in the organization.

Professional accountability denotes attributes of specialised knowledge and expertise. Performance standards are guided by professional norms, accepted protocol and prevailing practices of a particular group. In local government, it is imperative that municipal officials perform their duties according to their code of conduct, the violation of which will result in disciplinary action against the guilty officials.

In legal accountability relationships, there are established performance prescripts like legislative and constitutional provisions which have to be adhered to. In local government, there are performance mandates like the *Constitution of the Republic of South Africa, 1996* (Act 108 of 1996) and other Local Government Municipal Acts which municipal officials and councillors have to comply with.

Political accountability relationships allow public managers to be responsive to the needs and demands of stake holders like politicians, the general public and clientele groups. The main emphasis in this type of relationship is being responsive to the needs of the public. It is similar to that of politicians and their constituencies which also stress responsiveness to public needs.

Accountability is enhanced by citizen participation, transparency and representivity. Representivity is an important feature of a democratic government and it ensures that the wishes of the people are reflected in the decisions taken on their behalf. It is not possible for all citizens to govern, and as such, they have to govern through their elected representatives. In the case of local government, councillors are elected to form the municipal council. Representivity goes with responsibility. The council represents the local communities and is responsible to them. It will be held accountable for the administration of policies and other activities of public officials under its control. Public Officials are thus held accountable to the citizens through the council.

Transparency is one of the features of good governance and it reinforces public participation and accountability. All municipal activities should be open to public scrutiny and council meetings should be open to the public. Transparency enables people who are affected by development policies, processes, procedures, programmes and projects to know what options are available to them and thus make informed decisions. Civil society is an important part of

democratic societies. It affords the citizens an opportunity to participate in public life and to check the exercise of state power. They can hold the state accountable for its decisions and policies implemented on their behalf.

Community participation enhances individual and group esteem. Citizens understand crucial problems affecting their municipality, prioritise them, devise solutions, compare results with those adopted in other areas, target expenditure on the least costly and more viable programmes, decide on the plan and examine the merits and demerits of the plan. The failure of many projects can be attributed to lack of citizen participation. Participation of citizens should be harnessed as it inculcates a feeling of ownership of the project or programme and, as a result, the citizens will jealously guard the project or programme and ensure its sustainability. They feel they are indeed part of the municipal governance.

However, citizens have to be empowered in order to participate. Empowerment should be responsive and participatory, whereby people play a leading role in determining and addressing the matters affecting their lives with the organisation being an enabler in the process. Various strategies should be devised to empower citizens to participate. Community participation remains a challenge especially in rural communities where illiteracy and civic apathy abound.

A ward committee is a representative and consultative structure created by government to promote participatory democracy. It consists of not more than ten members with the ward councillor as chairperson. It is an important link between the community and the council and can play a significant role in promoting service delivery. The ward councillor should keep the council abreast of the needs of the ward community and also ensure that those needs are attended to. Ward committee members should always act in the interests of their ward community.

By and large, residents of the Ndlambe municipality do not know their rights and duties as citizens of the municipality. Community participation in municipal affairs is lacking. Residents are not educated on when, why and how they should participate. As a result, they do not hold councillors and officials accountable for their actions and inactions. Officials do not perform their assigned tasks efficiently and effectively and citizens' complaints are not being attended to. Some of the management tools for improving service delivery and accountability like the performance management system have not been implemented. Some councillors do listen to the complaints of residents but there is no report back.

Not much is being done for communities with special needs like the youth, aged, people with disabilities and those affected by and infected with HIV/AIDS. There is no official body that addresses youth matters in council and there are no sector-focused activities including accountability channels.

Some ward committees are not working well. Ward committee members do not get the necessary information, capacity building and guidance from the council. Some ward councillors are not co-operative and do not work well with ward committee members.

There is some confusion with regard to the role of ward committees and that of community development workers (CDWs). Ward committee members maintain that CDWs do the same work as that of ward committees but they (CDWs) receive remuneration while the latter only get attendance allowances.

Some ward councillors who were elected in peri-urban and rural areas no longer reside in their wards but have moved to suburbs while still claiming to be ward councillors of their previous residential wards. They thus cannot perform their duties as ward councillors as their knowledge of activities in those wards is minimal.

The study has revealed accountability in the Ndlambe Municipality is affected partly by poor functioning of ward committees and councillors as stated in the hypothesis.

6.3 RECOMMENDATIONS

In the light of the results of the study, the following recommendations are presented.

Public Service Delivery Improvement Plan

The Ndlambe Municipality should have a Public Service Delivery Improvement Plan (PSDIP) to bring the *Batho Pele* Principles to fruition. The plan should include a Service Delivery Charter which is a statement in which the municipality commits itself to promote service delivery by:

- maintaining public service delivery standards;
- encouraging the treatment of all users of services as customers;
- protecting the rights of customers; and
- accelerating the transformation of the municipality into an outcome-based institution.

The Service Delivery Charter should include:

- the name, physical, postal and e-mail addresses of the municipality;
- services provided;
- service standards that customers should expect;
- the rights and obligations of customers; and
- a pledge to uphold a high standard of service delivery.

Municipal officials

Directors and managers should be more vigilant to ensure that employees perform their respective functions and those who do not should be brought to book. There should be a toll free number to which residents may forward their complaints, instead of expecting residents to report any problems in person. All employees should receive training on their legislative mandate with regard to service delivery including their Code of Conduct.

The Performance Management System should be implemented and cascaded down to involve all categories of municipal employees as prescribed in Section 53 of the *Local Government Municipal Finance Management Act, 2003* (Act 56 of 2003). Local communities should be educated on how the system works so that they can be involved in its implementation, monitoring and evaluation. If the system is applied properly, it will promote accountability of municipal officials.

Ward committees and local communities

Ward committees are one of the most important structures devised by government to promote participatory democracy. However, there are important areas that should be attended to, in order to make them work. There is a need to train ward committee members and build their capacity. They should be guided and the needs of each member should be carried out. This should be done at

frequent intervals like quarterly. They should get more administrative and financial support from the municipality.

The ward councillors should be trained so that they realise that they are part of the ward committees and local communities, and that it is their legislative mandate to serve the needs of the people. It should be imposed upon the ward councillors that they are not superior to the people, but should rather work with them. This ward councillor – ward committee relationship is very important in order to make the system of ward committees' function as intended. The ward councillor should report monthly to the council on activities which take place within the ward and should be made to report back to the communities. The mayor should monitor all this.

The role of the ward committees and that of community development workers should be clearly defined. Besides the attendance allowance which ward committee members receive, they should also be remunerated as an incentive. The remuneration should not be given routinely but should be based on the performance of each member. They should sign performance agreements but their reward should be the continuity of remuneration rather than extra remuneration. This might motivate them to take their role seriously, given the high unemployment rate that obtains in the country. Where the size of the ward is big, it may be necessary to divide the ward into area committees to ensure that all the residents are taken on board.

Local communities should be educated on the role of ward committees and what is expected of the people. They should be educated on community participation and their role in municipal governance. They should be made aware of the legislative provisions in terms of the rights and duties of local communities as well as the mechanisms, processes and procedures in place to promote community participation. People should also be made aware of the Code of Conduct for municipal councillors and officials so that they (councillors and officials) can be held accountable for their actions or inaction. Community participation should be provided for in the budget of the respective directorate or unit.

Communities with special needs like the youth, people with disabilities, people affected by and infected with HIV/AIDS should be given special attention. There should be a portfolio councillor for communities with special needs to deal with sector focused activities including accountability channels.

It is important for the council to find out the reasons for poor attendance at council meetings by residents and measures taken to encourage them to attend.

The use of the local radio could be helpful to publicise council meetings and to educate local communities on the importance of attending such meetings.

Municipal Council

The municipal council should be more committed to work with local communities and municipal officials to promote service delivery. Councillors should be more visible among residents, more transparent and responsive to the needs of the people. Portfolio councillors should be made to account for their respective units. This is in line with the call from President Mbeki that councillors should be prepared to work in order to uplift the standard of local communities and those who do not serve the people should be removed from their positions. Signing of performance agreements should also be considered just like the ward committee members. Local communities should play a major role in monitoring the performance of councillors in order to identify those who do not deliver as promised. This should be an internal policy which should be raised with the South African Local Government Association (SALGA) so that it may be national policy.

The mayor should have frequent consultations and *imbizos* with local communities in order to get first hand information about the needs, demands and entitlements of the people. There should be a toll-free number for the mayor's office to entertain complaints from residents which have not been addressed by the respective units.

There should be a record kept by the municipality for complaints and compliments from the people in order to determine the level of performance of councillors and officials in addressing community needs so that corrective action can be taken where necessary. There should also be sub-committees with local areas which should include some members of the public. This should promote public participation and accountability.

Ward councillors, who have ceased to reside for one reason or another in the wards where they were elected, should be replaced by those who are resident in respective wards. This should be made an internal policy which should be built into their performance agreements.

6.4 CONCLUDING REMARKS

Public accountability is the key to the provision of quality services and good governance. At local government level, public accountability requires all the components of a municipality, namely, the political and administrative structures, as well as local communities to work together. The political office bearers make policies which have to be executed by the administrative arm. The political office bearers (council) should hold the officials accountable for poor service delivery. The political office bearers in turn are accountable to local communities who elected them into office. It is important that the electorate does hold the council

accountable for its actions or inactions and this can only happen if local communities actively participate in matters affecting them.

Government has put in place ward committees as one of the structures that promote participatory democracy. The study has revealed that in the Ndlambe municipality, public accountability is negatively affected partly by poor functioning of ward committees and the council. As a result services are not being rendered to communities efficiently and effectively.

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ANNEXURE A

Sizwe Mjacu
P.O Box 2371
Port Alfred
6170
09 January 2008

Office of the Mayor
Ndlambe Municipality
P.O. Box 13
Port Alfred
6170

Dear Sir

Re: Application for Permission to Conduct Research in Ndlambe Municipality

I hereby request to conduct research in your municipality. I am currently doing my final year for the Degree of Master of Administration in Public Administration at the University of Fort Hare and working on my Research Project. My area of focus is Public Accountability and my topic is “ **An Evaluation of the Practice of Public Accountability in the Ndlambe Municipality**”. I assure you that the information gathered will only be used for the purposes of this study.

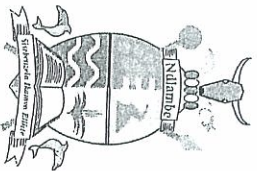
I hope that my research findings will be of benefit to your municipality. I would be very grateful if you could allow me to conduct this research.

Kind Regards

Sizwe Mjacu

NDLAMBE MUNICIPALITY

OFFICE OF THE MAYOR



Campbell
P.O. Box 13
Port Alfred
6170

Phone: (046) 6241140
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mayor@ndlambe.co.za
atitwe@ndlambe.co.za

Ref:

To Whom it May Concern

This serves to confirm that Sizwe Mfacu has been given a permission to conduct a research in the Ndlambe Municipality, in the event that the researcher (Sizwe) approaches any political office bearer or officials of this municipality, with the intention to interview or provide you with questionnaire we beseech everybody to avail herself or himself.

Thanking you in advance for your co-operation.

Yours faithfully

V. BALURA

MAYOR

ANNEXURE B

MAP OF NDLAMBE MUNICIPALITY

