

**AN EVALUATION OF SERVICE DELIVERY AT èNDONDAKUSUKA
LOCAL MUNICIPALITY**

By

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DECLARATION

I declare that the thesis, which I hereby submit for the degree of Doctor of Administration in the discipline of Public Administration in the Faculty of Commerce and Administration at the University of Zululand, is my own work and has not previously been submitted by me for a degree at another university.


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DEDICATION

This thesis is dedicated to my mother Mrs. Mantombazanyana Ngubane (Gog'Mantombi) for her superb work in bringing me up and everything she has done for me.

ABSTRACT

This study aimed at evaluating service delivery at e'Ndondakusuka Local Municipality. This evaluation was done on the delivery of two services which are water and refuse removal in the whole municipal area. This research was necessitated by the fact that different points of view reveal that the present service delivery paradigms in local government are highly challenged.

The study tested the null hypothesis of *no relationship between the availability of resources and effective service delivery within e'Ndondakusuka Local Municipality*. This hypothesis was operationalised by stating that (a) the availability of more water-tankers would extend the basic service of free water to rural areas within the municipality and (b) the availability of more refuse collection trucks would increase the number of days refuse was collected within the municipality.

The statement of the problem, therefore, provided a foundation within which the aims of the study and the hypothesis were explained. The significance of this research cannot be overemphasised especially against the backdrop that the new system of local government has just been implemented and there is yet a study on service delivery in this segment of the public sector. It is true that there are lots of problems hampering service delivery within municipalities, however, for the sake of this research not all of them were studied. There were, however, some limitations within the study, however, they could not hinder or jeopardise the research process. These limitations are stated.

Contextualisation of the study was based on the existing legislative, theoretical and conceptual perspectives that apply to service delivery. These perspectives had to be drawn from various sources to test the effectiveness of service delivery. The study also outlined the research method and technique used. The nature of the study necessitated the use of questionnaires to elicit information from households.

The researcher then presented, analysed and discussed research findings. The nature of the study enabled the use of tables and frequency distribution to present data. In drawing conclusions it became clear that there were problems hampering service delivery at e’Ndongakusuka Local Municipality. The main problem was the lack of resources to provide services. To obviate these problems recommendations were made to the municipality. This research culminated into a model of effective service delivery.

LIST OF ACRONYMS AND ABBREVIATIONS

AIDS	-	Acquired Immune Deficiency Syndrome
ALAN	-	Association of Local Authorities of Namibia
ANC	-	African National Congress
CBO	-	Community-Based Organisation
CBOs	-	Community-Based Organisations
CCMA	-	Commission for Conciliation, Mediation and Arbitration
CDE	-	Centre for Development Enterprise
DPLG	-	Department of Provincial and Local Government
DWAF	-	Department of Water Affairs and Forestry
EIA	-	Environmental Impact Assessment
EIAs	-	Environmental Impact Assessments
EPWP	-	Expanded Public Works Programme
ETU	-	Education and Training Unit
EXCO	-	Executive Committee
FMG	-	Financial Management Grant
GEAR	-	Growth, Employment and Redistribution
HIV	-	Human Immune Virus
ICT	-	Information and Communication Technology
IDP	-	Integrated Development Plan
IDPs	-	Integrated Development Plans
IEM	-	Integrated Environmental Management
IFP	-	Inkatha Freedom Party
IPC	-	Integrated Pollution Control
IIR	-	Institute of International Relations
KLs	-	Kilolitres
KZN	-	KwaZulu-Natal
LED	-	Local Economic Development
LGNF	-	Local Government Negotiating Forum
LRA	-	Labour Relations Act

MIG	-	Municipal Infrastructure Grant
MSIG	-	Municipal Systems Improvement Grant
MSP	-	Municipal Service Partnership
MSPs	-	Municipal Service Partnerships
NEMA	-	National Environmental Management Act
NGO	-	Non-Governmental Organisation
NGOs	-	Non-Governmental Organisations
NRDS	-	National Rural Development Strategy
PIMSS	-	Project Implementation Management Support Systems
PMS	-	Performance Management System
PPP	-	Public Private Partnership
PPPs	-	Public Private Partnerships
PR	-	Party Representative
RDF	-	Rural Development Forum
RDP	-	Reconstruction and Development Programme
RSC	-	Regional Services Council
SDA	-	Skills Development Act
SA	-	South Africa
SAMDI	-	South African Management Development Institute
SANCO	-	South African National Civics Organisation
TLC	-	Transitional Local Council
TLCs	-	Transitional Local Councils
UAW	-	Unaccounted for water
WPTPS	-	White Paper on the Transformation of Public Services

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CHAPTER 1

INTRODUCTION

1.1 STATEMENT OF THE PROBLEM

When the final phase of local government transformation began in the year 2000 with the demarcation of municipal boundaries throughout the country and the establishment of local municipalities, previously disadvantaged people of South Africa thought that time had come for better service delivery. However, a problem of racial disparities between historically disadvantaged and advantaged local authorities and between urban and rural areas in terms of service delivery persisted, creating a situation where services were not delivered at all, especially in rural areas. The Apartheid system also created a situation where disadvantaged municipalities were not provided with adequate resources to deliver services. Those municipalities that were lucky to be provided with infrastructure before or during the Apartheid era were so dilapidated that they needed serious rehabilitation (Report on the Study Tour of Municipalities, 2003:3).

The need to focus on accelerated service delivery was identified by the General Meeting of the Commonwealth Local Government Forum held in Tshwane (SA) on 7 March 2003. This meeting pledged itself to the implementation of the Millenium Development Goals by local government. One of the Millenium Development Goals was to ensure that local government provides effective service delivery. The meeting noted that local government had a direct responsibility for the implementation of many targets such as the provision of basic services like water and sanitation (Voice, April 2003:15).

A portfolio committee report on provincial and local governments in South Africa (2003:4) stated that:

“Significant progress has been made by the South African municipalities in the delivery of free basic services, particularly water.”

However there was still a long way to go before municipalities effectively fulfilled their responsibilities. It should be pointed out that the study only concentrated on urban and semi-urban municipalities. It could be said categorically that there was no measurable provision of 6kl of water in any rural municipality in the KZN province (Voice, April 2003:15).

Although there were other services that were delivered by e'Ndondakusuka Local Municipality like parks and gardens, cemeteries, public safety, etc, there seemed to be a problem with the provision of two services: water and refuse removal. Part of the problem was that there were still disparities with regard to the provision of water because rural areas did not even get the free basic 6kl of water whilst their more affluent counterparts in the township and urban areas enjoyed the benefit. The researcher's general experience with the municipality was that there was no provision for waste removal in rural areas of the municipality.

There had been some complaints in the township regarding refuse removal where communities claimed that in some areas of the township refuse stayed for the whole week without being removed. It should be noted that refuse was removed before 12h00 every Monday in the township. Residents also complained that garden refuse and rubble were not removed at all in the township. This dissatisfaction about refuse removal had resulted in the community of Sundumbili, a township within e'Ndondakusuka Municipality, writing a letter of complaint to the National Minister of Provincial and Local Government. It, therefore, became apparent to check the validity of the claims of the community not only with regard to the provision of this service, but also with regard to the provision of water services because these two services were the core services provided by the municipality.

1.2 OBJECTIVE OF THE STUDY

The general objective of the study was to evaluate service delivery at e'Ndondakusuka Local Municipality. The specific objective of the research was to: determine residents' perception of the provision of water and refuse removal

by the municipality. Apart from the fact that there were other services provided by the municipality, water and refuse removal seemed to be the core-services which were unfortunately characterised by problems at the time of the study.

1.3 RESEARCH HYPOTHESIS

The study tested the null hypothesis of *“no relationship between the availability of resources and effective service delivery within eNdongakusuka Local Municipality”* where resources (water and refuse) are dependent on effective service delivery.

Operationalisation of the above-mentioned hypothesis was expressed as the null hypothesis hence stated as follows:

- H.1 The availability of more water-tankers would not extend the free water basic service to rural areas within the municipality.
- H.2 The availability of more refuse collection trucks would not increase the number of days waste was collected within the municipality.

Alternatively, one would expect that the availability of more water tankers and refuse trucks would improve the provision of the above-mentioned services within the municipality. It was, therefore, necessary to examine whether the elected representatives of the community (politicians) were really delivering what they were elected for and also whether the people were really participating in the governance of their municipality.

1.4. CONCEPTUAL OR THEORETICAL FRAMEWORK

The need to evaluate service delivery in general in South Africa cannot be overemphasised. It is true that South Africa as a country is coming from a state of inequality and disparity in service delivery and will find it very difficult to address these disparities. It is, however, very important that various studies that have been done in terms of service delivery should in turn be evaluated so as to effect improvement on service delivery in general.

According to Parson and Tilley (1997:10) evaluation has become a matrix of modernity. This in other words means that in modern day evaluation is the key to putting effective systems in place. It is true that we live in what has been described as an evaluative state where evaluation procedures and processes are a routine part of management and a mandatory requirement of government investment in public services (Norris, 1995:5).

—The White Paper on Transforming Public Service Delivery (1997:15) defined service delivery as:

“the ability of any public institution to deliver services to the communities in an efficient and effective manner. Improving the delivery of public services means redressing the imbalances of the past and, while maintaining continuity of service to all levels of society, focusing on meeting the needs of the 40% of South Africans who are living below the poverty line and those, such as the disabled, and Black women living in rural areas, who have been previously disadvantaged in terms of service delivery.”

Section 152(1) of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) provides the following objectives of local government to have effective delivery of services and to protect public interests:

- a) To provide democratic and accountable government for local communities;
- b) To ensure the provision of services to communities in a sustainable manner;
- c) To promote social and economic development;
- d) To promote a safe and healthy environment; and
- e) To encourage the involvement of communities and community organisations in the matters of local government.

The above-mentioned objectives are in many ways linked to service delivery e.g. they all encourage an efficient provision of services to the communities who will then be empowered and be able to participate effectively in a democratic government. Participation will then encourage them to pay for their services

which will then sustain municipalities in terms of service delivery. These constitutional obligations of the local government are further extended to various pieces of legislation, for example, the White Paper on Transforming Public Service Delivery (1997). The objective of the White Paper is to provide a policy framework and a practical implementation strategy for the transformation of Public Service Delivery. It propounds the following principles for service delivery which eventually are adopted by the government as Batho Pele (People First) principles:

- a) Consulting users of services;
- b) Setting service standards;
- c) Increasing access;
- d) Ensuring courtesy;
- e) Providing more and better information;
- f) Increasing openness and transparency;
- g) Remediating mistakes and failures; and
- h) Getting value for money.

For the Municipality to succeed in ensuring enhanced service delivery it has to consider its inputs which then inform its processes which ultimately determine the output. This can be highlighted in the form of an input-output model which can be illustrated as follows:

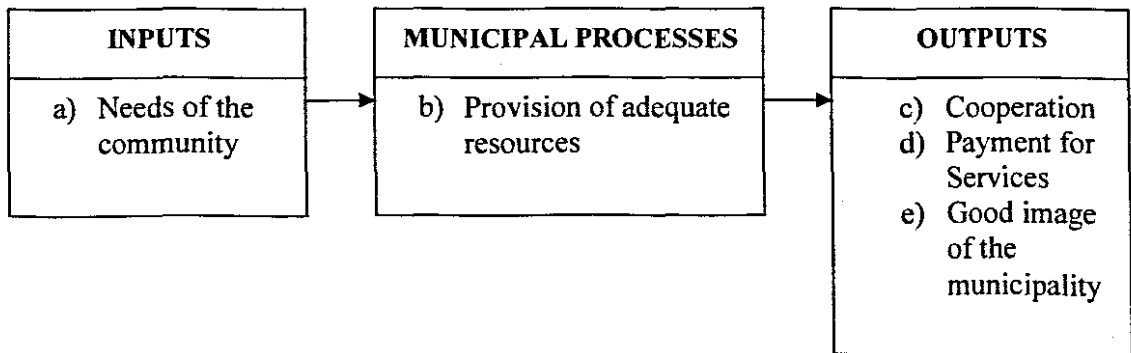


Fig. 1.1. The Input-Output Model (Norris, 1995:15)

For the municipality to be successful in service delivery the first step is to consider the needs of the community. This is an obligation which is also spelled out by Section 73(1)(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000). From these community consultation sessions the Integrated Development Plan (IDP), which is the heart of the municipality, is generated. Within the municipality there should be proper systems and resources that will help the municipality deliver services efficiently and effectively. If services are delivered smoothly to the community, people then participate in all systems of the municipality and are encouraged to pay for services. The municipality then receives accolades for performing well.

1.5. DEFINITION OF KEY CONCEPTS

For the sake of clarity and convenience the researcher felt a need to define the following concepts as they are constantly used in the study:

- a) **Accountability** is described by Fox, *et. al.*, (1991:124) as a statutory obligation resting upon the executive to provide the legislative and the public at large with all necessary information to determine how legislative directives have been or have not been executed, and how executive actions have been executed. The concept gives meaning to John Locke's social contract by which free human beings contract among each other to accept the curtailment of their rights in exchange for the benefits and security of a government. Public accountability is about how those who exercise powers in the name of the public fulfil their duties and obligations, and the process by which they are made to answer and account for their actions (Fox, *ibid.*). In this research accountability is used to refer to government and the municipality's ability to provide explanation with regard to how their monies are used.

- b) **Communication** is defined by Windahl, *et. al.*, (1992:5) as the exchange and sharing of information, attitudes, ideas and emotions. This emphasises that communication is not confined to written or oral exchange of simple messages only. It also embraces the collective

activity of sharing of experiences at a variety of verbal and non-verbal levels. Batho Pele emphasises the fact that communication should be transformed. This is meant to ensure that the communication system includes those who were previously disadvantaged. In this research communication is used interchangeably with consultation and refers to the process whereby the municipality sets up forums for discussion with all communities in order to get their say in the functioning of the municipality.

- c) **Consultation** is defined by the World Book Dictionary (1996:446) as seeking information or advice or a meeting to exchange ideas and talking things over. This study looks at consultation as a way of finding opinion about services from service-users or recipients. It is also used interchangeably with communication.

- d) **Delivery** is defined by the World Book Dictionary (1996:551) as an act of carrying and giving out something or a giving up; handover. In this study delivery is understood to be the manner in which services can be taken to the people or users.

- e) **Evaluation** is defined by the World Book Dictionary (1996:733) as the process of finding a value of a particular action or estimating the worth of something. This research looked at the evaluation of systems and resources including programmes meant to improve service delivery.

- f) **Implementation** is defined by the World Book Dictionary (1996:1060) as the process of carrying out a particular thing or programme into effect. A programme can only be implemented if it is acceptable, legitimate and negotiated by all stakeholders. McLaughlin (1987:7) asserts that implementation is not about automatic transmission, but is a process of bargaining and negotiation between various local and national actors. Where programmes are viewed as acceptable, illegitimate and have not been negotiated by all stakeholders but are forced into practice, they are then adopted rather than implemented. This research uses

implementation as a way of putting service delivery programmes into place.

- g) **Local Government** is defined by Ismael (1996:12) as that level of government which is commonly defined as decentralised, representative institution with general and specific powers devolved to it by a higher tier of government (central or provincial) within a geographically defined area. Ola (1984:5) defines local government as a political subdivision of a nation or (in a federal system) state which is constituted by law and has substantial control of local affairs, including the powers to impose taxes or to exact labour for prescribed purposes. Although this research acknowledges these foregoing definitions, it however asserts that local government is a sphere (not a tier) of government in its own right and has distinct functions from other spheres.
- h) **Policy** is defined by the Centre for Development Enterprise (CDE) Resource Document (1995:5) and perceived by this research as a purposive course of action based on currently acceptable social values, followed in dealing with a problem or matter of concern, predicting the state of affairs which would prevail when that purpose has been achieved.
- i) **Sustainability** is defined by Hardoy, *et. al.*, (1992:10) as the long-term result of some action or set of actions as consistent with desired outcomes. People often define sustainability as the ability to use resources at a time in a manner which will allow them to continue to be used in the future at the same rate. Ongoing service provision depends on financial, environmental and organisational sound systems which support sustainability. This research perceives sustainability as an ability to have an ongoing provision of services.

1.6. SIGNIFICANCE OF THE STUDY

This study is one of few studies to focus specifically on service delivery at a local municipality level after wall-to-wall municipal boundaries were determined in South Africa in 2000. It is also unique in its approach of providing both specific and integrated provisions of services by not only the municipality but also the government. It, therefore, contributes towards an understanding of the theoretical and conceptual framework surrounding service delivery. The study also provides a better understanding of a link between service delivery and policies and legislation of the country thus enhancing the sense of responsibility and ownership of the mandate to both the government and recipients of services. The significance of this link lies in the fact that it enhances public accountability, for the public can hold the municipality accountable and they have legal recourse should they feel that they were treated unfairly. The model provides a better sense of the implementation and evaluation of service delivery programmes by the government in general and local municipalities in particular. This model can also be incorporated in the curricula of various institutions that deal with the field of Public Management. It can also be used by the government institutions that are responsible for building capacity like the South African Management Development Institute (SAMDI).

1.7. LIMITATIONS OF THE STUDY

In the course of this research, the researcher did experience some anticipated and unanticipated problems; however, there was always a way of dealing with those problems so that they could not impede on the progress of the research. The researcher experienced problems in areas such as the following: literature, instability at the municipality, attitude of the respondents, research instruments and time for conducting the research.

The researcher consulted several publications for literature review. This included books on service delivery, journal publications, other research, government legislation and documents, etc. The researcher discovered that there was no research that was

done on the evaluation of service delivery with a focus on water provision and refuse removal. This was an unanticipated problem, for the researcher had assumed that there was research on service delivery be it on new democracy or during the Apartheid era.

The other area of concern experienced by the researcher was the fact that there was instability within the municipality during the time when the research was done. The cause for instability was the fact that the Municipal Manager was suspended. As the head of the institution, the absence of the Municipal Manager had left a lot of conflicting views and had also impacted on the attitude of households towards the municipality. To obviate this problem most of the households were requested to treat the issue of the suspension of the Municipal Manager as an isolated case which should not impact on the research.

Some respondents had a very negative attitude towards the research itself mentioning that what they needed was development and services not being asked some questions. Most of these respondents were the ones who were promised that their arrears would be cleared off and that never happened. Their frustration was understood by the researcher and they were assured that the research was meant for improving service delivery and their inputs would be of great importance. It should, however, be pointed out that a greater number of respondents were very cooperative and they were the ones who made this research possible.

The status of the researcher did also create some minor problems with certain households. As a municipal senior official, the researcher's appearance in some households received mixed reactions. In most of the households he was warmly welcomed while in a few households some respondents became suspicious of his visit.

The researcher used one kind of research instrument, i.e. questionnaires. This was not without some problems. The main problem with the questionnaires was the fact that some had to be translated into IsiZulu before they were given to households because some of them could not understand English. With the respondents who could not

write, the researcher had to sit down with them, translate the questions into IsiZulu and write their responses in the questionnaire.

The time that was chosen to distribute and collect questionnaires was also problematic. The questionnaires were distributed just before the December holidays with the hope that respondents would take a day or two to fill in the questionnaire then the researcher would collect them. Some respondents had not filled in the questionnaires when the researcher came to collect them and that meant that he had to go back (for the third time) after holidays. This became costly and delayed the schedule within which the research was proposed to be done.

1.8. ORGANISATION OF THE STUDY

The study is divided into six chapters:

Chapter 1 describes the introduction of the study which includes the statement of the problem, objective of the study, research hypothesis, conceptual or theoretical framework, definition of key concepts, significance of the study, limitations of the study and organisation of the study.

Chapter 2 gives an overview of local government and also discusses the legislation and policies that shape the present local government system in South Africa.

Chapter 3 deals with literature review and focuses on service delivery. It blends the legislative policies and processes of service delivery and also provides the context within which service delivery can be located.

Chapter 4 deals with research methodology which includes permission, population and sample of respondents, data collection, the processing of data and ethical issues.

Chapter 5 deals with presentation, analysis and discussion of research results.

Chapter 6 deals the recommendations to the municipality, the recommended model and suggestions for further research.

CHAPTER 2

LOCAL GOVERNMENT IN SOUTH AFRICA

2.1. INTRODUCTION

The evolution of local government in South Africa is traceable from the 17th and 18th centuries. This is the period of the arrival of the Dutch East India Company and the British Settlers respectively in the Cape. The influences of both the Dutch and English respectively culminated in the development of a hybrid local government system in South Africa. The 18th century was seen, in the eyes of the White regime, as a significant improvement of the South African government system because it introduced the three tiers of government which are the national, provincial and local government administration. The introduction of the three-tiers government system culminated into the most discredited Apartheid system which was racially based and characterised by exclusive authorities for different racial groupings. Local government in most rural areas where Blacks resided was virtually non-existent at this stage.

This chapter provides an exposition of the development of local government in South Africa tracing it as far as before the 18th century, during the 19th century, the 20th century and the transition period from 1990 to 1996. The birth of the present local government system in South Africa is discussed with reference to the transitional period and how it sought to address the disparities that were propagated by the past Apartheid regime.

2.2. DEVELOPMENT OF LOCAL GOVERNMENT IN SOUTH AFRICA

A brief overview of the local government before the 18th century, during the 19th century and the 20th century and the transition period is presented to create an understanding of the evolution of the present-day local government system in South Africa.

2.2.1. LOCAL GOVERNMENT BEFORE THE 18TH CENTURY IN SOUTH AFRICA

The first administration was started by Jan Van Riebeeck, a Dutch Settler sent by the Dutch East India Company, when he arrived at the Cape in 1652. This settlement administration can hardly be called a government because it only established a refreshment station and ensured a relationship with the Khoi-Khoi who were the local residents. The first authoritative structure was the Heeren Majores (the 17 directors of the Dutch East Indian Company) which later included the Cape Colony (Ismail, *et. al.*, 1997:39). The inclusion of the Cape Colony made it difficult for the 17 directors of the Company to administer local affairs in the outlying areas hence the need for the development of a local government system for the rural areas.

It should be pointed out that prior to 1786, there had been no separate local government in the Cape for all local matters were dealt with by the directorate in Holland. Of particular interest is the fact that the free burghers (locals) were not happy with the fact that the decision-making body was in Holland and they wanted their voice to be heard and they submitted a petition in 1779 (Ismail, *et. al.*, 1997:39). The submission of the petition by the free burghers marked the significant political reform because they (free burghers) were allowed into the Political Council which was a local structure set-up to administer local matters in the Cape.

2.2.2. LOCAL GOVERNMENT DURING THE 19TH CENTURY IN SOUTH AFRICA

The arrival of the British Settlers in 1820 in the Cape resulted in the abolition of the Political Council which was replaced by the Burgher Senate. The British Settlers passed their own English system, notably the Municipal Corporations Act, 1835 (Act 18 of 1835) which introduced the concepts of Mayor, Councillors, the Town Clerk and Council Committees (Craythorne, 1997:1). The Municipal Ordinance Act, 1836 (Act 1 of 1836) was passed in terms of which municipal councils were established at the Cape and the Burgher Senate was changed into the Board of Commissioners and Ward Masters (Ismail, *et. al.*, 1997:1).

Among the duties of the commissioners provided for by the Municipal Ordinance Act, 1836 (Act 1 of 1836) were to do the following:

- a) appoint police, watchmen, night patrols and street-keepers to protect life and property, regulate their duties, and issue them with weapons and clothing;
- b) provide and maintain fire-engines;
- c) provide and maintain public lighting systems, water supplies and drainage systems; and
- d) make and repair public streets, roads and places (Green, 1957:20).

The introduction of the ordinances spread to Natal where the Natal Municipal Ordinance was published in 1854. The Natal Municipal Ordinance of 1854 marked a significant improvement from the earlier legislations that were passed in the Cape. According to Craythorne (2003:10) this newer legislation brought into being, for the first time in South Africa, the following concepts:

- a) Towns were constituted as corporate bodies;
- b) Representatives were elected by voters registered on a voters' roll;
- c) The councils decided on a local tax (rates), levied on property, which had been valued;
- d) Auditors had to be appointed;
- e) The Town Clerk and senior officials were appointed and not elected at a public meeting; and
- f) The committee system was introduced.

The developments in Natal were so advanced that it can be safely said that what happened in Natal influenced the development of local government in the whole of South Africa (Craythorne, 1997:2). After the Anglo-Boer War of 1899-1902 the British colonial rule gained more power and the local government system established both in the Cape and Natal were extended to the Transvaal and Orange Free State and the whole of South Africa then had a formal system of local government.

2.2.3. LOCAL GOVERNMENT BETWEEN 1900 AND 1983 IN SOUTH AFRICA

The greater part of this period can be regarded as the pre-transition period for it saw the enactment of a lot of Apartheid legislation and revolts that led to the transition period that started in 1983. High levels of dissatisfaction about the government in general among Blacks led to the formation of the African National Congress (ANC) in 1912.

The year 1900 was the start of a central authority with three grades of local authorities. The three grades of authorities comprised municipal corporations with their borough councils, town boards and road boards. Between 1901 and 1908 measures were passed dealing with Native administration that undoubtedly influenced the later Union legislation of 1919 and 1923 respectively.

Act No. 2 of 1904 permitted borough councils to establish Native locations where natives might be compelled to reside. In 1922 the Transvaal Stallard Commission reported a need for Native villages and the recommendations culminated into the Native Areas Act of 1923 (Green, 1957:40). This Act propagated separate development of Blacks from other race groups and development itself was of a very low standard. It should also be pointed out that at this stage of development, Blacks were not involved in decision-making but development was just imposed on them minimal as it was.

In the light of the above-mentioned legislation and the fact that Blacks were more organised after the formation of the ANC in 1912, unrest became inevitable. In 1960 the Sharpeville uprising occurred, followed 16 years later by the Soweto uprising, followed 8 years later by the 1984 unrest, followed 4 years later by the unrest of 1988 (Craythorne, 1997:3). In other words, the intervals between periods of unrest were diminishing by half each time this occurred and this was a cause of concern from the White rule. Of particular interest is the fact that the 1984 unrest was triggered by the 1983 constitution and the implementation of the Black Local Authorities Act, 1982 (Act 102 of 1982) which ironically strengthened Black resistance against the White rule.

2.2.4. THE PERIOD OF TRANSITION (1983-1996) IN THE SOUTH AFRICAN LOCAL GOVERNMENT

The transition period saw the enactment of the Promotion of Local Government Affairs Act, 1983 (Act 91 of 1983), the Regional Services Councils Act, 1985 (Act 109 of 1985) and the Local Government Transition Act, 1993 (Act 209 of 1993). These legislations shaped the South African local government for the better and it should be noted that this period of transition also targeted change in other tiers of government which are the national and provincial government. The period was also characterised by a series of the killing of municipal councillors and mayors by the community members who suspected them of promoting the Apartheid system.

2.2.4.1. THE PROMOTION OF LOCAL GOVERNMENT AFFAIRS ACT, 1983 (ACT 91 OF 1983)

The objectives of the Act were:

- a) to make provision for the co-ordination of functions of general interest to local authorities and of those functions of local authorities which should in the national interest be co-ordinated;
- b) the establishment of the co-ordinating council for that purpose;
- c) the establishment of committees in order to assist the co-ordinating council in the performance of its functions;
- d) the establishment of an action committee of the co-ordinating council;
- e) the establishment of a demarcation board in respect of certain areas;
- f) the establishment of an executive committee of the demarcation board;
- g) the establishment of committees to hold enquiries for the demarcation board;
- h) the rendering of development aid to local authorities;
- i) the establishment of municipal development boards for that purpose;
- j) the designation of persons or institutions for purposes of membership of the co-ordinating council;
- k) the improvement of communication between certain committees and local authorities relating to certain matters;

- l) the exercise of certain powers by the Administrator in accordance with directives determined by the Minister;
- m) the extension of the functions of the said committees and the assignment of functions by local authorities;
- n) to empower a local authority to form a company and to acquire shares therein;
- o) to provide that a local authority may transfer or second any of its officers or employees to or place his services at the disposal of a company;
- p) to empower the local authority to enter into certain agreements;
- q) to authorise Ministers of the State to delegate certain powers relating to local government affairs; and
- r) to provide for incidental matters.

The Act provided for a better and broader administration of local authorities. However, it was severely criticised for its exclusion of the rural areas hence the need for the Regional Services Councils Act, 1985 (Act 109 of 1985).

2.2.4.2. THE REGIONAL SERVICES COUNCILS ACT, 1985 (ACT 109 OF 1985)

The objectives of the Act were:

- a) to provide for the joint exercise and carrying out of powers and duties in relation to certain functions in certain areas by local bodies within such areas; and to that end provide for the delimitation of regions;
- b) the establishment of regional services councils; and the constitution, functioning, functions, powers, duties, assets, rights, employees and financing of such councils; and
- c) to provide for matters connected therewith.

The Regional Services Councils (RSCs) were established to rationalise area-wide local government services, to provide effective political representation for all (including Blacks) communities in a region and to generate funds primarily for the development of Black, Indian and Coloured areas. With the establishment of the RSCs, the various primary local authorities for Indians, Coloureds, Whites and to a

lesser extent for Africans were made responsible for the administration of their own affairs of their particular race group at the municipal level (Bennett, 1986:9).

The Act was severely criticised mostly by Blacks for promoting the segregation policy and separate development of different race groups. Cameron (1992:20) observes that the establishment of the RSCs was an attempt by the state to defuse township unrest by improving the quality of life in such underdeveloped areas. The speculation is that the motive behind the enactment of the Act itself was the reason for its failure to address development of Black local authorities. This is also affirmed by Pycroft (2002:110) who maintains that in 1987 RSCs were created to regulate the *distribution of wealth between urban and rural areas and to develop limited infrastructure for rural African communities within the context of the neo-Apartheid reform strategy.*

2.2.4.3. THE INTERIM MEASURES FOR LOCAL GOVERNMENT ACT, 1991 (ACT 128 OF 1991)

The Act attempted to address criticism levelled against the RSCs by putting more money and extending more services to the Regional Councils. It was rejected by the ANC, which at the time enjoyed widespread support among disenfranchised communities. The ANC felt that this Act would not establish a non-racial, democratic, non-sexist and transparent democratic local government in South Africa. *They in turn submitted their own recommendations for restructuring local government among which are:*

- a) the creation of a definite, legitimate and fully-constituted system of local government, which can only be done in the context of a unitary and democratic South Africa, in which the powers of local government are conferred on it by a constituent assembly or any other democratically delegated legislative body;
- b) the creation of a national and democratic tradition of local government as a priority, as well as interim structures of local government which will lay the basis for a smooth transition to a definite future systems;
- c) local authorities should be delimited, taking into account the principles of non-racism and the redistribution of resources;

- d) these interim structures should strive to overcome some of the limitations imposed by the apartheid and homelands system;
- e) affirmative action programmes must be introduced and implemented to address the historical racial and gender imbalances resulting from the apartheid era; and
- f) metropolitan government structures must be created for cities and big towns, and unified local authorities for small towns and other areas (Ismail, *et. al.*, 1997:61).

2.2.4.4. THE LOCAL GOVERNMENT TRANSITION ACT, 1993 (ACT 209 OF 1993)

The objectives of the Act were:

- a) to provide for revised interim measures with a view to promoting the restructuring of local government, and for that purpose to provide for the establishment of Provincial Committees for Local Government in respect of the various provinces;
- b) to provide for the recognition and establishment of forums for negotiating such restructuring of local government;
- c) to provide for the exemption of certain local government bodies from certain provisions of the Act;
- d) to provide for the establishment of appointed transitional councils in the pre-interim phase;
- e) to provide for the issuing of proclamations by the Administrators of the various provinces;
- f) to provide for the establishment of Local Government Boards in respect of the various provinces; and for the repeal of certain laws; and
- g) to provide for matters connected therewith.

Craythorne (2003:13) maintains that significant changes were made to the Local Government Transition Act and they are the following:

- a) The insertion of the new (and long overdue) chapter on rural local government by providing for transitional representative councils, later renamed

- representative councils, or transitional rural councils, later renamed rural councils;
- b) the power of Members of Executive Councils (MECs) to make enactments was terminated;
 - c) the powers and duties of metropolitan councils, metropolitan local councils, district councils, local councils, rural councils and representative councils were defined more narrowly;
 - d) a long section, 10G, was inserted to deal with a range of financial matters; and
 - e) the provincial demarcation boards were terminated and a National Demarcation Board (since replaced) was established.

Local government was formally democratised through the provisions of the Act and was divided into three phases:

- a) **Pre-interim Phase:** The phase commenced with the passing of the Local Government Transition Act, 1993 (Act 109 of 1993) and was operative until the first local government elections in November 1995 in 7 provinces and Western Cape and KwaZulu-Natal in 1996 (Cameron, 1999:85). Section 6 of the Act provides for the establishment of a bilateral forum between a statutory delegation consisting of representatives of the central, provincial and organised local government on one hand and South African National Civics Organisation (SANCO) on the other. The forum that was established was called the Local Government Negotiating Forum (LGNF). The terms of reference of the LGNF were to try to compile and analyse the necessary data and to seek agreement on the procedure for and substance of the restructuring of local government (Cloete, 1995:26).
- b) **Interim Phase:** It started with the first local government elections. The Act provided for the establishment of transitional local councils and transitional metropolitan councils. The Local Government Demarcation Boards were also established during this phase and their main function was to determine municipal boundaries. This phase ended with the implementation of the final constitutional model at the local level.
- c) **Final Phase:** It commenced with the implementation of the final constitutional model at the local level which was drawn by the Constitutional Assembly (Cameron, 1999:85). This phase paved the way for the present local

government system but it was not without any problems. The Development Update (2000:17) maintains that while this phase of local government transformation raised the political status of local government, it did not offer an immediate solution to the long-standing problems of local government. Indeed, by mid-June 1999, an estimated 633 of the 843 local authorities had debts in excess of R9,3bn, which, together with serious capacity problems, impacted on their ability to deliver services.

2.3. THE PRESENT SOUTH AFRICAN LOCAL GOVERNMENT SYSTEM

In contextualising the present local government system in South Africa it is imperative to examine the legislative foundations within which the local government is founded which include the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996), the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000). The specific role of the local government is looked at in terms of its functions and powers some of which devolve from both the national and provincial governments. The developmental role of the local government provides an exclusive and extensive discussion because it is one of the core functions of the local government. Democratising local government is also discussed extensively because it measures the local government's openness and transparency in fulfilling its mandate which affords communities an opportunity to participate on the matters that affect their lives. Funding of the local government is also dealt with for it plays a very important role in ensuring that the local government is able to deliver services effectively and efficiently.

2.3.1. LEGISLATIVE FOUNDATIONS OF LOCAL GOVERNMENT

There are many legislative prescripts that contributed a great deal towards the establishment of the new system of local government. For the sake of this research only three are discussed here: a) the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996), b) the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and c) the Local Government: Municipal Systems Act, 2000 (Act

32 of 2000). These pieces of legislation have a direct impact on the daily functioning and the role of local government.

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

Section 152(1) of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) spells out the objectives of local government (*cf.* 1.4). The objectives of the local government provide the basis within which the local government can function. They also provide a very clear constitutional mandate and obligations of the local government so that there are no clashes of interest or duplication of services by the spheres of government.

2.3.1.2. THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998)

The objectives of this Act are:

- a) to provide for the establishment of municipalities in accordance with the requirements relating to categories and types of municipalities;
- b) to establish criteria for determining the category of the municipality to be established in the area;
- c) to define the type of municipalities that may be established within each category;
- d) to provide for an appropriate division of functions and powers between categories of municipalities;
- e) to regulate the internal systems, structures and office-bearers of municipalities;
- f) to provide for the appropriate electoral system; and
- g) to provide for matters in connection therewith.

The preamble of the Act further reiterates the importance and constitutional obligation of the local government. This Act sets up the categories and structures within municipalities which help in the effective and efficient functioning of the municipalities. These are the structures in which decisions pertaining to service delivery are taken.

2.3.1.3. THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)

The objectives of this Act are:

- a) to provide for the core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities; and ensure universal access to essential services that are affordable to all;
- b) to define the legal nature of the municipality as including the local community within the municipal area, working in partnership with the municipality's political and administrative structures;
- c) to provide for the manner in which municipal powers and functions are exercised and performed;
- d) to provide for community participation;
- e) to establish a simple and enabling framework for the core processes of planning, performance management, resource mobilization and organizational change which underpin the notion of developmental local government;
- f) to provide a framework for local public administration and human resource development;
- g) to empower the poor and ensure that municipalities put in place service tariffs and credit control policies that take their needs into account by providing a framework for the provision of services, service delivery agreements and municipal service districts;
- h) to provide for credit control and debt collection;
- i) to establish a framework for support, monitoring and standard setting by other spheres of government in order to progressively build local government into an efficient, frontline development agency capable of integrating the activities of all spheres of government for the overall social and economic upliftment of communities in harmony with their local natural environment;
- j) to provide for legal matters pertaining to local government;
- k) and to provide for matters incidental thereto.

The main thrust of this Act is to provide for the systems which will help municipalities to deliver services in an effective and efficient way.

2.4. FUNCTIONS AND POWERS OF LOCAL GOVERNMENT

Schedule 4 Part B and Schedule 5 Part B of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) list the functions of local government. These functions are either service-oriented or regulatory in nature. What is significant though is the fact that water and sanitation, electricity and refuse removal are the core functions of the local government and they are also national priorities.

The national and or provincial governments can delegate other responsibilities to municipalities. When municipalities are asked to perform the role of another government sphere, clear arrangements are made about who will pay the costs. If municipalities are given responsibilities to perform a particular function without being given a budget to do the work, that is called, "un-funded mandate"(Local Government in South Africa (n.d.) www.etu.org.za).

2.4.1. EXECUTIVE AND LEGISLATIVE POWERS OF LOCAL GOVERNMENT

Municipal councils have both executive and legislative powers within (or outside in some cases) their jurisdiction. The executive powers refer to the municipality's right to take and effect decisions on their functions as determined by Section 156 of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996). Legislative powers refer to the municipality's right to pass by-laws that govern their area of jurisdiction.

2.5. DEVELOPMENTAL LOCAL GOVERNMENT

A municipality is obliged to structure and manage its administration, budgeting and planning so as to give priority to basic needs of its people and thereby promote the social and economic development of the community. It is also obliged to participate in national and provincial development programmes administered by local government authorities which play a pivotal role in this regard.

Parnell and Pieterse (2002:8) maintain that the intervention of local governments in local development is not new. They state that by the mid-20th century, urban local authorities in developed countries often provided physical infrastructure, serviced industrial sites, factories to rent and social infrastructure such as training facilities or technical assistance. In South Africa the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) makes local government responsible for the social and economic development of communities, and the government has subsequently emphasised the need to nurture a new culture of developmental local government.

Developmental local government has four interrelated characteristics (Local Government in South Africa (n.d.) www.etu.org.za):

a) Maximising social development and economic growth

Everything that a municipality does should be done to impact as much as possible on the social development of the area. In particular, municipalities must be serious about their responsibility to provide services that meet the basic needs of the poor in their communities in a cost-effective and affordable manner.

This could be achieved in two ways:

1. Municipalities should provide relief for the poor. Government policy is to provide a free basic amount of service for particularly water to households that otherwise do not have access to these services. They can also promote social development through arts and culture, the provision of recreational and community facilities, and the delivery of social welfare services.
2. Municipalities have great influence over local economic development and, therefore, need to work in partnership with local business to improve job creation and investment. It is not the role of government to create jobs but it can take active steps to improve the conditions in the area for the creation of employment opportunities. When the municipality provides new basic household infrastructure such as water and sewerage, contracts should preferably be given to local small businesses that will employ local people. Other programmes that could be initiated to alleviate poverty and enhance job creation are, for example, the provision of support services,

such as training to small businesses or community development organisations.

b) Integrating and coordinating

In most local areas there are many different agencies that contribute towards the development of the area such as national and provincial government parastatals, trade unions, community groups and private sector organisations. Developmental local government must provide leadership to all those who have a role to play in achieving local prosperity. One of the most important methods for achieving greater co-ordination and integration is integrated development.

c) Democratising development

Municipal councils play a central role in promoting local democracy. In addition to representing community interests within the Council, councillors should make sure that citizens and community groups are involved in the design and delivery of municipal programmes. Ward committees and community consultation are important ways of achieving greater involvement.

Municipalities can also do a lot to support individual and community initiatives, and to direct them to benefit the area as a whole. The involvement of youth organisations in this regard is particularly important.

d) Leading and learning

Extremely rapid changes at the global, national and local levels are forcing local communities to rethink the way they are organised and governed. All over the world communities must find new ways to sustain their economies, build their societies, protect their environments, improve personal safety and eliminate poverty.

The leadership of a developmental municipality should stay on top of developments and change. They should be able to strategise, develop visions and policies and mobilise a range of resources to meet basic needs and achieve developmental goals in their area.

2.5.1. LOCAL ECONOMIC DEVELOPMENT

The local development focus of local government in South Africa is largely focused on Local Economic Development (LED). LED is based on the central idea that local mobilisation of local actors and resources will build a convergence of interests around the competitive advantages of localities and build the capacity for the economic actors to take up economic opportunities (Hologram, 2003:5).

LED should ideally be pursued through market-oriented strategies that emphasise enterprise development, investment promotion and small business development. As infrastructure plays a leading role in investment maintenance and attraction, and because local areas are as important as regional areas in contributing to economic development, local government should also aim to invest in road infrastructure to enhance local investment. Sound service provision is essential to sustain local investment, hence local economic growth. Building regulations, trading regulations and pollution control are also key to local economic development. For success of LED strategies, stakeholders should be involved at each step of the way (Hologram, 2003:5).

2.5.2. INTEGRATED DEVELOPMENT PLANNING FOR LOCAL GOVERNMENT

Local municipalities in South Africa have to use integrated development planning as a method to plan future development in their areas. This form of planning is new and it improves the past Apartheid planning which left South African cities and towns that:

- a) have racially divided business and residential areas;
- b) are badly planned to cater for the poor- with long travelling distances to work and poor access to business and other services;
- c) have great differences in level of services between rich and poor areas;
- d) and have sprawling informal settlements and spread out residential areas that make even cheap service delivery difficult.

2.5.2.1. A BROAD UNDERSTANDING OF INTEGRATED DEVELOPMENT PLANNING

The Local Government: Municipal Planning and Performance Management Regulations (2001:200) define Integrated Development Planning as an approach to planning that involves the entire municipality and its citizens in finding the best solutions to achieve good long-term development.

Section 25(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) defines the Integrated Development Plan (IDP) as a single inclusive and strategic plan that:

- a) *links, integrates and coordinates a municipality's sector specific plans;*
- b) *aligns the resources and capacity of the municipality to the overall development objectives of the municipality;*
- c) *forms the policy framework on which annual budgets rest; and*
- d) *informs and is informed by similar development plans at national and provincial government levels.*

In concurrence with Section 25(1) of the Local Government: Municipal Systems Act, 2000's (Act 32 Of 2000) definition, some authors define IDP as a super plan for a municipal area that gives an overall framework for development and aims to coordinate the work of local and other spheres of government in a coherent plan to improve the quality of life for all people living in that area. This should take into account the existing conditions and problems and resources available for development (Local Government in South Africa (n.d.) www.etu.org.za).

Section 26 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) provides the core components of the IDP as follows:

- a) *the municipal council's vision for the long term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs;*
- b) *an assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to basic municipal services;*

- c) the council's development strategies which must be aligned with any national or provincial sectoral plans and planning requirements binding on the municipality in terms of legislation;
- d) the council's development priorities and objectives for its elected term, including its local economic development aims and its internal transformation needs;
- e) a spatial development framework which must include the provision of basic guidelines for a land use management system for the municipality;
- f) the council's operational strategies;
- g) applicable disaster management plans;
- h) a financial plan, which must include a budget projection for at least the next three years; and the key performance indicators and performance targets determined in terms of section 41.

Section B of the White Paper on Local Government (1998) states that an IDP enables a municipality to:

- a) assess the current reality in the municipal area, including economic, social and environmental trends, available resources, skills and capacities;
- b) assess the varied needs of the community and different interest groups;
- c) prioritise the needs in order of urgency, importance and constitutional and legislative imperatives;
- d) establish frameworks and set goals to meet these needs; devise strategies to achieve the goals within specific time frames;
- e) develop and implement projects and programmes to achieve key objectives;
- f) establish targets and monitoring tools or instruments to measure impact and performance;
- g) budget effectively with limited resources and meet strategic objectives; and
- h) regularly monitor and adapt the development programme based on the underlying development framework and development indicators.

2.6. DEMOCRATISING LOCAL GOVERNMENT

The importance of community participation is a democratic right accorded by the Constitution. Section 152(1) of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) states one of the objectives of the local government as to encourage the involvement of communities and community organisations in the matter of local government. It should also be noted that the Bill of Rights has serious implications for local government. Local government has the prime responsibility of remaining accountable to its constituencies. Its decisions will have to be open and accessible to the communities it works with and represents. The extension of rights of communities is further reiterated by Fox, *et. al.*, (1991:5) who maintain that consumers of products or services supplied by public organisations in a democracy are often in a situation where they have certain rights which enable them to act as regulators or to elect or appoint regulators to act on their behalf. These consumers are often also suppliers of economic or political resources as taxpayers or the electorate. According to Schwella, *et. al.*, (1996:22) public organisations owe their existence to the needs of the communities.

In the local government context the following elements must be part and parcel of any true democracy:

- a) Generally democracy is defined by reference to the procedural and substantial principles which appear necessary to its operation.
- b) Political office-bearers should act in the interests of the people.
- c) Government should operate through the rule of law.
- d) Political office-bearers should be accountable to and removable by the people, either directly or through their representatives.
- e) There must be equal opportunity to practice democracy: all citizens should be able to vote, and the vote of every citizen should count equally.
- f) If policy disagreements appear, they should be resolved by the principle of majority decision.
- g) The minority groups in the community should be in a position to protect their interests, therefore, the idea of democracy should not include tyranny by the majority.

- h) Basic civil liberties, such as freedom of speech and assembly must be maintained (Roberts and Edwards, 1991:23).

Democracy in local government calls for municipalities to be very open, transparent and accountable in all their actions and dealings with the community. Wallace and Hall (1997:138) believe that the following are the features of transparency:

- a) Statement of view and expression of it frankly;
- b) Listening to others' views;
- c) Willingness to challenge where views differ;
- d) Sensitivity to others' feelings; and
- e) Refrain from making personal attacks.

Section 16(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) states that a municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose-

- a) encourage and create conditions for the local community to participate in the affairs of the municipality, including in-
 - i) the preparation, implementation and review of its integrated development plan in terms of Chapter 5;
 - ii) the establishment, implementation and review of its performance management system in terms of Chapter 6;
 - iii) the monitoring and review of its performance including the outcomes and impact of such performance;
 - iv) the preparation of its budget; and
 - v) strategic decisions relating to the provision of municipal services in terms of Chapter 8.
- b) contribute to building capacity of-
 - i. the local community or enable it to participate in the affairs of the municipality; and
 - ii. councillors and staff to foster community participation; and
- c) use its resources, and annually allocate funds in its budget, as may be appropriate for the purposes of implementing paragraphs (a) and (b).

To ensure effective community participation in local government a legitimate structure called ward committees is provided for by Section 72 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Section 17 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

2.6.1. THE WARD COMMITTEE SYSTEM

The ward committee system is designed to enhance participatory democracy in local government. The committee will ensure that communities are able to participate in decision-making processes. Ward committees can also improve communication between the municipal council and residents, and are likely to play a role in identifying needs and establishing municipal programmes to accommodate local circumstances. These committees give residents a more direct voice in the governance of their area.

Ward committees must be established in each ward in the municipality. A ward committee consists of the councillor who represents the ward and a maximum of ten people from the ward. The ward councillor is an ex-officio chairperson of the ward committee while other members participate on a voluntary basis. The municipal council sets rules that guide the ward committees and that becomes the Constitution of the Ward Committees. This Constitution states:

- a) the system used in the election of the ward committee members;
- b) how many members of the ward committee will be elected;
- d) the term of office of the ward committee members;
- e) terms of reference of the ward committees;
- f) how often ward committee meetings will take place; and
- g) the circumstances under which a member of the ward committee must vacate the office.

In deciding how to appoint the members of the ward committee, the municipal council must ensure that the diversity of community interests is represented. Ward committees are mainly advisory committees and may make recommendations on any matter affecting their ward but may not take decisions. The recommendations can be

made directly to the ward councillor or through the ward councillor to the municipality.

2.6.2. COMMUNITY PARTICIPATION IN COUNCIL MEETINGS

Section 20 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) provides for admission of the public to council meetings as follows:

(1) Meetings of a municipal council and those of its committees are open to the public, including the media, from a meeting, except when-

1. it is reasonable to do so having regard to the nature of the business being transacted; and
2. a by-law or a resolution of the council specifying the circumstances in which the council or such committee may close a meeting and which complies with paragraph (a) authorises the council or such committee to close the meeting to the public.

(2) A municipal council, or a committee of the council, may not exclude the public, including the media, when considering or voting on any of the following matters:

- (a) a draft by-law tabled in the council;
- (b) a budget tabled in the council;
- (c) the municipality's draft IDP or any amendment of the plan tabled in the council;
- (d) the municipality's draft performance management system or any amendment of the system tabled in the council;
- (e) the decision to enter into a service delivery agreement; or
- (f) any other matter prescribed by the regulation.

(3) An executive committee may close all or any of its meetings to the public including the media.

(4) A municipal council:

- (a) within the financial and administrative capacity of the municipality must provide space for the public in the chambers and places where the council and its committees meet; and
- (b) may take reasonable steps to regulate public access to, and public conduct at the meetings of the council and its committees.

2.6.3. COMMUNITY PARTICIPATION IN THE IDP PROCESS

The Local Government: Municipal Planning and Performance Management Guidelines (2001:11) propose that an IDP Representative Forum be established to encourage the participation of communities and other stakeholders. The forum may include:

- a) members of the executive committee of the council;
- b) councillors including district councillors;
- c) traditional leaders (amakhosi);
- d) ward committee representatives;
- e) heads of departments and senior officials from the municipal and government departments;
- f) representatives from the organized stakeholder group;
- g) resource people or advisors;
- h) representatives from activists; and
- i) community representatives.

The purpose of this forum is to:

- a) provide an opportunity for stakeholders to represent the interests of their stakeholders;
- b) provide a structure for discussion, negotiations and joint decision-making;
- c) ensure proper communication between all stakeholders and the municipality; and
- d) monitor the planning and implementation process

The guidelines further indicate that a code of conduct should be drawn up for these forums and should provide details on:

- a) frequency and attendance of meetings;

- b) agenda, facilitation and recording of the proceedings;
- c) understanding the role of various stakeholders as representatives of their constituencies;
- d) how feedback to constituencies will take place;
- e) required majority for decisions to be taken; and
- f) how disputes will be resolved.

The Council should also approve a strategy for public participation. The strategy must decide, among other things, on:

- a) the roles of the different stakeholders during the participation process;
- b) ways to encourage the participation of unorganized groups;
- c) method to ensure participation during the different phases of planning;
- d) time frames for public and stakeholder response, inputs and comments; and
- e) ways to disseminate information; and means to collect information on community needs.

2.7. FUNDING OF THE LOCAL GOVERNMENT

Between 15 and 20% of total local government funding in South Africa comes from national and provincial grants, also known as “transfers”. In the financial year 2003/2004 the total of these grants was R14.5bn. This amount is broken down as follows:

- a) 44% is unconditional funding, in the form of the local government equitable share;
- b) 39% comes from conditional grants through national line departments; and
- c) 17% comes via provinces (Whelan, 2002:3).

2.7.1. TYPES OF FUNDING

A number of types of grants can be distinguished in the South African intergovernmental fiscal system. Grants can either be conditional or unconditional. Conditions associated with grants prescribe the specific content and process of spending by transferring authorities for municipalities to access the grants. In South Africa, the spending content of the conditional grants has been grouped into two

categories by the National Treasury which are infrastructure and capacity building. Infrastructure grants are normally provided to improve, maintain or put new infrastructure by the municipalities. Capacity building grants are meant to build capacity (training) of officials and councillors in municipalities. Unconditional grants can logically take the form of cash transfers whilst conditional grants can be in the form of cash or in kind, i.e. goods and services that are supplied to municipalities by the transferring authority (Whelan, 2002:4).

Grants can be direct or indirect. A direct grant comes from a transferring authority directly to a municipality. Transferring authorities determine the conditions that apply to the grant and can be either national or provincial departments. Indirect grants come via an intermediate body with discretionary powers to allocate funds, which by definition in South Africa would have to be a provincial department. The intermediate authority disburses the funds in kind or as cash to municipalities in terms of intervention programmes which they are required to develop in order to access the national grants. There is also a move towards accreditation of municipalities to be able to manage these funds on their own. An accredited municipality will then have these funds transferred directly to them (Whelan, 2002:4).

2.7.1.1. UNCONDITIONAL GRANTS

The main unconditional grant is the equitable share. This is local government's share of all the revenue raised by the national government through taxes and other forms. It is the single most important source of local government transfers. It has grown up to 50% by 2004/5 financial year (Whelan, 2002:5).

The equitable share is paid directly to each of the 284 South African municipalities. The allocation criteria used to divide the total equitable share into individual allocations going to each of the municipalities take the form of mathematical formula. The formula can be characterized as partially "needs based" in that an individual municipality's allocation is related to some indicator of the operating costs involved in delivering basic services to households which are too poor to pay for these services. A more fully needs-based allocation formula will have to take into account of the municipality's ability to raise revenue across all its households (Whelan, 2002:6).

The equitable share is unconditional in that, despite the fact that its allocation rests on the operating costs of basic service provision, it prescribes only some minimal “process conditions” relating to basic financial management and governance, e.g. a municipality must pass a budget and produce financial reports. The equitable share is disbursed quarterly to municipalities who are in turn expected to compile financial reports quarterly.

2.7.1.2. DIRECT NATIONAL CASH TRANSFERS FOR INFRASTRUCTURE

These grants primarily fund infrastructure used in the provision of basic services to the households. The main capital grant funding in this category is the Municipal Infrastructure Grant (MIG). In addition to funding physical structure, capital grants also fulfil objectives like job creation and economic development, reflecting the broad developmental role municipalities have been assigned by Section 153 of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996)(Whelan, 2002:6).

MIG incorporates aspects of infrastructure investment previously funded by the poverty relief fund grants, e.g. Expanded Public Works Programmes (EPWP), the Local Economic Development Fund. As part of its funding conditions the MIG prescribes the proportions of the allocation that each service sector in the municipality must receive. MIG is also needs-based.

2.7.1.3. DIRECT NATIONAL CASH TRANSFERS FOR CAPACITY-BUILDING

Cash transfers from national to local government also include specialized capacity-building grants. These grants are for municipalities to build their own capacity to undertake new roles and develop new management systems. They include the Municipal Systems Improvement Grant (MSIG) and the Financial Management Grant (FMG).

The MSIG relates to broad strategic planning and performance management, and is funded from the Department of Provincial and Local Government (DPLG) budget. It

is mainly used to establish and support Project Implementation and Management Support System (PIMSS) centres to fund their routine running costs as well as their capacity-building and support activities. PIMSS centres are units located in district municipalities, consisting of development professionals whose primary role is to support municipalities in establishing the systems as defined by Section 29(2) of the *Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)*. The centres tend to focus their activities on the development and review of IDPs. Allocations are proportional to the number of municipalities served by a district.

The FMG, funded from the National Treasury budget, aims to put in place the financial management systems which are defined by Section 5 of the *Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)*. These systems were developed and refined through a pilot programme funded by the FMG. Pilot municipalities receive cash assistance for implementing the required systems, subject to the achievement of performance milestones within specified time frames. Pilots are mostly selected for their likelihood of success and on the basis of geographic spread, and the size of allocations is partly related to the size of their budgets. *Non-pilot municipalities are given lump-sum cash transfers to implement the required systems and processes funded from the FMG (Whelan, 2002:7).*

2.7.1.4. NATIONAL IN-KIND TRANSFERS

The most significant of the national in-kind grants are the water in-kind capital grant and the water-operating grant, which are transferred from the national Department of Water Affairs and Forestry (DWAF) to local government. The idea behind this grant is that DWAF would establish these schemes and transfer them to municipalities who will take over the responsibility for running of the schemes. Allocations are made from the available pool of funds to geographic areas with water infrastructure backlogs.

2.7.1.5. PROVINCIAL FUNDING TO LOCAL GOVERNMENT

Provincial grants make up a significant portion of all the transfers going to local government. They are used to supplement national funding in the form of grants like

the MSIG and MIG. There is a lot of confusion with this system of similar grants coming from both the provincial and national governments for municipalities are expected to report on expenditure of these grants to both government spheres.

Provincial direct funds are transferred from provincial departments directly to municipalities. They appear in individual provincial department budget votes. In some provinces, they are detailed and regulated in provincial gazettes. These transfers cover a range of objectives, including the partial funding of activities that are either provincial responsibilities or responsibilities shared between provincial and local government. The provincial or shared responsibilities are often referred to as "agency payments". The provincial or shared responsibilities include primary health care services, the maintenance of the provincial roads that flow through the urban cores of municipalities and library services (Whelan, 2002:7).

2.8. FINANCIAL CAPACITY OF MUNICIPALITIES

It is apparent that most municipalities, especially the rural ones have dire constraints for finances. This limits or prohibits them from ensuring a smooth provision of services to communities. This financial struggle has resulted into other struggles like where groups or individuals have to fight for their share in the allocations provided by the government. The greater the limitation of resources, especially financial resources, the greater the potential for conflict (Mullins, 2002:515). Municipalities, therefore, spend a lot of time attending to these conflicts instead of focusing on service delivery.

In trying to address this situation of scarce resources the SA government has come up with the following basic principles for the management of local government finances (Gildenhuys, 1997:8):

- a) It must be understood that in reality funds in the possession of local governments do not belong to them. They belong to the municipal taxpayers from whom this money has been collected and the finances have to be disbursed back to the taxpayers by way of providing services. The local government is the only custodian of such funds. Because local government is a legal entity, it may be argued that the money belongs to the local

government concerned. It must, however not be forgotten that a local government acts on behalf of the taxpayers and inhabitants of its municipality. This therefore demands a high standard of professional ethics in the management of local government finances, as provided by the constitution.

- b) Financial decision-making by local governments should always aim at the most reasonable and equitable allocation of financial resources through the annual budget process.
- c) Financial resources must be applied in the most efficient and effective way to satisfy the needs of the public.
- d) The utilization of financial resources must satisfy the collective and individual needs of the public optimally, in the sense of maximum satisfaction of needs at the lowest possible costs.
- e) *Direct or indirect participation by taxpayers, consumers and users of municipal services in the financial decision-making process is based on the tenets of participatory democracy. Such participation is a primary condition for democratic financial decision-making.*
- f) No tax or other charges can be collected from taxpayers, consumers and users of services without their consent, and the tax burden must be distributed in a reasonable and equitable manner among all taxpayers, consumers and users of services.
- g) Only the Council as a collective body of elected representatives has the authority to impose taxes, consumer tariffs and user charges, to collect them, and decide how and on what they shall be spent. It is because of this principle that local government councils shall not delegate their financial decision-making authority to the executive committee or any official.

- h) The principles of responsibility and accountability of the councillors to the taxpayers for the collection and spending of taxes and other revenue should always be upheld.
- i) Councillors and officials must be sensitive to and respond to the collective problems and needs of the community. They must regard themselves as responsible for solving the public's problems and satisfying the public's needs. They must realize this responsibility and be accountable for it. This can only take place if there is regular free interaction between councillors and the taxpayer.
- j) The executive committee and the management team are responsible for efficient and effective programme execution, which emanates from the requirement for satisfying collective needs. Efficiency and effectiveness in an open democratic system mean that the execution of budget programmes should satisfy the public's needs, not only as cheaply as possible, but also as extensively as possible.
- k) All activities regarding financing must take place, and not under the cover of secrecy. True democracy calls for absolute transparency of all local government transactions.

One very important principle emphasized in this regard is "accountability". This is one of the traditional cornerstones of democracy and it aspires that each councillor and municipal official be subject to it. This means that they should all give account in public of their activities. It is generally accepted that they should display a sense of responsibility and responsiveness when carrying their duties. Their conduct should be beyond reproach and should not at any stage be questionable so that they will be able to account for their acts in public. This obligation to act responsibly and without ulterior motives means that they should earn the reputation of being a moral elite that is committed to serving the community rather than serving their interests. Councillors and municipal officials are held responsible for the funds placed under their control (Gildenhuys, 1997:9).

2.9. ESTABLISHMENT OF e'NDONDAKUSUKA LOCAL MUNICIPALITY

e'Ndondakusuka Local Municipality was established in the year 2000 following the new demarcations of municipalities. This municipality was previously known as Mandeni Transitional Local Council (TLC) before the determination of the wall to wall municipalities in 2000. Transitional Local Councils (TLCs) were previously known as Town Boards which largely served the urban areas (Municipal IDP Document, 2000:3).

e'Ndondakusuka Local Municipality Council was constituted in 2000 following the dictates of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998). It comprised 32 councillors, the dominant party being Inkatha Freedom Party (IFP). 16 wards were established each one represented by a ward councillor in the Council and the rest being party representative (PR) councillors. Only 5 of the wards were urban and the rest were deeply rural. Out of 5 urban wards 1 was a previously advantaged ward in the sense that it was a "Whites-only" settlement and was provided with the necessary infrastructure during the Apartheid period however the infrastructure was dilapidated. The other 4 urban wards were township settlements largely occupied by Blacks. There was a serious shortage of infrastructure in these wards and the growing numbers of the residents had strenuous impact on infrastructure and resources that are provided by the municipality.

The Council elected the Speaker in 2000 who was the only full-time councillor of the Council. In terms of its executive and legislative powers the Council elected an Executive Committee (EXCO) which comprised 6 members, the Mayor being the Chairperson of EXCO. The Council also elected the Deputy-Mayor who chaired the EXCO meetings in the absence of the Mayor. EXCO was delegated by Council to take decisions on the issues that related to the running of the municipality which included provision of services. However, the Council could not delegate the adoption of the budget, the municipal IDP, council policies and bylaws.

The Council also consisted of 6 Portfolio Committees which were:

- a) Development and Planning Portfolio Committee;
- b) Human Resources and Labour Relations Portfolio Committee;

- c) Health Portfolio Committee;
- d) Public Safety and Security Portfolio Committee;
- e) Community Services and Facilities Portfolio Committee; and
- f) Financial Recovery Steering Committee

Issues of service delivery were discussed by the Development and Planning Portfolio Committee and the Community Services and Facilities Portfolio Committee.

In 2000 the Council started the process of formulating its IDP where a number of Forums sat to discuss issues that affected the whole community thus culminating into a municipal IDP which was a strategic document outlining the projects to be implemented by the municipality. Forums that had been established were:

- a) The Transport Forum;
- b) The Housing Forum;
- c) The Youth Forum;
- d) The Education Forum;
- e) Simunye Environmental Forum;
- f) The Local Economic Development and Tourism Forum; and
- g) The Arts, Culture, Sports and Recreation Forum

These forums were responsible for discussion and prioritisation of projects which were part of the municipal IDP. It should be pointed out that most forums had prioritised the rehabilitation of infrastructure and the provision of more services in order to enhance service delivery. The municipality always used its IDP as a guide in terms of service provision for it is the document that set out the needs of the people. This effectively meant that if the municipality was unable to deliver services, it had then failed to implement its IDP and that impacted negatively on the overall performance of the municipality. The overall performance of e'Ndongakusuka Municipality with regard to the overall implementation of the IDP projects was at 60%.

After the Mayor had been elected he was then tasked to appoint the Municipal Manager who was responsible for the overall administration of the municipality. In

terms of Section 57 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), when appointed, the Municipal Manager was expected to draw-up an organogram and then appoint the Heads of Directorates reporting directly to him or her. Two directorates were created and these were the Directorate of Corporate Services and Finance and the Directorate of Service Delivery which comprised the Departments of Technical and Community Services which were responsible for the provision of services including water and refuse removal.

2.10. CONCLUSION

This chapter has discussed the legislative foundations within which the local government is founded were discussed. These included the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996), the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000). The specific role of the local government was also covered in the light of its powers and functions. The developmental role of the local government was also discussed intensively because it is one of the core functions of the local government. Democratising local government was also dealt with extensively because it measures the local government's openness and transparency which afford communities an opportunity to participate effectively on matters that affect their lives. Funding of the local government was also discussed for it plays a very important role in ensuring that the local government is able to deliver services effectively and efficiently.

CHAPTER 3

THEORETICAL PERSPECTIVES ON SERVICE DELIVERY

3.1. INTRODUCTION

This chapter reviews divergent theoretical perspectives on service delivery from various literature and other sources so as to provide a conceptual background within which an evaluation of service delivery can be located. The rationale for the inclusion of these theories is that their assumptions or principles are consistent with the views of the study in the sense that they provide the basis within which recommendations in this research are made.

In addressing the perspectives on service delivery the concept “service delivery” is discussed extensively together with the approaches to service delivery; the principles of service delivery; water services and refuse collection.

3.2. LEGISLATIVE FOUNDATIONS OF SERVICE DELIVERY

Various policies, frameworks and legislations have been put in place by the South African Government to enable effective service delivery to its people. The White Paper on the Transformation of Public Service (WTPS)(1995:2) sets out eight transformation priorities, amongst which Transforming Service Delivery is the key. This is because a transformed South African public service will be judged by one criterion above all. This criterion is the effectiveness in delivering services that meet the basic needs of all South African citizens. Improving service delivery is, therefore, the ultimate goal of the public service transformation programme and has to be the main target for all government institutions.

The purpose of this White Paper is to provide a policy framework and a practical implementation strategy for the transformation of public service delivery. It is primarily about how public services are provided and specifically about improving the efficiency and effectiveness of the way in which services are delivered. Chapter II of the WTPS (1995) requires government departments to identify among other things:

- a) Service standards, defined outputs and targets, and performance indicators, benchmarked against comparable international standards;
- b) Monitoring and evaluation mechanisms and structures, designed to measure progress and introduce corrective action where appropriate;
- c) Plans for staffing, human resource development and organisational capacity building, tailored to service delivery needs;
- d) The redirection of human and other resources from administrative tasks to service provision, particularly for disadvantaged groups and areas;
- e) Potential partnerships with the private sector, non-governmental organisations (NGOs) and Community-Based Organisations (CBOs) which will provide more effective forms of service delivery; and
- f) The development, or particularly through training, of a culture of customer care and of approaches to service delivery that are sensitive to issues of race, gender and disability.

Improving the delivery of public services means redressing the imbalances of the past and, while maintaining continuity of services to all levels of society focussing on meeting the needs of the 40% of South Africans who are living below the poverty line and those, such as the disabled and Black women in rural areas, who have previously been disadvantaged in terms of service delivery. Improving service delivery also calls for a shift from inward looking bureaucratic systems, processes and attitudes, and a search for new ways of working which put the needs of the public first, which is better, faster and more responsive to the citizens' needs. It also means a complete change in the way services are delivered. This includes the use of technologically advanced methods or programmes for service delivery. The objectives of service delivery, therefore, include welfare, equity and efficiency (WPTPS, 1995:3).

In the provision of municipal services Section 73 of the Local Government: Municipal Systems Act, 2000 (Act 32 Of 2000) maintains that a municipality must give effect to the provision of the Constitution and:

- a) Give priority to the basic needs of the local community;
- b) Promote the development of the local community; and
- c) Ensure that all members of the local community have access to at least the minimum level of basic municipal services.

Municipal services must, therefore,:

- a) Be equitable and accessible;
- b) Be provided in the manner that is conducive to the prudent, economic, efficient and effective use of available resources and the improvement of standards of quality over time;
- c) Be financially sustainable;
- d) Be environmentally sustainable; and
- e) Be regularly reviewed with a view to upgrading, extension and improvement.

There has always been a question as to who is entitled to the municipal services. It is obvious that the local community is entitled to the provision of municipal services but a clear legislative meaning of the term "local community" is necessary to obviate any misinterpretations. Section 16 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) propounds that "local community" in relation to a municipality means that body of persons comprising of:

- a) The residents of the municipality;
- b) The ratepayers of the municipality;
- c) Any civic or non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the municipality; and
- d) Visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services of facilities provided by the municipality and include more specifically, the poor and the other disadvantaged sections of such persons.

3.3. AN OVERVIEW OF SERVICE DELIVERY

Municipalities around the world are faced with increasing demands for improved services and competition for resources (National Business Initiative, 1998:3). Many successful local authorities are responding to this challenge by exploring public-private partnerships (PPPs) as a way to improve the delivery of services. This approach uses the expertise, investment and management capacity of the private sector to develop infrastructure as well as to improve and extend efficient services to all residents. Although this might be an effective approach towards service delivery, it is received with mixed reactions in other sectors of the

government because, whilst it ensures that there are sufficient resources to deliver services effectively, it also contributes to job losses since it is a form of privatisation (Post, 2001:43).

Public services are not a privilege in a civilised society but they are a legitimate expectation. That is why meeting the basic needs of the citizens is one of the key programmes of the Government's Reconstruction and Development Programme (RDP). It is also the reason why the Government's macro-economic strategy called Growth, Employment and Redistribution (GEAR) calls, among other things, for the reduction in unnecessary government consumption and the release of resources for productive investment and their redirection to areas of greatest need. *This means that government institutions must be reoriented to optimise access to their services by all citizens, within the context of fiscal constraints and the fulfilment of competing needs.* Municipalities as part of government institutions should ensure access to their services by all communities including those that were previously disadvantaged (Helmsing, 2000:56).

It is no secret that the sphere of government that can better fulfil the government responsibility to provide services is the local government. This is affirmed by Nel (2001:25) who maintains that local government forms part of the public sector which is closest to the inhabitants and is, therefore, indispensable in its role of providing essential goods and services and developing the local environment. Being in the forefront of service delivery, municipalities are not only charged with a direct responsibility of government delivery but are also closer to the people and have to face up the challenges and demands for services by the communities.

In the Rio Summit of 1992 a broad-based consensus emerged that democratic decentralisation will produce effective local government that is responsive to the needs of the poor and can provide opportunities for participation around issues that matter-most in people's lives (Blair, 2000: 21-39). The most important question though is whether or not the local government (local authority) has been successful in carrying out this mandate. The Report on Study Tour of Municipalities (2003:3) highlights that while there is significant progress with regard to the delivery of water

as a free basic service in urban and semi-urban areas, there is still a long way to go before municipalities effectively fulfil their responsibilities.

There are many reasons why local municipalities find it very difficult to fulfil their obligations. Racial disparities between historically Black and White local authorities and between urban and rural areas brought by decades of Apartheid spatial settlement patterns have not been completely overcome (Enterprise, May 2003:5). To affirm this assertion Parnell and Pieterse (2002:20) claim that as a result of the complex web of laws and the extensive network of regulations and tactics involved to uphold the principle of territorial segregation, Black people suffered and most of them are poor. Rolling back the harm inflicted by Apartheid, local government has to systematically dismantle each of the pillars on which racial power was built. It stands to be understood that there is no way that the government can break or dismantle the shackles of Apartheid overnight.

The past discriminatory laws ensured that those who are poor, especially Black people remain poor. The consequences of discrimination, rural development policies and the legislative construction of a dualistic agricultural system in South Africa have been to concentrate poverty within rural areas (Francis, 1999; Weiner, *et. al.*, 1997). It should be noted that municipalities have to raise revenue to be able to provide services. Rural municipalities, which have the heaviest concentration of poor people and, therefore, those in most need of municipal services, have only limited ability to increase their revenue (Pycroft, 2000:143-59). In this regard it becomes very difficult for rural municipalities to sustain themselves.

There has been several attempts, though not very successful, by government structures to provide services in rural areas. The RSCs, criticised from their inception for their inefficiency as agents of redistribution as much for their political illegitimacy, have proved a remarkably resilient form of rural local government (Pycroft, 2002:11).

The other strategy was the governments' 1995 National Rural Development Strategy (NRDS) which was criticised for its failure to adequately address the potential of the rural economy, and for ignoring issues of local governance, including traditional

leadership which was still a bone of contention in 2005. In 1997 the government began to address these deficiencies and published the revised Rural Development Framework (RDF), making a shift in the focus of rural development strategy to incorporate issues of local governance. The remarkable achievement was the incorporation of the role of rural municipalities in service delivery and sustainable livelihood. According to Ellis (1998:1) sustainable livelihood focuses on the ways in which individuals, families and communities construct a diverse portfolio of activities and social support in their struggle for survival and in order to improve their quality of life.

According to Gildenhuis (1997:7) the development of a satisfactory quality of life by each citizen will only be possible where: *ample and equal opportunities exist for each individual to subsist, including opportunities to work, also business as producers, manufactures, contractors, traders and professionals. Sufficient and indispensable municipal infrastructure services and amenities of optimum quality are supplied efficiently and effectively in a sustainable manner. The quality of the physical and natural environment within which the individual lives, works, does business and relaxes is satisfactory and not fraught with all sorts of dangers; and people feel safe and secure to live without fear of social disruption and personal threats. All this is possible if the local government realises that it is indispensable in its role of providing essential goods and services and developing the local environment (Nel, 2001:41).*

Despite all these challenges there is hope that South Africans will one day see the fruits of their struggle for freedom. A revolution is under way in thinking about government. The technicalities of administrative tinkering that dominated the debates of earlier decades have been swept aside in a reappraisal of everything government does. Their agencies are no longer deemed innocent until proven guilty or seen as essentially being instrument of the public interest. Instead, a set of institutions that had come to see a natural part of modern societies have found themselves open to a persistent challenge, charged with costing too much, with inflexibility and with neglect of citizens they were meant to serve (Mulgan, 1994:134). It is time that South Africans in particular have a growing perception of distrust towards the government. This is further asserted by Newton (1999:10) in that there is evidence to suggest that doubts about politics and the role of government have become more widespread, but

not universal, in many countries. The fact that remains is that the government has an obligatory responsibility to deliver services to its citizens who then have legislative recourse to hold the government accountable if that mandate is not fulfilled (Bardill, 2000: 103-18).

Improving the delivery of public services means redressing the imbalances of the past and, while maintaining continuity of services to all levels of society focussing on meeting the needs of the 40% of South Africans who are living below the poverty line and those, such as the disabled and Black women in rural areas, who have previously been disadvantaged in terms of service delivery Report on the Study Tour of Municipalities, 2003:3). Improving service delivery also calls for a shift away from *inward looking bureaucratic systems, processes and attitudes, and a search for new ways of working which put the needs of the public first, which is better, faster and more responsive to the citizens' needs.* It also means a complete change in the way services are delivered. This includes the use of technologically advanced methods or programmes for service delivery. The objectives of service delivery, therefore, include welfare, equity and efficiency (WPTPS, 1995).

The ANC Government Elections Manifesto (ANC, 2004:1) states that the public sector remains the preferred provider of core municipal services. It goes on to say that in the context public, private or community partners may be introduced to assist in supplying and extending municipal services. Local governments shall develop the capacity to oversee private sector providers to achieve this end.

3.4. SERVICE DELIVERY IN SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

The administration of local government in Namibia has for a long time been very similar to that of South Africa largely because of the fact that South West Africa (now called Namibia) was colonised by the South African Apartheid regime. Like in South Africa local authorities in Namibia all suffer from lack of qualified personnel and the dilapidated infrastructure impacts negatively on service delivery. However, the newly elected politicians with little or no experience in the business of government are

slowly beginning to come to terms with their roles and the constraints they face in meeting the challenges in their respective areas (Swelling *in* Reddy, 1996:26).

A very significant difference between the Namibian and the South African local governments is that in Namibia there is inappropriate allocation of functions and powers along the vertical axis (Swelling *in* Reddy, 1996:26). As local authorities come to tackle service provision and the severe problems of very low levels of economic development at the local level, they come up against the legal constraints on their horizontal relationship with the citizens. The NGOs and the Association of Local Authorities of Namibia (ALAN) had started to lobby for policy reforms that would see local government had more power to manage its affairs.

The Zimbabwean municipal systems have many characteristics of all administration systems of other SADC countries. Because of the nature of the services provided, the system is unable to control its work-load either on a day-to-day or long-term basis but has to be responsive to the demands made upon it. Thus the system is problem orientated and defensive in nature. Lack of service delivery of local authorities in Zimbabwe is largely caused by high dependence of local government on provincial and national governments and a political culture that has militated against the effective and developmental leadership (Swelling *in* Reddy 1996:43).

When the new constitutional and statutory framework was introduced in Mozambique it used the traditional approach of agreeing at central level on a model, and imposing it uniformly across all localities through legislation. This differs substantially from the South African approach which allows local stakeholder participation (Swelling *in* Reddy, 1996:45). A top-down approach has seriously impacted on service delivery in Mozambique, however, there is now tremendous improvement since the government has now laid down key principles of local government autonomy.

3.5. APPROACHES TO SERVICE DELIVERY

Section 73 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) provides for the local municipality to provide a service in its area through a service partnership either an internal or external mechanism called a Municipal Service Partnership (MSP). An MSP is defined as a contractual relationship between the municipality and another entity where the municipality gives the entity a responsibility to provide all or part of the service to the community (Minogue, *et. al.*, 1998:23). Although the municipality can detach or dispatch its responsibility to the external service provider it cannot transfer its accountability for the service.

Research shows that Municipal Service Partnerships (MSPs) are a new public management approach to service delivery promoting privatisation of public service in order to improve quality and coverage (Minogue, *et. al.*, 1998; Tendler, 1997; Turner and Hulme, 1997).

It's important to emphasize that the municipality cannot decide on a Municipal Service Partnership (MSP) but Section 73 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) spells out clearly the occasions when municipalities must decide on mechanisms to provide municipal services and these are:

- a) When preparing or reviewing its integrated development plan;
- b) When a municipal service is to be provided;
- c) When an existing municipal service is to be significantly upgraded, extended or improved;
- d) When the municipality is restructured or reorganised in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
- e) When requested by the local community through mechanisms, processes and procedures established in terms of Chapter 4; or
- f) When instructed to do so by the provincial executive acting in terms of section 139(1)(a) of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996).

Post (2001:20) maintains that privatisation in service provision usually implies a public-private arrangement in which the government retains some sort of control, while saving on costs and reducing political interference and red tape. Those who criticise privatisation maintain that it is remarkable to notice that little attention has been paid to the impacts of privatisation on the labour conditions of people working in the sector and that ecological considerations are virtually absent in the evaluations (Bardill, 2000: 103-18).

3.6. PRINCIPLES OF SERVICE DELIVERY

The White Paper on Transforming Public Service Delivery (1997:8) outlines eight principles of service delivery which are known as Batho Pele (People First) principles which are discussed below:

a) Consulting users of services

In terms of the White Paper on Transforming Public Service Delivery (1997:9) all departments must, regularly and systematically, consult not only about the services currently provided but also about the provision of new basic services to those who lack them. Consultation will give citizens the opportunity of influencing decisions about public services, by providing objective evidence which will determine service delivery priorities. Consultation can also help to foster a more participative and co-operative relationship between the providers and users of public services. In the consultation process service-users are able to say how they need services to be delivered to them. It is this process that motivates people in general to feel that they are part of democracy and their valuable input is recognised.

There are many ways to consult the users of services, including customer surveys, interviews with individual users, consultation groups, etc. The method or methods adopted must be chosen to suit the characteristics of the users and customers concerned. It should also be adapted to the context within which customers are located. It is essential that consultation should include the views of those who have previously been denied access to public services. The result of the consultation process should be widely published within the organisation so that all staff are aware

of how their services are perceived. The result must then be taken into account when decisions are made about what services are to be provided, and at what level.

b) Setting Service Standards

In terms of the White Paper on Transforming Public Service Delivery (1997:9) public organisations must set and publish standard for the level and quality of services they will provide, including the introduction of new services to those who have previously been denied access to them. Standards must also be precise and measurable, so that users can judge for themselves whether or not they are receiving what was promised. It is important that standards should also be realistic taking into consideration the huge disparities incurred because of the realms of Apartheid and segregation policies of the past.

They must be set at the level that is demanding but realistic. They should be displayed at the point of delivery and communicated as widely as possible to all potential users so that they know what level of service delivery they are entitled to, and can complain if they do not receive it. Performance against standards must be regularly measured and results published at least once a year, and more frequently where appropriate. The standards and measurements thereof must be widely displayed so that everyone can see and be able to detect non- or underperformance by the organisations and municipalities in particular.

Performance against standards must be reviewed and, as standards are met, so they should be progressively raised, year on year. Once set and published, standards may not be reduced. This will ensure that the organisations are always targeting better performance. If standards are not met, the reasons must be explained publicly and a new target date set for when it will be achieved.

c) Increasing Access

While some South Africans enjoy public services of first world quality, many others still live in the third world conditions. This scenario has been created by the legacy of Apartheid. One of the prime aims of Batho Pele is to provide a framework for

making decisions about delivering public services to many South Africans who were and are still subjected to inequalities of distribution in existing services. All public organisations are required to specify and set targets for progressively increasing access to their service for those who have not previously received them.

One significant factor affecting access is geography. Many people who live in remote areas have to travel long distances to get public services. Another significant factor is the lack of infrastructure which exacerbates the difficulties of communication with remote areas. Service delivery programmes should, therefore, specifically address the need to progressively redress the disadvantages of all barriers to access.

d) Ensuring Courtesy

The Code of Conduct for Public Servants issued by the Public Service Commission, makes it clear that courtesy and regard for the public is one of the fundamental duties of public servants, by specifying that public servants treat members of the public as customers who are entitled to receive the highest standard of service. The treatment of public as customers means that they are treated with more politeness than they just deserve.

The White Paper on Transforming Public Service Delivery (1997:11) spells out that public organisations must specify the standards for the way in which customers should be treated. These standards should cover, among other things:

- a) Greeting and addressing customers;
- b) The identification of staff by name when dealing with customers, whether in person, on the telephone or in writing;
- c) The style and tone of written communication;
- d) Simplification and “customer-friendliness” of forms;
- e) The maximum length of time within which responses must be made to enquiries;
- f) The conduct of interviews;
- g) How complaints should be dealt with; and
- h) Dealing with people who have special needs such as the elderly and disabled.

The performance of staff who deal with customers must regularly be monitored, and performance which falls below the specified standard should not be tolerated. The organisation should, therefore, ensure that underperformance is eliminated. Service delivery and customer care must be included in all future training programmes, and additional training should be given to all those who deal directly with the public, whether face-to-face, in writing or on the telephone. All managers have a duty to ensure that the values and behavioural norms of their organisations are in line with the Principles of Batho Pele.

e) Providing more and better information

Information is one of the most powerful tools at the customers' disposal in exercising his or her right to good service. Organisations must provide full account and up-to-date information about the service they provide, and who is entitled to them. This must be done actively, in order to ensure that information is received by all those who need it, especially those who have previously been excluded from the provision of public service. The consultation process should also be used to find out what customers and potential customers need to know, and then to work out how, where and when the information can best be provided. The government's attempts to provide e-Government for easy access and integration of services in this regard are highly appreciated.

Information must be provided in a variety of media and languages to meet the differing needs of different customers. This is essential to ensure the inclusion of those who are, or have previously been disadvantaged by physical disability, language, race, gender, geographical distance or in any other way. Written information should be plain and free of jargon, and supported by graphical material where this will make it easier to understand.

f) Increasing openness and transparency

Openness and transparency are the hallmarks of a democratic government and are fundamental to the public service transformation process. In terms of public service delivery, their importance lies in the need to build confidence and trust between the

public sector and the public they serve. A key aspect of this is that the public should know more about the way organisations are run, how well they perform, the resources they consume and who are in charge. The mechanism for achieving this will be an Annual Report to Citizens published by the public organisations setting out, in plain language:

- a) *Staff numbers employed, and the names and responsibilities of senior officials;*
- b) Performance against targets for improved service delivery, financial savings and increased efficiency;
- c) Resources consumed, including salaries and other staff, and other operating expenses;
- d) Any income for services and grants;
- e) Targets for the following year; and
- f) A name and contact number for further information.

Organisations should also use open days, preferably not during normal working hours, to meet with citizens to discuss service delivery issues. It is in these contact sessions where the public can raise their expectations about the services they wish to be delivered to them.

g) Remedying mistakes and failures

The capacity and willingness to take action when things go wrong is the necessary counterpart of the standard setting process. This principle is also related to the principle of redress which requires a completely new approach to handling complaints. The first step to deal with complaints is to acknowledge that all dissatisfaction, expressed in writing or verbally, is an indication that the citizen does consider establishing ways of measuring all expressions as an opportunity to improve service and to report complaints so that weaknesses can be identified and remedied. It, therefore, becomes imperative that organisations highly consider the viewpoints of the customers on how mistakes can be remedied.

Public organisations are required to review and improve their complaints systems, in line with the following principles:

i) Accessibility

Complaints system should be well-published and easy to use. Excessive formality should be avoided. Systems which require complaints to be made only in writing may be convenient but also off-setting to other customers. All the necessary avenues of access should be explored for the benefit of the customers.

ii) Speed

The longer it takes to respond to the complaint, the more dissatisfied customers will become. An immediate and genuine apology together with a full explanation will often be all they want. Where delay is unavoidable, the complainant should be kept informed of progress and told when an outcome can be expected. Constant communication with customers should be encouraged at all times irrespective of whether the complaint about service has been lodged or not.

iii) Fairness

Complaints should be fully and impartially investigated. Many people will be nervous of complaining to a senior official about a member of their staff, or about some aspect of the system for which the official is responsible. Wherever possible an independent avenue should be offered if the complainant is dissatisfied with the response they received the first time around. Whenever complaints of any kind are received the complainant should be assured that it is receiving the attention it deserves.

iv) Confidentiality

The complainants' confidentiality should be protected, so that they are not deterred from making complaints by feeling that they will be treated less sympathetically in future. Complainants should, therefore, understand the whole complaining system so

that they can detect and report any suspicions or perceptions for the loss of confidentiality.

v) Responsiveness

The response to a complaint, however trivial, should take full account of individual's concerns and feelings. Where a mistake has been made, or the service has fallen below the promised standard, the response should be immediate, starting with an apology and a full explanation; an assurance that the occurrence will not be repeated; and then whatever remedial action is necessary. Whenever possible, staff who deal with the public directly should be empowered to take action themselves to put things right.

vi) Review

Complaint systems should incorporate mechanism for review and for feeding back suggestions for change to those who are responsible for providing the service, so that mistakes and failures do not recur. The viewpoints of the public should always be taken into consideration and be incorporated in the review process so that communities should be encouraged to participate in the affairs of the organisation.

vii) Training

Complaints handling procedures should be publicised throughout the organisation and training given to all staff so that they know what action to take when a complaint is received. It is also important that communities are also made aware of the content of the training programmes so that they can hold the public servants accountable if complaints are not well-handled.

h) Get the best value for money

Improving service delivery and extending access to public service to all South Africans must be achieved alongside the Government's GEAR strategy for reducing public expenditure and creating a more cost-effective public service. The Batho Pele

initiative must be delivered within organisation resources allocations, and the rate at which services are improved will, therefore, be significantly affected by the speed with which organisations achieve savings which can be ploughed back into improved services. Many improvements that the public would like to see often require no additional resources and can sometimes even reduce costs. Although it is not always possible, organisations should aim at providing effective delivery of services with *minimal expenditure as far as is possible*.

One of the key aims of Batho Pele will, therefore, be to search for ways to simplify procedures and eliminate waste and inefficiency. All government organisations will be required, as part of their service delivery improvement programmes, to do the service delivery improvements which will result from achieving the savings. It, therefore, becomes imperative that service delivery improvement programmes should include how the savings will be ensured and what it will be used for.

The government acknowledges the fact that improving public service delivery is not a once-off exercise. It is an ongoing and dynamic process. There is a great deal to do, and progress will sometimes be frustratingly slow; but the task is one of the most worthwhile and rewarding that the public service faces, and the need is urgent. It is, therefore, believed that Batho Pele has the potential to bring about a major change in the way that public services are delivered.

3.7. WATER SERVICES

Provision of water services has been characterised by a host of problems given the diverse background where municipalities are coming from. The problems have also been compounded by the fact that a lot of infrastructure is now dilapidated. In some areas provision of water has been the responsibility of the Department of Water Affairs and Forestry (DWAF). DWAF also controls a lot of water utilities like Umngeni Water, Siza Water, Rand Water, etc who have formed partnerships with municipalities with an aim of directly providing water services to the communities. Some of the problems recurrent in the process of water provisions are that the utilities are run on private agency basis and municipalities, therefore, have little control over the whole process. The irony is that municipalities cannot delegate accountability to

these utilities for accountability still remains with them (Report on the Study Tour of Municipalities, 2003:4).

It will be remembered again that in terms of the new powers and functions of municipalities, water projects and schemes that were previously a responsibility of DWAF were taken over by municipalities as from 1 July 2003. This process of handing over was without any problems.

In the Report on Study Tour of Municipalities (2003:5), municipalities saw long term advantages and necessity of the venture, they felt that at the time they were not ready to take over the responsibility. They pointed out to many other challenges they currently had to address weaknesses of capacity, and their fears about assurance of the support they would get from DWAF for the following three years. Some of the projects and schemes were in a state of disrepair. Others would also be costly to maintain. Surely all municipalities believed that the handing over of water was an inheritance of more liability municipalities could not afford (Study Tour of Municipalities, 2003:5).

From the perspective of the community, there had been a lot of problems regarding the payment for water services. The culture of non-payment could be attributed to various factors. Having conducted a quasi-national survey for the Helen Suzman Foundation, Johnson (1999:51) describes the service payment issue as a community-wide culture of non-payment which enables widely desperate groups to find different reasons of the same behaviour. This stemmed from a weak civic culture and the lawless nature of many township and informal settlements where the culture of non-payment was rife (Johnson, 1999:52).

Other researchers see the reasons for non-payment differently. The rationale here is that most people, low income households included accept their civic responsibility to pay the full cost of service delivery, and are happy to do so as long as the services are reliable, affordable and of good quality (Jimenez, 1987; Whittington, *et. al.*, 1990; Whittington, *et. al.*, 1991 and Alberini and Krupnick, 2000). This is supported by Pape and McDonald (2002:51) when they say critics of the culture of non-payment argue that willingness to pay is linked to the governments' political will to upgrade

service quality. This means that as long as the delivery of services is not up to the expected level of expectations by the communities there will be reluctance to pay for the services.

One major concern that has perpetuated the problem of non-payment has been the way that cost recovery is being implemented in South Africa. It has been enforced through letters threatening legal action, cut-offs, evictions, intimidation and even overt-violence. In some cases, private companies are hired to remove not only the furniture, but also the physical structure of the dwelling itself. Some families return from work to discover their homes auctioned for non-payment of services and their belongings on the street (Deedat, *et. al.*, 2001:4). In other cases people have had services cut for non-payment of bills totalling thousands of rands received as a result of defective piping, faulty meters and or incorrect meter-readings.

Drakeford (1998:22) questions the constitutionality of cut-offs as a cost recovery mechanism. He further states that service cut-offs and household evictions are very possibly unconstitutional. Although the Bill of Rights does not provide for equity based on income, it does provide the right to a "healthy" and safe environment as well as "access to adequate housing," underwhich access to basic municipal services would seem to apply. According to Drakeford (1998:23) one international indication of the potential for this constitutional or legislative change is found in the United Kingdom. Water cut-offs to residential homes, schools and other essential public buildings have been outlawed since 1999 when a series of cut-offs took place following privatisation of water services. It has also been ruled that self imposed cut-offs through the use of prepaid meters is illegal, and that it is the responsibility of the water supplier to ensure water provision even if the household is unable to pay for prepaid consumption. In South Africa it is ironic that water cut-offs occur in poor communities who should be empowered and protected by the constitution (Drakeford, 1998:24).

The other recurrent problem with regard to provision of water is that municipalities experience lots of unaccounted for water (UAW) which forces them to inflate water tariffs to recover the costs which impact negatively on the consumers. UAW is the difference between the measured volume of water put into the supply and distribution

system and the total volume of water measured to authorised consumers (Norms and Standards of Water Services Tariffs, 2002).

The Report on Study Tour of Municipalities (2003:1) highlights the fact that:

“Most municipalities in South Africa have made significant progress in the delivery of free basic services, particularly water in urban and peri-urban areas. Municipalities should understand that free basic water of 6 kilolitres is a basic human right backed by a host of legislation. It is imperative that municipalities should extend this right to their indigents and rural areas.”

The provision of free basic water has met some criticism from researchers such as Pape and McDonald (2002:21) who maintain that the promise of 6 kilolitres of water per household per month also offers little financial respite. Many low-income households use considerably more than 6 kilolitres because of the relatively high average number of occupants per household and also because of the old and leaky Apartheid-era infrastructure.

The fact that many low-income households comprise more than eight people heightens the problem, as does the fact that for many people this water is only delivered to a communal, metered stand pipe within 200 metres of the recipient's household. With crime and rape a serious problem in many low-income areas, these communal stand-pipes can be both inconvenient and unsafe, particularly after dark (Pape and McDonald, 2002:23).

Another concern with the use of the household as a unit of measurement for free water is its intrinsic bias against low-income families. For example, a young couple with two incomes and no dependants living in a home in the suburbs receives the same amount of free water as a single, unemployed mother with seven dependants living in a run down shack in the township (Khosa, 2000:20).

In many municipalities households are not means tested to use if they qualify for the free service. This does highlight the inherently inequitable feature of basing free service on a per household basis (Pycroft, 2000: 143-59).

3.7.1. LEGISLATIVE FOUNDATIONS ON WATER SERVICES

Various legislative provisions have been made for water but only the Water Law Principles of 1996 and the Water Services Act, 1997 (Act 108 Of 1997) will be discussed here.

3.7.1.1. THE WATER LAW PRINCIPLES OF 1996

The following is the discussion of the Water Law Principles which form the core foundation of the water legislation:

Principle A.1.

In a relatively arid country such as South Africa, it is necessary to recognise the unity of the water cycle and the interdependence of its elements, where evaporation, clouds and rainfall are linked to underground water, rivers, lakes, wetlands, estuaries and the sea.

The water law principles reflect the natural laws of the world. Water in nature is continuously moving, even though in some cases it may move very slowly. Not only is water continuously moving, it is also continuously changing its state between liquid, gas and solid. This continual movement and changing of water is known as the water cycle. The water cycle is indivisible and all parts of it are interrelated. Water is generally speaking neither made nor destroyed. Different parts of the cycle influence each other i.e. rainfall affects the amount of water which is available to plants; the amount of water which plants use affects how much water seeps deep into the ground to form ground water; when ground water is pumped out of the ground, the level of underground water, or the water table level, is affected; water table levels have an important influence on river flows.

Human activities also have an impact on the water cycle and, as development occurs, that impact increases. People are now better able to control the quantity of water available to them, using modern engineering methods, and they (people) have a great impact on water. Before the introduction of high yielding, deep level ground water

pumps, for example, they did not have impact on ground water. People are now able to destroy resources and cause damage which will take thousands of years to repair. Therefore, as technology advances so does the need for protection and regulation.

Different land uses also impact on the water cycle. When a crop such as sugar cane or timber is planted, the runoff to rivers and streams will decrease and so will the rate of ground water recharge. This in turn will reduce the amount of water which is available for other uses. The development of an urban area can increase the runoff and the risk of flooding. It is not possible, therefore, to manage water resources without having some influence and control over land-use practices.

Underground water needs special consideration. Because it is slow moving and invisible, it is difficult to understand and to predict. Most of the aquifers (underground formations in which water is stored) in South Africa have low storage capacity but, in the drier two thirds of the country, ground water is the only accessible source of water. The idea of the "catchment" is important. It is a natural drainage area made up of an interlink system of streams and tributaries flowing under the influence of gravity. All naturally occurring water in a catchment can, for practical management purposes, be treated as inter-related in terms of both quantity and quality. With the use of storage facilities such as dams and reservoirs, water can be regulated and controlled in a catchment to meet different demands. In most instances surface water catchment boundaries or watersheds coincide with ground water "catchment" boundaries. In South Africa, management of catchments is complicated by the need to transfer water between catchments.

As the understanding of the water cycle increases, so the law relating to water needs to be progressively amended to reflect what is known to be physical reality.

Principle A. 2.

The variable, uneven and unpredictable distribution of water in the cycle should be acknowledged.

South Africa is a semi-arid country. The climate is characterised by its variability and unpredictability. In South Africa 43% of the rain falls on 13% of the land; and of the rain which falls, only 9% reaches the rivers. Droughts are followed by floods, rainfall fluctuates from year to year and from region to region. The storage of water to help balance the extremes becomes very important. The law needs to take account of these circumstances. The water law in a temperate climate with plenty of water will be different from the law in a semi-arid climate.

Principle B.1.

All water, wherever it occurs in the water cycle, is a resource common to all, the use of which should be subjected to national control. All water should have a consistent status in law, irrespective of where it occurs.

It is clear from the 191 government water, subterranean, and drainage control areas proclaimed throughout the country that, over the years, it has become increasingly necessary for the government to control public water, underground water and storage of private water in dams. On land not falling within any of these areas, ground water and water originating on a person's property is considered in most cases as private water and there are very limited controls on its use. These different categories of water deny the physical reality that all water is interrelated and, if maintained would greatly hinder effective management.

One of the most important results of adopting this principle will be to enhance Government's ability to control the abuse of ground water, where resources are overexploited on the basis of the water being "private".

A further consequence to the principle is to place in context the distinction between the concepts of *normal* and *surplus* water as it exists in the present Water Services

Act, 1997 (Act 108 of 1997). Whilst the distinction between “public” and “private” water, and “normal” and “surplus” flow may retain some use when it becomes necessary to calculate and define the quantity of water that can be allocated in practice to a water user, terminology and definitions will have to change to avoid outdated and misleading connotations.

Principle B.2.

There shall be no ownership of water but only a right to its use.

Although this may sound new, it is not actually a change from the present law. There is a widespread public misconception that “private” water is actually the property of the land owner but this is not true. People may have an exclusive right to the use of water, but it can never be owned as it passes through a particular point on its continuous journey through the water cycle.

Principle B.3.

The location of the water resource in relation to land should not confer preferential rights to usage.

The effect of this principle is that owners of land adjacent to a natural stream will in future not automatically be entitled to priority use of the water flowing past their land simply because of their ownership of the land. There are many thousands of farmers and other people in the country who do not own the land and a fairer way of allocating water needs to be found.

Principle C.1.

The objective of the quantity, quality and reliability of the nation's water resources is to achieve optimum long term social and economic benefit for society from their use, recognising that water allocations may have to change over time.

The State has a responsibility to provide a framework within which individual activity and enterprise can flourish. The effective control and management of water is of interest to all and can only be achieved through public cooperation.

This principle is perhaps the most important of all because it unambiguously guides the actions of the State in the fulfilment of its functions. It highlights the need, when rights to use water are being defined, to ensure that they are flexible enough to accommodate changes in social priorities and economic circumstances over time.

Principle C.2.

The water required to meet people's domestic needs should be reserved.

"Water required for basic domestic needs" means widely different things to different people and definitions may change over time. Very few people would argue, however, that there should not be a basic minimum amount of water available to everyone, sufficient to ensure a basic level of health and quality of life.

Principle C.3.

The quantity, quality and reliability of water required to maintain the ecological functions on which humans depend should be reserved so that the human use of water does not individually or cumulatively compromise the long term sustainability of aquatic and associated ecosystems.

Ecosystems include living organisms and their interactions with each other and their external environment. They are sensitive and life depends on them for existence. Although human needs and activities will modify natural ecosystems, these

modifications should be restricted to the capacity of the systems to recover or keep functioning.

Principle C.4.

The water required to meet peoples' basic needs and the needs of the environment should be identified as "the Reserve" and should enjoy priority of use.

Provision of water as a basic need is a constitutional provision and a right. In order not to violate this right water as a natural resource should be preserved to sustain the provision of the right. Water should therefore be preserved and its sustainability be prioritised so that every South African citizen will derive a benefit from it.

Principle C.5.

International water resources, specifically shared river systems, should be managed in a manner that will optimise the benefits for all parties in a spirit of mutual cooperation. Allocations agreed for downstream countries should be respected.

Many of South Africa's rivers are shared with neighbouring countries. The use of water from these rivers in South Africa may have negative impacts upon ecosystems and water users in these countries. This has in the past become a source of conflict which should be avoided in the future by ensuring that there are mechanisms for cooperative management in place. South Africa is also interested in promoting joint projects with the neighbouring countries to develop their water resources for mutual benefit and a framework is required to guide such cooperation.

Principle D.1.

The national government is the custodian of the nation's water resources, as an indivisible national asset, and has ultimate responsibility for, authority over, water resource management, the equitable allocation and usage of water, the transfer of water between catchments and international water matters.

This Principle formalises the approach whereby the "public interest" is represented by the government. It recognises that, where resources are limited and the competition is increasing, some party has to have oversight and custodianship over water. This does not mean that the government is the legal owner of water it is the overall manager of water.

Principle D.2.

The development, apportionment and management of water resources should be carried out using the criteria of public interest, sustainability, equity and efficiency of use in a manner which reflects the value of water to society while ensuring that basic domestic needs, the requirements of the environment and international obligations are met.

Water is a social and economic good. It is essential because life and economic development is not possible without it. Its value to its users reflects, in part, the costs incurred when it is transported, treated or stored. Because water is a scarce commodity, its value also reflects the benefits it can bring to its users. This economic value may be greater than the direct costs of its production. The management of water resources should reflect the value placed on them by the users while keeping a balance between what is fair (social equity) and what is economically efficient.

The price of water should thus reflect the fact that it is a scarce national resource. Using water for one purpose and not for another means that there is a trade-off. The cost of the trade-off has to be considered. The price of water should, therefore, be guided by what is economically most efficient, balanced by social equity considerations, such as, the needs of the poor. National economic interests would also

be taken into account together with the different needs of groups such as farmers, industry, mining and others.

In order that water may be allocated to its most economic use, it may be necessary to transfer water allocations between users. The water law should provide a framework which makes this possible.

Principle D.3.

In as far as it is physically possible, water resources should be developed, apportioned and managed in such a manner as to enable all user sectors to gain equitable access to the desired quantity, quality and reliability of water, using conservation and other measures to manage demand where this is required.

Principles D2 and D3 establish the basis for the methods by which water should be managed, apportioned and developed in South Africa to get the most beneficial use from water while ensuring fairness, equity and long-term sustainability.

The application of the principles would ensure that everybody has access to their minimum domestic requirements and the other social priorities are met. Economic objectives are then addressed by requiring water to be managed in a way which reflects its value to society. This approach will help to encourage the conservation of water because its price will more closely reflect its value. It will also enable a market-guided approach to allocation to be put in place whereby low value users could cede their right to use water to higher value users. In general, it will focus more attention than in the past on managing demand rather than meeting needs by developing new supplies.

The principles also highlight the reason for moving away from the present riparian rights system. This system restricts the rights to use water to a particular parcel of land and may mean that it cannot be used in the most economically efficient manner or in a way that could be considered to be fair. Obviously riparian owners will still have the advantage of being closer to water since more distant users will have to bear higher costs of access. The current inequalities in the ownership of riparian land

would have to be resolved through changes in the pattern of land ownership although provision to ensure controlled physical access to water in rivers for non-riparian users would help to achieve more equitable arrangements.

Principle D. 4.

Water quality and quantity are interdependent and should be managed in an integrated manner, which is consistent with broader environmental management approaches.

There have been proposals to separate water quality management from management of water quantity. This would create major difficulties since, for instance, the impact of pollution on a water course depends on how much water is present to dilute the pollutant. Similarly, the quantity of water used can affect its quality. This effect is often seen when over-pumping of ground water causes the intrusion of unusably salty water from other formations.

South Africa is comparatively fortunate to have a single water administration which is responsible for both water quantity and water quality and the principle suggests that this should be maintained. The danger, though, is that this creates a strong national organisation which may resist cooperation with broader environmental management activities. This principle directs the water sector to cooperate with all the other parties concerned with the protection of the environment. It also promotes Integrated Environmental Management (IEM) and Integrated Pollution Control (IPC).

Principle D.5.

Water quality management options should include the use of economic incentives and penalties to reduce pollution; and the possibility of irretrievable environmental degradation as a result of pollution should be prevented.

All water has a value to society and, therefore, the ecosystems which provide with water also have a value. Water is used in a variety of ways, some of which are not obvious. For example, water is used to transport waste from the toilet to the sewerage treatment plant. Water in rivers and streams is used for cooling or passing through turbines to generate electricity. When water is used in these ways, a cost should be borne by the user which reflects the value of the water used. In the case of waste disposal, this may be achieved through the "polluter pays" policy.

Principle D.6.

Water resource development and supply activities should be managed in a manner which is consistent with broader environmental management approaches.

Any development of water resources has an impact on the broader social and natural environment. The water administration should not be exempted from the requirements to evaluate environmental impact and to take appropriate action to keep them to acceptable limits. This would require the use of well-established methods such as *Integrated Environmental Management (IEM)* and *Environmental Impact Assessments (EIAs)*.

Principle D.7.

Since many land uses have a significant impact upon the water cycle, the regulation of land use should, where appropriate, be used as an instrument to manage water resources.

The same approach to cooperation with other agencies around environmental issues is needed with respect to land use. This Principle could also provide some redress for the forest industry which claims that it is penalised (or regulated) unfairly because it is not allowed to plant forests wherever it pleases. Fairness may require that the regulation of land use be extended to other crops, such as sugar cane planting in some vulnerable catchments. Land use management also affects water quality. Where poor practices are followed, topsoil is washed into rivers which slits up dams and increases the turbidity of the water. These are but two examples of how a certain use of land may affect the water cycle and, therefore, the interests of other water users in a catchment area.

Principle D. 8.

Rights to the use of water should be allocated in good time and in a manner which is clear, secure and predictable in respect of the assurance of availability, extent and duration of use. The purpose for which the water may be used should not be arbitrarily restricted.

It is important to note that current water "rights" often have substantial deficiencies. They may reflect, at best, the occasional right to use water when it happens to be present. Existing allocations may be challenged and altered as new hydrological information becomes available. In addition, riparian rights are normally limited to the use of water for specific purposes on the parcel of land concerned and are not automatically transferable for use on other land even for other purposes on the same parcel of land.

The objective of the water law review is not to penalise the people who already have rights, it is to develop a better, fairer and more efficient system for everybody. The

objective is to improve the quality of water rights by addressing some of the deficiencies described above.

The improvement in the quality of water rights should be achieved by ensuring that new water rights are more substantial and carry stronger guarantees than existing rights. This will improve the value of water rights. There may be reason to place restrictions on the time for which a right may be exercised, in other words, rights may not necessarily be in perpetuity although there is obviously a need for security, clarity and predictability.

Principle D.9.

The conditions subject to which rights are allocated should take into consideration the investment made by the user in developing infrastructure to be able to use the water.

When people invest a large amount of money in a development like a dam, an irrigation system or a factory which depends on having access to water, they need to know that their investment will be worthwhile. To this end, they must be able to ensure that the water they need is available for a reasonable period. A forestry permit might thus reasonably cover a number of cycles of afforestation while a permit to build a dam and abstract cooling water for a power station should cover the economic life of that power station.

Principle D.10.

The development and management of water resources should be carried out in a manner which limits to an acceptable level the danger to life and property due to natural or man-made disasters.

If optimal social and economic benefit is to be achieved, this must apply to all aspects of water management. The variable nature of the climate means that many parts of South Africa are occasionally subject to devastating floods. To the extent that it is

possible to do so, water resource management must aim at reducing the resulting damage to life and property.

Disasters of this kind can also be man-made since the impoundment of large quantities of water always represents a potential hazard to downstream development and communities. For this reason, water resources must be developed in a way which minimises the hazard potential due to dam failure or other events to an acceptable level.

At the other extreme, drought is a normal condition in South Africa. Water resource planning must aim to ensure that the possible impacts of drought are identified and appropriate measures taken to minimise them.

Principle E.1.

The institutional framework for water management should as far as possible be simple, pragmatic and understandable. It should be self-driven, minimise the necessity for state intervention, and should provide for a right of appeal to or review by an independent tribunal in respect of any disputed decision made under the water law.

A principle was proposed relating to enforcement and the quantification of water rights which is quoted immediately below. There have been a number of adverse comments on this proposed principle and it has been excluded from the final draft. The objection raised in some quarters was that it assumed a specific approach to the future administration of water rights that might not in fact be chosen, and that it would be an enormous task which would be very expensive.

Efficient enforcement is dependent on the speedy quantification of as yet undetermined water rights and the proper registration of all water rights, including existing rights, particularly in those areas of the country where water rights are most contested. This should take place systematically over a short period as available finances will allow.

It is the opinion of others that a beginning must now be made to expedite this process, despite the time and cost, and that no alternative exists to the registration and quantification of at least all contentious water rights.

Principle E.2.

Responsibility of the development, apportionment and management of available resources should, where possible, be delegated to a catchment or regional level in such a manner as to enable interested parties to participate and reach consensus.

The above two principles are largely self-explanatory but their impact on the administration and management of water resources in South Africa could be substantial.

The principles first highlight the need to avoid unnecessarily complicated, expensive and cumbersome methods of management. Because the water cycle is so variable and unpredictable, it is difficult to determine the amount of water available for allocation to a user at any one time. For this reason, it is vital that use is only regulated when it is necessary in the public interest to do so and that it is then regulated in the most efficient and non-bureaucratic manner possible.

Thus, although rainfall on a building's roof could theoretically be subject to management, it would serve no purpose to require that all rain water tanks be authorised. Similarly, where underground water is plentiful, little purpose would be served by requiring all boreholes drilled for domestic purposes to be licensed.

A separate but related issue is the desirability of promoting approaches of local consensus building regarding water apportionment and management between actual and potential users. If all interested parties in a catchment can reach agreement about the sharing of available resources (subject to the requirements of the reserve and to over-riding national interests), there may be no reason for the state to intervene.

It may also be appropriate to delegate certain functional responsibilities to provincial or local government agencies. While this may be done to achieve greater efficiency

in administration, the more important objective will be to promote democratic governance at all levels of society.

Principle E.3.

Beneficiaries of the water management system should contribute to the cost of its establishment and maintenance.

The establishment and running of an administrative system to manage water allocations can be a costly exercise. It will, however, bring clear benefits to water users. It is, therefore, reasonable for the potential beneficiaries of the allocation and management process to contribute to the costs of its establishment and maintenance.

Principle F.1.

Lawful existing water rights should be protected, subject to the public interest requirement to provide for the Reserve. Where existing rights are reduced or taken away, compensation should be paid wherever such compensation is necessary to strike an equitable balance between the interests of the affected person and the public interest. An existing right should not include a right which remains unquantified and unexercised at the time of the first publication of these principles.

In introducing any new system, clear principles guiding the transition from what is currently in place to new arrangements have to be in place and the transition process must be carefully managed. This principle addresses the issue of compensation which may arise should the existing rights have to be curtailed.

An existing right means any right of use which is provided for by common law or legislation. The exclusion of rights which have not been allocated or exercised at the time of the first publication of these principles is to prevent a rash of speculative development in order to entrench or establish new rights or to attract compensation.

Principle G.1.

The right of all citizens to have access to basic water services (the provision of potable water supply and the removal and disposal of human excreta and waste water) necessary to afford them a healthy environment on an equitable and economically and environmentally sustainable basis should be supported.

The Constitution of the Republic of South Africa sets out the rights of all people in the country to a healthy environment. Water rights and the right to a basic water supply are not the same thing since even if a community has full rights to take water from a river, they will not necessarily have the money or expertise to treat the water and pipe it to their homes.

This suggests that the question of rights to water supply is not the same as the right to the use of water. Whilst it is not the direct responsibility of the national government to supply water directly to each citizen in the country, it is the responsibility of the national government to ensure that water is supplied. Similarly, if the objective is to achieve a healthy environment, action must be taken to ensure that adequate sanitation provision is available. Because water supply and wastewater removal are very closely linked, it is traditional to consider them as part of the same service.

Principle G.2.

While the provision of water services is an activity distinct from the development and management of water resources, water services should be provided in a manner consistent with the goals of water resource management.

The objectives of water services provision may be met by a water administration, by an agency of local government or by private endeavour. Water services provision may impact heavily upon water resources, be it due to rapidly growing urban demand or the effect on water quality of run-off from poorly planned peri-urban areas. It is, thus, necessary to link water service provision to water resource management administration if water service goals are to be achieved in a sustainable way. This principle provides the basis for that linkage.

Principle G.3.

Where water services are provided in a monopoly situation, the interests of the individual consumer and the wider public must be protected and the broad goals of public policy promoted.

The distinguishing feature of water services is that, more than most infrastructural services, they are natural monopolies. This creates certain dangers and problems which need to be guarded against, particularly in order to protect the poor. The government must ensure that broad public policies, such as the Reconstruction and Development Programme (RDP) are not thwarted by monopolistic arrangements which are not equitable.

3.7.1.2. THE WATER SERVICES ACT, 1997 (ACT 108 OF 1997)

The Water Services Act, 1997 (Act 108 of 1997) forms the core of the legislation that provides for water services. In terms of Section 9 the minimum standard for basic water supply services is:

- a) the provision of appropriate education in respect of effective water use; and
- b) a minimum quantity of potable water of 25 litres per person per day or 6 kilo litres per household per month:
 - i) at a minimum flow rate of not less than 10 litres per minute;
 - ii) within 200 metres of a household; and
 - iii) with an effectiveness such that no consumer is without a supply for more than seven full days in a year.

A water services institution must have a consumer service to which non-compliance with these regulations can be reported. A system should be ensured that consumers are made aware of this service and are encouraged to use it. One of the main objectives of these regulations is to ensure that consumers are aware of their rights and understand the roles and obligations of water services institutions with respect to compulsory national standards. It is also important that consumers know what to do

in the event that a water services institution underperforms. The service institution should, therefore, setup a consumer service. The purpose of the consumer service is primarily to receive a record of all instances of non-compliance reported by consumers along with what responses and actions have been taken to address the complaint. The contact details of the consumer centre should be widely publicised and information should be provided on how a complaint can be made, and on how a consumer can follow up to ensure that it is being addressed. The efficiency, accessibility responsiveness and accountability of the consumer centre will largely dictate the public image of the water service institution.

Although e’Ndongakusuka Local Municipality had tried its best to ensure that 6kl of free water was provided to households that had piped and metred water, there was still a challenge to provide the 6kl of water in rural areas although water-tankers were occasionally sent to provide water in rural areas.

3.7.2. PROVISION OF WATER IN RURAL AREAS

At the time of the study municipalities did not have a formal system of water provision in rural areas. Some provided communal stand-pipes in some designated areas and others either provided tankers or boreholes. A list of challenges in this regard had been inherent from the previous Apartheid era especially non-provision of infrastructure in rural areas. A greater percentage of boreholes had dried up and there was not much municipalities could do to address the situation (Francis, 1999:34).

3.7.3. FREE BASIC WATER

The Report on Study Tour of Municipalities (2003:5) highlights the fact that most municipalities in South Africa have made significant progress in the delivery of free basic services, particularly water in urban and peri-urban areas. Municipalities should understand that free basic water of 6 kilolitres is a basic human right backed by a host of legislation. It is imperative that municipalities should extend this right to their *indigents and rural areas*.

The provision of free basic water had met some criticism from researchers such as Pape and McDonald (2002:5) who maintain that the promise of 6 kilolitres of water per household per month also offers little financial respite. Many low-income households use considerably more than 6 kilolitres because of the relatively high average number of occupants per household and also because of the old and leaky Apartheid-era infrastructure.

3.8. REFUSE COLLECTION

It should be noted that most municipalities would prefer privatisation of refuse collection for various reasons. Post (2001:30) maintains that solid waste management is no longer a local government monopoly but a domain open to various modes of public-private cooperation.

In the literature, the private sector is endowed with qualities such as political independence, economic rationality, efficiency, dynamism and innovation-qualities that make it show up favourably to public sector enterprise. Although the salutary effects of privatisation should certainly not be taken for granted (Rondinelli and Iacono, 1996; Burgess, *et. al.*, 1997; Ranamurti, 1999), its importance as a policy instrument must be accepted as a matter of fact. Studies on privatised collection often arrive at the conclusion that services are delivered more efficiently than by municipal departments, but ignore the additional costs incurred by the authorities for contract management and performance monitoring. It should be pointed out though that privatisation can come with high costs for municipalities to pay private companies which somehow defeat the government's objective to provide services at a minimal cost. Very often, privatisation is also associated with gains in effectiveness. It should also be pointed out that popularity of privatisation of refuse collection in particular is enlarged on the failures in public sector like too many workers, not enough supervisors, few incentives for better performance and limited finance.

3.8.1. LEGISLATIVE FOUNDATIONS ON REFUSE COLLECTION

The most relevant legislation to refuse collection is the National Environmental Management Act (NEMA), 1998 (Act 107 of 1998). Among its principles as provided by Section 22 is the fact that environmental management must be developmental. Development must be socially, environmentally and economically sustainable. Sustainable development requires the consideration of all relevant factors including the following:

- a) that waste is avoided, or where it cannot be altogether avoided, minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner;
- b) that negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.

3.8.2. REFUSE COLLECTION IN URBAN AREAS

In most municipalities refuse was collected at least once in 7 days and in most cases it was collected on a Monday. This scenario had posed a lot of problems to the households. It was obvious that once-a-week collection was not enough even for a small family if one considers that it also included garden refuse. When most areas were serviced on Mondays it meant that there were areas where refuse would not be collected early enough and this posed a hazardous threat on the lives of the householders, and the community at large were left with no option but either to burn or dump waste which is against environmental regulations. This, therefore, suggests that most municipalities experience difficulties in implementing refuse collection legislation.

3.8.3. REFUSE COLLECTION IN RURAL AREAS

Refuse collection in rural areas in KwaZulu-Natal local municipalities was non-existent. This was one other backlog in terms of service delivery the Municipalities had to deal with as soon as possible. Many questions had been asked by rural

residents including whether the National Environmental Management Act, 1998 (Act 107 of 1998) does not apply to them. There were many unhealthy ways in which refuse was disposed of in rural areas. These included burning of the refuse which was a serious hazard to the lives of the people. This was one other backlog the government has to look into very closely.

3.9. RESOURCES

Schwella, *et. al.*, (1996:3) select human (employees), financial and physical resources as the most important resources in any public organisation. They are a core to service delivery. To manage these resources optimally, public managers have to be given power and the capacity to exercise positions in the public service, public managers should have the necessary qualities, expertise and aids to manage scarce resources successfully. They, therefore, need continuous learning, training and development to manage these resources optimally at all times. For the people or employees to work successfully and efficiently, they need an enabling environment which enhances their performance and effectiveness. In most organisations an enabling environment is possible if there are sound finances available for they are invariably a supporting factor in the provision of other resources.

3.9.1. PHYSICAL RESOURCES

In any organisation physical resources need to be analysed and assessed as their cumulate impacts are to be considered when making strategic and management decisions. Most municipalities will have assets, systems and infrastructure as physical resources that will enable them to deliver services effectively to the communities. The South African government has embarked on a lot of policy initiatives and programmes for infrastructural development and systems like e-Government that will facilitate and enhance effective delivery of services.

3.9.1.1. LEGISLATIVE FOUNDATIONS ON PHYSICAL RESOURCES

There are various pieces of legislation that leverage the enhancement of the access to service delivery. The focus at the moment within the public service is the need of internet technology. When citizens interact with the Government they want to do so on their own terms, faster, anywhere, and anytime. Citizens want high quality service that is accessible, convenient and secure. To obtain public services, citizens need not understand how government has organised itself, or to know which department of government does what, or where a function is exercised.

The government has supported its citizens through enabling legislation which facilitates access to these services. What is important in this regard is the fact that before citizens can access services they need to have access to information about those services. Section 9 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000) provides the basis to this effect and its objects are:

- a) to give effect to the constitutional right of access to any information held by the State and any information that is held by another person that is required for the exercise or the protection of any rights;
- b) to give effect to that right subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance;
- c) to establish voluntary and mandatory mechanisms and procedures to give effect to that right in a manner which enables persons to access records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and
- d) generally, to promote transparency, accountability and effective governance of all public and private bodies by, including, but not limited to, *empowering and educating everyone*:

- (i) to understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies;
- (ii) to understand the functions and operation of public bodies; and
- (iii) to effectively scrutinize and participate in decision-making by public bodies that affect their rights.

The other legislation that leverages the enhancement of the access to service delivery is the Electronic Communications and Transactions Act, 2002 (Act 68 of 2002). Section 7 of this Act calls for a national e-strategy which outlines programmes to provide internet connectivity to disadvantaged communities and stimulate public awareness of the benefits of internet connectivity. This strategy is called e-Government.

3.9.1.2. e-GOVERNMENT

The e-Government Policy (2001:3) defines e-Government as the continuous optimisation of government service delivery, constituency participation, and governance by transforming internal and external relationships through technology, the internet and media. Gabriel, in her paper delivered at the Commonwealth Local Government Annual Conference, March 2003, reiterated the assertion by the e-Government Policy (2001:3) by defining the e-Government concept as the use of Information and Communications Technology (ICT) to improve internal functioning of government, delivery of services to citizens, and interaction with stakeholders. This study also propounds that the provision of e-Government as a resource to municipalities in particular will enhance service delivery and act as a driving force behind service provision.

a) e-Government drivers

New methods and innovative ways of service delivery include forming strategic partnerships with intermediaries and third-parties to enable people-centric services through walk-in centres, internet and call centres. Walk-in centres enable citizens with a fairly wide range of integrated public services offered by one agent behind the counter or desk. This can be very helpful to municipalities because citizens can do

transactions for services or apply for services at one point and that can eliminate problems related to non-payment of services.

Internet facilities offer practicable public services confidentially and instantaneously. With internet facilities citizens can apply for municipal services on-line. Call centres allow for the provision of integrated public services remotely through telephones. This can also save the costs for citizens to travel to municipal offices thus affording citizens an opportunity to use the cost-savings to pay for the services.

b) Measurable e-Government value

The Measurable e-Government value forms a simple basis for a business case needed to consider an e-Government undertaking of any magnitude or complexity. ICT must bring value to public service delivery initiatives; therefore, public service agencies should have an enterprise-wide understanding of a simple and measurable e-Government value. Only three principles, based on economic theories, assist to provide a firm basis to determine the desirability of any e-Government project (e-Government Policy, 2001:10):

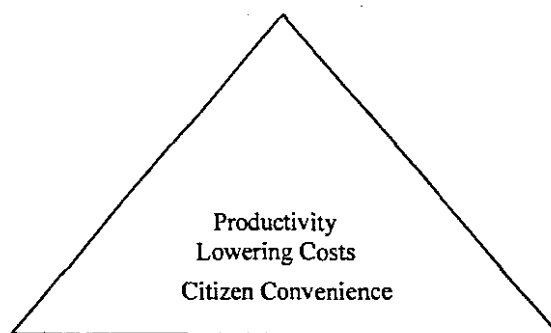


Fig. 3.1 Principles of an e-Government Project (e-Government Policy, 2001:10)

i) Productivity

This principle simply seeks to ensure that current productivity is never retarded as a result of embracing the e-Government service delivery mode. Instead public services should produce the best outcomes in terms of quantity of traditional offerings, or should enable previously impossible offerings.

ii) Lowering Costs

Lowering costs of service delivery is a principle that goes together with Increasing Productivity. This principle ensures that Public Service ICT managers offer value for money, by insisting on reduction in duration, complexity or possible repetition or duplication of tasks. Essentially, this focuses on ICT managers so that tax-payers' money is only disbursed for service delivery oriented results, as opposed to meaningless processes or procedures.

iii) Citizen Convenience

Citizen convenience is a principle which strives to ensure that public sector ICT solutions and deployment are citizen-centric according to life-episodes from cradle to the grave. Such conveniences must seek to supplement the Batho Pele (People First) objectives with privacy and confidentiality. It should be noted that this is still a policy which still needs to be debated in a long process before it can be enacted into law. It will be implemented according to different phases as follows:

PHASE	EXPLANATION
Information Provision	Information provisions of public service (national, provincial and local). This electronic guide helps citizens to quickly find the right and nearest contact for public services. Documents that concern citizen lives e.g. Notices, Acts, Regulations, Reports, etc belong in this type of facility.
Two Way Transactions	Digital signatures and secure procedures (encryption) allow citizens to transfer secured and sensitive information and also to make payments via the internet.
Multipurpose Portals	“Cross-Boarder” services for citizens. Portals forming the simple point of entry for all public and private services (gateway and so-called “linked portals”). This is a stage where One-Stop and seamless public services are provided.
Clustering of Services	First step to real transformation to new “public service structures”. Combination of services and workflow instead of existing functions leads to new types of organisations i.e. Public Service.
Comprehensive Public Service Transformation	“Full Service Centre,” service offerings personalised for needs and wishes of the user.

Fig. 3.2 Phases of Implementation (e-Government Policy, 2001:5)

3.9.1.3. SOUTH AFRICAN e-GOVERNMENT AND THE EUROPEAN e-GOVERNMENT

It is also imperative that South African e-Government strategy should be compared with that of the developed countries so as to determine if there is any gap that still needs to be filled by South Africa. In terms of the vision and mission of South Africa and European member states there are similarities. According to the Report on Council Conclusions on the Role of e-Government for Europe’s Future Adoption (November, 2003) e-Government in Europe recognises:

- a) The importance of the contribution of the public sector in achieving the goals by facilitating and contributing to the European economic growth and innovation and the need to invest in the modernisation of public administration and in doing so, take full advantage of the use of information and communication technologies combined with organisational change and new skills.
- b) The importance of member states to identify demand-oriented pan-European e-Government services on the basis of a study involving all relevant sectors and make available gradually, on the basis of existing services and work going on at national and European level, a number of selected pan-European e-Government services to companies and citizens throughout the European Union, in order to contribute to advancing the Internal Market and European Citizenship.

Although South African e-Government is still at its infancy, it shares a lot of commonalities with that of the European member states like recognising the fact that effective e-Government will enhance delivery of services by the public sector and also contribute positively towards economic growth. Other similarities have to do with the challenges of the e-Government both in South Africa and Europe. According to the Report on Council Conclusions on the Role of e-Government for Europe's Future Adoption (November 2003) member states are invited to:

- a) Identify remaining legal and regulatory barriers to e-Government and to begin the process of developing a way forward to eliminate them.
- b) Explore the potential in e-Government innovation at national level as well as creating expertise centres, and to pool excellence in e-Government through cooperative on a voluntary basis at European level, in particular to address priority issues as identified in the e-Government Communication, such as trust and security including authentication, broadband and multi-platform service provision, and combined technological, organisational innovation and open standards.

- c) Reinforce coordination processes in order to ensure common priorities across and greater synergy between e-Government-related European Union programmes, which allow for close cooperation with member states and which takes into account the needs of the public administrations.
- d) Provide practical guidance to other stakeholders on access to existing finance instruments, and to explore other financing modalities, including where appropriate public-private partnerships, that provide the development of e-Government and social and regional cohesion within the European Union.
- e) Continue the assessment of economic and social impact of pan-European e-Government services within the context of the e-Europe 2005 Action Plan, as well as of the existing or planned programmes and to propose a roadmap for further advancing pan-European e-Government services.
- f) Support as far as appropriate, the development of synergies between national research and innovation efforts in e-Government.
- g) Investigate, further to the analysis of the Communication "On the Role of e-Government for Europe's Future", overall expenditure on e-Government for the modernisation of public administrations.
- h) Make available in 2004 and based on existing efforts, a framework for the exchange of best practices, in order to increase possible synergies and to promote and facilitate the reuse of implemented e-Government solutions.
- i) Review, following from the analysis in the Communication "On the Role of e-Government for Europe's Future", the benefits and economies of e-Government (the core of non-government) and to propose on this basis benefits, performance and usage-based indicators.

Security, coordination and accessibility (mostly in rural areas) are some of the challenges facing e-Government in South Africa.

3.9.2. HUMAN RESOURCES

Lyons (2001:21) asserted that the key to South Africa's success lies in creating an environment where people survive to do their best where opportunities are equally distributed and where initiative is encouraged. Although these aspirations have not been realised to the fullest, many organisations in South Africa have taken great strides towards achieving them.

Gerber (1996:104) maintains that human resources (employees) have the following expectations about their employers:

- a) a meaningful job;
- b) opportunities for personal development;
- c) interesting work that will generate curiosity and excitement on the part of the individual;
- d) challenging work;
- e) authority and responsibility at work;
- f) recognition and approval for work of a high standard;
- g) status and prestige at work;
- h) friendly people and equality in the work group;
- i) compensation;
- j) the extent to which the environment is structured, for example general practices, discipline;
- k) security at work;
- l) promotion possibilities; and
- m) the amount and frequency of feedback and assessment.

The following expectations include what an individual expects to offer an organisation and what the organisation expects to receive from employees:

- a) the ability to execute tasks that are not socially related and that require a certain degree of technical knowledge and skills;
- b) the ability to learn to execute various aspects of a job in the work situation;

- c) the ability to invent new methods of task performance and the ability to solve problems;
- d) the ability to state an opinion effectively and convincingly;
- e) the ability to work productively with groups of people;
- f) the ability to present well-organised and clear reports orally or in writing;
- g) the ability to supervise and guide others in their work;
- h) the ability to plan and organise his or her own work as well as the work of the employees;
- i) the ability to use time and energy to the benefit of the organisation;
- j) the ability to accept instructions or requirements from the organisation that are incompatible with personal prerogatives;
- k) social interaction with other employees outside the working environment;
- l) conforming to the norms of the organisation applicable to the job in areas not directly related to the job;
- m) self-study outside normal working hours;
- n) maintaining a good public image of the organisation;
- o) accepting the organisation's values and goals as own values and goals; and
- p) the ability to realise what has to be done and to take the appropriate steps.

The fulfilment of these expectations by both the employer and the employee results into the realisation of the objectives of the organisation. In addition to these expectations is the need for the management of diversity as a new approach in public resources management. When the country changes politically, socially and economically the result is increasing diversity in the population and in the workforce which is employed to serve the population. Schwella, *et. al.*, (1996:326) maintain that *the way in which diversity is dealt with can have beneficial or detrimental effects for the people and the organisations involved.* According to Adler (1986:232) any form of effective diversity management has to start with a conscious effort to recognise cultural diversity without judging it and, in this way, perceive differences where differences exist. It is not only a prerogative for municipalities to embark on diversity management but also a constitutional obligation which is enshrined in the Bill of Rights (Chapter 2 of the Constitution of the Republic of South Africa Act, 1996)(Act 106 of 1996).

The pluralist and complex nature of the South African situation demands drastic measures by South African managers to implement diversity management. However, Smit and Cronje (1997:57) maintain that there is no one specific policy which necessary guarantees the required results. Organisations differ in the ways in which they implement a policy of diversity management. Schwella, *et. al.*, (1996:327) maintain that the first step in managing diversity is to educate managers about diversity. Managers need to understand that cultural differences exist and also accept one's own and other's culture. They also need to understand that there is diversity within the same culture. Surely cultural diversity has to be considered seriously when services are provided to diverse communities.

The public service is faced with the challenge of training and transforming its employees in the manner that will not only benefit government in its quest for excellent service delivery, but empower the individual employee as well. The following are the challenges facing human resources development in the Public Service:

- a) **Service Delivery:** There is a growing impatience on the part of the general public towards poor service delivery. Most government services are not accessible, there is a lack of information on government services and government institutions are not friendly.
- b) **Keeping effective managers and people with scarce skills:** The management cadre of the Public Service remains alarmingly small compared with the very broad base of production-level, skilled workers. To aggravate this even further, the distribution of senior managers is skewed between the national, provincial and local departments. Every effort must be made to retain people with identified scarce skills in the Public Service.
- c) **Coping with limited resources:** The effects of interest rates, inflation, energy costs, socio-economic deficit costs, personnel costs and the need for capital investment create a need to develop strategic planning processes that result in effective use of the total resources of the organisation. All spheres of government are going to have to learn to do more with less.

- d) **Complex organisational structures:** National, Provincial and Local governments are large complex organisations. As missions broaden, the processes of monitoring and managing organisational health become more complex and uncertain. To minimise wasted resources, problems must be anticipated, not just solved as they arise. The need to diagnose and understand increased complexity in public service delivery has become evident throughout the country.
- e) **Coordinating missions and goals:** Diversification of services and, in some instances, the numbers of departments, together with the growth and decentralisation of facilities and activities, make it difficult to maintain a unified organisational purpose. However, strategic planning that results in action plans and accountability, appropriate use of information and knowledge management processes and the effective utilisation of resources help in developing a coordinated effort.
- f) **Managing information systems:** There has been a concerted drive to train public service managers to use computers and handle large amounts of data. This is happening slowly and the skills that are being imparted are basic skills only. Most senior managers in the Public Sector need line managers who are fully computer-literate and familiar with software that creates and maintains efficient systems. Many members of the Public Service are not able to utilise technology that is now available. This in itself will hold back service delivery in the short to medium term.
- g) **Performance management in the Public Service:** Many managers do not appreciate the link between human resource development and systems of performance appraisal and review that actually lead to performance improvement, accountability and increased productivity.
- h) **Effective financial practices:** Part of the question of resource allocation in the provincial administrations is the financial tradeoffs between various identified priorities, strategies and tactics. Before, the dilemma was whether a

human resource development programme is more or less important than an allocation for new capital equipment.

- i) **Integration of career and life goals:** There is poor career planning and little or no integration of career plans with life goals in the Public Service. As a result employees tend to job-hop.
- j) **Poor interface between systems:** The human resource development practitioner of the future will need to understand systems thinking, i.e. have knowledge of how to integrate mechanical systems, financial systems, social systems, computer systems, information and knowledge management systems and human systems.
- k) **Impact of HIV/AIDS:** Aids-related mortality leads to a loss of valuable skills and experience. Some of the consequences of the resultant labour shortages will increase wage pressure, job-hopping and a drain from the public to the private sector. The HIV/Aids epidemic, coupled with the effect of other diseases, probably represents the most serious threat to the domestic economy acquiring a sufficiently skilled workforce in the long run.

3.9.2.1. LEGISLATIVE FOUNDATIONS ON HUMAN RESOURCES

Legislation has a tremendous impact on any human resource plan, since the human resource component of any organisation has to operate within the constraints, restraints, parameters and expectations of the organisation as a whole. As far as municipalities are concerned, there is a host of legislation that needs to be considered before any human resource plan can be considered and finalised. These are presented below:

- (a) The Constitution of the Republic of South Africa Act, 1996 (108 of 1996)

Chapter 7 the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) sets the broad framework in terms of which human resources have to be managed at municipal level.

Section 152 and 153 state:

- “152 (1) The objectives of local government are
- i. to provide democratic and accountable government for local communities;
 - ii. to ensure the provision of services to communities in a sustainable manner;
 - iii. to promote social and economic development;
 - iv. to promote a safe and healthy environment; and
 - v. to encourage the involvement of communities and community organisations in the matters of local government.”
- (2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1)

Development duties of municipalities

153. A municipality must:

(a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community as determined by Section 153 of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996).

(b) Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
The whole of Chapter 7 of the above-mentioned Act has been devoted to administration and human resources at municipal level.
Sections 50 and 51 have particular relevance to human resource management:

“Basic values and principles governing local public administration

50. (1) Local public administration is governed by the democratic values and principles embodied in section 195 (1) of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996).

(2) In administering its affairs, a municipality must strive to achieve the objectives of local government set out in section 152 (1) of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) and comply with the duties set out in sections 4 (2) and 6.

Organisation and administration

51. A municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the municipality to:

- (a) be responsive to the needs of the local community;
- (b) facilitate a culture of public service and accountability amongst its staff;
- (c) be performance oriented and focussed on the objectives of local government set out in section 152 of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) and its developmental duties as required by section 153 of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996);
- (d) ensure that its political structures, political office bearers and managers and other staff members align their roles and responsibilities with the priorities and objectives set out in the municipality’s integrated development plan;
- (e) establish clear relationships, and facilitate co-operation, co-ordination and communication, between:

- (i) its political structures and political office bearers and its administration;
- (ii) its political structures, political office bearers and administration and the local community;
- (f) organise its political structures, political office bearers and administration in a flexible way in order to respond to changing priorities and circumstances;
- (g) perform its functions:
 - (i) through operationally effective and appropriate administrative units and mechanisms, including departments and other functional or business units; and
 - (ii) when necessary, on a decentralised basis;
- (h) assign clear responsibilities for the management and co-ordination of these administrative units and mechanisms;
- (i) hold the municipal manager accountable for the overall performance of the administration;
- (j) maximise efficiency of communication and decision-making within the administration;
- (k) delegate responsibility to the most effective level within the administration;
- (l) involve staff in management decisions as far as is practicable; and
- (m) provide an equitable, fair, open and non-discriminatory working environment.”

Chapter six of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) addresses the crucial issue of performance management. The issue of performance management systems would become an integral part of any human resource management plan and has to be thoroughly researched.

“Establishment of performance management system

38. A municipality must:

- (a) establish a performance management system that is:

- (i) commensurate with its resources;
 - (ii) in line with the priorities, objectives, indicators and targets contained in its integrated development plan;
- (b) promote a culture of performance management among its political structures, political office bearers and councillors and in its administration; and
- (c) administer its affairs in an economical, effective, efficient and accountable manner.

Development of performance management system

39. The executive committee or executive mayor of a municipality or, if the municipality does not have an executive committee or executive mayor, a committee of councillors appointed by the municipal council must:
- (a) manage the development of the municipality's performance management system;
 - (b) assign responsibilities in this regard to the municipal manager; and
 - (c) submit the proposed system to the municipal council for adoption.

Monitoring and review of performance management system

40. A municipality must establish mechanisms to monitor and review its performance management system.

Core components

41. (1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed:
- (a) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with

- regard to the municipality's development priorities and objectives set out in its integrated development plan;
- (b) set measurable performance targets with regards to each of those development priorities and objectives;
 - (c) with regard to each of those development priorities and objectives and against the key performance indicators and targets set in terms of paragraphs (a) and (b):
 - (i) the council, other political structures, political office bearers and staff of the municipality; and
 - (ii) the public and appropriate organs of state.
2. The system applied by a municipality in compliance with subsection (1)(e) must be devised in such a way that it may serve as an early warning indicator of under-performance.

Regulations and guidelines

49. (1) The Minister may for the purposes of this Chapter make regulations or issue guidelines in terms of section 120 to provide for or regulate:
- (a) incentives to ensure that municipalities establish their performance management systems with the applicable prescribed period, and comply with the provisions of this Act concerning performance management systems;
 - (b) the setting of key performance indicators by a municipality with regard to its development objectives;
 - (c) the identification of appropriate general key performance indicators that can be applied to municipalities generally and that reflect the object and intent of section 23;
 - (d) the regular review by a municipality of its key performance indicators;
 - (e) the setting of a framework for performance targets by municipalities consistent with their development priorities, objectives and strategies set out in their integrated development plans;

- (f) mechanising systems and processes for the monitoring and measurement of performance by a municipality with regard to its development objectives;
 - (g) the internal auditing of performance measurements;
 - (h) the assessment of those performance measurements by a municipality;
 - (i) the assessment of progress by a municipality with the implementation of its integrated development plan;
 - (j) the improvement of performance;
 - (k) any other matter that may facilitate:
 - (i) the implementation by municipalities of an efficient and effective system of performance management; or
 - (ii) the application of this Chapter.
2. When making regulations or issuing guidelines in terms of section 120 to provide for or to regulate the matters mentioned in subsection (1) of this section, the Minister must:
- (a) take into account the capacity of municipalities to comply with those matters; and
 - (b) differentiate between different kinds of municipalities according to their respective capacities.
3. The Minister, by notice in the *Gazette*, may phase in the application of the provisions of this Chapter which places a financial or administrative burden on municipalities.
4. A notice in terms of subsection (3) may:
- (a) determine different dates on which different provisions of this Chapter becomes applicable to municipalities;
 - (b) apply to all municipalities generally;
 - (c) differentiate between different kinds of municipalities which may, for the purpose of phasing in of the relevant provisions, be defined in the notice in relation to categories or types of municipalities or in any other way; or

- (d) apply to a specific kind of municipality only, as defined in the notice.”

(c) The Labour Relations Act, 1995 (Act 66 of 1995)

A transition in industrial relations has taken place following the implementation on 11 November 1996 of the Labour Relations Act (LRA) (Act 66 of 1995). Apart from introducing new structures for resolution of disputes arising from the employment relationship, the Act also establishes a fresh framework for regulation of relations between employers and trade unions. Central to the Act's philosophy, is promotion of collective bargaining as the main vehicle for regulating terms and conditions of employment as well as relations between employers and trade unions.

The Act's collective bargaining philosophy is founded on three key principles, the first being self-government. The Act encourages employers and representative trade unions to engage in collective bargaining on matters of mutual interest and by agreement to establish rules that must govern their relationship as well as the relationship between employer and individual union members.

In line with its policy of promoting self-government in industrial relations, the Act does not compel an employer to bargain collectively with any trade union over terms and conditions of employment, unless there is an agreement to that effect. However, failure to bargain with a trade union might spur workers on to engage in industrial action. If the industrial action complies with the Act's provisions, workers who participate in it will be protected against dismissal for striking and against claims for economic losses flowing from their refusal to work. An employer who is faced with a decision whether or not to bargain with a trade union will have to weigh up the costs of possible strike action and the likelihood of the strike failing to achieve its objectives, against the potential benefits of establishing a relationship with the union concerned.

To achieve its objective of promoting self-government, the Act establishes a number of base rights for workers (e.g. the right to fair labour practices, the right to belong to trade unions and the right to strike) and their trade unions (e.g. organisational rights, such as rights to access to company premises and disclosure of information). Armed with these rights, workers and their unions can now engage employers on equal terms without the need for excessive state protectionism and intervention. In addition, the Act's provisions are deliberately flexible to allow employers and unions to 'contract out' of provisions which do not suit them. Therefore, the new Act diminishes, essentially, the role of the state in industrial relations leaving employers and trade unions free to regulate their relationships by agreement.

Secondly, the Act encourages majoritarianism by granting unions that represent the majority of employees in workplaces better and more extensive rights than smaller unions. This includes the right to establish workplace forums in organisations with more than 100 workers; the right to enter into closed shop agreements with employers; and the right to extend collective agreements to non-union members by agreement with an employer.

Finally, the Act encourages employers and employees to solve jointly certain workplace problems through workplace forums. These forums supplement collective bargaining by allowing employees (excluding the most senior management) to participate in decisions which affect them, their job security and the quality of their work lives. Although these forums can only be established by majority trade unions in workplace with more than 100 employees, nothing prevents employers and trade unions in smaller organisations from establishing similar structures by agreement.

(d) The Employment Equity Act, 1998 (Act 55 of 1998)

The Employment Equity Act, 1998 (Act 55 of 1998) focuses essentially on discrimination, past and present. Its stated objectives include the

elimination of employment discrimination, ensuring employment equity to redress the effects of discrimination and to achieve a representative workforce.

The Act broadly contains two parts. The first, which is Chapter II, concerns prohibition of discrimination. The second, which is contained mainly in Chapters III and V, concerns affirmative action and the ways in which it is to be implemented and enforced in practice.

The part dealing with discrimination proceeds from the premise that all citizens are equal before the law and that any unfair discrimination against any employee on any ground is prohibited. What is prohibited is not discrimination, but discrimination that is unfair. Having said that, the Act further specifically authorises discrimination on the basis of the inherent requirements of the job.

Most importantly, an employee, for purposes of the above provisions, includes an applicant for employment, which means that no unfair discrimination may be committed against a job applicant when new appointments are made.

The discrimination sections, which also include prohibitions against certain medical and psychological testing, may be referred to the Commission for Conciliation, Mediation and Arbitration (CCMA) for conciliation and thereafter to the Labour Court.

The part relating to affirmative action only applies to designated employers, which are all employers with 50 or more employees, or an employer with fewer employees but with more than a stated annual turnover (which varies from R2 million to R25 million, depending on the sector).

The Act imposes certain active duties on employers to effect affirmative action policies. To this end, every designated employer must:

- a) Consult with employees about the policy;
- b) Conduct an analysis of barriers to advancement and under-representation of designated groups (i.e. Black people, women and people with disabilities);
- c) Prepare an employment equity plan of one to five years' duration;
- d) Report to the Department of Labour on the employment equity plan of one to five years' duration;
- e) Report to the Director-General of Labour on an annual or bi-annual basis, depending on the size of the employer's workforce; and
- f) Appoint an employment equity manager.

Designated employers must actively employ measures to eliminate disproportionate income differentials, subject to the guidance of the Minister on advice given by the Employment Conditions Commission.

Chapter V of the Act deals with monitoring and enforcement of the Act, in which process labour inspectors will play a major part.

Inspectors may inspect businesses and obtain undertakings from employers to comply with their duties in terms of the Act. Failing that, they may issue compliance orders, to which or against which an employer may object or appeal. Any party assessing compliance with the Act has a discretion to consider a variety of factors amounting to whether the employer has made reasonable attempts, in his or her particular circumstances, to comply.

The Director-General may conduct a review of whether an employer has complied with the Act and followed it with recommendations on methods of compliance. If that fails, the Director-General may refer the matter to the Labour Court, which is the ultimate Court which may enforce the provisions of the Act.

(e) The Basic Conditions of Employment Act, 1997 (Act 75 of 1997)

The Act replaces the Basic Conditions of Employment Act of 1983 and the Wage Act of 1957. It sets minimum employment standards for the majority of employees and constitutes the formal basis of the employment conditions of millions of South Africans employed in the private sector. The purpose of the Act is to advance economic development and social justice by fulfilling its primary objectives which are to give effect to and regulate the right to fair labour practices conferred by the Constitution and to give effect to the international law obligations of the country.

The Act applies to all employees and employers except members of the National Defence Force, the National Intelligence Agency, the South African Secret Service and unpaid volunteers working for charitable organisations. There is a '*floor*' of minimum rights for employees which covers matters such as working time, overtime, and overtime pay, annual leave, sick leave and maternity leave. Certain core rights may not be varied at all, whether by way of agreement, determinations by the Minister, or Sectoral determination. The most important changes introduced by the Act include the following: the reduction of normal weekly hours from 46 to 45, and the introduction of the principles of a compressed working week and of the averaging of working hours. A schedule to progressively reduce the statutory working week to 40 hours is included. Overtime pay has been increased from time-and-a-third to time-and-a-half, alternatively time-off may be granted instead of paying an overtime premium. Unpaid maternity leave is provided for. Sunday work attracts a premium of double the normal wage unless the employee ordinary works on a Sunday, in which case the employer must pay the employee at one-and-a-half times the employee's wage for each hour worked.

The notice period on termination of employment is increased from two weeks to four weeks after one year's service. Upon retrenchment an

employee is entitled to severance pay calculated at the rate of one week's pay for every year of service.

The Act takes precedence over any agreement whether entered into before or after the commencement of the Act. All existing employment contracts and conditions of employment not in accordance with the Act are superceded by the basic conditions of employment as prescribed by the Act.

A determination to replace or exclude a basic condition of employment provided for in the Act may be made by the Minister to establish basic conditions of employment for employees in a sector and area. A bargaining council agreement may alter, replace or exclude any provision of the Act subject to the core rights. Small employers' (fewer than 10 employees) obligations in regard to, *inter alia*, overtime and family responsibility leave have been specifically regulated at variance with the above.

The General Regulations issued in terms of the Act contain a summary of the provisions of the Act that is required to be kept by an employer. Codes of Good Practice in respect of the arrangement of working time and the protection of employees during pregnancy and after the birth of a child have been issued in terms of the Act.

(f) The Skills Development Act, 1998 (Act 97 of 1998)

The Skills Development Act, 1998 (Act 97 of 1998) forms the core piece of legislation upon which the Human Resource Development Strategy for the Public Service is based. The main purpose of the Skills Development Act (SDA), 1998 (Act 97 of 1998) is to develop the skills or human resources of the South African workforce and to improve workers' quality of life, their prospects of work and labour mobility.

3.9.2.2. PERFORMANCE MANAGEMENT

The Department of Provincial and Local Government Manual (DPLG) (2003:12) defines Performance Management as a strategic approach to management, which equips leaders, managers, employees and stakeholders at different levels with a set of tools and techniques to regularly plan, continuously monitor, periodically measure and review performance of the organisation in terms of indicators and targets for efficiency, effectiveness and impact. This system will, therefore, ensure that all leaders, managers and individuals in a municipality are held accountable for their actions, which should bring about improved service delivery.

The matter of accountability in public administration is said to be one of the cornerstones of democracy (Cloete 1994, Gildenhuys 1997). This view is further elaborated on by Cloete (1996:5) when he says that public accountability requires that every public institution and functionary must be bound throughout to account in public for what was done or left undone. It is generally accepted that councillors and municipal officials should display a sense of responsibility when carrying out their official duties. Their conduct should be above reproach so that they will be able to account for their acts in public and earn the reputation of being a moral elite. They, therefore, need to account to the local communities what the money they pay for their services is used for.

For performance management system (PMS) to be successful it is important that:

- a) top management and the council drive the process;
- b) there is a clear understanding and appreciation of its values by all stakeholders; and
- c) line managers are trained and take responsibility for performance management.

According to DPLG Manual (2003:12) performance management in a municipality is a two way communication process between the municipality and the community that is making use of the municipal services. The performance of the municipality is then

measured against specific standards and priorities which have been mutually developed and agreed upon during the Integrated Development Plan (IDP) process.

Performance management is potentially the area of management that can make the most significant contribution to organisational performance. This system should be designed in such a way that it improves strategic focus and organisational effectiveness through continually seeking to improve the performance of the municipality as a whole. The DPLG Manual (2003:41) has identified a number of PMS principles, which were supplemented by a number of additional principles identified by the KwaZulu-Natal PMS Steering Committee. These guiding principles should be adhered to throughout the PMS process and they are to:

- a) ensure measurement of organisational performance;
- b) meet strategic developmental requirements;
- c) integrate organisational performance into the management process;
- d) ensure that strategic objectives of the organisation are cascaded down and linked to performance plans of teams;
- e) address input, output and outcome measures;
- f) cater for sustainable and continuous service delivery improvement;
- g) have a strong customer and community involvement facilitated through existing IDP processes;
- h) identify what is needed for an information management system;
- i) ensure internal capacity building and skills development and be linked to the Municipal Capacity Building Programme;
- j) provide a basis for a link between organisational performance and individual performance;
- k) provide the framework for auditing performance;
- l) allow for benchmarking;
- m) allow for systematic and phased or incremental implementation; and
- n) allow for the recognition and reward of high performing teams or organisations through the creation of the Award Scheme.

Section 5 of the IDP Guide Pack VI mentions the following benefits to be gained from the introduction of a PMS into local government structures:

- a) Provides appropriate management of information for informal decision-making.
- b) Provides a mechanism for managing expectations and ensuring increased accountability between the citizens of a municipal area and the municipal council; the political and administrative components of the municipality; each department and the municipality management.
- c) Provides early warning signs to future problems with the implementation of the IDP in terms of risks.
- d) Identifies major or systematic blockages and guides future planning and developmental objectives and resource utilisation of the municipality.
- e) Encourages the direction of resources available to the municipality to the delivery of projects and programmes that meet development priorities.
- f) Assists in checking that the delivery is happening as planned.
- g) Promotes the efficient utilisation of resources.
- h) Promotes the delivery of the envisaged quality of service.
- i) Assists municipalities in making timeous and appropriate adjustments in the delivery and management of resources.
- j) Identifies capacity gaps in both human and non-human resources and at the same time assists in determining right-sizing requirements.
- k) Identifies communities and areas that lag behind others in terms of development and thus assists in spatial and sectoral integration.
- l) Assists municipalities in their efforts to shift from pre-democracy control and regulatory orientation to post-democracy "developmental" municipalities in line with the Constitution of South Africa.

Thorough communication with all staff is the cornerstone of successful PMS. In terms of Section 39 of the Municipal Systems Act, 2000 (Act 32 of 2000) political office bearers and officials manage the development of the municipality's PMS. For this reason it is important that the council sets-up the necessary structures for the development, implementation and facilitation of the whole process so that it gets a buy-in from the whole municipality.

3.10. CONCLUSION

This chapter has reviewed divergent theoretical perspectives on service delivery from various literature and other sources of information so as to provide a conceptual background within which an evaluation of service delivery can be framed. The concept “service delivery” was discussed extensively and linked to the services that are evaluated which are water and refuse removal.

CHAPTER 4

RESEARCH METHODOLOGY

4.1. INTRODUCTION

In the preceding chapter service delivery was discussed with the aim of providing theoretical and conceptual background within which an evaluation of service delivery can be located. Focus was put on the concept of service delivery, its *approaches and principles; water services and refuse collection.*

In this chapter the methodology used in the evaluation of service delivery at e'Ndondakusuka Local Municipality is presented. The chapter particularly focuses on the permission for the research; population and sample; site of data collection; the instrument used in eliciting researched information from the respondents and ethical issues.

4.2. PREPARATION FOR RESEARCH AND DESIGN

In preparation for research and design the following were done:

4.2.1. PERMISSION

Because the research was conducted in a local municipality, it was, therefore, required to first request permission from the Municipal Manager of e'Ndondakusuka Local Municipality. A letter (Appendix A) to ask for the necessary permission was written and submitted to the Municipal Manager for his approval and signature. Copies of the questionnaire (Appendix B) were enclosed in the letter to make it easier for the Municipal Manager to understand what information would be required from the residents.

After permission was granted by the Municipal Manager, the different heads of Departments were visited and the intentions and implications about the research were discussed. Questionnaires addressed to the residents (Appendix B) were either posted or delivered to the households.

4.2.2. POPULATION AND SAMPLE OF THE RESPONDENTS

Using probability sampling 215 respondents were randomly selected from 5000 households where the municipality provides water and refuse collection as services. The selected respondents were the heads of the households. Probability sampling was chosen because it provides accuracy of the generalization from the population (Bless and Higson-Smith, 1997:21). In this study, probability sampling helped in the explanation of the generalisation of responses. A randomly selected sample was used because it offered the same chance for all respondents to be selected (Thornhill and Hanekom, 1995:19).

The target population of this research were the residents who were recipients of the services (water and refuse removal). They were selected from the Municipal Regulation of Properties as a sampling frame. The households were given a questionnaire with different questions. This provided a total of 215 respondents out of a total of 5000 households.

4.2.3. SITE OF DATA COLLECTION

Homes of residents were selected as the site of data collection because they were a convenient place for the residents to fill in the questionnaires. Questionnaires were delivered and collected from the respondents.

4.2.4. THE RESEARCH INSTRUMENT

The following is a discussion of the research instrument used in this research:

4.2.4.1. THE QUESTIONNAIRE AS A RESEARCH INSTRUMENT

According to Van Rensburg (1994:504) the questionnaire is a set of questions dealing with some topic or related group of topics, given to a selected group of individuals for the purposes of gathering information on a problem under consideration. In this research a questionnaire is, therefore, a prepared set of questions which is submitted to the residents as respondents with a view to obtaining information about service

delivery. The questionnaire was carefully designed to boost the reliability and validity of the data.

The choice of the subject researched, the aim of the research, the size of the research sample, the method of data collection and the analysis of data were taken into consideration when the questionnaire was prepared for the research. It is, thus, necessary to draw a distinction between questionnaire content, question format, question order, type of questions, formulation of questions and validity and reliability of questions.

One of the important aims in the construction of the questionnaire for the research was to present the questions as simple and straightforward as possible. The researcher also designed the questionnaire in such a way that it eliminated ambiguity, bias, technical language and prejudice. The researcher used what is called a funnel questionnaire where one starts with very general questions and proceeds, by successively narrowing the scope of focus on the problem investigated.

4.2.4.2. ADMINISTRATION OF THE QUESTIONNAIRE

Cooper (1989:39) maintains that if properly administered the questionnaire is the best available instrument for obtaining information from widespread sources or large groups simultaneously. The researcher personally delivered some questionnaires to households and collected them after completion. This kind of administration made it easy for the researcher to get adequate response rate.

4.2.4.3. REASONS FOR THE CHOICE OF THE QUESTIONNAIRE AS A RESEARCH INSTRUMENT

The questionnaire was used to elicit information regarding service delivery at éNdondakusuka Local Municipality. This instrument was considered to be the most appropriate method of data collection because most of the heads of households were working and there could be no other time to reach them except by giving them questionnaires which could be filled in their own spare time and collected later. Most

of the questionnaires were hand delivered to the households to ensure that they reached the right respondents. The response rate was approximately 80%.

The questions were formulated in such a way that they could derive feedback on the *effectiveness and efficiency of the municipality with respect to service delivery.*

The questionnaire was divided into two parts as follows:

- a) Part I dealt with water provision
- b) Part II dealt with refuse collection

4.2.5. THE PROCESSING OF DATA

Frequency distribution tables were used to present the findings of the study. The frequency distribution is a method used to organise data obtained from questionnaires to *simplify statistical analysis Van der Aarweg and Van der Aarweg (1988:65).* A frequency table provides the following information:

- a) It indicates how many times a particular response appears on the completed questionnaire;
- b) It provides a percentage that reflects the number of responses to a certain question in relation to the total number of responses;

In view of these advantages this research used these summary statistics as presented in Chapter 5.

4.3. ETHICAL ISSUES

According to Bailey (1994:4) to be ethical is to conform to accepted professional practices. It is generally agreed that it is unethical for researchers to harm anyone in the course of research, especially, if it is without the person's knowledge and permission. This includes deceiving a respondent about the true purpose of a study, asking the respondent questions that cause him or her extreme embarrassment, causing emotional turmoil by reminding him or her of an unpleasant experience,

causing guilt, or invading his or her privacy. Respondents may also be injured by being studied without their knowledge, or by violation of a promise of confidentiality. Researchers can also act unethically when analyzing data e.g. by revealing only part of the facts, presenting facts out of context, falsifying findings, or offering misleading presentation. Bless and Higson-Smith (1997:67), therefore, maintain that researchers should accept responsibility for protecting their participants.

This research was conducted with these ethical issues in mind and respondents were assured of anonymity and confidentiality of information elicited from them. They were also assured that information about this research would be kept confidential.

4.4. CONCLUSION

The purpose of this chapter was to examine methodology used in data collection. The study used questionnaires to different respondents. Questionnaires were distributed to households on the basis of that they were recipients of water and refuse collection services. The information sought had to be acquired directly from the respondents.

Despite limitations, which are discussed in this research, it is hoped that this research will provide a much needed basis for future research, more especially, the provision of other services like electricity and municipal health.

CHAPTER 5

PRESENTATION, ANALYSIS AND DISCUSSION OF RESEARCH RESULTS

5.1. INTRODUCTION

The following is the presentation, analysis and discussion of the results obtained through the questionnaire:

PART I: WATER PROVISION

The following information was obtained through questions that related to water provision within eNdongakusuka Local Municipality.

5.2. SOURCE OF WATER

Table 5.1 Frequency distribution according to the source of water

Source	Frequency	Percentage
Inside the house	215	100%
Taps in the yard	0	0%
Standpipe	0	0%
Other	0	0%
TOTAL	215	100%

Table 5.1 Indicates that all respondents (100%) get their water inside the house. It should be pointed out that the main reason for the scenario referred to above is that respondents were selected from the towns and surrounding townships within eNdongakusuka Local Municipality. The source of water is important because it determines whether or not there is a need for other sources for water provision.

Table 5.2 Frequency distribution according to the frequency of water cut-offs

Water cut-offs	Frequency	Percentage
None	122	56.7%
Once	19	8.8%
Twice	21	9.8%
More than 2 times	53	24.7%
TOTAL	215	100%

Table 5.2 indicates that more households (56.7%) had never had water cut-offs. About 24.7% of the households indicated that they had experienced water cut-offs more than 2 times. It should be pointed out that the municipality cut water if residents were 1 month in arrears. Reconnections were done but they came at a fee. Poor and unemployed residents fell victims of water cut-offs even if they should not be, because the municipality had not yet implemented the indigent policy, a policy that supports the poor, the elderly and unemployed by paying their basic services.

Respondents were also asked to provide reasons for the water cut-offs they had experienced and they provided the following reasons:

Table 5.3. Reasons for water cut-offs

Reason for water cut-off	Frequency	Affected percentage
Overdue payments or failure pipes	125	58.1%
Damage in the pipes	23	10.7%
Leaks in the pipes	18	8.4%
Repairs and maintenance	49	22.8%

A greater percentage (58.1%) of the respondents indicated that their water cut-offs were due to overdue payments or non-payments for their water services. Pape and McDonald (2002:51) maintain that critics of the culture of non-payment argue that willingness to pay is linked to the governments' political will to upgrade service quality, in essence this means that those who can, will do so if they are satisfied with the service.

Some respondents cited "damages to the pipes" (10.7%) and "leaks in the pipes" (8.4%) as reasons for water cut-offs. These seemed to be more or less similar reasons especially in the townships where infrastructure was very old. In some cases some innocent households were incorrectly billed because of water leaks. Deedat, *et.al.*, (2001:4) maintain that in other cases people have had services cut for non-payment of bills totalling thousands of rands, received as a result of defective piping, faulty meters and or incorrect meter readings.

22.8% of the respondents cited “maintenance and repairs” as reasons for water cut-offs. That normally happened when there was going to be routine maintenance and or repairs and households had to be notified well in advanced.

5.3. ALTERNATIVE SOURCES OF WATER

Table 5.4 Frequency distribution according to alternative sources of water

Source of water	Frequency	Percentage
Water tanker	137	63.7%
Ask from the neighbour	47	21.9%
Buy from the neighbour	31	14.4%
TOTAL	215	100%

The greater number of respondents (63.7%) received water from the water-tanker when there was water cut-off. That was the procedure followed by the municipality especially when cut-offs were as a result of routine maintenance and repairs. When cut-offs were as a result of non-payment for services households were not provided with any alternative source by the municipality except public institutions like schools, churches, crèches etc. 21.9% of the households indicated that they normally asked for water from their neighbours. 14.4% went to an extent of buying water from their neighbours. The implication of this was that there was not enough alternative resources for the municipality to provide water when water was cut-off. Residents should not buy water because it is their basic right but should only pay for provision thereof.

5.4. MONTHLY EXPENDITURE ON WATER

Table 5.5 Frequency distribution according to monthly expenditure on water

Expenditure	Frequency	Percentage
0-R99	49	22.8%
R100 – R199	57	26.5%
R200-R299	59	27.4%
More than R300	50	23.3%
TOTAL	215	100%

A greater percentage of respondents (27.4%) paid between R200 and R299 a month for water. Only 22.8% of the respondents paid between 0 and R99 a month and 23.3% pay more than R300 a month. These figures were over and above 6kl free basic water that was given to every household. The more households paid for water, the more water they used on monthly basis. That indicated that there was high demand of water by the households. That demand in turn put more pressure on the municipality to provide more resources for better provision of water services.

5.5. NUMBER OF FAMILY MEMBERS

Table 5.6 Frequency distribution according to household size

Family members	Frequency	Percentage
1	20	9.3%
2	19	8.8%
3	49	22.8%
More than 3	127	59.1%
TOTAL	215	100%

Table 5.6 indicates that a higher percentage (59.1%) of households had more than 3 family members. That played a significant role in the amount of water that was consumed in the family. This poses a great challenge to the government with regard to the provision of 6kl free basic water as a minimum to some overcrowded households. This challenge has also been posed by Pape and McDonald (2002:5) who maintain that many low-income households use considerably more than 6kl a month because of the relatively high average number of occupants per household, some households comprising of not less than eight members. This is an indication that the policy on the delivery of free basic services should be reviewed. It is clear that the number of members within the low-income household should be a determinant factor when free basic services are provided.

5.6. CLEANLINESS OF WATER

Table 5.7 Perceptions on the quality of drinking water.

Rate of cleanliness	Frequency	Percentage
Excellent	47	21.9%
Good	168	78.1%
Poor	0	0%
Very poor	0	0%
TOTAL	215	100%

Table 5.7 indicated that a greater percentage of respondents (78.1%) consider the quality of their drinking water to be good and 21.9% rated it as excellent. Water cleanliness basically refers to non-toxicity, portability and usability for other household chores like washing and cooking. Cleanliness of water as part of water provision service is very important and it helps the municipality understand that its water treatment plants are still effective. That indicates that the municipal officials were doing a good job in providing clean and safe water.

5.7. THE MUNICIPALITY'S RESPONSE TO FAULTS

Table 5.8 Response to water-related faults

Rate of response	Frequency	Percentage
Excellent	21	9.8%
Quick	57	26.5%
Slow	92	42.8%
Very slow	45	20.9%
TOTAL	215	100%

A greater percentage of respondents (42.8%) rated the municipality's response to reported water-related faults as slow. The overall impression was that the municipality did not respond as swift as households would have like it to. That could be attributable to a lot of reasons including lack of transport and other physical resources and inadequate human resources to do the job. It should be noted that these responses were based on respondents' previous experience or dealings with the

municipality, however, the deduction from these responses was that on average the municipality is slow in responding to reported faults.

5.8. OVERALL RATING OF QUALITY OF WATER SERVICE PROVISION

Table 5.9 Perceptions on the quality of water service provision

Rate water provision	Frequency	Percentage
Excellent	21	9.8%
Good	59	27.4%
Fair	100	46.5%
Poor	35	16.3%
TOTAL	215	100%

46.5% of the respondents maintained that the overall rate of the municipality's water service provision was fair and 27.4% felt that water service provision was good. Only 16.3% of the respondents felt that the overall water service provision by the municipality was poor. On average this suggests that about 80% of the respondents were more or less satisfied with the municipality's provision of water service. That was an indication that the municipality was trying its best to provide water despite the fact that there were lots of challenges.

5.9. SUGGESTIONS FOR IMPROVED WATER SERVICE PROVISION

Table 5.10 Suggestions for improved water service provision

Suggestions for improved water service provision	Frequency	Percentage
Old infrastructure should be repaired	38	17.7%
Indigent policy should be implemented	27	12.5%
Water meters should be installed	23	10.7%
Clean water should be provided	20	9.3%
More water tankers should be provided	20	9.3%
The municipality should respond to faults swiftly	18	8.4%
Households should be informed about water cut-offs	17	7.9%
6kl of free basic water should be provided to all	16	7.4%
Water meters should be read accurately	14	6.5%
The flat rate should be scrapped	12	5.6%
The rise of tariffs should be looked at	10	4.7%
TOTAL	215	100%

There were many other very important and pertinent suggestions that were made by the respondents which suggested that they were informed about their rights to services. These included that they wanted to be informed about services. Providing more and better information is one other Batho Pele principle as initiated by the White Paper on Transforming Public Service Delivery (1997). Recognition and application of Batho Pele principles enhance the status and recognition of service users which then encourage them to pay for their services. It should be remembered that participatory democracy is a highly-esteemed value propounded by the Constitution of the Republic of South Africa.

5.10. PROVISION OF WATER IN RURAL AREAS

Respondents were also asked to suggest ways in which water can be provided in rural areas. Some of the suggestions that came up included the following:

- a) Water-tankers should be sent to rural areas at least once per week.
- b) Boreholes should be rehabilitated.
- c) More dams should be dug.

- d) Communities should be helped with rain-harvest methods.
- e) Communal standpipes should be installed.

Table 5.11 Opinions on the provision of water in rural areas

Water provision in rural areas	Frequency	Percentage
Water tankers should be sent to rural areas once a week	70	32.6%
Boreholes should be rehabilitated	47	21.9%
More dams should be dug	38	17.7%
Communities should be helped with rain harvest	33	15.3%
Communal standpipes should be installed	27	12.5%
TOTAL	215	100%

Water tankers had been sent to rural communities in the municipality at least once in two weeks, however, that had not in any way addressed the problem of water provision in rural areas.

PART II: REFUSE REMOVAL

The following information was obtained through questions that related to refuse removal within eNdongakusuka Local Municipality:

5.11. REFUSE COLLECTION POINT

Table 5.12 Frequency distribution according to refuse collection point

Collection point	Frequency	Percentage
Home	201	93.5%
Other	14	6.5%
TOTAL	215	100%

A greater percentage (93.5%) of households had their homes as refuse collection points. When it was the day of collection residents put refuse bags outside their gates so that it could be collected by a municipal truck. In some concentrated areas the system of drums had been used as a central collection point so that refuse could not be scattered around. The standard practice was that refuse was collected from the homes

of the households. Due to the fact that it was collected only once a week, drums had been provided for any extra refuse that accumulated before the next removal took place. It should also be noted that once a week collection practice was adopted during the time of Apartheid when refuse was not collected in the areas where Blacks were residing.

5.12. FREQUENCY OF REFUSE COLLECTION

Table 5.13 Frequency of refuse collection

Frequency of refuse collection	Frequency	Percentage
Once per week	215	100%
Twice per week	0	0%
TOTAL	215	100%

When asked how often refuse was collected from their homes, all respondents (100%) indicated that refuse was collected or removed once a week. That had been a normal procedure within local municipalities except in cases where this service was privatised. Once a week collection which was a standard practice in municipalities, had always had its own problems. For example, a lot of refuse compounded just after collection and households had no option except to dump refuse or burn it which is hazardous to their health. This might be one reason why most researchers recommend privatisation of refuse removal (Rondinelli and Iacono, 1996; Burgess, *et. al.*, 1997; Ranamurti, 1999; and Post, 2001).

5.13. COMMENTS ON THE NUMBER OF DAYS OF REFUSE REMOVAL

Table 5.14 Level of satisfaction within households

Feeling	Frequency	Percentage
Happy	30	14%
Unhappy	185	86%
TOTAL	215	100%

86% of the respondents indicated that they were unhappy about the fact that refuse was only removed once a week. A lot of problems were experienced by respondents if refuse was removed only once a week. These included dumping of refuse in some

areas which is a health hazard. The significance of this unhappiness of households is that it alarms the municipality to recheck at its own policy of once-a-week refuse collection. However, the change of the policy will not be effected without any implications. One of the implications is that if days of refuse removal are increased, that will need more physical and financial resources and will thus impact on the budget.

5.14. THE NUMBER OF REFUSE BAGS SUPPLIED PER MONTH FOR REFUSE REMOVAL

Table 5.15 Frequency distribution according to the number of refuse bags supplied per month for refuse removal

Number of bags	Frequency	Percentage
One	0	0%
Two	33	15.3%
Three	0	0%
Four	182	84.7%
More than four	0	0%
TOTAL	215	100%

84.7% of the respondents indicated that they got four refuse bags per month. That was the normal stipulated number the municipality had to give to each household. 15.3% indicated that they only got two refuse bags per month which was abnormal because it had to be four refuse bags. It was not clear as to what happened to the other two refuse bags that were supposed to be supplied to these households. What was clear, however, was that the majority of households received the government's stipulated number of bags. Considering the fact that in Table 5.16 68.8% of the residents indicated that they were not happy about the supply of 4 bags, it was clear that the number of refuse bags supplied was not acceptable to the majority of the residents.

5.15. FEELING ABOUT THE NUMBER OF REFUSE BAGS SUPPLIED

Table 5.16 Opinions about the number of refuse bags supplied

Feeling	Frequency	Percentage
Happy	67	31.2%
Unhappy	148	68.8%
TOTAL	215	100%

Table 5.16 indicates that 68.8% of the respondents were not happy with the fact that only four refuse bags were supplied per month. Those who were happy were only 31.2%. The number of refuse bags supplied did have an indirect impact on environmental cleanliness of the area. For example, if only four bags were supplied per month it would mean that each household used at least one refuse bag per week. In areas where refuse was collected on Mondays the challenge and the question is what happens to the refuse that accumulated after Monday. Households were left with a dilemma of not knowing where to put their refuse and how to dispose of it.

5.16. THE SUGGESTED NUMBER OF REFUSE BAGS TO BE SUPPLIED PER MONTH

Table 5.17 Opinions with regard to the suggested number of refuse bags

Suggested number	Frequency	Percentage
One	0	0%
Two	0	0%
Three	0	0%
Four	0	0%
Between 8 and 10	215	100%
TOTAL	215	100%

Respondents who had to make suggestions in this regard were the ones who indicated that they were unhappy about the number of refuse bags supplied to households per month (*cf.* Table 5.17). All 215 of them, that is 100% indicated that they would like to be supplied with between 8 and 10 refuse bags per month. If more refuse bags were supplied surely it had to concur with increased number of days of refuse removal. It may not help households to have more refuse bags if refuse cannot be

collected. On the same note, refuse collection may also be more efficient if respondents have more bags to store excess refuse.

5.17. TIMES IN A WEEK DURING WHICH HOUSEHOLDS DISPOSE OF REFUSE THEMSELVES

Table 5.18 Number of times a week households dispose of refuse themselves

Frequency (times)	Frequency	Percentage
Once	72	33.5%
Twice	100	46.5%
Three times	32	14.9%
Four times	11	5.1%
TOTAL	215	100%

46.5% of the respondents indicated that they disposed of refuse at least two times a week. The standard practice was that refuse was collected once per week by the municipality. What is of great concern is that there was a percentage (5.1%) of respondents who disposed of refuse as many as four times a week. That posed a health hazard to the community. Refuse disposal of any kind should be done in an acceptable manner in a designated area and any other unacceptable form should be stopped by the municipality. Households do not have any right to dispose of refuse themselves. Section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998) spells it clearly that refuse should be disposed of in a responsible manner. Any unacceptable manner of refuse disposal like burning or dumping is a punishable offence by law in South Africa.

5.18. ALTERNATIVE REFUSE DISPOSAL METHODS

Respondents were also asked to indicate the alternatives they used to dispose of their refuse when it was not collected. The two prominent responses were the following:

Table 5.19 Alternative refuse disposal methods

Alternative refuse disposal methods	Frequency	Percentage
Dump it	120	55.8%
Burn it	95	44.2%
TOTAL	215	100%

The scenario presented here is that almost all respondents at one stage or another find themselves having to dispose of refuse when it was not collected. This is largely due to the fact that it was only collected once a week which was not sufficient to almost a greater number of households.

5.19. REFUSE COLLECTION PROBLEMS

Respondents were asked to list problems they had with regard to refuse collection and they mentioned the following:

Table 5.20 Commonly identified refuse collection problems

Refuse collection problems	Frequency	Percentage
Non-collection of refuse	215	100%
Shortage of refuse bags	215	100%
Inadequate frequency of collection	200	93%
Non-collection of garden refuse	98	46%
Non-existence of garden refuse disposal sites	96	45%
Air pollution	81	38%
Environmental pollution	80	37%
Sickness to people	37	17%
Sickness to animals	25	12%
Refuse collected too early	21	10%
Late collection of refuse	20	9%

What is remarkable in these responses was the awareness of the communities about environmental issues in their area. This awareness means that people were not afraid to raise issues that affect them to the municipality. These problems were not only pertinent to éNdondakusuka Local Municipality but they were a plague to almost all local municipalities. This, therefore, poses a challenge to the municipality to ensure that solutions to these problems are sought.

5.20. SUGGESTIONS FOR IMPROVED REFUSE COLLECTION

Respondents were also asked to suggest ways in which refuse collection by the municipality could be improved. The following suggestions came up:

Table 5.21 Suggestions for improved refuse collection

Suggestions for improved refuse collection	Frequency	Percentage
More trucks and more staff should be available	215	100%
Refuse should be collected two times a week	215	100%
The number of refuse bags supplied should increase	215	100%
The number of family members should be considered	181	84%
Garden refuse site should be established	152	71%
Recycling of waste should be encouraged	113	53%
The community must be educated about recycling	107	50%
Areas where refuse can be kept should be identified	93	43%
Refuse should be collected around 10 a.m.	76	35%
The community should be consulted if there is going to be a problem	76	35%
Toll free number for complaints should be provided	56	26%
Pick-up points should be established	35	16%
Wire containers should be installed	31	14%
Containers should be placed in the designated areas	21	10%
Illegal dumping sites should be cleaned	13	6%

5.21. SUMMARY OF FINDINGS.

The following is a summary of the general findings of the empirical investigation:

5.21.1. FINDINGS RELATING TO WATER PROVISION

(a) Most of the water cut-offs are due to overdue payments or failure to pay by the households.

Findings from the empirical investigation indicate that most of the water cut-offs experienced were largely due to overdue accounts or failure to pay for services by the households. Table 5.2 reflects that 24.7% of the respondents indicated that they had experienced more than two water cut-offs and 58.1% of those respondents cited "non-payment" for services as the main reason for water cut-offs.

(b) Water-tankers are the most favourable alternative source of water.

From the findings of the empirical investigation it becomes clear that water-tankers are the most favourable alternative source of water. Table 5.2 indicates that 63.7% of the respondents receive water from water-tankers when there were water cut-offs. This then places a responsibility on the municipality to increase the number of water-tankers so as to ensure this service of water provision is accessible to everyone. This invalidates or refutes the sub-hypothesis (H.1) which states that *the availability of more water-tankers would not extend the free water basic service to rural areas within the municipality.*

(c) Households are paying a lot of money for water.

Findings from the empirical investigation suggest that householders at eNdongakusuka Local Municipality were paying a lot of money just for water. Table 5.5 indicates that 27.4% of the respondents paid between R200 and R299 a month on water alone. This figure is over and above the 6kl free basic water that is given to every household. It is important to note that this high demand of water, which then escalates, costs has a bearing on the payment for services

(d) Most households have more than three family members.

The fact that most of the households had more than three family members suggests that there was a high demand for water. Table 5.6 indicates that 59.1% of households had more than three family members. Over and above, the fact is that, this necessitates revisit by the government to the issue of the determination of 6kl of free basic water.

(e) The municipality is providing clean water.

Findings from empirical investigation suggest that most households rated the cleanliness of water provided by eNdongakusuka Local Municipality as good. Table 5.7 indicates that 78.1% of the respondents felt it was good. Although this is a positive response, the municipality still needs to improve the rate of cleanliness so as to satisfy households who are the clients of the municipality.

(f) The municipality's response to reported faults is slow.

It is clear from the findings of the empirical investigation that the municipality's response to water-related faults that were reported by the households was slow. Table 5.8 indicates that 42.8% of respondents rated the municipality's response to reported faults as slow. This was largely due to lack of transport and inadequate human resources.

(g) The overall rate of water service provision by the municipality is fair.

Findings from empirical investigation suggest that the overall rate of water service provision by the municipality was fair. Table 5.9 indicates that 46.5% of the respondents maintained that the overall rate of the municipality's water service provision was fair and 27.4% felt that water service provision was good. This, in essence, suggests that almost 75% of the respondents were more or less happy about the water service provision by the municipality. This good response does not mean that the municipality must sit back and be satisfied about water service provision but keep on improving the service.

5.21.2. FINDINGS RELATING TO REFUSE REMOVAL

The following are the findings of the investigation relating to refuse removal as elicited from responses by households.

(a) Most households are not happy with the fact that refuse is collected only once a week.

From the findings of the empirical investigation it has become clear that households were *not happy with the fact that refuse was collected only once a week*. Table 5.13 indicates that 86% of the respondents indicated that they were unhappy about the fact that refuse is only removed once a week. Households were complaining that they accumulated a lot of refuse during the week and if it was not collected, it was dumped almost anywhere. Dumping refuse then becomes a serious health hazard. The municipality should then reconsider the number of days for refuse removal.

b) Most households are not happy about the number of refuse bags supplied to them by the municipality.

Findings of the empirical investigation suggest that most households were not happy about the number of refuse bags supplied to them by the municipality. Table 5.16 indicates that *68.8% of the respondents were not happy with the fact that there were only four refuse bags supplied to them by the municipality per month*. That effectively meant that each household had only one refuse bag per week. Bigger households found it difficult to cope with just one refuse bag a week. This also poses a challenge to the municipality to increase the number of refuse bags.

(c) Most households do dispose of their refuse themselves

Findings of the empirical investigation suggest that there were households that disposed of refuse themselves. Table 5.18 indicates that 46.5% of the respondents indicated that they disposed of refuse themselves at least two times a week. They either burnt or dumped it. This is illegal and is against the dictates of the law.

5.21.3. CONCLUSION

This chapter discussed the presentation, analysis and discussion of the research results. The results suggest that although most of the respondents believed general provision of water is fair but needs some improvements, most respondents were not happy about refuse removal.

CHAPTER 6

RECOMMENDATIONS

6.1. INTRODUCTION

The overall impression elicited from this research is that lack of adequate resources does hamper service delivery of water and refusal removal in éNdondakusuka Local Municipality (*cf.* Table 5.10 and Table 5.21).

This situation necessitates recommendations to the municipality in particular to ensure that these services are delivered effectively. It should be pointed out that recommendations made to the municipality automatically apply to the government because the latter provides for resources in municipalities which are a third sphere of government.

6.2. RECOMMENDATIONS TO THE MUNICIPALITY

a) The municipality should strengthen its community participation programmes and collective engagement of communities on issues relating to service delivery.

Table 5.3 indicates that 56.7% of the respondents indicated that the water cut-offs they had experienced were due to their failure to pay for their services. This clearly indicates that households were not motivated to pay for their services. It should be pointed out that some South Africans still have influences of the Apartheid regime which will remain indelible for a long time in their minds.

Table 5.19 also indicated that there were households that resorted to either burning of dumping refuse which accumulates during the days when it was not collected. This is an indication that households lacked knowledge on environmental management for burning and dumping of refuse are illegal in South Africa.

It is, therefore, recommended that the municipality should strengthen its community participation programmes and collective engagement of communities on issues relating to service delivery. It is from these programmes that their environment can be managed properly.

(b) The municipality must consult with communities about the services that will be delivered to them so that they are able to indicate the level of services they would need.

The need for consultation of households about services has been evident in their responses on both water provision and refuse removal. In terms of water provision households indicated that most of them (27.4%) paid between R200 and R299 a month which suggests that they were consuming a lot of water (*cf.* Table 5.5). It should also be noted that 59.1% of the households indicated that their families comprised more than 3 family members (*cf.* Table 5.6). This clearly indicates that the 6 kl free basic water is not enough for most of the black families. What this means is that all communities' inputs on the provision of 6 kl were not taken into consideration.

In terms of refuse removal it has become clear that households were not happy about the fact that refuse was collected only once a week and also unhappy about the number of refuse bags given to them. Households maintained that if they had been consulted these problems might have been averted because they would have detected this inadequacy from the start.

It is, therefore, recommended that the municipality should consult with communities about services that would be delivered to them so that communities could have input on how these services should be delivered. This will encourage them to pay for their services and also to participate in other government and municipal activities when they know that their input is valued.

(b) The municipality should provide adequate and fully capacitated human resources to enable effective service delivery.

Throughout the findings of this investigation it has become clear that human resources are not adequate and this has impacted negatively on service delivery. Table 5.8 indicates that 42.8% which is the majority of the respondents rated the municipality's response to water-related faults as slow. Delayed responses are largely due to

inadequate human resources. It is recommended, therefore, that the municipality must address these problems.

- (c) The municipality should implement a performance management system which will enhance performance of employees thereby improving service delivery.**

It is important to note that even the municipal officials need more incentives in order to perform better thus improving service delivery. The provision of incentives can only be achieved if it is linked to a performance management system which will enable the municipality to monitor performance of the municipal officials. If the system can be monitored very well it can surely yield positive results thereby improving service delivery.

- (e) The municipality should provide adequate and improve infrastructure to accelerate the pace of service delivery.**

The shortage of physical resources has also been an area of concern throughout this research. In terms of water provision households suggested that infrastructure should be developed and more water-tankers should be provided so that even rural areas could benefit from service delivery (*cf.* Table 5.10).

In terms of refuse removal households also suggested that there should be more trucks to collect refuse (*cf.* Table 5.21). It is, therefore, highly recommended that the municipality should provide adequate physical resources and upgrade the existing infrastructure so as to enable effective service delivery.

6.3. SERVICE USERS

The findings of this research suggest that service users were not adequately consulted to provide input on service delivery (*cf.* Table 5.10). The municipality may claim that consultation was done but the problem is that it was inadequate. The recommendation made here is that service users should be intensively involved because they play a

very important role. They can also immensely contribute towards the improvement of service delivery.

The municipality has 16 wards, each with a ward committee. The municipality should, therefore, have at least a meeting in each ward to ask members of the community to list services they would like to be delivered to them and how these services should be delivered. It is important that all service users attend such particular meetings together with their representatives. The consultative process is the one that will inform the municipality's Integrated Development Plan.

6.4. RECOMMENDED MODEL

In view of the fact that the findings of the empirical investigation suggest that eNdongakusuka Local Municipality is somehow effective in the water service, but not very effective in refuse removal, there is a need to develop a service delivery model. This model will not only help eNdongakusuka Local Municipality but also the other municipalities, the government and other organisations that deal with service delivery to ensure that they deliver services effectively. This model will now be discussed in great details. It should be pointed out that the model is not prescriptive but may be adapted to suit different contexts. The model somehow derives its existence from the Input-Output Model illustrated and discussed in Chapter 1 as Fig. 1.1.

The model that is presently used by the municipality is based on the input-output continuum (Fig.1.1). Inputs are the needs of the community but the model does not specify how the needs of the community are identified. It does not specify a relationship between inputs and outputs thus making it very difficult to determine the start and the end of the model. There is no point in the model where inputs and outputs are measured and evaluated.

The Service Delivery Model (Fig. 6.1.) which is recommended by this research is more integrated and elaborate than the existing model. It elaborates on the needs of the community by indicating that communities must be consulted and engaged in service discussion where service delivery standards like the number of refuse bags to be supplied per month will be discussed. Table 5.10 indicates that one of the

suggestions for improved water service provision is consultation. Community consultation also came up when respondents were asked to suggest ways to improve refuse collection (*cf.* Table 5.21).

There are lots of processes that are suggested by the respondents (*cf.* Table 5.10 and Table 5.21). These processes need to be implemented, monitored and evaluated (reviewed). In terms of Chapter 6 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) the monitoring tool that is currently recommended for municipalities is Performance Management System. The system manages performance of both the organisation (municipality) and individual employees to encourage better performance.

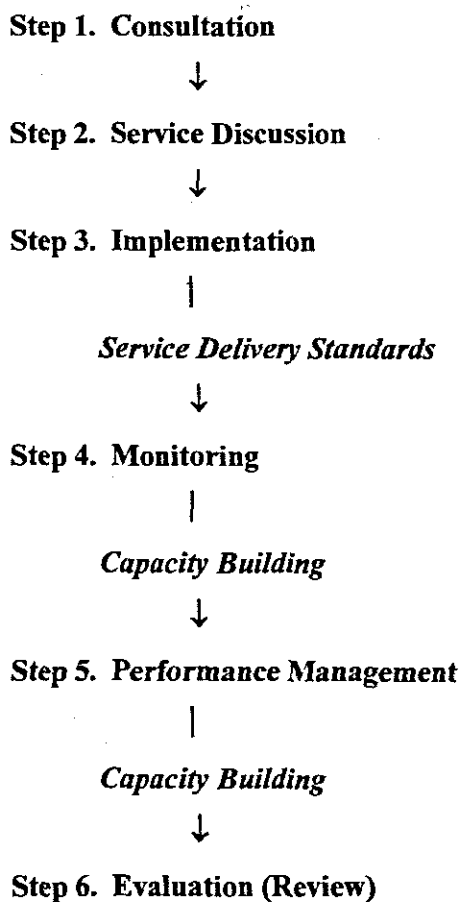


Fig. 6.1 Service Delivery Model

6.5. SUGGESTIONS FOR FURTHER RESEARCH

It has become apparent from the findings of this research that, whilst eNdongakusuka Local Municipality has shown some successes in the provision of water service, refuse removal has not been successful. Inference from responses suggests that where services have not been satisfactorily provided it is largely due to lack of resources. Table 5.8 indicates that the majority of households (42.8%) felt the municipality was very slow in responding to the reported water-related faults. This service is hampered by the fact that the municipality did not have adequate resources to respond to reported water-related faults. In Table 5.10 the greater proportion of responses in relation to other responses (17.7%) indicates that the municipality should repair old infrastructure (resources) to provide better water service. Table 5.10 indicates that the majority of the respondents (32.6%) felt that water-tankers should be sent at least once a week to rural areas. This means that the municipality should increase its resources to provide better water service in rural areas.

Table 5.14 shows that 86% of households were unhappy with the fact that refuse was collected once a week. The majority suggests that it should be collected twice a week (see Table 5.21). More frequent collection of refuse means that the municipality must provide more resources e.g. more refuse collection trucks.

This necessitates that there be a closer look at how the lack of resources affects delivery of other services since this research only looked at two services which are water and refuse removal. It is also recommended that in future a research can be conducted on how the government can help provide municipalities with adequate resources so that municipalities can deliver services effectively.

6.6. CONCLUSION

The objectives of this research were to find out from the residents how they perceive the provision of water and refuse removal by the municipality. Table 5.9 indicates that 46.5% of the respondents maintain that the overall rate of the municipality's provision of water is fair and 27.4% feel that water service provision is good. It seems residents are generally not happy with regard to refuse collection by the

municipality. Their unhappiness is as a result of the unsatisfactory number of days of refuse removal by the municipality (*cf.* Table 5.13); the unsatisfactory number of refuse bags provided by the municipality (*cf.* Table 5.18).

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APPENDIX A



P O BOX 144
MANDENI
4490

Telephone: 032 – 4563191\2\3
FAX: 032 – 4562504
mpilon@mandeni.org.za

Attention: The Municipal Manager
Mr MJ Mathenjwa

Sir,

RE: REQUEST TO CONDUCT A RESEARCH

I hereby request permission to conduct an academic research within the municipal area.

The topic of my research is “An evaluation of Service Delivery at eNdongakusuka Local Municipality”. The aim of the research is to evaluate effectiveness of the delivery of water and refuse removal. Households will be involved as respondents in the research process. It is hoped that the results of this research will benefit the municipality.

I hope my request will be accepted.

Yours faithfully

M B Ngubane
RESEARCHER

MJ Mathenjwa
MUNICIPAL MANAGER

Approved/ ~~not approved~~

APPENDIX B

QUESTIONNAIRE TO HOUSEHOLDS

Be kind enough to fill in this questionnaire for the purposes of investigating service delivery at eNdongakusuka Local Municipality. It must be mentioned that this is purely for research purposes in order to improve service delivery and is not for any other means. Assurance is, therefore, given that the responses will be treated with high confidentiality and no information will be disclosed to any other party.

NB. Please answer all questions in the following manner:

- a) Circle all codes of your choice e.g. (1)
- b) Do not use a cross.
- c) Where a question requires comments write in the space provided.

PART I: WATER PROVISION

1. Where do you get your water?

1. Inside the house	1
2. Tap in the yard	2
3. Standpipe	3
4. Other	4

2. How many times has your water been cut-off?

None	1
Once	2
Twice	3
More than 2 times	4

3. What were the reasons for water cut-offs?

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4. What alternative source did you have during water cut-offs?

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5. How much money do you normally spend for water on monthly basis?

0 – R99	1
R100 – R199	2
R200 – R299	3
More than R300	4

6. How many are you in the family / home?

One	1
Two	2
Three	3
More than three	4

7. How would you rate the standards of cleanliness of your water?

Excellent	1
Good	2
Poor	3
Very poor	4

8. How would you rate the municipality's response when water-related faults are reported?

Excellent	1
Quick	2
Slow	3
Very slow	4

9. How would you rate the overall water service provision by the municipality?

Excellent	1
Good	2
Fair	3
Poor	4

10. Suggest ways in which water service provision by the municipality can be improved?

.....

.....

.....

.....

.....

PART II: REFUSE REMOVAL

1. Is refuse collected from your home?

Yes	1
No	2

2. How often is it collected?

Once per week	1
Twice per week	2

3. Are you happy with the number of days of collection of refuse?

Yes	1
No	2

4. How many refuse bags do you get per week?

One	1
Two	2
Three	3
Four	4
More than four	5

5. Are you happy with the number of refuse bags you are getting?

Yes	1
No	2

6. If you are not happy with the number of bags, how many would you suggest should be given to you?

One	1
Two	2
Three	3
Four	4
More than four	5

7. How many times in a week do you dispose refuse yourself?

Once	1
Twice	2
Three times	3
Four times	4

8. What alternatives do you have to dispose your refuse when it is not collected?

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9. What problems do you have with regard to refuse collection?

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10. Suggest ways in which refuse collection by the municipality can be improved,

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