

**THE IMPLEMENTATION OF MUNICIPAL BY-LAWS IN THE PROVISION
OF RECREATIONAL FACILITIES IN GREATER GIYANI LOCAL
MUNICIPALITY**

BY

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DECLARATION

I, Sibanda Tiyani Julu Sydwell, (Student Number: 22021233), hereby declare that this dissertation for the Master of Public Management entitled “The implementation of Municipal by-laws in the provision of recreational facilities in Greater Giyani Local Municipality”, submitted to the Department of Public and Development Administration in the Faculty of Management, Commerce and Law at the University of Venda, has not been previously submitted for any degree at this university, or any other university and that it is my own work in design and execution, and that all sources that have been used or quoted have been duly acknowledged.



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DEDICATION

This research paper is dedicated to the memory of my beloved brother, Fumani Jackie Sibanda, whose love of sports and unyielding resolve continue to inspire me every day. His heritage of greatness and tenacity serves as an inspiration in my life and work.

It is also dedicated to my dear wife Mikateko for support and understanding. My children, Dineo, Tiyani, Hlengi, Julu and grandson Philela whose love, unwavering support and encouragement have been my greatest source of strength.

My dear parents, Jemina Zondi and Tshuku Ernest Sibanda, who instilled in me the value of education and the pursuit of knowledge. May this research be a statement to their love and sacrifice.

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ABSTRACT

This study was based on the implementation of municipal by-laws in the provision of recreational facilities in Greater Giyani Local Municipality. Municipal by-laws play a crucial role in regulating various aspects of local governance and community life. However, the success of municipal by-laws largely hinges on proper implementation and enforcement by the municipalities. The study was conducted utilizing a qualitative method to explore the complex dynamics at play. The researcher sampled relevant documents, reports, and other secondary sources related to the study to ensure a comprehensive understanding of the impact of municipal by-laws on the provision of recreational facilities. Data was collected through desktop and observations. Desktop research involves the collection and analysis of existing data, information, and resources from various sources without conducting direct interactions or experiments. Through desktop, secondary sources related to the recreational sector were employed. Thematic Analysis was used to analyse data in the study. The results of this study made clear how important by-laws are for promoting social cohesion, nation-building, and environmental protection. They guarantee that recreational areas are accessible to everyone, including those with impairments and lower-income populations. Municipalities may redress historical injustices, advance social justice, and support the region's overall socioeconomic development by making sure that these facilities are accessible and fairly distributed. The recommendations include the alignment of municipal by-laws with these frameworks to guarantee thoughtful placement, equitable distribution, and upkeep of recreational facilities. In order to determine their needs and make sure that the facilities are applicable and extensively used, it is imperative that local communities be involved in the planning process.

Keywords: By-law Implementation, Enforcement, Governance, Legal complexities, Municipal by-laws, Recreational Facilities

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LIST OF ABBREVIATIONS AND ACRONYM

AGSA	: Auditor General of South Africa
AU	: The African Union
BRICS	: Brazil, Russia, India, China and South Africa
DAC	: Department of Arts and Culture
DSAC	: Department of Sports, Arts, and Culture
GGLM	: Greater Giyani Local Municipality
IDP	: Integrated Development Plan
IYDS	: Integrated Youth Development Strategy
MEC	: Member of the Executive Council
MIG	: Municipal Infrastructure Grant
MPT	: Municipal Planning Tribunal
NDP	: National Development Plan 2030
NDPG	: Neighborhood Development Partnership Grant
NPM	: New Public Management
NSRP	: National Sport and Recreation Plan
OPM	: Old Public Management
SALGA	: South African Local Government Association
SDF	: Spatial Development Frameworks
SDGs	: Sustainable Development Goals
WHO	: World Health Organisation
UN	: United Nations

CHAPTER 1

INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

This study focuses on the implementation of municipal by-laws, which refer to the rules and regulations enacted by local municipalities to govern various aspects of community life, including the provision of recreational facilities public spaces such as parks, sports grounds, and community canter designed for leisure and physical activity. By-law implementation involves the practical application and enforcement of these laws, while enforcement refers to the mechanisms used to ensure compliance. Governance in this context pertains to the processes and structures used by municipalities to manage public services. Legal complexities include the challenges arising from overlapping laws, unclear responsibilities, or inadequate legal instruments that hinder the smooth operation of municipalities.

The implementation of municipal by-laws in South African municipalities has been found to be lacking (Chiroro & Rugube, 2018: 134). Many municipalities lack the capacity and political will to effectively implement policies, resulting in a backlog in municipal service provision (Killander, 2019: 93). The structure and composition of dysfunctional municipalities have hindered economic investments and social development, suggesting the need for smaller, more efficient municipalities (Munzhedzi, 2020: 105). While local government has played a role in expanding and improving basic services, little attention has been given to the economic efficiency of service provision, and this includes recreational facilities. According to Section 73(1) and (2) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) (MSA, 2000), the rendering of services must be equitable and accessible and must be done in a manner that is economic, efficient, effective and environmentally sustainable given the limited resources allocated.

Modisane, Diale and Moeti (2019: 220) state that the importance of the provision of recreational facilities is a significant part of the character of a planned community. These facilities contribute to making the community a desirable place to live, work, play and visit. The Constitution of South Africa, 1996 section 40(1) contends that all spheres of government are distinctive, interdependent and interrelated, and section 41(h)(ii) further states that these spheres should support and assist each other in their affairs. Section 152 of the Constitution of South Africa, 1996 places a special obligation on local

government to encourage the involvement of communities in matters of local government. Section 152(1)(b) states that local government must ensure the provision of services to communities in a sustainable manner.

A well-developed management plan is a useful promotional tool for educating staff, community groups and decision makers about the importance of recreational facilities and their management, and what they try to achieve (Modisane et al., 2019: 220). The recreational facilities also contribute to the ongoing economic vitality of communities throughout the country. The South African government has an Integrated Youth Development Strategy (IYDS), 2022/2025 that highlights the importance of programmes for youths from underprivileged backgrounds (Modisane et al., 2019: 220). But practitioners and young people in the study conducted in Nyanga Bophelong said that children growing up in the townships joined gangs and abused substances because they lacked youth-friendly facilities (Ndlhovu, 2022: 3). The benefits of physical activity are vast, and according to the World Health Organisation (WHO, 2022: 47), they include lower rates of chronic conditions, healthier body mass and composition, improved cardiovascular and muscular fitness, and reduced risk of fractures. The presence of strong leaders to encourage, motivate and support people when needed is a golden nugget for continued participation (Sportanddev.org, 2020: 1).

1.2 BACKGROUND OF THE STUDY

A municipal by-law is a law that is passed by the Municipal Council to regulate the affairs and the services it provides within its area of jurisdiction. The by-laws must be passed by a majority vote of a municipal council (Van Niekerk & Coetzee, 2019: 477). Section 156 of the Constitution of the Republic South Africa, 1996 states that the executive and legislative authority of a municipality is vested in its Municipal Council, and one of the methods by which this is done is by passing by-laws. Sections 12 and 13 of the Municipal Systems Act (MSA), 2000 (Act No.32 of 2000) recognize by-laws as the only instrument through which a municipality exercises its legislative authority and outlines the processes that must be followed when a municipality makes by-laws.

Municipal by-laws in South Africa play a crucial role in the provision of recreational facilities. The implementation of these by-laws is essential for ensuring that the facilities meet the needs and expectations of local communities (Mazmanian & Sabatier, 2019: 22). However, the implementation of municipal by-laws in this regard is questionable. There is a scarcity of specialized skills like engineering, financial management, and planning which significantly hampers municipalities in executing their developmental

responsibilities (Luthuli, 2017: 12). Additionally, there is a need to align these by-laws with the objectives of the Constitution and national legislation, as well as promoting sustainable development and the rights to culture and language (Kashoggi, 2017: 335). The current system of norms for urban open space provision is also found to be unrealistic, highlighting the need for improvements in this area (Marshall & Short, 2020: 225). However, there are challenges in the implementation of municipal by-laws for the provision of recreational facilities in South Africa, and measures such as political will and addressing corruption are proposed to address these challenges (Van Niekerk & Coetzee, 2019: 478).

Section 156(1) of the Constitution of the Republic of South Africa, 1996 states that a municipality has executive authority in respect of the Beaches and Amusement facilities, Local Amenities, Local Sport Facilities, Municipal Parks and Recreation and Public Places. These recreational facilities are local government matters listed in Part B of Schedule 4 and 5 of the Constitution of the Republic of South Africa, 1996.

Section 163(a) of the Constitution of 1996 provides for the recognition of national and provincial organisations representing municipalities called organised local government. Sections 2(1) (a) and (b) of the Organised Local Government Act, 1997 (Act No. 52 of 1997), establishes a national, voluntary political association in South Africa called the South African Local Government Association (SALGA). The SALGA is responsible for providing guidance and support to municipalities in the development of by-laws and policies. The SALGA has developed a guide for the promulgation of by-laws which provides detailed instructions on how to develop and implement by-laws (Hudson & Kuch, 2015: 173). The guide is “primarily for councillors and officials of district and local municipalities.”

According to the 1995 SALGA Promulgation of by-laws guidelines, by-laws are the legislation of a municipality, designed to regulate and implement the policies of the municipality. The GGLM promulgated twenty (20) by-laws in line with Section 156 of the 1996 Constitution. According to Northern Province Provincial Gazette, Extraordinary No. 917 of 25 July 2002. The Local Authority Notices in line with the MSA, 2000 (Act No. 32 of 2000), the GGLM adopted the Standard Food handling By-Laws, Control of Animals, Control of Public Recreational Facilities, Library, Child-Care Facilities, Street Trading, Control of Outdoor Advertising, Use and Handling of Flammable Liquids and Substances, Maintenance of Public Order and Building, and Sewerage By-Laws, amongst others. These promulgated by-laws came into effect after being published in the Provincial Gazette of July 2002. According to the 1995 SALGA Promulgation of by-laws guidelines, the municipality officials or appointed service providers of the municipality are responsible

for the implementation of by-laws.

1.3 PROBLEM STATEMENT

Section 152 (e) of the Constitution of the Republic of South Africa, 1996 encourages the involvement of communities and community organisations in the matters of local government. The White Paper on Sport and Recreation of 1996 outlines the strategic direction and policies for sports and recreational activities, ensuring alignment with the Constitution of the Republic of South Africa, 1996 which upholds democratic values. The White Paper on Sport and Recreation, 1996 was the first official policy on sport and recreation in the post-apartheid South Africa (Swart & Martin-Gonzalez, 2020:155). Section (3) (a) of the National Sport and Recreation Act, 1998 (Act No. 110 of 1998), promotes the development of sport and recreation by all spheres of government and guarantees equal opportunities for all.

Recreational facilities play a crucial role in youth development. Sports centres, community halls, parks, libraries, and cultural centres can keep young people engaged, reduce crime, and provide a sense of belonging (Ndhlovu, 2022: 2). Public recreational parks play a crucial role in boosting quality of life in urban areas, as they can offer a variety of benefits for the city dwellers (Azubuine & Umunakwe, 2021: 1253). According to Mojapelo and Ngoepe (2023:1), the National Development Plan (NDP) 2030 envisages a South Africa in which each community has a local library filled with a wealth of knowledge and a librarian who is collecting, organising, and making information accessible. The NDP (2012: 203) is South Africa's visionary blueprint for future, encouraging a holistic approach to local recreational facilities and articulating the tasks that all sectors of society must play to eliminate poverty and reduce inequality by 2030. Section 3 of the GGLM Control of Public Facilities By-Laws (2002) states that when planning facilities for sports and recreation the municipality will ensure that special consideration will be given to the accessibility to sports people and spectators with disabilities. Despite the provision of the above information in section 3, GGLM faces many challenges with regard to the provision of recreational facilities. The challenges include lack of accountability on spending of the Municipal Infrastructure Grant (MIG); contradiction in the municipal by-laws on the recreational facilities on tariffs for the youth attending school; the disabled; senior citizens; and neglected rural areas of the municipality; lack of municipal recreational facilities experts; and lack of consultation with regard to project rollout on recreational facilities.

A study conducted by Akola, Chakwizira, Ingwani and Bikam (2022: 267), found that the challenges with regard to the provision of recreational facilities by the municipalities include limited budget allocations, which restrict the scope and quality of recreational

services that can be offered. Adding another layer to these complexities, Mabunda and Ndou (2019: 350), highlighted the disconnection between the expectations of the community and the perspectives of municipal officials regarding the provision of recreational facilities. This study is conducted in order to come up with mechanisms that can help the municipalities in enhancing the provision of recreational facilities in the communities.

1.4 AIM OF THE STUDY

The aim of this study is to investigate the implementation of municipal by-laws in the provision of recreational facilities in GGLM and recommend the mechanisms that can be used to strengthen the implementation of municipal by-laws when providing the recreational facilities.

1.5 OBJECTIVES OF THE STUDY

The objectives set for this study are:

- To examine the implementation of municipal by-laws in the provision of recreational facilities in GGLM.
- To determine the impact of the implemented municipal by-laws in the provision of recreational facilities in GGLM.
- To identify the challenges faced by the municipality when implementing municipal by-laws in the provision of recreational facilities in GGLM.
- To recommend the mechanisms that can be used to strengthen the implementation of municipal by-laws when providing the recreational facilities.

1.6 RESEARCH QUESTIONS

The questions that the researcher seeks to address are:

- What is the implementation of municipal by-laws in the provision of recreational facilities in GGLM?
- What is the impact of the implemented municipal by-laws in the provision of recreational facilities in GGLM?
- What are the challenges faced in the municipality when implementing the municipal by-laws in the provision of recreational facilities?

- What are the mechanisms that can be used to strengthen the implementation of municipal by-laws when providing recreational facilities?

1.7 SIGNIFICANCE OF THE STUDY

The significance of this study extends beyond the confines of academic inquiry, bearing implications for both policy and practice. This study provides valuable insights into the effectiveness of local governance mechanisms in addressing the recreational needs of communities. This can inform policy decisions aimed at refining existing regulatory frameworks and developing targeted interventions to improve recreational infrastructure. By shedding light on the challenges faced by municipalities in this regard, the study facilitates the identification of areas requiring intervention and resource allocation. Further, the study will contribute to the broader discourse on community development and well-being. Access to recreational facilities not only promotes physical health but also fosters social cohesion, cultural expression, and psychological well-being within communities. By evaluating the implementation of municipal by-laws in this context, the study underscores the importance of inclusive and equitable access to recreational opportunities as a fundamental aspect of sustainable urban development.

1.8 DELIMITATION OF THE STUDY

Delimitation of the study refers to the process of defining the scope and boundaries of a research project (Creswell & Creswell, 2017: 88). The purpose of delimitation is to make the research manageable, focused, and relevant to the research question or problem being investigated. This study primarily focused on the implementation of municipal by-laws in the provision of recreational facilities. It does not delve into broader municipal governance issues or the evaluation of national legislation. The research confines its geographical scope to the GGLM, thereby excluding other municipalities or regions within South Africa. Consequently, the findings may not be directly applicable to different contexts.

1.9 DEFINITION OF OPERATIONAL CONCEPTS

In this segment, the researcher provides definitions of operational concepts that are central to the understanding of the topic being discussed. These definitions will serve as foundational concepts for the subsequent discussions and analyses within the context of this study.

1.9.1 By-law Implementation

By-law implementation refers to the process of putting into effect and enforcing local regulations or rules known as by-laws (Darch & Underwood, 2010). By-laws are local laws or regulations created and enacted by local governing bodies, such as municipalities or city councils, to address specific issues within their jurisdiction (Ponsaers, 2003). These regulations cover a wide range of topics, zoning and land use regulations, public health, noise control measures, waste management regulations, signage and advertising regulations, licensing and permits, building codes and construction regulations and many more. In this study, this term pertains to how effectively the municipal by-laws related to recreational facilities are put into practice within the GGLM.

1.9.2 Governance

Governance refers to the processes, structures, and mechanisms through which decisions are made, authority is exercised, and actions are taken in a society, organization, or community (World Bank, 2020). Governance encompasses a range of activities and relationships that facilitate the management and direction of resources, responsibilities, and power (McAdams, 2017). Effective governance ensures transparency, accountability, participation, and the pursuit of the best interests of stakeholders.

1.9.3 Enforcement

Enforcement, in a general context, refers to the act of compelling or ensuring compliance with laws, regulations, rules, or agreements through the application of various measures, including legal actions, penalties, or other mechanisms (Baldwin, 2012). Enforcement involves monitoring and taking actions to ensure that individuals, organizations, or entities adhere to established rules and guidelines (Makgahlela & Aigbavboa, 2020). In the context of this study, enforcement specifically pertains to the implementation and execution of local by-laws within the GGLM.

1.9.4 Legal complexities

Legal complexities refer to the intricate and convoluted legal issues, challenges, or intricacies that arise within a specific legal framework or context (Thompson, 2021). These complexities can arise due to ambiguities in laws, conflicting regulations, differing interpretations of statutes, or the interplay of various legal provisions. Legal complexities often make it challenging for individuals, organizations, or governments to navigate the

legal landscape effectively, as they require a deep understanding of the law and its applications (Hlatshwayo & Mkhize, 2021).

1.9.5 Recreational facilities

Recreational facilities encompass physical spaces designed to provide leisure, relaxation, and entertainment activities for communities (British Standards Institution, 2018). These may include parks, playgrounds, sports fields, swimming pools, and community centres (World Health Organization, 2020). In the context of this study, the term “recreational facilities” encompasses spaces and amenities created or regulated by municipal by-laws to promote community well-being, social interaction, and physical activity within the GGLM area.

1.10 ORGANISATION OF THE STUDY

This section provides details on the layout of the study, where detailed explanations of what the researcher will do in each chapter are outlined.

Chapter 1: Introduction and Background

Chapter 1 presents the introduction and background of the study, problem statement, aim of the study, research objectives and research questions. This chapter also presents the significance of the study, delimitations and definitions of operational concepts. The chapter concludes with the organisation of the study.

Chapter 2: Literature Review and Theoretical Framework

Chapter 2 reviews the literature which is relevant to the implementation of municipal by-laws regarding the provision of recreational facilities. The study also deals with the institutional theory, which is relevant to the study. The policies and legislative framework of the municipal by-laws on the provision of recreational facilities are also outlined in the study.

Chapter 3: Research methodology

Chapter 3 of this study outlines the research methodology, beginning with an introduction to research paradigms, focusing on the qualitative desktop research. Chapter 3 includes the nature of the study, research design, sampling, data collection methods, data analysis, ethical considerations and the summary of the chapter.

Chapter 4: Presentation, discussion and analysis of findings

In chapter 4, the researcher presents the empirical findings based on the research

objectives and questions and carries out an analysis of the data collected to assess the implementation of by-law implementation in the GGLM. This is done through discussing the implementation of municipal by-laws on the provision of recreational facilities. Data is presented, analysed and interpreted.

Chapter 5: Conclusion and Recommendations

In chapter 5, the researcher summarises the key findings of the study, reiterating the significance of the research and offering conclusions drawn from the research findings. Furthermore, the researcher provides practical recommendations for enhancing the implementation of municipal by-laws on the provision of recreational facilities in the GGLM. The broader implications of the findings are discussed, and the researcher suggests areas for future research.

CHAPTER 2

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 INTRODUCTION

The previous chapter presented the introduction and background to this study, problem statement, aim and objectives of the study, the research questions, and the significance of the study, delimitations and definitions of operational concepts. This chapter presents the literature review and the theoretical framework for this study. This chapter reviews the literature on the implementation of municipal by-law in the provision of recreational facilities.

The municipal by-laws are laws, rules or regulations that are passed by a municipal council to oversee and regulate the internal operations, affairs and services to address local concerns within its jurisdiction (Thornhill & Cloette, 2014:20). They cover local issues and can address several topics like recreational facilities, noise control and parking regulations, etc. at a local sphere of government. According to the Guide for Promulgation (1995) of By-Laws, section 156 of the Constitution of the Republic of South Africa, 1996 and the Municipal Systems Act, 2000 (Act 32 of 2000), recognise by-laws as the only instrument through which a municipality exercises its legislative authority.

A municipality is a local government entity that exists by virtue of the provisions of the Constitution, and it is authorised to manage and govern the affairs of a given territory or area of jurisdiction. It derives its original powers and functions from the Constitution of the Republic of South Africa 1996, as set out in Chapter 7. Furthermore, section 151(3) provides that a municipality has the right to govern, on its own initiative, the local government affairs of its community (Koma, 2016: 127-128). A municipality makes decisions (known as resolutions) about their powers and all their functions. These resolutions can cover a wide range of topics like local regulations or municipal by-laws and community projects. The passing of by-laws may not be delegated by a municipal council. A majority of members of a municipal council must be present before a vote may be taken on any matter. No by-law may be passed by a municipal council unless all the members have been given a reasonable notice and a proposed by-law has been published for comment (Thornhill & Cloette, 2014:22-24).

The GGLM Control of Public Facilities By-Laws (2002) define recreational facilities as municipal entertainment facilities controlled by Council, public entertainment facilities such as parks, public halls, stadia, sports grounds; and any other places of public entertainment that are controlled by the Municipality. Recreational facilities are structures

or buildings that give room for many types of leisure activities. Recreational activities are frequently thought to be enjoyable and are mostly pursued by youngsters for entertainment, amusement, or pleasure (Omar, Kamaludin, Othman & Yusoff, 2017:67). These facilities cater for various interests and may include features such as sports fields, swimming pools, gyms, parks, libraries and community centres. The facilities need to be accessible to all community members and have sufficient quality and quantity (Rigolon, Browning & Jennings, 2018). The distance is of great importance to users' participation in active outdoor recreation (Omar et al., 2017: 72)

The Minister or the Member of the Executive Council (MEC) cannot pass a municipal by-law. Section 151(2) of the Constitution of the Republic of South Africa, 1996 creates a jurisdictional, functional and institutional space that is reserved only for municipalities. When acting in this space, municipalities are not subservient to national or provincial governments (Chigwata & de Visser, 2023). Section 41(1) of the Constitution states that all spheres of government and all organs of the state within each sphere must respect the constitutional status, institutions, powers and functions of government in the other spheres (Ismael, Bayet & Meyer, 1996:141-142). The national or provincial sphere of government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions (Steytler, de Visser & Mettles, 2001:19).

2.2 THEORETICAL FRAMEWORK ON MUNICIPAL BY-LAWS IN THE PROVISION OF RECREATIONAL FACILITIES

A theoretical framework is a conceptual structure that provides a systematic and organized way to understand, analyse, and interpret a particular phenomenon or set of phenomena (Creswell & Creswell, 2017). It encompasses the underlying principles, concepts, and relationships that guide the research or analysis within a specific field of study (Neuman, 2014). Theoretical frameworks often draw from existing theories, models, and concepts to form a foundation for the research process.

The study of Public Management has evolved over the years, with various theories and approaches emerging to guide the effective administration of public organizations (Dunleavy, Margetts, Bastow & Tinkler, 2006: 494). Two prominent paradigms in this field

are Old Public Management (OPM) and New Public Management (NPM), each with its own set of principles and practices (Vicenzo & Vignieri, 2020). The origins of public management theories, OPM and NPM, have significantly shaped the way public organizations are managed and evaluated (Rosenbloom, Kravchuk & Clerkin, 2009). In the case of the GGLM, a balanced approach incorporating elements of both OPM and NPM can provide a comprehensive assessment of the implementation of municipal by-laws in the provision of recreational facilities. Through careful consideration of bureaucratic efficiency, hierarchical control, decentralisation, and performance measurement, policymakers and administrators can work towards improving the enforcement of municipal by-laws in a manner that is responsive to the needs of the community. The following section presents a discussion of a theory that is used in this study.

2.2.1 THE INSTITUTIONAL THEORY

Institutional theory in Public Management has deep historical roots and has evolved significantly over time. It draws from a rich interdisciplinary tradition, with contributions from sociology, political science, and organisational theory. Institutional theory is a prominent framework for understanding the effectiveness of by-laws implementation in municipalities (DiMaggio & Powell, 1983). It posits that organisations, including municipalities, are influenced by institutional forces that shape their behaviours and practices. Institutional theory focuses on how organisations and individuals conform to established norms, rules, and practices (Scott, 2008). The Institutional Theory aims to provide a structured lens through which the assessment of the implementation of municipal by-laws implementation can be conducted, drawing upon key concepts from governance, policy implementation, and local government literature. The study consider how institutional factors, such as legal frameworks, organisational culture, and stakeholder pressures, impact the implementation process.

In the context of the GGLM, by-laws are formal guidelines that guide local governance. Assessing the implementation of municipal by-laws implementation through the lens of institutional theory involves analysing how external and internal pressures shape the municipality's commitment to enforcing these regulations. External pressures may include legal requirements, public expectations, and the influence of regional or national governance structures. Internal pressures, on the other hand, relate to the municipality's organisational culture, leadership, and capacity for enforcement. This framework enables

a nuanced analysis of the institutional dynamics that impact the implementation of municipal by-laws implementation in the GGLM.

2.2.2 The Relevance of the Institutional Theory in the Study

The Institutional Theory offers valuable insights into comprehending the external and internal pressures influencing the municipality's commitment to enforcing by-laws (Scott, 2014: 511). The internal factors pertain to elements within the organisation that affect its operations, including organisational culture, leadership, and internal policies. The organisational culture of a municipality plays a significant role in determining its commitment to enforcing by-laws. A culture that emphasizes compliance, accountability, and public service is likely to prioritize the enforcement of regulations, including those related to recreational facilities (Scott, 2014: 512). Leadership within the municipality also plays a critical role in shaping its institutional behaviour. Leaders who are committed to transparency and good governance are more likely to enforce by-laws effectively. Furthermore, internal policies and procedures can either facilitate or hinder the enforcement of by-laws. For instance, streamlined processes and clear guidelines enable municipalities to implement regulations efficiently, while bureaucratic hurdles and unclear mandates may impede enforcement efforts (Scott, 2014: 513).

External factors refer to the influences that originate outside the organisation but have a significant impact on its operations and decision-making processes. According to Scott (2014: 514), these factors include legal frameworks, societal expectations, and economic conditions, all of which compel municipalities to align their actions with prevailing norms and standards. The legal environment plays a crucial role in shaping municipal behaviour. The municipality's adherence to by-laws is often driven by the need to comply with national and regional regulations, which serve as benchmarks for acceptable practices (DiMaggio & Powell, 1983: 160). Societal expectations also exert pressure on municipalities, as communities demand efficient services and facilities, such as recreational spaces. This external pressure can lead to the development of policies that prioritise the enforcement of by-laws related to public amenities. Additionally, economic factors, such as funding availability and resource allocation, influence the municipality's ability to enforce these by-laws. Municipalities operating in financially constrained environments may struggle to implement by-laws effectively, leading to variations in service delivery across different regions (DiMaggio & Powell, 1983: 161).

The Institutional Theory provides a lens through which to analyse how external and internal pressures shape the municipality's commitment to implementing the by-laws and

helps in understanding the impact of formal institutions, such as legal frameworks and organizational culture, on the behaviour and practices of public organizations (DiMaggio & Powell, 1983: 160). In the context of this study, it helps to assess how the institutional environment influences the implementation of municipal by-laws in the provision of recreational facilities. Through the application of the Institutional Theory, the researcher hopes to contribute valuable insights to enhance the governance and regulatory landscape of the GGLM.

2.3 THE IMPORTANCE OF EQUITY AND SOCIAL INCLUSION IN MUNICIPAL BY-LAWS

The advent of democracy in 1994 ushered in significant changes in policies and legislation that impacted all sectors of society and addressed all aspects of people's political, social, economic and human rights (Modisane et al., 2019:221). Equity and social inclusion policies aim to address historical disparities in access to recreational facilities, particularly in marginalised communities (Garcia-Martinez, Threlfall & Watt, 2017: 358). Chapter 2 of the Constitution of the Republic of South Africa, 1996 enshrines the principles of equality, dignity, and human rights. Municipalities as spheres of government closest to communities are expected to contribute towards this constitutional vision of building national unity by facilitating, among other things, a sense of belonging as an aspect of social cohesion (Khaile, Roman & Davids, 2021:8). Municipalities are required to prioritise the allocation of resources towards the development of facilities in underserved areas, ensuring equitable access for all residents (Low, 2020: 92). Additionally, these policies may include measures to accommodate the needs of vulnerable populations, such as people with disabilities or elderly individuals, through the provision of inclusive amenities and accessibility features.

There are various pieces of legislation and policies that promote social inclusion and equity in the context of the provision of recreational facilities and the implementation of municipal by-laws. These are amongst others, the Promotion of Equality and Prevention of Unfair Discrimination Act (2000), the South African Sports Act (1998) and the National Recreation Policy (2012). The Promotion of Equality and Prevention of Unfair Discrimination Act (2000) prohibits discrimination in access to goods and services, including recreational facilities. On the other hand, the South African Sports Act (1998), aims to promote sports development and inclusion, ensuring equal opportunities for all while the National Recreation Policy (2012) encourages inclusive and accessible recreational facilities. In addition to the policies described above, the National Development Plan

(2012) that promotes social inclusion and equity as it aims at reducing inequality and promote social inclusion through various initiatives. One of the key areas of the NDP is Chapter 15, which is about Transforming Society and Uniting the Country. The Chapter highlights the importance of Education and Skills Development, Economic Inclusion, Social Protection, Health Care and Community Development.

Social inclusion is one way in which the talents and capabilities of children are developed and enhanced, ensuring that they are all given the opportunity to realise their potential (Nkwanyana, 2020:1). Social inclusion and equity refer to the principles of ensuring that all individuals have equal access to resources, opportunities, and services, regardless of their status in the society.

The Department of Arts and Culture (DAC) produced a Social Cohesion and Nation Building Strategy to utilise social cohesion as a way of mobilising and unifying society to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights' (DAC, 2012: 1). The Presidential Twenty-Year Review, facilitated by the Department of Planning, Monitoring and Evaluation (DPME, 2014), highlights that municipalities are required to put in place mechanisms to make urban spaces liveable to promote social cohesion. This highlights the need for municipalities to address the spatial patterns that continue to exacerbate division, which hinders social cohesion (Khaile et al., 2021:8).

According to Institutional Theory, organizations, including municipalities, are influenced by the institutional environment in which they operate, which includes laws, policies, and norms (Modisane et al., 2019). This theory helps explain how municipalities are expected to align their practices with broader societal values, such as social inclusion and equity, as mandated by the Constitution and various Acts like the Promotion of Equality and Prevention of Unfair Discrimination Act (2000) and the National Recreation Policy (2012) (Garcia-Martinez et al., 2017; Low, 2020). By examining how institutional pressures and mandates affect the implementation of policies and the allocation of resources, Institutional Theory sheds light on the challenges municipalities face in fulfilling their roles in promoting social cohesion and addressing historical disparities (Khaile et al., 2021). This theoretical perspective helps to understand the dynamics between institutional expectations and local implementation practices.

2.4 THE EFFECTIVENESS OF PUBLIC PARTICIPATION IN MUNICIPAL BY-LAWS

The Constitution of the Republic of South Africa Act, 1996 is the first supreme legislation to encourage active involvement and places an obligation on Local Government to

establish community participation structures and systems to promote good governance in Local Government (Mamokhere & Francois Meyer, 2022:2). Chapter 7 and section 153 (a) of the Constitution of the Republic of South Africa, 1996 states that a municipality must structure and manage its administration and budgeting and planning processes (IDP) to give priority to the basic needs of the community.

There are other pieces of legislation that encourage increased community participation in municipal issues such as the White Paper on Local Government (1998), the Municipal Structures Act, 1998 (Act 117 of 1998), and the Municipal Systems Act, 2000 (Act 32 of 2000). These are pieces of legislation that govern the administration of the IDP process and community participation in local government (Mamokhere & Francois Meyer, 2022:2).

Sections 72–74 of the Municipal Structures Act of 1998 (Act 117 of 1998) establish Ward Committees in each ward to enhance participatory democracy in local government. A Ward Committee may make recommendations on any matter affecting its ward to the ward councillor, to the metro or local council, the executive or the relevant metropolitan sub-council. Chapter 4, section 16(1) of the Municipal Systems Act No. 32 of 2000 indicates that “A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance”. Participation is an important way to counteract the isolation of people. When participation is implemented, communication is established, and local communities can recognise and analyse a developmental problem on their own. As they have a superior knowledge of local problems, they should be involved in all the typical phases of development projects and programmes (Kotze, 2011:38). Effective public participation is essential for the successful planning and management of recreational facilities (Simiyu, 2022: 807). According to Mamokhere and Francois Meyer (2022:2), the public participation process requires communities to be informed, consulted, involved, collaborative and empowered using a variety of mechanisms. Subban, Reddy and Pillay (2011: 121) state that public participation forms an integral part of the notion of developmental Local Government in South Africa. It is a constitutional right for all citizens. In terms of the Institutional Theory, the effectiveness of public participation in municipal by-laws is guided by external pressures such as the legal requirements, public expectations, stakeholder pressures and governance structures.

The Institutional Theory is highly relevant to the study of public participation in municipal by-laws as outlined in the provided text. According to this theory, institutions shape and are shaped by external pressures, including legal mandates, public expectations, and governance structures. In the South African context, the Constitution and various

legislative acts such as the White Paper on Local Government, the Municipal Structures Act, and the Municipal Systems Act, establish a framework that compels local governments to foster community engagement and participatory governance. These regulations reflect the institutional pressures that guide municipal practices. The theory helps to explain how these external forces influence the implementation and effectiveness of public participation processes. For instance, the requirement for municipalities to prioritised community needs and the establishment of Ward Committees illustrate how institutional frameworks enforce participatory norms. By analysing how these legal and organisational pressures shape municipal practices, the Institutional Theory provides a lens through which to assess the implementation of public participation mechanisms in enhancing local governance and addressing community needs.

2.5 THE IMPORTANCE OF POLICY AND LEGISLATIVE FRAMEWORKS FOR MUNICIPAL BY-LAWS IN THE PROVISION OF RECREATIONAL FACILITIES

The implementation of municipal by-laws plays a pivotal role in shaping the quality and accessibility of public services, particularly in the provision of recreational facilities. In the context of Greater Giyani Local Municipality, recreational facilities are essential for fostering community health, promoting social cohesion, and contributing to the overall well-being of residents. As such, a sound legal framework, effective enforcement mechanisms, and judicial precedents form the bedrock for ensuring that these services are properly regulated, protected, and developed. This discussion critically analyses the legislative environment, enforcement modalities, and relevant case law that influence the implementation of by-laws concerning recreational facilities within the municipality.

South Africa's constitutional and legislative framework confers considerable authority on municipalities to govern local affairs. The Constitution of the Republic of South Africa, 1996, specifically in Section 156(2), empowers municipalities to make and administer by-laws for the effective administration of matters that they have the right to govern. Among these are amenities such as recreational parks, playgrounds, community halls, and other public leisure infrastructures. These fall under Part B of Schedules 4 and 5 of the Constitution, which demarcate the functional areas of local government. Therefore, Greater Giyani Local Municipality possesses not only the power but also the responsibility to promulgate and enforce by-laws regulating the development, use, and maintenance of recreational facilities.

Further legal authority stems from the Local Government: Municipal Systems Act 32 of 2000. This statute outlines the operational frameworks for local governments and includes mandates for public participation, integrated development planning, and service delivery. Chapter 5 of the Act obliges municipalities to undertake integrated development planning (IDP), wherein recreational planning must be incorporated as a core developmental priority. Moreover, Section 11(3)(m) of the Act explicitly requires municipalities to promote a safe and healthy environment. Recreational facilities are a critical component of such an environment, especially in rural areas like Greater Giyani where alternative forms of structured leisure are limited.

In conjunction with the Systems Act, the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) provides the regulatory apparatus for land-use management. SPLUMA grants municipalities authority over spatial development frameworks and land zoning decisions, which are central to setting aside areas for public recreation. The act insists on equitable and sustainable development, ensuring that communities receive fair access to facilities, which in turn must be preserved through legal regulation. Municipal by-laws that stipulate the protection and proper use of these facilities must therefore align with SPLUMA's vision for sustainable and inclusive urban and rural development.

However, legal frameworks are only as effective as their enforcement. The implementation of by-laws in Greater Giyani is hampered by several enforcement challenges, although there are established mechanisms in place. Municipal law enforcement officers, empowered by the Criminal Procedure Act 51 of 1977, are responsible for maintaining compliance with municipal regulations. These officers are mandated to issue spot fines, warnings, and, in extreme cases, to arrest individuals who vandalize or misuse recreational infrastructure. Despite this legal provision, a lack of human resources, poor coordination between departments, and limited financial backing often render enforcement mechanisms weak. Political interference in administrative affairs and poor governance sometimes undermine the application of sanctions, especially where the violator is politically connected or influential in the local community. Municipal courts serve as a judicial arm for enforcing compliance with by-laws. These courts handle infractions such as illegal occupation of recreational spaces, unauthorized commercial activities within public parks, and acts of vandalism. The success of these legal remedies is, however, highly dependent on the consistency of prosecution and the clarity of the by-law provisions. Many municipalities, including

Greater Giyani, struggle with outdated or vaguely worded by-laws, making enforcement a legally contentious process. Without clearly defined penalties and procedural guidelines, law enforcement officers are often left with limited options for effective action.

Public participation is another critical aspect of enforcement, and it is grounded in Section 16 of the Municipal Systems Act, which mandates that municipalities foster a culture of community involvement. For the implementation of by-laws to be successful, there must be robust civic education campaigns informing citizens of their rights and responsibilities regarding recreational facilities. When communities understand the rationale behind by-laws, their cooperation increases, and incidents of non-compliance reduce significantly. Unfortunately, in Greater Giyani, public engagement on issues concerning the usage and protection of recreational facilities is minimal, further exacerbating the challenges of enforcement.

In terms of jurisprudence, South African courts have laid down important precedents reinforcing the power and obligation of municipalities to implement by-laws effectively. One such landmark case is *Joseph v City of Johannesburg* (2010) ZACC 30, where the Constitutional Court ruled that municipalities must provide residents with basic services in a manner that respects their dignity. Although this case concerned electricity disconnections, the court emphasized that municipal services broadly defined are integral to dignified living conditions. Recreational facilities, similarly, enhance the quality of life and provide spaces for physical and social development. The court's reasoning implies that municipalities have a constitutional duty to ensure recreational facilities are accessible and properly maintained. Another case of significance is *Mkontwana v Nelson Mandela Metropolitan Municipality* (2005) ZACC 10, where the court reaffirmed that municipalities have the right to enact and enforce by-laws, provided that these are not arbitrary and are within the scope of their legislative powers. The court also noted that any limitations on individual rights through municipal by-laws must be reasonable and justifiable in an open and democratic society. This judgement is instructive for municipalities such as Greater Giyani, particularly in crafting balanced by-laws that protect public infrastructure while respecting individual freedoms. In *Merafong City Local Municipality v AngloGold Ashanti Ltd* (2016) ZACC 35, the Constitutional Court supported the autonomy of municipalities to regulate land use in a manner that promotes the general welfare of communities. This case demonstrates the judiciary's willingness to uphold municipal decisions that seek to develop or protect

communal assets, including recreational spaces.

Such judicial endorsement encourages municipalities to act boldly and lawfully in implementing and enforcing by-laws. The case of *Le Sueur and Another v eThekweni Municipality and Others* (2013) ZAKZPHC 6 further affirms the legislative competence of municipalities in adopting by-laws that align with national and provincial policy frameworks. The High Court validated the municipality's authority to enforce environmental by-laws, which included public open space preservation. In the context of Greater Giyani, where environmental degradation and land misuse threaten recreational zones, this case underscores the legitimacy of municipal interventions aimed at protecting such facilities.

To enhance the implementation of municipal by-laws in Greater Giyani, several recommendations are imperative. The municipality must undertake a thorough review of its by-law framework to ensure that all provisions are current, clearly articulated, and harmonized with national legislation. Second, capacity building for municipal officers, including legal training and logistical support, must be prioritized to empower effective enforcement. Public awareness campaigns using local media and traditional leadership platforms can increase community ownership of recreational spaces. Intergovernmental cooperation with provincial departments responsible for sports, arts, and culture can unlock technical and financial resources necessary for the development and protection of recreational infrastructure.

2.5.1 The UN Sustainable Development Goals (SDGs)

The United Nations (UN), through various bodies such as the UN Human Settlements Programme (UN-Habitat) and the World Health Organisation (WHO), emphasises the importance of inclusive and accessible recreational facilities within urban areas. The UN Sustainable Development Goals (SDGs), particularly Goal 11, which is Sustainable Cities and Communities, underscore the necessity of safe, inclusive and accessible public spaces, including recreational areas by 2030 (United Nations, 2020). The UN-Habitat advocates for participatory approaches in urban planning, encouraging municipalities to engage communities in decision-making processes regarding recreational facility provision (UN-Habitat, 2016).

The SDG Goal 11 is in the main, about making cities and human settlements inclusive, safe, resilient and sustainable. It highlights the important role cities play in the global

political agenda. Cities are the heartbeat of most societies. They are intricate systems that bring diverse communities to work, live and play together. It is predicted that by 2050 about 64% of Africa and Asia and 86% of the developed world will be urbanized (The Economist, 2012). It will, therefore, be vital to create infrastructure and policies that ensure universal access to all urban services. The urban services such as water, sanitary sewer, police, fire protection and recreational facilities, amongst others, are directly or by contract offered by the municipalities. The UN member states are expected to take steps to achieve these goals (UN-Habitat, 2016). Moreover, the UN Convention on the Rights of Persons with Disabilities (CRPD) stresses the rights of all persons with disabilities to participate in recreational activities without discrimination, urging municipalities to enact inclusive by-laws (United Nations, 2006).

2.5.2 Brazil, Russia, India, China and South Africa (BRICS)

South Africa is not alone among the BRICS nations of Brazil, Russia, India, China and South Africa that have recently devoted themselves to using sports, and particularly the hosting of sporting mega-events, as a form of geopolitical positioning (RASAALA, Volume 6: "Race and Inequality in Recreation" ,2018:5). The four new BRICS Member States admitted in January 2024 are Egypt, Ethiopia, Iran and the United Arab Emirates.

The BRICS nations cooperate on an international political level. The Heads of governments have been meeting since 2008, and from 2013 onwards the leaders also meet during G20 summits. There are efforts to coordinate policies which are reflected in their strategies and inter-ministerial processes. A resolution to 'build a peaceful and better world through sport and the Olympic ideal' was co-sponsored by all BRICS members, but it was also co-sponsored by more other countries. Moreover, they have been publishing joint statements and action plans (Third World Quarterly 2019. 40, No. 11, 2035–2045). BRICS Sports Ministers held a meeting on 22 June 2024 in Kazan (Republic of Tatarstan, Russian Federation) and issued a joint statement. The parties discussed the development of physical culture and sports in the BRICS Member States, including state management of sports, mass, youth, school and student sports, high-priority sports, parasport, national, and traditional sports. The participants discussed the current situation of the sports sector, scientific, methodological, and biomedical support for sports, and actions taken to improve the field of physical culture and sports, including for individuals with disabilities (BRICS 2024 Sports Ministers Russia Joint statement, 2024:1-3).

The BRICS nations have consciously used sport, including hosting football's World Cup and other tournaments, the Olympic Games, and events such as the IRB Rugby World

Cup and ICC Cricket World Cup, to achieve political goals and garner international prestige. In every member country, sport has been part of the larger plan of nation building, broadly defined, even if not explicitly articulated as such (RASAALA, Volume 6: “Race and Inequality in Recreation”, 2018:5)

2.5.3 The African Union (AU) (2020)

The African Union (AU) (2020) recognises the role of recreational facilities in advancing social development and enhancing the quality of life across the continent. Its mandate is coordination of the African Sports Movement and being a forum for concerted action between Member States for the promotion and development through sport in the African continent. The AU Agenda 2063 emphasises the need for sustainable urban development, including the provision of recreational spaces that cater to the diverse needs of African communities (African Union, 2015). The AU's New Urban Agenda for Africa prioritises the development of resilient and sustainable cities, stressing the importance of integrating recreational facilities into urban planning frameworks (African Union, 2018). Additionally, the AU's Sports Council promotes sports and recreation as essential components of Africa's socio-economic development, advocating for policies, programs, systems and structures that support the establishment of recreational infrastructure in municipalities (African Union, 2020).

The objectives of the AU's Sports Council include among others, promoting sport as a fundamental human right, defending sport development and development through sport. The AU member states are required to take steps to implement these objectives (African Union, 2020). Promoting recreational facilities across the African Union (AU) is critical for fostering physical activity, well-being, and community engagement.

2.5.4 The Constitution of the Republic of South Africa, 1996

The Constitution of the Republic of South Africa, 1996, serves as the bedrock for all legal frameworks in the country, guiding the development and implementation of laws, including those related to municipal governance and the provision of recreational facilities and services. The legacy of apartheid left a profound impact on the leisure activities of South Africans, as racial segregation and inequality were deeply embedded in the socio-economic fabric of the country. Prosperity, access to resources, and opportunities for recreation were largely determined by race, resulting in vast disparities between different communities. Despite these challenges, various sports organisations and civil rights groups, both during and after apartheid, relentlessly advocated for a sport system that was free from discrimination and accessible to all South Africans. Their efforts laid the

groundwork for a more inclusive society where sports and recreational activities could be enjoyed by everyone, regardless of race or background (Modisane et al., 2019:221).

The Constitution of the Republic of South Africa, 1996 emphasizes the principles of equality, freedom, and human dignity in Section 1, which are foundational to the democratic values of the nation. These principles are particularly significant in the context of recreational activities, as they underscore the importance of providing equitable opportunities for all citizens, including the most vulnerable populations, such as children. Section 28(1)(g) of the Constitution of the Republic of South Africa, 1996 explicitly recognises the rights of every child of to, rest and leisure, engage in play and to participate in cultural and artistic activities, which are vital for their physical, emotional, and social development. Safe and accessible recreational spaces are not just a luxury but a necessity for the holistic growth of children, contributing to their overall well-being and helping to foster a sense of community.

Section 152(1) of the Constitution of the Republic of South Africa, 1996 outlines the responsibilities of municipalities in promoting social inclusion and addressing the historical inequalities that have long plagued South African society. This section mandates municipalities to ensure that all citizens have equitable access to recreational amenities, thus playing a crucial role in the broader effort to rectify the injustices of the past. In providing safe and healthy environments, as guaranteed under the Constitution, municipalities can help bridge the gap between different communities, fostering a more unified and cohesive society. Section 24 of the Constitution of the Republic of South Africa, 1996 outlines the commitment to creating a safe and healthy environment for all citizens. The Institutional Theory concedes that the external and internal pressures shape the municipality's commitment to implementing the by-laws and helps in understanding the legal frameworks and the influence of formal institutions such as the UN, BRICS, the AU and Constitution of the Republic of South Africa, 1996.

2.5.5 National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977)

The National Building Regulations and Standards Act, 1977 (Act No.103 of 1977), sometimes known as the NBR & BS Act, is a South African law that governs building standards and safety. It lays rules, regulations and standards for the construction of structures, buildings and facilities, including those for recreation. In South Africa, the NBR & BS Act determines the minimum requirements of any building (Laubscher, 2011:21).

NBR & BS Act also prescribes the appointment of professionals in the sector. The qualifications and functions of the Building Control Officer (BCO) who should head the department are also regulated. It is the municipality's responsibility to appoint the BCO in the Department of Building Control at a municipality (Laubscher, 2011:22).

A municipality's Department of Building Control uses guidelines (as determined by Act 103 of 1977) to approve applications for new buildings and alterations to existing ones. A series of prescribed inspections should be conducted during the construction phase of a building (Laubscher, 2011:22). Municipalities are tasked with enforcing these regulations within their jurisdictions to ensure the safety, accessibility, and structural integrity of recreational infrastructure. The NBR & BS Act not only governs the design and construction of new recreational facilities but also mandates periodic inspections and maintenance to uphold safety standards. It is important to evaluate the effectiveness of the role which the Building Regulations and its business processes can play in ensuring the safety of building occupants, preventing collapsing of buildings and defective buildings (Cecilia, 2020: 6). All sporting facilities must conform to Municipal By- Laws. In terms of the Municipal By-Laws and Town Planning ordinances, the land use is generally termed "Sports and Recreation", and in some instances where the sports facilities form part of a larger complex they may be termed "Special or in terms with the Site Development Plan".

By-laws serve as critical instruments for governing various aspects of community life, ranging from zoning regulations to public health standards (Kim & Park, 2017). Zoning refers to the process by which local governments divide land into areas or "zones" where specific land uses are permitted or prohibited, such as residential, commercial, industrial, or agricultural activities (Mabaso, 2020:54). It is a critical tool in urban planning that helps manage and direct urban growth, ensuring that land use is organized in a way that minimizes conflicts and maximizes the benefits to the community (Ngcobo & Moyo, 2019:103). Zoning regulations often dictate the types of buildings allowed, their density, and their placement, thus shaping the physical and social landscape of cities (Dlamini, 2021:88). The role of Municipal By-Laws in regulating sports facilities extends beyond land use classifications. By-laws also govern the operation and maintenance of these facilities, ensuring that they continue to meet the required standards over time. This includes enforcing regulations related to accessibility, safety, and environmental impact, all of which are essential for the long-term sustainability of recreational infrastructure. Kim and Park (2017) highlight the importance of by-laws in maintaining the quality of community life by ensuring that public facilities are safe, accessible, and well-maintained.

In terms of the Institutional Theory, the legal frameworks, zoning regulations and standards for the construction of structures, buildings and all public amenities have an impact on the implementation process of the municipal by-laws.

2.5.6 The White Paper on Local Government (1998)

The White Paper on Local Government (1998) is the point of departure for local government to plan and implement recreation services. Problems pertaining to recreation service delivery such as lack of adequate strategies, policies, the provision of recreation facilities, programming, financing and human resources still exist at local government level (Mogajane, Meyer, Toriola, Amusa & Monyeki, 2014:25).

Goslin (2003: 528) asserts that there is still a deficiency in decision-makers' comprehension of the function and importance of recreation. Many residents and communities are concerned about their neighbourhoods, access to services and economic opportunities, transportation, safety, pollution and congestion, and distance from social and recreational activities. Naidoo (2005) identifies a key issue for local governments as the absence of recreation policies. As per the Constitution of the Republic of South Africa, 1996, every individual is entitled to a secure and salubrious environment. According to Mogajane et al (2014:26), Local government must develop a policy framework for the governance of recreation at local level, that is, in concert with the national and provincial sport and recreation policy and must make recreation accessible to all people in the local area (White Paper on Sport and Recreation, 2002:3).

The White Paper on Sport and Recreation (2011) gives a clear pronouncement on the government's policy for sport and recreation in the Republic of South Africa concerning the usefulness of sport and recreation as a social connector, one of its most significant development features. (Modisane et al., 2019:222). Therefore, the development of recreation strategies and policy formulation by local governments is an obligation as mandated by the White Paper on Local Government (1998), White Paper on Sport and Recreation (2002) and Constitution of the Republic of South Africa (1996) (Mogajane et al., 2014:26). According to Modisane et al. (2019), the effective implementation of government's policy on sport and recreation will also require an appropriate legislative framework.

The White Paper on Sport and Recreation (2002) had limitations in ensuring effective recreation service delivery since it did not have binding capacity for its stakeholders (provinces, local authorities, national federations). Given these stated limitations of the

White Paper on Sport and Recreation, it was clear that the provision and implementation of recreation by local governments are somewhat affected (Mogajane, 2011: 152). The Institutional Theory acknowledges that the legal environment plays a crucial role in shaping municipal behaviour.

2.5.7 National Sport and Recreation Act, 1998 (Act No. 110 of 1998)

The National Sport and Recreation Act (NSRA), 1998 (Act No. 110 of 1998) establishes the framework for sport and recreation at the national level. While its primary focus is on national-level matters, its provisions can significantly impact municipal recreation policies and initiatives. By setting overarching principles and guidelines, the NSRA, 1998 (Act No.110 of 1998) provides a roadmap for municipalities to develop their recreation strategies in alignment with national objectives. The NSRA, 1998 (Act No.110 of 1998), emphasises the importance of promoting equitable access to sport and recreation facilities, fostering talent development, and enhancing participation across diverse demographics.

Section 8 (1), (2) and (3) of the NSRA, 1998 (Act No.110 of 1998) states that the Sports Commission must organise programmes aimed at mobilising the nation to play. The Sports Commission will, in accordance with its funding policy and the provisions of Section 10 of the NSRA, 1998 (Act No.110 of 1998), provide physical facilities for sport and recreation at the national level, depending on the availability of funds. Section 8 of the NSRA, 1998 further states that the beneficiary of the provision of such facilities must ensure that there is maintenance agreements for every facility erected and the establishment of management structures to run commercially viable ways. When planning all facilities, consideration should be given to the accessibility of all facilities to sports people and spectators with disabilities. Section 9 of the NSRA, 1998 (Act No.110 of 1998) and sub-section 2(e) ensure that women, the youth attending school and those who are no longer attending school, the disabled, senior citizens, and neglected rural areas, receive priority regarding programmes for development and the delivery of sport and recreation.

Recent studies have emphasised the Act's role in promoting sports development across different levels of society. According to Mokwena (2020: 23), the NSRA has been instrumental in fostering grassroots sports, particularly in underserved communities where access to sports facilities was historically limited. The study by Mokwena (2020) highlighted that the provisions of the NSRA, which prioritise the development of sport and recreation facilities, have led to increased participation in sports among the youth in these

areas. This is particularly important in rural and peri-urban regions, where sport serves as a tool for social cohesion and youth empowerment.

Similarly, a study by Dlamini (2021: 45) analysed the effectiveness of the NSRA in driving the development of elite sports in South Africa. Dlamini found that while the Act provides a solid framework for national-level sports development, there are still significant gaps in funding and resource allocation that hinder the full realisation of its goals. The study called for a more targeted approach to implementing the Act's provisions, particularly in identifying and nurturing talent in underrepresented sports disciplines.

The issue of equitable access to sports facilities, as mandated by the NSRA, has also been a focal point of recent research. According to a study by Ndlovu and Makhathini (2019: 78), the Act has made significant strides in improving access to sports facilities for historically disadvantaged communities. Their research noted that the establishment of new sports facilities in rural areas has led to increased participation in sports, contributing to community development and social inclusion.

However, Ndlovu and Makhathini (2019:78) also pointed out the challenges related to the maintenance and management of these facilities. Their study found that many municipalities struggle to maintain sports facilities due to inadequate funding and a lack of skilled personnel. This has led to some facilities falling into disrepair, undermining the long-term sustainability of the NSRA's objectives. The authors recommended the implementation of public-private partnerships as a potential solution to these challenges, ensuring that sports facilities are well-maintained and accessible to all. Inclusivity is a key focus of the NSRA, particularly in ensuring that marginalised groups, such as women, people with disabilities, and rural communities, have access to sports and recreation opportunities. In their study, Moyo and Sibanda (2022) examined the extent to which the NSRA has succeeded in promoting inclusivity in South African sports. They found that while the Act has contributed to increased participation among women and youth, there are still significant barriers that prevent full inclusivity. For example, the study highlighted the lack of adequate facilities for people with disabilities as a major issue, with many sports venues failing to meet accessibility standards.

Several studies have also highlighted the ongoing challenges in the implementation of the NSRA. According to a report by the Department of Sport, Arts and Culture (2023: 46), one of the main challenges is the uneven distribution of resources across different provinces, with rural areas often receiving less support compared to urban centres. This disparity has led to unequal access to sports facilities and programs, which undermines the Act's goal of promoting equitable access to sport and recreation for all South Africans.

The report by the Department of Sport, Arts and Culture (2023) also pointed out the need for better coordination between national and local governments in implementing the NSRA. It recommended the establishment of a national oversight body to monitor the implementation of the Act's provisions at the municipal level, ensuring that all communities benefit from the resources allocated for sport and recreation.

2.5.8 Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

Section 151 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) provides the legal framework for the establishment, constitution, and functions of municipalities in South Africa. Section 2 to 10 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) (LGMSA) defines the different categories of municipalities, ranging from metropolitan municipalities to local municipalities, each with its own set of powers and responsibilities. Section 73 of the LGMSA is particularly significant as it establishes ward committees, which are integral to fostering community participation in local governance. These committees serve as vital forums for residents to express their needs, concerns, and preferences, particularly concerning the provision of local services such as recreational facilities. By engaging with ward committees, municipalities can gain valuable insights into the specific needs of their communities, enabling them to tailor services and facilities accordingly (Reddy, 2020: 202).

Ward committees are a key mechanism for enhancing participatory democracy at the local level. They bridge the gap between municipal councils and the communities they serve, ensuring that the voices of residents are heard in decision-making processes. This is particularly important in diverse communities where the needs and preferences of residents can vary widely. In providing a platform for these voices, ward committees help to ensure that municipal services, including recreational facilities, are inclusive and responsive to the needs of all community members (Mathebula, 2021: 341).

Several research studies have shown that active community participation through ward committees leads to more effective governance and improved service delivery. A study by Mphahlele and Mafunisa (2021: 266) highlights that municipalities that actively engage with their ward committees tend to be more attuned to the needs of their residents, resulting in better-targeted services and higher levels of community satisfaction. This underscores the importance of maintaining strong, active ward committees as a means of enhancing local governance and ensuring that municipal services are aligned with community needs (Mphahlele & Mafunisa, 2021: 452).

Municipalities are mandated to ensure that all residents have access to these essential

services, which are critical for improving quality of life and promoting sustainable development. Section 151 of the LGMSA provides the legal foundation for municipalities to carry out these functions effectively, ensuring that they have the necessary authority and resources to meet their obligations.

However, the implementation of these provisions is not without challenges. Many municipalities, particularly in rural areas, face significant resource constraints that hamper their ability to deliver services effectively. Studies have indicated that these challenges are often compounded by issues such as poor governance, corruption, and a lack of capacity within municipal administrations. For example, a study by Phiri and Mubangizi (2022) found that in many rural municipalities, the lack of skilled personnel and inadequate financial resources significantly hindered service delivery, leading to widespread dissatisfaction among residents (Phiri & Mubangizi, 2022: 509).

The LGMSA of 1998 is a crucial piece of legislation that outlines the municipal governance framework. It creates municipalities in accordance with specific categories based on their size, population, service delivery requirement and economic activity. The LGMSA of 1998 regulates internal structures that enhance participatory democracy. It also provides for suitable electoral systems and regulate political office-bearers of municipalities.

2.5.9 Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)

Section 2 of the Local Government: Municipal Systems Act (MSA), 2000 (Act No. 32 of 2000). The MSA, 2000 (Act No.32 of 2000) establishes the legal framework for the functioning of municipalities, including their powers to make by-laws related to municipal services, including recreation. Section 2(b) (i) and (ii) of the MSA, 2000 (Act No.32 of 2000) outlines the processes and procedures governing municipal administration, financial management, and service delivery. Municipalities may enact by-laws that regulate various aspects of recreational facilities, activities, and services within their jurisdictions (Mncube, 2022: 112). By-laws play a pivotal role in regulating the use of recreational facilities, ensuring public safety, and maintaining order. These by-laws typically cover matters such as the establishment and maintenance of parks, sports facilities, community centres, libraries and other recreational spaces, as well as rules for their use, fees, safety standards, and environmental considerations (Local Government Handbook: South Africa, 2020).

The by-laws may cover aspects such as operating hours, user fees, and conduct rules within recreational spaces. Moreover, Section 25 of the MSA 2000 (Act No. 32 of 2000)

mandates municipalities to adopt integrated development plans (IDPs) that incorporate provisions for the development and maintenance of recreational infrastructure. Other relevant laws and regulations may apply, including environmental laws, land use planning regulations, and specific legislation related to sports, leisure and community development.

2.5.10 National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)

Section 2 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) also known as the Protected Areas Act aims to conserve and protect South Africa's rich biodiversity and natural heritage. While primarily focused on the management of protected areas, the Protected Areas Act also has implications for recreational activities occurring within these areas. Protected areas, such as national parks and nature reserves, offer valuable opportunities for outdoor recreation, including hiking, camping, and wildlife viewing. However, these activities must be managed sustainably to minimise environmental impact and preserve biodiversity.

Prior to the 2011 local government elections, there were District Management Areas (DMAs). In terms of section 1 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), a District Management Area (DMA) means a part of a district municipality which in terms of section 6 has no local municipality and is governed by that district alone (Municipal Demarcation Board, 2007:3). The DMA was a name given to areas within a district municipality that did not fall within any local municipality and received municipal services directly from the district. The DMAs were primarily national parks and nature reserves with a very low population density. Section 17 of the Protected Areas Act, therefore, regulates recreational activities in protected areas, imposing restrictions where necessary to safeguard sensitive ecosystems and endangered species.

In terms of Section (1) and (2) of the Regulations for the Proper Administration of Nature Reserves, 2012, a management authority must, within a recreation area, display any Protected Area Notice required under these Regulations. In relation to recreation areas, Area Notice should be posted at every entrance to a recreation area, indicating the opening and closing times of that recreation area, along with any internal rules made by the management authority. By-laws governing recreational facilities also address environmental conservation and sustainability concerns. Measures such as waste management protocols, biodiversity preservation, and sustainable development practices

are often incorporated into these regulations (Makondo & Moyo, 2019: 246). Compliance with environmental by-laws ensures the preservation of natural resources and the long-term viability of recreational spaces for future generations. GGLM (Category B municipality) and Mopani District Municipality (Category C municipality) share borders with Kruger National Park North. Section 155(1) (b) and (c) of the Constitution of the Republic of South Africa, 1996 defines a category B as a municipality that shares municipal executive and legislative authority in its area with category C municipality within whose area it falls; and a category C is a municipality that has executive and legislative authority in an area that includes more than one municipality.

The Protected Areas Act is a law that aims to conserve and manage all protected areas for future generations. The act also establishes and manage national parks and other protected areas. The relevant category C and B municipalities that are directly affected are Mopani District Municipality and GGLM respectively. Outdoor recreation must be managed sustainably to minimise environmental impact and preserve biodiversity. The purpose of the Act is to conserve ecosystems, biodiversity and natural resources.

2.5.11 National Sport and Recreation Plan 2011(Draft 20)

The National Sport and Recreation Plan (NSRP), 2011 provides a comprehensive framework for the planning, development, and management of recreational facilities across the country (Department of Sports, Arts and Culture, 2013). The NSRP, 2011 envisions a healthy, active, and winning nation through sports and recreation. The NSRP, 2011 emphasises the importance of providing diverse recreational opportunities for all citizens, irrespective of their socio-economic status or geographical location. Furthermore, the NSRP 2011 serves as a strategic blueprint for the promotion of sport and recreation in South Africa (Department of Sports, Arts and Culture, 2012). The NSRP 2011 outlines key priorities such as increasing access to recreational facilities, promoting grassroots sports development, and enhancing the overall sporting infrastructure in the country. In addition to national policies, provincial and municipal governments also play crucial roles in the regulation and management of recreational facilities.

Scholars such as Van Deventer and Van Niekerk (2018) have highlighted that the NSRP 2011's focus on improving infrastructure and access aligns with global best practices in sports management. They argue that comprehensive infrastructure development is crucial for fostering both community and elite sports (Van Deventer & Van Niekerk, 2018:123). Similarly, the work of Jordaan et al., (2020: 67) supports this view, emphasising that robust sport and recreation infrastructure is essential for long-term athlete development and

community engagement Research by Kruger (2019) on local government involvement in sport and recreation highlights both opportunities and challenges. Krugernotes that while local governments play a vital role in customising facilities to meet local demands, issues such as inadequate funding and lack of coordination between different levels of government can impede successful implementation (Kruger, 2019: 142). Furthermore, a study by Moyo and Nkomo underscores the importance of effective intergovernmental collaboration to overcome these challenges and achieve the objectives of the NSRP 2011 (Moyo & Nkomo, 2021: 89). Also, the work of Harrison and Robinson (2023:101) suggests that the NSRP 2011's emphasis on grassroots development aligns with successful international models, which advocate for strong community-based programs as a foundation for elite sports. However, challenges such as resource constraints and unequal access in underserved areas continue to affect the effectiveness of these programs (Dlamini et al., 2020: 81). A study by Mthembu and Mokoena (2022:112) highlights disparities in facility quality between urban and rural areas, suggesting that while some regions benefit from high-quality infrastructure, othersface significant deficits. Addressing these disparities is crucial for the effective implementation of the NSRP 2011. According to Van Deventer and Van Niekerk (2018), local government authorities are responsible for the planning and provision of recreational amenities within their jurisdictions, in line with national guidelines and objectives.

2.5.12 South African Public Library and Information Services Bill (2012)

The South African Public Library and Information Services Bill (2012) (SAPLIB 2012) represents a significant legislative initiative aimed at enhancing the accessibility and quality of library services across the country. Schedule 5 Part A of the Constitution of the Republic of South, 1996 includes libraries as one of the functional areas of exclusive provincial legislative competence. Public libraries in South Africa play a crucial role in promoting literacy, education, and community engagement, making them vital components of the nation's social and cultural fabric. The SAPLIB 2012 emphasises the need for equitable access to information, ensuring that library services cater to all citizens, including marginalised groups such as people with disabilities.

The SAPLIB 2012, introduced by the Department of Sports, Arts, and Culture (DSAC), was designed to support the provision of library services across South Africa's nine provinces through a conditional grant system. According to Bopape, Dikotla, and Mahlatji (2021:9), the allocation of these grants is fundamental to sustaining library services, which are essential rather than optional community resources. This perspective highlightsthe

importance of libraries as critical infrastructure for information access and community development, especially in areas where other educational resources might be limited.

The Bill's stipulations are particularly important in the context of South Africa's broader efforts to promote a culture of reading. Section 4(1)(a) and (b) of the SAPLIB 2012 explicitly mandates that library services should foster a reading culture, aiming to create a nation of readers. This objective aligns with global and national educational policies that recognise the role of literacy in individual and societal development. The Bill's focus on equal access to services further underscores the commitment to inclusivity, ensuring that every citizen, regardless of their socio-economic status, can benefit from the resources provided by public libraries (Bopape, Dikotla & Mahlatji, 2021:9).

Section 4(1) (c) of the SAPLIB 2012 addresses the need for special measures to ensure equitable access to library services. This includes provisions for people with disabilities and other groups disadvantaged by unfair discrimination. In a country with a history of systemic inequalities, these measures are critical for bridging the gap between different segments of the population. By prioritising accessibility, the Bill seeks to transform public libraries into truly inclusive spaces that serve the diverse needs of all community members (Bopape, Dikotla & Mahlatji, 2021:9). In addition to its focus on accessibility, the SAPLIB 2012 also places significant responsibility on municipalities. Section 9(1)(a),(d), and (f) of the Bill requires municipalities to take reasonable steps to provide public library and information services as mandated by sections 126 or 156(1)(b) of the Constitution of the Republic of South Africa, 1996. This constitutional alignment ensures that the provision of library services is not only a policy goal but also a legal obligation.

Public libraries, while traditionally associated with the provision of books and educational materials, also serve as community hubs offering a wide range of services. They are spaces for reading, studying, and community engagement, hosting events, workshops, and clubs that cater to various interests and age groups. This multifunctional role of libraries contributes to social cohesion and community development, making them indispensable in the broader context of public service delivery (Bopape, Dikotla & Mahlatji, 2021:9).

Various studies have documented the impact of libraries on literacy and education, particularly in disadvantaged communities. For instance, research by Hart and Zinn (2020:30) highlights the role of libraries in supporting school education, especially in rural areas where access to educational resources is limited. Libraries provide not only books but also access to information technology, which is increasingly important in today's

digital age.

A study by Stilwell (2019:45) emphasises the importance of libraries in fostering a culture of reading among young people. The research found that libraries are often the only places where children and adolescents can access a wide range of reading materials, particularly in low-income areas. Another significant aspect of public library services, as discussed by Raju and Raju (2021:78), is their role in community development. Libraries are not just repositories of books; they are active participants in community life. They offer programs and services that address various social issues, such as literacy, unemployment, and social inclusion. The SAPLIB 2012's emphasis on inclusivity and accessibility is also reflected in global trends in library services. According to Lor (2019:52), many countries have recognized the need to make libraries more inclusive, especially for people with disabilities. The implementation of accessible design and specialised services is increasingly seen as a standard practice in public libraries worldwide. South Africa's commitment to these principles through the SAPLIB 2012 aligns the country with international best practices in public library service provision.



Figure 1: Mavalani Community Library in GGLM (Pictures: Author)

Mavalani community library is properly equipped with modern technology and infrastructure (computers, internet access, study spaces and audio-visual equipment). There are other 4 (four) community libraries in the GGLM, which are Zamani in Nkuri, Muyexe, Xihlovo in Shawela and Makhuva, which were built by the Limpopo Department

of Sport, Arts and Culture and handed over to the municipality. The Giyani Public Library is the main library situated in the Giyani Central Business District (CBD). All these libraries are properly equipped and well-maintained. There was FM Maboko Library in Giyani Section A. The building was donated to the government by the owner Mr Fred Marvel Maboko, who was a Chief Librarian to the then Gazankulu Government. He was the organizer of the Tsonga-Venda region, and he was tasked to establish The Bantu Library Service of the North. His efforts in organising library services in the Tsonga-Venda region highlight the longstanding commitment to providing accessible library facilities within the GGLM. These well-maintained and equipped libraries indicate the municipality's focus on upholding municipal by-laws to ensure the continuous provision and maintenance of recreational facilities. The implementation of these by-laws can be seen in how these facilities contribute to community engagement and development, thus playing a vital role in the GGLM's overall social and educational infrastructure.

2.5.13 Draft National Spatial Development Framework 2019

Spatial Planning Frameworks guide the spatial distribution and development of recreational facilities within municipalities (Draft National Spatial Development Framework, 2019). These frameworks aim to promote accessibility by strategically locating facilities in areas with high population density or limited recreational amenities (Luthuli, 2017). Moreover, they emphasise the integration of recreational spaces with other urban infrastructure, such as public transportation networks, to enhance connectivity and convenience for residents (National Department of Human Settlements, 2018).

Several case studies provide insights into the practical application of spatial planning frameworks for recreational facility development. In their study of urban planning in Cape Town, Mokoena and Ngcobo (2020: 90) found that the integration of recreational spaces with transport networks significantly improved accessibility and utilisation rates. They noted that strategic placement of parks and sports facilities near major transportation hubs facilitated easier access for residents, particularly those in lower-income areas. This aligns with the findings of the National Department of Human Settlements (2018: 23), which underscores the importance of aligning recreational facility development with broader urban infrastructure planning to enhance accessibility. Another relevant case study is the analysis of recreational facility distribution in Johannesburg conducted by Nkosi and Dlamini (2022: 130). Their research highlighted the effectiveness of spatial planning frameworks in addressing disparities in recreational facility availability across different neighbourhoods. They reported that targeted investments in high-density and

underserved areas led to more equitable access to recreational amenities and improved community satisfaction.

2.6 THE IMPLEMENTATION OF MUNICIPAL BY-LAWS IN THE PROVISION OF RECREATIONAL FACILITIES

Municipal by-laws significantly impact the development and quality of recreational facilities worldwide. For instance, in the United States, municipal regulations often set detailed standards for park planning, safety, and accessibility (Fong & Lichter, 2021: 20). According to Fong and Lichter (2021:22), well-enforced regulations contribute to higher-quality recreational spaces and increased community engagement. They argue that the effectiveness of these by-laws is closely linked to adequate funding and strong enforcement mechanisms (Fong & Lichter, 2021: 22).

In Australia, local government regulations mandate the inclusion of recreational spaces as part of urban planning, emphasizing sustainability and community well-being (Schmidt et al., 2022:87). According to Williams and Wanjiru (2020:45), the integration of environmental and social sustainability into municipal by-laws has led to the development of multifunctional recreational spaces that cater to diverse community needs. In Europe, different countries exhibit varying levels of effectiveness in municipal by-laws concerning recreational facilities. In Germany, for example, comprehensive municipal regulations have resulted in high-quality parks and recreational areas, supported by regular updates and rigorous enforcement (Schmidt et al., 2022:88). Conversely, in Eastern Europe, the lack of updated regulations and enforcement challenges have led to inadequate recreational facilities (Ivanov, 2019: 34).

Municipal by-laws play a crucial role in the provision of recreational facilities. According to eThekweni Metropolitan Municipality (eThekweni Municipality) Parks and Recreational Grounds By-law (2015:2), the municipal by-law protects and preserves parks for the benefit of the public; regulates proper use and enjoyment of parks by members of the public; standardises the fees prescribed for the reservation of parks for private events and functions. There is proper control for reservations of recreational facilities for private events and functions; public announcement and advertising; starting a fire; preparation and cooking of food; and parking of vehicles may only be at a place designated by the municipality.

Section 78(1) and (3) of the Culture and Recreation By-Laws states that no person may smoke in a local sport facility except in any portion designated for that purpose, as

indicated by a notice to that effect. On the dress code, Section 85(1) and (3) states that no person may wear shoes or other footwear which may damage the surface of a local sport facility. Where a facility or equipment in a park is reserved for children, the use of such facility or equipment must be restricted to persons not older than 12 years of age. There is prohibited conduct to a person always entering or visiting recreational facilities. The municipality reserves the right to prohibit or restrict the access of any animal except for a guide dog which is being used by a blind person (eThekweni Municipality Parks and Recreational Grounds By-law.2015:5-7).

Section 85(1) and (2) on public decency states that “no person may be present in or on any local sport facility, except in a change room or ablution facility specifically set aside for use by persons of the same sex”. It further states that “no person may relieve him or herself in any part of a local sport facility other than in the ablution facilities specifically provided for that purpose and for use by members of his or her own sex”.

In terms of tree preservation orders, a person entering or visiting the recreational facility, may not destroy or remove any tree, flower or plant growing in any part of the park. In terms of enforcement, any person who contravenes or fails to comply with the provision of the by-law; or refuses to comply with any lawful instruction given in accordance with the municipality by-law; is guilty of an offence; and may be sentenced to a maximum fine of R40 000 or imprisonment for a period not exceeding two years or both (eThekweni Municipality Parks and Recreational Grounds By-law.2015:5-7). Sport and recreation in South Africa strive to improve the quality of life of all South Africans by promoting participation in sports and recreation in the country, as well as the participation of athletes and teams in international sporting events (Modisane et al., 2019:222).

The implementation of municipal by-laws faces several challenges that affect the provision of recreational facilities. One significant issue is the variability in enforcement and adherence. For example, Lemaire and Rousseau (2023) highlight that budget constraints and limited administrative capacity can hinder the effective enforcement of recreational facility regulations, leading to disparities in facility quality and maintenance (Lemaire & Rousseau, 2023: 76). Additionally, regulatory fragmentation can impede the efficiency of municipal by-laws. Overlapping responsibilities between different municipal departments can create inconsistencies in the application and enforcement of regulations. This issue is particularly evident in cities where multiple agencies manage different aspects of park and recreational facility development (Miller, 2020: 94). Miller (2020) suggests that streamlined processes and clear delineation of responsibilities are crucial for improving the effectiveness of municipal by-laws.

In South Africa, the impact of municipal by-laws on recreational facilities has been the subject of several studies. For example, Moyo and Chikodzi (2021) evaluate the effectiveness of municipal by-laws in urban areas, noting that while these regulations have facilitated the development of several recreational spaces, challenges such as inconsistent enforcement and limited funding persist (Moyo & Chikodzi, 2021: 58). They emphasise the need for better alignment between municipal regulations and community needs to enhance the overall implementation of recreational facility provision.

2.7 THE IMPACT OF THE IMPLEMENTED MUNICIPAL BY-LAWS IN THE PROVISION OF RECREATIONAL FACILITIES

In the United States, studies have shown that clear communication, community engagement and collaboration between local agencies are key factors in successful by-law implementation (Schwartz, Zheng & Walensky, 2019:189). If by-laws are well-publicised, written in accessible language, and communicated through multiple channels, community members are more likely to be aware of their existence and implications (Meyer & Kleynhans, 2017: 274). Similarly, in European countries like the United Kingdom, effective collaboration between local authorities, law enforcement agencies, and community groups has been found to enhance by-law compliance (Stewart & Palmer, 2018:603). In Asian municipalities, such as Singapore, strict enforcement backed by significant penalties has contributed to a high level of compliance with municipal by-laws (Low, 2020:47). Furthermore, stakeholder engagement is essential. Engaging community members, businesses, and relevant organisations in the by-law development process enhances ownership and understanding, making implementation more likely to succeed (Fester Jovanovich & Pretorius, 2020: 184). Additionally, effective enforcement of by-laws regarding lighting, security personnel presence, and access control mechanisms contributes to creating a secure environment for recreational activities (Azubuine & Umunakwe, 2020). By-laws must be accompanied by a robust enforcement strategy, which may involve designated officials, fines, or community engagement initiatives (Chiroro & Rugube, 2018: 135). Without effective enforcement, by-laws can remain mere documents with limited impact.

In South Africa, the IDP process is an inclusive, coordinated and strategic process that is used by the local government, to identify the local community needs and to transform these needs into reality through the development of the IDP. Each municipality has to adopt an IDP that has a five-year trajectory, and the plan is reviewed annually to combat any uncertainties (Ostrom, 2019: 111). The IDP document acts as a reference point for

municipalities regarding planning and development within the jurisdiction of the municipality (Sport and Recreation: Norms and Standards, 2010).

Drawing from the Department of Sport and Recreation: Norms and Standards (2010), the example shows that if the municipality wants to encourage an active lifestyle, they have to budget for any new developmental projects. The municipality can provide local sports and recreational facilities that will in turn reduce transportation costs to access the facilities. The municipality can also allocate more finances into campaigns that will make the community aware of the benefits of leading an active and healthy life. Implemented by-laws play a critical role in ensuring the safety and security of users within recreational facilities. Research by Govender and Pillay (2020: 122) highlights the positive impact of stringent by-laws on reducing crime rates and enhancing the perception of safety among facility users. Implemented by-laws are instrumental in promoting equitable access and inclusivity within recreational facilities. Research by Mbatha & Ngibe (2017) emphasises the importance of by-laws that prioritise accessibility for individuals with disabilities, marginalised communities, and socio-economically disadvantaged groups. By ensuring barrier-free access, accommodating diverse needs, and promoting social cohesion, these regulations contribute to fostering a more inclusive society.

Despite their significance, challenges exist in the effective implementation and enforcement of by-laws governing recreational facilities. Issues such as inadequate resources, capacity constraints, and regulatory inconsistencies pose challenges to municipalities and governing bodies (Govender & Pillay, 2020: 106). However, there are opportunities for collaboration between stakeholders, capacity-building initiatives, and leveraging technology to overcome these challenges and enhance the impact of implemented by-laws.

2.8 THE CHALLENGES FACED BY THE MUNICIPALITY WHEN IMPLEMENTING MUNICIPAL BY-LAWS IN THE PROVISION OF RECREATIONAL FACILITIES

There are several challenges faced by the municipalities in the implementation of municipal by-laws (Cundy, Bassett & Patel. 2016:56). Informing citizens about their rights and access to municipal sport and recreational services will enhance their awareness and create opportunities that can lead to increasing prominence of sports and recreation facilities in the community (Marais, 2015:39). If the community is unaware of their entitlement to sport and recreational facilities, raising knowledge about the availability of facilities can boost community participation in decision-making (Marais,

2015:39). Furthermore, planning principles require that these facilities be positioned centrally to minimise the distance travelled to them. In the case where sport and recreational facilities are placed far away in an inaccessible location, minimal to non-participation in the sport and recreation can result (Mashaba, 2017: 333). As a result, the provision of sporting and recreational facilities must be strategic to offer equal access to persons of all abilities.

2.8.1 Lack of accountability on spending of the Municipal Infrastructure Grant (MIG)

Since 2006, the National Treasury has provided funds for township regeneration in South Africa's non-metropolitan areas through the MIG and the Neighbourhood Development Partnership Grant (NDPG) (Denoon-Stevens & Ramaila, 2018:432). The MIG programme is a key part of government's overall drive to alleviate poverty (Mulauzi, 2020:23). These grants include funds for parks, libraries and sport and recreation facilities, which form part of the broader category of 'community services' (Denoon- Stevens & Ramaila, 2018:432). The NDPG aims to support neighbourhood development projects that provide community infrastructure. Similarly, the MIG has included funding for community facilities in its grant allocations, based on the premise that these facilities are part of the essential basic services that every South African should have access to (DPLG, 2004). Mulauzi (2020:23) argues that the persistent underspending is attributed to a lack of capacity and required skills at technical, financial, project and programme management levels. Municipalities do not appoint service providers on time, and this causes delays in the implementation of project phases. The issue of leadership instability within the municipality also results in a lack of reporting which leads to the misuse of the grant for unintended purposes; and stoppages of work due to community unrests; and shortages of labour as a result delaying project implementation (Mulauzi, 2020:23). The Auditor General of South Africa (AGSA)'s 2019/20 Annual Reports, flagged lack of accountability as a major cause of poor local government audit results in 2019. The AGSA reiterated in the subsequent years that some of the municipalities are failing to spend their MIG funds while others are using the funds for purposes not intended for (AGSA, 2020). The AGSA 2019/20 Annual Report further argues that one of the reasons is the lack of consequence management, weak institutional frameworks and poor governance within municipalities where corruption, among other ills, has reached endemic levels.



Figure 2: Giyani Section E State-of-the-Art Sport Centre in GGLM. (Pictures: Author)

Figure 2 depicts a R25.2 million state-of-the-art sport centre project in Section E, which was started in 2016. It is called combi-courts, where sports facilities combine multiple courts or surfaces for different sports activities. By October 2019, the state-of-the-art sport centre which was the first of its kind in the whole of Giyani was costing R39, 8 million, yet not completed (Chauke, 2019). It is eight years after the project was started and it is not yet completed. The implementation of municipal by-laws in the provision of recreational facilities in GGLM can be questioned based on the example of the sport centre project mentioned in Figure 2. This highlights potential inefficiencies in the enforcement of municipal by-laws or governance structures that are supposed to ensure the timely and cost-effective provision of such facilities. In this context, the delays and escalating costs suggest either poor planning or lack of effective implementation and oversight, challenging the municipality's ability to deliver recreational infrastructure within reasonable timeframes and budgets. This situation raises concerns about the overall implementation of municipal by-laws in ensuring that public recreational projects are completed to serve the intended community needs.

2.8.2 Contradictions in the Municipal By-laws on the Recreational Facilities on Tariffs

The contradiction in the GGLM Control of Public Facilities By-Laws, where the inclusivity and prioritisation provisions conflict with the tariff charges, reflects a broader issue observed in municipal policies. The GGLM Control of Public Facilities By-Laws (2002) explicitly address the need for accessibility and prioritisation in recreational facilities.

Section 3 mandates that the municipality must consider accessibility for individuals with disabilities when planning facilities. Similarly, Section 4 emphasises partnerships with sports organisations to promote mass participation and ensure that marginalised groups, such as women, youth, and senior citizens, are given priority in accessing sports and recreational facilities. Despite these provisions, Section 11(1) introduces a tariff policy that may contradict the inclusivity goals of the preceding sections. This section stipulates that individuals must pay a tariff for the use of municipal recreational facilities unless otherwise specified, potentially excluding the youth strata and designated groups from accessing these facilities due to financial constraints. According to Chauke (2020), on the 14th of June 2020, a member of Giyani Gallopers Athletic Club was struck by a vehicle and died on the spot whilst participating in the 2020 Virtual Comrade Marathon. There are several runners who are vulnerable to mugging or theft while running in the early morning hours due to several factors, including running in deserted areas with minimal pedestrians, low visibility, and lack of infrastructure or designated running paths, sidewalks, or adequate lighting.

Contradictions between policy objectives and their implementation are not unique to the GGLM by-laws. Research by Al-Khouri (2019) highlights how municipal policies often fail to align with their stated goals due to inconsistent implementation practices. Al-Khouri argues that while policies may advocate for inclusivity and accessibility, the financial barriers imposed by tariff structures can disproportionately affect low-income and marginalized groups, undermining the policy's intent (Al-Khouri, 2019: 237). Similarly, a study by Parker and Milner (2020) on urban recreational policies in South Africa found that tariff structures frequently clash with accessibility goals. They note that although municipal regulations aim to support disadvantaged groups, high tariffs can prevent these groups from fully benefiting from recreational facilities, creating a paradox where the intended benefits of the policies are negated by their financial implications (Parker & Milner, 2020: 415).

Section 3 of The GGLM Control of Public Facilities By-Laws (2002) on planning of recreational facilities states that “The Municipality will, when planning such facilities for sport and recreation ensure that special consideration is given to the accessibility of such facilities to sports people and spectators with disabilities”. Section 4 further states that “The Council may form partnership with other related sport organisations that have an interest in sport and recreation and mass participation, to enlist financial assistance towards the expansion of mass participation in sport and recreation

programmes and services; and provide physical for sport and recreation”. The Council will ensure that women, the youth attending school and those who are no longer attending school; the disabled; senior citizens; and the neglected rural areas within the area of the municipality; receive priority regarding programmes for development and delivery of sport and recreational facilities (The GGLM Control of Public Facilities By-Laws, 2002). Section 11(1) of The GGLM Control of Public Facilities By-Laws (2002) on the charges relating to the use of municipal recreational facilities states that “Save where otherwise provided in these by-laws a person authorised to utilise entertainment facilities or to whom any other service mentioned in these by-laws has been rendered by the Council shall be liable to the Council for the tariff charge in respect thereof.”

The issue of accessibility in recreational facilities is often complicated by financial constraints. According to Moyo and Ndlovu (2021), municipalities that implement user fees for public facilities may inadvertently marginalize lower-income residents, contradicting their inclusivity goals. They emphasise that while policies may promote accessibility, the actual implementation through tariffs often results in the exclusion of the very groups the policies aim to support (Moyo & Ndlovu, 2021: 142). Furthermore, research by Dlamini and Mathews (2022) indicates that high tariffs for recreational facilities can be particularly detrimental to youth and marginalized groups. They argue that the financial barriers created by such tariffs undermine the positive outcomes of policies designed to promote mass participation and inclusivity in sports and recreation (Dlamini & Mathews, 2022: 98). A case study reported by Nkosi and Mthembu (2021) highlights the real-world implications of such contradictions. The study details an incident where an athlete was injured while jogging in an area lacking adequate recreational facilities. The lack of proper facilities and high tariffs for available ones exemplifies the gap between policy intentions and practical accessibility. The case underscores the consequences of failing to adequately support recreational needs through both accessible infrastructure and affordable tariffs (Nkosi & Mthembu, 2021: 59).

Library by-laws are another area where contradictions arise, particularly concerning operating hours. According to the existing by-laws, municipal libraries are typically closed during weekends and public holidays, which conflicts with the community's need for access to educational and recreational resources during their free time. This closure not only limits access to critical resources but also contradicts the municipality's broader goals of promoting education and literacy (Mkhize, 2020: 411). The lack of access during weekends and holidays affects students, working adults, and other community members

who rely on the library for study, research, and recreational reading.

Moreover, this restriction highlights a broader issue within the municipal governance structure, where the scheduling and operation of public facilities do not align with the needs of the community (Peters, 2021: 78). The contradiction in the library by-laws represents a missed opportunity for municipalities to enhance community engagement and support continuous learning. Addressing this inconsistency requires a revision of the by-laws to ensure that libraries are accessible during times that best serve the public interest.

The Institutional Theory, which emphasises how organisations, including municipalities, are influenced by institutional norms, regulations, and structures, is highly relevant to the study of contradictions in municipal by-laws on recreational facilities tariffs. According to this theory, organisations adopt practices to align with external expectations from the environment in which they operate, including social norms, legal frameworks, and public policies. In the case of the GGLM Control of Public Facilities By-Laws, the inclusivity and accessibility provisions, such as prioritizing marginalized groups, reflect institutional pressure to promote social equity and public welfare. However, the introduction of tariffs, which contradicts these inclusivity goals, highlights how institutionalised rules and practices can create conflicts within municipal policies. The imposition of financial barriers, despite the emphasis on accessibility, illustrates the gap between policy intent and implementation. This inconsistency is common in public institutions, where the need to generate revenue through tariffs often clashes with the broader social mission of promoting accessibility and inclusivity. Institutional Theory suggests that such contradictions arise from municipalities attempting to balance external pressures (for example, financial sustainability) with internal goals (for example, inclusivity). Therefore, the theory helps explain why municipal policies may appear progressive on paper but fail to achieve their intended outcomes due to the influence of competing institutional demands. This underscores the need for municipalities to critically assess and harmonise their policies to avoid undermining inclusivity efforts through conflicting by-laws.

2.8.3 Lack of Municipal Recreational Facilities Experts

Strategic planning for parks and recreational facilities in municipalities occurs worldwide, but evaluation of the process and content of such planning is scarce. Some of the planning deficiencies found were due to the absence of a coherent provincial policy towards plan development and content (Gebhardt, & Eagles, 2014:321-244). The scarcity of specialized skills like recreational engineering, financial management, and planning

significantly hampers municipalities in executing their developmental recreational responsibilities (Luthuli, 2017). There are weaknesses in the capability of many Parks and Recreational agencies, and especially those of smaller municipalities to undertake and implement strategic planning (Gebhardt, & Eagles, 2014:321-244). Scholtz and Meyer (1990:127) point out that the provision of recreation facilities alone is not enough, and that there is a growing demand for professionally trained people to develop a variety of recreation programmes in a sustainable manner. The insufficient training of municipal officials regarding recreational by-laws can also lead to inconsistent application and enforcement of the by-laws (Fester, Jovanovic & Pretorius, 2020). The historical roots of recreation provision in local government departments of parks and open spaces may have contributed to this problem, since the people who first were responsible for recreation were gardeners and landscape architects and not trained recreation professionals (Lourens, 1998:3). The demand for professionally trained qualified recreation professionals is clear. It is vital to recognise that different fields require a diverse set of talents. Managers must be trained at tertiary levels, and specifically skilled to combine the different aspects of recreation service delivery, incorporating all managerial aspects (Mogajane, 2011:152). Sustainable facility management requires skilled personnel and resources. Education and training in recreation through local governments will improve skill development and the profession of recreation. Furthermore, skilled recreation field workers are needed to implement recreation programmes in local communities in a sustainable manner in order to reap the benefits of recreation participation and in the long-term create a healthier nation. It must be stated that these must be trained professionals, with skills in organising as well as human relations (Mogajane, 2011:152)



Figure 3: Giyani 16-holes Golf Course in Giyani Section D 2. (Pictures: Author)

The 16-holes Golf Course rather than the traditional 18-holes is due to space constraints that may not accommodate 18-holes, design limitations and environmental factors was officially opened by the Chief Minister of Gazankulu and patron of the Giyani Golf Club Prof. Dr. H.W.E Ntsan'wisi on 18 May 1991. According to Bilankulu (1991:16), the Giyani Golf Club Neels president said that the Golf Club was set up with a sponsorship from the Gazankulu Development Corporation. The 16-holes course can be a great option for beginners or juniors who want to build confidence and skills.

It is unfortunate that currently, the GGLM only utilise one hectare for social events such as weddings and birthday parties. There are no professionally trained people in GGLM to comprehend the golf sporting code. The absence of professionally trained individuals to understand and promote the golf sporting code indicates a lack of investment in human resources for recreational development. This reflects a failure in municipal by-laws or policy enforcement to ensure that facilities are managed by capable personnel, further limiting the potential impact of such amenities. The scenario suggests that while GGLM has recreational infrastructure in place, the municipal by-laws may not be effectively supporting the full utilisation, development, and maintenance of such facilities, thereby hindering their potential to serve the community. The fact that the golf course is now primarily used for social events rather than its intended sporting purpose suggests a gap in the enforcement or promotion of municipal by-laws that should govern the use of such recreational spaces. It shows that municipal authorities may not be prioritising the maintenance and proper use of facilities, leading to their repurposing for unrelated activities. The Municipal by-laws should address these constraints in a manner that balances recreational needs with environmental sustainability, but in this case, it seems that these limitations have not been fully overcome.

2.8.4 Lack of Consultation regarding Project Rollout on Recreational Facilities

In the South African setup, there are clear rules and procedures for consultation with regard to project rollout and they were discussed in 2.4. These are Chapter 7 and section 153 (a) of the Constitution of the Republic of South Africa Act, 1996, The White Paper on Local Government (1998), The Municipal Structures Act, 1998 (Act 117 of 1998) and The Municipal Systems Act, 2000 (Act 32 of 2000). They all point at the following: Identification of all relevant stakeholders including local communities, government departments, local leadership and for this case, they should also include focus groups which are sports organisations.

A notice of intention should be reasonably issued for public meetings to present project plans, answer questions, and gather feedback. Municipalities and project developers must follow these protocols to keep stakeholders engaged and informed throughout the project's rollout process, leading to more effective and sustainable recreational facility development. It can be argued that this what is expected.

The procedures outlined in this section are informed by various pieces of the legislations including the IDP as alluded in 2.4. There should be continuous community involvement in all stages of the projects to avoid boycotts and rejection of service delivery (Modisane et al., 2019:227)



Figure 4: Chachulani Hall, Giyani Community Hall and Giyani Multi-Purpose Centre (Pictures: Author)

The Chachulani Hall was the State of Art Hall built in 1980 with soundproof and the Northern Province Development Corporation now Limpopo Economic Development Agencies controversially sold the state asset (Hlungwani, 2010). It was replaced by Giyani Community Hall which was officially opened and handed over to the GGLM by the former Premier Ngoako Ramatlhodi on the 18 September 1997. The community hall did not meet Chachulani Hall's features in terms of the location and accessibility, capacity and throughput, and technology and infrastructure. Chachulani Hall is currently a supermarket (Hlungwani, 2010). The Giyani Multi-Purpose Centre was officially opened on the 07 December 2001 by MEC Rosina Semanya. It is not properly maintained, the ceiling is falling, and the Amphitheatre which produced artists like Khatisa Chabalala, Goodman Nghulele, Samson Muthombeni and many others is neglected. Some members of the community use donkey carts to fetch water in the precinct and the GGLM security personnel is nowhere to be found.

The case of Chachulani Hall and its replacement by the Giyani Community Hall exemplifies the challenges of municipal by-laws in the provision and maintenance of recreational facilities in GGLM. The neglect of recreational spaces like the Amphitheatre, which once nurtured prominent artists, and inadequate basic services such as water provision, highlight the ineffectiveness of the by-laws and oversight mechanisms. The deterioration of the Giyani Multi-Purpose Centre, opened in 2001 by MEC Rosina Semanya, further reflects the lack of proper maintenance and enforcement of municipal by-laws to sustain such facilities. As a result, the community's needs are not being fully met, with the facilities losing their intended purpose and value.

2.8.5 Limited Budget Allocations which restrict the Scope of the Quality of Recreational Services

According to Mogajane (2011:152), recreation services received a small percentage of local government budgets. The budgets for recreation in local governments' recreation budgets are limited, resulting in little or no financial aid to recreation organisations, a shortage of full-time personnel, and a lack of volunteers. Local government also have limited programmes for various targets groups such as the youth and, the elderly. The limited budget results in attracting less qualified human resources, non-existent recreation policies, insufficient funding, lack of recreation facilities, and ineffective recreation programmes. Mogajane (2018:14), further states that funding is dependent on budgets based on policy directives. The core issue is lack of guidelines in terms of the allocation made for sport and recreation per local government, per provincial and national levels.

Government should come up with a funding model for recreation which should be part of policy (Mogajane, 2018:14). Recent research regarding the provision of recreation in South Africa indicated that there is a low rate of participation in recreation due to lack of facilities, funding, health problems and lack of time (Fourie, 2006:118)

2.8.6 The disconnection between the expectations of the community and perspectives of Municipal Officials

The historical exclusion of most residents from decision-making and from participation in municipalities demands a different institutional framework. The developmental local government, therefore, must invest in the historically disenfranchised communities in a strategy that builds citizenship first before treating communities as customers to instil a

sense of ownership and belonging (Netswera, 2005:71). Local government should also offer different recreation programmes based on identified needs of the communities. These should be formulated and implemented by recreation personnel with relevant qualifications (Mogajane, 2018:14).

The community's capacity to participate has to be built because this, in turn, influences effective and efficient municipal service delivery. The ward committee system enables communities to best articulate their interests to the municipality, bringing together not the majority interests but the diversity of community interests. Since perception rather than reality determines public reaction, one crucial aspect of delivery is good communication (Netswera, 2005:71)

2.8.7 Management of Facilities

Sports and recreational facilities play a pivotal role in promoting community well-being, providing spaces for physical activities, and fostering social interactions. These facilities are designed to cater to the diverse needs of the community and are managed daily through a systematic approach that involves scheduling, documentation, and monitoring. Management practices are crucial in ensuring that these facilities are accessible, well-maintained, and utilised effectively by the community.

The process of managing these facilities typically involves booking systems where community members can reserve spaces for specific events or activities. This process includes completing various forms and documentation, such as walk-in documents, message books, contract books, security damage deposit forms, and equipment forms, which help in securing the facility and ensuring accountability (Modisane et al., 2022: 45). Additionally, to maintain order and security within these facilities, a weekly attendance register of staff and a weekly activity sheet are implemented. These tools help in monitoring the utilisation of facilities and ensuring that the programs run smoothly across different sports and recreational sites.

Many facilities operate with minimal staff, making it difficult to maintain the high standards required for the proper functioning and safety of these spaces (Modisane et al., 2022: 47). The shortage of staff not only affects daily operations but also limits the capacity to plan and implement new programs that could benefit the community. For example, the department might plan to host a water polo clinic in a community that lacks a swimming pool or has little interest in swimming, resulting in under-utilised resources and wasted efforts (Diale & Moeti, 2021: 30).

Previous studies have highlighted similar challenges in the provision and management of sports and recreational facilities across different contexts. For example, a study by Van der Merwe (2020) found that the lack of financial resources and inadequate staffing were common issues in the management of sports facilities in South Africa. The study emphasised that the scarcity of funds often leads to poor maintenance of facilities, which in turn reduces their accessibility and usability for community members (Van der Merwe, 2020: 102). The author also pointed out that without sufficient staff, it becomes challenging to organise and manage events, leading to underutilisation of the facilities.

A study by Khumalo and Mthembu (2019) examined the impact of stakeholder cooperation on the management of sports facilities in urban areas. The authors found that effective communication and collaboration between stakeholders, including government departments, local councils, and community organisations, were essential for the successful implementation of sports programs. The lack of such cooperation often resulted in delays, mismanagement, and the eventual failure of projects (Khumalo & Mthembu, 2019: 88). This finding aligns with the challenges identified by Modisane et al., (2022: 49), where disagreements and miscommunication among stakeholders were noted as significant barriers to effective management.

The challenges related to report compilation and data management have also been documented in the literature. A study by Nkosi and Dlamini (2023) highlighted the difficulties in maintaining accurate and consistent records in the management of recreational facilities. The authors pointed out that inconsistencies in financial and safety reports could lead to poor decision-making and a lack of accountability, ultimately compromising the quality of services provided to the community (Nkosi & Dlamini, 2023: 135).



Figure 5: Dilapidated and deserted swimming pool in Kremetart Giyani (Pictures: Author)

Most of the time, deserted recreational facilities have overgrown vegetation, broken or damaged equipments, trash accumulation, crumbling infrastructure, increased crime or vandalism, and there are lost opportunities for recreation and leisure. There are factors contributing to recreational facilities becoming hubs for criminal activities. These are, amongst others, lack of supervision or staff presence, inadequate maintenance or upkeep and insufficient community engagement. These issues suggest that the municipal by-laws governing the management of recreational facilities may be ineffective or poorly enforced, as they fail to prevent the deterioration of these public spaces, turning them into hubs for criminal activities rather than centres for recreation and leisure. Addressing these concerns would require a review of the by-laws and their enforcement, as well as the introduction of more robust maintenance and community involvement strategies.

2.8.8 Intentional damage/vandalism of Recreational Facilities

Intentional damage or vandalisation of recreational facilities poses a significant challenge to municipalities in maintaining these public spaces. Vandalism not only deteriorates the quality of the facilities but also imposes financial burdens on the municipality for repairs and restoration (Zungu & Mpofu, 2019: 111). The by-laws often lack stringent measures to prevent or penalise such actions, leading to repeated offences and a cycle of degradation and costly repairs. Additionally, the absence of community involvement and awareness campaigns exacerbates the problem, as residents may not fully understand the impact of vandalism on the community's resources (Tshabalala, 2020: 109).

The cost of repairing vandalised facilities diverts funds from other essential services, further straining municipal budgets. The challenge is compounded by the difficulty in monitoring all recreational facilities, especially in areas with limited resources. To mitigate this, municipalities need to implement more effective strategies, including community-based monitoring systems, educational programs, and stricter enforcement of by-laws (Nkosi & Mokoena, 2021: 43). By involving the community in the protection and preservation of these facilities, municipalities can foster a sense of ownership and responsibility, reducing the incidence of vandalism and ensuring the sustainability of recreational spaces.



Figure 6: T P. Khuvutlu Sport Centre in Giyani Section A. (Pictures: Author)

According to Bilankulu (1985:16) of Mhlahlala: The Newspaper for Gazankulu, the former Chief Minister of Gazankulu Prof. Dr. H.W.E. Ntsan'wisi, officially opened the T P.Khuvutlu Sport Centre, which comprised of four tennis courts, two volleyball courts, four netball courts, a club house, a change room, ablution facilities, a pavilion and two tennis practice courts. The occasion took place on the 14th of June 1985. All the courts and the clubhouse are currently neglected, and there is a lack of maintenance of the precinct in general, the change room and ablution facilities. When there are tournaments, the municipality hires mobile toilets. There is also an unfinished security wall project since 2016. The unrestricted entry makes the public trespass the facilities without control or monitoring and potentially posing safety risks or disruptions to scheduled activities. The entry and exit points are not managed. The implementation of municipal by-laws in the provision of recreational facilities in GGLM appears to be lacking, as evidenced by the current state of the T.P. Khuvutlu Sport Centre. These issues highlight a failure of the municipality to uphold its responsibilities in maintaining public facilities,

despite having by-laws that should regulate their upkeep and use. The neglect of the centre, including hiring mobile toilets for tournaments and security concerns, suggests that municipal by-laws are either inadequately enforced or ineffective, ultimately limiting the community's access to safe and well-maintained recreational facilities.

2.8.9 Incomplete and deserted Recreational facilities

Incomplete and deserted recreational facilities are another challenge faced by municipalities. These facilities often result from poor planning, lack of funding, or administrative inefficiencies, leading to projects that are either never completed or abandoned shortly after their initiation. The existence of such facilities not only represents a waste of public resources but also diminishes the trust of the community in the municipality's ability to deliver on its promises (Mabaso & Mkhize, 2019: 66). The abandoned projects become eyesores in the community, often attracting illegal activities and contributing to the overall deterioration of the area. They may inadvertently harbour criminal activities or attract individuals with malicious intentions, including, drug sale or use, loitering or trespassing, prostitution or human trafficking and illegal gambling. The by-laws governing the construction and maintenance of recreational facilities often fail to address the issues of project completion and ongoing management. Without clear guidelines and accountability mechanisms, municipalities struggle to ensure that recreational facilities are completed to standard and maintained adequately over time (Dlamini, 2021: 126). To address this, municipalities need to review and update their by-laws to include provisions for project management, funding allocation, and long-term maintenance plans. Ensuring the completion and proper use of these facilities is crucial for promoting community well-being and enhancing the quality of life for residents.



Figure 7: The Homu 14 B Sport Centre and the derelict basketball court was a grazing field for goats and cattle. (Pictures: Chiguvare, 2024)

The 6.5 million Sport Centre in Homu village in GGLM which was meant to have a soccer field, tennis and basketball courts and a 15 000-capacity grandstand for sports lovers was planned to be completed in 2015 but by 2021, it was not yet completed. According to Chinguvare(2021), a satellite photo from March 2016 shows the completed stand, but football pitch and tennis and basketball courts were clearly incomplete.

The implementation of municipal by-laws in the provision of recreational facilities in GGLM appears to be inadequate, as illustrated by the incomplete Sport Centre in Homu village. This scenario highlights the shortcomings in the enforcement and oversight of municipal by-laws regarding recreational infrastructure. The failure to complete such projects compromises access to quality recreational spaces for the community and suggests inefficiencies in municipal management and accountability. Addressing these gaps is crucial to ensuring the full implementation of projects designed to enhance community well-being through recreational facilities.

2.9 EMPIRICAL EVIDENCE OF MUNICIPAL BY-LAW IN THE PROVISION OF RECREATIONAL FACILITIES IN GGLM

The by-laws are enacted by local governments and are outlined in official documents such as the South African Government Gazette and local municipal gazettes like that of the GGLM. The provision of recreational facilities under these regulations often extends beyond mere infrastructural development, delving into areas such as environmental protection, accessibility, and the appropriate use of public spaces like parks, sports fields, and libraries.

2.9.1 Environment, Sport and Recreation

Section 5 of the Greater Giyani Municipality: Control of Public Recreations Facilities By-Laws of 2003 (GGLM Recreational Facilities By-laws of 2003) states that “All sport and recreation activities shall be conducted in such a way that the environment is not adversely affected”. One of the key stipulations found in both national and local by-laws regarding recreational facilities is the emphasis on environmental conservation. For instance, all sports and recreational activities are expected to be conducted in such a manner that they do not cause undue harm to the environment. The South African Government Gazette, particularly in its provisions on environmental protection, mandates that public recreational facilities must align with environmental preservation efforts, including the management of waste, water resources, and biodiversity within parks and other recreational areas (South African Government Gazette, 2019: 45).

2.9.2 Restrictions on Entry and Residence in Parks and Recreational Facilities

Another crucial element of municipal by-laws is the regulation of access to recreational facilities. In many cases, restrictions are imposed to control not only who may enter these facilities but also what activities may be undertaken within them. GGLM Recreational Facilities By-laws of 2003 state that there are “Restrictions on Entry and Residence in Parks and Recreational Facilities”. This is particularly relevant in the case of parks and other public spaces where unchecked access could lead to misuse or overcrowding.

The Local Authority Notice 175: Greater Giyani Municipality Provincial Gazette Extraordinary No. 917 (2003) on Recreational By-Laws outlines conditions under which public entry to recreational facilities can be restricted. For example, certain parks may have designated areas where only specific activities are permitted, or entry may be limited to particular hours of the day to allow for maintenance and conservation efforts (Greater Giyani Municipality Provincial Gazette Extraordinary No. 917, 2003). Moreover, there are provisions that prohibit residence in parks and recreational facilities, preventing the establishment of informal settlements or temporary shelters that could disrupt the intended use of the space and lead to environmental degradation (Greater Giyani Municipality Provincial Gazette Extraordinary No. 917, 2003).

In the GGLM context, these restrictions are implemented to ensure the longevity and safety of public spaces. By-laws prevent any unauthorised use of parks, such as setting up camps or holding large-scale events without proper authorisation. These regulations help maintain the cleanliness, security, and aesthetic appeal of the spaces while ensuring that they remain available for public use (Greater Giyani Municipality Provincial Gazette Extraordinary No. 917, 2003).

Literature on the management of public recreational spaces supports this, arguing that enforcing restrictions on access and usage is vital for protecting both the facilities and the public (Ngwenya, 2020: 49).

2.9.3 Provision of Recreational Facilities in GGLM

The GGLM has made significant strides in ensuring that its residents have access to well-maintained recreational facilities. The municipality’s by-laws provide a framework for the development and upkeep of spaces such as libraries, sports fields, and community parks. These facilities are not only intended for leisure but also play a critical role in promoting social cohesion, physical health, and educational development within the community. A

key aspect of the GGLM's provision of recreational facilities is the development of public libraries. These libraries are governed by municipal by-laws that ensure they remain accessible to all residents, regardless of socio-economic status. Furthermore, the by-laws include provisions that outline how libraries should be maintained, how resources are to be allocated, and how library services are to be delivered to meet the educational needs of the community (Greater Giyani Municipality Provincial Gazette Extraordinary No. 917, 2003). Research on the impact of recreational facilities on community well-being suggests that access to well-managed public spaces, including libraries, is closely linked to improved educational outcomes and overall quality of life (Shongwe & Letsoalo, 2021: 23). These studies underscore the importance of local government interventions in ensuring that recreational facilities are not only available but are also effectively managed to serve the public. By-laws in GGLM, as detailed in the South African Government Gazette (2019), mandate that recreational activities should be conducted with minimal environmental impact. These regulations are grounded in principles of sustainability, ensuring that the natural environment is protected during the use of parks and sports fields. For example, the by-laws prohibit the use of non-biodegradable materials in public spaces and require that all recreational events adhere to strict waste management protocols. Research by Botha (2020: 44) found that municipalities with stringent environmental regulations experienced a 30% reduction in littering and environmental degradation in public spaces. This highlights the effectiveness of these by-laws in promoting sustainability. Studies have shown that municipalities that implement environmental protections within their recreational facilities see long-term benefits, such as reduced maintenance costs and enhanced biodiversity (Muller, 2021: 83). In the case of GGLM, these by-laws align with national environmental policies aimed at preserving ecosystems, particularly in rural areas where biodiversity is more vulnerable to human activity.

Evidence from the City of Cape Town shows that enforcing similar by-laws on public parks led to a significant decrease in vandalism and illegal occupation. Ngwenya (2020) studied the impact of access restrictions in urban parks and found that municipalities that enforced these regulations saw improved maintenance and a higher quality of life for residents. In GGLM, the enforcement of such by-laws aims to preserve the integrity of recreational spaces, ensuring that they remain clean, safe, and accessible to the public. Studies on the role of recreational facilities in promoting community well-being show that access to libraries and sports facilities significantly improves educational outcomes and social interaction (Shongwe & Letsoalo, 2021: 92). For example, a study conducted in the

eThekweni Municipality found that communities with access to well-maintained public libraries had higher literacy rates and better school performance than those without such facilities (Dube, 2020: 64). These findings are consistent with observations in GGLM, where the provision of libraries is seen as a key component of the municipality's development strategy.

Similarly, the Local Authority Notice 175: Greater Giyani Municipality Provincial Gazette Extraordinary No. 917 (2003) on Library By-Laws incorporates these principles by ensuring that its recreational spaces are sustainably managed. This includes implementing measures such as proper waste disposal systems and the maintenance of green spaces. For example, by-laws might require that recreational activities in these areas be monitored to avoid overuse, which can lead to soil degradation, deforestation, or harm to wildlife (Greater Giyani Local Municipality Provincial Gazette Extraordinary No. 917, 2003). Studies on sustainable recreation management emphasise that ensuring environmental conservation in such spaces leads to a longer lifespan for these facilities and promotes a healthier ecosystem (Muller, 2021: 73).

2.10 CONCLUSION

Chapter 2 focused on reviewing existing literature that addresses how municipal by-laws, particularly within the context of South Africa, govern the development, maintenance, and access to recreational facilities. The key themes in the literature included the enforcement of by-laws, their role in environmental protection during recreational activities, and the management of public access to parks and recreational areas. The review drew from empirical studies and policies analysed, highlighting gaps in the implementation of these by-laws and their influence on community well-being. The external and internal environment plays a crucial role in shaping municipal behaviour.

CHAPTER 3

RESEARCH METHODOLOGY

3.1 INTRODUCTION

In the previous chapter, related literature was reviewed to situate the implementation of municipal by-laws in the provision of recreational facilities. The chapter discussed the theoretical framework, the importance of equity and social inclusion, the effectiveness of public participation, the importance of policy and legislative frameworks, the implementation, impact and challenges of municipal by-laws in the provision of recreational facilities. Furthermore, the chapter identified and discussed Institutional Theory as the theoretical framework that underpins the study.

This chapter presents the research methodology of the study. This chapter consists of the research paradigm, research design, research design methods and study area, population of the study, sampling methods, data collection, data analysis, and ethical considerations. This chapter concludes with a summary of key concepts discussed.

3.2 RESEARCH PARADIGM

A research paradigm is a fundamental framework that guides the design, methodology, and philosophical underpinnings of a research study (Poth, 2021: 121). It encompasses the researcher's worldview, assumptions, and beliefs that influence how knowledge is generated and interpreted within a particular field of study. A research paradigm encompasses the fundamental beliefs, assumptions, and methodologies guiding scientific inquiry within a particular field. As noted by Guba and Lincoln (2018), paradigms represent the accepted theories, practices, and standards that define and structure research in a discipline.

3.3 RESEARCH DESIGN

Morse (2019) offers an updated definition of research design, by describing it as the comprehensive blueprint that guides the methodical execution of a research study. Research design refers to the structured plan and framework that outlines the systematic approach and methodology for conducting a research study (Creswell & Creswell, 2017: 66). Research design encompasses critical decisions regarding the research's purpose, data collection methods, sampling techniques, data analysis procedures, and the overall structure of the study, ultimately shaping the quality and credibility of research outcomes. The research design encompasses the overall strategy used to collect, analyse, and interpret data to

answer research questions. This study adopted a qualitative desktop research design.

3.4 RESEARCH METHODS

According to Neuman (2018: 96) research methodology involves the procedures and techniques that guide a researcher's work from the inception of research through the formal presentation of results. According to Creswell & Creswell (2017: 44), research methodology is a systematic framework that guides the process of collecting, analysing, and interpreting information in a research study. It encompasses the philosophy, approach, strategy, and methods used to conduct research. Neuman (2018) also emphasises the importance of flexibility and adaptability in choosing the appropriate research methods and techniques to address specific research questions. This study adopts the qualitative desktop research methods.

3.4.1 Qualitative Desktop Research Method

Qualitative desktop research involves collecting, analysing, and interpreting secondary data, such as policy documents, reports, scholarly articles, government gazettes, and other forms of published literature. According to Flick (2018), this approach allows researchers to critically examine pre-existing data to answer research questions and explore phenomena that may not require direct interaction with participants. Rather than engaging in empirical fieldwork, researchers rely on existing materials to gather insights. This method is particularly useful in studies where relevant documents are widely available, and the researcher's focus is on interpretation and contextual analysis.

Given the complexity of modern social issues, desktop research offers a systematic approach to understanding policies, frameworks, and societal outcomes through the review of documented evidence. For instance, Bowen (2009) explains that qualitative desktop research is often used for policy analysis because it allows for the systematic review of policy documents and related literature to assess their implementation and implementation. This method helps researchers in synthesising and interpreting data that provide insights into how laws, policies, and frameworks operate within their respective contexts. Creswell and Poth (2018) describe qualitative desktop research as a flexible and iterative process that often involves thematic analysis. The researcher organises the data into meaningful themes and patterns, which allow for a detailed exploration of the subject matter. This process can reveal hidden or overlooked insights within the text, providing a nuanced understanding of the studied phenomenon.

This study lends itself to qualitative desktop research due to its focus on policies, regulations,

and by-laws as primary sources of data. Since the research aims to evaluate the effectiveness of municipal by-laws in providing recreational facilities, qualitative desktop research is an appropriate method to examine these by-laws, along with related government documents, reports, and academic literature.

This method was chosen because of the availability of municipal by-laws and relevant government gazettes, which are essential for understanding the regulatory framework governing recreational facilities in the GGLM. According to Bowen (2009), policy documents such as municipal by-laws contain critical information that can be analysed to determine their impact on local communities. By systematically reviewing these documents, the researcher can assess how effectively the by-laws have been implemented and whether they have succeeded in achieving their intended outcomes, such as ensuring the availability and proper maintenance of recreational facilities.

Qualitative desktop research method allows the researcher to explore the contextual factors that may influence the implementation of these by-laws. As Yin (2018) notes, qualitative research is well-suited to context-specific studies where the researcher seeks to understand how various factors interact within a particular setting. In the case of GGLM, these factors could include economic constraints, political dynamics, and community engagement, all of which may impact the successful implementation of by-laws governing recreational facilities. By engaging in desktop research, the researcher can critically examine the interplay of these factors through an analysis of existing documents.

Another reason for employing this method is that it enables the researcher to capture a wide range of perspectives without the need for direct data collection from participants. According to Patton (2015), qualitative desktop research can offer insights into the experiences of individuals and communities by analyzing documents such as reports from local government officials, community organisations, and NGOs. These documents often provide valuable perspectives on how the by-laws have affected the provision and accessibility of recreational facilities. Through this method, the researcher can gather a diverse array of viewpoints, which enhances the richness of the analysis.

Qualitative desktop research allows for a deeper exploration of the legislative and regulatory frameworks that shape the provision of recreational facilities in GGLM. As Creswell and Creswell (2020) argue, qualitative research methods enable researchers to delve into the legal and institutional contexts that govern societal outcomes. By reviewing the GGLM municipal by-laws and other relevant policies, the researcher can gain a better understanding of the institutional structures that either facilitate or hinder the effective provision of recreational

facilities.

The flexibility of qualitative desktop research makes it an ideal method for studies that require ongoing reflection and reinterpretation of the data. This study sought to understand not only the current state of recreational facilities in GGLM but also the broader socio-political factors that influence the implementation of municipal by-laws. As Merriam and Tisdell (2016) suggest, qualitative desktop research allows the researcher to continuously refine their analysis as new insights emerge, making it particularly useful for complex policy studies like this one.

Despite its strengths, the desktop research method is not without limitations. One of the main drawbacks is the lack of primary data, which restricts the researcher's ability to gather first-hand insights directly from the affected communities or stakeholders. As a result, the analysis is limited to interpretations of existing texts, which may not fully capture lived experiences. There is potential for bias, as the selection and interpretation of documents are subject to the researcher's perspective, and the documents themselves may reflect institutional or political agendas. This could lead to a partial or skewed understanding of the research problem. These limitations underscore the importance of critical reflection and triangulation during the analysis process to enhance the credibility and reliability of findings.

3.5 STUDY AREA

According to Roessler and Midzi (2018), the study area or location of the study is a pivotal aspect of research that pertains to the physical or geographical setting where a research project is conducted. The study area or location of the study refers to the geographical or physical space where research or investigations are conducted (Johnson & Christensen, 2017). It encompasses the specific region, site, or setting that serves as the primary focus of a scientific inquiry, academic exploration, or empirical investigation. This area is chosen based on its relevance to the research question, data availability, and the feasibility of conducting the study. This element is fundamental in any study as it has a profound impact on the data collected, the validity of findings, and the generalizability of results.

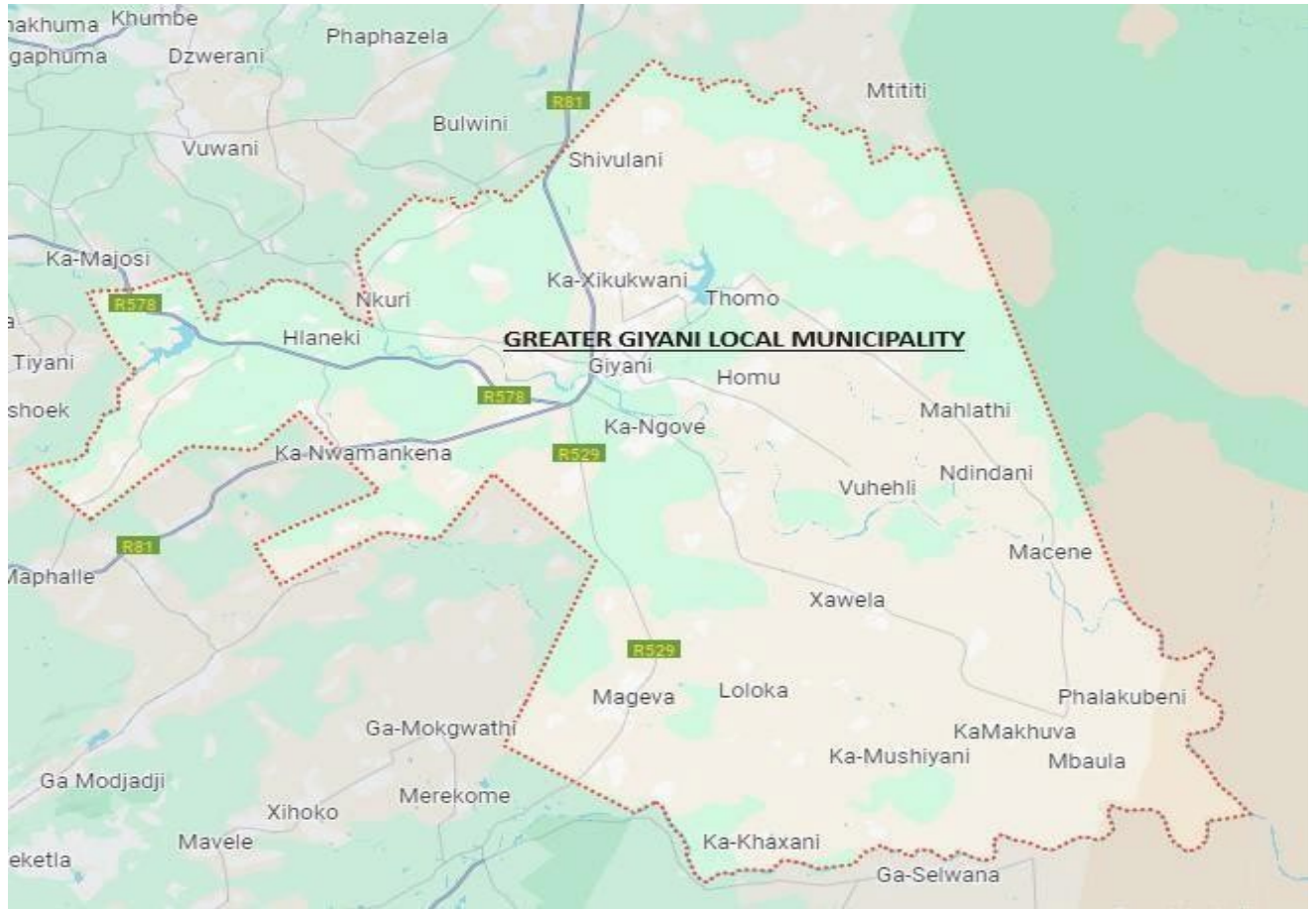


Figure 8: Greater Giyani Local Municipality Map (Source: Limpopo Office of the Premier, 2024)

Table 3.1: Greater Giyani Local Municipality Recreational facilities' locations, wards, current status and GPS coordinates

Recreational facility	Location	Ward	Status	GPS Coordinates	
Community Halls					
Chachulani Hall	CBD	7	Sold and turned into a Supermarket	23° 18' 32 S	30° 41' 28" E
Community Hall	CBD	7	Properly maintained	23° 18' 25" S	30° 41' 18" E
Multi-Purpose Centre	CBD	7	Dilapidated	23° 18' 37" S	30° 40' 58" E
Church Hall	Section A	12	Properly maintained	23° 19' 00" S	30° 43' 34" E
N'wa Dzeku-dzeku	N'wa Dzeku-Dzeku	15	Properly maintained	23° 07' 21" S	30° 43' 12" E
Thomo Hall	Thomo	17	Properly maintained	23° 14' 25" S	30° 47' 35" E
Jim Nghalalume	Jim Nghalalume	30	Properly maintained	23° 14' 37" S	30° 37' 19" E
Sport Centers					
Ndengeza	Ndengeza	3	Vandalized	23° 17' 52" S	30° 26' 03" E
Kremetart Sports Centre (Swimming pool, Tennis court and Mini Hall and Gymnasium)	Kremetart	7	Dilapidated. Swimmingpool privatized	23° 19' 24" S	30° 40' 45" E
Homu 14 B	Homu 14 B	9	Dilapidated	23° 19' 43" S	30° 47' 20" E
T.P Khuvutlu Sport Centre (Gymnasium, Tennis, Volley Ball and Netball courts)	Section A	12	Dilapidated and incomplete renovations	23° 19' 00" S	30° 43' 29" E
Shivulani	Shivulani	15	Properly maintained	23° 07' 59" S	30° 42' 44" E
Gawula	Gawula	18	Properly maintained	23° 18' 24" S	30° 53' 53" E
Muyexe	Muyexe	18	Incomplete and Not handed over	23° 12' 03" S	30° 54' 17" E
Mavalani	Mavalani	20	Properly maintained	23° 12' 18" S	30° 43' 01" E
Shawela	Shawela	22	Dilapidated and in gooduse	23° 28' 45" S	30° 52' 28" E
Mageva	Mageva	24	Dilapidated	23° 32' 50" S	30° 43' 35" E

Mzilela	Mzilela	27	Vandalized	23° 35' 24" S	30° 48' 52" E
Outdoor Gym/Trim Park					
Section A Trim Park	Section A	12	Dilapidated and informal settlement creeping in	23° 18' 43" S	30° 43' 28" E
Libraries					
Nkuri	Nkuri	5	Properly maintained	23° 15' 44" S	30° 32' 14" E
Giyani	CBD	11	Properly maintained	23° 18' 36" S	30° 41' 30" E
Mavalani	Mavalani	20	Properly maintained	23° 12' 52" S	30° 42' 35" E
Shawela	Shawela	22	Properly maintained	23° 28' 59" S	30° 52' 29" E
Makhuba	Makhuva	27	Properly maintained	23° 34' 56" S	30° 34' 56" E
Parks					
Kremetart	Kremetart	7	No maintenance,	23° 19' 03" S	30° 40' 42" E
Section D 1	Section D 1	11	Under developed	23° 18' 12" S	30° 42' 38" E
Giyani Section A(1)	Section A	12	Dilapidated	23° 18' 53" S	30° 43' 20" E
Giyani Section A(2)	Section A	12	In good condition and underutilized	23° 19' 16" S	30° 43' 24" E
Section D 2	Section D 2	13	Under developed	23° 18' 33" S	30° 43' 14" E
Section F	Section F	13	Under developed	23° 17' 27" S	30° 42' 51" E
Golf Course					
Between Section D 1 & D2	Section D 1 & D2	13	No maintenance,	23° 18' 26" S	30° 42' 56" E
Stadia					
Rugby Stadium	Kremetart	7	No maintenance and Dilapidated	23° 19' 12" S	30° 40' 42" E
Section E, State of Art Sport Centre	Section E	11	Incomplete project	23° 18' 10" S	30° 41' 44" E
Giyani Stadium	Section A	12	Underutilized	23° 19' 20" S	30° 43' 08" E
Kremetart	Kremetart	7	Dilapidated	23° 19' 25" S	30° 40' 44" E
(Source: Own Design, 2024)					

3.6 POPULATION OF THE STUDY

Cohen, Manion, and Morrison (2018) define the population of the study as the total aggregate of all the cases, events, or elements possessing certain characteristics that comprise the group being studied. Creswell and Creswell (2017: 87) emphasise the population as the entire group of individuals or things to which the researcher seeks to generalise findings, underscoring its inclusiveness. However, in the context of this desktop study, the population does not refer to individuals to be consulted through direct data collection. Instead, the population consists of relevant documents, reports, municipal by-laws, government gazettes, and other legal and policy texts related to recreational facilities in the GGLM.

3.7 SAMPLING

Sampling is a crucial aspect of research design that involves selecting a subset of individuals or elements from a larger population to gather data, with the aim of making inferences about the entire population (Baltes & Ralph, 2020). Sampling is the systematic process of selecting a representative subset from a larger population for analysis. This statistical method is essential for drawing accurate inferences about the entire population while maximizing costs and time (Lohr, 2021). Choosing the appropriate sampling method is essential to ensure the validity and generalisability of the study's findings.

3.7.1 Sampling Methods

Various sampling methods, such as probability and non-probability sampling, can be employed based on the research objectives and available resources (Bhardwaj, 2019). This increases the likelihood that the sample is representative of the entire population. The judgmental and multi-stage approaches were employed and the reasons for employing this approach are outlined below:

3.7.2 Judgmental Sampling

Judgmental sampling, also known as purposive sampling, is a non-probability sampling technique where the researcher uses their expertise to select specific documents, policies, or data sources that are particularly relevant to the research objectives (Sharma, 2017: 750). This desktop study involves selecting key municipal by-laws, government gazettes, and other related documents that provide insights into the implementation of recreational facility provisions. The data selection criteria for documents included the following: relevance to the research questions, publication by authoritative sources such as government or municipal bodies, inclusion of content directly related to the planning, implementation, or evaluation of recreational facilities, and publication within the last ten years to ensure contemporary relevance. Documents were

excluded if they lacked a direct link to recreational infrastructure or if their origin or credibility could not be verified. This method is valuable for including documents that address specific aspects of by-law implementation and its outcomes (Teddle & Yu, 2017: 78). However, bias may be introduced if the selection is influenced by the researcher's preconceived notions.

3.8 SAMPLING SIZE

According to Creswell (2014), sampling size in a desktop study refers to the number and breadth of documents, reports, and data sources analyzed to address the research objectives. This study reviewed a range of statutory and non-statutory documents, including municipal by-laws, South African Government Gazette entries, GGLM records, and reports on recreational facility usage. The aim of this sampling process is to ensure a comprehensive review of diverse and representative sources to assess the implementation of municipal by-laws. The selected documents cover various stakeholders, providing diverse perspectives on the provision and utilisation of recreational facilities.

3.9 DATA COLLECTION

Data collection in a desktop study involves gathering existing information from published sources, including academic articles, government reports, books, and relevant legal documents, to study and analyse a particular phenomenon (Babbie, 2016: 34). This method relies on secondary data, which is systematically collected from previously published materials. For this study, the data was qualitative (descriptive) and obtained through document analysis. The choice of data collection methods aligned with the research objectives and the nature of the desktop study, which does not require the collection of new empirical data.

However, reliance on secondary sources introduces potential biases, such as author subjectivity, outdated information, and selective reporting. To mitigate these biases, the study ensured the inclusion of multiple sources to allow for data triangulation. Priority was given to peer-reviewed and reputable publications to enhance the credibility and reliability of the findings. Critical evaluation of each source was conducted to assess the context, relevance, and potential bias before inclusion in the analysis.

3.9.1 DATA COLLECTION INSTRUMENTS

In desktop studies, the primary data collection instrument is document analysis. This involves systematically reviewing existing documents to extract relevant information, answer research questions, and test hypotheses. For this study, the key data sources were municipal by-laws, government gazettes, academic articles, and reports on the provision of recreational facilities, particularly within the context of the Greater Giyani Local Municipality (GGLM).

3.9.2 Document Analysis

Document analysis is a systematic procedure for reviewing or evaluating documents, both printed and electronic (Krippendorff, 2018: 68). The researcher collected and analysed relevant municipal by-laws, policy documents, and reports on recreational facilities in GGLM. This method allows for an in-depth examination of the legal framework governing recreational facilities and the extent of its implementation. The researcher also reviewed secondary sources, such as academic studies, that evaluate the implementation of municipal by-laws in similar contexts. This approach is suitable for a desktop study as it provides rich, qualitative data without requiring direct interaction with participants.

3.9.3 DATA ANALYSIS METHOD

Data analysis in a desktop study involves the systematic review and synthesis of existing literature, policies, and documents to identify patterns, relationships, and insights relevant to the research topic (Kiger & Varpio, 2020: 854). Since no primary data is collected, the analysis was focused on examining and interpreting secondary data sources to extract meaningful conclusions and insights. The goal is to uncover trends, contradictions, and gaps within the existing knowledge base, allowing for a more comprehensive understanding of the topic.

In this desktop study, thematic analysis is utilised. Thematic analysis allows the researcher to identify and categorise recurring themes from the reviewed documents, reports, and municipal by-laws, providing a structured approach to understanding the implementation of municipal by-laws in the provision of recreational facilities in the GGLM (Braun & Clarke, 2006). This method is well-suited to desktop research because it emphasises a qualitative approach to the interpretation of text, offering flexibility in analysing various types of documentation.

3.9.4 Thematic Data Analysis

Thematic analysis is a qualitative method for identifying, analysing, and reporting patterns (themes) within data. It is a flexible approach that can be applied across various qualitative research designs. According to Braun and Clarke (2006: 79), thematic analysis involves searching for repeated patterns of meaning within a data set and interpreting those patterns in a way that sheds light on the research questions. It emphasises the researcher's active role in selecting themes, highlighting the subjective and interpretive nature of qualitative research.

Thematic analysis in this study involved systematically reviewing the content of municipal by-laws, government gazettes, academic literature, and other relevant documents to identify recurring themes and insights. The researcher analysed themes related to the implementation, effectiveness, and impact of municipal by-laws on recreational facilities, as well as challenges

and success stories observed in other municipalities or regions. This approach provides a rich narrative understanding of the real-world implications of the by-laws, offering critical insights into how they have been applied, their successes, and areas needing improvement.

In this desktop study, the researcher followed the six steps of thematic analysis as outlined by Braun and Clarke (2006: 87-93):

- i. Familiarisation with the Data: The first step involved immersing in the data by reviewing various documents, reports, and by-laws related to the provision of recreational facilities in the GGLM. This familiarisation process enabled the researcher to gain an overview of the data and begin identifying potential areas of interest.
- ii. Generating Initial Codes: After familiarisation, the researcher systematically generated initial codes from the data. This involved identifying and labelling significant features of the data that were relevant to the research questions (Braun & Clarke, 2006: 88). Codes were assigned to recurring ideas, concepts, or regulations that addressed the effectiveness and challenges of municipal by-laws.
- iii. Searching for Themes: Once codes were generated, the researcher organised them into broader themes. Themes were identified based on the patterns that emerged from the coded data, particularly those related to the implementation, impact, and challenges of the by-laws (Braun & Clarke, 2006: 89). These themes helped structure the data in a meaningful way.
- iv. Reviewing Themes: In this step, the researcher reviewed and refined the themes to ensure they accurately represented the data (Braun & Clarke, 2006: 91). This process involved comparing the themes with the original documents and checking for coherence and relevance. Themes that did not align well with the data were either redefined or discarded.
- v. Defining and Naming Themes: After reviewing, the researcher defined and named the themes, clearly articulating their scope and focus. This process involved creating detailed descriptions of each theme and explaining how they related to the overall research questions (Braun & Clarke, 2006: 92).
- vi. Writing the Report: The final step involved weaving the themes into a coherent narrative that addressed the research objectives. The researcher presented the themes with supporting evidence from the documents and provided interpretations that shed light on the implementation of municipal by-laws in the provision of recreational facilities (Braun & Clarke, 2006: 93). This narrative offered insights into the successes, challenges, and areas for improvement in the by-law framework.

3.10 ETHICAL CONSIDERATIONS

Ethical considerations refer to the moral concepts and norms that researchers must follow to protect participants' rights, well-being, and dignity while maintaining the integrity of the study process (Beauchamp & Childress, 2019:18).

Ethical considerations involve the systematic examination of moral principles, values, and rules that ensure that research is conducted in a manner that respects the rights, well-being, and dignity of participants, promotes the advancement of knowledge in responsible and ethical manner (National Institutes of Health, 2018). These ethical considerations aim to uphold moral and social standards, promoting responsibility and just conduct in the pursuit of knowledge. Ethical considerations encompass various aspects, which include the following:

3.10.1 Permission to Use Data Sources

Permission to use data sources refers to obtaining formal authorisation or ensuring that the secondary data being used is available publicly or with appropriate permissions for academic research (American Psychological Association, 2019: 7). For this desktop study, the researcher ensured that all data sources are credible and adhere to ethical standards, including the use of government publications, legal documents, and academic articles.

3.10.2 Data Integrity and Transparency

Data integrity involves ensuring that all data used in the study is accurate, reliable, and not manipulated in any way (Babbie, 2016: 61). As this study relies on secondary data from various reports, municipal gazettes, and other sources, the researcher was transparent about the data sources, methods of collection, and any potential limitations in the data.

3.10.3 Responsible Use of Information

In desktop research, it is crucial to use information responsibly and to accurately represent the findings without distortion or misrepresentation (American Psychological Association, 2020). This study involved careful analysis and presentation of data related to municipal by-laws and recreational facilities, ensuring that conclusions are based on factual information and properly cited sources.

3.10.4 Protection from Harm

Even though there are no direct participants in this study, the research must still avoid causing any harm to groups or communities indirectly affected by the findings. For example, when discussing municipal by-laws, the researcher ensured that the analysis is fair and does not unfairly criticize or misrepresent any entities involved (National Institutes of Health, 2018).

3.10.5 Right to Privacy and Confidentiality of Data

While this study does not involve collecting personal information, the researcher is responsible for ensuring the privacy of any individuals or entities mentioned in the sources. Data was anonymized or generalized if required to protect privacy, especially when sensitive information is analysed (Bernard, 2017). Confidentiality extends to the responsible use of non-public data, ensuring that proprietary or sensitive information is handled according to legal and ethical guidelines.

3.10.6 Intellectual Property and Copyright Compliance

In a desktop study, it is essential to respect the intellectual property rights of authors and creators of the materials being analysed. The researcher ensured that all sources are properly cited, and any use of copyrighted material is within the bounds of academic fair use or with permission (Brown, 2018).

3.10.7 Honesty with Professional Colleagues

Honesty and transparency are key when reporting research findings. The researcher maintained integrity in the analysis and interpretation of the data and ensure that any potential conflicts of interest or biases are clearly stated (American Psychological Association, 2017). This is critical to fostering trust, credibility, and reliability in the academic community.

3.11 CONCLUSION

Chapter 3 of this study outlined the research methodology, focusing on qualitative desktop research. The research paradigm and design are aligned with the nature of the desktop study. Secondary data sources included municipal gazettes, government reports, and academic literature. Ethical considerations, while different from those in primary research, still encompass permissions for data use, data integrity, responsible use of information, protection from harm,

intellectual property rights and maintaining honesty and transparency with professional colleagues throughout the research process.

CHAPTER 4

PRESENTATION, INTERPRETATION, AND DISCUSSION OF FINDINGS

4.1 INTRODUCTION

The previous chapter was based on the research design and methodology where research strategies that were utilised to gather data were discussed. This chapter's goal was to present, evaluate, and talk about the conclusions that came from the data gathered through a qualitative desktop research design. In this chapter the researcher presented the findings that were made through desktop research where the researcher analysed secondary sources of data on the implementation of municipal by-laws in the provision of recreational facilities in GGLM. In order to provide a more thorough understanding on the implementation of municipal by-laws in the provision of recreational facilities in GGLM, this chapter reports on the outcomes of the data-gathering approach used to collect data. The following research questions were the focus of this study:

- What is the implementation of municipal by-laws in the provision of recreational facilities in GGLM?
- What is the impact of the implemented municipal by-laws in the provision of recreational facilities in GGLM?
- What are the challenges faced in the municipality when implementing the municipal by-laws in the provision of recreational facilities?
- What can be used to strengthen the implementation of municipal by-laws when providing recreational facilities?

The responses to these questions were presented and analysed to achieve the study's objectives which were:

- To examine the implementation of municipal by-laws in the provision of recreational facilities in GGLM.
- To determine the impact of the implemented municipal by-laws in the provision of recreational facilities in GGLM.
- To identify the challenges faced by the municipality when implementing municipal by-laws in the provision of recreational facilities in GGLM.
- To recommend the mechanisms that can be used to strengthen the implementation of municipal by-laws when providing the recreational facilities.

Table 4.1: Themes

Theme	Description
Equity and social inclusion in municipal Policies	Ensuring equal access to resources and opportunities.
Effectiveness of public participation in Governance	Community involvement in decision-making processes.
Impact of various policy and legislative Frameworks	Influence of different frameworks on recreational facilities.
Inclusive and accessible recreational Facilities	Providing safe and accessible spaces for all individuals.
Geopolitical use of sports and recreational events	How sports and events are used for political and diplomatic purposes.
Role of regional organisations (for example, AU) in development	Contribution of regional bodies to recreational facility planning.
Legal foundation for by-laws and Facilities	Basis of municipal by-laws and their impact on recreational services.
Conservation and management in protected areas	Regulations for recreational activities within protected areas.
Framework for facility planning and Development	Strategies and guidelines for developing recreational infrastructure.
Enhancement of public library services	Improving access and quality of library services.
Role of by-laws in facility management	Regulations governing the use and maintenance of recreational facilities.

4.2 DESCRIPTION OF THE THEMES

This section provides a description of the themes, shedding light on how by-laws contribute to the planning, development, and management of recreational facilities, ultimately shaping the quality of life in local communities.

4.2.1 Equity and Social Inclusion in Municipal Policies

A key theme in municipal governance is the promotion of equity and social inclusion. Municipal

by-laws often embed principles of fairness, ensuring that recreational facilities are accessible to all community members, regardless of socio-economic status, race or gender. According to the Department of Cooperative Governance (2022), only 43% of municipalities report having inclusive recreational programming that specifically targets marginalised groups. This reflects a significant gap in equitable access. By-laws are thus expected to address these disparities by prioritising the needs of underserved populations to ensure everyone has equal opportunity to benefit from municipal recreational services.

4.2.2 Effectiveness of Public Participation in Governance

Public participation is essential for creating by-laws that reflect the needs and desires of the community. A 2021 Stats SA report indicated that only 32% of citizens felt adequately consulted in local government planning, including recreation development. Municipalities that hold regular community forums, public hearings, and surveys report higher levels of service satisfaction and compliance. Such participatory governance helps ensure municipal services meet actual demand and enhances accountability.

4.2.3 Impact of Various Policy and Legislative Frameworks

Municipal by-laws do not operate in isolation; they are shaped by broader legislative frameworks such as the National Environmental Management Act No. 107 of 1998 (NEMA), which mandates environmental considerations in public space development. Also, human rights frameworks ensure that by-laws do not promote exclusionary practices. An audit by SALGA (2020) found that 67% of municipalities align their by-laws with national and provincial legislative instruments, indicating a moderate but improving integration.

4.2.4 Inclusive and Accessible Recreational Facilities

Municipalities are tasked with ensuring recreational spaces are accessible to all, including individuals with disabilities. However, a 2023 accessibility audit by the Department of Social Development found that only 28% of recreational facilities in South Africa comply with universal design standards. Economic barriers also persist, with many facilities charging entrance or usage fees that are unaffordable to low-income households. These findings underscore the need for municipal by-laws to enforce accessibility and affordability standards more strictly.

4.2.5 Geopolitical Use of Sports and Recreational Events

Recreational events serve as tools for unity and diplomacy. The 2019 Durban Commonwealth Games Bid demonstrated how municipalities can leverage events to attract international

attention and investment. During the 2022/23 fiscal year, over R450 million was allocated by selected municipalities for the development of sports infrastructure linked to international and national tournaments (National Treasury, 2023). Such investments must be regulated through sound by-laws to maximise local benefits while managing external interests.

4.2.6 Role of Regional Organisations in Development

Regional bodies such as the AU and SADC often fund or guide recreational infrastructure. For example, under the AU's Agenda 2063 initiative, South Africa received over R25 million in regional development support for sustainable urban recreational projects in 2021 (AU Progress Report, 2022). Aligning local by-laws with such frameworks ensures consistency in promoting regional socio-economic development.

4.2.7 Legal Foundation for By-laws and Facilities

The legal strength of by-laws determines their enforceability. A 2020 Municipal Legal Compliance Review noted that 55% of South African municipalities had by-laws that were either outdated or not aligned with the Constitution or current legislative mandates. This legal misalignment undermines the ability of local governments to effectively manage recreational facilities. Clear, current, and enforceable legal language must underpin all facility-related by-laws.

4.2.8 Conservation and Management in Protected Areas

Municipalities managing recreational facilities near protected areas must balance public use with environmental preservation. According to SANParks (2021), approximately 21% of municipal recreational spaces fall within ecologically sensitive zones. Failure to regulate usage in these areas has led to biodiversity degradation in 11% of these zones. By-laws should include enforceable conservation provisions that guide activities without restricting access entirely.

4.2.9 Framework for Facility Planning and Development

Planning frameworks for recreational facilities must address future growth, sustainability, and demographic shifts. A report by the National Planning Commission (2022) revealed that 39% of existing recreational facilities were developed without integrated urban planning frameworks. Municipalities with clear by-law-mandated planning protocols have been shown to experience 23% higher community satisfaction in service delivery.

4.2.10 Enhancement of Public Library Services

Public libraries are a critical but often overlooked component of recreational infrastructure. The Department of Arts and Culture reported in 2022 that only 61% of municipalities met the minimum library service standards. Moreover, municipal budget allocations for libraries have declined, with an average of only R2.5 million per municipality being allocated annually between 2020–2023 (DAC Budget Report, 2023). By-laws must secure sustained funding and service prioritisation for libraries to fulfil their educational and social functions.

4.2.11 Role of By-laws in Facility Management

Effective day-to-day management of recreational facilities requires detailed by-law regulation. Facilities lacking operational by-laws reported 34% more complaints related to cleanliness, vandalism, and user safety (Municipal Facility Audit, 2022). By-laws should include detailed management frameworks covering aspects such as maintenance frequency, operational hours, safety protocols, and staff responsibilities to enhance facility value and sustainability.

4.3 DISCUSSION OF THE THEMES THAT EMERGED

In this study, several key themes emerged regarding municipal by-laws and their impact on recreational facilities, each supported by evidence from multiple authors. The following discussion provides a detailed analysis of these themes, linking them with empirical literature.

4.3.1 The Role of Equity and Social Inclusion in Municipal By-Laws

One of the primary themes that emerged from the study is the importance of equity and social inclusion in municipal by-laws. Equity and social inclusion ensure that all community members have equal access to recreational facilities, regardless of their socio-economic status, race, or other social factors.

Modisane et al. (2019) argue that the advent of democracy in South Africa brought significant changes in policies and legislation, focusing on social justice and human rights. This shift necessitated that municipal by-laws incorporate principles of equity and social inclusion to redress past injustices and promote equal access to resources, including recreational facilities. Nkwanyana (2020) reinforces this view, stating that social inclusion in municipal by-laws helps develop the talents and capabilities of all children, ensuring they have the opportunity to realise their potential. This is critical in areas like GGLM, where historical inequalities have led to uneven access to recreational amenities.

The Department of Arts and Culture (2012) produced a Social Cohesion and Nation Building Strategy, emphasising that municipalities must work towards unifying society through equitable

service provision, including recreational facilities. Khaile et al. (2021) also highlight the necessity for municipalities to address spatial patterns that perpetuate social division, thereby hindering social cohesion. These patterns often result in unequal distribution of recreational facilities, which municipal by-laws can address by ensuring all community members benefit equally from these amenities.

Equity and social inclusion are critical components in the development and enforcement of municipal by-laws related to recreational facilities. These principles ensure that all community members, irrespective of their socio-economic status, have equal access to recreational spaces, which is fundamental to fostering a sense of community and social well-being. Municipal by-laws must be carefully crafted to cater to the diverse needs of the population, ensuring that recreational activities are accessible to all, thereby promoting inclusive participation.

In post-apartheid South Africa, there have been significant policy shifts aimed at promoting equity and social inclusion, especially in the provision of public services like recreational facilities. Modisane et al. (2019:221) highlight that these changes are essential in redressing the inequalities of the past, which were characterized by segregated and unequal access to public spaces, including recreational areas. By ensuring that recreational facilities are equitably distributed and accessible to all, municipalities play a crucial role in dismantling the remnants of apartheid-era spatial inequalities and promoting social justice.

Also, social inclusion in the provision of recreational facilities is not just about access; it is also about ensuring that these spaces meet the needs of all community members. Nkwanyana (2020) argues that accessible recreational facilities are vital in developing the talents and capabilities of individuals, particularly children. These spaces provide opportunities for physical activity, social interaction, and skill development, which are essential for the holistic development of young people (Nkwanyana, 2020:1). With the prioritisation of social inclusion, municipalities can create environments where every individual has the opportunity to thrive, regardless of their background or socio-economic status.

The role of municipalities in promoting social cohesion through the design and maintenance of urban spaces, including recreational facilities, is also crucial. Khaile et al. (2021) discuss how inclusive urban design can foster social cohesion by bringing together people from different backgrounds and promoting a sense of belonging (Khaile et al., 2021:8). Recreational facilities that are accessible and welcoming to all community members can serve as important venues for building social connections, reducing social tensions, and enhancing community resilience. In addition to fostering social cohesion, the provision of equitable recreational facilities is also a

key element of nation-building. The Department of Arts and Culture (2012) emphasises that social cohesion and nation-building are integral to the development of a united South African society. The Social Cohesion and Nation Building Strategy outlines the importance of providing equitable access to recreational facilities as a means of promoting national unity and social harmony (DAC, 2012:1). By ensuring that all community members, regardless of their background, can access and enjoy recreational spaces, municipalities contribute to the broader goals of social cohesion and nation-building.

Equity and social inclusion are essential principles in the provision of recreational facilities, particularly in the context of South Africa's history and current socio-economic landscape. By ensuring that these facilities are accessible to all, municipalities can promote social cohesion, support the development of individual talents, and contribute to nation-building efforts. The continued focus on equity and social inclusion in municipal by-laws will be crucial in creating a more just and inclusive society.

4.3.2 Effectiveness of Public Participation in Municipal By-Laws

Another critical theme is the effectiveness of public participation in the development and implementation of municipal by-laws. The study found that involving the community in the decision-making process leads to more effective governance and better service delivery of recreational facilities.

The Constitution of the Republic of South Africa, 1996, mandates municipalities to establish community participation structures, as highlighted by Mamokhere and Meyer (2022). This constitutional obligation is essential for promoting good governance at the local level, ensuring that the needs and preferences of the community are considered in the provision of recreational facilities. This is supported by Reddy (2020), who notes that ward committees play a crucial role in enhancing participatory democracy, providing a platform for residents to express their needs, particularly regarding local services like recreational facilities.

Mathebula (2021) adds that ward committees bridge the gap between municipal councils and communities, ensuring that the voices of residents are heard and that services provided are inclusive and responsive to community needs. Mphahlele and Mafunisa (2021) further emphasise that active community participation through these committees leads to more effective governance and improved service delivery, which is vital for the equitable provision of recreational facilities in Greater Giyani.

Public participation is a cornerstone of democratic governance, particularly in the context of

developing and implementing municipal by-laws. It ensures that the voices of residents are heard and incorporated into the decision-making process, thereby fostering a sense of ownership and accountability among the community members. This process not only enhances the legitimacy of municipal by-laws but also contributes to more effective and responsive governance. As Mamokhere and Meyer (2022) emphasise, public participation is not merely a procedural requirement; it is a constitutional mandate that plays a pivotal role in local governance. The involvement of the public in shaping by-laws ensures that these regulations align with the specific needs and preferences of the community, thereby enhancing their relevance and applicability (Mamokhere & Meyer, 2022:2).

The role of ward committees in this process cannot be overstated. According to Mathebula (2021), ward committees serve as a vital link between the community and the municipal government, enabling the flow of information and feedback that is essential for informed decision-making. These committees are particularly important in areas such as the provision and management of recreational facilities, where community input can significantly influence the outcomes. By facilitating community engagement, ward committees help to ensure that municipal decisions reflect the collective will of the residents, thereby enhancing the effectiveness of by-laws related to recreational spaces (Mathebula, 2021:341).

Furthermore, the impact of robust public participation frameworks on service delivery is well-documented. Mphahlele and Mafunisa (2021) provide compelling evidence that municipalities with strong public participation mechanisms tend to achieve better outcomes in service delivery, including the management of recreational facilities. This correlation underscores the importance of involving the community at every stage of the by-law development process. When residents feel that their input is valued and considered, they are more likely to comply with the resulting regulations, leading to improved service delivery and community satisfaction (Mphahlele & Mafunisa, 2021:266).

The significance of public participation is further supported by international organisations such as UN-Habitat. In their 2016 report, UN-Habitat highlights the importance of participatory approaches in urban planning, urging municipalities to actively engage communities in the planning and management of recreational spaces. This approach not only ensures that the needs of the community are met but also promotes sustainable urban development. By involving the public in decision-making processes, municipalities can create more inclusive and equitable urban environments that cater to the diverse needs of their residents (UN-Habitat, 2016).

Public participation is an essential component of the development and implementation of

municipal by-laws. It ensures that these laws are not only legally sound but also socially relevant and effective. The involvement of community members in the decision-making process enhances the legitimacy of the by-laws, fosters community ownership, and leads to better service delivery outcomes. As municipalities continue to navigate the complexities of urban governance, the importance of robust public participation frameworks cannot be overstated. These frameworks serve as the foundation for responsive and inclusive governance, ultimately contributing to the overall well-being and satisfaction of the community.

4.3.3 Importance of Policy and Legislative Frameworks

This study also underscores the importance of robust policy and legislative frameworks in guiding the provision of recreational facilities. Effective municipal by-laws must align with national and international frameworks to ensure the comprehensive development and management of recreational spaces. The legal foundation for municipal by-laws is anchored in several key pieces of legislation, most notably the Constitution of the Republic of South Africa, 1996, and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000). These laws empower municipalities to enact by-laws that regulate various aspects of recreational facilities within their jurisdictions (Mncube, 2022:112). The Constitution provides the overarching legal framework, ensuring that all municipal by-laws align with the principles of equality, inclusivity, and public participation (Reddy, 2020:202).

The United Nations Sustainable Development Goals (SDGs), particularly Goal 11, emphasise the need for inclusive and accessible public spaces, including recreational facilities, by 2030 (United Nations, 2020). The UN-Habitat (2016) advocates for participatory approaches in urban planning, urging municipalities to engage communities in decision-making processes. This aligns with the findings of the study, which highlight the role of municipal by-laws in ensuring that recreational facilities are accessible to all.

The African Union (AU) (2020) also recognises the role of recreational facilities in advancing social development and enhancing the quality of life across the continent. The AU Agenda 2063 prioritises sustainable urban development, including the provision of recreational spaces that cater to diverse community needs (African Union, 2015). The AU's New Urban Agenda for Africa (2018) further stresses the importance of integrating recreational facilities into urban planning frameworks, ensuring they are available and accessible to all.

The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), provides the legal framework for municipalities to enact by-laws related to municipal services, including recreational facilities (Mncube, 2022:9). This Act outlines the processes and procedures

governing municipal administration, ensuring that by-laws regulate the use of recreational facilities effectively. The study's findings are consistent with the Act's provisions, highlighting the importance of having well-defined legislative frameworks to guide the equitable provision of recreational amenities.

In GGLM, the provision of recreational facilities is governed by these legal frameworks, ensuring that by-laws are not only legally sound but also responsive to the needs of the community. The Municipal Systems Act, 2000 in particular, outlines the processes for enacting and implementing by-laws, providing municipalities with the authority to manage recreational facilities effectively (Local Government Handbook: South Africa, 2020). This legal foundation ensures that recreational facilities are developed and maintained in a manner that promotes public safety, environmental sustainability, and social equity.

4.3.4 Geopolitical Use of Sports and Recreational Events

The use of sports and recreational events as tools for geopolitical influence is a common practice globally. This theme emerges as a significant factor in understanding how municipal by-laws are shaped and implemented in the provision of recreational facilities in GGLM. The influence of international bodies such as the United Nations (UN) and regional organisations like BRICS and the African Union (AU) is evident. For instance, the BRICS nations, including South Africa, have strategically used sports events like the FIFA World Cup and the Olympic Games to achieve political goals and enhance international prestige (RASAALA, 2018:5). The integration of these events into national and local strategies highlights the importance of by-laws that govern the development and use of sports facilities, ensuring they meet international standards and contribute to the broader geopolitical objectives of the nation (BRICS Sports Ministers, 2024:1-3).

Moreover, the UN Sustainable Development Goals (SDGs), particularly Goal 11, advocate for inclusive and accessible public spaces, including recreational areas. This global framework influences local by-laws, ensuring that recreational facilities in municipalities like GGLM align with international norms for inclusivity and accessibility (UN-Habitat, 2016). The geopolitical use of sports is not only about international prestige but also about local development, where municipalities must adhere to global standards while meeting the specific needs of their communities.

4.3.5 Role of Regional Organisations in Development

The role of regional organisations, particularly the African Union (AU), in the development of recreational facilities is another critical theme. The AU's Agenda 2063 emphasises sustainable urban development, including the provision of recreational spaces that cater to diverse community needs (African Union, 2015). The AU's New Urban Agenda for Africa further stresses the integration of recreational facilities into urban planning frameworks, highlighting the importance of aligning local by-laws with regional development goals (African Union, 2018).

In GGLM, municipal by-laws are influenced by these regional frameworks, ensuring that recreational facilities contribute to broader socio-economic development goals. The AU's Sports Council also promotes sports and recreation as essential components of Africa's development, advocating for policies that support the establishment of recreational infrastructure at the municipal level (African Union, 2020). This alignment with regional priorities ensures that GGLM's recreational facilities are not only compliant with local needs but also contribute to continental development objectives.

4.3.6 The Role of Municipal By-Laws in Regulating Recreational Facilities

Municipal by-laws play a crucial role in regulating recreational facilities within local jurisdictions. These laws are essential for maintaining order, ensuring safety, and providing guidelines on the use of public spaces, including recreational areas. The importance of these by-laws lies in their ability to address the specific needs and conditions of local communities, ensuring that recreational facilities are accessible, safe, and well-maintained.

Thornhill and Cloete (2014) emphasise that municipal by-laws are foundational in governing local affairs, including recreational facilities. These by-laws help ensure that facilities are maintained to meet the needs of the community, promoting a safe and enjoyable environment for all users (Thornhill & Cloete, 2014:20). Mncube (2022:112) highlights the role of the Municipal Systems Act, 2000 in empowering municipalities to enact by-laws that regulate recreational spaces, ensuring public safety and promoting social cohesion through well-managed facilities. Van Deventer and Van Niekerk (2018) discuss the importance of robust municipal by-laws in ensuring the proper functioning of recreational facilities, which aligns with the goals of the National Sport and Recreation Plan 2011 (Van Deventer & Van Niekerk, 2018:123). Reddy (2020:202) notes that effective by-laws are essential for fostering community participation in local governance, particularly in the management of recreational facilities, which are critical for social cohesion.

4.3.7 Conservation and Management in Protected Areas

Conservation and management within protected areas are fundamental to promoting sustainable recreation and preserving biodiversity. These areas serve as sanctuaries for South Africa's rich and diverse ecosystems, ensuring that natural resources are protected for future generations. The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), plays a crucial role in this regard by setting the legal framework for the protection of these areas while accommodating recreational activities (Protected Areas Act, 2003). This Act mandates that the conservation of biodiversity should be a priority, even in regions where recreational activities are permitted, thus reinforcing the importance of sustainable practices.

In GGLM, the implementation of this Act is particularly significant, as the municipality is home to several nature reserves and parks that attract visitors seeking recreational experiences in natural settings. To align with the Protected Areas Act, municipal by-laws must be carefully crafted and enforced to ensure that recreational activities within these protected areas are conducted in a manner that does not compromise their ecological integrity. This alignment is essential because, while recreational activities contribute to the social and economic well-being of communities, they also have the potential to cause environmental degradation if not properly managed (Kruger, 2019:67).

Effective management of protected areas involves a delicate balance between conservation objectives and the provision of recreational opportunities. On one hand, these areas are established to preserve flora and fauna, maintain ecosystems, and protect landscapes from degradation. On the other hand, they also provide spaces for public enjoyment, education, and tourism, which are vital for raising awareness about conservation and generating revenue for local economies. The challenge lies in ensuring that these dual purposes conservation and recreation are harmonised.

Municipal by-laws are instrumental in maintaining this balance by regulating the types of activities that can occur within protected areas and setting limits on the extent of human impact. For example, restrictions on the number of visitors, the designation of specific trails, and guidelines on the use of vehicles can help minimise ecological disturbance. These by-laws must be grounded in scientific research and continuous monitoring to adapt to changing environmental conditions and human behaviours. Additionally, public education and community involvement are critical in fostering a culture of respect for protected areas, ensuring that visitors understand the importance of adhering to rules and regulations designed to safeguard these natural assets.

The effectiveness of these by-laws and management practices is crucial for the long-term sustainability of both the natural environment and the recreational opportunities it offers. In the absence of strict enforcement, protected areas risk being overexploited, leading to habitat destruction, loss of biodiversity, and diminished recreational experiences. Thus, conservation efforts must be complemented by robust legal frameworks and community engagement to ensure that protected areas remain resilient and accessible to future generations. Sustainable recreation, underpinned by strong conservation principles, is essential for achieving this goal, allowing people to enjoy and benefit from natural spaces without jeopardizing their ecological health (Kruger, 2019:67).

4.3.7 Framework for Facility Planning and Development

A robust framework for facility planning and development is crucial for the effective provision of recreational facilities, ensuring that these facilities meet the diverse needs of the community. The National Sport and Recreation Plan (NSRP) 2011 serves as a comprehensive framework for this purpose in South Africa, offering guidelines for the planning, development, and management of recreational facilities (Department of Sports, Arts and Culture, 2013). This plan underscores the importance of creating diverse recreational opportunities that are accessible to all citizens, irrespective of their socio-economic status or geographical location (Van Deventer & Van Niekerk, 2018:123).

The NSRP provides a structured approach to facility planning that encompasses several key elements. The National Sport and Recreation Plan emphasises the need for inclusivity, ensuring that recreational facilities cater to a broad spectrum of the population. This involves the strategic location of facilities to ensure they are within reach of various communities, including those in rural or underserved areas. The plan highlights the importance of equitable access to recreational spaces, aiming to reduce disparities and promote social cohesion (Department of Sports, Arts and Culture, 2013).

In addition to inclusivity, the NSRP framework advocates for community engagement as a critical component of facility planning. Engaging with local communities during the planning process helps to identify their specific needs and preferences, ensuring that the facilities developed are relevant and well-utilised. This participatory approach fosters a sense of ownership and responsibility among community members, which is vital for the long-term success and sustainability of the facilities (Jordaan et al., 2020:67).

The NSRP also stresses the importance of infrastructure development and maintenance. Proper

infrastructure planning is essential to ensure that recreational facilities are not only functional but also safe and well-maintained. This involves considering the quality of construction, the availability of necessary amenities, and ongoing maintenance requirements. By prioritizing these aspects, the framework ensures that facilities remain in good condition and continue to serve the community effectively over time (Van Deventer & Van Niekerk, 2018:123). Moreover, the framework addresses the need for long-term sustainability in the development of recreational facilities. This includes planning for future growth and changes in community needs, as well as implementing strategies for the sustainable management of resources. By focusing on sustainability, the NSRP helps municipalities like Greater Giyani to plan for the future, ensuring that recreational facilities can adapt to evolving needs and continue to provide value to the community (Jordaan et al., 2020:67).

In GGLM, the principles outlined in the NSRP are applied to guide the development of local by-laws, which are instrumental in ensuring that recreational facilities are planned and developed in alignment with both national and local priorities. This localized adaptation of the NSRP framework helps to address specific community needs while adhering to broader national standards (Department of Sports, Arts and Culture, 2013). The NSRP 2011 framework provides a comprehensive and structured approach to the planning and development of recreational facilities in South Africa. By focusing on inclusivity, community engagement, infrastructure quality, and sustainability, the framework ensures that recreational facilities can effectively meet the needs of diverse communities. For municipalities like Greater Giyani, this framework is an essential tool for developing recreational facilities that are both functional and beneficial to all members of the community (Van Deventer & Van Niekerk, 2018:123; Jordaan et al., 2020:67).

4.3.8 Enhancement of Public Library Services

Findings in this study revealed that public libraries are central to fostering community engagement and supporting educational and recreational activities within municipalities. As public institutions, libraries serve a vital role in democratising access to information, culture, and learning resources, which underscores their importance in municipal planning and governance. The effectiveness of public libraries is significantly influenced by municipal by-laws, which are designed to regulate and manage these facilities. By ensuring adherence to these regulations, municipalities can enhance the quality and accessibility of library services, aligning them with broader social and educational objectives.

In GGLM, the enhancement of public library services through municipal by-laws involves several critical aspects. First, these by-laws must address the physical infrastructure of libraries. This

includes maintaining safe, functional, and aesthetically pleasing facilities that meet the needs of all community members. Regular maintenance and timely upgrades to library buildings are essential to ensure that they provide a welcoming environment conducive to learning and community activities. According to Thornhill and Cloete (2014:20), effective management of library infrastructure contributes significantly to the quality of services provided and the overall user experience.

By-laws must ensure that libraries are adequately funded. Financial support is crucial for the acquisition of resources, including books, digital media, and other educational materials. Adequate funding also supports the recruitment and training of qualified staff, who are essential for providing high-quality services and programs. The allocation of resources should be reflective of the community's needs and should adapt to changing trends in information consumption and technology use (Thornhill & Cloete, 2014:20).

Another important consideration is the accessibility of libraries to diverse populations. By-laws should mandate that libraries are inclusive and accessible to individuals of all ages, backgrounds, and abilities. This involves addressing physical accessibility, such as wheelchair access, as well as providing services in multiple languages and formats to cater to a diverse user base. Ensuring equitable access to library resources helps promote social inclusion and educational equity, which are critical components of community well-being (Thornhill & Cloete, 2014:20).

Modernising library services through the integration of technology is also a key focus of municipal by-laws. The digital age has transformed how people access information and interact with libraries. By-laws should encourage the adoption of digital technologies, such as online catalogues, e-books, and virtual reference services, to enhance service delivery and meet the evolving needs of library users. Incorporating technology not only improves access to information but also supports the development of digital literacy skills among community members (Thornhill & Cloete, 2014:20).

4.3.9 Role of By-Laws in Facility Management

The findings in this study indicate that the role of by-laws in facility management is a crucial aspect of ensuring that municipal facilities, such as recreational spaces, are effectively managed and maintained. By-laws serve as the legal framework that governs various aspects of facility management, including maintenance, safety standards, usage fees, and environmental considerations. These regulations are essential in maintaining order and ensuring that facilities are used in a way that benefits the entire community.

In municipalities like GGLM, by-laws play a pivotal role in the management of recreational facilities, providing guidelines that ensure these spaces are safe, accessible, and well-maintained for public use (Local Government Handbook: South Africa, 2020). By-laws establish clear standards for facility upkeep, which is vital in preventing deterioration and ensuring that facilities are available for use by future generations. They also address safety concerns by setting regulations that must be followed to protect users from potential hazards, thereby promoting a secure environment for community activities.

By-laws regulate the financial aspects of facility management, such as the imposition of usage fees. These fees are often necessary to fund the maintenance and improvement of facilities, ensuring their sustainability over time. By-laws may also stipulate how these funds should be managed, ensuring transparency and accountability in the financial administration of municipal facilities. Environmental considerations are another critical component of facility management by-laws. These laws help ensure that recreational spaces are managed in a way that minimises environmental impact, protecting natural resources and promoting sustainability. This is particularly important as communities become more environmentally conscious and seek to balance recreational use with the preservation of natural ecosystems. The dynamic nature of communities necessitates that by-laws be regularly reviewed and updated to reflect changing needs, technological advancements, and emerging environmental challenges (Mathebula, 2021:341). For instance, advancements in technology may introduce new methods for maintaining facilities or new safety standards that need to be incorporated into existing by-laws. Similarly, changes in the community's recreational needs or demographic shifts may require adjustments to how facilities are managed and regulated.

4.3.10 Challenges in Implementing Municipal By-Laws

The study also identifies significant challenges in the implementation of municipal by-laws, particularly in the provision of recreational facilities. These challenges include inadequate funding, lack of coordination between different levels of government, and limited community engagement.

Kruger (2019) notes that while local governments play a vital role in customizing recreational facilities to meet local demands, issues such as inadequate funding and poor coordination can hinder successful implementation. This is a significant challenge in GGLM, where resource constraints have often led to the uneven distribution of recreational facilities.

Jordaan et al. (2020) emphasize the importance of robust infrastructure development for fostering both community and elite sports. However, they acknowledge that achieving this

requires adequate funding and effective intergovernmental collaboration, which are often lacking. Moyo and Nkomo (2021) also highlight the need for improved coordination between different levels of government to overcome these challenges and ensure the successful implementation of municipal by-laws.

The National Sport and Recreation Plan (NSRP) 2011 provides a strategic blueprint for the promotion of sport and recreation in South Africa, emphasizing the importance of providing diverse recreational opportunities for all citizens (Van Deventer & Van Niekerk, 2018). However, the study finds that despite the existence of such frameworks, implementation remains a challenge due to resource limitations and other institutional barriers.

4.4 CHAPTER SUMMARY

Chapter 4 focused on analysing the data gathered through a qualitative desktop research design to assess the effectiveness of municipal by-laws in managing recreational facilities in GGLM. The chapter introduces key themes, including inclusivity and accessibility of recreational facilities, the geopolitical use of sports and recreational events, the role of regional organisations in development, and the legal foundation of by-laws. It discusses how these by-laws ensure that recreational spaces are accessible to all, including those with disabilities and lower-income communities, and highlights their significance in fostering social cohesion, nation-building, and environmental conservation. Chapter 4 also examined the planning and development framework for recreational facilities, emphasising the importance of community engagement, infrastructure maintenance, and long-term sustainability. In ensuring that these facilities are equitably distributed and accessible, municipalities can address past inequalities, promote social justice, and contribute to the broader socio-economic development of the area. The chapter concludes by highlighting the critical role of robust legal frameworks and community involvement in maintaining and preserving recreational spaces for future generations.

CHAPTER 5

SUMMARY OF THE STUDY FINDINGS, CONCLUSIONS, RECOMMENDATIONS, LIMITATIONS AND IMPLICATIONS

5.1 INTRODUCTION

The previous chapter focused on the presentation, interpretation and discussion of the findings. This chapter provides the summary of the study findings, conclusions, recommendations, limitations and implications. In this desktop study, the researcher used a variety of internet databases and search engines, including the Education Resource Information Centre (ERIC), Google Scholar, SAGE, EBSCOhost, and others, to find the different sources.

5.2 SUMMARY OF THE MAIN FINDINGS

This study focused on the implementation of municipal by-laws in the provision and management of recreational facilities in the GGLM. The findings, derived from a qualitative desktop research design, identified several critical themes that highlight the intersections of municipal governance, public participation, policy frameworks, and the role of regional organisations in the development and management of recreational spaces.

5.2.1 Equity and Social Inclusion in Municipal Policies

One of the main themes in the study is the significance of equity and social inclusion in municipal by-laws. These principles ensure that all community members, regardless of socio-economic status, race, or other social factors, have equal access to recreational facilities. Modisane et al. (2019) emphasize that post-apartheid policies in South Africa have been oriented towards promoting social justice and redressing past inequalities, with municipal by-laws incorporating these principles to ensure equitable access to resources, including recreational facilities. Similarly, Nkwanyana (2020) highlights that social inclusion in by-laws fosters the development of talents and capabilities in children, providing them with opportunities to realize their potential.

Furthermore, the Department of Arts and Culture (2012), in its Social Cohesion and Nation Building Strategy, underscores the role of municipalities in unifying society through equitable service provision, including the distribution of recreational facilities. Khaile et al. (2021) point out that addressing spatial patterns that perpetuate social division is essential for promoting social cohesion, which can be achieved through the equitable distribution of recreational amenities.

5.2.2 Effectiveness of Public Participation in Governance

Public participation is a crucial element in the governance of recreational facilities. Municipalities are expected to engage community members in decision-making processes, ensuring that their needs and preferences are reflected in the planning and development of recreational spaces. By-laws that promote public participation contribute to a sense of ownership and responsibility among community members, which is vital for the sustainable management of these facilities. This participatory approach not only enhances the effectiveness of governance but also fosters social cohesion and community engagement.

5.2.3 Impact of Various Policy and Legislative Frameworks

The research also highlighted the influence of various policy and legislative frameworks on the management and provision of recreational facilities. The National Sport and Recreation Plan (NSRP) 2011 serves as a comprehensive framework that guides the planning, development, and management of recreational facilities in South Africa (Department of Sports, Arts and Culture, 2013). The NSRP emphasises inclusivity, equitable access, and community engagement as key components of facility planning. By aligning municipal by-laws with these frameworks, local governments can ensure that recreational facilities meet the diverse needs of the community and contribute to broader socio-economic goals (Van Deventer & Van Niekerk, 2018).

5.2.4 Inclusive and Accessible Recreational Facilities

Another key finding is the importance of inclusivity and accessibility in recreational facilities. Municipal by-laws must ensure that these spaces are designed to accommodate all segments of the population, including individuals with disabilities. This involves adhering to universal design principles that cater to people with varying physical abilities. Economic inclusivity is also essential, ensuring that all community members, regardless of income level, have access to recreational facilities without financial barriers.

5.2.5 Geopolitical Use of Sports and Recreational Events

This study found that recreational facilities and sports events can have significant geopolitical implications. Municipal by-laws often govern the hosting of large-scale events, which can be used to promote unity, foster international cooperation, and address socio-political challenges. These events serve as tools for soft power, community engagement, and cultural diplomacy. Municipalities must ensure that their by-laws facilitate the smooth hosting of such events while safeguarding the interests of the local community.

5.2.6 Role of Regional Organisations in Development

Regional organisations like the African Union (AU) and the Southern African Development Community (SADC) play a pivotal role in the development of local recreational facilities. These organisations provide funding, guidelines, and frameworks that help shape local by-laws and ensure consistency across municipalities. The AU's Agenda 2063, for example, promotes sustainable urban development, including the provision of accessible recreational spaces. By aligning municipal by-laws with regional development goals, municipalities can contribute to broader socio-economic objectives and ensure that their facilities support sustainable urban development.

5.2.7 Legal Foundation for By-laws and Facilities

The legal foundation of municipal by-laws is critical for their enforcement and effectiveness. This theme emphasises the importance of crafting by-laws that are legally sound, aligned with constitutional principles, and relevant to local needs. Thornhill and Cloete (2014) argue that clear and robust legal frameworks are essential for ensuring that municipal by-laws can be practically implemented and enforced. When by-laws are legally sound, they provide a strong foundation for the effective management and regulation of recreational facilities.

5.2.8 Conservation and Management in Protected Areas

Municipalities often manage recreational facilities within or near protected areas, where by-laws must balance the dual mandates of conservation and recreation. The study highlights the importance of by-laws in regulating activities within these areas to minimise ecological disturbance while providing recreational opportunities for the community. Kruger (2019) notes that sustainable recreation, underpinned by strong conservation principles, is essential for preserving biodiversity and ensuring that protected areas remain accessible for future generations.

5.2.9 Framework for Facility Planning and Development

A robust framework for facility planning and development is crucial for the effective provision of recreational facilities. The NSRP provides guidelines for the planning, development, and management of these spaces, emphasizing inclusivity, community engagement, and infrastructure maintenance (Jordaan et al., 2020). By adhering to such frameworks,

municipalities can ensure that recreational facilities are not only functional and safe but also responsive to the changing needs of the community.

5.2.10 Enhancement of Public Library Services

Public libraries, though often overlooked, are essential recreational facilities that provide significant social and educational value. The study found that municipal by-laws can enhance the role of libraries by ensuring they are accessible, well-funded, and integrated into the community. This, in turn, promotes literacy, lifelong learning, and community engagement, contributing to the intellectual and cultural enrichment of society.

5.2.11 Role of By-laws in Facility Management

Finally, the role of by-laws in the day-to-day management of recreational facilities is crucial. These by-laws regulate various aspects of facility operations, including opening hours, usage restrictions, maintenance schedules, and safety protocols. Effective management of by-laws ensures that recreational facilities remain safe, clean, and accessible, preserving their value as community assets.

5.3 CONCLUSIONS

This study revealed several key themes, each contributing to the broader understanding of how these regulations impact community development, social inclusion, and governance. The findings highlight the critical role that municipal by-laws play in shaping equitable access to recreational spaces, fostering community engagement, and aligning local practices with broader legislative and developmental frameworks. This section presents a summary of the conclusions drawn from the main themes explored in the study.

The study underscores the importance of equity and social inclusion as foundational principles in the development and implementation of municipal by-laws. These principles ensure that all community members have equal access to recreational facilities, regardless of their socio-economic status, race, or other social factors. Modisane et al. (2019) emphasize that post-apartheid South Africa has seen significant policy shifts aimed at promoting social justice and human rights, which necessitate that municipal by-laws incorporate these principles to redress past inequalities. The inclusion of equity in by-laws is essential for fostering social cohesion and ensuring that recreational facilities serve as inclusive spaces where all individuals can engage in physical and social activities. This is particularly critical in historically marginalized areas like Greater Giyani, where access to recreational amenities has been uneven.

The alignment of municipal by-laws with social inclusion goals is vital for promoting community well-being and addressing the legacy of spatial inequalities (Nkwanyana, 2020).

Public participation emerged as a critical theme in the governance of recreational facilities. The study found that involving community members in the planning, development, and management of these spaces enhances the relevance and utilisation of the facilities. By-laws that mandate community engagement in decision-making processes ensure that the voices of local residents are heard and that their needs are met. This participatory approach not only fosters a sense of ownership among community members but also leads to more sustainable and well-maintained recreational facilities. The effectiveness of public participation is thus integral to the success of municipal by-laws in managing recreational spaces and promoting active citizenship.

The study also highlighted the influence of broader policy and legislative frameworks on the effectiveness of municipal by-laws. These frameworks, including national and regional policies, provide guidelines and standards that municipalities must adhere to when developing and enforcing by-laws. For instance, the National Sport and Recreation Plan (NSRP) 2011 serves as a comprehensive framework that guides the planning, development, and management of recreational facilities in South Africa (Van Deventer & Van Niekerk, 2018). Aligning municipal by-laws with such frameworks ensures consistency, legal compliance, and the promotion of national development goals. This alignment is particularly important in ensuring that recreational facilities are not only legally sound but also contribute to broader socio-economic objectives, such as social cohesion and public health.

This study found that inclusivity and accessibility are crucial aspects of recreational facilities that must be addressed through municipal by-laws. These facilities should be designed to accommodate all members of the community, including individuals with disabilities. By-laws should incorporate universal design principles to ensure that recreational spaces are accessible to people with varying physical abilities and economic backgrounds. The importance of economic inclusivity was also emphasised, with the need for by-laws to eliminate financial barriers to accessing recreational facilities. This approach ensures that all community members, regardless of income level, can benefit from these public spaces, thereby promoting social equity and well-being.

The geopolitical implications of sports and recreational events were another significant finding. Municipal by-laws often govern the hosting of large-scale events, which can serve as tools for diplomacy, peacebuilding, and international relations. The study found that these events, when properly managed, can promote unity, foster international cooperation, and address socio-political challenges.

However, by-laws must be carefully crafted to balance the interests of the local community with the broader geopolitical goals. Ensuring that these events are inclusive, culturally sensitive, and beneficial to the host community is essential for their success and sustainability.

Regional organisations, such as the African Union (AU), play a pivotal role in the development of local recreational facilities. These organisations provide funding, guidelines, and frameworks that help shape municipal by-laws and ensure consistency across different regions. The study found that aligning local by-laws with regional development goals, such as those outlined in the AU's Agenda 2063, can enhance the effectiveness of these regulations. This alignment ensures that recreational facilities contribute to broader socio-economic objectives, such as sustainable urban development and regional integration.

The legal foundation of municipal by-laws is critical to their enforcement and effectiveness. The study highlighted the importance of crafting by-laws that are legally sound, clear, and relevant to local needs. These regulations must be aligned with constitutional principles and national legislation to ensure they can be practically implemented. A strong legal foundation provides municipalities with the authority and tools necessary to manage and regulate recreational facilities effectively, ensuring that these spaces are safe, accessible, and well-maintained.

The management of recreational facilities within or near protected areas presents unique challenges that require careful consideration in municipal by-laws. The study found that these by-laws must balance the need for public access to recreational spaces with the imperative to protect the environment. This balance can be achieved through regulations that limit human impact, such as visitor restrictions and designated trails, while promoting sustainable recreation. The effectiveness of these by-laws is crucial for the long-term sustainability of both the natural environment and the recreational opportunities it offers.

A robust framework for facility planning and development is essential for the effective provision of recreational facilities. The study found that strategic frameworks, such as the NSRP, guide municipalities in ensuring that these facilities meet community needs, are economically viable, and are sustainable. By-laws play a crucial role in enforcing these frameworks, ensuring that recreational spaces are built and maintained to high standards, with considerations for future demands and technological advancements.

Public libraries, as a form of recreational facility, offer significant social and educational value. The study found that municipal by-laws can enhance the role of libraries by ensuring they are accessible, well-funded, and integrated into the community. Through prioritising library services in by-laws, municipalities can promote literacy, lifelong learning, and community engagement, contributing to the intellectual and cultural enrichment of their communities.

This study emphasised the central role of by-law in the day-to-day management of recreational facilities. Effective management by-laws are essential for ensuring that these spaces are safe, clean, and accessible. These regulations cover aspects such as facility opening hours, usage restrictions, maintenance schedules, and safety protocols, which are crucial for preserving the quality and longevity of recreational facilities.

In conclusion, this study revealed that municipal by-laws play a vital role in ensuring the equitable provision and effective management of recreational facilities. By incorporating principles of equity, legal robustness, and strategic alignment with broader frameworks, municipalities can create inclusive and sustainable recreational spaces that contribute to community well-being and socio-economic development.

5.4 RECOMMENDATIONS

This study highlighted several key themes related to municipal by-laws and their impact on recreational facilities, focusing on Greater Giyani Local Municipality. The following recommendations are derived from these findings, aiming to enhance the effectiveness of municipal by-laws in managing and developing recreational facilities.

5.4.1 Enhancing Equity and Social Inclusion in Municipal Policies

Equity and social inclusion emerged as critical elements for the effective management of recreational facilities. It is recommended that municipalities prioritise the integration of these principles into their by-laws. Specifically, by-laws should ensure that all community members, regardless of socio-economic status, race, or physical ability, have equal access to recreational spaces. This can be achieved by adopting universal design principles that cater to individuals with varying physical abilities and by eliminating financial barriers that could prevent low-income individuals from accessing these facilities (Modisane et al., 2019; Nkwanyana, 2020). Further, the strategic location of recreational facilities in underserved areas can help address spatial inequalities that persist from the apartheid era. Municipalities should engage with communities to understand their specific needs and preferences, ensuring that by-laws reflect these inputs and contribute to social cohesion and nation-building (Khaile et al., 2021; Department of Arts and Culture, 2012).

5.4.2 Improving Public Participation in Governance

Effective public participation is essential for the successful implementation of municipal by-laws concerning recreational facilities. The study highlights the need for municipalities to foster more inclusive and participatory governance processes. It is recommended that municipalities implement mechanisms that allow for meaningful community engagement in the decision-

making processes related to recreational facilities. This could include regular public consultations, feedback mechanisms, and the establishment of community advisory committees that can provide input on facility management and development (Khaile et al., 2021). By involving the public in these processes, municipalities can ensure that by-laws are more reflective of community needs and more likely to be supported by the public. Moreover, enhancing public participation can lead to better-maintained facilities, as community members who feel invested in these spaces are more likely to take care of them and report issues to the authorities.

5.4.3 Strengthening the Legal Foundation for Municipal By-laws

The effectiveness of municipal by-laws is heavily dependent on their legal foundation. It is recommended that municipalities ensure their by-laws are legally robust, clearly articulated, and aligned with both constitutional principles and national legislation. This involves drafting by-laws in clear and accessible language, making them easier to enforce and less likely to be challenged in court (Thornhill & Cloete, 2014). Additionally, municipalities should regularly review and update their by-laws to reflect changes in national legislation, regional development goals, and local needs. A strong legal foundation is essential for ensuring that by-laws are enforceable and effective in managing recreational facilities, particularly in addressing issues such as land use, environmental conservation, and facility maintenance (Kruger, 2019).

5.4.4 Promoting Sustainable Conservation and Management in Protected Areas

Municipalities that manage recreational facilities within or near protected areas face the challenge of balancing recreational use with environmental conservation. It is recommended that by-laws in these areas incorporate specific provisions aimed at minimising ecological disturbance while allowing for sustainable recreational activities. This could include setting limits on the number of visitors, designating specific areas for different types of activities, and enforcing strict guidelines on the use of vehicles and other equipment within these areas (Kruger, 2019). Moreover, municipalities should invest in public education campaigns to raise awareness about the importance of protecting natural resources and adhering to conservation regulations.

Community involvement in conservation efforts should also be encouraged, as it can enhance the effectiveness of these initiatives and foster a culture of environmental stewardship among local residents.

5.4.5 Developing a Comprehensive Framework for Facility Planning and Development

A well-structured framework for facility planning and development is crucial for ensuring that recreational facilities meet the current and future needs of the community. The study

recommends that municipalities adopt strategic frameworks like the National Sport and Recreation Plan (NSRP) to guide the planning, development, and management of recreational facilities. This framework should emphasize inclusivity, community engagement, and sustainable infrastructure development (Department of Sports, Arts and Culture, 2013; Van Deventer & Van Niekerk, 2018).

Municipal by-laws should align with such frameworks to ensure that recreational facilities are strategically located, equitably distributed, and well-maintained. Engaging with local communities during the planning process is essential for identifying their needs and ensuring that facilities are relevant and widely utilised. Additionally, by-laws should include provisions for the ongoing maintenance and improvement of these facilities, ensuring their long-term viability and usefulness to the community (Jordaan et al., 2020). The findings of this study underscore the importance of well-crafted municipal by-laws in the management and development of recreational facilities. By focusing on equity, public participation, legal robustness, sustainable conservation, and comprehensive planning, municipalities can ensure that these facilities serve the needs of all community members, contribute to social cohesion, and promote sustainable development. These recommendations provide a roadmap for municipalities to enhance the effectiveness of their by-laws, ensuring that recreational facilities remain valuable community assets for years to come.

5.5 LIMITATIONS

This study had several limitations that need to be acknowledged. Reliance on secondary data sources may have led to incomplete or outdated information, particularly regarding the ever-evolving landscape of municipal by-laws and their impact on recreational facilities. This could result in a partial understanding of the current challenges and successes faced by municipalities. Additionally, the focus on qualitative analysis means that the study may lack quantitative data to substantiate the findings, limiting the generalisability of the results to other contexts.

Moreover, the scope of this study was confined to GGLM, which may not fully capture the diversity of experiences across different municipalities. This geographical limitation restricts the applicability of the findings to other regions with varying socio-economic and political conditions. Another critical limitation is the potential bias in the selection of secondary sources, which may have influenced the interpretation of the data and the conclusions drawn. These limitations highlight the need for further research, including empirical studies and broader geographic coverage, to gain a more comprehensive understanding of the issues at hand.

5.6 IMPLICATIONS

The implications of this study are multifaceted. This study revealed key themes that underline the role of equity, social inclusion, and legal frameworks in enhancing public services and facilities. These themes not only highlight the current challenges but also suggest strategic directions for future policy and governance.

One of the primary implications of this study is the importance of embedding equity and social inclusion within municipal policies. Municipal by-laws must be designed to ensure that all community members, regardless of socio-economic status, have equal access to recreational facilities. This is particularly relevant in a post-apartheid South African context, where historical inequalities have left many communities with unequal access to public amenities (Modisane et al., 2019:221). In prioritizing inclusivity, municipalities can address these disparities and promote social cohesion, ensuring that recreational spaces contribute to the overall well-being of all residents (Nkwanyana, 2020:1).

The study also underscores the need for effective public participation in governance. Engaging communities in the planning and development of recreational facilities is crucial for ensuring that these spaces meet the needs of all residents. This participatory approach not only fosters a sense of ownership but also enhances the relevance and utilization of the facilities (Jordaan et al., 2020:67). The implications here are clear: municipalities must develop mechanisms that allow for meaningful public involvement in decision-making processes related to recreational facilities.

Another significant implication is the influence of various policy and legislative frameworks on the management of recreational facilities. The alignment of municipal by-laws with broader national and regional policies, such as the National Sport and Recreation Plan (NSRP) 2011, is essential for ensuring consistency and effectiveness in facility planning and development (Department of Sports, Arts and Culture, 2013).

This alignment helps municipalities navigate the complex legal landscape, ensuring that by-laws are both legally sound and practically implementable (Van Deventer & Van Niekerk, 2018:123). This study highlights the necessity for municipalities to ensure that recreational facilities are inclusive and accessible. This includes considerations for individuals with disabilities and those from economically disadvantaged backgrounds. By-laws should mandate the adherence to universal design principles, which accommodate diverse physical abilities, and ensure that financial barriers do not exclude any community members from accessing these facilities (Khaile et al., 2021:8).

The geopolitical implications of sports and recreational events are also significant. The study suggests that municipalities should be aware of the potential of these events to foster international cooperation and address socio-political challenges. By-laws governing the hosting of large-scale events must balance the interests of the local community with broader geopolitical objectives, promoting unity and cultural diplomacy (Kruger, 2019:67). Regional organisations, such as the African Union (AU), play a pivotal role in shaping the development of local recreational facilities. The study implies that municipalities should align their by-laws with regional development goals, such as those outlined in the AU's Agenda 2063, to ensure that local facilities contribute to broader socio-economic objectives (DAC, 2012:1). This alignment can attract funding and support from these organisations, enhancing the capacity of municipalities to deliver quality services. This study also emphasises the importance of a strong legal foundation for municipal by-laws. These by-laws must be aligned with constitutional principles and national legislation to ensure their enforceability and effectiveness. A robust legal framework provides the necessary foundation for managing and regulating recreational facilities, ensuring that they are safe, accessible, and well-maintained (Thornhill & Cloete, 2014).

In areas where recreational facilities are located within or near protected areas, the study implies that municipalities must balance recreational use with environmental conservation. By-laws should regulate activities in these areas to minimize ecological disturbance while providing sustainable recreational opportunities (Kruger, 2019:67).

The importance of strategic frameworks for facility planning and development is another key implication of the study. Municipalities must adopt forward-thinking planning strategies that prioritize community needs, economic viability, and sustainability, ensuring that recreational facilities are both functional and adaptable to future demands (Department of Sports, Arts and Culture, 2013).

This study also highlights the often-overlooked role of public libraries as recreational facilities. The municipal by-laws can enhance library services by ensuring they are accessible, well-funded, and integrated into the community, thus contributing to literacy, lifelong learning, and social cohesion (DAC, 2012:1). In conclusion, the study provides valuable insights into the complex interplay between municipal by-laws, public participation, and the effective management of recreational facilities. The implications suggest that municipalities must adopt inclusive, legally sound, and strategically aligned approaches to ensure that these facilities serve the diverse needs of their communities, contribute to social cohesion, and promote sustainable development.

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ANNEXURE A: ETHICAL CLEARANCE CERTIFICATE

FACULTY OF MANAGEMENT, COMMERCE & LAW

RESEARCH ETHICS COMMITTEE

MPM ETHICS APPROVAL CERTIFICATE **CATEGORY ONE**

The table below lists MPM Student from the **Department of Public Management & Administration** whose registered Research Project Reports are in the **Ethical Clearance Category One**. The Research Reports are straightforward without ethical problems (*No risk to humans, animals, or the environment*).

#	STUDENT NAME	GENDER	STUDENT#	RESEARCH REPORT TITLE	ETHICAL CLEARANCE#	SUPERVISOR/S
1.	Sibanda TJS	Mr	22021233	The efficacy of municipal by-laws in the provision of recreational facilities in Greater Giyani Local Municipality	FMCL/24/PDN/29	Dr ST Matloga Dr E Mahole

Approval Period: July 2024 – April 2025

The Faculty Research Ethics Committee (FREC) of the Faculty of Management, Commerce & Law (FMCL) hereby approve the Research Projects and issues this certificate as indicated above.

General Conditions

While this ethics approval is subject to all declarations, undertakings and agreements incorporated and signed in the application form, please note the following:

- The project leader (principal investigator) must report in the prescribed format to the REC:
 - Annually (or as otherwise requested) on the progress of the project, and upon completion of the project.
 - Within 48hrs in case of any adverse event (or any matter that interrupts sound ethical principles) during the project.
 - Annually, research projects may be randomly selected for auditing.
- The approval applies strictly to the protocol as stipulated in the application form. Should a change to the protocol be deemed necessary during the project, the project leader must apply for approval of these changes before their implementation. Should there be a deviation from the study protocol, without the necessary approval for the change, the ethics approval is automatically forfeited?
- The date of approval indicates the earliest date that the project may begin. Should the project have to continue after the expiry date; a new application must be made, and a new approval received before or on the expiry date.
- In the interest of ethical responsibility, the FREC retains the right to:
 - Request access to any information or data at any time during the course or after completion of the project.
 - To ask further questions; Seek additional information; Require a further modification or monitor the conduct of your research or the informed consent process.
 - withdraw or postpone approval if:
 - Any unethical principles or practices of the project are revealed or suspected.
 - It becomes apparent that relevant information was withheld from the REC or that information has been false or misrepresented.
 - The required annual report and reporting of adverse events was not done timely and accurately,
 - New institutional rules, national legislation or international conventions deem it necessary.

ISSUED BY FMCL RESEARCH ETHICS COMMITTEE ON THE 18/07/2024.

FREC CHAIRPERSON: Prof A Kadyamatimba
(Title, Initial, Surname)


(Signature)

FMCL EXEC. DEAN: Prof M Kanyane
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Date: 24 September 2024

CERTIFICATE OF EDITING

This letter confirms that I have rendered copy-editing and proofreading services to Mr T.J.S. Sibanda's mini dissertation titled " The Efficacy of Municipal By-Laws in the Provision of Recreational Facilities in Greater Giyani Local Municipality ".

I have edited and proofread mechanical errors such as spelling, punctuation, grammar and consistency. The copy-editing also includes ensuring the logical flow of text, clarity of expression, and reducing ambiguities and wordiness.

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THE IMPLEMENTATION OF MUNICIPAL BY-LAWS IN THE
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