



Local Government Service Commission And The Local Government Authorities: Matters Arising

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ABSTRACT

The Local Government is the third tier of Government in Nigeria. The main objective of this paper is to examine the local government service commission and local governments authorities in Nigeria with regards to their operations in the present dispensation of politics. How they render social service, political emancipation or awareness and other developmental programs required of them to the rural communities. Unfortunately the local government administration in Nigeria is bedevilled with inefficiency such as, politics of nepotism and favouritism. The study concludes that Local Governments should be totally overhauled and allowed independence and autonomy by the State Government. Local governments service should be allowed to carry out their statutory function. Also the issue of accountability, transparency, good governance and mostly importantly the electoral process, that is free and fair should be consolidated for this level of government to make any positive impact because it is nearest government to the people.

Introduction

The local government service commission is one of the State institutions/commission charged to man the affairs of the local government with regards to management of their personnel and other administrative guidelines. According to Nworji L.O. and Nworji I.D. (2004) in every organization there is always a personnel department charged with the functions of taking care of appointments of personnel (employee) promotions, uniform guideline for operation, etc in order to enable the organization achieve its stated objectives. In local government, the local government service commission carries the same function as personnel department. An organization without personnel department is like a car moving on the road without a driver” that is, without proper direction, supervision, control, etc.

The local government is a third tier of the government, which operates at the rudimentary level. It is government at the grassroots level; the 3rd tier of government. In a federation like Nigeria we have three levels – federation, state and local government.

According to Ugoo E. Abba (2007) “It works at the grassroots level, close to the people impacting on their everyday lives”. No other government enjoys close productivity to the people as this. It is the oldest form of government as old as communities itself.

Local government is defined by the United Nations officer for Public Administrations as:

“A political sub-division of a nation (or in a federal system of state) which is constituted by law, including the powers to impose

taxes or to exact labour for prescribed purpose, of which the governing body of such an entity is elected or otherwise is locally selected”.

It is an organ of the state put in place to place or district with a view to impact governance be it political or military being felt at the grassroots, necessary for rural transformation. Local government being a level of government have institutions in it, they are local government service commission, Pension’s Fund Board, Audit Department, Bureau for Audit. From the foregoing local government being an arm or level of government was created by law to carryout for the federal and state government certain statutory functions to enable people at grassroots level enjoy the dividends of good governance be it military or political (democracy). The local government service commission has the sole mandate of employment selection, placement, promotion, monitoring and guideline etc, for these employees to perform these functions in the various local government in the states.

Further these function and other operations of the local government according to the 1999 constitution section 162 are being interfered with by the political class. This paper attempts to have a view of the local government service commission functions and its work abilities in the local government in Nigeria vis-à-vis the antecedents of the recent democracy and other challenges, hence the matters arising.

Statement of problems

With the recent developments in the political system in Nigeria, the manner and conduct of elections,

appointments, selection and promotion of the officers, management of fund, etc., in the local government system in Nigeria many Nigerians are thrown into the thrill of questioning the essence of existence of the local government service commission and other institution whether the commission still serves the purpose for which it was established. The powers and responsibilities of the local service commission have been diluted by the events of the polity. The career-political office relationship in Nigeria is a thing of concern.

According to Udentia, (2007):

“As each and all strive to demonstrate power, to demonstrate status and significances, there is a supra of conflict within the entire system. All manner of hurdles, traps and siege are laid over the place. There is mistrust, closing-up and hardening of positions and perspectives. All this take the place of partnership and mutual respect which ordinarily should have been. Alliances lackeys and enemies (real and perceived emerge and/or appear at every turn, so much so that simple and purely administrative demands for direction by career officers could be misinterpreted to mean enemy action or attempts at whatever can be said interpreted as lackey hood. All this give rise to very intense system distress. Under conditions of system distress, the questions of service-delivery, grassroots relevance and progress stand forgotten as the motto within the circumstance is survival!

Bearing this in mind, one questions the relationship between the local government service commission and local government authorities within this distressed system as we are witnessing today. This is a thing of concern. What are the possible consequences on service delivery, social and

economic development on the rural communities or on the people.

Objectives of the Study

The main objective of this paper is to examine the local government service commission and local governments authorities in Nigeria with regards to their operations in this present dispensation of politics in Nigeria. How the co-exists, work together as the status establishing demands to render social service, political emancipation or awareness and other developmental programs required of them to the rural communities.

To find out if there are matters arising as a result of the political changes in their institutional workings how career local government employee and political appointees relates to work together to achieve the purpose of establishing local governments, hence what are the out comes.

To find out if power devolve to local government as an example of decentralization of power and responsibility in government is practiced. To find out the functions of local government service commission and it's impact towards achieving rural development or other objectives.

Significances of the Study

This seminar paper on local government service commission and local government: matters arising will educate researchers on the mandates and framework of the institution and level of government. It will also enlighten us on implications of the distress system existing in Nigeria.

Also government (stakeholders) and the government (citizens) will also learn from this paper.

Theoretical Reviews

Theoretical review is an important aspect of research. According to Onodugo, et al (2010), it helps locate one's work among other works of similar intentions and magnitude and also enhances the researcher's credibility and integrity. It deals especially with a review of opinion and views of different authors on the topic concerned.

Concept of Local Government

Olisa et al (1990) in Abada I.M. (2007) in a journal of International Politics and Development studies defines local government as "a unit of government below the central, regional or state level established by law to exercise political authority, through a representative council within a defined area". This may be accepted on the basis that the emphasis on government below the other two tier governments justified a kind of unequal relationship that pervades such trio; the local government being established by law to take control of the local affairs within its area of control. Therefore, local government performs some of these activities on behalf of the creating agency or body.

Wraith R. (1984) defines Local Government as "the act of decentralizing power, which may take the term of deconcentration or devolution. Deconcentration involves delegation of authority to field units of the same department and devolution on the other hand refers to a transfer of authority to local government units or special bodies such as school bodies.

Looking at the above definition or explanation, it depicts a kind of unequal relationships where-by local government becomes the lowest authority and becomes a channel through which developments, control and authority gets to the local people or grassroots.

Further, according to Nworji, Local government is an organ of the state put in place to peddle the development activities of a particular place or district, with a view to making the impact of governance be it political or military being felt at the grassroots level. It is an important level of government necessary for rural transformation. It is a viable instrument for delivery of society services to greater percentage of the rural masses of any country.

This is achieved through the decentralization of the political powers and authorities of a state in a federal system of government like Nigeria. Put differently, local government is a political enclave carved out from a larger political community granted political autonomy in line with the existing constitutional provision/law. It allows them the right to exercise some powers and have authorities over certain issues concerning the affairs of the rural communities. The above definition gives insight on the degree of autonomy in line with the existing constitutional provision/law that allows it the right to exercise some powers and have authorities over certain issues concerning the affairs of the rural communities. The above definition gives insight on the degree of autonomy given to the local government which the service commission is to give them personnel to manage it.

Function of Local Government

In a public Administration Journal, Eze F.O. (2008) stated clearly, the fought schedule of the 1999 constitution of the Federal Republic of Nigeria which was repeated in part VIII, section 48 to 52 of the Enugu State Local Government Area Law 1999 as this:

The main functions of a local government council are:

- a. The consideration and the making of recommendation to the State Economic Planning Committee or any similar body on:
 - i. The economic development of the state particularly in so far as the areas of authority of the state are affected; and
 - ii. Proposal made by the said commission or body
- b. Collection of rates and insurance of radio and television license.
- c. Establishment and maintenance of cemeteries; burial grounds and homes for the destitute or infirm.
- d. Licensing of bicycles, trucks land other non-mechanical propelled trucks, wheel barrows and carts
- e. Establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences.
- f. Construction and maintenance of roads, streets, street lightening, drain and other public highways, parks, garden, open spaces or such public facilities as may be prescribed

from time to time by the House of Assembly of a state.

- g. Naming of roads and streets and numbering of houses.
- h. Provision and maintenance of public conviniences, sewage and refuse disposal.
- i. Registration of all births, deaths and marriages.
- j. Assessment of private owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a state.
- k. Control and regulation of:
 - i. Outdoor advertising and hoarding
 - ii. Movement and keeping of pets of all description
 - iii. Shops and kiosks.
 - iv. Restaurants, bakeries and other places for sale of goods to the public
 - v. Laundries
 - vi. Licensing, regulation and control of the sale of liquor. Additionally, there are other functions on the concurrent list over which both the state and local governments can legislate upon.

These include:

- a. The provision and maintenance of primary, adult and vocational education.
- b. The development of agricultural and natural resources, other than the exploitation of minerals.

- c. The provisions and maintenance of health services.
- d. Such other functions as may be conferred on a local government council by the House of Assembly of the state.
- q. Regulations and control of buildings
- r. Town and country planning
- s. Operation of commercial undertakings
- t. Control of traffic and parking
- u. Pipe sewage system.

Section 52 of the Enugu State Local Government Law (1999:32) further empower local governments in the state to make bye-laws on the following:-

- a. “Health Centres, maternity centres, dispensaries and health clinics, ambulance services, leprosy clinics and preventive health services:
- b. Meat inspection and abattoirs
- c. Nursery, primary and adult education
- d. Information and public enlightenment
- e. Provision of scholarships and bursaries
- f. Provision of public libraries and reading rooms
- g. Agriculture and animal health extension services and veterinary clinics.
- h. Rural and semi-urban water supply.
- i. Fire services
- j. Provision of roads (other than trunk roads), their lighting and drainage.
- k. Support for arts and culture
- l. Control of pollution
- m. Control of beggars or pollution and repatriation of destitute.
- n. Provision of homes for destitute, the infirm and orphans
- o. Provision of public utilities including roads and water transport
- p. Public housing programmes

Local Government Service Commission

The service commission is a body of official responsible for advising the local government on matters of policy and for implementing the decision reached by the government. The term “civil service” is used to describe the body of permanent officials whose duty is to assist the political executive in formulating governmental policies and implementing them. In the local government there are staff employed in civil capacity to serve the local government.

Following the series of reforms in the local government service commission was created to retain the high level of staff which will sustain the management capacity of each local government.

The Composition of Local Government Service Commission

The Law No. 15 of 2000 section 64 (2) says the local government service commission shall comprise:

- a. The chairman and three members, who shall be appointed by the governor subject to the approval of the state house of assemble.
- b. The secretary not below the rank of permanent secretary who shall be appointed by the governor.

The chairman and other members of the commission shall have a tenure of four (4) years without reappointment. The members can only be removed by the governor only by a support of simple majority of the House of Assembly on grounds of inefficiencies, ill health or misconduct.

Functions of Local Government Service Commission

According to Okoli F.C. (1988) the local government service commission shall perform the following functions:

1. Appointment, promotion and discipline of local government employees on grade level 07 and above. Recently Grade level 04 is considered to be officers cadre are included under their management.
In doing so, the principle of geographical spread and socio-economic diversity of the state shall be taken into full account.
The guidelines for promotion shall be taken into full account. The guidelines for promotion shall be based on the generally accepted principle of experience, performance on the job, length of service, good conduct, relevant qualification, training, performance at interview and relevant examination where appropriate.
2. Set upon a general uniform guidelines for appointment posting, promotion and discipline.
3. Monitor the activities of each local government on appointment, discipline and promotion of local government employee on

grade level 01 – 06 to ensure that the guidelines are strictly and uniform applied

4. Serve as a appellate body for all petitions from local government in respect of appointment, promotions and discipline, the decision of the local government service commission shall be binding on all local governments on appeal matters lodged with it provided aggrieved officers have the right to appeal.
5. Maintenance comprehensive and up-to-date seniority lists and nominal rolls for the local government service as a whole.

With these numerous functions and other responsibilities of the local government service commission and the local government one may be forced to ask how effectively these functions could be realized under the intricacies and dynamics of our todays Nigerian local government.

Every government institutions (agencies, boards, commission, ministries) are to possess the major characteristics which they are known impartially in discharge of function; both in management, appointment, promotion, remuneration etc.

Under the recent career-political relationship in the local government how will these two arms function effectively for service delivery to the rural areas and how autonomous is the autonomy on finance, politics and administration real.

Matters Arising

In the 60s and 70s the local government service commission and the local government performing

their statutory functions as stipulated by the constitutions without much conflict in their role. Recently the music has changed the local and government is no more grassroots not kin for good leadership for a sustainable community development to better the lives of the local people. According to Udentia (2007), it is a distressed system” the work and work environment in bastardized with party politics of diverse interest.

It is absolutely absurd and becoming more detrimental to nation building in Nigeria. Instead of local government offering their constitutional responsibility to the poor (rural) masses it has become a conduit pipes for pilfering the nation’s treasury. It is tool and avenues through which the state government and big-party-wigs/politicians can misappropriate, mismanage and abuse their public offices to the detriment of the grassroots, all in the name of party-politics-of interest.

No administration and management by LGSC and LGC but the administration being hijacked by Kleptomaniac money bags and political juggernauts who are more like desperados that hustle and seek to seize political powers in the name of popular mandate but are after their own wealth.

Now with this new trend, which unfortunately is a national problem, has created a culture of local government council with leaders who run and control the purse of local councils as if it were their personal wealth and possession to favour their relatives and friends.

Now with these class of people in the corridors of power, authority and management of LGSC and local

government council (LGC) how will they achieve the objectives for which they are appointed. They are all selected under masked face of election poll. They are to pay loyalties to their political father. According to Gbemre Z.E. (2012), the fact is that local government council chairmen and their councilors have become more like appointees, that are strategically placed by state governors and political god-fathers under fraudulent elections, and as far as the local government chairman is brought to power through electoral malpractices no amount of autonomy that will be given to that level of government that will make them functional as expected.

Financial Autonomy And Administrative Autonomy
“Recently a bill was sponsored by Senator Akpan Pius Weherido of Delta Central Senatorial District that is seeking to effect critical amendment in the existing constitution to grant more autonomy to the Local Government Councils in Nigeria....”.

The 1976 Local Government Reforms brought unification, and financial autonomy to the local government in Nigeria. But from the winds concerning of what is happening in the today’s local government the constitutional reforms and autonomy are mere jungles. The political class no matter how Nigeria like senator Akpor, sings the song of autonomy will not allow them to succeed because of their personal interest, for instance, while the Bill was still being contested in the public domain, the nation’s governors under the aegis of the Nigerian Governors’ forum (NGF) moved to oppose any plan to review the country’s constitution in away that it will allow for more autonomy for local government council, because they believe that if National

Assembly give more powers to the Local government, it will mean financial independence for the L.G.

This situation will deprive them of opportunity of determining what comes to the local council coffee. Therefore, the 1999 constitution section 162 (7) (8) should be amended to ensure more financial autonomy to L.G. joint state and local government account should be abolished.

Administratively, the L.G.S.C. is to supplied and maintain the human capital (personnel) to the local government, they are to monitor and control their activities but since the service commission is being made up of civil career oriented servants they may not be able to control the political stall warts who are representatives of the governor other stakeholders in the state, hence the appointment and promotion process distorted by politicians.

Therefore, these affects both the employment process monitoring and control functions of the LGSC and affect other development processes. Appoints are made without the consent of the service commission and career civil servants have no option than to accept it the result is that pegs are put into square holes to the LGSC chairmen and secretaries are not answerable. Hence there is no how the services commission and local government that is politicized, basterdized partisan politics could work cordially thereby defeat the aim of establishing local government council.

Summary

This conference paper was to examine local government service commission as an institution

charged with management/personnel function of local government council or capacity building vis-à-vis the local government as a thirds tier of government, the closest government to the people at grassroots level charged to satisfied social and economic needs of the people as other developmental programme.

To do this, introduction, statement of problem, objectives, significances and literature review were made to enable us understand the concept and other peoples view on the issue and in particular the matters arising from other scholars view. The importance of the local government as a tool towards economic and social development of the country as well as the community development could be not overemphasized. Likewise the functions of LGSC towards capacity building and maintenance of the ingredients and dignity of LG could not be neglected, if otherwise the institutions will be left – the hands of greedy, money bag politicians, that has already eroded the LGSC and LG its meaning of existence.

Conclusion

It was observed that there are numerous functions of the LGSC and LG statutorily given to them to enhance government activities at the grassroots level.

Also that partisan politicians politics has basterdized the meaning of democracy, and equally eroded the LGSC and LG of their powers and responsibilities to the rural/community development.

Finally that autonomy of LG on finance and other administrative process has been watered down by selfish, greed and by-party-wigs politicians and thereby living the generality of the populace squalor

and perpetual want. Hence it will be necessary of abolish local government state joint account

Recommendation

From the findings made during the desk work/literature review it will not be overemphasized to suggest that, the root cause of inefficiencies and ineffective party politics at state levels, politics of nepotism and favouritism that has rubbished the true function LGSC and the LG should be addressed by the government holistically..

Local government service should be allowed to carry out their statutory function. Also the issue of accountability, transparency, good governance and mostly importantly the electoral process, that is free and fair should be consolidated for this level of government to make any positive impact because it is government by the people.

Further exclusive legislature list Part 1 item 22 which excludes the conduct of local government election from the control of federal government and by extension of INEC should be amended. Therefore I suggest a full presidential system of government at the local level were their elections will be conducted by INEC as they do for House of Assembly or National House.

More so, to ensure the independence of the local government system, section 162 (7) (8) of 1999 constitution should be amended to grant full financial autonomy to the LGC. Because, the present situation of joint state and local government account is very attractive to state governors, who in order to retain the huge resources meant for all local government

councils in their local government refused to organize elections or run the local government though, care take committee.

Reliable democracy at this level should be encouraged, therefore, governors who refuses to do elections are the greatest enemies of democracy. The local government should serve as a training ground for building good politicians and administrators.

Finally the judiciary should be independent enough to adjudicate and appropriate the rule of law at all levels of government without fear or favour. The contract award committee should follow the guideline stipulated by the financial memorandum to ensure due process is taken and minimize embezzlement. This means that task force on monitoring and evaluation should be established in local government to ensure adequate utilization of resources. Chairmen should not be given free hand on contract award and other programme.

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