

# **A critical analysis of governance challenges in local government: a Metsimaholo case study**

**M Tshabalala**



**[orcid.org/0000-0001-8311-3171](https://orcid.org/0000-0001-8311-3171)**

Mini-dissertation accepted in partial fulfillment of the requirements for the degree *Master of Business Administration* at the North-West University

Supervisor: Mr PJ Greyling

Graduation: May 2022

Student number: 12935743

## **ACKNOWLEDGEMENTS**

I would like to thank my supervisor Mr Pieter Greyling for allowing me to drink from his well of wisdom during the study duration.

I cannot forget John Skinner, who kept me on my toes and trained me to tackle the curve balls that life constantly throws at me. Thanks to Dr Lubombo for your patience and assistance.

I would also like to express my deepest gratitude to Councillor Thabo Mabasa, who afforded me the opportunity to conduct my study in Metsimaholo Local Municipality.

My beautiful wife Modiehi, my children Thabo and Dieketseng, thank you to my family for your patience and understanding.

***Molato Tshabalala***

December 2021

## **ABSTRACT**

Oversight as an instrument of good governance is a cornerstone of democracy in South African municipalities. The governance challenges have persisted despite the plethora of good policies and legislation that governs local government in South Africa. The maturing democracy has seen several small political parties entering the race in the local government elections and being game-changers in many councils.

This study investigated the reasons for the lack of oversight and good governance in Metsimaholo Local Municipality despite good policies and legislation. The research objectives were central in driving the study and answering the research question. Semi-structured interviews was administered among the Executive Mayor, Speaker and councillors of Metsimaholo Municipal Council to collect data. The data was organised and presented in three themes.

The data shows that Metsimaholo Local Municipality has been operating without approved systems of delegations. The data revealed that the coalition of many political parties was also a challenge in Metsimaholo Local Municipality. This is despite Metsimaholo Local Municipality being governed by a coalition since 2016. The lack of oversight has also contributed to a lack of accountability and good governance.

This study highlights the human factors and institutional dynamics central to Metsimaholo Local Municipality's governance challenges. The study ends with recommendations as well as a proposal for future research.

**Key terms:** Oversight, municipality, governance, Metsimaholo, King

## TABLE OF CONTENTS

ACKNOWLEDGEMENTS .....	II
ABSTRACT.....	III
LIST OF FIGURES .....	VI
LIST OF TABLES .....	VII
1 CHAPTER ONE: SCOPE AND NATURE OF THE STUDY.....	1
1.1 INTRODUCTION .....	1
1.2 STATEMENT OF THE PROBLEM .....	1
1.3 SIGNIFICANCE OF THE STUDY .....	3
1.4 RESEARCH OBJECTIVES .....	4
1.4.1 Research question .....	4
1.4.2 Research objectives .....	4
1.5 DEFINITION OF KEY TERMS.....	4
1.6 SCOPE OF THE STUDY.....	5
1.6.1 Field of the study .....	5
1.6.2 Sector under investigation .....	5
1.6.3 Geographical demarcation .....	5
1.7 DELIMITATIONS OF THE STUDY .....	6
1.8 MINI DISSERTATION LAYOUT .....	7
1.9 PROJECT PLAN FOR DELIVERY .....	9
1.10 CHAPTER SUMMARY .....	11
2 CHAPTER TWO: LITERATURE REVIEW.....	12
2.1 MUNICIPALITIES AND MUNICIPAL COUNCILS.....	12
2.1.1 The origins of Municipality .....	12
2.1.2 The mandate of municipal councils .....	14
2.1.3 Role of the community in a municipality .....	17
2.1.4 Mandate of administration .....	18
2.2 GOVERNANCE IN MUNICIPALITIES .....	19
2.2.1 Structure of Municipal Council.....	19
2.2.2 Deployment by political parties.....	20
2.2.3 Induction and training programme.....	20
2.3 SYSTEMS OF DELEGATIONS IN MUNICIPALITIES .....	21
2.4 DEBATE ON THE SEPARATION OF POWERS.....	23
2.5 OVERSIGHT AS INSTRUMENT OF GOOD GOVERNANCE .....	25
2.5.1 Political Oversight.....	26
2.5.2 Elements of effective oversight.....	26

2.5.3	Oversight mechanism in the municipality .....	28
2.6	MUNICIPAL COUNCIL ACCOUNTABILITY TO COMMUNITIES.....	28
2.7	CHALLENGES OF LOCAL GOVERNMENT .....	29
2.8	CHAPTER SUMMARY .....	29
3	CHAPTER THREE: RESEARCH METHODOLOGY AND PROCEDURES .....	31
3.1	INTRODUCTION .....	31
3.2	RESEARCH PHILOSOPHY .....	31
3.3	RESEARCH APPROACH.....	31
3.4	RESEARCH STRATEGY .....	32
3.5	METSIMAHOLO CASE STUDY .....	33
3.6	TIME HORIZON OF THE STUDY .....	34
3.7	POPULATION AND SAMPLING STRATEGY .....	35
3.7.1	Non-probabilistic sampling .....	35
3.7.2	Population .....	35
3.8	TECHNIQUES AND PROCEDURES .....	36
3.8.1	Data sources .....	36
3.8.2	Data collection instruments .....	38
3.8.3	Data collection procedures.....	39
3.8.4	Thematic Analysis .....	40
3.9	THE QUALITY AND RIGOUR OF THE RESEARCH .....	42
3.10	RESEARCH ETHICS .....	42
3.10.1	Voluntary participation.....	43
3.10.2	Confidentiality.....	43
3.10.3	Non-maleficence .....	43
3.11	LIMITATIONS AND ASSUMPTIONS .....	43
3.11.1	Limitations .....	44
3.11.2	Assumptions.....	44
3.12	CHAPTER SUMMARY .....	44
4	CHAPTER FOUR – ANALYSIS OF RESULTS AND DISCUSSION .....	45
4.1	INTRODUCTION .....	45
4.2	PERSONAL INFORMATION OF PARTICIPANTS.....	45
4.2.1	Gender .....	46
4.2.2	Age group.....	47
4.2.3	Educational level .....	48
4.2.4	Experience in council .....	48
4.3	SAMPLING AND RESPONSE RATE .....	49
4.4	QUALITATIVE DATA ANALYSIS .....	50
4.5	GOOD GOVERNANCE IN METSIMAHOLO LOCAL MUNICIPALITY .....	55

4.5.1	Systems of delegations for improving oversight .....	56
4.5.2	Coalition government in Metsimaholo Local Municipality .....	57
4.6	OVERSIGHT IN METSIMAHOLO LOCAL MUNICIPALITY .....	57
4.6.1	Portfolio committees as an instrument of oversight .....	58
4.6.2	Impact of lack of oversight on service delivery .....	60
4.7	THE NON-SEPARATION OF EXECUTIVE AND LEGISLATIVE AUTHORITY .....	61
4.7.1	Views on separation of powers.....	61
4.7.2	Views on non-separation of powers .....	62
4.7.3	Views on both separation and non-separation of powers.....	62
4.8	CHAPTER SUMMARY .....	64
5	CHAPTER FIVE – SUMMARY, FINDINGS AND RECOMMENDATIONS .....	65
5.1	INTRODUCTION .....	65
5.2	OVERVIEW OF THE STUDY .....	65
5.2.1	Chapter one.....	65
5.2.2	Chapter two .....	66
5.2.3	Chapter three .....	66
5.2.4	Chapter four .....	66
5.3	FINDINGS FROM LITERATURE REVIEW.....	67
5.3.1	Executive mayoral type and its mandate .....	67
5.3.2	Systems of delegations .....	67
5.3.3	Oversight as instrument of good governance .....	68
5.3.4	Separation of legislative and executive powers .....	68
5.3.5	Governance challenges.....	69
5.4	FINDINGS FROM EMPIRICAL RESEARCH.....	70
5.4.1	Systems of delegations for improving oversight .....	70
5.4.2	Coalition government in Metsimaholo .....	70
5.4.3	Portfolio committees as instruments of oversight .....	70
5.4.4	Lack of oversight on service delivery.....	71
5.4.5	Separation of executive and legislative authority.....	71
5.5	FINDINGS IN RELATION TO THE OBJECTIVES OF THE RESEARCH.....	71
5.5.1	Objective one .....	72
5.5.2	Objective two .....	72
5.5.3	Objective three .....	72
5.6	RECOMMENDATIONS .....	73
5.6.1	On community oversight.....	73
5.6.2	On the appointment of managers reporting directly to Municipal Manager .....	73
5.6.3	On delegations .....	73
5.6.4	On section 79 portfolio committees .....	73
5.6.5	On induction of councillors .....	74
5.7	CONCLUSION.....	74
5.8	FURTHER RESEARCH.....	75

6 LIST OF REFERENCES .....77

## LIST OF APPENDICES

Appendix F 1: Letter of permission .....	82
Appendix F 2: Informed consent form .....	83
Appendix F 3: Interview questions .....	84
Appendix F 4: Language editor's letter .....	85
Appendix F 5: Ethical clearance .....	86



## LIST OF FIGURES

Figure 1.1 Metsimaholo geographic map.....	6
Figure 2. 1: Elements of municipality .....	13
Figure 2. 2: Metsimaholo Municipal Council’s structure .....	20
Figure 2. 3:Elements of oversight .....	27
Figure 3. 1: Research ‘onion’ .....	32
Figure 3. 2: Data process flow diagram .....	37
Figure 4. 1: Gender representation.....	47
Figure 4. 2: Age group .....	47
Figure 4. 3: Educational level.....	48
Figure 4. 4: Experience.....	49

## LIST OF TABLES

Table 1. 1: Project plan .....	10
Table 2. 1: Differences between the executive mayor and executive committee .....	16
Table 2. 2: Functions of oversight .....	27
Table 3. 1: Participants .....	34
Table 3. 2: Population and sampling .....	35
Table 3. 3: Functions of Speakers and Executive Mayors .....	36
Table 3. 4: Alignment of objectives and questions .....	38
Table 4. 1: Demographics .....	46
Table 4. 2: Response rate .....	49
Table 4. 3: Quotations, subcategories, categories and themes .....	50
Table 4. 4: Participants views on separation of powers .....	63

# **1 CHAPTER ONE: SCOPE AND NATURE OF THE STUDY**

## **1.1 INTRODUCTION**

The research aims to provide a critical analysis of challenges of oversight and governance that confront the local government in South Africa, focusing particularly on Metsimaholo Local Municipality in the Northern part of Free State Province. Local governance challenges persist regardless of good policies and legislation governing South African municipalities. These challenges range from lack of good oversight, efficient administration and sustainable provision of services to local communities and have attracted much scholarly attention. According to Mello (2018:2), though the local government operates in a well-legislated environment, municipalities continue to perform below the expectations of their communities, which are paying for municipal services and property rates.

Most scholars believe that the non-separation of legislative and executive powers in local government are the main contributors to these challenges. According to Van der Waldt (2015:1), the non-separation of powers is against the principles of *Trias Politica*, which emphasises a need for distinct and independent judicial, legislative, and executive structures (Van der Waldt, 2015:1). In the case of a municipality, the principles of *Trias Politica* cannot be fully realised because of the absence of a clear distinction or blurred lines between the legislative and executive powers.

In terms of section 151(2) of the Constitution (1996), the executive and legislative powers of a local sphere of government vest in the municipal council. Section 160(2) of the Constitution (1996) prohibits the municipal council from delegating functions that appear to be more legislative. These functions include the power to pass by-laws, approve a municipality's budget, the authority to raise loans, and imposition of rates and other taxes to its communities. From the provisions of section 59 (1) of the Municipal Systems Act (32 of 2000), it can be deduced that all other executive functions of the municipal council can be delegated to either municipal council committees, Executive Mayor, Speaker or the municipality's administration.

## **1.2 STATEMENT OF THE PROBLEM**

A properly run Municipal Council should be the epitome of good governance, where effective oversight on policy implementation is maintained. Effective policy implementation

is a key enabler for the Municipal Council to deliver on its mandate as enshrined in section 152 of the Constitution (1996). However, the lack of good governance persists in several municipalities throughout South Africa, despite the existence of good policies and legislation regulating the proper functioning of local government. Between 2016 and 2019, the provincial government intervened twice to normalise and stabilise the Metsimaholo municipality. In 2016, the Provincial Government, empowered by section 139 (c) of the Constitution (1996), dissolved the Metsimaholo Council. The dissolution was due to the Council's failure to approve the municipal budget. Approval of budget falls within the functions that the Council cannot delegate according to section 160(2) of the Constitution (1996).

The by-elections took place on the 29<sup>th</sup> of November 2017 to elect the new municipal council. The provincial government intervened again in just two years, which placed the municipality under administration. Section 139(b) of the Constitution which empowers the provincial government to assist the Council to perform its legislative and executive obligations when the Council is unable to do so. The intervention by the provincial government was due to the council not being able to appoint senior managers who report directly to the Municipal Manager in terms of section 56 of the Municipal Structures Act (117 of 1998).

Despite section 41(1) (h) (vi) of the Constitution (1996) cautioning that spheres of government must avoid litigating against one another, the Provincial legislature and Municipal Council engaged in a legal battle over the correctness of the intervention. The litigations has brought service delivery to almost a halt, as the administration had to choose between the provincial intervention team's instructions and that of the Council. These interventions purport the municipal council as the structure failing to execute its fiduciary functions of providing leadership, oversight and good governance. In June 2021, the National Council of Provinces declared the recent intervention by the Provincial government as unlawful. A huge amount of money was spent in legal battles where the employees and private service providers successfully litigated against the Council for issues ranging from unfair labour practice to non-payment of services rendered. Even though provision is made for independent ward councillors to contest elections at local government elections, political parties are dominant in that they contest for 50% of proportional representation and 50% of wards (Section 22(1)(a-b) Municipal Structures

Act). In Metsimaholo not a single ward was won by an independent ward councillor. During 2017 by-elections the African National Congress had 16 ward councillors followed by Democratic Alliance with five ward councillors. These ward councillors are accountable to their political parties. Mechanisms of community involvement in the affairs of the municipal council are left to be determined by the council, which is a conglomerate of political parties.

A key question that arises from the above situation is why is there a lack of good governance and oversight despite good policies and legislation at the local government level. A qualitative research approach was applied to address this question with key stakeholders of Metsimaholo Local Municipality. Interviews were conducted with councillors and senior officials of Metsimaholo Local Municipality. Findings were analysed through an objective directed inductive thematic analysis, the most appropriate technique for analysing qualitative data.

### **1.3 SIGNIFICANCE OF THE STUDY**

The significant first step towards addressing the governance challenges in Metsimaholo Local Municipality is to understand why these challenges continue to exist despite an abundance of good policies and legislation that governs local government in South Africa. Even though many scholars have widely written about the local government's failure to provide services efficiently and effectively, the need to explore, analyse, and find a deeper understanding of these governance challenges remains important.

When analysing the running of Prince Albert Municipality, Lekala (2019:107), identified financial resource constraints, public participation, intergovernmental relations and lack of social spending as one of the four fundamental issues that undermine good governance and development in the municipality. This study contributes to this literature by further investigating how Metsimaholo Local Municipality play oversight as an instrument of good governance.

Though the findings may not be generalised, the conclusions arrived in this study can also benefit other municipalities facing more or less the same governance challenges. This study thus contributes to a body of knowledge in local government and may be useful to address a perennial governance challenge in the sector. Even well-run municipalities can

benefit by learning from mistakes characterising oversight and governance at Metsimaholo Local Municipality.

## **1.4 RESEARCH OBJECTIVES**

The aim of the study is to understand why there seems to be a lack of good governance despite the existence of good policies and legislation in Metsimaholo Local Municipality. The following research questions and objectives guided the study to accomplish its aims.

### **1.4.1 Research question**

The central question that this study asks is why is there a lack of good governance and oversight despite the existence of good policies and legislation at the local government level? This question directed the researcher to the relevant literature and focused the data collected through the following objectives (see Creswell *et al.*, 2016:3).

### **1.4.2 Research objectives**

The following three objectives guided this study to find answers to the above key research question:

- a. To elicit views of the Executive Mayor and Speaker of Metsimaholo Municipal Council on what factors impede good governance and oversight in Metsimaholo Local Municipality.
- b. To understand how Municipal Council plays its oversight role in Metsimaholo Local Municipality.
- c. To understand the above two objectives from the perspective of councillors of Metsimaholo Local Municipality.

## **1.5 DEFINITION OF KEY TERMS**

Certain key terms underpin this study and need to be unpacked to understand the study in its appropriate context. The following terms, as used in the study, are defined as follows:

**Governance challenges** in the context of this study, governance challenges are the factors that impede the provision of good governance even when there is a plethora of good policies and legislation.

**Good governance**, according to Gbemudu (2019:35), good governance is characterised by community participation, accountability and responsiveness that is guided by the rule of law. Good governance is applicable in both the private and public sectors.

**Mayoral Committee** consists of councillors appointed by the executive mayor to assist the executive mayor in his/her duties.

**Oversight** – In the context of this study, oversight means the proactive actions that the Council takes to ensure that both executive and administrative arms account to the Municipal Council.

**Non-separation of powers** means that the executive and legislative powers are vested in a municipal council.

**Coalition** means the coming together of different political parties to form a government.

## **1.6 SCOPE OF THE STUDY**

The scope of this study consists of the field of study, sector under investigation, and the geographic location of the unit of analysis.

### **1.6.1 Field of the study**

The study is in general management, focusing on the provision of oversight and good governance at the local government level.

### **1.6.2 Sector under investigation**

According to section 153 of the Constitution (1996), a municipality must structure and manage budgeting and administration to enable the provision of the basic needs of its community. This study looked at how the municipality can achieve its objectives by playing oversight and good governance.

### **1.6.3 Geographical demarcation**

The study took place at the Metsimaholo local municipality in the Northern Free State, and its headquarters are in Sasolburg. Metsimaholo municipality comprises of geographical areas of Oranjeville, Deneysville, and Sasolburg. In 2017 byelections, the Municipal Council was composed of 42 councillors elected from eight political parties. As a hang





While the study protects the identity and confidentiality of participants' responses, the researcher assumes that participants responded honestly and truthfully without any other intentions other than those of the study. The other assumption is that the local government will always exist as the government closer to the people and remain protected by the South African Constitution (1996).

## **1.8 MINI DISSERTATION LAYOUT**

This section provides a synopsis and essence of the five chapters that constitute this dissertation. The sole purpose of making this overview is to focus the reader on the important features of each chapter.

### **Chapter one – Nature and scope of the study**

This chapter includes the method and scope of the study. The main topics include an introduction, a statement of the problem, the research objectives, the importance of the study, the study's delimitations and assumptions, and definitions of keywords. The chapter notes the apparent lack of good governance that persists in a number of municipalities throughout South Africa, despite the existence of good policies and legislation regulating the proper functioning of local government. The argument and thesis statement laid out in the chapter is that a well-run municipality should be the epitome of good governance where an effective oversight is exercised and maintained throughout the term of a Municipal Council. The case study of this thesis, Metsimaholo Municipal Council, which was disbanded following its inability to approve a budget, is introduced. The key question that drives the study is posed: *Why is there a lack of good governance and oversight despite good policies and legislation at the local government level?*

### **Chapter two – Literature review**

This chapter comprises a comprehensive literature study on accountability, political oversight, and separation of powers in the government's local sphere. Scholarly views on the characterisation of governance challenges confronting local government are articulated. The chapter also investigated how oversight as one of the instruments of good governance was applied. The role of portfolios committees and the principles of good governance in the King IV report are explained. The multi-dimensional process of oversight involves legitimising, coercive, negotiation and linkage functions for both the

overseer and the overseen. The chapter argues that oversight structure goes beyond overseer and overseen as it involves the structural elements such as context, communication and culture. The chapter also discusses the governance challenges that have attracted the interest of other scholars.

### **Chapter three – Research Methodology and procedures**

This chapter explains the research methodology. The qualitative approach and strategies espoused by Saunders and colleagues are explained. The adopted relativist philosophy to create knowledge and its exploratory approaches to gain a deeper understanding of governance challenges that confront Metsimaholo Local Municipality is also illustrated. The single case study, Metsimaholo Municipal Council, is described in detail as a case to understand oversight and governance. The purposive sampling procedures and ethical considerations are also explained.

### **Chapter four – Analysis of results and discussion**

This chapter is an empirical study of the officials and leaders of the municipality of Metsimaholo. Metsimaholo municipality comprises of geographical areas of Oranjeville, Deneysville, and Sasolburg. The chapter entails an in-depth understanding of data from the preceding chapter. Graphs, tables and charts will be useful tools to put data and ease the process of reaching conclusions.

This chapter presents the study findings from the officials and leaders of the municipality of Metsimaholo through semi-structured interviews. Three themes emerged from data analysis: 1) Governance challenges in Metsimaholo Local Municipality, 2) Oversight in Metsimaholo Local Municipality, and 3) The non-separation of executive and legislative authority.

### **Chapter five – Conclusions and recommendations**

This chapter draws conclusions and makes recommendations from the previous chapters. It was found that most councillors do not understand their role as legislated and as a result, this lack of understanding contributes to lack of oversight and good governance in Metsimaholo Local Municipality. It was also found that though the legislation is mandatory on developing systems of delegations, Metsimaholo has never developed these systems.

In the absence of systems of delegations, the administration cannot function optimally because it must constantly seek approval from the council as the executive authority remain vested in the municipal council.

The chapter recommends that ward committees be empowered to oversee elected councillors. It is further recommended that the municipal council of Metsimaholo delegate its executive function according to its systems of delegations. The legislative function may not be delegated. The chapter suggests that section 79 committees should be capacitated to avoid administration interference in the legislative authority of the Municipal Council.

## **1.9 PROJECT PLAN FOR DELIVERY**

Upon receiving approval for the proposed study, data collection and analysis commenced as per the project plan. The project plan was affected by restrictions which were imposed by the South African government in mitigating the impact of Coronavirus between 2020 and 2021. The government increased the lockdown restrictions, and other means like ZOOM and Microsoft Teams were used for data collection. Table 1.1 below was the project plan for completing the study in 2021.

**TABLE 1. 1: Project plan**

<b>ACTION</b>	<b>TARGET DATE</b>
Submission of the research proposal to the supervisor	30 November 2020
Feedback from the Supervisor	21 December 2020
Application for ethical clearance	22 January 2021
Submission of Chapter 1 - Introduction to the supervisor	01 February 2021
Feedback from supervisor on Chapter 1	15 February 2021
Finalisation of Chapter 1	19 February 2021
Submission of Chapter 2 – Literature Study to the supervisor	01 March 2021
Feedback from supervisor on Chapter 2	20 March 2021
Finalisation of Chapter 2	24 March 2021
Follow up on ethical clearance	29 March 2021
Submission of Chapter 3 – Research Methodology to the supervisor	01 April 2021

Feedback from supervisor on Chapter 3	17 April 2021
Finalisation of Chapter 3	22 April 2021
<ul style="list-style-type: none"> <li>• Approval from Metsimaholo Council for research</li> <li>• Distribution of informed consent forms</li> </ul>	June 2021
Chapter 4 – Empirical study	01 October 2021 – 20 October 2021
Chapter 5 – Findings and recommendations	02 November 2021- 31 15 November 2021
Editing of draft chapters and proofreading	20 November 2021
Final submission	02 December 2021

## 1.10 CHAPTER SUMMARY

Chapter one sets the scope of the study by providing information regarding the field of study, the geographic location and the sector under investigation. This chapter further provided the problem statement, research questions, and the study's objectives. This qualitative study used the cross-sectional design because it was conducted over a short space of time. Chapter one highlights the significance of the study and ends by briefly explaining the chapters and the layout that was followed. Chapter one ends with a detailed project plan delivery for the project (study).

## **2 CHAPTER TWO: LITERATURE REVIEW**

For the municipal council to provide oversight and good governance, they need to understand their roles in developing the systems of delegations, their powers and the channels of reporting between the administration, structures with delegated executive functions. To understand how oversight and governance are administered in Metsimaholo Local Municipality, this chapter reviews the theoretical and empirical literature on oversight as an instrument of good governance.

It begins with examining municipalities' origins, mandates, and different types of municipalities in South Africa. It moves on to explore how oversight is understood and implemented by other municipalities, which are more or less the same type as Metsimaholo Local Municipality. This is followed by looking at the impact of separation or non-separation of executive and legislative authority on good governance in the executive type municipalities. The chapter ends by examining the role of communities on ensuring that Municipal Councils are accountable. Together the topics addressed in this chapter helped to understand how municipal council used oversight as one of the tools of good governance.

### **2.1 MUNICIPALITIES AND MUNICIPAL COUNCILS**

According to section 40 of the Constitution (1996), the Republic of South Africa government consists of three national, provincial, and local spheres. Local government comprises wall-to-wall municipalities, each with its area of jurisdiction. The Municipal Demarcation Board (The Board) is responsible for establishing municipal boundaries. The board's independence and authority are protected by the provisions of section 3 of the Municipal Demarcation Act (27 of 1998). In determining or predetermining the boundaries, the board is obliged by section 21 of the Municipal Demarcation Act (27 of 1998) to publish its intentions in a provincial government gazette. Any citizen has a right to object to proposed delimitations of boundaries, and the Board is compelled to consider all objections raised before concluding on municipal boundaries. In other words, South Africans have a say on how the demarcation of municipalities is decided.

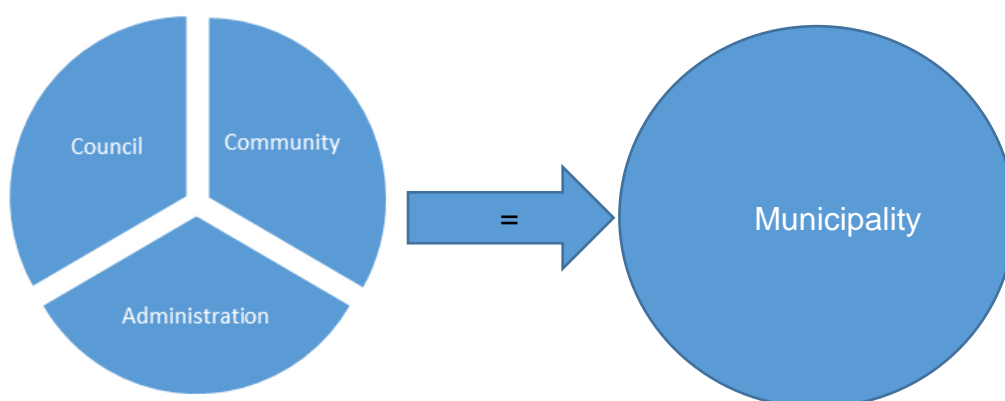
#### **2.1.1 The origins of Municipality**

The word municipality is from *municipium*, a Latin term for city or town. Etymologically the word is used to refer to the neighbouring communities of Rome. For these communities to

be integrated with Rome or receive Roman statutes to self-govern or regulate themselves, they were compelled to sign a social compact declaring their willingness to perform duties to the Roman Empire (Owen, 2012). These communities or *municeps*, meaning duty-holders, were the citizens of *municipia* (plural word for *municipium*. *Municipium* is the prototype of the English municipality. Even though municipalities are responsible for providing democratic and accountable government to their communities, their laws (by-laws) are subordinate to laws passed by province and national governments. For this study, a municipality means a community empowered to govern local affairs by its own initiative, section 151(3) of the Constitution (1996) subordinated this initiative to national and provincial legislation.

A municipality is composed of elected people in its demarcated area to serve as municipal council for five years. The community's elected representatives are councillors, and collectively they constitute a Council. As a representative of the community, the Council is responsible for the appointment of administration which is assigned to deal with the day-to-day operations. It must be noted that a Municipal Council only appoints the Municipal Manager and managers reporting directly to the Municipal Manager. Municipal Manager is the accounting officer responsible for the appointment of the administrative staff of the municipality after a Council has approved the organogram. In other words, the administration's appointment is a delegated responsibility to the accounting officer. Municipal Manager acts as a link between political leadership and administration of a municipality. Figure 2.1 below illustrates the elements of a municipality as provisioned by section 2(b) (i) and (ii) of Municipal Systems Act (32 of 2000).

**FIGURE 2. 1: Elements of municipality**



From figure 2.1, each element has roles and responsibilities following the legislation. In other words, each element must play its role in ensuring the municipality lives under its mandate.

## **2.1.2 The mandate of municipal councils**

Van der Waldt (2015:1) argues that a municipality has a mandate to design and execute projects that significantly impact its constituency. This is corroborated by section 152 of the Constitution (1996), which mandated local government to perform the following objectives:-

- a. To be responsible for the provision of accountable and democratic local government.
- b. To guarantee the delivery of sustainable services.
- c. To promote social and economic development
- d. To promote a safe environment that is safe
- e. To encourage community involvement and community organisations in matters of local government.

Section 152(2) emphasises that the municipality must strive to achieve these objects within the administrative and financial capacity. The municipality has a Constitutional obligation to provide an accountable government for its communities. This means that communities are entitled to receive answers from an elected member in the administration of a municipality. Though the Municipal Council delegates most of its responsibilities to its Executive Mayor and administration, King IV report argues that they remain accountable for such responsibilities because accountability can never be outsourced (IDSA, 2019:9).

### **2.1.2.1 *Membership of municipal councils***

according to section 18 of the Municipal Structures Act (117 of 1998), a Council is elected every five years, in compliance with section 159 of the Constitution (1996). Any citizen of South Africa who qualifies to vote and voted is legible to be a councillor should they choose to avail themselves and receive majority votes in their respective wards or



organisations. According to section 158 of the Constitution (1996), those citizens who fit the following description do not qualify to be councillors:

- a. An employee of a municipality or any other sphere of government except those who receive an exemption through national legislation.
- b. Anyone who is a member of the National Assembly or National Council of Provinces excludes a person representing a municipality in the National Council of Provinces.
- c. A person who is not eligible to be a member of parliament.
- d. A councillor from another municipality excluding a councillor representing that municipality in the other category like the councillors who represent their councils in the council of a district municipality.

Except for the disqualification criteria set above, it is clear that there are no academic qualifications or skills required for anyone to become a councillor. Being popular or being in the proportional representation list of a political party is the only ticket to attain the membership of a municipal council. The political parties set some requirements, but those requirements are more testing a person's loyalty to the party's aims and objectives. The membership of political parties is also open for every person who abides by the political parties' aims and objectives. In other words, academic qualifications or a particular skill set is not a requirement to become a member of a political party.

#### **2.1.2.2 *Differences between Executive Committee and Executive Mayor***

Metsimaholo is a mayoral executive type and therefore is permitted to elect an Executive Mayor. Other municipalities are classified as the collective executive type where the Mayor is elected among the executive committee members. Table 2.1 below, illustrates the differences between the Executive Committee and the Executive Mayor.

**TABLE 2. 1: Differences between the executive mayor and executive committee**

<b>EXECUTIVE COMMITTEE</b>	<b>EXECUTIVE MAYOR</b>
It consists of 20% of a total number of Council or 10 councillors, whichever is the least. The Executive is a collective elected by the Council.	The municipal council elect one individual amongst its members to be the Executive Mayor.
Executive Committee is a structure that reports to the council as a collective	Reports to Municipal Council as an individual
Members of the Executive committee must reflect political parties in the council. This means the political parties are entitled to at least a representative according to their numbers in a municipal council.	The Executive Mayor using his/her own discretion, appoints members of the Mayoral Committee. In other words, Mayoral Committee may be comprised of one representative of one political party as the law does not compel the Executive Mayor to look at other political parties represented in a municipal council.
Executive leadership is vested in a collective	Executive leadership is vested on an individual
It is the council committee, and all other committees report to it	Mayoral Committee reports to the executive mayor, and the Executive Mayor is reporting to the council as an individual.
In the council with Executive Committee, the Municipal Council elects a Mayor from among Executive Committee members.	In the Mayoral Executive type, the Municipal Council elects the Executive Mayor among members of the Municipal council.
Members are elected for a term of council, and if the Mayor is removed, die or resigns, the entire executive remains in office. The Municipal council	When the Executive Mayor cease to be Executive Mayor, the mayoral committee disbands. The Municipal Council will then elect an Executive

will then fill the vacancy and then elect the Mayor amongst the Executive Committee members.	Mayor amongst municipal council members. The Executive Mayor appoints members of the Mayoral Committee using his/her discretion.
--	--

The above table demonstrates the functionality of the two systems. The major difference is that the collective is responsible and works as a team on the Executive Committee type. On the Executive Mayoral Type, the collective is reporting to an individual. Though assisted by Mayoral Committee, the Executive Mayor has the final say in all functions assigned to his/her office.

### **2.1.3 Role of the community in a municipality**

Various legislative frameworks give communities rights to be involved in the governance and policy development in local government. In terms of section 5 of the Municipal Systems Act, the community must:

- a. Play a significant role in contributing to the council's decision making process
- b. Make recommendations, representations or even complaints and receive prompt responses from the council, including its political structures and administration.
- c. Attend the meetings of the council and its committees and be informed of the decisions that these structures have taken.

From these rights, it can be seen that the council and administration are accountable to their communities. While the communities also have an obligation to pay for services and abide by the by-laws, they oversee the council and administration. The legislation does not provide mechanisms that the municipal council should utilise as a platform for community engagement. However, section 17 of the Municipal Structures Act, 1998 does compel the municipal council to develop such mechanisms. According to SALGA (2011:15), community participation in the local municipalities must be through the ward committees. The engagements of community organisations are also finding emphasis in various local government legislation. When discussing community involvement in local government,

Madzivhandila and Maloka (2014:656) conclude that community participation is a 'prerequisite for a successful governance and service delivery' in a municipality.

#### **2.1.4 Mandate of administration**

The administration of a municipality is governed by principles and values embodied in section 195 of the Constitution, 1996. Section 6 of the Municipal Systems Act (32 of 2000) gives municipal administration the following mandate:

- a. To be responsive to the needs of the local community;
- b. To facilitate a culture of public service and accountability amongst staff;
- c. To take measures to prevent corruption;
- d. To establish clear relationships and facilitate co-operation and communication between it and the local community;
- e. To give members of the local community full and accurate information about the level and standard of municipal services they are entitled to receive; and
- f. To inform the local community how the municipality is managed, of the costs involved and the persons in charge.

From this constitutional and legislative mandate, it can be seen that the administration is accountable to the community and must ensure that measures are in place to combat corruption. In other words, the administration must also play oversight over the council and deal with any conduct that seeks to undermine the values and principles embodied in the Constitution and those enshrined in other local government legislation.

The administration must be responsive to the community's needs and, in terms of section 6 of the Municipal Systems Act (32 of 2000), must facilitate public service culture. The administration is a key component of a municipality and must prevent corruption in rendering community services. According to Mbandlwa, Dorasamy, and Fagbadebo (2020:1645), political interference in administration affects service delivery; senior officials who report to politicians receive instructions that are contrary to government policy directives. The politicians who give instructions are often not held responsible for financial mismanagement because only the administration signs documents, and the political

instructions are verbal (Mbandlwa *et al.*, 2020:1645). The administration is an integral component of a municipality and is expected by law to stand against corruption and facilitate public service culture.

## **2.2 GOVERNANCE IN MUNICIPALITIES**

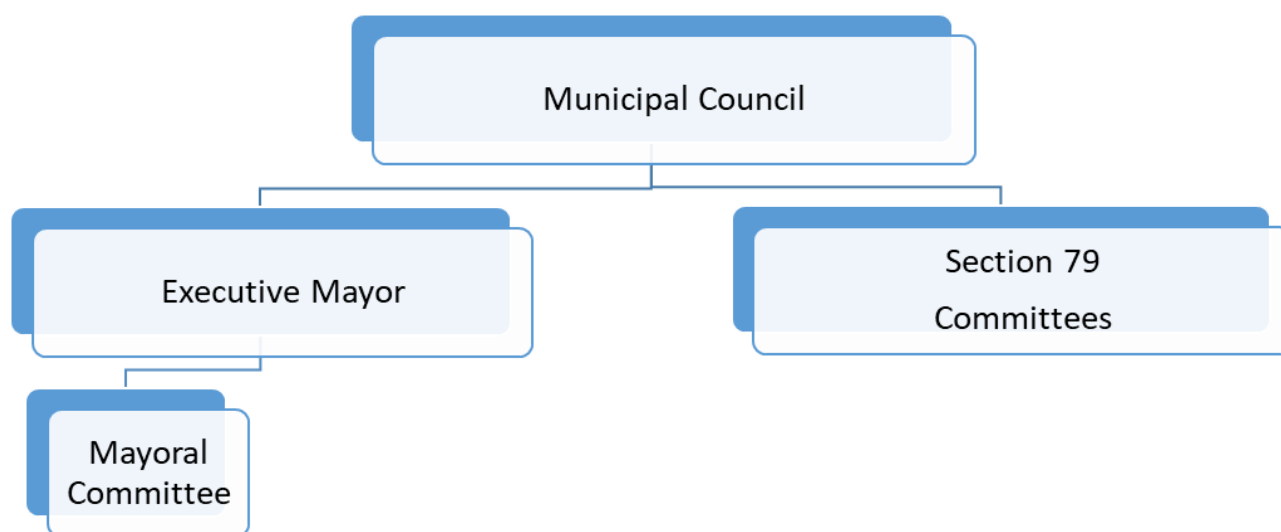
Good governance is a prerequisite element for municipalities to advance and protect the interests of their communities. Adoption of good corporate governance by the Municipal Council is an important step towards governing transparently and responsibly, befitting the council's mission of existence (IDSA, 2016:79). King IV defines the municipal council as the governing body responsible for providing good governance to its communities. Municipalities are obliged to comply with all the provisions of King IV codes as represented in the 16 principles. According to principle seven of the King IV report, the composition of a municipal council should be balanced and represent the skills, experiences, and diversity necessary to discharge its responsibilities effectively (IDSA, 2016:83). This principle is alive because King IV is subordinate to legislation that determines the composition of municipal councils. However, King IV went further to make the following recommendations:

- a. Political parties should always strive to deploy competent people as their candidates for councils.
- b. The council should have an in-depth induction to prepare and capacitate elected councillors.
- c. The council should introduce professional training that runs for the duration of the council.
- d. The council should use external expertise on issues beyond their comprehension.

### **2.2.1 Structure of Municipal Council**

Municipal council is a municipality's governing body (IDSA, 2016:80). Figure 2.2 below shows the hierarchical political structure of the municipal council. Metsimaholo Municipality has established section 79 committees reporting directly to Municipal Council. The Executive Mayor is also reporting directly to Municipal Council. From the diagram below, it can also be seen that the Mayoral Committee does not report to Municipal Council but reports directly to the Executive Mayor.

**FIGURE 2. 2: Metsimaholo Municipal Council's structure**



### **2.2.2 Deployment by political parties**

King IV report made recommendations that while the Council is responsible for in-depth induction programme for new councillors, political parties must also try to deploy competent people as candidates for councillors. The other challenges were highlighted by the President of South African Local Government Association (SALGA), Councillor Thembi Nkadimeng, on the 8<sup>th</sup> of September 2020 when addressing the National Council of Provinces' government week. Councillor Nkadimeng observed that almost two-thirds of councillors elected in 2016 were new councillors and brought a loss of institutional memory and set back the progress that was already made with regard to leadership and governance and oversight stability. When addressing the calibre of councillors deployed in council by both communities and political parties, Councillor Nkadimeng said, 'It is, therefore, our proposal that a new arrangement for the identification, deployment and capacitation of councillors has to be found'. This statement by SALGA is an admission that the current deployment and induction programme is not yielding the required or expected results hence the proposal for change.

### **2.2.3 Induction and training programme**

In South Africa, SALGA is responsible for the training needs of councillors. The Integrated Councillor Induction Programme (ICIP) is a programme of SALGA designed to capacitate both the newly elected and returning councillors. The programme is run over five consecutive days to prepare councillors for the tasks that await them. Municipalities may

also develop programmes in consultation with SALGA to develop training programmes that could further enhance councillors' skills, capabilities, and understanding when participating in various section 79 or section 80 committees.

The orientation or induction programme is just an event and is insufficient to prepare a councillor or even an employee. According to Gilbert (2020:09), even in the United States while some training is done for elected officials, local governments are yet to use the onboarding strategy that is beneficial for the private sector in that country. The most appropriate and effective way to prepare a councillor for a daunting task ahead is by introducing the onboarding system in the public sector. Onboarding is utilised in the private sector to shorten the learning curve of new appointments. Onboarding lasts up to a year. During that period, the councillors are made known to senior officials, organisational culture, feedback mechanism in the organisation, technology used in the organisation, and professional development programmes that could further enhance the effectiveness of a councillor (Gilbert, 2020:21).

Most of the scholars have indicated the near absence of literature during the local government's professional training on the significance of oversight in municipalities (Van der Waldt (2015:3). According to Sebola (2014:639), the problem is worsened by academic institutions' lack of prioritisation of local government training. Sebola (2014:639) concludes that once credible academic institutions can prioritise local government education, the bar to contest for municipal council will be raised; a more quality leadership will change the negative perception attached to how municipalities perform in the country.

### **2.3 SYSTEMS OF DELEGATIONS IN MUNICIPALITIES**

For a municipality to develop administrative and operational efficiency, the municipality should develop a delegations system as provisioned by section 59 of the Municipal System Act (32 of 2000). The system of delegations is where the municipal council delegates responsibilities to its administration or political structures to enable the council to play oversight and checks and balances.

The Council can review its delegations when one-quarter of its members request so, but reviewing of delegations cannot be retrospective. This means once a person may have accrued rights due to the implementation of delegations, those rights will only change from

the date that the council review such delegations. The council has the right to determine the intervals of how often it must get a report on delegated responsibilities.

According to principle 10 of King IV report, the council must appoint a competent municipal manager and other senior officials (IDSA, 2016:85). The appointment of capable administrators will contribute to the effective exercise of authority and responsibilities. King IV further elaborates on this principle that the council will benefit from well-informed opinions and decision-making and contribute to good governance.

The case 'The School Governing Body Grey College, Bloemfontein v Scheepers and Another' (2020) illuminates the importance of distinguishing between the governing body and the executive. In this case, the governing body had withdrawn all its powers delegated to the principal of Grey College. According to their argument, the principal was supposed to only deal with academic issues while someone else is responsible for the school's day-to-day running.

What is key in how the court outlines the statutory architecture of the relationship between the principal and governing body? The governing body's role is to formulate policies and guide the school's management. Contrary to the roles of the governing body, the principal's authority is executive and administrative. The court made it clear that the principal is responsible for implementing the policies and running all school's daily activities. This crystallises the roles between governance/legislature and managerial/executive. In the case of a municipality, the council is the governing body, and the administration is the executive.

This means the council is obliged to delegate its executive function to the administration. It can be inferred from the case of The School Governing Body Grey College, Bloemfontein v Scheepers and Another (2020) that the systems of delegations are necessary for ensuring checks and balances. The systems of delegations also ensure good governance where no actors can be a player and a referee at the same time. An example is when the Auditor-General wanted to be given powers to enforce compliance in a municipality, and the auditor general would be a player when auditing and will be a referee when enforcing compliance to audit findings (NC, 2019:26).



## 2.4 DEBATE ON THE SEPARATION OF POWERS

One of the fundamentals or cornerstones of democracy is the state's desire to separate powers from the legislative, executive, and judicial arms, *trias politica* (Van der Waldt, 2015:1). According to Van der Waldt (2015:9), and supported by Pretorius (2017:9), the executive is the administration, and the legislative is Council. The *trias politica* principle is not applicable and, as such, leads to political interference in the municipal administration. Chikwema and Wotela (2016:151) attribute the distress of municipalities to the non-separation of powers and emphasise the impact of non-separation of forces on effective oversight and accountability.

According to Pieterse (2020:6), the non-separation of executive and legislative powers constitute blurred lines of accountability. The accountability is removed from the council and executive leadership of the Council is accounting to a political party. A move that Pieterse (2020:14) further argued that if councillors account to political parties, it is further incapacitating the council and made a mockery of portfolio committees, which are toothless and not reporting to a municipal council.

A non-separation of legislative and executive authority is a distinction contrary to other spheres of government where the legislative and executive authority are separated. According to Kraai, Holtzhausen, and Malan (2018:9), the provisions of section 151 of the Constitution (1996) are problematic because a municipal council cannot play oversight on itself. De Visser and Aktintan (as cited by Kraai, 2018:9) posited that these provisions are also responsible for the conflicts between the speaker's and executive mayor's offices and, as a result, the Constitution (1996) must be amended to address these anomalies.

According to Napier (2018:176), the City of Tshwane Metropolitan Municipality established more than 15 committees that mostly reported to the executive mayor to bring about oversight. According to Napier (2018:117), those committees were appointed by the Executive Mayor. The committees that assist the Executive Mayor are appointed by the provisions of section 80 of the Municipal Structures Act (117 of 1998). The Council appoints members of these committees while the executive mayor appoints the chairpersons of section 80 committees.

In trying to separate powers for accountability and oversight, the City of Tshwane clustered Municipal Manager and managers reporting directly to Municipal Manager and Mayoral

Committee as an executive. The legislative comprises a municipal council, speaker, chairpersons of section 79 committees, and chief whip. Even though this appears like a big step towards separation of power, Napier (2018:183) argues that separation of powers may not work in a local government. Mngomezulu (2020:44) concludes that politicians' interference in the Umlazi municipality administration has not just affected service delivery but has reached a stage where the governing party bullies the community and administration.

This study will take a view expressed by Van der Waldt (2015:3) that various forms of local government legislation provide oversight. The Constitution is not rigid on the separation of powers in a municipality. A closer look at section 160 of the Constitution (1996) will reveal that a Council may delegate all its powers except the following legislative functions:

- a. The power to pass by-laws;
- b. The power to approve the municipal budget;
- c. The power to impose rates, taxes, and levies on duties; and
- d. The power to raise loans.

The power to enter into a service agreement and approval of the Integrated Development Plan may also not be delegated according to section 59 of the Municipal Systems Act (32 of 2000).

Section 160 (5) allows the national legislation to decide how municipal councils could be established. In complying with this mandate, section 7 of the Municipal Structures Act (117 of 1998) determines municipal government structures. It is vital to note that if the municipal council is empowered to elect the executive mayor, the executive leadership will vest on the elected individual. The executive leadership will vest in that collective executive if it is the executive committee. It is only in the plenary system where legislative and executive functions are delegated to any structure other than Council.

## 2.5 OVERSIGHT AS INSTRUMENT OF GOOD GOVERNANCE

The Oversight and Accountability Model (2009) of the Parliament of South Africa defines oversight as a constitutional mandate of legislatures to oversee the executive actions and state organs. The following are indicated as the oversight functions:

- a. To prevent the abuse of power by the government and its agencies
- b. To hold the government accountable for the implementation of the budget.
- c. To ensure value for money and that government accounts on performance.
- d. To ensure the implementation of approved policies.
- e. To foster transparency and enhance public trust in government.

Obiora (2019:1) defines legislative oversight as supervision of the executive arm by the legislature. Like other scholars on the separation of powers, Obiora (2019:1) postulates that it is the foundation of democracy and that checks and balances prevent the development of tyranny by any one arm of the state. Among the three arms of the state, legislature, judiciary, and executive, the legislature is the most critical and indispensable arm of government given its oversight role on the executive (Obiora, 2019:1).

The Nigerian Constitution of 1999 (cited by Obiora, 2019:3) empowers the legislature to investigate to legislate or to make any amendments. In South Africa, the Executive introduces a bill or draft, and the Parliament proclaims the act. This anomaly can be curbed by developing Parliament's capacity to introduce bills or drafts to match the executive pound for pound. Obiora (2019:10) touched on the nerve of oversight by indicating that for the legislature to control executives and departments, it must invoke the principles of checks and balances, namely, cooperation and coordination. In other words, cooperation ensures that one power understands the importance of another power and the benefits of working together. Coordination reconciles the powers and ensures that municipal activities are not hindered by unnecessary conflicts emanating from separation (Obiora, 2019:10).

### **2.5.1 Political Oversight**

The word oversight is almost foreign in the local government statutes. Even the major legislation like the Municipal Structures Act (108 of 108) does not even mention this word once. This means oversight in municipalities is not explicit but inferred. Legislatures provide bases of reference on how oversight should unfold in municipalities. Most of the scholars wrote about political oversight without attempting to explain it.

According to Van der Waldt (2015:2), political oversight entails informal and formal actions. The same explanation defines legislative oversight. In the absence of any contextualisation of political oversight, one is tempted to argue that the difference between legislative and political oversight need a further scholarly scrutiny.

### **2.5.2 Elements of effective oversight**

According to Kinyondo *et al.* (2015:3), oversight is when one actor oversees another actor. The actor that is overseeing the other actor is the overseer and the process in which the activities of the overseeing and overseen unfold is called oversight. Kinyondo *et al.* (2015:3) further emphasise that the overseen process might be a body explaining their actions, choices, and decisions, which is called accountability. King IV makes accountability an obligation and emphasises that accountability cannot be delegated. According to King IV report, the delegator of responsibility is still accountable for the responsibility (IDSA, 2016:9).

Kinyondo, Pelizzo, and Umar (2015:3) emphasise that oversight is not a unidimensional process, as many scholars are tempted to believe, but a multi-dimensional process. When the oversight emphasis is on the overseer, the overseer is playing a legitimising function. When the oversight emphasis is on the overseen, the overseer is playing a coercive function (Kinyondo *et al.*, 2015:5). The oversight structure is not limited to the overseer and overseen, but to other structural elements such as context, communication, and culture (Kinyondo *et al.*, 2015:3).

Figure 2.3 below shows the additional elements and further indicates that the context should consider the political and institutional or the circumstantial elements. The culture includes ideological, moral, and political, while communication assures that the overseer receives the overseen's information and explanations (Kinyondo *et al.*, 2015:5).

**FIGURE 2. 3:Elements of oversight**

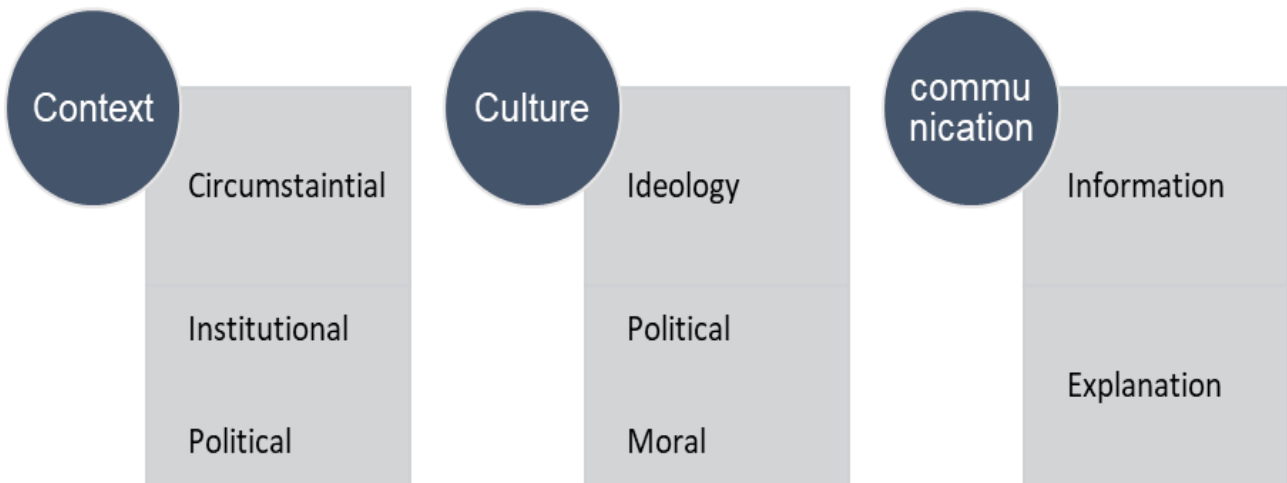


Figure two above demonstrates that oversight is not just a linear process but involves several elements that should be considered by both the overseers and the overseen. These elements are critical in developing understanding between the two parties.

Kinyondo *et al.* (2015:15) conclude that oversight effectiveness can be determined when the overseer performs the functions and positively responds to the questions in table 2.2 below.

**TABLE 2. 2: Functions of oversight**

FUNCTIONS	QUESTIONS
Coercive	To what extent does the overseer manage to change the course of overseen?
Negotiational	Did the overseer clear the assumptions and seek to understand common ground, values, and understandings?
Informative	Does the overseer develop a communication channel and sufficiently inform?
Legitimising	Did the overseer manage to stamp its legitimacy?

Linkage	Did the overseer align the priorities of communities?
---------	---

The table above clarifies the functions of oversight. If the actor playing the overseer role cannot positively respond to the question in the table, it means the effectiveness of oversight is still mild. The overseen must not just have an obligation to account but must be aware of the weight of the overseer.

### 2.5.3 Oversight mechanism in the municipality

Kraai, Holtzhausen and Malan (2017) conducted a study in Ekurhuleni Metropolitan Municipality to examine how oversight finds expression in the municipality's governance structures. According to Kraai *et al.* (2017:62), effective oversight implementation is possible only when the separation of powers is distinct. Though Kraai *et al.* (2017:62) are very lean on the definition of oversight, it is important to note that oversight can be described as activities performed by a legislator to hold the executive accountable. Unlike Kinyondo *et al.* (2015:5), where these activities are outlined, Kraai *et al.* (2017:62) seem to take a unidimensional posture explaining oversight. According to Kraai *et al.* (2017:62), service delivery and improving living conditions are the foundation of oversight.

Kraai *et al.* (2017:71) conclude that effective oversight enhances good governance and accountability. The municipality's act of separating the executive and legislative powers albeit based on section 79 committees only, was an attempt by Ekurhuleni Metropolitan Municipality to mitigate the impact of non-separation of powers. It will be interesting to find how the council can delegate these responsibilities and remain accountable for those delegated responsibilities as per the King IV report, emphasizing that accountability remains with the delegator (IDSA, 2016:9).

## 2.6 MUNICIPAL COUNCIL ACCOUNTABILITY TO COMMUNITIES

Accountability is about both elected and appointed officials explaining how they have exercised their powers in advancing the objects of local government as espoused in the Constitution (1996) and many policies and legislation (Thebe, 2017:130). Responding to the needs of the communities is the foundation of good governance in local government. Thebe (2017:134), concluded that political deployment, especially the cadre deployment

as a policy of the ruling party, contributes to the decay of institutions as those without sector experience or knowledge occupy positions of authority.

The communities elect councillors and political parties to constitute municipal councils. These elections are supposed to ensure that ethical conduct is upheld at all times so that those who work hard and place the people's aspiration before their own ambitions are rewarded with re-election, while those who behave unacceptably will be removed from a position of power. The widespread service delivery social disturbances are just ways the communities are bargaining for attention and better services. It does not translate to the governing party losing its support or being removed in favour of the opposition (Booyesen, 2011:137).

The protest throughout the country does not mean the alienation of a political system but rather coexist comfortably with voting. This conclusion is confirmed by the survey that showed that almost half of voters believe that protest is an effective way of getting better services while the other half believe that voting can achieve the same results. From this observation, it is not surprising that the ruling party's arrogance is not worried about service protests that are at times violent, for they know that these protests do not translate into detrimental voting patterns (Booyesen, 2011:138).

## **2.7 CHALLENGES OF LOCAL GOVERNMENT**

Local government's challenges can be classified as human factors and institutional dynamics. The human factors include entrenched culture, skills, and competencies, while institutional dynamics are more of organisational design and unintended consequences (Lekala, 2019:62). According to the final report of City Insight (2020:45), the lack of good governance is another challenge that bedevils local government in South Africa. The report further identified poor leadership and oversight by Municipal Councils, the infighting and lack of stability, administrative and political interface and the communities that are always demanding the change of political leadership as challenges for good governance in South Africa.

## **2.8 CHAPTER SUMMARY**

The chapter discussed the origin and meaning of the municipality and its obligations and constitutional mandate. Different structures and committees that are entrusted with

oversight on administration were discussed and how municipal councils are expected to abide by governance principles as set by King IV report. Both legislative and political oversight is discussed. The multi-dimensional oversight process involves legitimising, coercive, negotiation and linkage functions for both the overseer and the overseen. It is also emphasised that oversight structure goes beyond overseer and overseen as it involves the structural elements such as context, communication and culture.

Oversight and accountability can only find positive expression under a well-developed administration that confines itself to operational efficiency. The systems of delegations is key in also assisting in keeping the thin line between executive and legislative authorities. Separation of powers is also discussed in adhering to *trias politica* where three arms of the state are separated for checks and balances.

The chapter concludes with observing how protests for service delivery coexist with voting as two strategies to get attention for better services. The ruling party do not see the protests (violent in most cases) as a threat to their continued governing as the same protesters end up voting for the same party when elections come. It is also found that protests and elections are used to get better services.



## **3 CHAPTER THREE: RESEARCH METHODOLOGY AND PROCEDURES**

### **3.1 INTRODUCTION**

This chapter presents the methodology that was used in this study. The chapter begins by explaining the research philosophy that was used in this study. The chapter explains the research philosophy that informed the methodological choices and describes the research population and sampling strategy. It also explains data collection and analysis procedures. The chapter ends by articulating measures employed to ensure the integrity of this research.

### **3.2 RESEARCH PHILOSOPHY**

In research, the paradigm is how the researcher views the phenomenon under study (Kaushik & Walsh, 2019:3). This view and how it is organised into knowledge are deliberated through diverse research paradigms. According to Park, Konge, and Artino (2020:690), these paradigms formed the foundation for approaching the study. The paradigm also shapes the ontology (view of reality), epistemology (conceive knowledge), axiology (values and role of the research process) and rigour of the study (Park *et al.*, 2020:690). As shown in figure 3.1 below, the Saunders research 'onion' provides the schematic presentation of the research process. Peeling the research 'onion' from the outermost layer to the innermost layer was used to explain the approach and stages that the study followed.

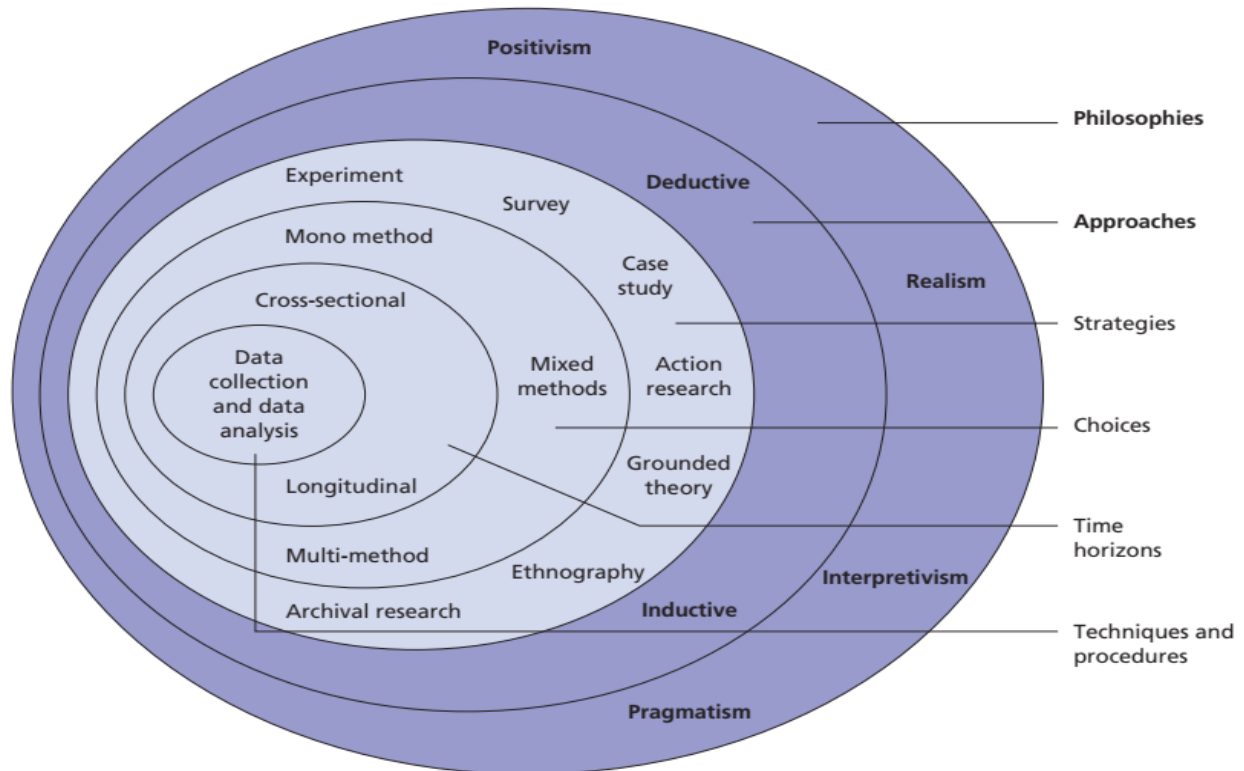
A relativist philosophy informed the study to knowledge creation. This philosophy underscores that there are multiple realities; hence there is no need for absolute truth claims as the 'objective' reality is at times different from the human experience (Kaushik & Walsh, 2019:3)

### **3.3 RESEARCH APPROACH**

The study is inductive as it attempts to build theory. The study is exploratory and aimed at getting a deeper understanding of the phenomenon. According to Creswell *et al.* (2016:550), exploratory research tends to be inductive as it seek to develop theory rather than testing the established or existing theory. The study explored the factors that contribute to the failure of the municipality's inability to provide effective oversight and

good governance despite operating in a plethora of good legislations and policies that are developed for local government.

**FIGURE 3. 1: Research ‘onion’**



*Source Saunders et al. (2012)*

The study took a posture founded in relativism, and as a result, it understood that there is no need for absolute truth claims. At times, the objective reality is different from the human experience (Kaushik & Walsh, 2019:3).

### 3.4 RESEARCH STRATEGY

The study followed a qualitative research method to understand how a municipal council provides leadership towards the attainment of good governance and oversight. According to Mohajan (2018:21), this method is suitable for addressing complex cases, which involves the human mind and actions. A qualitative study allows the researcher to ask probing questions to navigate this complexity. The participants freely expressed themselves and provided their own narrative as they responded to the interview questions. (Wagner, Kawulich, & Garner, 2012:125). Creswell et al. (2016:53) further corroborate this

theory in their observation that qualitative research relies on textual and meaning-based nature rather than a numeric or statistical form of data.

The choice of research approach depends on the flexibility that a researcher would want to enjoy throughout the study. When employed, the researcher can borrow from the best worlds of two methods. The quantitative or structured approach is most useful when numerical data is involved, while the qualitative data is more about textual data. The mixed-method approach is when the researcher wants to use both the qualitative and quantitative approaches together. The mixed-method has the features of qualitative and quantitative approaches.

They adopted a single case study and focused on Metsimaholo Municipality as an organisation. According to Heale and Twycross (2018:7), the case study is a methodology mostly employed in qualitative studies to intensively study a person or a group of people to make generalisations. Research design is a plan to answer a research question. This study used Metsimaholo Local Municipality as a case study to make critical analyses of challenges that confronted the municipality in providing oversight and good governance. According to Creswell *et al.* (2016:81), a case study is a strategic design supporting exploratory research. Creswell *et al.* (2016:81) describe the case as a 'bounded entity', which can be a person or an organisation where there are no clear boundaries between the case and its contextual conditions. There are blurry lines between the administration and council in a municipality, which has both legislative and executive powers. Most scholars cited the lack of separation of powers and political intervention in local government as the main problem in municipalities.

### **3.5 METSIMAHOLO CASE STUDY**

Metsimaholo Municipal Council had a total of 42 councillors, including the Executive Mayor and the Speaker. The Municipal Council comprises eight different political parties, with three parties constituting more than 76% of seats. The three political parties are African National Congress with 16 seats, Democratic Alliance with 11 seats and the Economic Freedom Fighters with eight seats. The remaining political parties have one seat each except the South African Communist Party, which has three seats. All its members occupy executive positions. Two are part of the Mayoral Committee, while the other is the Executive Mayor of Metsimaholo Local Municipality.

Table 3.1 shows the number of councillors that the main organisations have, how many were approached to participate, and the actual number of participants. The Economic Freedom Fighters and Democratic Alliance were not keen to participate because their councillors wanted to get permission from their political parties. This persisted even though they were informed that their participation was voluntary and that leadership authorised willing parties to participate. Only a leader of Economic Freedom Fighters participated, and the rest of its members chose not to participate. DA leadership also permitted its members to participate, but only senior leaders participated while others decided not to participate in the study. The total response rate is 77%.

**TABLE 3. 1: Participants**

<b>ORGANISATION</b>	<b>TOTAL SEATS</b>	<b>COUNCILLORS APPROACHED</b>	<b>ACTUAL PARTICIPATION</b>	<b>PERCENTAGE</b>
African National Congress	15	7	6	86%
Democratic Alliance	11	4	3	75%
Economic Freedom Fighters	8	4	1	25%
The Executive Mayor	1	1	1	100%
The Speaker	1	1	1	100%
<b>Total</b>	<b>36</b>	<b>17</b>	<b>12</b>	<b>77%</b>

### **3.6 TIME HORIZON OF THE STUDY**

Time horizon is important in any study. The timeframe for the study was only one year. A cross-sectional design was used as the appropriate method for this study. According to Spector (2019:136), it is common that the cross-sectional study findings are not generalised due to its snapshot character. Even with these shortcomings, the cross-sectional design is an efficient and invaluable tool to explore the imperative organisational phenomenon (Spector 2019:133).

### 3.7 POPULATION AND SAMPLING STRATEGY

#### 3.7.1 Non-probabilistic sampling

Purposive sampling was used for both the Executive Mayor and the Speaker since the council has only one Executive Mayor and one Speaker. Any other method to choose these two participants would not have yielded the required results. According to Maestriperi, Radin, and Spina (2019:84), the sample in a qualitative study is non-probabilistic, and cases do not stand equal opportunities to be a sample. The qualitative design was selected to get the broadest range of information linked with the research and allow participants with different experiences and divergent views to participate in the study, the sample selection was therefore non-probabilistic (Maestriperi *et al.*, 2019:85).

Purposive sampling was also used to recruit other councillors because the study wanted to tap on full-time councillors and other councillors from the African National Congress (ANC), the Democratic Alliance (DA) and the Economic Freedom Fighters (EFF).

#### 3.7.2 Population

Table 3.2 below shows the total population from three major political parties which constitute 76% of councillors of Metsimaholo Municipal Council. The sample were taken from the African National Congress (ANC), Democratic Alliance (DA) and Economic Freedom Fighters (EFF). The other minority parties, represented by one councillor, were not included in the sample as they play a minimal role and will seldom influence the direction of the Municipal Council.

**TABLE 3. 2: Population and sampling**

UNIT OF ANALYSIS	TOTAL POPULATION	SAMPLE	PERCENTAGE
Councillors from ANC	15	6	40%
Councillors from DA	11	4	36%
Councillors from EFF	8	3	37%
The Executive Mayor	1	1	100%
The Speaker	1	1	100%

Both the Executive Mayor and Speaker were identified due to their responsibilities or role in Metsimaholo Municipal Council. Table 3.3 below shows some of the functions of

Speaker and Executive Mayor in the municipality as contained in the Municipal Structures Act (108 of 1998) and other regulations.

**TABLE 3. 3: Functions of Speakers and Executive Mayors**

<b>Speaker</b>	<b>Executive Mayor</b>
<ul style="list-style-type: none"> <li>• Is the chairperson of Municipal Council</li> <li>• Determines the meeting of Municipal Council</li> <li>• Maintains order during meetings of Council</li> <li>• Ensure compliance to code of conduct for councillors</li> </ul>	<ul style="list-style-type: none"> <li>• Receive reports from committees and make recommendations to Municipal Council</li> <li>• Identify the needs of the community and evaluate the implementation of Council strategies</li> <li>• Perform ceremonial duties</li> <li>• Oversee the provision of services to the communities</li> <li>• Monitor performance and manage to draft of Integrated Development Plan</li> </ul>

### **3.8 TECHNIQUES AND PROCEDURES**

The techniques and procedures include data sources, instruments, data collection procedure, and thematic data analysis.

#### **3.8.1 Data sources**

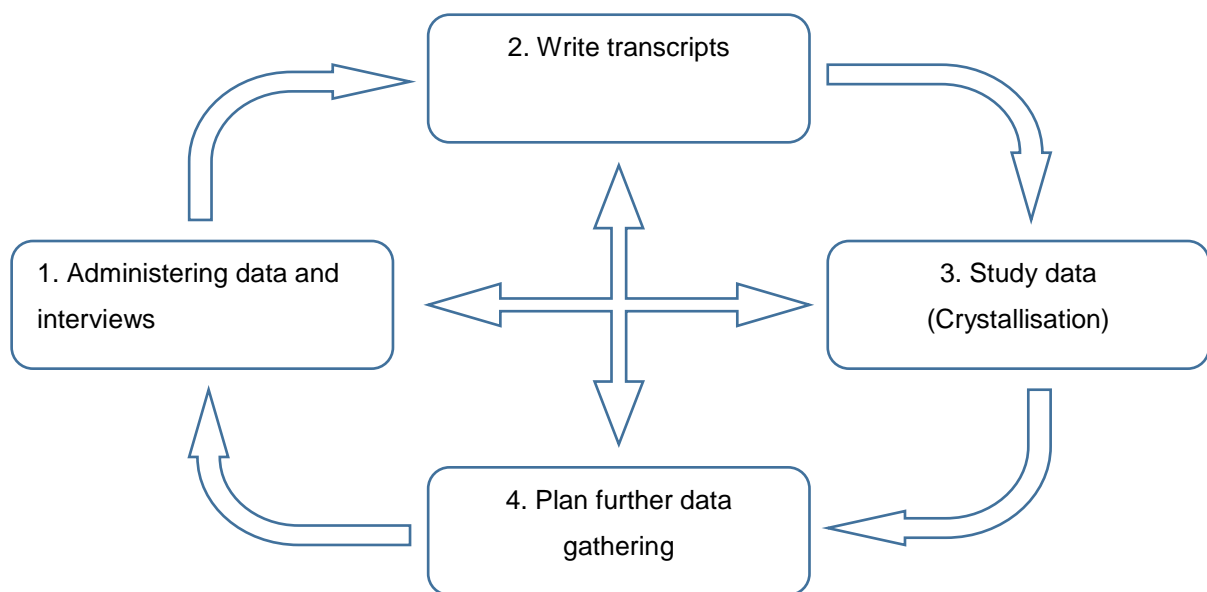
The main participants in the study were the Metsimaholo councillors, including the Speaker and the Executive Mayor. The secondary data was collected from the council resolution, policy documents, Auditor General’s reports and other legislation that governs local government.

The semi-structured questions were used to collect data. The semi-structured questions are important for data collection and are flexible to allow follow-ups during and after the interviews. The interview questions were developed by taking into account the research question as well as the research objectives. Before the interview questions were

administered to participants, three councillors from the district municipality of Fezile Dabi were identified and requested to respond to semi-structured interview questions. The purpose of this trial or request was to identify any grey areas or questions that may have some ambiguity. The questions with some ambiguity were revised and re-drafted with better clarity.

Figure 3.2 below demonstrates that data collection and analysis are not separate activities in qualitative research. In other words, the analysis is an ongoing process that starts as soon as the interview is done. Interviews were discontinued at 12 participants when patterns began to repeat themselves, and no new information was coming. In other words, the data saturation was achieved (Creswell *et al.*, 2016:87) at participant number 12.

**FIGURE 3. 2: Data process flow diagram**



Although figure 3.2 shows numerical order, data collection and analysis is an iterative and cyclical process that does not follow any particular order. Lester, Cho, and Lochmiller (2020:98) describe qualitative data as nonlinear and overlapping phases. The participants were engaged throughout the process to get more clarity as new information emerged.

### 3.8.2 Data collection instruments

The semi-structured interviews were used as data collection instrument to gain an in-depth understanding, while council resolutions, policy documents and local government legislation were used to collect secondary data. Interviews were carefully administered and directed to avoid discussing trivial issues that did not answer the primary question. Creswell *et al.* (2016:94) emphasise that the researcher should be careful when using ‘why’ as some participants may see this type of questioning as threatening or as interrogation. Creswell *et al.* (2016:93) further emphasise that the researcher should try to see 'through the eyes of the people being studied.' Face-to-face interviews were not possible due to restrictions placed by the government in curbing the COVID-19 pandemic in South Africa. Zoom sessions were arranged as a replacement for face-to-face interviews. Some participants only preferred telephonic interviews as they did not want to be recorded despite being informed that the recording was only for transcribing interviews and that their identity would not be revealed. Table 3.4 below shows the link between the objectives and interview questions that are prepared to answer a research question.

**TABLE 3. 4: Alignment of objectives and questions**

OBJECTIVE	INTERVIEW QUESTIONS
To interview the Executive Mayor and Speaker of Metsimaholo Municipal Council and solicit their views on what factors impede good governance and oversight in Metsimaholo Local Municipality.	<ul style="list-style-type: none"> <li>• In your opinion, what challenges Metsimaholo municipality faces in providing good governance and oversight?</li> <li>• In your view, how does the non-separation of legislative and executive powers in local government affect oversight and good governance?</li> </ul>
To understand how Municipal Council play its oversight role in Metsimaholo Local Municipality.	<ul style="list-style-type: none"> <li>• In your view, how oversight is done in the municipality of Metsimaholo?</li> <li>• How do communities hold councillors accountable?</li> <li>• How does the council hold administration accountable?</li> <li>• In your opinion, how do the systems of</li> </ul>



	delegation contribute to good governance?
To understand the above two concerns from the perspective of councillors of Metsimaholo Local Municipality.	<ul style="list-style-type: none"> <li>• In your opinion, what challenges Metsimaholo municipality faces in providing good governance and oversight?</li> <li>• In your view, how does the non-separation of legislative and executive powers in local government affect oversight and good governance?</li> <li>• In your view, how oversight is done in the municipality of Metsimaholo?</li> <li>• How do communities hold councillors accountable?</li> <li>• How does the council hold administration accountable?</li> <li>• In your opinion, how do the systems of delegation contribute to good governance?</li> </ul>

### 3.8.3 Data collection procedures

The speaker's office assisted by providing the contact details of all Metsimaholo councillors. An email was sent to all councillors, and those who did not respond to their emails were phoned. The councillors from both DA and EFF did not want to participate, and their reason was that they needed to get permission from their leaders first. The leaders of both organisations agreed, but most of the DA and EFF were still not keen to participate even though their respective leaders had given a green light.

An appointment was set with those councillors who agreed to participate. Due to Coronavirus restrictions the interviews were organised through the ZOOM platform, and participants' permission to record zoom sessions was solicited. Some participants preferred telephonic interviews and did not want to be recorded. All the interviews were arranged according to participants' availability and preferred time and date.

### **3.8.4 Thematic Analysis**

Thematic analysis is a perfect tool for qualitative data because it can be inductive and can deal with large amounts of data collected from lived experiences such as interviews (Sundler et al., 2019:736). Sundler *et al.* (2019:736) further argue that themes can lead to robust qualitative research findings. According to Castleberry and Nolen (2018:808), thematic analysis is common in qualitative designs. The thematic analysis allows revisiting of research questions and objectives during the cyclical data collection and analysis (Bhatia, 2018). Mohajan (2018:16) posited that the ongoing data analysis helps the researcher find patterns that illuminate the research question and objectives.

Thematic analysis is foundational to many qualitative analysis methods, and Lester *et al.* (2020:97) argue that learning to conduct thematic analysis helps in understanding other forms of analysis. Though many researchers identify different steps or phases involved in thematic analysis, they also agree that these steps or phases interlink from each other but are an ongoing process. Braun and Clarke (2006:87) identified six phases, Sundler *et al.* (2019:736) identified three phases and Castleberry and Nolen (2018:807) outlined five steps involved in thematic analysis. The difference is that some are in one phase/step while others are standalone steps or phases. This study used thematic analysis method to analyse data by following five steps as identified by Castleberry & Nolen (2018:807) and Atlas ti.9 application was instrumental in data coding, developing categories and ultimately developing themes for report writing. The following stages of thematic analysis were followed with the understanding that data analysis in qualitative studies is a cyclical and interactive procedure.

#### **3.7.3.1 The compiling stage**

The data was collected by way of interviews, and recorded audio was transcribed with the assistance of the *Otter. ai.* application. Not all the participants agreed that they should be recorded and as a result the data collected was transcribed using the handwritten notes that were taken during the interview process. The writing of transcripts provided an opportunity to understand data and determine which data answered research questions. Transcribing recorded interviews also offered a prospect of discovering meanings and data components (Castleberry & Nolen 2018:808). According to Peel (2020:8), transcribing

scripts and observation notes is the first step of understanding data. The collected data was imported to ATLAS ti.9 application as the first step of organising data.

### ***3.7.3.2 The disassembling stage***

Disassembling was the second step where the data was separated into meaningful groupings. This process is called coding. This means identifying similarities and differences contributed to the emergence of themes. In organising themes, other themes became sub-themes while others did not qualify (Castleberry & Nolen 2018:808). The recordings and original transcripts were kept safe as the software allowed electronic data to be analysed without tempering with original data. This was to ensure that the original documents are still intact for perusal should that need arise in future.

### ***3.7.3.3 The reassembling stage***

At this step, the themes were identified and carefully checked if they were distinct from each other. The themes were checked to see if they could be merged or remain standalone themes. In reassembling, data patterns developed into themes (Castleberry & Nolen 2018:810). While reassembling data into meaningful themes and sub-themes, it was also important to ensure a logical hierarchy of themes when the report was written.

### ***3.7.3.4 The interpreting stage***

Data within each theme was carefully organised to avoid paraphrasing. It was important to determine the interesting themes and the reasons for that determination. The themes were named concisely and depicted what they were about. The story of each theme must be fitting into the broader story. The interpreting of data commenced from the data collection step and was consistent throughout all five steps of analysis (Castleberry & Nolen 2018:812). When interpreting the data, the following principles need to be adhered to:

- a. Interpretation will be complete and have a clear beginning and end.
- b. Interpretation will be fair and will endeavour to ensure that any other researcher reaches the same findings when given the same data.
- c. Interpretation will be accurate and be representative of data.
- d. Interpretation will add value to a deeper understanding of the topic.
- e. Interpretation will be credible and gain respect from other researchers.

### **3.7.3.5 The concluding stage**

In this last step, all themes were organised to tell a story, which is the main task of thematic analysis. It was ensured that the validity of the analysis was beyond doubt. The writing described the themes and made a case for a research question. According to Castleberry and Nolen (2018:812), the report should be able to stand the test and scrutiny by others. In other words, given the same set of data, another researcher should reach more or less the same conclusions.

## **3.9 THE QUALITY AND RIGOUR OF THE RESEARCH**

The research's quality and rigour of the research rest with the conscience and determination of the researcher to ensure that there is no bias when selecting the sample or during data recording. The study used interviews as a collection of data, and during the interview process, the participants were not asked leading questions and were allowed to express their views freely (Survani & Utami, 2020:48). In other words, the researcher is directed by what the data suggests and not what was anticipated.

According to Survani and Utami (2020:48), the researcher must ensure that interviews are recorded after consent was solicited from the participants. The interview protocol was kept not only as a guide for interviews but to also ensure that the data obtained could be replicated and, importantly, that different researchers should reach similar results when given the same set of data. (Survani & Utami, 2020:49)

## **3.10 RESEARCH ETHICS**

The process of data collection followed the rules of the NWU Institutional Research Ethics Regulatory Committee and all applicable policies of the NWU as well as all national and international laws and regulations applicable to the field of study. The letter of ethical clearance from North-West University is attached as Appendix F5. Currently, no conflict of interest exists between the researcher and the institution. The researcher was not an employee of the municipality and did not have any business interests in Metsimaholo Local Municipality. The researcher is a resident in the area of jurisdiction of Metsimaholo Local Municipality. Appropriate research methods remained guiding light throughout the study. Critical analysis of evidence informed the findings as well as the recommendations.

Attached as Appendix F2 and Appendix F3 are the Informed Consent Form and Interview Questions, respectively. Attached as Appendix F1 is the letter of permission.

### **3.10.1 Voluntary participation**

Participants in the study knew in advance that their involvement in the study was voluntary and they can withdraw at any time should they wish to do so. Participants were also informed that they are not obliged to participate and they can withdraw at anytime should they feel uncomfortable. They were further informed that it was not compulsory to answer all the questions and that they may decide not to answer any question that makes them uncomfortable. The interview transcripts were also sent to participants to allow them to verify and amend their inputs if deemed necessary.

### **3.10.2 Confidentiality**

To protect the identity of participants, the pseudonyms were used for the purposes of developing interview transcripts, and the entire report does not have any names and refers to those who were interviewed as participants. Participants were also informed that the report would only be used for academic purposes and that their identity would not be revealed. The interviews were conducted privately, and direct communication with individual participants was maintained throughout the interview processes.

### **3.10.3 Non-maleficence**

Non-maleficence can be described as the moral imperative that binds and guides a researcher's actions not to harm or cause physical or emotional harm when conducting research (Bufacchi, 2018:2). In other words, participants must not come out of the interview process psychologically harmed. Participants were also informed that no specific answers will be taken as correct or wrong but reflects participants' unique experiences.

## **3.11 LIMITATIONS AND ASSUMPTIONS**

According to Dimitrios and Antigoni (2018:157), Delimitations are limitations that the researcher consciously set to ensure that research objectives are not too broad and can be achieved within planned timeframes. The researcher assumed that participants responded honestly and candidly when conducting a qualitative study. Secondly, the researcher also assumed that participants had a sincere interest in taking part in a study without any intentions other than that of the study (Wargo, 2015).

### **3.11.1 Limitations**

Due to the time limit assigned to the study, the study focused on only one municipality amongst five other municipalities in the Northern Free State, Fezile Dabi District. Despite time constraints, a deeper understanding of the phenomenon was more important and as such, purposive sampling was preferred over other equally important sampling methods. Oversight and good governance do not mean the absence of other essential topics in this organisation. The findings of this study will not be generalised, as many Councils are not homogeneous organisations, both in composition and size.

### **3.11.2 Assumptions**

While the identity of participants was kept confidential, it was assumed that respondents answered all questions honestly and truthfully. It is also assumed that local government will always exist as the government that is closer to the people and that it will continue to be protected by the South African Constitution. The researcher also assumed that participation in the research was voluntary and without any other unknown reasons.

## **3.12 CHAPTER SUMMARY**

Chapter three dealt with research methodology as procedures used to guide the research project. It stipulates the research paradigm, design. The sample is explained, and it is also demonstrated how the sample was selected and indicated the reasons why that kind of technique was preferred. The chapter also outlined the process of both data collection and data analysis. The quality and rigour of the study are explained, the ethical considerations are explained, and the chapter ends with explaining the assumptions and limitations.

## **4 CHAPTER FOUR – ANALYSIS OF RESULTS AND DISCUSSION**

### **4.1 INTRODUCTION**

Even though the sample was purposive, participants' demographic information is included to enrich the data. The demographics include the experience and qualifications that play a major role in understanding how councillors contribute to a Municipal Council. Out of fifteen targeted participants, twelve of them responded, putting the response rate at 77%.

Atlas ti.9 software was used to organise the data that was collected through interviews and other reports received in Metsimaholo local municipality. To ensure that the results are grounded, the quotations from participants were used, and sub-categories, categories and themes were developed. The three themes that emerged from data and which are used for tabling results are as follows:

- a. Governance challenges in Metsimaholo Local Municipality
- b. Oversight in Metsimaholo Local Municipality
- c. Non-separation of executive and legislative authority

### **4.2 PERSONAL INFORMATION OF PARTICIPANTS**

The personal information covers the participants' gender, age group, educational level, ethnicity and experience in council. Five participants served as officials of Metsimaholo Local Municipality before being elected as councillors. Metsimaholo municipal council has ten full-time councillors. Six of them participated in the study, meaning 60% of councillors fulltime councillors participated in the study.

This personal information was necessary for the researcher to make some inferences and determine how that information may have played a role in influencing the participants' responses. Table 4.1 below represents the biographical information of participants.

**TABLE 4. 1: Demographics**

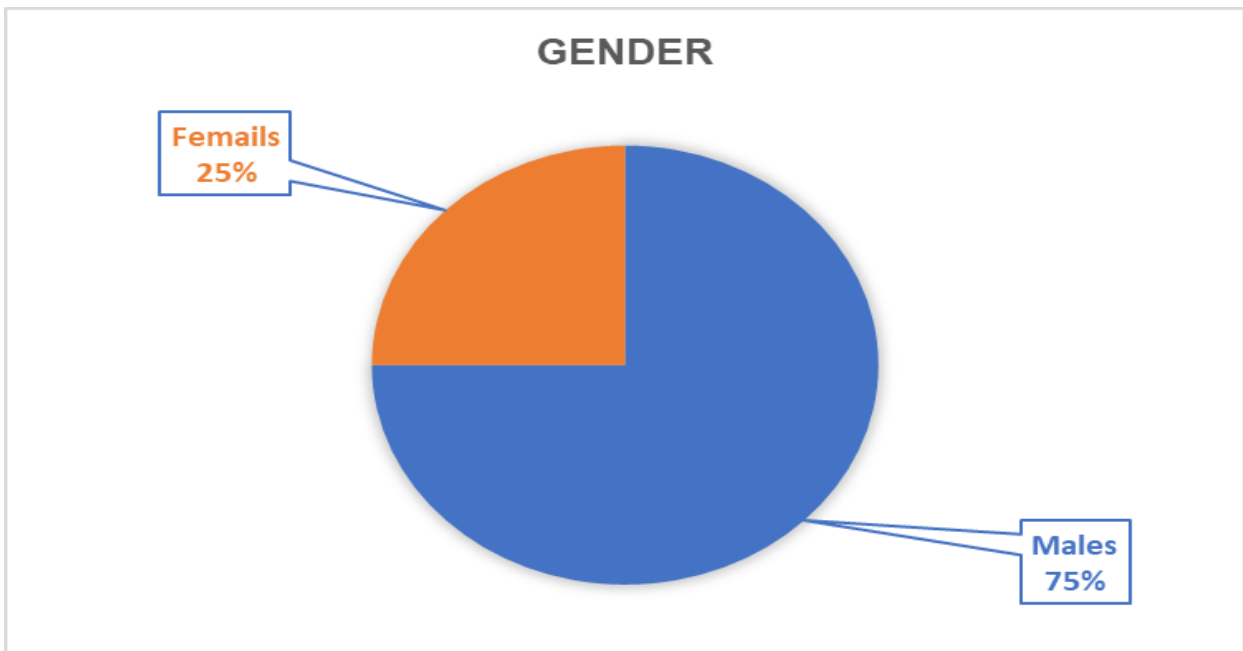
<b>Research participant No</b>	<b>Gender</b>	<b>Age group (years)</b>	<b>Educational level</b>	<b>Experience as councillor</b>	<b>Full-time/Part-time councillor</b>	<b>Served as Council employee before</b>
1	Male	66 – 75	Matric	3	Part-time	No
2	Male	36 – 45	Matric	3	Full-time	Yes
3	Male	46 – 55	Diploma	3	Full-time	No
4	Female	46 - 55	Matric	3	Part-time	No
5	Male	46 - 55	Diploma	10	Part-time	Yes
6	Female	46 - 55	Matric	4	Full-time	Yes
7	Male	36 - 45	Matric	5	Part-time	No
8	Male	46 - 55	Degree	4	Part-time	Yes
9	Male	46 - 55	Diploma	9	Full-time	No
10	Female	46 - 55	Degree	8	Full-time	No
11	Male	46 - 55	Matric	12	Full-time	No
12	Female	26 - 35	Matric	4	Part-time	Yes

#### **4.2.1 Gender**

The Municipal Council of Metsimaholo consisted of eleven women and 31 males. The data indicated that eight of the participants were males while the remaining four were females. Figure 4.1 shows 25% of women participated in the study and reflects Metsimaholo Municipal Council's gender composition. In percentage, the total women component represents 26%.



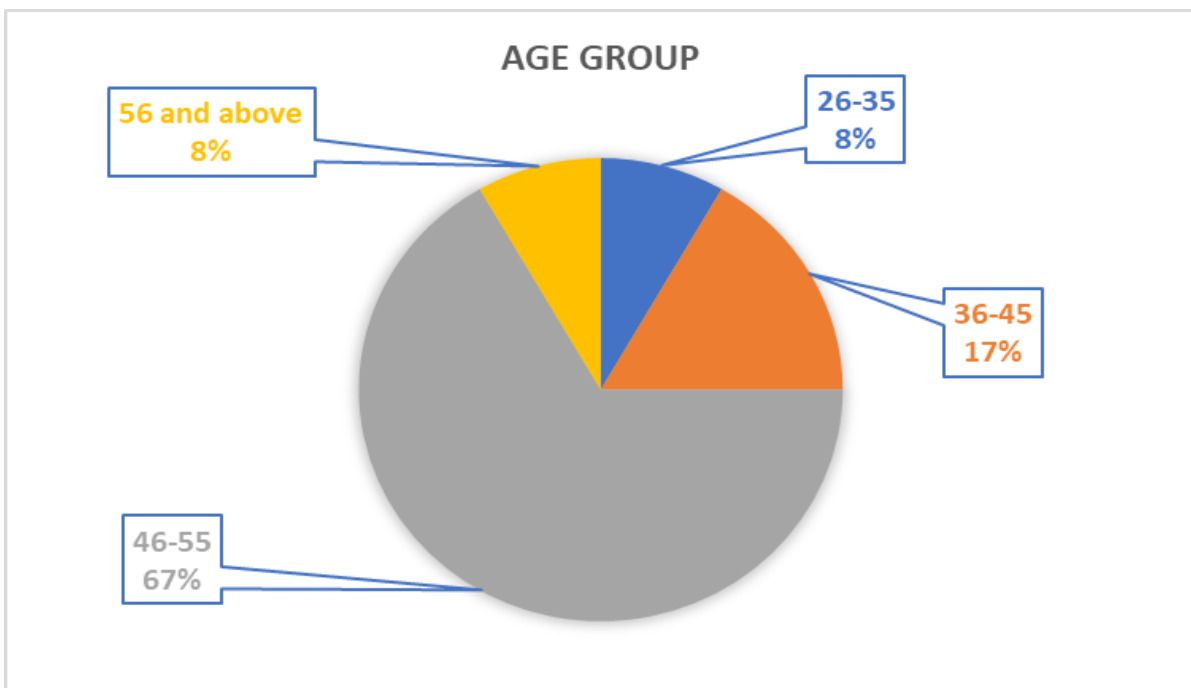
**FIGURE 4. 1: Gender representation**



#### 4.2.2 Age group

Figure 4.2 below shows the participants' age group. Eight participants fall within the category of 46 to 55 years, two participants fall within the category of 36 to 45 years, while only one participant is above the age of 56.

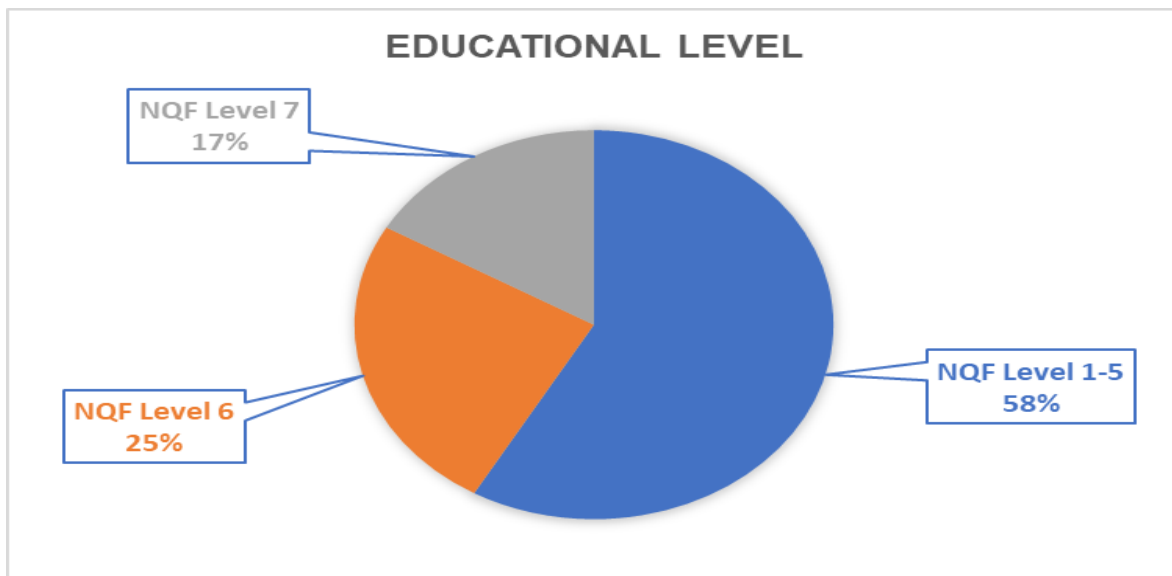
**FIGURE 4. 2: Age group**



### 4.2.3 Educational level

Figure 4.3 below shows that six of the participants fell within level one to five of National Qualification Framework Level (NQF), two of the participants were at NQF level 6 while the other two participants are at NQF level 7.

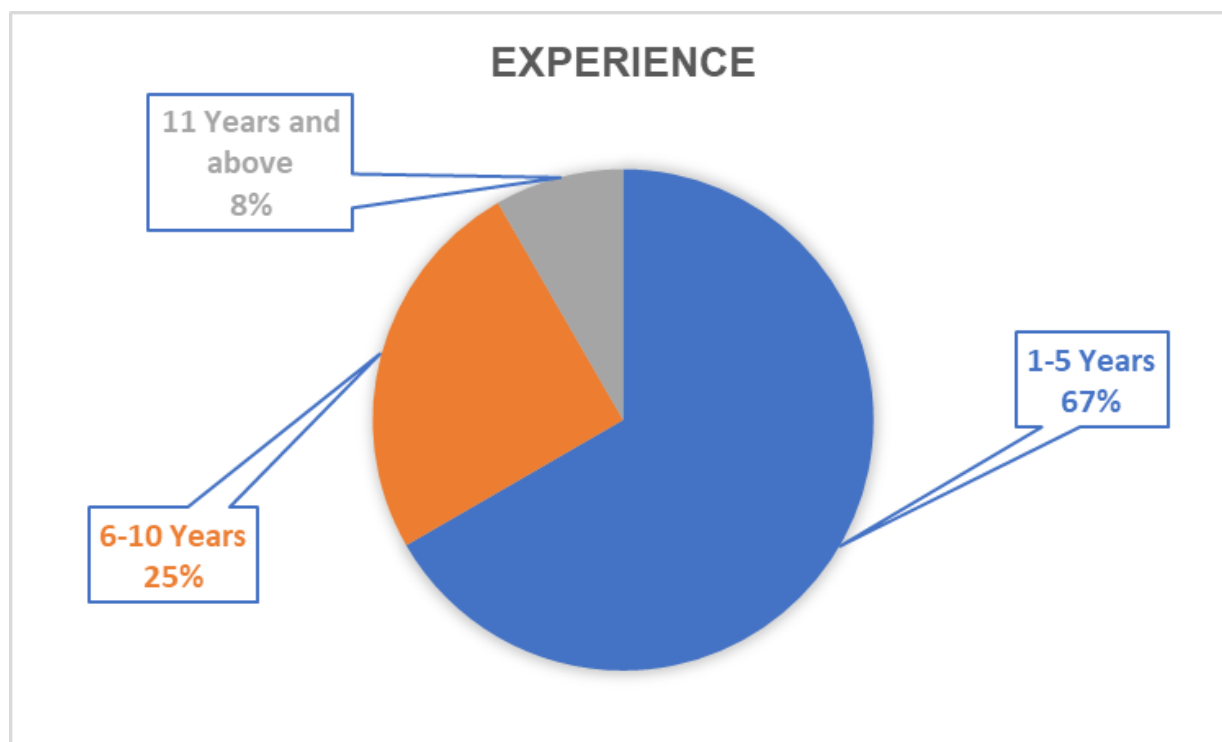
**FIGURE 4. 3: Educational level**



### 4.2.4 Experience in council

Figure 4.4 below shows that seven of the participants had experience of one to five years in council. Three of the participants had experience of six to ten years of experience while only one councillor has served in the council for more than ten years. From figure 4.4 above, the majority of participants are new councillors who were elected in the last by-elections of 2017.

**FIGURE 4. 4: Experience**



### 4.3 SAMPLING AND RESPONSE RATE

Table 4.2 below shows how many councillors each of the main organisations have, how many were approached to participate, and the actual number of participants. The Economic Freedom Fighters and Democratic Alliance were not keen to participate because their councillors wanted to get permission from their political parties. This persisted even though they were informed that their participation is voluntary and that their leadership has agreed to participate if they so wish. Only a leader of Economic Freedom Fighters participated, and the rest of its members chose not to participate. DA leadership also permitted its members to participate, but only senior leaders participated while others decided not to participate in the study. The total response rate is 77%.

**TABLE 4. 2: Response rate**

ORGANISATION	TOTAL SEATS	COUNCILLORS APPROACHED	ACTUAL PARTICIPATION	PERCENTAGE
African National Congress	15	7	6	86%
Democratic Alliance	11	4	3	75%
Economic Freedom Fighters	8	4	1	25%

The Executive Mayor	1	1	1	100%
The Speaker	1	1	1	100%
<b>Total</b>	<b>36</b>	<b>17</b>	<b>12</b>	<b>77%</b>

#### 4.4 QUALITATIVE DATA ANALYSIS

The data were downloaded into the Atlas ti. 9, which played a key role in organising the data from the interview transcripts. Table 4.3 below shows quotations from the participants and the development of sub-categories, categories and themes. The data will be presented according to the themes as emerged from table 4.2. quotations

**TABLE 4. 3: Quotations, subcategories, categories and themes**

THEME	CATEGORY	SUBCATEGORY	QUOTATION
1. Governance challenges in Metsimaholo Local Municipality	Systems of delegations for improving oversight		<p>It means they could actually operate or function within a system of the delegation that had been undertaken for five or ten years by that council at that time.</p> <p>This new council has not approved the systems of delegations and uses the old delegations that the previous administration did.</p> <p>The systems of the delegation have not yet been approved. We have been taken from pillar to post, and the item has been serving in the council for several times, where councillors were consistent would then demand a workshop, and when that workshop is called, they don't come and be workshopped about this delegation of authority.</p> <p>The problem in Metsimaholo municipality is that the current even the previous council has never developed this systems of delegations and from time to time the administration lose cases in court as they are constantly asked about this delegations.</p> <p>We have never developed the system of</p>

	Political will to govern	Lack of political will to implement good governance	<p>delegations but we were told it would serve before the council soon.</p> <p>The systems of delegations was done by the previous council I think and this council cannot take that credit</p> <p>So, you know, the biggest challenges that we have is that in Council, the Council of Metsimaholo municipality lacks that political will, to ensure that the Metsimaholo people actually experienced or receive good governance.</p> <p>For good governance, to prevail, there's got to be a political will to govern well.</p>
		Development of different councillors	<p>Now, when they get to the municipal council, they still operate as though that each of the parties had actually won or had actually emerged victorious. They speak to our own manifestos, take decisions on the basis of their caucus mandate, and that impacts on providing a good governance.</p>
	Coalition government in Metsimaholo Local Municipality	Political parties to have employees who are epitome of good governance	<p>For good governance, to prevail, there's got to be a political will to govern well. And that most of the time has to be inculcated into the employees of each party because the councillors come from the political parties, political parties must inculcate, that culture of good governance.</p>
		Transparency in setting and evaluating targets	<p>To have good governance it means everything must be placed in such a manner that shows transparency and can be perused easily. Good governance is about setting standards and ethically being able to monitor and direct how things should be done.</p>

	Systems of delegations for improving oversight	<p>No delegations done by Council</p> <p>Council rely on old delegations done by previous councils.</p>	<p>It means they could actually operate or function within a system of delegation that had been undertaken for, five ten years by that council at that time.</p> <p>This new council has not approved the systems of delegations and uses the old delegations that was done by the previous administration.</p> <p>The systems of delegation have not yet been approved. We have been taken from pillar to post and the item has been serving in the council for several times, where councillors were consistently would then demand for a workshop and when that workshop is called, they don't come and be workshopped about this delegation of authority.</p> <p>The problem in Metsimaholo municipality is that the current even the previous council has never developed this systems of delegations and from time to time the administration lose cases in court as they are constantly asked about this delegations.</p> <p>We have never developed the system of delegations but we were told it will serve before the council soon.</p> <p>The systems of delegations was done by the previous council I think and this council cannot take that credit</p>
2. Oversight in Metsimaholo Local Municipality	Portfolio committees as instrument of oversight	The configuration of section 80 committees on oversight	<p>It means it's like it's more like the executive accounting to itself because now when they chair, it means all other councillors sit as committee members. And now, I don't think that the oversight is effective that way, because I think that everyone should have been that the section 80 committees are chaired by ordinary councillors who may not be holding any mayoral position. And then the mayoral committee members sitting on the opposite</p>

			<p>side, accounting to I mean the committee chaired by a councillor who's not necessarily holding a position as the mayoral committee member. I think that affects the effective oversight, well that is actually my view.</p> <p>The Chairpersons of section eighty committees are the Members of Mayoral Committees and they are expected to play oversight over both the executive and administration but at the same time it's like they play oversight from themselves.</p>
--	--	--	--

		Portfolio committees on oversight	<p>Well, look, my opinion would be that we do somehow exercise oversight, but not efficiently enough, because I can tell you right now, there has been a number of occasions where portfolio committees haven't been sitting, of course, definitely attributed to the same premise of finding the, you know, council being highly split.</p> <p>Well, in my view, I think the way, you know, local government compared to provincial and national government, I think the challenge is actually the way it is structured because you have the executive and the legislative powers vested or concentrated in the Municipal Council itself. Now, when you come to oversight, obviously, oversight has to be undertaken by the committee's like, for instance, in the Metsimaholo municipalities case, it's a mayoral committee type of the municipality, where the section 80 councillors appointed by the executive mayor. And they chair the section 80 committees.</p> <p>They are supposed to sit and as I said the non-sitting of these committees really affects the</p>
--	--	-----------------------------------	---

			<p>role that's played by politicians in terms of oversight. The oversight is also compromised by the constant removal of directors as they can only act for a period not exceeding three months. When you are about to get each other and find each other and have programs, they are removed and the new directors are appointed acting capacity for another three months.</p>
	Impact on service delivery	<p>Political infights prohibits oversight</p> <p>Oversight on infrastructural projects</p> <p>Councillors understanding of oversight</p>	<p>But unfortunately, in Metsimaholo oversight is absolutely not done at all. Why is that? It's because as I mentioned to you earlier, that the political infighting within political parties makes it difficult for the council to play its oversight role as it should</p> <p>Like your electrical substations where we are having those project, the municipality must try to play an oversight go and look of whether Is it true that those projects are happening, the issue of electrical substations, water treatment plants, which is a challenge currently in our in our area.</p> <p>There is no oversight in Metsimaholo except the one you get in papers.</p> <p>Remember that our educational background is at different levels. Some councillors struggles to even understand that introduction programme and going forward is very difficult as people don't have clue of how they should play oversight.</p>
3. Non-separation of executive and legislative authority	Views on separation of powers	Legislation mitigate the impact of non-separation of powers	<p>As I have already indicated, the constitution and other pieces of legislation mitigate the impact that could affect non-separation of powers. Good governance and oversight is challenged by the calibre of councillors that we have. They are not properly trained to play their role meaningfully.</p>



	<p>Views on Non-separation of powers</p> <p>Views on separation and non-separation of powers</p>	<p>Non-separation causes confusion</p> <p>Non-separation is important as all stakeholders benefits</p> <p>Role of Executive Mayor in executing executive functions</p> <p>Understanding of roles by councillors</p>	<p>The legislations assist in ensuring good governance.</p> <p>You know, my brother, the analysis of the relationship of powers has always been a problem it is problematic, because at the end of the day, if these powers are not separated, then it creates confusion.</p> <p>I think the way the arrangement is natured can only be deemed to be how can I put it to make rationale, because if you have both executive and legislative powers, vested in Council, it means to say it becomes a more representative arrangement</p> <p>I think that the non-separation of powers in local government is problematic. In Metsimaholo we have Executive Mayoral type and the Executive Mayor will have some powers that can be delegated by council or are from other pieces of legislation. The question is, why do you have Executive Mayors but still give council executive powers.</p> <p>The sooner this powers are clearly separated the better, for example council must only have legislative powers and the Mayoral committee and Executive Mayor must only have executive authority and be accountable to council</p> <p>I don't think non-separation is the problem the challenge is whether those who play different role understand their obligations. If we stick to our lanes oversight and good governance should not be a challenge.</p>
--	--	---	--

#### 4.5 GOOD GOVERNANCE IN METSIMAHOLO LOCAL MUNICIPALITY

The Auditor General of South Africa emphasises that good governance should be the tone to improve municipalities' performance. That is set at both political and administrative leadership of municipalities (Auditor General, 2021:64). These sentiments are also echoed

by King IV report, which defines corporate governance as the exercise of ethical and effective leadership by municipal councils towards attaining and sustaining ethical culture, good performance, effective control and legitimacy (IDSA, 2016:11). The participants believed that political will is a foundation for good governance. When asked about how the municipality can inculcate the culture of good governance, participant 8 said:

*'For good governance, to prevail, there's got to be a political will to govern well. And that most of the time has to be inculcated into the deployees of each party because the councillors come from the political parties, political parties must inculcate, that culture of good governance'* (Interview, 6 September 2021).

Almost all participants have raised the issue of political will. When asked about the role of political parties in good governance, Participant 1 indicated that other political parties are not involved in running the municipality as the Executive Mayor, Speaker and Municipal Manager are unilaterally running the Municipality. The African National Congress and South African Communist Party together have nineteen seats, and they engaged three other small parties with one seat each to have a simple majority. This arrangement has left the other three political parties who also have a significant number of seats feel redundant; hence the issue of political will is always emphasised.

From the literature, it can be concluded that a municipality can protect and champion the aspirations of its communities by applying the principles of good governance. For the municipality to also earn respect or legitimacy from their communities, both the administrative and political leadership of the municipality must set the right tone of good governance and administer consequences management whenever the principles of good governance are compromised. The delegations and coalition government systems are discussed below to explore further factors that influence good governance.

#### **4.5.1 Systems of delegations for improving oversight**

It was found that Metsimaholo Local Municipality is operating without any systems of delegations. The current Municipal Council has not managed to have systems of delegations as mandated by section 59 of Municipal Systems Act (32 of 2000). All the participants have indicated that the Municipal Council has never developed systems of delegations during their term of office.

The participants were asked to share their opinions on the Metsimaholo municipality's challenges in providing good governance. The participants cited a plethora of reasons why they think the municipal council of Metsimaholo is unable to provide good governance. One of the reasons was the absence of the systems of delegations. When asked about the significance of systems of delegations, participant 6 said:

*'They cannot operate without these delegations [Systems of delegations]. To have good governance, it means everything must be placed in such a manner that shows transparency and can be perused easily. Good governance is about setting standards and ethically being able to monitor and direct how things should be done'* (Interview, 18 August, 2021).

#### **4.5.2 Coalition government in Metsimaholo Local Municipality**

Participant 7 warned that the coalition government is bound to fail because the parties in the coalition are entities who still have different agendas and no cohesion. According to Participant 7, good governance in Metsimaholo Local Municipality can only be achieved when political parties change their individualistic posture and work as a team. Participant 7 went further to say the following:

*'When they [political parties] get to the municipal council, they still operate [like] each of the parties had actually won or had actually emerged victorious. They speak to our own manifestos, take decisions on the basis of their caucus mandate, and that impacts on providing a good governance'* (Interview, 6 September 2021).

The decline of African National Congress support at local government polls in Metsimaholo municipality since 2011 to 2017 is gradually paving the way for coalition governments in the local sphere of government. No regulation governs the coalition, and the only tool of parties in the coalition is their political agreements that are not enforceable. Once the agreements are issue-based, the government is halted most of the time while the parties are involved in concessions and compromises.

#### **4.6 OVERSIGHT IN METSIMAHOLO LOCAL MUNICIPALITY**

Oversight is not a well-defined phenomenon at the local government level. It is more difficult to define oversight at the municipal council level because the municipal council's

legislative and executive authority are vested in the Municipal Council. It is easier to explain oversight from the national and provincial government perspectives because the legislative and executive powers belong to two distinct institutions. At national and provincial governments, the parliament and legislature oversee the executive. Kinyondo *et al.* (2015:15) argued that for oversight to be effective, it must comply with five basic functions as follows:

- a. It must be coercive, and the overseer should be able to influence the overseen and not only wait for things to get wrong.
- b. It must be negotiable and allow the overseer to negotiate and establish a climate of trust with the overseen.
- c. It must be informative where the overseer and overseen can share information.
- d. It must have a legitimising effect where the overseer can demonstrate legitimacy.
- e. There must be a linkage where the balance could be struck between the overseer and communities' priorities.

What is also common among scholars is that oversight is an integral part of good governance. The Auditor General of South Africa emphasises the importance of oversight by Municipal Councils and municipal public accounts committees as an instrument of holding leaders at municipalities accountable (Auditor General, 2021:127). The City of Ekurhuleni has tried to separate the executive and legislative powers by assigning oversight responsibilities to section 79 committees (Kraai, et al., 2017:71). The City of Tshwane also established fifteen committees to exercise oversight. The only challenge with these committees is that members of the Mayoral Committee chair them, and this means they report to the Executive Mayor and not Metropolitan Council (Napier, 2018:176). To further analyse oversight, portfolio committees as instruments of oversight and the impact of lack of oversight on service delivery in Metsimaholo Local Municipality was discussed.

#### **4.6.1 Portfolio committees as an instrument of oversight**

Metsimaholo Municipality is designated as the Executive Mayoral type, and this means that the Municipal Council can appoint members of section 80 committee amongst

councillors. Only the Executive Mayor may appoint the chairpersons of section 80 committees amongst the members of the Mayoral Committee. The section 80 committee reports to the Executive Mayor. The Council of Metsimaholo has established eight section 80 committees as follows:

- a. Corporate Services
- b. Technical Services
- c. Community Services
- d. Finance, Intergrated Development Plan and performance management
- e. Small, Medium and Micro Enterprises and Economic Development
- f. Public safety and transport
- g. Social spatial planning, rural development and human settlement
- h. Special programmes

Metsimaholo Municipal Council has also established three section 79 committees that report directly to Municipal Council. These committees are also known as Council Committees. The Council appoints members of these committees from different political parties and appoints chairpersons among Municipal Council members. The Council committees of Metsimaholo Local Municipality are as follows:

- a. Municipal public accounts committee
- b. Ethics committee
- c. Public places and street naming committee

When asked how these committees ensure proper oversight in Metsimaholo Municipal Council, participants said the committees are ineffective in ensuring oversight. Out of 12 participants, only participant 3 expressed the view that the committees do play oversight in Metsimaholo municipality to a certain extent. Participant 3 said:

*'My opinion would be that we do somehow exercise oversight, but not efficiently enough because I can tell you right now, there have been several occasions where portfolio committees haven't been sitting'* (Interview, 15 September 2021).

The record of meetings were requested to verify the non-sitting of portfolio committees, and it was found that with the exception of the Municipal Public Accounts Committee (MPAC) the other two section 79 committees are *ad hoc* committees which are only convened as the need arises. The Speaker (Who is also the chairperson of MPAC) attempted to call MPAC on three occasions, and members did not attend.

Section 80 committees are also regarded as ineffective because they did not report directly to Municipal Council but report to the Executive Mayor. The participants believe that this constitutes a situation where the executive is literally reporting to itself, and the accountability is compromised. The independence of the chairperson of section 80 committees was also raised as a concern by participants who believed that executive members were more loyal to the Executive Mayor. When asked about the role of portfolio committees on good governance and oversight, participant 11 said:

*'The Chairpersons of section eighty committees are the Members of Mayoral Committees and they are expected to play oversight over both the executive and administration but at the same time, it's like they play oversight from themselves'* (Interview, 23 August 2021).

This narrative is informed by the fact that the chairpersons are appointed by the Executive Mayor, who also had powers to remove them as chairpersons or as members of the Mayoral Committee.

#### **4.6.2 Impact of lack of oversight on service delivery**

The lack of oversight on the infrastructural project has also allowed corruption to thrive unabated. The Auditor General raised concerns about a project of a sports complex in Refenggotso that was to be constructed for three years. According to the Auditor General, most of the project costs were paid even though the site inspection of February 2021 revealed that some of the paid items were actually not delivered (Auditor General, 2021:35). If the committees effectively played their oversight role, this anomaly would have been detected early or combated. Metsimaholo local municipality has also been operating without senior managers for more than three years (2018 to 2021). The Municipal

Manager was suspended from 2018 until his contract expired in July 2021. The absence of senior managers also contributed to the withdrawal of money meant for service delivery by the National Treasury.

#### **4.7 THE NON-SEPARATION OF EXECUTIVE AND LEGISLATIVE AUTHORITY**

Unlike in the national and provincial spheres of government, where the executive and legislative authority are separated, the legislative and executive authority at the local sphere of government is vested in its Municipal Council (Section 151(2) of the Constitution, 1996. Scholars like Kraai, Holtzhausen and Malan (2018:9) define the non-separation of executive and legislative authority at the local sphere of government as problematic because the Municipal Council cannot play oversight over itself. Pieterse (2020:6) apportioned the lack of accountability at local government as a direct product of blurred lines caused by the non-separation of executive and legislative powers. A Municipal Council is incapacitated because portfolio committees are not reporting directly to the council in a system of the executive mayoral type of municipalities (Pieterse, 2020:14).

##### **4.7.1 Views on separation of powers**

Participants were asked how non-separation of powers impacts the effective oversight in Metsimaholo Local Municipality. The participants argued that Metsimaholo Municipal Council should only have legislative authority and the executive authority be vested in the Executive Mayor and members of the mayoral committee. The separation of legislative and executive powers will need a constitutional amendment or introduction of legislation that will permit the Municipal Council to delegate their executive authority to the executive mayor or executive committee where the Municipal Council does not have an executive mayor. The participant 6 said the sooner the legislative and executive powers are separated, the better will the municipal council administer an effective oversight. This view was also corroborated by participant 4, who said:

*'...the analysis of the relationship of powers has always been a problem it is problematic, because at the end of the day, if these powers are not separated, then it creates confusion'* (Interview, 8 August 2021).

#### **4.7.2 Views on non-separation of powers**

Other participants believed that the non-separation of executive and legislative powers does not threaten effective oversight and provision of good governance. The minority political parties appreciated the non-separation of powers because if they will continue to have both legislative and executive powers. The the separation of powers will mean they can only have legislative authority. Leadership was regarded as an integral part of oversight and that it could mitigate the problems that are imposed by the non-separation of executive and legislative authority. In supporting the status quo, participant 11 said:

*'The constitution and other pieces of legislation mitigate the impact that could [be as a result of] non-separation of powers. Good governance and oversight are challenged by the calibre of councillors we have. They are not properly trained to play their role meaningfully'* (Interview, 23 August, 2021).

Participant 11 response is also aligned to the provisions of section 161 of the Constitution (1996), where the Municipal Council is prohibited from delegating certain functions which appear to be legislative. This means that other executive powers of a Municipal Council may be delegated. Section 59 of the Municipal Systems Act (32 of 2000) allows Municipal Council to develop and maintain systems of delegations. This means that the legislation assists in mitigating challenges of non-separation of powers.

Both participant 1 and participant 12 also believed that the non-separation of these powers is not posing any challenge. Participant 1 said the legislation is sufficient to ensure good governance despite the non-separation of powers. Participant 3 thinks the non-separation of executive and legislative authority is 'a more representative arrangement'. Participant 4 said:

*'I don't think non-separation is the problem. The challenge is whether those who play different role understand their obligations. If we stick to our lanes oversight and good governance should not be a challenge'* (Interview, 10 September 2021).

#### **4.7.3 Views on both separation and non-separation of powers**

The majority of participants (seven) suggested that the legislative and executive authority should be separated as it is confusing the execution of oversight and good governance.



According to these participants, the Municipal Council should be capacitated to draft policies for oversight and should be trained on how to hold the executive accountable to Municipal Council. The separation of legislative and executive functions will ensure that the Executive Mayor and Mayoral Committee Members are entrusted with executive authority and account to the Municipal Council. It also means that those entrusted with executive authority will not have any legislative authority while subjected to accountability by the Municipal Council.

Five participants supported the current status even though they believed the system is dysfunctional due to councillors who lack oversight capacity and minimal understanding of their roles. All the participants also indicated that the induction programme, which was the only training administered by the South African Local Government Association, was inadequate to empower councillors to do their fiduciary obligations. Table 4.4 below represents participants who supported the status quo (non-separation of legislative and executive authority) and those who were for a change (Separation of legislative and executive authority).

**TABLE 4. 4: Participants views on separation of powers**

<b>Participant</b>	<b>For status quo</b>	<b>For change</b>
1	X	
2		X
3	X	
4		X
5		X
6		X
7	X	
8		X
9		X
10		X
11	X	
12	X	

The impact of separation or non-separation of executive and legislative authority at local government cannot be considered the sole contributor to challenges because of a lack of governance at the municipality level. The participants who argued for the status quo questioned the capacity of councillors, their level of understanding and political will. From the viewpoint of these participants, it was important first to address those issues before the

separation or non-separation of executive and legislative authority could be considered a hindrance to effective oversight and provision of good governance.

#### **4.8 CHAPTER SUMMARY**

This chapter began by outlining the sample and providing the response rate. The data were populated into the Atlas ti. 9, which is the application used mainly by qualitative studies. The chapter ended by discussing the three themes developed from the quotations. The themes are good governance, oversight and non-separation of legislative and legislative authority.

## **5 CHAPTER FIVE – SUMMARY, FINDINGS AND RECOMMENDATIONS**

### **5.1 INTRODUCTION**

This chapter will start with an overview of the first four chapters to draw conclusions and make recommendations. The study critically analysed governance challenges in Metsimaholo Local Municipality. This chapter makes literature and empirical review findings to ensure that the research objectives are attained. The research objectives are also be visited to ascertain if the research realised them. The chapter ends with conclusions, recommendations, and a proposal for further studies.

### **5.2 OVERVIEW OF THE STUDY**

This section aims at providing the synopses and essence of the preceding chapters of this research. The sole purpose of making this overview is to focus the reader's cognisance on each chapter's important features, and the findings and recommendations make a meaningful link.

#### **5.2.1 Chapter one**

The problem statement indicates that a well-run municipality should be the epitome of good governance where an effective oversight is exercised and maintained throughout the term of a Municipal Council. However, it appears that the lack of good governance persists in several municipalities throughout South Africa, despite the existence of good policies and legislation regulating the proper functioning of local government. Metsimaholo Municipal Council was disbanded following its inability to approve a budget. The by-elections were held in 2017, but the municipality was still under the administration of the Free State provincial government, and the council was yet to appoint senior managers reporting directly to the Municipal Manager. These interventions purport the municipal council as the structure failing to execute its fiduciary functions of providing leadership, oversight and good governance. A key question that arises from the above situation is why is there a lack of good governance and oversight despite good policies and legislation at the local government level?

A qualitative research approach was applied to address this question with key stakeholders of Metsimaholo Local Municipality. Semi-structured interviews were administered among councillors, Speaker and the Executive Mayor of Metsimaholo Local

Municipality to get a deeper understanding of why these challenges persisted despite the plethora of good legislation and policies. The research question of this study is why is there a lack of good governance and oversight despite the existence of good policies and legislation at the local government level?

### **5.2.2 Chapter two**

This chapter dealt with a literature review and pointed out the views of other scholars on the characterisation of governance challenges that confront the local government. The chapter investigated oversight as one of the instruments of good governance and how it was applied in Metsimaholo Council. The role of portfolios committees and the principles of good governance as contained in the King IV report were explained. The multi-dimensional process of oversight involves legitimising, coercive, linkage and negotiable functions for both the overseer and the overseen were also discussed. It is also emphasised that oversight structure goes beyond overseer and overseen as it involves the structural elements such as context, communication and culture. The chapter also discussed the governance challenges that have attracted other scholars' interest.

### **5.2.3 Chapter three**

This chapter explained the qualitative study that followed Saunders research onion model to develop a research plan. The study took a relativist philosophy to create knowledge. As such, it is inductive as it attempts to build theory and exploratory as a deeper understanding of governance challenges that confronts Metsimaholo Local Municipality. This is a single case study where Metsimaholo Municipal Council was considered a case. The understanding of how Metsimaholo Council played oversight and governance was solicited from the selected councillors. The councillors were identified by using purposive sampling because the Municipal Council has only one Executive Mayor and one Speaker.

### **5.2.4 Chapter four**

Chapter four presented the analysis of data gathered by semi-structured interviews. Three themes, Governance challenges in Metsimaholo Local Municipality, Oversight in Metsimaholo Local Municipality, Non-separation of executive and legislative authority, emerged from data and were discussed.

## **5.3 FINDINGS FROM LITERATURE REVIEW**

### **5.3.1 Executive mayoral type and its mandate**

According to section 7 of the Municipal Structures Act (108 of 1998), Metsimaholo Local Municipality is designated as an executive mayoral executive type, meaning the executive leadership of the municipality is vested in the individual. The major difference between the executive mayoral and collective executive type is that, in the Executive Committee type, the collective is responsible and works as a team while the collective is reporting to an individual on the Executive Mayor type. Though assisted by Mayoral Committee, the Executive Mayor has the final say in all functions assigned to his/her office (see chapter 2, 2.1.3.2)

The mandate of the Municipal Council is derived from section 152 of the Constitution (1996). According to Van der Waldt (2015:1), a municipality must design and execute projects that significantly impact its constituency. Among other mandates, the local government is constitutionally obliged to encourage community involvement and community organisations in local government matters (see chapter 2, 2.1.2).

Community participation in the affairs of the municipality also ensures accountability. This means the community is also a key player in playing oversight over the elected Municipal Council. According to 160(2) of the Constitution (1996), while the Municipal Council may delegate its executive authority, it may not delegate the power to pass by-laws, the power to approve the municipal budget, the power to impose rates, taxes, and levies on duties and lastly its power to raise loans. It appears that municipalities may not outsource or delegate their legislative authority. According to King IV report, even if the Municipal Council can delegate its executive authority, it cannot delegate its accountability on those delegated functions (IDSA, 2019:9).

### **5.3.2 Systems of delegations**

The systems of delegations are documented functions delegated by the Municipal Council to committees, Speaker, Executive Mayor, administration, or any other body or a person that the Municipal Council may choose. Section 59 of the Municipal Systems Act (32 of 2000) compels the Municipal Council to develop and keep the delegations' systems to have administrative and operational efficiency. The Council can review its delegations

when one-quarter of its members request so, but reviewing of delegations cannot be retrospective. The council has the right to determine the intervals of how often it must get a report on delegated responsibilities (see chapter 2, 2.3).

The systems of delegations can also be seen as a measure to separate the legislative and executive authority. Once the executive function is delegated, the Municipal Council, through its committees or Executive Mayor, is able to play oversight and demand reports for accountability. For the effective implementation of delegated functions, the King IV report argues that the Municipal Council appoint competent Municipal Manager and senior officials. The report further assures that the Municipal Council benefits from well-informed opinions, decision-making, and good governance (IDSA, 2016:85).

### **5.3.3 Oversight as instrument of good governance**

Municipal Council oversight of governance is exercised through the various portfolio committees such as Municipal Public Account Committees, mayoral committee and portfolio committees. According to Kraai et al. (2017:71), effective oversight enhances good governance and accountability. From this conclusion, it can be argued that oversight can also be seen as one of the instruments of good governance as it empowers Municipal Council to demand accountability from the administration or those to whom the executive authority is being delegated. According to Van der Waldt (2015:2), political oversight entails informal and formal actions. This argument is also corroborated by Kinyondo *et al.* (2015:3) that oversight is a multi-dimensional process. Though the main elements of oversight structure focus on overseer and the overseen, context, communication, and culture are the additional elements of oversight structure. When the emphasis is on the overseer, the oversight plays a legitimising function, and when the emphasis is on the overseen, the oversight plays a coercive function (Kinyondo *et al.*, 2015:5).

### **5.3.4 Separation of legislative and executive powers**

According to section 151(2) of the Constitution (1996), both the legislative and executive authority is vested in the Municipal Council. The non-separation of powers at local government has attracted many scholars' interest. Van der Waldt (2015:1) argues that the separation of executive and legislative powers is the cornerstone of democracy and further argues that the non-separation offends the principles of *trias politica*. According to

Pretorius (2017:9), the non-separation of powers leads to political interference in the municipal administration.

Chikwema and Wotela (2016:151) argue that the non-separation of powers not only offends the principles of trias politica, but also has a direct bearing on effective oversight and accountability. Pieterse (2020:6) also argues that the non-separation of executive and legislator constitutes a blurred accountability line. The accountability is removed from the council. The executive leadership accounts for a political party, incapacitating a Municipal Council and turning portfolio committees into a mockery (Pieterse, 2020:14). Kraai, *et al.* (2018:9), conclude that section 151 of the Constitution (1996) provisions are problematic because a municipal council cannot play oversight on itself. De Visser and Aktintan (as cited by Kraai, 2018:9) posits that these provisions are also responsible for the conflicts between the Speaker's and executive mayor's offices and, as a result, the Constitution (1996) must be amended to address these anomalies.

In contrast, Napier (2018:183) argues that separation of powers may not work in a local government. In trying to mitigate the impact of non-separation of powers, the City of Tshwane clustered Municipal Manager and managers reporting directly to Municipal Manager and Mayoral Committee as an executive and the municipal council, speaker, chairpersons of section 79 committees, and chief whip are clustered as the legislator. This view is informed by the knowledge that a Municipal Council comprises all those unbundled clusters and that the executive and legislative authority that are vested in a Municipal Council.

### **5.3.5 Governance challenges**

Local government's challenges can be classified as human factors and institutional dynamics. The human factors include entrenched culture, skills, and competencies, while institutional dynamics are more of organisational design and unintended consequences (Lekala, 2019:62). According to the final report of City Insight (2020:45), the lack of good governance is another challenge that bedevils local governments in South Africa. The report further identified poor leadership and oversight by Municipal Councils, the infighting and lack of stability, administrative and political interface and the communities that are always demanding the change of political leadership as challenges for good governance in South Africa (see chapter 2, 2.7).

## **5.4 FINDINGS FROM EMPIRICAL RESEARCH**

### **5.4.1 Systems of delegations for improving oversight**

It was found that Metsimaholo Local Municipality is operating without any systems of delegations. The current Municipal Council has not managed to have systems of delegations as mandated by section 59 of the Municipal Systems Act (32 of 2000). All the participants have indicated that the Municipal Council has never developed systems of delegations during their term of office.

### **5.4.2 Coalition government in Metsimaholo**

Coalition was cited a problem by all participants. Despite that Metsimaholo has been a hung municipality since the 2016 local government elections, the municipality has not developed mechanisms and skills to manage a coalition government. The parties in a coalition government did not abandon their initial election manifestos, making the coalition government a conglomerate of political parties without a common vision. The other finding is that political parties lack the willpower to make the coalition work.

The decline of African National Congress support at local government from 2016 local government elections is gradually paving the way for coalition governments in the local sphere of government. No regulation governs the coalition, and the only tool of parties in the coalition is their political agreements that are not enforceable. Once the agreements are -based, the government is halted most of the time while the parties are involved in give-and-take arrangements. Should the parties with the majority work together, it means better governance because only two parties should reach a consensus other than persuading many other political parties.

### **5.4.3 Portfolio committees as instruments of oversight**

As an executive mayoral type, Metsimaholo Local Municipality has appointed members of eight section 80 committees, and the Executive Mayor appointed its chairpersons from members of the mayoral committee. Only three out of twelve participants said the committees do play oversight even if it is not effective. The remaining nine participants said these committees are not sitting. The researcher requested attendance registers to verify this information. However, these registers were not available. The Municipal Council



also appointed three section 79 committees which are mostly supposed to sit on *ad hoc* basis with the exception of the Municipal Public Account Committee (MPAC). The tradition is that the MPAC is chaired by the opposition. However, in Metsimaholo, the MPAC is chaired by the Speaker. The MPAC, like other committees, is not functional.

#### **5.4.4 Lack of oversight on service delivery**

The lack of oversight on infrastructural projects has also contributed to the loss of resources. The report of the Auditor General found that money was paid by the municipality when services were not even rendered by contractors appointed to build spots complex in Refenggotso (Auditor General, 2021:35). The Municipal Manager was suspended from 2018 until his contract expired in July 2021. The absence of senior managers also contributed to the withdrawal of money meant for service delivery by the National Treasury. All participants had unanimously cited the inability of the Municipal Council to appoint Municipal Manager and managers reporting directly to Municipal Manager as a deterrent for good governance and service delivery in Metsimaholo Local Municipality.

#### **5.4.5 Separation of executive and legislative authority**

Out of twelve, seven participants believed that the non-separation of legislative and executive authority was confusing the municipality's execution of oversight and good governance. The remaining five participants believed that before non-separation of powers could be analysed, the understanding and capacity of councillors was a cause for concern. Therefore, it was found that the separation or non-separation of executive and legislative authority at local government could not be considered as the sole contributor to lack of good governance at the municipal level.

### **5.5 FINDINGS IN RELATION TO THE OBJECTIVES OF THE RESEARCH**

The study's central question was, **why is there a lack of good governance and oversight despite the existence of good policies and legislation at local government level?**

Three objectives were set to answer this research question. The attainment of the three research objectives below means the following research question needs to be answered.

### **5.5.1 Objective one**

**The first objective was to elicit views of the Executive Mayor and Speaker of Metsimaholo Municipal Council on what factors are impeding good governance and oversight in Metsimaholo Local Municipality.**

This objective was attained. The interview with the Executive Mayor and Speaker of Metsimaholo brought a deeper understanding of why there was a lack of good governance and oversight despite the existence of good policies and legislation at the local government level. It was found that the level of understanding of councillors could contribute to the lack of oversight and good governance.

### **5.5.2 Objective two**

**To understand how Municipal Council played its oversight role in Metsimaholo Local Municipality.**

This objective was attained. It was found that the Municipal Council of Metsimaholo Local Municipality did not develop and maintain the systems of delegations. The absence of systems of delegations hindered the smooth running of the administration. It also meant that the council was sitting with both executive and legislative powers and as a result, could not play oversight on itself.

### **5.5.3 Objective three**

**To understand the above two concerns from the perspective of councillors of Metsimaholo Local Municipality.**

The objective was also attained. Through the interviews with the councillors, it was found that the councillors induction programme was not sufficient to assist them in playing effective oversight and good governance. This finding also linked with the narrative of both the Speaker and Executive Mayor, that the level of understanding of councillors played a role in the implementation of effective oversight and good governance.

## **5.6 RECOMMENDATIONS**

This qualitative study has attempted to critically analyse the governance challenges in Metsimaholo Local Municipality. Based on the findings from this study, the following recommendations are made:

### **5.6.1 On community oversight**

Oversight should not be confined to councillors as overseers and administration as overseen. The community must also play oversight over Municipal Council and administration. It is recommended that the ward committees should be capacitated through training to assess and evaluate the performance of councillors in their respective wards. For the ward committees to perform this function, it is recommended that ward committees be empowered to outsource the skill from community members. The Municipal council can delegate the powers and compositions of ward committees, hence the recommendation.

### **5.6.2 On the appointment of managers reporting directly to Municipal Manager**

It is recommended that the Municipal Council should only appoint the Municipal Manger and the latter to appoint all staff members, including managers reporting to Municipal Manager. This will ensure that the councillors' differences do not halt the senior manager's appointment as it is the case in Metsimaholo Local Municipality.

### **5.6.3 On delegations**

To observe the principles of *trias politica*, it is recommended that the Municipal Council delegate its executive authority to the Executive Mayor. The Executive Mayor should be allowed to further delegate such functions to the Municipal Manager, the municipality's accounting officer. It is further recommended that the Executive Mayor and members of the Mayoral Committee should account to the council and should not be allowed to vote on any matters that are brought to Council by the Executive Mayor.

### **5.6.4 On section 79 portfolio committees**

It is recommended that section 79 committees be established by non-executive councillors only and report directly to the Municipal Council. It is further recommended that section 79

committees be resourced with competent staff to mitigate administration's interference on legislative functions of a Municipal Council.

### **5.6.5 On induction of councillors**

It is recommended that the legislation must be amended to make induction and training of councillors compulsory. Any councillors failing to perform or attain certain standards be reported to their political parties and their respective communities.

## **5.7 CONCLUSION**

This study made a critical analysis of governance challenges in the municipality of Metsimaholo. The central question that drove the study was why is there a lack of good governance and oversight despite the existence of good policies and legislation at the local government level. The City Insight (2020:45) identified poor leadership, infighting and instability, the administrative and political interface as challenges that bedevil governance in South Africa. Many scholars have also researched the non-separation of powers in local government as a hindrance to oversight and good governance. The study has found that while leadership is central to good governance, the understanding of good legislation by councillors is foundational for good governance and oversight. The non-separation of powers was not seen as a challenge that could contribute to lack of governance because section 160 (2) of the Constitution (1996) contains the functions that appear to be legislative and that may not be delegated. This means all other executive powers may be delegated. Section 59 of the Municipal Systems Act (32 of 2000) empowers municipalities to develop and maintain the systems of delegations. It is found that Metsimaholo Local Municipality operates without any systems of delegations; hence the non-separation of powers appeared to be an issue.

The persistence of governance challenges in the local sphere of government could be linked to institutional approach and political parties' inability to field qualified candidates. The institutional approach consistently provides an induction programme that does not consider the academic qualifications of those being trained. The induction programme is also considered as training and does not equip councillors with the necessary skills to perform their fiduciary obligations. The legislation does not set minimum academic requirements for the selection and appointment of councillors. The African National Congress has tried to set minimum academic qualifications for its Executive Mayors, some

of these Mayors were still appointed despite not meeting the desired or set standards. The electoral system in South Africa allows political parties to dominate the filling of council seats. 50% of the Municipal Council is considered to be a proportional representation of political parties, while the other 50% consisted of ward councillors which are contested by independents and political parties. In Metsimaholo, all the councillors are political party loyalists because no independent candidate won a ward. The councillors are the extensions of political parties in council and the external battle and infights in political parties find expression and perpetuation in the Municipal Council.

The Metsimaholo Local Municipality has elected three section 79 committees for oversight. These committees were *ad hoc* in nature and ineffective compared to section 80 committees that the Executive Mayor appoints. Section 80 committees are legislatively obliged to only report to the Executive Mayor hence the narrative that says the executive is accounting to itself. The opposition parties are by design excluded from chairing section 80 committees because they must be appointed by the Executive Mayor amongst the members of mayoral committees.

There are no standards set for anyone to be a councillor, the Municipal Council will be composed of councillors coming from different backgrounds, others educated others not. To improve the quality of discussions in Municipal Council chambers, training should be intensified to at least enhance the understanding and capabilities of councillors to provide good governance and play effective oversight over administrative arm of the Council. The governance challenges in local government will persist despite the existence of good legislation.

## **5.8 FURTHER RESEARCH**

The oversight in local government is not clearly defined because the legislative and executive authority is vested in a Municipal Council. Even if the Municipal Council can decide to delegate its executive committee, the mayor and mayoral committees still have legislative powers by virtue of being members of a Municipal Council. It is proposed that a study be commissioned to find a model where communities can play oversight on council and administration.

The coalition government in South African municipalities seem to be a phenomenon that will be present in a foreseeable period, given the support received by political parties that

are newly established. Understanding this phenomenon is critical for the future of governance issues in South Africa. It is recommended that further research be conducted to find if a legislated coalition in South Africa could enhance and deepen democracy or bring stability in local government coalition structures.

## 6 LIST OF REFERENCES

Acts **see** South Africa.

Auditor General. 2021. *Consolidated general report on the local government audit outcomes 2019/2020*.  
<https://www.agsa.co.za/Reporting/MFMAReports/MFMA2019-2020.aspx> Date of access: 05 Aug. 2021

Bhatia, M. 2018. *Your guide to qualitative and quantitative data analysis methods*.  
<https://humansofdata.atlan.com/2018/09/qualitative-quantitative-data-analysis-methods/> Date of access: 20 Sep. 2020.

Booyesen, S. 2011. *The African National Congress and the regeneration of political power*. Wits University Press. <https://www.jstor.org/stable/10.18772/12011115423.7>

Braun, V. & Clarke, V. 2006. Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2): 77-101.

Bufacchi, V. 2020. Justice as Non-maleficence. *Theoria*, 67(1): 1-27. Doi: 10.3167/th.2020.6716201

Castleberry, A. & Nolen, A. 2018. Thematic analysis of qualitative research data: Is it as easy as it sounds? *Currents in Pharmacy Teaching and Learning* 10: 807-815.

Chikwema, S. & Wotela, K. 2016. Deriving a conceptual framework for a formative evaluation of the city of Johannesburg: 'Separation of powers' pilot project. *Journal of Public Administration and Development Alternatives*, 1(1): 150-170.

Constitution **see** South Africa

Creswell, J.W., Ebersohn, L., Eloff, I., Ferreira, R., Ivankova, N.V., Jansen, J.D., Nieuwehuis, J., Pietersen, J., & Plano Clark, V.L. 2016. *First steps in research*. 2<sup>nd</sup>ed. Pretoria: Van Schaick.

- Cypress, B.S. 2017. Rigor or reliability and validity in qualitative research: perspectives, strategies, reconceptualization, and recommendations. *Dimensions of Critical Care Nursing*, 36(4): 253-263.
- Deterding, N.M. & Waters, M.C. 2021. Flexible coding of in-depth interviews: A Twenty-first-century approach. *Sociological Methods & Research*, 50(2): 708-739.
- Dimitrios, T. & Antigoni, F. 2019. Limitations and delimitations in the research process. *Perioperative Nursing*, 7(3): 155–162.
- Gbemudu, C. 2019. The politics of good governance and the rule of law. *International Journal of Innovative Social Sciences and Humanities Research*, 7(2): 35-39.
- Gilbert, C.T. 2020. Learning the ropes: A case study of the onboarding process for newly elected city councillors. (Dissertation – PhD). Portland: University of Southern Maine.
- Heale, R. & Twycross, A. 2018. What is a case study? *Evidence-Based Nursing*, 21(1): 7-8.
- IDSA (Institute of Directors South Africa). 2016. *King IV Report on Corporate Governance for South Africa*.  
[https://cdn.ymaws.com/www.iodsa.co.za/resource/collection/684B68A7-B768-465C-8214-E3A007F15A5A/IoDSA\\_King\\_IV\\_Report\\_-\\_WebVersion.pdf](https://cdn.ymaws.com/www.iodsa.co.za/resource/collection/684B68A7-B768-465C-8214-E3A007F15A5A/IoDSA_King_IV_Report_-_WebVersion.pdf) Date of access: 20 Sep.2020.
- Kaushik, V. & Walsh, C.A. 2019. Pragmatism as a research paradigm and its implications for social work research. *Social Science*, 2(255): 1-17.
- Kinyondo, A., Pelizzo, R. & Umar, A. 2015. A Functionalist Theory of Oversight. *African Politics & Policy*, 1(5): 1-25.
- Kraai, S., Holtzhausen, N. & Malan L. 2017. Oversight mechanisms in local government: a case of Ekurhuleni Metropolitan Municipality in South Africa. *African Journal of Public Affairs*,9(6): 59-71.
- Kumar S. 2018. Understanding different issues of unit of analysis in a business research. *Journal of General Management Research*, 2(50): 70–82.



Law reports **see** South Africa

- Lekala, E. 2019. *Investigating good local governance for developmental local government: The case of Prince Albert Municipality*. (Dissertation – Masters in Public Administration). Stellenbosch: Stellenbosch University
- Lester, J.N., Cho, Y. & Lochmiller, C.R. 2020. Learning to do qualitative data analysis: a starting point. *Human Resource Development Review*: 19(1) 94–106.
- Maestriperi, L., Radin, A., & Spina, E. 2019. Methods of sampling in qualitative health research. In: M. Saks & J. Allsop, , eds. *Researching in health: Qualitative, qualitative and mixed methods*. London: Sage. (p. 2-7).
- Maher, C., Hadfield, M., Hutchings. M. & de Eyto, A. 2018. Ensuring rigor in qualitative data analysis: a design research approach to coding combining NVivo with traditional material methods. *International Journal of Qualitative Methods*, 17: 1–13.
- Madzivhandila, T.S. & Maloka, C.M. 2014. Community participation in local government planning processes: a paramount step towards a successful service delivery. *Mediterranean Journal of Social Sciences*, 16(5): 652-659.
- Mbandlwa, Z., Dorasamy, N. & Fagbadebo, O. 2020. Leadership challenges in the South African local government system. *Journal of Critical reviews*, 7(13): 1642-1653.
- Mello, D.M. 2018. Monitoring and evaluation: The missing link in South African municipalities. *The Journal for Transdisciplinary Research in Southern Africa*, 14(1): 1-6.
- Mngomezulu, S. 2020. Political interference in the administration of service delivery in Umlalazi Local Municipality of KwaZulu-Natal, South Africa. *Journal of Economics and Behavioural Studies*, 12(1): 38-45.
- Mohajan K.H. 2018. Qualitative research methodology in social sciences and related subjects. *Journal of Economic Development, Environment and People*, 7(1): 23-48.
- Napier, C.J. 2018. Political oversight committees and the separation of powers in the local sphere of government: The Case of the City of Tshwane. *Journal of Public Administration*, 53 (2): 169-185.

- NC (Ntiyiso Consulting). 2019. Separation of powers critical for functioning municipalities. *Chartered Institute of Government Finance, Audit & Risk Officers*, 18(4): 26-27.
- Obiora, A.A. 2019. Comparative analysis of legislative oversight in South Africa and Nigeria. *Chukwuemeka Odumegwu Ojukwu University Journal of Private and Public Law*, 2(1): 1-10.
- Owen, E.J. 2012. Municipia, Roman Republic. *Wile Online Library*.  
<https://doi.org/10.1002/9781444338386.wbeah20091> Date of access: 20 Aug. 2020.
- Park, Y.S., Konge, L., & Artino, A.R. 2020. The positivism paradigm of research.. *Academic Medicine*, 95(5): 690-694.
- Parliament of South Africa. 2009. *Oversight and accountability model*.  
<https://www.parliament.gov.za/storage/app/media/oversight-reports/ovac-model.pdf>  
 Date of access: 23 Aug. 2020.
- Peel, K.L. 2020. A beginner's guide to applied educational research using thematic analysis. *Practical Assessment, Research, and Evaluation*, 25(2):1-15.
- Pieterse, M. 2020. Anatomy of a crisis: structural factors contributing to the collapse of urban municipal governance in Emfuleni, South Africa. *Springer Nature*.  
<https://doi.org/10.1007/s12132-020-09406-4> Date of access: 4 Oct. 2020.
- Pretorius, M.C. 2017. *The influence of political and administrative interaction on municipal service delivery in selected municipalities in the Free State province*. (Thesis – PhD).Bloemfontein: Central University of Technology Free State.
- SALGA (South African Local Government Association). 2011. *Guideline document on the roles and responsibilities of councillors, political structures and officials*.  
[https://www.salga.org.za/Documents/Municipalities/Guidelines%20for%20Municipalities/Guideline-Document--On-The-Roles-and-Responsibilities-of-Councillors-and-Officials-\(2\)-\(1st-Draft\)\\_pdf](https://www.salga.org.za/Documents/Municipalities/Guidelines%20for%20Municipalities/Guideline-Document--On-The-Roles-and-Responsibilities-of-Councillors-and-Officials-(2)-(1st-Draft)_pdf) Date of access: 10 Nov. 2020.
- Saunders, M., Lewis, P. & Thornhill, A. 2009. *Research methods for business students*. 5<sup>th</sup> ed. Harlow: Pearson Education Limited.

- Sebola, M. 2014. The Role of SALGA in training municipal councillors for development: using knowledgeable experts. *Mediterranean Journal of Social Sciences*, 5(14): 633-640.
- South Africa. 1998. Local Government: Municipal Demarcation Act 27 of 1998.
- South Africa. 1998. Local Government: Municipal Structures Act 117 of 1998.
- South Africa. 2003. Local Government: Municipal Finance Management Act 56 of 2003.
- South Africa. 2003. Local Government: Municipal Systems Act 32 of 2000.
- South Africa. Constitution of the Republic of South Africa 1996.
- Spector P.E. 2019. Do not cross me: optimizing the use of cross-sectional designs. *Journal of Business and Psychology*, (2019) 34:125–137.
- Sundler A.J., Lindberg E., Nilsson C. & Palmér L. 2019. Qualitative thematic analysis based on descriptive phenomenology. *Nursing Open Journal*, 6:733–739.
- Thebe, P.T. 2017. Political education for good governance in South Africa's local government and communities. *African Journal of Public Affairs*, 9(5):123-135.
- The School Governing Body Grey College, Bloemfontein v Scheepers and Another. 2020. (Case no 506/19) [2020] ZASCA 82 (SCA)i.
- Van der Waldt, G. 2015. Political oversight of Municipal Projects: An Empirical Investigation. *Administratio Publica*, 23(3): 48-69.
- Wagner, C., Kawulich, B.B., & Garner, M. 2012. *Doing social research a global context*. Berkshire: McGraw-Hill Education.
- Wargo, W.G. 2015. *Identifying assumptions and limitations for your dissertation*. <https://www.academicinfocenter.com/identifying-assumptions-and-limitations-for-your-dissertation.html> Date of access: 26 Aug. 2020

## APPENDIX F 1: LETTER OF PERMISSION

### APPENDIX F Letter of permission to conduct research



To whom it may concern

**Permission to conduct research at Metsimaholo Local Municipality (MLM)**

Mr Molato Tshabalala (Student number 12935743) currently enrolled as a master's student in Master of Business Administration at North West University Business School. Your permission is herewith requested to allow Mr Tshabalala to conduct his academic research project in your organisation.

The primary objective of this study is to investigate factors that impede oversight and good governance in a local municipality. The document attached provides overview of the research project as well as questions that will be administered among the Metsimaholo Local Municipality's councillors and the municipal manager.

Please sign below to indicate your willingness to participate in the study and return to me at your earliest convenience.

Yours sincerely

Molato Tshabalala

Tel: 018 468 8221

E-mail: greyatt@telkomsa.net

I, Thabo Mshese *Speaker of Council* [Name of company representative and position in the company], herewith give my permission for the study to be conducted in Metsimaholo Municipality [name of organisation].

*Thabo Mshese*

Signature

09/06/2021

date

## APPENDIX F 2: INFORMED CONSENT FORM



### APPENDIX F 2 - Informed consent form –

Dear Participant

This **Informed Consent Form** serves to confirm the following information as it relates to the officially approved research project at the North-West University on Critical analysis of governance challenges in local government.

The sole purpose of this study is to obtain information from yourself to determine the challenges confronting the Municipal Council on oversight and good governance.

1. Participation is voluntary and you may opt-out at any time. You may also decide not to answer specific questions.
2. The procedure to be followed is the qualitative research design, which entails a semi-structured interview. Basic background information will be asked e.g. how long have you been a councillor, your age and related experience to the topic.
3. Confidentiality of the data is guaranteed, and only the combined results will be used for research and publication purposes.
4. The data gathered from the interviews will only be used for research purposes.
5. Please note that the interviews will be recorded to write scripts for data analysis with your consent. The report will not have any names, and the information gathered will strictly be confidential. You may choose not to answer certain questions if you feel like it. Participation is voluntary, and you can decide to stop your participation at any time should you feel uncomfortable.
6. Also, note that this study does not have any correct or incorrect answers. This means your experience is unique, and the study is merely trying to understand the topic more deeply.

I hereby give my consent after having read the above information that my data may be used as stated above.	YES		NO	
--	-----	--	----	--

Thank you for your time.

## APPENDIX F 3: INTERVIEW QUESTIONS

### APPENDIX F 3

#### Interview Questions

1. In your own opinion, what are the challenges faced by Metsimaholo municipality in providing good governance?
2. In your view, how oversight is done in the municipality of Metsimaholo?
3. In your view, how does the non-separation of legislative and executive powers in local government affect oversight and good governance?
4. How do communities hold councillors accountable?
5. How does the council hold administration accountable?
6. In your opinion, how do the systems of delegation contribute to good governance?

## APPENDIX F 4: LANGUAGE EDITOR'S LETTER



Antoinette Bisschoff  
71 Esselen Street,  
Potchefstroom  
Tel: 018 293 3046  
Cell: 082 878 5183  
[Language@dits.co.za](mailto:Language@dits.co.za)  
CC No: 1995/017794/23

Wednesday, 08 December 2021

To whom it may concern

**Re: Confirmation of language edit, typography and technical precision**

The MBA dissertation "A critical analysis of governance challenges in local government: A Metsimaholo case study" by **M Tshabalala** (12935743) was edited for language and technical precision. The referencing and sources were checked to comply with the Harvard guidelines specified by the 2020 NWU Reference guide.

Final, last-minute corrections remain the responsibility of the author.



**Antoinette Bisschoff**

**BA Languages (UPE – now NMU); MBA (PU for CHE – now NWU); Translation and Linguistic Studies (NWU)**

Officially approved language editor of the NWU since 1998  
Member of SA Translators Institute (no. 100181)

**Precision ... to the last letter**

## APPENDIX F 5: ETHICAL CLEARANCE



NORTH-WEST UNIVERSITY  
YUNIBESITHI YA BOKONE-BOPHIRIMA  
NOORDWES-UNIVERSITEIT

Private Bag X6001, Potchefstroom  
South Africa 2520

Tel: 018 299-1111/2222  
Web: <http://www.nwu.ac.za>

Economic and Management Sciences Research  
Ethics Committee (EMS-REC)

24 June 2021

Dear Mr P Greyling  
*Per e-mail*  
Dear Mr Greyling,

**EMS-REC FEEDBACK: 28052021(Round Robin)**  
**Student: Tshabalala, M (12935743)(NWU-00864-21-A4)**  
**Applicant: Mr P Greyling - MBA**

Your ethics application on, *A critical analysis of governance challenges in local government: Metsimaholo case study*, which served Round Robin, refers.

**Outcome:**

Approved as a minimal risk study. A number **NWU-00864-21-A4** is given for one year of ethics clearance.

Please note that the ethics approval of this application is subject to the Covid-19 protocols.

Kind regards,

Mark  
Rathbone

Digitally signed by Mark  
Rathbone  
DN: cn=Mark Rathbone,  
o=North-West University,  
ou=Business management,  
email=mark.rathbone@nwu.ac.za  
, c=ZA  
Date: 2021.06.24 12:06:44 +02'00'

**Prof Mark Rathbone**  
**Chairperson: Economic and Management Sciences Research Ethics Committee**  
**(EMS-REC)**