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THE LOCAL GOVERNMENT ASSOCIATION OF RHODESIA

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REVIEW OF LOCAL GOVERNMENT ADMINISTRATION IN THE
TRANSVAAL WITH PARTICULAR REFERENCE TO THE
MANAGEMENT COMMITTEE SYSTEM

by

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INTRODUCTION:

I have been asked to speak this afternoon on the Management Committee System which is operating in the Transvaal. I am, however, going to comment on many aspects concerning local government which apply generally, and not as a result of the new system operating in the Transvaal.

In 1964, your Association received a report on the system as a result of a visit to Johannesburg and other cities in the Transvaal, by the Town Clerks of Salisbury, Bulawayo and Umtali. For ease of reference I shall call this the "Association's 1964 Report".

One of the recommendations contained in that report was that it would be better for local authorities in Rhodesia to wait a while to see how the new system operated, before the system was considered or adopted in Rhodesia. I am sure that I have been asked to speak to you today so that you can again assess the position and see whether the Management Committee System should be considered in Rhodesia, and, if so, what modifications should be suggested in the light of the experience gained in the Transvaal and elsewhere.

I will, therefore, in this paper, deal with the Transvaal system and the reasons for its introduction. I will then deal with the modifications as operative in Cape Town and the O.F.S. Thereafter, I shall endeavour to give some details of how the scheme works, the pros and cons of the system, and then suggest modifications which I feel should be introduced in the light of experience gained, and finally suggest questions you should ask before considering a change. In this, as in many other matters "quot homines tot sententiae - as many men, so many opinions".

THE TRANSVAAL SYSTEM:

In 1953 the Administrator of the Transvaal set up a commission "to enquire into and report on the system of Local Government in the Transvaal". There was a strong feeling that the multiple-committee system was inefficient, and that it should be replaced by a form of organisation capable of dealing with business more effectively and more expeditiously.

The main /....

The main findings of this Commission, headed by Advocate Marais, and generally referred to as the Marais Commission, were:

1. That the multiple-committee system is directly responsible for -
 - (a) the division of the council's officials into separate compartments, jealously guarded by their respective heads of departments;
 - (b) committees working independently of each other, and no administrative co-ordination, the heads of departments being similarly independent of one another;
 - (c) the temptation and opportunity to acquire power, and to misuse confidential information;
 - (d) direct access by committees to officials who are responsible for the carrying out of the council's directives;
 - (e) the interference with officials by Councillors and the undermining of morale and discipline;
 - (f) encouraging the view among councillors that each is invested with council's authority;
 - (g) council officials having too many bosses, namely, the councillors;
 - (h) fragmentation of the council's control: supervision and policy determination is a fundamental weakness of the system;
 - (i) public interest being stifled because committees work behind closed doors;
 - (j) taking up too much time of councillors, resulting in suitable persons being disinclined to offer themselves for council elections.

The Marais Commission proposed three inter-related innovations in the system of local government, and expressed the view that the adoption of any one rendered the other two almost inevitable, or at least very desirable.

The innovations recommended were :

- (a) The creation of a provincial body to be called "The Board for the Advancement of Local Government" to guide local authorities and to assist in the future development of local government in the Transvaal; (Later amended to "Local Government Advisory Board" when legislation was introduced.)
- (b) The abolition (or drastic curtailment) of the so-called "Committee system of local government".

(c) The creation /....

- (c) The creation of a new post in every self-governing local authority, namely, that of principal officer.

The Marais Commission's recommendations set out to correct :

- (a) The inefficiencies of the multiple-committee system;
- (b) the relationship between Councillors and officials;
- (c) the lack of co-ordination of council activities;
- (d) the lack of interest in municipal affairs;
- (e) the reluctance of capable people to serve as Councillors;
- (f) maladministration.

LOCAL GOVERNMENT IN OTHER PROVINCES:

Not only did the Transvaal subject local government to examination the Slater Commission studied the administration of Cape Town, and the Ecksteen Commission studied local government in the Free State.

The Slater Commission found that in Cape Town -

- (1) The Council of 45 was too large.
- (2) There were too many committees, resulting in fragmentation of control without effective co-ordination ... there was an uninhibited proliferation of committees, which came into existence or were retained to satisfy the ambitions of councillors with a view to chairmanships.
- (3) There was inadequate delegation to officials, which fact gravely and detrimentally clogged the work of the council and its committees. The effective administration of a large city like Cape Town is impossible unless there is considerable delegation to appropriate officials.
- (4) There was inadequate co-ordination in the city administration between departments every head of department should be subordinate and responsible to the town clerk.
- (5) The fault with the multiple-committee system lies in its abuse it is not entirely wrong and should not be totally abolished if safe-guarded against abuse it has a definite purpose and value if the management-committee is not to be overloaded there is a place for a limited number of standing committees.

The Slater Commission recommended inter alia that :

- (a) The council should be reduced to 30 members, and there should be four standing committees consisting of six councillors, each under the chairmanship of a member of the five-member management committee, whose chairman is not to serve on any standing

committee /....

committee the mayor is to be ex officio a member of all committees without a vote this will ensure "that every councillor will have a specific share in the work of the council".

- (b) Non-members of the management committee should not be permitted to attend its meetings, which would be cluttered and prolonged by their presence.
- (c) There must be extensive delegation of authority to senior officials, always subject to repeal.

AND the Ecksteen Commission found that :

- (1) The statutory requirement that a councillor must serve on at least one committee was implemented in such a way by certain councils that all councillors sat on all committees, which resulted in the council's functions being discharged in committee at least nine of the 31 councils in the Free State operated in that manner.
- (2) Although there was general agreement on the desirability of delegating powers to committees of the council, only one town in the Free State delegated such powers to its committees.
- (3) The management committee system undoubtedly causes non-members of that committee to have fewer duties and functions to perform but they are kept fully informed of action taken by the management committee, whose minutes are regularly to be made available to them.
- (4) The management committee system makes council meetings more manageable and less onerous, thereby encouraging businessmen and other leaders of the community to place their experience and knowledge at the disposal of municipal councils without binding themselves to the time-consuming tyranny of the multiple-committee system.
- (5) The management committee system is more appropriate to the larger town councils with their multiplicity of duties. Smaller councils function without committees because of the limited scope of their functions.

The Ecksteen Commission recommended inter alia that :

- (a) The recommendation of the Marais Commission that management committees be appointed for the life of the council is to be supported, because "the members are able to render more informed and efficient guidance than the continually changing chairman of committees, while they can also exercise much more efficient control over the different municipal departments".

(b) Because of /....

- (b) Because of the more exacting nature of their duties, and because a great part of their time will have to be devoted to municipal affairs, management committee members should receive a more liberal allowance than ordinary councillors.
- (c) In order to make the best possible use of the management committee system, wide powers should be delegated to that committee these powers should be clearly defined, and should not include matters of general policy or functions which the council itself is legally bound to discharge.
- (d) Non-members should not be allowed to attend management committee meetings save upon special invitation of the management committee.
- (e) The management committee system is to be recommended, although the commission is aware of the opinion that the duties of the ordinary councillor will be considerably reduced, in that he will only have to attend one or two full council meetings per month.

So we can see that local government administration has been under the microscope, and the multiple-committee system under severe attack.

EXAMPLE OF MULTI-COMMITTEE SYSTEM IN OPERATION:

At this point it may be of interest to recall remarks made by the then Town Clerk of Cape Town, Mr. Luyt, when addressing a Conference of Town Clerks. He was dealing with the difficulties caused by the many committees in Cape Town, whose terms of reference were finely distinguished and overlapped to a great extent. At one time there were 23 committees. Mr. Luyt said

" I would like to give you two classic examples of what can happen in these circumstances. There was the case of the firm that applied for the right to place towels in public conveniences. Some of these are situated in civic halls, which are controlled by the General Purposes Committee, others are in playgrounds falling under the control of the Amenities Committee, while others are looked after by the Health Committee. The General Purposes Committee thought that the firm would be rendering a useful public service and that no charge should be levied. The Amenities Committee decided that a charge of R2: per annum per establishment should be made, while the Health Committee doubted the practicability of the scheme as a whole. Eventually the matter was referred to the Finance Committee in view of the financial implications involved and this triggered off an argument between the Finance Committee and the Amenities Committee as to who should be responsible for public conveniences generally! Meanwhile, I believe the firm retracted gracefully from the battlefield, and that is where the matter ended."

" Then there /....

" Then there was the fairly recent case of the firm that wanted to erect City Guide units at various points in the city - that is maps of the city with directions and diagrams how to get to various places of interest. The matter went firstly to the General Purposes Committee from the point of view of the policy of allowing private firms to put up signs of this nature in the city; to the Plans Committee from the point of view of control of signs; the Streets Committee from the point of view of encroachments on the sidewalks, and the Traffic Committee from the point of view of obstructions on sidewalks, and the Finance Committee from the point of view of the rental to be charged. The Amenities Committee also came into the picture because of the proposal to attach one unit to the Sea Point Pavilion, and the Foreshore Committee because of the possible siting of a unit on the foreshore. However, after months of delay and masses of paper flowing from one committee to another and the heavy cost of employees' time, the firm gave up the ghost and the proposal was dropped."

INTRODUCTION OF MANAGEMENT COMMITTEE SYSTEM IN THE TRANSVAAL:

As a result of the report of the Marais Commission an Ordinance was introduced in the Transvaal in 1960, called the Local Government (Administration and Elections) Ordinance. This was gazetted in January 1961, and the first elections to give effect to the new Ordinance had to be held before 21st March, 1961. Under this Ordinance the Management Committee system was introduced :

The principal changes effected were :

- (1) That instead of multitudinous committees it became obligatory for local authorities in the Transvaal to have one committee, namely, the Management Committee Councillors to be elected for a period of five years, and at the commencement of the life of the Council the Management Committee to be appointed from the elected Councillors, and their term of office similarly to be for five years.

Under Section 60 provision was made for the appointment of four committees, subject to prior approval of the Administrator, these committees to report to the Management Committee and not the Council.
- (2) In order to co-ordinate the work of the Council, a Chief Executive and Administrative Officer to be appointed, namely, the Town Clerk, who is to be the accepted head of the service as a whole. He to have no departments to administer, and the work previously done by him to fall under the newly established post of Clerk of the Council.
- (3) The third change of significance is the appointment of the Local Government Advisory Board to advise the Province on local government matters.

A broad summary of the new system is contained in your Association's 1964 report as follows:

THE COUNCIL /....

THE COUNCIL AND THE MANAGEMENT COMMITTEE:

- (i) The Council is elected in the normal manner at a General Election which is held quinquennially, the entire Council retiring at each election. Thus Councillors are returned for a five-year term of office.
- (ii) Each city and town in the Transvaal is obliged to elect a management committee, which holds office for the full period of five years unless it is deposed en bloc by the Council, or its members resign individually or become disqualified.
- (iii) If the Council has more than twenty councillors, its management committee must consist of five members; if the Council has less than twenty councillors, the management committee must consist of three members.
- (iv) Once the Council has elected its Management Committee it must from among the members so elected, appoint a Chairman and Deputy Chairman. The status of Mayor and Deputy Mayor and their functions as Chairman and Deputy Chairman of the Council respectively, remains unaltered, except that if either or both are elected to the Management Committee, the Council must elect itself another chairman or deputy chairman or both, as the case may be. Under no circumstances may a member of the management committee be chairman or deputy chairman of the Council.
- (v) The quorum of the management committee is fixed at three and two depending on whether its total membership is five and three respectively. Its procedure may be determined by the Council by bye-law-regulation. Ordinary meetings must be held at least twice per month and special meetings may be convened by the chairman or by a majority of the members in writing.
- (vi) No person other than a member may be present at a meeting of the management committee, except at the request of, or with the permission of, the Committee.
- (vii) Its minutes and those of its committees must be confirmed within six weeks and thereafter tabled for the information of members of the Council.
- (viii) The Council may pass, by an absolute majority, a vote of no confidence in the management committee. This must be done at a special meeting of the Council convened by the Town Clerk on the request in writing of not less than

one-third /....

one-third of the councillors present at an ordinary meeting where the total number of councillors consists of not more than eighteen councillors, or not less than six of those present when there are more than eighteen councillors. If the Council does pass such a vote of no confidence, it may further resolve that all members of the management committee shall cease to hold office and it shall then proceed to elect a new committee.

- (ix) The statutory functions of the Management Committee are :
- (a) to ensure that the resolutions of the Council are carried out;
 - (b) to consider any matter which is entrusted to the Council in terms of the provisions of any law or is of a local government nature excluding any matter which the Council has requested the Management Committee not to consider, and to advise the Council and to make recommendations to the Council in connection therewith;
 - (c) to prepare estimates of revenue and expenditure of the Council;
 - (d) to make staff appointments other than those of Town Clerk, Heads of Departments and any other post determined by the Council;
 - (e) to control the expenditure of all moneys voted by the Council in its approved estimates, and all other moneys or funds made available to the Council;
 - (f) to report monthly to the Council on the carrying out of its functions.

The Council or the Administrator may direct that Item (d) above may be carried out by the Council only. The Management Committee has the power to suspend any officer of the Council, whether appointed by the committee or not, subject to certain conditions which are imposed as regards suspension of the Town Clerk and Heads of Departments.

- (x) The Management Committee may not -
- 1. Make bye-laws;
 - 2. levy or reduce rates;
 - 3. levy or reduce tariffs or fees, or
 - 4. raise loans.
- (xi) The Council may delegate to the Management Committee conditionally or otherwise, such further functions, duties and powers as it may deem fit. The Council may authorise the Management Committee to delegate in turn to a Section 60 standing committee or to any officer of the Council, any power delegated to the Management Committee.

(xii) All delegations /....

- (xii) All delegations are subject to the prior approval of the Administrator and such conditions as he may impose. The Administrator may withdraw any delegation at any time.
- (xiii) Ad hoc Advisory Committees composed of Councillors or otherwise may be appointed by the Council or by the Management Committee to inquire into any matter within the Council's jurisdiction but such committee must report to the Management Committee.
- (xiv) If a city council is of opinion that its Management Committee is unable to cope satisfactorily with all the powers and duties delegated to it, it may request the Administrator to authorise the appointment of one or more committees from the members of the Council with such powers, functions and duties as may be determined by the Council for either a general or specific purpose. These are commonly known as "Section 60 Committees". Once the Administrator has approved the request and imposed any conditions he deems fit, the Council may appoint the committees. One member of each committee must be a member of the Management Committee who is appointed by the Management Committee and is the Chairman of the Committee. Each of these standing committees must report to the Management Committee on the matters dealt with by it in terms of powers, duties and functions delegated to it by the Management Committee. Those reports must in turn be submitted by the Management Committee to the Council.
- (xv) No person other than a member may attend meetings of a standing committee except at the request of or with the permission of the Committee.
- (xvi) The Council may, with the consent of the Administrator, pay to members of the Management Committee such remuneration and allowances as it may determine. Payment is made monthly and the amounts authorised by the Administrator vary according to the income of the town as is shown in the following table. Some Councils have not paid the maximum allowances permitted.

TRANSVAAL PROVINCE

MAXIMUM MONTHLY ALLOWANCES FOR COUNCILLORS

AS FROM 1ST JULY, 1971.

<u>WHITE POPULATION</u>	<u>MONTHLY ALLOWANCE</u>
Up to 2 500	R 12-50
Up to 5 000	R 17-50
Up to 10 000	R 25-00

Up to 25 000 /....

Up to 25 000	R 45-00
Up to 50 000	R 70-00
Up to 100 000	R100-00
Up to 200 000	R125-00
Above 200 000	R135-00

As from the 1st January, 1973, the maximum allowance payable to councillors of cities where the white population is above 200 000 has been increased to R150: per month.

The allowances permitted to members of the management committee are a sum equal to double that allowed to councillors. This is in addition to the allowance received as councillors. The Chairman of the management committee may be paid a further additional allowance not exceeding 10% of such allowance.

In Cape Town all councillors receive an allowance of R100: per month. The Chairman of the Executive Committee receives, in addition, an allowance of R3 000: per annum, the Deputy Chairman R2 700: per annum, and other members R2 400: per annum.

THE ADMINISTRATIVE/EXECUTIVE STRUCTURE:

- (xvii) It is obligatory on all city and town councils to appoint:
- (a) a town clerk who is to be the chief executive officer of the council and who is to be paid (unless the Administrator decides otherwise) a salary that is higher (but by not more than 10%) than that of the next highest paid officer of the Council;
 - (b) a clerk of the council.
- (xviii) The Town Clerk shall not be the head of any particular department, section or branch of the local authority.
- (xix) The Town Clerk's statutory functions, powers and duties are :
- (a) he shall be charged with and be responsible for the proper carrying out of all directions of the council and of the management committee; the co-ordination of the activities of the council and the general supervision, control and efficiency of the administration, organisation and management of the council's departments, sections or branches; and
 - (b) he shall be responsible for all communications between the management committee and the council's departments, sections or branches.
- (xx) The Town Clerk's position as principal officer is further entrenched by the Ordinance which provides that every head of department, except in respect of such functions, duties and powers conferred or imposed on him by virtue of any other law "is subordinate to and responsible to the Town Clerk for the proper management of the department entrusted to him."

(xxi) Local /....

(xxi) Local authorities were permitted to make the first appointment of Town Clerk under the new system but any subsequent appointment is rigidly controlled and must follow a definite procedure as detailed hereunder :

1. The Council must invite applications for the position by advertising not less than three times during a period of not less than two weeks in at least one English and one Afrikaans newspaper circulating in the area;
2. When applications have been received they must be submitted to the Local Government Advisory Board. At the same time the Council may make any recommendations it wishes regarding any applicant.
3. When the Advisory Board (after consultation with the Council) has considered all the applications, it prepares a short list of applicants who, in its opinion, are suitable and qualified for the appointment and submits such list to the Council;
4. Thereafter the Council must appoint one of the applicants whose name appears on the Board's short list.

(xxii) The clerk of the Council is statutorily responsible for :

1. the preparation of agendas; the submission of documents and recommendations and the minuting of the proceedings of the council, the management committee and any other committee of the council or management committee;
2. ensuring that all legal matters of the council, management committee and any committee of the council or management committee receive the necessary attention;
3. the safe custody of the documents, records and registers of the council, management committee and any other committee;
4. the carrying out of any other duty or direction imposed or given by the council, management committee or the Town Clerk.

(xxiii) The Clerk of the Council is the head of the old Town Clerk's Department, and this is now called the Clerk of the Council's Department.

ADVISORY BOARDS:

(xxiv) Initially the recommendation was for a provincial body to be called "The Board for the Advancement of Local Government", but the Provincial Council preferred to establish what was called a Local Government Advisory Board, with advisory rather than executive functions.

This Board consists of three members appointed by the Administrator for a period of five years. Of the members one must be experienced in local government, the second possess experience in commerce, industry or financial affairs, and the third be experienced in one or more professional fields.

- (xxv) The Board's functions are to advise the Administrator, on its own initiative, or upon any matter referred to it by him, and to carry out such other functions and duties in regard to any local authority or local government as may be instructed by the Administrator. It considers matters of principle delegation of powers to management committees considers payment of allowances to councillors and management committee members numerous bills and draft ordinances are scrutinised to ensure the interests of local government will be most efficiently served or protected. It has close links with the Transvaal Municipal Association and problems have been discussed and debated, and there is interchange of thought between the two bodies, with beneficial results. The board gives advice and assistance to local authorities, and upon instructions of the Administrator has acted in matters of investigation and enquiry, either informally or as Provincial Commission, in matters concerning irregularities of officials or those concerned with amalgamation, incorporation or establishment of local authorities, and it considers lists of applicants for position of town clerk.

I have dealt with the Management Committee System in the Transvaal. I would now like to deal with some of the variations introduced when the system spread to other provinces.

CAPE TOWN.

Following the Slater Commission's report, the Municipality of Cape Town Administration Ordinance 1965 was passed. This legislation dealt solely with the administration of Cape Town, and so far the Management Committee System has not spread to other towns in the Cape Province.

In terms of the legislation the number of Councillors has been reduced to 34, the city being divided into seventeen wards, each ward electing two Councillors. Of the Councillors elected subsequent to the introduction of the new system, the Councillor in each ward receiving the larger number of votes was elected for four years, the

other Councillor /....

other councillor for two years. The Councillor elected in the next election will be for a period of four years and thus a rotation will be established.

An Executive Committee of five is elected and the Mayor may not be a member. The Chairman is elected for a period of two years, and the other members are elected annually. The Mayor and Deputy Mayor may attend meetings of the Executive, but have no vote.

Four standing committees are elected annually consisting of eight Councillors each. The Chairman must be a member of the Executive Committee. While initially non-members could not attend the meetings of the Standing Committees, this has now been changed. The Town Clerk has not been divested of departments, but provision is made for the appointment of a Deputy Town Clerk. If the Executive Committee feels Standing Committees are dilatory in carrying out the matters delegated to them, they can themselves handle the matters.

In terms of the same Act a Municipal Service Commission has been created. This Commission consists of three members. The Chairman receives an emolument of R7 500: per annum, and the other members R6 000: per annum.

The Commissioners are appointed by the Administrator, the Cape Town City Council having the right to submit a list of persons from whom the Administrator selects. No councillor or person who has been a councillor during the previous five years is eligible for appointment to the Commission. The City Council cannot appoint a person to its service, or promote an employee or, on the grounds of misconduct, dismiss an employee before it has considered the recommendation of the Commission. These provisions do not apply to the Town Clerk or Heads of Departments. The Council must also consult the Commission before it amends the scale of emoluments, or conditions of service, or grading of the various posts of employees.

ORANGE FREE STATE:

The O.F.S. has largely followed the Transvaal system, except that after two years two of the five members of the Management Committee retire, and can be re-elected, and after four years a further two must retire. The fifth member remains in office for 5 years. In the case of a local authority only having three members, one retires after two years and another after four years. Before the introduction of the new system it was the practice of the Free State for all Councillors to serve on all Committees.

THE MANAGEMENT COMMITTEE IN JOHANNESBURG:

Let me tell you how the management committee system works in Johannesburg, because I am most familiar with the practical application in Johannesburg.

1. At the first council meeting after the elections, resolutions are passed delegating authority to the Management Committee and authorising the Management Committee to sub-delegate to Section 60 committees and to officials.

2. The Section 60 committees are appointed, and each Councillor serves on one such committee. These committees are :

Non-European Affairs
Planning and Technical Services
Utilities
Health and Amenities.

Section 60 committees are chaired by members of the Management Committee. It is to be noted that all departments of the Council's service do not fall under Section 60 committees. Departments like that of the City Treasurer, the Clerk of the Council, the Organisation and Methods Division and the Staff Board report via the Town Clerk direct to the Management Committee.

3. In terms of the delegated powers, the Section 60 committees have power to finalise certain matters; other matters the committee can "resolve to recommend" to the Management Committee. If the Management Committee do not agree with a recommendation it is usually referred back, unless the Chairman of the Section 60 committee is prepared to accept the Management Committee's decision.

4. The Management Committee can, in terms of delegated powers, take decisions and finalise matters, but many matters have to be reported to Council for its decision. No Section 60 committee report goes direct to the full Council. Section 60 committee recommendations which need Council approval are incorporated into the report of the Management Committee to the Council. The Management Committee is the only committee which reports to the full Council.

5. In addition to the Clerk of the Council and his secretarial staff, the Town Clerk, City Engineer, City Treasurer, General Manager of Electricity, and the Chairman of the Staff Board attend management committee meetings. Heads of other departments attend when necessary. Councillors can ask to attend when a particular item is being discussed, but depart before a decision is made.

6. The Management /...

6. The Management Committee meets once a week in the afternoons and meetings usually last four to five hours.
7. Decisions of Section 60 committees are dealt with in turn and items which are beyond the delegated powers of the Management Committee go forward to that month's Council meeting. Reports for committees go from departments to the Clerk of the Council. Some reports are referred to the Town Clerk for approval of the report for submission to committee. Some reports again are referred to the Town Clerk for approval under his delegated powers. These do not go to committee.
8. Because Chairmen of Section 60 committees are members of the Management Committee there is good liaison between Section 60 committees and the Management Committee.
9. The Management Committee does not need to accept Section 60 committee recommendations and can decide where there are differences of opinion between Section 60 committees.
10. A great deal of co-ordination takes place at official level as a result of several committees of officials functioning under the chairmanship of the Town Clerk. Two of these committees are the Departmental Committee and the Technical Committee which have been in operation for many years. The Special Advisory Committee, consisting of the Town Clerk, City Engineer, City Treasurer, Clerk of the Council, Chairman of the Staff Board and the Head of the Organisation and Methods Division, is a strong instrument of co-ordination. This committee looks at major organisational and staff problems, including questions of priority. The Departmental Routine Committee, consisting of the administrative officers of the various departments, ensures a great deal of administrative co-ordination. In addition, the Clerk of the Council's Department, the Staff Board and the Organisation and Methods Division assist the Town Clerk by carrying out co-ordinating functions. A great deal of responsibility still rests with the departmental heads.
11. There is a Staff Board headed by three Council officials who advise on and deal with staff matters, negotiate with Trade Unions, supervise staff training, encourage staff to study by administering educational grants, and actually conduct a management training division. Like any ordinary Council department the Staff Board is subordinate to the Town Clerk.

THE RESULTS OF THE SYSTEM IN SO FAR AS JOHANNESBURG IS CONCERNED:

1. Has centralised power.
2. Has speeded up decisions.
3. Has cut down overall time spent. It is easier to establish consensus with few people well-informed regarding Council affairs.
4. With Management Committee portfolios establishing direct contact between Chairman and Head of Department, it is not practical for the Town Clerk to be used as the only channel of communication to officials, but this is not detrimental to the organisation.
5. Has lessened interest of non-members of Management Committee, although they receive agendas and are notified of decisions. On the other hand, members of the Management Committee have to devote considerable time to Council affairs and the Chairman is virtually full-time.
6. Council Meetings tend to be dominated by members of the Management Committee who are actually better informed. Chairmen of Section 60 committees reply to discussions of items within their portfolios.
7. The Chairman of the Management Committee closes the debate on any item. This places an onus on him to be informed about everything that is going on and this places a heavy burden on him.
8. Has not had the effect of creating greater public interest in civic affairs.
9. Because of the Party system, the Management Committee adopts a collective responsibility.
10. There is far greater co-ordination in the administration of the Council as a result of the various committees of officials mentioned earlier.

THE OPERATION OF THE MANAGEMENT COMMITTEE SYSTEM IN OTHER LOCAL AUTHORITIES:

I have dealt with the Management Committee system in Johannesburg. I have made enquiries as to what happens in some of the other local authorities, and I have been told of the following variations or aspects of administering the system -

(a) In many Councils the only officials attending the Management Committee meetings are the Clerk of the Council and the Town Clerk, and Committee clerks.

(b) In these instances /....

(b) In these instances persons such as the City Engineer, the City Treasurer and the M.O.H. do not know whether their views are adequately represented at the Management Committee meeting, and often feel that sufficient consideration is not given to technical aspects, or to their recommendations. Financial control is invariably weaker than it used to be in the times of the Finance Committee. In some instances reports initiated by technical officials are submitted to the Management Committee as reports of the Town Clerk, and the original report may be altered by the Town Clerk without reference to the Departmental Head.

(c) Councillors, other than members of the Management Committee, are allowed to attend Management Committee meetings.

(d) Johannesburg is the only city (or town) which appoints Section 60 Committees.

(e) The members of the Management Committee retire by rotation on a voluntary basis.

(f) In many towns a member of the Management Committee also acts as Mayor. In large cities the mayoral duties are too onerous for the Mayor to attempt to do both tasks.

(g) Members of the Management Committee in some instances have portfolios and specialise in certain aspects of Council affairs.

(h) The positions of the City Engineer and City Treasurer have been subordinated. The Town Clerk dominates the running of the city to a marked degree. This has led to resentment and may inhibit entry into the municipal service of suitably qualified professional staff. There is, of course, no reason why an engineer or an accountant cannot be appointed Town Clerk.

(i) The personality of the Town Clerk has a great influence on how the system works, and the success or otherwise of the system often hinges around the capabilities and attitudes to other officials of the Town Clerk.

(j) Capabilities and trustworthiness of Councillors is, naturally, a major factor in the success of any system.

(k) In many local authorities political affiliations are taken into consideration in staff appointments, and many capable officials have been by-passed or appointed to positions with little real authority in order to justify some senior appointments.

THE CHIEF EXECUTIVE: /....

THE CHIEF EXECUTIVE:

Has the appointment of the Town Clerk as the Chief Executive Officer achieved the purpose of co-ordinating the activities of the Council, and generally supervising and controlling the administration and organisation of the Council's Departments?

The multiple-committee system, whereby the work of the Council was split between committees responsible for specific sections, had the result of isolating or fragmenting the work of the Council, and building an organisation where there was a tendency for each department to concentrate on its own section and resist any interference in the administration of its departments. There was rivalry between departments, each departmental head jealous of his position, considering his department all important, and the staff in each department regularly comparing their salaries with those paid to employees in other departments, each Head pushing the merits of his own section. It was one of the objects of the Marais Commission to rectify this position, and led to the new position of Chief Executive Officer being created.

A further question is, having appointed the Town Clerk the Chief Executive, has this in any way modified the obligations of other officials such as the treasurer, engineer, electrical engineer, medical officer? There are many statutory duties of officials other than the Town Clerk, and naturally officials are obliged to comply with these obligations, and even though the Town Clerk disagrees with these officials, in my opinion there is an obligation on them to carry out their statutory duties. There may also be cases where officials may feel it incumbent upon them to take action when they feel that measures are being undertaken without proper authorisation.

I believe a cardinal error was made in naming this official the Town Clerk instead of Principal Officer, because the title Town Clerk will always be confused with the functions and duties of the traditional Town Clerk.

The second error was to then isolate the Town Clerk by stating he shall not be head of any particular department, section or branch of the local authority. There is no statutory provision as to the qualifications of the Town Clerk, and the tendency has been to appoint the persons who were the erstwhile Town Clerks, although in certain instances Treasurers and Engineers have been appointed.

It is extremely difficult in a large local authority for one person to co-ordinate the diverse activities of a vast organisation, especially if he is isolated, with no staff of his own. I think it is true to say that while the Town Clerks have made a valiant effort

to co-ordinate /....

to co-ordinate activities, the departments still largely operate in isolation. Technical officials such as engineers, town planners, medical officers and treasurers find it hard to be subservient to an official who, in their opinion, is not, in many cases, as qualified as they are, and yet his salary must exceed theirs.

In terms of Section 62 the salary of the Town Clerk should be higher than that of other officials, but by not more than 10%. The Administrator can, however, alter this and in terms of this power a scale has been laid down of the salaries that can be paid to Town Clerks, the scale being fixed on the basis of the income of the local authorities, excluding the income from the Bantu Revenue Account. The present scales are as follows:

<u>Income of Local Authority (excluding Bantu Revenue Account)</u>	<u>Salary</u>
R125 000 to R250 000	R6 200 per annum
R250 000 to R500 000	R6 800 per annum
R500 000 to R1 million	R7 400 per annum
R1 million to R2 million	R8 000 per annum
R2 million to R3,5 million	R8 600 per annum
R3,5 million to R5,5 million	R9 200 per annum
R5,5 million to R8,5 million	R9 800 per annum
R8,5 million to R13,5 million	R10 400 per annum
R13,5 million to R21,5 million	R11 000 per annum
R21,5 million to R43 million	R11 600 per annum
R43 million to R100 million	R12 200 per annum
Over R100 million	R13 000 per annum

In Johannesburg certain Heads of Departments receive salaries higher than those fixed for the Town Clerk by the Administrator. The placing of a ceiling on the salary of the Town Clerk has had the effect in many towns of placing a ceiling on the salaries of other officials, and this had had an inhibiting effect on the recruitment of qualified professional persons such as accountants, engineers, lawyers and doctors. This has led to the anomalous position that in many cases relatively junior staff are being paid almost the same salaries as those paid to seniors and Heads of Departments, otherwise the maintenance of services would break down.

SOME OTHER OBSERVATIONS REGARDING PARTY POLITICS
IN CIVIC AFFAIRS ARE :

It is often debated whether national political parties should put forward candidates in municipal elections. Some of the results of politics in local government are -

1. The Parties /....

1. The Parties seek candidates at election time whom they feel will adequately represent the Party and give it a good image.
2. The members of each Party combine to formulate policy and there is a sense of collective responsibility.
3. The caucus system provides a forum for members of the Party to be critical of the Management Committee's actions, and decisions of this Committee are quite often challenged. This is a curb on arbitrary or dictatorial action. Aspirants for the Management Committee are critical, so the Management Committee needs to consider the opinions of their colleagues.
4. Councillors having collective responsibility, it is unusual for members to criticise in public the recommendations of their colleagues.
5. Debates in Council often sparked off by Party controversies which have little to do with civic affairs.
6. In elections Councillors are judged not so much on individual merit, but primarily on their party affiliation.
7. Councillors are judged on the administration of the city as a whole, rather than on Ward politics.
8. Age of Councillors tends to be lower as persons with political aspirations use civic representation as a grounding and stepping stone for provincial or parliamentary representation.
9. Decisions are often made with eyes on the electorate, especially near election time.

GENERAL OBSERVATIONS:

Before I deal with the advantages and disadvantages of the Management Committee system, I would like to make some general observations :

- (a) In any large body or organisation there is generally a hard core of a limited number who tend to accept responsibility and do the hard work, and emerge as dominant characters. Others tag on and coast.
- (b) Under the Management Committee system the above observation is accentuated.
- (c) When a new Council is elected, and where the Council is large, it is very difficult for a new Councillor to be elected to the Management Committee, and he is thereby frozen out from making a major contribution for a period of five years.

(d) In a large /....

- (d) In a large city where meetings are held during office hours, it is extremely difficult for an employee to devote the required time to be a member of the Management Committee, unless his firm is very indulgent.
- (e) Members of the Management Committee must of necessity neglect their own business or professional affairs. More time is required of the members of the Management Committee than was the case in the old multiple-committee system days.
- (f) With a limited number serving on the Management Committee, it is easier to keep information confidential. This is often very necessary.
- (g) Matters discussed at committee meetings are almost entirely the items submitted for decision by officials. Councillors as a rule do not show sufficient initiative and committees drift into becoming "agenda committees" dealing only with the agenda before it. Councillors should be initiators and policy makers and be creative, not leaving officials to do all the planning and thinking.

WHAT ARE THE PROS AND CONS OF THE MANAGEMENT COMMITTEE SYSTEM AS OPERATING IN THE TRANSVAAL?

ADVANTAGES:

The Management Committee system is basically a good one, and the main advantages are :

1. Decisions can be arrived at with less delay because by replacing standing committees with one committee there is less frustration and delay, and there is elimination of fragmentation, lack of co-ordination and reference from one committee to another.

The proceedings of the present Section 60 Committees are co-ordinated because they are subordinate to management committee, therefore the system is more coherent and efficient. The disposal of business is expedited by concentrating substantial day to day administration in the hands of one executive committee.

2. Members of the management committee are paid, but they are subject to censure by the public and council, and are therefore encouraged to study matters more carefully, and become more efficient. However, the allowances paid are too small to attract people for the sake of the salary, but fortunately there are public-spirited individuals prepared to accept and carry out what is virtually a full-time job for small remuneration.

3. Non-members /....

3. Non-members of the management committee do not have to devote so much time to committee work and are thereby released from the 'tyranny' of meetings, and can give more time to keeping in touch with constituents.
4. Officials can get decisions more quickly, and if there is a good working relationship with the Management Committee they have more confidence in support from Councillors.

DISADVANTAGES:

1. Non-members feel they are not permitted to make an adequate contribution to the conduct of the city's affairs. Under the old system all members served on committees, and could make maximum contribution according to their abilities. Non-members do serve on subordinate committees, but cannot attend management committee meetings, even though they get agendas and minutes. Non-members consider they are kept in the dark as to the workings of the management committee, and that they play an insignificant role in council affairs, merely endorsing the actions of the management committee.
2. Because of the above, people may become discouraged from seeking election and may consider they would not have a worthwhile job to do. It is therefore possible that less able people will be elected, eventually resulting in a less efficient management committee, thus jeopardising the management committee system, which depends very much on the calibre of its members.
3. Lack of finance committees is a serious disadvantage. Under the old system the finance committee considered all proposals of other committees involving expenditure. Now the combined function of spending and financial control, and the emphasis on facilitating rapid decisions, can lead to serious errors being made, and not sufficient consideration may be given to financial aspects.
4. There is also the danger of the management committee members becoming autocratic, and considering themselves responsible for various departments. The concept of portfolios being allocated to members of the management committee tends to be encouraged when subordinate committees, chaired by members of the management committee, are established to consider various aspects of the council's work, and when members of the management committee are forceful and able people.
5. It is difficult /....

5. It is difficult to see how the management committee system can solve the problem of abuse or misuse of power. The danger could be as great, or greater, under the management committee system, under which the opportunities for these forms of malpractice appear to be considerable.
6. It is also difficult to see how the new system can possibly result in greater public interest, unless it was anticipated that public interest would be stimulated by simplification of the system. Extensive delegation to the management committee must surely mean that more business is done completely behind closed doors.

RECOMMENDATIONS REGARDING MODIFICATIONS OF
MANAGEMENT COMMITTEE SYSTEM:

I would not advocate a return to the multiple-committee system. I would, however, suggest changes in the present system, and I believe some of these recommendations may, in fact, be receiving the attention of the Local Government Advisory Board.

1. The life of the Council should be four not five years. Five years is a long commitment.
2. Members of the management committee should initially be elected for two years and thereafter for a further two years.
3. It should not be obligatory for members of the management committee to chair Section 60 committees. This would make the management committee more objective, and give them more time to consider over-all planning instead of being so bogged down with vast agendas that they have little time to initiate policy. It would also give more Councillors a role to fill, and train them for positions on the management committee. Also the Chair of a committee has to devote considerable time to the affairs of that committee. This release would enable the management committee to devote more time to financial aspects and be more objective when considering expenditure, as at the moment members of the management committee tend to support the recommendations of their own committees.
4. The title of the Chief Executive should not be the 'Town Clerk', and I would suggest Principal Officer.
5. If it is desired to change a member of the management committee it should not be obligatory to pass a vote of no confidence in all members of the management committee.

6. Councils should be empowered to fix the remuneration of their officials and not be subject to the approval of the Administrator. Unless this is done the quality of recruits to Councils' service will deteriorate, leading to a breakdown in council services.
7. Many of the provisions requiring the Administrator's approval should be withdrawn.
8. The endeavour to control local authority administration by Ordinances which apply to large and small local authorities results in far too many relatively unimportant matters requiring the Administrator's approval. This slows down action with no practical purpose being achieved.

CONCLUSION:

I have endeavoured to give you a picture of the management committee system. As pointed out, this system was introduced because it was felt the multiple-committee system was responsible for many weaknesses in the way cities and towns were administered. I would suggest it would be helpful if you took an objective view of how civic affairs are administered in your area. Is it the system that needs alteration, or is it the persons administering the system who need to revise their ideas and attitudes.

May I suggest you try to answer the following questions -

- (a) Is the multi-committee system efficient?
- (b) Are decisions delayed because of rivalry between Councillors and Committees and the difficulty of reconciling conflicting points of view?
- (c) Do Councillors tend to place too much emphasis on their Committee's recommendations and their own 'hobby-horses'?
- (d) Is there lobbying for support amongst Councillors on the basis of "I will vote for you, if you will vote for me"?
- (e) Should an age limit be placed on Councillors? The Maud Committee advocated this and recommended the age limit should be 70.
- (f) Do some Councillors serve too long and regard officials as being there to act at their behest, and should there be a maximum number of years that a Councillor can hold office?
- (g) Do Councillors interfere too much with officials and act as administrators, not policy makers?
- (h) Who controls and directs the Council's staff?
- (i) Are officials paid adequate salaries to attract competent persons to civic posts?
- (j) Is there a good /....

- (j) Is there a good relationship between staff and the Council?
- (k) Is there co-ordination and co-operation between municipal departments?
- (l) Do committee meetings last too long; do other Councillors talk too much?
- (m) What can be done to get citizens to realise the value of good local government, and thereby attract competent men of integrity to become Councillors?
- (n) Is there corruption or bias in the administration of towns and cities?
- (o) Is there misuse of power?
- (p) Will paid members of the management committee attract the right type of Councillor? Will it create the professional politician in municipal affairs?
- (q) Cannot the good aspects of the management committee system be introduced voluntarily within the framework of present legislation?
- (r) Is it the system or the people who administer the system that is the crux of the matter?

I have raised many controversial points. If I have put my finger on some sore spots please say so, because if I have stimulated discussion I will have achieved my purpose.

Let me say in closing how exasperating, tiring and frustrating, but how satisfying, interesting and constructive I have found Council work. I have had the opportunity of getting a glimpse of civic administration in other lands, and firmly believe that our standards have been, and are, high, and I do trust you will maintain your interest, for you are taking part in the most worthwhile tier of government.

JOHANNESBURG:

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