# Effective Ward Governance System





SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION

SALGA

*Inspiring service delivery*





# EFFECTIVE GOVERNANCE, ACCOUNTABILITY AND RESOURCING MODEL FOR WARD COMMITTEES

## 1. Introduction:

Chapter 2 of the Local Government: Municipal Systems Act, 2000, requires municipalities to strive, within their capacity, to achieve the objectives set out in Section 152 of the Constitution. These relate, among other things, to the development of mechanisms to consult the community and community organisations in the performance of their functions and the exercising of their powers and to annually review the needs of the community and municipal priorities.

Output 5 of the Delivery Agreement of the Minister of Co-operative Governance and traditional Affairs is to deepen democracy through a refined Ward Committee model. The latter process has, however, not be completed.

## 2. Background:

While acknowledging that public participation is an integral part of local democracy and participatory local governance and that the involvement of communities and community organisations in the matters of local government is one of the objects of local government, SALGA sees ward committees as only one of the methods to be used to ensure public participation and community involvement in the municipality.

Formal ward committees have been established in all but one municipality. It is evident that there is a strong willingness by municipalities to encourage public participation, and in particular through effective ward committees, and therefore there does not appear to be a need to oblige municipalities to establish ward committees. Rather, the focus should be on the effective operation of such ward committees, with specific regard to the governance model, a model for accountability and the resourcing thereof.

The SALGA 2011 conferences considered a report on public participation and ward committees and resolved as follows:

- *Focus should be on the effective operation of ward committees, with specific regard to the **governance** model, a model for **accountability** and **resourcing** thereof.*
- *Role of CDWs should be kept distinct from that of ward councillors and ward committees.*

## 3. Legislative framework for ward committees

Ward committees and its establishment are provided for in the Local Government: Municipal Structures Act, 1998. In short, the following legal principles are applicable to ward committees:

- **'ward committee'** is defined as a ward committee established in terms of section 73 of the Local Government: Municipal Structures Act, 1998;
- the object of a ward committee is to enhance participatory democracy in local government;
- only metropolitan and local municipalities of the types that include ward participatory systems may elect ward committees;
- if a municipality establishes ward committees, it must establish a ward committee for each ward in the municipality;
- ward committee consists of the councillor representing that ward in the council, who must also be the chairperson and not more than 10 other members;
- the municipality must make rules regulating:



- the procedure to elect the members of a ward committee, taking into account the need for women to be equitably represented in a ward committee and for a diversity of interests in the ward to be represented,
- the circumstances under which those members must vacate office,
- the frequency of meetings of ward committees;
- a ward committee may make recommendations on any matter affecting its ward to the ward councillor or through the ward councillor, to the municipality, the executive committee or the executive mayor;
- has such duties and powers as the metro or local council may delegate to it in terms of section 59 of the Local Government: Municipal Systems Act, 2000;
- members of a ward committee are elected for a term that corresponds with the term of the municipal council;
- if a vacancy occurs among the members of a ward committee, the vacancy must be filled in accordance with a procedure determined by the municipality;
- a municipality may dissolve a ward committee if the committee fails to fulfil its object.

Local Government: Municipal Structures Act: National Framework: Criteria for Determining out of Pocket Expenses for Ward Committee Members, 2009 provides for the re-imbursement of out of pocket expenses of ward committee members. This framework is further alluded in the section 6, resourcing of ward committees.

In June 2005 the (then) Department of Provincial and Local Government published Guidelines for the Establishment and Operation of Municipal Ward Committees. The purpose of the guidelines was to supplement the legislation by providing uniform guidelines to ward committee members, councillors and officials on the procedures to be followed in establishing ward committees, how they are intended to operate and the conduct of ward committee members. The guidelines provide valuable guidance on the objects of the ward committee, as well as the role of the ward committee and the role of the ward councillor in relation to the ward committee. SALGA however has additional proposals with regard to the governance; accountability and resourcing of ward committees as set out below.

## 4. Governance model

### 4.1 Purpose of the ward committee:

The purpose of the ward committee should be to strengthen democracy in the ward by creating a platform in the ward where all interest groups are given an opportunity to identify their needs and raise their concerns, in order for a total ward need analysis and priority list to be prepared by the ward councillor. The ward committee may also monitor the performance of the municipality and raise issues of concern to the local ward and assist with community awareness campaigns e.g. waste, water and sewage, payment of fees and charges, as members know their local communities and their needs.

### 4.2 Structure of the ward committee:

The terminology used, being a committee, creates the impression of an elitist group in a ward identifying matters to be raised with the councillor and municipal council. This myth should be dispelled. In order to have true local democracy and community participation on ward level, more focus should be placed on ward meetings as opposed to ward committee meetings.





The form of the ward meetings may differ according to the local circumstances of each ward, but in principle regular local gatherings in the form of inclusive ward meetings should be arranged by the ward councillor with the assistance of the municipal administration, in order to identify all interest groups in the ward and to address matters of concern in the ward and matters that needs to be elevated for attention. Based on the interest groups and the needs analysis of a specific ward, a smaller committee or work group can be established to assist the ward councillor to interact with the council on these matters and to further formalise the ward structure.

The concept of ward meetings will ensure a better participation of interest groups in ward structures and ensure the inclusivity required for true local democracy. Ward committees must represent all interests in the ward and therefore, the principle of consensus in matters should apply as opposed to voting on matters. The ward councillors as well as his or her committee should be biased towards the needs of the ward.

It is proposed that the ward committee be structured in such a way that it provides for both geographical representation as well as sectoral representation (interest groups). The manner in which the said groups will be represented, will be subject to local circumstances, for example in rural areas the geographic representation might require a greater proportion as opposed to high density urban areas that might require a greater proportion of sectoral representation. From the aforesaid it is clear that ward committees should be independent structures rooted within civil society and should not be extensions of political parties. Added to this principle, the role of ward councillors is critical to the effective functioning of ward committees and councillors should have a strong commitment to non-partisanship and participatory development.

The ward committee or working group should be a support mechanism for the ward councillor to formalise the needs analysis of the ward and to enable the ward councillor to make submissions to the council on matters emanating from his or her ward. SALGA in 2011 adopted a code of Conduct for Ward Committee Members to be signed upon election The aims and objective of the said document are to set out the functions of a member of the ward committee and to specify the standards of integrity and conduct to be observed by ward committee members in their role to assist the municipality to meet its objectives and standards, in accordance with its current IDP, to enhance the image, credibility and accountability of the council to the community in a specific ward where such a member serves and maintain the trust, respect and co-operation between members of the ward committees and all members of the community represented in the ward. The document also includes a pledge to be signed by members of ward committees.

### 4.3 Meetings of the ward and ward committee:

The ward councillor is responsible to call all ward meetings as well as ward committee meeting. He/she should ensure that a schedule of meetings for both ward meetings and ward committee meetings are prepared for each financial year in order to ensure maximum participation in the meetings.

In practice, it is proposed that, where logistically possible, ward meetings should be held quarterly and ward committee meetings monthly. At the ward meeting, the ward councillor must be able to provide feedback to the community on the Service Delivery and Budget Implementation Plan as far as it relates to his or her ward, and also progress made on matters of concern brought to the attention of the councillor, irrespective of whether matters were raised in the formal ward governance structures or in the normal day to day activities of



the ward councillor. The ward committee should report back on its activities and all ward committee reports submitted to the council must be made available to the ward members.

### 4.4 The role of Community Development Workers:

The Community Development Worker appointed in a ward must support the ward councillor by assisting to clarify which matters are municipal competencies and should be referred to the ward councillor, but also facilitating those matters that are the responsibility of other spheres of government and to assist community members to direct them where matters are to be dealt with by other spheres or to access services. The role of the CDW should not become infused in the ward committee system. CDWs is a special cadre of public servants that were meant to cut across and serve all three spheres of government, not be a local government employee.

## 5. Model for accountability

The location of the public participation office in the formal structure of the municipality is less important than the coordination between this office and that of service departments in the municipality, as such coordination is the key for success in providing feedback to ward councillors and ward committees on matters emanating from wards. One of the primary functions of ward committees should be to act as a communication channel between communities and municipal councils, and vice versa and this role should be more effectively communicated to communities. Ward committees should be accountable for their activities to the communities they represent, and not only to councillors or municipalities

Each municipality, according to the principle of a differentiated approach supported by Outcome 9, Output 7, should develop a system of accountability to determine how the accountability between the ward and the municipality will be dealt with. The number of wards in the municipality will have to be taken into account in this respect.

Areas of accountability in the ward include the following:

- ward committee member - ward committee
- ward committee member – constituency
- ward councillor – ward committee
- ward committee – ward residents
- ward councillor – ward resident
- ward committee – CDW
- ward councillor – CDW
- ward committee member – CDW
- CDW – ward residents
- ward committee – municipality
- municipality – ward councillor
- municipality – ward committee

There need to be institutionalised mechanisms for communication between municipal councils and ward committees to provide for input from ward committees to be channelled to key decision-makers within council. Input from ward committees needs to be acted upon, otherwise they risk becoming discredited structures in the eyes of communities.

One of the key tests of the effectiveness of ward committees is their impact on council decision-making.





## 6. A model for resourcing

One of the obstacles for effective ward committees is the lack of continuous involvement in terms of administrative and financial support by the municipalities. Many municipalities simply have not been in a position (or perhaps have not seen sufficient need) to budget for capacity building and training of ward committees. The predominance of these factors in the ward committee is symptomatic of the challenges experienced by local government in general governance and not peculiar to the ward committee system and should be seen in that context. Any funding stream channelled to municipalities must support the complete public participation process and not only be focussed on ward committees.

The municipality must assist the ward councillor with institutional support such as notices of ward meetings and ward committee meetings as well as venues and secretarial services. Municipalities should have communication strategies to support ward committees, in the following manner:

- municipalities should put as much information as possible about the functioning of the municipality and programmes and projects at the disposal of ward committees;
- information needs to be carefully packaged to be as accessible as possible;
- documents should be written in appropriate language, translated into local languages where possible, and should not use technical jargon.

Ward committees cannot function effectively without receiving capacity building and training from municipalities. Such training should include induction of ward committee members after election of ward committees as well as learning between ward committees in the same municipality as well as other municipalities.

Ward committee members may, in terms of the Local Government: Municipal Structures Act: National Framework: Criteria for Determining Out of Pocket Expenses for Ward Committee Members, 2009 receive a limited stipend to reimburse them for costs incurred, but the remuneration of ward committees as a principle is not supported, as it will then become a clear duplication of the functions and duties of a ward councillor. In terms of the framework, provincial governments must determine provincial specific frameworks and criteria in this regard. Where provinces have not developed such frameworks and criteria, municipalities can determine its own policy for the reimbursement. The national framework determines that certain criteria need to be met before reimbursement can take please, being:

- **Ward size:**
  in rural area the size of the ward will be very relevant as this may require a bigger reimbursement to be made in order to cover the cost of travelling within the ward;

- **Population size:**
  in a high density urban area the population size will be more relevant, as this aspect, rather than distances travelled, will be a determining factor;

- **Ward committee functionality:**
  ward committee functionality can be measured according to the number of ward meetings, number ward committee meetings and attendance thereof by individual ward committee members, number of reports submitted to the ward councillor and/or municipal council, number of reports submitted to the ward meeting and submissions made to the council in terms of the IDP and budget process;



- **financial viability:**
  although the affordability aspect must be considered by the municipality, a barometer that can be used in this regard is whether the MEC for local government concurred on the salary increases for councillors, as the latter is based on the financial viability of municipalities. This aspect needs to be considered annually based on the financial position of the municipality.

  In addition to the aforesaid, the municipality, if it resolves to provide for re-imbursements, can determine the amount and the manner in which the re-imbursement will take place, and such payment needs to be provided for in the annual budget of the municipality.





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