

Briefly the N.A.S. is the chief executive officer of the District Council responsible for co ordinating the affairs of both Chiefdoms and all Sub Chiefdoms. As the executive officer he has two main functions:-

1. Routine To carry out all routine business of local government. By "routine" is meant details of administration which are not the direct concern of the council itself and members. For example, it is the duty of the N.A.S. to have vehicles and schools repaired, staff supervised and paid, bills paid - without reference to the Council. In fact, the Council is only concerned with these matters if the N.A.S. fails to carry out his routine duties properly and they become matters for complaint. Absence of such any complaint means that the N.A.S. is running the central administration smoothly. Routine duties are covered by the Local Government Memorandum No. 3 as amended from time to time. It can be expected that certain duties which were formerly the District Commissioner's will increasingly become the responsibility of the N.A.S., and he should be prepared to assume control of the central N.A. administration.

2. To carry out (or execute) the decisions and policies of the Council

This is distinguished from pure routine because successful implementation of Council policy requires close contact with the Council and its committees, and intelligent and imaginative interpretation of its decisions. Unlike routine work considerable initiative and adaptability is needed, as the Council is not static. In short it is the job of the N.A.S. to translate the decisions of the Council into action.

As with routine, efficiency can best be attained by system and the organisation of procedure. The following are suggested:-

A. Major decisions for the year are incorporated in the annual estimates. If there is to be any departure from the estimates it must be at the request of the Council only by way of "approved supplementary estimates". Any unauthorised expenditure is a reflection on the N.A.S. Within the terms of the estimates the N.A.S. should:-

i. Personally authorise the issue of all L.P.O's and all payments. All expenditure should be authorised by him - and not for example by the Treasurer or Councillors.

ii. Advise the Council of any administrative or practical difficulties in implementing the Estimates: e.g. shortage of labour, materials etc.

The Treasurer should make a monthly financial report to the Council.

He should not:-

i. Authorise any expenditure which is not covered by the approved estimates or supplementary estimates.

ii. Authorise any expenditure "agreed" by the Council without the permission of the Provincial Commissioner or whoever may be appointed to approve estimates, i.e. we should be careful when a council decision is subject to approval by the P.C. or Minister.

All payments from the Local Treasury should be authorised by the Secretary.

B. Other decisions involving expenditure are made during the year, and this necessitates supplementary expenditure. To have this approved is not simply a case of asking for it; the money must be there and it may be available in 3 ways:-

i. If the approved Estimates show an excess surplus balance over and above the minimum.

ii. If current revenue exceeds the amount shown in the approved estimates.

iii. By deleting certain items of expenditure and inserting new ones in their place.

When expenditure over and above the Approved Estimates is desired by the Council, the Treasurer should report on i. and ii. above, and suggest savings under iii. if need be. Similarly, if there is no money the Treasurer should make this clear to the Council. The Secretary should be present at all meetings attended by the Treasurer so that he is kept informed and misunderstanding avoided. Supplementary expenditure should not be incurred without approval, or the officer permitting it will be liable to surcharge.

C. All decisions of the council do not involve finance, but sometimes purely administrative matters - although there may be financial implications: Examples are control of staff, carrying out of economies decided by the council, procedure in council, administrative relations with other councils, collection of local rate, etc. Once the council has made a decision involving administration it is up to the N.A.S. to translate this into immediate action and ensure that the decision is carried out and not merely recorded in the minutes. If any difficulties or problems are encountered he should inform the Council/Committee.

D. The Secretary has a certain personal relation with the Council. He not only executes its decisions, but he advises it and also regulates its business.

i. Preparation of Agenda. This may be either for full Council or committees. Items for inclusion in the agenda may come from any of the following:-

(a) Divisional Councils. The N.A.S. receives copies of minutes of all Div. Council meetings. Those minutes which appear to him to be the concern of the whole District, or which might profitably be referred to the senior Council should be extracted and put on the Agenda of the Council or appropriate committee.

(b) Councillors.

(c) N.A.S. personally, any matter which may have been brought to his attention by the public, D.C., Government, etc.

(d) District Commissioner, either personally or on behalf of Government - when it appears to him that any matter might usefully be referred to the Council for decision or advice.

These items for inclusion, in the Agenda should be recorded and brought to the notice of the Council/Committee.

ii. Advice at Meetings. N.A.S. should advise the Council/committee of progress in implementing matters recorded in previous minutes, and if there have been any difficulties in doing so. This is most important and unless this is done many previous decisions will be overlooked and go by default.

He should also advise on financial and administrative matters during debate. If the Council/committee decide to do something which the N.A.S. believes to be unconstitutional or administratively impossible he should say so, and he has the right to have the objection recorded in the minutes.

The N.A.S. should give a progress report on works done and decisions implemented since the previous meeting.

iii. Action after Meetings. This has already been covered in its financial and administrative aspects. Briefly, the N.A.S. carries out the wishes of the Council in as far as they are recorded in the Estimates or Minutes of meetings.

In doing this the N.A.S. has two personal responsibilities:-

(a) To seek covering approval from higher authority when necessary (e.g. P.C.) before carrying out the Council's wishes.

(b) To pass on his instructions to junior staff. It is not the function of junior staff to interpret council decisions themselves. It is the N.A.S.'s personal responsibility, and if he has made any error in

interpretation then he is personally answerable to the council. A corollary of this is that junior staff must carry out instructions given by the N.A.S: if the instruction is mistaken then it is the N.A.S's responsibility.

- E. Staff. The N.A.S. is responsible for the smooth running of the executive side of the N.A. This depends to a large extent on his management and control of staff. On the disciplinary side the N.A.S. is entitled to expect obedience from all junior staff and the Council should support him in this. On the personal side the N.A.S. should treat staff sympathetically, fairly, firmly, and tactfully: if he can strike the right balance then staff should be hard-working, loyal and content and the N.A. machine will then operate with maximum efficiency.
- F. Finally, the N.A.S. is the key executive officer of the council. Not only does he require personal qualities of initiative, ability, scrupulous impartiality, etc., but he must also be able to get on with the Council. The above notes define his working relations with the council, but the personal relationship is equally important. Perhaps the outstanding qualities required are patience and tolerance, and the N.A.S. must appreciate that Councillors by the nature of their job, are inclined to be inquisitive and critical, and may find it difficult to draw the line between legitimate enquiry and improper interference in the executive. The N.A.S. can do much to educate the Council in this respect, and the Council for its part must recognise the importance of the N.A.S., and that making decisions is the easiest part of the job - it is carrying them out which is difficult.

Drafted by JB, UK review, 1960; there wasn't a rational model, 9 local execs & details varied.

written by Boston 1960 "to help get a new
local (district) constitution off to a good start." X

Duties of Sub-Chiefs

During 1960, Sub-Chiefs being no longer concerned with Judicial matters, there appears to have been some uncertainty what their precise duties are. Despite the change of status their functions remain numerous, and Sub-chiefs will or should continue to be fully occupied with their administrative work in the foreseeable future.

In detail the work of the Sub-Chiefs is as follows:-

1. Maintenance of Law and Order

- a. Supervising and ensuring the efficient working of the establishment of "rugaruga" under their control. This involves following in detail instructions already laid down but which appear not to be heeded at present.
- b. Constant supervision of and contact with village headman in the prevention and detection of all crime, drunkenness etc.
- c. Execution of court warrants when required by the courts, arrest of offenders etc.

2. Other duties on behalf of Central Govt.

- a. Arrest of persons on behalf of the District Court, and courts in other districts.
- b. Execution of court warrants from other districts.
- c. Personal attention to personal shauris originating in the District Office as requested by the D.C. and in other districts.
- d. Collection of Personal Tax. This duty remains at present, although the position may change in future.

3. Duties on behalf of the N.A.

- a. Attention to and investigation of any traditional matters as may be instructed by the Chief and/or the Olukare* e.g. the calling of barazas, interviewing of witnesses in recording local law etc. (* Tribal Council).

4. Duties on behalf of the District Council.

These are most numerous. In the first place the Sub-Chief is the Executive Officer of Divisional Council.

This entails ensuring that every function for which the Divisional Council is responsible is properly done, and that all resolutions of the Council are acted upon: this latter takes the form of:-

- a. Administrative action decided at local level when there is no need for reference to a higher authority.
- b. Drawing the attention of the Secretary of the District Council to any matter raised locally which is of wider concern. The sub-Treasurer will normally do this, but the Sub-Chief must see that it is done. In general the Sub-Chief is responsible for the efficient administration of his sub-chiefdom. Within this general description the following detailed duties may be mentioned:-

a. Administrative

- i. Supervision of staff. All subordinate N.A. staff working in the Sub-chiefdom are the responsibility of the Sub-Chief. It is up to him to see that they work properly, that they are punctual and well-behaved. Any sub-chiefs who does not do this is negligent. The Sub Chief must have no hesitation in warning and punishing staff for disciplinary offences, and only by doing so will a high standard of service to the public be secured. The first requisite is that the Sub-Chiefs own conduct should be above criticism.

- ii. Collection of revenue. This is the "damu" of Local Govt. and the Sub-Chief is personally responsible for the proper collection of certain revenue: local rate, collection of fines, beer licenses, arms licenses, etc. Poor collection of revenue is an indication that the Sub-Chief is not doing his job properly. Instructions for the collection of Local Rate are made to be followed.
- iii. Safe custody of cash. This is normally the function of Sub Treasurers and Tax Clerks: it is however the personal responsibility of the Sub Chief to ensure that proper precautions for safe custody are taken. Any loss or theft through negligence of subordinate staff is also evidence of negligence on the part of the Sub Chief.
- iv. Administration of funds allocated by the Central Treasury. Specific funds are allocated (a) for the purpose of being used, (b) to keep expenditure within limits. If funds are not used, or if they are overspent, the Sub Chief is not doing his job properly. Again, it is up to the Sub Treasurer to keep the books and draw the attention of the Sub Chief to overexpenditure etc. but the onus is on the Sub Chief to see that the Sub Treasurer does this properly.
- v. Associated with iv. above is general responsibility for all works allocated to the Sub-Treasury, and for supervision of all L.G. work done in the Sub-Chiefdom. Again any error committed by anyone is a reflection on the Sub-Chief.
- vi. General administrative matters. Settling all personal shauris brought by the public which are (a) purely administrative matters and (b) which do not require a decision by a more senior officer. The Sub Chief has certain powers and responsibilities: he must use them and not simply be a channel of communication.

Under this heading come:-

Investigation of appeals against tax assessment. In this connexion the Sub Chief must remember that he is responsible primarily to the N.A. and not to court popularity by being lenient: Advising the District Commissioner of suitability of applicants for various types of license; and advising him of the suitability of applicants who seek tax exemption. It is no use simply sending someone on to the boma with a vague request "afikiriwe": that is self-evident, what is required is definite information as to income, family, character, etc. to enable the D.C. or N.A.S. to reach a sensible decision. Similarly with requests for assistance with school fees, everyone cannot be helped and it is therefore up to the Sub Chiefs to ensure that those who most deserve help get it.

If the Sub Chief is required to supply certain information he must get it: it is no use simply saying "nimesikia" or "inasemekana".

- b. Council work This has already been mentioned in general terms. In addition:-
 - i. The sub chief as executive officer of Local Govt. has a duty to see that L.G. is efficiently performed. He also has a duty to "educate" the public in local govt., and to demonstrate to the public the relations between them and the N.A. This can best be done by carrying out the duties described in the public interest so that the people can see and understand what he is doing and that it is for their benefit; and also by

deliberate publicity, regular tours in his sub chiefdom, regular attendance at village council meetings. In this way, close contact with the public can be maintained and the S. Ch. can answer questions and explain what is going on. It is suggested that timetables be drawn up by which sub-chiefs will attend all gunguli council meetings once every 2 months or so.

- ii. The Sub-Chief is also still a councillor and his duties in this respect are the same as those of an elected councillor, i.e.
 - a. to explain to the public the work and policies of the council.
 - b. to collect from the public items which can profitably be brought to the attention of the various councils for discussion and decision. Nothing could be worse for the Sub Chief than to ignore this aspect of the work and leave all to the elected councillors. In fact, by virtue of his practical experience the Sub-Chief should be the most useful Councillor in the sub-chiefdom.

DB.