

# An analysis of metropolitan governance and institutional issues in South Africa

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## ABSTRACT

*The main objectives of this article is to gauge to what extent metropolitan governments have led to the improvement of service delivery and to investigate how the existing governing and institutional frameworks are working for metros. Evidence suggests that the creation of widely drawn single-tier municipalities encompassing the whole city is a better governing model than the two-tier system. It has also led to the embodiment of the one city, one tax base slogan. It has also contributed to improved service delivery although there are still backlogs due to immigration. There is evidence to suggest ordinary councillors are not communicating effectively with their constituencies. Part of the problem is that they do not have delegated powers and functions, even though they have constituencies to which they are accountable. The local government electoral system of 50% ward councillors and 50% proportional representation (PR) councillors has led in some cases to bloated councils with a number of PR councillors contributing little to the governing function. While there are some ward committees that are functioning, the evidence suggests that the majority of these structures are not working particularly well. They are too politicised and do not appear to promote public participation. Literature suggests that there is limited public participation in integrated development plans. Community Development Workers do bring some benefits to metropolitan municipalities and support councillors in some instances. However, there is some concern about their relationship with elected councillors and the implications for democratic accountability.*



## INTRODUCTION

The new constitutional framework vested the South African local government with a great deal of decentralisation. Local government has substantial autonomy to govern its affairs. However it has not led to the desired outcomes. A 2009 report from COGTA (Department of Cooperative Governance and Traditional Affairs 2009) highlighted the general poor performance of local government.

As a result of this report, a *turn around* strategy for local government was put in place. COGTA's report was on all 283 (now 278) a municipality in the country and much of it is about the inability of smaller municipalities to perform their functions and conform to rigorous reporting criteria. Can the results be generalised to the six metropolitan municipalities (since the 2011 municipal elections, eight) (hereafter metros)? The report does admit that it could paint a rather skewed picture of local government, wherein the challenges of the majority of municipalities overshadow the more positive impact that those few municipalities that are well capacitated and effective could be having on the larger proportion of the population (COGTA 2009:34).

The report (COGTA 2009:22) does recognise the special status of metropolitan government. It states that metros (and the secondary cities) are well established and consolidated, but they face sustainability challenges due to urbanisation and in-migration that is accompanied by high levels of household poverty. However, the report does not go into major detail on how to improve the status of metropolitan government. This article aims to contribute towards a better understanding of the metropolitan government system. There is a concern that the development of the country's local government system has not sufficiently appreciated the uniqueness of metros. The main objectives are: to gauge what extent metropolitan governments have led to the improvement of service delivery; to investigate how the existing governance and institutional frameworks are working for metros.

The article is an analysis of metros in the second term of democratic local government (2006 until the 2011 local government elections).

## METHODOLOGY

The following methodological sources were used:

Data bases on metropolitan government were consulted. This included data from Stats SA, Municipal Demarcation Board (MDB), Treasury, COGTA and individual municipalities.

A literature review included perusing information from both official national, provincial and local government documents, as well as from secondary resources such as academic and consultants' reports.

20 interviews were conducted with:

- senior officials from the provincial governments of Gauteng, KwaZulu-Natal and the Western Cape;
- senior officials from the eThekweni, Johannesburg, Tshwane, Nelson Mandela and Cape Town municipalities;
- senior officials from the Treasury;
- a representative from SALGA;
- the former chairperson of South African Cities Network;

- an official from the Gauteng City Region Observatory; and
- local government consultants.

## DEVELOPMENT OF METROPOLITAN GOVERNMENT IN SOUTH AFRICA

In terms of interim phase of government (1994/5-2000), two-tier metropolitan governments were created in the Western Cape, Gauteng and KwaZulu-Natal provinces. In the Western Cape the Cape Metropolitan Council was established. Gauteng had four metropolitan councils namely Greater Johannesburg, Greater Pretoria, Khayalami and Lekoa Vaal. Greater Durban metro was created in KwaZulu-Natal (Cameron 1999).

Unlike the interim Constitution, the final *Constitution of the Republic of South Africa*, 1996 did not make provision for separate categories of metropolitan, urban and rural local government. Section 155(1) of the final Constitution makes provision for category A, B and C municipalities. The definitions are:

- Category A: A municipality that has exclusive municipal, executive and legislative authority in its area.
- Category B: A municipality that shares municipal, executive and legislative authority, in its area, with a Category C municipality within whose area it falls.
- Category C: A municipality that has municipal, executive and legislative authority in an area that includes more than one municipality.

The new constitutional framework also vested local government with a great deal of decentralisation. South Africa historically had a centralist form of government with provincial governments controlling the scope of local government through provincial ordinances that defined their functions and powers. Local government legislation also had to be approved by provinces. This changed quite substantially under the final system of local government. Theoretically, the new Constitution uplifted local government from a subordinate level of government to a significant sphere with original powers in its own right. Provision was no longer made for levels of government. Instead, a three-sphere system of government was introduced in which the spheres are distinctive, interdependent and interrelated, with the principle of co-operative government underpinning intergovernmental relations (Cameron 2001; Pimstone 1998).

The Constitution, 1996 states that a municipality has the right to govern, on its own initiative, the local government affairs of the community, subject to the national and provincial legislation as provided for in the Constitution. Municipalities now have constitutionally guaranteed functions.

Although national government and provincial government may regulate local government, this must be done in a way that does not compromise its ability or right to govern (Cameron 2001; Pimstone 1998; Yacoob 1996).

### Creation of Category A metropolitan municipalities

The *White Paper on Local Government*, 1998 showed a clear preference for a single-tier system of metropolitan government. The goals of the White Paper were embodied in



legislation in the form of the *Local Government: Municipal Structures Act*, which was passed in December 1998.

The most important change was the replacement of the two-tier metropolitan system with Category A authorities. Section 2 of the Act states that:

An area must have a single Category A municipality if that area can reasonably be regarded as:

- a conurbation featuring :-
  - areas of high population density;
  - an intensive movement of people, goods, and services;
  - extensive development; and
  - multiple business districts and industrial areas.
- a centre of economic activity with a complex and diverse economy;
- a single area for which integrated development is desirable; and
- having strong interdependent social and economic linkages between its constituent units.

This definition is a description of metropolitan areas, which means that category A municipalities would be introduced in such areas only. The experience of the two-tier system had not been a happy one, particularly in Johannesburg where it contributed to a lack of clarity between functions, powers and finance, which, in turn, led to serious financial problems (Cameron 1999).

Metropolitan municipalities had the option of creating sub-councils or ward committees. Sub-councils consist of ward councillors representing the ward, along with some proportional representation councillors. Ward committees consist of the councillor of the ward and up to ten representatives of civil society. Neither structure has inherent powers nor depend on delegation from metros. The difference between the two bodies is that sub-councils are primarily intended to be decentralised administrations, while ward committees are intended to be a vehicle to promote local democracy and participation (Cameron 2000).

## **Metropolitan government reorganisation 1999/2000**

The Municipal Demarcation Board (MDB) was entrusted with the authority to demarcate local government boundaries in the country. It undertook a study in 1999 of metropolitan areas and large Transitional Local Councils (TLCS, which were non-metropolitan local government structures), with the aim of evaluating them against the criteria in the *Local Government: Municipal Demarcation Act*, 1998 for determining metropolitan areas in legislation (Municipal Demarcation Board 1999). The urban conurbations working group was set up by the MDB to examine possible metropolitan options. This committee examined Statistics SA data, most notably the 1996 census and household surveys, and also considered submissions from stakeholders.

Based on its research, the MDB created six single-tier metropolitan authorities:

- Greater Johannesburg
- Greater Durban (now called eThekweni)
- Greater Cape Town
- Greater Pretoria (now called Tshwane)

- East Rand (now called Ekurhuleni)
- Port Elizabeth-Uitenhage-Despatch (now called Nelson Mandela Bay) (Cameron 2000).

## Single-tier metropolitan government system and service delivery

There have been some studies considering the performance of metropolitan government in South Africa (Cameron 2000, 2005, Pieterse 2002, MCA Planners and Oranje 2005).

MCA Planners and Oranje (2005:14) concluded that the (single-tier) metro was *the right scale* at which interventions in the South African cityscape could be made, and that it made it possible to plan for metropolitan transportation and land development in a co-ordinated and integrated way. The single-tier model was a far better vehicle for integrated land-use, transport and infrastructure investment than the two-tier system which had hitherto existed. The South African Cities Network (2007:92) stated that the creation of single-tier municipalities with widely drawn boundaries encompassing whole cities has promoted the scope for even more effective urban management.

Virtually all interviewees supported the widely-drawn single-tier metropolitan authority boundaries created by the MDB. This came out strongly in the Johannesburg, Tshwane and Nelson Mandela Bay interviews. While there was a debate precisely where the boundaries should be, all agreed that the MDB largely succeeded with the delimitation.

The interviewees indicated that the single-tier system has led to the embodiment of the *one city, one tax base* slogan and the inclusion of the poor into the city. It was argued that metro government works because there is a single integrated budget where funds can be raised in wealthy areas and redistributed to poor areas. There are no longer the apartheid boundaries and the *status quo* should be maintained. It was argued that the notion that the metros are too large and should be divided into smaller areas should be rejected. There had also been the move away from the dysfunctional two-tier system which, as pointed out, had led not only to the inefficient division of functions and powers but also contributed to the virtual bankruptcy of Johannesburg due to the misallocation of financial resources between the two tiers of government.

The South African Cities Network (2007:92) points out that while widely drawn municipal boundaries have enabled much better city government, there remain key instances where the urban area extends across city boundaries. This occurs most significantly in Gauteng, where three metropolitan councils adjoin one another. Although of lesser significance, it is also a feature of the eThekweni-Msunduzi area.

Five of the metros have identifiable dominant administrations within which most reorganisation took place. The exception has been Ekurhuleni, which consisted of approximately 11 medium-sized municipalities, making the creation of a single metropolitan municipality with a single, integrated administration particularly challenging (South African Cities Network 2006:67).

The concern about the lack of integration in Ekurhuleni was raised in the interviews, but there was consensus that changing structures now would set the metropolitan authority back even further.

Most interviewees agreed that single-tier metros had led to significant service improvement. This was borne out in the service delivery statistics in Table no1.



**Table 1 Access to Services: 2007**

	Access to piped water	Mains electricity	Refuse collection by municipality	Flush toilet	Average Access to services
City of Cape Town	98,73	81,3	95,49	92,77	92,07
Ekurhuleni	98,36	67,4	88,89	69,71	81,09
eThekweni	94,89	74,41	86,21	85,03	85,14
City of Johannesburg	97,03	80,19	93,93	89,44	90,15
Nelson Mandela Bay	98,65	64,84	89,64	87,57	85,18
City of Tshwane	95,3	74,21	80,81	73,05	80,84

Source Statistics South Africa, 2007.

Table 1 explains access to the four main services, namely water, electricity, refuse collection and flush toilets. It then averages access across the four services. It can be seen that in two municipalities (Cape Town and Johannesburg) the average access of services is over 90% while it is over 80% in the other four metros.

This data from SALGA in Table 2 includes what were then aspirant metros (Mangaung, Mzunduzi and Buffalo City) into its metro category. Nevertheless it does not detract from the fact that the service backlogs in metros are considerably lower than in secondary cities and rural municipalities. This is partly due to the fact that the metros are considerably wealthier than non-metros with much higher Geographical Value Added (GVA-a measure of municipal activity in the local sphere).

Furthermore, metros have the resources to pay more than the minimum level for free services. It has been government policy since December 2000 that municipalities provide six kilolitres of water and 50 kilowatts of electricity free to each household monthly. Most municipalities are providing free services in one form or another. Most provide free services to all residents but some offer them to indigents only (Portfolio Committee on Provincial and Local Government 2003). Some municipalities provide more than the minimum requirements. For example, Tshwane provides 100 kilowatts of free electricity, Nelson

**Table 2 Socio-economic differentiating factors**

Criteria	Large and aspirant metropolitan cities	Secondary cities, large regional and peri-urban towns	Rural municipalities
Average GVA per capita	R39 686	R22 854	R4 184
Formalised households	79%	55%	8%
Households no water	2%	8%	34%
Households no sanitation	13%	29%	69%
Households no electricity	21%	25%	45%

Source SALGA, 2010.

**Table 3 Population density**

Municipality	Population 1996	Population 2001	Population 2007	%Population growth 1996–2001	%Population growth 2001–2007	%Total growth
Johannesburg	2 639 110	3 225 812	3 888 180	22,23	20,53	42,76
Tshwane	1 682 701	1 983 983	2 345 908	17,9	18,24	36,14
Cape Town	2 563 612	2 893 246	3 497 097	12,86	20,87	33,73
Ekurhuleni	2 026 807	2 480 277	2 724 229	22,37	9,84	32,21
eThekweni	2 751 193	3 090 121	3 468 086	12,32	12,23	24,55
Nelson Mandela Bay	969 771	1 005 778	1 050 930	3,71	4,49	8,2

Source Statistics South Africa 2007.

Mandela Bay provides eight kilolitres of water and 75 kilowatts of electricity, Ekurhuleni provides nine kilolitres of water to indigents and 100 kilowatts of electricity and eThekweni provides nine kilolitres of water and 65 kilowatts of electricity.

Despite these service delivery improvements, there are still high levels of backlogs. MCA Planners and Oranje (2005:12) state that despite service delivery improvements, metros were simply not able to keep up with the high levels of in-migration and household formation. The high levels of growth can be seen in Table 3.

It can be deduced that there has been growth in most urban areas between both 1996 and 2001 and between 2001 and 2007. If one examines the 2001 to 2007 data in metropolitan areas one can deduce that the growth rates vary from 4, 49% in Nelson Mandela Bay to 20, 87% in Cape Town. This population growth has implications for service delivery and population growth.

What are the reasons for this urban growth? The South African Cities Network (2004 and 2006) states that migration accounts for most of the city growth. However, some of this migration is circular migration, where members of rural households move to cities to find work, while maintaining contacts with rural areas. City to city migration also occurs.

The City of Cape Town (2009A:13) states that housing, population growth and associated infrastructure backlogs can be ascribed to the increasing influx of people into the city. Rapid growth has placed tremendous strain on current infrastructure (which is most acutely experienced in water, waste removal, electricity, roads and storm water services), and has necessitated the provision of new infrastructure. This in turn has put strain on the city's finances.

High levels of capital investment are required to eradicate infrastructure backlogs in Nelson Mandela Bay (Nelson Mandela Bay 2009A:211). Typical of large metros in South Africa, migration into the municipal area is a key challenge in terms of service provision. The average annual population growth rates of both Ekurhuleni and Johannesburg are higher than the national average and that of the other metropolitan municipalities. The housing backlog remains a challenge for both the Gauteng Provincial Government, which retains

the responsibility for housing provisions to lower-income segments of the population, and for municipalities, which have to provide necessary infrastructure, such as roads, water, sewerage, electricity and urban cleaning (Moody's 2009).

## Representation and governance

### *Executive systems*

The *White Paper on Local Government*, 1998 indicates a clear preference for a stronger executive, in line with global trends in many countries. Legislation, in the form of the *Local Government: Municipal Structures Act*, 1998 embodies this goal of stronger executives.

The two types of executive systems available to metropolitan authorities are:

- *The collective executive system*, which allows for the exercise of executive authority through an executive committee in which the executive leadership of the municipality is collectively vested. Provision is made for a mayor, although he/she is only one member of the collective executive.
- *The mayoral executive system*, which allows for the exercise of executive authority through an executive mayor, in whom the leadership of the municipality is vested and whom a mayoral committee assists.

The collective executive must be composed in such a way that the parties represented on the municipal council are represented in the executive committee in substantially the same proportion that they are represented in council.

Under the mayoral executive system, the mayor may appoint a mayoral committee to provide assistance. He/she may delegate specific responsibilities to the mayoral committee. The mayor is, however, under no obligation to appoint this committee on a proportional basis. The idea was that this would be a cabinet-type structure, with the mayor being free to choose the committee members.

Both forms of executives have similar types of powers, which are cabinet-type functions and include the right to determine service delivery strategies and oversee service delivery, and the right to monitor and review. Provision is also made for the delegation of powers of councils to these structures. The provincial minister of local government decides on the type of local government structure. Most of the African National Congress (ANC)-controlled provincial governments chose the executive mayor system, while the (then) two opposition-controlled provinces, KwaZulu-Natal and Western Cape chose the collective executive system. This meant that Johannesburg, Tshwane, Ekurhuleni and Nelson Mandela Bay metros have mayoral executive systems (Cameron 2005).

There are two provinces that are politically competitive in the local government sphere. The KwaZulu-Natal provincial government has adopted the collective executive system. This was put together when there was an ANC/Inkatha Freedom Party (IFP) coalition running the Province and although the ANC has an absolute majority, this system has continued. Given the political dynamics of the province it was felt it was inopportune to allow executive mayoral committees, which is a *winner takes all* system.

In the Western Cape the DA (Democratic Alliance) opted for a collective executive system. When the ANC (initially in alliance with the New National Party { NNP}) took control of the Province from the DA in 2002, it changed to a mayoral executive system. This

system was retained by the DA-spearheaded multi-party coalition after it regained control of the Province after the 2006 local government elections (Cameron 2005).

Mayors are not elected directly in South Africa. The major parties nominate their mayoral candidates before elections and the respective victorious party simply elects its mayor (whether it is of the executive or non-executive type) at the first council meeting. In practice, executive mayors have assumed extraordinary powers. In terms of the Constitution, 1996 all powers can be delegated to them by councils, except the passing of by-laws, approval of budgets and the raising of taxes, levies, duties and the raising of loans. All metropolitan councils with mayoral executive committees have delegated significant powers to these committees.

Research has revealed that delegations to mayoral executive committees were viewed by some as a positive step. Councillors are playing a far more active role in local government than was previously the case. This has reduced the disproportionate policy-making powers that officials previously enjoyed. Another advantage is that of speedier decision making. Executive councillors, whether through the mayoral executive system or the collective executive system, are now able to make decisions more quickly. Managers do not have to wait for council resolutions to make decisions, a definite benefit in those municipalities where meetings are only held every two to three months (Cameron 2005).

There are, however, concerns that executive mayoral committees are becoming a law unto themselves. This is reflected in the gaps that are developing between mayoral committee members and ordinary councillors. Atkinson (2004:135) points out that decision-making power is effectively centralised at executive level. It has led to ordinary councillors and officials being disempowered and lacking effective powers to influence decision making. The combination of centralisation in both the executive mayoral committee system and at the executive level, and an inability/reluctance to agree on sound political and administrative delegations, has resulted in bottlenecks and a lack of transparency in decision making. Council meetings serve as caucus-driven rubber stamps for decisions taken by mayoral committee members. This concern was also raised in several interviews.

In the Western Cape, which is the most tightly contested province, the executive mayoral system has contributed to great instability in a number of areas, including the City of Cape Town. Constantly changing coalitions have led to both political and administrative instability. The suggestion by the Western Cape Provincial Government is that the current mayoral executive system should be reviewed in order to explore the more inclusive plenary, proportional and collective system (Western Cape Provincial Government 2009).

In an interview the then manager of Nelson Mandela Bay supported the mayoral executive system. He said that delegating power to mayoral committees led to speedier decision making. However, there needed to be a clear distinction between the executive and legislature so that the latter can perform oversight over the former.

## Representation

In terms of the local government electoral system 50% of councillors are elected on a ward basis and 50% on a proportional representation (PR) basis. It can be deduced that the metros have large numbers of councillors in particular, Johannesburg, Cape Town and eThekweni who have over 200 councillors.



**Table 4 Wards and Councillors (2006–2011)**

Municipality	Number of wards	Number of councillors
Johannesburg	109	217
Cape Town	105	210
eThekweni	100	200
Ekurhuleni	88	175
Tshwane	76	152
Nelson Mandela Bay	60	120

Source Independent Electoral Commission 2006.

The mayoral committees are much smaller with the biggest being Johannesburg with 13. This has created governance problems which has already alluded to and will be discussed later in this section.

The *Western Cape Local Government Assessment* found that there was a perception among communities in Cape Town that ward councillors do not communicate with them adequately (Western Cape Provincial Government 2009:19). This concern was also raised by provincial and local government interviewees in Gauteng, KwaZulu-Natal and Western Cape, as well as by a senior Treasury official.

The problem that non-mayoral committee councillors face, is that they do not have delegated powers and functions, even though they have constituencies to which they are accountable. One study showed how ward councillors, in turn, complain that they lack the powers to articulate the needs of poorer communities and to get municipal officials to take up issues on the part of the poor (Hemson 2006).

In the City of Johannesburg (2009A) councillors are consistently frustrated because of a lack of information on both planned service delivery – for example, grass cutting, road resurfacing, tree cutting, major maintenance, initiation of capital projects, deviations from planned delivery – and planned service delivery disruption.

What is problematic in terms of governance is the local government electoral system. As already alluded to, 50% of councillors are elected on a ward basis and 50% on a proportional representation (PR) basis. The local party list PR/ward system has centralised powers in the hands of party leaders. Mayors and councillors owe their positions to the party leaders who put them on the list rather than to those who voted for them. Councillors cannot defect without losing their seats (floor-crossing arrangements have just been abolished, after allowing councillors to defect under highly circumscribed arrangements). A study (Cameron 2003) has shown that the ANC (in Ekurhuleni) and the Democratic Alliance (DA) (in Cape Town) have both removed mayors of metropolitan governments. Accountability is to political leaders rather than to communities.

The concern about the electoral system was expressed by senior City of Johannesburg officials who stated that it has led to huge, bloated councils. There are a number of PR councillors who only attend one council meeting and do little else regarding their representative duties. Consideration should be given to changing the electoral formula to increase the number of ward councillors and reduce the number of PR councillors. Having

more ward councillors could potentially increase the quality of democratic representation. This issue was also raised by other interviewees.

A concern raised by an interviewee about the electoral system was the constant changing of PR councillors by party leaders. People who are previous members of the national legislature have ended up as members of mayoral committees halfway through local government terms, despite not having any local government experience. The electorate voted on the basis of who was on the PR list. He stated that one cannot have a list at the end of the five years that looks completely different to the one for which voters cast their votes.

## Ward committees

Sub-councils and ward committees have been created to promote public participation in South Africa. The choice of sub-councils or ward committees was a provincial responsibility. The ANC-controlled province in Gauteng opted for ward committees after the 2000 local government elections. In eThekweni, neither sub-councils nor ward committees were created until the 2006 local government elections. Ward committees have subsequently been created in this metro. Sub-councils were created in DA-controlled Cape Town. These structures will be discussed later in this article.

A ward committee consists of the councillor representing that ward in the council, who must also be the chairperson of the committee, and not more than 10 other persons. Provision is made for a diversity of interests to be represented, which normally takes the form of sectoral representation.

The *South African Cities Network* (2006:4-59) points out that the effectiveness of ward committees in big cities has been variable, with indications being that many have been ineffective or dysfunctional. There are concerns that they lack functions and powers.

In eThekweni there is concern regarding the effectiveness of ward committees. Some committees report that they seldom meet, if ever. They maintain that there is little support for them regarding office space and equipment. The lack of financial support to offset the expenses that they personally incur and the lack of training have also been mentioned as hindrances. The lack of communication between councillors and committees has led in some instances to committees becoming dysfunctional. (eThekweni 2009:137-138).

Nelson Mandela Bay (2009A:85) points out that it introduced the ward-based planning process in 2007/8, in terms of which members of the community are trained as co-ordinators in identifying ward priorities. These are subsequently fed into the IDP (Integrated and Development Plan) and budgeting processes for implementation.

In terms of the municipality's evaluation of ward committees (Nelson Mandela Bay 2009B) they seem to be working relatively well in historically white wards. Lack of meaningful public participation on the municipal budget and IDPs was raised as an issue in a number of the historically black wards. When it came to service delivery, lack of communication and poor response time between ward committees and municipal officials was also raised as an issue in disadvantaged areas. An interview with a senior official in Nelson Mandela Bay, however, revealed that ward committees were not working particularly well. He stated that the problem was that they were too politicised and operated as branches of the ANC. Members were deployed to ward committees and membership of ward committees was a stepping stone to becoming a councillor.



This view that many ward committee members harbour political aspirations, seeking ultimately to become councillors themselves, was corroborated by another study (Buccus and Hicks 2008). The authors state that ward committee members compete with councillors, politicise development and sometimes wilfully mislead community members, making allegations about corruption and fuelling service delivery riots.

In the City of Tshwane there were also differences between how ward committees worked in historically white areas and black areas. In the former there is a high level of input from previously advantaged areas whereas in the latter, ward committees were used to develop an alternate centre of power. Councillors are set up for failure. There is a tension between councillors and ward committees. There are people who feel they are left out of the deployment process who want power (interview with senior City of Tshwane official 2009).

## **Sub-councils**

Sub-councils were created in DA-controlled Cape Town in 2001. After the DA Coalition won control of the city from the ANC in 2006, it increased the number of sub-councils to 23. It replaced ward committees with ward forums. Sub-councils consist of a logical grouping of wards. Cape Town has 105 wards, so sub-councils typically consist of four to five wards. Sub-councils fall under the political control of speakers of council.

Sub-councils can be chosen on a sector basis, geographical basis or a combination thereof. A sub-council may make recommendations to the council on any matter affecting its area. A sub-council has such powers and duties as the council may delegate to it and may advise the council on what these should be (City of Cape Town 2009B). A number of delegated powers were vested in sub-councils in 2007 including local town planning powers, land-use rezoning and usage of open spaces.

The OECD report on Cape Town (2008:285) states that the agenda of sub-councils is largely driven centrally by full council, and there is limited opportunity to address matters of concern derived from local communities. Interviews suggest this is slowly changing with greater delegated powers been given to sub-councils.

Sub-councils co-exist with ward forums, which fall under sub-councils and are serviced administratively by the sub-council's administration. Ward forums have 20 members as opposed to ward committees' 10 members. Ward forums have advisory powers only and can make recommendations through the ward councillor to the relevant sub-council. They can also monitor and report on service delivery in the ward and make input into the budget and IDP process.

The Western Cape Provincial Government assessment found that communities in the areas where interviews were conducted do not know of the existence of ward forums in Cape Town (Western Cape Provincial Government 2009). In fairness to the municipality, they are a recent creation and should be given time to establish themselves. Perhaps more systematic research is needed on the performance of sub-councils.

## **Integrated development plans**

This section examines the governance implications of IDPs. Public participation is also an integral component of IDPs which are the flagship development tools of municipalities.

An IDP must reflect a council's vision for the long-term development of the municipality with special emphasis on its most critical development and internal transformation needs. It is the primary focus for community involvement in policy (Pieterse 2002). The *Municipal Systems Act, 2000* states that budgets should reflect IDP priorities. Performance indicators also need to be used to measure IDP processes. All municipalities are required to draw up performance management systems. The intention was that final IDPs should reflect the development needs of the new municipality as a whole.

The City of Johannesburg (2009B) concluded that the Integrated Development Plan prior to 2007 was not user friendly, and communities found genuine difficulties engaging with the plan. An official in the Department of Local Government, Western Cape Provincial Government stated that the Cape Town's IDP showed limited consultation with the community, which has impacted upon service delivery.

The City of Johannesburg has attempted greater alignment between IDPs and ward needs given that there is a significant lack of information that is ward specific, (City of Johannesburg, 2009A, Gauteng Provincial Government, 2009). Tshwane has indicated that community mobilisation is inadequate during IDP and budget consultation resulting in a minority contributing towards the decisions of the institution (Gauteng Provincial Government 2009). The City of Tshwane (2009:9) also raised concerns about public participation in the IDP stating that the city does not give sufficient feedback to the communities with regards to their issues and problems and that it do not sufficiently address ward level issues.

A study of public participation of the IDP in eThekweni by Ballard, Bonnin, Robinson and Xaba (2006) concluded that there is some form of public participation, although not necessarily in the form that the drafters of the legislation envisaged. The participation that exists is limited. At one level it is viewed as a tool for officials to moderate and shape expectations of people. However, it is also a conduit for communities to interact with their elected representatives and senior bureaucrats, giving them space to demand greater accountability. Williamson, Sithole and Todes (2006) in a study of IDPs in three municipalities in Kwa-Zulu Natal including eThekweni found that there were limited opportunities to participate. It was a careful top-down controlled process.

There is a general sense that city IDPs have been produced with very limited national or provincial input, despite significant efforts by most cities to involve them in the process (South African Cities Network 2006:4-63). This was corroborated in an interview with a senior Nelson Mandela Bay official. The OECD (2008:84) points out that public participation in IDPs are largely ceremonial given local government's absence of structures to monitor and evaluate community participation.

## **COMMUNITY DEVELOPMENT WORKERS**

In his State of the Nation address in 2003, then President Mbeki identified the need for community development workers (CDWs). Presidential and provincial visits to communities had identified deficiencies in service delivery in the local government sphere and the need to improve the situation. CDWs were subsequently established. The CDW programme is being co-ordinated in the national sphere, but is managed in the provincial sphere, where staff are trained and redeployed to local government.



CDWs are intended to assist ward councillors and their interface with the community they serve, while ensuring that the ward councillors can have the necessary response from the municipal administration. It is an attempt to allow national and provincial government to play a bigger role in assisting municipalities with delivering services to communities. CDWs operate within a system of local government in which local leaders, primarily ward councillors and ward committees, play an important role (Levin 2009).

COGTA (2009:14-15) states that there is often an unhappy relationship between CDWs and councillors, with the former often acting as laws unto themselves. CDWs do, however, have some benefits. For example they support the Thusong centres as *one-stop* shops for government services.

In Tshwane there are 88 CDWs for 62 wards. CDWs are invited to monthly ward committee meetings and are given the opportunity to assist ward committee members in resolving community problems/queries raised in public meetings. Most CDWs conduct door-to-door work on government services, e.g. identification documents and grants. The level of impact of the door-to-door work varies from one ward to another (Gauteng Provincial Government 2009).

The Gauteng Provincial Government (2009) stated that the informal relationship between councillors and CDWs in Johannesburg is often excellent and many CDWs work out of councillors' decentralised work environments. However, interviews picked up more uneasiness in the relationship between councillors and CDWs. For example, there was a view from a senior Johannesburg official that CDWs should be abolished. They are employed by the province and are often at odds with ward councillors. The official felt that the huge amounts of money that have been spent on CDWs should have been spent on supporting ward councillors. If councillors can play a role in communicating community concerns into a ward plan and then communicate the plan with the community, this would be a better use of resources. It was pointed out that CDWs are often in competition with ward councillors. CDWs are at an advantage as they work full time whereas councillors work part-time.

## CONCLUSION

Documentation and interviews suggest that the creation of single-tier widely drawn boundaries encompassing the whole city is a better instrument for integrated land-use, transport and infrastructure investment than the previous two-tier system. It has led to the embodiment of the *one city, one tax base* slogan. It has also contributed to improved service delivery although there are still backlogs due to in-migration.

While there are some advantages to the mayoral executive system, such as speedier decision making, there are concerns that it has led to a lack of transparency in decision making.

There is evidence to suggest that ordinary councillors do not communicate effectively with their constituencies. Part of the problem is that they do not have delegated powers and functions, even though they have constituencies to which they are accountable. While some ward committees are functioning, the evidence suggests that the majority are not working particularly well. They are too politicised and do not appear to promote public participation. Ironically enough they seem to work better in historical white wards.

CDWs do bring some benefits to metropolitan municipalities and support councillors in some instances. However, there is some concern about their relationship with elected councillors and the implications of this for democratic accountability.

While metropolitan governments are working relatively well in comparison with non-metropolitan municipalities there is clearly room for improvement. A senior official in the National Treasury stated that there was a correlation between the length of stay of the mayor and municipal manager in their jobs, and the performance of municipalities: the longer that people are in their positions, the better they perform. This view was shared by some interviewees. At the time of field research in 2009, two of the six metropolitan councils had acting municipal managers. The manager of Nelson Mandela Bay was on long leave and the municipal manager of Tshwane was suspended. The mayor and entire mayoral committee of Nelson Mandela Bay was removed by the ANC regional political leaders in 2009.

The biggest complaint from the metro governments was that they are shackled by a plethora of national and provincial legislation including the *Local Government: Municipal Financial Management Act, 2003* (MFMA) and planning regulations. Interviewees were virtually unanimous that regulations that treat all municipalities the same hinder service delivery and that there should be a differentiation of powers and functions between city/metros and other local governments.

In conclusion, there is a need to remove unnecessary controls over metropolitan government. There should be a move away from a *one-size-fits-all* approach to local government towards a differentiation of powers and functions between city/metros and other local governments.

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