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FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF POLITICS AND PUBLIC MANAGEMENT

**AN ASSESSMENT ON THE DEGREE OF LOCAL GOVERNMENT DISCRETION
ON DECISION MAKING IN URBAN LOCAL AUTHORITIES. A CASE STUDY OF
KADOMA CITY COUNCIL.**

A DISSERTATION BY:

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I **Emeliah Hapanyengwi (R132969V)**, declare that the research project herein is my own work and has not been copied or lifted from any source without the acknowledgements of the source.

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DEDICATION

This dissertation is dedicated to my late mom, Thando Sibanda.

ABSTRACT

This study sought to assess the degree of local government discretion in decision making in urban local authorities using Kadoma City Council as a case study. The study analysed the powers of urban local authorities and the constraints being faced in fostering quality services. A qualitative research design was used in this assessment. A sample of 40 respondents was chosen. The sample included the mayor, town clerk, councillors, directors, H.O.Ds and employees. Both secondary and primary data were used in the collection of data. Data was collected from interviews, questionnaires and reports from other researchers to come up with conclusions. The study acknowledged that urban local authorities have no autonomous voice regarding decision making and planning issues because of the powers vested upon the Minister and the President. Urban local authorities derives their duties and powers from different acts of parliament that makes local authorities being subordinated to other Ministries for example the Water Act, Road Act , Health Act to mention but a few. Through a survey that the researcher conducted, it indicated that poor revenue base, political interference, undemocratic legislative amendments, poor governance and making of by-laws are some of the constraints that are being faced by KCC. Borrowing powers and laws reforms are suggested mechanisms that the government of Zimbabwe must adopt. Sustainable financing, transparency, integrated planning of sustainable infrastructure and valuing of local skills can enable urban local authorities to steer socio-economic growth.

ACRONYMS

BSACBritish South Africa company

H.O.D.....Head of Department

K.C.C.....Kadoma City Council

L.A.....Local Authority

L.G.....Local Government

M.W.P.....Mashonaland West Province

U.C.A.....Urban Councils Act

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CHAPTER ONE INTRODUCTION AND BACKGROUND

1.0 Introduction

This research project is an assessment on the degree of local government discretion on decision making in urban local authorities. An insight and analysis into the area of study will be presented. The chapter gives a background to the study, statement of the problem, justification of the study, objectives and research questions.

1.1 Background of study

The history of formal local government in Zimbabwe is traced from the arrival of the British South Africa Company (BSAC) in 1890. However, some analysts observe that local government institutions that existed before 1890 deserve recognition and classification as forms of local government. Changes in policy and law are a useful framework to use in tracing the history of local government. This is because these capture the essence, structures and functions of local government.

Mutizwa Mangiza (1985) declared that amid the provincial time, the strategy of racial isolation commanded political, financial, and social circles and was upheld by enactment, for example, the Land Apportionment Act of 1930 and the Land Tenure Act of 1931 which differentiated ^{land} as being European or African. The urban, mining and prime cultivating country ranges were assigned for Europeans. The Africans possessed the more peripheral Tribal Trust Lands (TTL), later renamed as Communal Lands. A 1953 record from the Government of Southern Rhodesia, characterized the premise of neighborhood government as "a honest to goodness group or its creation. . . what's more, [that] no meaning of local government is more suited or direly required in Africa than that of a group building organization" (Government of Southern Rhodesia, 1953). This offered space to a legislature supported near study that encouraged a level headed discussion on local government. The Southern Rhodesian Government likewise looked to maintain a strategic distance from reliance of Africans on central government and forewarned against spoon-encouraging as takes after: "The genuine risk of reproducing a types of sub-monetary man . . . unmindful of basic duties and viewing government as a limitless wellspring of advantages . . . the issue requires a reconsideration of the present framework with a view to relegating a clear circle of

fund and self-improvement to African local government" (Government of Southern Rhodesia, 1953).

Wekwete 1984 and Jordan 2006 explained that the principal formally settled local authority was the Salisbury Sanitary Board in 1891 and this required the legitimate instrument (Ordinance 2) in 1894. The primary Municipal Law of 1897 conceded city status to Salisbury (now Harare) and Bulawayo with entirely chose chamber. The urban local government was creating in the hands of Europeans ignoring the Africans from urban administration. Hammar (2003) contended that, the production of the Gwai and Shangani „reserves“ under the Matabeleland Order in Council of 1894 implied the start of frontier local government. Ensuing requests, enactments and Commissions dug in white seizure of African land until the 1930 Land Apportionment Act. Business ranches, mines and little urban focuses under the 1966 Rural Councils Act were under the supervision of the Europeans. This procedure denoted the advancement of local government as contended by Chakaipa, (2010). Amid the Unilateral Declaration of Independence (UDI) period from 1965 to 1979, country territories were directed by the halfway selected chiefs that were portrayed by legitimate and domineering forces who decided guidelines overseeing exercises, for example, the land utilize and assess accumulation. The rationale was that of central control instead of local improvement (Mutizwa-Mangiza, 1985). The order of Municipal Act of 1930 and the Urban Councils Act of 1973 acquired a few changes in urban local government. In enormous urban local authorities Harare and Bulawayo, they made various nearby Town Management Boards (TMBs). From the 1930s through to freedom, more local government administrative and arrangement changes were seen (Chatiza, 2008).

Yoshikuni (2006) describes Africans experiences of segregationist landscapes in urban areas, and state control of African housing as contributed to the shaping of community action. Rural and urban Africans social history was characterised by under-provision of services, political exclusion, and socio-economic ill-treatment, with local government literally reduced to an instrument of the central government (Auret, 1995). Also a World Bank study, (1987) indicated that black wages were one tenth of those of the whites. The struggles that the pre-independence political economy inspired were critical in shaping African identities and aspirations at individual, community and national levels. Africans“ experiences of local government institutional processes were influential in defining the agenda of, and participation in the liberation struggle. In essence, the liberation struggle progressively delegitimised colonial local government, creating a basis for a new local government system

after independence. The liberation war contradicted African Councils and rationalised the disposition of traditional leaders. By contradicting and rationalising African Councils, the liberation struggle installed structures around which early independence local government reforms were built (Chatiza, 2010).

As a noteworthy key approach push of government, decentralization began in 1980 to review acquired frontier irregular characteristics, to enhance the cooperation of individuals from grassroots level and to exchange powers and elements of local authorities from central government to the urban and rustic boards. The independence of Zimbabwe in 1980, through their administration looked to present boundless changes which were gone for evacuating a portion of the racial hints in the nearby government framework (Makumbe, 1998). These changes incorporated the evacuation of limitations in light of race, the participation of all citizens in local government, and the redistribution of resources. The goal was to make the arrangement of local government majority rule and more receptive to the requirements of the general population and change the awkward nature of pilgrim disregard (Helmsing, 1991). The administration likewise expanded its level of financial support to the country boards to empower them and government to set out on the gigantic arrangement of administrations and the real recreation of the war assaulted framework. The idea of decentralization rose out of the reasoning of dismissal of the possibility of elitism and is established on the conviction of the vital part of the limit of local individuals (Matyszak, 2011).

The councils were democratically elected and were charged with development functions. This was a significant landmark in the history of the development of the structure of local government (Matyszak, 2011). Within the broad context of urban and rural local government, the Zimbabwean government sought to increase the decision-making powers of local authorities and transfer added functions to them so that they could respond more effectively and efficiently to the needs of local citizens (Chatiza, 2008). Hence the study to be carried out is based on the assessment of local government discretion on decision making in urban local authorities.

1.2 Statement of the problem

The discretion of local government in decision making in urban local authorities as a means of improving the planning and implementation of development interventions through local participation in Kadoma has not resulted in development following the intended path

leading to a developmental management crisis. This is embraced by poor service delivery evidenced by exclusionary housing provision, unaffordability of residential stands, shanty locations in Rimuka and Ingezi, chaotic transport systems and soaring urban unemployment, a general deterioration of the quality of services and shattering of companies. The problem lies in which the central government sought to replace colonial structures of local government with indigenous ones. Herbert (1990:30) argues, that “the new government did not gain control over a weak colonial state but a bruised and no defeated settler state with powerful anachronistic elements that were potentially hostile to the political project of the new regime.” The government was eager to ensure that all citizens would contribute directly towards development and issues that affect them through meaningful engagement and flexibility in the planning and delivery of services.

However instead of fostering stakeholder participation, decisions assume a top down fashion leading to most development plans becoming irrelevant to local needs, as there is a dearth of flexibility in decision making owing to existing vertical structures of government. The failure to follow the agreed path of development has led Kadoma to fail to mobilize additional resources and to use the existing resources efficiently and operate independently without interference of the central government.

1.3 Research Objectives

- Analysis of the powers of local authorities in decision making.
- Analysis of constraints faced by Kadoma urban council in decision making.
- Proffer solutions to Kadoma urban council on how it could manage its discretion without the interference of central governance.

1.4 Research Questions

- What is the role of urban local authorities in decision making?
- Does Kadoma local authority have discretion on decision making?
- To what extent does Kadoma local authority contributed to the development of the city without interference of central government?
- How are decision making, planning and implementation of development plans done in Kadoma?

- In what ways can Kadoma City Council steer socio-economic development through effective and efficient decision making.

1.5 Justification of the study

The research will address the unknown and unexplained realities in existing literature on the discretion of local governance's decision making powers and its supposed benefits in enhancing urban local authorities participation in decision making. The aim of the study is to contribute to the small but growing body of studies that attempt to analyse the impact of urban local authorities have made on urban management and development of Kadoma City council.

The research is being undertaken to close the knowledge gap in understanding the dynamic of local government in urban service provision. The essence of the research apart from gap filling is to capacitate academic in practice. The study will focus specifically on the areas of jurisdiction by Kadoma City Council. The study was chosen because of the realization that there is much hype on urban local authorities as an arm of central government decision making in urban local authorities in Zimbabwe.

1.6 Assumptions

The assumptions that the researcher bore in mind whilst conducting the study were as follows:

- The research would be helpful to Kadoma City Council to explore more opportunities that can enhance development regardless of being subordinated to the central local governance.
- Data and any other source used to gather for the research was correct.

1.7 Scope of the study

The study scope is divided into geographical, content and theoretical scope.

1.7.1 Geographical Scope

CSO(2002),argued that Kadoma is comprised of 17600 people and situated in Mashonaland West province of Zimbabwe, 141km south-west of the capital Harare on the main road to Bulawayo. the town was known as Gatooma until 1982. Kadoma was founded in the 1880s as a mining camp, and constituted under a village management board in 1907 and the Municipality was created in 1917. The settlement was named after the nearby kraal of Chief Katuma who is represented on the town's coat of arms by the mountain bearing his

name and by the Chief's badge of office. Kadoma is one of the earliest towns in the country with mining and farming settlement. Kadoma started as a very small mining village of less than 3000 people in the 1930s, but has today grown into a large relatively industrialised urban area of 176 000 people (CSO 2002).

1.7.2 Content Scope

The study was confined to the Kadoma City Council.

1.7.3 Theoretical Scope

The study was guided by the theories of local government. A theory is a set of assumptions, concepts, definitions and propositions which present a systematic view of phenomenon by specifying relationship among variables with the purpose of explaining and predicting the phenomenon. Theories attempt to provide the justifications for the establishment of local government as a tier of government. The research is focused on the three main theories of local government. These are the following:

- **Democratic-Participatory School of Thought;**

This school of thought is centralised on the concept and practice of democracy. It holds that local governments exist to bring about democracy and to afford the citizens the opportunities for political participation, training in the art of self-government and for political education and socialization (Adeyemo, 2011; Ola, 1984). Ani et al (2013) argues that the concept of local government involves a philosophical commitment to democratic participation in the politics and governing process at the grassroots level. In essence, local government do not only offer opportunities for political participation but constitutes a training base for state or national political participation.

Gboyega, (1987) argued that this position is premised on the attempts to justify the existence or need for local government on the basis of its being essential to a democratic principle or for practical administrative purposes like responsiveness, accountability and control. Local government is perceived as a free institution that provides political education for those who participate in the act of decision-making. However, whether or not local government will promote sectional interest, political

education as well as accountability will depend largely on the nature of the political arrangement within the political system

- **Efficiency-Services School of Thought**

Focal topic by this school is that the main role of the local government frameworks is to give social administrations, for example, lawfulness, nearby streets, essential training, sanitation and others productively. Supporting this contention Kafle and Karkee (2003) expresses that the centre contention of the efficiency-service school is that local government exists to assist to guarantee proficient administration conveyance. However this school of thought proposed its contentions on the idea that some services, for example, defence and external affairs are provided by the central government to the reason for keeping up normal country guidelines or in light of the fact that they are of prompt or of direct enthusiasm to the ordinary citizens. For this the defenders of the efficient service school contend that all is well regardless of the possibility that there is less vote based interest in the administration procedure the length of the local or grassroots individuals get effective services from the local government. Thus this raises eyebrows on the discretion of decision making in urban local authorities.

- **Holistic Integrationist School.**

The argument of the holistic-integrationist school is that local government can perform better than the central government to stimulate initiatives, inculcate the feeling of national consciousness and encourage drive and experimentation in the people because it can more easily identify available local skills, interests and available capabilities and capitalise on them (Ola, 1988). Sandy in Ola (1988:65) outlined the following holistic-integrationist functions to be performed by local government:

- Decongesting government at the middle in this manner liberating national pioneers from burdensome points of interest and superfluous contribution in local issues.
- Increasing individuals' understanding and edifying individuals about financial (group) advancement.
- Making projects to encourage social and financial advancement at the local level more sensible and enduring.
- Training individuals in the specialty of self-government.

The point of view of the comprehensive integrationist model is that local government can diminish blockage in the middle by being required in executing financial projects of the central government either as operators or as bodies to which these capacities are assigned.

The speculations above clarify that the act of vote based system local governments exist to bring measure up to open doors for political investment, preparing in the craft of self-government and for political instruction and socialization to the subject from grass root level. The local government framework needs to give social services, for example, peace, nearby streets, essential training, sanitation and others productively. In this way the urban local powers are of central significance in upgrading quality services to the residents.

Limitations

There are some reasons that hindered the full completion of the study. These included the time frame, employee secrecy,

1.8.1 Time

This was undoubtedly the major limitation to this research. The inadequacy of this factor has been caused mainly by the fact that the researcher had a stipulated time frame being exactly half a year to conduct the study. The completion of a more thorough research would have been possible if the researcher had a larger time period to work with.

1.8.2 Secrecy

Public organizations strictly adhered to their code of conduct and organizational oath of secrecy. In this regard certain information which would have been otherwise extremely crucial was withheld.

1.9 Chapter Summary

This chapter has presented a preview of the research, by presenting the background information on the evolution of local government and its development up to present day regarding urban local authorities, before introducing the research objectives and questions, with the main objective of assessing local governance discretion on decision making in urban local authorities in this case Kadoma City Council. The chapter also looked at the importance of the research towards its selected theories as well as its possible limitations which were mainly confined to carrying out the research as a student.

The subsequent chapter provides review of extant literature related to the study.

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CHAPTER TWO LITERATURE REVIEW

2.0 Introduction

The main purpose of literature review is to help the researcher to develop a good understanding and insight into relevant previous researches and the trends that have emerged. According to Jaeger (1998) in Borg (1996) literature review is an extraction of accumulated knowledge that is learnt from what others have already published to come up with a clear understanding of this study, the researcher finds it necessary to review the literature from other authors and researchers. Saunders et al (2009) outlined that reviewing the literature critically will provide the foundation on which one's research is built. Effort was directed in building a strong theoretical foundation and a framework for data analysis.

2.1 Definition of local government

Local government is characterized as organization locally by those bodies where capacities are presented upon them by central government. As indicated by the Encyclopaedia of Social Sciences, local government is characterized as an open association approved to choose and direct a restricted scope of open strategies inside a moderately little region which is a subdivision of a local or national government. Local government is at the base of a pyramid of administrative organizations with the national government at the top and transitional governments (states, areas, regions) involving the centre range. Additionally John Clarke in his book "Frameworks of the Local Government" characterized local government as that part of the administration of a country which manages matters the concerns of a specific area or place and which it is thought attractive ought to be regulated by local power subordinate to the central government. Local government alludes to the sub-national level of government. In Zimbabwe the principle foundations at this level are Urban Councils (UCs) and Rural District Councils (RDCs). Provinces have no local incomes to bolster the execution of projects be that as it may, rather, are a coordination system for part service and local power programs.

2.2. Local government discretion

The primary condition on which local government could promote democracy on its own is that it must have its autonomy to operate without interference from the central government. The democracy of local government is important in order to exercise its powers. Local government cannot be considered in an absolute sense when it is subordinated to the central. The reason is that local governments must be mandated on constitutions or statutes. The constitution must specify what the local government can do within the area of operation

allotted to it. If local governments are mandated on the constitution, local government can act within constitutionally defined limit. The local government could be considered as being autonomous firstly, if it is allowed to act independently within that defined limit. The second condition appears to be financial. Local government should have control over revenue generating sources from where the higher tiers of government already source revenue. Constitution defines mode of sourcing revenue for local government (both internally and externally). If local government is to be autonomous, then it needs to have the power of sourcing revenue independently and to set their budgets not necessarily to be approved by the minister of local government.

2.3 Local government structure

In terms of the legal framework, the Acts below define the modus operandi of the local government system in Zimbabwe:

- (a) The Regional Town and Country Planning Act (1976);
- (b) Provincial Councils and Administration Act (1985);
- (c) The Rural District Councils Act (1988);
- (d) The Urban Councils Act (1993);
- (e) The Traditional Leaders Act (2000); and
- (f) Constitution of Zimbabwe (2013)

These six legislations define the functions, powers, structures and procedures of local government in Zimbabwe. The above legal instruments introduced and some of them subsequently amended in the post-independence era empower the local government institutions to carry out their mandate (Machingauta, 2010). The Acts define the legal and functional relationships between and among the various actors in local government, who in essence are the key enablers to development, to the extent the same have to proffer safe landing to all development initiatives. In the context of decentralisation and autonomy of local authorities bring communities closer to the decision-making process on local development initiatives, thereby inducing the indispensable sense of ownership and sustainability development initiatives.

2.4 Powers of urban local authorities

The creation of local government Ministry, the amalgamation of African Councils into District Councils and the establishment of new legislation (Rural District Councils Act and the Urban Councils Act) succeeded after 1980 when Zimbabwe got its independence. In spite of Zimbabwe's independence from the colonial regime, the new legal and institutional framework of local government did not depose nor loosen the central government's stranglehold on local authorities. The post-independence era has been characterized by what Olowu (2001) refers to as expanded "centralization through decentralization" where central government purports to promote the principles of decentralization by transferring tasks and responsibilities to local authorities whilst retaining decision making power and authority.

Government perfected this strategy by fostering central government control through crafting legal and institutional frameworks that gave the responsible Ministry of Local Government unlimited and unchecked powers and discretion whilst the institutional framework provides the necessary levers to execute the powerful legal provisions.

2.4.1 Legal framework

The Urban Councils Act (Chapter 29:15) and the Rural District Councils Act (Chapter 29:13) provides for the establishment of Urban Councils and Rural District Councils respectively. These pieces of legislation determine the powers, functions and locus of local authorities. They also shape urban and rural local governance. Also they constitute the tools available to the Ministry of Local Government Urban and Rural Development to supervise, monitor, direct and control local authorities. The balance of power enshrined in the numerous pieces of legislation reflects the "mortal" and ultimate vulnerability or protection which local authorities suffer or enjoy from the centre. Zimbabwe accords unlimited power, authority and discretion to the Ministry and leaves councils at the mercy of the responsible minister who can easily manipulate, whip, politicize and jettison them and still remain intra wires.

2.4.2 The National Constitution

The Zimbabwe Constitution, in its preamble, states that the "constitution is the supreme law of Zimbabwe and if any other law is inconsistent with this constitution that other law shall, to the extent of the inconsistency, be void". It therefore goes without saying that the national constitution is superior even to the Legislature. The Zimbabwe Institute (2005:15) argues that in that regard, the administrative and political culture in Zimbabwe highly regards

those matters enshrined in the Constitution, which cannot be changed before careful review, consultation and defensible justification. The Constitution of Zimbabwe is silent on the establishment of local government. It simply states in its preamble that the “constitution is the supreme law of Zimbabwe and if any other law is inconsistent with this constitution that other law shall, to the extent of the inconsistency, be void”. The implication of this situation is that local authorities are not constitutionally protected. The constitution of Zimbabwe Amendment (No 20) Act 2013 (Chapter 14), acknowledges the devolution of power and responsibilities to lower tiers of government. The constitution does not provide for the establishment of local government system and this makes local authorities derive their authority from and are subject to the dictates of the Ministry of Local Government.

The strength of the current legislative framework is that it can be easily changed and amended to suite the prevailing circumstances. The Acts can be amended at any time, to suit any political climate which might not necessarily be relevant to the local authorities and residents but the feuding political parties. Apart from being at the behest of partisan politics, the unconstitutionally protected local government of Zimbabwe has been is also at the mercy of the MLG. Local authority initiatives, annual budgets, revenue-raising initiative, by-laws and council resolutions as well as the hiring and firing of senior staff require approval by the MLG. Council resolutions can be reversed, rescinded and amended by the Ministry to the detriment of local interests.

2.4.3 Urban Councils Act Chapter 29:15

In Zimbabwe, the Urban Councils Act (UCA) [Chapter 29:15] provides for the establishment of urban local authorities as well as the manner of their operation. Mushamba (2010) is of the view that legislation provides for the supervisory and monitoring roles of national government in the running of local authorities. He raises the questions, whether there is an appropriate balance between the need for oversight and the need for local discretion. Also that, the checks and balances exists to guard against undue interference by central government in the affairs of local authorities. And to acknowledge, whether these checks and balances are working.

2.4.4 Rural District Councils Act [Chapter 29:13]

This Act provide for the declaration of districts and the establishment of rural district councils. It confer and impose functions upon rural district councils and provide for the administration of their areas. It also provide for matters connected with or incidental to the foregoing.

2.4.5 Provincial Councils and Administration Act [Chapter 29:11]

This Act pronounces the declaration of provinces within Zimbabwe. It set the guidelines on the appointment of provincial governors for such provinces. The provision for the establishment and functions of provincial councils is granted. It also provides for the duties and functions of Governors and Resident Ministers and Provincial Administrators for the country's ten provinces. The governors are political heads of provinces appointed by the president, they are empowered to chair provincial councils and are the highest decisions making authorities of provinces.

2.4.6 Traditional Leaders Act [Chapter 29; 17]

The Traditional Leaders Act Chapter 29;17 provides for the appointment of village heads, headmen and chiefs. It also provide for the establishment a Council of Chiefs and village, ward and provincial assemblies and define their functions. It provides for the issue of village registration certificates and settlement permits.

2.4.7 Local Government Laws Amendment Act 2007

The Local Government Laws Amendment Act was ratified in 2007 escorting in some variations in the Rural District Councils Act (Chapter 29:13), the Urban Councils Act (Chapter 29:15) and the Electoral Act (Chapter 2:13). The resolution was of making an endowment for various matters rising from the Constitution of Zimbabwe Amendment (No. 18) and the Electoral Laws Amendment Act, 2007. Clauses 2 to 4 amend the Rural District Councils Act (Chapter 29:13). The amendments transmit to the constitutional reassignment of the accountability for dividing council areas into wards from the President to the Commission.

2.5 Institutional Framework

2.5.1 The Ministry of Local Government Rural and Urban Development

The Ministry forms the apex of the Local Government system which is responsible for the broader formulation and implementation of Local Government policy. It provides the legislative and policy framework within which local government units operate. The ministry also administers the various statutes which establish and operationalize local government in Zimbabwe. It is finally accountable to the Nation, Parliament and the Executive for the efficient operation of local government.

2.5.2 Local Government Board

The Local Government Board is provided for under section 116 of the Urban Councils Act. Conferring to the Act the Minister assigns seven members whom they shall:

- (a) Be selected from a list of not less than three names succumbed by the Urban Councils Association;
- (b) Be chosen from a list of not less than three names acquiesced by the town clerks;
- (c) Be taken from a list of not less than three names submitted by the Municipal Workers Union;
- (d) Be a participant of the Public Service Commission selected from a list of not less than three names defer to by the Minister responsible for the Public Service;
- (e) Two shall be appointed for their ability and experience in public administration and who are or have been employed by a local authority or the Public Service for a period of not less than five years in a senior post.

2.5.3 Provincial Governor's Office

Provincial Governors are political office bearers and Resident Ministers of provinces appointed by the President on the basis of eligibility for election as a member of parliament. Each province in Zimbabwe therefore has a provincial governor who chairs the provincial council. The council is in turn responsible for:

- Promoting the development of the province;
- Formulating policies, both long-term and short-term, for the province;
- Preparing annual development and other plans for the province;
- Reviewing and evaluating the implementation of development plans and policies within the province;

2.5.4 Traditional Leadership

The local government system in Zimbabwe is characterised by the existence of hereditary (traditional) leadership paralleled with elected (Council) leadership. The end result has been that of conflicting claims of legitimacy and uneasy co-existence between elected and traditional leaders particularly in the rural areas. The arrangement provides a

platform for traditional leaders and local government officials to trade accusations of abuse of power, non-compliance with law, customs and traditions.

2.5.5 Ward and Village Development Committees

These are grass root structures made through the Prime Minister's order of 1984 for the recognizable and articulation of village needs, organizing people to embrace common projects and also participating with government extension workers development planning. The significant shortcoming of these structures is the absence of lawful independence and adequate resources to effectively discharge services. ACPD (2010) portrayed decentralization to the VIDCOs and WADCOs as "phony decentralization" which has created structures lacking power and resources to have significant viability.

2.6 Functions of urban local authorities

The topic of decentralization consolidated the Urban Councils Act section 29:15. The selected local government bodies is given the obligation of providing services to general society and regulating the affairs of their local areas. The powers of urban local authorities depend upon the nature and degree of the territory they manage. Local government functions can be divided into mandatory and permissive. Mandatory functions are those that are compulsory for council to perform. Permissive functions incorporate the provision of social services and community development. Be that as it may, councils are allowed to perform any functions other than those predefined, provided they are not beyond their areas of jurisdiction. The fundamental classes of urban local authorities incorporate –

- ❖ Developmental functions
- ❖ Forward planning
- ❖ Financial functions
- ❖ Governance
- ❖ Regulatory

There are other pieces of legislation not administered by the Ministry responsible for local government, which the powers and functions of urban local authorities. The important non-local government legislation that impact on or define the powers and functions of councils include –

- ❖ The Environmental Management Act [Chapter 20:27];
- ❖ The Public Health Act [Chapter 15:09];

- ❖ The Shop Licences Act [Chapter 14:17];
- ❖ The Vehicle Registration and Licensing Act [Chapter 13:14];
- ❖ The Education Act [Chapter 25:04];
- ❖ The Roads Act [Chapter 13:18];
- ❖ The Communal Land Act [Chapter 20:04];
- ❖ The Road Traffic Act [Chapter 13:11];
- ❖ The Traditional Leaders Act [Chapter 29:17]; and
- ❖ The Water Act [Chapter 20:24]

2.7 Analysis of the powers and functions of urban council

Apart from the general powers of UCs listed above, more specific powers are provided in section 198 of the Act (Second Schedule). These powers relate to 54 developmental, regulatory and service provision issues. Areas where urban councils can make by-laws include:

- ❖ General issues.
- ❖ Council records and monetary matters.
- ❖ Controls over possessions.
- ❖ Development, construction and usage of structures and buildings.
- ❖ Roads, public places and transportation.
- ❖ Services and facilities.
- ❖ Water.
- ❖ Electricity.
- ❖ Sewerage, waste and the removal of garbage and foliage.
- ❖ Animals.
- ❖ Food, food premises, vehicles and, markets.

- ❖ Trades, employments and other activities.
- ❖ Nuisances.
- ❖ Functions, routines and amusements.
- ❖ Fires, explosive materials and explosives

The momentary of by-laws is subject to the endorsement by the Minister of Local Government. The Minister can, after consultation with the LGs, modify or adapt the by-laws. Where a local government is directed by the Minister to make by-laws and fails to do so, the Minister may institute proceedings to make and adopt by-laws on behalf of the sub-national government. However, it has been contended that in most cases the supreme supervisory powers of the Minister thwart due exercise of this discretion. LGs find themselves tangled down by procedures in their decision making processes, which oblige them to seek the Minister's approval even for routine decision

2.8 Constraints being faced by urban local authorities

The above laid out functions and roles of urban local authorities need the accessibility of resources for the compelling execution of duties. The presentation of multiple currencies in 2009 has been seen as a major challenge to most urban local authorities to foster development since they over changed their services and the occupants opposed to pay. The move from Zimbabwean dollars to different monetary standards was not accompanied by any studies on the cost of services in foreign currency. A number of councils have to revise their budgets downwards.

Kadoma city is one of the chambers that have challenge in timeous billing. Their bills come late after the residents have spent their resources on more squeezing needs. Some of the councils' revenue halls made are not user friendly these include Rio Welfare Centre Waverly Hall, Sarudzai B/Hall among others.

2.8.1 Institutional capacity

Local government ability to convey requires harmonious co-existence, complementarity, and trust between the elected leadership and the staff of council. A major challenge, usually occur particularly after general decisions and the coming of new elected of new policymakers, is the issue of mistrust. Bruising battles which are times devouring and divisive regularly happen. The rising challenge is amongst councillors and mayors particularly of the opposition parties. Kadoma city is made out of the MDC-T and ZANU-PF councillors in this way the

issue of basic leadership turns into a challenge. . Also not long after electing a mayor many councillors wanted them out. Such tendencies result in the organizations losing focus and splitting into camps and detract from the core business of council. Training programmes for councillors and senior staff together should not be confined to induction training, but instead should be on going. With more and more interaction in the presence of outside facilitators, it is possible to overcome some of these challenges.

Resources permitting, councils should fill key posts timeously. Many councils have senior positions vacant for long periods of time. This affects the smooth operation of council as acting incumbents may not take bold decisions when such decisions may be required. The driver of the strategic vision of council in the department is the head of department, indicating the need to have substantive officials in place.

2.8.2 Planning

Strategic plans, local plans, master plans, rolling plans, and annual plans are prepared meticulously. The link between planning and budgeting is weak. The lack of funds to meet shopping lists of needs from grassroots levels has dampened enthusiasm from the local people. It is important for council to plan within the limits of available resources, and not rely on the centre as the source of all development finance. Strategic plans which are being prepared with elaborate visions and missions should be participatory and realistic. Many are crafted by a few technocrats sparing the interested stakeholders and beneficiaries outside and thus leads to lack of ownership and a shared vision, making them inoperative from the start.

2.8.3 Political interference

The legislative and policy environment in which local government operate is to a great extent set at the national level. In such manner national politician's officials have an immediate enthusiasm at the local level, and would need to apply their impact and shape the outcomes. Interpretation of political party ideologies and election guarantees into important strategies and projects create dichotomy. The circumstance is trickier when the political party in control at the national level is not quite the same as that at the local level. The issues of control and self-governance then emerge.

2.9 Solution to the independence of urban local authorities

2.9.1 The Constitution should:

- establish local authorities as a free standing level of government at sub national level, specifically the district and provincial levels for Metropolitan Provinces;
- spell out the various responsibilities and functions of the different levels of government;
- state the major objects and responsibilities of local governments;
- state the revenue sharing mechanisms among the various levels of government;

Central government at all levels from national to sub district will retain the monitoring, regulatory and support role and would not have right to interfere with local authority business. The Constitution will establish the local authorities, central government will have no automatic right to suspend and dismiss local authorities and its elected representatives. Making local government a constitutional creation will pave way to the restrictive ultra vires doctrine.

2.9.2 Decentralisation and devolution

Decentralization and Devolution are ideas and practices that support local government services and passing on of laws to lower levels. The idea of 'decentralization' has given diverse meanings by various researchers. The definitional perplexity generally emerges from interchanging use of its broad and narrow definitions. As an idea nonetheless, decentralization starts from the middle. In broad terms decentralization joins three classifications and these are as following:

- ❖ **De-concentration** is the dissemination of powers and obligations among various units or levels within central government. Under de-concentration some discretion is permitted to the 'field agents'. However these field agents are responsible to the central government. The most noteworthy part of de-concentration is that the allocation of responsibilities occurs inside the hierarchy of central government.
- ❖ **Delegation** refers to the transfer of responsibility for specifically defined functions to structures that exist outside of central government. In this arrangement central government has indirect control, with the sub national governments allowed wide discretion. For delegation to take place, the power must have originally resided in

central government which then transfers it to the sub national government. While the central government can withdraw the delegated power it cannot exercise the same power while it has been delegated.

- ❖ **Devolution** implies the area of basic leadership control with self-sufficient sub national governments. It is always meant to be permanent placement of a power at a particular level and that will empower urban local authorities to have discretion over their areas of jurisdiction. This can be accomplished by a way of Constitutional arrangement or in framework legislation. When power is devolved, it becomes to be original in that it resides with the sub national government. Where this happens the central government is denied of the discretion it has when it delegates since it has to adhere to the standards in the Constitution. Central government holds supervisory powers only. The subnational governments are not accountable to the central government. They have their own standards and frameworks that are autonomous of central government.

2.10 The provision of local government in 2013 Constitution of Zimbabwe.

Chapter 14 of the new Constitution of Zimbabwe introduces a ‘devolved system’ of governance for the first time in the country’s history. This scheme, at least conceptually is different from the ‘centralized system’ of governance that existed previously. Under a devolved system, it is anticipated that certain features of political, administrative and fiscal management powers will be transferred and shared between the central government and the newly constitutionally –established Provincial/Metropolitan and Local Authority tiers of government.

Conferring to Section 264 of the new Constitution, the decentralized system is expected to : give controls of local governance to the people and improve their contribution in the application of the powers of the State and in making decisions affecting them ;endorse democracy, effective, transparent, responsible and coherent government ;preserve and foster the peace, national unity and indivisibility of Zimbabwe; recognise the right of communities to manage their own affairs and to further their development ;ensure the equitable sharing of local and national resources from the national government in order to establish a sound financial base for each provincial and metropolitan council and local authority.

2.11 Chapter summary

In this chapter effort was directed towards providing a definitional clarity of local governance and discretion of local governance. Furthermore, the chapter went on to work through the structure of local governance and outlining giving details on the powers of local government reviewing literature on each of them. It also went further to examine the functions of urban local authorities, constraints being faced by urban local authority and to proffer solution to the independence of urban local authorities.

The succeeding chapter examines the research methodology.

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ZIMBABWE LEGISLATION

Constitution of Zimbabwe Amendment (No 20) Act 2013.

Local Government Laws Amendment Act of 2007.

Provincial Councils and Administration Act [Chapter 29:11].

Rural District Councils Act [Chapter 29: 16].

Traditional Leaders Act [Chapter 29:17].

Urban Councils Act [Chapter 29:15].

CHAPTER THREE RESEARCH METHODOLOGY

3.0 Introduction

This section is about the method in which this study has been conducted and looking at the approaches used to collect data. The basic assumptions about the research practice and methods are reviewed and justified with the support of applicable literature. Research methodology includes research design, data collection instruments, sampling design as well as analysis procedures. Although data collection was fruitful, some challenges were met, which are going to be outlined on the study limitations.

3.1 Study Area

The research was done in Kadoma urban. The respondents were drawn from the following areas: Kadoma Town centre and Kadoma Municipality offices. The targeted population was 65 respondents.

3.2 Research design

Cooper and Schindler (2008) assert that research design is the plan for fulfilling objectives and answering questions. They also enunciated that, selection of the research design is the most complex stage; because of a great diversity of approaches, techniques, procedures, protocols and sampling plans that are available. The researcher embraced the qualitative and quantitative method on the basis that it was an approach that enabled collection of data and development of theories as a result of data collection and analysis. The researcher used descriptive research design that seeks to add on already existing knowledge. The research approach was a descriptive type of research which involved the use of questionnaires (40), interviews (24) respondents and secondary data. The questionnaires were administered in all departments at Kadoma City Council. Questionnaires were handy as there were easy to administer and measure. The interviewees were picked randomly.

3.3 Research instruments

Terre Blanche (2006) states that triangulation is the way of using various techniques information gathering systems or information sources. Information was triangulated in order to increase the exactness of discoveries and in addition to build legitimacy and unwavering quality of the discoveries. Evidence of realities, events and circumstances were acquired through information accumulation. The information was gathered through both primary and secondary sources. Primary data gathering was undertaken from the Mayor, Directors of Departments, Councillors, HODs of the divisions and chamber representatives through purposive testing approach using self-contrived questionnaire and interviews.

The researcher used this instrument because it does not require as much time and money from the researcher as verbal surveys due to restricted time and budget plan and regularly standardized answers make it easy to compile information, thusly giving a convenient way for gathering information from respondents. The credibility of this instrument used, is because of its capacity to request data from the respondents within a limited time as upheld by Gupta (1999).

Secondary information was gathered from various record materials and diverse books of distribution. Searching for secondary information furnished the researcher with the mandate of finding out the required information. The advantage of using secondary information was clearly the gigantic saving of time and money as the researcher needed internet and the library to locate and use sources. This helped the researcher to better comprehend the research problem, however the researcher must be mindful so as to use data identified with this study as secondary information was at first gathered for different studies with various objectives.

3.3.1 Questionnaires

As per Leedy (1997), a poll is a rundown of deliberately organized inquiries picked after extensive testing with a view to inspiring dependable reactions from a picked test .The analyst selected the utilization of surveys on the grounds that they are anything but difficult to oversee and measure. Self-regulated surveys were utilized as a part of this case as they are less expensive particularly for studies that include extensive specimen size and expansive land ranges. Saunders et al (2009) states that organized or shut polls are utilized as a result of the accompanying reasons:

Advantages

- ❖ It gets the opinion of the respondents when contrasted with perception which assumes;
- ❖ It improves compatibility of answers making it simpler to show relationships between respondents;
- ❖ Closed questions may clarify significance of a question to respondents by the availability of answers.
- ❖ It is simple for questioners and respondents to finish.
- ❖ Large amount of data was gathered in a short timeframe and in a relative practical manner.

- ❖ It was carried without the researcher hence it restricted impact to its legitimacy and dependability.
- ❖ The information gathered could be examined more scientifically and objectively than any other forms of research.

Disadvantages

- ❖ Open ended questions can produce a lot of information that can take a long time to process and to analyse.
- ❖ It was inadequate to understand some type of data i.e. changes of data, behaviour and feelings of the respondents.
- ❖ There was no way to tell how honest a respondent was being.

Appropriate questionnaires with questions that require personal opinions and period of working in Kadoma were sent to Kadoma City Council. Follow ups were made on time for immediate feedback. The researcher has also solved this problem by piloting the questions to all departments. The respondents were also given adequate time to complete the questionnaires.

3.3.2 Interviews

The researcher managed to interview the Directors of Departments at Kadoma City Council and Head of Departments [HODs]. Semi- structured interviews were used so as to remove rigidity in the nature of the interviews. This was also done so as to introduce some direction to the interview and to let the interviewer manage the direction of the interview. The interview technique offered the following advantages to the research:

- The data secured was detailed;
- It allowed for probing to acquire full understanding of responses to ensure correct interpretations;
- The interviewer clarified doubts and ensured that the questions were being properly understood by repeating or rephrasing the questions; and
- The process of data gathering is fast as immediate responses are got for questions asked.

Disadvantages

- Interviews are time consuming since the researcher was interviewing the directors and HODs there were in a hurry for conducting their day to day activities,
- The researcher had limited time which resulted in disturbance of the smooth of the interview.

3.4 Data Collection Procedure

Questionnaires were administered through drop and pick method as the first priority in two weeks before, to respondents so that the researcher can give them enough time to fill before collecting them. Lastly, the researcher collected the questionnaires from respondents and appreciated them for their participation and cooperation.

3.5 Ethical Considerations

The following ethical considerations were made:

- The purpose and objectives of the research were explained to prospective participants before conducting the research.
- Respect of participants' right to remain anonymous and confidentiality of information was upheld.
- Participants were given the right to participate voluntarily or pull out of the research at any given time.

3.6 Limitations of the Study

The study could not collect all needed information from the key informants' especially council staff that attributed it to be official secrets of the council. To mitigate this, the researcher used worked out timelines, which were outside working hours to meet with some council staff that were absent during interview time and discuss the issues.

3.7 Chapter Summary

All in all, data collection was fruitful since a lot of information was acquired from council employees and top management officials of the city. Triangulation methodology allowed the researcher to analyse different observed qualitative data. Interview guides, questionnaires and field notes were the tools which the researcher used to collect data. Although some information was classified as the council secret, the researcher worked around these obstacles and meet all the objectives of the research.

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CHAPTER FOUR DATA PRESENTATION AND ANALYSIS

4.0 Introduction

This chapter focuses on the analysis, presentation and interpretation of data acquired from questionnaires. The discoveries are in line with the objectives of the study. Data was presented in a way which enables the researcher not only to answer the research questions but the entire problem. Tables, bar graphs and pie charts were used to provide significant information for the study. A summary of responses was used to interpret data for each of the major area of concern to this research which relates to the main problem and sub problems. This chapter provides a presentation collected at Kadoma City Council on the basis of local government discretion on decision making in urban local authorities.

4.1. Analysis of questionnaire response rate

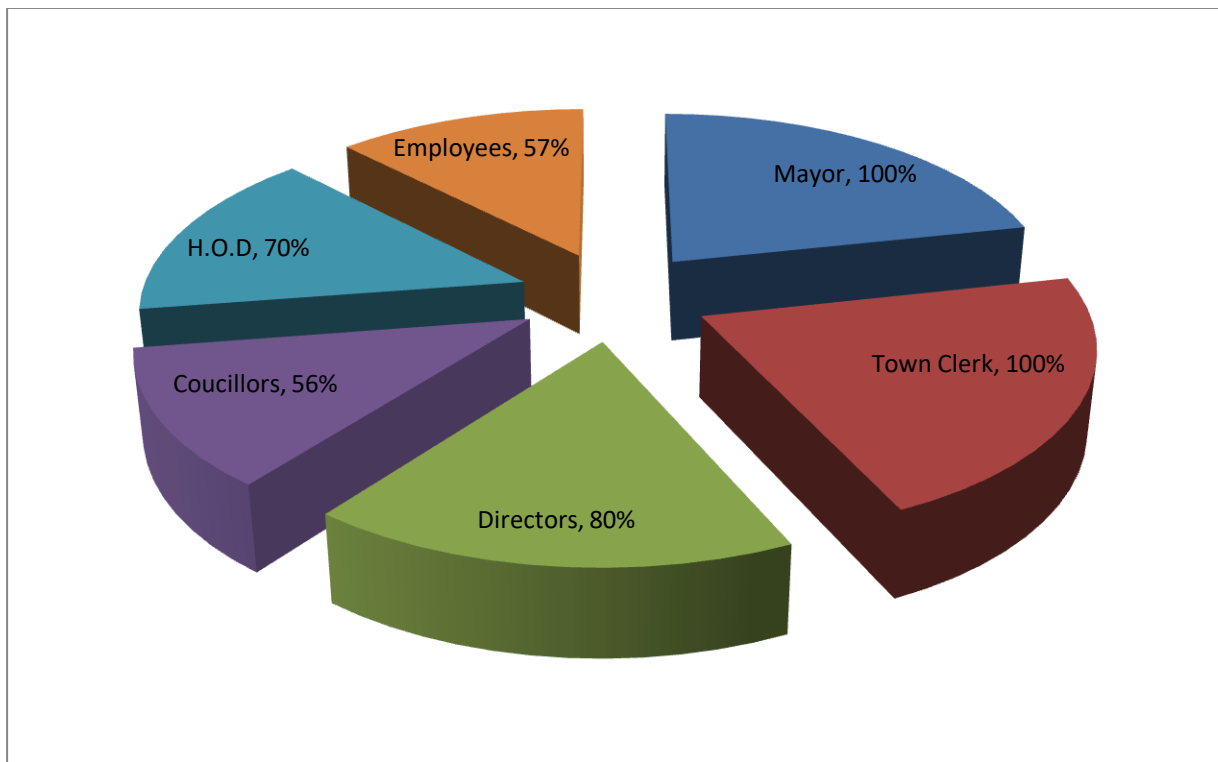
Questionnaires were administered to all the departments of Kadoma City Council which includes: The department of housing and community services, department of health, department of engineering and works, department of health and administration. The researcher sent questionnaires and a total of 40 were returned supposing that those who did not respond were not around and others were saying they are not part and parcel of policy formulation and decision making process within the organisation. Presenting the obtained information the graph stands as follows:

Table 1: Questionnaire response analysis

Targeted respondents	Collection method	Questionnaire Distributed	Valid return	Percentage
Mayor	Questionnaire	1	1	100%
Town Clerk	Questionnaire	1	1	100%
Directors	Questionnaire	5	4	80%
Councillors	Questionnaire	18	10	56%
Head of Departments	Questionnaire	10	7	70%
Employees	Questionnaire	30	17	57%
Overall		65	40	62%

Source: Raw Data

Chart 1 Questionnaire response rate



4.2 Interviews analysis

Table 2 Interview response analysis

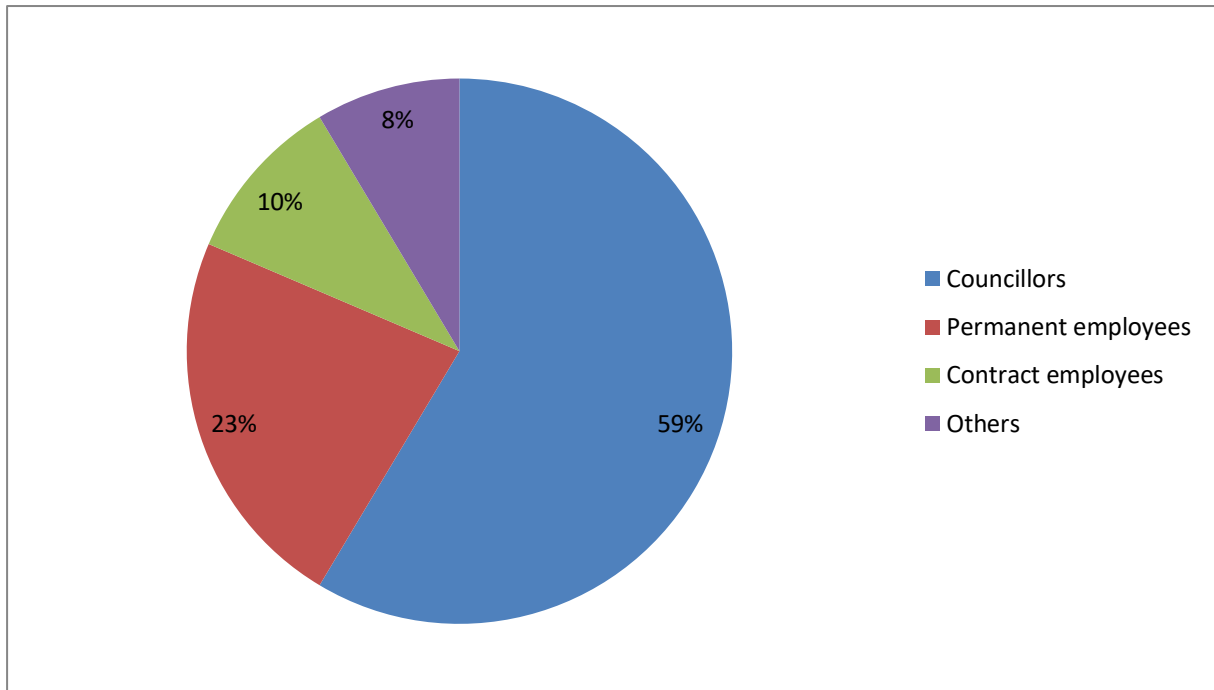
Respondents	Interviews arranged	Interviews conducted	Response rate
Mayor	1	1	100%
Town Clerk	1	1	100%
Directors	5	3	60%
Councillors	10	7	70%
H.O.D	9	5	56%
Employees	10	7	70%
Total	36	24	67%

Source: Raw Data

4.3 Employment status of respondents

The questionnaires were sent to the following respondents: 10 were councillors, permanent employees 18, employees on contract were 7 and others who are also part and parcel of the organisation were 5, these included students on attachment and community based organisation. The following graph represents their percentage of responses.

Chart



Source: primary data

4.4 Kadoma City councils discretion on decision making

Regarding the question of Kadoma City Council's discretion on decision making process 22 employees agreed and 18 disagreed. Directors, councillors, mayor and town clerk have the responsibility of making decisions within the organisation. The councillors, during interview process also alluded to the same reasons as outlined in the questionnaires since they are part and parcel of the managerial team though their engagement procedure differs with others. The above mentioned agreed on the discretion of decision making and their selected reasons stand as follow s:

- ❖ Kadoma city council has discretion on procurement and administration of quality services to the people. They have discretion over processes for attaining goods and services, administration of agreements, leases, concessions and joint ventures. They

can also develop procurement strategies that are in line with specified rules set by national rules and guidelines.

- ❖ Discretion over public service and employment strategies. These covers, pay policy autonomy, budget transparency, budget and establishment control enrolment autonomy and performance supervision.
- ❖ Capability to control on matters affecting their authority. They have influence to endorse local economic expansion, land practice planning, and management, public safety, public health and environmental protection. They have power to sanction and penalize for non-compliance, but they do not over ride criminal prosecution.
- ❖ The new Zimbabwean constitution of 2013 defined the existence of local government that makes central government to lose power to suspend and dismiss local authorities and its elected representatives.

Participants disagreed with the question explained that ministerial directives are the order of the day when it comes to decision making process. They also argued that most initiatives are linked to the power dynamics operating at a particular time for example the introduction of District Administrators in 2003, one way or the other the management team has to report to bureaucrats.

Table 3 Response rate on the discretion on decision making

Response	Frequency	Percentage
Yes	22	55%
No	18	45%

Source: Raw Data

4.5 Delivering of intended goals to the public

During the interview process, some participants strongly agreed that the City Council has failed to deliver their intended goals to the public. They said that some of the services are being conducted through and made possible by donors, NGOs and other interested stakeholders. Below are areas and given reasons for the failure of KCC to meet its goals to the public;

4.5.1 Financial challenges

Financial constraints contributed during the introduction of multi-currency system in 2008. This affected the council and its residents to comply with the change of rates being converted to US Dollars and some rates were biased and miscalculated. Failure to expand the revenue base by UCs, compromises incomes of the council and results in inadequate, ineffective and inefficient responses to public demands and poor service delivery. Madzivanyika (2011) articulated that the structure of UC Act limits the capacity of UC to raise taxes and tariffs on their own without the approval of Minister of Local Government. Hence this makes UCs to depend on limited property rates, supplementary charges, stand sales, graveyards and hall hire, inspection fees and shop licenses.

4.5.2 Inadequate housing

Housing is an important human right that should be achieved by any local authority. Access to quality housing services has been considered to be substandard to meet the required standards in UCs. This was the main concern that was emphasised by most respondents. KCC is lagging behind to offer proper housing to its residents. Chatiza and Mlalazi (2009), claimed that colonial and pre-colonial housing strategy has miserably failed and evidenced inadequate to satisfy housing provision to the residents due to natural population detonation, unaffordability of private land, weak financial capacities of UC to upgrade old and dilapidated off sight infrastructure, overgrowing housing list and poor environmental health and hygiene standards.

Kadoma reveals the colonial stratification that exemplifies majority of Zimbabwe cities. Most of residents live in high-density suburbs that include Eiffel Flats, Rimuka and Ingezi. Eiffel flats was built by Riot Tinto mine to accommodate its workers, but due economic challenges the houses were sold and ceded to mine workers and the services were taken over by KCC which included schools and mine hospital. Rimuka and Ingezi is characterised by Single Quarters (SQ) and General Barracks (GB) where most of the population resides with their families causing congestion to the suburbs since the rooms were meant for the singles. The rooms were built for African mine workers but today they are accommodating families.

4.5.3 Road services

The Ministry of local Government, Public Works and National Housing gives UCs power to manage urban roads. UCs is designated as autonomous road authorities under the Road Act Chapter 13:18. They have directive and autonomous voice regarding infrastructure services within their jurisdiction but they are subject to policy directives. The road network in

Kadoma is generally bad, in both high and low density suburbs. The road that leads to Kadoma town to Rimuka, Gamepark and East View are in a bad condition. The road is full of potholes and it becomes worse during rainy season as being said by one of the respondent.

The current condition of road network has declined due to lack of funding for routine and periodic maintenance. Period 2005-8 was characterised by a sharp decline in the state of an already ailing economy and in general little was done in terms of road rehabilitation and maintenance (Mutembedzi J 2011). The main challenge that is being faced by KCC to maintain its road is that they are heavily dependent on allocations from their own budgets for road maintenance and to acquire taxes and rates from residents who are unable to pay due to melting economy. One of the council officials argued in recent years the government failed to provide part of the cost to UCs for the maintenance of roads.

4.5.4 Water shortages

During interview process, other respondents outlined water shortages as the biggest challenge that KCC has failed to supply to the city. According to Mapedza and Geheb (2010), the Water Act of 1998, Section 5(1) (d) states a primary goal to ‘promote equitable, efficient and sustainable allocation and distribution of water resources’. Therefore water supply must be the first priority of every city. Poor provision of clean water leads to outbreak of diseases e.g. cholera, dysentery, bilharzia etc. Water resource management initiated (1995) stipulates the overall goal to, ‘promote the sustainable, efficient and integrated utilisation of water resources for the benefit of all Zimbabweans (SADC; 2003).

The Gatooma (water by-laws) 1965, provides for the regulation of water supply in the city. Part 1 section (4)(1) gives the council a duty to provide water connection to premises. The 1966 Gatooma Water Amendment By-laws prohibit residents from drilling wells and boreholes without council authorization. Some areas in Kadoma had no water for some years and this contributed to the drilling of wells and boreholes by other residents in suburbs. In some places there is clear evidence of vandalism of pipes in order to access water and there are increasing violence cases at water points as people struggle over a very scarce resource.

4.5.5 Sewage management

Reviewed secondary source entitled ‘Unearthing exclusions Kadoma’, reflected that poor infrastructure impacts on the sewer causing frequent toilet blockages and sewer burst, posing residents to risk of diseases. At the SQs and GBs in Ingezi and Rimuka there is no running water to flush the toilets yet the toilets are still under use. Shortage of water causes sewer to

burst and lead to disposal of sewage into the open environment. Below is a summary of toilets and water infrastructure conditions at Rimuka, Ingezi and E/F.

Table 4 Toilet Conditions

Location	Type of toilets		Condition of toilets		Condition of water system in the toilet		Running tap water infrastructure	
	Communal	Family	Functional	Not functional	Working	Not working	Good	Poor
RIMUKA SQ	✓			✓		✓		✓
R/ NEW STANDS		✓	✓		✓			✓
INGEZI SQ	✓			✓		✓		✓
INGEZI NEW STAND		✓	✓		✓			
EIFFEL FLATS		✓	✓		✓			

Source: secondary source

However, the top management of KCC acknowledged that Kadoma has succeeded to deliver its intended goals to the public. The effective service delivery and management of services can be achieved when all the residents have access to the services provided and this is a prerequisite for productive investment and economic growth in urban areas (World Bank:2000). Through **Urban Councils Act Chapter 29:15**, Second Schedule the council managed to;

Table 5 Duties of Urban Local Authorities

Section Number	Category	Description
25	Medication	To provide and operate hospitals and clinics (Rimuka, Ingezi and Rio Tinto clinics), to operate the ambulance service, to provide Maternity and child welfare services (Rimuka Maternity Clinic).
23,38	Public Health and Sanitation	Provision of suitable and adequate supplies of water, public vaccination, control of diseases, prevention of pollution, refuse removal and treatment, cleansing service for sewerage, etc.
35	Education	To provide, operate and maintain educational facilities (Ingezi Primary School, Waverly Primary)
19	Public Works	To provide and maintain roads, streets, bridges, canals dams etc., control & regulate building activities, street lighting, tree plantations, etc.
Part 3	Administrative	Preparation of annual reports, maintenance & development of municipal property, regulation of traffic etc.

Source; Urban Councils Act Chapter 29:15

4.6 Means of decision making, planning and implementation.

Top management that includes mayor, town clerk, councillors and board of directors of all departments are responsible for decision making and policy formulation. They have the responsibility of making decisions through given legal instruments and they also partake in the formulation of by-laws provided in UCs act. Another respondent gave reference to the

distribution of residential stands in Victory Park suburb arguing that it is the responsibility of the council to acquire land from the ministry of local government on behalf of the citizen. Hence this makes it clear that the council has a role to play but the final decision comes from the MLG through the approval of the minister. This is same to the enforcement of by-laws; the minister has to approve them first.

Section 314 of the Urban Councils Act, stipulates that ‘ the minister may reverse, suspend, rescind resolutions, decisionsof the council’, has a negative impact to UCs and this makes UCs to be puppets of the central government as argued by one of the respondents. Respondents raised their concern on the serious infringement of their rights to privacy since the minister has absolute powers and unlimited access to any council records without delay (Urban Councils act 29; 15).

Some respondents agreed that decision making process has been successful in recent years through citizen participation. Nelson and Wright (1995) emphasized the participation process as a transformative tool for social change. Citizen involvement is intended to produce better decision and thus more efficiency benefits to the rest of society (Beierle 1999, Thomas 1995).this is achieved through ward meetings conducted by councillors where residents raises their concern and the responsible councillors reports in monthly general council meetings. This enables the citizens to persuade and enlighten the government, gain some control over policy process and leads to better policy and implementation decisions. This exemplified by director of finance, Mrs Zhou, presenting council budget up to the year of December 2016, cited by one of the respondent. He went further to say that, citizen build trust and they can comply with the rules and regulations since they are part and parcel of decision making process.

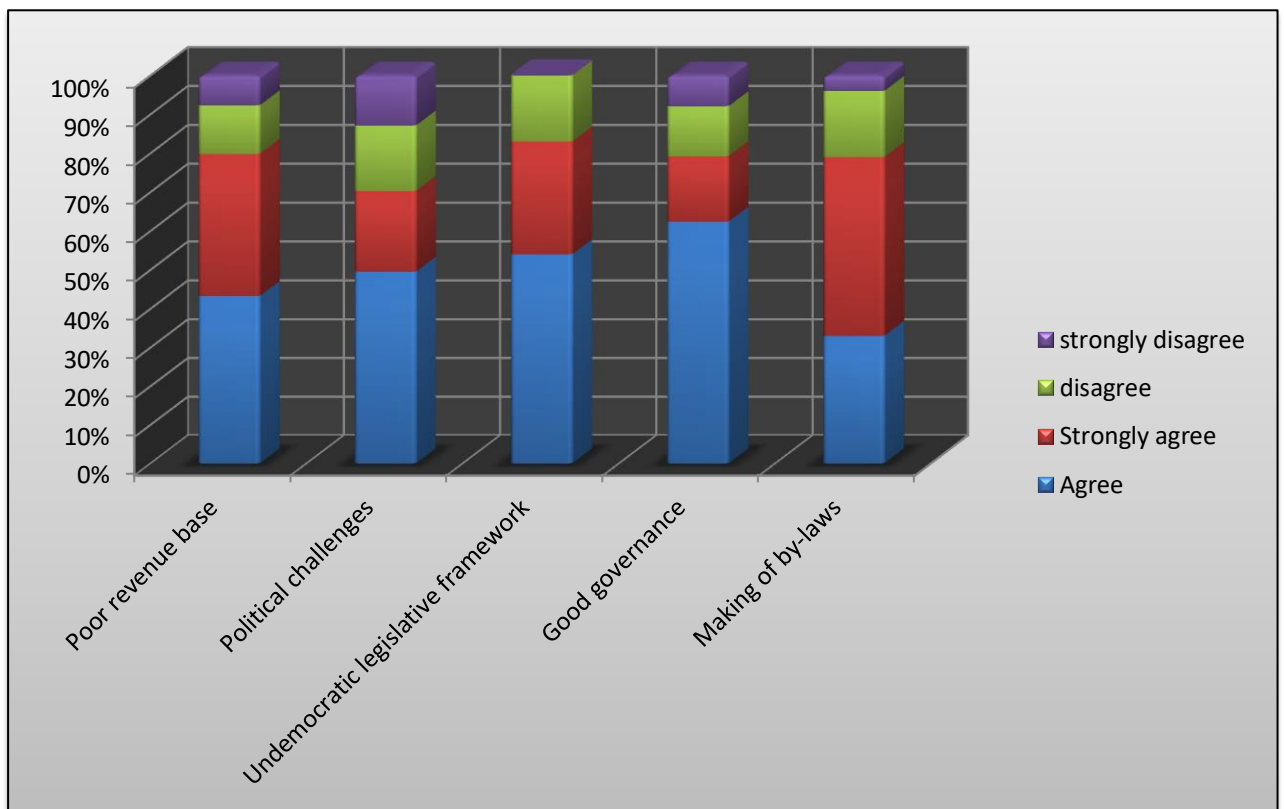
Planning (Urban and Regional) takes place within the context of certain administrative arrangements. In Zimbabwe this refers first and foremost to local government acts, which define local planning authorities (Wekwete, 1989). Based on a secondary source, UCs are responsible for preparing and implementing plans. Their plans must be submitted to the minister of local governance for approval which ensures that overall planning considerations are taken into account. This makes it clear that the minister has an enabling power for planning. The respondents also claimed that Urban Councils Act does not compel the local authority to fully disclose its revenue bases and to determine the remuneration on

development planning and management, hence this entails that UCs are subordinated to MLG.

4.7 Constraints being faced by KCC

The table below shows the challenges being faced by KCC. These challenges were indicated by respondents through questionnaires and during interview process. These challenges includes; poor revenue base that has scored 38%, political challenges 50%, undemocratic legislative framework 54%, good governance 63% and making of by-laws 46%. Their response varied due to some different reasons yet others were strongly disagreeing and being undecided due to lack of knowledge and fear assuming that they are being exposed.

Chart 3



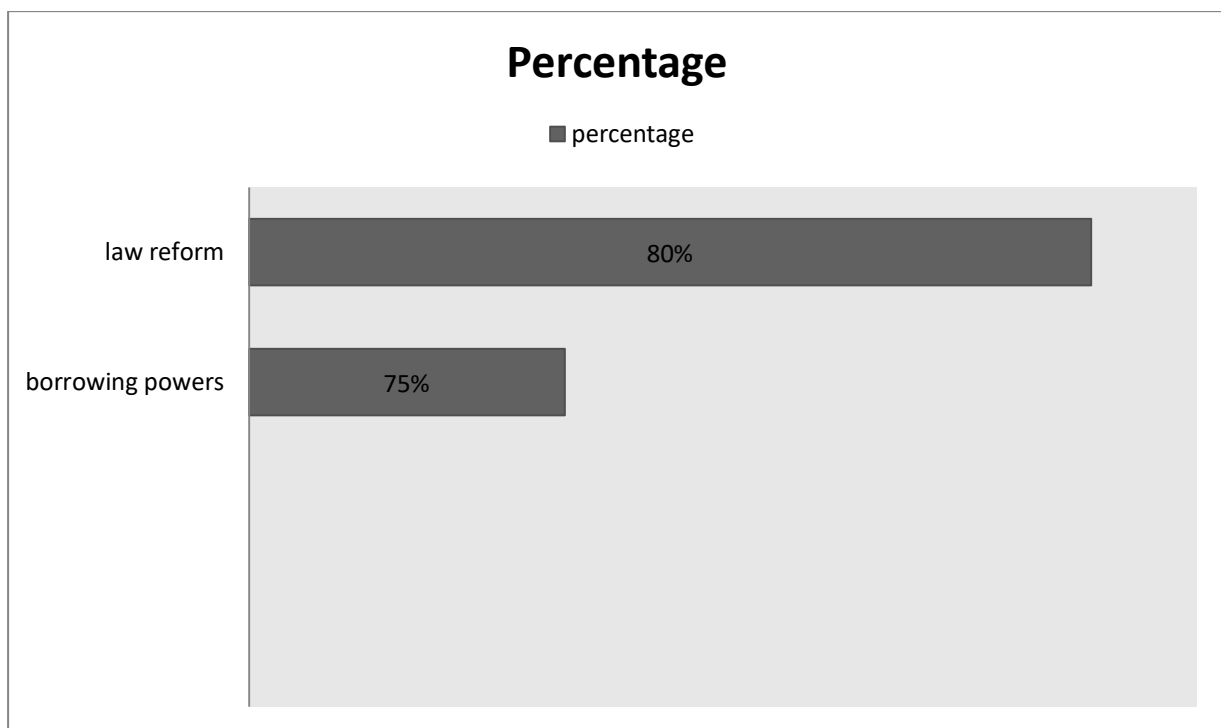
4.8 Solutions to the challenges being faced

Table 6

Response	Frequency	Percentage
Borrowing powers	30	75%
Need for law reform	32	80%

Source; survey

Chart 4



4.8.1 Borrowing Powers

The Urban Councils Act set conditions to be met where councils seek to borrow from any source. They may only borrow for; the acquisition or construction of permanent works or undertakings; acquisition of immovable property; making of advances authorised by the Act; payment of compensation to mention but few. One of the respondents agreed, that all borrowings should be authorised by the Minister of local government of the time. The council has to insert a public notice of its intention to borrow in a newspaper and stating the reasons

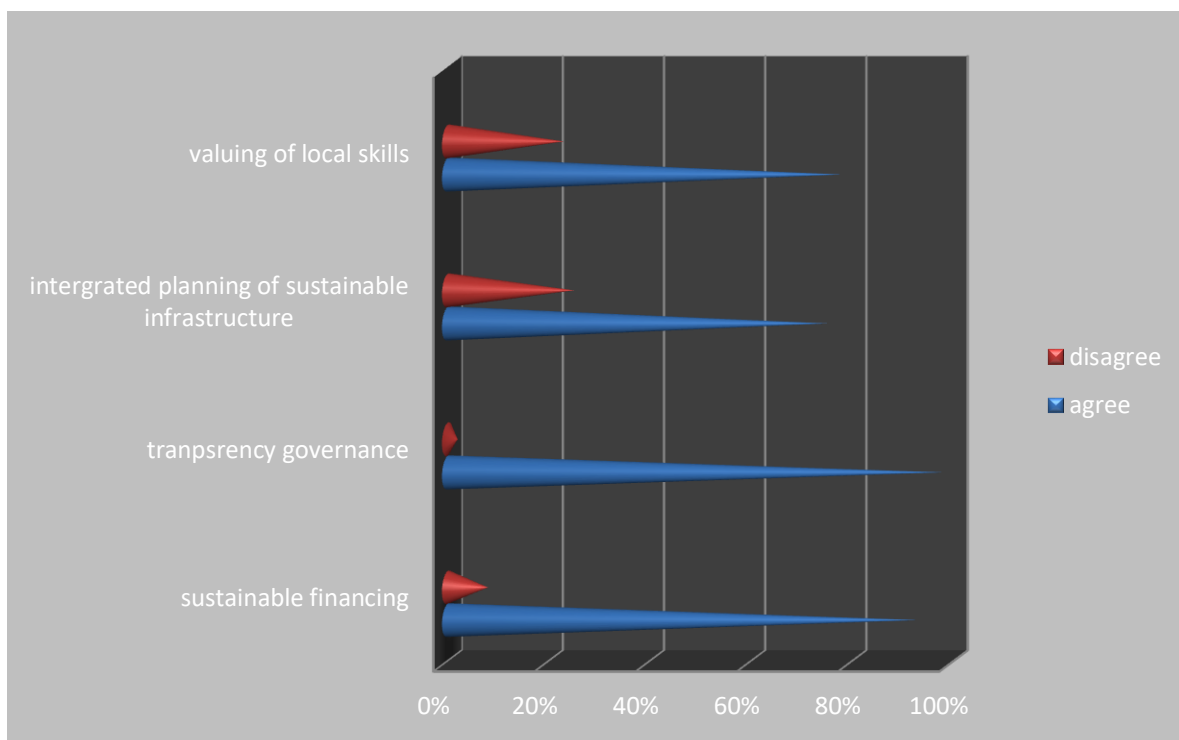
for the borrowing and the amount. The ratepayers are entitled to object, and the council shall take those objections into account when submitting their application to the Minister. In addition to borrowing from the state, the Local Authority Pension Fund, a Municipal Provident Fund, a Municipal Medical Aid Fund, or a local authority, council may, issue stock, bonds, debentures, or bills, or borrow from any other source including, registered financial institutions, foreign governments, institutions or individuals with the consent of the Minister (Boniface Coutinho;2010).

4.8.2 Need for law reform

Respondents argued that there is a myriad of legislative provisions for LGs. The Acts that governed UCs are also administered by different Ministries; these include (Minister of Health, Minister of Water, Minister of Environment, Minister of Education, Minister of Roads, etc.). For the facilitation of the sector to provide adequate services they should be efficiency and effectiveness, of the legislation for local government. A single piece of legislation has been suggested to avoid conflicts on the powers and functions of local government authorities. Also some postulated that the constitution should explain in detail the functions of LG.

4.9 Ways to steer socio economic growth

Chart 7



Ninety three per cent of the respondents acknowledged that, sustainable financing can pave to steer socio economic growth. Local authority has to decide on issues to raise revenue within their jurisdiction and set out their budgets that would enable them to finance and plan their programmes. UCs has to recentralise the decision making power and delegate appropriate mandates to secure financial resources to the relevant levels. Taxation, cross-subsidies, and charged fees at local level can support sustainable development policies.

Also seventy five per cent of respondents agreed on integrated planning of sustainable infrastructure. UCs is expected to provide all the necessary services and infrastructure to the people within their areas of jurisdiction. Integrated planning avoids decisions being prepared under wrong assumptions. Integrated planning should be mandatory in all local authorities. The council should maximise the provision of housing, health services, education, sewage, roads etc. Also they should create conducive environment to local income generation and other economic activities.

Valuing of local skills was also acknowledged by seventy eight per cent of the respondents. They argued that all work has to be done within the areas of Kadoma and they criticised the issue of hiring outsiders for the completion of jobs and given opportunities whereas the residents would be gaining nothing. Also transparency was regarded as a paramount of importance to steer socio economic growth. For the development to take place all departments has to be transparency to ensure sustainable development.

4.10 Comments on the independence of local authorities

Few respondents commented on the independence of locals authorities; they acknowledged that, local government system is based on a delegate and delegator relationship. The central government gives the MLGs the powers to perform its duties. The Minister responsible for local government derives the authority from the Act and from the President to manage the local government sector. The main legal instruments of local government vest in the President and in the Minister of Local Government. They have powers to suspend or act in place of a local authority or the power to nullify decisions of LGs. Through the act, President is empowered to intervene in different ways, the ultimate being the dissolution of council and dismissal of councillors. Therefore, it is clear that the powers bestowed on LGs are under the provision of the Minister and the President. Quoted is Urban Councils Act 29;15 Section (91), that permits the Minister to have access to all council records, Section (233), allows the

Minister to make by-laws on behalf of councils, Section (116), also allows Minister to provide guidance on the senior employees of councils, and conduct inquiries into affairs and procedures of councils. Hence this makes it clear that the independence of local authorities is not clear.

4.11 Chapter summary

This chapter looked at the analysis, presentation and interpretation of data obtained from questionnaires, interviews and secondary sources. The findings were presented in graphs, tables and pie charts. The chapter managed to address the objectives and research questions on, ‘the discretion of local government in urban local authorities in decision making’. This enabled the researcher to assess whether UCs can make binding decisions within the area of their jurisdiction. Chapter five presents the summary to the research project, conclusions and recommendations.

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ZIMBABWE LEGISLATION

Constitution of Zimbabwe Amendment (No 18)

Gatooma Water Amendment By-laws

Local Government Laws Amendment Act 1 of 2008

Road Act [Chapter 13; 18]

Urban Councils Act [Chapter 29:15].

Water Act

CHAPTER FIVE SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter gives the summary, conclusions and recommendations of the research. The recommendations and suggestions needed for further study are also included in this chapter and these are primarily based on the research findings.

5.1 Summary

The research assessed the degree of local government discretion on decision making in urban local authorities. After the colonial rule which was characterised by racial segregation, under-provision of services, political exclusion, and socio-economic ill-treatment, the government of Zimbabwe sought to redress inherited colonial imbalances, to improve the participation of rural people and to transfer powers and functions from central government to the rural councils. The reforms included the removal of restrictions based on race, the participation of all races in local government elections, and the redistribution of resources. The intention was to make the system of local government democratic and more responsive to the needs of the people and redress the imbalances of colonial neglect.

The purpose of the study was to 1) Analyse the powers of urban local authorities in decision making, 2) To assess the constraints being faced by urban local authorities, 3) To examine the degree of discretion in UCs, 4) to propose solution to the independence of UCs. Findings from the study indicated that they are too many legal instruments that UCs derives their duties and roles from these include; The Environmental Management Act, The Public Health Act, The Shop Licences Act [Chapter 14:17]; The Vehicle Registration and Licensing Act [Chapter 13:14];The Education Act [Chapter 25:04]; The Roads Act [Chapter 13:18];The Communal Land Act [Chapter 20:04];The Road Traffic Act [Chapter 13:11]; The Traditional Leaders Act [Chapter 29:17]; and The Water Act [Chapter 20:24], and thus makes it difficult for the UCs to operate. Also the absolute power of the minister and the president to intervene in local affairs hinders the discretion of UCs to make binding decisions and formulation of by-laws.

Findings from the study indicated that poor revenue base, political interference, undemocratic legislative framework, poor governance and making of by-laws were some of the constraints being faced by UCs to provide quality services to the residents. Respondents acknowledged

borrowing powers and need for policy reforms to be the solutions of the above mentioned problems.

Also the findings showed that sustainable financing, transparency, integrated planning and sustainable infrastructure and valuing of local skills can pave way to steer socio economic growth in UCs.

5.2 Conclusion

The subject of the degree of local government discretion on decision making in urban local authorities was of great concern. The purpose of this section is to answer the research questions raised in chapter 1 using the research findings gathered in chapter 4.

The broad functions of UCs include;

- ❖ Development functions;
- ❖ Forward planning functions;
- ❖ Financial functions;
- ❖ Governance functions; and
- ❖ Regulatory functions

Decision making and planning (Urban and Regional) takes place within the context of certain administrative arrangements. Decisions can be made through council meetings, resolutions, citizen participation and the consent of the minister responsible for local government.

The constraints being faced include poor revenue base, political interference, undemocratic legislative framework, poor governance and making of by-laws. Borrowing powers and need for law reform can help UCs to conduct their duties without the interference of the central government and this would enhance quality services to the residents. Therefore this makes the conclusion that UCs has no discretion in decision making and their decision has to be approved by the minister responsible for local government and also the absolute powers of the minister and the president makes UCs to dependant from them.

5.3 Recommendations

Based on the above assessment, findings and conclusions, the researcher makes the following recommendations:

- ❖ There should be certainty regards concerning the powers and functions of LGs flowing from the principal enabling statute. Those powers and functions should be clearly classified into mandatory functions and permissive functions.
- ❖ There should be a set-up of a Local Government Commission to supervise all local authorities and to discharge their functions and duties to ensure that there no central interference to local issues.
- ❖ There should be adequate revenue resources for local governments to fund their projects and to able to implement their plans since their revenue base is limited.
- ❖ There should be a single piece of legislation for the local government sector to do away with different Ministries to facilitate efficiency and effectiveness service delivery.
- ❖ The new 2013 Constitution should outline the functions of local government in details and defining of the following.
 - ✓ objectives of local governments
 - ✓ competence of local governments
 - ✓ funding of local governments
 - ✓ Types of local governments and their levels.

5.4 Suggestions for further study

This research focused on a single case study and its main focus was on the discretion of local government in decision making power in urban local authorities. Possible future research may concentrate on the comparison of urban local authorities and rural local authorities in decision making process and also focused on multiple case studies.

5.5 Summary

This chapter summarised the contents of all the research and its findings. It covered the summary, recommendations and the conclusion.

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ZIMBABWE LEGISLATION

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Traditional Leaders Act [Chapter 29:17].

Urban Councils Act [Chapter 29:15].

APPENDIX A
QUESTIONNAIRE GUIDE

My name is Emeliah Hapanyengwi a student at Midlands State University studying Science in Politics and Public Management Honours Degree. I am carrying out a research entitled '*An assessment of the degree of local government discretion on decision making in urban local authorities in Zimbabwe. A case study of Kadoma City*'. The research is aimed on examining the impact of the powers vested on urban local authorities by the central government and also assessing the constraints being faced by Kadoma City in decision making process. Gathered information could help other local authorities and also the central government to recognise the rationale of the independence of urban local authorities.

The information to be obtained has no need for self-identification strictly for academic purposes.

SECTION 1

MALE	FEMALE	AGE

Show your position by a tick on the appropriate box

MAYOR	
TOWN CLERK	
DIRECTOR	
COUNCILLOR	
HEAD OF DEPARTMENT	
EMPLOYEE	

Tick the box that indicates your contract of employment

COUNCILLOR	
PERMANENT	
CONTRACT	
OTHERS	

SECTION 2

- What is the role urban local authority?

.....
.....
.....

- Does Kadoma City Council have discretion on decision making?

YES	NO

If yes/no what is the reason for that?

.....
.....
.....

- Is Kadoma City Council managed to deliver its intended goals to the public?

YES	NO

If YES state how?

.....
.....
.....

If NO state the reason why?

.....
.....
.....

- How the means of decision making, planning and implementation of projects is are done in Kadoma.

.....
.....
.....

- a) What are the constraints being faced by Kadoma City Council in decision making and planning in fostering development.

.....
.....
.....

b) What can be done regarding those challenges?

.....
.....
.....

- Suggest ways to steer socio-economic growth in urban local authorities.

-
-

-

- Comment on the independence of local authorities in Zimbabwe.

.....
.....
.....

- In your opinion recommend what can be done to fully acknowledge the independence of local government?

.....
.....
.....
.....
.....

THANK YOU.....

APPENDIX B
INTERVIEW GUIDE

My name is Emeliah Hapanyengwi a student currently studying for a Bachelor of Science in Politics and Public Management Honours Degree. I am carrying out a research entitled '*An assessment of the degree of local government discretion on decision making in urban local authorities in Zimbabwe. A case study of Kadoma City*'. The research is aimed on examining the impact of the powers vested on urban local authorities and also assessing the constraints being faced by Kadoma City in decision making process. Gathered information could help other local authorities and also the central government to recognise the rationale of the independence of urban local authorities. Your opinions, views, and suggestions are paramount to this to this research; your responses will be used strictly for academic purposes and will be treated with utmost respect and confidentiality.

Interview guide for Kadoma City Council Officials

1. Gender

Male

Female

2. How long have you been a Kadoma City Council employee?

3. What is your current position in the Municipality?

Town clerk	
Mayor	
Director	
HODs	
Employee	

4. What are the factors hindering quality service delivery by Kadoma City Council?
5. What suitable strategies can be adopted to enhance quality service delivery?

6. What are suitable strategies to steer socio-economic growth?
7. Has Kadoma managed to deliver its intended goals to the public?
8. How can you explain the means of decision making, planning and implementation?
9. What can you comment on the independence of local authorities.