

Structural Measures and Competencies for Effective Performance of the Municipal Oversight Committees

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Abstract

Municipal oversight committees are trajectories for effective performance of the contemporary municipalities. This research evaluates structural measures and competencies critical for effective performance of the municipal oversight committees. A conceptual analysis as a qualitative research technique was used to critically analyse theories on the predictors for effective performance of the municipal oversight committees. Theoretical findings were triangulated with the findings of the studies conducted on the effectiveness of the municipal oversight committees in South Africa. Findings indicated the effectiveness of municipal oversight committees is determined by the extent to which the existing relevant legislations and policies create structures and working relationships that permit greater level of accountability, participation and transparency. However, practices in most of the municipalities signify effective accountability, participation and transparency are undermined by the exclusionary interpretation of section 20 (3) of the Municipal Systems Act by the municipal executive mayoral committees. Such exclusionary interpretations cause the exclusion of the municipal councils and Section 79 committees from certain meetings and information. Since councilors are directly elected from the larger society irrespective of the level of education and expertise, the other challenges were also found to be latent in the skills and competencies of councilors to effectively accomplish technically complex activities of the municipal oversight committees. The study concludes with the postulation of a grid of critical structural measures and competencies that can be suggested for improving the performance of councilors and municipal oversight committees.

Keyphrases: competencies; municipal oversight committees; performance; structural measures

1. INTRODUCTION

Municipal oversight committees are trajectories for effective performance of the contemporary municipalities (Gutto, Songca & Mothoagae 2007:33; Miso 2011:5). Oversight committees enhance effective monitoring and evaluation of the effectiveness of the process for the implementation of different municipal programmes (Gutto *et al.* 2007:33; Miso 2011:5). It also influences the improvement in the quality of decisions and the extent to which all the decisions undertaken are in compliance with relevant constitutional provisions and legislations (Olowu 2012:66). This fosters improvement of the accountability of public servants at the municipal levels, and good governance and management of different municipal activities (Olowu 2012:66; South African Local Government Association-SALGA 2012:6). The resulting positive effects of all these are often latent in resource optimisation and the quality of the quantity of services provided by the municipality to the population in its jurisdictions (Gutto *et al.* 2007:33; Miso 2011:5). Unfortunately, empirical facts indicate the overall effectiveness of most of the municipal oversight committees is still inhibited by the exclusionary interpretation of Section 20(3) of the Municipal Systems Act (Community Law Center 2008:15; Department of Cooperative Governance 2013:20; Paradza, Mokwena & Richards 2010:33).

The exclusionary interpretation of Section 20 (3) of the Municipal Systems Act leaves the executive mayoral committee with significant powers (Community Law Center 2008:15). Among others, some of these powers can mandate the executive mayoral committee to exclude the municipal council and other Section 79 committees from certain meetings and information (Community Law Center 2008:15). This deprives the municipal council and Section 79 committees of the accessibility to certain information and data critical for effective exercise of their oversight roles more (Community Law Center 2008:15). The fact that the constitution does not provide for the separation of powers at the local government level also leaves the municipal council performing most of the executive and legislative functions of the municipality. This limits the extent to which the municipal council is able to effectively check itself (Community Law Center 2008:15; Department of Cooperative Governance 2013:20; Paradza *et al.* 2010:33). Although a number of authors have raised the debates on monopolisation of municipal activities by the municipal council and the executive mayoral committees, empirical facts indicate other challenges are linked to the issues of skills and competencies of the councillors to handle certain complex tasks associated with effective accomplishment of their oversight roles (Community Law Center 2008:15; Department of Cooperative Governance 2013:20; Khaile 2011:16; Paradza *et al.* 2010:33). It is such drawbacks that motivate this research to evaluate structural measures and competencies critical for effective performance of the municipal oversight committees so as to identify the major inhibitors and the measures that

can be recommended to improve effective performance of the municipal oversight committees.

2. Overview: Municipal Oversight Committees

Oversight is defined in the oversight model of the South African legislative sector as the proactive interaction initiated by a legislature with the executive and administrative organs that encourages compliance with constitutional obligations of the executives and administration (Makhado, Masehela, Motimele, Mokhari & Nyathela 2012:4). This ensures effective delivery on the greed objectives that influence attainment of government priorities (Makhado et al. 2012:4). The impetus for the establishment of committees as the mechanism for assisting the municipal council with oversight is provided in the Municipal Structures Act (Local Government Municipal Structures Act 117 of 1998; Local government: Municipal Systems Act 32 of 2000; Steytler & De Visser 2008:33). The five categories of the municipal oversight committees prescribed in the Municipal Structures Act include section 79 committees, section 80 committees, internal audit committees, audit committees, municipal performance audit committees (Local Government Municipal Structures Act 117 of 1998). The two main mechanisms of oversights for enhancing accountability of the municipalities entail the annual report by the municipal administrators to the municipal council and the oversight report prepared in the context of Section 165 (2)(b) of the Municipal Finance Management Act (Local Government: Municipal Finance Management Act 56 of 2003; Steytler & De Visser 2008:33). It is through these reports that the municipal executives and administration are held accountable for the performance of the municipalities as well as the utilisation of different financial revenues received and spent by the municipalities. Municipal oversight committees are constitutionally charged with the obligations of overseeing and evaluating effectiveness of the process for the implementation of different municipal programmes (Local Government: Municipal Finance Management Act 56 of 2003; Steytler & De Visser 2008:33).

The purpose of the municipal oversight committees is to facilitate the development of a common standard, vision and principles for assessing the effectiveness of the decisions and processes for the implementation of different municipal programmes (Section 141 of the Constitution of the Republic of South Africa, 1996, Act, 108 of 1996). Through the accomplishment of such roles, municipal oversight committees play magnificent roles in the monitoring of the expenditure of tax revenue and the results achieved (Makhado et al. 2012:4). In effect, it is therefore critical for municipal oversight committees to act in non-partisan and political fashion to enhance the holding of municipal authorities accountable (Makhado et al. 2012:4). The establishment of the municipal oversight committees echoes the stipulations in the Public Finance Management Act (PFMA) 1 of 1999 that agitates for the regulation of financial management in the national government and provincial governments as well as at the municipal levels. In terms of the provisions of the Constitution of the Republic of South Africa, all municipal oversight committees must also ensure all their activities are transparently and ethically accomplished to enhance the entrenchment of the democratic principles (The Constitution of the Republic of South Africa, 1996, Act, 108 of 1996). However, existing trends indicate the enhancement of such democratic principles and the overall the effectiveness of most oversight committees to be affected by poor skilfulness of the councillors, impartiality induced by lack of appropriate municipal committee system, corruption, lack of essential resources and political peddling among councillors of different political parties (Miso 2011:27). It is against that backdrop that this research is being conducted.

3. PROBLEM INVESTIGATED

The use of inappropriate framework for municipal oversight committees undermines the overall effectiveness of the performance of the municipalities. Municipalities rely on the municipal oversight committees to constantly monitor and improve the process for the implementation of different projects as well as the determining of budgets and new policies measures that must be undertaken. In the event of ineffective oversight committees, most municipalities may not therefore be able to effectively optimise the limited public resources and achieve most of their strategic objectives and goals.

4. PURPOSE OF THE RESEARCH

The aim of this research is to evaluate structural and competency deficiencies that mar the effectiveness of the contemporary municipal oversight committees so as to develop a grid of critical structural measures and competencies that can be suggested.

5. METHODOLOGY

The study uses conceptual analysis as a principle qualitative research technique (Blanchette 2012:5; Boghossian 2011:488). Conceptual analysis also involved a meta-synthesis of different theories and empirical studies on municipal oversight committees (Blanchette 2012:5; Boghossian 2011:488). Conventional theories on conceptual analysis indicate a meta-synthesis to often involve application of three critical steps; reviewing of existing theories and empirical studies, identification of the recurring themes relevant to the phenomenon being

research, mapping and creating a theoretical framework providing logical explanation of the cause-and-effect relationship of the phenomenon being research (Blanchette 2012:5; Boghossian 2011:488). In line with these conventional views (Blanchette 2012:5; Boghossian 2011:488), a meta-synthesis in this research was guided by the three critical research questions:

- What are the structural measures and critical competencies that influence effectiveness of the contemporary municipal oversight committees?
- Which structural and competency deficiencies are inhibiting effectiveness of municipal oversight committees in South Africa?
- Which grid would provide an integrated sets of structural measures and critical competencies for improving effectiveness of the contemporary South African municipal oversight committees?

In a bid to seek answers to these research questions, a meta-synthesis of different theories and prior empirical studies were undertaken using four main steps:

- Critical analysis of the contemporary theories on the structural measures and competencies that influence effectiveness of the municipal oversight committees
- Evaluation of prior empirical studies, government documents and legislations on municipal oversight committees in South Africa
- Comparison and contrasting of theories and empirical findings on the inhibitors of municipal oversight committees in South Africa
- Identification and mapping of themes highlighting major structural and competency deficiencies inhibiting effectiveness of municipal oversight committees in South Africa

The identification of such themes and the process of mapping led to the development of a grid providing integrated sets of structural measures and critical competencies for improving effectiveness of the contemporary South African municipal oversight committees. The details of the results of meta-synthesis are as presented in the next section.

6. RESULTS

The results of meta-synthesis are presented in section according to the two main sections that include:

- Theories: Municipal oversight committees as predictors for effective performance of municipalities
- Empirical Facts: Challenges of municipal oversight committees in South Africa

6.1 Theories: Municipal Oversight Committees as Predictors for Effective Performance of Municipalities

Municipal oversight committees refer to the legislative organs that are established with the motive of facilitating evaluation of the process of the accomplishment of different activities at the municipal level (Esmark & Triantafillou 2010:8; Mulgan 2003:1; Rhodes & Weller 2005:13; Rosenbaum 2014:6). The purpose of such evaluation is often to assess whether the way the municipal administrators and executives are accomplishing different activities may lead to the attainment of different outlined municipal and governmental objectives (Mulgan 2003:1; Rhodes & Weller 2005:13). The modern concept of the municipal oversight committees is derived from the notion of public accountability undertaken for decades at Westminster in the United Kingdom and in different former British colonies (Rhodes & Weller 2005:13).

6.1.1 Westminster Archetype Model of Public Accountability

The Westminster Archetype model is derived from the United Kingdom's system of government, audit and ex-post financial scrutiny by the parliamentary committee (Rhodes & Weller 2005:10). The description of the concept of oversight committees in this model implies whereas the national parliament public accounts committee deals with the scrutiny of financial expenditures at the national level, the municipal oversight committees are charged with doing the same at the municipal level (Rhodes & Weller 2005:13; Mulgan 2003:1).

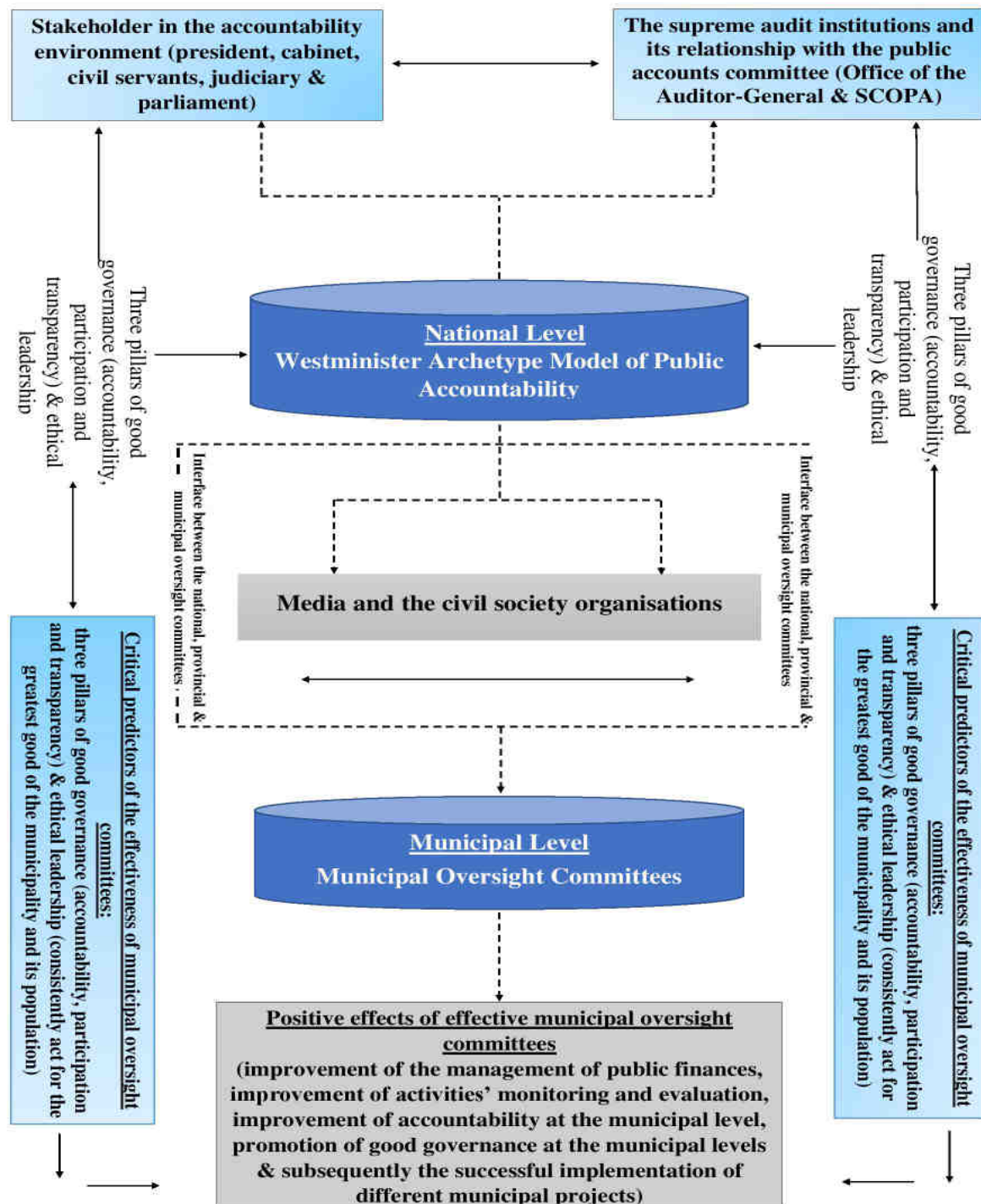


Figure 1: Westminster Archetype Model of Public Accountability

Source: Rhodes & Weller (2005).

Although it is modified using views from other theories on municipal oversight committees (Esmark & Triantafyllou 2010:8; Mulgan 2003:1; Rhodes & Weller 2005:13; Rosenbaum 2014:6), Figure 1 provides the details of the model. The Westminster Archetype Model posits the critical actors in government accountability to include: stakeholder in accountability environment, the supreme audit institutions and its relationship with the public accounts committee, and the media and the civil society organisations (Rhodes & Weller 2005:13). Under the stakeholder in accountability environment, the model highlights although the critical stakeholders are the president, his cabinet and the civil servants, most fundamental roles of accountability are accomplished by parliament (Rhodes & Weller 2005:13). The domain of the supreme audit institutions and its relationship with the public accounts committee examines the relationship between the auditor general in monitoring and evaluating public expenditures and the process for the utilisation of public resources in conjunction with the

roles played by public accounts committee (Esmark & Triantafillou 2010;8).

The construct of the media and the civil society organisations assesses whether a public government department accomplishes its tasks more transparently in the way that it allows independent media and civil society organisations to access relevant information (Lindberg 2009:5; Stefanick 2013:66). It is through the accessibility to such information that the media makes public servants accountable to the larger citizenry of the country. Effective use of this model would enhance the overall effectiveness of the municipal oversight committees (Lindberg 2009:5; Stefanick 2013:66). However, most authors argue that unless accompanied by the integration of the three pillars of good governance that include accountability, participation and transparency, the overall positive effects of oversight committees towards enhancing the improvement of the performance of municipalities may be only minimal (Atkinson 2007:18; Borowiak & Craig 2011:48; Gyong 2014:71).

6.1.1.2 Pillars of Good Governance

Activities accomplished by most of the municipal oversight committees in governments around the world require transparency and accountability (Atkinson 2007:18; Borowiak & Craig 2011:48; Gyong 2014:71). Without the integration of the concept of good governance effective performance of most municipal oversight committees may be undermined (Borowiak & Craig 2011:48). Good governance refers to the process of managing and governing an organisation to ensure that all decisions and public resources entrusted to public servants are used in the manner that contribute to the optimisation of the values that the entire members of the public are to gain (Atkinson 2007:18; Gyong 2014:71). For the integration of the concept of good governance to influence the effectiveness of accountability of the holders of public offices, different authors argue it is critical the eight main principles that must be considered include; participation, rule of law, transparency, responsiveness and consensus orientation, effectiveness and efficiency, and accountability (Rhodes & Weller 2005:13). These seven pillars are often condensed into three pillars that include accountability, participation and transparency and evaluated as follows (Esmark & Triantafillou 2010;8; Mulgan 2003:1; Rhodes & Weller 2005:13; Rosenbaum 2014:6).

- **Accountability**

Accountability connotes a process of getting holders of public offices to explain the basis and the reasons of their actions. It is a process of holding public office-holders responsible for their actions (Bjorkman & Svensson 2009:735; McGee & Gaventa 2014:5). Accountability deals with reporting and providing reasons for decisions concluded by public authorities. Through municipal oversight committees, municipalities and the general public are able to hold the municipal officials accountable and responsible for different reasons (McGee & Gaventa 2014:5). This implies in the event that the principle of accountability is undermined by municipal authorities, it can turn difficult to hold such officials responsible for their actions. Accountability is a key requirement of good governance that requires accurate financial reporting, publication of annual reports, and encouragement of the responsible use of resources (Benito & Bastida 2009:403). At the municipal levels, one of the indicators of effective accountability is often latent in the existence of a system of internal review such as the municipal oversight committees. The overall effectiveness of the process for enhancing accountability is also measured by the extent to which the officials encourage adherence to the rule of law and participation of different stakeholders in the decision making process (Benito & Bastida 2009:403).

- **Participation**

Participation is a process of involving different stakeholders in the decision making process and in the process of monitoring and evaluation of whether such decisions are being successfully implemented (Newell & Bellour 2002:16). The municipal oversight committees that perform the role of facilitating good governance at the municipal levels can fail dismally if the principle of participation is not entrenched. For a municipal oversight committee to be regarded as effective, it must ensure that different members and stakeholders are invited to participate in decision making process and policy formulations in different areas (Prat 2005:862). Participation in such committees can either be through direct representation, or provision of mechanisms such as letters for the relevant stakeholders to suggest and comment on issues that are of contention (Prat 2005:862). At the municipal levels, those participating in the municipal oversight committees may not only be municipal officials, but also other stakeholders such as suppliers, customers and the general public (Claasen & Lardies 2010:111). Participation is one of the measures for checking and improving the quality of the decision making processes. It is therefore a feature that defines the overall effectiveness of the municipal oversight committees (Claasen & Lardies 2010:111). In addition to embracing the principles of accountability and participation, transparency is the other principle that the formulators of the municipal oversight committees must consider (Lawson & Rakner 2005:44).

- **Transparency**

Transparency refers to the process through which municipal officials and the holders of public offices encourage open and free process of concluding different decisions (Esmark & Triantafillou 2010;8; Rhodes & Weller 2005:13; Rosenbaum 2014:6). Consultation and involvement of all the key stakeholders in the decision making process are critical requirements of transparency. This also requires encouraging access to information before,

during and after the conclusions of relevant decisions (Rhodes & Weller 2005:13). It is not only the adherence to the principles of good governance that influences effectiveness of the municipal oversight committees, but also the overall preponderance of the municipal leaders and managers to act ethically (Dracy 2010:198; Thompson, Thach & Morelli 2010:107).

- **Ethical Leadership**

Stronger preponderance of municipal leaders to act ethically implies they are often less likely to interfere in the process of activities' accomplishments by the municipal oversight committees (Thornton 2009:58; Walton 2008:79). The concept of the best good for the wider population is one of the founding theories of ethical leadership (Monahan 2012:56). Ethical leadership not only facilitates the participation and consultation of the community on different government programmes, but also the optimisation of the limited resources to ensure that programmes do not run short of the resources which are required for such programmes to be successful (Moreno 2010:97). Whereas participation and consultation influence the quality of projects that the government is implementing, effective optimisation of resources resulting from ethical leadership impacts positively on the quantity of services that the government is able to deliver from certain limited financial resources (Sandel 2009:16). The emphasis of the concepts such accountability, transparency and responsibility enables public sector leaders diffuse the sources of corruption that often cause loss of funds required for the implementation of different government projects (King 2008:717 Binns 2008:600). The use of measures such as the internal and external audit system that often influences the assessment of the extent to which the use of the available funds is contributing towards the achievement of the best good for the wider population (Thornton 2009:58; Walton 2008:79).

Internal audit influences the effectiveness of risk management by identifying potential problem areas, both financially and operational and recommending ways of improving risk management and internal control systems (Binns 2008:600; Sandel 2009:26). As much as ethical leadership influence the effectiveness of internal audit, likewise internal audit also enhance the effectiveness of ethical leadership. Internal auditors assist the organization by ensuring that it adheres to its procedures and policies and that it maintains accurate financial records (Binns 2008:600; Sandel 2009:26). In this endeavour, the management and audit committees expect internal auditors to conduct fraud detections and conduct appraisals of different operations and controls of the organisation. This facilitates the verification of whether financial and operating information is accurate, risks are identified and minimised, policies and procedures are implemented, whether resources are used effectively and economically and whether organizations objectives are obtained (Plinio, Young, Judith & Lavery 2010:172). However, a meta-synthesis of prior empirical studies indicated the overall effectiveness of most of the municipal oversight committees is still constrained by a number of limitations (Gbaffou 2007:10; Department of Cooperative Governance 2013:23; Community Law Centre 2008:10).

6.2 Empirical Facts: Challenges of Municipal Oversight Committees in South Africa

However, recent empirical facts indicate the three areas of challenges that inhibit the effectiveness of the contemporary South African municipal oversight committees to include hollow peer accountability, impartiality and capacity constraints (Department of Cooperative Governance 2013:23; Community Law Centre 2008:10; Paradza et al. 2010:33).

- **Peer Accountability**

In the context of the Municipal Structures Act and the Municipal Systems Act, the executive branch of the municipality that comprises of the major and the mayoral committee are expected to report and be held accountable by the municipal council (Community Law Center 2008:15; Paradza et al. 2010:33). In a bid to accomplish these roles, Section 2 of the Municipal Systems Act requires greater level of accountability and communication between the municipal executive and the municipal council. However, practices that have evolved over time seem to mar the extent to which the municipal executives are able to be effectively held accountable by the municipal council (Gbaffou 2007:10; Department of Cooperative Governance 2013:23; Community Law Centre 2008:10). This is reflected in the interpretation of Section 20 (3) of the Municipal Systems Act that seems to have been over stretched to deny the municipal council and other committees access to critical meetings and information.

Section 20 (3) of the Municipal Systems Act mandates the municipal executive that comprises of the mayor and executive committee to close its meetings and other communications from the public where it deems fit to do so. This curtails the application of the principle of transparency and open communication which are often critical for enhancing accountability in the public sector (Gbaffou 2007:10; Department of Cooperative Governance 2013:23; Community Law Centre 2008:10). With lack of communication and available data, it becomes difficult for the municipal council to conduct relevant analysis and effectively exercise its oversight roles. The intention behind Section 20 (3) of the Municipal Systems Act is to bestow the municipal executive with substantial powers so that the municipality can operate more efficiently and effectively. It is however widely apparent that such powers have in certain cases been used to undermine accountability by denying the

accessibility of the council and the public to critical meetings on items such as by-law, budget deliberations and IDP formulation. This exclusionary effects of the interpretation of Section 20(3) of the Municipal Systems Act not only affects accountability, but also involvement and consultation of the general public through councillors who are the elected representatives (Gbaffou 2007:10; Department of Cooperative Governance 2013:23; Community Law Centre 2008:10).

It is not only through such a situation that peer accountability seems hollowed, but also in the discretionary powers for the creation of Sections 79 and 80 committees. It is not mandatory that the municipality must have all the necessary Sections 79 and 80 committees. These discretionary powers are provided in Section 33 of the Municipal Structures Act which indicates depending on the need for delegation and available resources as well as the extent of its function and powers, a municipality may establish the Sections 79 and 80 committees. Section 79 committees are established by the municipal council by appointing councillors from among its members. Section 80 committees are established by the council to assist the executive mayor (Community Law Center 2008:15; Department of Cooperative Governance 2013:20; Paradza *et al.* 2010:33). Whereas section 79 committees report to the council, section 80 committees report to the executive mayor. This raises another issue of impartiality linked to the fact that the same councillors tend to sit in different committees (Community Law Center 2008:15; Department of Cooperative Governance 2013:20; Paradza *et al.* 2010:33). It affects the effectiveness of peer accountability for reason that some of the councillors that sit in the mayoral committees to formulate and implement policies also often turn out to be the same councillors that sit on the municipal oversight committees (Department of Cooperative Governance 2013:20). This undermines effective upholding of the principle of impartiality and responsibility which is critical for effective accountability in the contemporary public sector organisations. In other words, this leads to the issue of autonomy and impartiality of the municipal oversight committees (Community Law Center 2008:15; Department of Cooperative Governance 2013:20; Paradza *et al.* 2010:33).

- ***Impartiality***

The impartiality of the different spheres of governance at the municipal level is one of the trajectories for effective performance of the municipal oversight committees (Makhado *et al.* 2012:4). The Municipal Structures Act, Municipal Systems Act and Municipal Finance Management Act possess provisions that enable the municipal council and the municipal administration to operate more autonomously (Gutto *et al.* 2007:33). However, the implications of the constitution that does not provide for the separation of powers at the local government level are still quite strong (Miso 2011:5). As much as municipalities have administrative units, most of the activities are accomplished by the municipal councils. Municipal councils therefore tend to act as the policy formulators and implementers as well as the oversight committees for monitoring effectiveness and efficiency of the process for the implementation of different municipal programmes (Miso 2011:5). This affects the principle of impartiality and the desired level of autonomy which are necessary for the municipal oversight committees to work more effectively (Miso 2011:5). The effectiveness of the oversight committees is often undermined by the wider powers granted to the municipalities to hire and fire their administrative staffs and directors. Municipal councils are expected to hire its own administrative staffs so that they can control the process for the accomplishment of different municipal activities (Community Law Center 2008:15). Risks may however arise from the tendency of the municipal council to appoint personnel of similar political affiliations (Community Law Center 2008:15). If that is not the case, external political influence exerted by the ruling political party may dictate the political tone that the staffing and the human resource structures of the municipalities undertake (Community Law Center 2008:15). The administrative sphere of the municipality may therefore tend to be occupied with the majority of the personnel from the same political affiliations just like in the municipal council (Gbaffou 2007:26). Due to the need for collective responsibility, oversight committees can easily compromise certain failures and activities for the sake of protecting the image of the party. In other words, this leads to political peddling that subsequently affects the overall effectiveness of the municipal oversight committees that are supposed to be as objectively as possible (Community Law Center 2008:15).

- ***Capacity Constraints***

Effective performance of most of the municipal oversight committees is often undermined by capacity constraints linked to lack of skills, work overload and inability to handle different challenges faced by wards (Gbaffou 2007:26). The major functions of the oversight committees involve evaluation of the financial performance of the municipality, and milestones and challenges faced in the process of project implementation (Paradza *et al.* 2010:33). It is also involves analysis of critical decisions undertaken to improve service delivery within the municipality. This implies councillors that sit in the municipal oversight committees must exhibit thorough understanding of the applications of different legislations, concepts in monitoring and evaluation, and critical skills for project and programme implementation (Gbaffou 2007:26).

Unfortunately, it has often turned out that most of the new councillors tend to struggle before attaining the desired level of competencies (Paradza *et al.* 2010:33). In the period that they are in the learning process, the overall effectiveness of the oversight committees tend to be affected. Even for more experienced councillors, the

fact that councillors are elected on the basis of the support in their political constituents and mobilisation capabilities have often led to the undermining of the educational requirements for the job (Local Government: Municipal Electoral Act 27 of 2000; Community Law Center 2008:15). In effect, the rigorous processes associated with the activities of oversight committees have often just turned into an avenue for stamping the decisions of the council or the executive mayor (Community Law Center 2008:15). Although training programmes are often conducted to improve the competencies of the councillors sitting in the municipal oversight committees, such trainings have often not be effective. In most cases, training and skills development programmes are only conducted for shorter durations, yet there are so many areas that the competencies of the councillors must be improved (Paradza *et al.* 2010:33). Constant consultation with the electorates is therefore a requirement (Paradza *et al.* 2010:33). However, the effectiveness of consultation is noted to be limited by poor turnout for ward meetings due to the fact that most of the ward residents have lost trust and confidence in councillors that have been promising services that were never delivered. This also affects the performance of the councillors in the oversight committees.

7. DISCUSSION

There is strong evidence that there is significant initiative to ensure the overall effectiveness of the contemporary South African municipal oversight committees (Gutto *et al.* 2007:33; Miso 2011:5). The establishment of sections 79 and 80 committees in most of the municipalities is testimony to that. Despite certain challenges, there is also wide evidence indicating successes achieved as a result of the work performed by the municipal oversight committees. Some of these achievements are reflected in the improvement of activities' monitoring and evaluation, resource optimisation and the successful implementation of different municipal programmes. However, findings imply that there are also inhibitors. The tendency for Section 20 (3) to be interpreted exclusionary by the executive mayoral committee was noted to undermine the extent to which its activities can easily be checked and evaluated by the municipal council and other Section 79 committees.

Although the impartiality of the executive mayoral committee is critical for effective performance of the municipalities, the exclusionary tendencies in the interpretation of Section 20 (3) contravenes the principle of transparency and participation. Transparency and participation are important concepts in public accountability (Dracy 2010:198; Thompson *et al.* 2010:107). By restricting access to certain meetings and information, the executive mayoral committee renders it difficult for the municipal oversight committee to effectively accomplish its oversight roles. Such a circumstance undermines the overall extent to which the municipal oversight committees are able to effectively accomplish their oversight activities and influence the ability of the municipalities to perform more effectively accountability (Dracy 2010:198; Thompson *et al.* 2010:107). Theoretical analysis indicates most of the municipal oversight committees play critical roles that are often linked to the improvement of activities' monitoring and evaluation, the improvement of accountability at the municipal level, promoting of good governance at the municipal levels, and the successful implementation of different municipal projects and programmes (Mulgan, 2003:1). Even if measures were to be undertaken to address the structural challenges that cause hollow peer accountability and impartiality, the challenge would still arise from the overall lack of skilfulness and competencies of certain councillors (Gbauffou 2007:26). In other words, recent empirical facts indicate the three areas of the challenges that inhibit the effectiveness of the contemporary South African municipal oversight committees to include hollow peer accountability, impartiality and capacity constraints (Department of Cooperative Governance 2013:23; Community Law Centre 2008:10).

8. MANAGERIAL IMPLICATIONS

For the municipal oversight committees to perform more effectively, it is argued that municipalities must adopt the grid in Figure 2 to address certain structural and competency deficiencies that mar the effectiveness of the contemporary South African municipal oversight committees. In the context of the illustration in Figure 2, this will involve the application of two sets of strategies: structural review of the municipal oversight committees and development of critical competencies for effective performance of the municipal oversight committees.

8.1 Structural review of the municipal oversight committees

To deal with existing structural inhibitors of the effectiveness of the municipal oversight committees, the municipalities will have to apply the following two strategies:

- **Strategy 1: Review of the Existing Municipal Community System**

The local government must establishment a supreme municipal public accounts committee (SUMPAC) with significant powers to evaluate all the activities of the mayor, the mayor executive committees and all the section 79 and 80 committees. In this endeavours, the members to be appointed to SUMPAC should not necessarily be councillors, but experts of public accounts and finance or project implementation and public law drawn from the pool of consultants or academics from the larger society. As it is illustrated in Figure 2, there must also be review of the Municipal Structures Act and the Municipal Systems Act to provide Section 79 Committees with

significant powers to check all Section 80 Committees.

• **Strategy 2: Transparency and Accountability**

Under the second set of strategies to be undertaken, the local government must consider lobbying the other spheres of government for the repeal of Section 20 (3) of the Municipal Systems Act to allow municipal council access meetings, information, data and all communication of the decisions of the mayor and the mayoral executive committee. This will influence improvement of the level of involvement and consultation of all the councillors and administrative aspect of municipal authorities as well as the public on decisions and matters that concern the wellbeing of the municipality. To encourage further transparency and accountability, councillors from the ruling party must comprise the membership of the Section 80 Committees, and Section 79 must be filled by councillors from the other political parties to ensure effective check of section 80 committees by the section 79 committees.

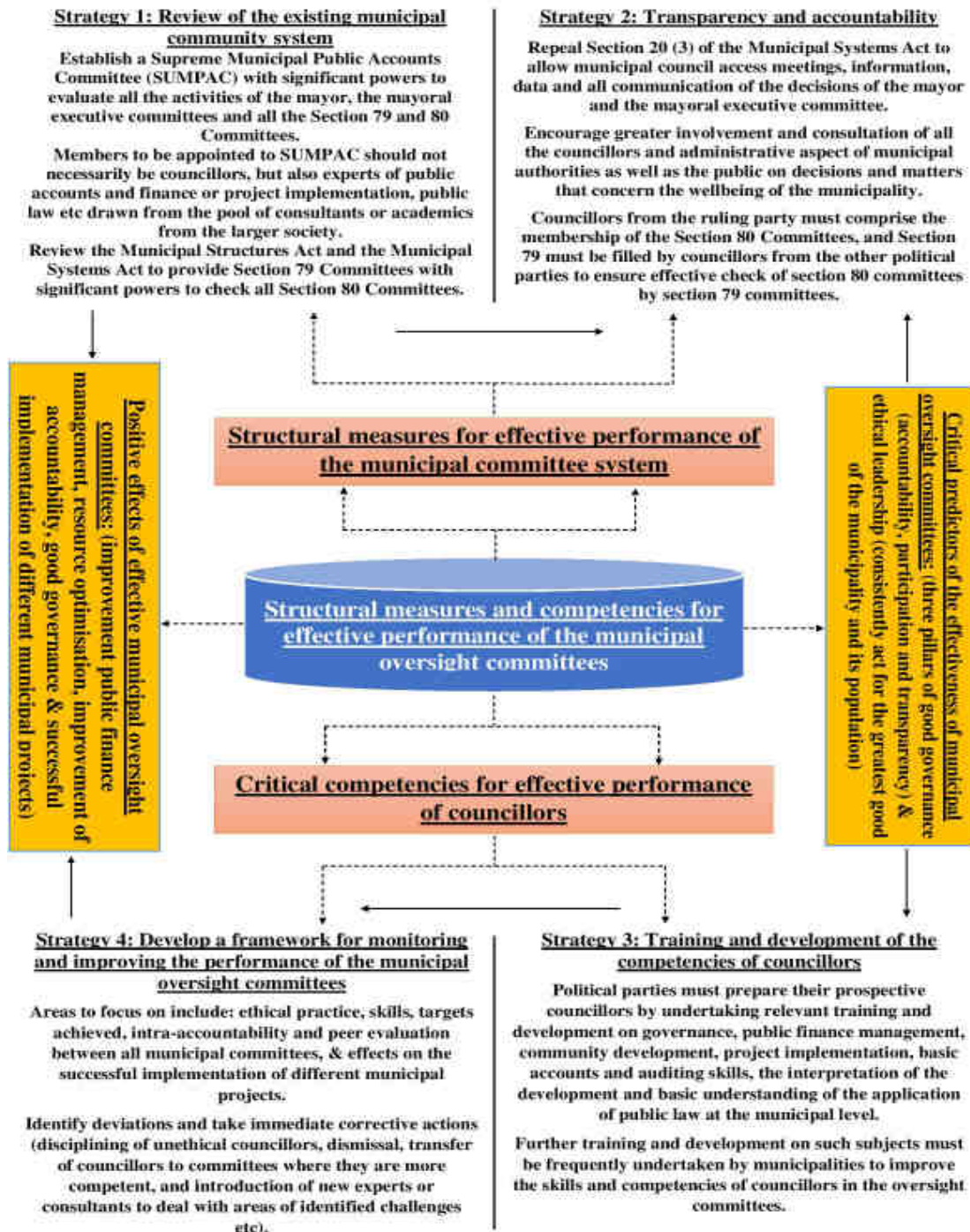


Figure 2: A grid of structural measures and competencies for effective performance of the municipal oversight committees

8.2 Critical competencies for effective performance of the municipal oversight committees

The activities to be undertaken under this strategy will involve the design and implementation of the measures for improving the development of critical competencies for effective performance of the municipal oversight committees. In line with the illustration in Figure 2, the two sets of strategies that can be applied in this initiative include:

- **Strategy 3: Training and development of the competencies of councillors**

Prior to appointment of councillors, political parties must prepare their prospective councillors by taking for them relevant training and development on governance, public finance management, community development, project implementation, basic accounts and auditing skills, the interpretation of the development and basic understanding of the application of public law at the municipal level. These will prepare them in terms of the critical skills and competencies expected of them to perform more effectively in the oversight committees. Further training and development on such subjects must be frequently undertaken by municipalities to improve the skills and competencies of councillors in the oversight committees. This must be accompanied by the adoption of the framework that can be used for assessing whether the councillors and the municipal oversight committees are performing more effectively.

- **Strategy 4: Develop a framework for monitoring and improving the performance of the municipal oversight committees**

Areas to focus on include: ethical practice, skills, targets achieved, intra-accountability and peer evaluation between all municipal committees. As the process of monitoring and evaluation is being undertaken, focus must be directed towards the identification of the areas where there are deviations. This will influence the determining of the immediate intervention measures that can be undertaken. Some of the immediate corrective actions that can be used may involve disciplining of unethical councillors, dismissal, and transfer of councillors to committees where they are more competent, and introduction of new experts to deal with areas of identified challenges.

9. CONCLUSION

Accountability, participation and transparency are not only major pillars for good governance, but also critical predictors for effective performance of the municipal oversight committees. Unfortunately, effective accountability, participation and transparency were found to be undermined by the exclusionary interpretation of section 20 (3) by the municipal executive mayoral committee that leads to the exclusion of the municipal council and Section 79 committees from certain meetings and information. Since councillors are directly elected from the larger society irrespective of the level of education and expertise, the other challenges were also found to be latent in the skills and competencies of councillors to effectively accomplish the technically complex activities of the municipal oversight committees. The study attempts to address such challenges by postulating a grid of critical structural measures and competencies that can be suggested for improving the performance of councillors and municipal oversight committees. However, since the performance of the municipal oversight committees and the municipal in general is multidimensional, future research can examine how the suggested grid in Figure 2 can combine with other strategies to influence the overall improvement of the performance of the municipalities.

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