

AN EVALUATION OF THE IMPACT OF THE IMPLEMENTATION
OF LEGISLATION ON SERVICE DELIVERY IN SELECTED
MUNICIPALITIES WITHIN THE EASTERN CAPE AMATHOLE
DISTRICT (2000 – 2007)



A dissertation submitted in partial fulfilment of the requirements
for the Master of Public Administration Degree

DEPARTMENT OF PUBLIC ADMINISTRATION
FACULTY OF MANAGEMENT AND COMMERCE
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Declaration

I the undersigned, Nosizwe Pamphilia Pakade hereby declare that this dissertation is my original work and that it has not been submitted, and will not be presented to any other university for a similar or any other degree award.



Signature



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Dedication

And now the Lord God says to his servant, "I, the Lord, have called you and given you power to see that justice is done on earth." Isaiah 42: 5-6.

I dedicate this project together with all that I am, to my heavenly father, Jehova Elyon, Rohi, Shammah and El Olam, my lord Jesus Christ, son of the living God and Holy Spirit who continuously implanted wisdom to deal with everyday challenges. Knowledge and understanding of this structure surpasses all. What is a man that you are mindful of him? How excellent is your name in all the earth!

God bless South Africa.



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Abstract

Impact is the effect or influence that an event, situation has on someone or something. If legislation is input in local government machinery, service delivery should be the output indicative of the impact of the legislation.

Evaluating service delivery as witnessed day by day and heard of from the media determines how good, useful, or successful legislation is. Evaluation therefore does not involve looking into compliance only, but performance as having been impacted by the former.

The Local Government Municipal Structures Act, (Act 117 of 1998) provides that the objective of a ward committee is to enhance participatory democracy. The Local Government Municipal Systems Act, (Act 32 of 2000) refers to ward committees as vehicles for community participation.

“While many councillors and officials are asking for clearer direction from legislation and national policy, this is not necessary. Instead, it is up to municipal leadership to work out their own role definitions and solutions within the context of their municipalities.” This was one of the conclusions reached during a seminar attended by, amongst others, the chairperson of the Parliamentary Portfolio Committee on Local Government and representatives from SALGA (South African Local Government Association) [Voice, June/July 2003:14].

Not long ago, a democracy promotion organization arranged a course to help local councillors improve their capacity to represent voters. The skills it taught were how to hear what local voters were saying and how to speak on their behalf. After a while, the councillors complained that the course did not meet their needs. They wanted, they said, to be taught “how to deliver services”. They reacted as they did because they had repeatedly been told by national political leadership and the media that their job, and that of the councils on which they served, was service delivery. In reality, it is not the job of councillors to deliver services, nor is this local government’s chief task. Councillors’ and councils’ job is to represent people, which is not at all the same as “delivery” (Local Government Bulletin Volume 9, Issue 4 of September 2007:3).

Municipalities need to take a dispassionate, introspective assessment of the root causes of service delivery protests. Where they are clearly linked to service delivery failure, municipalities must identify impediments to efficient and effective service delivery (Local Government Bulletin Volume 9, Issue 4 of September 2007:7)

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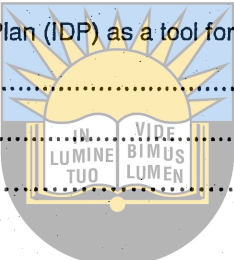
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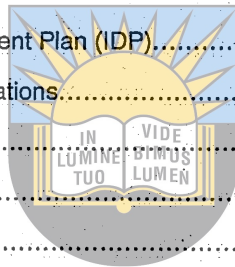
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CHAPTER 1 : INTRODUCTION

1.1. INTRODUCTION

The democratic era that commenced in April 1994 earned South Africa a rare and legendary privilege to transform local government to meet the demands of all the people. The Constitution of the Republic of South Africa, 1996 recognises South Africa's governmental system as comprising three spheres of government namely national, provincial and local government. As a result thereof, it provides for cooperative and local government in chapter 3 and 7 respectively.

Section 41(2) (a) and (b) calls for the establishment or provision for structures and institutions to promote and facilitate intergovernmental relations; and provision for appropriate mechanisms and procedures to facilitate settlement of intergovernmental disputes.

Section 154(1) states that the national and provincial governments must, by legislative and other measures support and strengthen the capacity of municipalities to manage their own affairs and exercise their powers to perform their functions. The implication thereof is, amongst others, a strong need to develop policy, legislation and strategies to maintain envisaged cooperative governance.

This gave birth to a number of commendable legislation which earned South Africa international respect. Some of these are the following;

- (i) The Constitution of the Republic of South Africa, 1996
- (ii) Local Government Transition Act, 1993 (Act 97 of 1993)
- (iii) Local Government Municipal Demarcation Act, 1998 (Act 27 of 1998)
- (iv) Local Government Municipal Finance Management Act, 2003 (Act 56 of 2003)
- (v) Local Government Municipal Systems Act, 2000 (Act 32 of 2000)
- (vi) Local Government Property Rates Act, 2004 (Act 6 of 2004)
- (vii) Local Government Municipal Structures Act, 1998 (Act 117 of 1998)
- (viii) The Inter-governmental Relations Framework Act, 2005 (Act 13 of 2005)

In his foreword, Mr. Valli Moosa, the then Minister for Provincial Affairs and Constitutional Development in South Africa referred to The White Paper on Local Government, March 1998 as a culmination of an 18-month period of intensive consultation. He stated that the paper spells out the framework and programme in terms of which the existing local government system would be radically transformed.

He further indicated that it established the basis for a system of local government which is centrally concerned with working with local citizens and communities to find sustainable ways to meet their needs and improve the quality of their lives.

In the light of what has been stated above one expects the positive correlation between such legislation and service delivery.

This document seeks to evaluate the impact of the implementation of legislation on service delivery. Literature with regards to service delivery is to be reviewed, some research methodologies are going to be used to collect data which will later be presented, analysed and used to make some recommendations towards improving service delivery. Before throwing light on what service delivery encompasses, it is necessary to define legislation.

Legislation is a law or a series of laws as indicated in the previous page.

Service delivery in the local government sphere encompasses rendering of the following services;

- o Water and sanitation
- o Electricity
- o Housing
- o Refuse removal and
- o Roads

All legislation has objectives intended to transform the present practice to a better one. In the case of South Africa apartheid laws were tailor-made for the few privileged classes with the majority excluded. In the enactment of such

beautiful legislation one expects to see the standard of living of all, raised. The point at issue is whether the implementation of the prescripts has achieved the intended goals/objectives of enhancing service delivery and the extent to which this has been done within the selected municipalities in the Eastern Cape Amathole District.

1.2. PROBLEM STATEMENT

To what extent is the impact of the implementation of local government legislation on service delivery?

The rare and legendary privilege to transform local government referred to above culminated in the enactment of a number of good pieces of legislation listed above and more. The contents of the legislation raised hopes of a better life for all.

As a developing country South Africa's developmental local government is expected to;

- exercise municipal powers and functions in a manner which maximizes their impact on social development and economic growth;
- play a major integrating and coordinating role to ensure alignment between public and private investment within the municipal area;
- democratize development, which is provided for; and
- build social capital through providing community leadership and vision and seek to empower marginalized and excluded groups within the community.

The first three years of the second decade of South Africa's democracy have been characterized by disharmony between the three spheres of government. There have been, amongst others, protest marches and violent riots by the people from the local sphere of government directed at refuted actions of either the national or provincial spheres of government.

Complaints about service delivery have been manifested in a variety of ways by many people from various municipalities. Some municipalities have difficulty in managing their own affairs. This is obvious by mere looking at the roads or refuse unattended to.

Mnquma Municipality, constituting the former Transkei towns of Butterworth, Kentani and Ngqamakwe is one of those municipalities with a disreputable history of management disputes that cost the constituency service they deserve.

Property rates, one of the major sources of municipal revenue are badly paid, thus affecting the delivery of services

Municipal roads at the present moment are at a total collapse. Even national roads crossing at municipality premises are also collapsing. This sometimes causes confusion as people might want to blame Mnquma Municipality for instance, in the case of Umtata Street, the main road that is part of National Road 2 (N2) whereas the national roads are the responsibility of the provincial government.

Nkonkobe municipality, comprising the former RSA's Fort Beaufort and former Ciskei's Alice, is currently experiencing management disputes. What could be the cause of these fashionable, infamous disputes when there are clearly stipulated guidelines in legislation? Besides, what could be the chances of service delivery in such situations?

Also, Nkonkobe is still seated with the bucket system despite the set deadline of 2007 to eradicate the system.

Electricity, though experiencing major problems currently, has reached out to almost all rural areas. Even so, it is still administered by two bodies in some instances namely; Eskom and municipality. Separate centres of service delivery do not only expose people to different treatment but also to delays in service delivery. In the case of Keiskammahoek in Amahlathi service rates are paid at the municipality whereas electricity is bought from Eskom. Presently, the whole

area with its scattered locations has only 2 electricity stations. This is quite a challenge to old people who now struggle to get electricity.

In the case of water supply in Amahlathi Municipality water is currently administered by Amathole district which acts as both Water Service Authority (WSA) and Water Service Provider (WSP). This is a challenge to the local people because the District Municipality is far from the people, about 100 -150 km away. This could be the reason why community centres like a school in Keiskammahoek, situated in the former Ciskei Military Base operated 97% without water in 2007. Given its background there might be major repair needs but due to the distance and protocol measures a report on the situation tabled in 2006 has not been attended to even today.

The fact that South African legislation is highly commended internationally is indicative of its quality but, the concern is whether it is unvaryingly implemented or not, and if yes, the extent to which it is implemented. The only way to put the puzzle pieces together is through engaging in social research. This, the researcher intends to achieve by means of evaluating social interventions referred to as evaluation research.

1.3. RESEARCH OBJECTIVES

This document aims at evaluating the impact of the implementation of legislation on service delivery in selected municipalities within the Amathole District.

Local government is the sphere of government that interacts closest with the communities and is responsible for the services and infrastructure essential for the well-being of people. It is also the field that provides feedback in terms of what is happening.

Both the national and provincial spheres of government carry mandates to support and strengthen the local government through legislation. This further

implies that there should be feedback on, whether the intended goals of legislation have been achieved or not.

The researcher has identified a huge gap between pieces of legislation and actions of delivering service to the people and to some extent that has culminated in the huge difference in the A.N.C. election results in December 2007 at Polokwane. One member of the opposition party also cited this gap between the President's speech on the State of the Nation Address on the 8th of February and the reality on the ground in terms of implementation.

The objectives of this research are to,

- a. find out if, given all the legislation and structures in place, people's needs are met and establish currently unmet needs.
- b. establish whether the given legislation is effective and suggest means to combat inefficiency.

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1.4. SIGNIFICANCE OF THE STUDY

In an attempt to answer the question why one has decided to do this study it is imperative for one to reflect on the problem statement as well as research objectives.

This study will contribute towards striking the balance between legislation and actual performance.

It will also throw light on why the pieces of legislation in place do not always result in improved service delivery and will help to bridge the gap between the reality on the ground and the implementation of the legislation.

This will also help to build capacity in the implementation of legislation by both political leadership and management, and the constituency.

Building capacity and achieving results are explicit goals of large-scale community based initiatives. It somehow happens that the demand for results precedes building sufficient capacity (Suarez-Balcazar, 2003:38).

Because municipalities are centrally concerned with working with local citizens and communities to find sustainable ways to meet the latter's needs and improve the quality of their lives, it is imperative that evaluation efforts grapple with challenges of building capacity.

Monitoring and evaluation will be emphasized. This is significant when cognisance is taken of the daily protest marches in the country as a consequence of non-delivery of services.

Daily political leadership and management disputes will be eliminated since they emanate from failure to comply with legislation.



1.5. DELIMITATION

The study is taking place within the Amathole District Municipality which comprises the following local municipalities;

- (i) Amahlathi (Cathcart, Keiskammahoek, Stutterheim and Tsomo)
- (ii) Buffalo City (East London, Dimbaza , King William's Town)
- (iii) Great Kei (Komga, Kei Road)
- (iv) Mbhashe (Idutywa)
- (v) Mnquma (Butterworth, Kentani, Ngqamakhwe)
- (vi) Ngqushwa (Peddie)
- (vii) Nkonkobe (Alice, Fort Beaufort, Middle Drift)
- (viii) Nxuba (Adelaide)

The selected municipalities are as follows;

- a. Amahlathi Municipality (combination of the former Ciskei, Transkei and RSA Governments).
- b. Mnquma Municipality (former Transkei Government).
- c. Ngqushwa Municipality (former Ciskei Government).

d. Nkonkobe Municipality (combination of the former Ciskei and Republic of South Africa Governments).

The output of legislation that is service delivery is looked at against the quality of roads, water and electricity supply, sanitation, housing and removal of refuse. Even though the focus will be for the period 2000 to 2007 their pre 1994 state has played a significant role in the researcher's selection. Mquma is situated in the ex-Transkei area, Ngqushwa in the ex-Ciskei area whilst both Amahlathi and Nkonkobe comprise Stutterheim, Fort Beaufort, Keiskammahoek and Alice from the former Republic of South Africa and ex-Ciskei respectively.

Service delivery will be looked at in terms of the following;

- Water and sanitation
- Electricity
- Roads
- Refuse removal and
- Housing



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Chapter two will deal with the literature review.

CHAPTER 2: LITERATURE REVIEW

2.1. INTRODUCTION

The establishment of the municipalities, giving them powers and functions according to various structures and the need to provide municipal services in an equitable and sustainable manner, consistent with enacted legislation is enshrined in Chapter 7 of the Constitution of the Republic of South Africa, 1996. The Constitution of the RSA refers to municipalities as the local sphere of government whose executive and legislative authority is vested in municipal councils. According to section 151 (3) and (4) of the Constitution, 1996 a municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation as provided for in the constitution. It is also stated that the national and provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions.

Sections 153 – 158 deal with cooperative government, establishment of municipality powers and functions and other factors pertaining to municipalities. A strong need to develop policy, legislation and strategies to maintain cooperative governance as implied in the section above, gave birth to a number of commendable legislation which earned South Africa international respect.

Disharmonies experienced by the local government during this second decade of democracy, as a result of poor service delivery, despite the deluge of legislation have prompted this research. It is apparent that, although the aim of the new legislation is to give practical effect to the vision of developmental local government envisaged in Chapter 7 of the Constitution, 1996, at this point some municipalities still show very little or no signs of development, despite the uniform standards set by legislation meant for all municipalities in the country.

Even so, according to Van Schalkwyk as cited in the journal " Service Leadership in Local Government" (2008:15), various provinces have made major strides in their local development though there are still complaints at local government level about insufficient communication and co-ordination of plans across government levels and departments, and that support is sometimes lacking.

People need to evaluate information. According to Katzer et al (1982:2) politicians and administrators want people's support to change things for the better and this, calls for a need to evaluate the information presented. Following is some legislation pertaining to local government. Only the purpose thereof is cited in this document paving way for benefits as well as challenges to be discussed later.

It is in the light of this that this document seeks to evaluate the impact of the implementation of legislation on service delivery.

This chapter aims at reviewing some legislation focusing on its intended objectives and the challenges on the ground. The literature to be reviewed is on local government.

2.2. DEFINITION OF TERMS

2.2.1. Institution

An institution is an organisation established for social, educational, religious and other purposes. It is an organisation for helping people with special needs (Oxford, 1995:618).

2.2.2. Programme

Hatry et al (1973:8) define a program as an activity or a group of activities undertaken by a government to provide a service to the public. Elucidating on that, the writers are of the view that it often encompasses the meshing of efforts

by various parts of the government and private agencies. The social stratification of the local government, with its political and administrative management, the council and its committees ready to deliver service to the constituency qualify the municipality to be referred to as a programme and be subjected then to evaluation.

2.2.3. Evaluation

The Longman Exams Dictionary, (2006:504) defines evaluation as a judgement about how good, useful, or successful something is.

According to Becker (2005: 122), evaluation is an attempt to assess the value or worth of something.

Commenting on the evaluation of community development De Beer et al. (1998:74) said the need for this evaluation far outweighs the negatives associated with it. The writers on evaluation emphasize the issue of subjectivity which, they say, must come second to the prime concern of qualitative participatory evaluation. De Beer et al. (1998:74) see a need to be encouraged by good experiences and to learning from mistakes.

2.2.4. Programme evaluation

Program evaluation is the systematic examination of specific government activities to provide information on the full range of the programme's short and long term effects on citizens (Hatry et al., 1973:8). It is the process of developing alternatives to existing programmes and analyzing the likely future effects and costs of these alternatives. Programme evaluation concentrates on identifying how the condition of citizens and the community has changed as a result of a specific programme or set of activities.

Programme evaluation attempts to determine whether a programme is achieving government objectives and considers both its positive and negative impacts (Hatry et al., 1973:9).

2.3. LEGISLATIVE FRAMEWORK

All legislation has objectives intended to transform the present practice to a better one. Legislation deals with transformation and therefore this study is underpinned on the organisational theory. The fact that service delivery is the key issue in this document also allows ethics to form the anchor of this study. Ethics entail the code of moral principles and values that direct the behaviour of an individual or a group in terms of what is right or wrong (Smit *et al*, 2007:412).

The following legislation is to be reviewed;

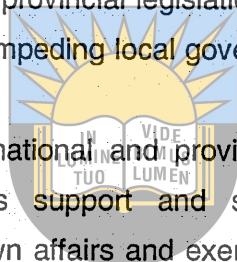
- The Constitution of the Republic of South Africa ,1996.
- The White Paper on Local Government (March 1998).
- Handbook for Municipal Councillors (March 2006).
- The Inter-governmental Relations Framework Act, 2005 (Act 13 of 2005).
- Local Government Municipal Finance Management Act, 2003 (Act 56 of 2003).
- Local Government Transition Act Second Amendment Act, 1996 (Act 97 of 1996).
- Local Government Municipal Demarcation, 1998 (Act 27 of 1998).
- Local Government Municipal Systems Act, 2000 (Act 32 of 2000).
- Local Government Property Rates Act, 2004 (Act 6 of 2004).
- Local Government Municipal Structures Act, 1998 (Act 117 of 1998).

2.3.1. The Constitution of the Republic Of South Africa ,1996

Section 41(2) (a) and (b) of the Constitution,1996 calls for the establishment or provision for structures and institutions to promote and facilitate intergovernmental relations; and provision for appropriate mechanisms and procedures to facilitate settlement of intergovernmental disputes.

Section 151(2) states that the executive and legislative authority of a municipality is vested in its municipal council. In addition to that section 151(3) subjects municipal actions to national and provincial legislation while (4) infringes national and provincial government from impeding local government's right to exercise its powers.

Section 154(1) states that the national and provincial governments must, by legislative and other measures support and strengthen the capacity of municipalities to manage their own affairs and exercise their powers to perform their functions.



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2.3.2. The White Paper on Local Government (March 1998)

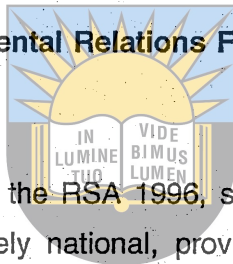
Section F in the White Paper of Local Government outlines a set of principles and alternative options for more effective service delivery. It also asserts the need for sound labour relations to underpin developmental local government, and discusses the roles and responsibilities of national government in assisting municipalities to transform themselves.

Even so, according to the Voice (June/July 2003: 14) there are really two interfaces, the one between politicians and officials; and between policy and administration. This leaves a big question of whether service delivered, if there is any, is of quality and aims at development as the end product. Developmental role of local government is also to be discussed later.

2.3.3. The Handbook for Municipal Councillors (March 2006)

Improving the lives of all citizens in the municipality is the most critical requirement of every councillor. The improvement of people's lives can be achieved through the provision of basic services, development and growth of the economy, recognizing and harnessing the skills potential of people living in the municipality, mobilizing the people to make their own contribution to improve their living conditions and job creation (Handbook: vi).

2.3.4. The Inter-governmental Relations Framework Act, 2005 (Act 13 of 2005)



Section 40 of the Constitution of the RSA 1996, states that the government is divided into three spheres namely national, provincial and local government which are said to be distinctive, interdependent and interrelated. Section 41 provides for the principles of cooperative government and of the Intergovernmental Relations. Flowing from that was enactment of the Intergovernmental Relations Framework Act, (Act 13 of 2005) whose objectives are;

- coherent government,
- effective provision of services,
- monitoring implementation of policy and legislation, and
- realisation of national priorities.

Inter-governmental relations (IGR) is the cornerstone of the 1996 Constitution. Professor Ronald Watts argues that executive IGR relations dominate in the parliamentary federations (Levy & Tapscott, 2001:79). Flowing from that was the enactment of the Intergovernmental Relations Framework Act, (Act 13 of 2005) whose objectives are coherent government, effective provision of services, monitoring implementation of policy and legislation, and realisation of national priorities.

Forming the background of the Act were the following:

- (i) Reduction of unemployment and poverty by half in 2014.

The new democracy, shortly after 1994 met with a challenge of huge retrenchments and closing down of factories and companies that had offered employment to millions of people thus leaving lots of people unemployed. That could partly be attributed to the operation relations with the previous government which were in opposition to democracy. As part of canvassing to be elected the African National Congress (ANC) had promised people employment and therefore had to fulfill that promise.

- (ii) Service delivery backlogs as a result of apartheid.

The previous government catered only for a minority group of people in terms of service delivery, leaving the masses of the people of South Africa in pathetic situations. This situation needed to be redressed.

- (iii) Coordinating actions and pulling together resources in order to succeed hence the birth of Integrated Development Plan (IDP) as a tool for service delivery. IDP will be discussed later on.

- (iv) Constitutional requirement of cooperative governance that entails building capacity, leadership and resources to improve service delivery.

The January 2003 Cabinet Lekgotla endorsed the view that IGR needs to ensure that the machinery of government works better, in a more integrated way and more efficiently to deliver services to communities and people. Stability, certainty and predictability within the system of IGR were steps towards improving and accelerating service delivery (IGRF: 7-8).

It was meant to guide integration of planning and implementation across the government spheres (State of the Nation Address by the President of South Africa, Thabo Mbeki: Joint Sitting of Parliament 3 February 2006).

IGR aims at ensuring implementation of national priorities which are economic growth, capacity building, systems support, poverty alleviation, job creation and enhanced service delivery.

It also aims at managing service delivery efficiently and in a way that is accessible to beneficiaries, in spite of jurisdictional boundaries and with due regard to differential capacities.

South Africa, according to Nel et al, has become a tale of two cities, a city on the hill, illuminated by Trevor Manuel's upbeat assessment of the budget; and Patricia de Lille's city of poverty, containing the masses of the unemployed. Editors of this volume argue that the South African government is committing an increasing array of resources to its multilateral activities. Further arguments lead to questioning whether South Africa's multilateral diplomacy is actually contributing to global transformation or whether its initiatives only contribute to maintenance of a fundamentally flawed global order.

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The internal dichotomy in South Africa has spilled over into international environment thus depicting South Africa as having straddled the divide line between the developed and developing world (Politikon, South African Journal of Political Studies, 2002:231).

The Act seeks to,

- improve government's performance,
- monitor the development of municipalities' five-year programmes. According to the CEO of the organised South African Local Government Association (SALGA) as cited in "Service Leadership in Local Government" "Re-invigorating local government" (2008:26/7), this organisation now has the strategic plan that will enable it to play the role of informed advisor on local government,
- provide provinces with an opportunity to institutionalize the hands-on support to municipalities, and

- grant district mayors an opportunity to assume more responsibility in ensuring a district-wide development vision.

2.3.5. Local Government Transition Act Second Amendment Act, 1996 (Act 97 of 1996).

The nature of the Local Government Transition Act Second Amendment Act, 1996 (Act 97 of 1996) subjects it to changes as developments take place. The Act aims at amending the Local Government Transition Act, 1993 by inserting certain definitions whilst deleting others. It also makes provision for the powers and duties of metro councils, metro local councils, district councils, local councils, rural councils and representative councils and for certain other matters relating to such councils.

It also provides that the minister may determine in a regulation made under this Act that any person who contravenes or fails to comply with a provision of such regulation shall be guilty of an offence.

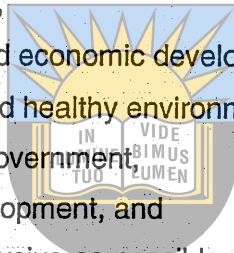
2.3.6. Local Government Municipal Demarcation Act, 1998 (Act 27 of 1998).

The key instrument of the apartheid policy was spatial segregation on local level through separation, influx control and a policy of “own management for own areas”. It aimed at limiting the extent to which affluent white municipalities would bear financial burden for servicing disadvantaged black areas and the result was irrational boundaries that excluded the black communities. It is in the light of the above that a need existed to revisit the geographical occurrence of municipalities, hence enactment of The Municipal Demarcation Act, 1998 (Act 27 of 1998).

The Municipal Demarcation Act, 1998 aims at demarcating municipalities into democratic, accountable, viable institutions that will enable re-distribution and

allow government to play a positive role in the economy and well-being of the nation. The objectives of demarcation are to,

- (i) enable the municipality for that area to fulfill its constitutional obligation of,
 - providing democratic and accountable government for the local communities,
 - providing services to the communities in an equitable and sustainable manner,
 - promoting social and economic development, and
 - promoting a safe and healthy environment,
- (ii) enable effective local government,
- (iii) enable integrated development, and
- (iv) have a tax base as inclusive as possible of users of municipal services in the municipality.



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2.3.7 Local Government Municipal Finance Management Act, 2003 (Act 56 of 2003).

The Municipal Finance Management Act, 2003 (Act 56 of 2003) aims at,

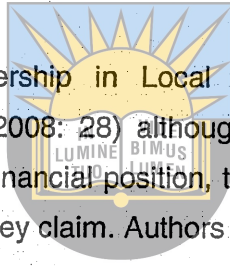
- regulating financial management and providing uniform treasury norms and standards for the local sphere of government; and
- securing sound and sustainable management of financial affairs of municipalities as well as aligning municipal budget and the IDP (SALGA: 5).

Enactment of more legislation for example, The Municipal Fiscal Powers and Functions Act, 2007 (Act 12 of 2007) with a direct bearing on municipal finances sometimes have a negative impact. This act regulates municipal services such as water and electricity, services usually used by the municipalities to collect taxes. As a result of The Municipal Fiscal Powers and Functions Act, 2007 all existing municipal taxes are subjected to verification.

Even so, municipalities can continue to levy current surcharges, that is, indirect tax in addition to the normal charge. As a result of this, expensive dues could be expected from communities.

Furthermore, equitable shares that replaced operating grants from national and provincial spheres are based on population size and income levels, that is, municipal citizen's average monthly per capita income. The researcher wonders what the implications of this could be on rural, previously disadvantaged municipalities.

According to Service Leadership in Local Government (State of City Finances, January/February 2008: 28) although the countries' nine largest municipalities are in a better financial position, they are still spending far less of their capital budgets than they claim. Authors of this journal attribute under-spending by municipalities to a lack of spending capacity, poor planning and the unreliability of grant system especially with low-cost housing.



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2.3.8 Local Government Municipal Systems Act, 2000 (Act 32 of 2000).

The Municipal Systems Act, 2000 (Act 32 of 2000)'s intent is, amongst other things to,

- provide for the principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards social and economic up-liftment of local communities,
- ensure universal access to essential services that are affordable to all;
- empower the poor and ensure that municipalities put in place service tariffs and that credit control policies take the needs of the poor into account by providing a framework for the provision of services, service delivery agreements and municipal service districts; and
- provide for credit control and debt collection.

2.3.9 Local Government Property Rates Act, 2004 (Act 6 of 2004)

The Property Rates Act, 2004 (Act 6 of 2004) aims at,

- regulating the power of a municipality to impose rates on property;
- making provision for municipalities to implement a transparent and fair system of exemptions, reductions and rebates through their rating policies; and,
- amending or repealing certain legislation and to provide for matters connected therewith.

The Local Government Bulletin (Volume 9 of September/October 2007: 16) raises a concern on whether the old Cape Municipal Ordinance, 1974 (Ordinance 20 of 1974) which requires that the Administrator gives consent for an increase in the rates is continually valid, given the impact of the new constitutional regime. Despite the initial subjection of all local legislation to national and provincial ones, the Supreme Court of Appeal's decision on levying property rates confirms the limited role the provinces now have in overseeing decisions by municipalities in levying property rates. This is a point of concern given the non-uniformity of the South African municipalities in general, and the Amathole District Municipality in particular.

2.3.10 Local Government Municipal Structures Act, 1998 (Act 117 of 1998).

The Municipal Structures Act, 1998 (Act 117 of 1998)'s objectives are, amongst others to,

- provide for the establishment of municipalities in accordance with the requirements relating to categories and types of municipalities;
- provide for appropriate division of functions and powers between categories of municipalities.
- regulate internal systems, structures and office bearers of municipalities.

Local councillors are democratically elected representatives of the people in the area and therefore are expected to behave in an honest and transparent manner and to always remain accountable to voters as set out in schedule 5 of the Municipal Structures Act's code of conduct for councillors. During the introduction of ward committees in 2000, many municipalities exploited that opportunity. Presently, the establishment of ward committees stands at over 90% and is growing (Local Government Bulletin, November/December 2007:6). Despite the popular expectation to be remunerated for service rendered, especially by the municipality regarded as an affording institution by the public, this Act currently does not allow ward committee members to receive remuneration. Even so, municipalities are expected to ensure that committee members participate in meetings without having to pay money.

In the light of the understanding that both the executive mayoral system and the ward committees are intended to take local government closer to the people and improve accountability, tensions that exist between executive councillors and senior officials are of utmost concern.

2.4 PUBLIC ADDRESS

Addressing the nation (Manifesto - A people's contract to create work and fight poverty, 2004: 5) President Thabo Mbeki referred to the first decade of democracy as an era in which South Africans have together laid the foundation for a better life. Referring to this era in which programmes to secure a better life for all have started to be implemented, and strength gained for the country's unity, the President commended the era for speedy changes. The President's statement clearly stated that the programme to provide housing, electricity, water and health care has been expanded to more South Africans and free basic services like water and electricity are starting to be provided. In the light of what has been said above the President acknowledged the fact that the quality of

these services needs to be improved and that there is a need to create more jobs so that people can use these services more effectively and in a sustainable manner (Manifesto – A people’s contract to create work and fight poverty, 2004: 12).

In 2006 the President called upon South Africans to ensure that the machinery of government, especially the local government sphere, discharges its responsibilities effectively and efficiently, honouring the precepts of Batho Pele - “The People First” (President Thabo Mbeki’s State of the Nation Address to Parliament: 3 February 2006).

In 2007 the president stated that access to electricity, water and sanitation had improved. By 2005, South Africa had already achieved the Millennium Development Goal in respect of basic water supply, with improvement of access from 59% in 1994 to 83% in 2006. According to the United Nations Development Programme (UNDP), South Africa is one of the few countries that spend less on military budgets than on water and sanitation. The President further promised that monitoring and evaluation capacity across all the spheres would be strengthened.

In the light of what has been said above the researcher expects responses reflecting satisfaction with service delivery.

2.5 MEDIA REPORTS

Media plays a vital publicity role. Its utilization plays a major role in influencing the public. It is under-utilised by positive achievers who, regarding their achievements as being witnessed by the public, lose sight of the need for media publicity. This vacuum is filled by cries for help thus making the media to be the advertising slot for all the negativities.

The following are sources that do not necessarily refer to the sample but reflect on what is going on in South Africa as a whole.

2.5.1 News Papers

- (i) **“Bhisho’s water crisis bungle”** by Lubabalo Ngcukana - Daily Dispatch, 18th April 2008.

Ukhahlamba District Municipality is accused of being negligent with regards to warning the residents of dangerous water. The Daily Dispatch disclosed how the authorities had sat on the explosive report that had largely put the blame on contaminated tap water for the spate of deaths. The incident is said to have claimed the lives of 80 babies.

Water supply is counted as the most important service under Municipal Service Delivery to be provided by the municipality (<http://w.w.w.paralegaladvice.org.za:4>).

Despite the allegations of providing killing water and scarcity of water in schools in Amahlathi-Keiskammahoek, it is the duty of the municipality to provide clean water to communities as provided in legislation.

- (ii) **Rescue plan for EC crisis in housing”** by Mayibongwe Maqhina and Sibongile Mkani – Daily Dispatch, 18th April 2008

The national government has decided to dispatch a team of experts to help the Eastern Cape government to accelerate housing delivery. Despite the fact that some of the houses are meant for low income people most houses are occupied by professionals such as nurses, teachers *etc.* When the researcher looks at the above article in relation to the previous address by the President, the question of whether the legislation is implemented effectively or not comes to the fore front.

- (iii) **“Purification system collapsed, says official”** by Lubabalo Ngcukana – Daily Dispatch, 23rd April 2008

A senior manager at Ukhahlamba District Municipality explained how the water purification system in Barkly East collapsed just months before a

deadly bacterial epidemic killed at least 15 infants. Municipality Health Services (MHS) stated that ecoli and coli form bacteria were present for all the months from October to March 2008.

- (iv) **“Council shuts top EC school in health scare”** by Chandre’ – Daily Dispatch, 16th April 2008

A top performing school at Keiskammahoek (Amahlathi Municipality) has been shut down after 180 pupils from its hostel were admitted to hospital for suspected food poisoning or water contamination last month.

There was neither hot water nor drinking water coming from the bore holes or galvanized water tanks.

- (iv) **“Urgent action needed on aging roads, says DA”** – 18th April 2008

According to the Democratic Alliance urgent intervention was necessary to halt the deterioration of South Africa’s roads network.

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2.5.2 Audio/audio-visual sources (SABC and E-TV)

The Democratic Alliance intends taking action against Ukhahlamba District Municipality because of the death of more than 80 babies as a result of contaminated water – SABC 1. News at 17h30 on the 29th of April 2008.

The Free State Province failed to meet President Thabo Mbeki’s deadline of December 2007 to eradicate the bucket system. According to the reporter the province has also failed to meet even the extended deadline of 31/03/2008. Municipality reports reflect that some people refused the interim VIP toilets or certain structures provided by the municipality” – SAFM Morning News on 23/04/2008 at 7h00.

The articles above are an expression of dissatisfaction about service delivery despite all what legislation provides.

2.6 LOCAL GOVERNMENT INSTITUTION AS A PROGRAMME FOR EVALUATION.

By virtue of its nature, in the light of the meaning of the word “institution” defined in 2.2.1 Local Government is regarded as an institution.

One commonly used method of evaluating and comparing the various strategies before making a final decision is to construct a plan evaluation matrix that describes numerically how well the objectives are met under the alternative plans (Local Government operational Research Unit, 1973:1).

2.6.1 The developmental role of local government

Local governments must play a developmental role in their communities. This means working with the communities (leaders and organisations) to find sustainable ways to meet the social, economic and material needs of the people and to improve the quality of their lives. In particular, local governments should target people who are most often marginalised or excluded, such as women, disabled people and very poor people (<http://www.paralegaladvice.org.za:2> –The work of municipalities). The question is whether the local municipality is playing a developmental role or not. In an attempt to answer that the researcher has to find out whether the municipality provides adequate services to everyone, for example local roads, storm water drainage, refuse collection, electricity and water.

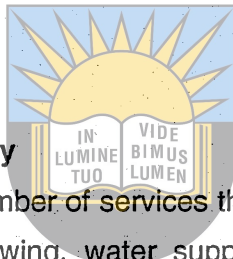
Developmental local government is envisaged in the White Paper on Local Government and aims at the following:

- (i) Developing communities and providing for economic growth in the area
Municipalities must provide effective relief to the poor, for example providing specific allocation of free water and electricity to those who do not have access to these services and are unable to pay for them.
- (ii) Coordinating the different sectors involved in development of the area.

The municipality must take responsibility for coordinating all the activities of the parastatals like Eskom, Spoornet, etc for the benefit of the whole community.

(iii) Encouraging participation in the decision-making process.

Local councillors should make sure that the broader community is involved in the decision-making process. This could be ensured by making use of ward committees and community consultation. People around the world have new and better ways to build communities which must be utilised by local government.



2.6.2 Municipal Service Delivery

Municipal services are a large number of services that the municipalities provide. These services include the following, water supply, sewerage collection and disposal, refuse removal, electricity and gas supply, municipal health service, municipal roads and storm water drainage, street lighting, and municipal parks and recreation.

The above mentioned services have a direct and immediate effect on the quality of the lives of the people. According to schedule 2 of the Local Government Transition Second Amendment Act, 1996 (Act 97 of 1996), Integrated Development Plan (IDP), water, sewerage, electricity, roads and waste disposal facilities are the competences of the local council.

Service delivery entails the following principles; accessibility of services, affordability of services, quality of products and services, accountability for services, integrated development and services, sustainability of services, value for money, ensuring and promoting competitiveness of local commerce and industry; and promoting democracy.

When data is being analysed in the coming chapters, the researcher will indicate what the situation is in the selected municipalities with regards to the principles above.

Local government (municipality) is the sphere of government closest to the people. Elected by citizens to represent them, municipalities are responsible to ensure that services are delivered to the community. Whether a municipality provides the service itself or has it outsourced, it remains the responsibility of the municipality to make sure that services are delivered properly.

When delivering services municipalities may enter into Municipal Service Partnership (MSP), an agreement between a municipality and a service provider. A service provider might be another public authority (such as water board or a district municipality) as is the case with the Amathole District Municipality.

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2.6.3 Integrated Development Plan (IDP) as a tool for service delivery

Integrated Development Planning is an approach to planning that involves the whole municipality and its citizens in finding the best solutions to achieve effective long-term development. An IDP looks at the existing conditions and facilities, problems and needs and the resources available for development.

All municipalities have to draw up an IDP in consultation with local forums and stakeholders (www.paralegaladvice.org.za:Chapter 6: 4). The final document has to contain the following information:

- The basic needs of disadvantaged sections of the community.
- The long-term vision for meeting those needs.
- The needs for these sections of the community to advance socially and economically.
- How the plan will be financed and whether it is financially sustainable, that there will be money in future to keep the plan going.

- The capacity of the municipal council to carry out the plan.

2.6.4 Accountability

According to Loughlin (1992:2) citizens, taxpayers, consumers, clients and elected representatives all have expectations that government decisions will be properly made, and that decision makers will be fully accountable for their actions. The writer distinguishes between various forms of accountability namely,

- (i) accountability for financial probity thus reflecting on economic ethics,
- (ii) accountability for administrative propriety thus adopting a legal ethic and judicial supervision; and
- (iii) accountability on administrative efficiency thus reflecting professional ethics and institutional form of inspection.

Loughlin (1992: 3) perceives administrative rationality as the form of accountability whereby a permanent body of officials performs a range of administrative tasks required to meet the objectives of regulatory legislation.

The writer further points out professionalism of local government officers as the greatest single force which enables local authorities to carry out, with much efficiency, the considerable tasks entrusted to them (1992:5). These tasks are contained in legislation as depicted in the legislative framework mentioned above.

According to the paper "The Strangulation of Local Government" (2008:2), a number of laws make it compulsory for municipalities to consult or inform the community. The question is the extent to which the deluge of legislation accelerates service delivery and development. The question posed is whether the sheer volume, style, nature and scope of the legislative framework is facilitating or impeding the achievement of local government's developmental mandate. It is of further interest whether the two key values of decentralisation that municipalities are best placed to gauge community needs; and

that municipalities should be sites of innovation and creativity in formulating localized responses to meeting those needs are not impeded by this legal regime. As the paper suggests, legislation referred to above is perceived as strangulation hence uniformity of legal regime is a bearable burden for more capable municipalities and an obstacle in the way of governance for lesser endowed ones.

Loughlin (1992:6) states that failure to develop an adequate conception of administrative rationality and unclear boundary between political and administrative accountability are main challenges of administrative accountability. Where service is delivered performance should be measured.

2.6.5 Measures of performance

Performance management is a system that is used to make sure that all parts of the municipality work together to achieve the goals and targets that are set. Performance of individuals, departments and municipality as a whole should be monitored to make sure that targets are met.

Performance measures are intended to assess what services are being provided, at what cost, to whom and with what impact. Loughlin (1992:21) distinguishes between the following measures of performance:

- a. Cost of service or programme, a quantitative measure that can easily be determined.
- b. Resources, which are the inputs used in operations that require qualitative assessment especially when one talks about roads, water and electricity provision. Resources are transformed as throughputs into outputs, that is, direct results of the activity or service rendered, for example the number of houses constructed. In this regard quantitative measures might also be used as it is possible to count houses.
- c. Impact, that is, effectiveness of the operation in meeting the needs and requirements of those whom the operations are designed to benefit (Loughlin, 1992: 21).

Current issues referred to above reflect the following tensions on local government:

- A. Tension between economic rationality and professional standards.
- B. Tension between ideas of economy, efficiency and effectiveness and equity.
- C. Tensions between production goals, that is, goods and services provided to consumers, beneficiaries, clients, and organisational goals, that is, maintenance and development of resources in order to provide a base for future action.

Even though municipalities are supposed to play a pivotal role in the delivery of the basic social services necessary to improve the living standard of South Africans, it is sometimes difficult to establish the progress of individual municipal structures in meeting the core obligation. While it is clear that there has been an overall increase in the rate of delivery of core municipal services, it is equally clear that some municipalities have a long road to travel before they reach national and provincial averages (Stats SA surveys compares municipal service delivery to SA averages, 2008: 3).

2.7 CONCLUSION

In this document that was intended to evaluate the impact of the implementation of legislation on service delivery, the researcher moved from the point of disharmonies and the vast service delivery protests experienced in South Africa, despite the deluge of legislation, to the establishment of whether there is a positive correlation between legislation and service delivery.

The researcher then moved on to seek literature that would attempt to respond to the question whether implementation of legislation plays a significant role on the quality of service delivery as well as development.

Section 151 of the Constitution of the Republic of South Africa, 1996 which states that authority of municipality is vested in the council while at the same time the same section is subjecting municipal actions to national and provincial legislation was the point of departure. In the process a number of legislation with a bearing on service delivery including the following, the Municipal Finance Management Act, 2003, the Municipal Structures Act, 1998, and the Municipal Systems Act, 2000, were examined against what prevails.

Another view of strangulation of local government by the legislation was briefly brought to the fore front. The research examined the possibility of legislation suffocating municipal service delivery especially that subjection to higher spheres of government threaten to take away the autonomy given to municipalities.

Besides, the legislation public speeches by the President Thabo Mbeki to the nation were cited in relation to the current situation as cited by the media. As a vehicle to reach the destination of understanding, some terms were defined. Reference was occasionally made to the selected municipalities to enlarge the picture of what is taking place.

From the review of a variety of literature as shown above, it can be deduced that there is a gap between implementation and service delivery. This is further emphasized by the string of service delivery protests including the notorious xenophobia that has not only claimed the lives of many Africans on May 2008 but has, despite the soccer world cup being around the corner, discredited South Africa which is the heart of the African Renaissance .

It is in the light of the above stated facts that, the impact of the implementation of legislation is measured against services delivered.

The researcher then moves on to research methodologies to be used in order to reach the desired conclusion and this will be done in chapter 3.

CHAPTER 3: RESEARCH METHODOLOGY

3.1 INTRODUCTION

Legislation deals with transformation and therefore this study is underpinned on the organisational theory. The fact that service delivery is the key issue in this document also allows ethics to form the anchor of this study.

In closing the previous chapter on literature review, it was indicated that the researcher now moves on to exploring research methodologies to be used in order to reach the desired conclusion. It was also clearly indicated that since according to Babbie (1986:299), evaluation research is a process of determining whether the intended result was produced or not, the researcher will make use of it.

Even though much has been said about evaluation report in chapter two, it is deemed fit to highlight its special purpose in evaluating the impact of social interventions. In this document that aims at evaluating the impact of the implementation of legislation on service delivery, the researcher will use evaluation research. This evaluation research is also referred to as programme evaluation because it rather refers to the purpose rather than a specific research method. Its special purpose is to evaluate the impact of social interventions (Babbie, 1986: 298). Whenever a social reform has, for a specific purpose, been instituted, attention has, consciously or unconsciously been paid to its consequences (Babbie, 1986:298).

User participatory research, whose focus is on the involvement of people who are, or could be directly affected by policy and practice, is also being used.

There will also be a survey on policies and acts affecting local government since 1996. As a means of collecting and analysing data, sampling, questionnaires, observation and unstructured interviews are being used.

3.2 RESEARCH DESIGN

According to Bless, (2000: 156) research design refers to a set of procedures that guide the researcher as he/she verifies a particular hypothesis.

Nachmias et al, (1987:82) distinguish between the following three components of a research design:

- Comparison which the writers refer to as an association between two or more variables. Elucidating on comparison the authors say it is an operation required to demonstrate that the two variables are correlated, for example, in the case of this study the outcome is measured against legislation.
 - Manipulation which implies that one variable is the determining force, and the other is a determined response (1987:83)
 - Control: The internal validity of research design which requires that all other factors be ruled out as rival explanations of the observed association between the variables under investigation. This one does not apply in this study.
- Both quantitative and qualitative methods will be used.

3.2.1. Quantitative Method

Clark et al, (2000:40) describe quantitative research in terms of collection of data which relies on the instrument which is determined by the researcher's skills. Quantitative method places reliance upon the research instruments used to gather data and analyse or measure it. In this case the instrument is questionnaires. This is a useful clear distinction because results are expressed in largely quantitative, statistical terms.

According to Bless (2000:156) quantitative research is the research in which a variety of methods are used as a means of investigating social reality. Elucidating on the instrument mentioned by Clark et al above, Bless highlights the use of questionnaires to collect quantifiable data.

3.2.2. Qualitative Method

Qualitative method relies on the skills of the researcher as an interviewer or observer in gathering data.

Bless (2000: 156) describes qualitative research as research that depends on unstructured interviews steered by the researcher to take a particular desired direction. According to Clark et al (2000:40) it is the researcher's skills that determine data collection.

In quantitative research collection of data relies on the instrument which is determined by the researcher's skills (Clark et al, 2000:40). Whilst this research will analyse the existing data, more interviews will rely on the researcher's skills.

3.3 POPULATION AND SAMPLING

According to Nachmias et al (1987:294) when the data is partial and used to characterize the whole, the subset is referred to as a sample while the whole is referred to as the population.

Probability sampling is being used in this study as it can specify for each sampling unit. The design of probability sampling to be used is stratified sample as various levels of population will be represented. The sample is as follows:

- 4 local municipalities in the Amathole District Municipalities. These municipalities are Amahlathi, Mquma, Ngqushwa and Nkonkobe.
- 4 managers, which must include Manager for Community Development, from each municipality.
- 4-8 councillors/ ward councillors or committee members from each municipality.
- 8-10 community members from each municipality with fair ward distribution.

In this study the sample total is about 88 sample units.

3.4 DELIMITATION

The study is taking place within the Amathole District Municipality which comprises the following local municipalities;

- (ix) Amahlathi (Cathcart, Keiskammahoek, Stutterheim and Tsomo)
- (x) Buffalo City (East London, Dimbaza , King William's Town)
- (xi) Great Kei (Komga, Kei Road)
- (xii) Mbhashe (Idutywa)
- (xiii) Mquma (Butterworth, Kentani, Ngqamakhwe)
- (xiv) Ngqushwa (Peddie)
- (xv) Nkonkobe (Alice, Fort Beaufort, Middle Drift)
- (xvi) Nxuba (Adelaide)



The selected municipalities are as follows;

- (a) Amahlathi Municipality (combination of the former Ciskei, Transkei and RSA Governments).
- (b) Mquma Municipality (former Transkei Government).
- © Ngqushwa Municipality (former Ciskei Government).
- (d) Nkonkobe Municipality (combination of the former Ciskei and Republic of South Africa Governments).

The output of legislation that is service delivery is looked at against the quality of roads, water and electricity supply, sanitation, housing and removal of refuse.

3.5 DATA COLLECTION

Subject to prior arrangements, data is being collected by means of questionnaires, observation and unstructured interviews.

3.5.1. Questionnaires

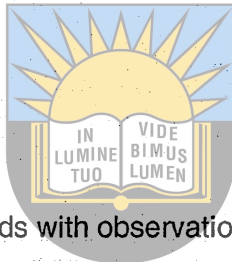
Following prior arrangements data will be collected by means of questionnaires, observation and unstructured interviews from the relevant municipalities,

provincial and national offices of local government as well as others relevant stakeholders. Municipal Managers as well as local communities especially in rural will be interviewed.

The researcher designed three sets of questionnaires for three different levels of sample units namely;

- (i) Questionnaire for Managers,
- (ii) Questionnaire for Ward Councillors or Committee, and
- (iii) Questionnaire for Community Members.

Samples of questionnaires are going to be included as annexures at the end of this chapter.



3.5.2. Observation

All social research begins and ends with observation (Nachmias et al, 1987:153). As indicated by Nachmias et al (1987:154), during observation the researcher revises the provisional classifications, and tests the tentative hypotheses. While the researcher silently watches a municipal council, the researcher picks up hints that help to new hypotheses.

The main virtue of observation is its directness that makes it possible to study behaviour as it occurs. First hand data, uncontaminated by factors between investigator and the object of research, is obtained.

For the purpose of this study council meetings and road shows were observed.

3.5.3. Unstructured Interviews

Unstructured interviews imply direct interaction between the researcher and a respondent/s. It is the researcher's skills that direct the interview to the desired direction. During this study interviews were held with a variety of people at all specified levels.

3.6 DATA ANALYSIS

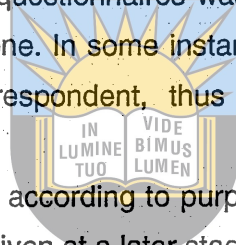
Each legislation is analysed according to the output (service rendered), taking into consideration quantity and quality.

Data collected from observation and interviews was recorded at a later stage, while the researcher was alone. Some quantitative information that could be easily forgotten was dotted down on the researcher's notepad.

Quantitative data in the form of questionnaires was collected and analysed at a later stage by the researcher alone. In some instances data was interacted with by both the researcher and respondent, thus to some extent leading to unstructured interviews.

Each legislation will be analysed according to purpose, benefits and challenges. Some recommendations will be given at a later stage.

Data will be presented in the form of tables and diagrams at a later stage.



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3.7 LIMITATIONS

The sample of this study is scattered and is therefore a financial burden on the researcher's side.

Commenting on the evaluation of community development De Beer et al, (1998:74) said the need for this evaluation far outweighs the negatives associated with it. In the light of this comment one is determined to come to the closure of the study with all sample units.

3.8 CONCLUSION

The chapter was intended to explore research methodologies to be used in order to reach the desired understanding of whether service delivery as witnessed within municipalities is a true reflection of the implementation of legislation.

The research chosen is evaluation research or programme evaluation because it is a process of determining whether the intended result was produced or not. It refers to purpose rather than a specific method. In this particular document the purpose was to evaluate the impact of social interventions.

In order to determine the quality and quantity as well as the pace of development since the enactment of legislation, both qualitative and quantitative methods were used. In the process, population and sampling, collection of data in the form of questionnaires, observation and unstructured interviews and, analysis of data were used.

From the information presented above it could be deduced that the quality and quantity of service delivery is dependant on the implementation of legislation. In the light of high expectations given the volume and quality of legislation since 1994 the researcher now moves on to chapter 4 which will focus on presentation, interpretation and analysis of data that has been collected.

CHAPTER 4: PRESENTATION AND ANALYSIS OF DATA

4.1. INTRODUCTION

The purpose of this chapter is to present and analyse data that has been collected in the research from the selected municipalities in the Amathole District Municipality. On evaluating the impact of the implementation of legislation on service delivery, finding out whether the sheer volume, style, nature and scope of legislative framework is facilitating or impeding the achievement of local government developmental mandate, the researcher feels obliged to first highlight service delivery imperatives.

The South African Government before 1994 was characterized by structures and functions based on the policy of discrimination and separate development. That policy was designed to benefit the minority favoured by the government in as far as service delivery was concerned. The needs of the community were not considered. As a result of that policy the South African democratic state now faces a challenge of transforming the society both socially and economically. It also had to inherit a fragmented system of the state administration and integrate it into a unified public service that would operate at all levels. According to Van der Waldt (2000:315) the government has to ensure that all residents, no matter where they live, are entitled and should have access to good quality public services.

The local sphere of government is in the forefront of service delivery and is responsible for providing services to the communities. That it is held to account for meeting the needs of the communities makes service delivery a critical issue in this sphere of government.

This chapter presents and analyses data gathered in the study which evaluates the impact of the implementation of legislation on service delivery. Presentation and analysis is done with the view of ensuring that it reflects the objectives of the study which are as follows:

- To find out if the community people's needs are met, and establish the unmet needs, given all the legislation and structures in place.
- To establish whether the given legislation is effective, and suggest means to combat inefficiency.

A sample of 4 local municipal municipalities with 88 as the approximate total of sample units within Amathole District Municipality was used. Even though all the 4 municipalities had initially accepted the request, Nkonkobe municipality did not

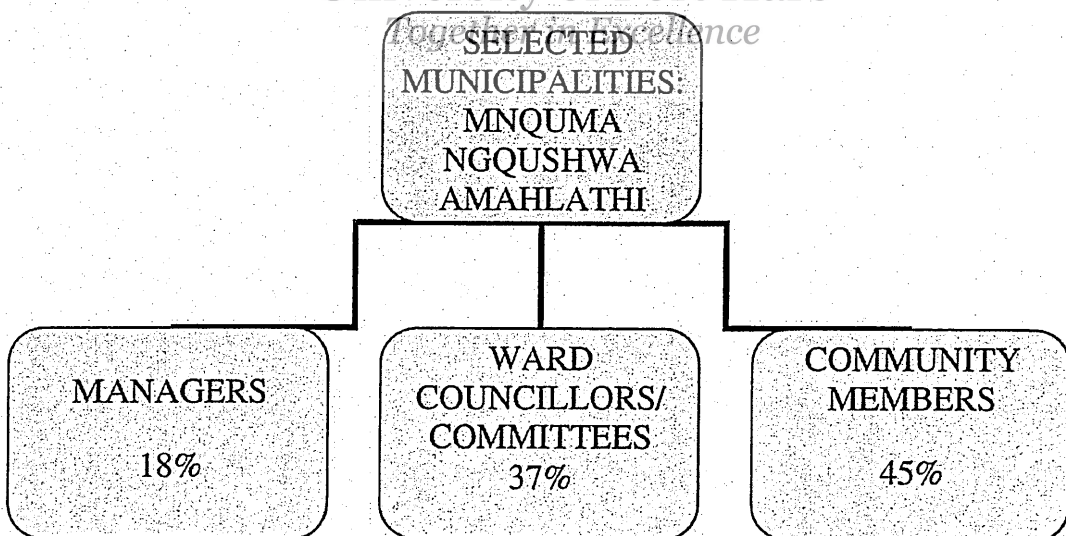
honour its promise. Even so, its withdrawal did not hamper the research because Amahlathi Municipality, also a combination of the former Republic of South Africa and Ciskei still provided the demographics which Nkonkobe would have provided.

Separate questionnaires for the managers, councillors or ward committees and community members were issued. One council meeting was observed and some managers were interviewed. Following are the results of the questionnaires, observations and interviews.

4.2. QUESTIONNAIRES

Questions will be presented and responses from all municipalities as well as for various levels will be given. Questionnaires were distributed as follows:

Diagram 4.2.1 : Distribution of questionnaires to the selected municipalities



From the above diagram it could be deduced that the greatest percentage of respondents is from the people for whom services should be delivered followed by the people's representatives and lastly the management of all the resources.

Diagram 4.2.2: Geographic locality of the selected municipalities.

Name of Municipality	Area	No. of wards	Councillors	Municipal Manager	Address
Mnquma Local Municipality (EC 122)	Butterworth, Kentane and Ngqamakwe	31 wards	Executive Mayor Cllr M. Duna	Mr. N. Pakade	P.O. Box 36 BUTTERWORTH 4960
Ngqushwa Local Municipality (EC 126)	Hamburg and Peddie	14 wards	Acting Mayor Cllr N. Nxawe	Mrs. N.Y. Zongo (Acting)	P.O. Box 539 PEDDIE 5640
Amahlathi Local Municipality (EC 124)	Kei Road, Stutterheim, Keiskammahoek and Cathcart	20 wards	Mayor Cllr T.C. Jonas	Mrs. M.F. Shoba	P/Bag X2 STUTTERHEIM

With the help of the table above and the information already obtained on the previous government's intention to deliver for a few minority groups, the backlog on service delivery in these municipalities could be estimated. It is also evident that towns are mostly rural with very little or no income. At the time of the study at Ngqushwa Municipality both the mayor and the municipal manager were acting in their positions. That perception influences one about the kind of situation the municipality might be at times, especially when it comes to decision making and accountability.

4.2.1. Response on legislation

From the manager's point of view the division of powers and functions between the district and these local municipalities was influenced by the Local Government Municipal Structures Act, 1998 (Act 117 of 1998). This legislation was actually considered a blessing especially to those municipalities that have been swimming in troubled waters for quite some time. The implementation of

the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) to put relevant structures in place marked a turning point to the situation before 1994. All the municipalities agreed to the effectiveness of the legislation mentioned above.

Commenting on the relations between/amongst political leadership and administrative management in their municipalities both Mngquma and Ngqushwa Municipalities claim that they have good relationship especially that both institutions had recently realized the need for credible human resource with the necessary qualifications. Amahlathi Municipality referred to its relations as excellently healthy. All the municipalities alluded to the trap almost all municipalities fell into, that of relying on those who had been fighting for freedom with very little or no consideration for skills and expertise required for delivering services to the people. In the same way they all agreed on having realized the need for a change of strategy especially with regards to recruitment processes.

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Commenting on whether there is a harmonious working rapport amongst the council, committees and communities that takes into consideration principles of cooperative governance, the ex-homeland municipalities claimed that they have good working relations that have just started and strengthening day by day which they attribute to the compliance to legislation which is now sinking in the minds of all those who form the municipalities. The Amahlathi Municipality referred to its relations as excellent as it boasted of a stable political and administrative environment which it attributed to, amongst other things, using the experience and expertise from the previous system as long as the performance satisfied the municipality without undermining the need for transformation.

Commenting on the existence of political factors that impact negatively on efficiency and effectiveness of service delivery, the two municipalities from the ex-homelands acknowledged the presence of such factors and cited the following:

- Political instability. When political leaders and municipal officials' roles are not clearly defined they usually fight about who does what, and that impacts on service delivery.
- Interference during the project phase of the IDP. Conflict of interests amongst the political leaders and municipal officials result in them fighting for tenders. This also affects service delivery as sometimes choices are determined by the winner in the fight.

The municipality that had the taste of the previous government and that had exercised selective development denied the existence of any of such factors and once again referred to sound working relations.

In response to the question as to whether legislation aimed at improving service delivery achieves its objectives respondents from all municipalities chose the "sometimes" option. They further mentioned that sometimes the so called "red tapes" in legislation elicits undesired outcomes. They also alluded to non-compliance by municipalities.

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Diagram 4.2.3: Comment on legislation

Legislation	Benefits	Challenges
The Local Government Municipal Finance Management Act,2003 (Act 56 of 2003)	<ul style="list-style-type: none"> • Corruption free municipalities • Improved compliance standards • Modernized municipal finance management 	<ul style="list-style-type: none"> • Supply chain management • Meeting all compliance issues • Too many red tapes lower service delivery as procedures are sometimes too long.
The Local Government Municipal Systems Act,2000 (Act 32 of 2000)	<ul style="list-style-type: none"> • Assists a lot with planning processes • If adhered to, all systems are in place 	<ul style="list-style-type: none"> • Implementation of performance management systems • Municipalities default thus leading to instability
The Local Government Municipal Structures Act,1998 (Act 117 of 1998)	<ul style="list-style-type: none"> • Proper and effective structured arrangement 	<ul style="list-style-type: none"> • Ward committee structures are still a

1998)	at municipalities	major challenge
The Local Government Property Rates Act, 2004 (Act 6 of 2004)	<ul style="list-style-type: none"> Increases revenue base of municipalities 	<ul style="list-style-type: none"> Actual valuation of properties Public consultation Absence of title deeds
The Local Government Demarcation Act, 1998 (Act 27 of 1998)	<ul style="list-style-type: none"> Assists with proper and effective political management and planning 	<ul style="list-style-type: none"> Re-demarcating boundaries every now and then Not so consultative Demarcating without physical inspection
The Local Government Transition Act, 1993 (Act 97 of 1996)	<ul style="list-style-type: none"> Smooth transition process 	<ul style="list-style-type: none"> Weak on financial management processes
The Inter-governmental Relations Framework Act, 2005 (Act 13 of 2005)	<ul style="list-style-type: none"> Proper coordination of implementation processes 	<ul style="list-style-type: none"> Actual structures are not functioning

From the table above the following could be deduced:

- o Challenges outnumber benefits. This could easily be detected by the number of bullets.
- o Municipal structures, especially ward committees are still a problem despite the Local Government Municipal Structures Act, 1998 and Local Government Municipal Systems Act, 2000. From this it could be deduced that in the government sector things are easier said than done. The IGR is supposed to provide proper coordination of the implementation process but presently the actual structures that are supposed to be facilitating implementation are not functioning.

Responding to whether there are any demands that these acts set on management in terms of personnel processes and whether these demands assist in recruitment, selection and appointments for efficient and effective service delivery, respondents agreed on the presence of such demands even though guidelines do not give clarity sometimes when decisions need to be taken. Red tape in terms of remuneration of ward committees has to a certain extent had a negative impact on service delivery. Communication lines between

councillors and committees are deteriorating due to tensions emanating from this and other political reasons.

Commenting briefly on political and / management conflicts and instability in municipalities and how to handle them the managers alluded to the lack of unity of purpose due to the camps and divisions attributed to upper levels of government. The two similar municipalities acknowledged that in a municipal term there are three phases marked as follows:

- The first quarter of the municipal term is characterized by instability as a result of non-acceptance of newly elected personnel.
- The second and third quarter of the municipal term are characterized by stability and service delivery especially that elections are imminent.
- The last quarter of the municipal term is also characterized by tensions and instabilities caused by panicking for the coming elections.

They both commended advocacy, going out and talking to the people, making them understand municipal processes and the need for development through skilled personnel. They also agreed that the political leadership needs to have unity of purpose and be committed to service delivery to benefit the poor.

When asked to comment on the Inter-Governmental Relations Framework Act, 2005 (Act 13 of 2005), whether the guidelines/regulations for coordination to be issued by the MEC according to the IGR are in use all the municipalities unanimously commended the IGR Framework Act, 2005 for providing a framework that assists leadership, management and community to take decisions timeously for better service delivery. Even so, they all blame the structures involved for being dysfunctional. They all agreed that guidelines are not in use and feel that the other spheres of government do not take them seriously. The municipalities all feel that the existence of this Act, good as it is, is just useless and as such leaves a bitter taste on the part of the local sphere of government.

4.2.2. Managers' Response on Service Delivery

According to schedule 2 of the Local Government Transition Second Amendment Act, 1996 (Act 97 of 1996) the Integrated Development Plan (IDP), water, sewerage, electricity, roads and waste disposal facilities are the competences of the local council. Service delivery entails, amongst other things, accessibility of services, accountability for services, sustainability of services *etc.*

When asked to indicate whose competence the above mentioned services are, and also indicate any highlights or backlogs as well as rating delivery for the past five years the managers responded as follows:

Roads: The managers indicated that only internal roads are within the competence of their local municipalities. Internal roads are those inside a particular location or streets in town and exclude access roads and/or national roads. In the light of that information, all municipalities concluded that their roads were in a good condition. Roads that are very poor are access roads which the local municipalities are not responsible for. The roads linking the various rural settlements in Ngqushwa Municipality are in a poor state of repair and are not adequately maintained. The Steward Scott report on Amathole District Municipality identified that roads are in a poor condition especially in rural areas and this is a crucial problem for transportation as well (Ngqushwa Local Municipality IDP:27). The various managers attributed poor roads to provincial incompetence and failure to participate in IDP. Deteriorating roads in the Amathole region are attributed to minimal assistance by the Department of Transport which when translated into understandable terms indicate that a stretch of road could only be done once in 30 years (Mnquma Local Municipality IDP 2008/09:21-22). In agreement with the present state of the roads all the responses close on a note of hope for the repairing and maintenance of all access roads especially that 2010 is not far off.

Housing: Even though housing is included in the local municipality IDP, it is not within the local municipality's competence. All municipalities rated housing from poor to fair. One municipality is currently engaging relevant stakeholders in projects like Thubelitsha in an attempt to unlock the housing project that had previously been locked due to a variety of reasons including skills shortage especially amongst the previously disadvantaged groups that deserve to be affirmed. Developments by local municipalities are negatively affected by the availability of bulk services for housing development which have very high cost implications for the municipality. Also, there are allegations of nepotism and corruption around RDP houses.

Water, sanitation and electricity: The Amathole District Municipality is in charge of water, sanitation and electricity.

Recent statistics from the Amatola Water Board indicate that 85% of the households in Ngqushwa Municipality have access to water supply from some kind of reticulated system, which indicates a substantial improvement and close compliance with RDP standards. A further 3, 5% makes use of rain water tanks which leaves a backlog of 10, 6%. The reliance on natural resources still needs to be addressed. (Ngqushwa Local Municipality IDP: 26)

Refuse removal: This is a limited service targeting only towns and suburbs which constitute a small portion of the municipality area. If it was not for the delays on the part of the provincial sphere of government to release state owned land, houses would be built, title deeds issued to people, property rates paid and municipal revenues increased.

In response to the question of the accessibility of services offered by the municipality as intended by the Municipal Systems Act 2000 (Act 32 of 2000) the response was a combination of "yes" and "no" because what is in the competence of the district is allocated funds as such. Community members having come to report problems affecting them are either given a telephone

number to call in East London or shown a satellite office of the district municipality to go to.

Commenting on the payment of rates which varies from municipality to municipality there was a general notion that this service tends to be hijacked by political instability. When individual political leaders want to fight each other they put aside legislation that talks to payment of rates and use the demands for rates as a vendetta to fight those currently in power. The slow process by the provincial and national spheres of government to grant people title deeds, disadvantages the local municipalities since a huge part of revenue base namely the rural area is not yet taxed. Moreover, they attributed different performance by various municipalities of the same level on the unfair formula used for equitable share.

In response to the involvement of communities in formulation of policies at initial stages the managers agreed and pointed to the protocol followed by various structures according to the legislation. They further alluded to implementing, advocating and cascading of legislation to the people on the ground.

4.2.3. Response of the Ward Councillors / Committees

Seeking information from ward councillors and committee members elicited different responses. Some were not so keen to give information to someone not being part of their municipality as they regarded information as their municipality's secret. Others grabbed the opportunity and hoped for an opportunity to expose those things they disliked about their municipalities. In all the municipalities some wards felt they were ignored and treated as outsiders while others benefited more, especially those wards constituting the municipality towns.

4.2.3.1. Roads

In response to the road survey their options ranged between poor and good. Some of the councillors from the ex-homeland municipalities complained about the lack of capacity with regards to human resource and skills to master this new function of road maintenance. Mngquma municipality commended action by the Department of Transport but said more could be done as there is a backlog. Following is the scanning by Mngquma Municipality.

Diagram 4.2.4: Mngquma Municipality Environmental Scanning 2006 - To date

PROJECT NAME	NO. PEOPLE EMPLOYED	STATUS	BUDGET AMOUNT
1. Ndoqa Access Road	83	Completed	R958,372.00
2. Jekezi access Road	30	Completed	R1754,291.00
3. Upper Ibika Access	42	Completed	R763,000.00
4. Mekeni-Tungo Access Road	60	Completed	R1700,400.00
5. Chafutweni Access Road	33	Started	R1783,316.89
6. Esidutyini Access Road	43	Completed	R2999,120.48
7. Njekeni Access Road	153	Completed	R908,325.00
8. Mgwebi Access Road	59	Completed	R1746,439.00
9. Ntwashu- Miya Access Road	25	Completed	R1587,931.00
10. Qolora-Feni Access Road	140	Completed	R1299,299.00
11. Mankihlana Access Road		Started	
12. Nxaxho-Zingcuka	20	Completed	R2032,164.00

Access Road			
13. Ngqusi-Gaqa	44	Completed	R2175,065.00
14. Mazotshweni Access Road	70	Completed	R2826,682.00
15. Busila Access Road	82	Started	R3336,455.00
16. Magqudwana Access Road	60	Started	R1775,836.00
17. Toleni Access Road	15	Completed	R1366,468.00
18. Magiqweni Access Road	25	Started	R5517,600.00
19. Ibika Taxi Route	52	Started	R870,135.00
20. High Mast Lighting	10	Completed	R1294,071.00

From the table above it can be deduced that the provincial sphere of government is doing its part at Mquma Municipality to repair access roads. Although this reflection is quite impressive, when the bigger picture is looked at, a lot still needs to be done, hence the statement, "The municipality recognizes efforts made by the Department of transport towards maintenance of provincial roads through their Area Wide Road Maintenance contract however, its impact is minimal" (MLM IDP 08/09:21). Also, information on Mankihlana Access Road is not complete. This is an indication that these projects are not done by Mquma Municipality but by the provincial government.

4.2.3.2. Electricity

All municipalities rated electricity supply as good. None of these municipalities are electricity suppliers. Energy is supplied by Eskom and is funded by the Department of Minerals and Energy Affairs. The role of the municipality is to communicate with Eskom and facilitate the provision of electricity in the area. Household energy supply at Mquma Municipality is at the present moment approximately 50% (MLM IDP 08/09: 22).

Ngqushwa Municipality villages without electricity are 26 and mostly the new extensions. Following is the state of electricity at Amahlathi Municipality.

Diagram 4.2.5 : Electricity backlog at Amahlathi (ALM IDP 2008/09: 13)



Ward no.	Backlog	
1	888	
2	349	
3	700	24/01/2008
4	-	No backlog
5	83	25/01/2008
6	483	
7	-	No backlog
8	-	No backlog
9	345 (estimate)	24/01/2008
10	-	No backlog
11	345	
12	-	No backlog
13	-	No backlog
14	147	
15	500 electrification	In progress
16	-	No backlog
17	193	
18	800	
19	3700	Eskom planning
20	-	No backlog

The people's leaders concluded that communities are directly supplied by Eskom from vendor stations in the light of indigent policy. From the table containing gaps above it could be deduced that there is a gap between Eskom and the local municipality.

4.2.3.3. Water and sanitation

Water supply is still a challenge to all municipalities. Following is an indication of how water is distributed at various municipalities.



Diagram 4.2.6: Water supply at Mnquma Municipality (MLM IDP 08/09: 23)

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Description	2001	%
No access to pipe	42123	29
Pipe water (dwell)	5571	4
Pipe water (yard)	4575	3
Pipe water (community stand pipes)	7211	5
Pipe water 200m	8084	6
Regional Local School	17264	12
Borehole	1053	1
Spring	3382	2
Rain water Tank	7666	5
Dam/pool/stagnant	2542	2
River /stream	43998	31
Water vendor	442	0
Other	216	0
Total	144131	100

The table above indicates clearly that water supply is a challenge at Mnquma Municipality when one looks at 29% of people without access to water pipes 39% of those who depend on rivers or streams given that no attention is given to such water source to combat diseases. This means that 68% of the people are not entitled to water service, a basic need and a responsibility of the municipality according to the Local Government Structures Act, 1998.

Diagram 4.2.7: Villages without water supply at Ngqushwa Municipality (NLM IDP 08/09:40)

Ward	Villages
1	Gobozana, Tyeni, Mtati, Tembelihle and Mthathi extensions
2	Dubu
3	Lower and upper Mthombe extensions
4	New extensions
5	Nxwashu, Machibi and Mayatulana
6	Stoorpoort
7	Feni, Dam-dam, Makhahlane, Torr and Nomonti
8	Mankone, Baltein, Mreshwa, Horton, Gwabeni, Ndwayana, Qamnyana and Mqwashini
9	3 villages
10	Luxolweni
11	None
12	Mpekweni extension, Prudhoe
13	Bhekise (Mkhanyeni Extension)

From the information above it could be deduced that water supply is still a major challenge at Ngqushwa as well. Out of 14 wards 12 are still without water. Water supply varies from ward to ward. Although in some wards 1-3 villages need attention in others like 1 and 8 much attention needs to be paid. From the table above it could be deduced that all the villages in ward 14 have water hence it is excluded in the table.

Diagram 4.2.8 : Water supply at Amahlathi Municipality (ALM IDP 08/09: 11)

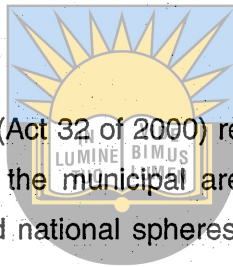
Ward no.	Water dwelling	On site	Public tap	Tanker	Borehole	Natural	Other
1	2.82	6.60	11.62	0.26	0.26	76.85	1.58
2	0.82	29.73	65.75	0.00	0.00	0.00	3.70
3	0.38	2.47	79.37	0.00	3.99	13.23	0.57
4	22.08	53.75	17.60	0.00	0.00	6.56	0.00
5	2.12	16.90	49.87	0.58	0.00	30.14	0.39
6	37.33	37.45	17.22	0.00	0.00	6.83	1.23
7	1.76	3.60	43.99	0.25	0.00	49.14	1.23
8	0.54	1.99	50.24	0.54	0.18	45.53	0.91
9	0.76	7.21	31.85	0.30	6.10	51.46	2.32
10	2.96	11.25	64.67	0.20	0.20	19.14	1.58
11	1.60	5.29	73.09	0.29	15.88	3.25	0.58
12	8.77	15.66	40.44	0.46	0.87	33.04	0.76
13	0.00	0.00	9.75	0.26	0.40	87.74	1.85
14	6.27	0.87	18.37	0.22	0.87	72.23	1.09
15	23.65	40.36	33.82	0.24	0.48	0.97	0.48
16	9.47	4.42	75.81	0.21	1.26	7.57	1.26
17	7.50	8.51	35.94	0.23	0.58	46.69	0.58
18	19.45	20.95	55.96	0.11	0.11	2.57	0.86
19	6.94	29.18	63.08	0.00	0.00	0.27	0.53
20	14.16	10.65	68.31	0.00	0.20	5.80	0.81
Amahlathi	8.31	14.32	45.01	0.22	1.73	29.30	1.11

The above table shows a variety of water services per ward in the Amahlathi Municipality. When looking at the information for the wards 1, 13, 14, 9, 7 and 17 in comparison to ward 20 one just wonders at the existence of such huge gaps in

the same municipality. Dependence on natural water simply indicates that nothing is done to such water and that further implies no municipal service is rendered. Out of 20 wards 9 still need urgent attention.

In the comments of some councillors/ committee members the need for speeding up the process of supplying pit latrines came up. In some areas where this project had already been rendered, there was no monitoring and evaluation it was just abandoned leaving the constituency divided.

4.2.3.4. Housing



The municipal System Act, 2000 (Act 32 of 2000) requires an assessment of the existing level of development in the municipal area. Housing, which is in the competence of the provincial and national spheres of government, has a lot of backlogs.

Ngqushwa Municipality IDP plan for 2008/09 has put in place projects aimed at improving sustainable human settlements. A sum of R3 500 has been put aside to develop housing sector plan (NLM IDP 08/09: 53). Even so, the greater responsibility lies with the provincial sphere of government. By the look of things this amount is put in the plan to meet compliance standards for in reality it is too little to cater for the plan for the whole municipality.

In Amahlathi Municipality the demand for housing remains high through out the Municipal area, including rural settlement areas where, according to census 53% of the total Amahlathi population lives in the so called traditional dwellings. Constituents throughout the Amahlathi Municipality continue to emphasize the need for housing development in both urban and rural settlements (ALM IDP 2008/09: 16)

4.2.3.5. Refuse removal

Commenting on what they could improve on the removal of refuse the ward councillors wish that, due to its potential for job creation, this service should expand to other areas as it is presently targeting towns and sub urban areas. This was seen as a motivating factor towards paying rates in order to improve revenue.

Commenting on the IDP the ward councillors/ committees commended it as a strategy to achieve a better life with clear projects. Most agreed on IDP's in place but complained of lack of targeted implementation, monitoring and evaluation. At some point responses from ward committees contradicted those from ward councillors despite coming from the same wards.

4.2.4. Response from members of the community

The community members were chosen in two different ways. The first group that was regarded as the control group obtained its questionnaires from the ward councillors while the other group was randomly chosen by the researcher whenever and wherever as long as it was within the selected municipalities.

Most responses gave a picture of two sides, community members on the one side and the councillors, committees and municipality management on the other side.

4.2.4.1. Roads

All community members complained of poor to weak roads. All their questionnaires recommended that roads be improved and maintained regularly, and water community pipes, as well as electricity be installed.

4.2.4.2. Electricity

Responses on electricity service ranged from poor to fair. The constituency sometimes complains of few vendors far from each other, thus disadvantaging the old people living alone and the poor who have to walk some distances to get electricity. A number of communities still complain about electricity not being installed in their areas. In the case of Amahlathi Municipality comments from community members included the demarcation statements like; "it should be done on that side of the Kei as well".



4.2.4.3. Water and sanitation

Water is still a challenge to most municipalities. A number of wards in the Amahlathi Municipality especially Keiskammahoek and Tsomo complained of severe waterlessness almost 80% of the year especially in 2006 and 2007. They even suggested that they be notified before the cut of supply when the municipality is working with water. A few questionnaires reflected the existence of some bucket system both in Amahlathi and Ngqushwa. There is still a huge cry about the need for toilets.

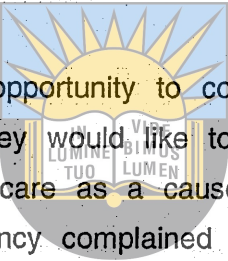
4.2.4.4. Refuse removal

Removal of refuse is a service targeted at towns and communities from rural areas showed no interest in it. Some residents from urban and townships communities complain of poor service as there are repeated protest actions for refuse not removed on time or at all, thus polluting the area.

4.2.4.5. Housing

Shortage of houses is another major challenge that looks down upon all other efforts of service delivery by the local municipalities. In addition to the allegations of nepotism and corruption around RDP houses, members of communities complained severely of occupation of RDP houses by professional people like teachers, and nurses, business people, policemen *etc.*

They complained about not being involved through public participation and a very poor service rendered by the councillors.



The questionnaire offered an opportunity to comment on the service not mentioned above, and what they would like to improve, people generally commented about poor health care as a cause for serious concern. The Amahlathi Municipality constituency complained bitterly about the unilateral decision taken to close down S.S. Gida hospital in Keiskammahoek and this they blame on their local municipality. They felt they had been left out and the ward councillors and committee members whom they trust to take their concern to the municipality for intervention had failed them. The mini solution to the problem was the protest march engaged in that put the matter on hold. The march helped to bring back water that is still running as this document is written. Health workers are currently dissatisfied with their remuneration packages especially that the Department of Health is implementing the Occupational Service Dispensation (OSD) that benefits one according to service and qualifications.

4.3. OBSERVATION

On the 30th April 2008 the researcher attended a Council Meeting at Amahlathi Council Chamber at 12h00. The meeting was attended by various structures of the municipality like the Municipal Manager and the administrator, the Mayor and the councillors, the ward councillors, a representative from the Independent Electoral Committee (IEC) and some few members of the public.

Findings:

- The old culture of imbizo practiced by Africans, specifically the Xhosa people of oral discussions dominated by listening and responding to what has been listened to, also informed by gained experience through practice, still prevails.
- There is a huge gap between understanding what is written and putting it into practice. Councillors might miss some written important information though they are provided with a document containing such information because they don't even read to confirm as the madam speaker refers to the matter but flow with the chorus consensus word "agreed" thus giving the speaker permission to proceed.
- In a report by the IEC representative it was evident that some of the ward councillors did not allow the committee to cascade voter education in their wards for fear of domination since these representatives are associated with their organizations. This impeded harmony and coordination between structures.

4.4. UNSTRUCTURED INTERVIEWS WITH MANAGERS.

There were no constructed and written questions. The researcher was at liberty to use her qualitative research techniques to elicit information to responding to the data collected through questionnaires.

4.4.1. Mnquma Municipality

Mnquma Municipality is an amalgamation of three towns namely Ngqamakwe, Butterworth and Kentane. Ngqamakwe and Kentane are poor towns with nothing to offer because of their industrial nature. Butterworth had an advantage in terms of resources but, due to political instability over years, its administration collapsed.

The intervention of the Local Government by 2000 through the implementation of the Local Government Municipal Systems Act 2000, (Act 32 of 2000) helped the municipality to start afresh. The result was the employment of the Municipal Manager as the first employee which was soon followed by other human resource. On the political side the Speaker was then elected as the head of the legislative power and soon facilitated the election of the council headed by the Mayor responsible for the executive power. That was the first compliance that gradually brought the municipality into the present state of political and administrative stability.

This report, coupled with the knowledge of the state of Butterworth from 2006 backwards when the MEC for Local Government took a decision to assign a caretaker, and the present situation makes the researcher to want to believe that when implemented properly legislation do have effective results on the delivery of services.



The logo of the University of Fort Hare features a shield with a sunburst at the top, a banner across the middle with the motto 'VIVERE LUMINE QUOD TUO LUMEN', and a book at the bottom. The shield is flanked by two vertical bars.

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Mnquma Municipality's service delivery structure is divided into four clusters namely, Infrastructure, Social, Institutional and Local Economic Development and Planning whose heads are politicians. Under clusters there are directorates whose heads are officials.

- I. **THE INFRASTRUCTURE CLUSTER:** This cluster comprises Technical Service Directorate with municipal services dealing with housing, electricity, roads, water, workshop and building. From the interviews it transpired that the services rendered by this cluster are not the competence of the Local Municipality but of the District Municipality and other organizations like Eskom.
- II. **THE SOCIAL CLUSTER:** This cluster comprises Community Services Directorate which further consists of cleansing, traffic control, disaster management, fire fighting, environmental affairs and health services. The

health services talked of are a few municipal clinics in the townships. The greater communities in the rural areas which are not so vast are not catered for.

- III. **THE INSTITUTIONAL CLUSTER:** This cluster comprises two directorates namely Corporate Services and Finance. When looking at the partnership of the two directorates in relation to the Municipal Finance Management Act, 2003 one could deduce that the development of the municipality lies solely in coordination, cooperation and compliance. The problem that transpired earlier on around compliance issues and processes are a real problem hence they are perceived as means to delay service delivery.

Corporate services is further divided into two sections namely human resource and administration while finance comprises budget, billing and collection.

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- IV. **LOCAL ECONOMIC DEVELOPMENT AND PLANNING:** This directorate comprises the following;

- Local economic development
- Agriculture
- Integrated Development Plan (IDP)
- Research and,
- Urban renewal

Advocacy on the part of compliance from recruitment to service delivery helps to stabilize the municipality because roles are clearly defined in legislation.

IGR that is supposed to be fueling the vehicle of service delivery the IDP is still the major challenge to the municipality. The fact that the key tools to service delivery are not implemented implies that service delivery witnessed today is not the outcome of the implementation of legislation.

4.4.2 Ngqushwa Municipality

Ngqushwa Municipality is a combination of Hamburg and Peddie Town and surrounding locations. It is a stable municipality whose systems and structures were put in place according to the relevant legislation namely the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).

The clusters are infrastructure, social, LED and environmental, Institutional and finance.

The municipality is driven by the IDP as a tool for service delivery. Departments inside are not working in silos but are integrated. This tool is reviewed yearly and after 10 days it has to pass through the MEC for approval and endorsement.

The IDP goes hand in glove with the budget. Service Delivery & Budget Implementary Plan (SDBIP) has to be in place 28 days after the adoption of the IDP. The IDP is informed by national and provincial policies such as ASGISA, PGDP but it is amazing that though it came into being as a result of the same legislation it seems not to be so significant to the provincial and national spheres of government. There is no proper coordination on IGR thus resulting in all other service delivery disorders within the municipality.

In the light of the above information it is evident that legislation is not used as a tool to facilitate service delivery.

4.4.3. Amahlathi Municipality

Amahlathi Municipality comprises Stutterheim, Cathcath, Keiskammahoek towns and surrounding locations. This municipality is both politically and administratively stable. When asked to comment on what contributed towards this stability the manager attributed that to their composition as well as their compliance with legislation.

Its clusters are the same as those of other municipalities.

Responding to the question of the legislation around the IDP as mentioned in the Local Government Municipal Systems Act, 1998 (Act 117 of 1998) and the Local Government Structures Act, 2000 (Act 32 of 2000) the manager alluded to the fact that very little is done to assist with the development of the IDP especially by the provincial sphere of government in whose competence rests many of the major services.

Commenting on relations between spheres of government the manager said ideally the national service delivery forum (SDF) and Provincial Growth and Development Plan (PGDP) are supposed to be part of the IDP at initial stages but they do not come.

Commenting on the IGR the manager said the national and provincial spheres of government are not committed to the IGR thus compromising the quality of debates. The local sphere of government is bitter about these relations as it seems like the South African Government operates with tiers rather than spheres of government.

In the light of the above the researcher might want to conclude that legislation is a tool that is never used maximally to achieve the desired outcomes.

4.5. CONCLUSION

The researcher used questionnaires, observation and unstructured interviews to collect data. In line with the search for data was evaluating the impact of the implementation of legislation on service delivery.

From the managers point of view knowledge of legislation is there but there is insufficient provision for its implementation. Even though good planning is in place, like for instance in the case of the IDP and IGR, that monitoring and evaluation is supposed to be done at another level, the provincial level, whereas the implementation is at local level is still a great challenge towards service

delivery. Also, consultation seems scanty as the provincial and national spheres of government regard themselves as big brothers to the local sphere of government. Managers have a problem with the effectiveness of the formula used for Equity Share. This indicates little consultation.

There seems to be a number of problems at the level of ward councillors even though this is a platform for consultation between the community and the municipality. There are further discords between the committees and councillors. Councillors seem to be implementing instead of consulting and making sure that they carry the people's mandate. Failure to communicate between these parties results in tensions between the communities and the municipal leadership. The fact that the Local government Municipal Structures Act, 1998 does not cater for the remuneration of the ward committees seems to be another impediment on service delivery.



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Data collected from the community members from various wards reflected non-uniformity. Some wards get preference over others yet the legislation is standard. It is evident that in most cases there is a line between community members on one side and ward councillors and municipal leadership on the other. Ward committees tend to be on the side of the greater communities. This level is complaining of poor service delivery despite the existence of many structures and legislation. Also, it seems like people are not well conversant with the policies despite the presence of ward councillors thus making it difficult for the municipality to develop.

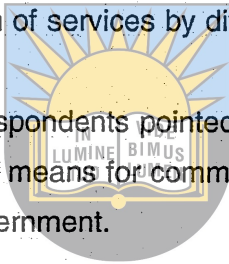
The challenges highlighted in the chapter exposed the need for the three spheres of government to review how they engage each other for the benefit of service delivery. The provincial and national spheres of government as formulators fail to provide monitoring and evaluation of the implementation process so that objectives of legislation could be met. Scarcity of resources, human or material

results in the local sphere battling alone to meet the set standards, despite the handicaps.

The local municipalities also have a challenge with regard to ward councillors and ward committees as the link between the municipal management as the servant and the constituency as the being served. The shortage of skills at local level is still a major problem which is difficult to be attended to due to the manner in which funds are allocated to municipalities. The rich municipalities do not have a problem with recruiting skills they want whereas the poor ones suffer to attract skilled labour. Challenges posed by compliance to legislation result in finding other means to deliver. Repetition of services by different municipality levels is a waste of resources.

In their proposed solutions the respondents pointed to both the IDP as a tool for service delivery and the IGR as a means for communication and implementation amongst the three spheres of government.

The next chapter will deal with findings, conclusions and recommendations on this study.



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CHAPTER 5: FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1. INTRODUCTION

The purpose of this chapter is to give an exposition of the findings of the study, draw some conclusions and make some recommendations. The research sought to evaluate the impact of the implementation of legislation on service delivery. It sought to answer whether legislation helps local government to deliver services and whether legislation presents the local government sphere with the opportunity to monitor and evaluate the process of delivering services with the intentions to improve.

In an attempt to reach the present situation some literature was reviewed. This included the reviewal of the Constitution of the Republic of South Africa Act, 1996 which calls for the establishment of structures and institutions to promote and facilitate inter-governmental relations. It also states that the national and provincial government must support and strengthen the capacity of municipalities. A number of key municipality legislation including the Municipal Systems Act, 2000, the Municipal Structures Act, 1998, the Inter-Governmental Relations Framework Act, 2005 and the Municipal Finance Management Act, 2003. The IDP as a tool for service delivery was also reviewed. Literature review also included public address and media reports with regards to service delivery.

Evaluation and user participatory research methodologies were used. Participants in the study were 18% managers of the selected municipalities, 37% ward councillors or committee members and 45% members of the community. Data was gathered in the form of questionnaires, observation and interviews. Presentation and analysis of data in the previous chapter has culminated in the findings to be discussed below.

5.2. FINDINGS

Findings are summarised under the model of government, the IDP as the tool for delivery, the inter-governmental relations, the municipal structures, service delivery and the human resource.

5.2.1. The model of government

The model of government in the Republic Of South Africa, that of the spheres of government provides for the formulation of the legislation at national and provincial levels and implementation thereof at the local level, the one closer to the people. Contribution by the national and provincial levels to implementation is minimal. Spheres operate as tiers. The assumption is that written policy is suffice for the local level to perform.

A lot of issues do not take into consideration the actual situation on the ground but simple works on impersonal formulae, for example the Demarcation Act, 1998 is not consultative and demarcates without physical inspection hence boundary protests all over South Africa. Also, the Equitable Share (ES) is influenced by population size and income levels, a formula that does not necessarily talk to the needs of the IDP as all the people with or without the income need service from their government. The second part of the formula suggests that the poor municipalities remain poor while the better ones are advantaged. The three selected municipalities namely Mngquma, Ngqushwa and Amahlathi agreed that this arrangement does not assist the development of local municipalities.

5.2.2. The Integrated Development Plan (IDP)

The IDP, a tool for service delivery as provided for in the Municipal Structures Act, 2000 has never been pursued to its fullest due to the failure to commit on the part of national and provincial governments despite its endorsement by the Member of the Executive Committee (MEC) 10 days after its birth. This

endorsement is for cosmetic value and puts much strain on the municipalities which often find ways to meet the deadlines without necessarily complying with the legislation. The legislation that is supposed to be used as an input to give output at a later stage in the form of service delivery is not implemented fully. In the light of under performance by many municipalities, compliance with the Municipal Finance Management Act, 2003 has been cited as a challenge in all the three municipalities. Rural municipalities suffer the most from financial mismanagement and inadequate funding.

5.2.3. The inter-governmental relations (IGR)

The inter –governmental relations structures that are supposed to be a link and a facilitator of the development as provided for by the Inter-Governmental Relations Act, 2005 are not functioning and that they are defunct impedes delivering of services to the people. The IGR is surrounded by non-cooperation on the part of stake holders, for example, the national Service Delivery Forum (SDF) and Provincial Growth and Development Plan (PGDP). The quality of debates engaged in is poor because the other spheres send junior officials with no decision taking powers to attend meetings where decisions need to be taken. The officials end up being observers when input is expected from their levels. In addition to that, there is no continuity in terms of their delegation. There is neither a clear programme nor a tool for monitoring and evaluating the inter-governmental strategy relations.

5.2.4. The municipal structures

There are interfaces between politicians and officials on the one hand and, policy and administration on the other. Role confusion results in politicians wanting to participate in administration and officials wanting to play a role in policy. Legislation is to some extent not fully understood, let alone implementation thereof. Despite the existence of the Municipal Structures Act, 1998 and the Municipal Systems Act, 2000 there is still a huge problem with structures in place. The Municipal Structures Act, 1998 actually shifted control over the four

primary powers and functions namely; water, electricity, municipal health and waste/sanitation from the local municipality to the district municipality to coordinate them regionally. This was aimed at making district municipalities Service Authorities (SA) but the reality on the ground is that they are also Service Providers (SPs). On that score it was found out that the municipality categories sometimes pose a problem to a particular service. Water, for instance in the Amathole District Municipality is the responsibility of the district municipality. The local people sometimes get cold responses from the local municipality about a service not rendered by them. Reporting a local problem in most cases involves costs whether they are for travelling or telecommunications. People rendering services at municipal offices always have telephone numbers readily available to give to those seeking particular services which happens to be rendered by the district municipality. The people also suffer paying two different accounts to different municipalities one for rates at the local level and the other one for water at district level.

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From the constituency's point of view the councillors and the municipal officials are on the one side doing their thing whilst they as the constituency are on the other side waiting for services to be delivered to them. The committee members who are often at logger heads with the councillors are seen to be part of the constituency. The constituency blames the political heads for not delivering.

5.2.5. Service delivery

Service delivery items chosen for the research on the selected municipalities which include water and sanitation, electricity, refuse removal and housing are not all the competence of the local municipalities as it is always envisaged. Housing is solely the responsibility of the provincial government even though protests for houses and matters related to them are directed to the local municipalities. Very little has been done in this particular service in relation to promises and targeted dates. Contracts of ownership entered into with regards to RDP houses, a few in Butterworth, Stutterheim and Cathcart have been breached.

Roads are divided between local municipalities and provincial government. Those roads joining one locality to the other are referred to as access roads and are taken care of by the provincial government. The municipalities are responsible only for those roads within themselves. All the roads need urgent attention. The greater percentages of roads that need urgent attention are the provincial ones.

Water, though one of the essential basic services is the district municipality's responsibility as indicated earlier on. The greater communities in all the municipalities are still not enjoying the service, despite its essentiality.

Electricity is not supplied by the same service provider. Some municipalities provide electricity whereas in others Eskom provides the service. Obviously the rates at which the same units are obtained from these providers are different thus disadvantaging some constituents.

Service delivery is scanty and not a true reflection of the legislation in place. Even though objectives are clearly stipulated in the legislation very little or nothing is done to enforce implementation. There are huge backlogs contained in the document "The State of Municipalities in the Eastern Cape Service Backlog". Currently in this democratic era there are calls for public participation whereby the mandate is being carried bottom up, that is, from the people for whom services must be delivered. This must be done by the people's elected political heads and the servants, the councillors who are supposed to see to it that implementation takes place. Despite the systems and structures in place, there are still misconceptions about what and how services should be rendered harmoniously.

5.2.6. Human Resource (HR)

Filling of municipal posts is often regarded as compensation for those who fought for democracy. That misconception looks down upon skills and expertise required for the particular services, as well as the needs of the people for whom service is rendered. Municipalities are seated with under qualified politicians and

officials. Another crucial handicap is that of acting officials instead of employing one to ensure confidence and authority which enhances delivery.

The municipal administration reflects the existence of the following:

- Skills shortage.
- High vacancy shortage.
- Poor planning.
- Inexperience, and
- Flawed procurement policies.



Municipalities do not like to be monitored when it comes to compliance with legislation. This research was not welcomed even though the impression was that it was most welcomed. Municipalities deliver service their own way rather than according to legislation. Output depends on the municipality's human resource at a given time rather than on legislation hence the vast differences in service delivery of local municipality in the same district municipality.

Powers and duties with regard to most municipal services are vested with the district municipality, provincial and national government. The local municipalities depend on partnering with these entities even though they are the first target in cases where things go wrong.

Communities feel excluded from decision-making processes which affect them. Problems with ward councillors and ward committees are an indication of non-responsiveness by a particular municipality to the needs of its community. Ward councillors do what they think people need or want instead of listening to people's needs and carrying out the people's mandate.

5.3. CONCLUSION

A number of commendable legislation earned South Africa international respect but, the big question is whether the quality of the output, service delivery is a true

reflection of the implementation of legislation, and if so why is there so much noise about service delivery dissatisfaction all over South Africa.

This document has been evaluating the impact of the implementation of legislation on service delivery. A lot of research findings which contributed vastly to the pool of knowledge regarding service delivery were discussed.

The research has shown the existence of a huge gap between formulation and implementation of legislation. Formulation is at the upper levels and implementation at lower levels whilst connection between the two is scanty. Legislation is known, partly understood and seldom implemented.

The amount and quality of service delivery often reflected by service delivery protests and similar actions is an indication that legislation is not implemented properly. Very little service delivery could be attributed to implementation of legislation but could be attributed to the understanding that non-performance has negative results. This research has also shown that service delivery backlogs could be attributed to non-cooperation by both the national and provincial spheres of government in the local government's IDPs.

That the local government municipalities often have to bear the brunt of community dissatisfaction, hosting misplaced protests because they are the spheres mostly accessible to the people has culminated in the recommendations that follow.

5.4. RECOMMENDATIONS

The recommendations that are to follow are the product of both the researcher and the respondents. They are given in the spirit that they are going to reach the relevant structures at different spheres of government, as well as different levels, be considered and implemented so that a change in service delivery is attained.

The model of government that consists of different spheres should be reviewed and restructured such that it takes into cognizance the urgency of delivering services to the people. Delaying strategies and fruitless exercises such as going

through the same processes at different spheres, without necessarily adding value but just for compliance purposes should be avoided. The IDP for instance has to be tabled to the MEC at its initial stages who, in return has to append his/her signature as a symbol approval, and that should be reflected by the budget slice that will talk to the needs of a particular IDP. The IDP should not be responding to the budget but the budget should be responding to the IDP. The single, effective, public service is highly recommended.

The Office of the Premier should see to it that Inter-Governmental Relations Framework Act, 2005 really provides a working framework. It should be a compelling piece of legislation that provides for measures to be taken against failure to implement. A directorate that deals directly with the local government and is accountable for service delivery should be established in the Office of the Premier or the Department of Local Government. In this way there will be continuity and consistence in terms of attending to local government issues such as the vital IDP.



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The Municipal structures Act, 1998 should be reviewed to provide for the remuneration of ward committee members so that their participation in the municipality affairs is counted on, without being intimidated by shortage of resources.

Accountability for municipal service delivery and local development needs to be enhanced. The need for the downward accountability should start at the national level where grants and allocations for service delivery are administered, to the provincial level, the home of the Provincial Growth Development Plan (PGDP) and further down to the political and administrative leadership at local level where there is a high need for compliance with legal provisions as well as performance. This accountability at local level should be further stretched to communities who always step aside and expect service delivery to come from above when they could actually participate via community driven activities.

The government should establish a section that monitors and evaluates the implementation of all the legislation as this is not only the local government problem but a general problem of the other spheres of government as well as various governmental departments.

Municipalities should;

- (i) Employ people with the necessary qualifications. Institutions must deal with the employment issue which seems to be more like payback time for those who think the institutions owe them something. In order to deliver services maximally employment requirements should be adhered to.
- (ii) Have credible councillors with reliable qualifications and offers.
- (iii) Not only comply with the legislation but should perform according to the expected standards set by the legislation.
- (iv) Develop policies stipulating clear roles of officials and politicians so as to avoid tensions resulting from role confusion referred to earlier on.

In the light of the fact that the local government transformation programme has been brought to help to redress the imbalances in the previous system's way of doing things, it has to correct the skewed distribution of resources that is still evident to date in this country. The equitable share (ES) formula still favours the previously better of municipalities. Given the high rate of unemployment in rural municipalities, an urgent need exists to attend to the political leadership at local level because there are fights within the municipalities that hinder service delivery.

The national government should not only render lip service when it comes to efficiency and effectiveness of service delivery, but also provide tools for monitoring and evaluating at all levels. It should also consider merging the

provincial and local spheres of government as some services are redundant. At the present state of service delivery backlog in South Africa, especially in the Eastern Cape the two spheres of government are pointing fingers at each other. The Department of Local Government is calling back the budget meant for projects that was allocated to the municipalities because it says the municipalities fail to utilize this budget whereas the municipalities on the other side accuse the province of lack of commitment towards themselves.

Implementation of legislation is not a challenge to the local sphere of government only but also to the national and provincial spheres of government. The continuous trend of either over or under spending of budgets by various departments is indicative of the lack of understanding of legislation governing processes. In the light of that it is therefore recommended that the government should make use of the Higher Education Institutions (HEI's) and other social partners like political structures to educate all the people about legislation of this country. Presently legislation is for filing and compliance purposes rather than giving the people the know how to do things. The government should consider recruitment and filling of posts in a serious way as presently it is just an opportunity to fit in those favoured by those in positions at the expense of quality and skills needed. It should also consult databases at both Human Resource Development at various departments and Higher Education Institutions to find skills and quality needed in the public service.

Lastly, I recommend that the South African government realizes that it is a democratic state that needs to cater for self-government in its true sense by inculcating legislation to all South Africans in their diversity.

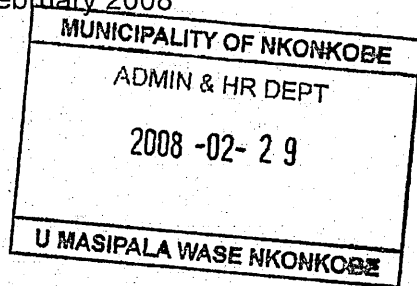
ANNEXURE A: LETTERS TO THE MUNICIPALITIES



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64 Canary Crescent
King William's Town
5601
28 February 2008

The Municipal Manager
Nkonkobe Municipality
FORT BEAUFORT
5720



Dear Sir

REQUEST TO HOLD INTERVIEWS WITH REGARDS TO SERVICE DELIVERY WITHIN NKONKOBE MUNICIPALITY.

I humbly request your permission to conduct interviews within Nkonkobe Municipality.

I am registered with the University of Fort Hare in the programme Master of Public Administration (PAD 800). I am currently busy with dissertation which is a requirement towards completion of my studies. My research topic is, **"AN EVALUATION OF THE IMPACT OF LEGISLATION ON SERVICE DELIVERY IN THE SELECTED MUNICIPALITIES WITHIN THE EASTERN CAPE AMATHOLE DISTRICT (2000 -2007)".**

The selected municipalities are Mquma, Ngqushwa, Amahlathi and Nkonkobe.

Sir, kindly be informed that the selection process was partly influenced by the political background of Ex-Transkei, Ciskei and a combination of the former homeland and RSA.

Also be informed that I would like to interview the managers, ward councillors and some members of the community.

The result of the study could be utilized to improve service delivery not only in the selected municipalities but in others as well.

For more information with regard to this I may be contacted at **082 844 5920**.

Looking forward to your favourable consideration, I thank you in advance.

Yours sincerely
N.P. Pakade

.....
Student no: 200703430

A handwritten signature in black ink, appearing to be "N.P. Pakade".

64 Canary Crescent
King William's Town
5601
28 February 2008

The Municipal Manager
Amahlathi Municipality
STUTTERHEIM

Dear Sir / Madam

**REQUEST TO HOLD INTERVIEWS WITH REGARDS TO SERVICE DELIVERY
WITHIN AMAHLATHI MUNICIPALITY.**

I humbly request your permission to conduct interviews within Amahlathi Municipality.

I am registered with the University of Fort Hare in the programme Master of Public Administration (PAD 800). I am currently busy with dissertation which is a requirement towards completion of my studies. My research topic is, **"AN EVALUATION OF THE IMPACT OF LEGISLATION ON SERVICE DELIVERY IN THE SELECTED MUNICIPALITIES WITHIN THE EASTERN CAPE AMATHOLE DISTRICT (2000 -2007)."**

The selected municipalities are Mngquma, Ngqushwa, Amahlathi and Nkonkobe.

Sir, kindly be informed that the selection process was partly influenced by the political background of Ex-Transkei, Ciskei and a combination of the former homeland and RSA.


Also be informed that I would like to interview the managers, ward councillors and some members of the community.

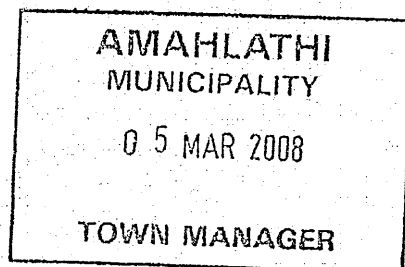
The result of the study could be utilized to improve service delivery not only in the selected municipalities but in others as well.

For more information I may be contacted at **082 844 5920**.

Looking forward to your favourable consideration, I thank you in advance.

Yours sincerely
N.P. Pakade


.....
Student no: 200703430



64 Canary Crescent
King William's Town
5601
28 February 2008

The Municipal Manager
Mnquma Municipality
BUTTERWORTH
4960

Dear Sir

**REQUEST TO HOLD INTERVIEWS WITH REGARDS TO SERVICE DELIVERY
WITHIN MNQUMA MUNICIPALITY.**

I humbly request your permission to conduct interviews within Mnquma Municipality.

I am registered with the University of Fort Hare in the programme Master of Public Administration (PAD 800). I am currently busy with dissertation which is a requirement towards completion of my studies. My research topic is, **"AN EVALUATION OF THE IMPACT OF LEGISLATION ON SERVICE DELIVERY IN THE SELECTED MUNICIPALITIES WITHIN THE EASTERN CAPE AMATHOLE DISTRICT (2000 -2007)."**

The selected municipalities are, Mnquma, Ngqushwa, Amahlathi and Nkonkobe.

Sir, kindly be informed that the selection process was partly influenced by the political background of Ex-Transkei, Ciskei and a combination of the former homeland and RSA.

Also be informed that I would like to interview the managers, ward councillors and the community at large.

The result of the study could be utilized to improve service delivery not only in the selected municipalities but in others as well.

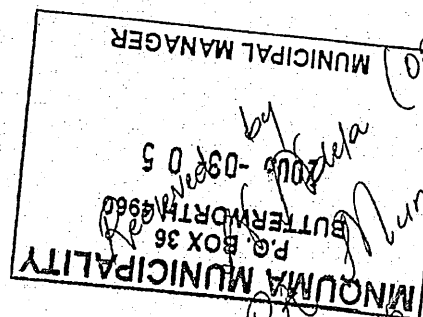
For more information with regard to this I may be contacted at **082 844 5920**.

Looking forward to your favourable consideration, I thank you in advance.

Yours sincerely

N.P. Pakade

.....
Student no: 200703430



64 Canary Crescent
King William's Town
5601
28 February 2008

The Municipal Manager
Ngqushwa Municipality
PEDDIE

Dear Sir

**REQUEST TO HOLD INTERVIEWS WITH REGARDS TO SERVICE DELIVERY
WITHIN NGQUSHWA MUNICIPALITY.**

I humbly request your permission to conduct interviews within Ngqushwa Municipality.

I am registered with the University Of Fort Hare in the programme Master of Public Administration (PAD 800). I am currently busy with dissertation which is a requirement towards completion of my studies. My research topic is, **"AN EVALUATION OF THE IMPACT OF LEGISLATION ON SERVICE DELIVERY IN THE SELECTED MUNICIPALITIES WITHIN THE EASTERN CAPE AMATHOLE DISTRICT (2000 -2007)."**

The selected municipalities are Mnguma, Ngqushwa, Amahlathi and Nkonkobe.

Sir, kindly be informed that the selection process was partly influenced by the political background of Ex-Transkei, Ciskei and a combination of the former homeland and RSA.

Also be informed that I would like to interview the managers, ward councilors and some members of the community.

The result of the study could be utilized to improve service delivery not only in the selected municipalities but in others as well.

For more information I may be contacted at **082 844 5920**

Looking forward to your favourable consideration, I thank you in advance.

Yours sincerely
N.P. Pakade

.....
Student no: 200703430

NGQUSHWA
MUNICIPALITY
P.O. Box 539

10 MAR 2008

PEDDIE
5601

N/dhete

ANNEXURE B: QUESTIONNAIRES

QUESTIONNAIRE FOR MANAGERS

Kindly fill in this questionnaire that is divided into sections. To ensure anonymity you need not mention your name or your section when responding to these questions.

SECTION A.

1. Name of Municipality:

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2. No of wards:

--



SECTION B.

1. Has the division of powers and functions between the district and this local municipality been influenced by the Local Government Municipal Structures Act, 1998 (Act 117 of 1998)?

Yes	No
-----	----

2. How are the relations between amongst political leadership and administrative management in your municipality?

Excellent	Good	Fair	Poor
-----------	------	------	------

3. How do you, as managers, work in harmony with the council, committees and communities taking into consideration principles of cooperative governance?

Excellently	Good	Fairly	Poorly
-------------	------	--------	--------

4. Are there political factors that impact negatively on efficiency and effectiveness of service?


Yes	No
-----	----

Comment.....

5. Does legislation aimed at improving service delivery obtain its objectives?

Always	Sometimes	Rarely	Never
--------	-----------	--------	-------

6. Comment on legislation

Legislation	Benefits	Challenges
The Local Government Municipal Finance Management Act,2003 (Act 56 of 2003)		
The Local Government Municipal Systems act,2000 (Act 32 of 2000)	 <p>University of Fort Hare Together in Excellence</p>	
The Local Government Municipal Structures Act,1998 (Act 117 of 1998)		
The Local Government Property Rates Act,2004 (Act 6 of 2004)		
The Local Government Demarcation Act,1998 (Act 27 of 1998)		
The Local Government Transition Act, 1993 (Act 97 of 1996)		
The Inter-governmental Relations Framework Act, 2005 (Act 13 of 2005)		

7. Are there any demands that these acts set on management in terms of personnel processes (provision and management)?

Yes	No
-----	----

8. Do these demands assist in recruitment, selection and appointments for efficient and effective service delivery?

Yes	No
-----	----

9. Could you comment briefly on political and / management conflicts and instability characteristics municipalities.....

10. Does the Inter-Governmental Relations Framework Act, 2005 (Act 13 of 2005) provide a framework that assist leadership, management and community to take decisions timeously for better service delivery?

Yes	No
-----	----

11. Are the guidelines/regulations for coordination to be issued by the MEC according to the IGR in use?

Yes	No
-----	----



SECTION C

1. Service delivery rating in the past years. Mark the relevant choice.

Period	Service	Good	Fair	Poor
2005-2007	Roads			
2003-2007	Housing			
2005-2007	Water			
2005-2007	Sanitation			
2005-2007	Electricity			
2005-2007	Refuse removal			

2. Indicate any highlights in the following services;

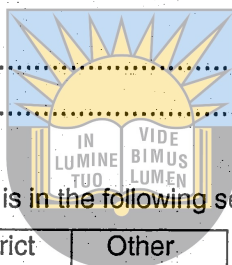
Roads	
Houses	
Water	

Sanitation	
Electricity	
Refuse removal	

3. Are there some backlogs in service delivery in your municipality?

Yes	Not really	No
-----	------------	----

Comment.....



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4. Indicate whose competence is in the following services:

	Local	District	Other
Roads			
Housing			
Water			
Sanitation			
Refuse removal			

5. Is access to service rendered by the district ensured by the local municipality as intended by the Municipal Systems Act 2000 (Act 32 of 2000)?

Service	Yes	No
Water		
Sanitation		
Refuse removal		
Electricity		

6. What are the systems in place for those communities far from the local municipality and telephone incompetent?.....

7. In the case of existence of such service, what are monitoring and evaluation strategies in place?.....

8. Comment on the payment of rates. Is payment of rates

Good	Fair	Poor
------	------	------

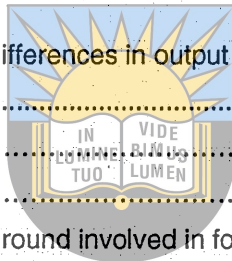
9. Are the rate payers charged according to the Property Rates Act, 2004 (Act 6 of 2004)?

Yes	No
-----	----

10. Is division of revenue done fairly?

Yes	No
-----	----

11. What could be the cause of differences in output in service delivery of various municipalities?.....



12. Are the communities on the ground involved in formulation of policies at initial stages, allowed to participate and own the processes from inception?

Yes	Not really	No	Never
-----	------------	----	-------

13. What could be done to facilitate policy implementation?.....

14. Your participation in this questionnaire is highly appreciated. Thank you.

QUESTIONNAIRE FOR WARD COUNCILLORS/COMMITTEE

Please fill in the Questionnaire below to help in understanding service delivery in your area. For confidentiality purposes, do not give your name. Always mark the correct box.

A. MUNICIPALITY INFORMATION

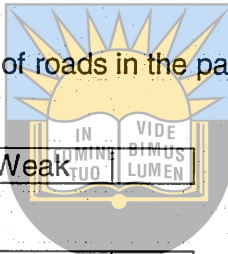
1. Name of municipality.....
2. Town.....

B. SERVICE DELIVERY

(i) ROADS

(a) Comment on the condition of roads in the past three years

2005				
Good		Poor		Weak
2006				
Good		Poor		Weak
2007				
Good		Poor		Weak



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(b) Is there any comment /recommendation/and plans in place that you would like to share with regards to roads?

.....

.....

.....

.....

(ii) ELECTRICITY

(a) How was electricity supply in the past three years? Mark the appropriate box.

2005				
Good		Poor		Weak
2006				
Good		Poor		Weak
2007				
Good		Poor		Weak

(b) Who is your electricity supplier?

.....

© How do the communities get electricity?

.....

(d) Has the allocation of centres taken into consideration differences in geographical allocation, age of consumers and other factors?

.....

(e) Is there any comment/recommendation you would like to make in order to improve this service?

.....

.....

(iii) WATER AND SANITATION

(a) How was service rendered in the past three years?

2005

Good		Fair		Poor	
------	--	------	--	------	--

2006

Good		Fair		Poor	
------	--	------	--	------	--

2007

Good		Fair		Poor	
------	--	------	--	------	--

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(b) What type of toilets do you have in your community?.....

.....

© Do you have water in your area?

Yes	No
-----	----

(d) How is the water supplied?.....

(e) Are the water related problems responded to immediately when they present themselves?

Yes	No
-----	----

(f) Is there any comment/recommendation you would like to make with regards to supply of water and sanitation?.....

.....

.....

(iv) REFUSE REMOVAL

(a) How was removal of refuse handled in the past three years?

2005

Good		Fair		Poor	
------	--	------	--	------	--

2006

Good		Fair		Poor	
------	--	------	--	------	--

2007

Good		Fair		Poor	
------	--	------	--	------	--

(b) Is there any improvement in the area?

Yes	No
-----	----

Comment.....

(c)
As a leader do you have plans in place to improve this service if there is room for improvement?



(v) HOUSING

2005

Good		Fair		Poor	
------	--	------	--	------	--

2006

Good		Fair		Poor	
------	--	------	--	------	--

2007

Good		Fair		Poor	
------	--	------	--	------	--

(a) Are there some RDP houses that have been built in your municipality during the period 2000 -2007?

Yes	No
-----	----

(b) If yes, who are the people who benefited from the houses? You can mark more than one box

Categories of people	Few	Many	None
Not working			
Low income			
Professional people (teachers, nurses etc)			
Business people			

(c) Did you as community leaders explain the municipality's plan to provide people with houses and other services to your communities properly so that they own every process of delivery?

Yes	No	Not really
-----	----	------------

(d) Does your municipality have other plans for other houses?

Yes	No	Not sure
-----	----	----------

Comment.....

(e) Does the municipality involve the communities through public participation?

Yes	No
-----	----

(f) Comment on your current IDP and plans for 2008/09.....

(g) Are rates applicable in your ward?

Yes	No
-----	----

(h) Are the people clear about the rates and the policy around that?

Yes	No
-----	----

(i) What are the highlight service areas you would like to appreciate your municipality for?

.....
.....
.....

(j) Are there some backlogs in service delivery in your municipality?

Yes	Not really	No
-----	------------	----

(k) If you could be given an opportunity to improve service delivery in the above mentioned areas what would you do?

.....
.....

(l) Do you, as councillors work in harmony with the ward committee as well as the municipal council, observing principles of cooperative governance?

Yes	Not really	No
-----	------------	----

Your participation in this questionnaire is highly appreciated. Thank you.

QUESTIONNAIRE FOR COMMUNITY MEMBERS

Please fill in the Questionnaire below to help in understanding service delivery in your area. For confidentiality purposes, do not give your name. Always mark the correct box.

A. MUNICIPALITY INFORMATION

- 3. Name of municipality.....
- 4. Town.....
- 5. Ward

B. SERVICE DELIVERY

(i) ROADS

(a) What has the condition of roads been in the past three years?

2005

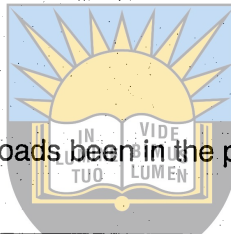
Good	<input type="checkbox"/>	Poor	<input type="checkbox"/>	Weak	<input type="checkbox"/>
------	--------------------------	------	--------------------------	------	--------------------------

2006

Good	<input type="checkbox"/>	Poor	<input type="checkbox"/>	Weak	<input type="checkbox"/>
------	--------------------------	------	--------------------------	------	--------------------------

2007

Good	<input type="checkbox"/>	Poor	<input type="checkbox"/>	Weak	<input type="checkbox"/>
------	--------------------------	------	--------------------------	------	--------------------------



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(b) Is there any comment /recommendation/and plans in place that you would like to share with regards to roads?

.....

.....

.....

(ii) ELECTRICITY

(a) How was electricity supply in the past three years? Mark the appropriate box.

2005

Good	<input type="checkbox"/>	Poor	<input type="checkbox"/>	Weak	<input type="checkbox"/>
------	--------------------------	------	--------------------------	------	--------------------------

2006

Good	<input type="checkbox"/>	Poor	<input type="checkbox"/>	Weak	<input type="checkbox"/>
------	--------------------------	------	--------------------------	------	--------------------------

2007

Good	<input type="checkbox"/>	Poor	<input type="checkbox"/>	Weak	<input type="checkbox"/>
------	--------------------------	------	--------------------------	------	--------------------------

(b) Who is your electricity supplier?

© How do you get electricity?

(d) Is there any comment/recommendation you would like to make in order to improve this service?

(iii) WATER AND SANITATION

(a) How was service rendered in the past three years?

2005

Good		Fair		Poor	
------	--	------	--	------	--

2006

Good		Fair		Poor	
------	--	------	--	------	--

2007

Good		Fair		Poor	
------	--	------	--	------	--

(b) What types of toilets do you have in your community?

© Do you have water in your area?

Yes	No
-----	----

(d) How is the water supplied?

(e) Are water related problems responded to immediately when you report them?

Yes	No
-----	----

(f) Is there any comment/recommendation you would like to make with regards to supply of water and sanitation?

(iv) REFUSE REMOVAL

(a) How was removal of refuse handled in the past three years?

2005

Good		Fair		Poor	
------	--	------	--	------	--

2006

Good		Fair		Poor	
------	--	------	--	------	--

2007

Good		Fair		Poor	
------	--	------	--	------	--

(b) Is there any improvement in the area?

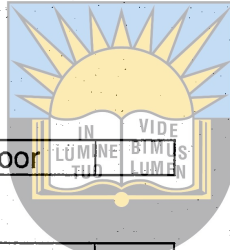
Yes	No
-----	----

Comment.....

(d) If you were given a chance to suggest means to improve this service what would you say?

.....

(v) HOUSING



2005

Good		Fair		Poor	
------	--	------	--	------	--

2006

Good		Fair		Poor	
------	--	------	--	------	--

2007

Good		Fair		Poor	
------	--	------	--	------	--

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(m) Are there some RDP houses that have been built in your municipality in the period 2000-2007?

Yes	No
-----	----

(n) Who are the people who benefited in the provision of these houses? You can mark more than one box.

Categories of people	Few	Many	None
Not working			
Low income			
Professional people (teachers, nurses etc)			
Business people			

(o) Did community leaders help to explain the municipality's plan to provide people with houses?

Yes	No
-----	----

(p) Does your municipality have other plans for other houses?

Yes	No	Not sure
-----	----	----------

(q) Does the municipality involve the communities through public participation?

Yes	No
-----	----

(r) How is the service rendered by the councillors?

Good	Fair	Poor
------	------	------

(s) Do you pay rates for your property?

Yes	No
-----	----

(t) Are the people clear about the rates and the policy around that?

Yes	No
-----	----

(u) What are the highlighted service areas you would like to appreciate your municipality for?

.....
.....
.....

(v) If you could be given an opportunity to improve service delivery in the above mentioned areas what would you do?

.....

.....

(w) Your participation in this questionnaire is highly appreciated. Thank you.



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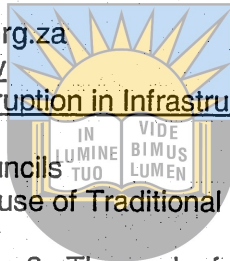
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