

Your voice. Your community. Your power.

LOCAL GOVERNMENT PAMPHLET SERIES

Understanding Local Government



This pamphlet provides information on local government in South Africa. Municipalities are very important and provide the services that allow us to live dignified and healthy lives.

What should municipalities be doing?

Sections 152 and 153 (Chapter 7 on Local Government) of the Constitution say that local government must be honest, listen to your needs, and take responsibility for decisions. Local government's responsibilities are mainly to provide basic services. But a municipality's work isn't limited to service delivery. **Developmental local government** is also about improving the day-to-day lives of people, especially poor households. This means municipalities must work with people and organisations within their communities to find helpful ways to meet social, economic and material needs, to ensure a better life for everyone.

The **main goals** of local government are to:

- Be fair, open, honest, and responsible
- Ensure the availability of services and that they meet the community's needs
- Promote socio-economic development
- Promote a safe and healthy environment
- Help communities to be more involved in the choices and decisions of local government

What services are municipalities responsible for?

Schedule 4b and 5b of the Constitution set out the responsibilities of local government. These include:

- Water and sanitation
- Electricity
- Refuse removal
- Land use decisions
- Childcare facilities
- Firefighting facilities
- Public transport
- Building regulations
- Municipal parks, recreation, and sports facilities
- Street lighting
- Street trading



Developmental local government is local government committed to working

with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives.

Cooperative governance

The South African Constitution divides the government into three levels or spheres: **local government**, **provincial government**, and **national government**. The spheres are distinct, interdependent and interrelated. They all follow the rules in the Constitution and the laws made by Parliament. All three levels can pass laws (legislative function) and carry out plans into action (executive function). While each level has its own responsibilities and can work on its own, they must also work together as a team to make sure that all services reach us.

An important thing to note is that **local government is not an office of the national or provincial government**, but its own level of government, with people you have elected (councillors) and resources that are specifically allocated.

COGTA

The Department of Cooperative Governance and Traditional Affairs (COGTA) is responsible for ensuring that all levels of government work together effectively.

Categories of municipalities

There are three different types of municipalities:

Category A

Metropolitan Municipalities (Metros)

8 biggest cities in South Africa

Extensive powers & responsibilities

Council up to 270 Councillors

50% Proportional Rep, 50% Ward Councillors

Category B

Local Municipalities (LMs)

Areas outside metros (town + rural)

Share authority with District Municipality

Council split: 50% PR, 50% Ward Councillors

Category C

District Municipalities (DMs)

3-6 Local Municipalities together

Coordinate development & share resources

Council: 40% directly elected PR, 60% LM representatives

Who is involved in local government?

When people think about municipalities, they often think about the councillors and the officials or workers employed in the administration. But the law states that **the local community is as much a part of the municipality as are its political structures and administration.**



A municipality consists of the political structures and administration of the municipality, and the community of the municipality.

Section 2(b)(i) and (ii) of the Municipal Structures Act

A collaborative approach to local government

Collaboration between the administration, councillors and local community is important. The diagram below shows the **three pillars of local government and how they work with each other.** The power to make decisions flows from the local community to their elected representatives and structures, to the administration, which must act on these decisions. In return, the administration needs to report to political structures, and elected representatives report back to residents and communities.



1. The local community

What is “the local community”?



The local community consists of:

- People living in the municipality (including poor people and disadvantaged groups).
- People who pay rates and services to the municipality.
- Civic organisations, non-governmental organisations (NGOs), private sector, labour organisations, churches, community forums, etc.
- Visitors and other people living outside the municipalities who use the services and facilities in the municipality.

Everyone in the local community has the right to:

- Take part in the municipality’s decision-making processes.
- Complain and/or make recommendations regarding what happens in the municipality, either in writing or in person, and expect a quick response.
- Be regularly informed of decisions made by council that may affect you, as well as the municipality’s situation.
- Request that council and committee meetings are open, conducted fairly, and are not driven by personal gain.

Ward committees are elected to represent the needs and interests of local communities in municipalities. *For more info see the COMPACT pamphlet on ward committees.*

2. Political structures

The council is the highest political decision-making structure in a municipality. It has both legislative and executive authority:



- **Legislative authority** refers to the power to pass by-laws, determine the municipality’s policies and budgets, and conduct oversight of the municipality’s work as a whole.
- **Executive authority** refers to the power to lead, oversee, and coordinate the work of the administration and the carrying out of policies and programmes.

MUNICIPAL STRUCTURES AND ROLE-PLAYERS

Councils are made up of a number of structures and role-players, all of whom have different legal powers and duties. These include:

- **Councillors:** elected ward councillors and proportional representation (PR) councillors each have a seat in the council, and together they are responsible for representing your interests, participating in policy-making and oversight, and ensuring effective governance and service delivery within the municipality.
- **Speaker:** the councillor elected by council to convene its meetings, set the agenda for meetings, and enforce the Code of Conduct for Councillors (COCC). The speaker is the custodian of public participation and oversees ward committees in a municipality.
- **Executive Mayor or Mayor:** in a mayoral collective system there is an executive mayor with substantial executive power, assisted by a mayoral committee. In a collective executive system the mayor is ceremonial and executive power is shared by an executive committee.
- **Mayoral or Executive Committee:** many municipal councils have an executive mayor who appoints a mayoral committee (often referred to as “Maycom” or “Mayco”) that acts like a local cabinet, assisting politically with leading the development and implementation of programmes. The executive mayor is the chairperson. Some councils are established as executive committee (often referred to as “Exco”), as determined by the MEC for local government. Council elects councillors to executive positions and power is shared more collectively.
- **Oversight and Portfolio Committees:** Portfolio Committees are groups of councillors which focus on specific portfolios and issues in depth. These are advisory committees to the executive committee or mayoral committee. Such committees serve as the link between the administration and the political structure, and parallel key municipal functions and departments, e.g. water and sanitation. All councils should have Section 79 oversight committees, including finance and municipal public accounts committees (MPAC).
- **Whips:** senior councillors from each political party whose role is to ensure that all party members vote and speak in accordance with that party’s policies. They also set meeting agendas with the speaker and assign councillors to committees.
- **Chief Whip:** the whip of the party with the most votes (the ruling party). They assist the speaker in managing the council.
- **Party caucuses:** a space where each political party brings its councillors together to discuss their position on budgets, plans, policies, or by-laws.

For more info see the COMPACT pamphlet on municipal councillors

The municipal council elects the **Chief Whip**, who must ensure fair representation in council and committees, maintain good relations among parties, update whips on key agenda items, assist the speaker with vote counting, facilitate coordination between executive and oversight structures, and help resolve disputes among senior council leaders.

3. The Administration

The municipal administration, also known as the **public service**, is made up of appointed individuals who implement (carry out) policies and plans to deliver services. Municipal officials and workers are not elected and work for the municipality regardless of the political party in power. They should have the skills and experience for the tasks they must carry out, for example, engineering or town planning.



The head of the administration is the **municipal manager (MM)**, who works with a team of **senior managers (known as section 56 managers)** who lead different departments in the municipality.

The municipal administration **should**:

- Be aware and act on the needs of the community
- Help build a culture of service and responsibility amongst staff
- Take measures to prevent corruption
- Create clear relationships, work together, and communicate with the community
- Give full and correct information on the level and standard of services people are meant to receive
- Inform on how the municipality is managed, the costs involved, and the people in charge

The municipal manager and senior managers must sign performance agreements, which should be available on the municipal website.

For information on municipal planning, implementation and budgeting, see the *COMPACT Working Towards Collaborative Local Government* guide.



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