

CHAPTER 4: THE LEGAL, INSTITUTIONAL AND POLICY FRAMEWORK OF LOCAL GOVERNMENT AND SERVICE DELIVERY IN ZIMBABWE

Decentralised governance in Zimbabwe assumes legal status through the Constitution of Zimbabwe Amendment No 20 of 2013, Urban Councils Act Chapter 29:15, the Rural District Councils Chapter 29:13 and the Provincial Councils and Administration Act Chapter 29:11. These pieces of legislation allocate powers, functions and sources of finance to sub-national government. Further functions are derived from other pieces of legislation which includes the Regional Town and Country Planning Act Chapter 29.12 which makes local Governments Planning Authorities, the Public Health Act Chapter 15.09 empowers them as Public Health Authorities, the Education Act Chapter 25.04 makes them Responsible Authorities for Education and the Shop Licences Act Chapter 14.17 makes councils licensing authorities.

The challenging aspect of powers allocated through Acts of Parliament is that they can be recentralised. A simple majority in Parliament is required to amend a provision. Zimbabwe had Executive Mayors from 1995 but the Urban Councils Act was amended in 2008 to bring back ceremonial part time mayors. Many consider this a step backwards (Chatiza, 2010; Machingauta, 2010; Muchadenyika and William, 2016; Dewa, 2014).

The Constitution of Zimbabwe adopted in 2013 has now enshrined decentralisation through devolution in the Constitution. The whole of Chapter 14 is dedicated to Provincial and Local Government thus constitutionalising Local Government unlike in the past where Local Government was provided for in Acts of Parliament only. Chapter 1, section 3 (2) of the Constitution of Zimbabwe enshrines founding values and principles and states among the principles of good governance, the devolution and decentralisation of governmental powers and functions Section 5 provides for the three tiers of government which are national, provincial and metropolitan councils and local authorities. Section 264 of the Constitution of Zimbabwe provides devolution of governmental powers and responsibilities and observes how “whenever appropriate, governmental powers and responsibilities must be devolved to provincial and metropolitan

councils and local authorities who are competent to carry out those responsibilities efficiently and effectively”. Sub- section (2) of the same section goes further to outline the objectives of devolution to provincial and metropolitan councils and local authorities which are:

1. to give powers of local governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them;
2. to promote democratic, effective, transparent, accountable and coherent government in Zimbabwe as a whole;
3. to preserve and foster the peace, national unity and indivisibility of Zimbabwe;
4. to recognise the right of communities to manage their own affairs and to further their development;
5. to ensure the equitable sharing of local and national resources; and
6. to transfer responsibilities and resources from the national government to establish a sound financial base for each provincial and metropolitan council and local authority.

Section 276 of the Constitution of Zimbabwe observes how a Local Authority has the right to govern, on its own initiative, the local affairs of the people within the area for which it has been established, and has all the powers necessary for it to do so. Sub section 2 of the same section observes how:

- a. (2) an Act of Parliament may confer functions of local authorities, including-
 - i. a power to make by-laws, regulations or rules for the effective administration of the areas for which they have been established;
 - ii. a power to levy rates and taxes and generally to raise sufficient revenue for them to carry out their objects and responsibilities.

The Second Schedule of the Urban Council Act allocates 54 powers to urban councils. The Third Schedule of the same Act outlines matters in respect of which councils can make by-laws (Annexure 1 and a2). The powers and by-laws largely revolve around service provision.

Section 268 and 269 provide for the establishment of Provincial and Metropolitan Councils. Although the Constitution was adopted in 2013,

Provincial and Metropolitan councils have not yet been established. In his 2017 Budget the Minister of Finance indicated that there is need to revisit the Constitution on whether this level of government is necessary given the tight fiscal space. Being a country of 14 million people, does Zimbabwe need a Provincial level of government given not only the cost implications but also the functions this level is meant to perform? This is an area requiring further research considering that many of the Provincial and Metropolitan councils will have over sixty members including members of the National Assembly and Senate. Ministers and Deputy Ministers from the respective Provinces also become members bring members of the Executive in to these bodies this blurring the supervision of powers. Indications by new government which took over in November 2017 are that some provisions in the 2013 Constitution will need to be revisited to make devolution work. This government has made devolution a central issue in governance and development to show its commitment government has now for the first time implemented Section 301 of the Constitution which observes how not less than 5% of national revenues raised in any financial year must be allocated to provinces and local authorities. \$310 million has however been provided for in the 2019 budget for transfer to sub-national governments to kick start the devolution process.

It is also worth noting however, that the legal instruments operationalising local government, the Urban Councils Act of 1995 and the Rural District Councils Act of 1988 are still to be aligned to the 2013 Constitution. This has implications for effective decentralisation and service delivery

The Constitution in section 278 provides for procedures of removing a mayor or councillor. This section resolves an area of serious contestation with regards to the powers of the Minister to suspend and then dismiss councillors and mayors and appoint Commissions or Caretakers. Harare was run by a Commission from 2004 to 2008 with the Minister continuously renewing the term of Commission. Many mayors have been dismissed especially in opposition-controlled councils; Chitungwiza, Mutare, Gwanda and Gweru suffered this fate. The opposition MDC party considered the dismissals as politically motivated Section 278 now states the grounds on which a councillor can be dismissed and the need for an independent tribunal to be

established to exercise the function of removing mayors and councillors from office.

The debate around powers of the Minister responsible for Local Government cannot be wished away given the frequent reference to the Minister in the Urban Councils Act. The Minister still has powers to suspend a councillor before consideration of the charges by the Tribunal appointed in terms of Constitution Sections 313 and 314 of the Urban Councils Act give the Minister power to issue directives and reverse, suspend or rescind council resolutions respectively.

A major shortcoming of the Constitution of Zimbabwe is that it does clearly spell out the functions exclusive to each tier of Government or those powers which can be exercised concurrently by more than one tier of government as is the case in South Africa, Kenya and South Sudan Constitutions. Section 276 only states the two aforementioned functions for local authorities. This leaves room for higher levels of government to encroach into lower levels of government. In June 2013 a month before general elections in July the Minister of Local government directed local authorities to cancel all debts owed by residents from 2009. Over US\$500 million was lost to councils through that move Councils have not yet recovered from this loss which Central Government through the Minister of Finance has now acknowledges and intends to rectify (Herald November 2017) The implications of removing vehicle licencing fees from Local Government to a central Government Agency ZINARA have become especially noticeable after the 2016/2017 rainy season and the damage to roads and bridges because of the heavy rains (Muchadenyika 2018). Local authorities' failure to maintain and repair the damaged infrastructure is a result of the loss of these key funding stream to ZINARA.

While there has been some improvement regards the legal environment for decentralisation, the need for alignment of local government laws to the Constitution is an imperative. If one were to apply the USAID dimensions of authority, autonomy, accountability and capacity some of the following observations can be made. On the USAID dimensions of autonomy and authority some progress has been made, but decentralisation continues to

have present and imminent danger. On accountability, more needs to be done. Local officials are virtually not accountable to the public and the syndrome of vertically divided authority with the opposition in control of urban local authorities has resulted in polarised relationship and these limits upward accountable.

On the dimension of capacity, it has been noted that in urban councils there are vacancies in the professional and technical staff grades. Engineers, technicians, doctors have left urban councils' employment for greener pastures. Senior staff positions have remained vacant for many years. City of Gweru had no substantive director of Housing and community service, director health services, chamber secretary and director of engineering services for close to four years. All these posts were only filled in 2016. City of Harare has not had a substantive town clerk since 2015. The capacity issue in urban councils also includes the calibre of councillors which is less than desirable (Dewa *et al.*, 2014; Muchadenyika and William, 2016). Since 2000 the majority of urban councils are dominated by councillors coming from the domain of political activists and the current service delivery challenges could be a manifestation of deficits on issues of capacity, accountability and authority. But as noted in the 13 principles on the decentralisation by the Government of Zimbabwe 1996, decentralisation is a process not an event. Decentralisation is about potential, it guarantees nothing (USAID 2000).

While there is a growing body of literature on local government and service delivery in Zimbabwe (Wekwete, 1992; Davy, 1996; Conyers, 2006 ; Chirisa and Jonga, 2009, Machingauta, 2010; Muchadenyika, and Williams, 2016; Mushamba, 2010; Chatiza, 2010; Chirisa, 2013,). Muchadenyika and Williams (2016) conclude that economic and political contestation between central and local government is largely to blame for the poor performance of urban local governments

The harsh macro-economic environment is also cited as a major challenge regards efficient and effective service delivery as it impacts on the ability of local governments to raise revenue (Chigwata *et al.*, 2017). According to Chigwata *et al.* (2017), another impediment to raising significant revenue are issues of corruption, embezzlement and mismanagement. However, Chirisa (2013) attributes the poor state of service delivery to weak institutions, urban

mismanagement and the reluctance of central government to promote good urban government. Chirisa and Jonga (2009) also posit that service delivery is compromised by weak administrative institutions, unaccountability and corruption.

As a councillor in City of Gweru for four years and therefore a participant observer in this study, the issues raised by cited authors have indeed contributed to the decline of service deliveries in local government. However, it is important to also interrogate the role played by senior staff of council in service provision. More often than not councillors have taken the blame for service delivery challenges (Dewa *et al.*, 2010; Chidziva and Mukwachi, 2014; Machadenyika and Williams, 2016). It has generally been argued that the majority of urban councillors have low academic and professional attainment and as such they lack the required depth or understanding of urban governance issues, (Dewa, 2010). After all, it needs to be noted however that councillors are part time and subject to the electoral cycle. Not much attention seems to be directed towards to full time employees of council, in particular the Town Clerk. It may be necessary to begin by examining what the law provides for in terms of the roles of the mayor and the town Clerk as representatives of councillors and managers respectively.

From 1995 to 2008 municipal councils had Executive Mayors and Executive Committees composed of chairpersons of committees of council and chaired by the Executive Mayor. The Executive Mayor was full time. The functions of the executive Mayor and the Town Clerk are shown in Table 1.

Table 4:1 Functions of the executive Mayor and the Town Clerk

Functions of mayor	Function of town clerk
The mayor shall be responsible for	The town clerk shall be responsible for
The supervision and co-ordination of the affairs of the council concerned and the development of the council area and	The proper administration of the council and
Through the town clerk, controlling the activities of the employees of the council concerned	Managing the operations and property of the council and
2. In addition to the responsibilities referred to in sub-section (i) a mayor of municipality shall have the following functions	Supervising and controlling the activity of the employees of the council in the course of their employment
Presiding over all meetings of the council at which he is present ; and	For the purpose of sub section 1) the town clerk, in addition to any other duties that may be assigned to him by

	the council, the executive or the mayor, as the case may be, shall
Presiding over all meetings of the council's executive committee at which he is present and,	Direct, supervise, appraise, develop and report on the work and conduct of all council employees; and where so authorised by the mayor or chairman, as the case may be; and
Presiding over all ceremonial functions of the council, and	Recommend to the executive committee the measures necessary to safeguard the finances and
Signing orders, notices and documents that require execution of authentication by or on behalf of the council and,	take such steps as he considers to be necessary for the purpose of giving effect to any resolution of the council or of any decision or directive of the executive committee; and
When necessary, causing investigations to be conducted into allegations of misconduct, whether on the part of councillors or employees of council; and	Make such recommendations to the council or the executive committee, or any committee of the council as he considers to be necessary or desirable to effect economies, improve the operations of the council or committee concerned; and
With the approval of the council, fixing the conditions of services of employees of the council, and	Introduce, implement and monitor adequate control systems and
Exercising any function that council may delegate to him in terms of subsection (3) and	Be responsible for the effectiveness and efficiency of the organisation of the council and the coordination and where necessary, the integration of its activities and for such purposes, he may after consultation with the head of the department concerned, inspect, inquire into and investigate the working and administration of any department or section thereof, either by himself or through any person authorised by him: m
Exercising any other function that may be conferred or imposed upon him, whether in terms of this ACT or any other enactment	Provided that – nothing in this subsection shall be deemed to derogate from the personal responsibility of a head of department for the proper, efficient and effective management of his department;
3) A municipal council may and, if so directed by the Minister, shall delegate to the mayor any of its functions	Where a head of a department disagrees with any directive of the town clerk, he shall carry out such directive of the town, he shall carry out such directive, and record any reservations he may have, in writing, and lodge them with the town clerk and the mayor;

Section 64 of the Urban Councils Act which provided these functions to the executive mayor was repealed in 2008 and was replaced by section 104 of the same Act which limits powers of a mayor. The mayor is no longer an executive mayor elected by the whole town but a part time ceremonial mayor elected by fellow councillors. In short, the mayor who is also a ward councillor is now only first among equals. The new functions in section 104 of the Urban Councils Act Chapter are that

The mayor shall preside at all meetings of council at which he or she is present and the event of an equality of votes on any matter before the council he or she shall, have in addition to deliberative vote, a casting vote.

That's about it for the mayor. Other administrative functions have to do with suspending a Town Clerk and immediately reporting to council in terms of section 139 of the Act. The Town Clerk should notify the Mayor after suspending a member of staff section 140 signing estimates for the year section 288 and authenticating council documents in terms of section 317.

While the mayor has lost most of the functions, those for the town clerk have remained intact. Although the majority of mayors spend many time at Town House or Civil Centre, they do not have much to do. Some have continued to act like executive mayors, while it is no longer the case. Many of the functions presently carried out by mayors are out of inherited practice rather than the law.

As one discusses services delivery the question which arises, is where does the buck stop when things go wrong?

The mayor and councillors have their generic functions of policy making, decision-making attending and contributing in council and committee meetings and representing their wards. All these functions have a bearing on service delivery but this researcher's view is that the service delivery mandate is spearheaded by the town clerk as the chief executive officer, accounting officer and chief advisor of council.

It is the role of the town clerk to carry out the management functions of planning, organising, leading and controlling the operations of a local government council. However, it is necessary to unpack the functions of councillors in their representative role in the light of the leadership and

management concepts interrogated above. The concept of accountability looms large in any discussion on the roles of councillors and the appointed staff of council service delivery and should also be discussed as it has a directive bearing on the efficiency and effectiveness of local government.

Councillors in Zimbabwe are elected concurrently with the President and Members of Parliament. Their term of office is five years. Each councillor represents a ward. Gweru has 18 wards and therefore 18 councillors. At their first meeting municipal councillors elect one of their numbers to be a mayor and another to be deputy mayor. They also constitute themselves into committees and elect chairpersons and deputies for these committees. Local Government is basically committee governance as most of the work of council is conducted in committees.

Councillors have personal, individual and collective responsibilities in council's activities (Shar 2007). Councillors are sponsored and belong to political parties and will also try to push the agenda of their political parties to fulfil election promises. According to the United Kingdom Local Government Association (2017), the primary role of a councillor is to represent their ward or division and the people who live in it. The councillor has a role to lead and champion the interests of the local community. UN Habitat (2004) has gone further to outline some of the roles of a councillor which include, the policy making role, the decision-making role, the enabler role and the communicator role. The appointed staff of council's primary role is policy implementation. A policy is defined as a course of action by a public body (Stevenson, 2010).

Effective policy making requires some level of competency on the part of councillors and evidence-based input from the staff of council. The calibre and quality of councillors and officials becomes a major determinant in the crafting of implementable policies. Current legislation in Zimbabwe and perhaps in many other jurisdictions does not prescribe minimum academic or professional qualifications for councillorship, as it is presumed the democratic process and political party selection will bring forth competent individuals into council. This is not always the case, as lamented by former Harare Mayor Masunda (2012), 'democracy does not always provide the best'.

As observed by the current researcher in City of Gweru, some councillors do not have what it takes to contribute effectively to the policy process. Although no conclusive empirical studies exist in Zimbabwe linking academic and professional attainment to enhance performance, there has been a general sentiment to have some minimum academic qualification for councillors (Dewa, 2014; Jonga, 2014; Urban Councils Association of Zimbabwe, 2012).

The repealed Urban Councils Act of 1976 had a stipulation that to be a voter or to be voted as a councillor one had to be property owner. This meant that those who participated in urban governance had some stake in the local authority and contributed to the revenue base through taxes and levies. This is no longer the case. One can be a councillor or even a mayor without being a ratepayer in the city or town. Lodgers have assumed the highest office in cities and towns as mayors. This negates from the concept of local governance as those who assume office with nothing of note will prioritise owning their own property before they leave office. This has led to the abuse and fraudulent of allocation of stands by sitting councillors, Gweru being a case in point (City of Gweru Investigation Report, 2015).

Councillors come from political parties and any improvement in the calibre of councillors rests in the sponsoring political parties. Political parties tend to consider party loyalty as more defining than what the prospective candidate can contribute in improving service provision. Most urban councils in Zimbabwe have been characterised by councillors with low academic and professional attributes. Out of the 18 councillors voted in 2013 in Gweru, only one councillor had a tertiary academic qualification (City of Gweru Report 2013). Out of the 18 elected in 2008 none had a tertiary education. However, the four appointed councillors all had post 'O' level, qualifications including two with masters' degrees.

The other challenge pertaining to councillors elected since 2000 in Zimbabwe is that many of them were lodgers with no residential properties of their own. This therefore means that they were no ratepayers with very little or no contribution to the tax revenue of the cities and towns they were running.

Some councillors were either unemployed or in the informal sector, meaning that councillorship became an important revenue stream in their day to day lives.

All these issues have a bearing on what councillors will focus on and prioritise during their terms of office. The current multi-party era in Africa, including Zimbabwe has brought a new dimension onto the urban landscape. Opposition parties have been elected to major cities and towns across the continent. In the case of Zimbabwe all cities and towns were won by the opposition MDC T party in 2000 and have remained under the opposition party's control since then. Harare, the capital, and all cities including Gweru are under the control of MDC T. This has created what is now referred to as 'vertically-divided authority' (Resnick 2014). The same trend is the case in South Africa with cities like Cape Town, Johannesburg, Durban, (Nelson Mandela Bay) controlled by the opposition (Resnick (2014)). Nairobi has only recently been taken over by the ruling party.

This phenomenon, it is argued, creates challenges with the ruling party trying to undermine the party in power in the city and to discredit its performance. In Zimbabwe, some actions taken by government seem to point in that direction and the opposition has always complained of too much power being wielded by the Minister. The Minister responsible for urban local government has removed many mayors including Mudzuri of City of Harare (2001), Shoko of Chitungwiza and, Kagarabadza of Mutare. More recently (2015) Kombayi of City of Gweru was sacked although this time through an Independent Tribunal as provided for in Section 278 of the Constitution: The other pointer to this dynamic of weakening the opposition was the amendment of the Urban councils Act in 2008 to remove the office of executive mayor and replace it with a weak ceremonial party time mayor.

It June 2013 a month before the general elections the Local Government Minister cancelled all debts owed to local authorities by residents since 2009. This move has continued to affect councils' ability to collect revenue since those who were paying religiously did not benefit from the debt cancellation and are no longer paying waiting for the 2018 elections. Council debtor's lists have grown exponentially since the cancellation. Whether this was by design

or populist on the part of central government, this has had a negative impact on councils in terms of service delivery.

The GCC has been seen to catch headlines as one of the worst in terms of service delivery in Zimbabwe. The quality of roads, shortage of water, discharging of raw sewage in water bodies among other service delivery issues have been evident in Gweru. This section looks at service delivery in Gweru giving attention to specific sectors in the GCC.

The Minister of Transport and Infrastructure Development once pointed Gweru as the worst-run local authority in Zimbabwe judging from the condition of the roads. In a meeting, the Minister observes that: the GCC had been misusing road funds from ZINARA implicating the council employees in corruption and poor work ethics. His final statement was that GCC should learn from Kwekwe and Bulawayo as they are managing ZINARA funds well. He further argued that service delivery was a priority rather than council fights at the expense of ratepayers. The corruption in the transport and works department was pointed as unbearable as the minister further pointed to the case where the local authority failed to account for the 2000 litres of fuel that had been given to them by the Traffic Safety Council of Zimbabwe. The Minister observes that:

Gweru, is in a deplorable state, there are potholes everywhere yet they received funds from ZINARA. We want to see how the money you received from ZINARA was used... The other time we left 2000 litres of diesel for road maintenance but that has not been accounted for. (Interview, 2019).

In an attempt to improve the condition of roads in Gweru, ZINARA has dispatched \$2.6 million to GCC for the improvement of road infrastructure. In a confirmation, the Mayor of Gweru observes that:

We have been allocated 2.6 million for rehabilitation of roads by ZINARA. They are happy with what we have done so far in terms of road rehabilitation that is why we are getting this amount...so far, we identify the contractor who we will work with and ZINARA will deposit the money into their account... (Interview, 2019).

This statement by the mayor speaks volumes in terms of ZINARA's operations with regards to corruption and management the potential

mismanagement of road infrastructure funds. The resources are no longer allocated to the local authority but are paid direct to the tenderer of the service to ensure accountability and delivery of the road infrastructure. Furthermore, joining the two statements with that of the minister, it can be noted that the current state of Gweru's road infrastructure was directly linked to the council behaviour. This is evidenced by the fact that roads like that of Senga and Mkoba that the council has been failing to rehabilitate for years are not rehabilitated due to this programme. The allocation by ZINARA however is still inadequate to fund the whole city and the engineer in GCC gave an estimate of \$40 million dollars that is needed to fully rehabilitate the roads in Gweru which have outlived their life spans (New Ziana of November 17 2023). Of the total 1200 kilometres road network, the city has only managed to rehabilitate 27 kilometres of the roads under the government programme of Emergency Rehabilitation Programme (NewsDay Zimbabwe of October 27 2024). Gweru is not immune to one of the current urban challenges in Zimbabwe, namely; water shortages. The local authority has had water-related ailments linked to various issues ranging from finances, technical expertise to consistent sources of water.

Notice is hereby given for general information and in accordance with section 290 (3) of the Urban Councils Act [Chapter 29:15] and that subject to consent of the Minister of Local Government, Public Works and National Housing being obtained in terms of section 290 (4) of the said Act, the City of Gweru proposes to borrow a maximum of \$115 215 000 for the Gweru water and sanitation infrastructure upgrading and rehabilitation programme through and EFC-model (Makaya 2017).

All these efforts evidence the attempts by the GCC to improve on the service delivery particularly in the water and sanitation programme.

Refuse collection has been one of the areas where the GCC has been failing to deliver. This can be evidenced by the fact that GCC has been famous for failing to collect refuse in high density suburbs as such Mkoba, Ascot and Senga. The issues of failure to collect refuse in the Gweru City are largely linked to the obsolescence of council trucks and insufficiency in terms of number. The mayor observes that: the city had only two refuse trucks that

were covering the whole area under the GCC's jurisdiction. This was also worsened by the fact that the local authority of Gweru had been duped of \$300, 000 United States Dollars by an organisation called Deven Motors that saw the case going to court (Chadenga, 2018).

To try and manage issues of refuse collection in Gweru, The GCC in 2018 November called for tenders for people who would be subcontracted to collect refuse in the different parts of Gweru (Dzawanda 2022). This call for tender did not attract any takers and refuse collection continues to be an issue. Diseases caused by poor hygiene continue to threaten the well-being of Gweru residence. In that regard, one of the council officials observes that:

We are aware that most residents have no bins and they are failing to properly manage waste disposal. On fears of a malarial outbreak – Gweru is a non-malaria zone. We, however, have a rapid response team which is always ready to investigate any cases of possible disease outbreaks.

In trying to manage issues of refuse collection and the dangers associated with waste collection, the GCC made efforts to engage the public to manage waste collection in Gweru jurisdiction (Dzawanda 2022). The GCC began advocating for the 3R's concept where residents were asked to 'reuse, reduce and recycle' (Pande and Makonye 2023). This was done through council's basic awareness programme through road shows, notices and flyers in some cases. One councillor observes that:

We only have two trucks on the road servicing the whole of Gweru and they work on double shifts so that they can collect garbage from all areas of the city but we have been failing to meet the demand. That is why we have turned to the 3R's concept to manage the waste.

This highlights how the authorities in Gweru are trying to continue giving services to the residents and ratepayers in the city. To cement the idea of wanting to fully collect the refuse in the area, the councillor observes that: while the trucks were inadequate the GCC will not continue to sit and watch the situation going out of hand. Furthering this zeal, in a council meeting after the advice by the councillors to hire refuse collection trucks, the Mayor of Gweru was recorded by a Newsday journalist fuming over failure by the council to collect refuse. The Mayor advocated for a follow up to ensure that

the council administration prioritise refuse collection over personal salaries. One councillor observes that:

The way management is operating is now sabotaging and, from our view as councillors, it is a political game.

This introduces a different perspective in relationship to service delivery in Gweru. From this statement, it could be noted that politics was also playing a part in ensuring or undermining service delivery.

Budgeting in the GCC has been an issue of contention with residents advocating for pro-poor budgeting. Recently, the Government of Zimbabwe has approved the GCC budget with a condition of 30:70 ratios between salaries and service delivery. The issue of budgeting in Gweru was largely focused on salaries as the local authority had been converting most council resources into wages with the council having a monthly wage bill of \$1.4 million. Budgeting continues to be the local authority mandate. However, it is done under the lenses of the government to ensure accountability. Gweru council has been infamous for not availing council financial data.

In terms of public participation in Gweru, like any other city in Zimbabwe, is provided for by the planning legislation. This ranges from preparation of plans RTCPA. [Chapter 29:12] to issues of development control and Urban Council Act [Chapter 29:15]. To further cement issues of participation in urban decision-making in Gweru there exist organisations that are meant for the development of the city as well engagement of the citizens. There are various groups of organisations that include the Gweru Residents and Ratepayers Association which have been engaging the GCC demanding accountability particularly during the budgeting processes.

Citizen participation is a central tenet of democracy and good governance at local government level. It enables local citizens to exercise their rights and responsibilities and consequently impact on access to public services. It is an indispensable necessity for sustainable governance and promotes improved information flow, enhances transparency and accountability; consolidates civic capacity and leads to an increased buy-in and better understanding. Madzivanyika (2014) stresses that there is a growing realisation that among the three levels of government, local government is strategically positioned to

promote public participation because of its proximity to the people. In essence, citizen participation and local government processes are intrinsically linked as local government efficiency entails citizen input in policy formulation, implementation and decision-making in key service delivery areas. This section sought to analyse the level of citizen participation in council processes and the dividends to both parties of such participation. Key council processes used as yardsticks for measuring the level of participation are strategic planning, budgeting, monitoring of council resources.

In the current dispensation, it can be realised that the GCC master plan is not up to date (Gweru City Council Budget Performance Review, 2018). Technically, what this means is that some of the rateable properties are not on the billing system yet they continue to receive council services such as water, sewer and refuse collection without contributing anything to the council's fiscus. This continues to drain council financial resources on projects that do not contribute to the financial well-being of the city. On issues of public engagement on accountability and governance issues, it seems there is no citywide engagement of the generality of the residents by the authorities in the provision of services. In this regard, the elected leaderships seem to mobilise residents on political grounds hence the poor attendance of council meetings by the residents. This is clearly reflected in the Ward Development Committees which are prescribed in the Urban Council Act (UCA) [Chapter 29 :15] and the Rural District Councils Act [Chapter 29:13]. In essence, the councillors should be a community builder and a community advocate for and on behalf of all residents regardless of their political or religious affiliation. However, it seems this is different from what is obtaining on the ground. The ability of a local authority to provide a service depends on the revenue it collects. This is the basic fundamental fact that residents, business and government need to appreciate. In this view one research participant argues that:

Normally, when we invite people for budget consultation it's a process, where first of all, we come up with our performance budget for the previous year, like now we want to come up with our 2016 budget, we have to come up with our 2015 performance budget. We invite people. The first people we invite at the first stage are the representatives of the various people out there. We talk of the business community, we talk of the residents and rate pays association, we talk of the

vendors, we talk of the industry, we talk of the ward development committees in our 18 wards representatives, we also have the NGOs, we invite the institution. You know invitations go to all those people but now some people normally don't respond, but those who respond, they come we sit down together, we spent a day in our city parlour there, they ask questions then we come up with the budget at that level.

The amount of people who attend these budget consultation meetings exhibits the extent of the failure to address the fundamental issues that affect the residents in terms of the service provision agenda. This is shown through the poor turnout of the residents in attending these meetings. This has resulted in poor civic engagement and lack of communication on the part of council. This development contributed to the poor turnout of residents in engagement meetings. Closely related to the above, the council seems to have instituted a piecemeal kind of citizen engagement on governance and service delivery issues for administrative and legislative fulfilment without full commitment to consult the residents on issues that affect their livelihood, hence, the poor attendance. To improve public confidence in the budgeting process, councils are therefore urged to pursue steps such as; incorporating suggestions raised during budget consultation meetings into final budgets and disseminating information on the performance of previous budget before consultation meetings and budget performance reports (monthly, quarterly and annually) to residents (We Pay you Deliver Report 2017, p.9). In this regard, there is need for the commencement of genuine city-wide engagement forums on non-partisan basis improving public access to council processes and systems. This development may go a long way in improving revenue inflows and improve the service delivery thrust of the council ultimately improving the quality of life of the residents. In the same vein, one local government expert said;

The relationship between elected and the appointed is such that: again like I said earlier on, these people appear as if they are conniving to defraud the local authorities and there is a major weakness. One weakness is that the two do not know their boundaries, they do not know where they start and where they finish. As a result, there is an overlap of responsibilities or duties and it then ends up being interference.

This development seems to suggest that in the Gweru City, there is a deliberate connivance between the councillors and the council management to misappropriate public resources meant for public service provision for their personal use. This arrangement, if practiced, might result in the failure by the council to provide public services to the heterogeneous citizenry. To this end, failure by the council management and the elected leadership (councillors) to stick to their core mandates in the council business has the potential of distracting council business within their areas of jurisdiction characterised by dwindling service provision thrust. In essence, looking at the Go-Beer debacle, it can be seen that there was a direct connivance between the 2013 elected officials and the city management and in some instances, council-owned cattle were sold at a paltry US\$69 and the majority of them were bought by council officials (Dewa, 2014). This development shows the intensity of the corrupt connivance situation that was grappling GCC at that time and this directly hampered the delivery of public services to the heterogeneous citizenry. This situation was 'inherited' from the previous council. The effectiveness of the budgeting process from local authority perspective is hampered by the following factors; failure by residents to raise substantive issues during budget consultations; lack of coordinated voice from residents when commenting on draft budgets; inadequate dissemination of consultation dates & venues; failure by local authorities to disseminate monthly, quarterly and annual budget performance reports to residents as a way of accountability and also preparing residents for budget consultations. Another research participant argued that:

There is need to rationalise the parking fees and not the current arrangements whereby there is need for the automation of the system to minimise losses due to theft and connivance by council employees continuously bleeding the council yet the employees are on the payroll yet the money does not reach council coffers. Gazing critically into the traffic management system and revenue collection, it appears there is an organised syndicate between the elected leadership, council management and the employees who ironically emanate from the wards and who were employed at the behest of the councillors making the issue of transparency difficult to penetrate and analyse. This complex narrative requires a clear analysis on the key players and their roles in the governance realm in GCC. There is need to streamline

and redefining each actor's role with a view towards improving the public service provision thrust of council.

In terms of the sources of revenue, the major ones are rates and water charges. Coming second to these two are sewerage fees and the refuse fees. In this view, the by-law on City parking as prescribed in the Statutory Instrument 60 of 2012, promulgated by the Minister of Local Government in Schedule I, II and III outlines that the exorbitant amounts being charged by the GCC for traffic offences, among them an offence within town is US\$30, for towing the vehicle it is US\$40 and the storage fee is US\$30 per day which is unaffordable to the ordinary citizen. This might have been arrived at a council resolution without consultation with the citizens and this has fuelled corruption in the City Parking Department with employment costs exceeding the monthly collection of city parking rendering it a loss-making venture. This is as a result on non-consultation of the citizen and hence the exorbitant fees being charged to the residents and ratepayers. Then, there are some other sources like the parking fees and the vending (hawking) fees. Another research participant in terms of the key cost drivers of the GCC noted that:

The major cost driver as I have said earlier on is manpower and as I said it's because, from my opinion, the labour force is too high, it's too big and then secondly, I believe also what happened like what happened in 2014 where, in fact, our budget could not sustain the levels in terms of pay levels but council went on to give the employees packages higher than what was in the budget. So, since then, it has become the biggest cost driver. Then, after that: we have the coming in of our electricity particularly for pumping water from Gwenhoro. That one is another major cost driver...

In this regard, a bloated council structure with a workforce more than the council capacities result in the failure to pay the council workforce resulting in recurrent salary deficits being experienced by the council. This development seemed to have emanated from the situation whereby the councillors recruited excess personnel as part of the election promises which the council did not need to perform its service delivery agenda rendering some employees underutilised. While the employees are underutilised, they are supposed to be paid by council without optimum performance being experienced. In 2018 from January to August, 70 % of the actual collected revenue was dedicated towards the payment of salaries and allowances and

the rest (30%) was channelled towards service provision and the money was channelled towards salaries because employees are a critical resource (Gweru City Council Mid Term Budget Performance Review, 2018, p.3). This development contributes directly to the council's failure to effectively discharge its mandate due to high employment costs, low staff morale to discharge their duties ultimately resulting in a dwindling service delivery to the heterogeneous citizenry. In relation to the above, one other research participant was quick to argue that:

The relationship has been cordial, it has been cordial but also there are some, you find that there are some instances where you were talking of interference and maybe it's not interference, I don't need to put the policy implementation. For example, we talk of disconnections and you get from central government that you should not disconnect water, that kind of thing. It has some implications on our operations and then central government also you will find for example, this collective bargaining. You bargain at local level and you say as employer what the employees are requesting is not feasible, it's not sustainable. They go to labour; you find labour turns around what you are saying and it's in favour of the employee even though budget can't sustain that you get a rule in that you pay what they are requesting.

This assertion is true considering the Zimbabwean local government is highly unionised and, as such, collective bargaining actions usually benefits the employee at the expense, at times, of rational economic and efficiency decisions that need to be undertaken by council to achieve timeous service provision to the residents. In this respect, the labour bodies that represent the urban councils fall under the ambit of the Zimbabwe Urban Council Workers Union (ZUCWU) an affiliate of the Zimbabwe Congress of Trade Unions (ZCTU) which lobby for the remaining of the status quo in terms of employment despite the operational inefficiencies that the councils are experiencing despite the minimal service delivery challenges that they will be facing. Other snippets from the key informants with regard to the key political and administrative systems broadening the scope of sub-national governments include the following:

Today most of them are above the first degree, most of them masters and you name them. But if you check the quality of work that is interpreted as the quality of service which you are supposed to give the Gweru community is different. If you were to compare the employees of the time, I am speaking of and the employees of

today, the mechanisation which has been since introduced we are missing the point really and this development has seen the state of service provision in Gweru City depleting to alarming levels.

One of the managers in the Engineering Department noted that:

It's an issue of planning and the issue of resources. In the area of road infrastructure every local authority was collecting taxes for the vehicles then. And the taxes were made to service and improve the road infrastructure. But currently, the arrangement is slightly different. The tax collection that is being done by the central government which intended are portions a certain percentage back to the local authority and that certain percentage I doubt very much meets the requirements. It surges, to a certain extent, I agree but not to the level. Planning aspect yes is one of the factors, but the truth of the matter is the plans are there but possibly the financing of the plans is the major harbour.

The aim of the chapter was to review literature and to provide the conceptual and theoretical frameworks informing the study of local government service delivery. Thus, theories and concepts related to sub-national governments, the issues they raise and how such issues relate to either performance or structure of sub-national governments or to the effectiveness of service delivery were discussed. Leadership, management and focal points of accountability in sub-national government institutions were analysed in the context of service delivery challenges in various jurisdictions. Case studies of jurisdictions and indicators of efficiency service delivery were also excellent. The chapter concluded by looking at theories underpinning the study. These include the democratic participatory theory, efficiency services theory and the systems theory. Other theories emphasise the role of leadership and management in fostering effectiveness in the delivery of services. Progressive principles and values of leadership such as responsiveness, accountability and honesty of sub-national government personnel have implications on performance of local governments in discharging mandates. One critical issue emanating from these theories is that besides appointed council staff, elected councillors' capacities have key effects in shaping service delivery visions and achieving mandates. The implication on this study is on the need to interrogate the roles and capacity of both staff members and elected councillors to better understand service delivery in GCC. The next chapter focuses on the research methodology and design.