







# **Councillor's and Officer's Orientation Manual**

**September 2016**

## GOVERNANCE

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# LIST OF ABBREVIATIONS

<b>ADB</b>	Africa Development Bank
<b>CBO</b>	Community Based Organisation
<b>CDF</b>	Constituency Development Fund
<b>CLGF</b>	Commonwealth Local Government Forum
<b>eMTCT</b>	Elimination of Mother to Child Transmission
<b>EU</b>	European Union
<b>FBO</b>	Faith-based organisation
<b>FC</b>	Finance Committee
<b>FCGP</b>	Finance and General Purpose Committee
<b>FIRESUZ</b>	Fire Services Workers Union of Zambia
<b>IC</b>	Integrity Committee
<b>IDA</b>	International Development Association
<b>IDP</b>	Integrated Development Plan
<b>IMF</b>	International Monetary Fund
<b>LAP</b>	Local Area Plan
<b>LDF</b>	Land Development Fund
<b>LGAZ</b>	Local Government Association of Zambia
<b>LGSC</b>	Local Government Service Commission
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MLGH</b>	Ministry of Local Government and Housing
<b>MLNREP</b>	Ministry of Lands Natural Resources and Environmental Protection
<b>MTEF</b>	Medium Term Expenditure Framework
<b>NGO</b>	Non-Governmental Organisation
<b>PEMFAR</b>	Public Expenditure Management and Financial Accountability Reforms
<b>PLGO</b>	Provincial Local Government Officer
<b>PPA</b>	Public Procurement Act
<b>PPP</b>	Public Private Partnership
<b>PSRP</b>	Public Service Reform Programme
<b>ROM</b>	Result Orientated Management
<b>SBCC</b>	Social and Behavioural Change Communication
<b>SDGs</b>	Sustainable Development Goals
<b>UCLG</b>	United Cities and Local Governments
<b>UCLGA</b>	Commonwealth Local Government Forum
<b>UNDP</b>	United Nations Development Programme
<b>VFM</b>	Value for Money
<b>VMMC</b>	Voluntary Medical Male Circumcision
<b>WDC</b>	Ward Development Committee
<b>ZEMA</b>	Zambia Environmental Management Agency
<b>ZRA</b>	Zambia Revenue Authority
<b>ZULAWU</b>	Zambia United Local Authorities Workers Union

# PREFACE

Winning an election or indeed going through an interview to secure a job in local government could have been a challenging task. What is even more challenging are the intricate roles of your position as policy maker or implementer. Understanding your different but complementary roles will help you deal with complex matters and maintain a harmonious relationship. Further, as representatives of the people you must always remember that you are not their masters but their servants, therefore, you must serve them impartially and to your utmost ability.

Local government is at the forefront of the governance process in this country and it is widely acknowledged that local authorities and their leadership (councillors and officers) are better placed to respond to local challenges and to deliver quality services to local communities. The responsibility to uphold this recognition will largely depend on your ability to make policies that will add value to the lives of the people in your respective local authority areas.

In addition, you will need to understand the legal framework for local government – the foundation – on which the system is anchored. This is important because the functions and powers for local government derive from statute and that being the case, decisions and activities of a local authority have to be in compliance with the law.

Accessing knowledge on the roles of a councillor or an appointed official is the reason for the production of this manual. The manual covers topics that are important to know which aim at guiding a councillor or an appointed official work with confidence to achieve a local authority's goals and objectives and ultimately provide high-quality services to local communities. The manual goes further to explore some of the main issues facing local authorities and how these could be handled.

You may be a returning councillor, a new councillor or an appointed official (currently in employment or not). You are all strongly encouraged to take keen interest and make best use of this manual.



**Amos Malupenga**  
**Permanent Secretary, Ministry of Local Government and Housing**

# WELCOME TO THE WORLD OF LOCAL GOVERNMENT

I wish, on behalf of the Local Government Association of Zambia, to extend a warm welcome to councillors and officials entering local government for the first time. I wish to particularly, congratulate councillors, both returning and new, who emerged victorious in the last elections. I trust you will find your local government career interesting. To the new entrants to the local government service, it is my sincere hope that you will enjoy the many challenges and rewards that local government offers as appointed officials.

Assuming a civic office as a councillor is diverse, complex but also rewarding. As a councillor, you are no longer expected to sit on the fence and offer side-line criticism. You have a civic duty to engage with your community in a positive and proactive manner so that you are able to influence your local authority's response to their needs.

As an appointed official your duty is to offer proper and necessary advice to assist councillors make informed decisions. Sometimes, this becomes difficult as you may find yourself being instructed to implement wrong or illegal decisions.

Do not despair. This manual provides information that will assist you meet challenges associated with your new career. Please make good use of it.



**Maurice Mbolela**  
**Executive Secretary - LGAZ**

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# CHAPTER 1

## GOVERNANCE

This chapter will help you understand:

- ✓ History of local government in Zambia
- ✓ The National Governance Structure
- ✓ Central/Local government relationship
- ✓ Mandate of local government
- ✓ Functions of local government
- ✓ Decentralisation
- ✓ The legal framework of local government in Zambia
- ✓ Good governance
- ✓ Decision making bodies and processes of local authorities
- ✓ The roles of Councillors and Officers and their relationship
- ✓ Community participation in local governance and development
- ✓ The Local Government Association of Zambia

# 1. Organs of Governance

Each country does provide certain services to the people living within its boundaries. These services are wide-spread; some of the core services are security, infrastructure, health and education. In return, citizens are expected to contribute towards these services for example, through taxes.

Most countries including Zambia have different tiers of government. Each tier has its own strengths. Some services such as defence are best performed at the central level of governance, whereas others such as provision and maintenance of street lighting, waste management are best performed by structures of governance at the local level. This is what the principle of subsidiarity is all about.

## The Principle of Subsidiarity

“The principle of subsidiarity requires that functions ought to be performed by the appropriate competent authority. This means that the functions should be performed at the lowest possible level where that particular function will be carried out.”

*Source: Hogg 2004: p115*

**Figure 1:** The Two-Tier Governance System



## 1.1. Central/Local Relations

The basic relationship between central government and local authorities is that both levels are integral to the national structure. As creatures of statute, with legal personality capable of suing and being sued, local authorities do only those things which they are authorised to do by statute. The central government institutions exist to monitor the activities of authorities through the Ministry of Local Government and Housing.

Article 151 (1) (c) of the Constitution of Zambia (Amendment) Act No 2 of 2016 provides that there shall be established a local government system were cooperative governance with the national



government, provincial administration and local authorities is promoted to support and enhance the developmental role of local government.

Cooperative governance means that all spheres of governance align their functions and responsibilities and ensure that their policies, strategies and programmes are clearly aligned. The spheres of governance should work together in the spirit of mutual cooperation and support.

This relationship is political, legal and administrative. On the political side, the Minister of Local Government and Housing exerts politically motivated decisions on councils in line with the policies and manifesto of the political party in government. In this instance, it is usual for the Minister to suppress the action of a local authority which in his/her opinion is not in the interest of good local governance.

Administratively, the Ministry of Local Government and Housing superintends all local authority activities to ensure that they are within the provisions of the law. This is necessary because authorities exist to provide public services which central government cannot effectively do. In order to provide these services as well as they possibly could, local authorities must have sufficient funds. Since fees and charges have a limit to which they can be levied, and in an effort to satisfactorily carry out their service provision mandate as a sphere of the national governance structure at the local level, local authorities claim a portion of the national budget in the form of grants and collect local taxes, fees and charges. This makes them accountable to central government and the local communities.

## 1.2. The Mandate of Local Government

Article 152 (1) of the Constitution provides that a local authority shall:

- administer the district;
- oversee programmes and projects in the district;
- make by-laws; and
- perform other prescribed functions

### 1.0.1. What is Local Government?

In general local government may be said to be the administration of public affairs in each locality by a body representative of the community, which body possesses a considerable amount of responsibility, autonomy and discretionary power. Local Government is government at local level. Local government can be defined as:

“The sphere of governance closest to the people, a means through which local aspirations are attained through participative and democratic means. In order to respond to peoples’ aspirations local government has the constitutional authority to levy, impose, recover and retain local taxes.”

The characteristics of local government include:

- *Participation of people in the locality* – This is accomplished by the election of peoples’ representatives to local government as well as to sub-structures of governance
- *Locality* – The relationship of the local authority to a particular geographical area
- *Power to raise money* – The ability to raise local revenue within their areas of jurisdiction for the provision of basic services and the execution of other activities

- *Legal Personality* – Meaning that local government owes its existence to the laws and not a structure of administrative convenience
- *Autonomy* – That local government should be able to make legally binding decisions on its own within a specified legal framework
- *Governmental authority* – Local government should be able to exercise formal governmental powers.

## Functions for Local Government

The range of services which local authorities in Zambia are responsible for are found in the Constitution and the Local Government Act, these include:

- Refuse collection and disposal; street cleaning; inspection of hotels, bars, restaurants and abattoirs for health and hygiene; meat and food inspection; health education; prevention and abatement of public nuisances; provision of public conveniences and pest control
- Sewage disposal
- Water supply; treatment and reticulation
- Care and maintenance of parks, gardens, cemeteries, including provision of burial sites
- Feeder road construction and maintenance, including bridges
- Provision and maintenance of street lighting
- Construction and management of housing
- Construction and management of markets
- Physical planning
- Provision and maintenance of fire services
- Provision and maintenance of recreational facilities
- Community development projects/programmes and vocation training
- Management of resettlement schemes.

## 1.3. Mandatory and Permissive Functions of Local Authorities

The functions of local authorities can be classified as either mandatory or permissive. Mandatory or statutory functions are those which a local authority is obliged to perform. Permissive or discretionary functions are those over which a local authority exercises discretion or liberty to perform. These are merely enabling. Examples of these are given hereunder:

### 1.3.1. Mandatory

Mandatory functions include:

- Statutory requirement for a local authority to hold Ordinary Council Meetings at least once every three months.
- Statutory requirement for a quorate Ordinary or special Meeting of the Council.

### 1.3.2. Permissive

Permissive functions include

- The power of a local authority to exclude the public by resolution from the council meeting.
- The power to establish standing or occasional committees.

Functions are activities for which local authorities are created i.e. provision of social services and economic development of their areas. The constitution under Article 147 (2) provides for exclusive functions for local government. These are shown in the attached **ANNEXURE A (Exclusive Functions of Local Authorities)**.

It is also the duty of a local authority to establish a prosperous, orderly and enlightened society because:

- It is an essential link between central government and the citizenry, in that it is bound to particular geographical areas and to the people who are affected by the problems peculiar to those areas. This places a local authority to better understand and address those problems.
- It provides a forum for greater community participation since it has jurisdiction over fewer people than does central government and because of this, a local authority provides an opportunity to utilise the talents, insights and creativity of the local people through councillors and sub-structures.
- It is the cornerstone in the structure of a democratic political system since it serves as a vehicle for responsible citizenship at the local level.
- It is an important training ground for future central government leaders.

The foregoing, point to the fact that local authorities are created to render services in defined geographical areas, primarily because of the inability of central government to attend to detailed aspects of government.

Phase	Features
I (Pre-colonial period)	<p>During this period local government was exercised through chiefs to whom senior or principal chiefs delegated some powers and functions. Generally no democratic local self-government existed</p>
II (Colonial period) 1913-1964.	<p>Characterised by the following: :</p> <ul style="list-style-type: none"> <li>i) Indirect rule – Colonial government ruled natives through chiefs by establishing native authorities whose functions were to assist government to maintain law, order and good governance of natives residing or being in their area.</li> <li>ii) Local government authorities –Which were established in predominantly white settlements</li> <li>iii) The franchise in elections was restricted to ownership of some property</li> </ul> <p>Alongside the above system there was a system of local administration in which central government appointed officials who administered some government functions at the district level.</p>
III (Post-independence) 1965 -1980	<p>Dual system of local administration:</p> <ul style="list-style-type: none"> <li>i) Field administration – Like in the colonial period field administration continued with District Secretaries heading local administration in the district.</li> <li>ii) Local government – The Local Government Act 1965 introduced the following: <ul style="list-style-type: none"> <li>• Universal adult suffrage</li> <li>• Three types of local authorities namely: Rural, Township and Municipal Councils ( The Act further provided that the President may elevate a municipality to the status of a City)</li> </ul> <p>Functions performed by these local authorities were generally municipal functions which included running of clinics, electricity and water undertakings, liquor undertakings etc.</p> </li> </ul> <p>In order to provide coordination and remove duplication of effort in developmental programmes at district level government, in 1969, introduced District Development Committees (DDC) which were initially chaired by the District Secretary but later by the District Governor.</p>

Phase	Features
IV (One Party State) 1980-1990	<p>During this period there was an attempt to introduce “Decentralisation”, through the enactment of the Local Administration Act of 1980. Power, however, became more centralized to consolidate the One Party rule which came into effect in 1972</p> <p>This period saw the introduction of an integrated local administration system whose main features were the following:</p> <ol style="list-style-type: none"> <li>I. Integration of the ruling party UNIP, some government departments and local authorities</li> <li>II. The Chairperson of the Council was the District Governor who was appointed by the President and had executive powers</li> <li>III. Franchise was restricted to party cadres</li> <li>IV. The local authority started supporting party structures including Section, Branch, Ward and District Committees</li> </ol> <p>Integration of district administration resulted into bloated administrative structures for local authorities</p> <p>The supremacy of the party also led to concentration of authority into the hands of its functionaries</p>
V (Post One Party Era) 1990 to 2015	<p>This phase saw the re-introduction of multi-party democracy at both the national and local government levels</p> <p>This necessitated also, the repeal of the Local Administration Act and the enactment of the Local Government Act, Cap 281 whose features were:</p> <ol style="list-style-type: none"> <li>I. Universal adult suffrage</li> <li>II. Removal of political party structures from local government</li> <li>III. Mayor Council Chairperson led local authorities</li> </ol> <p>Initially there was no coordination body for central and local government programmes at district level until 1995 when Circular No. 1 of 1995 was issued to establish District Development Coordination Committees to coordinate activities of ministries and government agencies at district level.</p>
VI (Devolution period) 2016 onwards	<ul style="list-style-type: none"> <li>• Decentralized governance</li> <li>• Popularly elected mayors/Council Chairpersons</li> <li>• Expanded functions</li> <li>• Increased significance of local governance in the constitution</li> </ul>

### 1.3.3. Development of Local Government in Zambia - A Historical Perspective

Throughout the phases above, the system of local government maintained distinct functions with a measure of autonomy while Government maintained its presence at local level to coordinate its functions through the district administration office. From 2016, the Republican Constitution provides for concurrent and exclusive functions of the national, provincial and local government levels in order to consolidate the cooperative governance system.

## 1.4. Decentralisation

The objectives of Decentralisation in Zambia stems from the need for the citizenry to exercise control over its local affairs and foster meaningful development which requires that some degree of authority is decentralised to provincial, district and sub-district levels.

### *What is Decentralisation?*

Decentralisation in the Zambian context means the transfer of responsibilities, functions as well as power and appropriate resources to provincial, district and sub-district levels. The constitution provides that the management and administration of the political, social, legal and economic affairs of the state shall be devolved from the national level to the local government level.

### 1.4.1. Forms of Decentralisation

There are three forms of Decentralisation namely; Deconcentration, Delegation and Devolution.

**Deconcentration** is the transfer of functions and resources to lower level units of the same administrative system while authority over decision making and use of such resources remains with the centre (i.e. from the headquarters of an institution or administrative system to the lower levels). In case of government administration this entails the transfer of some functions performed at the headquarters of a ministry to provincial, district and/or sub-district offices while power and authority are retained by the centre (e.g. Secondary education).

**Delegation** is the transfer of functions and resources to a subordinate authority with the capacity to act on behalf of the superior authority without a formal transfer of authority through the same structure. An example is when an office of the lower level is assigned to perform some duties or tasks by the higher office. However, the lower office will still be required to consult the higher office on matters that require decision making.

**Devolution** is the transfer of some powers and authority, functions and resources by legal and constitutional provisions to lower democratically elected bodies. The transfer is within formal political structures and is institutionalised by constitutional means. For example, when the central government transfers some of its powers and authority to democratically elected councils, local authorities or regional governments empowering them by law to determine local taxes, raise own revenues and decide on how to use it. Under this form of decentralisation, leadership is accountable to the local population through the system of elections.

In summary, deconcentration is the weakest form of decentralisation while delegation is moderate with devolution being the strongest form. The constitution provides for devolution as its form of decentralisation. This is also supported by the revised National Decentralisation Policy. In terms of implementation, Government has chosen the nationwide approach in the implementation of the Decentralisation Policy to all districts at once but with a phasing of sectors and functions. Under this approach, sector ministries will play a leading role in the devolution of identified functions under their portfolio together with matching human, financial and other resources such as infrastructure to local authorities.

## 2. Organisational Structure and Legal Framework of Local Authorities in Zambia

### 2.1. Organisational Structure for City, Municipal and Town Councils

The local authority administration is classified as follows:

- a) **Service departments** – Those that provide services to the public, for example:
  - i. Housing
  - ii. Engineering and Public works,
  - iii. Health
  - iv. Education
  - v. Planning
  - vi. Community Development
  
- b) **Central support departments** – Those which plan and often provide technical, financial, organizational and administrative services and tend not to be seen by the public. Examples of these are :
  - I. Finance,
  - II. Administration and
  - III. Legal Services departments.

Organisational structures for city, municipal and town councils, are shown in ANNEXURE B (Organisational Structures of City, Municipal and Town Councils),

### 2.2. Legal Framework

The framework in which local authorities operate in Zambia comprise the following:

- The Constitution of Zambia
- Statutes/laws relating to the operation of local authorities together with their subsidiary legislation;
- The Common Law and Equity; and
- Case law

### 2.2.1. Constitution of Zambia

The Constitution of Zambia (Amendment) Act No. 2 of 2016 has many provisions relating to local government, including a general provision that protects the institution of local government. Firstly, Constitution is the supreme law of the Republic of Zambia and any other written law, customary law and customary practice that is inconsistent with its provisions is void (is of no effect) to the extent of its inconsistency. This means that provisions of subsidiary law like the Local Government Act should be consistent with Parts IX and XI of the Constitution and if it is not it will be taken as if it did not exist when challenged in court. Secondly, it binds all persons in the Republic of Zambia including all Legislative, Executive and Judicial organs of the State at all levels.

It further provides that a matter relating to it shall be heard by the Constitutional Court. Local authorities therefore, have recourse to the Constitutional Court when their rights are infringed or are about to be infringed.

It also provides, under Part IX, for a system of devolved governance in which the management and administration of the political, social, legal and economic affairs of the State are to be devolved from the national government level to the local government level.

Part XI further provides for;

- a system of local government;
- powers;
- Election of councillors, composition of councils and tenure;
- Mayors, Deputy Mayors, Council Chairpersons and Deputy Council Chairpersons;
- Conduct of councillors
- Accountability of councillors
- Vacation of office of councillors and vacancies;
- By-elections
- Local government tribunals and petitions;
- Enforcement of judgement against local authorities
- Revenue of local authorities;
- Constituency development Fund;
- Local Government Equalisation Fund and other funds for local authorities; and
- Regulation of local authorities.

### 2.2.2. Statutes/Laws Relating to Operations of Local Authorities

Currently the principal Act regulating the operation of local authorities is the Local Government Act. There are however, other statutes that empower local authorities to carry out other functions apart from those given to them under the Local Government Act, such as:

- the Urban and Regional Planning Act No 3 of 2015;
- The Markets and Bus Stations Act No 7 of 2007;
- the Liquor licensing Act No 20 of 2011;
- The Rating Act; and
- The Public Health Act.

N.B.: A full list of statutes applicable to local government is provided under Annexure A.



### 2.2.3. Common Law and Equity

Common law is the ancient law of England based upon societal customs and recognised and enforced by the judgements and decrees of the courts. Certain principles of the English common law apply in Zambia.

Equity is a system of obtaining a fair result when existing laws do not provide a solution.

### 2.2.4. Case Law

Cases decided by higher courts such as the Constitutional Court, Supreme Court, Court of Appeal and the High Court on operations of local authorities will be binding on them.

Some principles relating to statute, common law and case law are explained here-below:

## 2.3. Authority of a Local Authority

The authority of a local authority rests not in its individual members (Councillors) who compose it but rather in the in a local authority itself as a corporate body, separate and distinct as a legal person from the members who compose it.

### 2.3.1. A Local Authority as a Person at Law

A local authority is a creature of law and since law creates it, it therefore attains the status of legal personality or corporate personality. For example, Cross C .A., a local government expert has defined a corporation in the following terms: 'A Corporation is a collection of many individuals, united into one body, under a special denomination, having perpetual succession under an artificial form, and vested, by the policy of the law, with the capacity of acting, in several respects; as an individual, particularly of taking and granting property, or contracting obligation; of suing and being sued'.

The Local Government Act also provides that every local authority shall be a body corporate with the following attributes:

- Perpetual succession
- A common seal
- Capable of suing and or being sued in its corporate name
- Power, subject to the provisions of the Local Government Act or any other written law, to do all such other acts and things a body corporate may do by law and are necessary for or consequential upon or incidental to or in connection with the carrying out of its functions and powers.

### 2.3.2. Limitation of Authority and Power

A local authority therefore, (unlike a natural person) can only do what the law permits it to do or something that can be reasonably implied or connected to the activities it is empowered by law to do.

The difference between a local authority as an artificial person created by law and a human being, as a natural person created by God, is found in the exercise of powers

inherent in them, thus:

- A local authority is not generally competent to do anything, whereas a human being is. A local authority says, "I can only do those things which the law has specifically permitted or authorized me to do and nothing else" The human being on the other hand says, "I can do anything on earth as long as the law does not prohibit me".
- A local authority's activities are therefore limited or subject to the law of the land, that is, it must always act within the defines and confines of the law.

The Courts, through judgements, have developed certain principles defining the powers of statutory bodies such as local authorities. The following are some of the principles:

**(a) The Principles of Natural Justice**

In carrying out their duties, local authorities as creatures of statute should observe rules of natural justice like:

- A local authority cannot be a complainant and a judge at the same time;
- It should not punish any one without giving her/him a chance to be heard.

**(b) The Rule of Law**

- Like anyone else, a local authority is not above the law;
- A local authority cannot use power arbitrarily.

**(c) The Doctrine of 'Ultra Vires'**

The doctrine of ultra vires means acting outside statutory powers. This doctrine compels public authorities to act within the limits of the authority and powers as is given by the law, thus:

1. No action should be taken without legal authority (there must be always legitimacy for any action)
2. A body exercising statutory power must be properly and legally constituted or appointed
3. Where statute prescribes the procedure to be followed, it must be strictly observed by those concerned
4. A person or institution to which power has been delegated cannot further delegate unless the statute says so
5. Discretionary power ought to be exercised reasonably; in good faith and without ill will or motive
6. Action to be taken must be for the purpose authorized by law
7. Statutory power overrides ordinary contracts.

**Note: Please see cases appended C giving examples of instances where councils have been sued over acts of an Ultra Vires nature.**

# 3. Governance

According to the United Nations Development Programme, Governance is defined as the exercise of political, economic and administrative authority to manage a nation's affairs. Governance embraces all methods—good and bad—that societies use to distribute power and manage public resources and problems. For the purposes of this manual, concentration is on good governance as it relates to local government.

## 3.1. Good Governance

Good governance is the way a local authority plans and manages its affairs, taking into account the conflicting and diverse interests of the population it represents. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action can be taken.

### 3.1.1. Characteristics of Good Governance

**Good governance** has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

#### a) Participation

Participation by men, women, youth and people with special needs is a key cornerstone of good governance provided for in the Republican Constitution. Participation could either be direct or through legitimate intermediate institutions or representatives. Participation needs to be informed and organized. This means freedom of association and expression on the one hand and an organized civil society on the other hand.

For example, in Zambia during the budgeting process local authorities are compelled through ministerial guidelines to engage the public and solicit their input. This process is called participatory budgeting.

#### b) Rule of law

Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force. In Zambia council resolutions are subject to ministerial scrutiny to ensure that they are within the provisions of the law. Any decision made outside the law attracts ministerial as well as penal sanctions. Further, any person who is aggrieved as a result of a council decision has a right to seek legal recourse.

#### c) Transparency

Transparency means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that

information is provided in easily understandable forms and media.

For example, council meetings are open to the public. Further council minutes are also available for public scrutiny. In addition, government has designated a local government week in the month of August each year during which the public is invited to analyse council minutes, budgets and other relevant documents.

**d) Responsiveness**

Responsiveness requires that a local authority reacts to community needs and demands within a reasonable timeframe.

An example is the timely responsiveness of the Fire and Rescue Department of a local authority to distress calls.

**e) Consensus oriented**

There are several actors and as many viewpoints in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus on what is in the best interest of the whole community and how this can be achieved.

For example, decisions of the council should as much as possible be reached through debate as opposed to dictation. .

**f) Equity and inclusiveness**

A society's well-being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires that all groups, particularly the most vulnerable, have opportunities to improve or maintain their well-being.

Guidelines for sub-district structures provides for the inclusion of women, civil society and the physically challenged members of society, on their membership.

**g) Effectiveness and efficiency**

Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

For example, Zambian local procurement procedures are guided by the principle "value for money" which ensures that resources spent lead to the desired outcome.

**h) Accountability**

Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and to their institutional stakeholders. In particular, a local authority is accountable to those who will be affected by its decisions or actions. Councillors and officers are accountable to the general public and government for the decisions they make as well as the money that the council receives in form of grants and local revenues.

**Figure 2: Characteristics of Good Governance**



There are general principles which can be used to ensure that local government administrations are responsive to local people. These basic principles are outlined below.

### Basic principles for responsive service delivery

- Customers (or users of services) should be consulted about service levels and quality
- Customers must be informed about the service standards they can expect
- Customers should have equal access to the services to which they are entitled
- Customers (or users of services) should be treated with courtesy and consideration
- Customers must receive full and accurate information about their services
- Customers should be informed about key aspects of service delivery which affect them, in line with the principle of openness and transparency
- Customers are entitled to redress – an apology, explanation or remedial action if promised service standards are not delivered
- Customers should receive value for money for public services.

### 3.1.2. Role of Councillors in Good Governance

The councillor through the council and forums like the WDCs is expected to facilitate among other roles participatory plan formulation. The councillor steers the community development process representing the community who are the owners of the process and beneficiaries of the products of development efforts.

NB: Other general roles of the councillor are covered under section 5.

## 3.2. Corruption

Good governance demands that public resources and problems are managed effectively, efficiently and in response to needs of society. Further, good governance rely on public participation, accountability, transparency and a corrupt free society.

The definition of corruption differs from one jurisdiction to another. The common definition is: 'the abuse of public office for private gain'. According to the Anti-Corruption Commission Act No 42 of 1996, corruption is defined as the soliciting, accepting, obtaining or offering of gratification by way of bribe or other personal temptation or inducement, or misuse or abuse of a public office for private advantage or benefit.

### 3.2.1. Corruption and its Effects on Service Delivery

Corrupt tendencies negatively affect service delivery by:

- reducing the income/revenue levels that local authorities are supposed to receive;
- increases the cost of service delivery by absorbing the apparent cost of corruption;
- erodes public confidence in councils and reduces the level of participation in local affairs;
- promotes the provision of sub-standard /shoddy services;
- promotes the recruitment of ill-qualified personnel; and
- promotes favouritism in the application of rules and allocation of resources such land

### 3.2.2. Types of Corruption

**Bribery** – This is offering of something which is most often money but can also be goods or services in order to gain an unfair advantage. Common advantages can be to sway a person's opinion, action or decision, reduce the amount of collectable fees and charges, speed up local government contracts, or change outcomes of legal processes.

**Extortion** – This is threatening or inflicting harm to a person, their reputation, or their property in order to unjustly obtain money, actions, services, or other goods from that person. Blackmail is an example for extortion.

**Embezzlement** – This is the illegal taking or appropriation of money or property that has been entrusted to a person but is actually owned by another. This

is also called graft which occurs when a public office holder unlawfully uses public funds for personal use.

**Nepotism** – This is the practice or inclination to favour a person or a group of persons who are relatives when giving promotions, jobs, and other benefits to employees. This is often based on the concept of familism which believes that a person must always, respect and favour family in all situations including those pertaining to political and business associates. This leads to some elected/appointed officials giving privileges and positions of authority to relatives based on relationships, regardless of their actual abilities.

**Patronage systems** – This consists of granting favours, contracts or appointments to positions by a local public office holder or candidate for a political office in return for political support. Many times patronage is used to gain support and votes in elections or in passing legislation. Patronage systems disregard the formal rules of a local government and use personal instead of formalized channels to gain advantage.

### 3.2.3. Some Examples of Corruption at Local Government Level

It is an act of corruption to make a decision that favours directly or indirectly an individual be it a councillor or an officer of a local authority. The following examples illustrate this point:

- it is corruption for a council to pass a resolution that entitles councillors and officers to automatically be allocated plots whenever an opportunity arises. Further, it is corruption where councillors and officers allocate themselves plots using other peoples names. Councillors and officers have to apply for plots like any other citizen;
- it is corruption for a local authority to award tenders without following laid-down procedures;
- it is corruption for a local authority to practice nepotism, favouritism, and other vices when making considerations for appointments, promotions, transfers, training, and termination of employment.

### 3.2.4. The Role of a Councillor and Officer in the fight against Corruption

#### *As an individual (Councillor)*

The central role of a councillor is commitment to public service by ensuring that the objectives for which local government is created are achieved. In this regard, the councillor should always ensure that his/her local authority provides efficient, effective and fair services based on the principles of transparency, accountability and an absence of corruption. The overriding duty of a councillor is to the whole community but has a special duty to his/her wards, including those with opposing views.

Benefits flow from having an honest and transparent local leadership because such leadership is more likely to enjoy the confidence of not only the electorates but investors, both local and international and that the attraction of investment is a further way in which a local authority can ensure the well-being of its people.

### *As an individual (Officer)*

The officer should promote accountability and transparency as well as take steps to minimise corrupt tendencies. For example the officer has a duty to detect and report corrupt tendencies to relevant authorities. Further, it is corruption for an officer to report late and knock early form work.

Overall, systems should be put in place to provide checks and balances for both the councillor and the officer.

### *As a Council*

In addition to the individual responsibility of a councillor, the council as a collective body should:

- Recognise that its responsibility is to the people whose interest it represents;
- ensure there is transparency and accountability in all its operations;
- Should be made accountable for the omissions and commissions;
- Should adopt a 'shared values' approach which involves winning the support of all local stakeholders by raising their awareness on the benefits of a corrupt free council;
- Ensure that tender procedures are adhered to strictly (see Public Procurement Act);
- Exercise maximum levels of integrity in employee recruitment procedures;
- Lobby for adequate remuneration for councillors and officers.

## **3.2.5. Measures to Control Corruption in Local Government**

There are some measures available to curb corruption in local government which are outlined below.

**Declaration of interest** - There are occasions where councillors and officers are not allowed to contribute or vote during meetings of committees or council. This is to ensure that those who have interest in a particular matter do not take due advantage of their positions as councillors or officers. In this regard the Local Government Act and Standing Orders require councillors and officers who have a financial or other interest in a matter being discussed, to declare interest and not to take part in the debate or vote on such item.

Under no circumstances should a councillor or officer be expected to grant special consideration, treatment or advantage to any person, which would not be made available to any other member of the public. Similarly, it is equally unethical for a councillor or officer who has a financial interest (or otherwise) in a matter being discussed in a committee or council meeting to participate and vote in such matters.

This rule is also extended to a member who has an interest in a matter through family ties, friendship or membership of an association, society etc. Once a member declares interest, it is the duty of the principal officer to ensure that the facts of such declaration and abstention from voting are recorded in the minutes of such meeting. It is also good governance practice for councillors and officers to be reminded of their duty to declare



interest through an item on the agenda.

**Integrity Committee** - The Integrity Committee (IC) is one of the requirements of the National Anti-Corruption Policy (NACP) which is aimed at institutionalizing the prevention of corruption in government agencies and the private sector.

The composition of the Integrity Committee is four members selected from departmental heads of a local authority.

The mandate of the Integrity Committee is to:

- Promote transparency and minimize opportunities for corruption in organisations by spearheading and facilitating the process of corruption prevention internally;
- Implement institutionally tailored corruption prevention action plans which will encourage regulatory reforms aimed at simplifying processes and procedures to reduce incidences of corruption. These reforms include the formulation or revision of the Organisational Codes of Ethics, Service Charters and other related documents;
- Participate in the training of staff in ethics, integrity, anti-corruption theories and strategies and enlist support and understanding of these issues;
- Receive, consider and provide redress on all complaints emanating from within and outside the organisation relating to ethical issues and maladministration; and Provide an efficient and transparent monitoring and reporting mechanism to expose unethical conduct, maladministration and corruption.

**Procurement Committee** - According to the Public Procurement Act, the Town Clerk or Council Secretary shall select and appoint the members of a Procurement Committee in writing for a period of three years. This Committee comprises 4 to 8 members. Mandatory members are the Town Clerk or Council Secretary as chairperson, and the head of the Procurement Unit, as secretary. The remaining six members should have an appropriate level of seniority and experience in decision making, including in public procurement as well as in local authority operations. The Town Clerk or Council Secretary has the power to terminate the membership of any person if, for example in cases of abuse of office, incompetence or involvement in corrupt practices.

**Whistle blowing** - Whistle blowing is the disclosure by a person usually an employee in a government agency or private enterprise to the public or to those in authority of mismanagement, corruption, illegality, or some other wrong doing without fear of retaliation of any kind. The Public Interest Disclosure (protection of Whistle Blowers) Act, 2010 provides for the protection of a whistle blower. The same Act places a duty on the whistle blower to report truthfully and accurately. Any person who knowingly or recklessly makes a false or misleading statement disclosure, orally or in writing to an investigating authority with the intention that it be acted upon, commits an offence.

# 4. Decision Making

Decision making is the thought process of selecting logical choice from the available options.

## 4.1. Decision Making Process

Local authorities make decisions mainly through the forum of meetings, namely Council and Committee meetings.

### Definition of a meeting

A general definition of a meeting is an assembly where two or more persons meet for the purpose of either discussing matters of common interest (public or private) and views are expressed or agreement on some matter of common concern is reached.

A meeting according to the Local Government Act means an ordinary meeting of the council or a meeting of a committee or sub-committee of the council, while a special meeting means a meeting of the council authorized to be held pursuant to the provisions of the same Act. The critical condition of any meeting is that it rests on a lawful premise.

## 4.2. Council Meetings

There are two main types of council meetings:

### (a) Ordinary meeting of council

Local authorities are required by law to hold an ordinary meeting of the council to deal with regular business in their mandate.

The business of the first ordinary meeting of the council following the Presidential, Parliamentary and Local Government Elections, shall include the election of Deputy Mayor/ Deputy Council Chairperson amongst the councillors as well constituting of standing committees.

An ordinary meeting of the council is a regular meeting also known as a full council meeting. The Local Government Act provides that a Council shall hold a council meeting at least once in every three months.

The full council meeting is the final forum for debate and decision-making. It receives reports which are in form of minutes from its committees, which it may accept, reject or amend. The council may also refer back to the committee a report it does not agree with.

### (b) Special meeting of council

This is a meeting which is called to deal with a specific issue which has arisen and needs a council decision.

The Local Government Act provides that the Mayor or Council Chairperson may convene a

special meeting of the council at any time. Further, the Mayor or Council Chairperson shall convene a special meeting within twenty one days or such lesser period as may be prescribed by the Standing Orders if he/she receives a petition signed by not less than one third of the total number of councillors of which the council consists.

### 4.2.1. Quorum for Meetings of Council

A quorum is the minimum number of people required to legally constitute a meeting.

The quorum at a meeting of council is:

- At an ordinary meeting of the council, one half of the whole number of councillors of which the council consists shall form a quorum.
- At a special meeting of a council, two-thirds of the whole number of councillors of which the council consists shall form quorum.

### 4.2.2. Agendas, Reports and Minutes of Council Meetings

#### *Notice of Meeting*

The notice of a council meeting shall be issued by the Principal Officer.

It is a legal requirement that a notice of meeting for ordinary and special meetings of Council are sent to councillors at least 24 hours (or such longer period as may be provided for in the Standing Orders of a particular council) before the actual day of the meeting. The notice of meeting should show the date, time, and venue of the meeting. In addition, the notice should indicate the agenda for the business to be conducted.

**Note:** see Sample Notice and Agenda of Council Meeting in ANNEXURE D (Sample Notice and Agenda of Council Meeting).

Councillors should also ensure that:

- They study the agenda and reports carefully to identify important items especially those that affect their wards
- Be clear with what actions the items are proposing
- If anything is unclear, ask officers who will provide expert advice.

#### *Reports and reporting procedures*

Reports are material documents which are presented to council either as motions from members or recommendations from committees or indeed statements and recommendations from the Principal Officer or Heads of Departments on whose basis council makes its decisions.

In line with devolution, all staff performing devolved functions will report to the Principal Officer who shall report to both the council and relevant sector ministries, the local government service commission and such other institutions as may be required for the effective discharge of devolved functions.

#### *Minutes*

It is a legal requirement for a Council to record and keep the proceedings of the meetings in the English language. Minutes are a document showing what was transacted at the

previous meeting. After minutes are confirmed as a correct record of the proceedings of the previous meeting, a set shall be furnished to the Minister responsible for Local Government within one month after their confirmation.

Minutes usually contain:

- The time the meeting opened and closed, the date, place, and nature of the meeting
- The names of Councillors and officers attending the meeting, those on leave of absence, arrival or departure times of councillors during the course of the meeting
- A record of every resolution, motion, amendment, order or other proceeding of the meeting and whether they were passed or not
- The outcome of any vote taken
- The names of members voting for or against a motion when requested A summary of the discussion where appropriate.

#### ***Admission of the public to meetings***

Members of the Public (including the press) are free to attend council meetings but the Council may by resolution exclude them from part of or the whole proceedings if publicity would be prejudicial to the public interest because of the confidential nature of the business before the council. E.g. staff matters

## **4.3. Standing Orders and Rules of Debate**

Every organisation has a code it uses to regulate its behaviour and conduct of its members. In local government, this code of conduct that regulates councillors' behaviour is called Standing Orders. These are permanent instructions stating how meetings should be carried out and regulates the conduct of members in meetings.

Local authorities are empowered by law to make standing orders under the Local Government Act. Each council is required to make Standing Orders and to make them available to each councillor upon assumption of office and each councillor is encouraged to carefully study these Standing Orders for healthy debates to prevail in meetings and to ensure that debate is done with dignity. In the event of a councillor, being unclear on the provisions of the Standing Orders, it is advisable to seek expert advice from the Principal Officer.

The Standing Orders perform two functions:

- To regulate the proceedings and business as well as for preserving order at meetings of council and committees
- To regulate the conduct of councillors and officers in matters where they have interest.

Standing Orders can also provide for a councillor to be excluded from a meeting for unruly behaviour or misconduct.

### **4.3.1. Notice of Motion**

A motion is a proposal put before a meeting for consideration and discussion. Standing orders provide for a member or members of the council to move a notice of motion on a matter or matters over which the council has power.

Once a motion is put before the meeting all discussion is confined to that motion. Usually motions should:

1. Relate to the business of the meeting.
2. Meet the requirements of the Standing Orders (i.e. must be in writing and be recorded in a book of Motions) and not be defamatory or offensive.
3. Be clear statements free from ambiguity.
4. Be expressed in a positive form.

### 4.3.2. Rules of Debate

Standing Orders provide rules of debate in council and committee meetings and empower the chair to ensure that these are adhered to. In this regard, the chair is responsible to ensure that:

1. Each councillor wishing to speak should raise a hand or otherwise signal his or her intention to the chair. The chair will then recognize the speaker giving him/her permission to speak. A councillor who speaks before being given permission to do so can be ruled out of order.
2. Each councillor who wishes to speak on an issue will have an opportunity to do so. No speech should exceed 5 minutes in case of the mover of the motion or three minutes in all other cases.
3. A Councillor should not speak more than once on any motion except to move a further amendment or on a point of order, by way of personal explanation, or to move that the question be now put.
4. Each councillor should rise when speaking unless the chair indicates that this procedure will not be followed.
5. Speakers should address all comments through the chair, speak clearly and directly on the issue or motion under debate, and refrain from personal attack and the use of defamatory language.
6. Speakers should be heard in silence without interjection or discussion from other councillors. If other councillors want to question whether the rules are being adhered to, they may raise a point of order. If they want clarification on something that has been said, they may raise a point of information or point of clarification.
7. A council meeting is not a forum for prolonged debates. Detailed debate on any matter has to be concluded at committee level. Where an item attracts debate, that particular item should be referred back to the relevant committee. It follows therefore, that the duration of a council meeting should not exceed two (2) hours at the maximum.

## 4.4. Quorum of a Committee

The quorum for a committee meeting shall be half the number of members of the committee or any such number of members as the council shall determine in the Standing Orders.

## 4.5. Minutes of Committee Meetings

Minutes of Committee Meetings shall be kept confidential and shall not be divulged to the public until they are confirmed by the full council meeting.

### 4.5.1. Confirmation of Council Minutes

Minutes of the council meeting must be confirmed in the following manner:

‘Mr./Madam Chairperson, I propose that the minutes of the council meeting held on Friday, 22nd May, 2015 be confirmed as a true and correct record of the proceedings (with amendments if any) and this ought to be seconded.

### 4.5.2. Adoption of Committee Minutes or Reports

The Chairperson or Vice Chairperson of the Committee or if both are not present, any member of the committee shall move the motion in the following manner. “Chairperson, I propose that the minutes of the Establishment Committee meeting held on Monday 9<sup>th</sup> May, 2015 be received” and upon being seconded, the council shall consider such minutes at the end of which the Chairperson or vice or indeed any member as the case may be, shall rise to propose for adoption of the minutes as follows:

‘Chairperson, I propose that the minutes of the Establishment Committee meeting held on Monday, 9<sup>th</sup> May, 2015 be adopted as part of the proceedings of the Council” and this has to be seconded’.

### 4.5.3. Raising a Point of Order

There is a general misunderstanding as to what this entails. A point of order is a question, which is raised in order to ensure that the rules of debate as provided in the Standing Orders are adhered to. For example, if a member speaks beyond the time limit of 5 minutes, another councillor would be fully entitled to rise and address the chair and say: “Council Chairperson (or Your Worship the Mayor), on a point of order, has not councillor M. exceeded the time limit for speeches?”

It would be wrong to rise and say:

“On a point of order, has not councillor M. got his or her facts all wrong?”

This latter example is not a point of order, because incorrect facts have nothing to do with Standing Orders. If a councillor is speaking and another interrupts or raises a point of order, the councillor on the floor should resume his/her seat until the interruption is over or the Mayor/ Council Chairperson has made a ruling on the point of order. Then rise and continue if permitted by the Chair. That is the proper and courteous mode of conduct.

## 4.6. Delegation of Council Functions

The council may delegate its function to a committee, but shall not delegate power to any committee in the following instances:

- a) Power to adopt estimates of revenue and expenditure, capital estimates and supplementary estimates

- b) Power to make and levy a rate
- c) Power to make by-laws
- d) Power to borrow money
- e) Power to appoint or to revoke the appointment to the office of Alderman
- f) Power to admit a person to the status of freeman or indeed annul such admission
- g) Power to impose fees and charges
- h) Power to discharge its functions (to delegate) to a Committee whose membership includes non- Councillors (i.e. co-opted members).

There is an advantage in delegating powers to committees because it saves time. The committee can make recommendations, which the officers can immediately implement. This saves time because work will be done instead of waiting for the full council meeting.

## 4.7. Committees of Council

A committee is a body of persons appointed by the council to perform a given function or functions. The power to appoint committees by councils is contained in the Local Government Act. A local authority may appoint standing or occasional committees consisting of such number of members as it may determine.

The committees discharge certain functions on behalf of the council.

### 4.7.1. Types of Committees

There are two types of committees that are most likely to be found in a local authority and these are:

- *Standing committee* – this is a permanent committee. For example, the Plans, Works and Development Committee. A standing committee can appoint a sub-committee to advise it on any matter.
- *Occasional or Ad hoc committee* – this is a committee appointed by a council for a specific task and its term of office ends when its task is completed. For example the Labour Day Planning Committee

Committees may be classified as follows:

- a) **Non-Mandatory** - These are committees which a council may or may not establish and as a matter of law and fact all committees of the council fall under this category save for the finance committee.
- b) **Mandatory Committees** - These are committees, which by law a council must establish. Currently a council composed of not less than 6 councillors has a legal duty or obligation to establish a finance committee.

### 4.7.2. Reasons for Establishing Committees

Committees:

- Provide for a detailed information and discussion
- Permit expression of opinion and reaching decisions quickly

**The opportunities of committees are:**

- Committee members may be selected on basis of their expertise
- Due to the small number of members, protracted discussions are rare and decisions are reached quickly
- Information in the conduct of business allows free exchange of ideas since the rules of debate are relaxed
- Committee meetings cost less in monetary terms since the number of members are fewer than that of the council meeting
- Committees afford all members to be heard

**The risks of committees are:**

- Committees could be dominated by influential members
- Informality of committee meetings may result in prolonged discussions
- Agreement in committee meetings may not be as a result of consensus
- Decisions or recommendations on matters over which committees have no delegated powers take longer to be acted upon since they require to be approved by the council.

**Committee Membership**

The Council has a statutory duty to appoint committee members from among its members and or persons who qualify for election as councillors (i.e. co-opted members). However, not less than 2/3 of the committee members shall be councillors. Further, that non-councillors are by law excluded from the membership of the Finance Committee As well as the the full council.

Every councillor in a local authority will belong to a committee of the council. The Mayor/Council Chairperson or Deputy Mayor/Deputy Council Chairperson is an ex-officio member of all the committees.

**4.7.3. Chairpersons of Committees**

Every committee has a chairperson who is usually elected at the first meeting of such committee.

The chairperson of a committee holds an important position. His or her functions go beyond just chairing committee meetings. There is normally a close link between him or her and the chief officer of the relevant department. This is to enable the chairperson familiarise with the terms of reference of the committee through consultation on questions of doubt.

The Chairperson can be consulted on important decisions to be made in r between committee meetings. It should be stressed that any decision taken on behalf of a committee is a risk in that if it is not ratified, the person who made it may be called to account for the consequences of his or her decision.

It is necessary to emphasise, however, that the Chairperson has no legal mandate to give directions to the chief officer. The chief officer's responsibilities are to the committee and beyond that to the council in so far as the implementation of decisions is concerned and in the discharge of daily duties. This situation is the officer's protection against the activities of any Chairperson who steps beyond the limits.



# 5. The Councillor

A Councillor includes:

- A person who represents his or her electorate in the ward,
- A Mayor or Council Chairperson elected directly
- A Chief in the district

The legal position regarding local government is that power vests not in the individual councillor but in councillors acting in concert as a Council in its corporate personality completely different and separate from the individual councillors who compose it. The individual councillor has no personal authority or jurisdiction and cannot act in any matter by him/herself unless he/she specifically has been delegated power to do so by a resolution of the council.

The general roles of a Councillor include the following:

**a) *Democratically Elected Representative***

A Councillor assumes office through the electoral process in which the citizens of the ward and the district exercise their right to vote and chose him or her as their local representative on the council (he or she is the conveyor belt or the channel of communication).

**b) *Mediator***

The primary role of a Councillor is to work with his/her ward/district to identify and examine problems and determine strategies for recommendation to the council.

**c) *Civic Head of the Ward/District***

Whether a councillor belongs to a political party or not (independent), he or she is the political figurehead of the ward/district and he or she articulates the ideas of the manifesto on which he or she was elected. However, once elected he or she represents all residents in both the ward and the district, including those belonging to other political parties.

**d) *Member of a Council Committee***

A councillor will be appointed to serve on a committee of the council.

**e) *Mayor or Council Chairperson, their Deputies, Committee Chairperson and Vice Chairperson***

These are positions of responsibility and being elected as such is a clear manifestation of the confidence and trust the public and councillors have in the elected member. A councillor holding any of the positions above assumes greater responsibilities, more so if he or she heads the council as the Mayor or as Council Chairperson since everybody looks to him or her for leadership and guidance.

**f) *Community Leader***

A councillor motivates and inspires the community by fostering collective effort aimed at making such community self-sustaining.

- g) Public Relations Person**  
A councillor has to command a lot of respect from members of the general public and this he/she can only attain by way of his or her personal integrity and honesty.

## 5.1. Councillor's Key leadership Competencies

- a) Representation**  
Representation is the core role of a councillor. A councillor has a responsibility to represent the rights and needs of all the people within his or her jurisdiction.
- b) Communication**  
Effective communication involves giving and receiving information, ideas and feelings with accuracy and understanding. At the level of personal communication, active listening and asking the right kind of questions are the councillors' reliable communicating tools.
- c) Facilitation**  
Facilitation involves helping in generating solutions to situations.
- d) Decision making**  
Decision making involves deciding how to take action, or not to take action, when there is a choice. The decision making competency will help the councillor analyse problems and opportunities and explore options before making decisions. Good decisions are those that are widely accepted by the people who will be affected by their results.
- e) Policy making**  
Policy making involves the development of guidelines for decision making. It involves understanding the need for improved mandates, analysing options available, and identifying implementing strategies that will guide actions. For example, Policy making can be a mechanism for ensuring inclusiveness and equity
- f) Negotiating**  
Negotiating is a process through which parties representing differing interests and positions interact to harmonise their interests. Negotiation involves dialogue to seek solutions in which parties achieve results that are fair to both, and that are more beneficial than otherwise, through jointly agreed upon action. Negotiation involves deciding who gets what from whom; it follows a win-win approach, and focuses on collaboration rather than competition. Negotiation helps a councillor to secure the best decision from perspectives of all parties involved thereby ensuring progress in the best interest of the local authority and citizens.
- g) Overseeing**  
Overseeing involves ensuring that those responsible for policy implementation are doing the right thing, and doing things right. In local government overseeing involves on-going and periodic monitoring and evaluation of the performance of all local government policies, programmes and services.
- h) Institution building**  
Institution building ensures that councillors, appointed staff and local stakeholders work closely and support each other in their development needs and challenges.

Leadership is the sum total of contributions of a councillor to the common good of the community during his or her term in office and beyond.

Leadership is the ability of a councillor to infuse community issues and needs with governing principles, practical competencies, and measurable and sustainable results. It is about:

- stewardship, that is promoting inclusive governance
- inspired vision, clarity of purpose, integrity, and trust
- Helping to mobilise and direct one's other competencies so that the legacy as a councillor in a community lives on.

## 5.2. Councillors - Officers Relationship

In order to ensure effectiveness in the operation of a local authority, it is imperative that councillors and officers work in harmony. The cordial relationship between the councillors and officers can best be achieved by the two sides' appreciation their different but complementary roles since none can do without the other. Separation of Roles

The authority of a local authority rests not in the members who compose it but in itself as a corporate body. The relationship between councillors and is important in order to ensure that they work together to achieve set goals.

Their roles are summarized as follows:

Councillors	Officers
1. Make policies	1. Give advice on policies
2. Monitor and oversee	2. Implement
3. Represent electorate	3. Provide (technical) information
4. Provide leadership	4. Undertake day to day administration of a local authority's operations

1. Councillors should make realistic policies which are within the laws for the officers to implement. Making unrealistic and unlawful policies will create difficulties and misunderstanding since officers will be expected to undertake impossible and unlawful tasks. If an officer is of the view that the decision that is about to be made by the councillors is unwise, it is his or her duty to say so and explain this. Officers should be respectful to councillors when giving such advice, even unpleasant advice, in order to solicit support and good decisions from the councillors.
2. Officers implement policies. Interfering in the day-to-day administration of the council by councillors constitutes political interference. Therefore, councillors should stay out of the policy implementation process even if it is tempting to do so.

### Success factors for a healthy councillors-officers relationship:

- Councillors should contact the Principal Officer through the Mayor/Council Chairperson only.
- Officers should only contact councillors through the Principal Officer.
- Councillors in their official capacity can only follow-up on resolutions of the council with the Mayor/Council Chairperson.
- Officers can only carry out legal instructions.

3. The councillor provides information about the views of the people he/she is representing on a particular issue. Officers give technical information and advice on that same issue.
4. The councillor is responsible for providing leadership in a local authority. Officers run the day-to-day administration of the council such as purchasing materials, managing transport, etc.

### 5.2.1. The Status of Councillors and Officers

Subject	Councillors	Officers/Employees
1. Assuming Office	Electoral process	Appointment
2. Accountability	Electorate/Central Government	The Council/Central Government
3. Terms of Engagement	Part time	Full time
4. Remuneration	Emoluments	Salary/Wages
5. Type of contract	Social contract with electorate	Specific/Permanent and pensionable
6. Professional qualifications/training	As specified in the Constitution (minimum grade 12)	Specified by service regulations
7. Responsibility	Collective/Individually	Individually (office)
8. Disciplinary action	Arises from breach of Code of Ethics/Standing Orders	Arises from breach of Conditions of Service
9. Role	Policy making	Advisory and implementing
10. Suspension or dissolution of Council	Collectively affected	Individually
11. Tenure of office	5 years	Specific/Permanent and pensionable
12. Power and authority	Vests in the council (collective)	Vests in the office
13. Area of Operation	Ward/district	As specified in the job description
14. Vacation of office	As specified under Article 157 of the Constitution	As specified under the conditions of service

#### Office of the Mayor or Council Chairperson

The office of Mayor/Council Chairperson is a statutory elective office in terms of Article 154 of the Republican Constitution. The Mayor/Council Chairperson is elected directly by the residents in a given district. The tenure of office for the office of the Mayor/ Council Chairperson is five years.

### 5.2.2. Roles of the Mayor/Council Chairperson

1. Political head and first citizen in a council area
2. Receiving visiting dignitaries – visitors pay a courtesy call on the Mayor (or Council Chairperson)

3. Gracing important occasions and events happening at district level
4. Has statutory power to convene a special council meeting and must convene a special meeting at a written request signed by at least two thirds of the composition of the council
5. Hosting receptions (luncheons or dinners) for very important dignitaries and presents gifts to the needy on such occasions like Christmas, New Year's Day, etc.
6. Signifies the adoption or confirmation of council minutes by signing them
7. Appends signature to by-laws.
8. Presides at council meetings
9. Has a casting vote in addition to a deliberative vote for breaking a tie
10. Ex-officio member to all standing committees of the council
11. Maintains and cultivates a symbiotic relationship with the Principal Officer, and councillors
12. Inculcates an open door system with stakeholders and indeed members of the public.

#### Chamber authority – Mayor/Council Chairperson

It is the duty of the Mayor/Council Chairperson to preserve and ensure that the proceedings of the council meeting are conducted in a proper and conducive manner, so that the sense of the meeting is properly ascertained. The statutory powers and duties of a Mayor/Council Chairperson are:

1. To ensure that he/she is conversant with standing orders and other statutory provisions
2. To ensure that the meeting is properly constituted and a quorum is present
3. To ensure he/she is conversant with the business and objects of the meeting
4. To preserve order during the proceedings of the meeting
5. To ensure that discussion is conducted within the scope of the meeting and reasonable time limits
6. Deciding on points of order during the meeting
7. Deciding whether proposed motions and amendments have complied with relevant statutory provisions
8. Conducting a poll to decide on a matter before the meeting or causing a poll to be taken if duly demands, and declaring the result
9. To authenticate the previous minutes by signing them
10. To adjourn the meeting if circumstances so dictate or demand
11. To declare the meeting closed at the end of business

### 5.3. Role of Deputy Mayor/Deputy Council Chairperson

The Deputy Mayor/Deputy Council Chairperson has no special role to play other than performing the duties of Mayor/Council Chairperson in his/her absence.

## 5.4. Functions and Duties of the Principal Officer

The office of Town Clerk/Council Secretary is a statutory post established under Article 152 of the Constitution. The Town Clerk/Council Secretary is the Principal Officer and Chief Executive of the Council and the following are his or her functions.

1. Principal Advisor to the council and its committees
2. Controlling officer of the council (Reg. 2 Financial Regulations - Statutory Instrument 125 of 1992)
3. Issues Notice of meetings
4. Issues certificates for submission of by-laws to the Minister for approval
5. Official receiver of documents to be served on the council
6. Authentication of documents.
7. Keeper of the Roll of Honorary Freeman and the Roll of Alderman
8. Co-ordinates the operations of Council departments and chairs management meetings
9. Acts as an appeals tribunal for cases involving Division IV
10. Returning officer for Deputy Mayor/ Deputy Council Chairperson elections
11. As agent of the Government:
  - a. Electoral officer (Presidential, Parliamentary and Local Government elections)
  - b. Commissioner for Oaths
  - c. Solemnizes marriages
  - d. District registration officer (registration of voters).

The Town Clerk heads all the departments and their chief officers in City or Municipal councils. Council Secretaries perform the same functions in Town Councils. Town Clerks or Council Secretaries do not have departmental responsibility but are responsible for ensuring that the work of the council is properly carried out.

# 6. Community Participation in Local Governance and Development

People need to participate in their own development in order that they:

- Sustain development activities
- Enjoy and appreciate the benefits
- Own the development processes and
- Accept development messages and adopt new ideas.

The quality of participation in local governance and development can be assessed through a number of attributes. The main characteristics of meaningful participation include:

**Inclusiveness** - Beneficiaries participate in development without feeling distanced from the project managers and policy makers.

**Willingness** - Local people participate in the planning process without feeling coerced, constrained or left with no other choice.

**Comprehensiveness** - All key stakeholders participate in the planning process.

**Accountability and transparency** - Project managers or development facilitators are procedurally accountable to the beneficiaries; and the planning and implementation process is also publicly visible.

## 6.1. Ward Development Committees (WDCs)

Development can only be sustained if the beneficiaries of the development are meaningfully involved in order that:

- Government becomes more responsive to local needs
- Community participation in development is assured making conduct of public affairs more visible and government more transparent
- Communities become more capable of managing their own lives
- Improved service delivery that is flexible and more likely to be directly relevant.

The WDC therefore, is based on the rationale that development can better be sustained if managed in a decentralised context – where all key stakeholders, both female and male, and various interest groups, take part in activities from the planning, implementation and decision-making levels. Accordingly, Article 148 (1) of the Constitution provides that local governance shall be undertaken through substructures which include WDCs. Further, the Local Government Act prescribes details relating to WDCs to be established in every Ward of the Republic.

### 6.1.1. Composition of Ward Development Committees

The WDC shall be constituted and comprise of the Zonal representatives. The Council shall then write institutions and organisations to appoint members to sit on the WDC as ex-officio members. The ex-officio members shall be as follows:

- i. One (01) officer (extension officer) from Department of Agriculture
- ii. One (01) officer from Education
- iii. One (01) officer from Health
- iv. One (01) officer from Community Development
- v. One (01) representative from a local Non- Governmental Organisation in the area (where applicable)
- vi. One (01) representative of the Physically Challenged (where applicable)
- vii. One (01) representative from Network of Zambian People Living with HIV & AIDS (NZP+)
- viii. One (01) representative from Faith Based Organisation (FBO)
- ix. One (01) person representing the Traditional Authority within the Ward
- x. Ward Councillor
- xi. One Trustee from the council
- xii. Gender Focal Point Person from the community

The term of office for WDC members is five (05) years.

### 6.1.2. Roles of WDCs

The main roles of WDCs are outlined below:

- Link between communities, the council and external development agents
- Mechanism enabling communities to access development information and knowledge
- Means of disseminating community needs, potentials and capacities
- Forum for mobilisation of communities for common development efforts
- Forum for democratic involvement of communities in the development process.

### 6.1.3. Functions of the WDCs

There are three main functions of WDCs and these are:

- Development planning and coordination
- Resource mobilisation
- Monitoring and Evaluation

#### 6.1.3.1. Development Planning and Coordination

Under Development Planning and Coordination, the functions shall be to:-

- Engage residents to participate in Ward development planning, project appraisals and budgeting.



- Support research on any area of study for the advancement of the local community.
- Facilitate the identification of potential areas of investment and promote sustainable local economic development in the Ward in consultation with key stakeholders and residents in order to enhance development
- Promote and participate in the co-management of natural resources in the Ward or trans-boundary resources
- Conduct quarterly meetings and when necessary, submit reports to the Council.
- Coordinate development activities being implemented by different stakeholders in the Ward.
- Assess the needs of the Ward, work out priorities and harmonise them with the overall government policy in order to attain maximum advantage for the Ward.
- Provide a forum for dialogue and coordination on development issues.
- Consolidate Ward Development Plans.
- Promote and encourage village regrouping and urban renewal activities for easy, efficient and effective delivery of services.

#### **6.1.3.2. Resource Mobilisation and Management**

Article 148 of the Constitution provides that the government shall provide adequate resources for the performance of the functions of the substructures.

Under Resource Mobilisation, the functions shall be to:-

- i. Identify potential areas of revenue sources that would broaden the revenue base of the Council and submit the same to the council
- ii. Mobilise communities to make up-front contributions towards projects being implemented in the Ward when need arises.
- iii. Manage financial and logistical resources allocated by the council for the day to day administration of the Ward office in a prudent manner and in line with principles of public financial management.
- iv. Formulate and submit project proposals to various development agencies in consultation with and approval of the Council
- v. Manage and keep record of resources allocated to the WDC.
- vi. Open a bank account bearing the name of the Ward at the nearest Commercial Bank. The account shall have four (04) signatories comprising of;
  - Panel A: The WDC Chairperson and Treasurer
  - Panel B: Director of Finance/Council Treasurer and a Trustee
- vii. All payments shall be by cheque.
- viii. The financial records of the WDC shall be audited periodically by the auditor appointed by the council

The council shall determine a Ward Development Fund to finance micro projects which shall be disbursed to approved projects.

### **6.1.3.3. Monitoring and Evaluation**

Under Monitoring and Evaluation, the functions shall be to:-

- i. Monitor developmental activities of all institutions operating in the Ward.
- ii. Organize and train the local community to undertake its own monitoring and evaluation.
- iii. Provide information and advisory services arising from its M&E processes to its structures and stakeholders.
- iv. Develop and maintain a Ward based database as guided by the Council.
- v. Identify capacity gaps that require addressing
- vi. Review plans for the development of the Ward annually
- vii. Report quarterly developmental activities within the Ward to the appropriate committee of the Council.

### **6.1.4. Executive Committee**

Each Ward Development Committee shall have an Executive Committee elected from amongst its members. The composition of the Executive Committee shall be:

- i. A councillor as chairperson
- ii. A vice chairperson
- iii. Secretary
- iv. Treasurer
- v. Four (4) committee members

The functions of the Executive Committee shall be prescribed.

# 7. The Local Government Association of Zambia

The Local Government Association of Zambia is a voluntary membership organisation of and for all local authorities in Zambia.

## 7.1. Need for a Shared Vision among Local Authorities

Individually, it is not easy for a council to effectively participate in negotiations with central government over proposals for legislation or administrative action which may affect its responsibilities and interests. To address this difficulty, councils in Zambia have established the Local Government Association of Zambia which serves as a policy interface with central government and with national organisations of all kinds. One of the important tasks of the Local Government Association of Zambia is to make proposals to central government and/or Parliament for measures to enhance the capacity of councils to meet the needs of local communities. The Local Government Association of Zambia is a non-partisan organisation.

### 7.1.1. Historical Background of the Local Government Association of Zambia

The Local Government Association of Zambia was founded in 1947 as a voluntary membership organisation, then under the name, the Local Government Association of Northern Rhodesia which later changed to Municipal Association of Northern Rhodesia (Zambia) and Nyasaland (Malawi) in 1953. This was the case since the two countries were part of the Federation of Rhodesia and Nyasaland comprising Zambia, Zimbabwe and Malawi. The Association was formed to act as the mouthpiece for local governments in the two countries. The name changed to Local Government Association of Zambia in 1964 upon Zambia attaining political independence.

The principal objectives for which the Association is established are:

- To promote the interests and autonomy of local government authorities in Zambia;
- To be the national advocate and voice of local government;
- To contribute towards the improvements of local administration;
- To study questions concerning the life and activities of local government authorities and the welfare of citizens;
- To promote the idea of popular participation in civic affairs.

The activities of LGAZ are:

- To organise seminars, workshops or courses for local government;
- To organise conferences and/or meetings;
- To maintain a permanent office for the collation, documentation, study and dissemination of information for the benefit of local government in Zambia;
- To make recommendations to government and to participate in the formulation and revision of government policies and legislation affecting the governance and management of local government authorities in Zambia;
- To provide research and other advisory services and facilities to members in general

- and specifically on request;
- To regulate the collective relations between constituent local authorities as employers on one hand and the employees and their representative trade union on the other hand and to maintain a proper working relationship between constituent local authorities and the employees representative trade union;
- To encourage and facilitate municipal international cooperation;
- To carry out all other lawful activities for the furtherance of the objectives of LGAZ.

### Membership

Membership of LGAZ is open to those who subscribe to the fundamental principles of democratic local self-government. There are three categories of membership as follows:

1. *Full membership*, which is open, upon application, to all categories of local authorities in Zambia, concerned with the management of local affairs. Currently, all local government authorities in Zambia are members of LGAZ.
2. *Associate membership*, which is open, upon application, to the following entities provided that they are concerned with or share common objectives with those of LGAZ:
  - Organisations
  - Institutions
  - Other bodies involved in and/or concerned with local government matters
  - Individual persons with interest in local government affairs and not in employment in any of the mentioned categories of members;
  - Supporting or contributing members such as private enterprises, foundations and other organisations interested in local government.
3. *Honorary membership*, which is extended to persons who have rendered distinguished and conspicuous service towards the improvement of local government in Zambia, by a resolution of two thirds majority of members passed at an Annual Conference.

### Governing Bodies of LGAZ

The governance of LGAZ is executed by:

- The Annual Conference, which is the supreme policy making organ of the Association which meets yearly. The Annual Conference is the final appeal authority and its decision on all matters is final.
- The Executive Committee, which meets, at least, once every year, implements the objectives, policies and decisions of LGAZ generally and/or as directed by the Annual Conference.
- The Provincial Committees which have been established within the spirit of decentralisation to exercise powers assigned to them by the Annual Conference through the Executive Committee and deal with matters necessary in the smooth running of the Association at provincial level.
- Provincial Sub-Committees established to deal with specific matters relevant to the objectives of the Association. Currently, there are five such Sub-Committees at provincial level namely:
  1. Law, Research and Human Resources Sub-Committee
  2. Finance and Economic Sub-Committee

3. Environmental Health, Social Services Gender and HIV and AIDS Sub-Committee
4. Engineering and Fire Services Sub-Committee
5. Development Planning Sub-Committee

### **Officers**

The officers of LGAZ are the President, Vice Presidents, Honorary Treasurer and the Executive Secretary. Except for the Executive Secretary, the other positions are elective. The President is the principal political representative of LGAZ and chairs the meetings of the Annual Conference and the Executive Committee. The Vice Presidents are responsible for the governance of Provincial Committees.

The Honorary Treasurer is the custodian of all funds of LGAZ and is responsible for the preparation of annual budgets and to effectively administer approved budget decisions including the preparation and submission of audited accounts for consideration and adoption by the Executive Committee.

The Executive Secretary has the administrative and management responsibility of the secretariat as Chief Executive Officer of LGAZ. In this capacity, the Executive Secretary assumes full general management responsibilities for the operations of LGAZ, within policy guidelines defined by the Executive Committee.

Activities at provincial level are coordinated by the provincial coordinators. Each of the five sub-committees at provincial level is serviced by a secretary elected from amongst officers.

### **Finance**

LGAZ derives its finances from membership fees, income from activities, grants, donations, loans etc. The fiscal year of LGAZ is January 1<sup>st</sup> to December 31<sup>st</sup>. The Executive Committee appoints independent auditors every year to audit books of accounts for LGAZ.

### **Benefits**

Being a member of LGAZ has positive effects such as:

- Belonging to a countrywide network which is giving a voice and visibility to local government in Zambia;
- Having an opportunity to influence government policies and programmes at local and national levels;
- Contributing to and/or benefiting from LGAZ programmes and events.

### **Associated Organisations**

LGAZ has established relations, links and networks with local and international organisations that pursue similar goals and objectives in the general field of developing and strengthening local governance. Currently, LGAZ is a member of the United Cities and Local Governments (UCLG) a worldwide organisation of local governments This membership is through the United Cities and Local Governments of Africa (UCLGA), It is also a member of the Commonwealth Local Government Forum (CLGF).

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## CHAPTER 2

# LABOUR AND HUMAN RESOURCE MANAGEMENT

This chapter will help you understand:

- ✓ The Labour Relations in local government;
- ✓ Human Resource Management and key players;
- ✓ Recruitment Processes;
- ✓ Termination of employment.
- ✓ The Local Government Association of Zambia

# 8. Labour relations

Labour relations in Zambia are governed by the Industrial Relations Act. The Act sets out the relations between employers and employees and ensures that constitutional rights are afforded to employees and employers. This includes the right to fair labour practices, trade union membership, collective bargaining and organisation, the right to strike and recourse to lockouts.

The Industrial Relations Act also provides for the right to freedom of association including the right to form or join a trade union. In local government the trade unions for unionised staff are the Zambia United Local Authorities Workers' Union (ZULAWU) and Fire Services Workers' Union of Zambia (FIRESUZ).

The Industrial Relations Act affords the following to employees:

- No employee shall be threatened not to join a trade union or to resign his or her membership of such an organisation
- No employee shall be discriminated against because of previous membership of a union or workplace forum
- No employee shall be discriminated against for failing to carry out an illegal action for the employer
- No employee shall be discriminated against for disclosing information that he or she is legally entitled to disclose.

Employers also have the right to freedom of association, including the right to form or join an employers' organisation or federation.

Both trade unions and employers' organisations are allowed to determine their own rules and constitution. Both can seek affiliation with any international organisation.

## 8.1. Strikes and Lockouts

The Industrial Relations Act grants employees the right to strike and the employers the right to lockouts. The Act however lays down certain rules. For instance striking workers must give seven days' notice and further that there will be no dismissal of striking workers even after the deadlock in negotiations.

Further, no person may take part in a strike or lockout if:

- That person is bound by a collective agreement that prohibits a strike or lockout in respect of the issues in dispute
- That person is bound by a collective agreement that requires the issue in dispute to be referred to arbitration or the Industrial Relations Court
- That person is engaged in an essential service or a maintenance service (e.g. fire fighters, medical personnel).

An essential service is one which if interrupted could endanger life, personal safety or health of the whole or part of the population. A maintenance service is one which if interrupted could result in physical destruction of a working area, plant or machinery.



### 8.1.1. Secondary Strikes

A secondary strike is one that is in support of a strike by other employees. The general principle regarding secondary strikes is that no person may take part in a secondary strike unless:

- The strike that is to be supported is legal and the correct procedures regarding notice have been followed
- The nature and extent of the secondary strike should be reasonable in relation to the possible direct or indirect effect that the secondary strike may have on the business of the council.

## 8.2. Collective Bargaining

Collective bargaining refers to the processes of negotiation, mediation and arbitration as well as to any other processes set up between the employer and employees to resolve conflicts and avoid potential conflicts. Within the practice of labour relations there are different processes that typically arise during disputes. These are outlined below.

**Negotiation** refers to any forums, committees, meetings or processes that are set up between employer and employees to reach agreements on any issue regarding labour relations.

**Mediation or conciliation** refers to a process of meetings between the employer and employees in which a conciliator tries to resolve a dispute.

**Arbitration** refers to a process in which an arbitrator evaluates a dispute between the employer and employees and rules in favour of one of the parties. The decision of the arbitrator is binding.

# 9. Human Resource Management

Human resource management is a strategic approach to recruiting, developing, managing, motivating, retaining, gaining commitment, separating and retiring of the people who work in and for the Local Authorities.

The human resource is critical and the way it is managed has a great bearing on the performance of any organisation. The management of human resource is the responsibility of every line manager. However, the situation in local authorities in Zambia is that the technical guidance is provided by the Human Resource and Administration Department.

The basic aim is to ensure that management deals effectively with everything concerning the employment and development of employees and relationships that exist between management and the workforce and the environment within which they operate.

This involves creating an environment which enables employees to make the best use of their capacities and to realise their potential to the benefit of both the organisation and themselves. This is achieved by management:

- Championing the interests and welfare of employees
- Working to increase employees contribution and commitment to the organisation
- Working as an agent of continuous transformation, shaping processes and creating a culture that together improves an organisation's capacity for change.

Effective human resource management involves having in place systems that create satisfactory working environment. These include:

- An organisation structure which defines the activities and responsibilities and provides for effective communication and decision making
- An effective employee resourcing system
- A reward management system
- Employee welfare
- Performance managed and guided by Result Orientated Management (ROM)
- Participatory leadership
- Employee growth and development
- Safety and health.

## 9.1. Institutions for Human Resource Management in Local Authorities

The key players in human resource management for Local Authorities are:

- The Local Government Service Commission
- A Local Authority
- The Establishment Committee
- The Principal Officer
- Chief Officers.

### 9.1.1. The Local Government Service Commission.

Article No. 227 of the Constitution has established the Local Government Service Commission to manage all the human resource in local authorities except those falling under Division IV. The Local Government Service Commission may however, delegate some of its functions to a local authority.

In this regard, the Commission is responsible for:

- Appointing persons to hold or act in any office in the a council except for Division IV employees
- Confirm appointments
- Exercise disciplinary control over persons holding or acting in any such office
- Remove those persons from office and
- Any other functions relating to human resource management.

#### 9.1.1.1. Recruitment Procedures

##### **Authority to recruit Principal Officers and Officers (Divisions I-III)**

The power to appoint officers in Division I-III, to hold or act in any office of a local authority vests with in the Local Government Service Commission.

All appointments must be based on a transparent human resources management system, devoid of political interference, favouritism, tribalism, and religion among others.

##### **Step 1: Identifying vacant post**

The Principal Officer identifies the position, which has become vacant. This may arise from a resignation, retirement, transfer, promotion, dismissal, death of an employee, or creation of a new post. After identification of the vacancy the Principal Officer submits a report to the LGSC.

##### **Step 2: Request for recruitment**

The Principal Officer shall submit the request for recruitment to the Local Government Service Commission which request shall include the following details:

- The number of vacancies
- Correct Salary and Salary Scale
- Details of the Job Description
- Details of qualifications for the job
- Cause of vacancy.

### Job description and specifications

Job description and specifications for all the job categories in local government are expected to be developed by the Local Government Service Commission. Generally, the job descriptions and specifications focus on the following elements:

- Title of the job
- Department
- Purpose of the job
- Who the job holder supervises and reports to
- Key tasks and responsibilities
- Key qualifications, experience and personal attributes
- Competencies
- Key result areas.

### 9.1.2. The Establishment Committee

The Local Government Act permits a local authority to establish committees such as the Establishment Committee which makes recommendations to the Council on matters delegated to it by the Local Government Service Commission.

### 9.1.3. The Principal Officer

The Principal Officer acts as liaison officer between the council and the Local Government Service Commission.

### 9.1.4. The Local Authority

Each local authority is responsible for the recruitment of employees in Division IV. All appointments must be based on a transparent human resource management system, devoid of political interference, favouritism, tribalism, religion etc.

#### 1.1.4.1. Recruitment Procedure for Division IV Employees

##### Step 1: Identifying vacant post

The Departmental Head identifies the position, which has become vacant. This may arise from a resignation, retirement, transfer, promotion, dismissal, desertion or death of an employee, or creation of a new post and submit a report to the Principal Officer.

##### Step 2: Write the job description

The job description and personal specification may focus on the following elements:

- Title of the job
- Department
- Purpose of the job
- Who the job holder supervises and reports to
- Key tasks and responsibilities
- Key qualifications, experience and personal attributes
- Competencies
- Key result areas

The Principal Officer will then authorise the advertising of the vacant post. The advertisement should specify the following:

- Reporting relationship
- Key duties and responsibilities
- Key educational qualifications and experience
- Job location
- Salary Scale
- Request for applicants to provide detailed curricula vitae
- Closing date for applications
- Age.

### **Step 3: Advertise the post**

The Director of Human Resource and Administration/ Chief Administrative Officer advertises the post either internally or externally or both so as to attract the widest range of suitable candidates.

### **Step 4: Short-list the candidates**

The Director of Human Resource and Administration/ Chief Administrative Officer should co-opt at least two representatives from the affected department to evaluate the applications arising from the advert, with a view to identifying those applicants that meet the minimum requirements and short-list them (based on predetermined criteria), for interview.

Short-listed candidates should be contacted and invited for interviews and be given at least two weeks' notice.

### **Step 5: Identifying an interview panel**

The management should constitute an interviewing panel, composed of experts (with knowledge and experience) in the field they are requested to assist in. They must be of a higher rank than the post for which candidates are being interviewed.

### **Step 6: Interviewing the candidates**

Prior to the interviews the Chairperson of the interviewing panel must brief the members of the panel on what is expected, including the assessment procedure and any other necessary information. To ensure that the right candidates for the job are recruited, the interviewing panel is advised to develop selection criteria. The criteria should cover issues included in the score sheet attached as ANNEXURE E (Sample of Score Sheet for Interview of Candidates).

The Interviewing Panel should also take into consideration the following into consideration:

- That only short listed candidates are interviewed

- Must agree on the time to be spent on each candidate, the approach to adopt and areas to cover.
- Create an atmosphere in which the interviewee is encouraged to raise questions after the interview.

**Step 7: Selection of Candidate**

Each member of the panel will give a score out of an agreed total for each dimension being considered. The individual scores from each member of the panel will be added and averaged. The panel will agree on a general statement of assessment on each candidate. Based on the interview results, the panel will recommend the most suitable candidate for appointment. All interview notes and score sheets, must be handed to the Town Clerk/Council Secretary for safe keeping.

**Step 8: Appointment**

Before an offer of appointment is made, a satisfactory reference on the selected candidates must be obtained from referees and thereafter the Town Clerk/Council Secretary will then make a formal offer of appointment.

The successful candidate must then:

- Acknowledge acceptance of the offer of appointment in writing
- Undergo a medical examination from a Government Medical Officer before assumption of duty.

**Step 9: Deployment**

Once the appointed candidate has accepted the offer, the Chief Human Resources Officer or any designated officer deploys him/her in the department where the vacancy existed.

## Flowchart of Recruitment Process

Division I - III			Division IV		
Responsible			Responsible		
<b>Step 1</b>	<b>Identifying vacant post</b>	Principal Officer	<b>Step 1</b>	<b>Identifying vacant post</b>	Departmental Head
<b>Step 2</b>	<b>Request for recruitment</b>	Principal Officer	<b>Step 2</b>	<b>Write Job Description</b>	Departmental Head
All subsequent steps will be done by the Local Government Service Commission		LGSC	<b>Step 3</b>	<b>Advertise the post</b>	Departmental Head
			<b>Step 4</b>	<b>Short-list candidates</b>	Director of Human Resource and Administration/ Chief Administrative Officer
			<b>Step 5</b>	<b>Identifying an interview panel</b>	Management Team
			<b>Step 6</b>	<b>Interviewing the candidates</b>	Interview panel
			<b>Step 7</b>	<b>Select and recommend candidate</b>	Interview panel
			<b>Step 8</b>	<b>Appointment</b>	Full Council
			<b>Step 9</b>	<b>Deployment</b>	Director of Human Resource and Administration/ Chief Administrative Officer

### Terms and Conditions of Service

The terms and conditions of employment of officers and employees in local government are in accordance with the Local Government Conditions of Service Regulations.

### Appointments

Appointments fall into two categories as follows:

#### a) Appointment to a pensionable office

Pensionable officer means an employee who will be paid pension upon attaining retirement

age and who qualifies under the appropriate pension scheme.

**b) Appointment on contract**

Contract appointments are for employees in the local government service under the following circumstances:

- After retirement of an officer holding a post.
- Employment on the basis of special skills
- Employment for programmes with a short life span e.g. 2-3 years
- As a short term measure to meet the needs of establishment local authority before permanent structures are established.

**Terms and conditions of service for appointments on specific contracts**

The offer is for a specific period of time, usually 2-3 years (24-36 months). The specific period of employment, terms and conditions of service and terminal gratuity are determined and agreed upon. Employees on contract must have qualifications and experience which would have qualified them for pensionable appointment had this been open to them.

**Induction and Probation**

All newly appointed employees to the local government service shall undergo an induction programme and be required to serve a probationary period of six months. During the probation period the performance of the officer will be assessed.

If the employee does not perform his/her duties to the satisfaction of the supervising officer, he/she may have the probationary period extended or terminated.

If the officer concerned does not get a confirmation letter on the due date, he/she has a right to demand that he/she be confirmed or reasons given why the same is not forthcoming.

**Disciplinary and appeals procedure**

- (a) The Local Government Service Commission shall issue regulations specifying disciplinary and appeals procedures for officers under its jurisdiction.
- (b) Proceedings involving employees in Division IV  
The Chief Officer is empowered to commence the disciplinary proceedings.

**Employees in Division IV**

When an employee serving in Division IV is aggrieved, by the decision of the Head of Department, he or she has a right to appeal to the Principal Officer. If he or she is not satisfied with the decision of the Principal Officer he or she has the right to appeal to the Council. Where again he or she is not happy with the decision of the Council, he/she may appeal to the Industrial Relations Court.

**Termination of Employment**

a) **Dismissal from service**

Dismissal is the removal of an employee from service or office as a result of gross misconduct or offence as defined under the conditions of service and the contract of employment.

Any decision to terminate employment should be based on conditions of service. In the event of wrongful dismissal (i.e. termination of employment contrary to the conditions of service) an employee shall be entitled to the following remedies:

- Re-instatement



- Payment of damages.
- b) **Redundancy**  
This refers to a situation where an employee has no more work to do or when the post has been abolished. Redundant employees have to be laid off on the basis of first –in- last -out (FILO) or last –in- first- out (LIFO) principle.
- c) **Retrenchment**  
Retrenchment refers to the removal of an employee from the service through no fault of his/hers in order to facilitate re-organisation. The retrenched employee is entitled to be paid a package. This should include a compensation element.
- d) **Resignation**  
Resignation is a situation where an employee voluntarily decides to leave employment and in such circumstances, he or she will be entitled to terminal benefits accordance with the terms and conditions of the contract.
- e) **Retirement**  
The retirement ages in public service are:
  - 55 years (early retirement)
  - 60 years (normal retirement)
  - 65 (late retirement)

The retirement procedure to be followed is laid down in the conditions of service.

### **Employees and politics**

Employees shall remain impartial and free from political influence and shall not take part in active politics. Where it is proved that an employee is involved in active politics, he or she shall be liable to be discharged from the local government service.



## CHAPTER 3

# LOCAL GOVERNMENT FINANCE & BUDGETING

This chapter will help you understand:

- ✓ Local government finance framework
- ✓ Roles of councillors and management in local government finance
- ✓ Sources of finance
- ✓ Budgeting and budgetary control
- ✓ Public Private Partnerships
- ✓ Medium Term Expenditure Framework
- ✓ Public audit and accountability

# 10. Public Finance

Public finance is the field of economics concerned with analysing government taxation and spending policies. It is the basic tenet of financing goods and services and entails the following:

- Services that can be allocated to specific consumers
- Services that cannot be linked to specific consumers.

Services that can be allocated to specific consumers are financed from user charges and fees. On the other hand, services that cannot be linked to specific consumers are public goods and services and are financed through taxes i.e. personal levy and owners' rates.

## 10.1. Financing Local Government

Local authority operations rotate around finance and for this reason, local government must be provided with adequate funds for it to meet the service provision obligation. Statutory provision for local government finance can be found in the Constitution and the Local Government Act. Finance is mainly derived from taxes paid by citizens both at local and national levels. The Central Government decides what taxes accrue at local level, and allows local authorities to collect. Central Government also decides what taxes will go to the national level. Central Government can change the way taxes are collected. For instance, it can decide to approve a by-law so that a local authority can start collecting revenue from that source. In the same manner Central Government can refuse to approve a council by-law for various reasons. Government can also decide to withdraw a grant due to local authorities.

### 10.1.1. Legal Framework for Local Government Finance

Local authorities are empowered by various statutes in their capacity as government agencies to levy taxes on citizens living within their boundaries. Among these statutes are:

- Constitution of Zambia (Amendment) Act No. 2 of 2016
- Rating Act No. 12 of 1997 as amended in 1999
- Personal Levy Act Cap 329
- Bus Stations and Markets Act.

## 10.2. Sources of revenue

Local government as a distinct sphere of the national governance structure is entitled to an equitable share of the national revenue through either specific or non-specific grants. In addition, most local authorities derive their revenue from local taxes.

Local authorities can raise revenues either internally or externally. Internal revenue sources are those which a local authority can raise in the form of local taxes.

External sources of finance include government grants, loans and bilateral and multilateral aid. Councils also have powers to impose levies, fees and charges on the citizenry by way of by-laws or council resolutions.

### **Local Revenue Base**

The local revenue base is made up of non-commercial revenues and commercial revenues.

## **10.2.1. Non-Commercial Revenue (Taxes)**

### ***Property Rates***

A rate can be described as a local tax levied at a percentage “rate” upon the annual value of corporeal property or rateable property as they are legally called. Rates form a substantial portion of the revenue which support most councils especially those in the urban set-up. The rate income is the most certain form of local taxation through which the fiscal power of a council is exercised.

### ***Grant in lieu of Rates:***

Ideally, Central Government like any other property owner is supposed to pay rates on its properties in full to the council. However, Central Government does not pay rates on its property in full. In order to compensate for revenue loss the council is paid the ‘Grant in lieu of rates’, which is lower than the actual or full rate.

### ***Personal Levy***

Personal Levy is a form of local tax collected by local authorities. The levy is applicable to individuals who are earning some form of income in a given local authority area. It is calculated as a fixed sum and is payable annually in two equal instalments during the months of March and June. This type of local tax is inflation inelastic because of being determined as a lump sum as opposed to a percentage of one’s annual income. It is also a regressive tax because the rate remains the same even when people’s salaries have been increased.

## **10.2.2. Commercial Revenues (Fees, Charges and Levies)**

### ***Rent from Council Properties***

This is a charge on the use of a local authority property. However, rentals are usually charged at uneconomic rates, or rates which are not adjusted for inflation. At the moment few local authorities have properties for rent, as a result of government directive to sell their housing stocks.

### ***Fees, Charges and Levies***

Included under this category are water charges, market fees, bus station fees including levies such as the fish levy, cattle levy grain levy and others which are determined by the economic endowment and activity of a given area or district.

### ***Licence Fees***

Under the Local Government Act (Business Levy Regulations, 2011), local authorities are empowered to collect licence fees for any type of business operated in their area.

### ***Commercial Ventures***

These are business units set up to support local authority operations and also provide funding for development projects in the district. However, these ventures have not contributed the expected income to support local authority operations. One of the reasons for this is partly because local

authorities provide services with a human face and not motivated by profit.

### **Other Receipts**

These relate to sundry fees charged for services which include marriage certificates, affidavits, burial certificates, plot application fees, tender document fees, plans scrutiny fees, dog licence fees etc.

## **10.2.3. National Support**

Considering that local government is an integral part of the national structure, it is entitled to national resources. Allocation of national resources to local government is seen in the context of being part of the public sector involved in delivering key public services. The transfer of financial resources from central government to local government must therefore be predictable and adequate.

### **Grants**

Inter-governmental fiscal transfers commonly referred to as grants are a share of the nationally raised revenues to enable local authorities provide services and perform statutory functions allocated to them. These transfers can either be specific or general in nature.

From time to time, government in consultation with relevant stakeholders reviews the Intergovernmental Fiscal Architecture which attempts to reflect the following principles:

- **Stability, predictability and accountability** to encourage proactive planning, budgeting and improved service delivery;
- **Vertical balance** to ensure match across central and local government levels between their expenditure responsibilities and revenues (both own source and intergovernmental transfers);
- **Horizontal Balance** to ensure adequacy, equity and fairness in the allocation of resources across local authorities;
- **Simplicity and transparency** to ensure understanding, trust and accountability in its operation; and with
- **Performance incentives** to improve public sector governance, revenue mobilisation, expenditure efficiency and service delivery

#### **a. Specific Grants**

These grants are specific in nature and state what they are to be used for. A specific example is the Constituency Development Fund.

#### **b. General Grants**

General grants or block grants are central transfers which are not earmarked for the financing of a specific project or service. Such grants do not usually come with instructions as to their usage as is the case with specific grants since they are meant to support the general operations of a local authority.

#### **c. Capital Grant**

The Capital Grant is there to support Councils implement capital projects listed in their development plans. An example is the grant given to new Town Councils for construction of offices.

#### **d. Local Government Equalisation Fund**

In order to enhance predictability and ensure vertical as well as horizontal balancing, Article 163 of the Constitution has established the Local Government Equalisation Fund to which Parliament shall annually appropriate monies which shall be disbursed by the ministry responsible for finance to local authorities. The Fund is meant to provide supplemental income to enable local authorities deliver goods and services. The Fund is also meant to provide accountability and performance incentives for local authorities to improve on their own sources of revenue mobilisation and liquidate local debts.

Earlier on, in 2014, Parliament amended section 45(3) of the LGA by, among other things, introducing the Local Government Equalisation Fund to which not less than 5% of the total amount projected to be collected as income taxes for the Republic for each financial year to accrue to this fund. The Act provides further that 20% of the amount received from the Fund, in any financial year, shall be used to finance capital expenditure while the remaining 80% is discretionary.

The Minister responsible for Finance however, may, in consultation with the Minister responsible for Local Government, make specific grants for additional functions that may be devolved to local authorities.

**e. *National Road Fund Agency***

The National Road Fund Agency provides funding for road construction, maintenance and rehabilitation for both district and feeder roads. These funds are from the fuel levy and include road tax, toll fees and others collected by the Ministry of Finance. To access these funds, a local authority is required to identify the road works which need to be funded. The cost of carrying out these works are calculated and the bills of quantities prepared. Thereafter, an application for funding is made in a letter addressed to the Permanent Secretary, Ministry of Local Government and Housing with a copy to the Director of the National Road Fund Agency.

Article 162 (1) of the Constitution establishes the Constituency Development Fund to be utilised in the constituencies in accordance with guidelines issued by the Ministry of Local Government and Housing.

**f. *Constituency Development Fund***

The Constituency Development Fund (CDF) is disbursed through the Ministry of Finance to all local authorities to support community projects, including rural water supply and sanitation projects. CDF-Guidelines for local authorities, issued by the MLGH, ensure the transparent and accountable use of funds for development purposes.

**g. *Municipal Bonds***

A municipal bond is a debt security issued by a local authority to finance its capital expenditure. In other words, this is a method by which a local authority can go to the stock exchange and raise funds from the public promising to repay at a fixed rate of interest at a specified time. The Local Government Act provides for a local authority to borrow money for the purpose of discharging its function by the issue of stock or bonds.

**h. Loans**

Local authorities finance most of their capital projects through borrowing either from financial institutions or from the open market through municipal bonds. Since most of the infrastructural services do not necessarily attract a profit, for example the construction of roads and bridges, repayment of such loans is charged to the revenue account. While therefore, it can be said that capital projects are financed through loans, eventually, the actual repayment cost is defrayed from local sources of revenue.

It should be noted borrowing is restricted to organisations within Zambia. Any borrowing from a foreign government or organisation has to be sanctioned by the government. Further, Article 164 of the Constitution empowers local authorities to raise loans, grants and other financial instruments.

**i. Land Development Fund**

The Land Development Fund (LDF) is established under the Lands Act, Cap 184. Proceeds from the fund are to be used to finance the surveying of plots and the opening up of new areas, through construction of roads, water supply and sanitation and other service infrastructure. A local authority that wishes to develop any area its locality, may apply for funds for money to develop the area.

**j. Bilateral and Multi-Lateral Aid**

Bilateral agreements are those where the Zambian government asks another government for help. Multilateral agreements are those involving the Zambian government requesting organisations such as the UNDP, EU, OPEC, etc, which are made up of many nations for help. This help can be in form of financial and/or technical and material assistance.

Development assistance to Zambia has been complemented by loans from financial institutions like the Africa Development Bank (ADB), International Monetary Fund (IMF), International Development Association (IDA), Kreditanstalt für Wiederaufbau (KfW) and World Bank, which institutions provide capital finance for various projects.

**k. Donor Funds**

Apart from bilateral and multilateral assistance, various donors both local and international provide assistance in development programmes. An example is assistance provided by the Clinton Foundation.

## 10.3. Public Private Partnerships

The Public Private Partnership Act No 14 of 2009 defines a public private partnership as a means of investment through private sector involvement in public infrastructure development. It further defines a 'public private partnership as 'a contractual relationship between a contracting authority, and a concessionaire, made in accordance with the Act, in which the concessionaire;-

- a) Undertakes to perform or undertakes any infrastructure project or infrastructure facility as specified in the schedule
- b) Undertakes to provide or provides such social services as may be prescribed
- c) Assumes substantial financial, technical and operational risks in connection with the performance of the institution or use of State property; and



- d) Receives consideration for performing a public function or utilizing State property, either by way of:
  - i) A fee from any revenue fund or a Ministry's budgetary fund
  - ii) User levies collected by the concessionaire from users or customers for a service provided by it; or
  - iii) A combination of the consideration paid under sub-paragraphs i) and (ii).

Thus a PPP is considered as an arrangement between public and private sector (consistent with broad range of possible partnership structures) consisting of a clear agreement concerning shared objectives for delivery of public infrastructure and/or public services that would otherwise have been provided through traditional public sector procurement. In return, the private entity receives a benefit/financial remuneration according to predefined performance criteria, which may be derived entirely from service tariffs or user charges; entirely from Government budgets; or a combination of both. Local authorities are potential contracting agencies for PPPs, but should be aware that PPPs require very sophisticated contract preparations in order to protect them from financial risks. Local authorities should seek advice from the Zambia Development Agency before entering into contractual obligations.

### 10.3.1. Objectives of the PPP

The main objectives of the PPP programme are:

- To increase the financing available for infrastructure by making use of private sector investment resources;
- To improve value for money in infrastructure projects by creating incentives for best practice design, timely completion and efficient operation by sharing project risk with the private sector;
- To encourage innovation in the provision of infrastructure;
- To improve the sustainability of infrastructure and infrastructure services; and
- To improve accountability in public expenditure.

### 10.3.2. Advantages of a PPP

- a) PPPs provide an alternative source of finance to traditional government borrowing. This finance is typically more expensive than concessional loans, but may help increase investment in infrastructure if the government is otherwise finance constrained. Where PPPs are paid for in full or in part by user charges, the total funds available for providing infrastructure also increase – effectively by introducing a targeted tax on service users.
- b) PPPs can achieve better value for money than traditional public procurement through:
  - **Risk transfer and efficient allocation:** PPPs relieve the government budget of some project risks, while efficient risk allocation between parties improves incentives and should reduce overall project cost;
  - **Harnessing private sector expertise:** involving a private sponsor throughout the transaction structure and design process may allow the government access to that sponsor's international experience in innovative technology or financial structures.

### 10.3.3. Examples of PPP in Local Government

- (a) **The Build, Operate and Transfer (BOT)**, concept where the private entity builds, operates and receives revenue from a new facility throughout the concessionary period. For example, build the abattoir and operate it for 30 years, then transfer the asset to a local authority.
- (b) **The Divestiture concept** where a local authority owned facility which has proved to be unprofitable due lack of entrepreneurial skills, is sold to the private sector.
- (c) **The Leasing concept**, where the private sector leases a facility from the local authority during a concessionary period and collects revenue on expiry of the concessionary period. The installations are returned to the ownership of a local authority.
- (d) **The Contract operations**, concept where a local authority retains control of the enterprise and engages a contractor to provide specified management or other services for a fixed period or where the private sector is allowed to compete by tender for works (construction or services) previously done by a local authority. The contractor is paid directly for services rendered by the consumer of services.

## 10.4. Financial Management

Financial Management is about planning, organizing, directing and controlling the financial activities and utilization of funds of a local authority. It means applying general management principles to financial resources.

Adequate financial control calls for something more than mere scrutiny of orders on the Director of Finance or Council Treasurer. It calls for that overall scrutiny and control of the general level of expenditure which becomes essential in any institution and which is impossible to secure unless means are established to ensure a continuous appreciation of the relation between expenditure on one hand and financial resources on the other. This is necessary in order to detect waste or loss, to determine the adequacy of the financial provision, to take the necessary steps in case of inadequacy, to ensure that spending is in conformity with intended expenditure and to check overspending.

### 10.4.1. Financial Regulations

Local authorities are regulated by different pieces of legislation, and the instrument specific for the management of finance is called Financial Regulations.

### 10.4.2. Finance and General Purposes Committee

The general regulation and control of the finances and accounts of a local authority is done through the Finance and General Purpose Committee (FCGP). The committee is there to ensure that all expenditure incurred is authorized, properly recorded and accounts properly maintained.

Every local authority is mandated under the Local Government Act, to establish the Finance Committee for the purpose of:

- Advising a local authority on financial matters
- discharging such functions of the local authority relating to finance as may be delegated to it under the Act or as may be conferred or imposed on it by or under any other written law.

It is the practice in most local authorities for the membership of the Finance Committee to consist of chairpersons of all the standing committees which in effect are spending committees. This is the only committee whose membership excludes persons who are not councillors.

#### **10.4.2.1. Functions of the Finance and General Purposes Committee**

- Advise a local authority on all financial matters
- Advise a local authority on all rating matters
- Present annual estimates to the council on due dates
- Present supplementary estimates to the council as need arises
- Ensure that the accounts for the previous year are closed and subjected to audit
- Receive and consider annual accounts in readiness for audit
- Receive and consider financial reports, including audit reports
- Receive and consider matters referred to it by spending committees
- Formulate financial regulations
- Carry out such other functions as may be assigned to it by the council
- Facilitate the publication of accounts.

#### **10.4.2.2. Interaction between Finance Department and FGPC**

In order to enable the FGPC discharge its functions effectively, the finance department must provide members with regular reports on financial performance. These reports include the following:

- Receipts and Payments
- Income and Expenditure
- Variances Analyses Reports
- Bank Reconciliation Statements
- Balance Sheets
- Cash flow statements
- Schedule of Debtors (aged)
- Schedule of Creditors (aged)
- Project financial expenditure reports
- Petty cash and imprest position
- Stores and stocktaking reports.

## 10.5. Public Procurement of Goods and Services

Public Procurement is the process by which public sector organisations acquire goods, services and works from suppliers using public funds.

### Importance of procurement

- Public procurement is an important function of local authorities. Most, if not all, local authorities' economic and social development programmes involve the procurement of goods and services using financial resources which are internally generated or sourced from central government and/or cooperating partners.
- Public procurement is a key aspect of public administration that links the public financial system with social and economic outcomes. It is a major determinant of the effectiveness of local authorities and the quality of public services and infrastructure.
- Local authorities' procurement system is a barometer for good governance. The system promotes effective and efficient procurement practices that enable local authorities to deliver services demanded by the community in a timely manner.
- Procurement acts as a control mechanism in the use of public funds leading to better utilisation of the limited resources.

### 10.5.1. Fundamental Principles

**Transparency** - the procurement process must be clear with prior disclosure of pertinent information e.g. evaluation criteria, rules etc.

**Competition** - allowing bidders to compete among themselves

**Economy and efficiency** – prudent utilisation of resources

**Fairness** – Equal treatment and application of all rules for all bidders in the procurement process.

**Value For Money**- best available outcome when all relevant costs and benefits over the procurement cycle are considered

**Accountability** – Ensuring that local authorities are answerable for their plans, actions and outcomes.

### 10.5.2. Legislation regulating procurement process

The local government procurement processes are complex and comprehensive and are subject to several pieces of legislation, including:

- The Public Procurement Act, 2008(Act No. 12 of 2008)
- The Public Procurement Regulations, 2011 (Statutory Instrument No.63)

### 10.5.3. Local Government Procurement Institutional Framework

#### a) Zambia Public Procurement Authority

Ensures that public procurement policy is consistent with other government policies.

#### b) The Local Authority

The local authority as the procuring entity is responsible for the management of all

procurement activities within its jurisdiction. At local authority level the following structure exists:

**i. The Town Clerk/Council Secretary** (Controlling Officer Responsibilities Sec 12)

- Ensures all procurements of the local authority are in accordance with the Public Procurement Act (PPA).
- Appoints members of the procurement committee
- Appoints members of the evaluation committees
- Chairs the procurement committee
- Authorises contract award within level of authority
- Appoints Contract Manager
- Authorises contract document

**ii. Procurement Committee – (Section 16)**

The procurement committee is the highest approval authority and comprises the following:

- Town Clerk - Chairperson
- 4 to 8 members (of which not more than 2 appointed from outside the local authority)
- Head of Procurement Unit – Secretary

Note: the 2 members appointed outside the local authority shall not be Public Officers.

**iii. Procurement Unit**

The Act provides that the Procurement Unit should be managed by persons qualified and knowledgeable in procurement in accordance with the Zambia Institute of Purchasing and Supply Act No. 15 of 2003. The functions of the Procurement Unit are as follows:

- Planning procurement activities
- Preparing of solicitation and contract documents
- Managing the bidding and evaluation process
- Overseeing contracts management
- Preparing of any procurement reports

**iv. User departments (Section 21)**

The user departments are responsible for the following:

- Forecasting procurement requirements
- Initiating procurement requirements
- Providing technical input to the procurement process
- Managing contracts

Procurement Parameters (Thresholds)	
Procurement Cost	Authorising Agent
Up to K50, 000	Town Clerk
K50, 000 to unlimited	Procurement Committee

### 10.5.4. Procurement Methods

Procurement methods	Types of procurement		
	Goods and non -consulting services	Works	Consulting services
Open National Bidding/Selection	Over K500,000	Over K500,000	Over K300,000
Open International Bidding/Selection	Over K5 million	Over K50 million	Over K500,000
Simplified Bidding	Up to K 500,000	Up to K 500,000	Up to K 300,000
Direct Bidding (In appropriate circumstances)	Up to K 10,000	Up to K 10,000	Up to K 10,000

#### 10.5.4.1. Open Bidding/Selection

Open bidding is a bidding procedure wherein bids or tenders are submitted by and received from all interested contractors, rather than from a select list of bidders privately invited to compete. In this regard, the Zambia Public Procurement Authority has recommended the following procedure:

- Advertise invitation to bid in the gazette or the newspaper
- The invitation to bid is open to the public
- The bidding document obtainable upon payment of non-refundable fee
- The invitation to bid has a minimum floatation period of 4 weeks for national tenders and 6 weeks for international tenders
- Sealed bids are deposited in the Tender Box
- The public is invited to attend the tender closing and bid opening ceremony
- Evaluation is based on the criteria given in the bidding document
- Authorisation for award of contract is either by procurement committee or the central tender committee depending on the level of authority of a procuring entity during the interim period only
- There is a requirement for publication of the best evaluated bidder 7 days before contract award
- A formal contract document is signed 10 days after the publication of the best evaluated bidder
- After commencement of the contract with the successful bidder, a procuring entity shall inform all other bidders that their bids have been unsuccessful and shall give reasons for that decision. Details of any

other bids will not be discussed. The debriefing process is meant to help losing bidders understand why they lost the bid and encourage them to submit improved bids in future.

#### **10.5.4.2. Simplified Bidding**

Simplified bidding is a method of procurement which does not require the use of opening bidding when the estimated cost of a transaction is within the threshold of K500,000.

- Usually off the shelf purchases (up to K500,000)
- At least three (3) competitive quotations are obtained by use of a written Request for Quotations document
- The Request for Quotations should give clear instructions on the conduct of the procurement process, including the preparation and submission of quotations and information on the evaluation of quotations and award of contract
- Suppliers requested to submit quotations supported by certificate of registration, ZRA Tax Clearance Certificate and relevant certification, e.g. National Council for Construction
- There is no need to advertise and/or gazette
- The evaluation is based on the request for quotations that was issued
- The purchase is confirmed by the Local Purchase Order

#### **10.5.4.3. Direct Bidding**

Direct bidding is used where the goods, works or services are only available from a single source and no reasonable alternative or substitute exists.

It is used where:

- due to an emergency, there is urgent need for the goods, works or services making it impractical to use other methods of procurement because of the time involved in using those methods
- additional goods, works or services must be procured from the same source because of the need for compatibility, standardisation or continuity
- an existing contract could be extended for additional goods, works or services of a similar nature and no advantage could be obtained by further competition
- the estimated value of the goods, works or services does not exceed the threshold prescribed in the Public Procurement Regulations
- The invitation to bid is not gazetted nor advertised in newspapers
- The invitation to bid is restricted to the nominated firm only
- The solicitation/bidding document is prepared and obtainable upon payment of a non-refundable fee
- The invitation to bid has a minimum floatation period of four (4) weeks for national tenders and six (6) weeks for International tenders
- Sealed bid is deposited in a tender box

- The public are free to attend the tender closing and bid opening ceremony
- Evaluation is based on the criteria given in the solicitation/bidding document
- Authorization for award of contract is either by the Procurement Committee or the Central Tender Committee depending on the levels of authority of the procuring entity during the interim period only
- A formal contract document is signed

### 10.5.5. Procurement Planning

All local authorities are required to prepare annual procurement plans outlining the procurement activities for the year

- The annual procurement plan shall: Aggregate the local authority's requirements wherever possible to obtain VFM and reduce procurement costs
- Use rate or running contracts for continuous or repeated goods and services
- Avoid splitting
- Integrate local authority's expenditure programme

## 10.6. Budgets

A Local Authority's budget is an annual financial plan, which details out sources of revenue and its uses.

In local government the budget is commonly referred to as estimates. There are 3 types of budgets and these are recurrent, capital, and cash budget. Most local authorities concern themselves with the first two, but the third is also equally important, as this enables the council to plan its cash flow effectively.

Recurrent budget (estimates) relate to money spent on regular running expenses such as salaries and wages, electricity bills for street lights and other council premises etc. Capital budget (estimates) are funds to buy assets which will provide benefits over a period of years, such as construction of houses, roads, bridges, installation of street lights and purchase of plant and equipment. A cash budget helps to arrange savings or borrowings during lean times such as when some collections of revenues are out of season.

The budget is an instrument of delegation. It therefore follows that management uses this as a tool for measuring performance and allocating responsibilities on managers (chief officers). This is also part of the control process and allows management to award good performance and reprimand poor performance and prevent/avoid the incidence of adverse performance by taking timely corrective action.



### 10.6.1. Why Budget?

The Local Government Act compels local authorities to prepare annual estimates of revenues and expenditure. The budget process is necessary because it:

- ***Enables the rate levy to be fixed***  
When preparing the budget, the expenditure expected to be incurred has to be matched against the available income. In the event of the envisaged expenditure surpassing income, a local authority can cover the deficit by increasing the rate levy with the approval of the Minister of local Government and Housing
- ***Authorises future expenditure***  
The budget is a plan of action and its adoption by the council usually carries with it approval to expenditure within the estimates.
- ***Assists in planning and policy making***  
In its planning role the budget provides financial information which guides members on making decisions about the services for which they are responsible. It enables them to see the financial consequences of different policies and allows them to choose between competing claims to establish priorities.
- ***Co-ordinates***  
The budget coordinates different departments of the local authority to ensure that they work in harmony.
- ***Communicates***  
The budget is also a useful tool for communicating plans between various departments of a local authority.
- ***Motivates***  
The budget helps to influence chief officers to strive to achieve the local authority's goals.
- ***Controls income and expenditure***  
Expenditure and income is monitored and compared with estimates at frequent intervals. Some local authorities have adopted management accounting systems which aim to highlight variations and enables corrective action to be taken.
- ***Provides a yardstick for measuring achievement***  
Financial information has a useful role to play in the monitoring of the implementation of policies and ensuring the extent to which policies and plans, as set out in the budget, are achieved. In this way the performance of chief officers is evaluated.

### 10.6.2. Budget Preparation and Approval Process

The process starts with MLGH issuing budget guidelines which include information to local authorities on the level of national support by indicating how much money is likely to be allocated to them as grants during the financial year. This is commonly referred to as "ceilings". At local authority level, this involves assembling a budget committee of officers, which becomes responsible for issuing guidelines to other persons involved in the budget process. It entails gathering and giving out information which, in the main, highlights the local authority's:

- Strategic Objectives
- Past performance
- Current State
- Specific services being demanded by the citizens

- Internal and external constraints.

Further, a council allows for public input. Thereafter, management compiles the draft budget which is submitted to the Finance Committee for further consideration. The Finance Committee then, forwards the budget to the council for approval. The approved annual estimates are then submitted to the MLGH for Ministerial approval at least 60 days before the commencement of the financial year they relate to. This implies that the annual estimates must reach the PLGO's office by mid-October who should forward them to MLGH on or before 1st November.

## 10.7. Medium Term Expenditure Framework

The MTEF is the framework of medium-term budget planning. When budget documents refer to the MTEF, they are referring to the expenditures for the present financial year and the two following years.

Although only the single upcoming fiscal year is approved by the Minister of Local Government and Housing each year, the Council presents numbers for the following two years as well.

The MTEF is a tool to encourage cooperation across ministries and planning over a wider horizon than the immediately upcoming fiscal year. This holistic approach is preferable as opposed to piecemeal, reactive, short-term decisions that characterize budgeting hitherto.

The Medium Term Expenditure Framework (MTEF) was adopted by the Government as part of the Public Service Reform Programme (PSRP) in order to improve service delivery by Central and Local Government institutions to the people of Zambia. One of the thematic areas of these reforms is the Public Expenditure Management and Financial Accountability Reforms (PEMFAR) whose main objective is to improve transparency, accountability and tracking of financial resources from the Sub-District Structures, District and Provincial to the National levels.

Under the MTEF, each local authority is expected to select/ identify programmes for inclusion in the budget from the strategic plan covering a period of three years.

The MTEF:

- **Enhances stability** - The MTEF enhances stability by letting provinces and national ministries know what resources will likely be available to them. This allows government planning to be more credible and accurate.
- **Encourages investment** - By making taxation, interest rates, and government spending more predictable MTEF encourages investment
- **Improves transparency** - It also improves transparency and generates public discussion because government's longer term policy goals and overall strategies for achieving them, are made public.
- **Outlining future spending** - It provides a signal to civil society and the public at large of government's priorities and how it intends to implement its vision.
- **Facilitates programme evaluation** - Predictions also provide a baseline for assessing the effectiveness of the past year's programmes.

## 10.8. Budgetary Control

Financial control at council level is executed through the Finance Committee and the instruments which the committee employs are estimates for the year. Estimates have two functions:

- to arrive at the amount of revenue to be raised for the ensuing year which a local authority must identify in advance.
- to obtain authorisation of the council for the expenditure to be made in the ensuing year.

Management provides regular reports (in a prescribed format) and these are usually recommendations from spending committees which are tabled before the Finance Committee. After satisfying itself the Finance Committee then recommends to the full council for approval of the reports so tabled. At least once every quarter management should review the council's performance on the basis of budgetary reports received from the Director of Finance/Council Treasurer as well as those from other departments. Monitoring reports for each revenue source should be prepared monthly. Ledgers should be maintained to guide spending departments on funds available in various budget lines. Ledgers should also show, on a cumulative basis the expenditure incurred, commitments made and the uncommitted balances available.

During the budget review process, the causes and effects of the recorded deviations from the budget should be discussed by management who should then suggest or take corrective action, before submitting the matter to the FC for consideration. Corrective action takes the following form:

- Supplementary budget where the deviations are significant
- Revised budget
- Virement which involves transferring savings from one budget line to offset excess expenditure in another within the same responsibility centre; and
- Toning down expenditure to remain within the budget.

## 10.9. Public Audit and Accountability

Every Local Authority must maintain financial records in a manner and format prescribed by the MLGH. Balanced accounts should be submitted to the Provincial Local Government Officer who arranges for an audit with the Minister. The Minister has the legal duty to appoint an auditor to check the accounts of local authorities, with a view to:

- Satisfying themselves that all revenue collected has been applied to purposes for which it was intended and that the expenditure conforms to the authority that governs it
- Report their findings to council. This way, local authorities ultimately become accountable to the public for proper and economical use of money raised from the public as taxes.

The LGA empowers the Minister to direct that an extraordinary audit of all or any of the accounts of a local authority be undertaken. Upon completion of the extraordinary audit, the Auditor is by law required to submit the audit report to the Minister with a copy to the affected local authority.

## 10.9.1. Audit Committees

Audit committees are a key component of corporate governance. They are a key source of assurance about the organisation's arrangements for managing risk, maintaining an effective control environment, and reporting on financial and non-financial performance.

The way in which an audit committee is organised will vary depending upon the specific political and management arrangements in place in any local authority. It is not therefore appropriate to prescribe any particular model. But there are features that should be common to all:

1. A Statement of Purpose
2. Core Functions
3. Features
4. Structure and Administration

### 10.9.1.1. A Statement of Purpose

The purpose of an Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

### 10.9.1.2. Core Functions

Audit Committees will:

- Approve (but not direct) internal audit's strategy, plan and performance.
- Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- Consider the reports of external audit and inspection agencies.
- Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- Be satisfied that the authority's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.
- Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

### **10.9.1.3. Features**

Effective audit committees are characterised by:

- Strong leadership to guide the committee – displaying a depth of skills and interest
- Unbiased attitudes - treating auditors, the executive and management equally
- The ability to challenge the Executive (leader/chief executive/mayor or whatever combination) when required
- A membership that is balanced, objective, independent of mind, and knowledgeable.

### **10.9.1.4. Structure and Administration**

Although no single model is prescribed, all audit committees should:

- Be independent of the Executive and Scrutiny functions.
- Have clear reporting lines and rights of access to other committee / functions, for example scrutiny and service committees, corporate risk management boards and other strategic groups.
- Meet regularly – at least four times a year with a quorum, and have a clear policy on those items to be considered in private and those to be considered in public.
- Meet separately with the external auditor at least once a year.
- Include, as regular attendees, the Responsible Finance Officer, Chief Executive, Head of Internal Audit and Appointed External Auditor. The committee should have the right to call any other officers or agencies of a local authority as required.
- Be properly trained to fulfil their role.

### **10.9.1.5. Benefits of Audit Committees**

Effective audit committees can bring many benefits to local authorities and these benefits are as stated below:

- raising greater awareness of the need for internal control and the implementation of audit recommendations
- increasing public confidence in the objectivity and fairness of a local authority's performance;
- reinforcing the importance and independence of internal and external audit and any other similar review process (for example, providing a view on the Statement on Internal Control); and
- providing additional assurance through a process of independent and objective review.

Effective internal control and the establishment of an audit committee can never eliminate the risks of serious fraud, misconduct or misrepresentation of the financial position. However, an audit committee:

- can give additional assurance through a process of independent and objective review

- can raise awareness of the need for sound control and the implementation of recommendations by internal and external audit

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## CHAPTER 4

# PLANNING AND DEVELOPMENT

This chapter will help you understand:

- ✓ The Urban and Regional Planning Act as guide to physical and other aspects of planning;
- ✓ How a local authority can become a planning authority;
- ✓ The preparation and content of an Integrated Development Plan;
- ✓ The preparation and content of a Local Area Plan;
- ✓ Initiating a planning process; Adoption of IDP;
- ✓ Adoption of LAP;
- ✓ Procedure for dealing with customary land;
- ✓ Procedure for handling planning applications and control of development;
- ✓ Strategic planning and how this is contrasted with integrated development planning;
- ✓ Local Economic Development as a strategy to foster sustainable local economic development;
- ✓ Land tenure and land administration.

# 11. The Relationship between Planning and Development

## What is planning?

Planning is a process of facilitation, which assist a group of individuals or community to understand the situation in which they are so that they are able to change it. It uses experiences of a population to identify appropriate solutions to real problems. It is also the process which assists in deciding the best way to reach a goal, about making decisions and about the use of available resources which include finance, human and time among others.

## What is Development?

Development can be defined as a process of qualitative change in individuals or groups or communities. The process results in improved quality of life which can be measured by its own indicators.

In order for planning and development to produce quality output through appropriate interventions, local people should be encouraged to participate in their own development by pooling resources, including information so as to gain control over their environment and lives.

## 10.1. The Urban and Regional Planning Act No. 3 of 2015

The Urban and Regional Planning Act which became law in August 2015 applies to the entire country - to both urban and rural areas. It is the law which guides planning and development regardless of the land tenure or land administration system and provides for cooperation with traditional authorities.

### 10.1.1. The Planning System

The planning system means the administrative structure, the institutions and authorities that guide planning and support development. The system identifies different levels of government and describes the responsibilities assigned to the authorities.

The institutions that comprise the planning system are:

- Local Planning Authorities
- Planning Committees
- Provincial Planning Authorities
- Regional Planning Authorities
- Minister of Local Government and Housing
- Planning Tribunal



### **11.1.1.1. The Local Planning Authority**

According to the Act, every local authority can be a Planning Authority provided it meets the requirements set out in the regulations and is appointed by the Minister for Local Government and Housing. A Local Planning Authority is responsible for:

- Regulating and controlling development
- Planning for the development and use of land and buildings within its area
- Preparing and implementing integrated development plans, local area plans and sectoral plans
- Receiving and processing applications for planning permission for the development of land
- Operating services and maintaining infrastructure in its area
- Promoting and facilitating sustainable land use.

### **11.1.1.2. Planning Committee**

A councillor or an officer of a local authority will become involved in planning at some point. Planning decisions can impact on housing, job creation, climate change, investment, infrastructure and the quality of people's lives generally. They can be controversial, and finding the right balance between conflicting perspectives can be challenging. Community involvement is critical in both plan-making and dealing with applications.

The Urban and Regional Planning Act provides that this greater level of local community participation will be achieved by means of the establishment of planning committees. Each planning authority is required to have a functioning planning committee. The planning committee will comprise local councillors. These are the representatives of the local community, and, as such they bring to the plan preparation and planning decision process knowledge of local needs and concerns. A planning committee shall:

- Recommend for adoption the integrated development plans and local area plans
- Recommend modifications or changes to the integrated development plan and local area plans
- Consider and make planning decisions on applications for development as prescribed; and
- Monitor the implementation and enforcement of the integrated development plans and local area plans.

Where there is an existing Plans, Development and Works Committee, it will act as the Planning Committee for the purpose of the Act.

While the local authority and its Planning Committee have the main responsibility for planning and implementation, it is important that there is close cooperation with the Provincial Planning Authority. In this case, the Provincial Planner is an ex-officio member of the Planning Committee.

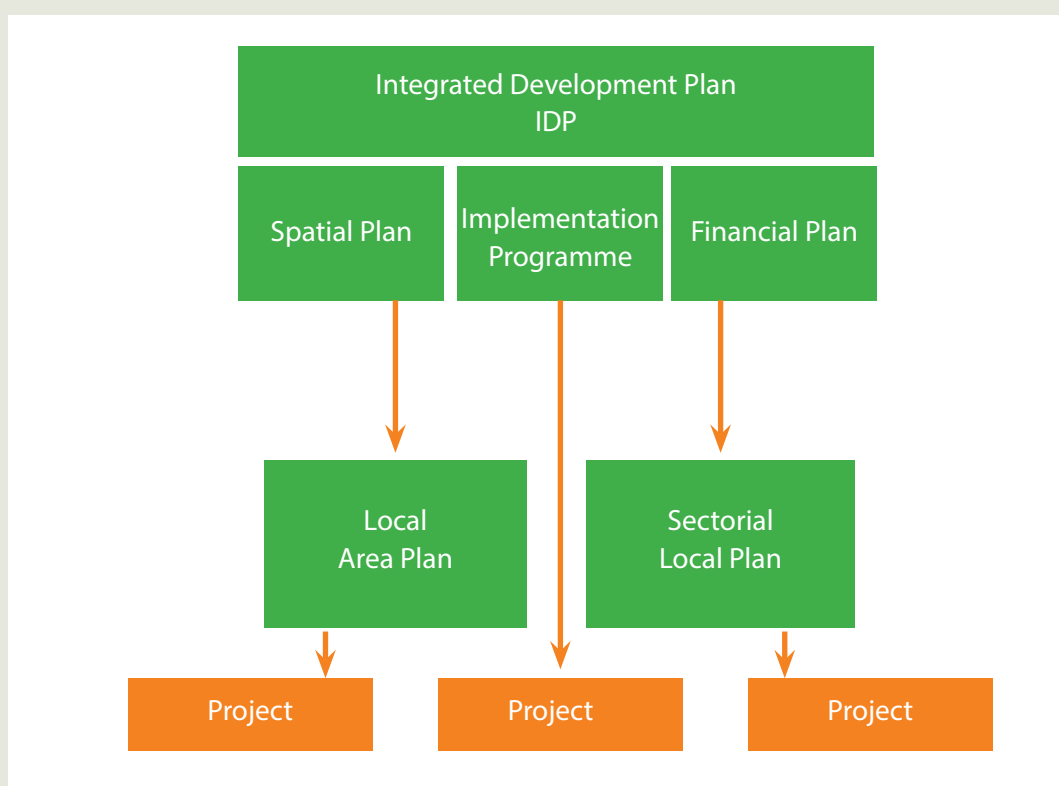
## 11.1.2. Development Planning Framework

The types of plans that will be used to promote development make up the planning framework and consist of:

- National Planning Framework
- Regional Development Plans
- Integrated Development Plans
- Local Area Plans; and
- Sector Local Plans

The Planning Framework includes the different tools and plans that can be used by the local authorities. The Planning Framework consists of plans and planning instruments that are linked and related to each other as illustrated in the following diagram:

**Figure 3 : Development Planning Framework**



The National Planning Framework expresses the spatial dimension of the development objectives, policies and programmes set out in national plans and budgets, illustrate how these fit together in terms of territorial development and demonstrate how the process of spatial planning can contribute to the development of a long term policy for territorial development.

In addition, the Act gives the Minister authority to issue planning guidelines. For purposes of local government, emphasis is on Integrated Development Planning, Local Area Plans and Sectorial Plans.

### 11.1.2.1. Integrated Development Plan

The Urban and Regional Planning Act provides that each local authority is required to prepare an Integrated Development Plan (IDP) to cover the entire area under its jurisdiction. The IDP is the primary tool for planning within the district. Further, the IDP process aligns economic, social and environmental policies and expresses these and their land use requirements and implications in a spatial plan. The IDP will be for a period of ten years and shall bind all persons and organs of the State.

The three essential and distinctive characteristics of an IDP are:

- **Integration** – Integrating economic, social and environmental policies and expressing these and their land use requirements and implications in a spatial plan;
- **Participation** – Involving all sectors of the community in the preparation of the plan to secure broad based community input to and support for the plan;
- **Implementation** – Ensuring the plan and its policies and proposals are implemented within realistic financial limits, and are expressed in a detailed action programme.

The IDP provides all details for the local authority to guide and control development in general terms. In particular it indicates infrastructure requirements, expansion areas for housing, business, service facilities and economic development. It also provides for socio-economic development, capacity building, environmental management and poverty alleviation. The planning period is twenty to thirty years. The costs for preparing the mandatory IDP have to be borne by a local authority.

#### Content of an Integrated Development Plan

The Integrated Development Plan has a multi-sectoral approach covering the various areas of responsibilities related to local authority and central government administration. The Integrated Development Plan includes spatial and non-spatial aspects of development. The formal product consists of:

- **Planning Survey and Issues Report.** The Planning Survey identifies and where appropriate quantifies the issues which the IDP strategy and policies need to address. The survey provides the evidence upon which these issues are analysed and justified. The main output of the Planning Survey should be a prioritised list of issues which set the context for the development and testing of alternative policies and spatial frameworks. The areas to be addressed in the Planning Survey include:
  - Historical and Planning Context;
  - Population and Housing;
  - Economy and Employment
  - Natural Environment including Strategic Environmental Assessment.
  - Physical Infrastructure;
  - Social Infrastructure;

- Changes anticipated over the Plan Period;
- A report on public consultation; and
- A prioritised list of issues

- **A Development Framework Report.** Based on the findings of the Planning Survey, the next stage is the development of appropriate policies to address these issues, to resolve problems and realise opportunities. These policies take two forms. Firstly, a spatial development framework delineating on a map how land in the planning area is to be used over the period covered by the plan, and the stages by which it should take place. Secondly, a set of written policies and proposals that support and supplement the spatial development framework, providing further direction and guidance to planning decisions and investment.
- **An Implementation Programme.** The last technical task in the preparation of the IDP is the development of an Implementation Programme. This sets out a detailed plan to turn the IDPs policies and proposals into reality on the ground. The implementation framework includes:
  - A capital investment plan;
  - A financial plan for five years;
  - A programme for the preparation of LAPs; and
  - Proposals for monitoring and review of the Plan.

Where land falling under customary tenure is to be included in an Integrated Development Plan in line with a planning agreement then special mechanisms are to be in place for consultation.

#### **11.1.2.2. Local Area Plan**

The Local Area Plan is the planning instrument which provides detailed proposals for the development of the areas indicated in the Integrated Development Plan.

A Local Area Plan takes into account the content, proposals and requirements specified in the Integrated Development Plan. The Local Area Plan may deal with new housing areas, upgrading of informal settlements, industrial zones and city centres or other specific land uses or developments. It may be applied for private development initiatives, traditional or customary land, for infrastructure or other service facilities as well as for the protection of environmentally, culturally or historically valuable areas.

If the Local Area Plan preparation finds that the conditions warrant a deviation from the IDP, it may require a review or amendment to the IDP.

A Local Area Plan has a defined period for implementation. A local planning authority may amend or revoke a Local Area Plan as need arises. This is, however, subject to the agreement of the Provincial Planning Authority and is designed to ensure that the plan preparation process is not undermined by subsequent ad-hoc changes such as changes to land use zonings without

recourse to the local community.

The preparation of a Local Area Plan may be initiated by a community or a ward committee.

### **11.1.2.3. Sectoral Local Plans**

The Act allows a local authority to prepare plans that deal with special aspects or issues. These are called Sectoral Local Plans. This is to ensure that the plans and programmes prepared by different district departments or other government authorities are in line with the Integrated Development Plan. It is important for the different authorities and departments within the local administrative structure to work together. Sectoral Local Plans should be prepared following the same process and outline as Local Area Plans.

#### **Planning Process**

The planning process consists of three phases:

- programming phase,
- plan preparation phase and
- implementation phase and plan review.

The Urban and Regional Planning Act emphasises the links between the different phases and the sequence of actions necessary for efficient planning and implementation. The focus is on the need for involvement of the public, civic organisations, interest groups, NGOs and CBOs and other stakeholders from the very beginning of the process. Public participation and consultation takes place all the time and at every stage throughout the planning process.

The process for preparing either an Integrated Development Plan or a Local Area Plan or a Sectoral Local Plan is similar. There are, however, different reporting requirements depending on the type of plan being prepared.

#### **Initiation of the Planning Process**

It is a legal requirement that a local authority must, within six months of the election of its council either adopt or review an existing Integrated Development Plan, or, initiate the process for preparing one Integrated Development Plan where none exists.

Where a local authority is not a planning authority then it shall by resolution direct the provincial planning authority to initiate the planning process. A copy of the resolution shall be sent to the Minister. The resolution commencing the process for the preparation of an IDP shall be published in a local newspaper.

There is no legal requirement that the decision to prepare a Local Area Plan is the subject of a council resolution as the IDP should set out those areas where a Local Area Plan is required. The absence of this requirement makes it easier for a community to request the preparation of a Local Area Plan.

#### **Planning Programme**

For any Integrated Development Plan or Local Area Plan, the planning authority must prepare a planning programme which is approved by the planning committee and the local authority. The programme will identify the goals and

objectives of the plan, and the general issues to be addressed in the plan; set out the process for preparing the plan; set out the stakeholder identification process and the public consultation process.

In setting out the process for public consultation, consideration has to be given to local language preferences, the needs of the illiterate and vulnerable; the needs of the Chiefs in the area and the needs of stakeholders with an interest in customary land.

The adopted planning programme shall be published in a local newspaper and the notices relating to the planning programme displayed at the local authority offices. Any person may make a submission on the proposed planning programme within 30 days of the publication of the notices.

Within 30 days of its adoption the planning programme shall be sent to the provincial planning authority for approval. If the provincial planning authority considers that the planning programme is inadequate then it must, within 30 days, direct the local planning authority to adjust the planning programme.

Within 14 days of receipt of a direction from the provincial planning authority, the local planning authority has to adjust the planning programme or give its objection with reasons to the provincial planning authority.

Where there is an objection from a local planning authority it can be referred to the Director responsible for planning at the Ministry and the local planning authority shall adopt the programme as per the recommendation of the Director. The local planning authority must inform the community about the adopted planning programme in the prescribed manner.

#### **Process for the Preparation of the Plan**

The planning authority must manage the drafting of the plan in accordance with the adopted planning programme. Where an IDP is prepared it should take into account the Integrated Development Plans and planning strategies of neighbouring local authorities.

Where a Local Area Plan or Sectoral Local Plan is prepared, it shall comply with the policies and provisions of the IDP.

#### **Public Participation in the Planning Process**

Within 14 days of the preparation of an Integrated Development Plan, Local Area Plan or Sectoral Local Plan, the planning authority must publish notices informing the public about the availability of the plan. The plan must be put on public display for a period of 60 days during which it will be available for scrutiny and comment. During this period, members of the public can make comments and submissions on the draft plan.

The planning authority may make alterations to the draft plan after taking into account the objections made. If it decides to do so, then it must, within 30 days of the expiration of the public inspection period, publish a notice of the proposed amendment and allow submissions and comments on the proposed amendment. The members of a planning committee shall consider

the amendment and the submissions made.

#### **11.1.2.4. Adoption of the Integrated Development Plan**

Within 30 days of the adoption of the IDP, the local planning authority must submit a report and the plan to the Minister for consideration. The report must include:

- details of the objections and response to the plan;
- a report of any public hearing held;
- the draft Integrated Development Plan;
- reasons for any changes made to the plan following the public consultation period;
- a statement that procedures for public consultation have been adhered to and setting out what legislation has been considered; and
- details of compliance with planning guidelines and National Planning Framework.

The Minister must within 60 days of receipt of the plan either approve or object to it. Where the Minister objects to a plan, he or she shall inform the planning authority of his or her objection and give reasons and direction to the local authority to amend the plan. The local authority must amend the plan as directed by the Minister within 45 days.

The local authority shall adopt an IDP as approved by the Minister. The adopted IDP must be made available to the public.

The local authority shall give effect to the IDP and conduct its affairs in a manner consistent with the plan. The IDP shall serve as a basis on which the local authority's capital and operational budgets shall be drawn up and approved.

#### **11.1.2.5. Adoption of a Local Area Plan**

Within 30 days of the adoption of a LAP, the local planning authority must submit a report and the plan to the provincial planning authority for consideration. The requirements for the report are similar to those for an IDP.

The provincial planning authority must within 60 days of receipt of the plan either approve or object to it.

Where the provincial planning authority objects to a plan, it must inform the planning authority of its objection and give reasons and direction to the local authority to amend the plan. The local authority must amend the plan as directed by the provincial planning authority within 45 days.

The LAP must be made available to the public.

#### **11.1.2.6. Review/Amendment of the Integrated Development Plan**

An IDP must be reviewed every five years against the original performance indicators. The review will ensure that the plan meets the changing demands of development and that it is in line with the goals and objectives as well as the capacity of the local authority to implement it. Amendments may be

necessary due to infrastructural demands, urgent housing development needs, community requests or earlier mistakes done in plan preparation. The review or amendment of the Integrated Development Plan should in principle follow the same process as set out for the initial IDP.

A planning authority may amend or update an IDP more frequently but not more than annually where it considers it necessary to amend or update the plan for the purposes of meeting pressing infrastructural demands; correcting an anomaly or inadequacy in the plan; protecting areas of ecological or cultural significance; or responding to a humanitarian crisis, mitigating the effect of a natural disaster or providing for the upgrading of informal settlements. The local planning authority must inform the provincial planning authority about the purpose, extent and effect of the proposed amendment. The provincial planning authority has 21 days within which to respond.

The provincial planning authority may object to the amendment and make proposals for the adjustment of the proposed amendment; or inform the local authority that further public consultation is required.

Where a provincial planning authority makes proposals for amendments to the IDP, the local planning authority has 90 days in which to consider the proposals and if it agrees then it should adjust the proposed amendment and if it disagrees with the proposals, object to the proposal and give reasons for the objection.

Where a provincial planning authority receives such an objection it is to be referred to the Minister for consideration. The local planning authority must adopt the IDP as directed by the Minister.

The public notice procedures also apply to the review and/or amendment of an IDP.

**11.1.2.7. Review/ Amendment of A Local Area Plan**

A local planning authority may amend or revoke a Local Area Plan at any time subject to the approval of the provincial planning authority.

The public notice procedures also apply to the review and/or amendment of an Integrated Development Plan, Local Area Plan or Sectoral Local Plan.

**11.1.2.8. Planning for Customary Land**

Development is occurring on customary land at the boundaries of state land in an unplanned and uncoordinated manner. In most towns and cities, it is the peri-urban areas located within customary land where the problems of inadequate infrastructure, lack of sanitation and excessive density are to be seen.

The Urban and Regional Planning Act expands planning to all areas, including customary land. It provides that such areas may only be planned for in agreement with the traditional leadership.

Planning Agreements should identify:

- The customary land to which special standards and approval processes



shall apply;

- The types of applications to which the special planning procedures will apply;
- The areas for which a Local Area Plan is to be prepared;
- Areas to be designated as improvement areas or for the expansion of settlements;
- Built up areas and buildings and areas of cultural and historic value;
- The allocation of financial resources to support the implementation of the plan; and
- Protocols for engagement between the planning authority and the customary leadership.

Once a planning agreement is in place, then the standard procedures for the preparation of Integrated Development Plans and Local Area Plans will apply. The President can sign a planning agreement where it is in the public interest to do so and this agreement will be binding on the customary leadership and the local authority.

#### **11.1.2.9. Improvement Areas and Unplanned Settlements**

The Act provides that a local authority may declare or undeclare an improvement area. Where an improvement area is declared, a Local Area Plan must be prepared. The same procedures for preparing Local Area Plans will apply to improvement areas, i.e. an integrated approach to planning will be adopted. Once the Local Area Plan is adopted the other provisions of the Act in relation to planning applications, etc. will apply to the improvement area. This means that enforcement action may be taken against illegal developments in improvement areas.

If the improvement area is within customary land, then it must be subject to a planning agreement.

A survey diagram showing the perimeter of the area must be approved by the Surveyor General and deposited with the Registrar of Lands and Deeds. This reflects the current procedure in the Town and Country Planning Act.

The current procedures for the issuance of occupancy licences in improvement areas are restated in the Act. An occupancy licence will have a life span of thirty years. A person cannot build, use, let, sell, create a lien or security, save in accordance with the terms of the occupancy licence. A local authority can revoke a licence where there has been a breach of conditions or failure to pay. A holder of an occupancy licence may apply to the registrar for the issuance of the certificate of title.

A building erected or an improvement effected must be subject to the specifications approved by the local authority. It is envisaged that these specifications will be defined during the preparation of the LAP and will be set out in the same. The Minister may prescribe specifications for any building or improvement.

#### **11.1.2.10. Partnership with Private Developers**

Local authorities may form partnership with private developers for the preparation of Local Area Plans for specific areas. The agreements may

cover programming, planning and implementation. Any such planning and development project must follow the same procedures and meet the same requirements as any Local Area Plan prepared by the planning committee of a local authority.

Partnerships can also be used for actual construction, operation and maintenance for instance for streets, open space and waste collection and other services. If a private developer wishes to prepare a Local Area Plan, it must be in an area that the IDP has identified for development.

#### **11.1.2.11. Joint Planning Initiatives**

When development is planned for areas covering more than one local authority, the Urban and Regional Planning Act proposes joint administration of planning and development. This will require specific agreements and also institutional arrangements. In most cases such needs will occur in the development of major cities. However, it can also be used to facilitate development in more rural settings, where a number of local authorities share resources and development opportunities.

### **11.2.1. Planning Applications and Development Control**

No person shall carry out development on land, change the use of land or subdivide land without planning permission. "Development" for the purposes of the Act is defined as **"the carrying out of any building, rebuilding, mining or other works or operations on or under land, including the subdivision of land or a change in the use of land"**.

Planning permission for development is granted by way of development permits.

A planning authority has the power to attach conditions to a grant of planning permission, the power to defer a decision to allow the applicant to submit additional information or drawings and the power to refuse planning permission.

A planning authority can attach conditions to a grant of planning permission which require the applicant to effect alterations or improvements to the premises relating to the standard of accommodation, facilities or amenities, the sanitary or safety arrangements or any other aspect of public convenience or health or police supervision or are necessary to protect public health and safety.

In particular, planning authorities can now attach a condition to a grant of planning permission setting out the life span of the planning permission. The issues that are to be considered by a planning authority in determining an application for planning permission are:

- the social and welfare consequences which the development will have on residents of the district;
- whether the development will create a public nuisance or annoyance in the area;
- the suitability of the premises in relation to safety, health and planning requirements in respect of accommodation and sanitary facilities; and
- in consultation with the Environmental Agency, whether the proposed development will have an adverse impact on the environment.

In considering applications for development permits, the planning authority must comply with the IDP, the Local Area Plan and the planning guidelines.

Carrying out development without planning permission is an offence and is liable to a fine.

Where development has taken place without the benefit of planning permission, the planning authority can demolish the structure without the payment of compensation. Where a change of land use has occurred without permission, the planning authority may charge such fees in respect of the changed use as it may determine and direct that the land be restored to its original use.

The Minister may by statutory instrument prescribe the types of development or use of land for which no planning permission is required; specific requirements for planning permission and development control in informal settlements where a Local Area Plan exists; and major developments to which this Act applies.

Planning authorities have the power to grant planning permission for the retention of buildings and works which were undertaken without planning permission. There is no longer any time restriction on a planning authority taking action against illegal development.

Where planning permission for retention is granted it shall specify the purposes for which the building may be used. This is necessary to ensure that retention of planning permission is not used as a backdoor to further illegal developments.

Where planning permission may be granted for a limited period, no further planning permission will be required to resume the use of the land lawfully permitted before the grant of planning permission.

Where a change of land use requires a change to a land use designation in an Integrated Development Plan or Local Area Plan, then the procedures for the amendment or review of the plan must be initiated.

A planning department shall provide a report on all applications for planning permission granted, variations granted or deferred or rejected applications every quarter to the planning committee. This is to allow the planning committee to monitor development trends and to amend or review the development plan as necessary to respond to such trends.

#### **11.2.1.1. Planning Application Timelines**

The Act provides for the determination of standard applications for development within 28 days. The objective is to shorten the time period taken to decide planning applications and make the planning process more efficient.

The Act recognises, however, that there are cases where there are more complex development proposals which will require more detailed consideration, and, discussion with other departments such as fire and public health. Such applications cannot be determined within thirty days, and, accordingly, a period of 90 days is provided. These are known as major developments.

In addition, the Act seeks to allow local communities to have a greater say in the type of developments that are permitted in their areas. The Act provides

that for certain classes of development the planning authority must publish public notices, and, that members of the public may object to the development proposal. These are also known as major developments.

The Minister will, by Statutory Instrument, determine what classes or types of development will be categorised as “major developments”

#### **11.2.1.2. Planning Appeals**

The Act allows any person to appeal a decision of a planning authority. The appeal must be submitted within 30 days after the publication of the notification of the decision. There are notice procedures that must be complied with in the case of major developments.

A person who intends to oppose an application for a major development or a change of land use shall give notice in writing of that intention and set out the grounds of objection within 30 days of the date of the publication of notice.

The intent of this provision is to require that where there are objections to a proposed development these would be addressed to the local planning authority firstly. This would allow for the consideration of these issues in the determination of the planning application and allow for the planning authority to address these issues by way of the attachment of conditions or by requesting further information, and, therefore, reduce the potential for an appeal against the proposed development.

#### **11.2.1.3. Development Control**

Development control deals with the practical enforcement of the decisions taken by the planning committee. This is also an essential part of the implementation of plans and a way to ensure quality in the built environment.

The Act proposes to provide for the creation of the new role of planning inspector. Carrying out development control in the districts has been hampered in the past by the lack of qualified planning staff. The new law recognises this and allows for the creation of the new position of “planning inspector” (Formerly “Building Inspector”). This position will be specifically tasked with carrying out development control.

Where it is considered that illegal development has taken place, the local planning authority shall instruct a planning inspector to carry out an inspection. If the inspector is of the opinion that the development is illegal, then the planning inspector may issue an enforcement notice, in the prescribed manner and form.

The enforcement notice may:

- seek the discontinuance of the use or the works;
- impose conditions on the continuation of the land use or for securing compliance with the condition;
- specify steps to be taken for the alteration, removal or demolition of all or part of the building or works; and

- require the restoration of the land to its condition before the development took place.

Where an enforcement notice is served, it will take effect on the date of service of the notice.

A person who has received an enforcement notice but does not agree with what the notice tells him or her to do can appeal to the Planning Appeals Tribunal within 28 days of the date of the service of the notice.

When an appeal against an enforcement notice is lodged, the operation of the notice shall be suspended until the final determination or withdrawal of the appeal. The Planning Appeals Tribunal has 60 days within which to determine the appeal. Where a Planning Appeals Tribunal fails to make a decision, an application can be made to the Minister to determine the appeal.

If a person does not do what he or she has been told to do in the enforcement notice, the planning authority has the right to take action and the person can be charged a fine.

#### **11.2.1.4. Revocation and Modification of Planning Permission**

A planning authority may amend or revoke a planning permission on the following grounds:

- There has been fraud;
- The planning permission no longer conforms with the development plans;
- The amendment or revocation is necessary in the interests of public safety, security, peace, welfare or good order.

Before amending or revoking permission, the planning authority must give written notice to the holder of the permission stating the reasons for the amendment or revocation. The permit holder can, within 30 days, reply stating reasons why the permit should not be amended or revoked. A time period of 30 days is provided for the permit holder to make a response.

#### **11.2.1.5. Compensation**

If a person suffers damage or loss as a result of an enforcement notice issued pursuant to a revoked, amended or varied planning permissions, he will be entitled to compensation. Further, where a development plan takes away an existing right to use the land as confirmed in a legal instrument, the owner shall be entitled to compensation.

#### **11.2.1.6. Non Compensation for Planning Decision**

Compensation shall not be payable:

- for any work carried out before the grant of planning permission;
- where planning permission is refused on the grounds that:
  - (i) the land is physically unsuitable for the proposed development;
  - (ii) the development would have adverse effects on the environment,

public health or human life;

- (iii) the development will not comply with the development plan;
- (iv) the development would be premature by reason of an order of priority indicated in a development plan or because of a deficiency in the provision of roads, water supplies, sewerage or other public services;
- (v) in relation to any condition attaching to a development permit which relates to:
  - the number or disposition of buildings on any land;
  - the dimensions, cost, design, structure or external appearance of any building or materials to be used in its construction;
  - ✓ the manner in which any land is to be laid for development;
  - ✓ the use of any buildings or land;
  - ✓ the location or design of any means of access;
  - ✓ the provision of any roads, surface water drainage, water supply or sewerage treatment or discharge, including sewage disposal plants;
  - ✓ any decision relating to the display of advertisements;
  - ✓ any decision relating to the subdivision of land;
  - ✓ a refusal of planning permission to subdivide agricultural land on the ground that the subdivision would be uneconomic or would render the holding uneconomic for agricultural purposes;
  - ✓ any decision to grant planning permission subject to conditions to subdivide agricultural land for agricultural purposes; or
  - ✓ if the applicant submitted incorrect or fraudulent information.

#### **11.0.1.7. Acquisition of Land**

Where the owner of land is deprived by the beneficial use of all or part of the land because it or part of it is reserved for a use in a development plan, or, if the owner may request the local authority to purchase the land then the local authority may proceed to acquire such land.

### **11.2.2. Strategic Planning**

Strategic planning is a management tool that is used to help an organization do a better job. It is strategic because it involves preparing the best way to respond to the circumstances of the local authority's environment, whether or not its circumstances are known in advance.

Strategic planning and integrated development planning differ in their emphasis on the "assumed" environment. Integrated development planning is generally considered to mean the development of a plan for accomplishing a goal or set of goals over a period of ten years, with the assumption that current knowledge about future conditions is sufficiently reliable to ensure the plan's reliability over the duration of its implementation.

Strategic planning assumes that a local authority must be responsive to a dynamic and changing environment. The environment is indeed changing, often in unpredictable ways. Strategic planning stresses the importance of making decisions that will ensure the organization's ability to successfully respond to changes in the environment. The duration of a strategic plan is usually five years or less. It therefore provides the

foundation for the local authority's annual work planning and respective annual budget and procurement plan.

The contents of a strategic plan are usually the following:

- **The Vision** - A vision is a vivid idealised description of a desired outcome that inspires, energises and helps to create a mental picture of the goal.
- **The Mission** - The mission explains an organization's purpose and direction
- **The Objectives** - An objective is a reason (aim, target, and goal) for carrying an activity or set of activities. Or example improving specific local authority services.
- **Strategy** - A strategy describes a course of actions which are required to achieve an objective. There may be more than one action needed to achieve a strategic objective. A group of these actions would be a strategy and will probably involve more than one sector, and it is important to plan these strategies in a multi-sectoral team.
- **Action Plan** - An action plan is a set of activities of carrying out a strategy. It is from the action plan that individual work plans are to be developed.

## 12. Local Economic Development

In terms of the Urban and Regional Planning Act, one of the priority areas for the Integrated Development Plan, is Local Economic Development (LED) which implies that a local authority should not only provide basic social services but should promote and participate in the economic development of its area. The ultimate aim of the LED approach includes:

- enabling local government leaders to foster sustainable local economic development managed with the participation of key stakeholders at the local level
- helping local authorities and their partners in the private, public and community sectors achieve economic growth while maintaining a competitive local economy which responds to the needs and conforms to the values of local people
- helping local authorities develop mechanisms and processes that ensure that the benefits of growth are spread widely and equitably such that development becomes inclusive and impacting on the quality of life of all citizens while ensuring that the growth benefits the marginalized and the poor.

This places local economic development within the broader framework of local sustainable development. This approach implies careful consideration of the various trade-offs and making choices, involving:

- harnessing and mobilization of the local human, social, financial and natural capital towards the common vision, goals and objectives that the community aspires to achieve
- participation of key stakeholders in local development
- wise resource use, integrating local values and thinking ahead so that the private sector interest which naturally focus on profit generation do not override ambitions to meet agreed service standards and priorities

If well planned, Local economic development can help communities to realize vibrant, resilient and sustainable local economies capable of improving the quality of life for all.

## 13. Land Tenure and Administration

### 13.1. Land Holding

Land in Zambia is vested in the President who holds it in perpetuity for and on behalf of the people of Zambia. The President has delegated the day-to-day administration of the land to the Commissioner of Lands. In line with the policy of decentralisation and participatory democracy, it was decided that the District, Municipal and City Councils should participate in the administration of land.

Councils are therefore, responsible for and on behalf of the Commissioner of Lands in the processing of applications, selection of suitable candidates and making recommendations. Normally such recommendations are accepted unless it is felt that doing so would cause injustice to others or is contrary to public policy.

The procedure on land alienation is clearly outlined in the land circular No.1 of 1985 and the same is still in force. Land alienation is the granting of land leasehold to an applicant. However before coming to the procedure, it is important to know the different categories of land.

Currently there are two types of land in Zambia and these are State land and customary land.

- **State land** - This is land that is set aside for government use. Settlements in these areas are controlled by the state and the development is regulated so as to have cities and towns develop systematically. The Department of Lands ensures that the planning authorities (i.e. Municipal and City Councils, Department of Physical Planning and Housing etc.), properly plan for areas earmarked for development.
- **Customary land** - refers to the areas that were, until the 1995 Land Act, called Reserve Land and Trust Land.

### 13.2. Land Tenure System

Land tenure refers to the mode of ownership of land. In Zambia there are two tenure systems namely: Customary tenure and lease hold.

- **Customary tenure**  
This refers to holding of land under local customs and traditions governed by rules known to the community where the land is situated. Families may hold jointly or the chief can hold on behalf of the community. Individuals can transfer rights in land for consideration or as a gift subject to the local conditions and customs while interest in the land can also be inherited in accordance with the existing tribal customary laws. The right to use or dispose of user are guaranteed by recognition as legitimate by the community. Normally these rights are not recorded in writing.
- **Lease hold tenure**  
Under this system, the right of use or dispose of use rights over land is in accordance with the lease agreement entered into with the landlord. The agreement is for a specific period of time e.g. 14, 30, or 90 years.



## 13.3. Land Administration

Land is so crucial to mankind, such that if it is not properly managed it can lead to controversies, conflicts, and even wars. Land as a habitat for life should therefore be made available and put to effective, efficient and equitable use. Thus, a good land administration and alienation system should:

- guarantees ownership and security of tenure
- supports land and property taxation
- provides security for credit
- contributes to reduced land disputes
- facilitates land reform
- improves urban and rural infrastructure planning and development
- supports sustainable environmental management.

### 13.3.1. Instruments of Land Administration

The following are some of the main statutes that regulate how land is administered in Zambia:

- a) The Land Act; Chapter 184 of the Laws of Zambia
- b) Urban and Regional Planning Act No. 3 of 2015
- c) The Public Health Act (Building Regulations), Chapter 295 of the Laws of Zambia.
- d) The Land Survey Act, Cap. 188 of the Laws of Zambia
- e) The Lands and Deeds Registry Act, Cap. 185 of the Laws of Zambia

### 13.3.2. Procedure of Land Alienation

Circular 1 of 1985 outlines the process of plot allocation. The local authority usually makes recommendations to the Ministry of Lands and Environment for final allocation.

The type of land in question determines the method of acquiring.

#### **13.1.1.1. Land Alienation – State Land**

Local authorities select a successful applicant and recommend such applicant to the Commissioner of Lands for further consideration. All land for development must be in the approved layout plan, surveyed and numbered before an offer is extended to the applicant. The offer has to be accepted within thirty (30) days by way of paying lease charges. In this regard, Circular No. 1 of 1985 states further that, no local authority (or individual councillor or officer) shall have authority in any case to permit, authorise or suffer to permit or authorise any intending developer to enter upon or occupy any stand unless and until such developer shall have first received the letter of offer from the Lands Department, paid lease fees and development charges and has obtained planning permission from the relevant planning authority.

Currently, the Ministry of Lands and Environment has developed an Invitation to Treat with the following conditions:

- To pay ground rent, consideration fee, preparation fee and registration fee within 90 days;
- Upon effecting payment, the formal offer letter shall be generated and issued by the Lands Department;
- The property can neither be sold nor exchange hands until the Certificate of Title is obtained.

In addition, services charges have to be paid to the local authorities in the case of stands. However, survey fees apply to the land types that are surveyed. After this a lease is prepared, executed and lodged with the Lands and Deeds Registry for registration. There are normally two types of leases – 99 year based on surveyed land and 14 year leases based on un-surveyed land.

#### **11.1.1.2. Land Alienation – Customary Land**

People currently holding land under custom and those who can prove their customary rights to land and intend to settle on their land are entitled to land in customary areas.

Both Zambians and non-Zambians, as investors, can also acquire land in customary land as long as:

- The land is free from settlements and is available for allocation,
- The applicant obtains prior approval from the chief and the local authority within whose area the land is situated; and
- The holder agrees to comply with the local customs and traditions.

The 1995 Land Act provides that the land held under customary holding can be converted to leasehold. The procedure for alienation of customary land is the same for the state land, except that there is need to consult the local authorities and the chief. In this regard, the village Headman or Woman after consultation with the subjects, recommends the applicant to the Chief who then issues a Consent letter to the local authority for onward transmission to the Lands Department. No local authority (councillor or officer) shall recommend an application without following this procedure.

Local authorities are required to certify that they had physically inspected the land and that no person's rights or interests are affected. This also ensures that customary rights are not infringed upon and that granting of land is not in conflict with the plan of the affected local authority. To enable more people to participate in the national economy, chiefs and local authorities are advised to recommend land in customary areas only up to 250 hectares.

## **References**

- GRZ: *The Land Act*, 1995  
 GRZ: *Councillors and Officers Reference Manual*, 2011  
 GRZ: *The Urban and Regional Planning Act No. 3 of 2015*  
 GRZ: *Guide to the Urban and Regional Planning Act No. 3 of 2015*, 2016  
 LGAZ: *Local Economic Development Guidelines for Local Authorities in Zambia*, 2011

## CHAPTER 5

# KEY EMERGING ISSUES AND THEIR RELEVANCE TO LOCAL AUTHORITIES

This chapter will help you understand:

- ✓ Societal concerns affecting communities
- ✓ Sustainable development goals
- ✓ Gender and Development
- ✓ HIV and AIDS
- ✓ Environmental management

# 14. Sustainable Development Goals

On 25 September 2015, the Member States of the United Nations, including Zambia, agreed on the 17 Sustainable Development Goals (SDGs) of the Post-2015 Development Agenda. The SDGs build on the Millennium Development Goals, the global agenda that was pursued from 2000 to 2015, and will guide global action on sustainable development until 2030.

All of the SDGs have targets that are directly or indirectly related to the daily work of local authorities. Local authorities are policy makers, catalysts of change and implementers and it is the level of government best-placed to link the global goals with local communities. SDGs are meant to inspire local authorities' forward thinking and help them define goals about what they want to achieve for the well being of their inhabitants by 2030.

## **SDG 1 - End poverty in all forms and everywhere**

*This goal is about raising the incomes of the poorest, but it's also about ensuring access to basic services, and protecting everyone from human-caused and natural disasters.*

The goal takes a multi-dimensional view of poverty and therefore requires multiple, coordinated responses. Local authorities are in the ideal position to identify people living in poverty on the ground, and to target resources and services to help them escape it. Their responsibilities for local basic services, such as water and sanitation, make them key partners in the achievement of SDG1. They can also play a role by developing local economic development strategies to create jobs and raise incomes and by building the resilience of their communities to shocks and disasters.

## **SDG 2 - End Hunger, achieve food security and improve nutrition and promote sustainable agriculture**

*This goal is about making sure that everyone can enjoy a safe, nutritious diet, all year round.*

Local authorities' management of natural resources in rural areas, particularly land and water, underpins food security for the country. Local authorities can support agricultural production and local economic growth by strengthening transport infrastructure and markets to promote local food chains. In urban areas, local authorities must ensure that people are able to purchase and cook safe, affordable and nutritious food. Urban planning can play a major role in waste reduction and food security by facilitating effective food-related transport and storage, access to clean water and sanitation. They can also promote urban agriculture on both public and private land. Local authorities can use healthcare services and schools to identify and tackle child malnutrition. Rural local authorities can manage collective resources and reform land tenure in ways that protect the rights of the poorer groups.

## **SDG 3 - Ensure Healthy Lives and promote wellbeing for all at all ages**

*This goal is about helping people to live long and healthy lives.*

The provision of clean water and sanitation is essential to lowering infant, child and maternal

mortality. Local authorities in urban areas must be particularly vigilant as urban rates of child mortality are stagnating in many countries. Local authorities can address this by slum improvement programmes and by increasing access to basic services for the urban poor. Further, HIV and AIDS are increasingly being understood as a local governance issue. Urban areas are often centres for the spread of HIV and AIDS because of their high population density, transport hubs, and prevalence of vulnerable groups. Therefore local authorities can play an important role in identifying local needs, mainstreaming HIV and AIDS activities across departments, and coordinating prevention and response activities. Many local authorities in Zambia provide education information and other related services to prevent HIV and AIDS. Local authorities can also use urban planning and public transport to reduce air pollution, foster healthy lifestyles and prevent deaths from road traffic accidents. In addition they can contribute to the reduction of deaths caused by water and soil pollution through effective natural resource management and environmental protection.

## **SDG 4 – Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all potential**

*This goal is about enabling everyone to study, learn, and fulfil their full potential.*

Education, particularly at primary level, is one of the devolved functions of local government in Zambia. This means that local authorities will be called upon to help achieve SDG 4. Local authorities are well-placed to identify and tackle the barriers to school attendance in their communities. In addition, they can integrate technical and vocational training programmes into local economic development strategies, making sure training is valuable to labour market opportunities. Further, they are particularly well-placed to reach out to vulnerable and marginalized individuals and communities to ensure they have access to education and training that meet their needs.

## **SDG 5 – Achieve gender equality and empower all women and girls**

*This goal is about ending violence and discrimination against women and girls and making sure they have equal opportunities in all areas of life.*

Local authorities can act as a model for gender equality and the empowerment of women through non-discriminatory service provision to citizens and fair employment practices. They are on the frontline of identifying and tackling violence and harmful practices against women. Urban planning (particularly the creation and maintenance of public spaces) and local policing are both essential tools in tackling these issues. Local authorities also have a role to play in providing services to women affected by violence. Both urban and rural local authorities can identify and tackle barriers to women's equal access to land control and ownership. In addition, getting more women into elected office at local level is a top priority in terms of empowering women, both as a goal in its own right, and because local politics is often the first step to higher national offices. Female leaders in local government can challenge gender stereotypes and set an example to young girls. Local authorities need to mainstream gender equality across all areas of their work in order to tackle the multiple barriers to women's empowerment.

## **SDG 6 – Ensure availability and sustainable management of water and sanitation for all**

*This goal is about making sure everyone has access to clean drinking water and toilet facilities*

Ensuring access to clean water and sanitation is usually a responsibility of local authorities and relies on effective local governance, natural resource management and urban planning. The challenges involved vary hugely, particularly between urban and rural areas. In urban areas, the main challenge is often a lack of access to basic services in informal settlements, or high prices

and a lack of quality control of water. On the other hand, water may be free in rural areas, but it may involve long journeys to and from the source and may be contaminated. Local authorities have a role to play in improving water quality through environmental protection measures and sustainable solid waste management.

## **SDG 7 – Ensure access to affordable, reliable, sustainable and modern energy for all**

This goal is about making sure everyone has access to green energy

Local authorities in Zambia are best placed to identify gaps in access to affordable energy among vulnerable groups in their communities. They can contribute to energy efficiency directly by investing in energy efficient buildings and green energy sources in public institutions (government offices, schools, etc.) and by introducing sustainability criteria into their procurement practices. Such initiatives can have the added advantage of reducing public spending on energy. For example in cities, local transport and urban planning policies, as well as new ‘smart city’ technologies, can have a significant impact on energy efficiency and carbon emissions.

## **SDG 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all**

*This goal is about creating decent jobs and economic opportunities for everyone*

Local authorities can generate growth and employment from the bottom up through local economic development strategies that harness the unique resources and opportunities in their respective areas. They can identify children at risk of child labour and work to ensure they attend school. They can also work in partnership with the informal sector to improve their working conditions and social protections, as well as to encourage formalisation where appropriate. Local authorities can act as an example in providing safe and secure working environments and in guaranteeing equal pay for equal work. They can also include these practices as part of their procurement criteria when working with the private sector. Local authorities are best placed to work with communities to assess the benefits and costs of tourism in their areas and to develop strategic plans to ensure activity in this sector is sustainable.

## **SDG 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation**

*This goal is about making sure everyone has the infrastructure they need to connect to the rest of the world*

Local authorities are particularly important in developing and maintaining infrastructure to serve urban areas and to link them up with their surrounding territories which include rural areas. They can include the promotion of small-scale industry and start-ups in their local economic development strategies, taking into account local resources, needs and markets. Further, they can identify gaps in access to Information Communication Technologies and the internet in their communities and take steps to bridge them, particularly through provision of such services in public spaces like libraries.

## **SDG 10 – Reduce inequality within and among countries**

*This goal is about reducing the gap between the richest and the poorest*

Local authorities are essential to the reduction of inequality within countries. It will be vital to

channel resources to local authorities in the most deprived areas and to build their capacities to identify and tackle poverty and exclusion. Local authorities have a particular role to play in political inclusion at local level. They can promote the participation of minority and traditionally underrepresented groups in public consultation processes and in standing for elected office. Local authorities can implement best practices in terms of equality and non-discrimination in their own institutions and operations, as well as making these criteria in their procurement of goods and services. They also have the responsibility to provide public services in a non-discriminatory way. Local authorities can include progressive local taxation in their fiscal policy and dedicate local budgets to boosting the employment opportunities and income of the poorest households in their communities.

## **SDG 11 – Make cities and human settlements inclusive, safe, resilient and sustainable**

*This goal is about putting cities at the heart of sustainable development in an urbanizing world*

This goal directly calls on Mayors and Council Chairpersons together with other civic leaders to play their key role in the Post-2015 Agenda. The rapid urbanization in Zambia has led to the growth of slums. Urban local authorities must develop strategic urban plans to prevent their growth and work with slum-dwellers to improve conditions and provide basic services where slums already exist. Access to affordable housing is also an issue in many local authorities in Zambia. Local authorities must regulate Land and housing markets to guarantee the right to housing to their poorest residents. Local authorities have responsibility for promoting the use of public transport in urban areas in order to improve road safety and reduce emissions. It is also their job to provide citizens with safe, green public spaces, such as parks, squares and gardens. In the context of rapid global urbanization, participatory urban planning is more important than ever if local authorities are to prevent urban sprawl, tackle segregation and reduce carbon emissions in cities. Sustainable solid waste management, with an emphasis on reuse and recycling, is also vital to the reduction of cities' environmental impact. Many cities are treasure troves of cultural heritage. Therefore local authorities are vital in defining, identifying and protecting tangible and intangible urban cultural heritage for future generations.

Local authorities are already facing the impact of climate change. It is vital that they take immediate action to mitigate the effects of climate change and to protect the most vulnerable in their communities from the effects of natural disasters. It is a known fact that no city is an island. Urban local authorities must therefore cooperate with their rural counterparts to make sure that urban local authorities work in harmony with the rural areas on which they depend for food and natural resources.

## **SDG 12 – Ensure sustainable consumption and production patterns**

*This goal is about reducing our impact on the planet by only producing and consuming what we need*

Local authorities can support short supply chains, thereby reducing transport and carbon emissions, through land management, infrastructure, urban planning, education and training and public markets. They have a particular role to play in fostering the sustainable consumption and production of energy and water. As consumers of goods and services, local authorities can establish procurement criteria that take waste and carbon emissions from potential providers into account. As the level of government closest to the people, they are well-placed to raise citizens' awareness on the importance of sustainable production and consumption and to equip them with the knowledge and tools to reduce their environmental footprint. Local authorities should be key partners in developing and implementing tools to monitor the impact of tourism in their jurisdictions and in working to make sure tourism creates jobs and promotes local culture while

limiting waste and carbon emissions.

## **SDG 13 – Take urgent action to combat climate change and its impacts**

*This goal is about dealing with the effects of global warming*

Local authorities are often on the frontline of dealing with the effects of climate change. It is vital that their capacities to deal with climate related hazards and natural disasters are strengthened so that they can protect their communities, particularly the most vulnerable. Local leaders have a history of leading from the bottom up in combatting climate change and of raising awareness at local level. It is essential that local authorities, integrate climate change adaptation and mitigation into their plans in order to increase their resilience to environmental shocks.

## **SDG 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development**

*This goal is about protecting our coasts and oceans*

Almost 80 per cent of the pollution in the lakes and rivers comes from land-based activities, both in water fronts and further inland. Many local authorities are located on lake or river fronts and discharge sewage, industrial effluent and other wastewater directly into the lakes and rivers. However, protecting the lakes and rivers should not just be the responsibility of local authorities on lake or river fronts. Any urban activity within water catchment areas can affect the marine resources, such as the discharge of raw sewage or industrial wastes into rivers. Urban sanitation and solid waste management are essential to reducing pollution, as is collaboration between local authorities. Lake or riverfront local authorities must develop and implement planning and building regulations to prevent construction in unsuitable areas of the water catchment areas.

## **SDG 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification and halt and reverse land degradation and halt biodiversity loss**

*This goal is about protecting our natural resources and wildlife*

Local authorities' role as service providers (especially of water, sanitation, and solid waste management), coupled with their ability to incentivize behavioural change in their communities, puts them in a unique position to protect natural resources and habitats. They are in a unique position to coordinate the partnerships with the private sector and communities that are necessary at local level for the complex task of integrated water resources management. Local authorities should ensure that biodiversity conservation is an integral part of urban planning and development strategy. They should also use their local knowledge to help to implement the 'polluter pays' principle on the ground. Biodiversity conservation often requires cooperation between municipalities across their jurisdictions, for example in the creation of trans-boundary, biodiversity and wildlife corridors. Community-based participation and management, facilitated by local authorities, is a powerful tool to halt biodiversity loss and prevent extinction.

## **SDG 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels**

*This goal is about keeping people safe and making sure that government works effectively and fairly*



This goal calls on local authorities to become more effective and accountable to their citizens. This requires them to tackle corruption and increase the public's access to information. For some time now, local authorities have led the way in experimenting with new forms of participatory decision-making, such as participatory budgeting and planning. This goal calls on them to expand these efforts and become even more responsive to communities, making sure no group is excluded. In an increasingly urbanizing world, reducing violence in urban areas will be increasingly important in the quest for global peace and security.

## SDG 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development

*This goal is about working together at global level to achieve the SDGs and make the Post-2015 Agenda a reality*

Local tax and revenue generation must play its part in financing sustainable development. It is at the local level that coherent policies can be developed to address the multiple challenges of poverty reduction and sustainable development. Local authorities are in the ideal position to encourage and facilitate partnerships between public bodies, the private sector and civil society in their communities. They have been collaborating internationally for over one hundred years as part of the international municipal movement. They are ready and willing to take a seat at the global table. Reliable local data will be an essential tool to monitor sub national variations in progress and in targeting resources to make sure that no one is left behind.

As indicated earlier, all SDGs are local which makes it imperative for local authorities to include them in their work plans to ensure their successful attainment.

## 15. Gender and Development

### 15.1. Gender Roles of Men and Women

Traditionally, women have been afforded fewer opportunities to participate in public matters than men. From a young age men tend to be encouraged to engage in political activities and develop leadership skills. Women on the other hand, are often discouraged from political activism. Social values tend to perceive men as natural leaders who have strong analytical skills and a natural ability to manage. Meanwhile women are seen to have limited intellectual capacity and “too weak” or “too emotional” for leadership. In certain contexts, it is not regarded as “proper” for a woman to voice her opinion when men are present. Because women carry the main burden of child-care and other domestic tasks, they are often not in a position to prioritize going to a public meeting or other local

#### What is the meaning of gender?

The term gender makes a crucial differentiation to the term sex. The term is used to make it clear that many differences between men and women are not differences of sex but of roles that have been assigned according to sex. These roles have led in many ways to disadvantage women. The consequences are that women are often denied their right of equality and that their potential is not allowed to unfold for the sake of their own benefit or that of society.

**Gender** describes pattern of behaviour acquired during the socialization process, which differ from one culture to another and which are changeable. For example, women and men can be cooks, drivers, teachers, doctors. Further, Women and men take care of the children and the elderly.

**Sex** describes the biological differences between women and men which are evident since birth and are unchangeable. For example, only women can give birth and breastfeed babies while only men can impregnate.

events. Men experience less of these constraints. Similarly, women are more likely than men to be dependent on someone who can provide transport to attend a meeting. Finally, women tend to be more vulnerable to violent or sexual attacks when walking to or from a public meeting.

## 15.2. Institutional Framework

The Ministry of Gender is mandated to provide policy guidance on gender in Zambia. In this respect government has adopted a National Gender Policy to provide a framework and criteria for mainstreaming gender in the public and private sectors.

## 15.3. Local Government's Role in Promoting Gender Equality

Local government is considered to be the level of government closest to the people. Its main tasks are to ensure that goods and services are provided equally and impartially to all community members, and to give leadership to the community.

Local authorities can make an important contribution in improving women's quality of life. However, most local authorities still plan and deliver services without taking women's experiences and needs into account.

Women are usually the first to be confronted with community problems, arising from challenges associated with service delivery. They are often the ones who disproportionately bear the burden of lack of these essential services.

Local government therefore has the potential to play a meaningful role in social transformation and the promotion of gender equality. However, there is need to critically examine two factors:

### 15.3.1. Local Government Management Structure – The Internal Dimension

*Representation* - Women are under-represented in local government structures. If women are not represented at all or to a very minor degree, it is very probable that issues affecting them may either be ignored or will not receive enough attention.

*Division of labour* - A gender division of labour in the local government administration is usually apparent. Only few women are in management positions. Many women work in clerical positions while key managerial positions are held by men.

*Levels of seniority* - The bulk of key political position holders (mayors/council chairpersons) are men.

*Practical constraints* - Practical constraints can severely limit women's opportunities to participate effectively and equally with their male counterparts. These constraints are directly related to their gender roles. The responsibility for child-care, for example can weigh heavily on working mothers, who need to juggle their time to transport children to and from school during their working day. Currently there is no local authority which provides child-care support for working mothers. Meetings are often planned (and extended) without taking women's domestic responsibilities into consideration.

*Organizational culture* - Historically, local government institutions have been male-dominated. The most obvious example is the use of sexist language in council documents and meetings, such as “chairman”. Women also often have to work in a hostile environment, where they continuously have to overcome prejudices and sexism. Sexual harassment, which is defined as unwelcome verbal or physical conduct of a sexual nature, is a particularly serious problem experienced by women in the workplace.

### **15.3.2. Women’s Participation in Development - The External Dimension**

*Local Service delivery* - Because of women’s gendered responsibility for family care and community well-being, they are often the primary consumers of local government services. The effective provision of local government services can make an important contribution to increase the quality of life of women. The manner in which services are planned and provided is important.

*Community participation* - Social values and methods to facilitate community participation tend to be biased against women, people with lower levels of literacy, people with disabilities, and other marginalized groups. Leadership positions in community based organizations or local political structures tend to be dominated by men therefore, local authorities need to actively develop targeted strategies to facilitate inclusive community participation.

*Representation* - Formal community structures tend to be dominated by men. Local authorities can play an important role in ensuring that women take up formal decision-making positions on community structures.

### **15.3.3. Why Should Local Government Promote Gender Equality?**

*Constitutional and legal imperatives* - The constitution and several laws stipulate that the state may not discriminate against anyone on one or more grounds such as race, sex, belief or social origin.

*Political imperative* - Democracy means not only that all citizens have the right to vote, but also that every citizen is given equal consideration by the state. Local government leadership is elected by the people and has to make sure that all interests in the community are represented. Local government cannot claim to be fully representative when women are under-represented on councils and in administrations.

Local authorities need to empower the most marginalized groups in the community and encourage their participation. Women often belong to the marginalized groups.

*Moral imperative* - Local authorities have to promote the alleviation of poverty in communities and ensure a safety net to the most vulnerable. The reality is that women are often the majority of the poor (especially women as single head of households). Unless a poverty eradication strategy takes this reality into account, its impact is likely to be limited. Usually, local authorities deliver goods and services without consulting women and analyzing the gendered nature of social relations. This is likely to result in inappropriate and ineffective planning and services and perpetuates the status quo of unequal power

relations.

*Economic imperative*-Local authorities have to promote economic development in their respective communities. Unless economic growth strategies are closely linked to anti-poverty strategies and are inclusive of the less formalized economic activities, economic growth will be limited and will only benefit a privileged minority. Women's contribution to the economy has been largely overlooked and undervalued. Their unpaid labour to provide family care and community wellbeing as well as their economic activities in the informal sector is a resource that can be harnessed to further local economic development. Such an approach could effectively link economic growth, redistribution and poverty alleviation. This will also promote the economic empowerment of women.

#### **15.3.4. Checklist for a Gender-Sensitive Local Authority**

Local authorities need to critically review their organizational structure, policies, culture, approaches to service delivery and community participation methods. The following (by far incomplete) checklist may give some indication of the different aspects of gender transformation in local government:

- Is there a gender policy in the council and is it being implemented?
- What is the percentage of women councillors?
- Are women equitably represented in senior positions of the council such as mayor/Council Chairperson, committee chairperson?
- Are women equitably represented in executive positions such as departmental and section heads?
- Does the local authority have a policy on internal career development for its employees, particularly women that support their upward mobility?
- Does the council allocate a reasonable percentage of its training budget to knowledge and skills training for women?
- Has the council adopted a sexual harassment policy, with specified disciplinary and appeal mechanisms?
- Do council officials receive training in gender analysis and gender planning?
- Does the council provide disaggregated data on the basis of gender of the district with relevant figures such as employment and income?
- In organizing community meetings, does the local authority ensure that meeting venues are accessible by all?

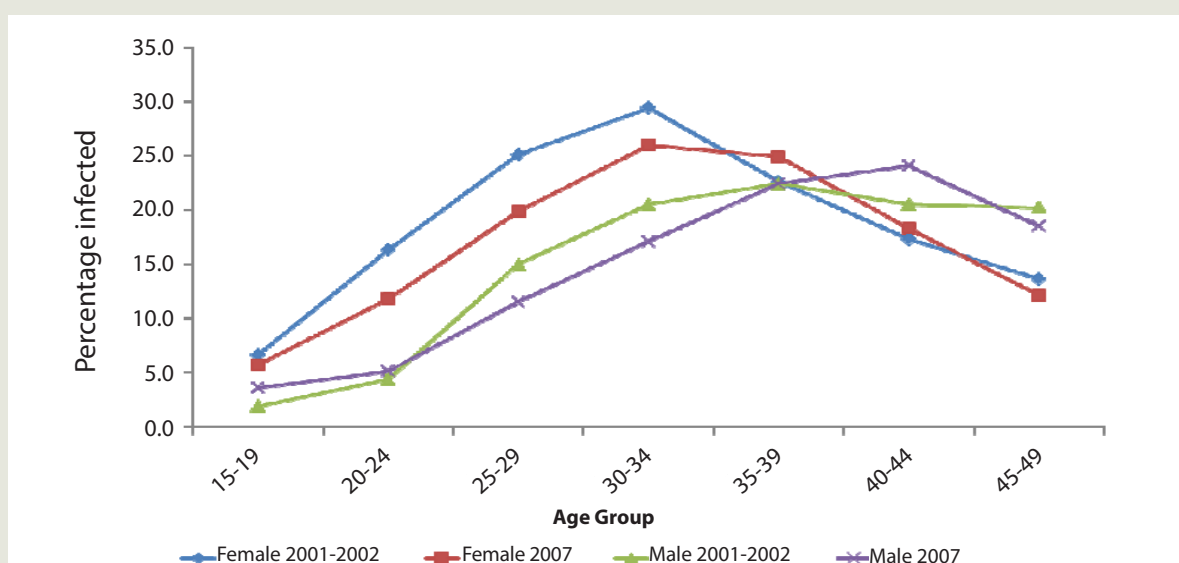
Once aware about this matter, councillors and council staff can work together towards gender-sensitive planning and services.

## 16. HIV and AIDS

### 16.1. Overview of the AIDS Epidemic in Zambia

Zambia has one of the highest HIV burdens in Sub-Saharan Africa. According to the 2013/14 Demographic and Health Survey (DHS), HIV prevalence in Zambia for adults aged 15-49 was estimated at 13.3%. However, HIV prevalence is higher among females (16.1%) compared to males (12.3%). In 2009, data from the 21 antenatal sentinel surveillance sites showed mean site HIV prevalence rate of 16.3% among pregnant women aged 15-44.

**Figure 4: HIV Incidence Rate Disaggregated by Age Groups**



The figure above shows that new infections are occurring more in young girls aged 15 -24. However, men above 40 are more infected than the women. This shows that intergenerational sex is a big factor in terms of new infections in young girls and adolescents.

The 2009 Modes of Transmission (MOT) Study provides insights into the potential sources of new infections and the expected incident cases projected resulting from the transmission modes. Six key drivers of the HIV epidemic were identified as:

- i. Multiple and Concurrent Sexual Partnerships (MCP),
- ii. Low Condom Use,
- iii. Low Medical Male Circumcision,
- iv. Mobile and Migrant Labour,
- v. Under Served populations, and
- vi. Mother-To-Child Transmission (MTCT) of HIV.

At district level, it is important to know how is the virus circulating in our district “Know Your Epidemic” and to know what can be done to stop new infections “Know Your Response”.

## 16.2. HIV Investment Framework -Anchor for Basic HIV Programing

The response to HIV and AIDS has evolved over the last thirty years. With the evidence that has been gathered over the years, it is now clear that for the response to be effective, focus and investment should be in the high impact interventions as shown in Figure 5 below.

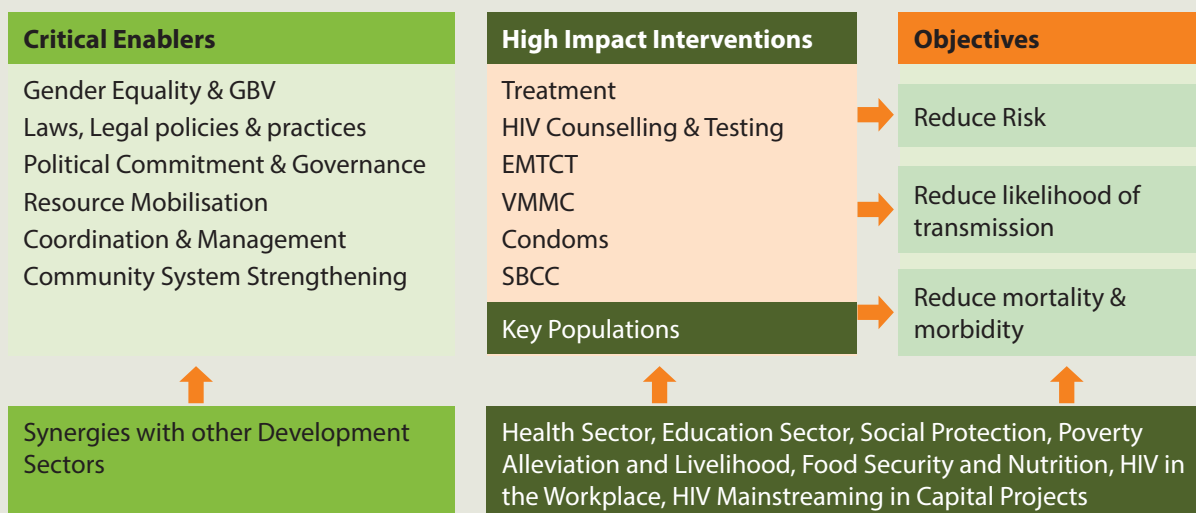
These high impact interventions are:

- Treatment (ART)
- HIV Counselling and Testing (HCT)
- Elimination of Mother to Child Transmission (eMTCT)
- Voluntary Medical Male Circumcision (VMMC)
- Condom Programming
- Social and Behavioural Change Communication (SBCC)

Investing in these high impact interventions will result in;

- Reduced risk of infection
- Reduced likelihood of transmission of the virus and
- Reduced HIV&AIDS related deaths

**Figure 5: Prioritised Interventions – Modified from the Investment**



Furthermore, the investment approach promotes synergies with other sectors, partners and stakeholders in order to leverage resources and promotes efficiency. The investment approach also takes on board critical enablers. Critical Enablers are factors that can affect the basic HIV programming if they are taken into account. For example, Gender Based Violence can easily affect the uptake of services such as eMTCT or condoms.

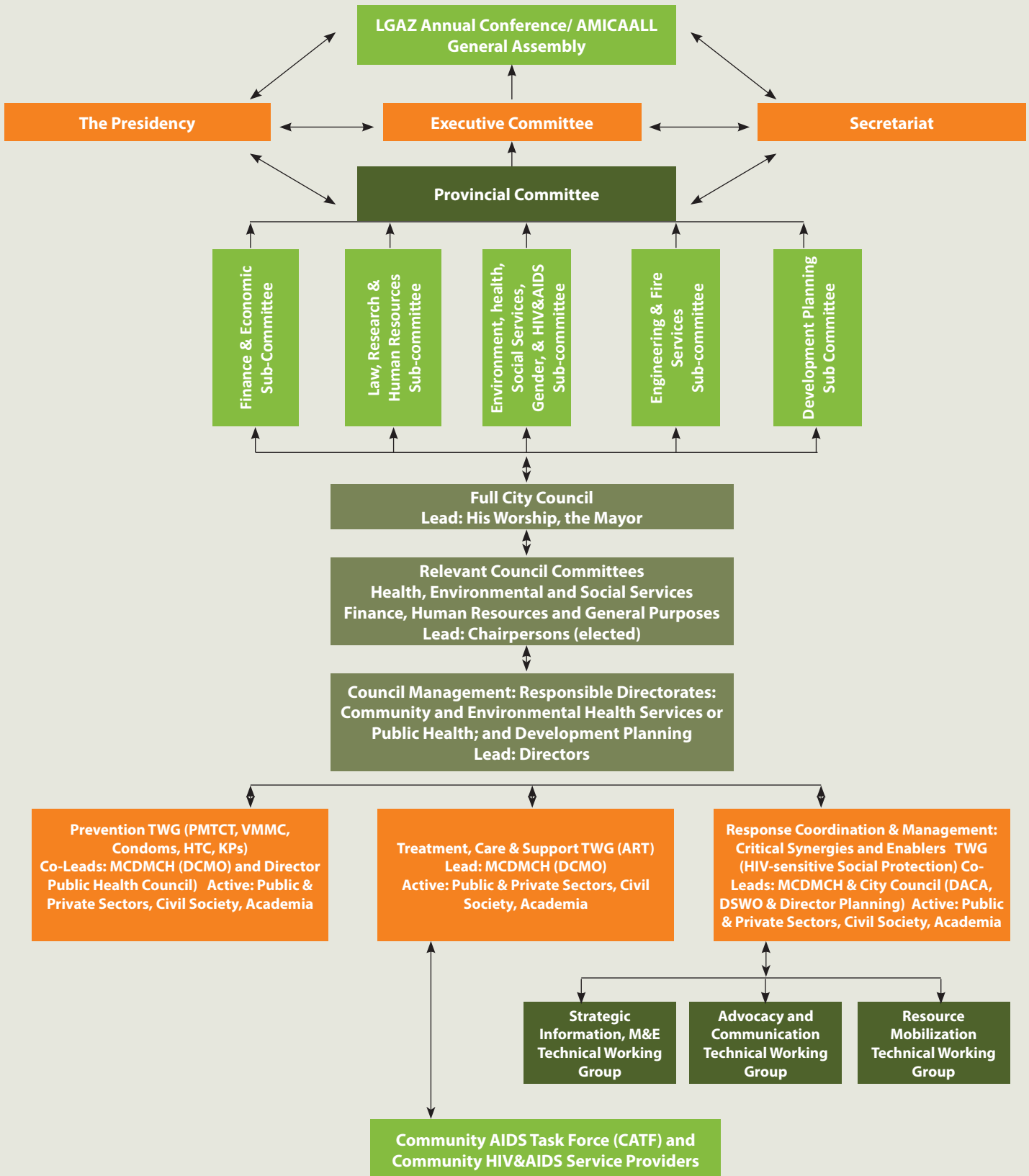
## 16.3. Response Coordination Framework

The National HIV/AIDS/STI/TB Council through Cabinet Circular No 10 of 2014 has devolved its coordination functions to local authorities. As such, the responsibility to gather evidence, develop HIV&AIDS Strategic Investment Plans and their implementation as well as monitoring and evaluation is with

the local authorities.

The functions have been anchored in the District Planning Unit so as to ensure that HIV&AIDS, Gender and Human Rights Issues are well mainstreamed in all development plans and projects.

**Figure 6: Local Government HIV&AIDS Coordination Framework**



The figure above shows that the decentralized response should start at community level. HIV service delivery is anchored at community level. As such, Community AIDS Taskforces are supposed to be one of the sub-committees of the Ward Development Committee. Therefore, service delivery challenges such as stock-outs of condoms, diagnostic materials and treatment gaps can quickly be reported by such committees.

At district level, three key strategic areas of prevention, treatment care and support as well as response coordination, management, critical enablers and synergies should be addressed by relevant committees and tabled before the full council. This is important so that the local epidemic is well understood and relevant responses based on evidence designed. Mechanisms should be put in place to embrace and involve stakeholders because the AIDS response is multi-sectoral. As such, Civil Society Organizations and Non-Governmental Organisations that are strategic should be co-opted in the membership of the appropriate committee of the local authority.

The reports from the local authority should then be reported to the relevant sub-committee of the Provincial chapter of the Local Government Association of Zambia for onward transmission to the AMICAALL General Assembly.

## 17. Environmental Management

Environmental Management is an attempt to control human impact on and interaction with the environment in order to preserve natural resources. It focuses on the improvement of human welfare for present and future generations

In Zambia various renewable natural resources sectoral policies and legislation have been revised to give more explicit rights to communities and the private sector for natural resource management. Some of the examples are the preparation and implementation of the Zambia Forestry Action Plan (ZFAP), revision of the Forestry Policy and Act, Updating of the Wildlife Sector Policy.

Efforts are on-going to deal with environmental issues in related resource sectors such as agriculture, land use planning, water and sanitation, human settlements, and waste and pollution issues. What is common to these sectoral programmes is the recognition that improved environmental and natural resource management will only be possible through empowering rural and urban communities to manage their own resources responsibly.

### 17.1. Institutional Framework

The Ministry of Lands Natural Resources and Environmental Protection (MLNREP) is one of the ministries responsible for environmental management issue. It has responsibility over the Zambia Environmental Management Agency (ZEMA) which is an autonomous statutory authority. ZEMA is responsible all such things as are necessary to ensure the sustainable management of natural resources and protection of the environment, and the prevention and control of pollution.



## 17.2. Impact of Community Activities on the Environment

Human activities in various communities have exposed many parts of the natural environment to considerable risks.

Natural resources are often considered as common properties (often perceived to belong to everybody in the community). This means that the effects of degradation affect the whole community. Uncontrolled or excessive exploitation of the lands' natural resources can have a profound effect on the environment. Some of the human activities which influence degradation are:

- Excessive cutting of trees contributes to soil erosion.
- Unsustainable farming practices such as overgrazing
- Uncontrolled bushfires / late burning;
- Poaching of wild animals
- Uncontrolled / unsustainable fishing methods
- Uncontrolled large and small scale extraction industries (sand / stone mining); this practice results in quarries which are usually left unattended to. Quarries accumulate rainwater becoming breeding places for disease vectors like mosquitoes. Sand or stone mining also contribute to vegetation damage.
- Uncontrolled dumping of waste
- Uncontrolled development in water catchment areas

The above mentioned practices are just a few among many activities which contribute to environmental degradation.

Communities should be mindful that embarking on activities, which are developmental in nature, (e.g. construction of a health centre or a school) will demand the use of environmental resources like land, soil, water, trees, etc. Environmental resources being utilised in the construction or rehabilitation of projects should be used sustainably.

## 17.3. The Role of a Local Authority in Environmental Management

The local authority is in a position to manage awareness campaigns and education activities related to environmental management at the local level. A Councillor therefore plays a very important role of sensitising communities on the importance of environmental management. Most importantly, a councillor can act as a strong link between the community and the Chiefs to put up measures to ensure sustainable use of natural resources at community level.

Awareness campaigns and education activities on environmental management at community level can also be done through Ward Development Committees.

Community participation is vital if the objective of sustainable resource management is to be realised. Participation should therefore have a purpose and it must lead to action and tangible results, which improve the living conditions of the population.

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## ANNEXURE A (Exclusive Functions of Local Authorities)

(Article 147 (2) of the Constitution of Zambia (Amendment) Act No. 2 of 2016)

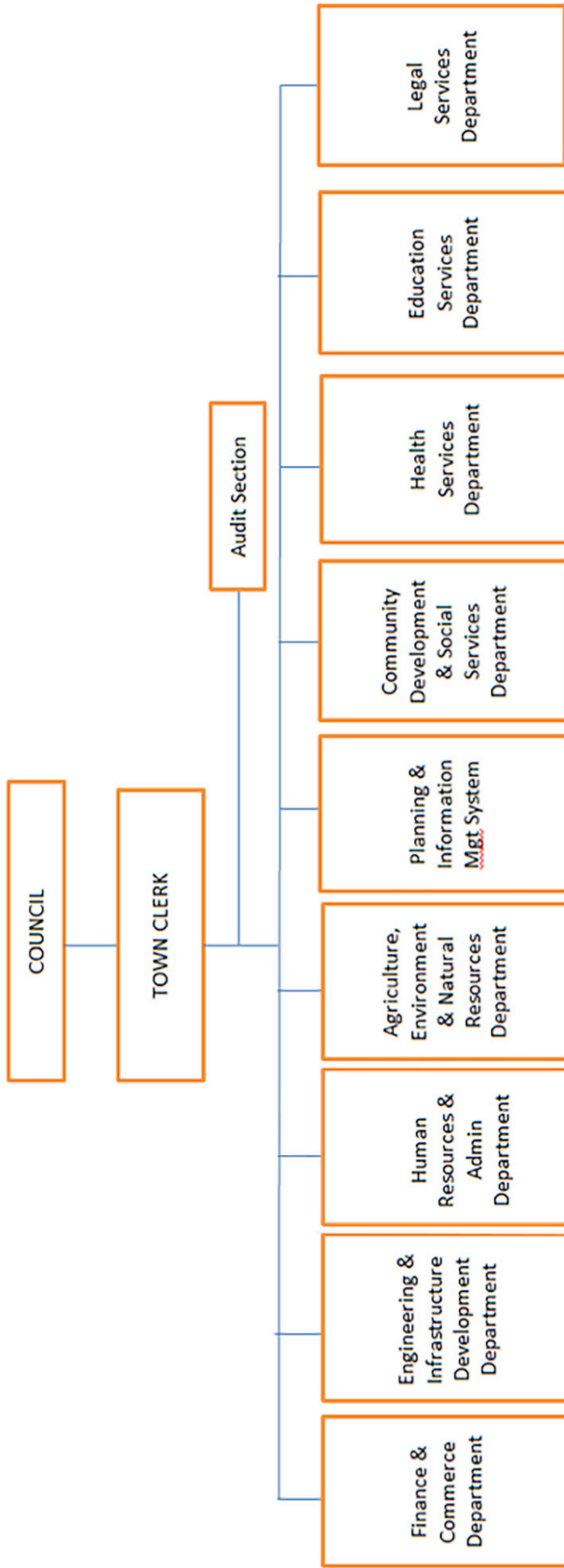
- Pollution control
- Building regulations
- Child-care facilities
- Electricity
- Fire-fighting services
- Local tourism
- District airports, Aerodromes and Airships
- District planning
- District health services
- District public transport
- District public works only in respect of the needs of Districts in the discharge of councils responsibilities to administer functions specifically assigned to them under this Constitution or other law
- Levies, tariffs and tolls
- Pontoons, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matters related thereto
- Storm water management systems in built-up areas
- Trading
- Water and sanitation services limited to potable water supply systems and domestic waste-water and sewage disposal systems
- Veterinary services, excluding regulation of the veterinary profession
- Vehicle licensing
- Abattoirs
- Ambulance services
- Archives
- Libraries
- Liquor licencing
- Museums
- Local spatial planning
- Cultural matters
- Recreation and amenities
- Sport
- Roads and traffic automation and maintenance
- Amusement facilities
- Billboards and the display of advertisements in public places
- Cemeteries, funeral parlours and crematoria
- Local cleansing
- Control of public nuisances
- Control of undertakings that sell liquor to the public
- Facilities for the accommodation, care and burial of animals
- Fencing and fences
- Licensing of dogs
- Licensing and control of undertakings that sell food to the public
- Local amenities
- Local sport facilities
- Markets
- Local parks and recreation
- Local roads
- Noise pollution
- Pounds
- Public places
- Refuse removal, refuse dumps and solid waste disposal
- Street trading
- Street lighting
- Traffic and parking
- Gardens and landscaping

Other Functions – are conferred by the following legislation:

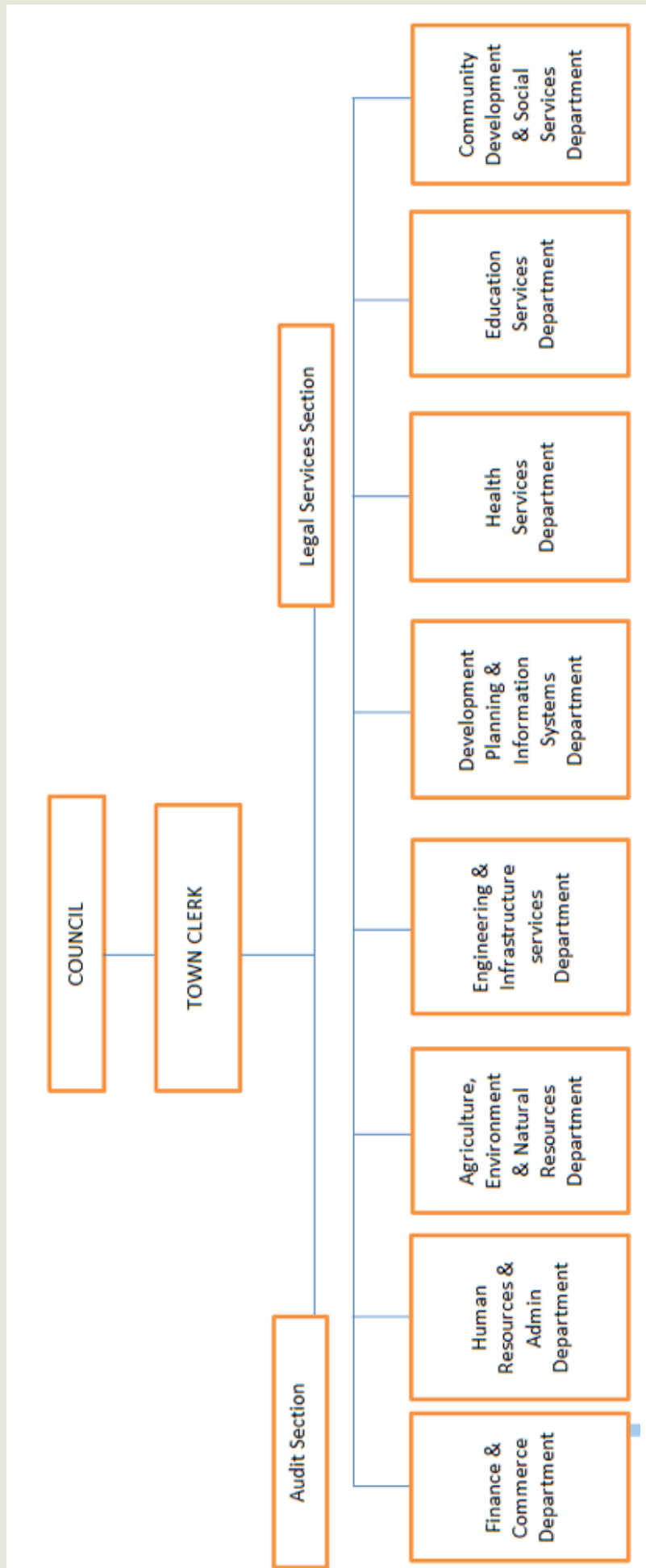
- The Markets and Bus Stations Act
- The Public Health Act, Cap 295
- The Roads and Road Traffic Act, Cap 464
- The Local Government Elections Act
- The Lands Act, Cap 184
- The Provincial and District Boundaries Act, Cap 286
- The Employment Act, Cap 268
- The Rating Act, Cap 192
- The Labour and Industrial Relations Act, 269
- The Local Authorities Superannuation Fund (LASF) Act, Cap 284
- The Inquiries Act, Cap 41
- The Extermination of Mosquitoes Act, Cap 312
- The Food and Drugs Act, Cap 303
- The Control of Dogs Act, Cap 247
- The Day Nurseries Act, Cap 313
- The Rent Act, Cap 206
- The Registration and Development of Villages Act, Cap 289
- The Scrap Metal Dealers Act, Cap 409
- The Land Acquisition Act, Cap 189
- The National Pension Scheme Authority (NAPSA) Acts, Cap 256
- The Personal Levy Act, Cap 329
- The Water Resources Management Act
- The Water and Sanitation Act, No 28 of 1997
- The Urban and Regional Planning Act 3 of 2015

## ANNEXURE B (Organisational Structures of City, Municipal and Town Councils)

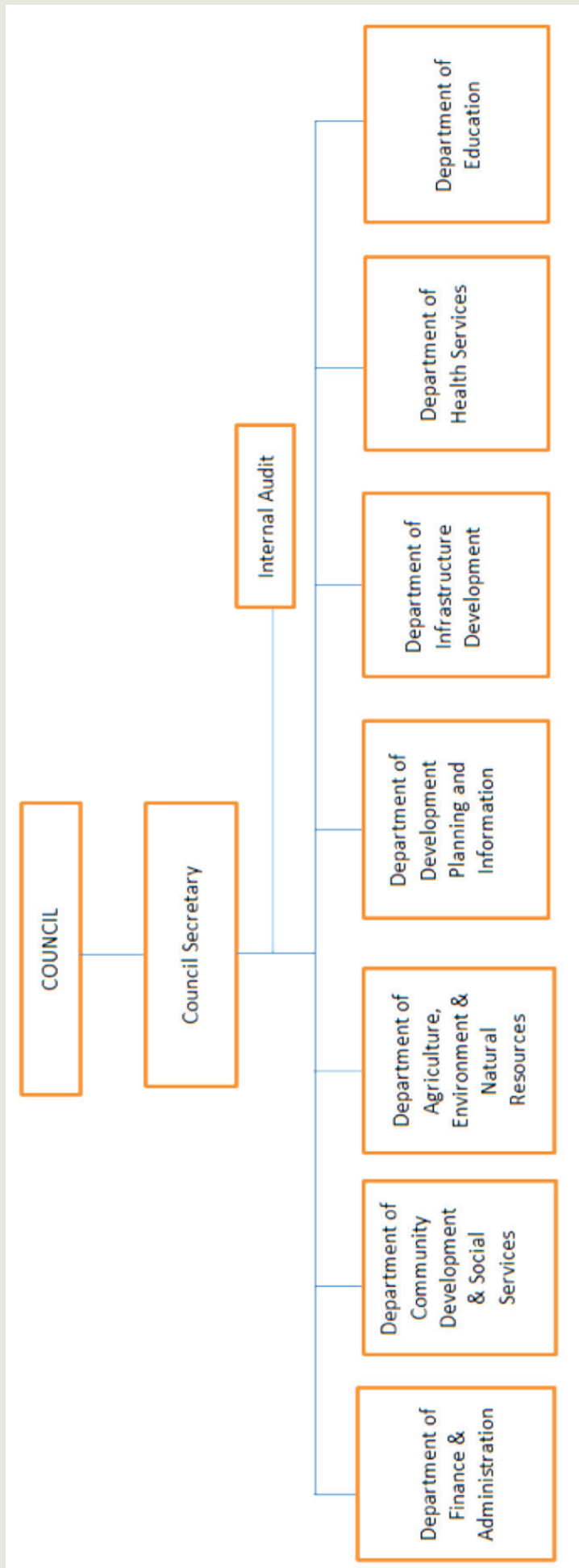
### Organisational Structure for City Councils



## Organisational Structure for Municipal Councils



## Organisational Structure for Town Councils



## ANNEXURE C (Cases on the Doctrine of Ultra Vires)

### a) **ATTORNEY GENERAL vs. DE WINTON (1906) 2CH 106**

This is a case in which a senior officer, the Treasurer (or Director Finance), was charged with the statutory duty to make safe and efficient arrangements for the receipt of monies paid to the council and issue of monies payable by it. In this particular case, the Treasurer pleaded orders of the Council as an excuse for effecting an illegal payment.

**Held:** That the Treasurer to a local authority, holds an apparently special position, he is a servant of the local authority, and holds office at its pleasure, but he also stands in a fiduciary relationship to the ratepayers, electors or residents. The Treasurer could not plead orders of the council as an excuse for an unlawful payment and he was liable to a surcharge for the amount involved.

**Note:** The mere fact that the Treasurer holds office at the pleasure of the Council only does not afford enough ground to him to plead orders of the council, which are unlawful. If an order is made on the Treasurer to pay for expenses, which in totality are not whatsoever connected with the activities of the council, the order is without legal force and one the Treasurer must disregard.

#### **Certiorari and Mandamus**

A writ of mandamus is an order issued by a superior court ordering a public official or body to do a specific duty.

A writ of certiorari is a writ from a higher court to a lower court requesting a transcript of proceedings of a case for review.

### b) **CHENDA EKA vs. MUNICIPAL COUNCIL OF LUANSHYA (1969) ZRL 69**

The plaintiff, Mr. Chendaeka brought an action against the respondent, Luanshya Municipal Council, for an order of Certiorari and Mandamus as a result of the respondent's refusal to grant him a licence under the Trade-Licensing Act, for a stall he had at Mikomfwa Market. This refusal according to him was based on his affection to the Jehovah's Witness sect. And this was as a result of utterances attributed to a member of the Council who said to him on or about 30/01/69 that, "no Jehovah's Witness under any circumstances will get his licence because you did not vote in the Municipal Elections in 1966."

**Held:** That although the utterances by a single councillor outside the chamber cannot affect the decision of the council, the council acted Ultra Vires beyond its powers on the following grounds:

- That the council as a licensing authority acts judicially or quasi-judicially, it should have afforded an opportunity to the plaintiff to appear before it to be heard and answer any queries the licensing authority might have had.
- That the applicant should have appeared before the council in person or with a legal advisor, but rejecting the applicant's application for a licence without affording him a chance was unlawful.

### c) **CHILUFYA vs. CITY COUNCIL OF KITWE (1969) ZLR 115**

The plaintiff, Chilufya brought an action against the respondent council seeking a declaration against a resolution of the council's Health Amenities and Social Services Committee made on 10th January, 1967 not to permit the applicant to trade within the precincts of any market owned by the respondent, and that his removal from Chimwemwe Market in pursuant of the said resolution was unlawful and an infringement of his constitutional rights as was provided under Article 25 of the Constitution. The facts before the judge were:

1. Between 1964 and 1967 the plaintiff carried on his business as a trader at various markets of the respondent and during the said period there was neither a complaint nor charge made against the plaintiff by the respondent for breach of its market by-law.
2. In the 1966 Municipal elections the plaintiff was nominated as a candidate on the ticket of the African National Congress.
3. During the election campaigns the plaintiff's stall was badly damaged by a crowd of women.
4. On 10th January 1967 the resolution complained of was passed by a committee and thereafter by the council. The Town Clerk accordingly conveyed the council decision to the plaintiff and the plaintiff's stall was consequently dismantled by the respondent council's servants.

#### **Held:**

- That the action taken by the council was unlawful and as such it deprived the plaintiff the opportunity to earn his livelihood as a trader.
- The respondent council denied the plaintiff the right to be heard.
- The respondent council took irrelevant considerations into account (that is political affiliation).
- The respondent council acted unreasonably and unfairly since they failed to maintain law and order at their markets.



## ANNEXURE D (Sample Notice and Agenda of Council Meeting)



**PAMODZI MUNICIPAL COUNCIL**  
**P O Box 30141,**  
**PAMODZI**  
**21st October 2006**

**NOTICE IS HEREBY GIVEN THAT** the 22nd Ordinary Meeting of the Pamodzi Municipal Council will be held in the Council Chamber, Buntungwa Lane, Pamodzi on 24th October 2006 commencing at 14.30 hrs.

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John H Kamwendo  
Town clerk

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### **AGENDA**

- National Anthem and Prayer
- Apologies
- Announcements/communication of the Mayor/Council Chairperson
- Declaration of interest
- Confirmation of the minutes of the previous meeting
- Matters arising from the minutes of the previous meeting
- To receive, consider and adopt report (minutes of committees) as follows:

<b>Committee</b>	<b>Minute No</b>
Trades Licensing	1001-1024
Health and Housing	1025-1045
Public Works and Development	1046-1083
Staff Establishment	1084-1113
Finance and General Purposes	1114-1150

- To consider questions asked pursuant to Council Standing Orders
- To receive and consider urgent written reports from the officers at the direction of a committee and duly circulated to each councillor at least 24 hrs. before the meeting.
- To receive and consider notice of motions submitted in accordance with Council Standing Orders

## ANNEXURE E (Sample of Score Sheet for Interview of Candidates)

FACTORS	POSITIVE	NEGATIVE	MARKS
<b>A. KNOWLEDGE / EXPERIENCE</b> i) Professional / Technical  ii) General Knowledge	Whether extensive, thorough and up-to-date	<ul style="list-style-type: none"> <li>Knowledge thin, patchy or out-of-date</li> <li>Experience not relevant or very limited experience</li> </ul>	9  8
<b>B. ABILITY TO COMMUNICATE</b>	Lucid, concise, persuasive, can get a message across easily	Long winded. Has difficulty in expressing thoughts. Unlikely to get others to understand what is required	7
<b>C. REASONING/ JUDGEMENT</b>	<ul style="list-style-type: none"> <li>Good reasoning powers, able to analyse issues and problems. Logical, consistent and balanced view, well expressed and well defended.</li> <li>Realistic and practical ideas</li> <li>Has intellectual curiosity</li> </ul>	<ul style="list-style-type: none"> <li>Confused or inconsistent ideas or views.</li> <li>Reluctant to express ideas clearly.</li> <li>Erratic judgement</li> <li>Lacks intellectual curiosity.</li> </ul>	7
<b>D. PERSONALITY/ SOCIAL ABILITY</b>	<ul style="list-style-type: none"> <li>Polite, relaxed and confident.</li> <li>Speaks convincingly and with conviction.</li> <li>Shows sensitivity towards and understanding to others.</li> </ul>	<ul style="list-style-type: none"> <li>Lacking in confidence, nervous, shy.</li> <li>Does not speak convincingly.</li> <li>Insensitivity to other's feelings</li> </ul>	6
<p><b>INTERVIEW COMMENTS</b></p> <p>.....</p> <p>Signed .....</p>			

### Notes

- The selection criteria for rating purposes will be determined by the principal officer in conjunction with other chief officers prior to the interview
- The distribution of scores across the criteria will vary from one job to another depending on the aspects management considers most critical for job performance
- The members of the interviewing panel must prepare well-structured oral questions
- Members of the interviewing panel must give interviewees an opportunity to expand on their response in order to provide full open answers.
- If the panel does not find a suitable candidate to fill the vacant post, a recommendation should be made to the local authority for the post to be re-advertised.



