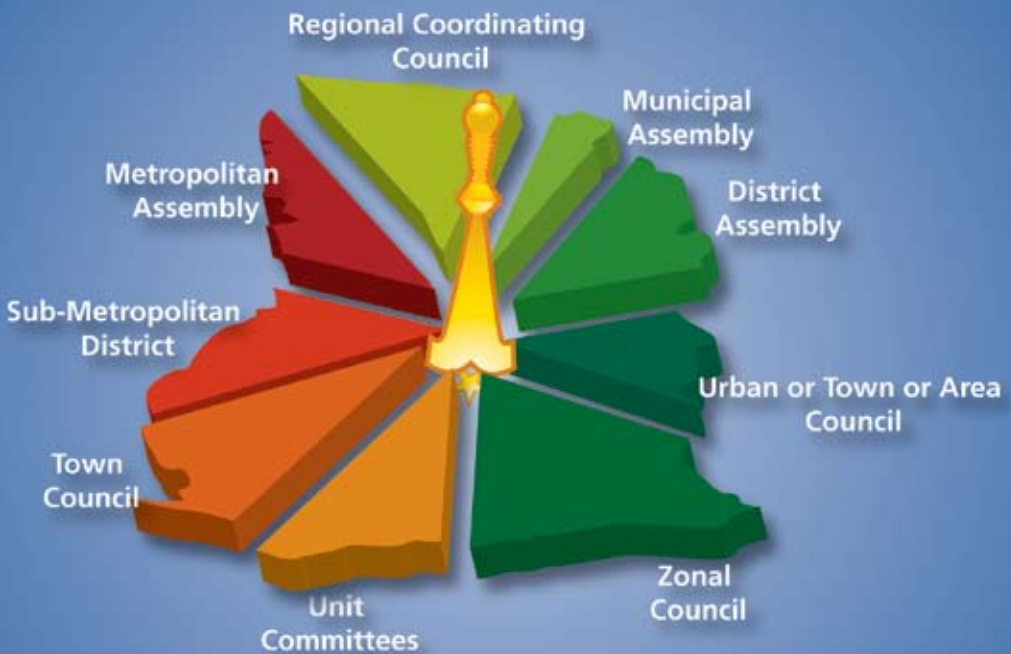


# A GUIDE TO DISTRICT ASSEMBLIES IN GHANA





Support and  
Cooperation



Democracy  
and Pluralism



Knowledge and  
Life-Long Education

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**FRIEDRICH  
EBERT**   
**STIFTUNG**

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A GUIDE TO  
DISTRICT ASSEMBLIES  
IN GHANA

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## Acronyms

CBOs	Community-based Organisations
CSOs	Civil Society Organisations
DA	District Assembly
DACFS	District Assemblies Common Funds Secretariat
DCE	District Chief Executive
DDF	District Development Fund
EC	Executive Committee
FOAT	Functional and Organisational Assessment Tool
IGF	Internally-generated Funds
ILGS	Institute of Local Government Studies
IRS	Indirect Rule System
LI	Legislative Instrument
MDAs	Ministries, Departments and Agencies
MLGRD	Ministry of Local Government and Rural Development
MMDAs	Metropolitan or Municipal or District Assemblies
NGOs	Non-governmental Organisations
NPP	New Patriotic Party
PM	Presiding Member
PNDC	Provisional National Defence Council
SDSs	Sub-district Structures



# Introduction

Local governments in Ghana play very important roles in administration and development at the local areas. The 1992 Constitution of the Republic of Ghana provides for “Decentralisation and Local Government” that creates a framework for citizens’ participation in decision-making and local governance. The Decentralisation Policy of Ghana devolves power, functions and responsibility as well as human and financial resources from the Central Government to the district level. It also establishes major areas of relationship between the Local and Central Government. The Local Government in Ghana has a long history, which predates colonialism. During the colonial era, the native authorities were used to facilitate communication and decision-making in their areas of jurisdiction. After independence, successive governments implemented various forms of Decentralisation and Local Government policies. However, the current Decentralisation Policy was initiated in 1988.

Ghana’s decentralisation process as enshrined in the Constitution designates District Assemblies as the highest political, legislating, budgeting and planning authority at the local level. The Local Government Act (Act 462) of 1993 reinforces the constitutional provisions. To facilitate a holistic approach to the decentralisation process, various structures have been created at the sub-national level with the Regional Coordinating Council (RCC) as a coordinating body. Below the RCC are the Metropolitan or Municipal or District Assemblies (MMDAs) and the Sub-district structures.

Notwithstanding the laudable idea behind the Decentralisation Policy, practitioners and decision-makers at the local level do not have adequate information and knowledge on the functions and responsibilities of the MMDAs. The various laws on Local Government are not in simple language. Again, it is difficult to have access to the various Local Government laws. Moreover, there are some stakeholders who do not have enough information to understand the workings of the District Assembly in order to effectively participate in the decision-making process.

It is therefore imperative to provide information that is handy, easily accessible and user-friendly to assist Local Government functionaries and practitioners to appreciate how decisions are made at the MMDAs level. In addition, it is therefore intended to help district assemblies' functionaries to understand their roles and responsibilities in order to ensure effective local administration.

# The Evolution and History of Local Government and Decentralisation in Ghana

## The Pre-Independence Era

Governance and for that matter, local governance did not start with the coming of Europeans to Ghana. Indeed, communities and societies had their own peculiar ways of governing themselves. Basically, the head of government in the communities was the chief, supported by his elders.

However, following the discovery and settlement of Europeans in Africa and particularly, the Gold Coast, both the leadership and the dynamics of local governance changed dramatically with the chiefs playing less prominent roles to the British Resident Commissioners. With the coming of the British to the Gold Coast, Local Government and administration centred around the chiefs or some local loyalty which was basically undefined. This system of Local Government was referred to as the 'Indirect Rule System' (IRS). The units of Local Government were called Native Authorities which were not democratic. The chiefs in these units were already recognised as wielders of authority and there were no clearly-recognised power wielders. The colonial government hand-picked some influential people to help them administer law and order.

Local Government in the Gold Coast developed along two parallel lines. A series of Municipal Council Ordinances regulated Local Government in the major municipals while a series of Native Jurisdiction Ordinances regulated Local Government in the rest of the country through the State Councils and Native Authorities (Ahwoi, 2010). Following the 1948 disturbances in the major cities in Ghana, and in a bid to address the inadequacies identified by the Coussey Committee in 1949, the first Local Government Ordinance was commissioned in 1951.

Unfortunately, there were no marked changes in this Ordinance because it did not affect the major Councils. As many as 252 Local and Urban and 26 District Councils were created (Ahwoi, *ibid.*). Further strengthening the undemocratic powers of chiefs, the new system was linked with the old system and the chief was announced the President of the New Councils, though with limited powers.

In just 5 years of implementing the new system, some inadequacies were again identified and F. A. Greenwood headed another commission in 1956 to make propositions to reform the Local Government system paying attention to the structure of Local Government, revenue control systems, expenditure control measures, taxation and Local Government financing among others. The Greenwood recommendations hardly saw daylight before Ghana re-gained her independence a year later (1957).

## From 1957 – 1987

The 1957 Constitution which gave birth to Ghana's independence on the 6th of March 1957 also provided some reforms in the Local Government system. The Constitution divided the country into five administrative regions: Eastern, Western, Ashanti, Northern and the Trans-Volta Togoland Regions. Representatives from the

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Regional Houses of Chiefs headed the regions except the Ashanti which had been headed by the Asantehene. Every region had an Assembly (equivalent of Parliament) and these regional assemblies were responsible for the entire development of the regions. Again, the Constitution retained the Local Government Councils: Municipal, District, Urban and Local Councils, as were in existence.

Unfortunately, the regional assemblies (Parliaments) did not see their own importance in dispensing local governance and thus, their activities were marked with grave opposition. This was the situation until the 1960 Republican Constitution was promulgated which provided for some reforms in the Local Government system again.

Remarkable in the Republican Constitution about strengthening local governance was the creation of regions the Central Region, the Upper Regions and the Trans-Volta Togoland now the Volta Region. This brought the number of regions in the country to seven. A year after the promulgation of the Republican Constitution, there was another Local Government Act in 1961, Act 54, which divided the country into cities, Municipal and Local Area Councils (Ahwoi, *ibid.*: 3). This was the Act that recognised the participation of Village, Town and Area Committees in Local Government processes but proscribed the representation of traditional authorities. This again was a major reform in Ghana's Local Government system because it introduced elections to get members of the various committees with a Paramount Chief chairing the District Councils who was appointed by the Minister for Justice to chair and lead the processes leading to electing a substantive chair. The District Councils had three-year tenure of office though eligible for re-election.

Local Government in Ghana was subsumed in the Ministry of Justice. The councils had four major functions: environmental management, security which deployed the local authority police, provision of social services and infrastructure. Licenses, permits,

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fees, land revenues, etc. had been traditional sources of Local Government financing.

Inadequacies in the Local Government system continued to be catalogued and by way of reforming the sector incorporated recommendations from many commissions. There was another Local Administration Act in 1971, Act 359, which conferred the appointive powers of the Prime Minister to the Regional Chief Executives to head the Regional Councils. Interestingly, there was an amendment to the 1971 Act in 1974 which created a four-tier structure of Local Government. The structure had the Regional Councils, District Councils, Area, Municipal, Urban and Local Councils, and then Town or Village Development Committees (Ahwoi, *ibid*).

The new system abolished the inadequacies in the old order where there was distinction between the Central Government and Local Government and adopted an integrated or fused approach to Local Government. The new system created 58 districts and 273 Municipal, Area, Urban and Local Councils again, basically in charge of organising and carrying out local development.

In 1979, the Constitution that returned the country to civilian rule empowered Parliament to enact a law to create District Councils, Village, Town and Area Development Committees. This was not a novelty because the 1974 Local Administration Amendment had already provided for these Local Government units. The novelty in this case was the re-introduction of the power to appoint some members of the various units. Two-third of the membership was elected through universal adult suffrage while the remaining one-third was appointed by traditional authorities. Here again, the appointive power was now conferred on the traditional authorities which sought to re-introduce traditional authorities into Local Government after they were long excluded by Act 54 of 1961. The functions of these four-tier Local Government units were basically the same as before.



Following the provisions made in chapter 20 of the 1979 Constitution of Ghana, the Government in the Third Republic amended the 1974 Act in 1980 and replaced the part one of Act 359 of 1971. This amendment redefined the memberships of the various Local Government units and recreated spaces for traditional authorities as well as re-introduced the appointive powers, now conferred on the President of the Republic of Ghana as well as two representations from the Regional Houses of Chiefs in the Regional Councils. This amendment was the last major reform in the Local Government system of Ghana until the current dispensation of Local Government, established by the Provisional National Defence Council (PNDC) Law on Decentralisation, (Law 207 of 1988) informed by the PNDC government guidelines on decentralisation in 1982.

## 1988 and Beyond

Although rigorous thinking and preparations fundamental to the current Local Government and Decentralisation may have been done before 1988, PNDC Law 207 was passed in 1988 and the country was re-demarcated. On the whole, the number of MMDAs shot up from 65 to 110 and the first local level elections under the new decentralisation was held in 1989. PNDC Law 207 was the framework under which the new Decentralisation and Local Government policy operated until Law 207 was replaced by an Act of Parliament (Act 462) of 1993. Interestingly, the fundamental reason for this Act was the provision made in the 1992 Constitution of the Republic of Ghana in Article 240 (1) which recommends that Local Government in Ghana should be decentralised as far as it is possible.

The number of administrative MMDAs remained 110 until 2003 when the Creation of Districts (No. 2) Instrument formed 28 more MMDAs bringing the total number of administrative districts to 138 under the government of the New Patriotic Party

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(NPP). Again, in 2007, 32 more MMDAs were created, still under the same NPP government, this time, increasing the number of MMDAs in the country to 170.

After Act 462 had come into existence, even though the number of MMDAs in the country had increased two times, the functions and compositions of the assemblies and sub-structures had remained unchanged. However, there was only a slight change in the composition of MMDAs by the Act 462. The change was that instead of the membership of the assemblies being made up of two-third elected members and the remaining one-third being appointed, Act 462 provided for 70% elected membership and 30% appointment to the MMDAs.

However, after two decades of implementing the current Decentralisation Policy, many raised eyebrows concerning some weaknesses. This attracted the attention of the National Democratic Congress (NDC) government, to constitute a team of practitioners and experts to embark on nationwide consultations to gather information to inform a comprehensive review of the policy. Thus commenced the review process in 2009 and the public is now awaiting a reformed policy on Decentralisation and Local Government.

# Structure of the Local Government System

## Introduction

Conventionally, Ghana's sub-national governance structures are characterised as a three-tier structure created initially by PNDC Law 207 and subsequently refined by the 1992 Constitution and Local Government Act, 462 of 1993. These structures operate at the regional, district and sub-district levels (NDPC, 2000) and consist of Regional Coordinating Councils on the first tier, Metropolitan or Municipal or District Assemblies on the second tier, and Urban or Town or Zonal or Area Councils in addition to Unit Committees on the third tier. However, in practice, Unit Committees represent the lowest and basic unit in the subsidiarity chain upon which all the other structures including the Urban or Town or Area Councils are built, thus making the local governance arrangement a four-tier structure instead of the three.

The Local Government system in Ghana therefore has the following structure:

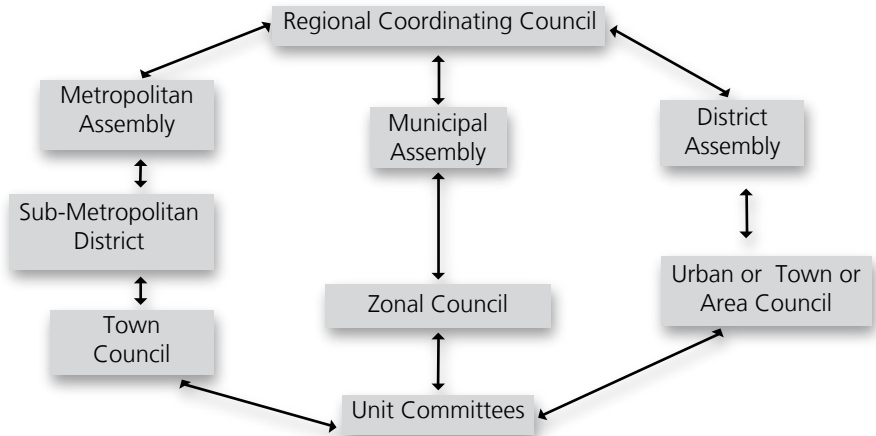
- Regional Coordinating Council
- Four-tier Metropolitan Assembly
- Three-tier Municipal or District Assembly
- Urban or Town or Area or Zonal Council
- Unit Committee

In all, 10 Regional Coordinating Councils, 170 Metropolitan or

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Municipal or District Assemblies and over 1300 Urban, Zonal or Town or Area Councils and more than 16,000 Unit Committees <sup>1</sup> have been prescribed by law (ILGS, 2008). Figure 1 illustrates the basic characteristics of the Local Government structure.

Fig 1: The Local Government Structure



Source: Introduction to Ghana's Local Government System, ILGS, 2008

## Composition or Membership

### Regional Coordinating Councils (RCCs)

The Regional Coordinating Councils represent the highest level of Local Government in Ghana and are established in each of the 10 regions of the country (Zanu, 1997).

The RCC consists of the Regional Minister (the chairperson), his deputies, the Presiding Member of each District Assembly (DA<sup>2</sup>) and the Chief Executive of each district in the region, as well as two chiefs from the regional house of chiefs and the regional

<sup>1</sup> Although more than 16,000 Unit Committees have been prescribed by law, there are about 8,000 that in reality are functioning (ILGS, 2008) <sup>2</sup> Unless otherwise stated the term

heads of decentralised departments, who have no voting rights (Local Government Act 462 of 1993).

According to Act 462, the RCC is an administrative and coordinating rather than political or policy-making body. As stated in the Act, its functions are to:

- Monitor, coordinate and evaluate the performance of the DAs in the region,
- Monitor the use of all monies allocated to the DAs by any agency of the Central Government,
- Review and coordinate public service generally in the region,
- Resolve any conflict between a District Assembly and an agency of Central Government, public corporation, statutory body, Non-governmental Organisations and individuals,
- Provide security, including managing conflicts within the region, settling chieftaincy, tribal, land and religious disputes,
- Coordinate district development plans and programmes and ensure that these plans and programmes are compatible with national development objectives,
- Integrate economic, spatial and sectoral plans of ministries and sector agencies and ensure that these plans are compatible with national development objectives.

The last stipulation creates opportunity for the RCC to exercise power, albeit implicitly, over the assemblies in the formulation of plans for the provision of basic infrastructure, under the remit of integrating sectoral and spatial plans.

## Metropolitan or Municipal or District Assemblies (MMDAs)

Below the Regional Coordinating Council is the District Assembly,

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*District Assembly (DA) shall be used to refer to all types of local government assemblies – metropolitan, municipal and district*

variously called the Metropolitan or Municipal or District Assemblies. The Local Government Act of 1993, Act 462 empowers district assemblies in Ghana as the fulcrum of local governance. On the basis of demographic conditions and settlement characteristics, local authorities are distinguished between Metropolitan or Municipal or District Assemblies. The Act stipulates the classification on population and constitutive settlement characteristics as follows:

- A Metropolitan Assembly is a Local Government unit or areas with population over 250,000,
- A Municipal Assembly is a one town assembly with population over 95,000,
- A District Assembly is a group settlement with a minimum population of 75,000 and a maximum of 95,000.

Therefore, as these demographic and settlement characteristics change, the President is empowered by Act 462 to make appropriate changes. As a result, since the inception of this decentralisation concept in 1988, the numbers of districts and their characterisations have changed. At the start, there were a total of 110 local authorities comprising 3 Metropolitan, 4 Municipal and 103 District Assemblies (Zanu, 1997). Presently, there are 170 local authorities comprising 6 Metropolitan, 38 Municipal and 126 District Assemblies<sup>3</sup>. Notwithstanding these distinctions clarifying the status of the local authorities, the three types are essentially equal in power and are given equal consideration in any discussion.

A Metropolitan or Municipal or District Assembly is:

- Created as the pivot of administrative and developmental decision-making in the district and is the basic unit of government administration<sup>4</sup>,
- Assigned with deliberative, legislative as well as executive functions,
- Established as a monolithic structure to which is assigned the responsibility of bringing about integration of political,

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<sup>3</sup>The latest changes – essentially sub-divisions of the former composition of local governments was implemented in 2008. Act 462 empowers the President to create new districts, only in consultation with the Electoral Commission. <sup>4</sup>The Unit Committees do not have legislative powers whereas the assemblies have deliberative, executive and legislative powers.

administrative and development support needed to achieve a more equitable allocation of power, wealth and geographically-dispersed development in Ghana,

- Constituted as the planning authority for the district.

According to the Local Government Act 462 of 1993, a District Assembly consists of the following members:

- The District Chief Executive,
- Two-third of the members directly elected by universal adult suffrage,
- The Members of Parliament (MPs) representing constituencies within the district,
- Not less than 30% of the members appointed by the President in consultation with traditional authorities and interest groups in the district.

Section 10(3) of the Local Government Act of 1993, Act 462 summarises the functions of a District Assembly as administrative, legislative, executive, planning and rating authority. Other functions as listed in Act 462 have been discussed in details in the following chapter.

## Sub-district Political and Administrative Structures

The Sub-district structures constitute the last tier of Ghana's Local Government system. Zanu (1997) describes these structures as subordinate bodies of the District Assemblies. They are constituted by the Sub-metropolitan DCs, Urban or Town or Zonal or Area Councils, and Unit Committees. The components of the Sub-district structures as discussed by Act 462 are as follows:

### Sub-metropolitan District Councils

The Sub-metropolitan District Councils are structures immediately below the Metropolitan Assemblies. Their conception is based on the principle of subsidiarity and in recognition of the large size of

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the metropolitan local authorities. It enables the city administrators to become more effective. The Sub-metropolitan Councils, which are divided into electoral areas, consist of not less than 25 and not more than 30 members, made up of all elected members of the Assembly in that Sub-metropolitan District and as such other persons resident in the Sub-metropolitan District appointed by the President. Table 1 below shows the various Sub-metropolitan District Structures in Ghana established by law.

*Table 1: Sub-metropolitan Councils*

<b>Sub-Metropolitan District Council under Respective Metropolitan Assemblies</b>				
<b>Accra Metropolitan Assembly</b>	<b>Kumasi Metropolitan Assembly</b>	<b>Sekondi-Takoradi Metropolitan Assembly</b>	<b>Tema Metropolitan Assembly</b>	<b>Tamale Metropolitan Assembly</b>
Okaikoi South	Asokwa	Sekondi	Tema West	Tamale
Okaikoi North	Bantama	Takoradi	Tema East	Tamale North
Ashiedu Keteke	Manhyia	Effiakwasimintsim	Kpone-Kata-manso	Tamale South
Ablekuma North	Subin	Essikado Kentan		
Abekuma South	Oforikrom			
Ayawaso Central	Tafo-Pankrono			
Ayawaso East	Nhyiaeso			
Ayawaso West	Kwadaso			
Abossey Okai	Suame			
La	Asawase			
Osu Clotey				

*Source: Compiled from Development Plans of AMA, KMA, STMA, TMA, TAMA (2006-2009)*



### Urban Councils

Urban Councils are created for settlements with populations above 15,000. They consist of not less than 25 and not more than 30 members made up of not more than 8 persons elected from among the members of the relevant DA, not more than 12 representatives from the Unit Committee in the area of authority of the Urban Council and not more than 10 persons ordinarily resident in the urban area. Zanu (1997) put forward that such settlements are usually cosmopolitan in character, with urbanisation and management problems, though not of the same scale associated with the metropolis. The problem with this nomenclature is that it blurs the lines in defining what is urban and what is not.

### Zonal Councils

Zonal Councils are established for settlements with population of 3,000. Zanu (1997) adds that they are based on the Electoral Commission's criteria of commonality of interest which include population of 3,000 and identifiable streets, landmarks, as boundaries. The Zonal Council consists of not less than 15 and not more than 20 members made up of not more than 5 persons elected from among the members of the relevant Municipal Assembly, not more than 10 representatives from the Unit Committees and not more than 5 persons ordinarily resident in the zone.

### Town and Area Councils

These are found in the Metropolitan Assemblies and District Assemblies. In the District Assemblies, Town Councils are established for settlements with populations between 5,000 and 15,000. Area Councils exist for a number of settlements or villages which are grouped together but whose individual settlements have populations of less than 5,000. They cover areas with predominantly rural populations and in some cases can be identified with spheres of influence of a particular traditional authority. They are essentially rallying points of local enthusiasm in support of a new Local Government system.

The Town and Area Councils consist of not less than 15 and not more than 20 members and they are made up of not more than 5 persons elected from among the members of the relevant Assembly, not more than 10 representatives from the Unit Committees and not more than 5 persons ordinarily resident in the town or area (Zanu, 1997).

## Functions of the Urban or Town or Zonal or Area Councils

The functions of the Urban or Town or Zonal or Area Councils include the following:

- To enumerate and keep records of all rateable persons and properties in the urban area, zone or town,
- To assist any person authorised by the District Assembly to collect revenues due to the Assembly,
- To recommend to the Assembly, the naming of all streets in its area of authority and all buildings to be numbered,
- To plant trees and to erect tree guards to protect them so that streets are not unduly obstructed,
- To prevent and control fire outbreaks including bushfires,
- To prepare annual budgets of revenue and recurrent, as well as, prepare development budget of the Urban or Town Council for the approval by the assemblies.

## Unit Committees

The Unit Committees are at the lowest level and form the basic unit of the Local Government structure. A unit is normally a settlement or a group of settlements with a population of between 500–1,000 in the rural areas, and a higher population (1,500) for the urban areas. Unit Committees play the important roles for enforcement and mobilisation matters since they are closer to the people. In theory, the Unit Committees provide structured mechanisms of representation, participation and accountability from

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village levels upwards (Zanu, 1997). The Unit Committee consists of not more than 15 persons made up of 10 elected persons ordinarily resident in the unit and not more than 5 other persons resident in the unit and nominated by the District Chief Executive, acting on behalf of the President.

## The Structure of the District Assembly

The structure of a District Assembly is made up of the General Assembly, the Executive Committee and Sub-committees as well as the Coordinating Directorate and the Decentralised Departments of the District Assembly (ILGS, 2008).

### The General Assembly

The Assembly is the highest decision-making body of the district. They perform deliberative, legislative and executive functions and these functions are performed under the leadership of the Presiding Member.

### Committees of District Assemblies

In the performance of its functions, the DA works through the Executive Committee and its subsidiary committees of development planning, social services, works, finance and administration, justice and security and others. The respective functions of these committees are discussed below. Details of the committees are discussed in chapter 6 of this book.

### The Coordinating Directorate of the District Assembly

As spelt out in the Local Government Service Act of 2003 (Act 656), the office of the coordinating directorate is the administrative and technical unit of the District Assembly. The office is headed by the District Coordinating Director and it is responsible for assisting the Assembly in the performance of its duties such as coordinating and harmonising the work programmes of the

decentralised departments of the Assembly.

### Decentralised Departments of the District Assembly

The Local Government Act 462 of 1993 establishes 16 departments of Metropolitan Assemblies, 13 departments of Municipal Assemblies and 11 departments of District Assembly. Table 2 below shows the departments present in the three local authorities.

The decentralised departments perform the technical function and therefore provide the technical expertise for local level development (ILGS, 2008). Post (2001) is of the view that decentralised structures offer greater opportunities for participation and subject public officials to popular control.

*Table 2: Existing Departments in the Three Local Authorities*

<b>Metropolitan</b>	<b>Municipal</b>	<b>District</b>
Central Administration Department	Central Administration Department	Central Administration Department
Finance Department	Finance Department	Finance Department
Education, Youth and Sports Department	Education, Youth and Sports Department	Education, Youth and Sports Department
Metropolitan Health Department	Municipal Health Department	District Health Department
Waste Management Department		
Agriculture Department	Agriculture Department	Agriculture Department
Physical Planning Department	Physical Planning Department	Physical Planning Department
Social Welfare and Community Development Department	Social Welfare and Community Development Department	Social Welfare and Community Development Department

<b>Metropolitan</b>	<b>Municipal</b>	<b>District</b>
Natural Resource Conservation Department, Forestry, Game and Wild Life Division	Natural Resource Conservation Department, Forestry, Game and Wild Life Division	Natural Resource Conservation Department, Forestry, Game and Wild Life Division
Works Department	Works Department	Works Department
Industry and Trade Department	Industry and Trade Department	Industry and Trade Department
Budget and Rating Department		
Legal Department		
Transport Department	Transport Department	
Disaster Prevention Department	Disaster Prevention Department	Disaster Prevention Department
Urban Roads	Urban Roads	

*Source: Section 38 of the Local Government Act 462 of 1993*

## Qualification

For an ordinary citizen to be elected, he or she must be a citizen of Ghana, 18 years old, ordinarily a resident in the district and paid up on the taxes and rates. By law, individuals must also stand without association to any political party.

Elections to the District Assemblies are conducted by secret ballot using the first-past-the-post system. Special in the Ghanaian system, is the way in which the Intermediate Tier Councils and the Unit Committees have been designed to enhance and extend citizens' participation in the local political processes.

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*Blank portions reflect departments not existing in specific types of Assemblies but may be found in other types.*

## Disqualification

Members of the District Electorate can make a complaint about the conduct of a DA member or official, which is then considered by the Public Relations and Complaints Committee, chaired by the Presiding Member. If upheld, such complaints can lead to a district referendum, organised by the Electoral Commission to decide whether the DA member should be stripped off his or her position.

## Declaration of Vacancy

As specified in the Model Standing Order No. 15(5), the seat of the DCE is declared vacant as a result of a vote of no confidence passed against him or her. Under the Standing Orders No. 17, the DCE may be removed from the office at any time by a vote of no confidence supported by the votes of not less than two-third of all the members of the District Assembly passed against him or her. A vote of no confidence shall be a secret ballot and the ballot shall be conducted by the Electoral Commission.

## Termination of Membership of District Chief Executive (DCE)

The District Chief Executive (DCE) terminates his or her membership if he or she is removed, resigns or dies during his or her tenure of office. In accordance with Standing Order No. 18, the District Chief Executive may be removed from office at any time by the President. Again, as specified in Standing Order No. 19, the DCE may, at any time during his or her tenure of office, in writing addressed to the President resign his or her post.

# Functions of the Metropolitan or Municipal or District Assemblies (MMDAs)

## Introduction

Within the decentralised context, the Metropolitan or Municipal or District Assemblies, have thus been entrusted with significant responsibilities related to planning and enforcing the physical development within their boundaries. Under the law, local authorities have executive, deliberative and technical support services to articulate the views and aspirations of the local communities for development at the district level. This function assists the District Assemblies not only to prepare district development plans but also to subject such plans to public hearings and thereby induce mass participation.

## Legislative

Provision is made for Local Government in the 1992 Constitution of the Republic of Ghana. Article 35 (5d) requires the state to take appropriate measures to ensure decentralisation in administrative and financial machinery of government and to give opportunities to people to participate in decision-making at every level in national life and government. The main legislative framework

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guiding Local Government functions are:

- The Civil Service Law 1993 (PNDCL 327),
- The Local Government Act 1993 (Act 462),
- The National Development Planning (System) Act 1994 (Act 479),
- The National Development Planning Commission Act 1994 (Act 480),
- The District Assemblies Common Fund Act 1993 (Act 455),
- The Local Government Service Act 2003 (Act 656),
- The Institute of Local Government Studies Act 2003 (Act 647).

A District Planning Authority established under the Local Government Act, 1993 (Act 462), shall initiate and prepare district development plans and settlement structure plans in the manner prescribed by the National Development Planning Commission and ensure that the plans are prepared with full participation of the local community. The requirement of participation of affected communities is a determinant in promoting pro-poor development since the specific needs of both the rich and poor can be captured.

In addition, the Act enjoins the local authorities to initiate programmes for the development of basic infrastructure and provide municipal works and services as well as improvement and management of human settlements and the environment in the district. A key function of the Assembly that has significant ramifications for the implementation of municipal infrastructure is the issue of development control. Section 52 sub-section 1 of Act 462 gives the Assembly the power to enforce developments that conform to the layouts that the Assembly approves for any locality. Sub-section (4) states that any person who fails to comply with the terms of an approved development plan in this section commits an offence and is liable for conviction to a fine not exceeding GH₵20, or to a term of imprisonment not exceeding 6 months or to both and in the case of a continuing offence to a further fine

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not exceeding GH 20p for each day.

Furthermore, Section 55 of Act 462 states that a District Planning Authority may without prior notice, effect or carry out instant prohibition, abatement, alteration, removal or demolition of any unauthorised development carried out or being carried out that encroaches or will encroach upon a community right of space.

## Financial Control

District authorities have three sources of revenue: the District Assemblies Common Fund (DACF), Ceded revenue and own revenue raised through local taxation. The DACF is the main source, providing a constitutionally-guaranteed minimum share of government revenue (not less than 5%). Salaries of some staff working under the DA are still being paid by the sector Ministries. Ceded revenue refers to revenue received from a number of lesser tax fields that the Central Government has ceded to the DAs. It is collected by the Internal Revenue Service, and then transferred to DAs via the Ministry of Local Government and Rural Development. Finally, there is the collection of own revenue through some local taxes. This does not, however, amount to much as the so-called “lucrative tax fields” such as the income tax, sales tax, import and export duties. The District Assemblies are responsible for the setting and collecting local rates. Thus, the major sources for Local Government revenue are:

- Central Government transfers: grants-in-aid and ceded revenue,
- Own taxes,
- User fees and charges.

It is important to note that Districts do get revenue from outside the national framework. On financial control, it is the Auditor General who audits the District Assembly accounts annually and reports to Parliament.

## Executive Function of the Assembly

In the performance of its functions, the District Assembly works through the Executive Committee and its subsidiary committees of development planning, social services, works, finance and administration, as well as justice and security. The Executive Committee is presided over by the District Chief Executive and consists of not more than one-third of the total number of members of the Assembly excluding the Presiding Member. Heads of Departments of the Assembly attend the meetings of the relevant Sub-committees and advise them on the execution of their functions, but may not vote. The functions performed by the Executive Committee as spelt out in Act 462 are:

- To coordinate plans and programmes of the sub-committees and submit these as comprehensive plans of action to the DA,
- To implement resolutions of the district in collaboration with the office of the DA,
- To oversee the administration of the district in collaboration with the office of the district chief executive,
- To recommend where it considers necessary – in the case of departments outside the supervision of the Assembly which are in the district – to the appropriate government ministry or department or agency, the appointment and re-placement on stated grounds of officers within the area of authority of the Assembly,
- To adopt measures to develop and execute approved plans of the units, areas and towns and sub-metropolitan districts within the area of authority of the Assembly,
- To recommend to the DA the coordination, integration and harmonisation of district development plans and policies.

## Representational

District Assemblies consist of elected representatives who perform their roles on behalf of the Assembly. These include the District Chief Executive, one elected member from each of the electoral areas in the district, the Members of Parliament from the district (have no vote), and other persons, who are appointed by the President in consultation with traditional leaders and other interest groups. DAs perform executive functions through its main organ, the Executive Committee (like a cabinet). The District Chief Executive, who holds the office by virtue of the support of two-third of the membership of the Assembly, heads the Executive Committee. Under the Executive Committee are five mandatory Sub-committees. Their specific roles have been discussed in chapter 6 of this book.

Besides, the District Assemblies on their part, are required by law to have a certain number of officers, namely the District Coordinating Director, the Finance Officer, the Development Planning Officer, and the Local Government Inspector. The Town or Area or Zonal Councils must have a Secretary, an Accounts Officer and a Typist.

## Deliberative and Administrative

DAs are the pivotal administrative and developmental decision-making organs of the Local Government. They have deliberative, legislative and executive functions and are the planning authority for the districts. They are supposed to exercise political and administrative authority in the district as well as to provide guidance, give direction and supervise all other administrative authorities in the district (Ministry of Local Government 1996). The law also assigns DAs the responsibility for development-planning functions. The districts are responsible for the provision of basic education, although the Central Government retains control over education

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policy. The districts are also responsible for public health, environmental protection, roads, forestry, agricultural extension and sanitation. Planning is shared with the RCCs.

Generally, in the cases of mal-administration, citizens are provided with redress by the Commission on Human Rights and Administrative Justice. However, an unusual feature of the DA system is the grievance and complaint procedure, which can be used by the local electorate to hold individual DA members and officers to account (Crawford, 2004). Members of the District Electorate can make a complaint about the conduct of a DA member or official, which is then considered by the Public Relations and Complaints Committee, chaired by the Presiding Member.

To sum up, Local Governments exercise deliberative, legislative and executive functions. Section 10(3) of Act 462 lists them as follows:

- Be responsible for the overall development of the district and ensure the preparation and submission through the Regional Coordinating Council for approval of the development plan to the commission and budget to minister of finance for the district,
- Formulate and execute plans, programmes and strategies for the effective mobilisation of the resources necessary for the overall development of the district,
- Promote and support productive activity and social development in the district and remove any obstacles to initiative and development
- Initiate programmes for the development of basic infrastructure and provide municipal works and services in the district,
- Be responsible for the development, improvement and management of human settlements and the environment in the district,
- In cooperation with appropriate national and local security agencies, be responsible for the maintenance of

- security and public safety in the district,
- Ensure ready access to the courts and public tribunals in the district for the promotion of justice,
  - Initiate, sponsor or carry out such studies as may be necessary for the discharge of any of the functions conferred by this Law or any other enactment,
  - Perform such other functions as may be provided under any other enactment.



# Functionaries of the District Assembly

## Introduction

This chapter presents the various functionaries of the District Assembly. These functionaries execute their obligations to ensure that there are coherent and synchronised development efforts in their respective districts. The main functionaries and power brokers within the Assembly system are the following:

- The District Chief Executive (DCE),
- The Presiding Member (PM),
- The Members of Parliament (MP).
- The District Coordinating Director (DCD),
- Assembly Members, both elected and appointed,,
- Unit Committee Members,
- Technical or Professional and Supporting Staff of the Assembly.

Below are the roles and specific responsibilities of these functionaries.

## The District Chief Executive (DCE)

The District Chief Executive is the representative of the President at the local level. The District Chief Executive is nominated by

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the President, approved by two-third of the members of the DA present and voting in a session convened for that purpose, and consequently appointed by the President. The District Chief Executive has political, executive and administrative powers within the district. He or she performs functions including the following:

- Presides over Executive Committee and Assembly Tender Review Committee meetings,
- Responsible for the day-to-day performance of the executive and administrative functions of the Assembly,
- Supervise the decentralised departments of the Assembly,
- The chief representative of the Central Government in the district.

## Presiding Member of Assembly

The Presiding Member is elected from among the members of the Assembly and must be approved by at least two-third of all members of the Assembly present. The Presiding Member holds office for a term of two years and may be eligible for re-election after the end of his term of office. He or she is however, not a member of the Executive Committee. The role of the Presiding Member includes the following:

- Presides over General Assembly meetings,
- Controls deliberations and ensures good conduct and good behaviour at Assembly meetings,
- Has casting vote,
- Chairs Public Relations and Complaints Committee,
- Chairs the Credit Approval Committee Meetings.

Apart from performing these roles the Presiding Member is consulted in the selection of members to be appointed to Urban or Zonal or Town Councils.



## The Members of Parliament (MPs)

Members of Parliament (MPs) represent constituencies within the district. MPs are the link between Parliament and the Assembly. They are members of the District Tender Committee. The Members of Parliament perform these functions:

- Guide the Assembly on legislations passed by Parliament to ensure that the Assembly byelaws are not in conflict with national legislation,
- Identify problems of their electorates so as to advocate for their needs in Parliament,
- Brief the Assembly about the proceedings in Parliament at Assembly meetings,
- Provide feedback on projects and programmes that are of interest to the district.

## The District Coordinating Director (DCD)

The District Coordinating Director is the only officer who is neither elected nor appointed. The District Coordinating Director is the head of the coordinating directorate of the District Assembly. The roles performed by the District Coordinating Director include the following:

- Responsible for the day-to-day administration of the coordinating directorate of the District Assembly,
- Responsible for the implementation of the decisions and plans of the District Assembly,
- Secretary to the District Assembly, Executive Committee and the Assembly Tender Committee.

## The Assembly Member

The Assembly Member is the liaison between the District Assembly

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and the community. He therefore plays a critical role in community development. The Assembly Member participates in the work and activities of the Assembly such as attending meetings and taking part in discussions. The roles and functions of the Assembly Member prescribed by Act 462 include the following:

- Joining and participating in committee meetings of the Assembly. Every Assembly Member is expected to serve on at least a committee of the Assembly,
- Educate the electorate on government policies and Assembly projects,
- Maintain close contact with the electorate and consult with them on regular basis. They are also to consult them before each Assembly meeting on issues to be discussed in the Assembly,
- The Assembly Member is to collate views, opinions and proposals on matters affecting the district and present the issues to the Assembly.

The duties of the Assembly have been provided in details in chapter 8 of this book.

## Unit Committee Members

Unit Committees are expected to perform the following activities as prescribed by law:

- Supervise the staff of the District Assembly in performing duties in its area of authority,
- Assist the Assembly in revenue collection,
- Organise communal labour and voluntary work,
- Educate the people in their rights, privileges, obligations and responsibilities,
- Provide focal points for discussion of local matters and make recommendations to the Assembly,
- Monitor the implementation of self help and development projects,

- Assist in enumerating and keeping records of all taxable persons and properties,
- Make proposals to the Assembly regarding levying and collection of rates for projects and programmes.



# Standing Orders of the District Assembly

## Introduction

Standing Orders are not laws. They are guidelines for the conduct of the business in the house: Assembly or Urban or Zonal or Town or Area or Unit Committees. They are issued by the Ministry of Local Government and Rural Development (MLGRD) to provide a framework to regulate the behaviour, procedures and final actions in the conduct of Assembly business (section 18.6). The entire business of every Assembly is organised into thematic areas for the purposes of clarity and uniqueness in the whole of Ghana. The conduct of business is carried out when the general house meet in the Assembly.

## Types of Meetings

There are basically four types of meetings normally conducted in the Assembly. An Assembly shall conduct its meeting comprising of its members and with other partners such as heads of the decentralised departments in the district as and when the need arises to deliberate issues that affect its welfare and to chart the way forward. The 5 basic meetings include:

a. *Inaugural Meetings*

An Inaugural Meeting is the first meeting of an Assembly following every local level election to inaugurate members of the Assembly. This kind of meeting is held every 4 years after an Assembly successfully completes its tenure and fresh elections conducted. An Inaugural Meeting is the only meeting that must be convened by only the Secretary to the Assembly (District Coordinating Director (DCD), all other meetings must be signed by the Presiding Member (PM). It is during this meeting that the PM is usually elected. After the election of the PM, the Assembly also adopts the Model Standing Orders and approves the language(s) to be spoken during Assembly meetings. It is in this meeting that the Inaugural Address is also read by the President's representative in the district on behalf of the President.

b. *Ordinary Meetings (Standing Order 1)*

Ordinary Meetings are just the normal meetings that Assemblies often hold to debate on issues affecting the district and suggest solutions. Decisions are made through voting. The number of ordinary meetings that an Assembly can hold is inelastic, but must not be less than 3 times in a year. Ordinary meetings require at least 14 days notice to members. With the Ordinary Meetings that must be held at the headquarters of the Assembly, all other meetings can be held anywhere within the administrative region of the Assembly (Standing Order 6(2)).

c. *Requested Meetings (Standing Order 2.1 & 4)*

As prescribed by the Standing Orders, a Requested Meeting is usually convened when not less than one-third of the entire membership of the Assembly request for a meeting. Requested Meetings, unlike ordinary meetings, require at least 7 days notice to the members.

d. *Special Meetings (Standing Order 4c)*

As the name indicates, Special Meetings are convened to consider and approve or otherwise, of annual budgets for the Assembly

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and the President's Nominee for the position of District Chief Executive (DCE). This is a discretionary meeting because the period of notice that should be given to members before the meeting is left to the discretion of the PM.

e. *Emergency Meetings (Standing Order 4d)*

An Emergency Meeting is a meeting convened to consider issues or matters that need urgent attention and cannot be postponed to form part of the agenda for Ordinary Meetings. Examples of Emergency Meetings include meetings to discuss a looming disaster or catastrophe, conflict, or other national issues that have been referred to the Assembly.

### Notice of Meetings

The Secretary to the Assembly shall issue summons to each member, stating clearly the date, venue and time for a meeting. Notice of Meetings of the Assembly shall contain the date of the notice and:

- Kind of meeting,
- Place of meeting,
- Date, day and time of meeting ,
- Agenda for the meeting.

The Notice of an Assembly Meeting shall be announced or publicised through any medium in the district including the radio and other sources that have wider listenership in the districts. Again, every Assembly shall have the addresses of all members of the Assembly to which Notices of Meetings intended for them shall be sent.

### Forming Quorum

The quorum of a meeting of an Assembly shall be one-third of the members. In the event that a meeting of the Assembly is less than a third of the members who are present for over an hour after the scheduled time for commencement the meeting, the meeting shall be adjourned by the Presiding Member. Except with the

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approval of at least one-third of the members present, no business shall be transacted at a meeting of an Assembly other than those specified in the notice served hitherto.

### A Meeting Convened Improperly

In the event that a meeting is convened improperly, the meeting shall be considered as a committee meeting and its decisions thereof could only be enforced if in the subsequent meeting, majority of the members approves of it.

## The Presiding Member (PM) (Part 3 of Standing Order)

Every Assembly has a leader who presides over meetings of the Assembly. This leader is called the PM who shall be elected from among the members of the Assembly by at least two-third of all the members of the Assembly. The PM shall hold office for two years and shall be eligible to stand for re-election for another two years.

The Electoral Commission shall conduct the election of the Presiding Member, which shall be part of the agenda of the Inaugural Meeting of the Assembly. The Presiding Member shall, unless he or she resigns, or he or she is disqualified or recalled under section 8 of Act 462 hold office until his or her successor is elected. When a vacancy occurs as a result of resignation, re-call or disqualification, death or incapacity of the PM, the person elected to fill the vacancy shall hold office for the rest of the remaining term of the former member.

A PM is nominated through a nomination form comprising columns for name, occupation, membership status and electoral area which he or she is representing. The filled form is submitted either by the nominee or proposer or seconder.



Nomination of a candidate shall be subscribed by two members of the Assembly as a proposer and a seconder respectively, and by a third member assenting to the nomination, which should be endorsed, with the candidate's consent to the nomination. A person can only nominate a candidate once and cannot nominate himself or herself as a candidate for election as Presiding Member.

**Resignation:**

A PM can at any time during his tenure of office, in writing addressed to the Secretary to the Assembly, resign his post.

**Removal:**

The PM of the Assembly may be removed at any time by resolution of two-third of the members of the Assembly. The PM performs the following functions:

- Signs and convenes notices of all meetings of the Assembly
- Besides the inaugural meetings, he or she presides over all meetings of the Assembly,
- Ensures that the meetings are properly convened and conducted in accordance with the relevant rules and regulations of the Assembly,
- Ensures that the number of persons present to convene a meeting is observed otherwise, he or she suspends or adjourns a sitting as a result of misconduct with regards to rules and regulations of the Assembly,
- Suspends a member from attending a number of sittings as a result of misconduct with regards to rules of the Assembly,
- Ensures the agenda of the meeting is strictly dealt with in order as stated in the agenda.

## Procedures for Approval of the President's Nominee

The President's nominee for the position of the DCE must be approved by the Assembly. When the President nominates a person, the Assembly constitutes a committee to vet and submit their proposals to the Assembly for approval or otherwise.

The Electoral Commission shall notify the Secretary for preparation of secret ballots of the President's nominee within 21 days after the nomination of the President. The Electoral Commission shall notify the President of the Assembly's approval within 7 days in the event of the nominee polling two-third of the votes of the Assembly present and voting. In a situation where the President's nominee fails to win the required two-third at the second ballot, the President shall withdraw his nomination and shall nominate another person for approval by the Assembly.

## Vote of No Confidence

The DCE may be removed from office at any time by vote of no confidence passed against him, supported by two-third of all members of the District Assembly. This shall be done through secret balloting only after a resolution supported by two-third of all members. The President has a singular honour of removing the DCE from office at any time. The DCE may also at any time during his tenure of office, in writing addressed to the President resign his position. The DCE shall assume the following responsibilities:

- Preside over Executive Committee meetings of the Assembly,
- Take responsibility for the day-to-day performances of executive and administrative functions of the District Assembly,
- Serve as representative of the Central Government at the district level.

## Motions

All motions and resolutions to such motions will be seconded before a debate commences. A member may withdraw his or her motion upon a second thought, with the permission of the PM and Assembly after proposing it. A motion withdrawn may not be made again at any future meeting unless otherwise prescribed by notice of the Standing Orders. In situations where a motion has been lost or carried out, a motion to the same or contrary effect shall not be proposed until the next meeting of the Assembly.

The mover of an original motion always has the right of reply after all the other members have had the opportunity to address the Assembly before the motion is put to vote. In a case where an adjourned motion is linked to a matter under discussion, the person who successfully carried out that motion shall be permitted to re-open the debate when there is a meeting.

Motions which cannot be effectively discussed by the house could be referred to a sub-committee or commission. The motion shall be moved and seconded to be referred to the sub-committee and agreed by two-third of the Assembly.

## Questions

Within Assembly meetings, a member who intends to ask a question during an Assembly meeting shall send a day's prior notice to the Secretary who shall report the proposed question to the Assembly. A question shall not be asked in the Assembly without notice except:

- It arises from a report, resolution or is being debated by the Assembly,
- That a simple majority there agrees that the question is urgent,
- In committees.

Questions asked at the Assembly should be devoid of offensive statement and should not be exaggerated. Questions asked at Assembly meetings should be devoid of names of individuals or expressions which will render the questions difficult to understand, they should be free of any issue which is sacred or considered to be sacred, and the questioner must not refer to any matter before a court or tribunal. A question must also be straight to the point and not be directed towards criticising the behaviour or conduct of any person except in his or her position on the matter. The questioner must not be asked about issues referred to a Commission of Enquiry or what was issued in the press.

## Adjournments

A meeting is adjourned when it is postponed to a later date yet to be determined. Notices of adjournment should be served. The period of adjournment should not be less than 10 days. A meeting is adjourned through the adoption of a formal motion for adjournment of a meeting by a simple majority. Among the reasons why a meeting shall be adjourned is when members attending cannot form a quorum for a sitting. In calling for adjournment, any member willing to move for adjournment shall rise and address the PM citing his or her reasons and must be supported by just simple majority votes.

## Rules of Debate

Debates are regulated by the PM. During a debate in the Assembly, no member shall make reference to his or her personal observation on the subject matter. Offensive or insulting words should not be used in respect of any other member or input. In a situation where a member makes unguarded remarks about another member, he or she shall render an apology to the satisfaction of

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the Assembly and the member concerned declares the motion for the other member not to be heard. During Assembly sitting, no member shall engage in any other business such as reading newspapers, books, or any other document except the document directly connects to the agenda of the day. An unreasonable interruption such as speaking while another member is making a point shall not be allowed.

## The Committee of the Assembly

An Assembly has two main committees: the Executive Committee and Public Relations and Complaints Committee. There are five other sub-committees. The Executive Committee (EC) of an Assembly shall be elected every two sessions at the 1st meeting of the 3rd session of the Assembly. The DCE shall call for and preside over the meetings of the EC. Membership of the EC shall be determined every two sessions at the 1st meeting of the 3rd session of the Assembly.

The chair of each sub-committee shall be elected from among the members thereof and the quorum of a meeting of a sub-committee shall be half of the members. If at the scheduled time for any meeting of the EC a quorum is not formed, the convener may suspend the meeting until there is a quorum or better still the meeting could be adjourned to a later date. In a case where a member of an EC absents himself or herself from a meeting without the written consent of the convener of such a committee, any member can, by a motion, be discharged from the EC or the sub-committee of which he or she is a member. The convener of the EC or any sub-committee shall have an original vote in the case of equality of votes on an issue in order to break the tie. This is referred to as a casting vote.

A member who dissents from the opinion of majority decision of an EC or the sub-committee may state his reasons for dissent

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of which the statements shall be appended to the report of the committee. The convener of an EC meeting of an Assembly shall submit reports of the committee at a meeting of the Assembly for approval by the Assembly.

# The Committee System

## Introduction

For any organisation to work effectively and achieve its stated goals, it is imperative to structure it into different smaller units with specific responsibilities. There are enormous issues that need to be addressed with specific and detailed solutions to ensure sustainable development at the local level. The District Assembly is assigned deliberative and legislative functions as well as executive functions that will integrate political, administrative, economic and development resources to achieve more equitable allocation of wealth. This chapter of the book discusses the committees and sub-committees that have been created by the District Assembly for effective formulation and implementation of policies and programmes of the District Assembly. The functions, composition, tenure, procedures for the conduct of committees' business are discussed as provided in the Model Standing Orders for MMDAs.

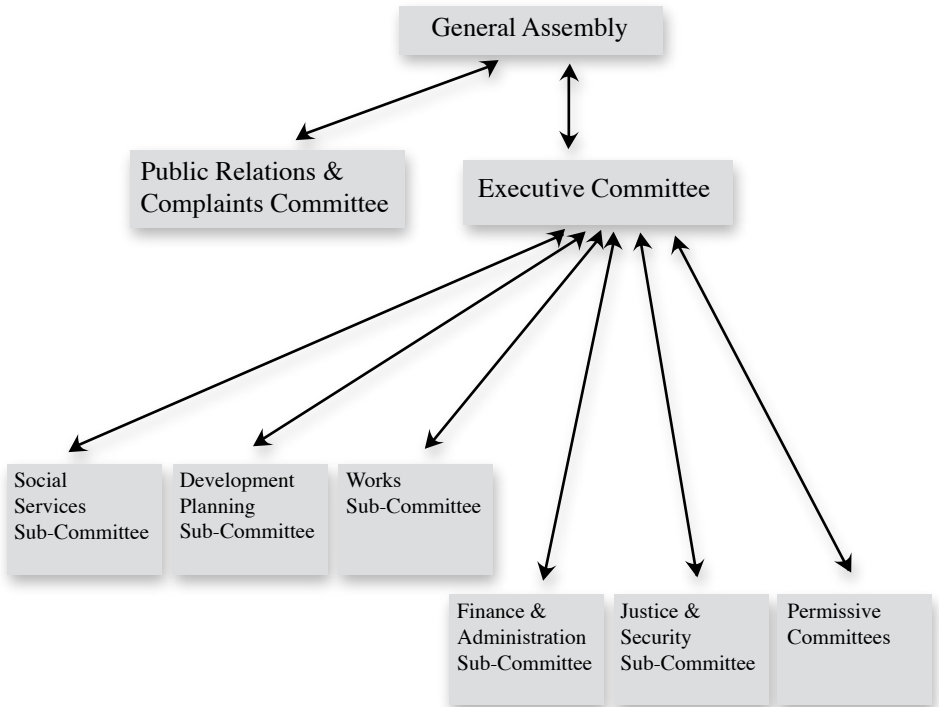
## Types of Committees

The district has two main Committees in performing its functions. The two committees are the Executive Committee and the Public Relations and Complaints Committee. Besides these two main committees, the District Assembly is mandated to create sub-committees to support the main committees. Apart from these committees that are established in the District Assembly, the law

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mandates District Assemblies to jointly create a committee for any project in which they are jointly interested.

*The figure below shows the Committee structure.*



## Executive Committee

The most significant of these committees is the Executive Committee. The executive and administrative functions of the District



Assembly are performed through its main organ called the Executive Committee headed by the Metropolitan or Municipal or District Chief Executive. The Executive Committee of the Metropolitan Assembly is called the Metropolitan Authority and the Metropolitan Authority sub-committees are called Boards. The Metropolitan Authority and Boards are discussed in this same chapter.

The Executive Committee, which is the fulcrum of administration in the District Assembly, is responsible for the day-to-day performance of the executive and coordinating functions of the District Assembly and implementation of the resolutions or decisions made by the District General Assembly as well as to oversee the administration of the district.

## Public Relations and Complaints Committee

The Public Relations and Complaints Committee is a very important committee in the District Assembly. It can be described as an oversight committee of the District Assembly. This committee receives, investigates and makes recommendations to the District Assembly on public complaints about the conduct of staff members and local authorities in the District Assembly. Thus, for the purpose of ensuring good governance in terms of transparency, openness, effectiveness, efficiency, public accountability and the rule of law, the committee becomes a conduit for citizens to express their views on the conduct of people in the Assembly and seek redress when aggrieved.

## Sub-committees

In the performance of its functions, the District Assembly works through committees. The Executive Committee of the District

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Assembly creates sub-committees to deal with specific relevant issues in the district. The sub-committees perform deliberative functions for the District Assembly and submit recommendations to the Executive Committee for action. As stated earlier, the District Assembly is mandated to establish 5 sub-committees.

These 5 mandatory sub-committees are:

- Development Planning Sub-committee,
- Social Services Sub-committee,
- Works Sub-committee,
- Finance and Administration Sub-committee,
- Justice and Security sub-committee.

In addition to these sub-committees, the district has the authority to create any other sub-committee that the Assembly may deem necessary to meet their needs in terms of political, social, economic, environmental, technological, legal matters etc. These permissive committees are established as ad hoc or special committees. Some of these sub-committees include Food and Agriculture, Youth and Sports, Tourism, Disaster Management and Production as well as Gainful Employment.

## Composition or Membership

The Executive Committee of the District Assembly is made up of not more than one-third of the total membership of the Assembly; including chairpersons of the various sub-committees created by the Assembly. However, the Presiding Member of the General Assembly is not a member of the Executive Committee. The District Assembly determines the membership of the sub-committees. Each member of the District Assembly serves on at least one of the sub-committees with the exception of the Presiding Member. In addition, the Heads of Departments of the District Assembly can attend the meetings of sub-committees; as well, sub-committees can co-opt any other person to attend any of its meetings.

## Chairpersons of Committees

The District Chief Executive (DCE) of the district automatically becomes the Chairperson of the Executive Committee as stipulated in Act 462 section 20 (2). The DCE has the responsibility to preside over the meetings of the Executive Committee. However, in his or her absence, committee members have the power to elect one of their members to chair the meeting.

In the Public Relations and Complaints Committee, the Presiding Member (PM) of the District Assembly chairs the committee. The PM is elected by the General Assembly of the District Assembly at its inaugural meeting. With regards to the chairmanship of the sub-committees, the chairperson is elected from among the members of the sub-committees at the first meeting. The chairperson is referred to as the Convener.

## Tenure of Committees

The membership of any of the committees is elected every two sessions by the Assembly at the 1st meeting of the 3rd session of the Assembly.

## General Powers of Committees

Committees created by the District Assembly hold their meetings within the administrative area of the District Assembly. However, for convenience and other relevant factors, the Assembly determines the places for meetings.

The committees have the powers and the rights to convene meetings and discuss pertinent issues. Assembly Members and officers of the Assembly enjoy privileges and immunities in the conduct

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of their activities in the Assembly. Officials in the Assembly enjoy freedom of speech, debate and proceedings in the District Assembly and such freedom shall not be impeached or questioned in any court. In this regard, no civil or criminal action shall be instituted against an Assembly official because of his or her comments in Assembly proceedings. Committees have the power to co-opt persons to attend their meetings. Persons co-opted to attend meetings of the Executive Committee and sub-committees have no right to vote on issues under discussion.

## Procedures of Committees

Committees of the District can regulate the procedures for its meetings in accordance with the Standing Orders of the Assembly. The conduct of committees' businesses can be conducted in English and in any Ghanaian language common to the communities in the district. A member of a committee having personal, pecuniary or other interest in a matter under discussion by a committee can be excluded from the membership of the committee. Furthermore, a member of a committee can object to the membership of another member on the grounds that the person has an interest in the issue under discussion. In this regard, a member with personal interest in any contract or matter under discussion must disclose the fact and not take part in the discussions and deliberations on the matter.

All decisions, issues, matters and questions under consideration will be determined by a vote. The results of the meetings will be submitted to the Executive Committee for onward submission to the General Assembly for the final decision.

The powers of committees and the procedures for the conduct of committee business are set out in the Model Standing Orders for District or Municipal or Metropolitan Assemblies.

## Functions of Committees and Sub-committees of the District Assembly

Functions of the Executive Committee are to:

- Coordinate plans and programmes of sub-committees and submit these plans as comprehensive plans of action to the District Assembly,
- Implement resolutions of the District Assembly,
- Oversee the administration of the district in collaboration with the office of the District Chief Executive,
- Recommend where it considers necessary, in the case of district non-decentralised departments to the appropriate government Ministry or Department or Agency, the appointment and replacement grounds of officers within the area of authority of the Assembly,
- Adopt measures to develop and execute approved plans of the units, areas and towns and sub-metropolitan districts within the area of authority of the Assembly,
- Recommend to the District Assembly the coordination and integration of district development plans and programmes,
- Harmonise, monitor and evaluate district development plans, programmes, projects and policies.

## Functions of Sub-committees

### Developing Planning Sub-committee

The District Assembly is a planning authority for the district. The Development Planning Sub-Committee is therefore one of the sub-committees responsible for the overall planning of the district.

Their functions are to:

- Identify the economic resources and potentials of the district,
- Develop an information base on the resources,

- Identify opportunities and constraints for the exploitation of these resources,
- Prepare exploitation and phasing plans and strategies,
- Consult with other sub-committees and the private sector for the implications the proposed district plan may have on other sub-committees' plans,
- Submit the plan to the Executive Committee for harmonisation with entities in the District Assembly.

### Social Services Sub-committee

The Social Services Sub-committee of the District Assembly has the responsibility to ensure discussion issues with the aim of improving the social well-being of the people. To achieve that, the Sub-committee has to:

- Take a comprehensive and long-term look at areas of social development in the district, particularly education, health, social welfare, sports, culture, vulnerability, etc,
- Develop the information base on these areas of social development,
- Identify the strengths and weaknesses in the social services areas,
- Prepare a social development plan for the district (long-term, medium-term and short-term),
- Examine the implications of the social development plan on other sub-sectors of the district economy,
- Submit the plans to the Executive Committee for harmonisation.

### Works Sub-Committee

This Sub-committee focuses on delivering and maintaining infrastructure in the district. Importantly, the Sub-committee monitors and makes appropriate recommendations to the Executive Committee on the infrastructure needs and services of the district.

The functional areas of the Works Sub-committee include roads, electricity, sanitation, water, schools and market areas. Specific functions as stated in the legislative instruments are:

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- Take a comprehensive look at the infrastructure needs and problems of the district,
- Develop an information base on each of these programmes and functional areas,
- Map out, initiate and phase out programmes for their development and/or their provision,
- Examine the implications of such actions for other sub-committee proposals,
- Submit the programmes to the Executive Committee for harmonisation and action.

### Finance and Administration Sub-committee

To ensure financial transparency and accountability and effective management of District Assembly resources, the Finance and Administration Sub-committee is established. This Sub-committee has to:

- Examine the general financial position of the Assembly,
- Examine the revenue mobilisation and expenditure trends of the Assembly,
- Map out strategies to improve revenue mobilisation of available resources and set targets for the future,
- Submit financial plans to the Executive Committee for harmonisation with other sub-committee plans,
- Identify strategies to ensure judicious use of available resources.

### Justice and Security Sub-committee

This Sub-committee is set up to resolve intra-district and inter-district conflicts. They are also to consider issues that pertain to the enforcement of byelaws of the Assembly. Thus, the Sub-committee is to ensure that there is a congenial atmosphere for the conduct of social and economic activities. This Sub-committee:

- Is responsible for the resolution of intra-district and inter-district conflicts,
  - Takes consideration of issues pertaining to the enforcement of byelaws,
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- Ensures that premises are available for use by community tribunals, magistrates and courts,
- Ensures that police logistics are adequate for community protection,
- Scrutinises draft byelaws of the District Assembly before their passage,
- Ensures the prosecution of breaches of the byelaws of the Assembly,
- Makes recommendations to the Executive Committee on how to resolve disputes.

## District Security Committee

To ensure free movement of people in the district, the District Assembly establishes the District Security Committee (DISEC). The establishment of such a committee clearly provides the framework for the District Assembly to ensure peace and security at the local level (Agyepong, 2009). The Security and Intelligence Act, 1996 (Act 526) recognises the important role District Assemblies play in the security of the nation, and this has informed the establishment of the DISEC as stated in Section 5 (1). The DISEC is composed of the DCE who chairs, the District Police Commander, the District Crime Officer, the District Representative of the Internal Intelligence Agency, the Customs, Excise and Preventive Service Officer, Immigration Service Officer and the Fire Service Officer in charge of the District as well as two other persons nominated by the DCE. Section 9 (b) states that "A DISEC, shall in relation to the district provide early warning to the Government of the existence or likelihood of any security threat to the Government". The DISEC therefore has the responsibility to protect and safeguard the well-being of the local community.



## Metropolitan Authority

The Executive Committee of a Metropolitan Assembly is the Metropolitan Authority. For the efficient performance of its functions, a Metropolitan Assembly has 3 Metropolitan Boards:

- The Metropolitan Planning Board,
- The Board of Metropolitan Works,
- The Board of Administration.

### Metropolitan Planning Board

The Metropolitan Planning Board consists of the Metropolitan Chief Executive (MCE) who shall chair, the Head of the Physical Planning Department of the Assembly, the Chairman of the Board of Metropolitan Works and the Board of Administration, Heads of Non-decentralised Departments, chairperson of the Sub-metropolitan District Councils and the chairpersons of the sub-committees of the Metropolitan Authority. The functions of the Metropolitan Planning Board are to:

- Integrate the development planning and management of the metropolis, monitor and evaluate such development planning and management,
- Integrate the development planning proposals from the Sub-metropolitan District Councils and advise the Metropolitan Authority,
- Advise on the financial planning and budgeting of the Assembly.

The Metropolitan Planning Board is responsible through the Metropolitan Authority to the Metropolitan Planning Authority. The Metropolitan Planning Coordinating Unit is the Secretariat for the Metropolitan Planning Board.

### Board of Metropolitan Works

The Board of Metropolitan Works consists of the Head of Metropolitan Works Department who chairs, the Head of the Metropolitan Roads Department, Heads of Non-decentralised Departments

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responsible for the provision of infrastructure and utility services, the Head of the Metropolitan Traffic and Parking Unit, and a Representative of Real Estate Developers in the metropolis. The functions of the Board of Metropolitan Works include:

- Integrating the various components of metropolitan works that have metropolitan, regional or national implications particularly in the areas where collaboration and coordination with non-decentralised departments and agencies are necessary,
- Responsible for the provision of services including civil engineering, building and construction services, health, secretarial and welfare services,
- Encouraging private sector and community initiatives in the achievement of the developmental objectives of the Assembly,
- Advising on development control and enforcement measures in the metropolis.

The Board of the Metropolitan Works is responsible to the Metropolitan Planning Authority through an appropriate sub-committee of the Metropolitan Authority depending on the subject matter concerned.

### Board of Administration

The Board of Administration consists of the Metropolitan Coordinating Director who chairs, the Head of the Finance Department, the Head of the Budgeting and Rating Department, the Metropolitan Police Commander, the Head of the Legal Department, and the Head of the Public Relations Department.

The Board's functions are to:

- Organise and advise on the management of the general administration, the treasury, justice and security and manage the business of the Metropolitan Authority and the Assembly in respect of their meetings,
  - Provide health, welfare and secretarial services, be responsible to the Metropolitan Planning Authority
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through an appropriate sub-committee of the Metropolitan Authority depending on the issue.

## Related Departments to the Committees

In the interest of policy and programme implementation, the Government of Ghana established the Local Government Service (LGS)<sup>6</sup>. With the establishment of the LGS, various departments have been created through Legislative Instrument (LI) 1961. These departments are to support the activities of the district assemblies in programmes and project formulation, implementation, coordination, monitoring and evaluation. These departments are:

- Central Administration Department,
- Finance Department,
- Works Department,
- Physical Planning Department,
- Department of Trade and Industry,
- Department of Agriculture,
- Department of Social Welfare and Community Development,
- Legal Department,
- Budgeting and Rating Department,
- Transport Department,
- Urban Roads Department,
- Department of Education, Youth and Sports,
- Disaster Prevention and Management Department,
- Natural Resources Conservation, Forestry, Game and Wildlife Department,
- Department of Health.

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<sup>6</sup> *Details of Local Government Service are discussed in chapter 10 of this book.*



# Behaviour, Code of Conduct And Etiquette

## Introduction

Every human interaction is shaped by rules and regulations in order to bring about law and order. These formal rules and regulations are in the form of appropriate behaviour, code of conduct and etiquette which form an important part of corporate culture. Failure however to comply with this pattern of rules and regulations shall be a contravention of organisational norms and shall attract appropriate sanctions. Chapter 24 of the 1992 Constitution of the Republic of Ghana spells out the code of conduct for public officers.

## Behaviour

It involves the manner in which an individual acts and reacts in relation to other individuals and the external environment. Generally, to become an acceptable member of a particular society or organisation it will require the rigid observance of the core tenets of behaviour which among others include, but not limited to the following:

### Respect

There is need to value and recognise the talents and roles of each

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individual without regard to gender, religion, economic status and cultural background. The 1992 Republican Constitution of Ghana sees all human beings as equal before the law and have the same rights and responsibilities. Honourable Assembly Members are required to respect the views, ideas and opinions of one another irrespective of where those views are coming from.

### Achieving the vision

Individuals are required to work, behave and act in ways that fulfill the vision of the outfit by being innovative and working in teams at the Assembly level and within committees.

### Dedicated leadership

Leadership is an important component of the success of any organisation. People must demonstrate conviction, commitment and to take action to influence the desired change.

### Ability to show integrity

Integrity of the organisation in general and the people themselves in particular is paramount. The values of the members and that of the Assembly must be held in high esteem. Integrity is about knowing what is important to you and living by actions accordingly.

### A positive attitude

A positive attitude must be displayed in the light of being ready and willing to do what it takes to consistently display a high level of good conduct.

## Code of Conduct

A code of conduct is a set of statements describing the acceptable and required behaviour, responsibilities and expected actions of members of the Assembly. Assembly Members must work to

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achieve the overall vision of the Assembly, which they are required to do by working in committees. Local Government Act, Act 462 of 1993 has some provisions to guide the conduct of Assembly Members. Some of these are highlighted below:

- Assembly Members are honourable persons. They must display honesty and must not misconduct themselves to bring their positions into disrepute. They must not engage in acts that will lead to adverse findings being found against them,
- Members must be honest, humble and not engage in fraudulent deals,
- A Member must avoid conflict of interest in terms of any financial gains he or she may earn in any contract which is before the Assembly for consideration,
- He or she must be punctual and must not absent himself or herself from Assembly meetings without the written permission of the PM of the Assembly, for more than three consecutive times.
- A prospective Assembly Member shall not be endorsed and financed by any political party and shall present himself or herself before the people.

## Etiquette

Etiquette has to do with showing good manners as prescribed by social convention or by authority. The Assembly as an entity has its prescribed way of doing things by its Standing Orders:

### Absenteeism

Absenteeism goes against the work culture of any organisation or entity and the assemblies are no exception. It is an offence for an Honourable Member to absent himself or herself from three consecutive meetings without written permission of the PM who is the leader of the house. If it is found out that an Honourable Member flouts this rule, an ad hoc sub-committee is appointed

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to investigate the matter, and if satisfactory evidence comes out from the investigations, the Assembly by resolution decides that the member shall cease to be a member of the Assembly (Act 462) of 1993.

### Contributing to Debate

Assembly Members are supposed to bring development to their electoral areas which they do by contributing in the debate and discussions of the house to convince the Assembly to give them development projects. They are to objectively contribute to deliberations of the house so that their views and ideas will be reflected in decisions that come out of the Assembly. Their active involvement in the business of the Assembly is a necessity.

### Dos and Don'ts of Honourable Members

A member must not speak when the PM does not authorise him or her to do so. He or she must resume his or her seat when the PM rises to speak or the Speaker (PM) already acknowledges another. Again, an Honourable Member is not allowed to engage in any other business: holding a mini-meeting with a colleague, except he or she is conferring on the same issue being discussed; reading a newspaper or any other material unless the item being read has some relevance with what is being discussed on the flow of the Assembly.



# The Duties of an Assembly Member

Assembly Members are very important functionaries in the District Assembly. Most decisions made in the District Assembly are subject to the approval of the Assembly Members at the General Assembly. Assembly Members are the agents responsible for the articulation and realisation of the aspirations of the people. The composition of the Assembly Members is in two categories, namely, the 70% elected and 30% appointed. This group of people performs the legislative function of the Assembly, which is headed by the Presiding Member, as well as deliberative and executive functions.

As the representatives of the people at the District Assembly, Assembly Members have some responsibilities to perform for the nation, the District Assembly and the communities they represent. The Assembly Member owes it a duty to report regularly to the electorate on national policies. They are also required to present the interests of the people to the District Assembly and also advocate for their development.

## To the Nation

Assembly Members in the District Assembly have the duty to ensure that policies and programmes implemented at the district

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level conform to the general development direction of the nation. Assembly Members therefore have the following obligations to perform for the nation:

- In the discharge of their duties, Assembly Members who are non-partisan, must have due regard for the national interest and the interest of the people in the district they operate,
- Assembly Members draw attention in general debate to national policies which are relevant to the subject under discussion,
- Assembly Members educate their community members and create awareness on national policies and issues. They are to be conversant with government policies and programmes and work towards achieving them,
- An Assembly Member educates the people on their rights, privileges, obligations, and responsibilities as citizens of the nation. Assembly Members sensitise community members on their responsibilities and obligations in revenue mobilisation and public service delivery,
- It is the duty of Assembly Members to explain to the people in their communities, government policies and programmes.

## To the District Assembly

All Assembly Members are obliged to be active in the deliberations of the District Assembly. A significant duty of the Assembly Member is to be involved in the election of the Presiding Member and the approval or rejection of the District Chief Executive. Other duties of Assembly Members to the progress of the Assembly business include:

- Attending General Assembly and sub-committee meetings to examine general financial position of the Assembly and proposals as well as identify infrastructural and

developmental needs of the communities. Every Assembly Member is expected to serve on at least one committee in the Assembly,

- Participating in the work of the sub-committees of the Executive Committee, such as engaging in discourses and voting,
- Performing supervisory, advisory roles as well as informing Unit Committees on government policies and the decisions of the District Assembly,
- Collecting and collating views, opinions and proposals on matters affecting the district and present the issues to the District Assembly for the appropriate actions,
- Contributing skills to the Assembly's work by putting at the disposal of the Assembly their skills, expertise, experience, competencies and knowledge that will facilitate the progress and development of the district,
- Proposing a motion for discussion at the Assembly.

## To the Community

Most Assembly Members in the District Assembly are representatives of an electoral area without political party affiliation. Assembly Members are mandated to interact with their constituents at regular intervals.

- Assembly Members educate the communities on government policies and programmes and projects of the District Assembly,
- They lobby the District Assembly adequately on behalf of their communities. Assembly Members are enjoined to articulate the needs of the communities,
- They provide adequate information about their electoral areas,
- They maintain close contact with their electoral area and consult the people on issues to be discussed in the District Assembly and collect and collate views, opinion and

- proposals on matters affecting the district,
- They report on the proceedings and general decisions of the Assembly and their Executive Committees and the actions they have taken to solve problems raised by residents of the electoral area,
  - They initiate and take part in communal and development activities in their communities. Assembly Members should provide good and exemplary leadership at the local level,
  - They liaise with public and private institutions and Non-governmental Organisations to attract resources and assistance to their electoral areas,
  - They assist in monitoring and evaluation of programmes and projects in their communities.

# Decision-making and Citizens' Participation in the District Assembly

## Introduction

Participation enhances civic consciousness and political maturity. Participation means adequate citizens' involvement in and influence over local governance (Ahwoi, 2010). Chapter 20 of the 1992 Constitution stipulates that "to ensure accountability of Local Government authorities, people in particular Local Government areas shall, as far as practicable, be afforded the opportunity to participate effectively in their governance". This coupled with various legal provisions such as the Assembly Members consulting the people before and after meetings, the participatory planning space and the avenue for complaints are clear indications that the participation is dear to the decentralisation programme of Ghana.

Participation may involve information-sharing, consultation, service access, programme inputting, election, representation, association and collaboration. These forms of participation give the citizens the opportunity and power to engage in discussions and contribute to the decision-making process.

## Who Participates?

In gathering inputs to plan development activities and programmes, it is imperative to involve all interested groups in the decision-making process. Participation must seek to involve the target groups concerned with the issues and activities under consideration. There are key players who should be involved in the decision-making process. These include traditional authorities, private sector, Members of Parliament, Civil Society Organisations and citizens. Essentially, development activities are undertaken to ensure that the living conditions of citizens are improved. Citizens participate in the Local Government system through the election and revocation of Assembly Members, self-help projects, inputting into development programmes, among others.

## Modes for Participation

There are various ways through which citizens participate in local governance and influence the decision-making process.

These include:

- Participation in elections (voice) and referenda,
  - Community or Town Hall Meetings,
  - Public education and communication campaigns,
  - Public meetings or public hearing called by Assembly Members or the District Assembly. Public hearings may be on discussion of the District Assembly local development plan or strategies for revenue mobilisation,
  - Pre-budget consultations between Local Government and citizenry in order to ensure that the priority needs of the community are captured in the budget and the development plans,
  - Community level or organised group meetings that target the membership of a particular interest group (e.g. business associations, market women, drivers, dress makers, etc).
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## Legal Provisions for Participation

Citizens' participation in the decision-making process has been guaranteed by various legal provisions. The 1992 Constitution stipulates how the state should engage citizens and how citizens should be involved in the decision-making process. The Local Government Act provides for members of the District Assembly to consult with their electorates before and after Assembly meetings, as well as the participatory revocation of the mandate of an Assembly Member. Other LIs provide for the active participation of citizens in the sub-district structures. Additionally, the National Development Planning (System) Act provides for a decentralised participatory planning and budgeting.

### 1992 Constitution

Article 1 of the 1st chapter of the Constitution affirms that the "sovereignty of Ghana resides in the people of Ghana in whose name and for whose welfare the powers of government are to be exercised in the manner and within the limits laid down in the Constitution". This and other articles give citizens the right to express themselves freely and participate in the decision-making process of the nation, both at the national or local level without restrictions.

Article 36 (5) (d) states that the state "makes democracy a reality by decentralising the administrative and financial machinery of government to the regions and districts and by affording all possible opportunities to the people to participate in decision-making at every level in national life and in government".

In giving expression to the active participation of citizens in the governance of their locality, the Constitution mandates citizens to elect 70% of the members of the District Assembly while the remaining 30% shall be appointed by the President in consultation with traditional authorities and other interest groups. The Constitution obliges every citizen to contribute to the well-being

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of the community where that citizen lives. Citizens partake in the activities of Civil Society Organisations and Non-governmental Organisations to improve the living conditions of the people.

#### Local Government Act, 1993 (Act 462)

This Act provides for the participation of citizens in the administration of their localities. Citizens do participate through the election of District Assembly membership, power of revocation of the mandate of a member of the District Assembly, petitions, referendum, use of local language at meetings, right to contact Assembly Members, opportunity to observe Assembly meetings, appeal, access to information, public inspection of byelaws, and payment of taxes.

Through the Assembly Member, citizens present their views, opinions, concerns and proposals to the District Assembly for the necessary actions to be taken to meet the needs of the community. As a feedback mechanism, the Assembly Member reports to his or her electorates, the general decisions of the General Assembly and the Executive Committee.

The Public Relations and Complaints Committee is a significant channel for the participation of citizens in the running of the District Assembly administration as well as influencing policies and programmes. Noting from its name, the Committee receives complaints made against the conduct of not just their Assembly Members but also the staff of the District Assembly. Section 27 (1) of the Act establishes the Public Relations and Complaints Committee. The Committee investigates the case and then makes recommendations to the Assembly for the appropriate remedy.

National Development Planning (System) Act, 1994 (Act 480)  
Act 480 has provided the room for the citizens' participation in the development planning process of the district. It establishes the



processes and procedures for the participation, which is through public hearing.

Act 480 stipulates that “A District Planning Authority shall conduct a public hearing on any proposed district development plan and shall consider the views expressed at the hearings before adoption of the proposed district development plan”. The Commission prescribes the manner in which the public hearing shall be conducted. The Act further states in section 4 (1) that “a report on the public hearing shall be attached to the proposed district development plan by the District Planning Authority”. To provide enough space for citizens to participate, the Act urges local communities in the district to prepare a sub-district or local action plan in accordance with the approved district development plan.

Local Government (Urban or Zonal or Town Councils and Unit Committee) (Establishment) Instrument (1589), 1994  
The establishment of these councils and the Unit Committees provide an avenue for the local community and the District Assembly to meet and discuss issues. Unit Committees give the platform for citizens to be involved in communal and voluntary work, supervise staff of the District Assembly and provide a platform to discuss local problems and remedial actions.

With respect to the Urban or Town Council, the establishment of Development and Services Committee deepens the participation of citizens in the decision-making process. The Committee provides leadership in the selection, planning and implementation of community participation projects and mobilises the community for self-help work. Urban or Zonal or Town Councils are organised with any other relevant organisation’s annual congress of the people of the urban, area or town for the purpose of discussing the development of the urban, zone or town including raising of voluntary or other contributions to fund development plans.



# The Local Government Service

## Introduction

Since 1988, Ghana has been implementing a comprehensive local and public administrative reform via decentralisation, anchored on three-interrelated strategies of transfer of power, transfer of competence and transfer of means. The nature and highlights of the Decentralisation Policy include:

- Devolution of central administrative authority to sub-national governments,
  - Decentralisation of 22 functional areas of government to sub-national government,
  - Departure from the centre to the local level in terms of implementing responsibilities,
  - Promotion of popular (grassroots) participation in the administration of the various areas concerned from the standpoint of planning, implementation, monitoring and achievement of those services which go to improve the living conditions of the people in order to have fair and balanced development in the country,
  - Roles played at the various levels of government:
    - a.** Ministries or Departments to undertake policy planning, monitoring and evaluation of development policies and programmes,
    - b.** Regions throughout the Regional Coordinating Councils and respective Regional Planning and Coordinating Units, now play an important role of coordination, not in a regulatory manner, but to
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ensure consistency, compatibility and coherence of district level development, facilitate joint venture among districts and monitor the activities of the District Assemblies within regions,

**c.** The District Assembly is primarily responsible for the implementation of development policies and programmes coordinated by the National Development Planning Commission.

The main thrust of the policy is the establishment of a Local Government system comprising Regional Coordinating Councils (RCCs), District Assemblies (DAs), as the highest political administrative, planning, budgeting as well as the rating authority in the districts, sub-district structures of the Urban or Town or Zonal or Area Councils (UTZACs) and Unit Committees. The reforms captured by the 1992 Constitution, Local Government Act, 1993 (Act 462) and Civil Service Law, 1993 (PNDCL 327) envisaged the establishment of a Local Government Service for the control, discipline and career development of staff and to allow for horizontal as opposed to vertical supervision of staff. The staff should be highly-motivated and disciplined with requisite knowledge, skills and attitude and whose loyalty and answerability will be to the Local Authority. The LGS was established by the Local Government Service Act 2003 (Act 656) and inaugurated in 2007. The service is the newest of all public institutions in the country and it is headed by the Head of Service.

### **Mission**

The Local Government Service (LGS) exists to support local authorities to deliver value for service through mobilisation, harmonisation and utilisation of capacity and natural resources.

## Functions of Local Government Service

The functions of the Local Government Service as spelt out in Act 656 of the Local Government Service Act, 2003 are as follows:

- Provide technical assistance to District Assemblies and Regional Coordinating Councils,
- Conduct organisational and Regional Coordinating Councils and District Assemblies in order to improve the overall management of the Service,
- Conduct management audit for Regional Coordinating Councils and District Assemblies in order to improve the overall management of the Service,
- Design and coordinate management systems and processes for Regional Coordinating Councils and District Assemblies,
- Assist the Regional Coordinating Councils and District Assemblies in the performance of their functions under the Local Government Act, 1993, (Act 462), the National Development Planning (System) Act, 1994, (Act 480) and any other enactment,
- Perform such other functions incidental or conducive to the achievement of the object of this Act.

## Head of the Service

The Head of the Service is responsible for the overall management of the service. The head:

- Shall be appointed by the President in accordance with the advice of the Council given in consultation with the Public Services Commission,
- Shall also be the Head of the Secretariat (LGSS),
- Shall hold office on such terms and conditions as shall be specified in the letter of appointment,
- Shall subject to the general directions of the Council, be

- responsible for the efficient organisation and management of the Secretariat.

## Local Government Service Secretariat (LGSS)

LGS Act 2003 (Act 656) established the LGSS as the Secretariat of the Service to implement the decisions of the Council to manage the Service on a day-to-day basis. The Secretariat is headed by the Head of Service and has 6 operational directorates.

## LGSS – Medium Terms Development Plan (MTDP)

The Medium Terms Development Plan (MTDP) of LGSS is a framework which guides the programmes and activities of the service. The main objectives as spelt out in the 2010-2013 MTDP of LGSS are as follows:

- Establish LGS Secretariat (LGSS) as a fully-functioning organisation,
- Undertake an Organisational Review to ensure that LGSS is structured to deliver on its mission and mandate,
- Incorporate the Integrated Personal Payroll Database (IPPD) into the LGSS management structure,
- Re-align and establish the departments of MMDAs,
- Build capacity and give technical support to MMDAs, RCCs and MDAs,
- Support the operationalisation of District Development Facility (DDF),
- Develop and set up an M&E system,
- Support legal & policy review and development of new instruments.

## Achievements to Date (LGS)

Some achievements of the Local Government Service since its establishment in 2003 include the following:

- Strategic Medium Term Planning (2010-2012),
- Organisational Structure for the Service and job descriptions (draft),
- Scheme and Conditions of Service for staff (draft),
- Implementation of Roadmap to decouple staff from central civil service to LGS (ongoing),
- Communication Strategy,
- HR Policy,
- Set-up of District Works Department, Human Resource Department, etc at MMDAs,
- DDF – FOAT/Capacity-building Training Programme for MMDAs (in collaboration with ILGS, Public Private Sector),
- Official launch of LGS in December 2007,
- The coming into force of Legislative Instrument (LI 1961) to transfer functions, staff and resources from Departments to the Assemblies on 25th February, 2010,
- Inauguration of LGSS additional office block & LGS Website on 7th August, 2009),
- Sensitisation Workshops on LGS's roles and functions held at the regions of MMDAs.

The following are on-going activities:

- Implementation of Local Service Delivery and Governance Programme (LSGDGP) 2009-2013,
  - District Development Facility (DDF),
  - National Building Programmes to strengthen the LGS (at National, Regional and District Levels),
  - Treasury Re-alignment to ensure that district level funds are located at the district level,
  - National budget being disaggregated into national, regional and district allocations,
  - Establishment (and provision of necessary support) of the
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District Works Departments and other departments at MMDAs – LI 1969,

- Transfer of functions, 33,000 staff from the Civil Service or MDAs to the LGS/MMDAs.

## Collaborating Agencies

The Local Government Service collaborates with the following in carrying out its mandate:

- Ministries, Departments and Agencies (MDAs),
- Non-governmental Organisations (NGOs),
- The Public Service,
- International Organisations or Development Partners,
- Private Sector,
- National Development Planning Commission (NDPC),
- Civil Society Organisations (CSOs),
- Community-based Organisations (CBOs)



# Other Stakeholders in the District Assembly

## Introduction

Section 16 (1) (i) of Act 462 admonishes District Assembly officials to liaise with organised productive economic groupings and other persons in the district to attract resources for local development. Several groups in the community are very relevant to the activities of the District Assembly. These non-state actors do support the District Assembly in terms of capacity-building, financing, knowledge-sharing and policy advice. The involvement of these key stakeholders in local governance has been given credence in the Constitution of Ghana and other legal instruments. For instance, in the appointment of District Chief Executives, the laws urge the President to consult the traditional authorities and other interested parties. Some of the key stakeholders are:

- Traditional Authorities,
- Faith-based Organisations,
- Civil Society Organisations,
- Private Business Sector,
- The Media,
- National Association of Local Authorities of Ghana (NALAG),
- National Commission for Civic Education (NCCE),
- Electoral Commission.

## Traditional Authorities

Traditional authorities have the power and authority based on customs and traditions to make legitimate decisions in their traditional area of jurisdiction. They ensure sufficient stability and sanity in the community and do mobilise their communities for development projects. Traditional authorities:

- Promote progressive traditional values in their communities,
- Mobilise community members for the development of the district,
- Manage natural resources in the district on behalf of the communities,
- Manage and resolve conflicts within the communities,
- Sit on various committees as advisors,
- Release land for development and also resolve land dispute,
- Serve as knowledgeable people for consultation on affairs concerning the community.

## Faith-based Organisations

Faith-based Organisations (FBOs) have become essential partners in local level development. FBOs command a large section of the population through their spiritual activities. FBOs are noted for their philanthropic activities of providing shelter, food and clothing to the needy as well as sharing the word of God with human-kind.

- They promote tolerance and co-existence among community members,
- They educate their members on the rights, obligations and responsibility to the society,
- They support their members to live moral lives devoid of corruption,

- They collaborate with other stakeholders to resolve conflicts,
- They provide goods and services to the community,
- They undertake capacity-building programmes and technical assistance.

## Civil Society Organisations, Community-based Organisations and Non-governmental Organisations

The activities CSOs, CBOs and NGOs at the local level are amply appreciated. Their establishment is to articulate the needs of people that government programmes are intended to serve (Ahwoi, 2010). Their activities entail the management of services, organisation of economic and productive activities and the exercise of influence on planners and decision-makers responsible for the allocation of resources (ibid). Some of the functions of CSOs, CBOs, and NGOs include:

- Undertaking civic responsibility in the district,
- Initiating social audit process in the communities to demand accountability from the District Assembly in the use of resources,
- Providing resources to the community and the District Assembly,
- Organising the community to undertake development projects and programmes,
- Building the capacity of the community and the District Assembly through training and technical assistance,
- Undertaking advocacy on behalf of the communities and interest groups,
- Monitoring developmental projects in the district.

## Private Business Sector

The private business sector contributes to the development of the district through provision of services and resources to the community.

The private business sector:

- Provides resources to be used for the development of the district,
- Lives up to their social responsibilities through provision of basic infrastructure for the communities,
- Pays taxes,
- Provides public services to the communities,
- Demands accountability from the District Assembly,
- Promotes local economic development and employment,
- Provides inputs into district planning and budgeting including fee-fixing resolution, and revenue mobilisation.

## The Media

The media is an important institution in the local governance. The media is a channel of information that can facilitate decision-making at the local level. The media provides an opportunity for local authorities to solicit information for their decisions and receive feedback on the services they provide to the communities. The media disseminates programmes and policies presented by the leadership of the District Assembly to the community and the nation at large. The media:

- Undertakes agenda-setting by leading and providing the platform for debate on policy and developmental issues in local governance,
- Mobilises the people to demand responsive, transparent and accountable local governance,
- Informs and educates the people by organising awareness-creation sessions for the community and the

- Assembly on government policies,
- Builds competence of the community and the Assembly through training,
  - Promotes dialogue among stakeholders in the district,
  - Collaborates with other NGOs to ensure that the Assembly lives to its responsibility to the people,
  - Plays a watchdog role on the use of resources allocated to the District Assembly.

## National Association of Local Authorities of Ghana (NALAG)

NALAG was established in 1977 as a representative body for Local Government authorities in Ghana. The key role of NALAG is to provide a platform for members to share experiences, express their concerns and aspirations and develop strategies to achieve their particular objectives. The objectives of the Association are to:

- Promote the development of Local Government administration and decentralisation in Ghana,
- Assist in maintaining high standards of Local Government service delivery,
- Promote the rights, privileges and interests of all member local authorities,
- Provide for discussion and exchange of ideas relating to local government,
- Provide a channel of effective communication between member Local Government authorities and Central Government,
- Promote effective and efficient Local Government administration through affiliation with any international Local Government associations with identical objectives.

The affairs of the Association are administered through the National Delegates' Congress which is the supreme decision-making body, the National Executive Committee which is composed of 18

members as the governing body and the Secretariat as the administrative organ. Activities of NALAG include:

- Advocacy and lobbying,
- Training and capacity-building,
- Organisation of roundtables, platforms, fora and conferences,
- Research and analysis,
- Networking and collaboration works,
- Public education,
- Direct support to district assemblies,
- Facilitation of city-to-city links.

## National Commission for Civic Education

The National Commission for Civic Education (NCCE) is responsible for the education of the Ghanaian citizens. According to the 1992 Constitution, it consists of 7 members, appointed by the President acting on the advice of the Council of State.

- The Commission helps to create awareness of the principles and objectives of the Constitution as the fundamental law of the people of Ghana,
- It helps to formulate, implement and oversee programmes to inculcate in the citizens of Ghana the awareness of their civic responsibilities and the appreciation of their rights and obligations,
- It formulates programmes that are considered for national, regional or at the district level.

## The Electoral Commission

The Electoral Commission is to manage the conduct of all public elections and to handle all matters directly relating to the conduct of elections in the country. It is made up of 7 members.

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- The Electoral Commission is responsible for the demarcation of electoral boundaries to facilitate national and Local Government elections,
- It reviews areas of authority of Unit Committees, Town or Area or Zonal or Urban and Sub-metropolitan District Councils and District or Municipal or Metropolitan Assemblies and make appropriate recommendations to the President,
- The EC compiles the register of voters and revises it at such periods as may be determined by law,
- It undertakes programmes for the expansion of the registration of voters,
- It conducts and supervises all public elections and referenda,
- It educates the people on the electoral process and its purpose.





# The District Assemblies Interface with National Framework

## Introduction

The Local Government Act (Act 462) of 1993 which replaced the PNDC Law 207 of 1988 retained the MMDAs as the pivot around which decentralised administration and development programmes revolve. As Local Government units in the country, MMDAs interface with other relevant state and non-state institutions. Some of these institutions are discussed in the subsequent sections.

## The Sub-district Structures (SDS)

The SDSs were established by a Legislative Instrument (L.I. 1859). As components of MMDAs, SDSs interface with the MMDAs in mobilising internally-generated income, grassroots units of mobilisation, planning, implementation and monitoring the execution of development projects.

## MMDAs and the District Development Planning Unit (DPCU)

The DPCU is part of the administrative unit of a district and is responsible for preparing and submitting to the Assembly for approval, a district development plan which guides the Assembly in its development initiatives. The DPCU is headed by the District Coordinating Director (DCD) while the District Planning Officer (DPO) serves as Secretary.

## MMDAs and the District Tender Boards

The District Tender Board (DTB) is supposed to advise the District Assembly on the award of contracts in the district to be financed by the Internally-generated Fund (IGF) or the District Assembly Common Fund (DACF) as indicated in section 2 of L.I. 1606.

## MMDAs and the Regional Coordinating Council

Among the membership of the RCC are the PMs and Metropolitan or Municipal or District Chief Executives of all MMDAs in the region. This makes MMDAs part of the RCCs, who monitor, coordinate and evaluate the performances of the MMDAs as well as monitor their expenditure in the region.

## MMDAs and the District Assembly Common Fund Secretariat

Assemblies interface with the District Assembly Common Fund Secretariat (DACFS) in the disbursement of the District Assemblies Common Funds. The DACFS ensures that MMDAs are only

given their share of the DACF only when the DACFS receives the MMDAs returns showing how the previous share of the funds were expended.

## MMDAs and Ministries, Departments and Agencies (MDAs)

Both the Civil Service Law of 1993 and the PNDC Law 327 (Section 32) make all existing government departments in the district also departments of the Assembly.

### Ministry of Water Resources, Works and Housing

The Ministry of Water Resources, Works and Housing in consultation with the Minister for Local Government and Rural Development issues an L.I to provide National Building Regulations to MMDAs which they must comply with in making their districts building byelaws (Article 63, Act 462)

### Controller and Accountant General

MMDAs are recipients of public funds and so their expenditure must attune to the national expenditure framework. For the purposes of promoting transparency and accountability in the way MMDAs utilise their funds - District Assemblies' Common Fund (DACF), Internally-generated Funds (IGF), and other funds from their development partners, it is mandatory that, "the accounts of a District Assembly established under this Act, [Act 462] together with all books, records, returns and other documents relevant to the accounts and annual statement of its account, shall each year be audited by the Auditor General or an auditor approved by him or her and reported on by him or her to the Minister, Parliament and the District Assembly" (Article 121(1) of Act 462). Following the above, the General Assembly of every MMDA has a responsibility to demand for the auditor's report every year.

## MMDAs and National Development Planning Commission (NDPC)

MMDAs interface with the NDPC because Act 480 of 1994, (The National Development Planning (System) Act), provides for a decentralised development planning in the country.

## MMDAs and Member(s) of Parliament (MP) or Parliament of Ghana

Members of Parliament in the district are also members of that Assembly and must attend Assembly sittings. However, MPs cannot vote in the Assembly during decision-taking.

As an Assembly member in a lawmaking body for the local area, both Members of Parliament and the Parliament of Ghana serve as guide in law-making and so an Assembly cannot pass a law to outlaw an Act of Parliament. MPs in a particular Assembly are in fact, supposed to educate their assemblies on national policies and laws as well as provide guidance to their assemblies.

One of the major roles of the Parliament of Ghana is to make laws to regulate the Ghanaian public. In article 79 (1) of Act 462, the MMDAs may also make byelaws to regulate people's behaviour in the district. This means that MMDAs and the Parliament of Ghana have certain peculiar roles. Therefore, there is some commonality between them and they must not be seen to oppose each other. MMDAs thus need to make byelaws that are not at variance with the laws of Ghana.

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## Glossary

**Adjournment:** A meeting postponed to a later date yet to be determined.

**Act:** A Bill passed by Parliament and assented to by the President.

**Casting Vote:** A vote given to the Presiding Member of the Assembly to resolve a deadlock at a meeting to make a binding decision.

**Committee:** A small type of deliberative body established by the Assembly for specific purposes.

**Meeting:** The series of sittings of the Assembly which could be ordinary, specially requested or for emergency purposes.

**Motion:** A formal proposal by a member of a deliberative body requesting that the Assembly take certain decisions and actions.

**Oath:** A solemn legal promise to say or write what is true or to perform an act.

**Point of Order:** A request by a member to the Chair to interrupt proceedings in accordance with the Standing Orders of the Assembly

**Quorum:** The minimum number of members of a group required to officially begin deliberations.

**Resolution:** A written motion adopted by a deliberative body in the Assembly.

**Revocation:** A recalling of a member whose conduct is deemed not appropriate.

**Standing Orders:** Guidelines prescribing procedures for the conduct of business at meetings.

**Vote of No Confidence:** A consensus of a group for the removal of a member.



Local governments in Ghana play very important roles in administration and development at the local areas. The Decentralisation Policy of Ghana devolves power, functions and responsibility as well as human and financial resources from the Central Government to the district level. It also establishes major areas of relationship between the Local Government and the Central Government. Notwithstanding the laudable idea behind the Decentralisation Policy, the various laws on Local Government are not in simple language. This book, therefore, provides information that is handy, easily accessible and user-friendly to assist Local Government functionaries and practitioners to understand their roles and responsibilities in order to ensure effective local administration.

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The Institute of Local Government Studies (ILGS) started in 1999 as a project of the Ministry of Local Government and Rural Development. The ILGS exists to strengthen the capacity of District Assemblies, Regional Coordinating Councils and other interested parties to deliver efficient and effective local governance in Ghana by providing excellent management education, training and development, research and consultancy, information mobilisation and dissemination services,

The Friedrich-Ebert-Stiftung (FES) is a political not-for-profit organisation with offices worldwide. It has been operating in Ghana for over 40 years now. Some of the topics FES works on are: political participation, economic development & social justice, security policy, gender and youth.

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