**CHAPTER 1**

**CONSOLIDATED LOCAL GOVERNMENT TOOLKIT**

**1. INTRODUCTION**

In accordance with the constitutional framework, amongst the many changes the transition to democracy brought with it, was a reformed system of local Government. As the Constitutional Court explained in Fedsure V. Greater Johannesburg Municipal Council, 1999 1 SA 374(cc), the outstanding feature of this reformed system of local government is its new status as a fully-fledged sphere of government. Local Governments municipal councils are a deliberative Legislative assembly with Legislative and Executive powers, recognised in the Constitution itself.

Since the commencement of the final phase of Local Government on 05 December 2000, a number of key policy initiatives have been developed at both national and provincial level, with the view to bring about an effective system of developmental Local Government and to enhance service delivery. This constitutional imperative can only be realised through integrated and focused National and Provincial processes of support, oversight, capacity development and strengthening of the local sphere of government.

In 2009, the then Minister of Cooperative Governance and Traditional Affairs initiated a comprehensive assessment of the State of Local Government. This process culminated in the Local Government Turnaround Strategy (LGTAS), which was approved by Cabinet in December 2009. The strategy placed special emphasis on the need to support municipalities in fulfilling the ideals of Local Government as envisaged in the Constitution and the White Paper for Local Government.

In June 2019, the office of the Premier, Department of Cooperative Governance and Traditional Affairs and the Provincial Treasury undertook a comprehensive assessment of the State of Local Government in municipalities in the Province of Kwazulu Natal. As in the 2009 National Assessment, one of the major findings arising from this 2019 Assessment, is that there is a need to address and strengthen the policy environment in municipalities.

Within municipalities, the governance and administrative framework must be cohesive in order to ensure a stable institution. Improving Local Government accountability includes, but is not limited to building integrity incentives for both Municipal councillors and officials, engaging in more proactive public discourse, establishing more transparent and effective institutional controls and enhancing cooperation between municipalities and the other spheres of Government.

Chapter 13 of the National Development Plan provides that all democratic regimes have to balance the need for public (and municipal) servants to be responsive to the priorities of the government of the day. There has to be clear demarcation of the roles and responsibilities of public servants and their political principles. This is a core ingredient towards stabilising the political administrative interface. The best performing institutions of government are characterised by stability of leadership and policy approach.

An effective governance and policy framework is essential to the proper functioning of the local sphere of government. Good governance describes the processes through which municipalities set priorities, take decisions, strengthen accountability and communicate with their communities.

Based on the findings from the comprehensive assessment to determine the State of Local Government in Kwazulu- Natal, the Honourable MEC Hlomuka, MPL, directed that steps be taken to support municipalities in the policy field, which has given rise to this Consolidated Local Government Toolkit. The purpose of the Toolkit is to provide a support package of Municipal Policies, Processes and Procedures, which may be adapted and adopted by municipalities. In addition, the Toolkit promotes uniformity, improves norms and standards in respect of the municipal policy environment and makes a contribution to professionalizing Local government.

The input and contributions made by SALGA and the members of the ILGM are gratefully acknowledged. The Toolkit currently incorporates 68 documents which are provided in 13 chapters and are made available in 5 Volumes. It is acknowledged that there is a need for a number of other generic policies to be drafted and made available to support municipalities. This aspect will enjoy further attention going forward.

For Municipalities to effectively render services to communities, the council must function in accordance with democratic values, the Rule of Law and transparency in the application of these principles. A mature approach with a good working relationship amongst the political stakeholders will enhance the functioning of the municipality.

Municipalities are responsible for ensuring democratic, accountable, responsive and participatory local governance, as envisaged by Section 52 of the Constitution. Included is the need to ensure that roles and responsibilities are clearly defined and understood by all role players. In addition, municipalities should ensure that sound corporate governance practices are in place and that legislative compliance is achieved. It is further expected that an optimally performing municipality will be planning appropriately and be managed in line with the principle of developmental and cooperative governance. It is envisaged that communities and other stakeholders will be engaged and included in relevant processes, that sound intergovernmental practices are evident and that the political administrative interface is one which will facilitate effective municipal functioning.

Items included in the Toolkit attempt to address these critical principles by making available appropriate policies, processes and procedures for Municipal Councils to consider, adopt and implement. It is trusted that the Consolidated Local Government Toolkit will support municipalities in their aspirations to achieve the status of an ideal municipality, which is characterised by appropriate good governance and management practices, sound financial management, an inclusive approach to decision-making with the community and an administration which is effectively managed, with clear lines of accountability and responsibility.