

**GOVERNANCE AT THE GRASS ROOT:  
COUNCILLORS AND CLERKS IN A PRESIDENTIAL SYSTEM**

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**Abstract**

*Local government is an instrument that facilitates well-functioning of the federalism, where the governmental political power is usually shared among the three components of government which are central, regional and local governments. It has been defined by various institutions and group. Local government existence is at the grassroots level. This implies that it is government operated at local level being a sub-section under a regional existence. The local government is expected to act as an interface between the community people and their government, the local government is expected to make recommendation to the state and federal government on various issues at the grassroots level so that citizens can be served better. However, does it serve this purpose? This is a challenge why the grassroot in Nigeria is still struggling to stay afloat in the midst of other tiers of government. This study dwelt on the duties and responsibilities of Councillors and Clerks in a Presidential System of Government in Nigeria. Secondary data was employed to discuss the theme of the paper.*

**Introduction**

Governance at the grassroots level is imperative to the success of any nation. Hence, the need to have good governance at the local level which is closer to people becomes very important. Local government is an instrument that facilitates proper functioning of federal arrangement, where the governmental political power is usually shared among the three components of government which are central, regional and local governments. It has been defined by various institutions and interest groups.

Local government can simply be defined as government at the grassroots level. That is, the government being established at grassroots or local level as a sub-section of state government in order to draw government closer to people. The United Nations Office for Public Administration defined local government as a political subdivision of a country (in a federal system) or state, which is established by law and has substantial control of local affairs including the power to impose taxes to exact labour for prescribed purposes (United Nation, 1961)

More so, the 1976 local government reforms define local government as government at the Local level exercised through representative council established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the institutional and financial powers to initiate and direct the provision of services and to determine and implement the activities of states and federal government in their areas (Federal Republic of Nigeria, 1976:1).

The definitions above have shown unique features of local government which are:

- i. Local government existence is at the grassroots level. This implies that it is government operated at local level being a sub-section under a regional existence.
- ii. Specific powers are reserved for it. As local government is operated among the three tiers of government under a state with federal system of government, its power is clearly specified under a residual list particularly on its relationship with regional government.
- iii. It has its independent existence and endowed with a legal status most especially on how the powers of local government have been specified under the local government reforms of 1976.
- iv. Local government must provide authority over a given population particularly at the grassroots level based on how it has been specified in the constitution of a given federal state.
- v. Local government provides means for the promotion of the welfare of members of the community since the major aim of establishing local government is to draw government nearer to the citizens, where the needs of the people at local level can be maximally met.
- vi. Local government exists within a defined territory. As both regional and local governments are existing under authority of a state, it means it exists within the context of a given state boundary.
- vii. Local government is seen as a separate tier of government as it had been specified under the 1976 local government reforms that, local government should be made a third-tier of government alter central and regional governments.
- viii. Local government can impose taxes on individuals, businesses and property as part of the ways of generating her revenue and, it incurs expenses on the provision of the welfare needs of the citizens.

### Reasons for the Creation of Local Governments

There are several reasons which necessitated the creation of Local government. Among these reasons are:

- i. **Bringing government nearer to the people:** The creation of local government has brought governance to the doorsteps of citizens at the grassroots level since the welfare needs of the citizens are better understood and provided through the existence of the local government.
- ii. **Mobilization of resources:** The local government acts as an agent of development by coordinating human and material resources for various objectives of government. They muster the resources available to them to meeting the needs of the people and developing goals of the country.
- iii. **Decentralization of governance:** The creation of Local government has helped in simplifying governance since government is established at grassroots level instead of the whole orders and control to be resided on the central government alone, where citizens' welfare needs may not be well understood. Local government can translate the general goals of the country into specific goals of a community so as to serve citizens better.
- iv. **Administrative conveniences to serve citizens:** Most central and regional governments do not have general scope of its areas, as most policies rarely affect citizens at the grassroots level. Therefore, the creation of local government has helped in streamlining government activities to the grassroots level; hence the country is well administered.
- v. **Even development:** Every community has its peculiar challenges; hence, needs are different so also solutions. Therefore, human and material resources can be used to the greater advantage of a locality and this generally ensures and engenders rapid and even development of the country.
- vi. **Provision of essential services:** As agents of development, local governments are to use the funds made available to them by Federal, State and internally generated funds to improve the lives of the people within their area of operations by provision of meaningful essential and infrastructural services and facilities.
- vii. **To preserve common interest of the people:** Local government creation is intended to bring together people of the same heritage so as to further their interest as a political unit and participate in government activities.
- viii. **Complementing Federal and State government:** With the closeness of local governments to the people, they are expected to complement the various efforts of Federal and State government by effective services which will meet the aspiration of the people.
- ix. **Training of future politicians:** The local government is to serve as training ground for budding politicians. It helps in teaching the intricacies of governance and public management which eventually leads to higher level in the future.

### Functions of Local Government

The role of local government involves providing government at the grassroots level. The functions of local government are follows:

- i. **Recommendations:** Being the closest to the people, the Local government act as an interface between the community people and their government, the local government is expected to make recommendation to the state and federal government on various issues at the grassroots level so that citizens can be served better.
- ii. **Making bye-laws:** Law is an integral element to maintain peace and order in a country. Also, the legislative arm of the local government enacts bye laws for the people in their jurisdiction to maintain law and order.
- iii. **Collection of rates and levy:** The local government is constitutionally empowered to collect taxes, impose levy and rates on citizens of the community. It can collect flat (poll) tax rate from members of its community. It can equally assess privately owned property tenements for the purpose of levying such rate as may be prescribed by the House of Assembly of a State as all these can serve as parts of the revenue.
- iv. **Licensing:** The local governments according to the Nigerian constitution can license vehicles such as trucks, canoes, wheelbarrow, carts, bicycles and charge fees accordingly.
- v. **Births, deaths and marriage registrations:** It is also the responsibility of local government by law to register births, deaths and marriages which occurred in the local government area and present necessary certificates to that effect.
- vi. **Provision and maintenance of infrastructural facilities:** The local government complements the efforts of the state and federal governments by constructing and maintaining roads, streets, drains, open parks, public highways etc, for the economic development of the area.
- vii. **Provision of utilities:** The local government is equally responsible to providing and maintaining

- public transportation, refuse bins, public toilet, and sewage disposal system for the locality they govern.
- viii. Provision of primary health care services: Local government is charged with the duty of enhancing the well-being of its citizens. The provision of primary health centres, maternity homes and dispensaries helped in the promotion of the well-being of people in the locality. More so, they perform sanitary inspection services to houses and buildings in the locality.
  - ix. Control of out-door advertising: Local government has the responsibility to regulate outdoor advertising and monitor the movement of pots of all descriptions; shops, kiosks, restaurants and other places for sale of food to the public.
  - x. Naming of streets and roads: The easy monitoring of a locality depends greatly on name and number identification. This responsibility falls on the local government because it is the closest to the grassroots.
  - xi. Provision of educational services: Local government provides primary education services to the community. They also provide educational support services like award of scholarships and bursaries to outstanding students of the community.

### Types of Local Government

The organizational structure of local government differs from country to country but for the sake of better understanding, three types shall be examined. These are:

- i. **The French System:** The French type of local government is similar to what obtains in the United States of America. In the French system, the local government is an offshoot of the Federal government as all of its activities or operations are supervised by the ministry of interior. Therefore, local government staff is a federal civil servant.  
Local governments in France are called "communes" whether urban or rural. Except for the country's capital Paris, all local governments are similar in structure with each having an elected mayor and council. The communes meet on a regular basis to adopt annual budgets. However, other matters bordering on education and finance etc. are primarily controlled by the interior minister.
- ii. **The English System:** The British system of local government representative type of government which has been adopted by many colonies including Nigeria. The English local government system is an autonomous body marked with less central government interference greater local budgetary authority.  
A special feature of (the British system is its use of extensive committee system to supervise the administration of public services. The personnel of local government in the British System are employed directly by the local government or by the local government service commission. A classic example of the English System of Local government is the local government system practiced in Nigeria between 1950 and 1956
- iii. **The Nigerian System:** Also referred to as the traditional system described as local government or institution that is indigenous to Nigeria. The Nigerian or traditional system refers to the various traditional authorities which had been before the advent of the British. The traditional institutions include all the local authorities, the Emir in Northern Nigeria, the Oba and chiefs in Yoruba land, The Council of Elders in Eastern Nigeria. However, the influence of these traditional institutions has been reduced except for the advisory roles they play. The history of local government dates back to the colonial days. An attempt to establish British rule necessitated the adoption of indirect rule system of government. This requires that administration would be carried out through the traditional institutions.

### Local Government Administration in Nigeria

Prior to 1976, Nigeria operated multiple local government councils based on the British, French and American models. The North experimented with a system of local government known as the Native Authorities which consisted of a chief with courtiers called either "Chief and Council" or "Chief-in-Council". This system was also known as the Lugardian Native Authority System. The Native Authority System preserved and restored the authority of the traditional rulers which made it easy to maintain law and order. The sizes of native authorities in the Northern Nigeria were large and that made them difficult to be administered from a particular centre.

The multiple nature of local government councils were more manifest in Southern Nigeria. There were as many as five different kinds of Local Government Councils in each of the Southern Regions of Nigeria and included; Local Councils, All Purpose District Councils, Divisional Councils and City Councils. These local government councils were not subordinate to each other and the instrument that created them specified

their functions and powers and the areas of their jurisdiction. The structure of these Southern Nigeria local government councils fashioned in a way that the territory of Lagos had one-tier system; Eastern Region had two-tier system while Western and Mid-Western Regions had three-tier system.

#### **1976 Local Government Reforms in Nigeria**

As a result of the shortcomings of the local government system in place, the Federal military Government in 1976 under the administration of Murtala/Obasanjo embarked on extensive nationwide reforms of the Local government system to facilitate well discharged of her responsibilities. These reforms among other things were:

- i. The introduction of uniform system of local government throughout Nigeria with respect to structure, function and condition of service,
- ii. Population criteria for the creation of local government was specified where population range for the granting of local government to an area was made to be between 100,00 and 800,000.
- iii. There should be a complete democratization of local government membership. All members of the local government are democratically elected members.
- iv. All past debts of local governments were ordered to be written off so that they will be able to take off effectively in their functions.
- v. The chairman and supervisory councilors were made full time employees of local governments as this will afford them an opportunity to discharge their full expected responsibilities.
- vi. All state governments were mandated to set up Local Government Service Board which was actually aimed at improving the quality of personnel of local governments in recruiting, posting, promoting and inculcating discipline on the senior staff of local government.
- vii. Traditional rulers had no significant executive role to play in the local government throughout the federation to avoid unnecessary Interference on the affairs of local government.
- viii. The Local government was made a semi-autonomous government tier not influenced by Federal or State governments, thereby, makes local government stronger and powerful than before.
- ix. Both federal and state governments were mandated to give matching grants and loans to the newly established local governments so as to be able to discharge their responsibilities.

The reforms led to the creation of 307 local government councils in the country so as to meet the demands of the citizens at grassroots level.

#### **Babangida Local Government Reforms (1998)**

The Babangida reforms of the local government did not differ in substance from the 1976 reforms of the local government.

The highlights of the reforms as contained in the 1989 constitution amendment and the handbook on local government (1992) are as follows:

- i. Additional creation of local government increasing its number from 307 to 589.
- ii. The statutory allocation of local government was increased from 10% to 15%
- iii. The local government ordinance was incorporated into the constitution.
- iv. The minimum entry requirement for local government staff was set.
- v. The system of local government which involve checks and balances was introduced.

#### **Structure of Local Government under the 1999 Constitution**

The local government structure as prescribed by the 1999 constitution is fundamentally presidential in nature as it incorporates the executive and the legislative arms of government.

##### **The Executive Arm**

It is made up of the Chairman, Vice Chairman, Supervisors and Secretary of the council. The Chairman, being the chief executive of the council. The appointment of the Secretary is the responsibility of the Chairman.

##### **The Legislative Arm in the Local Government**

The Legislative arm of the Local government council consists of councilors and council leaders. They perform various legislative functions and act as check on the executive arm. The functions of the council among other things include the following:

- I. Vetting and monitoring the implementation of programmes in the annual budget of the local government council.
- ii. Debating, amending and approving the annual budget of the council.
- iii. Advise and co-operate with the executive arm of the council.
- iv. Performs other functions as may be necessary in the interest of the Local areas.

### **Functions of a Local Government Councillor**

- i. One of the functions of a local government councillor is that he acts as the elected representative of a given section and a group of people.
- ii. As the representative of the people, a councillor acts as the link between the people he is representing and the government.
- iii. A local government councillor takes part in the implementation of government policies.
- iv. The councillor is involved in the enactment of bye-laws.
- v. The councillor ensures that the people he is representing obey the local government bye-laws.
- vi. A councillor helps a local government to perform its functions by serving as a member of the council's committee.
- vii. He is involved in the mobilization of the people he is representing for community development.
- viii. The councillor takes active part in the generation of local government revenue.
- ix. The councillor takes part in the preparation of local government budget.

### **Essential Qualifications for Election as a Councillor**

For a person to qualify and contest an election to be elected as a councillor, the person must fulfill the following conditions:

- i. **Age:** Attainment of specified age is a criterion for qualification for election as a councillor.
- ii. **Residence:** The intending councillor must have lived in the area he sends to represent for a period of at least 12 calendar months prior to the election.
- iii. **Citizenship:** Only citizens are allowed to contest election for councillorship.
- iv. **Evidence of Payment of Tax:** Provision of tax clearance receipts is another criteria for election as a councillor.
- v. **Sanity:** Only sane qualified citizens of a country are allowed to contest elections as councillors.
- vi. **Lack of Criminal Records:** Those who have not been found guilty of any criminal offence or not sentenced to any form of imprisonment can contest elections as councillors.
- vii. **Registration:** For one to contest election as a councillor, the person must register during registration exercise.
- viii. **Not Banned:** Those banned from political activities like corrupt politicians in Nigeria are not qualified to contest elections as councillors.

### **Legislative Roles and Duties of a Clerk**

A Clerk of the Legislative Council is a career administrative officer with expert knowledge on legislative practice and procedure. He/She is a chief administrative and accounting officer of the legislative council. The clerk is not elected but appointed by the Governor.

Section 16 (1) and (2) of Kaduna State Local Government Reform Law, 2018 provides that:

- There shall be a Clerk for the Legislative Council of a Local Government Area, who shall be appointed by the Governor and;
- The Clerk of the Legislative Council shall have such other staff to assist him, who shall be appointed by the Local Government Service Board.

Section 11 of the Standing Orders of Kaduna State Legislative Council 2018, the Clerk of a legislative Council performs such other administrative, financial, welfare security and logistics functions. Some of these functions are identified as follows;

- Swears in the Speaker at the commencement of life span of a Legislative Council.
- Administration of oaths to new councillors during inauguration of the council.
- Principal Adviser to the speaker, other principal officers and councillors of the Legislative Council on application of rules of practice and procedure.
- Prepare agenda, takes minutes and keeps daily records of the proceedings of the legislative council.
- Deploy administrative staff to standing committees and ensure their effective supervision
- Appoints clerks/secretaries of all the standing committees and ensures compilation of production of reports and all speeches made in the legislative council.
- Makes representations on behalf of the staff before the elected councillors of the legislative council.
- Coordinates the activities of the legislative council with other Supervising Councillors and their respective departments.
- Coordinates disciplinary matters and welfare packages in the legislative council
- Prepares the Notice Paper, Order Paper, voting and proceedings.

- Processes and certifies the passage of bills through relevant officers and departments.
- Organises and keeps an order book showing all business appointments for future use and any notice of questions or motions.
- Takes custody of rules, records, bills and other documents before the legislative council.
- Signs addresses, votes of thanks, correspondences and orders of the legislative council.
- Endorses bills sent to the legislative council and assist in preparation of annual budget estimate of the legislative council in consultation with other relevant stakeholders.
- Reading of bills and signify the completion of each stage.
- Issuance of letters of summons for those due to appear before the legislative council.
- Ensures adequate security of the legislative council.
- Ensures adequate security and custody of the mace by the sergeant-At-Arms of the legislative council.
- Ensures enforcement of the rules relating to the privileges of the legislative council.
- Empowered by law to summon any person who is seen to have contradicted the proceedings of the legislative council to answer for his or her misconduct and to impose penalty as may be prescribed by the standing orders of the legislative council.

#### **Obstacles to Local Government Councils in Nigeria Today**

- i. **Financial Problem:** Inadequate funds are one of the major problems facing local government authorities. Grants from both the federal and state governments tend to be inadequate vis-a-vis the numerous functions they are meant to perform. The most unfortunate aspect of this problem is that many of these councils are not in the position to generate enough revenue internally.
- ii. **Shortage of Trained Personnel:** Shortage of trained administrative, technical and professional personnel render local governments ineffective and inefficient in the performance of their constitutional functions,
- iii. **Partisan Politics:** Involvement in local politics by council officials is a big problem that confronts local governments. These council officials instead of performing their duties involve in partisan politics which usually polarize thereby lead to antagonism. These political council officials engage in political wrangling at the expense of their constitutional council duties.
- iv. **Political Interference:** Frequent and unnecessary political interference from state governments is one of the constant problems plaguing local government authorities. As a result of this problem, square pegs are usually put in round holes in appointments which are mainly based on political party patronage
- v. **Lack of infrastructure:** Local governments lack the necessary infrastructure that facilitate their functions like housing for their workers, electricity, pipe borne, water and good roads.
- vi. **Lack of experience among Councillors:** Illiterate and inexperienced councillors dominate the local government authorities. The educational quality of these councillors and even some of their chairmen usually affect the effective performance of the local government authorities.
- vii. **Embezzlement:** The financial problems of local governments are exacerbated by high rate of embezzlement and misappropriation of funds. The corrupt officials of these councils divert money meant for some projects to their personal purse.
- viii. **Bribery and Corruption:** Rampant cases of bribery and corruption among the officials of local government authorities hamper the effective performance of these councils. There are cases of misuse of power, wrong award of contracts and their execution, etc all caused by bribery and corruption.
- ix. **Constant interference by Traditional Rulers:** Constant interference by traditional rulers as a result of their unclearly defined roles results in clash of interest between them and local government officials thereby hampering the smooth performance of the functions by these councils.
- x. **The Size of Local Government Councils:** Some of the local government areas are too large in size which prevents them from being relatively economically viable.
- xi. **Favouritism and Nepotism:** Appointments into sensitive posts and award of contracts in the local governments are based on favouritism and nepotism rather than merits thereby enthrone mediocrity at the expense of meritocracy.
- xii. **Lack of Political Education:** The electorate lacks political education that would have raised their consciousness and awareness to enable them mount pressure on the council officials so that they can perform their constitutional functions.
- xiii. **Poor Method of Collection of Taxes:** The local governments still use crude method instead of modern method of assessment and collection of taxes. This crude method creates loopholes for people to dodge payment of taxes and accountability by the tax collectors.

- xiv. Poor communication System: Poor communication system creates communication gap between local government authorities and the people. As a result, the people do not know the problems and the happenings in governments and therefore, do not contribute in the running of the council.

#### **Conclusion and Recommendations:**

In conclusion therefore, it is significant to understand that, the entire success of a legislative council depends upon combined complimentary roles of the members of the council and the clerk.

As a chief Legislative Support Service Provider, the Clerk has to collaborate with Councilors at the Local Government Legislative Council to meet up with the multiple roles and challenges in managing and providing administrative, welfare, knowledge management and general services. They all need to be up and doing, vigilant, experienced, committed and result oriented to succeed in driving Local Government Legislative Body to a promise land of ensuring effective law making for peace and order and good governance of local government not only Kaduna State in particular but Nigeria at large. For policy implementation purpose therefore we recommend the following;

- i. Condition of service of local government personnel should be improved and that, if enough encouragement is given, the quality of service of the councils will be enhanced.
- ii. Availability of funds: Adequate provision of funds will help local government execute some of its laudable programmes which are capable of improving the welfare of the people.
- iii. Autonomy: Excessive Federal and State government's interference impacted adversely on some of the local government council programmes.
- iv. Recruitment of quality staff: Human resources drives the development of a nation - therefore, the appointment of qualified personnel will help to improve the service delivery of the local government.
- v. The salary and other remunerations of the Clerks as well as Councillors should also be enhanced.

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