

ANNEXURE: G
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NEWCASTLE MUNICIPALITY

BUDGET POLICY

DRAFT

BUDGET POLICY

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BUDGET POLICY

1. PREAMBLE

- 1.1 In terms of the Municipal Finance Management Act, No. 56 of 2003, Chapter 4 on Municipal Budgets, Subsection (16), states that the council of a municipality must for each financial year approve an annual budget for the municipality before the commencement of that financial year. According to subsection (2) of the Act concerned, in order to comply with subsection (1), the Mayor of the municipality must table the annual budget at a council meeting at least 90 days before the start of the budget year.
- 1.2 In terms of chapter 4, Section 21 (1) the mayor must co-ordinate the processes for preparing the annual budget and budget-related policies.
- 1.3 This policy must be read, analyzed, explained, interpreted, implemented and understood against this legislative background. The budget plays a critical role in an attempt to realize diverse community needs. Central to this, the formulation of a municipality budget must take into account the government's macro-economic and fiscal policy fundamentals. In brief, the conceptualization and the operationalization of the budget must be located within the national government's policy framework.

2. OBJECTIVES OF THE POLICY

- 2.1 This policy sets out the budgeting principles and procedures which Newcastle Municipality will follow in preparing each annual budget, as well as the roles and responsibilities of various officials and Office Bearers in the compiling such budget. The policy seeks to give effect to the requirements of the Municipal Finance Management Act, Act 56 of 2003 read with Municipal Budget and Reporting Regulations of 2009 in terms of preparation, approval, implementation and management of the annual budgets.
- 2.2 This policy is intended to ensure:
- 2.2.1 that there is efficient and effective preparation of reliable budget and forecasts and monitoring of actual results against plans and programmes.
 - 2.2.2 that the municipality keeps records of and is able to report on output delivery according to the performance measures contained in the Integrated

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Development Plan (IDP) and Service Delivery Budget Implementation Plan (SDBIP) and strategic plan.

2.2.3 the Strategic Executive Directors and Treasury and Budget Office have implemented proper monitoring and control of budgets.

2.2.4 that the Mayor exercise proper general political guidance over the fiscal and financial affairs of the municipality

2.2.5 that the council plays an effective oversight role in fiscal and financial affairs of the municipality.

3. SCOPE OF THE POLICY

This policy shall apply to the Council, Executive Committee, Finance Portfolio Committee, Budget Steering Committee, Accounting Officer, Strategic Executive Directors and all officials who have a formal and administrative duty to prepare, manage and control the municipality's budget.

4. APPLICABLE LEGISLATION

4.1 Budget process and management is regulated in terms of the Municipal Finance Management Act, Act 56 of 2003 (MFMA):-

4.1.1 Chapter 4 of the MFMA deals with the municipal budgets.

4.1.2 Chapter 7 of the MFMA deals with the responsibilities of the Mayor in relation to budget processes and related matters as well as the fiscal and financial affairs of the municipality.

4.1.3 Chapter 8 of the MFMA deals with the responsibilities of the municipal officials in relation, among others, budgeting processes, revenue and expenditure management and reporting.

4.1.4 Chapter 9 of the MFMA deals with the municipal budget and treasury offices.

4.2 Municipal Budget and Reporting Regulations of 2009 which is aimed at securing sound and sustainable management of the budgeting and reporting practices of municipalities by establishing uniform norms and standards and other requirements for ensuring transparency, accountability and appropriate lines of responsibilities in the budgeting and reporting processes within the municipality.

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- 4.3 The Medium Term Revenue and Expenditure Framework guidelines issued by National Treasury from time to time also provide guidance in the budgeting process and management.
- 4.4 The budget circulars and practice notes issued by National Treasury from time to time also provides guidance in the budgeting process and management.
- 4.5 Annual Division of Revenue Act in so far as those chapters dealing with equitable share allocation and all other conditional grants to the municipalities.
- 4.6 Furthermore chapter 5, section 25(1) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000) states that a municipality shall undertake developmentally oriented planning. It must be a single, inclusive and strategic plan in the form of an Integrated Development Plan. This must form the policy framework and general basis on which the annual budgets must be based.

5. ROLES AND RESPONSIBILITIES

The primary responsibilities and accountabilities in relation to budgeting process and management rest with the Council, Executive Committee, Budget Steering Committee, Mayor, Accounting Officer, Strategic Executive Director for Financial Services, Strategic Executive Directors for other municipal departments, the Director for Budget and Financial Reporting as well as the officials in the Budget Office.

5.1 Role of Council

- 5.1.1 As stipulated in chapter 4, section 16 (1) of the MFMA the council must for each financial year approve an annual budget for the municipality before the start of a financial year. Before approval of the annual budget the council is expected to interrogate the annual budget and also plays an oversight role in budget preparation, implementation, management and reporting.
- 5.1.2 To the extent as required by chapter 4, section 24 (1) & (2) of the MFMA, the council when approving the annual budget, shall ensure full compliance with all subsections under section 24.

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5.1.3 When considering the draft annual budget, the council shall consider the impact, which the proposed increases in rates and service tariffs will have on the monthly municipal accounts of households in the municipal area.

5.2 Executive Committee

The Executive Committee is responsible for examining of the budget, providing guidance among others on the budgetary process and expenditure management and oversight role.

5.3 Role of Budget Steering Committee

5.3.1 The Mayor of the Municipality shall establish a Budget Steering Committee as required by Regulation 4 of the Municipal Budgeting and Reporting Regulations. The steering committee shall consist of the following g persons:

- (a) the councilor responsible for financial matters (chairperson of the Finance Portfolio Committee);
- (b) the Accounting Officer;
- (c) the Strategic Executive Director for Financial Services Department;
- (d) Strategic Executive Directors responsible for at least three largest departments in terms of budget allocation in the municipality;
- (e) Director for Budget Planning, Implementation, Supply Chain Management and Financial Reporting;
- (f) Manager responsible for the compilation of budget;
- (g) Director responsible for planning; and
- (h) Any technical experts in infrastructure.

5.3.2 The Municipality may opt to use the Management Committee (MANCO) as Budget Steering Committee as well as IDP Steering Committee.

5.3.3 The Budget Steering Committee as stipulated under chapter 2, clause 4(1) of the Municipal Budget and Reporting Regulations must provide technical assistance to the Mayor in discharging the responsibilities set out in sections 53 and 54 of the MFMA.

5.4 Role of Mayor

5.4.1 As provided in Section 21(1) of the MFMA, the Mayor is responsible for:

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- 5.4.1.1 Coordinating the process for preparing the annual budget and for reviewing the Integrated Development Plan (“IDP”) and budget related-policies;
- 5.4.1.2 At least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines, as contemplated in section 21(1) (b) of the MFMA.
- 5.4.2 In so far as provided in Section 21(2) of the MFMA, for purposes of preparing the budget, the Mayor shall comply with all subsections of the above section.
- 5.4.3 Pursuant to Section 52 of the MFMA the mayor must:
 - 5.4.3.1 provide general political guidance over the fiscal and financial affairs of the municipality, and present the budget to the community of Newcastle and consider of their input.
 - 5.4.3.2 In providing such general political guidance monitor and to the extent provided in the MFMA, oversee the exercise of responsibilities assigned in terms of the MFMA to the accounting officer and the Strategic Executive Director: Budget and Treasury Office, but may not interfere in the exercise of those responsibilities;
 - 5.4.3.3 take all reasonable steps to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget;
 - 5.4.3.4 within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality; and
 - 5.4.3.5 comply with all other subsections of under this section of the MFMA.
- 5.4.4 In so far as provided in Section 53 of the MFMA, for purposes of the budget process and related matters, the Mayor shall comply with all subsections of the above section as per the MFMA.
- 5.4.5 As required by Section 58 of the MFMA, the Mayor shall exercise his/her powers and functions assigned by the MFMA in consultation with the executive committee.

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5.5 Role of Accounting Officer

5.5.1 The Accounting Officer shall be responsible for the following functions in terms of Section 68 of the MFMA:

5.5.1.1 Assisting the Mayor in performing the budgetary functions assigned to the Mayor in terms of chapter 4 and 7 of the MFMA; and

5.5.1.2 Providing the Mayor with the administrative support, resources and information necessary for the performance of those functions.

5.5.2 The Accounting officer shall ensure that all heads of departments provide the inputs required by the Strategic Executive Director: Budget and Treasury Office for the purpose of preparing the budget, and to that end, each Strategic Executive Director shall prepare and submit to the Strategic Executive Director: Budget and Treasury Office by 28 February of each year a draft budget for his or her department; provided that nothing contained in this section shall derogate from the responsibility of the Strategic Executive Director for Financial Services of preparing the municipal budget as provided for in subsection 5.6.1 below.

5.5.3 The accounting officer shall comply with all requirements of the Sections 69, 70, 71, 72, 73, 74, 75 and 76 of the MFMA and ensuring that the operations of the municipal council are achieved within the approved budget and financial targets; and allocation of funds within the departments.

5.6 Role of Strategic Executive Director: Budget and Treasury Office

5.6.1 Without derogating in any way from the legal responsibilities of the Mayor and Accounting Officer, the Strategic Executive Director: Budget and Treasury Office shall be responsible for preparing the draft budget of the municipality as a line function responsibility.

5.6.2 The Accounting Officer shall delegate in terms of Section 79 of the MFMA to the Strategic Executive Director: Budget and Treasury Office all such powers as may be necessary him or her to perform the above mentioned function.

5.6.3 The Strategic Executive Director: Budget and Treasury Office shall ensure that the annual and adjustments budgets comply with the requirements of the National

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Treasury, reflect the budget priorities determined by the mayor, are aligned with the IDP, and comply with all budget-related policies, and shall make recommendations to the mayor on the revision of the IDP and the budget-related policies where these are indicated.

- 5.6.4 The Strategic Executive Director: Budget and Treasury Office shall, with the approval of the mayor and the municipal manager, and considering the municipality's current financial performance determine the recommended aggregate growth factor(s) using the National Treasury Guidelines.
- 5.6.5 The Strategic Executive Director: Budget and Treasury Office is responsible for:
- 5.6.5.1 Budget process management.
 - 5.6.5.2 Advice to the Accounting Officer, Mayor, Executive Committee, Finance Portfolio Committee and Strategic Executive Directors for all departments on budget process and expenditure management matters.
 - 5.6.5.3 Provide guidance and support to the Director: Budget and Financial Reporting as well as the officials in the division dealing with the budget process.
 - 5.6.5.4 Overall management of the provision of monthly financial performance reports to the Strategic Executive Directors by 5th working day of the following month.
 - 5.6.5.5 Overall management and coordinating budget estimates.
 - 5.6.5.6 Ensuring overall integrity of information in the financial system;
 - 5.6.5.7 Explanation of reasons for significant trends and changes in budget amounts.

5.7 Role of Strategic Executive Directors

- 5.7.1 The Strategic Executive Directors are responsible for:
- 5.7.1.1 The provision of their budget requirements within the timelines as set out by the Accounting Officer and the Strategic Executive Director: Budget and Treasury Office.
 - 5.7.1.2 Monthly review of expenditure against budget.
 - 5.7.1.3 Submission of variance explanations to the Strategic Executive Director: Budget and Treasury Office Services within five working days of receipt of monthly financial performance reports and expenditure, which is greater or

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less than five percent from budget for Goods and Services and related costs;

5.7.1.4 Advising the Strategic Executive Director: Budget and Treasury Office of significant accruals two working days before month end;

5.8 Role of Director: Budget and Financial Reporting

5.8.1 The Director: Budget and Financial Reporting as well as the officials in the division dealing with the budget process are responsible for the initiation, collation, analysis of information for budget process and preparing monthly financial performance reports to the Strategic Executive Director: Budget and Treasury Office for further review.

6. BUDGET PRINCIPLES

The council shall adopt three-year budget statements for the ensuing financial year's budgets. The budget statement shall be the focal point of the budget, and shall be linked to the IDP. The budget and IDP review process are to run concurrently.

6.1 Contents of Budget

6.1.1 The budget must comply with the provisions of Section 17(1) of the MFMA, and in particular:

6.1.1.1 The budget must be in the format prescribed by the regulations;

6.1.1.2 The budget must reflect the realistically expected revenues by major source for the budget year concerned;

6.1.1.3 The expenses reflected in the budget must be divided into the votes of the various departments of the municipality;

6.1.1.4 The budget must also contain:

6.1.1.4.1 the foregoing information for the two years immediately succeeding the financial year to which the budget relates;

6.1.1.4.2 the actual revenues and expenses for the previous financial year, and

6.1.1.4.3 the estimated revenues and expenses for the current year.

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6.1.2 The budget must be accompanied by all of the documents referred to in Section 17(3) of the MFMA.

11.3. For the purposes of Section 17(3)(k) of the MFMA, the salary, allowances and benefits of each person referred to therein must be stated individually.

6.2 Funding of Expenditure

6.2.1 The annual budget and adjustments budget shall, as required by Section 17(2) of the MFMA consist of:

6.2.1.1 the capital component, and

6.2.1.2 the operating component.

6.2.2 In accordance with the provisions of Section 18(1) of the MFMA, an annual budget may be funded only from:-

6.2.2.1 Realistically anticipated revenues to be collected;

6.2.2.2 Cash-backed accumulated funds from previous years' surpluses not committed for other purposes; and

6.2.2.3 Borrowed funds, but only for capital projects.

6.2.3 Realistically anticipated revenues to be received from national or provincial government, national or public entities, other municipalities, municipal entities, donors or any other source may be included in an annual budget only if there is acceptable documentation that guarantees the funds, as provided by Regulation 10 (2) of the Regulations.

6.2.4 An impending operating **deficit** shall be made good in an adjustments budget, but if an operating deficit arises at the end of a financial year, notwithstanding the precautionary measures adopted by the council, such deficit shall immediately be made good in the annual or adjustments budget for the ensuing financial year, and shall not be offset against any unappropriated surplus carried forward from preceding financial years.

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6.3 Capital Budget

Capital budget refers to the allocation made to specific infrastructure projects and purchase of equipment and other forms of assets having a life span of more than one year and cost value of as determined in the Asset Management Policy of the municipality.

6.3.1 *Basis of Calculation*

6.3.1.1 Except in so far as capital projects represent a contractual commitment to the Newcastle Municipality extending over more than one financial year, the annual capital budget shall be prepared from a **zero base**.

6.3.1.2 The capital budget component of the annual or adjustments budget shall only be approved by the council if it has been properly balanced, that is, if the sources of finance which are realistically envisaged to fund the budget equal the proposed capital expenses.

6.3.1.3 The impact of the capital budget on the current and future operating budgets in terms of finance charges to be incurred on external loans, depreciation of fixed assets, maintenance of fixed assets and any other operating expenditure to be incurred resulting directly from the capital expenditure, should be carefully analyzed when the annual capital budget is being compiled.

6.3.1.4 In addition, the council shall consider the likely impact of such operational expenses – net of any revenue expected to be generated by such item – on future property rates and service charges.

6.3.2 *Financing of Capital Budget*

6.3.2.1 The Strategic Executive Director: Budget and Treasury Office shall make recommendations on the financing of the draft capital budget for the ensuing and future financial years, indicating the impact of viable alternative financing scenarios on future expenses, and specifically commenting on the relative financial merits of internal and external financing options.

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- 6.3.2.2 The provisions of Regulation 11 of the Municipal Budgeting and Reporting Regulations of 2009 shall be complied with in relation to the funding of capital expenditure.
- 6.3.2.3 Any **surplus** from previous financial years not appropriated, even if fully cash-backed, shall not be used to balance any annual or adjustments budget, but shall be appropriated, as far as it is not required to finance the payment of operating creditors or for other operational purposes, to the Municipality's asset financing reserve.
- 6.3.2.4 Before approving the capital budget component of the annual or adjustments budget, the council shall consider the impact of the capital component on the present and future operating budgets of the municipality in relation to the items referred to in 6.3 below.
- 6.3.2.5 Each department head shall, prior to providing for any expenditure in respect of any capital item in the budget of his or her department's budget, and in any event no later than 31 January prepare and submit to the Strategic Executive Director: Budget and Treasury Office a business plan relating to such capital item, which business plan shall contain the following information regarding such item:
- A full description;
 - Its purpose;
 - The expected beneficiaries ;
 - Alternative means of providing the same benefits;
 - An acquisition, construction and implementation plan (as applicable);
 - The expected useful life;
 - The principal cost;
 - The sources of funding;
 - A schedule of financing costs;
 - A maintenance plan;
 - A schedule of maintenance costs;
 - A depreciation schedule; and
 - Insurance costs.

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6.4 Operational Budget

Operational budget refers to the funds that would be raised in the delivery of basic service, grants and subsidies and any other municipal services rendered. These funds are in turn used to cover the expenses incurred in the day to day running of the municipality

The operating component shall duly reflect the impact of the capital component on:

- depreciation charges;
- repairs and maintenance expenses;
- interest payable on external borrowings; and
- other operating expenses.

6.4.1 *Basis of Calculation*

6.4.1.1 The incremental approach is used in preparing the annual operating budget in respect of employee costs, councillors remuneration, bulk purchases. All other expenditure shall be estimated using the zero based method of budgeting.

6.4.1.2 The annual operating budget shall be based on realistically anticipated revenue, which should be least cover the anticipated operating expenditure in order to result in a balanced budget.

6.4.1.3 An income based approach shall be used where the realistically anticipated income would be determined first and the level of operating expenditure would be based on the determined income, thus resulting in a balanced budget.

6.4.2 *Financing*

Services charges shall be based on the tariff growth rate as agreed upon plus a growth rate of the town. The operating budget shall be financed from the following sources:

- (a) Service Charges
 - (i) Property Rates;
 - (ii) Electricity sales;
 - (iii) Water sales;
 - (iv) Sewerage; and

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(v) Refuse

(b) Grants and Subsidies

Grants and subsidies shall be based on all the gazetted grants and subsidies plus all other subsidies received by the municipality.

(c) Interest on investments

The budget for interest and investment shall be in accordance with the Cash Management and Investment policy of the municipality.

(d) Interest on outstanding debtors

The budget for interest and investment shall be in accordance with the Credit Control and Debt Collection policy of the municipality.

(e) Fines

Fines shall be estimated based on the fines and summons issued in the previous financial year and any law enforcement measures implemented by the municipality.

(f) Licences

Licences shall be estimated based on estimated based on licences and rates granted by the municipality.

(g) Sundry revenue

Sundry revenue shall refer to any other revenue which does not fall in the ambits of any revenue source above. It shall be estimated based on the trends of the current of previous financial year.

(d) Repairs and Maintenance

The budget of repairs and maintenance shall be based on the increment as determined by Financial Services in conjunction with the needs of the department in terms of repairing their assets. This percentage shall be equal to at least 8% of the total operating budget.

(e) Capital Expenses

Capital expenses refer to interest and redemption that has to be repaid on an external loan taken up by the Council. The budget for capital expenses will be determined by the repayments that the municipality is liable for based on the agreement entered into with the financial institution.

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(f) Contributions to Capital

A global amount that will be spent on the acquisition of small capital items is determined. The needs of departments in terms of small items will be prioritised to enable the allocation of funds for such items.

(g) Contributions to Funds

Refers to the contribution made to provisions (e.g. leave reserve fund) on annual basis and is determined based on the actual expenditure in the previous year and any other factor that could have an effect.

6.5 Provisions

6.5.1 *Accrued leave*

The Municipality shall establish and maintain a provision for accrued leave entitlements equal to 100% of the accrued leave entitlement of officials as at 30 June of each financial year, and shall budget appropriately for contributions to such provision in each annual and adjustments budget, as well as for staff benefits, including post-retirement benefits.

6.5.2 *Provision for bad debts*

The Municipality shall establish and maintain a provision for bad debts in accordance with its rates and tariffs policies, and shall budget appropriately for contributions to such provision in each annual and adjustments budget with due regard to the implementation and compliance with the Credit Control and Debt Collection Policy.

6.5.2 *Obsolete and deteriorated stock*

The municipality shall establish and maintain a provision for the obsolescence and deterioration of stock in accordance with its stores management policy, and shall budget appropriately for contributions to such provision in each annual and adjustments budget.

6.5.3 *Depreciation & Interest*

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All expenses, including depreciation expenses, shall be **cash-funded**. The cash received in respect of depreciation expenses on fixed assets financed from external borrowings shall be transferred to the investments created to redeem such borrowings.

Finance charges payable by the Municipality shall be apportioned between departments or votes on the basis of the proportion at the last balance sheet date of the carrying value of the fixed assets belonging to such department or vote to the aggregate carrying value of all fixed assets in the municipality.

The allocation of **interest earned** on the Municipality's investments shall be budgeted for in terms of the banking and investment policy.

The Municipality shall adequately provide in each annual and adjustments budget for the maintenance of its **fixed assets** in accordance with its fixed asset management policy. At least 8% of the operating budget component of each annual and adjustments budget shall be set aside for such maintenance.

The budget for **salaries, allowances and salaries-related benefits** shall be separately prepared, and shall not exceed 35% of the aggregate operating budget component of the annual or adjustments budget. For purposes of applying this principle, the remuneration of political office bearers and other councillors shall be excluded from this limit.

7 BUDGET PROCESS

7.1 Medium Term Expenditure Revenue Framework

The Medium Term Expenditure Revenue Framework (MTERF) details 3 year rolling expenditure and revenue plan for Newcastle Municipality. The MTERF budget process is designed to match the overall resource envelop, estimated through "top-down" macroeconomic and fiscal policy process with the bottom up estimation of the current and medium term cost of existing departmental plans and expenditure programmes

The budget process allows the Council to:-

- (a) Strengthen and evaluate the alignment between medium and long-term plans and funding proposals;
- (b) Revise its policy priorities, macroeconomic framework and revenue envelop;

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- (c) Evaluate departmental plans and allocate available resources in line with the policy priorities;
- (d) Obtain the required authority from Council to spend (service delivery);
- (e) Align parameter settings with budget outcomes and resource allocations

7.2 Integrated Development Plan Formulation

The Integrated Development Plan (IDP) process is a process through which the municipality prepare strategic development plans for a five-year period. An IDP is one of the key instruments for local government to cope with its new developmental role and seeks to arrive at decisions on issues such as municipal budgets, land management, promotion of local economic development and institutional transformation in a consultative, systematic and strategic manner.

In order to ensure certain minimum quality standards of the IDP Review process and proper coordination between and within spheres of government, the municipality need to prepare an IDP review process plan and formulate a budget to implement the IDP. The IDP and Budget Process Plan has to include the following:

- (a) A programme specifying the timeframes for the different planning steps;
- (b) Appropriate mechanisms, processes and procedures for consultation and participation of local communities, organs of state, traditional authorities and other role players in the IDP review and budget formulation processes; and
- (c) Cost estimates for the review process.

The preparation of the IDP process plan is in essence the formulation of the IDP and Budget processes, set out in writing and requires the adoption by Council.

7.3 Legal planning context

The preparation of the IDP and Budget processes are regulated by the Municipal Systems Act, No 32 of 2000 and the Municipal Finance Management Act, No 56 of 2003. This is to ensure certain minimum quality standards of the integrated development planning and budget process and proper coordination between and within the spheres of government.

As the IDP is a legislative requirement it has a legal status and it supersedes all other plans that guide development at local level.

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The Municipal Systems Act, No 32 of 2000 (as amended) and the Municipal Finance Management Act, No 56 of 2003 confer the responsibility on the Mayor to provide political guidance over the budget process and the priorities that must guide the preparation of the annual budgets. In terms of section 53 of the Municipal Finance Management Act the Mayor must also coordinate the annual revision of the integrated development plan in terms of section 34 of the Municipal Systems Act and the preparation of the annual budget, and determine how the integrated development plan is to be taken into account or revised for the purpose of the budget. The Municipal Systems Act further requires the following regarding the IDP process:

Chapter 5 and Section 25 (1) of the Municipal Systems Act (2000) indicate that the Council must, within a prescribed period after the start of its elected term, adopt a single, all inclusive and strategic plan for the development of the municipality which:-

- (a) Links integrates and coordinates plans and takes into account proposals for the development of the municipality;
- (b) Aligns the resources and capacity of the municipality with the implementation of the plan;
- (c) Complies with the provisions of this Chapter; and
- (d) Is compatible with national and provincial development plans and planning requirements binding on the municipality in terms of legislation.

7.4 Alignment between IDP, Budget and PMS

In terms of the Municipal Systems Act, municipalities are required to prepare an organisational performance management system that must be linked to the IDP. Tremendous progress has been made with the process of aligning the IDP, Budget and Performance Management System (PMS). Every endeavor is made to link and integrate these three processes to an even greater extent through the Process Plan. It should however, be noted that the PMS on its own requires an in-depth process comparable to that of the IDP. Such PMS is tightly linked and guided by the IDP and Budget processes. The PMS process will address the following issues:

- (a) Alignment of the PMS, Budget and IDP processes;
- (b) Implementation of an individual performance management system at managerial level.

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The IDP, performance management systems (PMS) and budget are all components of one overall development planning and management system. The IDP sets out what the municipality aims to accomplish and how it will do this. The PMS enables the municipality to check to what extent it is achieving its aims. The budget provides the resources that the municipality will use to achieve its aims. As indicated earlier, every attempt has been made in this process plan to align the IDP and PMS formulation and/or review, and the budget preparation process.

7.5 Medium Term Policy Review

- 7.5.1 The budget process starts early in the year with a review of the IDP and budget processes of the previous year.
- 7.5.2 The Strategic Executive Director: Budget and Treasury Office commences the process in July of each year by preparing a draft Medium Term Budget Statement. The Medium Term Budget Statement is a document that spells out the planning for the ensuing three years. This process also includes the review of the previous year's budget process and completion of the Budget Evaluation checklist.
- 7.5.3 The Strategic Executive Director: Budget and Treasury Office draws up a budget process plan with time schedule outlining key deadlines for preparing, tabling and approving the budget and reviewing the IDP and budget related policies and consultation process at least 10 months before the start of the budget year. This budget process plan is then incorporated into the main process plan which includes IDP and PMS as these processes go hand in hand.
- 7.5.4 The Strategic Executive Director: Budget and Treasury Office Services tables the draft Medium Term Budget Statement and the budget process plan to the MANCO (Accounting Officer and Strategic Executive Directors) for discussion. At this forum options and contracts for service delivery are reviewed.

7.6 August Activities

- 7.6.1 The draft Medium Term Budget Statement and the budget process plan are tabled at the Finance Portfolio Committee for consideration, input and recommendations to Exco.

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- 7.6.2 The Mayor tables at the Council meeting a time schedule outlining key deadlines for preparation, tabling and approving the budget.

7.7 September Activities

- 7.7.1 Budget and Treasury Office determine revenue projections and proposed rate and service charges and draft initial allocations to functions and departments for the next financial year after taking into account strategic objectives.
- 7.7.2 Budget and Treasury Office engages with the provincial, national sector departments and other national public entities on specific programmes for alignment with municipality plans.
- 7.7.3 The budget parameters are set with the Executive Committee, Budget Steering Committee, and Management Committee.

7.8 October Activities

The Strategic Executive Director: Budget and Treasury Office:-

- 7.8.1 reviews the national policies and budget plans and potential price increases of bulk resources.
- 7.8.2 determines revenue projections and policies.
- 7.8.3 engage with sector departments, share and evaluate plans, MTBPS.
- 7.8.4 draft initial allocations to functions.

7.9 November/December Activities

- 7.9.1 The Strategic Executive Director: Budget and Treasury Office consolidates budgets and plans.
- 7.9.2 The Budget Steering Committee reviews the consolidated budget and plans and prepare proposed budget.

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7.9.3 The Executive Committee determines the strategic choices for the ensuing three years and finalizes tariff policies.

7.10 January/February Activities

7.10.1 The Accounting Officer reviews proposed national and provincial allocations to the municipality for incorporation into the draft budget for tabling. Proposed national and provincial allocations for ensuing three years must be finalized not later than 20 January of each year.

7.10.2 The Strategic Executive Director: Budget and Treasury Office prepares detailed budgets and plans for the ensuing three years.

7.10.3 The Accounting Officer finalizes and submits to the Mayor the proposed budgets and plans for the ensuing three years taking into account the recent mid-year review and any corrective measures proposed as part of the oversight report for the previous year's audited annual financial statements and annual report.

7.10.4 The Mayor tables the budgets and plans at the Finance Portfolio and Executive Committee for their oversight function and recommendations to the Council.

7.11 March/April Activities

7.11.1 The Accounting Officer reviews any changes in the prices for bulk resources for publication not later than 15 March each year.

7.11.2 The Mayor tables the budget at the council meeting for deliberations and adoption not later than 31 March of each year.

7.11.3 Immediately after the budget has been tabled at the council meeting, the Accounting Officer must in accordance with Chapter 4 of the Municipal Systems Act make public the annual budget and the documents referred to in section 17 (3) of the MFMA. The Accounting Officer must invite the local community to submit representations in connections with the budget.

7.11.4 The Accounting Officer must submit the annual budget in both hard and soft copies to the National Treasury and KwaZulu-Natal Provincial Treasury.

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7.11.5 When the budget has been tabled, the municipal council must consider any views of the local community, National Treasury, KwaZulu-Natal Provincial Treasury and any provincial or national organs of state or municipalities which made submissions on the budget.

7.11.6 After considering all budget submissions, the council must give the Mayor an opportunity to respond to the submissions and if necessary, to revise the budget and table amendments for consideration by the council.

7.12 May Activities

The municipal council must at least 30 days before the start of the budget year consider approval of the annual budget in accordance with Section 24 of the MFMA.

8 ADJUSTMENT BUDGET

8.1 Each adjustment budget shall reflect realistic excess, however nominal of current revenues over expenses.

8.2 Section 28(2) (d) of the MFMA provides that an adjustment budget may authorize utilization of projected savings in one vote towards spending in another vote. However, virements between the votes should only be permitted where the proposed shifts in funding facilitate sound risk and financial management.

8.3 The municipal council may revise an approved budget through an adjustment budget. In adjusting its approved budget the municipal council shall do it in accordance with Section 28 of the MFMA.

8.4 The Strategic Executive Director: Budget and Treasury Office shall ensure that the adjustment budgets comply with the requirements of the National Treasury and reflect the budget priorities determined by the Mayor, are aligned with the IDP, comply with all budget related policies, and shall make recommendations to the Mayor on the revision of the IDP and the budget related policies where these are necessary.

8.5 Any deviation from or adjustment to an annual budget or transfer within a budget which is not specifically permitted under this policy and MFMA provisions or MFMA circulars and

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guidelines issued by National Treasury from time to time or any other policy or the municipality is prohibited unless approved by the council through an adjustment budget.

8.6 Council may revise its annual budget by means of an adjustment budget only once per year.

8.7 The Accounting Officer must promptly adjust its budgeted revenues and expenses if a material under-collection of revenues arises or is apparent.

8.8 The Accounting Officer shall appropriate additional revenues, which have become available but only to revise or accelerate spending programme already budgeted for or any areas of critical importance identified by Council in compliance with the MFMA.

8.9 The Council shall in such adjustment budgets, and within the prescribed framework, confirms unforeseen and unavoidable expenses on the recommendation of the Mayor.

8.10 The Council should also authorize the spending of funds unspent at the end of the previous financial year, where such under-spending could not reasonably have been foreseen at the time the annual budget was approved by Council.

9 BUDGET TRANSFERS & VIREMENTS

9.1 Restrictions

9.1.1 Virements from the capital budget to operating budget and virements towards personnel expenditure shall not be permitted.

9.1.2 Virements to and from the following items shall not be permitted

- (a) Bulk purchases;
- (b) Debt impairment;
- (c) Interest charges;
- (d) Depreciation;
- (e) Conditional Grants;
- (f) Revenue foregone;
- (g) Insurance; and
- (h) Value Added Tax

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- 9.1.3 This policy shall not apply to transfers between or from capital projects or items and no such transfers may be performed under this policy.
- 9.1.4 A transfer of funds between line items shall not be done if the effect thereof would result:-
- 9.1.4.1 In alteration of the approved outcomes or outputs of the IDP;
 - 9.1.4.2 In any adjustment to the Service Delivery and Budget Improvement Implementation Plan;
 - 9.1.4.3 In any changes to the staff establishment of the municipality, except if the council approves such change.
- 9.1.5 Transfer for funds that have been specifically ring-fenced shall not be permitted.
- 9.1.6 Transfer of funds between or from capital items or projects.
- 9.1.7 To the extent that it is practical to do so, transfers within the first three months are not permitted.
- 9.1.8 Transfers may not be made from a line item administered by one department to a line items administered by another department.

9.2 Authorization of Virements

A transfer of funds from one line item to another under this policy may, subject to the provisions of this policy or MFMA or national MFMA circulars and guidelines which are issued by National Treasury from time to time authorized as follows:-

- 9.2.1 A request for virement of an amount not exceeding R100 000.00 may be approved by the by the Strategic Executive Director of the department in consultation with the Strategic Executive Director: Budget and Treasury Office.
- 9.2.2 A request for virement of an amount above R100 000 shall be the Executive Committee, having obtained budget comments from the Strategic Executive Director: Budget and Treasury Office.

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9.2.3 A transfer of funds from one item to another may take place only if savings within the first mentioned line item are projected, and such transfer may, subject in any event to the provisions of this policy, not exceed the amount of such projected savings.

9.3 Limitations of Amount of Virements

9.3.1 Notwithstanding the provisions of paragraph 9.2:-

9.3.1.1 The total amount transferred from and to line items within a particular vote in any financial year may not exceed 20% of the amount allocated to that vote.

9.3.1.2 The total amount transferred from and to line items in the entire budget in any financial year may not exceed 20% for the total operating budget for that year.

9.3.1.3 The amount of any single transaction relating to transfer of funds between the line items may not exceed the sum of R 100 000.00

9.3.2 A transfer which exceeds, or which would result in exceeding of any of the thresholds referred to in paragraph 9.3.1 above may, however, be authorized through a Executive Committee resolution.

10 BUDGET IMPLEMENTATION

10.1 Monitoring

10.1.1 The Accounting Officer with the assistance of the Strategic Executive Director: Budget and Treasury Office and other Strategic Executive Directors is responsible for the implementation of the budget, and must take reasonable steps to ensure that:-

10.1.1.1 Funds are spent in accordance with the budget, expenses are reduced if expected revenues are less than projected and revenues and expenses are properly monitored

10.1.2 The Accounting Officer with the assistance of the Strategic Executive Director: Budget and Treasury Office must prepare any adjustment budget when such budget is necessary and submit it to the Mayor for consideration and tabling to Council.

BUDGET POLICY

10.1.3 The Accounting Officer must report in writing to the Council any impending shortfalls in the Annual Revenue Budget, as well as any impending overspending, together with the steps taken to prevent or rectify these problems.

11 REPORTING

The Accounting Officer shall report on quarterly basis all transfers to the Mayor, Finance Portfolio and Executive Committees.

11.1 Monthly Budget Statements

11.1.1 The Accounting Officer with the assistance of the Strategic Executive Director: Budget and Treasury Office must, not later than ten working days after the end of each calendar month, submit to the Mayor, Finance Portfolio and Executive Committees, KwaZulu-Natal Provincial Treasury and National Treasury a report in the prescribed format on the state of the Municipality's budget for such calendar month, as well as on the state of the budget cumulatively for the Financial Year to date. This report must reflect the following:-

- (a) Actual revenues per source, compared with budgeted revenues;
- (b) Actual expenses per vote, compared with budgeted expenses;
- (c) Actual Capital Expenditure per vote, compared with budgeted expenses;
- (d) Actual borrowings, compared with the borrowings envisaged to fund the Capital Budget;
- (e) The amount of allocations received, compared with the budgeted amount;
- (f) Actual expenses against allocations, but excluding expenses in respect of equitable share;
- (g) Explanations of any material variances between the actual revenues and expenses as indicated above and the projected revenues by source and expenses by vote as set out in the Service Delivery and Budget Implementation Plan;
- (h) The remedial or corrective steps to be taken to ensure that the relevant projections remain within the approved or revised budget; and
- (i) Projections of the Revenues and Expenses for the remainder of the Financial Year, together with an indication of how and where the original projections have been revised.

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11.1.2 The report to the National Treasury must be both in electronic and signed hard copies.

11.2 Quarterly Reports

The Mayor must submit to the Council within thirty days of the end of each quarter a report on the implementation of the budget and the financial state of affairs of the municipality.

11.3 Mid-Year Budget and Performance Assessment

11.4 The Accounting Officer must assess the budgetary performance of the municipality for the first half of the financial year, taking into account all the monthly budget reports for the first six months, the Service Delivery Performance of the municipality as against the Service Delivery Targets and Performance Indicators which are set in the Service Delivery and Budget Implementation Plan.

11.5 The Accounting Officer must then submit a report on such assessment to the Mayor by 25 January of each year and to Finance Portfolio and Executive Committees, Council, KwaZulu-Natal Provincial Treasury and National Treasury by 31 January of each year.

11.6 The Accounting Officer may in such report make recommendations after considering the recommendation of the Strategic Executive Director: Budget and Treasury Office for adjusting the annual budget through adjustment budget and for revising the projections of revenues and expenses set out in the Service Delivery and Budget Implementation Plan

12 UNSPENT FUNDS & ROLLOVER OF BUDGET

12.1 The appropriation of funds in an annual or adjustment budget will lapse to the extent that they are spent by the end of the relevant budget year, but except for funds relating to Capital Expenditure.

12.2 Only unspent grants (if conditions for such grant funding allows that) or loan funded Capital Budget may be rolled over to the next budget year.

12.3 Conditions of the grant fund shall be taken into account in applying for such rollover of funds.

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- 12.4 Application for rollover of funds shall be forwarded to the budget office no later than 30th of April each year to be included in the following year's budget for adoption by Council in May each year.
- 12.5 Budget adjustments to be rolled over shall be done during the 1st budget adjustment in the new financial year after taking into account expenditure up to the end of the previous financial year.
- 12.6 No funding for projects funded from the Capital Replacement Reserves shall be rolled over to the next budget year except in cases where a commitment has been made 90 days (31 March each year) prior the end of that particular financial year.
- 12.7 No unspent operating budget shall be rolled over to the next budget year.

13 IMPLEMENTATION OF THIS POLICY

- 13.1 The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director: Budget and Treasury Office.
- 13.2 The policy shall be reviewed on annual basis and updated if there are any changes brought about through an amendment of any legislation and/or policies by National Treasury or arrangement within the municipality.

The Accounting Officer must place on the municipality's official website the following:-

- (a) The Annual and Adjustment Budgets and all budget related documents;
 - (b) All budget related policies;
 - (c) The Integrated Development Plan;
 - (d) The Annual Report;
 - (e) All Performance Agreement of Section 57 Managers;
 - (f) All long-term borrowing contracts;
 - (g) All Service Delivery Agreements;
 - (h) All quarterly and mid-year term reports submitted to the Council on the implementation of the budget and the financial state of the municipality.
- 13.3 This policy must be read together with the Funding and Reserves and Borrowing Policies; Local Government Municipal Finance Management Act, Act 56 of 2003; and

BUDGET POLICY

Local Government Municipal Budget and Reporting Regulation, Regulation 393, published under Government Gazette 32141, 17 April 2009.

14 Council resolves in terms of Sec 111 of the Local Government Municipal Finance Management Act (Act No. 56 of 2003), to adopt the following proposal as the Budget Policy of Newcastle Municipality as per council resolution number _____

15 This policy will takes effective on the _____

DRAFT



NEWCASTLE MUNICIPALITY

TARIFF POLICY 2021/2022

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1. Preamble

In terms of Section 62 (1) of the Municipal Finance Management Act (MFMA) the Accounting Officer of a Municipality is responsible for managing the financial administration of the municipality and, in terms of S62 (1) (f), must for this purpose take all reasonable steps to ensure – “that the municipality has and implements a tariff policy referred to in Section 74 of the Municipal Systems Act” (MSA).

In giving effect to S74 (1) of the Municipal Systems Act, the municipality adopts the following as the framework tariff policy within which the municipal council must adopt various policies.

2. Definitions

In this policy:

“**municipal area**” means the area in respect of which the municipality has executive and legislative authority as determined by the constitution and the National legislation and the area as demarcated by the Demarcation Act (Act 27 1998);

“**municipal council**” means a municipal council referred to in section 157 of the Constitution.

“**indigent households**” means those households in the municipal area whose monthly household income is no more than an amount as determined by Council annually and are included in the indigent register.

“**the Act**” means the Municipal Systems Act 2000, (Act 32 of 2000) (MSA).

3. Introduction

One of the primary functions of a local authority is to provide services to the people within its municipal area. The funding of these services is made possible by levying property taxes, charging for municipal services rendered and levy collection through business levies. Tariffs represent the charges levied by Council on consumers for the utilization of services provided by the Municipality. These are calculated dependent on the nature of service being provided.

They may be set in a manner so as to recover the full cost of the service being provided or recover part of the costs or bring about a surplus that can be utilized to subsidise other non-economical services.

4. Tariff principles

- 4.1 Users of municipal services must be treated equitably. The various categories of customers must pay the same charges based on the same cost structure¹.
- 4.2 The amount payable must be in proportion to usage².
- 4.3 Indigent households must have access to basic services through lifeline tariffs or direct subsidisation in accordance with the Integrated Development Plan³.
- 4.4 Tariffs must reflect the total cost of the service⁴.
- 4.5 Tariffs must be set at a level that facilitates the sustainability of the service.⁵ Sustainability can only be achieved when:
 - (i) Cash inflows cover cash outflows. This means that sufficient provision for working capital and bad debts must be made.
 - (ii) Access to the capital market is maintained. This can be achieved by providing for the repayment of capital, maintaining sufficient liquidity levels and making profits on trading services.
- 4.6 Provision must be made in appropriate circumstances for a surcharge on a tariff. This will be necessary for major breakdowns in infrastructure and periods of droughts when a restriction of usage is required⁶.
- 4.7 Efficient and effective use of resources must be encouraged. Penalties to promote the economic use of services as well as the conservation of water may be introduced.
- 4.8 The extent of subsidisation of tariffs should be fully disclosed.
- 4.9 On closure of the municipal account, a charge for the final reading shall be levied thereon.
- 4.10 The tariff structure of Newcastle may make provision for the differentiation between different categories of customers, debtors, service providers, services and geographical areas as long as the differentiation does not amount to unfair discrimination⁷. Where there is a substantial difference between the standard of services provided within a specified category, the Council can determine differentiated tariffs within the specified category.
- 4.11 Municipal use will be deemed an exempt service.

¹ Section 74(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

² Section 74(2) (a) of Act 32 of 2000.

³ Section 74(2) (c) (i) and (ii).

⁴ Section 74(2) (d)

⁵ Section 74(2) (e)

⁶ Section 74(2) (f)

⁷ Section 74(3)

5. Expenditure classification and cost elements

The Chief Financial Officer shall, subject to the guidelines of the Executive Committee of the Council, make provision for the following classification of services:

5.1 *Trading services*

These are services that the Council has classified as trading services and the tariffs have been compiled with the intention that the Council makes a profit on the delivery of the services. The consumption of the services is measurable and can be accurately apportioned to an individual consumer.

5.2 *Economic services*

These are services that the Council has classified as such and the tariffs have been compiled with the intention that the total costs of the services are recovered from customers. No surplus or deficit should be incurred.

5.3 *Community services*

These are services that the Council has classified as such and the tariffs have been compiled with the intention that the cost of the services cannot be recovered from public service charges. The service may be of a regulatory nature and the Council is usually unable to accurately determine the individual consumption.

5.4 *Subsidised services*

These are municipal services which are provided at an applicable rate which is less than the cost of actually providing the service, including services provided to customers at no cost. The cost of providing the service is usually such that it would not necessarily be affordable to the community.

5.5 *Cost elements*

The following cost elements will be used to calculate the tariffs of the different services:

- (i) *Fixed costs* are costs which do not vary with consumption or volume produced and which consist of the capital costs (interest and redemption) on external loans and or depreciation; whichever are applicable on the service and any other costs of a permanent nature as determined by the Council from time to time.
- (ii) *Variable cost*: These are costs that vary with consumption or volume produced and include all variable costs that have reference to the service.
- (iii) *Total cost* is equal to the fixed cost plus variable cost.
- (iv) *Flat rate*: This cost is calculated by dividing the total costs by volume used.

6. Tariffs

6.1 The tariffs are reviewed annually during the preparation of the budget and the proposed tariffs are presented to the community during the Council's budget consultative process prior to the approval of the final budget by the Council.

6.2 In setting service charges the Council shall:

- (i) accurately reflect costs to achieve economic efficiency;
- (ii) ensure equity and fairness between different types of consumers;
- (iii) utilise appropriate metering and supporting technology;
- (iv) be transparent; and
- (v) extend assistance to the poor by giving preference to single tariffs where possible.

6.3 In determining the type of tariff applicable to the type of service the Council may make use of the following four options or a combination of same:

- (i) *Single tariff:* This tariff shall consist of a fixed cost per unit consumed. All costs will therefore be recovered through a unit charge at the level of breakeven consumption.
- (ii) *Cost related two to four part tariff:* This tariff shall consist of two to four parts. They are raised to cover the fixed and variable costs separately. The fixed costs are recovered by grouping certain components together and may be recovered by a fixed charge while the variable costs may be recovered by a unit charge per unit consumed.
- (iii) *Inclining block tariff:* This tariff is based on consumption levels being categorised into blocks, the tariff being determined and increased as consumption levels increase.
- (iv) *Declining block tariff:* This tariff is the opposite of the inclining block tariff and decreases as consumption levels increase.

7. Unit of measurement

The following units of measurement will, where possible, be used to determine tariffs:

7.1 Water

- (i) Cost per kilolitres consumed
- (ii) Basic/availability charge - based on the fixed cost associated with the service
- (iii) When consumption is not measured a flat rate will be applicable.
- (iv) When consumption cannot be read for a particular meter reading period, an estimate amounting to a 3 to 12 month average shall be levied on the account.

7.2 Electricity

- (i) Basic/availability charge - based on the fixed cost associated with the service
- (ii) Cost per kWh consumed
- (iii) Cost per Kilovolt-ampere (kVA)

- (iv) Maximum demand – Network demand charge and network access charge
- (v) When consumption is not measured a flat rate will be applicable.
- (vi) When consumption cannot be read for a particular meter reading period, an estimate amounting to a 3 to 12 month average shall be levied on the account.

7.3 Refuse removal

- (i) Bag removal
- (ii) Container Service
- (iii) Rental of containers
- (iv) Individual services as required

7.4 Sewerage

- (i) Per kilolitre of water consumption
- (ii) Per kilolitre of water consumption plus costs for strength of disposal.
- (iii) Basic/availability charge - based on the fixed cost associated with the service.

8. By-laws

The principle contained in this policy will be reflected in the various service by-laws as adopted and adjusted by Council from time to time.



NEWCASTLE MUNICIPALITY
DRAFT RATES POLICY
2021/2022

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PART ONE: PREAMBLE

Whereas:

- 1.1 Section 229 of the Constitution of the Republic of South Africa (Act 108 of 1996) provides that a municipality may impose rates on property;
- 1.2 The Local Government: Municipal Property Rates Act (Act 6 of 2004) regulates the power of a municipality to impose rates on property;
- 1.3 In terms of the Municipal Property Rates Act a municipality:
 - 1.3.1 may levy a rate on property in its area; and
 - 1.3.2 must exercise its power to levy a rate on property, subject to:
 - (a) section 229 and any other applicable provisions of the Constitution;
 - (b) the provisions of the Municipal Property Rates Act; and
 - (c) its rates policy;
- 1.4 The Newcastle Municipal Council has resolved to levy rates on the market value of all rateable properties within its area of jurisdiction;
- 1.5 The municipality must, with regard to section 3 of the Municipal Property Rates Act, adopt a rates policy consistent with the provisions of the said Act on the levying of rates in the municipality;
- 1.6 In terms of section 4 of the Local Government: Municipal Systems Act (Act 32 of 2000), the municipality has the right to finance the affairs of the municipality by imposing, inter-alia, rates on property; and
- 1.7 In terms of section 62 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), the Municipal Manager must ensure that the municipality has and implements a rates policy.

PART TWO: DEFINITIONS

All words and phrases in this policy shall have the same meaning and interpretation as assigned in terms of the Local Government: Municipal Property Rates Act, Act 6 of 2004, and unless the context indicates otherwise:-

Act	Means the Local Government: Municipal Property Rates Act (Act 6 of 2004), as amended.
Agent	In relation to the owner of a property, means a person appointed by the owner of the property: <ul style="list-style-type: none">(a) to receive rental or other payments in respect of the property on behalf of the owner; or(b) to make payments in respect of the property on behalf of the owner.
Agricultural property	Means a property that is used primarily for agricultural purposes but, without derogating from section 9 of the Act, excludes any portion thereof that is used commercially for the hospitality of guests, and excludes the use of the property for the purpose of eco-tourism or for the trading in or hunting of game. Agricultural property excludes formally protected areas, and any other specified category of property. Agricultural property may fall within a proclaimed township.
Annually	Means once every financial year.
Appeal board	Means a valuation appeal board established in terms of section 56 of the Act.

Assistant municipal valuer	Means a person designated as an assistant municipal valuer in terms of section 35(1) of the Act.
Bed and Breakfast	Means an establishment, which is primarily a dwelling and makes excess rooms available to transient guests. The bathrooms may or may not be en suite. This establishment may be managed by the owner and/or designated person. Breakfast may be available for all guests. Public areas are usually shared by guests and owners/hosts alike.
Category	<p>(a) In relation to property, means a category of properties determined in terms of section 8 of the Act; and</p> <p>(b) In relation to owners of properties, means a category of owners determined in terms of section 15(2) of the Act.</p>
Child Headed Household	Means a household recognized as such in terms of section 137 of the Children’s Amendment Act, 41 of 2007.
Commercial, Business and Industrial Properties	Means properties covered in section 8(2) of the Act namely, industrial properties, business and commercial properties, farm properties used for other business and commercial purposes, small holdings used for business, industrial and commercial purposes. This category of property includes property used for eco-tourism/hospitality purposes, grain co-ops and grain silos, cell phone towers, mines, petrol filling stations, racetracks and shopping centers.
Commercial Accommodation	Means lodging or board and lodging, in any house, flat, apartment, room, hotel, motel. Inn, Guesthouse, bed &

breakfast, boarding house, residential holiday resort establishment, student accommodation or similar establishment which is regularly or systematically supplied but excludes a domicile

Constitution

A body of fundamental principles or established precedents according to which our State is governed and as embodied and promulgated per Act 108 of 1996.

Data-collector

Means a person designated as a data-collector in terms of section 36 of the Act.

Date of valuation

Means the date determined by a municipality in terms of section 31(1) of the Act.

Day

Means when any number of days are prescribed for the performance of any act, those days must be reckoned by excluding the first and including the last day, unless the last day falls on a Saturday, Sunday or any public holiday, in which case the number of days must be reckoned by excluding the first day and also any such Saturday, Sunday or public holiday.

Disabled

Means a person who qualifies to receive relief in terms of the Social Services Act, 1992 (Act No. 59 of 1992) or has been certified as disabled by a medical practitioner and qualifies in terms of the income threshold as defined in the Council's Customer Care Policy.

Disaster

Means a disaster within the meaning of the Disaster Management Act (Act 57 of 2002) or any other serious adverse social or economic condition as adopted by a Council resolution from time to time.

Disaster area

Means owners of property situated within an area affected by:

- (a) a disaster within the meaning of the Disaster Management Act 57 of 2002;
- (b) any other serious adverse social or economic conditions as determined by Council from time to time;

District Municipality

Means a municipality that has municipal executive and legislative authority in an area that includes more than one municipality, and which is described in section 155 (1) of the Constitution as a category C municipality.

Dominant use

Means the use of a property is predominant in a specific use in terms of its measured building area. The use of a property is determined by the Municipal Valuer.

Effective date

- (a) In relation to a valuation roll, means the date on which the valuation roll takes effect in terms of section 32(1) of the Act; or
- (b) In relation to a supplementary valuation roll, means the date on which a supplementary valuation roll takes effect in terms of section 78(2)(b) of the Act.

Equitable treatment of ratepayers

Means the fair, just and impartial treatment of all ratepayers.

Exclusion

In relation to a municipality's rating power, means a restriction of that power as provided for in section 17 of the Act.

Exemption

In relation to the payment of a rate, means an exemption granted by a municipality in terms of section 15 of the Act.

Financial year

Means the period starting from 1 July in a year to 30

June the next year.

Formally Protected Areas

Means those parts of a special nature reserve, national park or nature reserve within the meaning of the Protected Areas Act, or of a national botanical garden within the meaning of the National Environmental Management: Biodiversity Act, 2004 which are not developed or used for commercial, business, residential or agricultural purposes.

Garages/carports/storeroom

means sectional title units that have been separately registered at the deeds office and do not qualify for rebates or reductions

Income Tax Act

the Income Tax Act, 1962 (Act No. 58 of 1962).

Indigent owner

Means an owner of property who has permanent occupation of the property and qualifies for indigent relief in terms of the Council's Indigent policy.

Land reform beneficiary

In relation to a property, means a person who:

- (a) acquired the property through -
 - (i) the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993); or
 - (ii) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1944);
- (b) holds the property subject to the Communal Property Associations Act, 1996 (Act No. 28 of 1996); or
- (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution be enacted

after the Act has taken effect.

Land tenure right

Means a land tenure right as defined in section 1 of the upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991)

Legal entity

In law an entity is something which is capable of bearing legal rights and obligations, has a distinct separate existence.

Local community

In relation to a municipality:

(a) means that body of persons comprising:

- (i) the residents of the municipality;
- (ii) the ratepayers of the municipality;
- (iii) any civic organisations and nongovernmental, private sector or labour organisations or bodies which are involved in local affairs within the municipality; and
- (iv) visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality.

(b) includes, more specifically, the poor and other disadvantaged sections of such body of persons.

Local municipality

Means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, and which is described in section 155(1) of the Constitution as a category B municipality.

Market value

In relation to a property, means the value of the property determined in accordance with section 46 of the Act.

MEC for Local Government	Means the member of the Executive Council of a province who is responsible for local government in that province.
Mining property	Means property used for mining operations as defined in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).
Minister	Means the cabinet member responsible for local government.
Multiple purpose	In relation to a property, means the use of a property for more than one purpose, subject to section 9 of the Act.
Municipal Finance Management Act	Means the Local Government: Municipal Finance Management Act 2003 (Act N°. 56 of 2003).
Municipal Manager	Means a person appointed in terms of section 82 of the Municipal Structures Act.
Municipal owned property	Means property owned by the municipality.
Municipal leases	Means property owned by the municipality and leased to another party. The municipality reserves the right to recover municipal rates against all properties registered in the name of the municipality over which a portion or all of its property is leased either through an existing lease agreement where rates are exclusive or through the provisions of the Act. Rates payable will be based on the rates category and market value as contained in the Valuation Roll.
Municipal Structures Act	Means the Local Government: Municipal Structures Act, 1988 (Act No. 117 of 1998).

Municipal Systems Act	Means the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000).
Municipal valuation	Means a valuation of a rateable property within the municipal area by the Municipal Valuer in terms of the Act.
Municipal Valuer	Means a person designated as a Municipal Valuer in terms of section 33(1) of the Act.
Occupier	In relation to a property, means a person who occupies the property, whether or not that person has a right to occupy the property.
Office bearer	In relation to places of public worship, means the primary person who officiates at services at that place of worship;
Official residence	In relation to places of public worship, means <ul style="list-style-type: none"> (a) a portion of the property used for residential purposes, or (b) one residential property, if the residential property is not located on the same property as the place of public worship, <ul style="list-style-type: none"> registered in the name of a religious community or registered in the name of a trust established for the sole benefit of a religious community and used as a place of residence for the office bearer. <p>Means an organ of state as defined in section 239 of the Constitution.</p>
Organ of state	

Owner

- (a) In relation to a property referred to in paragraph (a) of the definition of property, means a person in whose name ownership of the property is registered;
- (b) In relation to a right referred to in paragraph (b) of the definition of property, means a person in whose name the right is registered;
 - (bA) in relation to a time sharing interest contemplated in the property time sharing Control Act, 1983 (Act No. 75 of 1983), means the management association contemplated in the regulations made in terms of section 12 of the property Time Sharing Control Act, 1983, and published in Government Notice R 327 of 24 February 1984,
 - (bB) in relation to a share in a share block company, the share block company as defined in the Share Blocks Control Act, 1980
(Act No. 59 of 1980)
 - (bC) in relation to buildings, other immovable structures and infrastructure referred to in section 17 (1) (f) of the Act, means the holder of the mining right or the mining permit, and
- (c) In relation to a land tenure right referred to in paragraph (c) of the definition of property , means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
- d) In relation to public service infrastructure referred to in paragraph (d) of the definition of property, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition

of “publicly controlled”;

provided that a person mentioned below may for the purposes of the Act be regarded by a municipality as the owner of a property in the following cases:

- (i) a trustee, in the case of a property in a trust excluding state trust land;
- (ii) an executor or administrator, in the case of a property in a deceased estate;
- (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
- (iv) a judicial manager, in the case of a property in the estate of a person under judicial management;
- (v) a curator, in the case of a property in the estate of a person under curatorship;
- (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) a lessee, in the case of property that is registered in the name of the municipality and is leased by it; or
 - (viiA) a lessee, in the case of property to which a land tenure right applies and which is leased by the holder of such right, or;
- (viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer.

Pensioner

Means a person that :

- (a) must be at least 60 years of age;
- (b) who is the sole owner of the property, or owner jointly with his/her spouse;

Permitted use

In relation to a property, means the limited purposes for which the property may be used in terms of -

- (a) Any restrictions imposed by:
 - (i) a condition of title;
 - (ii) a provision of a town planning or land use scheme; or
 - (iii) any legislation applicable to any specific property or properties; or
- (b) Any alleviation of any such restrictions.

Person

Includes an organ of state.

Places of public worship

Means a developed property primarily used for purposes of congregation, excluding structure that is primarily used for educational instruction in which secular or religious education is the primary instructive medium: provided that the property is-

- (a) registered in the name of the religious community;
- (b) registered in the name of a trust established for the sole benefit of a religious community; or
- (c) subject to a land tenure right;

Prescribe

Means prescribe by regulation in terms of section 83 of the Act.

Property

Means:

- (a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person/legal entity;
- (b) a right registered against immovable property in the name of a person/legal entity, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person/legal entity or granted to a person/legal entity in terms of legislation; or
- (d) public service infrastructure.

Property register

Means a register of properties referred to in section 23 of the Act.

Protected area

Means an area that is or has to be listed in the register referred to in section 10 of the Protected Areas Act.

Protected Areas Act

Means the National Environmental Management: Protected Areas Act, 2003.

Properties owned by public benefit organisations and used for specified public benefit activities;

Means a property where the dominant activity is listed in item 1 (welfare and humanitarian), item 2 (health care) and item 4 (education and development) of Part 1 of the Ninth Schedule to the Income Tax Act.

Publicly controlled

Means owned by or otherwise under the control of an organ of state, including:

- (a) a public entity listed in the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (b) a municipality; or

- (c) a municipal entity as defined in the Municipal Systems Act.

Public service infrastructure

Means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods , services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communication system serving the public;
- (g) runways, aprons and the air traffic control unit at national or provincial airports, including the vacant land known as the obstacle free zone surrounding these, which must be vacant for air navigation purposes;
- (h) any other publicly controlled infrastructure as may be prescribed; or

- (i) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (h).

Public service purposes

In relation to the use of a property, means property owned and used by an organ of state as -

- (a) hospitals or clinics;
- (b) schools, pre-schools, early childhood development centres or further education and training colleges;
- (c) national and provincial libraries and archives;
- (d) police stations;
- (e) correctional facilities; or
- (f) courts of law,

but excludes property contemplated in the definition of public service infrastructure;

Rate

Means a municipal rate on property envisaged in section 229(1)(a) of the Constitution.

Rateable property

Means a property on which a municipality may in terms of section 2 of the Act levy a rate, excluding property fully excluded from the levying of rates in terms of section 17 of the Act.

Ratio

In relation to section 19 of the Act, means the relationship between the cent amount in the rand applicable to residential properties and different categories of non-residential properties: Provided that the two relevant cent amounts in the rand are inclusive

of any relief measures that amount to rebates of a general application to all properties within a property category;

Rebate

In relation to a rate payable on a property, means a discount granted in terms of section 15 of the Act on the amount of the rate payable on the property.

Reduction

In relation to a rate payable on a property, means the lowering in terms of section 15 of the Act of the amount for which the property was valued and the rating of the property at that lower amount.

Register

(a) means to record in a register in terms of –

(i) the Deeds Registries Act, 1937 (Act No. 47 of 1937); or

(ii) the Mining Titles Registration Act, 1967 (Act No. 16 of 1967); and

(b) includes any other formal act in terms of any other legislation to record :

(i) a right to use land for or in connection with mining purposes; or

(ii) a land tenure right.

Residential property

Means a property included in a valuation roll in terms of section 48 (2) (b) in respect of which the primary use or permitted use is for residential purposes without derogating from section 9 of the Act;.

Sectional Titles Act

Means the Sectional Titles Act, 1986 (Act No. 95 of 1986).

Sectional title scheme

Means a scheme defined in section 1 of the Sectional

Titles Act.

Sectional title unit

Means a unit defined in section 1 of the Sectional Titles Act.

**Sectional title garages/
Carports/ storerooms**

Means sectional title units that have been separately registered at the deeds office and do not qualify for rebates or reductions.

Specialised non-market properties

Means property including national monuments, schools (both state and private), crèches, cemeteries/crematorium, prisons, law courts, libraries, military bases, police stations, sports clubs including stadiums, public open spaces including parks, vacant land to be used for these purposes. Other non-market properties may be assigned to this category by the Municipal Valuer in consultation with the municipality.

State trust land

Means land owned by the State:

- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
- (b) over which land tenure rights were registered or granted; or
- (c) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994).

Trading Services

Shall include property used by the Municipality's Electricity Department, Municipal Parking Areas/Buildings,

Municipal Entities, property used by the Municipality's water, refuse and sanitation departments:

Vacant Land

means land that has not been developed with any permanent structures.

PART THREE: THE PURPOSE OF THE POLICY

3. The purpose of this policy is to:

- 3.1 Comply with the provisions of the Act, specifically with section 3 thereof;
- 3.2 Give effect to the principles outlined hereunder;
- 3.3 Ensure the equitable treatment of persons liable for rates;
- 3.4 Determine the basis for valuation and to prescribe procedures for the implementation of the Act;
- 3.5 Determine criteria for different property use categories to apply differential rates;
- 3.6 Determine or provide criteria for the determination of categories of owners of properties;
- 3.7 Determine criteria to be applied for granting relief in the form of exemptions, rebates and reductions to categories of properties and categories of owners;
- 3.8 Determine measures to promote local economic and social development; and
- 3.9 Identify which categories of properties the municipality has elected not to rate as provided for in section 7 of the Act.

PART FOUR: FUNDAMENTAL PRINCIPLES OF THIS POLICY

The principles of the Act are to regulate the power of a municipality to impose rates on property; to exclude certain properties from rating in the national interest; to make provision for

municipalities to implement a transparent and fair valuation method of properties; to make provision for an objection and appeal process.

The principles of the policy are to ensure that:

- 4.1 The power of the municipality to impose rates on property within its area will not be exercised in a way that materially and unreasonably prejudices national economic policies, economic activities or the national mobility of goods, services, capital or labour as prescribed in terms of section 229 of the Constitution;
- 4.2 All ratepayers will be treated equitably;
- 4.3 Property rates will be assessed on the market value of all rateable properties within the jurisdiction of the municipality;
- 4.4 Penalties may be charged if and when necessary;
- 4.5 Property rates will not be used to subsidize trading and economic services;
- 4.6 The property rates policy will take into account relief measures to address the social and economic needs of the community;
- 4.7 This policy will be developed in consultation with the community and in compliance with a process of community participation in terms of Chapter 4 of the Municipal Systems Act.

PART FIVE: IMPLEMENTATION OF THIS POLICY AND EFFECTIVE DATE

- 5.1 This policy takes effect from 1 July 2014, being the effective date of the second valuation roll prepared by the municipality in terms of the Act, and must accompany the municipality's budget for the financial year.
- 5.2 The rates policy must be reviewed annually, and if necessary amended by the Council. Such amendments must be effected in conjunction with the municipality's annual budget in terms of sections 22 and 23 of the Municipal Finance Management Act.

- 5.3 The municipality must adopt by-laws to give effect to the implementation of its rates policy and such by-laws must be read in conjunction with this policy.
- 5.4 The adopted by-laws must also be reviewed annually, and if necessary be amended by the Council, in conjunction and in accordance with the rates policy.

PART SIX: EQUITABLE TREATMENT OF RATEPAYERS

- 6.1 The municipality is committed to treating all ratepayers on an equitable basis. The circumstances of each category of owner or category of property will be considered in a fair manner and within the limitations set out in the Act. The municipality must adopt measures to ensure equitable and fair treatment of ratepayers.
- 6.2 Any differentiation in the levying of rates must not constitute unfair discrimination.

PART SEVEN: DISCRETIONARY DECISIONS ADOPTED BY THE MUNICIPALITY WITH RESPECT TO LEVYING PROPERTY RATES

It is recorded that the Council has adopted the following resolutions on 30 May 2018 (reference CM 42/30 May 2018):

- 7.1 To levy rates on all rateable property in its area of jurisdiction;
- 7.2 To determine the date of implementation as being 1 July 2019;
- 7.3 To determine the date of general valuation as being 2 July 2018;
- 7.4 To levy different cents in the rand for different use categories of rateable property;
- 7.5 That the categories of properties for the purpose of differential rating are those specified in this policy document;
- 7.6 That the criteria for the assessment of market value in terms of section 8(1) of the

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Act shall be dominant actual use and where the land is vacant on permitted use;

- 7.7** Where a property is used for multiple purposes, the Municipality will assign the appropriate categories listed in **clause 8.2** to the different purposes for which the property is used.

PART EIGHT: CATEGORIES OF PROPERTIES FOR DIFFERENTIAL RATING PURPOSES

- 8.1** Section 8 of the Act provides that a municipality may, subject to section 19 of the Act and in terms of criteria set out in its rates policy, levy different rates for different specified categories of rateable property.
- 8.2** For the purposes of section 8 of the Act, the following categories of rateable property have been determined, being:
- 8.2.1** Residential property;
 - 8.2.2** Business and commercial ;
 - 8.2.3** Industrial property;
 - 8.2.4** Agricultural property;
 - 8.2.5** Public service infrastructure;
 - 8.2.6** Mining property;
 - 8.2.7** Formally protected areas;
 - 8.2.8** Places of public worship;
 - 8.2.9** Public Benefit Organizations;
 - 8.2.10** Properties used for multiple purpose, subject to section 9;or
 - 8.2.11** Properties owned by on organ of state and used for public service purpose;
 - 8.2.12** Vacant land.
 - 8.2.13** Unauthorized or illegal Development or use/and abandoned property or building
- 8.3** It is recorded that in terms of section19 of the Act, a municipality may not levy:

- 8.3.1** different rates on residential properties, except as provided for in sections 11(1)(b), 21 and 89 of the Act;
 - 8.3.2** a rate on non-residential properties that exceeds a prescribed ratio to the rate on residential properties determined in terms of section 11(1)(a) of the Act;
 - 8.3.3** rates which unreasonably discriminate between categories of non-residential properties; or
 - 8.3.4** additional rates except in special rating areas as provided for in section 22 of the Act.
- 8.4** Differential rating among the above determined categories of properties will be done by way of setting different cent amounts in the rand for each property category within the municipal budgetary processes.
- 8.5** The criteria for weighting the categories determined above, for the purpose of determining rate randages for each category, must take account of the following :
- 8.5.1** The perceived affordability factor for the different categories of property;
 - 8.5.2** The strategic importance of a category of property with reference to the aims and objectives of the Council and the Government of the Republic as a whole (such as social, economic and developmental issues).PART

PART NINE: CATEGORIES OF OWNERS OF PROPERTY

- 9.1** The Municipality has determined the following categories of owners of property-
- a) residential
 - b) pensioners
 - c) disability grantees
 - d) child headed households
 - e) public benefit organizations
 - f) bed and breakfast and guesthouse
 - g) land reform beneficiaries
 - h) municipal
 - i) owners of property affected by natural and other disasters
 - j) vacant land

- k) properties owned by an organ of state and used for public service purpose
- l) Properties Situated Outside of the Proclaimed Boundaries of the Townships

PART TEN: RELIEF MEASURES FOR RATEPAYERS

- 10.1 The municipality has considered the need and desire to grant relief to specific categories of owners of properties and owners of specific categories of properties with a view to providing appropriate measures to alleviate the rates burden on them.
- 10.2 The municipality will not grant relief in respect of the payment of rates other than by way of an exemption, rebate or reduction provided for in this policy and granted in terms of section 15 of the Act to:
- 10.1.1 A specified category of properties; or
 - 10.1.2 A specified category of owners of property as provided for hereunder.
- 10.3 The municipality will not grant relief to the owners of property on an ad hoc or individual basis.

PART ELEVEN: RELIEF MEASURES FOR USE CATEGORIES AND CATEGORIES OF OWNERS OF PROPERTY.

The municipality has identified the following use categories of properties and the requisite criteria for the purposes of granting exemptions, rebates or reductions to the owners of these categories of property in terms of section 15 of the Act:

The municipality has identified the following categories of owners of properties and the requisite criteria for the purposes of granting exemptions, rebates or reductions in terms of section 15 of the Act:

11.1 Indigent Owners	
11.1.1 Criteria	In order to qualify for the indigent subsidy as an indigent owner, the owner must:
	(a) Be the sole owner of the property or own the property jointly with his/her spouse;
	(b) Live permanently on the property;

	(c)	Not own any other property within Newcastle municipality;
	(d)	Have an income threshold as defined in the Indigent policy;
	(e)	Make application annually on the prescribed form and within the prescribed period, if so required.
11.1.2 Rebate Granted	Percentage Rebate	A subsidy will be granted dependent on budgetary affordability factors.

11.2 Pensioner Owners	
11.2.1 – Criteria	In order to qualify as a pensioner owner, the owner must:
	(a) Be at least 60 years of age; Be the sole owner of the property or own the property jointly with his/her spouse; Live permanently on the property.
	(b) In the case of the co-ownership of a property other than in terms of marriage in community of property all the owners in their individual capacities must meet the applicable qualifying criteria for a Senior Citizen; and The property must be registered jointly in the names of the applicant and the co-owner (who must be a natural person) in equal and undivided shares.
	(c) Not be granted more than one pensioner rebate at a time.
	(d) The rebate will lapse on death of the applicant if the owns 100% of the property, on date of transfer, applicant ceases to reside permanently on the property.
	(e) In the case of a property registered in the name of a trust The application must be made by the trustee(s) of the trust and; All the beneficiaries of the trust must meet the above criteria The trustee must submit with the application for the rebate certified copies of: Title deed of the property

		<p>The trust deeds; and Any document amending the trust deed; and The current letters of Authority in respect of the trust.</p> <p>Make application annually on the prescribed form and within the prescribed period.</p>
11.2.2 – Rebate Granted	Percentage Rebate	A rebate may be applied at the Council's discretion, dependent on budgetary affordability factors.

11.3 Disabled Owners		
11.3.1 – Criteria	In order to qualify as a disabled person, the owner must:	
	(a)	Be the sole owner of the property or own the property jointly with his/her spouse;
	(b)	Live permanently on the property;
	(c)	May not own any other property within the Newcastle municipality;
	(d)	Have an income threshold as defined in the Council's Customer Care Policy;
	(e)	Make application annually on the prescribed form and within the prescribed period.
11.3.2 – Rebate Granted	Percentage Rebate	A rebate may be applied at the Council's discretion, dependent on budgetary affordability factors.

11.4 Child-Headed Households		
11.4.1 Criteria	A household may be recognized as a child-headed household if it is deemed to fit the definition as contained at the beginning of this policy, and the owner must :	
	(a)	Live permanently on the property;
	(b)	May not own any other property within the Newcastle municipality;
	(c)	Make application annually on the prescribed form and within the prescribed period.
11.4.2 Rebate Granted	Percentage	A rebate may be applied at the Council's

	Rebate	discretion, dependent on budgetary affordability factors.
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11.5 Properties owned by public benefit organisations and used for specified public benefit activities;	
11.5.1 Criteria	In order to qualify applicants shall produce a tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the 9 th Schedule to the Income Tax Act, 1962 (Act 58 of 1962)
	(a) Make application in writing annually in the prescribed format;
	(b) Provide proof of ownership of the property and registration as a Public Benefit Organisation in terms of the Income Tax Act, conducting one or more of the following specified public benefit activities listed in Part 1 of the 9 th Schedule: <ul style="list-style-type: none"> • welfare and humanitarian; or • health care; or • education.
11.6.2 Relief granted	Properties meeting the above criteria shall be exempted from the payment of rates.

11.6 Agricultural Properties
When considering criteria to be applied in respect of any relief for properties used for agricultural purposes a municipality must take into account: <ul style="list-style-type: none"> (a) The extent of services provided by the municipality in respect of such properties; (b) The contribution of agriculture to the local economy; (c) The extent to which agriculture assists in meeting the service delivery and development obligations of the municipality; and (d) The contribution of agriculture to the social and economic welfare of farm workers.
In order to qualify for the rebates detailed hereunder, the Farmers Association/s within the municipal jurisdiction shall present a submission motivating for the criteria as listed above within the prescribed time frame. All owners of agricultural properties within the municipality will receive relief based upon this evidence as determined through the municipal budgetary

processes.

Failure on behalf of the relevant Farmers Association to submit this evidence will leave the municipality without a basis for the consideration of relief for this property sector in terms of the prescribed criteria.

11.6.1 Rebate granted	Percentage rebate	A rebate may be applied at the Council's discretion, dependent on budgetary affordability factors.
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11.7 Properties Situated Outside of the Proclaimed Boundaries of the Townships

11.7.1 Criteria	The owner of a property situated outside of the proclaimed boundaries of the townships within the municipality, excluding properties categorized as agricultural properties and public service infrastructure, shall receive a rebates, that may be applicable, a rebate in lieu of the limited municipal services available to such properties.	
11.7.2 Rebate granted	Percentage rebate	Properties used for residential purposes a 60 percentage is applicable Ratable vacant land 40 percentage rebate A rebate may be applied at the Council's discretion, dependent on budgetary affordability factors.

11.8 It is recorded that in terms of section 17(1)(h) of the Act that the levying of rates on the first R 85, 000 of the market value of a residential property is impermissible.

11.9 The municipality may, in its budget, extend this relief through a further reduction in market value of residential property depending upon affordability factors determined by the Council.

11.10 Residential Properties with a Market Value Below a Prescribed Municipal Valuation Threshold	
11.10.1 Criteria	The owner of a property assigned to a category determined by this policy for residential purposes with a municipal valuation below a threshold to be determined annually through the budgetary process shall be exempted from the liability for the payment of rates. In other words a further discretionary reduction may be applied to the residential category of properties in addition to the first R 85, 000 of the market value which is a prescribed impermissible rate.
11.10.2 Relief granted (Impermissible rate + reduction)	The owner of a property meeting the above criteria is exempted from the payment of rates.

11.11 Properties Affected by a Disaster or other serious adverse social or economic conditions		
11.11.1 – Criteria	In order to qualify as a disaster or other serious adverse social or economic conditions owner, the owner must qualify in terms of the following:	
	(a)	A disaster within the meaning of the Disaster Management Act (57 of 2002); or
	(b)	Any other serious adverse social or economic conditions as may be defined and determined by the Council.
11.11.2 – Rebate Granted	Percentage Rebate	A rebate may be applied at the Council's discretion, dependent on budgetary affordability factors.

11.12 Bed and Breakfast establishments		
11.12.1 – Criteria	In order to qualify for a rebate as a Bed and Breakfast Establishment:	
	(a)	The applicant must provide details of the establishment in respect of total size of developed property, total number of rooms and facilities available to guests.
	(b)	An annual application must be made by 30 April preceding the start of the new financial year for which relief is sought.
	(c)	The applicant must attach a copy of their current Certificate of Membership of the Local Tourism Authority.
11.12.2 – Rebate Granted	Percentage Rebate	A rebate may be applied at the Council's discretion, dependent on budgetary affordability factors.

11.13 Municipal Properties		
11.13.1- Criteria	All Municipal owned properties are exempted from property rates, except for: (a) Trading services (b) All property owned by an owner as defined in this policy.	
11.13.2 granted	Relief	Properties meeting the above criteria shall be exempted from the payment of rates.

11.14 Commercial/Industrial Development		
11.14.1 – Criteria	<p>This benefit is meant for new businesses/commercial developments who will be investing in the Newcastle area and where the property has/will have a market value of at least R 50 million at the start of business, in the establishment of newly improved sites.</p> <ul style="list-style-type: none"> • From years 0 – 4 = 40% rebate • From years 5 – 6 = 25% rebate • From years 7 – 8 = 10% rebate • From year 9 onwards = 0% rebate 	
	(a)	Application must be submitted to the Chief Financial Officer before or within the first three months of the new financial year (July to September) in the first year of application.
	(b)	An annual application must thereafter be made by 30 May preceding the start of each new financial year for which relief is sought.
	(c)	The applicant must attach to their annual application, a copy of their current Business Licence as well as a set of the company's audited financial statements.
11.14.2 – Rebate Granted	Percentage Rebate	The above rebate may be applied at the Council's discretion, dependent on budgetary affordability factors.

11.15 It is recorded that the market value of a property for the purpose of levying rates be capped at a value to be determined by Council from time to time.

PART TWELVE: COMMUNITY PARTICIPATION

12.1 It is recorded that the municipality may only adopt its rates policy or any amendment thereof or any review of its policy after following a process of community participation in accordance with Chapter 4 of the Municipal Systems Act, as well as sections 4 and 5 of the Act. These provisions include:

- 12.1.1** Building capacity of the local community to enable it to participate in the affairs of the municipality; and
 - 12.1.2** To foster community participation for which the municipality will allocate funds in its budget for such processes.
- 12.2** Participation by the local community in municipal affairs will take place through the political structures of the municipality; the mechanisms, processes and procedures for participation in municipal governance and any other appropriate mechanisms processes and procedures established by the municipality.
- 12.3** The municipality will provide for:
 - 12.3.1** The receipt, processing and consideration of petitions, objections and comments lodged by the members of the local community;
 - 12.3.2** Public meetings and hearings by the Council and other political structures (e.g. ward committees) and political office bearers of the municipality;
 - 12.3.3** Consultative sessions with locally recognized community organizations and where appropriate traditional authorities.
- 12.4** Communication with the public relating to the rates policy will be in terms of section 4(2) of the Act by notice in:
 - 12.4.1** Local newspapers circulating in its area and determined by the council as a newspaper of record; and/or
 - 12.4.2** Official notice boards and other public places accessible to the public including the library and the municipal offices; and
 - 12.4.3** Inviting the local community to submit comments and representations within the time specified in the notice;
 - 12.4.4** Publication of the relevant documentation of the municipal website.

PART THIRTEEN: RECOVERY OF RATES

- 13.1** The following shall be liable for the payment of rates levied by the municipality:
- 13.1.1** Owner of a property;
 - 13.1.2** Joint owners of a property, who shall be liable jointly and severally;
 - 13.1.3** The owner of a sectional title unit; and
 - 13.1.4** In relation to agricultural properties:
 - 13.1.4.1** any one joint owner of the agricultural property for all the rates levied on the agricultural property; or
 - 13.1.4.2** Each individual joint owner for that portion of rates levied on the joint owner's undivided share in the agricultural property, whichever option the municipality may choose in relation to agricultural properties.
- 13.2** In terms of section 26 of the Act the municipality will recover rates:
- 13.2.1** on an installment basis; or annually, as may be agreed between the parties.
- 13.3** The municipality will furnish each person liable for the payment of rates with a written account in terms of section 27 of the Act.
- 13.4** The municipality may recover rates in arrears from tenants and occupiers in accordance with the provisions of section 28 of the Act.
- 13.5** The municipality may recover rates due, either whole or in part, from the agent of the owner if this is more convenient for the municipality and in terms of section 29 of the Act.
- 13.6** Rates must be paid on or before a date determined by the municipality. The municipality may impose interest on overdue amounts.
- 13.7** The procedures regarding the determination of rates or any portion that are outstanding and the processes to be followed to recover such amounts are contained within the municipality's Customer Care, Credit Control and Debt Collection Policy.

PART FOURTEEN: CONSOLIDATION AND APPORTIONMENT OF PAYMENTS

14. Separate accounts of persons liable for payment to the municipality for either rates or services may be consolidated in one account and any appropriation of payments will be done in accordance with the municipality's Customer Care, Credit Control and Debt Collection Policy.

PART FIFTEENTH: DEFERMENT OF RATES

15. The municipality may on application defer the payment of rates in terms of section 26(3) of the Act, but only in special circumstances which may be prescribed by the Council.

PART SIXTEEN: IMPERMISSIBLE RATES IN TERMS OF SECTION 17 OF THE ACT

16. It is recorded that the municipality may not, in terms of section 17 of the Act levy a rate on:
- 16.1 the first 30% of the market value of public service infrastructure;
 - 16.2 Any property referred to in paragraphs (a) (b) (e) (g) and (h) of the definition of "public service infrastructure."
 - 16.3 the first R 85 000 of the market value of a property assigned in the valuation roll or supplementary valuation roll of a municipality to a category determined by the municipality –
 - (i) for residential properties; or
 - (ii) for properties used for multiple purposes, provided one or more components of the property are used for residential purposes; or
 - 16.4 A property registered in the name of and used primarily as a place of public worship by a religious community, including an official residence registered

in the name of that community which is occupied by an office-bearer of that community who officiates at services at that place of worship.

- 16.5** The Minister, acting with the concurrence of the Minister of Finance, may from time to time by notice in the *Gazette*, increase the monetary threshold referred to in subsection 15.3 to reflect inflation.
- 16.6** The Minister may, by notice in the *Gazette*, lower the percentage referred to in subsection 15.1 but only after consultation with –
- (i) Relevant Cabinet members responsible for the various aspects of public service infrastructure;
 - (ii) Organized local government; and
 - (iii) Relevant public service infrastructure entities.
- 16.7** The exclusion from rates of a property referred to in subsection 15.4 lapses if the property –
- (i) Is disposed of by the religious community owning it; or
 - (ii) Is no longer used primarily as a place of public worship by a religious community or, in the case of an official residence contemplated in that subsection, is no longer used as such an official residence.
- 16.7.1** If the exclusion from rates of a property used as such an official residence lapses, the religious community owning the property becomes liable to the municipality concerned for any rates that, had it not been for subsection 15.3 would have been payable on the property during the period of one year preceding the date on which the exclusion lapsed.
- 16.7.2** The amount for which the religious community becomes liable in terms of paragraph 15.7.1 must be regarded as rates in arrears, and the applicable interest on that amount is payable to the municipality.

PART SEVENTEEN: CONSTITUTIONALLY IMPERMISSIBLE RATES

17. The Act provides that in terms of section 229(2)(a) of the Constitution a municipality may not exercise its power to levy rates on property in a way that would materially and unreasonably prejudice -
- 17.1 national economic policies;
 - 17.2 economic activities across its boundaries; or
 - 17.3 the national mobility of goods, services, capital or labour.

PART EIGHTEEN: NEWLY RATED PROPERTY

- 18 Any property which has not previously been rated must be phased in over a period of three financial years subject to the condition that:
- 18.1 property registered in the name of a land reform beneficiary must be phased in after the exclusion period referred to in section 17(1)(g) of the Act;
 - 18.2 The phasing in period shall be as set out in the following table:

Applicable rates for newly rateable properties to be phased in over three years

Year	Percentage Rates Payable
First	25%
Second	50%
Third	75%

PART NINETEEN: TRANSITIONAL ARRANGEMENT: PUBLIC SERVICE INFRASTRUCTURE

- 19.1** The prohibition on the levying of rates on public service infrastructure referred to in section 15.2 must be phased in over a period of 5 municipal financial years, with effect from 1 July 2015;
- 19.2** the rates levied on the property must
- 19.2.1 in the first year, must be no more than 80 percent of the rate for that year otherwise applicable to that property;
 - 19.2.2 in the second year, must be no more than 60 percent of the rate for that year otherwise applicable to that property;
 - 19.2.3 in the third year, must be no more than 40 percent of the rate for that year otherwise applicable to that property;
 - 19.2.4 in the fourth year, must be no more than 20 percent of the rate for that year otherwise applicable to that property;
 - 19.2.5 in the fifth year, must be no more than 10 percent of the rate for that year otherwise applicable to that property;



NEWCASTLE MUNICIPALITY

INDIGENT POLICY

PREAMBLE

Whereas the municipality receives an equitable share contribution from National Treasury annually;

And whereas the National Department of Provincial and Local Government has issued guidelines regarding indigent support;

And whereas the municipal council wishes to give access to basic services for all of its communities;

Now therefore the municipal council of NEWCASTLE adopts the following Indigent Policy.

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DEFINITIONS

1. In this policy, unless inconsistent with the context –

“**account holder**” means any person over 16 years of age who is responsible for the family unit and/or for the payment of any services accounts.

“**commercial activity**” means any activity for profit or gain.

“**financial year**” means the financial year of the municipality that runs from July to June.

“**indigent**” means a household earning a combined total monthly income as determined by Council from time to time.

“**industrial activity**” means any activity that involves the manufacturing or production of a product.

“**municipality**” means the Newcastle Municipality.

“**resident**” means a person or family unit that ordinarily resides within the area of jurisdiction of Newcastle Municipality either within their own or leased accommodation.

PURPOSES OF THE INDIGENT POLICY

2. (1) The purposes of the indigent policy are to:
 - (a) provide basic services to the community within the financial and administrative capacity of the municipality;

- (b) provide procedures and guidelines for the subsidisation of basic service charges to indigent households using the equitable share allocation received from National Treasury and other budgetary provisions;
- (c) ensure affordability by subsidising tariffs calculated in terms of the municipality's tariff policy and by setting appropriate service levels in accordance with the municipality's service delivery plan.

CRITERIA FOR QUALIFICATION

3. (1) In order to qualify for indigent support the following criteria must be met:

- (a) The verified monthly income of all household occupants over 18 years of age may not exceed the amount approved by Council during the annual budget process, the amount will be after statutory deductions of PAYE and UIF (the amount should be below R5000);
- (b) The verified monthly household income of a pensioner (after statutory deductions of UIF and PAYE) of an amount below R6000 may qualify for an indigent subsidy;
- (c) The account holder must complete an official application form and provide the required documentary proof;
- (d) The account holder must reside in the municipal area and may not conduct any commercial or industrial activity from the property;
- (e) The applicant must be the full-time occupant and may not own any other property, whether in or out of the municipal area, unless such property is vacant or is improved and held for investment purposes and an economical rental is obtained therefrom and is included in the gross monthly income.
- (f) The application will be approved by the municipality after the information supplied has been verified and vetted by the ITC system

- (g) An indigent account holder must immediately request de-registration if his/her circumstances have changed to an extent that s/he no longer qualifies for indigent support;
- (h) All applicants shall be notified by sms with regard to the outcome of their application;
- (i) In the event that the approved account holder passes away, the heir/s of the property must re-apply for indigent support provided they qualify in terms of the stipulated criteria;
- (j) Council reserves the right to send officials to premises/households for the purpose of conducting an on-site audit of the details provided as well as for indigent audit purposes.
- (k) The rates account of a household where the account holder is deceased, i.e. an "estate late" account, may be accepted, on condition that only the surviving spouse and/or dependent children or/ legal representative on their behalf, may apply;
- (l) Where an existing indigent account holder is now deceased, the "estate late" owner account can continue to benefit as an indigent account provided that the surviving spouse and/or dependent children, as included in the original application, apply for and qualify for indigent support as a legal tenant.

(2) The following documents are compulsory and must be attached to all application forms:

- a) Identity Book;
- b) Proof of income, i.e. pension / government grant card / pay slip etc., if applicable; or if over 18 and unemployed, a letter from Department Labour and Bank verification form;
- c) Names and identity books of all persons over the age of 18 residing on the property;

- (3) The following additional documentation must be attached; where applicable depending on the individual circumstances:
- (a) SASSA pensioners: SASSA card together with ATM/ bank slip/ purchase slip dated within the past month to indicate that the card is still current;
 - (b) A Bank verification form must be filled in;
 - (c) A sworn affidavit or legal proof regarding their separation if a married couple is no longer living together but not yet officially divorced;
 - (d) Any relevant death certificates should the house be registered in both partners name;
 - (e) Retrenchment letter;
 - (f) Decree of divorce;
 - (g) Marriage certificate;
 - (h) Letter of authority order / memorandum from DPHS or the Will for Estate late properties
 - (i) Three month's bank statements, if applicable.
 - (j) Slip of purchased Eskom electricity

EXTENT OF INDIGENT SUPPORT

4. (1) Subsidies will be limited to rates, water, refuse removal, electricity and sewerage disposal services.
- (2) Subsidies will be determined during the compilation of the annual budget.
- (3) The source of funding of the indigent subsidy is that portion of the equitable share contribution received from National Treasury and any additional provisions made by council and provided for in the annual operating budget.
- (4) The subsidy will only be credited to the qualifying customer's accounts until the amount provided on the budget has been exhausted.

- (5) The following table depicts the extent of the indigent subsidy granted to approved indigent consumers:

Service	Subsidy for indigent customer where household income is below R3720 per month	Subsidy for the pensioner where household income is below R 6000
Rates	100% subsidy	100% subsidy
Sewer	100% subsidy	100% subsidy
Refuse	100% subsidy	100% subsidy
Water availability	100% subsidy	100% subsidy
Water consumption	6KI	6KI
Electricity availability	100% subsidy	75% subsidy
Electricity consumption	50Kwh	50Kwh
Rental – Municipal dwellings	75% subsidy	75% subsidy

- (6) If consumption per metering period (month) exceeds any of the norms stated in the table above, usage will be restricted and the accountholder will be obliged to pay for such excess consumptions at the applicable normal tariffs.
- (7) If a customer's consumption or use of municipal service is less than the subsidised service, the unused portion may not be accrued and the

customer will not be entitled to a cash rebate in respect of the unused portion.

- (8) Annual service charges on the indigent's account will automatically be converted to monthly instalments.
- (9) The accounts of indigent households will be exempted from interest.
- (10) Where it occurs that consumers are minors due to circumstances, the support will be determined as per Council decision from time to time.
- (11) Occupiers of the Government Assisted Housing Schemes are subsidised with regard to their housing instalments and rentals in terms of the National Housing Act.
- (12) The municipality may make alternative energy sources available in place of electricity.
- (13) It is compulsory that a prepaid electricity meter be installed for all registered indigent account holders

ARREARS ON INDIGENT ACCOUNTS

- 5. (1) Once an application for indigent support has been approved all arrears on the consumer account will be written off.
- (2) Arrears related to excess services consumed and housing instalments or rental may be recovered through the restriction of services, either water or electricity, where applicable.
- (3) Should the indigent consumer's account subsequently goes into arrears due to unforeseen circumstances then these arrears may be written off at the discretion of the CFO of an amount not more than R30 000.

NON-COMPLIANCE OF HOUSEHOLDS REGISTERED AS INDIGENT

6. (1) When a property owner or occupier who has registered as an indigent fails to comply with any of the conditions relevant to the receipt of indigent relief, such person will forfeit his or her status as a registered indigent with immediate effect, and will thereafter be treated as an ordinary accountholder.
- (2) The onus is on each registered indigent to advise the Council of such failure to comply due to the changed circumstances
- (3) The indigent status of a customer will be reviewed from time to time, at intervals as determined by Council. This could be done by either physical audit or external verification check (ITC – Credit Bureau). Should the requirements not be met, the subsidy for that consumer will be cancelled.
- (4) If a registered indigent is found to have provided fraudulent information to the municipality in regard to any material condition for registration as an indigent, such person shall immediately be removed from the register of indigents, and shall be liable to repay the municipality with immediate effect all indigent relief received and debt written off from the date of such fraudulent registration.
- (5) Indigent support will be automatically terminated under the following circumstances:
 - (a) Upon identification of the death of the accountholder unless the conditions in terms of 3 (1) (k) above are met;
 - (b) Upon identification of the accountholder who no longer qualifies for indigent support in terms of 6 (3) above:
 - (c) When the indigent accountholder disposes of the property, either by sale or by means of donation, on date of vacation of the property or registration of transfer whichever occurs first.
 - (d) Upon termination of the lease or vacation of the premises with regard to a tenant account.

- (e) Upon identification of the accountholder who no longer qualifies for indigent support in terms of this policy.

REPORTING REQUIREMENTS

- 7. (1) The Strategic Executive Director: Budget and Treasury Office shall report for the month concerned and, where possible, by municipal ward:
 - (a) the number of households registered as indigents and a brief explanation of any movements in such numbers;
 - (b) the monetary value of the actual subsidies and rebates granted;
 - (c) the budgeted value of the subsidies and rebates concerned; and
 - (d) the above information cumulatively for the financial year to date; and
 - (e) Any other detail as required by the Council.

SHORT TITLE

- 8. This policy shall be called the Indigent Policy of the Newcastle Municipality.

IMPLEMENTATION AND REVIEW

- 9. (1) The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director: Budget and Treasury Office, once approved by Council.
- (2) The policy shall be reviewed annually as part of the budget process.



NEWCASTLE MUNICIPALITY

CREDIT CONTROL AND DEBT COLLECTION POLICY

2021/2022

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1. PURPOSE

This Policy, read together with the Newcastle Municipality Credit Control and Debt Collection By law, has been compiled in compliance with the Local Government: Municipal Systems Act 32 of 2000 and provides procedures and mechanisms for credit control and debt collection as contemplated in Chapter 9 of the Systems Act.

In terms of Section 96, the Municipality is enjoined to (a) collect all money that is due and payable to it, subject to the Act and any other applicable legislation; and (b) for that purpose, to adopt, maintain and implement a credit control and debt collection policy which is consistent with its rates and tariff policies.

The raising and recovery of revenue is a constitutional right and duty of the Municipality and is fundamental to the long term financial and economic sustainability of the Municipality and to the achievement of the Municipality's constitutional responsibilities in, inter alia, addressing the needs of the local community. In turn, members of the local community have the right, amongst others, to access municipal services (subject to the law), and a reciprocal statutory duty in terms of Section 5(2) of the Systems Act to pay promptly service fees, rates on property and other charges, levies and duties imposed by the Municipality.

This Policy aims, on the one hand, to ensure that the Municipality's approach to credit control and debt collection is sensitive, transparent and is equitably applied throughout the Municipality's geographic area and seeks on the other hand, to enable the Municipality to conduct its financial affairs in an effective, economic and efficient manner by ensuring that the incidence of under collection of revenue and bad debt is minimized, its revenue base is protected and has ability to grow and that cash flow is not negatively impacted upon, thereby compromising optimal delivery of services

2. DEFINITIONS

Unless indicated to the contrary in this Policy, words contained in this Policy have the same meaning as in the Newcastle Municipality: Credit Control and Debt Collection By-law

"Account" means written notification in the form of a statement of account in respect of municipal services, rates, sundry charges and other charges, addressed to a person liable for payment thereof;

"Acknowledgement of debt" means an admission of liability and written undertaking by a debtor to repay an amount owing to the Municipality, and includes a consent to judgement and for the purposes of this policy it also means a Credit Authority;

"Agent" means a person authorised by the Customer to act on his or her behalf;

"Arrears" means any amount which is due, owing and payable and which remains unpaid by due date;

"Authorised Official" means the Head: Revenue or his delegate in terms of the Municipality's System of Delegations;

"Availability Fee" means the tariff referred to under Tariff Type in the eThekweni Municipality's Tariff Policy;

"Bulk Customer" means a Customer who consumes large amounts of electricity for commercial or industrial purposes;

"By-law" means the eThekweni Municipality: Credit Control and Debt Collection By-Law, as amended;

"Category of Owners" means, for the purpose of section 4.2 of this Policy, any department of state or administration in the national, provincial or local sphere of government which has a good credit history with the Municipality.

"CFO" means a person employed by the Municipality in terms of section 57 of the Systems Act as the Chief Financial Officer of the Municipality, and includes any person to whom the Chief Financial Officer has delegated or sub-delegated a power, function or duty in accordance with the system of delegation developed by the Municipal Manager in terms of section 79 of the Municipal Finance Management Act and section 59 of the Systems Act;

"Collection Charges" means the charges which the Municipality is entitled to recover in terms of section 75A (1) of the Systems Act, and includes the administrative cost–

- (a) of reminding any ratepayer or Customer of arrears;
- (b) for the termination, restriction or reinstatement of any Municipal service to a defaulting ratepayer or Customer;
- (c) of any notice rendered, sent, delivered or published to a ratepayer or Customer in terms of the By-law or any other law;
- (d) of any merchant fee; and
- (e) in respect of any other charge which the Municipality is by law entitled to recover;

"Company" means a Company as defined in the Companies Act, 2008 (Act 71 of 2008);

"Consolidated account" means a monthly account reflecting municipal service fees, charges, surcharges on fees, property rates, sundry charges and other municipal taxes, levies and duties and all consolidations in terms of section 102 of the Systems Act;

"Credit Authority" means any arrangement made by agreement between the Municipality and a Customer for the payment of any arrears in instalments. Such arrangement may take the form of an agreement or an acknowledgment of debt;

"Customer" means any person or their agent with whom the Municipality or an Authorised Official has entered into an agreement for the provision of any Municipal service to the premises;

"Defaulter" means a Customer whose account is in arrears;

"Deposit" means a monetary amount raised by the Municipality in relation to the consumption of a Municipal service and mitigation of credit risk to the Municipality, irrespective of the existence of an agreement;

"Disconnection" means a termination or restriction of a Municipal service supplied to a meter;

"Due date" means the date on which a Customer's account becomes payable, which in the case of monthly accounts is twenty-one days from the date of the account, and in the case of annual accounts is the 31 October each year;

“Effective Date” means the date on which this Policy comes into effect which shall be 1 July 2021

“Fee” means a prescribed amount charged by the Municipality to a Customer for the provision of any Municipal service;

“Financial Guarantee” means an irrevocable and unconditional written undertaking issued by a registered South African Bank in favour of the Municipality, to honour all obligations (present or future) owed by a person to the Municipality, should that person be in breach of any or such obligation;

“Fines” means any lawfully determined pecuniary penalty which is payable by a person to the Municipality in terms of applicable legislation, arising from the commission of an act or an omission that is punishable by law;

“Flow restrictor” means a washer which is installed in the water connection which allows a monthly consumption of 6 kilolitres of water but at an extremely low flow rate;

“Illegal connection” means any connection or reconnection to a system through which Municipal services are provided, which is not authorised or approved by the Municipality or an Authorised Official;

“Juristic person” includes a partnership, a proprietor, association or other body of persons, corporate or unincorporated and includes a trust and organ of state;

“Leak period” means the metering period immediately prior to the date of repair of the leak and the metering period during which the leak is repaired. Each of these two periods will not exceed 65 days;

“Meter” means any device which measures any demand or quantity of either electricity energy or water passing through such meter;

“Metering period” means the time interval between two successive billed meter readings but shall exclude previous leak periods;

“MPRA” means the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), as amended;

“Multi-property owner” means an owner of 50 or more registered properties in the Municipality’s area of jurisdiction;

“Municipal charges” means municipal service fees, surcharge on fees, penalties, interest, property rates, and other municipal taxes, levies and duties, as well as any other charges in terms of Legislation, Policy or an agreement including Sundry Charges and Collection charges;

“Municipal service” means a service provided by the Municipality in terms of its powers and functions to or for the benefit of the local community, irrespective of whether or not –

- (a) such service is provided by the Municipality itself or by engaging an external mechanism contemplated in section 76 of the Systems Act; or
- (b) any fees, charges or tariffs are levied in respect thereof;

“Net salary” means the gross salary minus pension and statutory deductions;

“Owner” means:

- (a) In relation to a property referred to in paragraph (a) of the definition of "property" in the MPRA, a person in whose name ownership of the property is registered;
- (b) The administrator of the body corporate of a sectional title scheme where the common property of a sectional title scheme is at issue and there are no elected trustees of the body corporate;
- (c) The administrator, where the owner of a property is a mental health care user as defined in section 1 of the Mental Health Act, 2002 (Act No. 17 of 2002);
- (d) The business rescue practitioner, where the owner of a property has been placed under business rescue;
- (e) The managing agent, where the owner of a property is absent from the Republic of South Africa or where the Municipality has, after reasonable attempts, not been able to determine his or her whereabouts;
- (f) Every person who is entitled to occupy or use a building, or who does occupy or use a building, where –

- (i) The owner of the property is absent from the Republic of South Africa;
 - (ii) The Municipality has, after reasonable attempts, not been able to determine the whereabouts of the owner of the building; and
 - (iii) There is no managing agent;
- (g) Trustees and beneficiaries jointly, in the case of property in a trust;
 - (h) An executor or administrator, in the case of property in a deceased estate;
 - (i) A trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
 - (j) A judicial manager, in the case of a property in the estate of a person under judicial management;
 - (k) A curator, in the case of property in the estate of a person under curatorship;
 - (l) A person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude, as joint owner together with the registered owner;
 - (m) A lessee, in the case of a property that is registered in the name of the Municipality and is leased by it;
 - (n) A buyer or a developer, in the case of a property that was sold by the Municipality and of which possession was given pending registration of ownership in the name of the buyer, beneficiary, or a developer;
 - (o) A fideicommissary as joint owner together with the fiduciary;
 - (p) Ingonyama Trust in respect of the land vested in the Ingonyama Trust by virtue of the Ingonyama Trust Act of 1994, as amended, or any other law;
 - (q) The National Government of the Republic of South Africa, in the case of a property that is registered in the name of a deregistered company or close corporation and where ownership thereof has accrued to the state by operation of law (bona vacantia);
 - (r) An owner of a property in the name of any other juristic person not mentioned in this definition of an owner; and
 - (s) A child or children in charge of a property in the case of a child headed household as contemplated in this Policy and the Rates Policy of the Municipality;

"Person" means a natural person or Juristic Person;

"Property" means–

- (a) immovable property registered in the name of a person, including, in the case of sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation, excluding a permission to occupy; or
- (d) public service infrastructure;

"Prescribed" means a determination set or laid down by law, or by the Municipal Council or the CFO from time to time;

"Prescribed Form" means any document that may be prescribed by law or approved by Municipal Council or required by the CFO from time to time;

"Rates" means a municipal rate on property envisaged in terms of section 229(1) (a) of the Constitution and levied by the Municipality in terms of the MPRA, expressed as cents in the rand;

"Rates Regulations" means the Municipal Property Rates Regulations, 2006 as amended;

"Residential property" means a dwelling, in any building, premises, structure, or any other place, or any part thereof, used predominantly as a place of residence or abode of any natural person **excluding** a dwelling where the dominant use is for any purpose other than residential, or where it is used in the supply of commercial accommodation;

"Revenue Clearance Certificate" means a certificate of the kind referred to in Section 118(1) of the Systems Act;

"Section 118(1) debt" means debt contemplated in Section 118(1) of the Systems Act;

"Section 118(3) debt" means debt contemplated in Section 118(3) of the Systems Act;

"Services Account" means an account which relates to water and or electricity consumption and related charges;

“Service Agreement” means an agreement entered into between the Customer and the Municipality for the provision of a Municipal service which includes but is not necessarily limited to water and electricity;

“Social Worker” means a person employed by the Municipality who is registered as a social worker under the Social Service Professions Act, 1978 (Act No 110 of 1978);

“Sundry charge” means an amount charged to a Person which is not directly linked to a property and includes but is not limited to–

- (a) charges arising from damage to municipal property and equipment;
- (b) monies owed for Municipal services other than rates, water, electricity and sanitation;
- (c) monies awarded to the Municipality through court orders and judgments;
- (d) fines; and
- (e) monies owed to the Municipality by the Municipality staff (staff debts);

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended;

“Tenant” means in relation to this Policy, a person who entered into a lease agreement with a Landlord; and became a Customer of the Municipality prior the adoption of section 3.1 of this Policy .This excludes tenants referred to in section 3.3 and 14.5 and Social Housing Tenants as mentioned in this Policy;

“Tenderer” means a contractor, service provider or supplier who has submitted a tender for the provision of services or the delivery of goods to the Municipality;

“Water services” means the supply of potable water and, where a municipal sewerage reticulation system exists, the disposal of sewage;

PROVISION OF MUNICIPAL SERVICES

3. REGISTRATION FOR THE PROVISION OF MUNICIPAL SERVICES

- 3.1 **Residential property** - The Municipality will endeavour to register **owners only** for services on their properties. Tenant registrations that are currently in place will continue until the tenant vacates the premises, the account is closed or the Municipality cancels the contract of the tenant that is in default in terms of subsection 6.1 (b) of this Policy.
- 3.2 **Business property** - The Municipality will only enter into new contracts for the provision of Municipal services with tenants if the owner of the property is a multi-property owner as defined in this Policy, and the municipal accounts on all of his or her properties are paid. Where the landlord is not a multi-property owner, the owner of the property must register for the provision of Municipal services.
- 3.3 When the owner of the property is a Bulk Customer, the CFO, at his or her discretion, may allow tenants of the bulk customer to be registered for municipal services on the property concerned, upon submission of any documents or information that may be requested by the CFO.
- 3.4 **Government property** - The Municipality will continue to register tenants for services. The respective Government Departments shall be held liable for the debts on their own property.
- 3.5 **Sundry accounts** – A Person must provide the Municipality with a municipal account number. If the Person does not have an existing municipal account then a new account must be created.
- 3.6 The Municipality shall whenever possible, combine any separate accounts of a person who is liable for payment to the Municipality, into one consolidated account.
- 3.7 No registrations or additions to the customer database can be processed unless legal documentation acceptable to the CFO has been produced in each instance.

- 3.8 If there is an outstanding debt on the property this debt must be settled in full, or suitable payment arrangements must be made by the owner of the property, before a Customer or owner is registered for services. This section does not apply to a new owner who has taken transfer of property and applies for a Municipal service.
- 3.9 Customers who fail to register and who illegally consume services will be subjected to such administrative, civil or criminal action as the Municipality deems appropriate.
- 3.10 Where the purpose for or extent to which any Municipal service used is changed, the onus and obligation is on the Customer or owner to advise the Municipality of such change.
- 3.11 A Person applying for a Municipal service must enter into a Service Agreement with the Municipality in order for such Municipal service to be provided.
- 3.12 **Documentation and Information (Juristic Persons)**- An application by a Juristic Person for a Municipal service must include –
- (a) The submission of a resolution delegating authority to the applicant and furnishing, if applicable, the Juristic person's Registration Number or Trust Reference Number with the Master of the High Court.
 - (b) The names, identity number, cell phone number, physical and postal addresses, email addresses and any other particulars of all the directors (excluding ex-officio directors as contemplated in the Companies Act, 2008 (Act 71 of 2008) or members or trustees or proprietors or partners.
 - (c) Certified copies of the following where applicable:
 - (i) Current Letter of Authority of the Trustee(s).
 - (ii) Identity documents of the persons referred to in (b) above.
 - (iii) CIPC registration documents.
 - (iv) Constitution.
 - (d) A signed Direct Debit form in the prescribed form.

- 3.13 A person may be required to provide to the Municipality with personal information, as may be prescribed, for any purpose contemplated in this policy, amongst others, all contact details (such as postal/physical/email address.), proof of identification, financial information and any other relevant documentation, as may be required by the Municipality from time to time (such as a lease agreement or a title deed).
- 3.14 All information furnished may be verified by the Municipality with any or all data information institutions, credit information bureau's and any financial institutions as may be deemed necessary by the Municipality in determining a person's credit worthiness or for any other reason as determined by the CFO.
- 3.15 The Municipality has a right to conduct a full credit check on any person who is or who will become subject to this policy or any other policy of the Municipality.
- 3.16 A full payment or an arrangement must be entered into for all properties held by the prospective account holder with the Municipality prior to opening of new accounts.

4. DEPOSITS

- 4.1 Upon date of ownership transfer, a deposit will be automatically raised, based on the criteria determined by the CFO, from time to time which include but are not limited to the Customer's profile, the risk the Customer poses to the Municipality, previous consumption, connection type and size of the metered Municipal service.
- 4.2 Where a tenant terminates a Services Account, consumption charges emanating from a meter must thereafter be linked to the owner's rates account and a deposit will be raised once consumption is recorded and will become due in the next months' bill.
- 4.3 The Municipality may appropriate a Customer's deposit on any account related to that Customer.
- 4.4 Notwithstanding receipts for different services, deposits payable to the Municipality shall be a consolidated deposit, paid **in cash**.

- 4.5 Where a business customer does not present a valid South African ID Document, a deposit equivalent to twice the prescribed deposit shall apply, in addition to the personal suretyships.
- 4.6 If a Customer is in arrears, the deposit may, upon due notice, be increased.
- 4.7 The Municipality may utilise the consolidated deposit as security for any or all of the charges or amounts owed by the customer as included in the statement of account.
- 4.8 No deposit will be raised on property where there is no consumption however an availability fee shall be raised.
- 4.9 Where a tenant has absconded leaving a debt on a property, an additional deposit, equal to the debt on the property, may be raised on any other account held by the tenant with the Municipality.
- 4.10 No deposit will be levied on an indigent consumer account.
- 4.11 **Guarantees**
- a. Existing Guarantees held by the Municipality in lieu of a Deposit shall be honoured for the duration of the contract with the Municipality.
 - b. Addendums to existing Guarantees shall not be accepted. The additional deposit must be paid in cash.
 - c. Where guarantees are held in lieu of deposits, such guarantee shall be presented for payment and a new deposit shall be raised on any arrear account.
 - d. Notwithstanding the provisions of section 4.12 (a), a Financial Guarantee issued by a registered South African Bank and in a form acceptable to the CFO, may be furnished by an applicant for a Municipal service in lieu of the Deed of Suretyship referred to in section 3.12(e) above. Written application to furnish

such a Financial Guarantee must be made to the CFO who shall have the right to conduct a full financial analysis and credit check of the applicant and to call for such other documents and have regard to such other information as may be considered relevant to the consideration of the application.

- e. The CFO may demand or accept, a Financial Guarantee issued by a registered South African Bank on behalf of a contractor, in favour of the Municipality as security for any damage or loss that is incurred by, or may be sustained by the Municipality during the course of any work undertaken by the contractor in the circumstances set out in section 33.1.
- f. Where municipal property is alienated, the CFO may accept the lodging of a Financial Guarantee, in a form acceptable to the CFO, in lieu of a cash deposit on the purchase price.
- g. The CFO may, on written application, permit a person to substitute a Financial Guarantee referred to in (e) with another Financial Guarantee either from the same guarantor or a difference guarantor, provided there is no risk to the Municipality.

4.12 **Review of Deposits**

- a. If the Customer poses a credit risk, the value of the original deposit paid or an existing guarantee held by the Municipality, may be reviewed from time to time by the CFO.
- b. The deposit on an account shall be reviewed when—
 - i. Annually
 - ii. the Account is paid after the due date;
 - iii. payment by negotiable instrument or direct debit is dishonoured; or
 - iv. there is increased consumption of services.
- c. The deposit will be increased annual as per the approved tariffs
- d. The Municipality may increase the deposit payable by a Customer by up to 12 months average usage.

4.13 **Interest Payable on Cash Deposits**

The Municipality will not pay interest on cash deposits.

ACCOUNTS MANAGEMENT

5. ACCOUNTS

- 5.1 The Municipality will deliver notices, any other document and accounts in accordance with section 115 of the Systems Act. A Customer may register for another mode of transmission as set out in the Credit Control and Debt Collection By-Law. In the case of multiple-ownership, the account will be delivered to any one of the owners.
- 5.2 Subject to the provisions of section 95(e) of the Systems Act, a failure to receive or accept accounts does not relieve a Customer of the obligation to pay any amount due and payable. The onus is on the Customer to make every effort to obtain a copy of the account, or establish the amount payable for payment.
- 5.3 The Municipality or an authorised official must, if administratively possible, issue a duplicate account to a customer on request. The Municipality will provide owners with copies of their tenant's accounts if requested in writing.
- 5.4 The Municipality may post annual rates assessment for record purposes.

- 5.5 With the exception of Government Accounts, assessment rates shall be billed on a monthly basis, and may only be billed annually by prior written agreement, subject to the Rates Policy of the Municipality.
- 5.6 Customers are required to update their information details with the Municipality promptly whenever information on record changes and or whenever requested by the Municipality. A failure to update information with the Municipality or a failure to respond to the Municipality's request for updated information may, subject to the principles of administrative justice, result in the restriction of services, disconnection of services or prosecution. Such update of information includes, but is not limited to—
- a. Details of executors or administrators of deceased estates;
 - b. Deregistration or termination of a company, close corporation or trust if the company, close corporation or trust is the account holder;
 - c. Details of deceased company directors, members of Close Corporations and trustees of Trusts;
 - d. Details of deceased - partners
 - (i) Company directors;
 - (ii) Members of close corporations; or
 - (iii) Trustees of Trusts;
 - e. Letters of appointment of a Trustee or Liquidator in the case of an insolvency /liquidation together with contact particulars.
 - f. Contact details of the Customer;
 - g. Notice of a company or close corporation placed under business rescue or liquidation and
 - h. Any change of members, trustees or directors of a juristic person.
- 5.7 The payment of rates shall not be affected by reason of an objection, appeal or non-compliance with the Rates Policy of the Municipality.

- 5.8 There is no obligation on the Municipality to provide records older than 5 years from the date such records are requested.
- 5.9 Accounts may reflect actual or estimated Municipal charges.
- 5.10 In order to ensure that credit control information on owners and property is regularly updated, the Municipality's Building Plans Assessment Department must provide the CFO with monthly returns of all applications submitted in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977). Such monthly returns must contain the name of the owner of the property, the nature of the application and application reference number, as well as the deeds office description and street address of the property that is the subject of the application. Similar information must be provided by the Municipality's Land Use Management Department in relation to land development applications that are made under the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read together, with the Newcastle Municipality: Planning and Land Use Management Bylaw, 2016.
- 5.11 In terms of Section 22 of the Companies Act, 2008 (Act 71 of 2008), a company may not carry on its business recklessly, with gross negligence, with intent to defraud or trade under insolvent circumstances. Where a company fails to honour its obligations to the Municipality in terms of the law, and its debt to the Municipality exceeds 90 days or longer, the CFO may (without detracting from other credit control measures that may be implemented), report such company to the Companies and Intellectual Property Commission for investigation for having breached the provisions of such Act. This could result in the Commissioner issuing an order for the company or close corporation to cease trading.

6 RESPONSIBILITY FOR AMOUNTS DUE

- 6.1 In terms of Section 118 (3) of the Systems Act, an amount due for municipal service fees, surcharge on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property. Accordingly —
- a. the owner of such property shall be liable for charges incurred in connection with such property during his or her ownership and shall remain liable irrespective of the change of ownership, and all municipal debts must be paid by the owner of such property without prejudice to any claim or right of recovery which the Municipality may have against another person;
 - b. the Municipality reserves the right to cancel a contract with the Customer in default and to register the owner of such property for services on the property; and
 - c. Subject to the right to a basic water supply as contemplated in the Water Services Act, 1997 (Act No.108 of 1997), as amended, the Municipality will not provide any services on the property until all municipal debts (other than historic debt incurred by a previous owner of the property), on the property have been paid in full or suitable arrangements have been made to pay such debts. The Municipality reserves the right to determine the manner in which access to a basic water supply will be provided.
- 6.2 Where the property is owned by more than one person, each owner shall be jointly and severally liable, the one paying the other to be absolved, for all municipal debts charged on the property.
- 6.3 Owners with their tenants who are registered as Customers shall be held jointly and severally liable, the one paying the other to be absolved, for debts on their property, except for property rates. It is in the interests of a tenant of property, however, to ensure

that the landlord provides the tenant with proof of payment of rates on the leased property, on a regular basis.

6.4 Refuse removal shall form part of the property debt payable by the owner of the property.

6.5 When a Juristic person opens a Service Account, the directors, members or trustees as the case may be must sign personal suretyships in favour of the Municipality. Liability for outstanding amounts maybe extended to such directors, members or trustees jointly and severally, the one paying the other to be absolved.

6.6 The Municipality may —

a. In a case of an Owner who is in arrears:

- (i) recover from a tenant, occupier or agent such monies as are owing by the tenant, occupier or agent to the owner, as payment of the arrears owing by such owner for so long as a tenant or occupier occupies a property in respect of which arrears are owing, or an agent acts for an owner in respect of whose property arrears are owing;
- (ii) recover the amount in whole or in part despite any contractual obligation to the contrary on the part of the tenant, occupier or agent; or
- (iii) recover from the tenant, occupier or agent an amount which is limited to the amount of the rent or other money due and payable, but not yet paid by the tenant, occupier or agent;

b. apply to the Companies and Intellectual Property Commission to re-register a deregistered company or close corporation or apply to court for an order of restoration or the voiding of the deregistration for the purposes of recovering the amounts owed by that company or close corporation for all municipal debts which have accrued and shall recover the costs of re-registration from the directors or members accordingly; or

c. In the case of assets accruing to the State by operation of any law [(bona vacantia) – Section 76 (2) (i) of the PMFA] collect outstanding fees from

the relevant treasury who may exercise all powers, authority and prerogatives, and fulfill any obligation on behalf of the state.

- 6.7 Should the tenant, occupier or agent refuse to pay as contemplated in subsection 6.6 to the Municipality, the services of the tenant, occupier or agent may be disconnected.
- 6.8 Should any dispute arise as to the amount owing, the Customer shall pay all amounts which are not subject to the dispute that are due and payable, pending the finalisation of the dispute lodged in respect of the specific amount owed by the Customer.
- 6.9 Subject to sections 20 and 21 of this Policy, where an existing Customer wishes to convert an existing electricity and or water supply service to a Pre-paid meter, the Customer must first settle all outstanding amounts or make a suitable arrangement to liquidate the outstanding amount as contemplated in section 24 of this Policy, before an application for a pre-paid meter may be considered.
- 6.10 On special projects identified by the Municipal Council, pre-paid meters may be zero costed in the case of indigent consumers.
- 6.11 The owner of the property may be held liable for tampering with the electricity metering equipment or the water metering equipment on the property as well as charges that arise therefrom.
- 6.12 Subject to the operation of the law, where any subsidiary company of a holding company is indebted to the Municipality, the liability for such arrears may be extended to the holding company; and where any holding company is indebted to the Municipality, the liability for such arrears may be extended to any subsidiary company
- 6.13 Debtors may be referred to a third party debt collector and tracing agent.
- 6.14 In terms of Section 102 of the Municipal Systems Act, A Municipality may
- (a) consolidate any separate accounts of persons liable for payments to the municipality;

- (b) credit a payment by such a person against any account of that person; and
- © implement any of the debt collection and credit control measures provided for in this Chapter in relation to any arrears on any of the accounts of such a person.

- 6.14 The Municipality may enter into a Credit Authority for the liquidation of a debt by a person other than the debtor, where such person offers to settle the debt and meeting the qualifying criteria as contained in this policy or as prescribed by the CFO.

7 PAYMENT OPTIONS

- 7.1 The Municipality will endeavour to establish a payment network to ensure that wherever practically possible, Customers have access to a payment site within a reasonable distance of their home.
- 7.2 The Municipality shall accept payment under the following circumstances–
- a. Payment via , electronic funds transfer (EFT) or Cash for Settlement of final accounts.
 - b. Subject to a. and b. above, the following payment methods are also available:
 - (i) EFT;
 - (ii) Internet Transfers;
 - (iii) Third party collectors appointed from time to time by the Municipality;
 - (iv) Direct Debit; and
 - (v) Debit Order payments.
 - (vi) EasyPay outlets (Pick n Pay, Shoprite, Checkers, Woolworths, Pep Stores
 - c. The following shall apply for all EFT payments of the Customer's arrears accounts:
 - (i) Only proof of payments from customers will be accepted.
 - (ii) The proof of payment will be verified, where applicable, for authenticity (through the submitting bank's website).
 - (iii) All reconnection requests where services have been disconnected will ONLY be actioned once payments have been cleared and or receipted to the respective consumer accounts.

(iv) Customers whose accounts are in arrears are encouraged to submit their proof of payment to the municipality via email or the contact numbers provided as per the disconnection notice.

(v) Consumers are advised that normal disconnections may be reconnected within a period of 24 hours on receiving proof of payment and hard disconnections (removal of wires) may be reconnected within a period of 48 hours.

7.3 Where any direct debit or payment made to the Municipality or an authorised official is later dishonoured by the bank, the Municipality or its authorised official–

- a. will recover the bank charges incurred relating to that dishonoured payment against the account of the Customer;
- b. may regard such an event as default on payment and the account shall be dealt with as an arrear account; and
- c. reserves the right to take legal action for recovery of arrears.

7.4 The methods of payment shall be determined by the CFO from time to time.

7.5 Where a Customer signs a Credit Authority with the Municipality, payment shall, as far as possible, only be accepted via a direct debit procedure.

7.6 Account holders who can prove that they receive their salary on the 15th of the month from their employer must sign a debit order facility with the Municipality to qualify for such an extension. Should the 15th fall over a weekend then the debit order will be effected on the Friday before such date.

8 FULL AND FINAL SETTLEMENT

8.1 Where the exact amount due and payable has not been paid in full, any lesser amount tendered and receipted, shall not be in full and final settlement of such an account, except when duly accepted in terms of a delegated authority.

8.2 The CFO must be consulted on any settlement, out of court or otherwise, that has a budgetary implication on the Municipality.

9 CASH ALLOCATION

- 9.1 The Municipality may–
- a. consolidate any separate accounts of persons liable for payments to the Municipality;
 - b. credit a payment by such a person against ANY accounts of that person; and
 - c. implement any of the debt collection and credit control measures provided for in this Policy and the By-law in relation to any arrears on any of the accounts of such a person.
- 9.2 Any amounts paid may be appropriated to the oldest debt first.
- 9.3 Any amount paid by the Customer in excess of an existing debt may be held in credit for the Customer in anticipation of future rates and fees for Municipal services, and no interest will be payable on that amount.
- 9.4 The Municipality's allocation of payment is not negotiable and the Customer may not choose which account to pay.

10 INTEREST AND ADMINISTRATIVE CHARGES

- 10.1 Interest will be charged on business accounts only.
- 10.2 Interest charged on government accounts previously will be reversed for arrear accounts only.
- 10.3 The legal rate of interest raised on arrears is equivalent to the rate of interest as determined in Municipal Property Regulation 9 of the Rates Regulations, 2006 or applicable legislation.
- 10.4 Interest shall accrue 30 days from date of account on unpaid accounts. Interest shall

accrue for each completed month in respect of any arrears remaining unpaid after 30 days of the account. A part of a month shall be deemed to be a completed month on the basis that interest is charged as from the first day of the account being in arrears.

10.5 Interest may only be reversed under the following circumstances–

- a. exemptions as determined by Council from time to time;
- b. if the Municipality has made an administrative error on the account;
- c. Where any debt has arisen as a result of a faulty meter or the Municipality has applied an incorrect charge, meter constant or tariff due to an administrative error;
- d. where an owner takes over the debts of the tenant; or
- e. where the CFO approves such reversal from time to time;

11 PROCUREMENT OF GOODS AND SERVICES AND PAYMENTS IN TERMS OF CONTRACTS

- 11.1 When submitting a tender for the provision of services or the delivery of goods, each potential tenderer must prove to the satisfaction of the Municipality that all accounts for which the tenderer is liable, have been paid up to date, and that all accounts for which each and every director, member, owner, partner or trustee of the tenderer is liable for are also up to date or suitable payment arrangements have been signed.
- 11.2 The Municipality shall at its own discretion check whether all the municipal accounts of the tenderer are up to date. Copies of all current accounts sent to the tenderer and to each director, member, owner, partner or trustee must be attached to the tender documents.
- 11.3 Where a tenderer's place of business or business interests are outside the jurisdiction of the Municipality, a Revenue Clearance Certificate from the relevant Municipality must be produced.
- 11.4 Before awarding a tender, the Municipal debts of the tenderer and of each director, member, owner, partner or trustee of the tenderer must be paid in full or suitable payment arrangements have been signed.
- 11.5 Where payments are due to a creditor of the Municipality, or in terms of any contractual arrangement with the Municipality, any arrear amount owing to the Municipality may be set off against such payments.
- 11.6 The provisions of this Policy also apply to quotations, public tenders and tenders in terms of section 47 of the Municipality's Supply Chain Management Policy.

12 AGREEMENT WITH EMPLOYERS INTERMS OF SECTION 103 OF THE SYSTEMS ACT

12.1 Section 103 of the Systems Act reads as follows—

A Municipality may—

- (a) with the consent of a person liable to the Municipality for the payment of rates or other taxes or fees for Municipal services, enter into an agreement with that person's employer to deduct from the salary or wages of that person-
 - (i) any outstanding amounts due by that person to the Municipality;
or
 - (ii) regular monthly amounts as may be agreed.

12.2 In the event that the employee voluntarily chooses to use the method of payment as contemplated in subsection 12.1 for the payment of his or her municipal accounts, the employee may approach the Municipality for an agreement to be concluded.

12.3 A collection commission may be payable to the employer as determined from time to time.

13 STAFF, COUNCILLORS AND WARD COMMITTEE MEMBERS IN ARREARS

- 13.1
- a. Item 10 of Schedule 2 to the Systems Act (Code of Conduct for Municipal Staff Members) states that–
 - i. a staff member of the Municipality may not be in arrears to the Municipality for rates and service charges for a period longer than three (3) months; and
 - ii. a Municipality may deduct any outstanding amounts from a staff member's salary after this period; and
 - b. The Municipality shall liaise with the relevant staff on repayment of their arrears.
 - c. The staff member must sign a Credit Authority and direct debit deduction form in accordance with this Policy
 - d. No special treatment shall be afforded to staff members whose accounts are arrears.
 - e. Any staff member who has breached the code will be dealt with in accordance with the disciplinary procedures adopted by the Municipality or as prescribed by Law or determined by a Collective Agreement.
- 13.2
- a. Item 12A of Schedule 1 to the Systems Act states that a Councillor may not be in arrears to the Municipality for a period longer than three months.
 - b. The Municipal Manager shall liaise with the Speaker and issue the necessary salary deduction instruction where appropriate.
- 13.3
- Where the Municipality is satisfied with the reasons supplied by the staff member or Councillor or Ward Committee Member stating why the account is in arrears, the staff member or Councillor or Ward Committee Member must pay such arrears within a reasonable period of time

- 13.4 On appointment to a higher post, employees who have signed a Credit Authority shall increase their instalments on the Credit Authority in accordance with their new salary increase.
- 13.5 The Council reserves the right to deduct any arrears from the stipend or any other amounts payable to ward committee members.

14 ARREAR ACCOUNTS

Disconnection and Reconnection of Services

- 14.1 Arrears on rates, services or any other consolidated debt may result in disconnection of ANY service or in a restriction of use of municipal facilities.
- 14.2 A disconnection/reconnection fee, as determined by the Council, from time to time, will be raised on all accounts printed for disconnection.
- 14.3 Any official or contractor appointed by the Municipality for the purposes set out herein, may, at all reasonable times enter any premises to which services are supplied by the Municipality, in order to inspect pipes, wires or any apparatus used for the supply of services and belonging to the Municipality, for the purpose of ascertaining the quantity of services supplied or consumed, or to disconnect or terminate such supply or remove any apparatus belonging to the Municipality.
- 14.4 Should the owner fail to allow access to the premises or the property to which services are supplied by the Municipality on three consecutive occasions, the CFO may, having given due notice, disconnect, stop, restrict or discontinue the provision of any service, and the owner, at his or her cost should opt for a pre-paid meter.
- 14.5 The owner of the property remains liable and responsible for all instances of unauthorised reconnections and disconnections, illegal connection, tampering, damage or theft of municipal infrastructure, and services installed in the property. Furthermore, the onus is upon the owner to ensure that tenants on the premises or the property refrain from such acts. Nothing precludes the Municipality from recovering charges from a previous owner where tampering is proven by the Municipality, or in a court of law, to have predated a current owner's title to the property, or where the application of the laws allows from both the previous and current owner, jointly or severally, the one paying the other to be absolved (given that the debt attaches by law to the property).

- 14.6 An unauthorised reconnection or illegal connection of, or tampering with a service supply is prohibited and shall constitute a criminal offence which shall result in legal action being taken against the owner and disconnection of Municipal services or removal of the entire services supply being effected.
- 14.7 Subject to applicable legislation, the Municipality may refuse the supply of water or electricity to a consumer who is found guilty of fraud, theft or any other criminal offence related to Municipal services, or, where it is evident that such criminal offence has occurred, until such time as the total costs, penalties, other fees, illegal consumption and any applicable tariffs and rates due to the Municipality have been paid in full.
- 14.8 Reconnections of Municipal services will only be allowed when all applicable penalties and fees have been paid and the debt has been extinguished or suitable arrangements have been made to settle the debt.
- 14.9 In addition to the other circumstances in which a Municipal service may be disconnected in terms of this policy or the By-law, services may be disconnected , after due notice has been given –
- a. Where the owner or tenant is deceased and such has not been reported to the Municipality; or
 - b. Where a company, close corporation or trust has been deregistered and such has not been reported to the Municipality, or
 - c. Where a company or close corporation is deregistered and continues to trade but fails to settle debt owed to the Municipality.
- 14.10 Reconnection of services where services have been disconnected in terms of subsection 14.10 above will be authorised when–
- a. an executor has been appointed; or
 - b. the Company or Close corporation has been re-registered.

- 14.11 In addition to the other circumstances in which a Municipal service may be disconnected in terms of this policy or the By-law, services may be disconnected, after due notice has been given –
- a. Where the owner or tenant is deceased and such has not been reported to the Municipality; or
 - b. Where a company, close corporation or trust has been deregistered and such has not been reported to the Municipality, or
 - c. Where a company or close corporation is deregistered and continues to trade but fails to settle debt owed to the Municipality.
- 14.12 Reconnection of services where services have been disconnected in terms of subsection 14.10 above will be authorised when–
- a. an executor has been appointed; or
 - b. the Company or Close corporation has been re-registered.
- 14.13 The services of Customers on pre-paid meters, who tamper with their services, will be disconnected and any amounts due to the Municipality will become payable immediately.
- 14.14 Where a Municipal service, which is not in the name of the registered owner, has been restricted, disconnected or discontinued, the CFO may, subject to the principles of administrative justice, insist that the service be transferred into the name of such property owner; and
- a. Notwithstanding subsection 14.13, the CFO may at any other time insist that the service be transferred into the name of such property owner.
- 14.15 Where a Municipal service is to be disconnected or restricted, as contemplated in subsection 14.1, due notice of intention to disconnect or restrict such Municipal service will be given not only to the debtor but also to the owner of the property, or the tenant/occupier, as the case may be, in line with the Constitutional Court decision in Joseph and Others v City of Johannesburg and Others CC 43/09.
- 14.16 Any additional grounds for disconnecting Municipal services as set out in the Bylaw, shall be deemed to form part of this Policy.
- 14.17 Any municipal employee involved in an instance of not carrying out the disconnection processes may be subjected to the relevant disciplinary procedures.

DOMESTIC WATER AND SEWAGE DISPOSAL CUSTOMERS

- 15.1 Flow restrictors shall be installed in water connections of Customers who have not paid the total charges for water services (i.e. supply of portable water, and, where applicable, the disposal of sewage) for sixty (60) days or more, and who owe the Municipality more than the amount determined by the CFO from time to time, for water used and sewage discharged and who have not responded to written notification from the Municipality to–
- a. pay the outstanding amount;
 - b. meet with officials of the Municipality; or
 - c. make arrangements to settle the debt.
- 15.2 On restriction of the water supply via a flow restrictor washer, Customers have the following payment options–
- a. pay the outstanding arrear amount in respect of water service charges plus all relevant charges in full
 - b. Pay the current account and sign a payment arrangement for the arrear amount
- 15.3 In the event of tampering of a restricted supply, the Municipality may remove the entire water connection. Customers may facilitate the re- instatement of the water supply– pay the outstanding debt in respect of water services charges in full (including all charges) plus the prevailing costs of a new water connection and penalty charges;

15.4 Flow restrictors shall be installed in water connections of Customers who have not paid the total charges for water services (i.e. supply of portable water, and, where applicable, the disposal of sewage) for sixty (60) days or more, and who owe the Municipality more than the amount determined by the CFO from time to time, for water used and sewage discharged and who have not responded to written notification from the Municipality to–

- a. pay the outstanding amount;
- b. meet with officials of the Municipality; or
- c. make arrangements to settle the debt.

15.5 On restriction of the water supply via a flow restrictor washer, Customers have the following payment options–

- a. pay the outstanding arrear amount in respect of water service charges plus all relevant charges in full
- b. Pay the current account and sign a payment arrangement for the arrear amount

15.6 In the event of tampering of a restricted supply, the Municipality may remove the entire water connection. Customers have one option to facilitate the re- instatement of the water supply–

- a. pay the outstanding debt in respect of water services charges in full (including all charges) plus the prevailing costs of a new water connection and penalty charges;

- 15.7 Flow restrictors shall be installed in water connections of Customers who have not paid the total charges for water services (i.e. supply of portable water, and, where applicable, the disposal of sewage) for sixty (60) days or more, and who owe the Municipality more than the amount determined by the CFO from time to time, for water used and sewage discharged and who have not responded to written notification from the Municipality to–
- a. pay the outstanding amount;
 - b. meet with officials of the Municipality; or
 - c. make arrangements to settle the debt.
- 15.8 On restriction of the water supply via a flow restrictor washer, Customers have the following payment options–
- a. pay the outstanding arrear amount in respect of water service charges plus all relevant charges in full
 - b. Pay the current account and sign a payment arrangement for the arrear amount
- 15.9 In the event of tampering of a restricted supply, the Municipality may remove the entire water connection. Customers have two options to facilitate the re- instatement of the water supply–
- a. pay the outstanding debt in respect of water services charges in full (including all charges) plus the prevailing costs of a new water connection and penalty charges; or
 - b. The current amount, the connection costs and penalty charges must be paid immediately and sign a suitable payment arrangement for the arrear amount.

- 15.10 If a Customer has received a new connection and then tampers with it again, the connection will be removed and will not be replaced until all outstanding water debts and penalties have been paid in full.
- 15.11 All illegal connections that are found will be removed and owners and occupiers may be prosecuted by a court of law.
- a. The Credit Authority shall be cancelled on application for a revenue clearance certificate and all debts on the property shall become due, owing and payable.
- 15.12 In the event of a funeral or other function associated with the death of a family member, or a family wedding, an application may be made for temporary relief whereby the flow regulator may be removed for a specific period of up to seven days only. The application must be supported by a letter from the ward or PR Councillor. The flow regulator will be reinstated after seven days.

16 TERMINATION OF SERVICES AND SERVICES AGREEMENT

- 16.1 At least fourteen (14) days' notice is required from the Customer upon termination of an account, to enable the Municipality to take final meter readings and process account adjustments.
- 16.2 Once the account is terminated, the account must thereafter be linked to the owner's rates account.
- 16.3 Unless otherwise directed by an order of court, the Municipality will not terminate or disconnect water and or electricity supply, at the request of a Landlord or owner, where there are occupiers on the property or premises and the Landlord or the owner is not a Customer in respect of such supply.

16.4 A Customer who wishes to terminate, disconnect or remove a water and or electricity supply where there are occupiers on the property or premises, must, before such an application may be considered:

(a) Provide the Municipality with proof that the occupiers have been given 14 days' notice of the proposed termination (not later than 30 days prior to the lodging of an application with the Municipality); and

(b) Settle all amounts owing to the Municipality or make a suitable arrangement to liquidate the debt as contemplated in section 24 of this Policy.

16.5 The requirement to give 14 days' notice mentioned in subsection 18.4 above, is in line with the Constitutional Court decision in Joseph and Others v City of Johannesburg & Others CCT 43/09 and the principles of administrative justice.

16.6 The Municipality may exercise its common-law right where a tenant on a property is in breach of his or her contract with the Municipality, and link the debt to the owners' account. The tenant shall forfeit his or her deposit to the owner where the outstanding debt is paid by the owner.

16.7 The Municipality may terminate a service agreement, having given a written notice of not less than 14 days to the Customer, if the Customer concerned has breached or failed to comply with any specific term or condition of the service agreement, and has failed to remedy such breach or rectify such failure after service on such Customer of a notice to do so in terms of section 11 of the Credit Control and Debt Collection By-law.

17 UNALLOCATED CONSUMPTION

17.1 A registered owner remains liable to monitor his /her property as well as meter readings even if all electricity or water services have been disconnected. Accordingly when electricity and water consumption is recorded on a property during a period for which there is no registered Customer against whom a bill can be raised, the relevant charges for electricity and water services shall be raised against the registered owner on his or her consolidated bill. Furthermore, the Municipality has the right to remove relevant

Municipal infrastructure (and other components) at the cadastral boundary of the property to ensure that ongoing electricity and or water consumption, is terminated.

18 METER READINGS

The Municipality may estimate readings and read meters in accordance with the period prescribed in the respective water and electricity Policies and By-laws.

19 REVENUE CLEARANCE CERTIFICATES

Subject to Sections 118(1) and (1A) of the Systems Act, the following shall apply to the issue of a revenue clearance certificate for the purpose of effecting transfer of a property to a new owner.

19.1 Assessments—

- a. an application shall be made by a conveyancer, in the prescribed form. Each application must be accompanied by the relevant application fee. The application will not be processed until the fee is paid.
- b. copies of all current accounts must accompany any application made manually or electronically, as the case may be. If the relevant information is not provided, the application will be returned to the conveyancer.
- c. the Municipality does not accept responsibility for errors on manual applications. The Conveyancer must check that all details on the application, assessment and the revenue clearance certificate are correct.
- d. assessed figures are calculated in advance based on the period determined by the CFO. Municipal charges are estimated based on previous consumption, taking into account any existing Property Rates Rebate. However, in the case of a transfer of a share in a deceased estate property to the heir and holder of the other share/s, assessment figures may be calculated thirty (30) days in advance if all arrear debt is paid or will be paid when the assessment is paid by the Conveyancer and the heir is already registered on the system as a Customer in respect of such property. Should the Conveyancer opt for the reduced assessment period, he/she must indicate this when making application for a revenue clearance certificate.

- e. Where an assessment is requested and there is Section 118(1) debt, and other outstanding amounts that have arisen during ownership of a property ("Section 118(3) debt"), the Municipality shall notify the Conveyancer, in writing and request an indication of the manner in which the whole of the debt will be settled. The Conveyancer must inform both the seller and the purchaser of the outstanding debt due to the Municipality.
- f. The only acceptable modes of settlement of Section 118(3) debt, other than in the case of insolvency, are: (1) full payment or (2) the furnishing of a Financial Guarantee in favour of the Municipality for the Section 118(3) debt payable on date of registration of transfer of the property.
- g. The Conveyancer must indicate to the Municipality in writing, which of the two settlement modes referred to in 22.1(f) will be used in order to settle the Section 118(3) debt. Such notification must be furnished as soon as possible but no later than 2 days after the date of issue of a revenue clearance certificate in terms of Section 118(1) of the Systems Act.
- h. an "Attorneys' Report" in respect of all amounts owing and the assessed figures, shall be issued upon the receipt of the request for the report.
- i. the assessment shall remain valid for a period of thirty (30) days from the issue date. If payment has not been received within this period, a re-assessment may be required and payment of a further application fee will apply.
- j. prior to the issue of a revenue clearance certificate for a subdivision which is still held under the title of the parent property, the owner/seller must pay all debt on the parent property. The onus rests with the owner/seller to ensure that on new sub-divisions, the debts on the parent property are fully paid.

- k. any discrepancies may result in delays in the issuing of a revenue clearance certificate, and in addition may result in the levying of additional backdated rates, penalties or charges.
- l. any amounts paid shall be appropriated to the oldest debt first.
- m. a separate application is required for each transfer.
- n. an assessment in terms of S118 (1) of the Systems Act will only be issued on request by a Conveyancer.
- o. The Municipality shall exercise its rights to recover such debt as guided by the law on the application of Section 118 of the Systems Act.
- p. the onus is on the Conveyancer to advise the seller of the provisions of section 19.1.o above.
- q. where the Municipal account is in respect of a debt consolidated under Section 102 of the Systems Act, the said consolidated account will be deconsolidated on application for a revenue clearance certificate. An account for the property subject to the Revenue Clearance application will be rendered together with the full interest that accrued on the consolidated account.
- r. Assessed figures **must** be based on, and will be issued only, once an actual reading has been done.
- s. Subject to section 19.7 of this Policy, a revenue clearance certificate shall be issued within ten (10) days of the date of payment of the amount requested in the "Attorneys' Report".

- t. Where simultaneous transfers of a property are contemplated, the Conveyancer must apply for a separate revenue clearance certificate in respect of each new transfer.

- u. A conveyancer must, when requesting an assessment in respect of a property to be transferred to a minor, submit an affidavit in the prescribed form providing such particulars of the minor and of the minor's guardian as may be prescribed.

19.2 Revenue Clearance Certificates–

- a. Payment of the assessment must be made in cash, EFT payments, direct debit, bank transfers or other instruments accepted by the CFO from time to time.
- b. There shall be no refunds on the cancellation of a sale or otherwise.
- c. The Certificate shall be valid for a period of sixty (60) days from date of issue.
- d. The certificate shall be endorsed with the balance owing as a charge against the property in order to bring the same to the attention of the seller, buyer and conveyancer. The onus is on the conveyancer to advise his or her clients accordingly.
- e. The Municipality reserves the right to follow any of the legal mechanisms available to it in order to recover the balance of the debt, including, lodging an urgent application to interdict the sale of the property until the debt is paid in full.
- f. All Collection Charges incurred in pursuing recovery of arrears, shall be levied against the debtor's account.

19.3 Information and contact details of the purchaser provided on the revenue clearance certificate shall be used as details of the new owner (purchaser) for the purposes of billing for rates, services and consolidated accounts, until the same has been changed by the purchaser.

19.4 On the date of ownership transfer, the previous owner's (the Seller) service agreement will be deemed to have lapsed, and the new owner (purchaser) must conclude a new service agreement with the Municipality in terms of this policy and By-law.

- 19.5 The seller shall furnish to the Municipality new contact details, in writing, comprising a postal and physical address and such further information as may be determined by the CFO from time to time, prior to the Municipality issuing the rates clearance certificate. The seller shall continue to keep the Municipality informed of any change in contact details until such time as the Municipality has confirmed in writing that all amounts that became due whilst the property was in the ownership of the seller (whether or not raised at the time of the rates clearance certificate) have been paid up. Non-compliance with this section will be regarded as an offence.
- 19.6 Subject to the application of the law, where, subsequent to the transfer of ownership of a property, the Municipality becomes aware of any Municipal Charges that ought to have been raised in terms of any Legislation (e.g. the MPRA) or this Policy against a predecessor in title to the property, the Municipality will be entitled to hold such predecessor in title liable for such Municipal Charges. If, by law, the Municipality is entitled to continue raising such Municipal Charges post transfer, the new owner will only become liable for those Municipal Charges that become due and payable with effect from the date of transfer.
- a. An example will be the levying of adjusted rates in terms of Section 78 of the MPRA on account of an event on the property (e.g. illegal building works) or a change of category (e.g. an illegal use of the property) that occurred prior to transfer and continues post transfer.
- 19.7 Where an application has been made for a revenue clearance certificate, in respect of a property on which unauthorised development has taken place, or unauthorised /illegal activities have been conducted, the application will not be processed further until such time as the Municipality has re-assessed the valuation of the property.

20 LEGAL ACTION.

20.1 Legal proceedings may be instituted by the Municipality to recover arrear amounts on service accounts, where—

- a. disconnection action yielded no satisfactory result;
- b. disconnection action is not possible due to the nature of the services for which the account has been rendered; or
- c. the arrears are older than ninety (90) days.

20.2 The Municipality may, in terms of Sections 28 and 29 of the MPRA, recover arrear rates from tenants in occupation of the relevant property, or managing agents, but only to the extent of the rent payable or amount due by the tenant but not yet paid to the owner of the property. This does not preclude further legal action against the owner.

20.3 For residential properties occupied by owners, all reasonable steps shall be taken to ensure that the ultimate sanction of judgment and sale-in-execution is avoided or taken as the last resort. The Municipality, however, has total commitment to follow the legal process through to judgment and sale-in-execution should the debtor fail to make use of the alternatives provided for by the Municipality from time to time.

20.4 Once judgment is obtained the properties will be advertised and sold through public auction, unless appropriate settlement has been made to the satisfaction of the Municipality. The Municipality shall assess annually, the appropriate minimum amount below which it will not attach homes.

20.5 All Collection Charges shall be debited to the relevant debtor's account.

20.6 Proceeds of the Sale in Execution may be appropriated to any of the debtor's accounts in arrears.

- 20.7 Metering and connection equipment remain in the ownership of the Municipality at all times and the owner of the property, on which such meters and connection equipment is installed, shall be held responsible for all instances of tampering, damage or theft. Accordingly, the owner of the property concerned is liable for any breach of this duty and may be prosecuted.
- 20.8 Where a Sectional Title Body Corporate is in arrears, the CFO may apply to court for the appointment of an administrator in terms of Section 16 of the Sectional Titles Management Scheme Act 8 of 2011, as amended, or for the joinder of the members of the Body Corporate, in their personal capacities as joint judgment debtors in respect of a judgment debt in favour of the Municipality in terms of section 15 of such Act.

21 CREDIT AUTHORITIES IN RESPECT OF ARREARS IN TERMS OF SECTION 58 OF THE MAGISTRATES COURTS ACT

- 21.1 The Municipality may, at its discretion, enter into a Credit Authority in the prescribed form, incorporating a consent to judgment in terms of section 58 of the Magistrates Courts Act, with Customers and owners in arrears with municipal service fees, surcharges on fees, property rates and other municipal taxes, levies, duties and sundry charges, after consideration of an application submitted by such persons as prescribed by the Municipality.
- 21.2 The Municipality may conduct a credit check and request certain information from a Customer or owner in order to satisfy itself that the Customer or owner will be able to honor the agreement. Such credit check may include a full risk analysis of the Customer or owner concerned to determine his/hers/it's:
- (a) Risk profile as an individual/entity;
 - (b) Interests in any Juristic person;
 - (c) Affordability of the proposed debt instalments; and
 - (d) Court orders or agreements, if any, with other creditors for payment of a debt and costs in instalments
- 21.3 Before any Credit Authority is concluded, all municipal service fees, surcharges on fees, property rates and other municipal taxes, levies, duties and sundry charges must be consolidated onto one account (if not done previously) and a Credit Authority concluded for the full debt.
- 21.4 The customers' current account must be paid in full, and maintained, for the duration of the Credit Authority.
- 21.5 The owner of a property must consent in writing to a Credit Authority being entered into between the Municipality and his or her tenant.

21.6 Should the tenant breach the Credit Authority referred to in subsection 24.5 above, the Credit Authority and the account shall be terminated immediately with the tenant and linked to the owner's rate account.

21.7 Re-connection and disconnection fees, where applicable, must be paid in full before any Credit Authority can be entered into.

21.8 By entering into a Credit Authority, the debtor(s), and where applicable, the owner, acknowledges that failure to meet any installment will, subject to the provision of the Bylaw, result in prompt disconnection action being taken, without prejudice to any legal action that the Municipality may take to recover the arrears.

21.9 Credit authorities to be concluded with Juristic persons shall require;

- a. documentation and information as set out in section 3.12 above as maybe applicable;
- b. the financial situation of the Juristic person to be reviewed taking into account latest audited financial statements and other supporting documentation relevant to their financial position;
- c. Deeds of suretyship in favour of the Municipality, by the persons referred to in subsection 3.12 (b) above, as the case maybe; in an amount equivalent to the value of the debt plus current accounts; and
- d. the deposit to be reviewed.

21.10 A Credit Authority may **not** be granted where—

- a. arrears have arisen due to dishonoured cheques or direct debit reversals;
- b. instances of repeated meter tampering or illegal connections have been identified;
- c. the services have been removed;
- d. a customer has failed to honour a previous acknowledgement of debt for the payment of arrears to the Municipality, unless the CFO otherwise decides on good cause shown;

- e. the CFO determines that the customer will be unable to afford the debt repayments under the Credit Authority; or
- f. Any other relevant factors as determined by the CFO from time to time.

- 21.11 Where any debt has arisen as a result of a faulty meter or the Municipality having applied an incorrect charge or tariff, the Customer may arrange to pay the debt over a maximum period at the discretion of the CFO.
- 21.12 The amount of the down payment and the period of the Credit Authority shall be at the discretion of the CFO.
- 21.13 The Credit Authority shall be terminated if a debtor relocates from the property. The balance owing shall become immediately due and payable.
- 21.14 The monthly installments on a Credit Authority are payable within twenty one (21) days from the date of the account notwithstanding any further extension of time printed on the face of the account.
- 21.15 A Credit Authority shall be cancelled upon application for a revenue clearance certificate on the property, and the whole debt shall become due, owing and payable, notwithstanding any agreement to the contrary.
- 21.16 Where the Credit Authority is based on interim readings, the amounts on the Credit Authority will accordingly be adjusted once the actual readings are taken. The Customer must sign any additional documentation relative to this.
- 21.17 A Credit Authority for staff and councilors shall be in accordance with section 13.
- 21.18 The customer who signs a Credit Authority may make payment to the Municipality via a Debit Order.
- 21.19 The Municipality is not a Credit Provider within the meaning of the National Credit Act, 2005 (Act No 34 of 2005). Nothing in this Policy should be construed as conferring such status on the Municipality.

22 DISPUTES

- 22.1 A Person who wishes to lodge a dispute in respect of an account must submit the dispute in writing, on the prescribed form in the case of rates, to the Authorised Official as defined in this Policy stating the reasons for such dispute and any relevant facts, information or representation which the Authorised Official should consider to resolve the dispute.
- 22.2 The dispute must be submitted within twenty one (21) days of the account. If a dispute is raised after this period, it will be treated as an enquiry, the account will not be suspended and normal credit control procedures will apply.
- 22.3 The dispute must relate to a specific amount on the account. Amounts not in dispute must be paid in full. If the amounts not in dispute remain unpaid, services may be disconnected.
- 22.4 Should any dispute arise with respect to the amount owing, the debtor must continue to make regular payments based on the average charges for the preceding three (3) months prior to the dispute, plus interest where applicable. A debtor may not raise a dispute under this Policy in relation to rates levied on a property due to its categorization of Unauthorised or Illegal Development in terms of the MPRA. The legal remedies to object or appeal against such categorization, are contained in the MPRA
- 22.5 A query is not regarded as a dispute. A query is a verbal inquiry whereas a dispute must be in writing and lodged with the relevant municipal department or section.
- 22.6 Proven tampering charges are not regarded as a dispute. Where a charge or penalty has been legally raised in relation to an Illegal Connection, a person may not raise a dispute in terms of this section 25. Any legal remedies must be invoked under the legislation that gave rise to the charge or penalty. The charge or penalty remains payable unless reversed by law.
- 22.7 The person contemplated in 25.1 above must provide the Authorised Official with the account alleged to be in dispute, which includes incorrect readings, misallocation of payments, incorrect tariffs charged and incorrect property values used and any other relevant information that may be required.

22.8 The Authorised Official:

- a) May investigate or cause the dispute to be investigated within thirty (30) days , or as soon as possible after such dispute is received;
- e) May call for additional information /documentation from a Customer who disputes an account;
- f) Must inform the person in question , promptly, in writing, of his or her finding after conclusion of the investigation; and
- g) Must take a decision, based on the spirit of the Policy.

22.9 A dispute submitted above shall not stop or defer the continuation of any credit control and legal procedure already instituted for the recovery of arrear payments relating to such dispute.

22.10 A Person has the right to appeal to the CFO against the decision of the Authorised Official. The CFO may hear representations and either confirm, vary or revoke the decision of the Authorised Official and must communicate his decision within 30 days of date of receipt of the appeal or as soon thereafter as possible.

22.11 A person whose rights are affected by the decision of the CFO may lodge an appeal against that decision within 21 days of the date of notification of the decision, to the Municipal Manager in terms of section 62 of the Systems Act. The appeal must be lodged on the prescribed form.

22.12 Disputes regarding the General Valuation Roll must be submitted to the Municipality's Real Estate Unit in the form of an objection or appeal as envisaged by Sections 50 and 54 of the MPRA. The account must be paid in full until an objection or appeal outcome is reached where after the account will be credited or debited accordingly.

23 REFUNDS

23.1 Credits on accounts shall only be refunded:

- 23.1.1 On application and subject to all the Customer's accounts being fully paid,
- a. to the account holder, on a water services or electricity account; or
 - b. to the owner; or
 - c. to the conveyancer to pay the buyer or seller, on/after transfer of a property,

unless otherwise directed by an order of Court.

23.2 The provisions of subsection 26.1.1 above shall also apply to any credits that may arise from an objection or Appeal process.

23.3 A refund shall be forfeited after 3 years if it remains unclaimed.

24 DECEASED ESTATES

- 24.1 Subject to subsection 27.7, the Executor or representative of a Deceased Estate shall be liable for payment of all debts on the property.
- 24.2 Notwithstanding the provisions of section 3, for the purposes of liability for an account, including a consolidated account, the occupier or occupiers of a property which vests in a deceased estate where neither an executor nor representative has been appointed, will be regarded as the Deemed Owner. The CFO may request a deemed owner to sign a Service agreement. Where there is more than one occupier on the property, every occupier will be jointly and severally liable for an account or consolidated account.
- 24.3 "Deemed Ownership" does not confer any rights on an occupier other than the liability to pay the accounts or as contemplated in this policy.
- 24.4 In accordance with subsection 14.10, failure to inform the Municipality that the property forms part of a deceased estate may result in the disconnection of services, until an executor or representative has been appointed.
- 24.5 Where a deceased estate is insolvent (liabilities exceed all assets) and a property is sold by the executor pursuant to section 34 of the Administration of Deceased Estates Act, 1965 (Act 66 of 1965), the Municipality enjoys preferent creditor status in terms of section 118 (1) of the MSA. Accordingly, no revenue clearance certificate will be issued until all amounts assessed for the prescribed 2 year period, have been paid. The
balance of the debt will be dealt with as guided by the law on the administration of deceased estates.
- 24.6 Where a deceased estate has not been wound up within a period of 3 years, then the Municipality, without derogating from such other rights as may exist in law, may disconnect a Municipal service to the property, or review the provisions of any applicable Service Agreement.
- 24.7 The Municipality may conclude a Credit Authority with any person who wishes to settle a deceased person's debt or a portion thereof. This provision is intended to assist family members of a deceased person or an occupier of property that is vested in a

deceased estate, to receive Municipal services pending the winding up of an estate.

25 IRRECOVERABLE DEBT

25.1 Debt will only be considered as irrecoverable if it complies with one or more of the following criteria–

- a. all reasonable notifications and cost-effective legal avenues have been exhausted to recover a specific outstanding amount;
- b. any amount equal to or less than R500.00, or as determined by Council from time to time, will be considered too small, after having followed basic checks, to warrant further endeavours to collect it;
- c. the cost to recover the debt does not warrant further action;
- d. it has been proven that the debt has prescribed;
- e. the debtor is untraceable or cannot be identified so as to proceed with further action;
- f. the debtor has emigrated leaving no assets of value to cost-effectively recover the Municipality's claim;
- g. it is not possible to prove the debt outstanding;
- h. a court has ruled that the claim is not recoverable;
- i. the claim is subject to any order of court;
- j. the claim is subject to an out of court settlement agreement;
- k. the debt is subject to a settlement in terms of section 109 of the Systems Act;
- l. the Municipality has resolved that the debt is irrecoverable;

- m. if an offer of Full and Final Settlement is accepted and confirmed in writing by the Head: Legal and CFO if it has financial implications;
- n. the outstanding amount is -
 - i. as a result of an administration error;
 - ii. an interest as a result of a property debt that arose prior to the current owner taking transfer and successive transfers before his; or
- o. expenditure incurred in respect of internal accounts raised in the name of the Municipality, in any previous financial year;
- p. conversion of old dormant account balances of debtors, inherited from the previous municipalities which now form part of the Municipality, and where reasonable steps have been taken to recover these debts; or
- q. where the Municipality-
 - i. expropriates any property; or
 - ii. purchases any property in terms of its Sales in Execution.

25.2 Provided there is sufficient provision for bad debt, the CFO shall write off any revenue which is irrecoverable or the recovery of which is considered not to be reasonably practicable.

25.3 The CFO must report to Council all amounts that have been written off as irrecoverable with the Section 71 MFMA report

26. INCENTIVE SCHEMES

Incentive schemes may be implemented at the discretion of the CFO from time to time to encourage the payment of municipal accounts.

27. DEBT RELIEF PROGRAMME

27.1 The debt relief programme is aimed at assisting Customers who are in arrears for rates and services charges, for a period of sixty (60) days or more. Customers, excluding staff and Councillors, eligible for the debt relief programme are those families–

- a. who reside on property with a rateable value as determined by the Municipality at its annual budget; or
- b. who, irrespective of the property value, are confirmed by the CFO as being too poor to be able to afford their current service charges debt; after having taken into consideration an assessment report from a Municipal Official in terms of subsection 16.2.b; or
- c. where the Customer has temporarily lost employment and has been verified through the ITC system

27.2 The following criteria must be met before a Customer will be regarded as eligible for debt relief:

- d. a comprehensive report by the ward or PR councillor on the Customer and status as contemplated in 16.1 b. and/or 16.1 c must be submitted to the Municipality;
- e. an assessment and report by the municipal official who would present his or her opinion, based on a site visit, on whether the family qualifies for debt relief;

27.3 Upon approval of the Customer's eligibility for debt relief by the CFO, the debt may be written off or the subsidy (that equivalent to the indigent) may be provided for the specified period of relief. The CFO must report the writing off of all debt in terms of this section to the Municipal Council by compiling a report in terms of with the Section 71 of the MFMA.

28. BUSINESS RESCUE

28.1 In terms of Section 118 (3) of the Systems Act, an amount due for municipal service fees, surcharge on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property. Accordingly

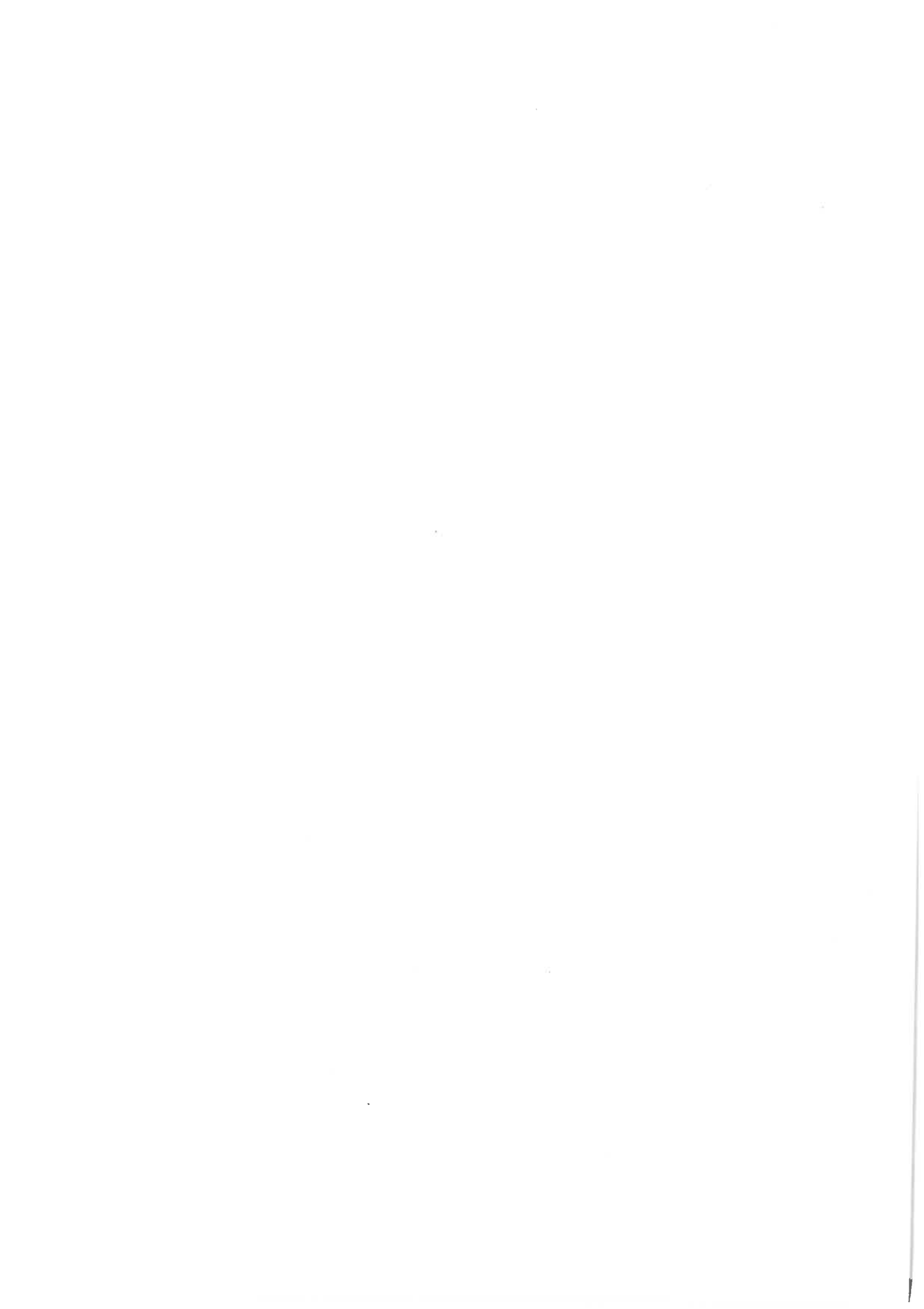
28.1.1 Where in terms of the Companies Act, 2008, a company is required to publish a notice in terms of subsection (3)(a) or (4)(b) of Section 129 relating, respectively to the adoption of a resolution to be placed under business rescue or the appointment of a business rescue practitioner, it must simultaneously give notice to the Municipality.

29. MISREPRESENTATION

29.1 Any person who has received any benefit or relief in terms of this Policy and who has misrepresented themselves in order to qualify for such benefit or relief commits an offence and, in addition to criminal proceedings, remedial measures will be taken in a manner as determined by the Municipality from time to time, and the CFO–

- (a) Will reverse all benefits and relief received;
- (b) Will raise any fee, as determined by Council from time to time, as set out in the Tariff Policy; and
- (c) Will cancel any Credit Authority and all amounts due to the Municipality will become payable immediately.

29.2 The Municipal Manager shall report any misrepresentation in terms of this Policy to the South African Police Services.



NEWCASTLE MUNICIPALITY



PROVISION FOR DOUBTFUL DEBTS AND DEBTORS WRITE OFF POLICY

Provision for doubtful debts and debtors write off policy 2021 – 2022 draft

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1. Definitions:

In this policy, unless the context indicates otherwise:

"the municipality" means the Newcastle Municipality;

"debt" means an obligation in money and/or services due and owing to the municipality;

"debtor" means a person, natural or juristic, who owes a debt to the municipality and who may be compelled to pay in terms of a claim or demand by the municipality;

"irrecoverable debt" means the debt which in terms of this policy meets the criteria for writing off;

2. Purpose and Scope of the Policy

The purpose of this policy is to provide a framework for regulating the write-off and provision of irrecoverable debts and the consequent further enhancement of the municipality's debt management strategy.

3. Objective of the Policy

3.1 To ensure that the debtors disclosed in the annual financial statements are stated at amounts that are deemed to be collectable.

3.2 To ensure that the uncollectable debt is written off within the guidelines of the existing policies and applicable legislation.

4. Transparency, accountability and fair administrative action

The municipality commits itself and its officers to act fairly and justly in an open and transparent manner in implementing this policy.

- 4.1 A proposal to write-off a debt, either as part of a group of debts, or individually, will be considered by the CFO on its merits pursuant to the procedure and with due regard to the information which must be provided to it in terms of this policy.
- 4.2 The Constitution entitles everyone to administrative action which is lawful, reasonable and procedurally fair and to be given reasons for any such action which affects them.
- 4.3 The Promotion of Administrative Justice Act, No 3 of 2000 is the legislation required by the Constitution to give effect to the right to just administrative action and in order to promote an efficient administration and good governance and to create a culture of accountability, openness and transparency in public administration or in the exercise of a public power or the performance of a public function.
- 4.4 This policy incorporates the above principles by providing parameters and procedures to guide the municipality and its officers in implementing it, and thereby exercising a public power through a series of administrative actions. In so doing, the policy seeks to provide certainty on the part of those affected by it with regard to how the municipality will act in the circumstances covered by the policy and uniformity of action on the part of its officers.

5. Policy principles

The following are the principles for the Debtors Write-Off of Irrecoverable Debt Policy –

- 5.1 The policy comply with the Local Government: Municipal Finance Management Act (No 56 of 2003), the Local Government: Municipal System Act (No 32 of 2000) and other related legislation.
- 5.2 Before any debt is written-off it must be proved that the debt has become irrecoverable. To ensure that recommendations for the writing-off of debt are consistent and accurate; irrecoverable debt will be defined as –
- i. Where the tracing of the debtors is unsuccessful;
 - ii. All reasonable steps, in terms of the Credit Control Policy, were taken by the administration to recover the debt; and
 - iii. All old debts of the approved indigents accounts.
- 5.3 Bad debt to be written-off must be considered in terms of cost benefit. Therefore, when it becomes too costly to recover and the chances of collecting the debt are very slim, a write-off should be considered.
- 5.4 Time value of money is very important because the older the debt becomes, the more difficult and costly it becomes to collect. It is therefore imperative that a proper system of credit control is implemented and maintained to avoid debt reaching the stage of becoming too expensive to recover.

6. Impairment of debtors

Consumer debtors, long term receivables and other debtors are stated at cost less a provision for doubtful debts. The provision is made on an annual basis, or based on the expected cash flows.

In accordance with the relevant legislation and accounting framework an objective assessment of the accounts receivable is made at the financial year end to determine a possible impairment of the asset.

Individual classes of receivables are assessed for impairment using the following methodologies:

6.1 Consumer Debtors

Consumer debtors are evaluated at each reporting date and impaired as per Risk Assessment Profile per debtor as per the report received from ITC

6.2 Sundry deposits

Sundry deposits are assessed for impairment to ensure that no objective evidence exists that these deposits are irrecoverable.

6.3 Sundry debtors

Sundry debtors are assessed for impairment to ensure that no objective evidence exists that these debtors are irrecoverable.

7. Procedures for writing off of debt

7.1 General

- a) A debt may be written off by the CFO and reported to Council by Sec 71 Reporting.
- b) The CFO may unless specific provision is made elsewhere in this policy, write off a debt containing at least the information prescribed in this policy certifying that the processes provided for in the municipality's Credit Control and Debt Collection Policy have been adhered to and that in his / her opinion there is no reasonable prospect of recovery of the debt and / or that further efforts to do so would be uneconomical.
- c) A debt may only be written-off against the municipality's provision for doubtful debts,
- d) The writing-off of a debt is an accounting procedure and does not constitute abandonment by the municipality of its claim against a debtor.

Provision for doubtful debts and debtors write off policy 2021 – 2022 draft

- e) Copies of the reports to the Council in regard to all debts written-off are to be retained in the records of the municipality against the name of the debtor.
- f) In terms of the Indigent Policy, the arrears on an account are written-off upon registration as an indigent account and the related report is submitted to Council.
- g) Upon closure of an active account and after the security deposit is released, any outstanding balance of one hundred rand (R100.00) or less after three months that cannot be transferred to another account belonging to the accountholder should be written-off and a report submitted to Council accordingly.

7.2 Information to be placed in a report of writing off of a debt or group of debts:

- a) In the case of an individual debt, particulars of the debt including the amount of the debt, stating separately the capital amount and the interest accrued.
- b) In the case of a group of debts, particulars of the group including a motivation for the submission of the debts in question as a group (e.g. cause of action, collection procedures and prospect of recovery similar in each case) and the total amount of the debts in the group, stating separately the total of the capital amounts and interest accrued.
- c) Steps taken to recover the debt or group of debts
- d) Particulars of the debtor including:
 - i. Account number;
 - ii. Name of account holder;
 - iii. Whether the account holder has been liquidated or sequestered;
 - iv. Whether the debtor can be traced.
- e) Any other information relating to the debt which may be requested by Council.

8. Factors which may be taken into account in writing off debt

- 8.1) A debt is deemed to be irrecoverable:
 - a. If it has prescribed in terms of the Prescribed in terms of the Prescription Act, No 68 of 1969;
 - b. If the debtor has been sequestered or liquidated and the proceeds of the sequestration or the liquidation are insufficient to satisfy the debt;
 - c. The cost of recovery of the debt is likely to exceed the amount outstanding.
- 8.2) Any other debt may not be deemed to be irrecoverable unless:

- a. all of the debtor's attachable movable and immovable property has either been sold in execution and the proceeds have not satisfied the debt, or the cost of recovery is higher than the value of the movable property;
 - b. the debtor is employed or in receipt of an income and all processes to attach that income or to obtain a court order for payment of the debt in instalments have been exhausted.
- 8.3) A debt may be considered irrecoverable if all reasonable attempts to trace the whereabouts of the debtor have been unsuccessful and no attachable assets have been found.
- 8.4) If the ITC report indicates that the debtor is deceased, is an uncollectable individual and the business is liquidated or deregistered.

9. General provisions relating to the writing off of debt

- 9.1 Not less often than once during the municipality's financial year, the Accounting Officer shall submit a report to the Council on debts to be written-off.
- 9.2 A debt shall not be regarded as written-off until the Council has taken a resolution.
- 9.3 Prior to writing-off a debt and after consideration of the report and recommendation of the Accounting Officer in terms of this policy, the Council must be satisfied that:
- i. the municipality has exhausted all means of debt recovery provided for in its Customer Care, Credit Control and Debt Collection Policy;
 - ii. recovery of the debt in question has been pursued diligently and completely;
 - iii. no other reasonably possible and practical means of recovery of the debt exists.
- 9.4 The writing off of a debt must be recorded in the records of the municipality and in its books of account in terms of Generally Recognised Accounting Practice.
- 9.5 The Council must in its budget make provision for doubtful debts through the medium of a funded reserve established in terms of the municipality's Funding and Reserve Policy, compliant with regulation 8, Municipal Budget and Reporting Regulations R 3214 dated 17/4/09.

- 9.6 Should any provision of this policy conflict with a provision of the municipality's Indigent Policy relating to a debt of a registered indigent, the latter policy takes precedence.
- 9.7 In writing-off a debt, the municipality does not abandon its claim and all amounts recovered in reduction of a debt subsequent to its writing-off shall be recorded in the books of the municipality as income.



THE NEWCASTLE
MUNICIPALITY
NEWCASTLE KWAZULU-NATAL

SUPPLY CHAIN MANAGEMENT POLICY

2021/2022

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SUPPLY CHAIN MANAGEMENT POLICY FOR INFRASTRUCTURE PROCUREMENT AND DELIVERY MANAGEMENT

1. Policy Statement / Preamble

The Municipal Finance Management Act, (Act No.56 of 2003), as amended, provides that the Newcastle Municipality has a duty to take effective and active measures to be financially efficient, effective, transparent and economical through its supply chain management (SCM) processes.

2. Purpose

The purpose of this policy is to regulate the supply chain management functions and systems of the municipality.

3. Objective

- a. To provide a framework to implement the provisions of section 217 of the Constitution of the Republic of South Africa in order to:
- b. Implement a policy that is fair, equitable, transparent, competitive and cost effective and complies with all the applicable provisions of the Municipal Finance Management Act (MFMA).
- c. Ensure consistency with the legal framework for MSCM.
- d. Ensure that the municipality's strategic objectives are achieved.

4. Definitions

In this SCM Policy, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act, and

"competitive bidding process" means a competitive bidding process referred to in paragraph 19 (1) (d) of this SCM Policy;

"competitive bid" means a bid in terms of a competitive bidding process;

"final award", in relation to bids or quotations submitted for a contract, means the final decision on which bid or quote to accept;

"formal written price quotation" means quotations referred to in paragraph 19 (1) (c) of this SCM Policy;

"Family member" means a parent, sibling, child or spouse of a member

"in the service of the state" means to be –

- a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the National Assembly or the National Council of Provinces;
- a) a member of the board of directors of any municipal entity;
- b) an official of any municipality or municipal entity;
- c) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- d) a member of the accounting authority of any national or provincial public entity; or
- e) an employee of Parliament or a provincial legislature;

“long term contract” means a contract with a duration period exceeding one year;

“list of accredited prospective providers” means the list of accredited prospective providers which the Newcastle Municipality must keep in terms of paragraph 21 of this SCM policy;

‘Member’ means a person appointed by the accounting officer/authority to a bid evaluation panel, either as the chairperson, or as an ordinary member or secretariat, for purposes of conducting the evaluation of either transaction advisor bids or PPP bids as a representative of the institution

“other applicable legislation” means any other legislation applicable to municipal supply chain management, including –

- a) the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000);
- b) the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003); and
- c) the Construction Industry Development Board Act, 2000 (Act No.38 of 2000);
- d) Preferential Procurement Regulations, 2017

‘Privileged or confidential information’ means any information:

- a) determined by the institution to be privileged or confidential
- a) discussed in closed session by the bid evaluation panel
- b) which if disclosed would violate a person’s right to privacy
- c) declared to be privileged, confidential or secret in terms of any law including, but not limited to, information contemplated in sections 34(1);35(1); 36(1); 37(1)(a); 38(a); 39(1)(a); 40 or 43(1) of the Promotion of Access to Information Act, 2000.

“Treasury guidelines” means any guidelines on supply chain management issued by the Minister in terms of section 168 of the Act;

“the Act” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“the Regulations” means the Local Government: Municipal Finance Management Act, 2003, Municipal Supply Chain Management Regulations published by Government Notice 868 of 2005;

“written or verbal quotations” means quotations referred to in paragraph 19(1)(b) of this SCM Policy.

“B-BBEE” means broad-based black economic empowerment as defined in section 1 of The Broad-Based Black Economic Empowerment Act;

“B-BBEE status level of contributor” means the B-BBEE status receive by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Back Economic Empowerment Act, 2003 (Act No. 53 of 2003);

“black designated groups” has the meaning assigned to it in the codes of good practice issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

“black people” has the meaning assigned to it in section 1 of the Broad-Based Black Economic Empowerment Act;

“co-operative” means a co-operative registered in terms of section 7 of the Cooperatives Act, 2005 (Act No. 14 of 2005);

“designated group” means-

(a) black designated groups;

(b) black people;

(c) women;

(d) people with disabilities; or

(e) small enterprises, as defined in section 1 of the National Small Enterprise Act, 1996 (Act No. 102 of 1996);

“designated sector” means a sector, sub-sector or industry or product in terms of regulation 8(1)(a);

“EME” means an exempted micro enterprise in terms of a code of good practice on black empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

“functionality” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents;

“military veteran” has the meaning assigned to it in section 1 of the Military Veterans Act, 2011 (Act No. 18 of 2011);

“National Treasury” has the meaning assigned to it in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“people with disabilities” has the meaning assigned to it in section 1 of the Employment Equity Act, 1998 (Act No. 55 of 1998);

“price” includes all applicable taxes less all unconditional discounts;

“proof of B-BBEE status level of contributor” means-

(a) the B-BBEE status level certificate issued by an authorised body or person;

(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or

(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;

“QSE” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

“Rand value” means the total estimated value of a contract in Rand, calculated at the time of the tender invitation;

“rural area” means-

(a) a sparsely populated area in which people farm or depend on natural resources, including villages and small towns that are dispersed through the area; or

(b) an area including a large settlement which depends on migratory labour and remittances and government social grants for survival, and may have a traditional land tenure system;

“stipulated minimum threshold” means the minimum threshold stipulated in terms of regulation 8(1)(b);

“the Act” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000);

“township” means an urban living area that any time from the late 19th century until 27 April 1994, was reserved for black people, including areas developed for historically disadvantaged individuals post 27 April 1994;

“treasury” has the meaning assigned to it in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999); and

“youth” has the meaning assigned to it in section 1 of the National Youth Development Agency Act, 2008 (Act No. 54 of 2008).

“Collusive Bidding/tendering” occurs Collusive bidding/tendering (or bid rigging) occurs when business, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and/ or services for purchasers who wish to acquire goods and /or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

“Irregular expenditure” means Irregular expenditure means expenditure, other than unauthorised expenditure, incurred in contravention of or that is not in accordance with a requirement of any applicable legislation, including the MFMA.

“Preferential Procurement legislation” The Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000) and it’s associated Preferential Procurement Regulations of 2017.

5. Abbreviations

Abbreviation	Description
B-BBEE	Broad-Based Black Economic Empowerment
CFO	Chief Financial Officer
CIDB	Construction Industry Development Board
CSD	Central Supply Database
MFMA	Municipal Finance Management Act
PO	Purchase Order

PPP	Public Private Partnership
PPPFA	Preferential Procurement Policy Framework Act
SCM	Supply chain management
TOR	Terms of Reference

6. Legislative Framework

This policy is underpinned by the following pieces of legislation:

- The Constitution of the RSA, Act 108 of 1996, as amended
- Municipal Finance Management Act, (Act No. 56 of 2003), as amended (MFMA)
- Municipal Supply Chain Regulations (MSCM)
- All National Treasury and KwaZulu-Natal Provincial Treasury Practice Notes, Circulars, letters and instruction notes issued from time to time
- The Preferential Procurement Policy Framework Act (PPPFA), Act 5 of 2000
- The Preferential Procurement Regulations issued in 2017
- The Broad-based Black Economic Empowerment Act, the Strategy and the Codes of Good Practice
- Construction Industry Development Board Act No 38 of 2000 and its Regulations
- The Prevention and Combating of Corrupt Activities Act
- Promotion of Administrative Justice Act, Act No 3 of 2000
- Promotion of Access to Information Act, Act No 2 of 2000
- Protected Disclosures Act, Act No 26 of 2000
- The Competition Act, Act No 89 of 1998
- The King III Report on Corporate Governance for South Africa
- All other relevant acts, as well as the general legal environment within which contracts will be executed

CHAPTER 1
IMPLEMENTATION OF SUPPLY CHAIN MANAGEMENT POLICY

7. Supply chain management policy

- 7.1 All officials and other role players in the supply chain management system of the Newcastle Municipality must implement this SCM Policy in a way that
- (a) gives effect to –
 - (i) Section 217 of the Constitution; and
 - (ii) Part 1 of Chapter 11 and other applicable provisions of the Act;
 - (b) is fair, equitable, transparent, competitive and cost effective;
 - (c) complies with –
 - (i) the Regulations; and
 - (ii) any minimum norms and standards that may be prescribed in terms of section 168 of the Act;
 - (d) is consistent with other applicable legislation;
 - (e) does not undermine the objective for uniformity in supply chain management systems between organs of state in all spheres; and
 - (f) is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.

7.2. This SCM Policy applies when the Newcastle Municipality

- (a) procures goods or services;
- (b) disposes goods no longer needed;
- (c) selects contractors to provide assistance in the provision of municipal services otherwise than in circumstances where Chapter 8 of the Municipal Systems Act applies; or
- (d) selects external mechanisms referred to in section 80 (1) (b) of the Municipal Systems Act for the provision of municipal services in circumstances contemplated in section 83 of that Act.

7.3. This SCM Policy, except where provided otherwise, does not apply in respect of the procurement of goods and services contemplated in section 110(2) of the Act, including –

- (a) water from the Department of Water Affairs or a public entity, another municipality or a municipal entity; and
- (b) electricity from Eskom or another public entity, another municipality or a municipal entity.

8. Amendment of the supply chain management policy

8.1. The accounting officer must –

- (a) at least annually review the implementation of this SCM Policy; and
- (b) when the accounting officer considers it necessary, submit proposals for the amendment of this SCM Policy to the Newcastle Municipal Council.

8.2. If the accounting officer submits proposed amendments to the Newcastle Municipal Council that differs from the model policy issued by the National Treasury, the accounting officer must

- (a) ensure that such proposed amendments comply with the Regulations; and
- (b) report any deviation from the model policy to the National Treasury and the KwaZulu-Natal Provincial Treasury.

- 8.3. When amending this supply chain management policy the need for uniformity in supply chain practices, procedures and forms between organs of state in all spheres, particularly to promote accessibility of supply chain management systems for small businesses must be taken into account.

9. Delegation of supply chain management powers and duties

- 9.1. The Newcastle Municipal Council hereby delegates all powers and duties to the accounting officer which are necessary to enable the accounting officer –
- (a) to discharge the supply chain management responsibilities conferred on accounting officers in terms of –
 - (i) Chapter 8 or 10 of the Act; and
 - (ii) this Policy;
 - (b) to maximize administrative and operational efficiency in the implementation of this Policy;
 - (c) to enforce reasonable cost-effective measures for the prevention of fraud, corruption, favoritism and unfair and irregular practices in the implementation of this Policy; and
 - (d) to comply with his or her responsibilities in terms of section 115 and other applicable provisions of the Act.
- 9.2. Sections 79 and 106 of the Act apply to the sub-delegation of powers and duties delegated to an accounting officer in terms of subparagraph (1).
- 9.3. The accounting officer may not sub-delegate any supply chain management powers or duties to a person who is not an official of the Newcastle Municipality or to a committee which is not exclusively composed of officials of the Newcastle Municipality;
- 9.4. This paragraph may not be read as permitting an official to whom the power to make final awards has been delegated, to make a final award in a competitive bidding process otherwise than through the committee system provided for in paragraph 31 of this Policy.

10. Sub-delegations

- 10.1. The accounting officer may in terms of section 79 or 106 of the Act sub-delegate any supply chain management powers and duties, including those delegated to the accounting officer in terms of this SCM Policy, but any such sub-delegation must be consistent with subparagraph (2) of this paragraph and paragraph 9 of this SCM Policy.
- 10.2. The power to make a final award:
- (a) above R2 million (VAT included) may not be sub-delegated by the accounting officer;
 - (b) above R200 000 (VAT included), but not exceeding R2 million (VAT included), may be sub-delegated but only to a bid adjudication committee of which the chief financial officer and senior management are members.
- 10.3. The bid adjudication committee must within five (5) days of the end of each month submit to the Accounting Officer a written report containing particulars of each final award made by The bid adjudication committee during that month, including:
- (a) the amount of the award;
 - (b) the name of the person to whom the award was made; and
 - (c) the reason why the award was made to that person.
- 10.4. Paragraph 10.3 does not apply to procurements out of petty cash.

- 10.5. This paragraph may not be interpreted as permitting an official to whom the power to make final awards has been sub-delegated, to make a final award in a competitive bidding process otherwise than through the committee system provided for in paragraph 38 of this SCM Policy.
- 10.6. No supply chain management decision-making powers may be delegated to an advisor or consultant.

11. Responsibilities

(a) Role of the Municipal Manager

- (i) Ensures strict adherence to the guidelines provided in the SCM Policy.
- (ii) Implementation of the SCM Policy and submission of quarterly reports.
- (iii) Annual review of targets and the SCM Policy.
- (iv) Approves the inclusion of a service provider in the Municipality supply chain management system after rehabilitation of the service provider according to statutory requirements.
- (v) Appoints the members of the bid committees.

(b) Role of Directors

Each director shall be responsible and accountable for:

- (i) exercising the powers, performing the functions and discharging the duties conferred or assigned to him in terms of this SCM Policy;
- (ii) implementing the SCM Policy and any procedural and other prescripts issued in terms of the SCM policy within his area of responsibility;
- (iii) ensuring compliance with the SCM Policy and any procedural and other prescripts issued in terms of the SCM policy within his area of responsibility;
- (iv) developing, or causing to be developed, draft specifications for the procurements by his directorate exceeding an amount of R 500 (VAT inclusive);
- (v) properly planning for and, as far as possible, accurately estimating the costs of the provision of services, works or goods for which offers are to be solicited;
- (vi) selecting the appropriate preference point goals to be utilised in the evaluation of offers;
- (vii) achieving any objectives and targets set with regard to procurements and disposals;

(c) The role of the Chief Financial Officer

- (i) Is the custodian of the SCM Policy and report on progress regarding its implementation.
- (ii) Has overall management of the quotation and competitive bidding process from solicitation to processing of invoice payment.
- (iii) Promotes corporate approach by encouraging standardization of items purchased within the Municipality to realize economies of scale.
- (iv) Ensures that procurements and disposals are effected through practices that demonstrate compliance to all relevant legislation.
- (v) Is responsible for managing procurements and disposals to ensure that the supply chain management system of the Municipality is adhered to.
- (vi) Ensures that the procurements and disposal process followed adheres to preference targets without compromising price, quality, service delivery and developmental objectives.
- (vii) Is responsible for ensuring that all employees involved in the supply chain management process receive the necessary training to support implementation of the SCM Policy.
- (viii) Is responsible for establishing the amount to be paid by prospective service providers as a non-refundable deposit for enquiry documents issued by the Municipality.
- (ix) Is responsible for the verification of the applications of service providers for possible inclusion in the Suppliers' Database.
- (x) Shall submit regular reports to the Accounting Officer, who will in turn submit to the Finance Portfolio Committee; regarding progress and any matters of importance relating to the SCM Policy.

(d) The role of Advisors

The Municipal Manager may procure the services of advisors to assist in the execution of the supply chain management function. These advisors must be obtained through a competitive bidding process. No advisor may however form part of the final decision-making process regarding the awarding of bids, as this will counter the principle of vesting accountability with the Municipal Manager. The Municipal Manager may not delegate decision-making authority to a person other than an official.

12. Oversight role of council

- 12.1. The Newcastle Municipal Council reserves its right to maintain oversight over the implementation of this SCM Policy.
- 12.2. For the purposes of such oversight the accounting officer must:
 - (a) within 30 days of the end of each financial year, submit a report on the implementation of this SCM Policy and the supply chain management policy of any municipal entity under sole or shared control of the municipality, to the council of the municipality; and
 - (b) whenever there are serious and material problems in the implementation of this SCM Policy, immediately submit a report to the Newcastle Municipal Council
- 12.3. The accounting officer must, within 10 days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the Mayor of the Newcastle Municipality.
- 12.4. The reports must be made public in accordance with section 21A of the Municipal Systems Act.

13. Supply Chain Management Unit

13.1. A supply chain management unit is hereby established to implement this SCM Policy.

13.2. The supply chain management unit operates under the direct supervision of the chief financial officer or an official to whom this duty has been delegated in terms of section 82 of the Act.

14. Training of supply chain management officials

14.1. The training of officials involved in implementing this SCM Policy should be in accordance with any Treasury guidelines on supply chain management training.

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PART B
SUPPLY CHAIN MANAGEMENT SYSTEM

15. Format of supply chain management system

15.1. This SCM Policy provides systems for –

- (a) demand management;
- (b) acquisition management;
- (c) logistics management;
- (d) disposal management;
- (e) risk management; and
- (f) performance management.

Chapter 1: Demand management

16. System of demand management

16.1. The accounting officer must establish and implement an appropriate demand management system in order to ensure that the resources required by Newcastle Municipality support its operational commitments and its strategic goals outlined in the Integrated Development Plan.

16.2 The demand management system must –

- (a) include timely planning and management processes to ensure that all goods and services required by the Newcastle Municipality are quantified, budgeted for and timely and effectively delivered at the right locations and at the critical delivery dates, and are of the appropriate quality and quantity at a fair cost;
- (b) take into account any benefits of economies of scale that may be derived in the case of acquisitions of a repetitive nature; and
- (c) provide for the compilation of the required specifications to ensure that its needs are met.
- (d) To undertake appropriate industry analysis and research to ensure that innovations and technological benefits are maximized.

17. Duties of Supply Chain Management Unit

- (a) During consultations between the Supply Chain Management Unit and directors, all reasonable efforts shall be made to determine :
 - (i) the desired date and time at which a specific contract must be awarded;
 - (ii) the desired date and time when specific goods must be delivered, services rendered or work executed;
 - (iii) the place where any goods to be supplied shall be delivered;
 - (iv) the quantity and quality of any goods to be supplied; and

18. System of acquisition management

- 18.1. The accounting officer must implement the system of acquisition management set out in this Part in order to ensure –
- (a) that goods and services are procured by the Newcastle Municipality in accordance with authorized processes only;
 - (b) that expenditure on goods and services is incurred in terms of an approved budget in terms of section 15 of the Act;
 - (c) that the threshold values for the different procurement processes are complied with;
 - (d) that bid documentation, evaluation and adjudication criteria, and general conditions of a contract, are in accordance with any applicable legislation; and
 - (e) that any Treasury guidelines and regulations on acquisition management are properly taken into account.
- 18.2. When procuring goods or services contemplated in section 110(2) of the Act, the accounting officer must make public the fact that such goods or services are procured otherwise than through the Newcastle Municipality's supply chain management system, including -
- (a) the kind of goods or services; and
 - (b) the name of the supplier.

19. Range of procurement processes

- 19.1. Goods and services may only be procured by way of –
- (a) petty cash purchases, up to a transaction value of R2 000 (VAT included);
 - (b) written or verbal quotations for procurements of a transaction value of R2 000 up to R10 000 (VAT included);
 - (c) formal written price quotations for procurements of a transaction value over R10 000 up to R200 000 (VAT included); and
 - (d) a competitive bidding process for:
 - (i) procurements above a transaction value of R200 000 (VAT included); and
 - (ii) the procurement of long term (period) contracts.
- 19.2. The accounting officer may, in writing-
- (a) lower, but not increase, the different threshold values specified in subparagraph (1); or
 - (b) direct that –
 - (i) written or verbal quotations be obtained for any specific procurement of a transaction value lower than R2 000;
 - (ii) formal written price quotations be obtained for any specific procurement of a transaction value lower than R10 000; or
 - (iii) a competitive bidding process be followed for any specific procurement of a transaction value lower than R200 000.

19.3. Goods or services may not deliberately be split into parts or items of a lesser value merely to avoid complying with the requirements of the SCM policy. When determining transaction values, a requirement for goods or services consisting of different parts or items must as far as possible be treated and dealt with as a single transaction.

19.4. Approval authorities / delegations

- (a) The Supply Chain Management Policy must act in support of the Delegations Policy for approval authority for acquisitions in accordance with paragraphs 19.1, 19.2 and 19.3.

20. General preconditions for consideration of written quotations or bids

A written quotation or bid may not be considered unless the provider who submitted the quotation or bid –

- (a) has furnished that provider's –
- (i) full name;
 - (ii) identification number or company or other registration number; and
 - (iii) tax reference number and VAT registration number, if any;
- (b) has authorized the Newcastle Municipality to obtain a tax clearance from the South African Revenue Services that the provider's tax matters are in order; and
- (c) has indicated –
- (i) whether he or she is in the service of the state, or has been in the service of the state in the previous twelve months;
 - (ii) if the provider is not a natural person, whether any of its directors, managers, principal shareholders or stakeholder is in the service of the state, or has been in the service of the state in the previous twelve months; or
 - (iii) whether a spouse, child or parent of the provider or of a director, manager, shareholder or stakeholder referred to in subparagraph (ii) is in the service of the state, or has been in the service of the state in the previous twelve months.

21. Lists of accredited prospective providers

21.1. The accounting officer must –

- a) keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements through written or verbal quotations and formal written price quotations; and
- b) at least once a year, where applicable, through newspapers commonly circulating locally, the website and any other appropriate ways, invite prospective providers of goods or services to apply for evaluation and listing as accredited prospective providers;
- c) specify the listing criteria for accredited prospective providers (*refer to database form for listing criteria*); and
- d) disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.
- e) disallow listing of prospective providers that are not registered with the National Treasury's central supplier database (CSD)

21.2. The list must be updated at least quarterly to include any additional prospective providers and any new commodities or types of services. Prospective providers must be allowed to submit applications for listing at any time.

22. Petty cash purchases

22.1. The conditions for procurement of goods by means of petty cash referred to in paragraph 19 (1) (a) of this Policy, are as follows –

- (a) The Chief Financial Officer may, in writing, delegate the responsibility to monitor Petty Cash purchases to the Accountant: Revenue/Income Officer.
- (b) Goods and services may only be procured by way of petty cash, up to a transaction value of R500 (VAT included).
- (c) A maximum of five petty cash purchases per month will be allowed for each departmental section.
- (d) Total petty cash may not exceed R3 000.00 for each calendar month for the whole municipality.
- (e) Petty cash may only be used for the following types of expenditure: refreshments, catering, gifts, wheel repairs, and other small items.
- (f) a monthly reconciliation report from the Accountant Revenue must be submitted to the Chief Financial Officer, including –
 - (i) the total amount of petty cash purchases for that month; and
 - (ii) receipts and appropriate documents for each purchase.

22.2 For the implementation of the petty cash purchases, refer to Newcastle Municipality Petty Cash Policy.

23. Written or verbal quotations

23.1. The conditions for the procurement of goods or services through written or verbal quotations are as follows:

- (a) Quotations must be obtained from at least three different providers preferably from, but not limited to, providers whose names appear on the list of accredited prospective providers on National Treasury's Central Supplier Database (CSD) and the Newcastle Municipality's list of accredited prospective providers provided that if quotations are obtained from providers who are not listed, such providers must meet the listing criteria set out in paragraph 20(1)(b) and (c) of this SCM Policy;
- (b) to the extent feasible, providers must be requested to submit such quotations in writing;
- (c) if it is not possible to obtain at least three quotations, the reasons must be recorded and reported quarterly to the accounting officer or another official designated by the accounting officer;
- (d) the accounting officer must record the names of the potential providers requested to provide such quotations with their quoted prices; and
- (e) if a quotation was submitted verbally, the order may be placed only against written confirmation by the selected provider.

24. Formal written price quotations

24.1. The conditions for the procurement of goods or services through formal written price quotations are as follows:

- (a) quotations must be obtained in writing from at least three different providers whose names appear on the list of accredited prospective providers on National Treasury's Central Supplier Database (CSD) and the Newcastle Municipality's list of accredited prospective providers.
- (b) quotations may be obtained from providers who are not listed, provided that such providers meet the listing criteria set out in paragraph 19(1)(b) and (c) of this SCM Policy;

- (c) if it is not possible to obtain at least three quotations, the reasons must be recorded and approved by the chief financial officer or an official designated by the chief financial officer, and
- (d) the accounting officer must record the names of the potential providers and their written quotations.

24.2. A designated official referred to in subparagraph (1) (c) must within three days of the end of each month report to the chief financial officer on any approvals given during that month by that official in terms of that subparagraph.

25. Procedures for procuring goods or services through written or verbal quotations and formal written price quotations

25.1. The procedure for the procurement of goods or services through written or verbal quotations or formal written price quotations is as follows:

- (a) when using the list of accredited prospective providers the accounting officer must promote ongoing competition amongst providers by inviting providers to submit quotations on a rotation basis;
- (b) all requirements in excess of R30 000 (VAT included) that are to be procured by means of formal written price quotations must, in addition to the requirements of paragraph 23, be advertised for at least seven days on the website and an official notice board of the Newcastle Municipality.
- (c) quotations will only be accepted from providers whose names appear on the list of accredited prospective providers on National Treasury's Central Supplier Database (CSD) and/or the Newcastle Municipality's list of accredited prospective providers.
- (d) offers received must be evaluated on a comparative basis taking into account unconditional discounts;
- (e) the accounting officer or chief financial officer must on a monthly basis be notified in writing of all written or verbal quotations and formal written price quotations accepted by an official acting in terms of a sub-delegation;
- (f) offers below R30 000 (VAT included) must be awarded based on compliance to specifications and conditions of contract, ability and capability to deliver the goods and services and lowest price; offers above R30 000 (VAT included), the accounting officer should apply the prescripts of the Preferential Procurement Policy Framework Act, Act 5 of 2000 and its associated Regulations.
- (g) acceptable offers, which are subject to the preference points system (PPPFA and associated regulations), must be awarded to the bidder who scored the highest points;

26. Competitive bids

26.1. Goods or services above a transaction value of R200 000 (VAT included) and long term contracts may only be procured through a competitive bidding process, subject to paragraph 18(2) of this SCM Policy.

26.2. No requirement for goods or services above an estimated transaction value of R200 000 (VAT included), may deliberately be split into parts or items of lesser value merely for the sake of procuring the goods or services otherwise than through a competitive bidding process.

26.3 Subcontracting as condition of bid;

(a) If feasible to subcontract for a contract above R10 million, it should also advance the designated groups.

(b) The bid should specify in the conditions of the bid that the bidder should subcontract the minimum of 40% of the value of the contract to

i) an EME or QSE;

ii) an EME or QSE which is at least 51% owned by black people;

iii) an EME or QSE which is at least 51% owned by black people who are youth;

iv) an EME or QSE which is at least 51% owned by black people who are woman;

v) an EME or QSE which is at least 51% owned by black people who are disabilities;

vi) an EME or QSE which is at least 51% owned by black people living in rural or underdeveloped areas or townships;

vii) a cooperative which is at least 51% owned by black people;

viii) an EME or QSE which is at least 51% owned by black people who are military veterans or;

vx) more than one of the categories referred to in paragraphs i) to viii)

(c) The Municipality must provide the list of suppliers registered on Newcastle Municipality Supplier database as well as National treasury database complying with paragraph (b) to the bidder for the bidder to select a supplier.

(d) The bidder may select more than one subcontractor to subcontract provided that the subcontracted value does not exceed 40% of the value of the contract.

26.4. Identification of preference point system, designated sector, pre-qualification criteria, objective criteria and subcontracting

26.4.1. The Newcastle Municipality shall,

(a) determine and stipulate in the tender documents:

(i) the preference point system applicable to the tender as envisaged in regulations 6 or 7; or

(ii) if it is unclear which preference point system will be applicable, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system;

(b) determine whether pre-qualification criteria are applicable to the tender as envisaged in regulation 4;

(c) determine whether the goods or services for which a tender is to be invited, are in a designated sector for local production and content as envisaged in regulation 8;

- (d) determine whether compulsory subcontracting is applicable to the tender as envisaged in regulation 9; and
- (e) determine whether objective criteria are applicable to the tender as envisaged in regulation 11.

26.5. Pre-qualification criteria for preferential procurement

26.5.1 The Newcastle Municipality, where applicable, shall apply pre-qualifying criteria to advance certain designated groups, wherein the Newcastle Municipality shall advertise the tender with a specific tendering condition that only one or more of the following tenderers may respond-

- (a) a tenderer having a stipulated minimum B-BBEE status level of contributor;
- (b) an EME or QSE;
- (c) a tenderer subcontracting a minimum of 40% to-
 - (i) an EME or QSE which is at least 51% owned by black people;
 - (ii) an EME or QSE which is at least 51% owned by black people who are youth;
 - (iii) an EME or QSE which is at least 51% owned by black people who are women;
 - (iv) an EME or QSE which is at least 51% owned by black people with disabilities;
 - (v) an EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
 - (vi) a cooperative which is at least 51% owned by black people;
 - (vii) an EME or QSE which is at least 51% owned by black people who are military veterans;
 - (viii) an EME or QSE

26.5.2 A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender.

27. **Process for competitive bidding**

The procedures for the following stages of a competitive bidding process are as follows:

- (a) Compilation of bidding documentation as detailed in paragraph 29;
- (b) Public invitation of bids as detailed in paragraph 30;
- (c) Site meetings or briefing sessions as detailed in paragraph 30;
- (d) Handling of bids submitted in response to public invitation as detailed in paragraph 31;
- (e) Evaluation of bids as detailed in paragraph 40;
- (f) Award of contracts as detailed in paragraph 41;
- (g) Administration of contracts
- (h) After approval of a bid, the accounting officer and the bidder must enter into a written agreement.
- (i) Proper record keeping
- (j) Original / legal copies of written contracts agreements should be kept in a secure place for reference purposes. All original contracts shall be deposited with the Accounting Officer within a week of signing the contract and a copy shall be kept in the departmental file while another copy shall be delivered to the SCM unit.

28. Bid documentation for competitive bids

The criteria to which bid documentation for a competitive bidding process must comply, must –

- (a) take into account –
 - (i) the general conditions of contract and any special conditions of contract, if specified;
 - (ii) any Treasury guidelines and regulations on bid documentation; and
 - (iii) the requirements of the Construction Industry Development Board, in the case of a bid relating to construction, upgrading or refurbishment of buildings or infrastructure;
- (b) include the preference points system to be used, goals as contemplated in the Preferential Procurement Regulations and evaluation and adjudication criteria, including any criteria required by other applicable legislation;
- (c) compel bidders to declare any conflict of interest they may have in the transaction for which the bid is submitted;
- (d) if the value of the transaction is expected to exceed R10 million (VAT included), require bidders to furnish–
 - (i) if the bidder is required by law to prepare annual financial statements for auditing, their audited annual financial statements –
 - (aa) for the past three years; or
 - (bb) since their establishment if established during the past three years;
 - (ii) a certificate signed by the bidder certifying that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days;
 - (iii) particulars of any contracts awarded to the bidder by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract;
 - (iv) a statement indicating whether any portion of the goods or services are expected to be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality or municipal entity is expected to be transferred out of the Republic; and
- e) stipulate that disputes must be settled by means of mutual consultation, mediation (with or without legal representation), or, when unsuccessful, in a South African court of law.

29. Public invitation for competitive bids

29.1. The procedure for the invitation of competitive bids is as follows:

- (a) Any invitation to prospective providers to submit bids must be by means of a public advertisement in newspapers commonly circulating locally, the website of the Newcastle Municipality or any other appropriate ways (which may include an advertisement in the Government Tender Bulletin and eTender Portal); and
- (b) the information contained in a public advertisement, must include –
 - (i) the closure date for the submission of bids, which may not be less than 30 days in the case of transactions over R10 million (VAT included), or which are of a long term nature, or 14 days in any other case, from the date on which the advertisement is placed in a newspaper, subject to subparagraph (2) of this SCM policy;

- (ii) a statement that bids may only be submitted on the bid documentation provided by the Newcastle Municipality; and date, time and venue of any proposed site meetings or briefing sessions.;
 - (iii) that bids may only be accepted from providers that are registered with the National Treasury's central data base and/or the list of accredited service providers of the Newcastle Municipality
- 29.2. The accounting officer may determine a closure date for the submission of bids which is less than the 30 or 14 days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process.
- 29.3. Bids submitted must be sealed.
- 29.4. Where bids are requested in electronic format, such bids must be supplemented by sealed hard copies.
- 29.5. All competitive bids should be included on the eTender Portal as per circular 83.
- 30. Procedure for handling, opening and recording of bids**

The procedures for the handling, opening and recording of bids, are as follows:

 - (a) Bids–
 - (i) must be opened only in public;
 - (ii) must be opened at the same time and as soon as possible after the period for the submission of bids has expired; and
 - (iii) bids received after the closing time should not be considered and returned unopened immediately and the reason as to why the bid cannot be considered.
 - (b) Any bidder or member of the public has the right to request that the names of the bidders who submitted bids in time must be read out and, if practical, also each bidder's total bidding price;
 - (c) No information, except the provisions in subparagraph (b), relating to the bid should be disclosed to bidders or other persons until the successful bidder is notified of the award; and
 - (d) The accounting officer must –
 - (i) record in a register all bids received in time;
 - (ii) make the register available for public inspection; and
 - (iii) publish the entries in the register and the bid results on the website.
- 31. Negotiations with preferred bidders**
 - 31.1. The accounting officer or delegated official may negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation –
 - (a) does not allow any preferred bidder a second or unfair opportunity;
 - (b) is not to the detriment of any other bidder; and
 - (c) does not lead to a higher price than the bid as submitted.
 - 31.2. Minutes of such negotiations must be kept for record purposes.

32. Two-stage bidding process

- 32.1. A two-stage bidding process is allowed for –
- (a) large complex projects;
 - (b) projects where it may be undesirable to prepare complete detailed technical specifications; or
 - (c) long-term projects with a duration period exceeding three years.
- 32.2. In the first stage technical proposals on conceptual design or performance specifications should be invited, subject to technical as well as commercial clarifications and adjustments.
- 32.3. In the second stage final technical proposals and priced bids should be invited.

33. Issuing of bid documentation

- (a) Bid documents and any subsequent notices shall only be issued by the SCM Unit or authorized department.
- (b) A non-refundable bid charge, as required in the bid notice, may be raised by the Municipality for bid documents.
- (c) Details of all prospective bidders who have been issued with bid documents shall be recorded by the SCM Unit or authorized department. Such details shall include:
 - (i) the legal and full name of the person/company/closed corporation/firm drawing documents;
 - (ii) a contact person;
 - (iii) a contact telephone number;
 - (iv) a contact fax number;
 - (v) a postal address;
 - (vi) an e-mail address;
- d) Details recorded shall remain confidential for the duration of the bid period.

34. Validity periods

- (a) The period for which bids are to remain valid and binding shall be indicated in the bid documents. The period is calculated from the closing time and bids shall remain in force and binding until the end of the final day of the period.

- (b) This period of validity may be extended by mutual consent in writing between the Municipality and the bidder, provided that the original validity period has not expired, and that all bidders shall have an opportunity to extend such period.
- (c) If, in exceptional circumstances, it becomes necessary to extend the bid period, a notice shall be published in the press at least one week prior to the original bid closing date. This notice shall also be posted on the notice boards at designated Municipal offices, and a notice to all bidders of bids received at that stage to this effect shall be issued.

35. Bid Prices and Contract Periods for Engineering and Construction Contracts

- (a) For all contract periods equal to or exceeding one year in duration, an appropriate contract price adjustment formula shall be specified in the bid documents.
- (b) In general, where contract periods do not exceed one year in duration, the bid shall be a fixed price bid (not subject to contract price adjustment). However, if as a result of any extension of time granted, the duration of a fixed price contract exceeds one year, the contract will automatically be subject to contract price adjustment acceptable to both parties for that period by which the extended contract period exceeds such one year. An appropriate contract price adjustment formula shall be specified in the bid documents.
- (c) Notwithstanding the above arrangement, where the bid validity period is extended, then contract price adjustment may be applied.
- (d) An appropriate contract period must be specified for all engineering and construction contracts. The time for completion shall be stated in number of weeks.
- (e) In case where the price adjustment is gazetted by the Government, the price adjustment should be automatically applied regardless of the timeframe. The adjustment value should be in line with the gazetted adjustment.

36. Samples

When samples are called for in the bid documents, samples (marked with the bid and item number as well as the bidder's name and address) shall be delivered to the addressee mentioned in the bid documents by no later than the closing time of the bid. Bids shall not be included in parcels containing samples.

If samples are not submitted as requested, the bid concerned may be declared non responsive.

Samples shall be supplied by a bidder at his own expense and risk. The Municipality shall not be obliged to pay for such samples or compensate for the loss thereof, unless otherwise specified in the bid documents, and shall reserve the right not to return such samples and to dispose of them at its own discretion.

Where a bid is accepted for the supply of goods according to a sample submitted by the bidder, such sample shall become the contract sample. All goods/materials supplied shall comply in all respects to the contract sample.

37. Committee system for competitive bids

- 37.1. A committee system for competitive bids is hereby established, consisting of the following committees for each procurement process or cluster of procurements as the accounting officer may determine:
- (a) a bid specification committee;
 - (b) a bid evaluation committee; and
 - (c) a bid adjudication committee;
- 37.2. The accounting officer appoints the members of each committee, taking into account section 117 of the Act; and
- 37.3. A neutral or independent observer, appointed by the accounting officer, must attend or oversee a committee when this is appropriate for ensuring fairness and promoting transparency.
- 37.4. The committee system must be consistent with –
- (a) paragraph 38, 39 and 40 of this SCM Policy; and
 - (b) any other applicable legislation.
- 37.5. The accounting officer may apply the committee system to formal written price quotations.
- 37.6. The following persons shall not be eligible to become members of a bid committee –
- (a) a councilor of any municipality; and
 - (b) a member of the Municipality's audit committee or performance audit committee.
 - (c) No councilor of any municipality may attend a meeting of a bid committee in any capacity, nor may a councilor make a presentation or representations to or conduct an interview with a bid committee in any capacity.
- 37.7. A bid committee established in terms of this chapter shall perform its functions, exercise its powers and discharge its duties independently and without fear, favor or prejudice.

38. Bid Specification Committee

- 38.1. A bid specification committee must compile specifications for each procurement of goods or services by the Newcastle Municipality.
- 38.2. Specifications –
- (a) must be drafted in an unbiased manner to allow all potential suppliers to offer their goods or services;
 - (b) must take account of any accepted standards such as those issued by Standards South Africa, the International Standards Organisation, or an authority accredited or recognized by the South African National Accreditation System with which the equipment or material or workmanship should comply;

- (c) must, where possible, be described in terms of performance required rather than in terms of descriptive characteristics for design;
 - (d) may not create trade barriers in contract requirements in the forms of specifications, plans, drawings, designs, testing and test methods, packaging, marking or labeling of conformity certification;
 - (e) may not make reference to any particular trade mark, name, patent, design, type, specific origin or producer unless there is no other sufficiently precise or intelligible way of describing the characteristics of the work, in which case such reference must be accompanied by the word "equivalent";
 - (f) must indicate each specific goal for which points may be awarded in terms of the points system set out in the Preferential Procurement Regulations 2001, as amended; and
 - (g) must be approved by the accounting officer prior to publication of the invitation for bids in terms of paragraph 29 of this SCM Policy.
- 38.3. A Bid Specification Committee must be composed of one or more managers responsible for the function involved and may, when appropriate, include external specialist advisors.
- 38.4. No person, advisor or corporate entity involved with the bid specification committee, or director of such a corporate entity, may bid for any resulting contracts.

39. Bid Evaluation Committee

- 39.1. A bid evaluation committee must –
- (a) evaluate bids in accordance with –
 - (i) the specifications and conditions for a specific procurement; and
 - (ii) the points system set out in terms of paragraph 38(2)(f).
 - (b) evaluate each bidder's ability to execute the contract;
 - (c) check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears, and; the bidder submitted the required original tax clearance certificate and other clearance / registration forms as prescribed by various acts and / or in the bid documentation; and
 - (d) submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.
- 39.2. A Bid Evaluation Committee must as far as possible be composed of-
- (a) Directors from departments requiring the goods or services.
 - (b) At least one Supply Chain Management Practitioner of the Newcastle Municipality

40. Bid Adjudication Committees

- 40.1. A bid adjudication committee must –
- (a) consider the report and recommendations of the bid evaluation committee; and
 - (b) either –
 - (i) depending on its delegations, make a final award or a recommendation to the accounting officer to make the final award; or
 - (ii) make another recommendation to the accounting officer how to proceed with the relevant procurement.

- 40.2. A Bid Adjudication Committee must consists of at least four Strategic Executive Directors of the Newcastle Municipality-
- (a) the chief financial officer or, if the chief financial officer is not available, another manager in the budget and treasury office reporting directly to the chief financial officer and designated by the chief financial officer; and at least one senior supply chain management practitioner who is an official of the Newcastle Municipality; and
 - (b) a technical expert in the relevant field who is an official, if such an expert exists.
- 40.3. The Accounting Officer must appoint the Chairperson of the Bid Specification Committee, Bid Evaluation Committee and Bid Adjudication Committee If the chairperson is absent from a meeting, the members of the committee who are present must elect one of them to preside at the meeting.
- 40.4. Neither a member of a bid evaluation committee, nor an advisor or person assisting the evaluation committee, may be a member of a bid adjudication committee. Members of the Bid Evaluation Committee may present their recommendations / reports to the Bid Adjudication committee and clarify issues but shall not have any voting powers.
- 40.5. If the bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee,
- (a) the bid adjudication committee must prior to awarding the bid –
 - (i) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears, and;
 - (ii) Notify the accounting officer.
 - b) The accounting officer may –
 - (i) after due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in paragraph (a); and
 - (ii) if the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.
- 40.6. The accounting officer may at any stage of a bidding process, refer any recommendation made by the evaluation committee or the adjudication committee back to that committee for reconsideration of the recommendation.
- 40.7. The accounting officer must comply with section 114 of the Act within 10 working days
- 40.8. Meetings of bid committees and decision-making
- (a) The chairperson of the relevant bid committee shall determine the date, time and venue of meetings of the committee concerned. At least three working days written notice shall be given of a meeting of a bid committee to all the members.
 - (b) A majority of the members of a bid committee must be present before the committee concerned may consider any matter.

- (c) Members of the committee can only be represented by another person who is acting or seconded to the meeting on his behalf for that day.
- (d) Decisions of a bid committee shall be taken by a majority of the members present at a meeting voting in favor of, or against, a question.
- (e) The Municipal Manager shall make appropriate arrangements to ensure that secretarial and such other administrative support services as may be required are provided to a bid committee.
- (f) Minutes shall be kept of each meeting of a bid committee. Such minutes shall :
 - (i) be considered and adopted, with or without amendments, as a true and accurate reflection of the proceedings at, and resolutions taken during a bid committee meeting, by the relevant committee at its first meeting next ensuing;
 - (ii) be signed by the person presiding at the meeting when they are approved; and
 - (iii) shall prima facie be evidence of the proceedings at a meeting of the relevant committee until the contrary is proven.
 - (iv) after approval be submitted to the SCM Unit, together with the tender documents concerned, for the calling of tenders or quotations where applicable.

41. Procurement of banking services

- 41.1. A contract for banking services –
 - (a) must be procured through competitive bids;
 - (b) must be consistent with section 7 or 85 of the Act; and
 - (c) may not be for a period of more than five years at a time.
- 41.2. The process for procuring a contract for banking services must commence at least nine months before the end of an existing contract.
- 41.3. The closure date for the submission of bids may not be less than 60 days from the date on which the advertisement is placed in a newspaper in terms of paragraph 30(1). Bids must be restricted to banks registered in terms of the Banks Act, 1990 (Act No. 94 of 1990).

42. Procurement of IT related goods or services

- 42.1. The accounting officer may request the State Information Technology Agency (SITA) to assist with the acquisition of IT related goods or services through a competitive bidding process.
- 42.2. Both parties must enter into a written agreement to regulate the services rendered by, and the payments to be made to, SITA.
- 42.3. The accounting officer must notify SITA together with a motivation of the IT needs if –
 - (a) the transaction value of IT related goods or services required in any financial year will exceed R50 million (VAT included); or

(b) the transaction value of a contract to be procured whether for one or more years exceeds R50 million (VAT included).

42.4. If SITA comments on the submission and the Newcastle Municipality disagrees with such comments, the comments and the reasons for rejecting or not following such comments must be submitted to the council, the National Treasury, the KwaZulu-Natal Provincial Treasury and the Auditor-General.

43. Procurement of goods and services under contracts secured by other organs of state

43.1. The accounting officer may procure goods or services under a contract secured by another organ of state, but only if –

- (a) the contract has been secured by that other organ of state by means of a competitive bidding process applicable to that organ of state;
- (b) there is no reason to believe that such contract was not validly procured;
- (c) there are demonstrable discounts or benefits to do so; and
- (d) that other organ of state and the provider have consented to such procurement in writing.

43.2. Subparagraphs (1)(c) and (d) do not apply if –

- (a) a municipal entity procures goods or services through a contract secured by its parent municipality; or
- (b) a municipality procures goods or services through a contract secured by a municipal entity of which it is the parent municipality.

44. Procurement of goods necessitating special safety arrangements

44.1. The acquisition and storage of goods in bulk (other than water), which necessitate special safety arrangements, including gasses and fuel, should be avoided where ever possible.

44.2. Where the storage of goods in bulk is justified, such justification must be based on sound reasons, including the total cost of ownership, cost advantages and environmental impact and must be approved by the accounting officer.

45. Proudly SA Campaign

45.2. The Newcastle Municipality supports the Proudly SA Campaign to the extent that, all things being equal, preference is given to procuring local goods and services from:

- (a) Firstly – suppliers and businesses within the municipality or district;
- (b) Secondly – suppliers and businesses within the relevant province;
- (c) Thirdly – suppliers and businesses within the Republic.

46. Appointment of consultants

46.1. The accounting officer may procure consulting services provided that any Treasury guidelines in respect of consulting services are taken into account when such procurements are made.

- 46.2. Consultancy services must be procured through competitive bids if
- (a) the value of the contract exceeds R200 000 (VAT included); or
 - (b) the duration period of the contract exceeds one year.
- 46.3. In addition to any requirements prescribed by this SCM policy for competitive bids, bidders must furnish particulars of –
- (a) all consultancy services provided to an organ of state in the last five years; and
 - (b) any similar consultancy services provided to an organ of state in the last five years.
- 46.4. The accounting officer must ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the Newcastle Municipality.
- 46.5 The accounting officer must put measures in place to ensure that skills transfer does occur to avoid over reliance on consultants by the project managers.

47 Deviation from, and ratification of minor breaches of, procurement processes

- 47.1. The accounting officer may –
- (a) dispense with the official procurement processes established by this SCM Policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only –
 - (i) in an emergency;
 - (ii) if such goods or services are produced or available from a single provider only;
 - (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
 - (iv) acquisition of animals for zoos and/or nature and game reserves; or
 - (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
 - (b) ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.
- 47.2. The accounting officer must record the reasons for any deviations in terms of subparagraphs (1)(a) and (b) of this SCM policy and report them to the next meeting of the council and include as a note to the annual financial statements.
- 47.3. Subparagraph (2) does not apply to the procurement of goods and services contemplated in paragraph 18(2) of this SCM policy.

48. Unsolicited bids

- 48.1. In accordance with section 113 of the Act there is no obligation to consider unsolicited bids received outside a normal bidding process.
- 48.2. The accounting officer may decide in terms of section 113(2) of the Act to consider an unsolicited bid, only if –

- (a) the product or service offered in terms of the bid is a demonstrably or proven unique innovative concept;
- (b) the product or service will be exceptionally beneficial to, or have exceptional cost advantages;
- (c) the person who made the bid is the sole provider of the product or service; and
- (d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.

48.3. If the accounting officer decides to consider an unsolicited bid that complies with subparagraph (2) of this SCM policy, the decision must be made public in accordance with section 21A of the Municipal Systems Act, together with –

- (a) reasons as to why the bid should not be open to other competitors;
- (b) an explanation of the potential benefits if the unsolicited bid were accepted; and
- (c) an invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.

48.4. The accounting officer must submit all written comments received pursuant to subparagraph (3), including any responses from the unsolicited bidder, to the National Treasury and the KwaZulu-Natal Provincial Treasury for comment.

48.5. The adjudication committee must consider the unsolicited bid and may award the bid or make a recommendation to the accounting officer, depending on its delegations.

48.6. A meeting of the adjudication committee to consider an unsolicited bid must be open to the public.

48.7. When considering the matter, the adjudication committee must take into account –

- (a) any comments submitted by the public; and
- (b) any written comments and recommendations of the National Treasury or the KwaZulu-Natal Provincial Treasury.

48.8. If any recommendations of the National Treasury or provincial treasury are rejected or not followed, the accounting officer must submit to the Auditor General, the KwaZulu-Natal Provincial Treasury and the National Treasury the reasons for rejecting or not following those recommendations.

48.9. Such submission must be made within seven days after the decision on the award of the unsolicited bid is taken, but no contract committing the Newcastle Municipality to the bid may be entered into or signed within 30 days of the submission.

49. Combating of abuse of supply chain management system

49.1. The accounting officer must–

- (a) take all reasonable steps to prevent abuse of the supply chain management system;
- (b) investigate any allegations against an official or other role player of fraud, corruption, favouritism, unfair or irregular practices or failure to comply with this SCM Policy, and when justified –
 - (i) take appropriate steps against such official or other role player; or
 - (ii) report any alleged criminal conduct to the South African Police Service;

- (c) check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector;
 - (d) reject any bid from a bidder–
 - (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any of its directors to the Newcastle Municipality, or to any other municipality or municipal entity, are in arrears for more than three months; or any bidder who failed to produce a valid original tax clearance certificate issued by SARS to certify that the tax matters of a certain bidder are in order or necessary arrangements were made with SARS. or
 - (ii) who during the last five years has failed to perform satisfactorily on a previous contract with the Newcastle Municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory;
 - (e) reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract;
 - (f) cancel a contract awarded to a person if –
 - (i) the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or
 - (ii) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person; and
 - (g) reject the bid of any bidder if that bidder or any of its directors –
 - (i) has abused the supply chain management system of the Newcastle Municipality or has committed any improper conduct in relation to such system;
 - (ii) has been convicted for fraud or corruption during the past five years;
 - (iii) has willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - (iv) has been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 49.2. The accounting officer must inform the National Treasury and KwaZulu-Natal Provincial Treasury in writing of any actions taken in terms of subparagraphs (1)(b)(ii), (e) or (f) of this SCM policy.

Chapter 3: Logistics, Disposal, Risk and Performance Management

50. Logistics Management

- 50.1. The accounting officer must establish and implement an effective system of logistics management, which must include -
- (a) the monitoring of spending patterns on types or classes of goods and services incorporating, where practical, the coding of items to ensure that each item has a unique number;
 - (b) the setting of inventory levels that includes minimum and maximum levels and lead times wherever goods are placed in stock;
 - (c) the placing of manual or electronic orders for all acquisitions other than those from petty cash;
 - (d) before payment is approved, certification by the responsible officer that the goods and services are received or rendered on time and is in accordance with the order, the general conditions of contract and specifications where applicable and that the price charged is as quoted in terms of a contract;

- (e) appropriate standards of internal control and warehouse management to ensure that goods placed in stores are secure and only used for the purpose for which they were purchased;
- (f) regular checking to ensure that all assets including official vehicles are properly managed, appropriately maintained and only used for official purposes; and
- (g) monitoring and review of the supply vendor performance to ensure compliance with specifications and contract conditions for particular goods or services.
- (h) The SCM Unit shall be responsible and accountable for the establishment, management and operation of store facilities for the Municipality, which shall consist of a main store and such satellite stores in other areas within the Municipality as may be necessary.
- (i) The Supply Chain Manager shall be responsible and accountable for:
 - (i) The day-to-day operation of the Municipality's store facilities;
 - (ii) Determining the range and nature of items that will be carried in the main store facility and satellite stores;
 - (iii) Setting of inventory levels;
 - (iv) Timely placement of orders when stock levels are low;
 - (v) Receiving and distribution of goods; and
 - (vi) Expediting orders.

51. Disposal management

51.1. The criteria for the disposal or letting of assets, including unserviceable, redundant or obsolete assets, subject to sections 14 and 90 of the Act, are as follows:

- (a) The Newcastle Municipal Council has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services;
- (b) The Newcastle Municipal Council has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset to the Municipality.
- (c) The accounting officer of the Newcastle Municipality shall have delegated authority to transfer ownership as a result of a sale or other transaction, or otherwise permanently dispose of a capital asset not needed to provide the minimum level of basic municipal services, with a value of up to R1 000 000.
- (d) The Newcastle Municipal Council shall authorize transfer ownership as a result of a sale or other transaction, or otherwise permanently dispose of a capital asset not needed to provide the minimum level of basic municipal services, with a value of greater than R1 000 000 by resolution of a municipal council meeting open to the public.

51.2. Assets may be disposed of by –

- (a) transferring the asset to another organ of state in terms of a provision of the Act enabling the transfer of assets;

- (b) transferring the asset to another organ of state at market related value or, when appropriate, free of charge;
- (c) selling the asset; or
- (d) destroying the asset.

51.3. The accounting officer must ensure that –

- (a) immovable property is sold only at market related prices except when the public interest or the plight of the poor demands otherwise;
- (b) movable assets are sold either by way of written price quotations, a competitive bidding process, auction or at market related prices, whichever is the most advantageous;
- (c) firearms are not sold or donated to any person or institution within or outside the Republic unless approved by the National Conventional Arms Control Committee;
- (d) immovable property is let at market related rates except when the public interest or the plight of the poor demands otherwise; as determined by council from time to time
- (e) all fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed;
- (f) where assets are traded in for other assets, the highest possible trade-in price is negotiated; and
- (g) in the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate within 30 days whether any of the local schools are interested in the equipment.

52 Disposal and lease of municipal land

- 52.1. The Newcastle Municipality has a core responsibility to acquire and avail land and buildings, in the first instance, for its own use for purposes of developing and maintaining municipal infrastructure, promoting service delivery and facilitating social and economic development and spatial integration. Future land requirements must be acknowledged and immovable property should be held in reserve for this purpose.
- 52.2. In acquiring, managing, developing and releasing land, the Newcastle Municipality must consider the best interests of the municipality (and thus its residents) rather than that of individuals when entering into real estate transactions. Maximum benefit should be given to the Municipality and thereby the community.
- 52.3. The Newcastle Municipality should act in the best interests of its citizens, and it therefore follows that the Newcastle Municipality will not singularly follow the historic processes and values of the market. Moreover, because the historic accumulation of land and property is highly varied, this must be acknowledged in terms of future transactions. Certain interventions may be necessary in land transactions pursued by the Newcastle Municipality as compared to those of the private land and property market. The private market is concerned with maximizing capital gain, as against the role of the municipality in acting in the best interests of its citizens.
- 52.4. The Newcastle Municipality must act in support of sectoral policies such as economic development, environment management, land use, housing, social and community infrastructure and culture and recreation.

- 52.5. Any land assets unrelated to these uses is deemed surplus.
- 52.6. Market forces shall be the point of departure in all transactions.

53. Categories of Land

The municipality's land assets are categorized as follows:

- (a) land intended for residential development
- (b) land intended for commercial and industrial purposes
- (c) land intended for social purposes including religious, education and institutional purposes
- (d) land intended to be developed for sport and recreation purposes
- (e) land intended for agricultural purposes

54. Manner of disposal of various categories of land

- (a) Land incapable of development in its own right within predominantly residential areas e.g. sanitary lanes and unutilized substation erven will be offered in ownership to the respective adjoining owners at market value. The purchaser will be liable for all costs of possible relocation of services, rezoning, survey, registration and transfer. The creation of a free standing lot will in each instance be the preference of Council in order that new residential opportunities are created.
- (b) Residential land capable of development in its own right shall be offered for sale by means of an invitation to bid or public auction subject to an upset price that is market related but taking into account historical individuals. Residential land intended for sale for the development and sale to the beneficiaries of a housing programme of the national or provincial government shall be offered for sale by private treaty at a price determined by council provided that the plight of the poor is taken into account.
- (c) Residential land that has been acquired for a capital project which has yet to commence and which is thus not immediately required by the municipality will be offered on a short term lease basis. The rental payable shall be market related unless determined otherwise by council. The property will be offered on private treaty at no cost to Council.
- (d) Commercial land that is incapable of development on its own right will be offered to the respective adjoining owners at market value. The purchaser will be responsible for all costs associated with the possible relocation of services, rezoning, survey, registration and transfer
- (e) Commercial and industrial land capable of development in its own right will be offered for sale by public competition (either by public auction or invitation to bid as the council may prefer from time to time. Sale of land will be subject to an upset value that is market related and such other conditions supporting the policies and programmes of the municipality.
- (f) Land located within an area of specific focus or which is subject to a specific development or social programme may be offered for sale or lease as the council may determine on a case by case basis through an invitation to bid. In such cases the maximization of returns will not necessarily be the determining factor and the aims of the municipality will be clearly articulated in the bid documentation. Land in this category may be allocated to take into account historically disadvantaged individuals.
- (g) Commercial and industrial land not immediately required for the municipality needs will be offered on a short term basis and the notice period will vary based on when the property will be

required. The rental will be at market related rates unless determined otherwise by council in the interest of the public.

- (h) Ownership of social sites shall be by means of an invitation to bid. Bidders will be subject to a screening process that will take into account amongst other things the community, the nature of the organization and its ability to discharge its intentions. The sale shall be subject to a predetermined market related price or as may be determined by council
- (i) Amateur sports bodies are those bodies that are providing sporting facilities. Land will be offered in an open bidding process on a leasehold basis and will preclude discrimination and will be subject to development clauses to ensure the discharge of intentions. The rental will be established on the basis of a nominal rental for the total land component on the lease as may be approved by the municipality. The lessee will be liable for rates and services consumed as prescribed by the Newcastle Municipality's tariff of charges.
- (j) Land for professional sport
 - (i) in instances where there is commercial benefit to be derived by the owner or shareholders of a club a differentiation will be made from those agreement for amateur sport in terms of rental payable
 - (ii) land for rental will be at its full economic value or a percentage of all financial turnover and such percentage will be determined by the Municipality from time to time. The contribution the sport makes to the economic development will be taken into consideration in determining such percentage.
 - (iii) the sporting organization's liability to rates shall be in accordance with the rates policy.
- (k) Land for agricultural purposes

Agricultural land shall be offered for sale by means of an invitation to bid, subject to an upset price that is market related and will take into consideration the historical disadvantaged. The land shall be leased to community groups on a case by case basis taking into consideration the municipal social programmers and the historically disadvantaged.

55. Unsolicited proposals for land

The municipality will follow the following procedure for unsolicited proposals for land development

- (a) proposals received will be evaluated by the municipality.
- (b) realistic propositions will be advertised in the media to solicit competitive proposals or objections from the public.
- (c) if a response is received from the public, a competitive
- (d) will be called for by means of an invitation to bid.
- (e) the sale will be by way of market value unless the development is in the plight of the poor in which case the council determines to price land on a case by case basis.

56. Contracts providing for compensation based on turnover

If a service provider acts on behalf of the Newcastle Municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to the service provider

is fixed as an agreed percentage of turnover for the service or the amount collected, the contract between the service provider and the Newcastle Municipality must stipulate –

- (a) a cap on the compensation payable to the service provider; and
- (b) that such compensation must be performance based.

57. Risk management

57.1. The criteria for the identification, consideration and avoidance of potential risks in the supply chain management system, are as follows:

57.2. Risk management must include –

- (a) the identification of risks on a case-by-case basis;
- (b) the allocation of risks to the party best suited to manage such risks;
- (c) acceptance of the cost of the risk where the cost of transferring the risk is greater than that of retaining it;
- (d) the management of risks in a pro-active manner and the provision of adequate cover for residual risks; and
- (e) the assignment of relative risks to the contracting parties through clear and unambiguous contract documentation.

58. Performance management

The accounting officer must establish and implement an internal monitoring system in order to determine, on the basis of a retrospective analysis, whether the authorized supply chain management processes were followed and whether the objectives of this SCM Policy were achieved.

59. Contract Management

59.1. Service Level Agreements

- (a) Contracts concluded for the procurement of goods and services should be made subject to the conclusion of a service level agreement.
- (b) It is the responsibility of each directorate concerned to ensure that a valid and legally binding contract is entered into between the municipality and the successful bidder in line with the bid specifications, after approval of the bid as mentioned above.
- (c) In the event that a suitable contract has not been included in the bid documentation, a copy of the approval and all relevant documentation must be provided to Legal Services timely for the drafting of a suitable contract.
- (d) After signing of the contract by the parties, the directorate concerned must ensure that copies are made available to all role players including the Supply Chain Management Unit. The originally signed copy must be filed at the main records who will act as custodian of all procurement contracts of the municipality.
- (e) The directorate concerned is responsible, in consultation with the Supply Chain Management Unit and Legal Services, to ensure that service providers comply with the provisions of the

contract, and in the event of a possible breach of contract or proposed amendment to the contract, to submit a report in this regard to the Municipal Manager.

- (f) In case where a panel of service providers are appointed with the similar scope of works, it is the responsibility of the user-department, for which the contract was procured, to ensure that the appointed service providers are fairly rotated in a transparent manner and such rotation must be done in consultation with the Supply Chain Management Unit.

59.2. Extension/Expansion of contracts

The Accounting Officer must as far as possible refrain from extending/expanding contracts and for allowing a variation orders as this increases risk, reflects possible flaws in planning and creates an uncompetitive environment that may possibly unfairly prejudice other possible vendors. Extensions should only be granted if it makes economic sense and provided that it can be justified in terms of fairness, equitableness, transparency, competitiveness and cost effectiveness.

60. Remedies in case of death, sequestration, liquidation or judicial management

- (a) In the event of the death of a contractor or the provision of or final sequestration of his or her estate or of his or her cession or transfer of contract without the approval of the Newcastle Municipality or of the surrender of his or her estate or his or her reaching a compromise with his or her creditors or of the provisional of final liquidation of a contractor's company or placing of its affairs under judicial management, the council must without prejudice to any rights it may have, exercise any of the following:

- (i) Cancel the contract and accept any of the bids which were submitted originally with that of the contractor or any offer subsequently received to complete the contract. In such a case the estate of the contractor shall not be relieved from liability for any claim which has risen or may arise against the contractor in respect of supplies not delivered or work not carried out under the contract, and the Newcastle Municipality shall have the right to hold and retain all or any of the securities and retention moneys held by it at the date of the aforementioned occurrences until such claim has been satisfied or
- (ii) Allow the executor, trustee, liquidator or judicial manager as the case may be for and on behalf of and at the expense and cost of the estate of the contractor to carry on and complete the contract.

- (b) In the event of the contract being cancelled by the municipality in the exercise of its rights in terms of these conditions, the contractor should be liable to pay council any losses sustained and or additional costs or expenditure incurred as a result of such cancellation and Council should have the right to recover such losses, damages or additional costs by means of set off from moneys due or which may become due in terms of the contract or any other contract or from a guarantee provided for the due fulfillment of the contract and until such time as the moneys or guarantee as security have been determined for any loss which the Council may suffer or have suffered. The contractor must be held responsible for any consequential damages and loss sustained which may be caused by any defect, latent or otherwise in the supply or service rendered.

- (c) Transfer of contract

The contractor must not abandon, transfer, assign or sublet a contract or part thereof without the written permission of the Council.

61. Penalties

- 61.1. Where a contract has been awarded on the strength of preference point information furnished by the contractor, which after the conclusion of the relevant contract is proved to have been incorrect, the Municipality may in addition to any other legal remedy it may have to recover from the contractor all costs, losses or damages incurred or sustained by the municipality as a result of the award of the contract and /or
- (a) cancel the contract and claim damages which the municipality may suffer as a result of having to make less favourable arrangements and /or
 - (b) impose on the contractor a penalty not exceeding 5% of the value of the contract

Chapter 4: Other Matters

62. Prohibition on awards to persons whose tax matters are not in order

- (a) No award may be made in terms of this SCM Policy to a person whose tax matters have not been declared by the South African Revenue Service to be in order.
- (b) Before making an award to a person the accounting officer must first check with SARS whether that person's tax matters are in order.
- (c) If SARS does not respond within 7 days such person's tax matters may, for purposes of subparagraph 63(a), be presumed not to be in order.

63. Prohibition on awards to persons in the service of the state

Irrespective of the procurement process followed, no award may be made to a person in terms of this SCM Policy –

- (a) who is in the service of the state;
- (b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; or
- (c) a person who is an advisor or consultant contracted with the Newcastle Municipality.

64. Awards to close family members of persons in the service of the state

The accounting officer must ensure that the notes to the annual financial statements disclose particulars of any award of more than R2000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including –

- (a) the name of that person;
- (b) the capacity in which that person is in the service of the state; and
- (c) the amount of the award.

65. Ethical standards

65.1. A code of ethical standards is hereby established for officials and other role players in the supply chain management system of the Newcastle Municipality in order to promote –

- (a) mutual trust and respect; and
- (b) an environment where business can be conducted with integrity and in a fair and reasonable manner.

65.2. Code of conduct

65.2.1. Supply Chain Management Practitioners and all other role players involved in Supply Chain Management are:

- (a) to act at all times with fidelity, honesty, integrity and in the best interests of the Newcastle Municipality and the general public it serves
- (b) to diligently perform the duties of a member efficiently, effectively and strictly in accordance with the rules of bidding and bid evaluation, as set out in the bid documentation and according to all relevant instructions given by the institution

- (c) to properly prepare for and attend each meeting of the bid committees applicable, and failing this to withdraw as a member
- (d) to act at all times in accordance with the relevant legislation and regulations,
- (e) specifically, to comply with the *Code of Conduct for the Municipalities*.
- (f) to recognise the public's right to access to information in the interests of administrative justice
- (g) to take the utmost care in ensuring that there is reasonable protection of the records of the institution and all bid documentation
- (h) not to misuse the position or privileges of a member, or privileged or confidential information obtained as a member
- (i) to carry out duties with the skill and care expected from a person of knowledge and experience, and to exercise due judgment
- (j) not to unfairly discriminate against any bidder on the grounds of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language
- (k) not to abuse any position in the public services to promote or prejudice the interest of any political party or interest group
- (l) to give the Auditor-General all the information and explanations it requires to carry out its functions
- (m) to report to the appropriate authorities any case of fraud, corruption, nepotism, mal-administration and any other acts which constitute an offence or which are prejudicial to the public interest, arising during the bid evaluation panel proceedings
- (n) to declare, diligently, accurately and honestly, in the declaration of interest, all personal and/or business interests that I or a family member may have in any business of any bidder, and to willingly abide by any decision of the chairperson of the bid evaluation panel or the accounting officer/authority to withdraw as a member of the panel because of this.
- (o) to be open and honest about all decisions and actions taken regarding the bid evaluation, and to give clear reasons for these, which can be accurately recorded.
- (p) not to make any dishonest allegations about any bidder
- (q) not to make any false or misleading entries into the records of the bid evaluation panel
- (r) to make no contractual commitments related to the bid, to any bidding party, on behalf of the institution.

- (s) to proactively protect privileged or confidential information of the bid evaluation panel from theft, unauthorized disclosure or inappropriate use, and specifically:
 - (i) not respond to any queries relating to the bid evaluation on behalf of the institution, unless expressly authorised in writing by the accounting officer/authority to do so.
 - (ii) not to speak to or correspond carelessly with any person (fellow member, colleague, friend, family member or otherwise) on any matter related to the bid evaluation
- t) not to use his position for private gain or to improperly benefit another person, not to request, solicit or accept any reward, gift or favor in return for voting or not voting in a particular way on any matter, or for disclosing privileged or confidential information.
- u) not to accept or agree to later accept, any 'kickbacks' in the form of money, favours, inappropriate gifts or anything else of value from a member of the public, government, a political or social movement, or any stakeholder or potential stakeholder which is or may be viewed as aimed at influencing or directing the evaluation of the bids.
- v) to disclose immediately to the chairperson or the accounting officer/authority any attempted inducement or offers of perks that may be construed as aimed at influencing or directing the evaluation of the bids
- w) to report to the chairperson of the panel any invitations to any kind of entertainment by any party that may be construed as being associated in any way with the outcome of the bid evaluation
- x) to not vote at, attend or participate in any other way in any meeting or hearing in relation to any matter before the bid evaluation panel, if any interest prevents me from carrying out my member functions in a fair, unbiased and proper way in accordance with this code of conduct.

65.2.2 A breach of the code of ethics must be dealt with as follows –

- (a) in the case of an employee, in terms of the disciplinary procedures of the Newcastle Municipality envisaged in section 67(1)(h) of the Municipal Systems Act;
- (b) in the case a role player who is not an employee, through other appropriate means in recognition of the severity of the breach.
- (c) In all cases, financial misconduct must be dealt with in terms of chapter 15 of the Act.

66. Inducements, rewards, gifts and favors to municipalities, officials and other role players

- 66.1 a) no person who is a provider or prospective provider of goods or services, or a recipient or prospective recipient of goods disposed or to be disposed of may either directly or through a representative or intermediary promise, offer or grant –
 - b) any inducement or reward to the Newcastle Municipality for or in connection with the award of a contract; or
 - c) any reward, gift, favor or hospitality to –
 - (i) any official; or
 - (ii) any other role player involved in the implementation of this SCM Policy.
 - d) all declarations must be recorded in a register which the accounting officer must keep.

66.2. The accounting officer must promptly report any alleged contravention of subparagraph (1) to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.

66.3. Subparagraph (1) does not apply to gifts less than R350.00 in value.

67. Sponsorships

The accounting officer must promptly disclose to the National Treasury and the KwaZulu-Natal Provincial Treasury any sponsorship promised, offered or granted, whether directly or through a representative or intermediary, by any person who is –

- (a) a provider or prospective provider of goods or services; or
- (b) a recipient or prospective recipient of goods disposed or to be disposed.

68. Objections and complaints

68.1 Persons aggrieved by decisions or actions taken in the implementation of this supply chain management system, may lodge within 14 days of the decision or action –

- (a) if the objection or complaint is against the procurement process, submit a written objection or complaint against the decision or action to the accounting officer of the municipality who shall, in turn, refer the written objection or complaint to the independent and impartial person referred to in paragraph 68.2 for resolution or
- (b) if such complaint or objection is against the award of a bid, lodge a written appeal with the Municipal Bid Appeals Tribunal in accordance with the provisions of paragraph 68.3

68.2 Resolution of objections and complaints against procurement process

(a) The accounting officer must appoint an independent and impartial person, not directly involved in the supply chain management processes to assist in the resolution of objections and complaints between the municipality and any other person regarding -

- (i) the implementation of the procurement process in terms of the supply chain management system; or
- (ii) any matter arising from the implementation of the procurement process in terms of the supply chain management system.

(b) The accounting officer, or another official designated by the accounting officer, is responsible for assisting the appointed person to perform his or her functions effectively.

(c) The person appointed must –

- (i) strive to resolve promptly all objections and complaints received; and

(ii) submit reports to the accounting officer on all such objections and complaints received, attended to or resolved.

(d) If the independent and impartial person, is of the view that a matter which should be dealt with in terms of paragraph 68.3, he or she shall forthwith refer the matter to the Municipal Bid Tribunals and that Tribunal shall then hear and determine the matter in accordance with the provisions of paragraph 68.3.

(e) An objection or complaint may be referred to the KwaZulu-Natal Provincial Treasury if:

(i) the objection or complaint is not resolved within 60 days; or

(ii) no response is forthcoming within 60 days.

(f) If the Provincial Treasury does not or cannot resolve the matter, the objection or complaint may be referred to the National Treasury for resolution.

68.3. Municipal Bid Appeals Tribunal

(a) The council shall establish a Municipal Bid Appeals Tribunal for its area of jurisdiction to hear and determine an appeal against the award of a bid.

(b) The accounting officer of the municipality, in consultation with the Provincial Treasury, shall appoint the Chairperson, Deputy Chairperson and Members of the Municipal Bid Appeals Tribunal.

(c) The powers, duties and functions of the Municipal Bid Appeals Tribunal, and matters incidental thereto, are set out in the Rules which are appended to this Supply Chain Management Policy and marked Appendix A.

(d) The administrative and secretarial work involved in the performance of the duties and functions of the Municipal Bid Appeals Tribunal shall be performed by officers of the Provincial Treasury as set out in the Rules referred to in paragraph 68(3)(c)

(e) There shall be no further appeal against a decision of the Municipal Bid Appeals Tribunal.

Chapter 5: Preferential Procurement Management

69. Preferential Procurement Management

Offers for the procurement of goods and services shall be in line with the applicable procurement legislation, namely the Preferential Policy Framework Act, 2000 (Act No 5 of 2000) and its associated Preferential Procurement Regulations, and the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003). Offers for the procurement of goods and services shall be adjudicated on the following criteria:

69.1. Evaluation of bids on functionality

- (a) The Newcastle Municipality shall indicate on the invitation to submit a bid if a bid shall be evaluated on functionality.
- (b) The evaluation criteria for measuring functionality shall be objective.
- (c) Where bids are evaluated on functionality, the following shall be clearly specified in the invitation to submit a bid –
 - (i) The evaluation criteria for measuring functionality
 - (ii) The weight of each criterion
 - (iii) The applicable value; and
 - (iv) The minimum qualifying score for functionality
- (d) No bid shall be regarded as an acceptable bid if it fails to achieve a minimum score for functionality as indicated in the bid invitation.
- (e) Bidders that have achieved the minimum qualifying score for functionality shall be evaluated further for preference point systems prescribed in paragraphs 69.2 and 69.3 of this SCM Policy.

69.2. The 80/20 Preferential Point System

- (a) The following formula shall be used to calculate preference points in respect of bids (including price quotations) with a Rand value equal to, or above R 30 000 up to a Rand value of R 50 000 000 (all applicable taxes included):

$$P_s = 80 \frac{(1 - P_t - P_{\min})}{P_{\min}}$$

Where

- P_s = Points scored for price of bid or offer under consideration.
- P_t = Price of tender under consideration.
- P_{\min} = Price of lowest acceptable tender

The Newcastle Municipality may apply the formula in paragraph a) for quotations with a value less than R30 000, if and when appropriate.

- (b) Subject to sub-paragraph 69.2(c) points shall be awarded to a bidder attaining the B-BBEE status level contributor in accordance with the table below.

B-BBEE Status Level of Contributor	Number of Points
------------------------------------	------------------

1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

(c) A maximum 20 points shall be allocated in accordance with sub-paragraph 69.2(b) of this SCM policy.

(d) The points scored by the bidder in respect of B-BBEE contribution contemplated in sub-paragraph 69.2 (b) shall be added to the points scored for price as calculated in sub-paragraph 69.2 (a) of this SCM policy.

(e) Subject to sub-paragraph 69.4 of this SCM policy the contract shall be awarded to a bidder who scores the highest number of points.

A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract

If the price offered by a tenderer scoring the highest points is not market related, the organ of state may not award the contract to that tenderer.

(b) The organs of state may-

(i) negotiate a market-related price with the tenderer scoring the highest points or cancel the tender;

(ii) if the tenderer does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the second highest points or cancel the tender;

(iii) if the tenderer scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the third highest points or cancel the tender.

(c) If a market-related price is not agreed as envisaged in paragraph (b)(iii), the organ of state must cancel the tender.

69.3. The 90/10 Preferential Point System

(a) The following formula shall be used to calculate preference points in respect of bids with a Rand value above of R50 000 000 (all applicable taxes included):

$$P_s = 90 \frac{(1 - P_t - P_{\min})}{P_{\min}}$$

Where

- Ps = Points scored for price of tender under consideration.
 Pt = Price of tender under consideration.
 P min = Price of lowest acceptable tender.

(b) Subject to sub-paragraph 69.3(c) points shall be awarded to a bidder attaining the B-BBEE status level contributor in accordance with the table below.

B-BBEE Status Level of Contributor	Number of Points
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

(c) A maximum 10 points shall be allocated in accordance with sub-paragraph 69.3(b) of this SCM policy.

(d) The points scored by the bidder in respect of B-BBEE contribution contemplated in sub-paragraph 69.3(b) shall be added to the points scored for price as calculated in sub-paragraph 69.3(a) of this SCM policy.

(e) Subject to sub-paragraph 69.4 of this SCM policy the contract shall be awarded to a bidder who scores the highest number of points.

69.4. A contract may be awarded to a bidder that did not score the highest total number of points, only in accordance with section 2(1) (f) of the Preferential Procurement Policy Framework Act, 5 of 2000.

A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract

If the price offered by a tenderer scoring the highest points is not market related, the organ of state may not award the contract to that tenderer.

(b) The organs of state may-

(i) negotiate a market-related price with the tenderer scoring the highest points or cancel the tender;

(ii) if the tenderer does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the second highest points or cancel the tender;

(iii) if the tenderer scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the third highest points or cancel the tender.

(c) If a market-related price is not agreed as envisaged in paragraph (b)(iii), the organ of state must cancel the tender.

70. Cancellation and Re-invitation of Bids

70.1. In the application of the 80/20 preference point system

- (a) in the event that, in the application of the 80/20 preference point system as stipulated in the bid documents, all bids received exceed the estimated Rand value of R 1 000,000, the bid invitation shall be cancelled.
- (b) If one or more acceptable bids received are within the prescribed threshold of R1 000 000, all bids received must be evaluated on the 80/20 preference point systems.

70.2. In the application of the 90/10 preference point system

- (a) in the event that, in the application of the 90/10 preference point system as stipulated in the bid documents, all bids received are equal to, or below the estimated Rand value of R 1 000,000, the bid invitation shall be cancelled.
- (b) If one or more acceptable bids received are above the prescribed threshold of R1 000 000, all bids received must be evaluated on the 90/10 preference point systems.

70.3. The Newcastle Municipality shall, after cancellation of a bid invitation as contemplated in sub-paragraphs 70.1 (a) and 70.2(a), re-invite bidders and shall, in the bid documents stipulate the correct preference point system to be applied.

70.4. The Newcastle Municipality shall, prior to the award of a bid, cancel a bid if –

- (a) due to changed circumstances, there is no longer a need for the services, works or goods requested; or
- (b) funds are no longer available to cover the total envisaged expenditure; or
- (c) no acceptable bids are received

71. Preference Point System for Disposals

71.1. Formula

- (a) The following formula must be used to calculate the points for price in respect of competitive bids for disposals :
 - (i) equal to or above R 30 000 up to a value of R 50 000, 000:

$$Ps = 80 \frac{(1 + Pt - Ph)}{Ph}$$

Where –

Ps = Points scored for comparative price of bid or offer under consideration

Pt = Comparative price of bid / offer under consideration

Ph = Comparative price of highest acceptable bid or offer

(ii) with a value above R 50 000,000:

$$Ps = \frac{90(Pt - Ph)}{Ph}$$

Where –

Ps = Points scored for comparative price of bid / offer under consideration

Pt = Comparative price of bid / offer under consideration

Ph = Comparative price of highest acceptable bid / offer

- (b) A maximum of 10 or 20 points, as the case may be, may be awarded to a bidder for B-BBEE status level of contribution.
- (c) The points scored by a bidder in respect of B-BBEE status level contribution must be added to the points scored for price.
- (d) Only the bid with the highest number of points scored may be selected.

71.2 Conditions

- (a) Only a bidder who has completed and signed the declaration part of the bid documentation shall be considered.
- (b) The Newcastle Municipality shall, when calculating comparative prices, take into account any discounts which have been offered unconditionally.
- (c) The Newcastle Municipality shall, when effecting payment, implement a discount which has been offered conditionally despite it being not taken into account for evaluation purposes.
- (d) A trust, consortium or joint venture shall qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits B-BBEE status level certificate
- (e) A person shall not be awarded points for B-BBEE status level if it indicated in the bid documents that such a bidder intends subcontracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an exempted micro enterprise that has the capability and ability to execute the sub-contract.
- (f) A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an exempted micro enterprise that has the capability and ability to execute the sub-contract.
- (g) A person awarded a contract in relation to a designated sector, may not subcontract in such a manner that the local production and content of the overall value of contract is reduced to below the stipulated minimum threshold.

71.3. Declarations

A bidder must, in the manner stipulated in the bid document, declare that:

- (a) The information provided regarding any claim of points for B-BBEE status level is true and correct;

- (b) the signatory to the bid document is duly authorised; and
- (c) documentary proof regarding any bidding issue will, when required, be submitted to the satisfaction of the Newcastle Municipality.

71.4. Remedies

Where a contract has been awarded on the strength of B-BBEE status level of contribution furnished by the bidder or contractor which, after the conclusion of the relevant contract, is proved to have been claimed or obtained on a fraudulent basis, the Newcastle Municipality may, in addition to any other legal remedy it may have:

- a) disqualify the person from the bidding process
- b) recover from the contractor all costs, losses or damages incurred or sustained by the municipality as a result of that contractor's conduct;
- c) cancel the contract and claim damages which the municipality may suffer as a result of having to make less favourable arrangements due to such cancellation;
- d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders or directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* rule has been applied; and
- e) forward the matter for criminal prosecution

72. Local Production and Content

72.1. The bidding conditions may stipulate a minimum threshold of local production and content, as contemplated in regulation 9 of Preferential Procurement Regulations, GNR 502 dated 8 June 2011, where for such bids locally produced goods. Services or works or locally manufactured goods are of critical importance.

72.2. Every bid issued in terms of sub-paragraph 73.1 must be measurable and audited.

73. Variation order

73.1 Contracts may be expanded or varied by not more than 20% for construction related goods, services and/or infrastructure projects and 15% for all other goods and/or services of the original value of the contract.

73.2 Any expansion or variation in excess of these thresholds must be dealt with in terms of the provisions of section 116(3) of the MFMA which will be regarded as an amendment to the contract.

73.3 The contents of the above paragraph are not applicable to transversal term contracts, facilitated by the relevant treasuries on behalf of municipalities and, specific term contracts. The latter refers to orders placed as and when commodities are required and at the time of awarding contracts, the required quantities were unknown.

PART C



THE NEWCASTLE
MUNICIPALITY
NEWCASTLE KWAZULU-NATAL

**Supply Chain Management Policy for Infrastructure Procurement and Delivery
Management**

Adopted on xx May 2019

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1 Scope

This policy establishes the Newcastle Municipality's policy for infrastructure procurement and delivery management in accordance with the provisions of the regulatory frameworks for procurement and supply chain management. It includes the procurement of goods and services necessary for a new facility to be occupied and used as a functional entity but excludes:

- a) the storage of goods and equipment following their delivery to Newcastle Municipality which are stored and issued to contractors or to employees;
- b) the disposal or letting of land;
- c) the conclusion of any form of land availability agreement;
- d) the leasing or rental of moveable assets; and
- e) public private partnerships.

2 Terms, definitions and abbreviations

2.1 Terms and definitions

For the purposes of this document, the definitions and terms given in the standard and the following apply:

agent: person or organization that is not an employee of Newcastle Municipality that acts on its behalf in the application of this document

authorised person: the municipal manager or chief executive or the appropriately delegated authority to award, cancel, amend, extend or transfer a contract or order

conflict of interest: any situation in which:

- a) someone in a position of trust has competing professional or personal interests which make it difficult for him to fulfil his duties impartially,
- b) an individual or organization is in a position to exploit a professional or official capacity in some way for his personal or for corporate benefit, or
- c) incompatibility or contradictory interests exist between an employee and the organization which employs that employee

contract manager: person responsible for administering a package on behalf of the employer and performing duties relating to the overall management of such contract from the implementer's point of view

family member: a person's spouse, whether in a marriage or in a customary union according to indigenous law, domestic partner in a civil union, or child, parent, brother, sister, whether such a relationship results from birth, marriage or adoption

framework agreement: an agreement between an organ of state and one or more contractors, the purpose of which is to establish the terms governing orders to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged

gate: a control point at the end of a process where a decision is required before proceeding to the next process or activity

gateway review: an independent review of the available information at a gate upon which a decision to proceed or not to the next process is based

gratification: an inducement to perform an improper act

infrastructure delivery: the combination of all planning, technical, administrative and managerial actions associated with the construction, supply, renovation, rehabilitation, alteration, maintenance, operation or disposal of infrastructure

infrastructure procurement: the procurement of goods or services including any combination thereof associated with the acquisition, renovation, rehabilitation, alteration, maintenance, operation or disposal of infrastructure

maintenance: the combination of all technical and associated administrative actions during an item's service life to retain it in a state in which it can satisfactorily perform its required function

operation: combination of all technical, administrative and managerial actions, other than maintenance actions, that results in the item being in use

order: an instruction to provide goods, services or any combination thereof under a framework agreement

organ of state: an organ of state as defined in section 239 of the Constitution of the Republic of South Africa

procurement document: documentation used to initiate or conclude (or both) a contract or the issuing of an order

principal: a natural person who is a partner in a partnership, a sole proprietor, a Strategic Executive Director a company established in terms of the Companies Act of 2008 (Act No. 71 of 2008) or a member of a close corporation registered in terms of the Close Corporation Act, 1984, (Act No. 69 of 1984)

standard: the latest edition of the Standard for Infrastructure Procurement and Delivery Management as published by National Treasury

working day: any day of a week on which is not a Sunday, Saturday or public holiday

2.2 Abbreviations

For the purposes of this document, the following abbreviations apply

CIDB: Construction Industry Development Board

SARS: South African Revenue Services

3 General requirements

3.1 Delegations

3.1.1 The Council of Newcastle Municipality hereby delegates all powers and duties to the Municipal Manager which are necessary to enable the Municipal Manager to:

- a) discharge the supply chain management responsibilities conferred on accounting officers in terms of Chapter 8 or 10 of the Local Government Municipal Finance Management Act of 2003 and this document;
- b) maximise administrative and operational efficiency in the implementation of this document;
- c) enforce reasonable cost-effective measures for the prevention of fraud, corruption, favouritism and unfair and irregular practices in the implementation of this document; and

- d) comply with his or her responsibilities in terms of section 115 and other applicable provisions of the Local Government Municipal Finance Management Act of 2003 Act.

3.1.2 No departure shall be made from the provisions of this policy without the approval of the Municipal Manager of Newcastle Municipality

3.1.3 The Municipal Manager shall for oversight purposes:

- a) within 30 days of the end of each financial year, submit a report on the implementation of this the policy and the equivalent policy of any municipal entity under the sole or shared control of the Newcastle Municipality, to the council of the Newcastle Municipality³ / within 20 days of the end of each financial year, submit a report on the implementation of this policy to the board of Strategic Executive Directors, who must then submit the report to the municipal manager of Newcastle Municipality for submission to the council;
- b) whenever there are serious and material problems in the implementation of this policy, immediately submit a report to the Council, who must then submit the report to the municipal manager of Newcastle Municipality for submission to the council;
- c) within 10 days of the end of each quarter, submit a report on the implementation of the policy to the Mayor; and
- d) make the reports public in accordance with section 21A of the Municipal Systems Act of 2000.

3.2 Implementation of the Standard for Infrastructure Procurement and Delivery Management

3.2.1 Infrastructure procurement and delivery management shall be undertaken in accordance with the all applicable legislation and the relevant requirements of the latest edition of the National Treasury Standard for Infrastructure Procurement and Delivery Management.⁵

3.3 Supervision of the infrastructure delivery management unit

The Infrastructure Delivery Management Unit shall be directly supervised by the Chief Financial Officer

3.4 Objections and complaints

Persons aggrieved by decisions or actions taken in the implementation of this policy, may lodge within 14 days of the decision or action, a written objection or complaint against the decision or action.

3.5 Resolution of disputes, objections, complaints and queries

3.5.1 The Municipal Manager shall appoint an independent and impartial person, not directly involved in the infrastructure delivery management processes to assist in the resolution of disputes between the Newcastle Municipality and other persons regarding:

- a) any decisions or actions taken in the implementation of the supply chain management system;
- b) any matter arising from a contract awarded within the Newcastle Municipality's infrastructure delivery management system; or
- c) to deal with objections, complaints or queries regarding any such decisions or actions or any matters arising from such contract.

3.5.2 The Municipal Manager or Designated Person shall assist the person appointed in terms of 3.5.1 to perform his or her functions effectively.

3.5.3 The person appointed in terms of 3.5.1 shall:

- a) strive to resolve promptly all disputes, objections, complaints or queries received; and
- b) submit monthly reports to the Municipal Manager on all disputes, objections, complaints or queries received, attended to or resolved.

3.5.4 A dispute, objection, complaint or query may be referred to the Western Cape Provincial Treasury if:

- a) the dispute, objection, complaint or query is not resolved within 60 days; or
- b) no response is forthcoming within 60 days.

3.5.5 If the Western Cape Provincial Treasury does not or cannot resolve the matter, the dispute, objection, complaint or query may be referred to the National Treasury for resolution.

4 Control framework for infrastructure delivery management

4.1 Assignment of responsibilities for approving or accepting end of stage deliverables

The responsibilities for approving or accepting end of stage deliverables shall be as stated in Table 1.

4.2 Gateway reviews

4.2.1 Gateway reviews for major capital projects above a threshold

4.2.1.1 Municipal Manager shall appoint a gateway review team in accordance with the provisions of clause 4.1.13.1.2 of the standard to undertake gateway reviews for major capital projects.

Table 1: Responsibilities for approving or accepting end of stage deliverables in the control framework for the management of infrastructure delivery

Stage		Person/Body assigned the responsibility for approving or accepting end of stage deliverables	Output	Project Value
No	Name			
0	Project initiation	<i>Council</i> accepts the initiation report	<i>Approved IDP</i>	<i>Above R200 000</i>
1	Infrastructure planning	<i>Strategic Executive Director: Technical Services</i> approves the infrastructure plan	<i>Approved Budget</i>	<i>Above R200 000</i>
2	Strategic resourcing	<i>Strategic Executive Director: Technical Services</i> approves the delivery and / or procurement strategy		<i>Above R200 000</i>

3	Pre-feasibility		[Strategic Executive Director: Technical Services accepts the pre-feasibility report		Above R200 000
	Preparation and briefing		[Strategic Executive Director: Technical Services accepts the strategic brief		Above R200 000
4	Feasibility		Strategic Executive Director: Technical Services accepts the feasibility report		Above R200 000
	Concept and viability		Strategic Executive Director: Technical Services accepts the concept report		Above R200 000
5	Design development		Strategic Executive Director: Technical Services development report	Designs	Above R200 000
6	Design documentation	6A Production information	Strategic Executive Director: Technical Services which are identified when the design development report is accepted as requiring acceptance	Designs	Above R200 000
		6B Manufacture, fabrication and construction information	The contract manager accepts the manufacture, fabrication and construction information	Designs	Above R200 000

Stage		Person assigned the responsibility for approving or accepting end of stage deliverables	Output	Project Value
No	Name			
7	Works	The contract manager certifies completion of the works or the delivery of goods and associated services		Above R200 000
8	Handover	The owner or end user accepts liability for the works		Above R200 000
9	Package completion	The contract manager or supervising agent certifies the defects certificate in accordance with the provisions of the contract The contract manager certifies final completion in accordance with the provisions of the contract <i>[Strategic Executive Director: Technical Services]</i> accepts the close out report		Above R200 000

5 Control framework for infrastructure procurement

5.1 The responsibilities for taking the key actions associated with the formation and conclusion of contracts including framework agreements above the quotation threshold shall be as stated in Table 2.

5.2 The responsibilities for taking the key actions associated with the quotation procedure and the negotiation procedure where the value of the contract is less than the threshold set for the quotation procedure shall be as follows:

- a) Bid Documentation Committee shall grant approval for the issuing of the procurement documents, based on the contents of a documentation review report developed in accordance with the provisions of the standard;
- b) the Bid Adjudication Committee may award the contract if satisfied with the recommendations contained in the evaluation report prepared in accordance with the provisions of the standard or alternatively make a recommendation to the Municipal Manager to award if the value exceeds R10 million.

5.3 The responsibilities for taking the key actions associated with the issuing of an order in terms of a framework agreement shall be as stated in Table 3.

6 Infrastructure delivery management requirements

6.1 Institutional arrangements

6.1.1 Committee system for procurement

6.1.1.1 General

6.1.1.1.1 A committee system comprising the Bid Specification committee, Bid evaluation committee and Bid Adjudication committee shall be applied to all procurement procedures where the estimated value of the procurement exceeds R200 000 and to the putting in place of framework agreements.

6.1.1.1.2 The Bid evaluation committee shall, where competition for the issuing of an order amongst framework contractors takes place and the value of the order exceeds the financial threshold for quotations, evaluate the quotations received.

6.1.1.1.3 The persons appoint in writing as technical advisors and subject matter experts may attend any committee meeting.

6.1.1.1.4 No person who is a political officer bearer, a public office bearer including any councillor of a municipality, a political advisor or a person appointed in terms of section 12A of the Public Service Act of 1994 or who has a conflict of interest shall be appointed to a Bid specification, Bid evaluation or Bid Adjudication committee.

6.1.1.1.5 Committee decisions shall as far as possible be based on the consensus principle i.e. the general agreement characterised by the lack of sustained opposition to substantial issues. Committees shall record their decisions in writing. Such decisions shall be kept in a secured environment for a period of not less than five years after the completion or cancellation of the contract unless otherwise determined in terms of the National Archives and Record Services Act of 1996.

6.1.1.1.6 Committees may make decisions at meetings or, subject to the committee chairperson's approval, on the basis of responses to documents circulated to committee members provided that not less than sixty percent of the members are present or respond to the request for responses. Where the committee chairperson is absent from the meeting, the members of the committee who are present shall elect a chairperson from one of them to preside at the meeting.

6.1.1.2 Bid Specification committee

6.1.1.2.1 The Municipal Manager shall appoint in writing a standing committee to review the procurement documents and to develop a procurement documentation review report in accordance with clause 4.2.2.1 of the standard.

6.1.1.2.2 The Bid specification committee shall comprise of a Chairperson, Vice Chairperson and three (3) members of which one (1) is the responsible official and one (1) is a SCM official. The chairperson shall be an employee of Newcastle Municipality with requisite skills.

6.1.1.2.3 No member of, or technical adviser or subject matter expert who participates in the work of the Bid specification committee or a family member or associate of such a member, may tender for any work associated with the tender which is considered by these committees.

Table 2: Procurement activities and gates associated with the formation and conclusion of contracts above the quotation threshold

Activity	Sub-Activity (see Table 3 of the standard)	Key action	Person assigned responsibility to perform key action
1*	Establish what is to be procured 1.3 PG1 Obtain permission to start with the procurement process	Make a decision to proceed / not to proceed with the procurement based on the broad scope of work and the financial estimates.	Strategic Executive Director: Technical Services
2*	Decide on procurement strategy 2.5 PG2 Obtain approval for procurement strategies that are to be adopted including specific approvals to approach a confined market or the use of the negotiation procedure	Confirm selection of strategies so that tender offers can be solicited	Strategic Executive Director: Technical Services
3	Solicit tender offers 3.2 PG3 Obtain approval for procurement documents	Grant approval for the issuing of the procurement documents	Bid specification Committee
	3.3 PG4 Confirm that budgets are in place	Confirm that finance is available for the procurement to take place	Strategic Executive Director: Financial Services/Manager: Budgets
	4.2 PG5 Obtain authorisation to proceed with next phase of tender process in the qualified, proposal or competitive negotiations procedure	Review evaluation report, ratify recommendations and authorise progression to the next stage of the tender process	[Strategic Executive Director: Technical Services

4	tender offers	4.7 PG6	Confirm recommendations contained in the tender evaluation report	Review recommendations of the bid evaluation committee and refer back to bid evaluation committee for reconsideration or make recommendation for award	Bid Adjudication committee
		5.3 PG7	Award contract	Formally accept the tender offer in writing and issue the contractor with a signed copy of the contract	[authorised person] <i>Accounting Officer</i>
5	Award contract	5.5 GF1	Upload data in financial management and payment system	Verify data and upload contractor's particulars and data associated with the contract or order	[designated person] <i>SCM</i>

* Applies only to goods and services not addressed in a procurement strategy developed during stage 2 (strategic resourcing) of the control framework for infrastructure delivery management

Table 2 (concluded)

Activity	Sub-Activity	Key action	Person assigned responsibility to perform key action
Administer contracts and confirm compliance with requirements	6.4 PG8A Obtain approval to waive penalties or low performance damages.	Approve waiver of penalties or low performance damages	<i>[Strategic Executive Director: Technical Services]</i>
	6.5 PG8B Obtain approval to notify and refer a dispute to an adjudicator	Grant permission for the referral of a dispute to an adjudicator or for final settlement to an arbitrator or court of law	Manager: Legal Services
	6.6 PG8C Obtain approval to increase the total of prices, excluding contingencies and price adjustment for inflation, or the time for completion at the award of a contract or the issuing of an order up to a specified percentage ²¹	Approve amount of time and cost overruns up to the threshold	<i>[Project Management Unit Manager]</i>
	6.7 PG8D Obtain approval to exceed the total of prices, excluding contingencies and price adjustment for inflation, or the time for completion contract or the issuing of an order 20% and 30%, respectively at award of a contract by more than	Approve amount of time and cost overruns above a the threshold	<i>[municipal manager or chief executive or, depending upon the value, a appropriately delegated authority]</i>

	Obtain approval to cancel or terminate a contract	Approve amount	[Strategic Executive Director: Technical Services]
6.8 PG8E	Obtain approval to amend a contract	Approve proposed amendment to contract	[Strategic Executive Director: Technical Services]
6.9 PG8F			

Table 3: Procurement activities and gates associated with the issuing of an order above the quotation threshold in terms of a framework agreement

Activity	Key action	Person assigned responsibility to perform key action
<p>1 FG1</p> <p>Confirm justifiable reasons for selecting a framework contractor where there is more than one framework agreement covering the same scope of work</p>	<p>Confirm reasons submitted for not requiring competition amongst framework contractors or instruct that quotations be invited</p>	<p><i>Accounting Officer or designated official</i></p>
<p>3 FG2</p> <p>Obtain approval for procurement documents</p>	<p>Grant approval for the issuing of the procurement documents</p>	<p><i>Accounting Officer or designated official</i></p>
<p>4 FG3</p> <p>Confirm that budgets are in place</p>	<p>Confirm that finance is available so that the order may be issued</p>	<p><i>[designated person e.g. programme manager or financial Strategic Executive Director]</i></p>
<p>6 FG4</p> <p>Authorise the issuing of the order</p>	<p>If applicable, review evaluation report and confirm or reject recommendations. Formally accept the offer in writing and issue the contractor with a signed copy of the order</p>	<p><i>CFO or designated official</i></p>

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6.1.1.3 Bid Evaluation committee

6.1.1.3.1 The Municipal Manager shall appoint in writing:

- a) the persons to prepare the evaluation and, where applicable, the quality evaluations, in accordance with clauses 4.2.3.2 and 4.2.3.4 of the standard, respectively; and
- b) the members of the evaluation committee.

6.1.1.3.2 The bid evaluation committee shall comprise of a Chairperson, Vice Chairperson and three (3) members of which one (1) is the responsible official and one (1) is a SCM official. The chairperson shall be an employee of Newcastle Municipality with requisite skills.

6.1.1.3.3 The evaluation committee shall review the evaluation reports prepared in accordance with sub clause 4.2.3 of the standard and as a minimum verify the following in respect of the recommended tenderer:

- a) the capability and capacity of a tenderer to perform the contract;
- b) the tenderer's tax and municipal rates and taxes compliance status;
- c) confirm that the tenderer's municipal rates and taxes and municipal service charges are not in arrears;
- d) the Compulsory Declaration has been completed; and
- e) the tenderer is not listed in the National Treasury's Register for Tender Defaulters or the List of Restricted Suppliers.

6.1.1.3.4 No tender submitted by a member of, or technical adviser or subject matter expert who participates in the work of the Bid documentation committee or a family member or associate of such a member, may be considered by the evaluation committee.

6.1.1.3.5 The chairperson of the evaluation committee shall promptly notify the Municipal Manager of any respondent or tenderer who is disqualified for having engaged in fraudulent or corrupt practices during the tender process.

6.1.1.4 Bid Adjudication Committee

6.1.1.4.1 The Bid Adjudication committee shall comprise the following persons or their mandated delegate:

- a) the Chief Financial Officer;
- b) Vice chairperson (manager in the budget and treasury office reporting directly to the CFO)
- c) At least one senior SCM practitioner who is an official of the Municipality;
- d) 2 x officials in top management positions employed by Newcastle Municipality
- e) Secretary (official from the SCMU with no voting rights);

6.1.1.4.2 No member of the bid evaluation committee may serve on the bid adjudication committee. A member of the bid evaluation committee may, however, participate in the deliberations of the bid adjudication committee as a technical advisor or a subject matter expert.

6.1.1.4.3 The bid adjudication committee shall:

- a) consider the report and recommendations of the bid evaluation committee and:
 - 1) verify that the procurement process which was followed complies with the provisions of this document;
 - 2) confirm that the report is complete and addresses all considerations necessary to make a recommendation;
 - 3) confirm the validity and reasonableness of reasons provided for the elimination of tenderers; and
 - 4) consider commercial risks and identify any risks that have been overlooked or fall outside of the scope of the report which warrant investigation prior to taking a final decision; and
- b) refer the report back to the bid evaluation committee for their reconsideration or make a recommendation to the authorised person on the award of a tender, with or without conditions, together with reasons for such recommendation.

6.1.1.4.4 The bid adjudication committee shall consider proposals regarding the cancellation, amendment, extension or transfer of contracts that have been awarded and make a recommendation to the authorised person on the course of action which should be taken.

6.1.1.4.5 The bid adjudication committee shall consider the merits of an unsolicited offer and make a recommendation to the municipal manager.

6.1.1.4.6 The bid adjudication committee shall report to the municipal manager any recommendation made to award a contract to a tenderer other than the tenderer recommended by the evaluation committee, giving reasons for making such a recommendation.

6.1.1.4.7 The bid adjudication committee shall not make a recommendation for an award of a contract or order if the recommended tenderer or framework contractor has:

- a) made a misrepresentation or submitted false documents in competing for the contract or order; or
- b) been convicted of a corrupt or fraudulent act in competing for any contract during the past five years.

6.1.1.4.8 The bid adjudication committee may on justifiable grounds and after following due process, disregard the submission of any tenderer if that tenderer or any of its Strategic Executive Directors, members or trustees or partners has abused the delivery management system or has committed fraud, corruption or any other improper Conduct in relation to such system. The National Treasury and the Provincial Treasury shall be informed where such tenderers are disregarded.

6.1.2 Actions of an authorised person relating to the award of a contract or an order

6.1.2.1 Award of a contract

6.1.2.1 The municipal manager shall, if the value of the contract inclusive of VAT, is within his or her delegation, consider the report(s) and recommendations of the bid adjudication committee and either:

- a) award the contract after confirming that the report is complete and addresses all considerations necessary to make a recommendation and budgetary provisions are in place; or

- b) decide not to proceed or to start afresh with the process.

6.1.2.2 The municipal manager shall immediately notify the bid adjudication committee if a tender other than the recommended tender is awarded, save where the recommendation is changed to rectify an irregularity. Such person shall, within 10 working days, notify in writing the Auditor-General, the National Treasury and Western Cape Provincial Treasury, and, in the case of a municipal entity, also the parent municipality, of the reasons for deviating from such recommendation.

6.1.2.3 Issuing of an order

The authorised person shall, if the value of an order issued in terms of a framework contract, is within his relevant, and either:

- a) authorise the issuing of an order in accordance with the provisions of clause 4.25 of the standard; or
- b) decide not to proceed or to start afresh with the process.

6.1.3 Conduct of those engaged in infrastructure delivery

6.1.3.1 General requirements

6.1.3.1.1 All personnel and agents of Newcastle Municipality shall comply with the requirements of the CIDB Code of Conduct for all Parties engaged in Construction Procurement. They shall:

- a) behave equitably, honestly and transparently;
- b) discharge duties and obligations timeously and with integrity;
- c) comply with all applicable legislation and associated regulations;
- d) satisfy all relevant requirements established in procurement documents;
- e) avoid conflicts of interest; and
- f) not maliciously or recklessly injure or attempt to injure the reputation of another party.

6.1.3.1.2 All personnel and agents engaged in Newcastle Municipality's infrastructure delivery management system shall:

- a) not perform any duties to unlawfully gain any form of compensation, payment or gratification from any person for themselves or a family member or an associate;
- b) perform their duties efficiently, effectively and with integrity and may not use their position for private gain or to improperly benefit another person;
- c) strive to be familiar with and abide by all statutory and other instructions applicable to their duties;
- d) furnish information in the course of their duties that is complete, true and fair and not intended to mislead;

- e) ensure that resources are administered responsibly;
- f) be fair and impartial in the performance of their functions;
- g) at no time afford any undue preferential treatment to any group or individual or unfairly discriminate against any group or individual;
- h) not abuse the power vested in them;
- i) not place themselves under any financial or other obligation to external individuals or firms that might seek to influence them in the performance of their duties;
- j) assist Newcastle Municipality in combating corruption and fraud within the infrastructure procurement and delivery management system;
- k) not disclose information obtained in connection with a project except when necessary to carry out assigned duties;
- l) not make false or misleading entries in reports or accounting systems; and
- m) keep matters of a confidential nature in their possession confidential unless legislation, the performance of duty or the provision of the law require otherwise.

6.1.3.1.2 An employee or agent may not amend or tamper with any submission, tender or contract in any manner whatsoever.

6.1.3.2 Conflicts of interest

6.1.3.2.1 The employees and agents of Newcastle Municipality who are connected in any way to procurement and delivery management activities which are subject to this policy, shall:

- a) disclose in writing to the employee of the Newcastle Municipality to whom they report, or to the person responsible for managing their contract, if they have, or a family member or associate has, any conflicts of interest; and
- b) not participate in any activities that might lead to the disclosure of Newcastle Municipality proprietary information.

6.1.3.2.2 The employees and agents of Newcastle Municipality shall declare and address any perceived or known conflict of interest, indicating the nature of such conflict to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to a procurement process or as soon as they become aware of such conflict, and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

6.1.3.2.3 Agents who prepare a part of a procurement document may in exceptional circumstances, where it is in Newcastle Municipality's interest to do so, submit a tender for work associated with such documents provided that:

- a) Newcastle Municipality states in the tender data that such an agent is a potential tenderer;
- b) all the information which was made available to, and the advice provided by that agent which is relevant to the tender, is equally made available to all potential tenderers upon request, if not already included in the scope of work; and

- c) the bid specification committee is satisfied that the procurement document is objective and unbiased having regard to the role and recommendations of that agent.

6.1.3.3 Evaluation of submissions received from respondents and tenderers

6.1.3.3.1 The confidentiality of the outcome of the processes associated with the calling for expressions of interest, quotations or tenders shall be preserved. Those engaged in the evaluation process shall:

- a) not have any conflict between their duties as an employee or an agent and their private interest;
- b) may not be influenced by a gift or consideration (including acceptance of hospitality) to show favour or disfavour to any person;
- c) deal with respondents and tenderers in an equitable and even-handed manner at all times; and
- d) not use any confidential information obtained for personal gain and may not discuss with, or disclose to outsiders, prices which have been quoted or charged to Newcastle Municipality.

6.1.3.3.2 The evaluation process shall be free of conflicts of interest and any perception of bias. Any connections between the employees and agents of Newcastle Municipality and a tenderer or respondent shall be disclosed and recorded in the tender evaluation report.

6.1.3.3.3 Newcastle Municipality personnel and their agents shall immediately withdraw from participating in any manner whatsoever in a procurement process in which they, or any close family member, partner or associate, has any private or business interest.

6.1.3.4 Non-disclosure agreements

Confidentiality agreements in the form of non-disclosure agreements shall, where appropriate, be entered into with agents and potential contractors to protect Newcastle Municipality's confidential information and interests.

6.1.3.5 Gratifications, hospitality and gifts

6.1.3.5.1 The employees and agents of Newcastle Municipality shall not, directly or indirectly, accept or agree or offer to accept any gratification from any other person including a commission, whether for the benefit of themselves or for the benefit of another person, as an inducement to improperly influence in any way a procurement process, procedure or decision.

6.1.3.5.2 The employees and agents of Newcastle Municipality as well as their family members of associates shall not receive any of the following from any tenderer, respondent or contractor or any potential contractor:

- a) money, loans, equity, personal favours, benefits or services;
- b) overseas trips; or
- c) any gifts or hospitality irrespective of value from tenderers or respondents prior to the conclusion of the processes associated with a call for an expression of interest or a tender.

6.1.3.5.3 The employees and agents of Newcastle Municipality shall not purchase any items at artificially low prices from any tenderer, respondent or contractor or any potential contractor at artificially low prices which are not available to the public.

6.1.3.5.4 All employees and agents of Newcastle Municipality may for the purpose of fostering inter-personal business relations accept the following:

- a) meals and entertainment, but excluding the cost of transport and accommodation;
- b) promotional material of small intrinsic value such as pens, paper-knives, diaries, calendars, etc;
- c) incidental business hospitality such as business lunches or dinners, which the employee is prepared to reciprocate;
- d) complimentary tickets to sports meetings and other public events, but excluding the cost of transport and accommodation, provided that such tickets are not of a recurrent nature; and
- e) gifts in kind other than those listed in a) to d) which have an intrinsic value greater than R350 unless they have declared them to the Municipal Manager.

6.1.3.5.5 Under no circumstances shall gifts be accepted from prospective contractors during the evaluation of calls for expressions of interest, quotations or tenders that could be perceived as undue and improper influence of such processes.

6.1.3.5.6 Employees and agents of Newcastle Municipality shall without delay report to the Municipal Manager any incidences of a respondent, tenderer or contractor who directly or indirectly offers a gratification to them or any other person to improperly influence in any way a procurement process, procedure or decision.

6.1.3.6 Reporting of breaches

Employees and agents of Newcastle Municipality shall promptly report to the Municipal Manager any alleged improper conduct which they may become aware of, including any alleged fraud or corruption.

6.1.4 Measures to prevent abuse of the infrastructure delivery system²⁷

The Municipal Manager shall investigate all allegations of corruption, improper conduct or failure to comply with the requirements of this policy against an employee or an agent, a contractor or other role player and, where justified:

- a) take steps against an employee or role player and inform the National Treasury and Western Cape Provincial Treasury of those steps;
- b) report to the South African Police Service any conduct that may constitute a criminal offence;
- c) lodge complaints with the Construction Industry Development Board or any other relevant statutory council where a breach of such council's code of conduct or rules of conduct are considered to have been breached;
- d) cancel a contract if:
 - 1) it comes to light that the contractor has made a misrepresentation, submitted falsified documents or has been convicted of a corrupt or fraudulent act in competing for a particular contract or during the execution of that contract; or

- 2) an employee or other role player committed any corrupt or fraudulent act during the tender process or during the execution of that contract.

6.1.5 Awards to persons in the service of the state

6.1.5.1 Any submissions made by a respondent or tenderer who declares in the Compulsory Declaration that a principal is one of the following shall be rejected:

- a) a member of any municipal council, any provincial legislature, or the National Assembly or the National Council of Provinces;
- b) a member of the board of Strategic Executive Directors of any municipal entity;
- c) an official of any municipality or municipal entity;
- d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- e) a member of the accounting authority of any national or provincial public entity; or
- f) an employee of Parliament or a provincial legislature.

6.1.5.2 The notes to the annual financial statements of the municipality shall disclose particulars of an award of more than R 2000 to a person who is a family member of a person identified in 6.1.5.1 or who has been in the previous 12 months. Such notes shall include the name of the person, the capacity in which such person served and the amount of the award.

6.1.6 Collusive tendering

Any submissions made by a respondent or tenderer who fails to declare in the Compulsory Declaration that the tendering entity:

- a) is not associated, linked or involved with any other tendering entity submitting tender offers; or
- b) has not engaged in any prohibited restrictive horizontal practices including consultation, communication, agreement, or arrangement with any competing or potential tendering entity regarding prices, geographical areas in which goods and services will be rendered, approaches to determining prices or pricing parameters, intentions to submit a tender or not, the content of the submission (specification, timing, conditions of contract etc.) or intention to not win a tender shall be rejected.

6.1.7 Placing of contractors under restrictions

6.1.7.1 If any tenderer which has submitted a tender offer or a contractor which has concluded a contract has, as relevant:

- a) withdrawn such tender or quotation after the advertised closing date and time for the receipt of submissions;
- b) after having been notified of the acceptance of his tender, failed or refused to commence the contract;

- c) had their contract terminated for reasons within their control without reasonable cause;
- d) offered, promised or given a bribe in relation to the obtaining or the execution of such contract;
- e) acted in a fraudulent, collusive or anti-competitive or improper manner or in bad faith towards Newcastle Municipality, or
- f) made any incorrect statement in any affidavit or declaration with regard to a preference claimed and is unable to prove to the satisfaction of Newcastle Municipality that the statement was made in good faith or reasonable steps were taken to confirm the correctness of the statements,

6.1.7.2 The Manager: Legal Services shall prepare a report on the matter and make a recommendation to the Municipal Manager for placing the contractor or any of its principals under restrictions from doing business with the Newcastle Municipality

6.1.7.3 The Municipal Manager may, as appropriate, upon the receipt of a recommendation made in terms of 6.1.7.1 and after notifying the contractor of such intention in writing and giving written reasons for such action, suspend a contractor or any principal of that contractor from submitting a tender offer to Newcastle Municipality for a period of time.

6.1.7.4 The Manager: Legal Services shall:

- a) record the names of those placed under restrictions in an internal register which shall be accessible to employees and agents of Newcastle Municipality who are engaged in procurement processes; and
- b) notify the National Treasury and Western Cape Provincial Treasury and , if relevant, the Construction Industry Development Board, of such decision and provide them with the details associated therewith.

6.1.8 Complaints

6.1.8.1 All complaints regarding the Newcastle Municipality's infrastructure delivery management system shall be addressed to the Municipal Manager. Such complaints shall be in writing.

6.1.8.2 The Manager: Legal Services shall investigate all complaints regarding the infrastructure procurement and delivery management system and report on actions taken to the Municipal Manager who will decide on what action to take.

6.2 Acquisition management

6.2.1 Unsolicited proposal

6.2.1.1 The Newcastle Municipality is not obliged to consider unsolicited offers received outside a normal procurement process but may consider such an offer only if:

- a) the goods, services or any combination thereof that is offered is a demonstrably or proven unique innovative concept;
- b) proof of ownership of design, manufacturing, intellectual property, copyright or any other proprietary right of ownership or entitlement is vested in the person who made the offer;

- c) the offer presents a value proposition which demonstrates a clear, measurable and foreseeable benefit for Newcastle Municipality;
- d) the offer is in writing and clearly sets out the proposed cost;
- e) the person who made the offer is the sole provider of the goods or service; and
- f) Newcastle Municipality finds the reasons for not going through a normal tender processes to be sound.

6.2.1.2 The Municipal Manager may only accept an unsolicited offer and enter into a contract after considering the recommendations of the bid adjudication committee if:

- a) the intention to consider an unsolicited proposal has been made known in accordance with Section 21A of the Municipal Systems Act of 2000 together with the reasons why such a proposal should not be open to other competitors, an explanation of the potential benefits for the Municipality and an invitation to the public or other potential suppliers and providers to submit their comments within 30 days after the notice;
- b) Newcastle Municipality has obtained comments and recommendations on the offer from the National Treasury and Western Cape Provincial Treasury;
- c) the tender committee meeting which makes recommendations to accept an unsolicited proposal was open to the public and took into account any public comments that were received and any comments and recommendations received from the National Treasury and Western Cape Provincial Treasury; and
- d) the provisions of 6.2.1.3 are complied with.

6.2.1.3 The Municipal Manager shall, within 7 working days after the decision to award the unsolicited offer is taken, submit the reasons for rejecting or not following the recommendations to the National Treasury, the Western Cape Provincial Treasury and Auditor General. A contract shall in such circumstances not be entered into or signed within 30 days of such submission.

6.2.2 Tax and rates compliance

6.2.2.1 SARS tax clearance

6.2.2.1.1 No contract may be awarded or an order issued where the value of such transaction exceeds R 30 000, unless a tenderer or contractor is in possession of an original valid Tax Clearance Certificate issued by SARS provided that the tenderer is not domiciled in the Republic of South Africa and the SARS has confirmed that such a tenderer is not required to prove their tax compliance status.

6.2.2.1.2 In the case of a partnership, each partner shall comply with the requirements of 6.2.2.1.1.

6.2.2.1.3 No payment shall be made to a contractor who does not satisfy the requirements of 6.2.2.1.2. An employee of Newcastle Municipality shall upon detecting that a tenderer or contractor is not tax compliant, immediately notify such person of such status.

6.2.2.1.4 Notwithstanding the requirements of 6.2.2.1.1 and 6.2.2.1.3 the following shall apply, unless a person who is not tax compliant indicates to the Manager: SCM, Assets & Insurance that it intends challenging its tax compliance status with SARS,

- a) a non-compliant contractor shall be issued with a first warning that payments in future amounts due in terms of the contract may be withheld, before the authorising of any payment due to such contractor;
- b) before authorising a further payment due to a non-compliant contractor who has failed to remedy its tax compliance status after receiving a first warning, a second and final warning shall be issued to such contractor;
- c) no payments may be released for any amounts due in terms of the contract due to a non-compliant contractor if, after a period of 30 calendar days have lapsed since the second warning was issued, the non-compliant contractor has failed to remedy its tax compliance status.

6.2.2.1.5 Newcastle Municipality may cancel a contract with a non-compliant contractor if such a contractor fails to remedy its tax compliance status after a period of 30 calendar days have lapsed since the second warning was issued in terms of 6.2.2.1.4e).

6.2.2.2 Municipal rates and taxes

No contract may be awarded to a tenderer who, of the principals of that tenderer, owes municipal rates and taxes or municipal service charges to any municipality or a municipal entity and are in arrears for more than 3 months.

6.2.3 Declarations of interest

Tenders and respondents making submissions in response to an invitation to submit a tender or a call for an expression of interest, respectively shall declare in the Compulsory Declaration whether or not any of the principals:

- a) are an employee of Newcastle Municipality or in the employ of the state; or
- b) have a family member or a business relation with a person who is in the employ of the state.

6.2.4 Invitations to submit expressions of interest or tender offers

6.2.4.1 All invitations to submit tenders where the estimated value of the contract exceeds R200 000 including VAT, except where a confined tender process is followed, and expressions of interest shall be advertised on Newcastle Municipality's website and on the National Treasury eTender Publication Portal. Advertisements shall be placed by the delegated official within the SCM unit

6.2.4.2 Advertisements relating to construction works which are subject to the Construction Industry Development Regulations issued in terms of the Construction Industry Development Act of 2000 shall in addition to the requirements of 6.2.4.1 be advertised on the CIDB website. Advertisements shall be placed by the designated official within the SCM unit.

6.2.4.3 Where deemed appropriate by the Manager: SCM, Assets & Insurance an invitation to tender and a call for an expression of interest shall be advertised in suitable local and national newspapers and the Government Tender Bulletin as directed by such person. Advertisements shall be placed by the designated person within the SCM unit.

6.2.4.4 Such advertisements shall be advertised for a period of at least 30 days before closure, except in urgent cases when the advertisement period may be shortened as determined by the Municipal Manager.

6.2.4.5 Invitations to submit expressions of interest or tender offers shall be issued not less than 10 working days before the closing date for tenders and at least 5 working days before any compulsory clarification meeting. Procurement documents shall be made available not less than 7 days before the closing time for submissions.

6.2.5 Publication of submissions received and the award of contracts

6.2.5.1 The designated official with the SCM unit shall publish within 10 working days of the closure of any advertised call for an expression of interest or an invitation to tender where the estimated value of the contract exceeds R200 000 including VAT on the municipality's or municipal entity's website, the names of all tenderers that made submissions to that advertisement, and if practical or applicable, the total of the prices and the preferences claimed. Such information shall remain on the website for at least 30 days.

6.2.5.2 The designated official with the SCM unit shall publish within 7 working days of the award of a contract the following on Newcastle Municipality's website

- a) the contract number;
- b) contract title;
- c) brief description of the goods, services or works;
- d) the total of the prices, if practical;
- e) the names of successful tenderers and their B-BBEE status level of contribution;
- f) duration of the contract; and
- g) brand names, if applicable.

6.2.5.3 The designated official with the SCM unit shall submit within 7 working days of the award of a contract the information required by National Treasury on the National Treasury eTender Publication Portal regarding the successful and unsuccessful tenders.

6.2.5.4 The award of contracts relating to construction works which are subject to the Construction Industry Development Regulations issued in terms of the Construction Industry Development Act of 2000 shall in addition to the requirements of 6.2.5.3 be notified on the CIDB website. The notification shall be made by the designated official with the SCM unit.

6.2.6 Disposal committee

6.2.6.1 The Municipal manager shall appoint on a disposal by disposal basis in writing the members of the disposal committee to decide on how best to undertake disposals in accordance with the provisions of clause 10 of the standard.

6.2.6.2 The disposal panel shall comprise not less than three people. The chairperson shall be an employee of Newcastle Municipality.

6.2.6.3 The disposal committee shall make recommendations to the Council who shall approve the recommendations, or refer the disposal strategy back to the disposal committee for their reconsideration, or decide not to proceed or to start afresh with the process.

6.3 Reporting of infrastructure delivery management information

The Manager: SCM, Assets & Insurance shall submit any reports required in terms of the standard to the National Treasury or Western Cape Provincial Treasury.

7 Infrastructure procurement

7.1 Procurement documents

7.1.1 Newcastle Municipality's preapproved templates for Part C1 (Agreements and contract data) of procurement documents shall be utilised to obviate the need for legal review prior to the awarding of a contract. All modifications to the standard templates shall be approved by the Municipal Manager prior to being issued for tender purposes.

7.1.2 Disputes arising from the performance of a contract shall be finally settled in a South African court of law.

7.1.3 The Municipal Declaration and returnable documents contained in the standard shall be included in all tenders for:

- a) consultancy services; and
- b) goods and services or any combination thereof where the total of the prices is expected to exceed R10 m including VAT.

7.3 Developmental procurement

The approved Preferential Procurement Policy of Council will address developmental aspects

7.4 Payment of contractors

Newcastle Municipality shall settle all accounts within 30 days of invoice or statement as provided for in the contract.

7.5 Approval to utilise specific procurement procedures

7.5.1 Prior approval shall be obtained for the following procurement procedures from the following persons, unless such a procedure is already provided for in the approved procurement strategy:

- a) The municipal manager shall authorise the use of the negotiated procedure above the thresholds provided in the standard.
- b) The Municipal Manager shall authorise the approaching of a confined market except where a rapid response is required in the presence of, or the imminent risk of, an extreme or emergency situation arising from the conditions set out in the standard and which can be dealt with or the risks relating thereto arrested within 48 hours; and
- c) the proposal procedure using the two-envelope system, the proposal procedure using the two-stage system or the competitive negotiations procedure⁴⁵.

7.5.2 The person authorised to pursue a negotiated procedure in an emergency is the Head of the Department.

7.6 Receipt and safeguarding of submissions

7.6.1 A dedicated and clearly marked tender box shall be made available to receive all submissions made.

7.6.2 The tender box shall be fitted with a lock and the key kept by a designated official within the SCM unit. Such personnel shall be present when the box is opened on the stipulated closing date for submissions.

7.7 Opening of submissions

7.7.1 Submissions shall be opened by an opening panel comprising at least two designated officials in the SCM unit who have declared their interest or confirmed that they have no interest in the submissions that are to be opened.

7.7.2 The opening panel shall open the tender box at the stipulated closing time and:

- a) sort through the submissions and return those submissions to the box that are not yet due to be opened including those whose closing date has been extended;
- b) return submissions unopened and suitably annotated where:
 - 1) submissions are received late, unless otherwise permitted in terms of the submission data;
 - 2) submissions were submitted by a method other than the stated method,
 - 3) submissions were withdrawn in accordance with the procedures contained in SANS 10845-3; and.
 - 4) only one tender submission is received and it is decided not to open it and to call for fresh tender submissions;
- c) record in the register submissions that were returned unopened;
- d) open submissions if received in sealed envelopes and annotated with the required particulars and read out the name of and record in the register the name of the tenderer or respondent and, if relevant, the total of prices including VAT where this is possible;
- e) record in the register the name of any submissions that is returned with the reasons for doing so;
- f) record the names of the tenderer's representatives that attend the public opening;
- g) sign the entries into the register; and
- h) stamp each returnable document in each tender submission.

7.7.3 A designated member of the opening panel shall initial the front cover of the submission and all pages that are stamped in accordance with the requirements of 7.7.3h).

7.7.4 Respondents and tenderers whose submissions are to be returned shall be afforded the opportunity to collect their submissions.

7.7.5 Submissions shall be safeguarded from the time of receipt until the conclusion of the procurement process.

7.8 Use of another organ of state's framework agreement

Newcastle Municipality may make use of another organ of state's framework contract which has been put in place by means of a competitive tender process and there are demonstrable benefits for doing so. The municipal manager shall make the necessary application to that organ of state to do so.

7.9 Insurances

7.9.1 Contractors shall be required to take out all insurances required in terms of the contract.

7.9.2 The insurance cover in engineering and construction contracts for loss of or damage to property (except the works, Plant and Materials and Equipment) and liability for bodily injury to or death of a person (not an employee of the Contractor) caused by activity in connection with a contract shall in general not be less than the value stated in Table 4, unless otherwise directed by the municipal manager.

7.9.3 Lateral earth support insurance in addition to such insurance shall be take out on a case by case basis.

Table 4: Minimum insurance cover⁵²

Type of insurance	Value
Engineering and construction contracts - loss of or damage to property (except the works, Plant and Materials and Equipment) and liability for bodily injury to or death of a person (not an employee of the Contractor) caused by activity in connection with a contract	Not less than R20 million
Professional services and service contracts - death of or bodily injury to employees of the Contractor arising out of and in the course of their employment in connection with a contract or damage to property	Not less than R10 million
Professional indemnity insurance	geotechnical, civil and structural engineering: R5,0 million electrical, mechanical and engineering: R3,0 million architectural: R5,0 million other R3,0 million

7.9.4 The insurance cover in professional services and service contracts for damage to property or death of or bodily injury to employees of the Contractor arising out of and in the course of their employment in connection with a contract shall not be less than the value stated in Table 4 for any one event unless otherwise directed by the municipal manager.

7.9.5 SASRIA Special Risk Insurance in respect of riot and associated risk of damage to the works, Plant and Materials shall be taken out on all engineering and construction works.

7.9.5 Professional service appointments shall as a general rule be subject to proof of current professional indemnity insurance being submitted by the contractor in an amount not less than the value stated in Table 4 in respect of each claim, without limit to the number of claims, unless otherwise directed by the in relation to the nature of the service that they provide.

7.9.6 Newcastle municipality shall take out professional indemnity insurance cover where it is deemed necessary to have such insurance at a level higher than the levels of insurance commonly carried by contractors.

7.9.7 Where payment is to be made in multiple currencies, either the contractor or Newcastle Municipality should be required to take out forward cover. Alternatively, the prices for the imported content should be fixed as soon as possible after the starting date for the contract.

7.10 Written reasons for actions taken

7.10.1 Written reasons for actions taken shall be provided by the Chairperson of the Bid Adjudication Committee.

7.10.2 The written reasons for actions taken shall be as brief as possible and shall as far as is possible, and where relevant, be framed around the clauses in the:

- a) SANS 10845-3, *Construction procurement - Part 3: Standard conditions of tender*, and, giving rise to the reason why a respondent was not short listed, prequalified or admitted to a data base; or
- b) SANS 10845-4, *Construction procurement - Part 4: Standard conditions for the calling for expressions of interest*;

as to why a tenderer was not considered for the award of a contract or not awarded a contract.

7.10.3 Requests for written reasons for actions taken need to be brief and to the point and may not divulge information which is not in the public interest or any information which is considered to prejudice the legitimate commercial interests of others or might prejudice fair competition between tenderers.

7.11 Request for access to information

7.11.1 Should an application be received in terms of Promotion of Access to Information Act of 2000 (Act 2 of 2000), the "requestor" should be referred to Newcastle municipality's Information Manual which establishes the procedures to be followed and the criteria that have to be met for the "requester" to request access to records in the possession or under the control of Newcastle municipality.

7.11.2 Access to technical and commercial information such as a comprehensive programme which links resources and prices to such programme should be refused as such information provides the order and timing of operations, provisions for time risk allowances and statements as to how the contractor plans to do the work which identifies principal equipment and other resources which he plans to use. Access to a bill of quantities and rates should be provided in terms of the Act.



NEWCASTLE MUNICIPALITY

**CASH MANAGEMENT & INVESTMENT
POLICY**

CASH MANAGEMENT & INVESTMENT POLICY

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CASH MANAGEMENT & INVESTMENT POLICY

1. DEFINITIONS

In this Policy, unless the context indicates otherwise, a word or expression, to which a meaning has been assigned in the Municipal Finance Management Act (MFMA) No. 56 of 2003, has the same meaning.

Accounting Officer refers to the Municipal Manager of Newcastle Municipality

Auditor-General means the person appointed as Auditor-General in terms of section 193 of the Constitution, and includes a person as acting as Auditor-General, designated by the Auditor-General to exercise a power or perform a duty of the Auditor-General.

Chief Financial Officer or his delegate means an officer of the Municipality, designated by the Municipal Manager to be administratively in charge of the financial affairs of the Municipality;

Creditor in relation to a municipality, means a person to whom money is owing by the municipality.

Debt means a monetary liability or obligation created by a financing agreement, bond or overdraft, or by the issuance of municipal debt instruments; or a contingent liability such as that created by guaranteeing a monetary liability.

Debt Agreement includes any loan agreement under which a municipality undertakes to repay a long-term debt over a period of time.

Financial year means a year ending on 30 June.

Investee means an institution with which an investment is placed or its agent.

Investment in relation to funds of a municipality, means

- the placing on deposit of funds of a municipality with a financial institution,
- the acquisition of assets with funds of a municipality not immediately required, with the primary aim of preserving those funds.

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Lender in relation to a municipality, means a person who provides debt finance to a municipality.

Long-term debt means debt repayable over a period exceeding one year.

Long-term investments means any cash or liquid securities owned by the Municipality which have a maturity date, and/or callable date reasonably expected to be exercised, that is greater than one year.

Month means one of the 12 months of a calendar year.

Council means the Municipal Council of Newcastle Municipality.

Municipal entity has the meaning assigned to it in section 1 of the Municipal Systems Act.

Municipality means Newcastle Municipality.

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

Primary bank account means the main bank account referred to in section 8(1) of the MFMA.

Provincial treasury means KwaZulu-Natal Provincial Treasury (KZNPT)

Short-term debt means debt repayable over a period not exceeding one year.

Short-term investments Any cash or liquid securities owned by the municipality which is having a maturity date, and/or callable date reasonably expected to be exercised, that is equal to or less than one year.

CASH MANAGEMENT & INVESTMENT POLICY

2. INTRODUCTION

- 2.1. This Policy is aimed at gaining the optimal return on investments, without incurring undue risks, during those periods when cash revenues are not needed for capital or operational purposes. The effectiveness of this Policy is dependent on the accuracy of the Municipality's cash management programme, which must identify the amounts surplus to the Municipality's needs, as well as the time when and period for which such revenues are surplus.
- 2.2 Managing the cash resources of the Municipality is a key requirement to ensure the liquidity of the Municipality in order to meet its financial obligations. In order to achieve this objective the Newcastle Municipality has to adopt and review this Policy as and when required.

3. STATUTORY FRAMEWORK

Section 13 (2) of the Local Government: Municipal Finance Management Act 2003 (Act No 56 of 2003) requires that the Municipality must establish an appropriate and effective cash management and investment policy in accordance with a framework that may be prescribed by the Minister of Finance.

4. SCOPE OF POLICY

This Policy applies to all cash investments made by Newcastle Municipality, and the Municipality shall at all times manage its cash management and investments in compliance with this Policy and must not be inconsistent with the Municipal Finance Management Act and the Municipal Investment Regulations.

5. THE PURPOSE AND OBJECTIVES OF THE POLICY

The purpose of this Policy is to ensure that investment of surplus funds forms part of the financial system of the Municipality and to ensure that prudent investment procedures are consistently applied in order:

- i) To manage cash flows in an efficient and prudent manner

CASH MANAGEMENT & INVESTMENT POLICY

- ii) To maintain a level of liquidity sufficient to meet both planned and unforeseen cash requirements
- iii) To invest only in approved financial institutes
- iv) To minimize the risk of investments
- v) To maximize returns on investments without incurring undue risks
- vi) To ensure all relevant information is disclosed to Council
- vii) To ensure that all investment decisions are made by the appropriate delegated authority
- viii) To prohibit investment of funds for speculative purposes
- ix) To ensure transparency and compliance in all investment processes

6. RESPONSIBILITIES OF THE ACCOUNTING OFFICER

- 6.1 According to the Municipal Finance Management Act 2004, chapter 8, paragraph 60 and 61, the Accounting Officer of a municipality is the Accounting Officer of the Municipality for the purposes of this Act, and, as Accounting Officer, must –
- (a) Exercise the functions and powers assigned to an Accounting Officer in terms of this Act; (b) Provide guidance and advice on compliance with this Act to –
 - (i) The political structures, political office-bearers and officials of the Municipality; and
 - (ii) Any municipal entity under the sole or shared control of the Municipality.
- 6.2 The Accounting Officer of a municipality must in terms of Municipal Finance Management Act:
- (a) Exercise utmost care to ensure reasonable protection of the assets and records of the entity;
 - (b) Act with fidelity, honesty, integrity and in the best interest of the entity in managing the financial affairs of the entity;
 - (c) disclose to the entity's parent municipality and the entity's board of directors, all material facts, including those reasonably discoverable, which in any way may influence the decisions or actions of the parent municipality or the board of directors; and
 - (d) Seek, within the sphere of influence of that Accounting Officer, to prevent any prejudice to the financial interests of the parent municipality or the municipal entity.

CASH MANAGEMENT & INVESTMENT POLICY

- 6.3 The Accounting Officer may not –
- (a) Act in a way that is inconsistent with the responsibilities assigned to Accounting Officers of municipal entities in terms of this Act; or
 - (b) Use the position or privileges of, or confidential information obtained as Accounting Officer, for personal gain or to improperly benefit another person.
- 6.4 The Accounting Officer is therefore accountable for all transactions entered into by his designates. One of the main functions of Accounting Officer is that of adequate and effective cash management.
- 6.5 The Chief Financial Officer is responsible for establishing systems, procedures, processes and training and awareness programmes to ensure efficient and effective banking and cash management.
- 6.6 Sound cash management includes the following:
- a) Collecting revenue when it is due and banking it promptly;
 - b) Making payments, including transfers to other levels of government and non-government entities, no earlier than necessary, with due regard for efficient, effective and economical programme delivery and the government's normal terms for account payments;
 - c) Avoiding pre-payments for goods or services (i.e. payments in advance of the receipt of goods or services), unless required by the contractual arrangements with the supplier;
 - d) Accepting discounts to effect early payment only when the payment has been included in the monthly cash flow estimates provided to the relevant treasury;
 - e) Pursuing debtors with appropriate sensitivity and rigor to ensure that amounts receivable by the Municipality are collected and banked promptly;
 - f) Accurately forecasting the institution's cash flow requirements;
 - g) Timing the inflow and outflow of cash;
 - h) Recognizing the time value of money, i.e. economically, efficiently, and effectively managing cash; and

CASH MANAGEMENT & INVESTMENT POLICY

- i) Taking any other action that avoids locking up money unnecessarily and inefficiently, such as managing inventories to the minimum level necessary for efficient and effective programme delivery, and selling surplus or obsolete assets in terms of the Asset Management Policy.
- 6.7 The overall responsibility of investments lies on the Accounting Officer. However the day to day handling of investments is the responsibility of the Chief Financial Officer or his designate.
- 6.8 In the instance that the investment amount requires that the Chief Financial Officer submit recommendations to the Accounting Officer for decision on the best investment to be made, quotations are required from the various financial institutions. In the case of telephonic quotations, the following information is required:
- a) The name of the person who gave the quotation;
 - b) The relevant terms and rates; and
 - c) Other facts such as if interest is payable on a monthly basis or on maturation date
 - d) The Council needs to pass a resolution in respect of the limits for the investment of its funds.
- 6.9 In the instance where the investment will be processed via electronic funds transfer system, the banking details of the successful institution that exist of the municipal supplier database should be utilised. Where such details are not available, the successful institutional shall be required to complete and submit supplier database information in terms of the municipality's supply chain management policy.
- 6.10 In the instance that the Chief Financial Officer authorizes the investment, two authorized signatories must authorize and affect the electronic funds transfer in respect of the investment amount.
- 6.11 Where payments to financial institutions in respect of investments are to be effected by cheques, the following procedures apply:
- a) The Accountant must complete a cheque requisition form and submit it to the Chief Financial Officer together with the supporting quotations;
 - b) The Chief Financial Officer must either authorize the requisition or submit it to the Accounting Officer, pending on the value of the investment;

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c) When the Accounting Officer or the Chief Financial Officer has authorized the requisition, the Chief Financial Officer or two authorized signatories are required to sign the cheque and submit it to the financial institution.

7. CASH MANAGEMENT PROCEDURES

7.1 Bank Arrangements

7.1.1 The Accounting Officer is responsible for the management of the bank accounts. All withdrawals from the primary or other municipal banks account must be authorised by the Accounting Officer.

7.1.2 Written and signed delegations clearly indicating power and/or duties delegated should be in place. This is in terms of section 79 of the MFMA.

7.1.3 The Accounting Officer is responsible for opening the primary bank account with authorized banking institutions.

7.1.4 The Chief Financial Officer must prepare the bank reconciliation within 7 days after the end of each month, investigate any irregularities and report them to the accounting officer. The bank statements are analyzed on a daily basis. The monthly bank reconciliation prepared must reflect agreeing balances between the balances as per bank statement to that arrived at by the Municipality in its cash book.

7.2 Revenue Collection

7.2.1 The Accounting Officer or delegated official must ensure that all revenue is properly accounted for.

7.2.2 The collection and control of arrear revenue and accounts must be managed in accordance with policies issued and implemented in terms of section 64(2) of the MFMA and section 95 of the Municipal Systems Act.

7.2.3 Adequate provision must be made for writing off irrecoverable revenue in terms of the Credit Control & Debt Collection Policy.

CASH MANAGEMENT & INVESTMENT POLICY

7.3 Debtor Collections

7.3.1 All monies due to the Municipality must be collected by the due dates and banked daily.

7.3.2 All monies collected must be deposited daily or on the next working day into the primary bank account of the Municipality.

7.3.3 A numbered official receipt reflecting the name of the Municipality must be issued for the receiving of all monies.

7.3.4 The debt collection process must be reviewed regularly to determine the efficiency and effectiveness thereof.

7.3.5 Any debt older than the period determined by the credit control policy must be handed over to the applicable section for recovery.

7.4 Payment to Creditors

7.4.1 All payments should be settled on or before the due date, that is, within 30 days of the receipt of the invoice, unless otherwise agreed to between the supplier and the municipality.

7.4.2 However, the Municipality will strive to settle the amounts payable to suppliers within the settlement period as advised on the invoice to take advantage of any settlement discounts.

7.4.3 Due regard must be taken of terms of credit offered.

7.4.4 All payments by Municipality, where possible, should be effected electronically.

7.4.5 Payments may not be split to circumvent the tender regulation and any such non-compliance constitutes financial misconduct.

7.5 Receipt of Money

7.5.1 All payments received over the counter by the Municipal cashier must be acknowledged by the issuing of a numbered official receipt.

CASH MANAGEMENT & INVESTMENT POLICY

7.5.2 An endorsed cancelled receipt must be attached to the day end cash reconciliation form.

7.5.3 A cancelled receipt must be retained for audit purposes.

7.5.4 Any money, including cheques and postal orders received via mail must be recorded in a designated register that must reflect all necessary details to enable later use and identification of such receipts.

7.5.5 The register, including all payments received, must be submitted to the cashier for receipting.

7.5.6 All receipts will be recorded in the designated register, and any documents relative to the payments will be filed for audit purposes.

7.5.6 All deposits must be promptly identified and receipted into the correct revenue source or debtor account to avoid identified deposits.

7.6 Management of Cash Flow

7.6.1 The Chief Financial Officer must prepare an annual estimate of the cash flow per calendar month, this is in terms of section 71 of the MFMA.

7.6.2 The Chief Financial Officer must, every month, update estimated cash flow with the actual cash flow.

7.6.3 Comments and explanations must be provided for any significant cash flow deviations.

7.6.4 The Accounting Officer must by no later than 10 working days after the end of each month submit to the Mayor of the Municipality / Executive Committee (EXCO) and the KZNPT a statement in the prescribed format in terms of section 71 of the MFMA.

7.6.5 The analysis of the cash flow will include:

- (i) When surplus revenue should be invested;
- (ii) When investments should be liquidated; and
- (iii) When long and short-term debt should be incurred.

CASH MANAGEMENT & INVESTMENT POLICY

8. INVESTMENT ETHICS

8.1 The Chief Financial Officer or delegated official, shall be responsible for investing the surplus revenues of the Municipality, and shall manage such investments in compliance with this Policy and any other policy directives formulated by Council and any regulations promulgated.

8.2 In making such investments the Chief Financial Officer, shall at all times have only the best interests on the Municipality and shall not accede to any influence or interference from other Council officials, Councilors, investment agents or institutions or any other outside parties.

8.3 Neither the Chief Financial Officer or any other Municipal Official, Executive Member or Councilor, may accept any undue gift or benefit, from any investment agent or institution or any party with which the Municipality has made or may potentially make an investment.

8.4 Prudence

Investment shall be made with care, skill, prudence and diligence. The approach must be that which a prudent person acting in a like capacity and familiar with investment matters would use in the investment of funds of like character and with like aims, to safeguard the principal and maintain the liquidity needs of the Municipality. Investment officials are required to:

- a) Adhere to written procedures and policy guidelines.
- b) Exercise due diligence.
- c) Prepare all reports timeously.
- d) Exercise strict compliance with all legislation.

8.5 Ownership

All investments must be made in the name of the Newcastle Municipality.

CASH MANAGEMENT & INVESTMENT POLICY

9. INVESTMENT PRINCIPLES

9.1 Limiting Exposure

a) Where large sums of money are available for investment the Chief Financial Officer shall ensure that they are invested with more than one institution, wherever practicable, in order to limit the risk exposure of the Municipality.

b) The Chief Financial Officer shall further ensure that as far as it is practically and legally possible, the Municipality's investments are so distributed that more than one investment category is covered i.e. Call, Money Market and Fixed Deposit. There is a limitation to the extent on investment on the institution selected. Any investments made shall be placed with registered banks.

9.2 Risk and Return

The offer of best interest rates on an investment must be considered with the degree of risk involved to both the financial institution and the investment instrument concerned. No investment shall be made with an institution where the degree of risk is perceived to be higher than the average risk associated with investment institutions. Money's invested may not be made for speculation and no funds may be borrowed at any time to be used for investments.

10. INVESTMENT PROCEDURE

10.1. After determining whether there is cash available for investment and fixing the maximum term of investment, the Chief Financial Officer must consider the way in which the investment is to be made.

10.2. Short-term Investment

a) The term of investment shall not be more than 12 months.

b) Quotations must be obtained from a minimum of three registered financial institutions, for the term of which the funds will be invested.

c) Should one of the institutions offer a better rate for a term, other than the term originally quoted for, the other institutions which were approached, must also be asked to quote a rate for the other term.

CASH MANAGEMENT & INVESTMENT POLICY

d) Quotations must be obtained via e-mail communication, as rates generally change on a regular basis and time is a determining factor when investments are made.

e) No attempts must be made to make institutions compete with each other.

10.3. Long-term investment

a) Written quotations must be obtained for investments made for periods longer than twelve months.

b) The prior approval of the Accounting Officer must be obtained for all investments made for periods longer than twelve months after considering the cash requirement for the next three years.

10.4. Investment maturity

a) Upon maturity of the investment the Municipality shall do one of the following:

i. Shall withdraw the whole amount invested.

ii. Shall re-invest 100% interest plus the original amount that had been invested, in terms of the investment procedure, unless if Council wishes to utilize the original money or the interest.

iii. Shall invest in part.

10.5. Early withdrawal of invested funds

a) When investing the funds with the banking institutions, the Chief Financial Officer shall ensure that such funds are not withdrawn earlier than the maturity date agreed upon, by so doing the Municipality will not incur fruitless and wasteful expenditures in form of penalties resulting from early withdrawal of investments.

b) The Chief Financial Officer shall only withdraw funds if :

i) the banking institution concerned has agreed to exempt any penalties due to early withdrawal of investment or;

ii) the Chief Financial Officer may grant approval to withdraw the invested funds after he/she has satisfied himself/herself that the urgency was unforeseeable at the time when funds were invested and that the need for funds far outweighs the penalties being paid for such early withdrawal

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11. CONTROL OVER INVESTMENTS

11.1 The Chief Financial Officer shall ensure that proper records are kept of all investments made by the Municipality. Such records shall indicate:

- i. The date on which the investment is made
- ii. The institution with which the money's are invested
- iii. The amount of investment
- iv. The interest rate applicable and
- v. The maturity date

11.1.2 The Chief Financial Officer shall ensure that all interest and capital properly due to the Municipality are timeously received and shall take appropriate steps if interest or capital is not fully or timeously received.

11.2 The Chief Financial Officer shall ensure that all investment documents are adequately safeguarded.

11.3 If an Investment Adviser is ever engaged, the Chief Financial Officer shall ensure that such Adviser has the credentials specified for the "Investment Manager" in Regulation 1 of the Act.

11.4 The Chief Financial Officer shall maintain a review a register of all investments held by the municipality.

11.5 All new investments accounts shall be reported to the Provincial Treasury and the Auditor General.

12 BANKING ARRANGEMENTS

12.1 The Accounting Officer is responsible for the management of the Municipality's bank accounts, but may delegate this function to the Chief Financial Officer. The Accounting Officer and Chief Financial Officer are authorised at all times to sign cheques and any other documentation associated with the management of such accounts. The Accounting Officer, in consultation with the Chief Financial Officer, is

CASH MANAGEMENT & INVESTMENT POLICY

authorised to appoint two or more additional signatories in respect of such accounts, and to amend such appointments from time to time.

12.2 In compliance with the requirements of good governance, the Accounting Officer shall open a primary bank account for ordinary operating purposes, and shall further maintain a separate accounting records for each of the following: the administration of Government grants & Subsidies, monies received from Department of Human Settlements for the administration of various housing projects.

12.3 The Accounting Officer shall invite tenders in accordance with the necessary SCM Regulations & Policies in as far as the opening of the primary bank account is concerned.

13 GENERAL INVESTMENT PRACTICE

13.1 General

After determining whether there is cash available for investment and fixing the maximum term of investment, the Chief Financial Officer or his/her Delegate must consider the way in which the investment is to be made. As rates can vary according to money market perceptions with regard to the terms of investment, quotations must be requested via email, within term limitations, and these must be set out on a schedule.

13.2 Commission Certificate

The Auditor General requires the financial institution, where the investment is made, to issue a certificate for each investment made. This certificate must state that no commission has, nor will, be paid to any agent or third party, or to any person nominated by the agent or third party.

13.3 Reports

The Council must be given a monthly report on all investments.

13.4 Cash in the Bank

Where money is kept in current accounts, it would be possible to bargain for more beneficial rates with regards to deposits, for instance call deposits. Fixed term deposits can increase these rates. The most important factor is that the cash in the current account must be kept to an absolute minimum.

CASH MANAGEMENT & INVESTMENT POLICY

13.5 Obtaining Quotations

- a) Quotations for call deposits greater than 7 days, fixed deposits or any other investment with a financial institution should be requested via e-mail for a period within the limitations of the anticipated term of the investment.
- b) Quotations must be solicited from a minimum of three registered financial institutions referred to, bearing in mind the limits of the term for which it is intended to invest the funds.
- c) All quotations must be recorded on a schedule by the accountant. This schedule, together with the printed e-mails, must thereafter be given to the Chief Financial Officer or review or his delegate for final consideration.
- d) The person responsible for requesting quotations from institutions should record the name of institution, the name of the person who gave the quotation and the relevant terms and rates and other facts such as whether the interest is payable on a monthly basis or on a maturity date. Written confirmation of the quotation accepted is essential.
- e) Where an investment is made at an institution at a rate lower than that of other quotations, reasons must be recorded by the Accounting Officer/delegated official and reported to Council quarterly report by the Chief Financial Officer or his/her delegated official.
- f) Investments funds must be placed with the entity that offers the best offer, while taking into account the risk limiting the risk exposure as per 9.1 above, as well the investment ethics in terms of 8 above.

14 INTERNAL CONTROL PROCEDURES

- 14.1 An investment register must be kept of all investments made. The following facts must be indicated:
 - a) Name of institution;
 - b) Capital invested;
 - c) Date invested;

CASH MANAGEMENT & INVESTMENT POLICY

- d) Interest rate; and
- e) Maturity date and
- f) Interests earned on investments,
- g) The Reason for investment (Purpose).

- 14.2 The investment register and accounting records must be reconciled on a monthly basis. The investment register must be examined on a fortnightly basis by the senior official under the direction of the Chief Financial Officer as instructed, to identify investments falling due within at least two weeks.
- 14.3 Where investments are to be undertaken for a period longer than three (3) months, a cash flow analysis is required.
- 14.4 Interest, correctly calculated, must be received timeously, together with any distributable capital. The Chief Financial Officer or his or her assignee must check that the interest is calculated correctly, in terms of sound universally accepted financial management practices.
- 14.5 All investment must be denominated in South African Rand (ZAR)

15 AUTHORITY

The Accounting Officer is responsible for ensuring that this Policy is implemented and enforced. The Accounting Officer may delegate any authority and duty assigned to him within this Policy by delegating it in writing and in conformance with requirements of the MFMA.

16 IMPLEMENTATION OF THIS POLICY

The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director: Budget and Treasury Office.

The policy shall be reviewed on annual basis and updated if there are any changes brought about through an amendment of any legislation and/or policies by National Treasury or arrangement within the municipality.



Newcastle Local Municipality

ASSET MANAGEMENT POLICY

202122

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DRAFT

1. PREAMBLE

Whereas section 14 of the Local Government: Municipal Finance Management Act, 2003 (Act no. 56 of 2003) determines that a municipal council may not dispose of assets required to provide minimum services, and whereas the Municipal Asset Transfer Regulations (Government Gazette 31346 dated 22 August 2008) has been issued.

And whereas the municipal council of Newcastle Local Municipality wishes to adopt a policy to guide the municipal manager in the management of the municipality's assets.

And whereas the municipal manager as custodian of municipal funds and assets is responsible for the implementation of the asset management policy which regulate the acquisition, safeguarding and maintenance of all assets.

And whereas these assets must be protected over their useful life and may be used in the production or supply of goods and services or for administrative purposes.

And whereas the Municipal Manager must ensure an effective Asset Management Committee that will give guidance regarding the execution of the asset management policies and procedures is in operation.

Now therefore the municipal council of the Newcastle Local Municipality adopts the following asset management policy:

2. DEFINITIONS

Accounting Officer means the Municipal Manager appointed in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 (Act no. 117 of 1998) and

being the head of administration and accounting officer in terms of section 55 of the Local Government: Municipal Systems Act 2000 (Act no. 32 of 2000).

Agricultural Produce is the harvested product of the municipality's biological assets.

Biological Assets are defined as living animals or plants.

Assets are items of Biological Assets, Intangible Assets, Investment Property or Property, Plant or Equipment defined in this Policy.

Carrying Amount is the amount at which an asset is recognised after deducting any accumulated depreciation (or amortisation) and accumulated impairment losses thereon.

Chief Financial Officer (CFO) means an officer of a municipality designated by the Municipal Manager to be administratively in charge of the budgetary and treasury functions.

Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire an asset at the time of its acquisition or construction, or, where applicable, the amount attributed to that asset when initially recognised in accordance with the specific requirements of other Standards of GRAP.

Critical Assets are assets identified as having a high risk profile in terms of occupational health and safety standards and the consequence of failure could result in service delivery needs not being met and human health and safety as well as the environment being negatively affected.

Depreciable Amount is the cost of an asset, or other amount substituted for cost in the financial statements, less its residual value.

Depreciation is the systematic allocation of the depreciable amount of an asset over its useful life.

Fair Value is the amount for which an asset could be exchanged or a liability settled between knowledgeable, willing parties in an arm's length transaction.

GAAP are standards of Generally Accepted Accounting Practice.

GRAP are standards of Generally Recognised Accounting Practice.

Heritage Assets are defined as culturally significant resources. Examples are works of art, historical buildings and statues.

Infrastructure Assets are defined as any asset that is part of a network of similar assets. Examples are roads, water reticulation schemes, sewerage purification and trunk mains, transport terminals and car parks.

Intangible Assets are defined as identifiable non-monetary assets without physical substance.

Investment Properties are defined as properties (land or buildings) that are acquired for economic and capital gains. Examples are office parks and undeveloped land acquired for the purpose of resale in future years.

Land and Buildings are defined as a class of PPE when the land and buildings are held for purposes such as administration and provision of services. Land and Buildings therefore exclude Investment properties and Land Inventories.

MFMA refers to the Local Government: Municipal Finance Management Act (Act no. 56 of 2003).

Other Assets are defined as assets utilised in normal operations. Examples are plant and equipment, motor vehicles and furniture and fittings.

Property, Plant and Equipment (PPE) are tangible assets that:-

- Are held by a municipality for use in the production or supply of goods or services, for rental to others, or for administrative purposes, and
- Are expected to be used during more than one period.

Recoverable Amount is the higher of a cash-generating asset's net selling price and its value in use.

Recoverable Service Amount is the higher of a non-cash generating asset's fair value less cost to sell and its value in use.

Residual Value of an asset is the estimated amount that an entity would currently obtain from disposal of the asset, after deducting the estimated costs of disposal, if the asset were already of the age and in the condition expected at the end of its useful life.

Useful Life is:-

- The period of time over which an asset is expected to be used by the municipality; or
- The number of production or similar units expected to be obtained from the asset by the municipality's accounting officer.

3. OBJECTIVE

The MFMA was introduced with the objective of improving accounting in the municipal sector in keeping with global trends. Good asset management is critical to any business environment whether in the private or public sector. In the past municipalities used a cash-based system to account for assets, whilst the trend has been to move to an accrual system.

With the cash system, assets were written off in the year of disposal or, in cases where infrastructure assets were financed from advances or loans, they were written off when the loans were fully redeemed. No costs were attached to subsequent periods in which these assets would be used.

With an accrual system the assets are incorporated into the books of accounts and systematically written off over their anticipated useful lives. This necessitates that a record is kept of the cost of the assets, the assets are verified and the condition assessed periodically, and the assets can be traced to their suppliers via invoices or other such related delivery documents. This ensures good financial discipline, and allows decision makers greater control over the management of assets. An Asset Management Policy should promote efficient and effective monitoring and control of assets.

According to the MFMA, the Accounting Officer in the Municipality should ensure:

- that the municipality has and maintains an effective and efficient and transparent system of financial and risk management and internal control;
- the effective, efficient and economical use of the resources of the municipality;
- the management (including safeguarding and maintenance) of the assets of the municipality;
- that the municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the municipality;
- that the municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice; and
- that the municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed.

The objective of this Asset Management Policy is to ensure that the municipality:

- has consistent application of asset management principles;
- implements accrual accounting;
- complies with the MFMA, Treasury Regulations, GRAP and other related legislation;
- safeguards and controls the assets of the municipality; and
- Optimises asset usage.

ASSET MANAGEMENT COMMITTEE

To facilitate and assist the Chief Financial Officer in his/her functions, the Municipal Manager, hereby, delegates the custody of and responsibility for assets to the various Strategic Executive Directors (SEDs) as defined in the organisational structure of the Newcastle Local Municipality. Strategic Executive Directors will identify officials on an appropriate level to assist them with the application of the policy and procedures proclaimed from time to time. The Asset Management Committee as established in terms of paragraph 1, must be informed in writing of the appointment of Asset Controllers.

The responsibilities for asset management as detailed hereunder include and remain until the asset is disposed of or transferred to another entity:

- Ensuring that, when acquiring assets, decisions on how to account for the transactions, e.g. whether they should be capitalised or expensed, are made in full compliance with the MFMA, accounting standards, National Treasury and other guidelines;
- Ensuring that the purchase of assets complies with all municipal policies and procedures, including the MTREF;
- Ensuring that the correct date on which an asset is put into service or commissioned is properly recorded in the Asset Register and that the appropriate financial data are recorded;
- Ensuring that all assets are duly processed, identified and recorded before being issued for use;
- Ensuring that all assets under the Asset Manager's control are appropriately safeguarded from inappropriate use or loss, including appropriate control over the physical access to these assets and regular asset verification to ensure losses have not occurred, and

ensuring that any known losses are immediately reported to the Chief Financial Officer and loss control officer;

- Ensuring that proper procedures for the movement of assets from one asset holder to another, for maintenance, or disposals outside the municipality are in place and enforced;
- Ensuring assets are utilised for the purpose for which they were acquired by the municipality.
- Ensuring that all assets having a high risk profile in terms of occupational health and safety standards and the consequence of failure could result in service delivery needs not being met and human health and safety as well as the environment being negatively affected.

4. POLICY FRAMEWORK

The main challenges associated with managing assets can be characterised as follows:

- Moveable assets – controlling acquisition, location, use, and disposal (over a relatively short term lifespan)
- Immovable assets – life-cycle management (over a relatively long-term lifespan).

The policy approach has been to firstly focus on the financial treatment of assets, which needs to be consistent across both the movable and immovable assets, and secondly to focus on the management of immovable assets as a fundamental departure point for service delivery. This arrangement is summarised in Figure 1.



Figure 1: Proposed policy and strategic framework

5. Asset Recognition

5.1 Classification of Assets

General

When accounting for assets, the municipality should follow the various standards of GRAP relating to the assets. An item is recognised in the statement of financial position as an asset if it satisfies the definition and the criteria for recognition of assets. The first step in the recognition process is to establish whether the item meets the definition of an asset. Secondly, the nature of the asset should be determined, and thereafter the recognition criterion is applied. Assets are classified into the following categories for financial reporting purposes:

1. Property, Plant and Equipment (GRAP 17)
 - Land and Buildings (land and buildings not held as investment)
 - Community Assets (properties held to provide a social service and rental income is incidental)
 - Infrastructure Assets (immovable assets that are used to provide basic services)
 - Work in progress
 - Other Assets (ordinary operational resources)
2. Finance Lease Assets GRAP 13 (agreements that transfer the right to use assets even though substantial services by the lessor may be called for in connection with the operation/ maintenance of such assets)
3. Intangible Assets (GRAP 31)
 - Intangible Assets (assets without physical substance held for ordinary operational resources)
4. Investment Property (GRAP 16)
 - Investment Assets (resources held for capital or operational gain)
5. Heritage Assets (GRAP 103)
 - Heritage Assets
6. Agriculture (GRAP 27)
 - Biological Assets (livestock and plants held)

When accounting for Current Assets (that is of non-capital nature), the municipality should follow the various standards of GRAP relating to these assets. Current Assets (with a capital nature) are classified into the following categories for financial reporting purposes:

Further asset classification has been defined in GRAP. The classifications used for infrastructure are limited and do not represent all asset types. However, these classifications are used for financial reporting consistency and should be used.

To facilitate the practical management of infrastructure assets and Asset Register data, infrastructure assets have been further classified. The recommended classifications for all assets are provided in **Appendix B**.

Policy

The asset classification specified by GRAP shall be adhered to as a minimum standard. The extended asset classification specified in **Appendix B** shall be adopted.

Procedures and Rules

- The Asset Management Committee shall ensure that the classifications specified by National Treasury, GRAP, and those adopted by the municipality are adhered to.
- The Asset Management Committee shall inform Strategic Executive Directors of the classification requirements.
- Strategic Executive Directors shall ensure that all fixed assets under their control are classified correctly.

5.2 <u>Identification of Assets</u>

General

An asset identification system is a means to uniquely identify each asset in the municipality in order to ensure that each asset can be accounted for on an individual basis. Movable assets are usually identified using a barcode system by attaching a barcode to each item. Immovable assets are usually identified by means of an accurate description of their physical location.

Policy

An asset identification system shall be operated and applied in conjunction with an Asset Register. As far as practicable, every individual asset shall have a unique identification number.

Procedures and Rules

- The Asset Management Committee shall develop and implement an asset identification system, while acting in consultation with Strategic Executive Directors.
- Strategic Executive Directors shall ensure that all the assets under their control are correctly identified.
- As far as practicable, all movable assets must be bar-coded or uniquely marked.
- Immovable assets must be identified using naming and numbering conventions that enable easy location of the assets in the field.
- GPS coordinates must be captured on the Asset Register for infrastructure assets and buildings where practicable. The Head: Information Technology will update the GIS and ensure that the GPS coordinates on the Asset

Register and the GIS are reconciled at least once per year after the annual physical asset verification.

5.3 Asset Register

General

An Asset Register is a database of information related to all the assets under the control of the municipality. The Asset Register consists of an inventory of all the assets, with each asset having a unique identifying number. Data related to each asset should be able to be stored in the Asset Register. The data requirements for the Asset Register are as follows:

Data type	Land	Movable	Infrastructure/ Buildings
Identification			
• Unique identification number or asset mark	✓	✓	✓
• Unique name	✓	✓	✓
• National Treasury Classification	✓	✓	✓
• Internal Classification	✓	✓	✓
• Descriptive data (make, model, etc.)	✓	✓	✓
• Erf/Registration	✓	✓	✓
• Title deed reference	✓		
Accountability			
• Department	✓	✓	✓
• Insurance reference		✓	✓
Performance			
• Age		✓	✓
• Condition		✓	✓
• Remaining Useful life		✓	✓
• Expected Useful Life		✓	✓
• Technical Asset Residual Value			✓
• Criticality		✓	✓
Accounting			
• Historic cost	✓	✓	✓
• Take on value	✓	✓	✓
• Take on date	✓	✓	✓
• Revalued amount	✓	✓	✓
• Valuation Difference (for purposes of Valuation Reserve and depreciation)	✓	✓	✓
• Depreciation method	✓	✓	✓

Data type	Land	Movable	Infrastructure/ Buildings
• Depreciation portion that should be transferred from Revaluation reserve to accumulated depreciation (where assets were revalued)	✓	✓	✓
• Depreciation charge for the current financial year	✓	✓	✓
• Depreciation charge for ensuing year (for purposes on current portion)	✓	✓	✓
• Impairment losses in the current year	✓	✓	✓
• Accumulated depreciation	✓	✓	✓
• Carrying value	✓	✓	✓
• Residual value	✓	✓	✓
• Source of financing	✓	✓	✓

Assets remain in the Asset Register for as long as they are in physical existence or until being written off. The fact that an asset has been fully depreciated is not in itself a reason for writing-off such an asset.

Policy

An Asset Register shall be maintained for all assets. In some cases, such as Investment Properties, Heritage Assets and Intangible Assets, separate Asset Registers will have to be maintained. The format of the register shall include the data needed to comply with the applicable accounting standards and data needed for the technical management of the assets. The Asset Register should be continuously updated and asset records should be reconciled to the general ledger on an annual basis.

Procedures and Rules

- The CFO must define the format of the Asset Register in consultation with the Strategic Executive Directors and must ensure that the Asset Register format complies with legislative requirements.
- The Asset Management Committee must ensure that a defined process and forms exist to update and maintain the Asset Register.
- The Strategic Executive Directors must provide the CFO with the information required to compile and maintain the Asset Register.

6. RECOGNITION OF ASSETS: INITIAL MEASUREMENT

General

An asset should be recognised as an asset in the financial and asset records when:

- It is probable that future economic benefits or potential service delivery associated with the item will flow to the municipality;
- The cost or fair value of the item to the municipality can be measured reliably;
- The item is expected to be used during more than one financial year.

Spare parts and servicing equipment are usually carried as inventory in terms of the Standard of GRAP on *Inventories* and recognised in surplus or deficit as consumed. However, major spare parts and stand-by equipment qualify as property, plant and equipment when the municipality expects to use them during more than one period. Similarly, if the spare parts and servicing equipment can be used only in connection with an item of property, plant and equipment, they are accounted for as property, plant and equipment.

Calculation of initial cost price

Only costs that comprise the purchase price and any directly attributable costs necessary for bringing the asset to its working condition should be capitalised. The purchase price exclusive of VAT should be capitalised, unless the municipality is not allowed to claim input VAT paid on purchase of such assets. In such an instance, the municipality should capitalise the cost of the asset together with VAT. Any trade discounts and rebates are deducted in arriving at the purchase price. Listed hereunder is a list, which list is not exhaustive, of directly attributable costs:

- Costs of employee benefits (as defined in the applicable standard on Employee Benefits) arising directly from the construction or acquisition of the item of the Asset
- The cost of site preparation;
- Initial delivery and handling costs;
- Installation costs;
- Professional fees e.g. architects and engineers etc.;
- The estimated cost of dismantling and removing the asset and restoring the site; and

When payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent. The difference between this amount and the total payments is recognised as an interest expense over the period of credit.

Subsequent Expenses

Only expenses incurred on the enhancement of an asset (in the form of improved or increased services or benefits flowing from the use of such asset), or in the material extension of the useful operating life of an asset shall be capitalised.

Expenses incurred in the maintenance or reinstatement of an asset that ensures that the useful operating life of the asset is attained, shall be considered as operating expenses and shall not be capitalised, irrespective of the quantum of the expenses concerned.

Leased Assets – (GRAP 13)

A lease is an agreement whereby the lessor conveys to the lessee, in return for a payment or series of payments, the right to use an asset for an agreed period of time. Leases are categorised into finance and operating leases:

- A Finance Lease is a lease that transfers substantially all the risks and rewards incident to ownership of an asset, even though the title may or may not eventually be transferred. Where the risks and rewards of ownership of an asset are substantially transferred, the lease is regarded as a finance lease and is recognised as an asset.
- Where there is no substantial transfer of risks and rewards of ownership, the lease is considered an Operating Lease and payments are expensed in the income statement on a systematic basis.

Policy

All assets shall be correctly recognised as assets and capitalised at the correct value. The capitalisation threshold will be determined annually by the municipality. All assets with values less than the capitalisation threshold and with values greater than R300 shall be recorded in a minor assets inventory unless such assets have been identified as being critical in which case the asset will be recorded in the Asset Register.

Procedures and Rules

- Strategic Executive Directors shall ensure that all leased assets under their control are correctly accounted for and recognised as assets.
- The CFO must keep a lease register with all the information that is necessary for reporting purposes, for example, opening balance, acquisitions, disposals, transfers, depreciation, accumulated depreciation, etc.

7. SUBSEQUENT MEASUREMENT OF ASSETS

General

After initial recognition of Property, Plant and Equipment, the municipality values its assets using the cost model, unless a specific decision have been taken to revalue a certain class of assets and in such instance the PPE will be valued using the revaluation or value model.

When an item of PPE is revalued, the entire class of property to which that asset belongs, should be revalued.

When an asset's carrying amount is increased as a result of the revaluation, the increase should be credited to a revaluation surplus. However, the increase shall be recognised in surplus or deficit to the extent that it reverses a revaluation decrease of the same asset previously recognised in surplus or deficit.

When an asset's carrying amount is decreased as a result of devaluation, the decrease should be recognised as an expense in the annual financial statements. However, the decrease shall be debited directly to a revaluation surplus to the extent of any credit balance existing in the revaluation surplus in respect of that asset.

Procedures and Rules

- The CFO shall ensure that all Property, Plant and Equipment are correctly recorded in the Asset Register and revaluated (if applicable) in terms of the municipality's policies.

8. Asset Types

8.1 Property, Plant and Equipment: LAND AND BUILDINGS

General

Land and Buildings comprise any land and buildings held (by the owner or by the lessee under a finance lease) by the municipality to be used in the production or supply of goods or for administrative purposes and/or to provide services to the community. These assets include building assets such as offices, staff housing, aquariums, cemeteries, clinics, hospitals, game reserves, museums, parks and also include recreational assets such as tennis courts, swimming pools, golf courses, outdoor sports facilities, etc.

Land held for a currently undetermined future use, should not be included in PPE: Land and Buildings, but should be included in Investment Properties. For this class of Land and Buildings there is no intention of developing or selling the property in the normal course of business. This land and buildings include infrastructure reserves.

Policy

Land and buildings shall be accounted for using the cost model. Land shall initially be accounted for at cost price, or fair value in cases where cost price is not known, and shall not be depreciated. Land on which infrastructure and/or buildings are located shall be listed separately in the land register and not with the infrastructure or building assets. A reference to the land shall however be included in the infrastructure and/or building Asset Register.

Land and Buildings shall be recorded under the following categories;

- LAND
 - Developed Land
 - Undeveloped Land
- BUILDINGS
 - Dwellings
 - Non-residential Structures

Procedures and Rules

- The CFO shall ensure that all land and buildings are correctly recorded in the Asset Register. The Asset Management Committee shall ensure that land and buildings are revalued (if applicable) in terms of the municipality's policies.
- The CFO shall ensure the recognition, measurement and revaluation of *Land and Buildings* in terms of GRAP 17.

8.2 Property, Plant and Equipment: INFRASTRUCTURE ASSETS

General

Infrastructure Assets comprise assets used for the delivery of infrastructure-based services. These assets typically include electricity, sanitation, solid waste, storm water, transport, and water assets. Many infrastructure assets form part of a greater facility e.g. a transformer in a sub-station.

Level of detail of componentisation

For the technical management of infrastructure, the most effective level of management is at the maintenance item level. It is at this level that work orders can be executed and data collected. This data is useful for maintenance analysis to improve infrastructure management decision making. This level in most cases coincides with the level that means the accounting criteria of different effective lives and materiality. However, the collection of data at this level of detail can be very costly when dealing with assets that are very numerous in nature e.g. water meters, street signs, household connections, etc. It is therefore prudent to balance the value of the information with the cost of collecting the data.

The compilation of a detailed infrastructure Asset Register in one financial term is a costly and onerous exercise. To ensure the practicality of implementing Asset Registers (and asset management planning as a whole), the International Infrastructure Management Manual (IIMM) recommends the adoption of a continuous improvement process as a practical implementation approach. This approach recognises the value of limited data above no data and enables the municipalities to slowly, but steadily, increase their knowledge in the assets they own. The improvement principles of the IIMM recommend starting with complete coverage of the infrastructure types at a low level of detail (e.g. level 2 or 3) and then improving the level of detail over a period of several years, starting with the high risk assets, such as pump stations, treatment works, etc.

Policy

The infrastructure Asset Register shall ensure complete representation of all infrastructure asset types. The level of detail of componentisation shall be defined to a level that balances the cost of collecting and maintaining the data with the benefits of minimising the risks of the municipality. An improvement plan stipulating the level of detail and the timing of improvements shall be prepared. Infrastructure assets should be valued at cost less accumulated depreciation and accumulated

impairment. If cost can however not be established, then infrastructure assets will be valued at depreciated replacement cost. Depreciated replacement cost is an accepted fair value calculation for assets where there is no active and liquid market. Depreciation shall be charged against such assets over their expected useful lives. The remaining useful life and residual value of, and the depreciation methods applied to Infrastructure assets should be reviewed annually, but the cost related to such reviews should be measured against benefits derived to ensure value for money. Such reviews will have to be performed at least once in a three year cycle.

Infrastructure assets having a high risk profile in terms of occupational health and safety standards and the consequence of failure could result in service delivery needs not being met and human health and safety as well as the environment being negatively affected must be rated as critical in the Asset Register. Assets identified as critical in terms of the aforementioned are identified in ***Annexure B***.

Infrastructure Assets shall be recorded under the following main categories;

- Electricity Network;
- Roads Network;
- Solid Waste Disposal;
- Storm Water Network

Procedures and Rules

- The Asset Management Committee shall define the level of detail of the infrastructure Asset Register in consultation with the Strategic Executive Directors.
- The Asset Management Committee shall approve an improvement process that defines the target level of detail for each infrastructure asset type with the target year of implementation in consultation with the Strategic Executive Directors.
- The Asset Management Committee shall ensure the recognition and measurement of *Infrastructure Assets* in terms of GRAP 17.
- Although a category of assets may not be regarded as critical as a whole, individual assets may fulfil in the definition of criticality and Strategic Executive Directors must inform the Asset Management Committee of such assets or any changes in the criticality of an asset/category of assets and the Asset Registers must be updated accordingly.

8.3 <u>Property, Plant and Equipment: BUILDINGS</u>

General

Housing Assets have their origin from housing units erected in terms of the Housing Act, funded from loans granted by Government and comprise of rental stock or selling stock not held for capital gain.

Policy

Housing assets are valued at cost less accumulated depreciation and accumulated impairment losses. Depreciation shall be charged against such assets over their expected useful lives.

Housing Assets shall be recorded under the following main categories;

- Rental Schemes; and
- Selling Schemes.

Procedures and Rules

- The Asset Management Committee, in consultation with Strategic Executive Directors, shall ensure that all housing assets are appropriately recorded and valued in terms of the municipality's policies.

8.4	HERITAGE ASSETS – (GRAP 103)
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General

A *Heritage Asset* is an asset that has historical, cultural or national importance and needs to be preserved. The following is a list of some typical heritage assets encountered in the municipal environment:

- Archaeological sites;
- Conservation areas;
- Historical buildings or other historical structures (such as war memorials);
- Historical sites (for example, historical battle site or site of a historical settlement);
- Museum exhibits;
- Public statues; and
- Works of art (which will include paintings and sculptures).

Policy

Heritage assets are valued at cost less accumulated impairment losses. No depreciation shall be charged against such assets. If the cost price of heritage assets are not known, then the heritage asset will be valued at fair value.

Procedures and Rules

- A register of all heritage assets will be kept by the municipality.
- For reporting purposes, the existence of such heritage assets shall be disclosed by means of an appropriate note in the Financial Statements.
- The Asset Management Committee, in consultation with Strategic Executive Directors, shall ensure that all heritage assets are appropriately recorded and valued in terms of the municipality's policies.

8.5 Property, Plant and Equipment: OTHER ASSETS

General

Other Assets include a variety of assets that are of indirect benefit to the communities they serve. These assets include office equipment, furniture and fittings, bins and containers, emergency equipment, motor vehicles, plant and equipment.

Policy

Other assets are stated at cost less accumulated depreciation and accumulated impairment losses. Depreciation shall be charged against such assets over their expected useful lives. Other assets are not revalued.

Other assets having a high risk profile in terms of occupational health and safety standards and the consequence of failure could result in service delivery needs not being met and human health and safety as well as the environment being negatively affected must be rated as critical in the Asset Register. Assets identified as critical in terms of the aforementioned are identified in **Annexure B**.

Other Assets shall be recorded under the following main categories;

- Aircraft;
- Bins and Containers;
- Emergency Equipment;
- Furniture and Fittings;
- Motor Vehicles;
- Office Equipment;
- Plant and Equipment;
- Specialised Vehicles;
- Watercraft; and
- Other Assets.

Procedures and Rules

- The Asset Management Committee, in consultation with Strategic Executive Directors, shall ensure that all other assets are appropriately recorded in terms of the municipality's policies.
- Although a category of assets may not be regarded as critical as a whole, individual assets may fulfil in the definition of criticality and Strategic Executive Directors must inform the Asset Management Committee of such assets or any changes in the criticality of an asset/category of assets and the Asset Registers must be updated accordingly.

8.6 Intangible Assets – GRAP 31

General

Intangible Assets can be purchased, or can be internally developed, by the municipality and includes, but are not limited to, computer software, website development cost, valuation roll, servitudes and mining rights.

Policy

Intangible assets are stated at cost less accumulated amortisation and accumulated impairment losses. Such assets are amortised over the best estimate of the useful life of the intangible asset. If an intangible asset is generated internally by the municipality, then a distinction should be made between research and development costs. Research costs should be expensed and development costs may be capitalised if all the criteria set out in GRAP 31 has been met.

Procedures and Rules

- The Asset Management Committee, in consultation with Strategic Executive Directors, shall ensure that all intangible assets are appropriately recorded in terms of the municipality's policies.
- It is the responsibility of the Head of Information Technology to ensure that all licensed computer software other than operating software are accounted.

8.7 Investment Property – GRAP 16

General

Investment Property comprise of land or buildings (or parts of buildings) or both, held by the municipality as owner, or as lessee under a finance lease, to earn rental revenues or for capital appreciation or both. Investment property does not include property used in the production or supply of service or for administration. It also does not include property that will be sold in the normal course of business. Typical investment properties include:

- Office parks (which have been developed by the municipality itself or jointly between the municipality and one or more other parties);
- Shopping centres (developed along similar lines);
- Housing developments (developments financed and managed by the municipality itself, with the sole purpose of selling or letting such houses for profit).
- Land held for a currently undetermined future use. For this class of Land and Buildings there is no intention of developing or selling the property in the normal course of business. This land and buildings include infrastructure reserves.

Policy

Investment Properties shall be accounted for in terms of GRAP 16 and shall not be classified as PPE for purposes of preparing the municipality's Statement of Financial Position. Investment Property shall initially be measured at its cost. Transaction costs shall be included in this initial measurement. Where an investment property is acquired at no cost, or for a nominal cost, its cost is its fair value as at the date of acquisition.

If the Council of the municipality resolves to construct or develop a property for future use as an investment property, such property shall in every respect be accounted for as PPE until it is ready for its intended use, where after it shall be reclassified as an investment asset.

After initial recognition, all investment property shall be measured at fair value. No depreciation will be calculated against the Investment Property. The fair value of investment property shall be determined annually at reporting date in terms of the municipality's Accounting Policy. The fair value should reflect market conditions and circumstances as at the reporting date.

Procedures and Rules

- The Asset Management Committee shall ensure that investment property assets are recorded in an Investment Property register.
- The Asset Management Committee shall ensure that an appropriately qualified valuator undertake such valuations on an annual basis.
- The Asset Management Committee shall ensure the recognition and measurement of *Investment Property* in terms of GRAP 16.

8.8 <u>Agricultural Assets – GRAP 27</u>
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General

Biological Assets are living plants and animals such as trees in a plantation or orchard, cultivated plants, sheep and cattle. **Managed agricultural activity** such as raising livestock, forestry, annual or perennial cropping, fish farming that are in the process of growing, degenerating, regenerating and / or procreating which are expected to eventually result in agricultural produce. Such agricultural produce is recognised at the point of harvest. Future economic benefits must flow to the municipality from its ownership or control of the asset.

Point-of-sale costs include commissions to brokers and dealers, levies by regulatory agencies and commodity exchanges, and transfer taxes and duties. Point-of-sale costs exclude transport and other costs necessary to get assets to the market.

Where the municipality is unable to measure the fair value of biological assets reliably, a biological asset should be measured at cost less any accumulated depreciation and accumulated impairment losses.

Policy

Biological assets, such as livestock and crops, shall be valued annually at fair value less estimated point-of-sales costs.

Procedures and Rules

- The Asset Management Committee, in consultation with Strategic Executive Directors, shall ensure that all biological assets obtained from a managed agricultural activity, such as livestock and crops, are valued at 30 June each year by a recognised valuator in the line of the biological assets concerned.
- The Asset Management Committee shall ensure the recognition and measurement of *Biological Assets* in terms of GRAP 27.

9. Asset Acquisition

9.1 Acquisition of Assets

General

Acquisition of assets refers to the purchase of assets by buying, building (construction), or leasing.

Policy

Should the municipality decide to acquire an asset, the following fundamental principles should be carefully considered prior to acquisition of such an asset:

- The purpose for which the asset is required is in keeping with the objectives of the municipality and will provide significant, direct and tangible benefit to it;
- The asset fits the definition of an asset (as defined in GRAP 12, GRAP 16, GRAP 17, GRAP 27, GRAP 31 and GRAP 103)
- The asset has been budgeted for;
- The future annual operations and maintenance needs have been calculated and have been budgeted for in the operations budget;
- The purchase is absolutely necessary as there is no alternative municipal asset that could be economically upgraded or adapted;
- The asset is appropriate to the task or requirement and is cost-effective over the life of the asset.
- The asset is compatible with existing equipment and will not result in unwarranted additional expenditure on other assets or resources;
- Space and other necessary facilities to accommodate the asset are in place; and

Procedures and Rules

- The Asset Management Committee shall ensure that the Supply Chain Management Policy makes provision for these principles.
- The CFO shall ensure that all acquired assets are appropriately insured.

9.2 Creation of New Infrastructure Assets

General

Creation of new infrastructure assets refers to the purchase and / or construction of totally new assets that has not been in the control or ownership of the municipality in the past.

Policy

The cost of all new infrastructure facilities (not additions to or maintenance of existing infrastructure assets) shall be allocated to the separate assets making up such a facility and values may be used as a basis for splitting up construction costs of new infrastructure into its significant components, each of which have an appropriate useful life.

Work in progress shall be flagged as such in the Asset Register until such time that the facility is completed. Depreciation will commence when the construction of the asset is finalised and the asset is in the condition necessary for to operate in the manner intended by management.

Each part of an item of Infrastructure with a cost that is significant in relation to the total cost of the item shall be depreciated separately.

Procedures and Rules

- Strategic Executive Directors shall ensure that relevant documents are submitted to Finance that includes the details of the work in progress relating to the relevant invoice and/or payment request.
- Strategic Executive Directors shall notify Finance when the works have been completed and the assets can be recognised.
- Strategic Executive Directors shall guide the service provider to submit invoices of work in progress as per the components and classification of assets as in the Asset Register.
- Strategic Executive Directors shall keep a timesheet system for internal staff to capture professional time spent on infrastructure projects. The time shall be priced at recognised professional fee scales and should be included in the capitalisation cost of the asset.

9.3 Self-constructed Assets

General

Self-constructed assets relate to all assets constructed by the municipality itself or another party on instructions from the municipality.

Policy

All assets that can be classified as assets and that are constructed by the municipality should be recorded in the Asset Register and depreciated over its estimated useful life for that category of asset. Work in progress shall be flagged as such in the Asset Register until such time that the facility is completed. Depreciation will commence when the asset is in the condition necessary for it to operate in the manner intended by management.

Procedures and Rules

- Strategic Executive Directors shall ensure that proper records of staff time, transport and material costs are kept such that all costs associated with the construction of these assets are completely and accurately accounted for.
- Strategic Executive Directors shall open a job card for each infrastructure project constructed by the municipality.
- Strategic Executive Directors shall keep a timesheet system for internal staff to capture professional time spent on infrastructure projects. The time shall be priced at recognised professional fee scales and should be included in the capitalisation cost of the asset.
- On completion of the infrastructure project, the Strategic Executive Directors shall notify the Budget and Treasury Office of the asset being commissioned and will assist the Budget and Treasury Office in ensuring that all costs (both direct and indirect) associated with the construction of the assets are summed and capitalised to the assets that make up the project.

9.4 <u>Donated Assets</u>

General

A donated asset is an item that has been given to the municipality by a third party in government or outside government without paying or actual or implied exchange.

Policy

Donated assets should be valued at fair value, reflected in the Asset Register, and depreciated as normal assets.

Procedures and Rules

- All donated assets must be approved by the Asset Management Committee and ratified by Council prior to acceptance.
- The Asset Management Committee must evaluate the future operational costs of donated assets and the effect it might have on future tariffs and taxes, before a donated asset is accepted by the municipality.
- The conditions associated with the donation must be agreed upon and signed by the Municipal Manager.
- Municipal officers must inform the Asset Management Committee of any donations made to the Municipality.

10. Asset Maintenance

10.1 Useful Life of Assets

General

Useful Life of assets is defined in paragraph 2 of the Policy and is basically the period or number of production units for which an asset can be used economically by the municipality.

National Treasury (NT) published its Local Government Asset Management Guideline in August 2008 that includes directives for useful lives of assets, but municipalities must use their own judgement based on operational experience and in consultation with specialists where necessary in determining the useful lives for the particular classes of assets. Should the municipality decide on a useful life outside the given parameters, the National Treasury (OAG) should be approached and provided with a motivation, for its agreement of the rate utilised. The calculation of useful life is based on a particular level of planned maintenance.

Policy

The remaining useful life of assets shall be reviewed annually. Changes emanating from such reviews should be accounted for as a change in accounting estimates in terms of GRAP 3.

Procedures and Rules

- Strategic Executive Directors must determine the reasonable remaining useful lives of the assets under their control. Changes in remaining useful lives must be approved by the Asset Management Committee.
- During annual physical verification the condition of each asset must be reviewed to determine the validity of its remaining useful life as reflected on the Assets Register. All items identified as being impaired (with remaining useful life shorter than anticipated as per the Assets Register) must be reported to the Chief Financial Officer who will implement steps to ensure that the impairments are incorporated in the Assets Register and reported on as required by the relevant standards of GRAP.
- The CFO shall ensure that remaining useful lives, and changes thereof, are properly recorded and accounted for in the Asset Register, general ledger and Financial Statements.
- The Asset Management Committee shall ensure that the *Remaining Useful Life* of an asset shall be reviewed at each reporting date.

10.2 Residual Value of Assets

General

The *Residual Value* of an asset is the estimated amount that the municipality would currently obtain from disposal of the asset, after deducting the estimated costs of

disposal, if the asset were already of the age and in the condition expected at the end of its useful life.

Policy

Residual values should be determined upon the initial recognition (capture) of assets. However, this will only be applicable to assets that are normally disposed of by selling them once the municipality does not have a need for such assets anymore, e.g. motor vehicles. In practice, the residual value of an asset is often insignificant and therefore immaterial in the calculation of the depreciable amount.

The residual value of assets shall be reviewed annually at reporting date. Changes in depreciation charges emanating from such reviews should be accounted for as a change in accounting estimates in terms of GRAP 3.

Procedures and Rules

- Strategic Executive Directors must determine the reasonable residual values of the assets under their control. Changes in residual values must be approved by the Asset Management Committee.
- The CFO shall ensure that residual values, and changes thereof, are properly recorded and accounted for in the Asset Register and the general ledger.
- The Asset Management Committee shall ensure that the *residual value* of an asset shall be reviewed at each reporting date.

10.3 <u>Depreciation of Assets</u>

General

Depreciation is the systematic allocation of the depreciable amount of an asset over its useful life. Depreciation therefore recognises the gradual exhaustion of the asset's service capacity. The depreciable amount is the cost of an asset, or other amount substituted for cost in the financial statements, less its residual value.

The depreciation method used **must** reflect the pattern in which economic benefits or service potential of an asset is consumed by the municipality. The following are the allowed alternative depreciation methods that can be applied by the municipality:

- Straight-line;
- Diminishing Balance; and
- Sum of the Units.

Policy

All assets, except land, investments properties and heritage assets, shall be depreciated over their reasonable useful lives. The *residual value* and the *useful life* of an asset shall be reviewed at each reporting date. The depreciation method applied must be reviewed at each reporting date. Reasonable budgetary provisions shall be made annually for the depreciation of all applicable assets controlled or used by the municipality, or expected to be so controlled or used during the ensuing financial year.

Depreciation shall take the form of an expense both calculated and debited on a monthly basis against the appropriate line item in the department or vote in which the asset is used or consumed. Depreciation of an asset should begin when the asset is ready to be used, i.e. the asset is in the location and condition necessary for it to be able to operate in the manner it is intended by management. Depreciation of an asset ceases when the asset is de-recognized. Therefore, depreciation does not cease when the asset becomes idle or is retired from active use and held for disposal unless the asset is fully depreciated. However, under certain methods of depreciation the depreciation charge can be zero while there is no production.

In the case of intangible assets being included as assets, the procedures to be followed in accounting and budgeting for the amortisation of intangible assets shall be identical to those applying to the depreciation of other assets.

Procedures and Rules

- Strategic Executive Directors must ensure that a budgetary provision is made for the depreciation of the assets under their control in the ensuing financial year.
- Strategic Executive Directors must determine the reasonable useful life of the asset classifications under their control. Deviations from the standards of useful life must be motivated in writing to the Asset Management Committee for approval.
- In the case of an asset which is not listed in the asset classification list, Strategic Executive Directors shall determine a useful operating life, in consultation with the CFO, and shall be guided in determining such useful life by the likely pattern in which the asset's economic benefits or service potential will be consumed. The Asset Management Committee must be informed of the additional asset classification and amend the Asset Management Policy accordingly.
- Alternative depreciation methods may be used in exceptional cases, if motivated by the Strategic Executive Director controlling the asset to the Asset Management Committee. The Strategic Executive Director must then provide the Asset Management Committee with sufficient statistical information to make estimates of depreciation expenses for each financial year.
- The CFO shall ensure that depreciation shall be up to date on a monthly basis and be reconciled between the Asset Register and the general ledger.
- The CFO shall ensure that the *residual value, useful life and depreciation method* of an asset shall be reviewed at each reporting date.

10.4 <u>Impairment Losses – GRAP 21</u>

General

Impairment is the loss in the future economic benefits or service potential of an asset, over and above the systematic recognition of the loss of the asset's future economic benefits or service potential through depreciation. For example:

- Significant decline in market value;
- Carrying amount of an asset far exceeds the recoverable amount or market value;
- There is evidence of obsolescence (or physical damage);
- The deterioration of economic performance of the asset concerned; and
- The loss in the future economic benefits or service potential of an asset, over and above the systematic recognition of the loss of the asset's future economic benefits or service potential through depreciation (such as through inadequate maintenance).

The impairment amount is calculated as the difference between the *carrying value* and the *recoverable service value*. The recoverable service value is the higher of the asset's value in use or its net selling price. Where the recoverable service amount is less than the carrying amount, the carrying amount should be reduced to the recoverable service amount by way of an impairment loss. The impairment loss should be recognised as an expense when incurred unless the asset is carried at revalued amount.

If the asset is carried at a revalued amount (in the case of investment property, infrastructure and community assets) the impairment should be recorded as a decrease in the revaluation reserve. Where immovable property, plant and equipment surveys are conducted, the recoverable service value is determined using the depreciated replacement costs method by assessing the remaining useful life.

Policy

Assets shall be reviewed annually for impairment. Impairment of assets shall be recognised as an expense, unless it reverses a previous revaluation in which case it should be charged to the *Revaluation Surplus*. The reversal of previous impairment losses recognised as an expense, is recognised as an income.

Procedures and Rules

- The Asset Management Committee must ensure that annual impairment surveys are performed.
- The CFO shall ensure that impairment losses, or reversals thereof, are properly recorded and accounted for in the Asset Register and the general ledger.

10.5	<u>Maintenance of Assets and the Asset Register</u>
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General

Maintenance refers to all actions necessary for retaining an asset as near as practicable to its original condition in order for it to achieve its expected useful life, but excluding rehabilitation or renewal. This includes all types of maintenance – corrective and preventative maintenance.

For linear infrastructure assets, such as pipes and roads, the following test is applied to differentiate between maintenance and renewal when partial sections of linear assets are renewed:

- If a future renewal of the entire pipe will include the renewal of the partial section that is now renewed, then the renewal of the partial section is treated as maintenance.
- If a future renewal of the entire pipe will retain the partial section that is now renewed, then the renewal of the partial section is treated as renewal and the pipe is split into two separate assets.

The splitting of linear infrastructure has a data management implication, but it is the easiest method that maintains the data integrity over time.

Maintenance analysis is an essential function of infrastructure management to ensure cost-effective and sustainable service delivery. In order to analyse maintenance data, maintenance actions undertaken against individual infrastructure assets should be recorded against such assets.

Policy

Maintenance actions performed on infrastructure assets shall be recorded against the individual assets that are individually identified in the Asset Register.

The risk and criticality of all assets must be assessed in conjunction with the annual physical asset verification process. All assets with a condition rating greater than 3 (three) must be reported to the Asset Management Committee who will give instructions with regard to the criticality grading of the assets on the Asset Register. Strategic Executive Directors must ensure that the assets identified as critical are attended to in order to prevent possible failure.

Procedures and Rules

- Strategic Executive Directors responsible for the control and utilisation of infrastructure assets shall monitor maintenance actions and budget for the operation and maintenance needs of each asset or class of assets under their control. Operating expenses must include all labour and material costs for the repair and maintenance of the assets. This includes both contracted services and services performed by employees.
- Strategic Executive Directors shall ensure that the operating expenses are expended against the operating budget and not the capital budget.
- Strategic Executive Directors shall report to the Council annually of the extent to which the approved maintenance plan has been complied with and the extent of deferred maintenance.
- Strategic Executive Directors shall report to the Council annually on the likely effects that maintenance budgetary constraints may have on the useful operating life of the infrastructure asset classes;
- Strategic Executive Directors shall ensure that maintenance plans make provision for the additional maintenance burden of future infrastructure to be acquired.

10.6 Renewal of Assets

General

Asset Renewal is restoration of the service potential of the asset. Asset renewal is required to sustain service provision from infrastructure beyond the initial or original life of the asset. If the service provided by the asset is still required at the end of its useful life, the asset must be renewed. However if the service is no longer required, the asset should not be renewed. Asset renewal projections are generally based on forecast renewal by replacement, refurbishment, rehabilitation or reconstruction of assets to maintain desired service levels.

Policy

Assets renewal shall be accounted for against the specific asset. The renewal value shall be capitalised against the asset and the expected life of the asset adjusted to reflect the new asset life.

Procedures and Rules

- The Asset Management Committee must ensure that processes are in place to capture renewals data against specific assets and to capitalise it correctly.
- Strategic Executive Directors shall ensure that renewals expenditure are correctly budgeted for in the capital budget and expensed against this budget.
- Strategic Executive Directors must ensure that renewals expenditure data are correctly captured against the assets and the expected lives adjusted.

10.7 Replacement of Assets

General

This paragraph deals with the complete replacement of an asset that has reached the end of its useful life so as to provide a similar or agreed alternative level of service.

Policy

Assets that are replaced shall be written off at their carrying value. The replacement asset shall be accounted for as a separate new asset. All costs incurred to replace the asset shall be capitalised against the new asset. The SCMP will be applied.

Procedures and Rules

- The Asset Management Committee must ensure that processes are in place to capture replacement data against specific assets and to capitalise it correctly.

- Strategic Executive Directors shall ensure that replacement expenditure are correctly budgeted for in the capital budget and expensed against this budget.

11. Asset Disposal

11.1 Transfer of Assets

General

The processes and rules for the transfer of an asset to another municipality, municipal entity or national/provincial organ of state are governed by an MFMA regulation namely “the Local Government: Municipal Asset Transfer Regulations”.

Transfer of assets or inventory items refers to the internal transfer of assets within the municipality or from the municipality to another entity. Procedures need to be in place to ensure that the Asset Control Department can keep track of all assets and ensure that the fixed Asset Register is updated with all changes in asset locations. These procedures must be followed and apply to all transfers of assets from:

- One Department to another Department;
- One location to another within the same department;
- One building to another; and
- One entity to another.

Policy

The transfer of assets is regulated by the SCMP and shall be controlled by the transfer processes in the policy and the Asset Register shall be updated accordingly.

Procedures and Rules

- Strategic Executive Directors must ensure that all asset transfer information is passed to Budget and Treasury Office.
- The CFO must ensure that a process is in place to capture and record asset transfer data.
- Staff of the Municipality, except for duly authorised staff, shall not move rented assets, such as photocopy machines.
- No person shall transfer any IT equipment without the knowledge and written consent of the Head: Information Technology.
- Strategic Executive Directors must immediately report to the Asset Management Committee any damages caused to an asset and will be held responsible to investigate the cause or nature of such damage.

11.2 Exchange of Assets

General

According to GRAP 17.29 an item of PPE may be acquired in exchange for a non-monetary asset or assets, or a combination of monetary and non-monetary assets.

The cost of such an item of property, plant and equipment is measured at fair value unless:

- (a) the exchange transaction lacks commercial substance; or
- (b) the fair value of neither the asset received nor the asset given up is reliably measurable.

If the acquired item is not measured at fair value, its cost is measured at the carrying amount of the asset given up.

Policy

The SCMP will be applied when assets are exchanged. The cost of assets acquired in exchange for another asset shall be measured at the fair value of the asset received, which is equivalent to the fair value of the asset given up, adjusted by the amount of any cash or cash equivalents transferred.

Procedures and Rules

- An item of PPE may be acquired in exchange for a similar asset that has a similar use in the same line of operations and which has a similar fair value or may be sold in exchange for an equity interest in a similar asset. No gain or loss is recognised in both cases.
- The Asset Management Committee shall approve all asset exchanges in consultation with the relevant Strategic Executive Director.

11.3 Alienation / Disposal of Assets

General

Alienation / Disposal (alienation) is the process of disowning redundant and obsolete assets by transferring ownership or title to another owner, which is external to the municipality.

The MFMA (section 14 and 90) and the Municipal Supply Chain Management Regulation no. 27636 have specific requirements regarding the disposal of assets. Specifically:

- A municipality may not ...” permanently dispose of a asset needed to provide the minimum level of basic municipal services”
- Where a municipal council has decided that a specific asset is not needed to provide the minimum level of basic services, a transfer of ownership of an asset must be fair, equitable, transparent, competitive and consistent with the municipality’s supply chain management policy.

Policy

There are various methods of disposal. Different disposal methods will be needed for different types of assets. When deciding on a particular disposal method and consideration of the following, the SCMP on disposal of assets must be applied:

- The nature of the asset
- The potential market value

- Other intrinsic value of the asset
- Its location
- Its volume
- Its trade-in price
- Its ability to support wider Government programmes;
- Environmental considerations
- Market conditions
- The asset's life

Appropriate means of disposal may include:

- Public auction
- Public tender
- Transfer to another institution
- Sale to another institution
- Letting to another institution
- Trade-in
- Controlled dumping (for items that have low value or are unhygienic)

Alienated assets shall be written-off in the Asset Register.

Procedures and Rules

- Strategic Executive Directors shall report in writing to the Asset Management Committee on 31 October and 30 April of each financial year on all assets which they wish to alienate and the proposed method of alienation.
- The CFO shall consolidate the requests received from the various departments, and shall promptly report the consolidated information to the Asset Management Committee, recommending the process of alienation to be adopted.
- The Council shall delegate to the Asset Management Committee the authority to approve the alienation of any asset.
- The Council shall ensure that the alienation of any asset takes place in compliance with Section 14 of the Municipal Finance Management Act, 2003. The Act states that the municipality may not alienate any asset required to provide a minimum level of service. The municipality may alienate any other asset, provided the municipality has considered the fair market value and the economic and community value to be received in exchange for the asset.
- Selling: Assets to be sold shall be sold in terms of paragraph 9.4 below.
- Donations: Donations may be considered as a method of alienation, but such requests must be motivated to the Asset Management Committee for approval.
- Destruction: Assets that are hazardous or need to be destroyed must be identified for tenders or quotations by professional disposal agencies.
- Scrapping: Scrapping of assets that cannot be alienated otherwise may be considered as a method of alienation, but such requests must be motivated to the Asset Management Committee.

- Once the assets are alienated, the CFO shall write-off the relevant assets in the Asset Register.
- The letting of immovable property must be done at market-related tariffs, unless the relevant treasury approves otherwise. No municipal property may be let free of charge without the prior approval of the relevant treasury.
- The Asset Management Committee must review, at least annually when finalising the budget, all fees, charges, rates, tariffs or scales of fees or other charges relating to the letting of municipal property to ensure sound financial planning and management.

11.4	<u>Selling of Assets</u>
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General

Selling of assets refers to the public sale of municipal assets approved for alienation.

Policy

The selling of assets must be within the parameters laid down in the SCMP. Further must all assets earmarked for sale be sold by public auction or tender and the following steps shall be followed:

- A notice of the intention of the municipality to sell the asset shall be published in a local newspaper;
- In the case of a public auction, the municipality shall appoint an independent auctioneer to conduct the auction; and
- In the case of a tender, the prescribed tender procedures of the municipality shall be followed.

Sold assets shall be written-off in the Asset Register.

Procedures

- A request for assets to be sold must be submitted to the Asset Management Committee for approval. The request must be accompanied by a list of assets to be sold and the reasons for sale as described in paragraph 9.3 above.
- Assets earmarked for sale shall be reclassified as Assets Held-for-Sale.
- The Asset Management Committee may approve the engagement of auctioneers either on a quotation basis or by tender depending on the goods to be alienated.
- Bidding: Bidders are afforded the opportunity to make an offer on identifiable items. Bids are compared and the highest bidder is awarded the bid.
- Tenders: Tenders shall be invited according to the municipality's tender procedures.
- Once the assets are sold, the CFO shall write-off the relevant assets in the Asset Register.
- If the proceeds of the sales are less than the carrying value recorded in the Asset Register, such difference shall be recognised as a loss for the

department or vote concerned in the Statement of Financial Performance. If the proceeds of the sales, on the other hand, are more than the carrying value of the asset concerned, the difference shall be recognised as a gain for the department or vote concerned in the statement of financial performance.

- Transfer of assets to other municipalities, municipal entities (whether or not under the municipality's sole or partial control) or other organs of state shall take place in accordance with the above procedures, except that the process of alienation shall be by private treaty.

11.5 Writing-off of Assets

General

The write-off of assets is the process to permanently remove the assets from the Asset Register. Assets can be written-off after approval of the Asset Management Committee of a report indicating that:

- The useful life of the asset has expired;
- The asset has been destroyed;
- The asset is out dated;
- The asset has no further useful life;
- The asset does not exist anymore;
- The asset has been sold; and
- Acceptable reasons have been furnished leading to the circumstances set out above.
- The SCMP has been adhered to.

The CFO may approve the *ad hoc* writing-off of assets without prior approval of the Asset Management Committee on condition that –

- The write-offs fall after but between the next scheduled Asset Management Committee meeting and financial year end closure; and
- The Asset Management Committee is informed of the write-offs at the next scheduled Asset Management Committee meeting.

Policy

The only reasons for writing off assets, other than the sale of such assets during the process of alienation, shall be the loss, theft, destruction, material impairment, or decommissioning of the asset in question.

Procedures and Rules

- Strategic Executive Directors shall report to the CFO on 31 October and 30 April of each financial year on any assets which such Strategic Executive Director wishes to have written-off, stating in full the reason for such recommendation. The CFO shall consolidate all such reports, and shall promptly submit a recommendation to the Asset Management Committee on the assets to be written off.

- An asset, even though fully depreciated, shall be written-off only on the recommendation of the Strategic Executive Director controlling or using the asset concerned, and with the approval of the Asset Management Committee.
- In every instance where a not fully depreciated asset is written off with no proceeds for the asset being obtained, the CFO shall immediately debit to such department or vote the full carrying value of the asset concerned as impairment expenses.
- Assets that are replaced should be written-off and removed from the Asset Register.

12. Asset Physical Control

12.1 Physical Control / Verification

General

Movable assets require physical control and verification of existence.

Policy

All movable assets shall be actively controlled, including an annual verification process.

Procedures and Rules

- All movable assets, where practicable, must have a visible bar code or unique asset marking as determined by the Asset Management Committee.
- Annual verification of movable assets should be conducted under the direction of Finance. This procedure would enable the municipality to identify discrepancies and dispositions and properly investigate and record the transactions.
- Procedures should be established to adequately identify assets owned by others or subject to reclamation by donors.
- The Asset Management Committee shall co-ordinate and control regular physical checks, and all discrepancies are to be reported immediately to the Asset Management Committee.
- Registers must be kept for those assets allocated to staff members. The individuals are responsible and accountable for the assets under their control. These registers should be updated when the assets are moved to different locations or allocated to a different staff member in order to facilitate control and physical verification.
- Where a change in person in direct control of equipment takes place, a handing-over certificate shall be completed and signed by both parties concerned and a copy of this certificate must be forwarded to Finance. If surpluses or deficiencies are found, the certificates shall be dealt with as with stock-taking reports.
- If for any reason the person from whom the asset is being taken over is not available, the asset controller should assist the person taking over with the checking of the equipment and the certification of any discrepancies.
- In case of failure to comply with the requirements of a handing-over certificate, the person taking over shall be liable for any shortages, unless it can be established that the shortages existed prior to their taking over.
- Any losses of and damage to equipment, excluding discrepancies at stocktaking of losses resulting from normal handling or reasonable wear and tear, shall be reported to the Asset Management Committee.
- Independent checks from asset records shall be conducted to ensure that the assets physically exist, especially those that could be disposed of without a noticeable effect on operations.

- Yearly physical inspections of assets shall be performed to identify items which are damaged, not in use or are obsolete due to changed circumstances, to ensure that they are appropriately repaired, written off or disposed of.
- All newly acquired assets shall be delivered to / received by the procurement section where the assets will be bar-coded before dispatch to the persons who will be the custodians of the assets. Where this is not practicable, the acquired assets must be delivered to the section issuing the requisition and that section must notify the procurement section so that bar-coding or asset marking can be arranged.
- Delivery of assets by procurement staff must be to the person requiring the asset and he/she will sign a form accepting responsibility for the asset.
- The Asset Management Committee may, on request of a Strategic Executive Director, waive full physical verification and accept written confirmation from the Strategic Executive Director of infrastructure assets being verified during the course of a financial period as part of routine and/or planned maintenance and/or physical inspections. Documentation in this regard must be kept by departments and be available for inspection. The Chief Financial Officer will inform the external auditors of the Asset Management Committee's decision

12.2 <u>Insurance of Assets</u>

General

Insurance provides selected coverage for the accidental loss of the asset value. Generally, government infrastructure is not insured against disasters because relief is provided from the Disaster Fund through National Treasury.

Policy

Assets that are material in value and substance shall be insured at least against destruction, fire and theft. All municipal buildings shall be insured at least against fire and allied perils. Land shall not be included for the purpose of insurance.

Procedures and Rules

- The Asset Management Committee will ensure that all assets are properly insured in terms of the policy.

12.3 <u>Safekeeping of Assets</u>

General

Asset safekeeping is the protection of assets from damage, theft, and safety risks.

Policy

Directives for the safekeeping of assets shall be developed and the safekeeping of assets shall be actively undertaken. The municipality shall establish and implement the Loss Control Policy for such purpose.

Procedures and Rules

- The Asset Management Committee must issue directives that detail the safekeeping of assets.
- Strategic Executive Directors must ensure that safekeeping directives are adhered to.
- Malicious damage, theft, and break-ins must be reported to the CFO and loss control officer within 48 hours of its occurrence or awareness. The CFO will inform the Asset Management Committee of such occurrence.
- The Municipal Manager must report criminal activities to the South African Police Service.
- If any biological asset is lost, stolen or destroyed, the matter shall be reported in writing by the Strategic Executive Director concerned in exactly the same manner as though the asset were an ordinary asset.

13. Asset Financial Control

13.1 Funding Sources

General

The Municipal Finance Management Act (MFMA) provides guidelines on how to utilise funds in financing assets (Section 19 of MFMA). The municipality shall utilise any of the following sources to acquire and / or purchase assets:

- Grants;
- Donations;
- Internally Generated Funds;
- External Loans; and / or
- Leases.

14. COMMENCEMENTS

In terms of section 17(1) (e) of the MFMA this policy must be reviewed our annual basis and the reviewed policy tabled to Council for approval as part of the budget process- to adopt the following proposal as the Asset Management Policy of Newcastle Municipality as per council resolution number _____

This policy will takes effective on the _____

ANNEXURES

ANNEXURE A

ABBREVIATIONS

AM	Asset Management
AMC	Assets Management Committee
AMS	Asset Management System
CFO	Chief Financial Officer
DM	District Municipality
EPWP	Expanded Public Work Program
GAMAP	Generally Accepted Municipal Accounting Practice
GIS	Geographical Information System
GRAP	Standards of Generally Recognised Accounting Practice
HR	Human Resource
IAM	Infrastructure Asset Management
IAMP	Infrastructure Asset Management Plan
AR	Asset Register
IAR	Infrastructure Asset Register
IAS	International Accounting Standards
IDP	Integrated Development Plan
MFMA	Municipal Finance Management Act
MTREF	Medium Term Revenue and Expenditure Framework
NT	National Treasury
OAG	Office of the Accountant General
LM	Local Municipality
O&M	Operation and Maintenance
SCMP	Supply Chain Management Policy

ANNEXURE B ASSET HIERARCHY

CLASS	MINOR GROUP	EUL (YRS)	EUL (MONTHS)
LAND	LAND	0	0
	LANDFILL SITE	55	660
BUILDINGS		30	360
INFRASTRUCTURE	ROADS AND PAVING	80	960
	BRIDGES	80	960
	STORMWATER	50	600
	ELECTRICAL SUBSTATIONS	30	360
	FENCING	20	240
	LAYERING	20	240
	ELECTRICAL MAINS	20	240
	CONTAINERS	10	120
	POWER STATION	60	720
	RETICULATION	25	300
	ELECTRICITY TRANSFORMERS	30	360
	UNDERGROUND LINES	45	540
	ELECTRICITY PANELS	5	60
	STREET LIGHTING	25	300
	TELEMETERY	7	84
OVERHEAD LINES	30	360	
CABLES	45	540	
COMMUNITY	CLINIC AND HEALTH FACILITIES	30	360
	STADIUMS	80	960
	SECURITY SYSTEMS	5	60
	CEMETERY	30	360
	COMMUNITY HALLS	80	960
	LIBRARY	80	960
OTHER ASSETS	HONEY SUCKER TANKER	10	120
	BINS AND CONTAINERS	5	60
	EMERGENCY EQUIPMENT	5	60
	MOTOR VEHICLES	5	60
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NEWCASTLE MUNICIPALITY

PETTY CASH POLICY

PETTY CASH POLICY

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PETTY CASH POLICY

1. PREAMBLE

- 1.1 Where the need may arise in a department of the municipality to have cash available for payments of a minor and non-recurring nature and it is impracticable to follow Supply Chain Management policies and procedures for every expense, such payments (excluding remuneration for services rendered) may be made by means of petty cash facilities.

2. POLICY OBJECTIVES

The objective is to provide guidelines on the usage and management of petty cash by Newcastle Municipality.

3. SCOPE OF POLICY

This policy applies to all Newcastle Municipal employees, whether full-time or part-time, or paid on a salaried or an hourly individual basis and to duly appointed cashiers.

4. APPLICABLE LEGISLATION

- 4.1 Municipalities must comply with the requirements of the Municipal Finance Management Act, Act 56 of 2003 (MFMA) and Newcastle Municipality has incorporated the applicable principles, objectives and prescripts in its policy on the management and control of petty cash.
- 4.2 The MFMA endeavours “to regulate financial management in the municipalities; to ensure that all revenue, expenditure, assets and liabilities of those governments are managed efficiently and effectively; to provide for the responsibilities of persons entrusted with financial management in those municipalities; and to provide for matters connected therewith.”
- 4.3 In particular, Section 78(1)(b) and (c) of the MFMA places the onus on each employee within the municipality to take responsibility for the effective, efficient, economical and transparent use of financial and other resources within that employee’s area of responsibility. In particular, the employee must take effective and appropriate steps to prevent, within that employee’s area of responsibility, any

PETTY CASH POLICY

unauthorised, irregular, fruitless and wasteful expenditure and any under-collection of revenue due.

5. POLICY PRINCIPLES

5.1 Before approving expenditure or incurring a commitment to spend using petty cash, the delegated or authorised official must ensure compliance with any limitations or conditions attached to the delegation or authorisation. All transactions must be supported by authentic documents.

6. POLICY PROCEDURES

6.1 Approval of Petty Cash Float

6.1.1 The Strategic Executive Director: Budget and Treasury Office or delegated official shall be responsible for making application for petty cash facility or for increase of the operational amount of an existing petty cash float to the Accounting Officer for consideration and decision.

6.1.2 The application shall state sound and valid reasons for the need of petty cash float and the amount required for its operation, as well as the cost centre and vote number from which funds are to be applied for petty cash. The amount applied for must be sufficient to cover expenses for approximately one month.

6.1.3 The municipality shall keep petty cash not exceeding R5 000.00 which must be reviewed on annual basis.

6.1.4 The use of petty cash shall be limited to minor requirements for which a single transaction shall not exceed R500.00.

6.1.5 In cases where the municipality has an account with the supplier or can negotiate opening an account, the municipality should avoid at all cost to use petty cash but use the account in terms of the policies of the municipality, in particular Supply Chain Management policy which regulates acquisition and disposal of goods and services.

PETTY CASH POLICY

6.2 Appointment of Petty Cash Officers

- 6.2.1 The Strategic Executive Director: Budget and Treasury Office must appoint in writing one of the Salaries Clerks as a petty cash custodian who shall be assigned the responsibility of managing and controlling petty cash. The custodian of petty cash must acknowledge appointment by appending his or her signature and date as an acceptance of the responsibilities and must abide by the contents of the this policy and MFMA.
- 6.2.2 The Strategic Executive Director: Budget and Treasury Office must appoint in writing one of the Accountants as a relief petty cash custodian who shall be assigned the responsibility of managing and controlling petty cash in the absence of the designated petty cash custodian. The Accountant must acknowledge appointment by appending his or her signature and date as an acceptance of the responsibilities and must abide by the contents of this policy and MFMA.
- 6.2.3 During absence of the designated petty cash custodian, the designated Accountant must assume the responsibilities as a relief petty cash custodian. The petty cash custodian and relief petty cash custodian must ensure that they are familiar with all relevant statutory requirements and institutional responsibilities attached thereto.
- 6.2.4 Should the Strategic Executive Directors wish to keep petty cash float within their departments, the Strategic Executive Director: Budget and Treasury Office must satisfy himself / herself whether there were proper and sound controls within that department and assess the reasons for request for petty cash float.
- 6.2.5 Where petty cash float has been approved by the Accounting Officer for departments or sub-offices and satellite offices, the responsibility for operating petty cash and safe keeping rest with the Strategic Executive Director of that particular department. Strategic Executive Directors must assign to the designated petty cash custodians who have financial acumen only and who have no previous conviction or suspicions relating to commercial crimes (e.g. theft, fraud, corruption, funds embezzlement, forgery, bribery, uttering, extortion etc).
- 6.2.6 Officials who have garnishee orders against their salaries must not be appointed as petty cash custodians.

PETTY CASH POLICY

6.3 Custody & Safe Keeping of Petty Cash

6.3.1 The petty cash custodians are responsible for controlling of petty cash float, together with supporting documentation. Specifically the custodian is responsible for the following:

6.3.1.1 Petty cash float (including original receipts and vouchers) must be kept secured in a locked cash box.

6.3.1.2 The office and the safe where petty cash float is kept shall at all times be kept locked and the key to the safe where cash float is kept shall be kept by the petty cash custodian.

6.3.1.3 The petty cash custodian must sign for the key and must be always kept in a safe place.

6.3.1.4 Only petty cash custodian must have access to and disburse petty cash. Handling of petty cash must only take place in secure locations.

6.3.1.5 The petty cash custodians must ensure that petty cash is only disbursed to authorised officials when an original requisition signed by a duly delegated official has been produced.

6.3.1.6 The petty cash custodian must not process requisitions that is not authorised by the Strategic Executive Director or delegated official.

6.3.1.7 The petty cash custodian must not process requisition that has not been checked, signed and dated by the Accountant who is the supervisor of the custodian.

6.3.1.8 The petty cash custodians must not put her personal monies or of any other officials in the box and the safe where petty cash is kept.

6.3.2 If petty cash float is lost, the Petty Cash Officer responsible for that petty cash shall be held liable.

6.4 Application for Petty Cash

6.4.1 The department that requires petty cash has to complete a requisition which must be authorized and signed by the Strategic Executive Director. The requisition must be submitted to the Accountant.

6.1.2 In cases where minor expenditure was incurred by officials during official trips e.g. parking and toll fees. Such expenditure may be claimed from petty cash but a requisition must still be completed.

PETTY CASH POLICY

6.5 Issuing of Petty Cash

- 6.5.1 On receipt of requisition the Accountant must check the requisition and be satisfied that it correct in every respect and authentic, sign and date the requisition as evidenced that he/she has checked it. Once checked and signed the Accountant must submit the requisition to petty custodian.
- 6.5.2 The petty cash custodian completes a petty cash voucher using information on the requisition and hand over cash to the official that submitted the requisition.
- 6.5.3 The official receiving such cash must acknowledge receipt by appending his or her signature and date on the petty cash voucher. The requisition is then attached to the petty cash voucher by the petty cash custodian.
- 6.5.4 The official who received petty cash must submit original receipts to the petty cash custodian before the close of business on the date on which petty cash was received.
- 6.5.5 The municipal official receiving petty cash is entirely accountable for the amount.
- 6.5.6 If the official who received petty cash fails to submit the original receipts before the close of business, the petty cash custodian must follow-up the next morning. If no original receipts are submitted on the following day by close of business, the matter must be reported to the Accountant who shall refer the matter to the Manager.

6.6 Recording of Petty Cash

- 6.6.1 The petty cash custodian records the date of petty cash voucher, requisition number, petty cash voucher number, description of what petty cash is required for and the amount on the petty cash register. The petty cash register must be numbered throughout consecutively for control purposes.
- 6.6.2 The expenditure in respect of the petty cash requested will be debited against the vote of the department that requested cash.
- 6.6.3 All entries on the requisition, petty cash voucher, expenditure voucher and petty cash register must be recorded in ink and no correcting fluid or tip-ex must be used.

PETTY CASH POLICY

- 6.6.4 The petty cash register must be balanced at the end of each month by the petty cash custodian or relief petty cash custodian. All petty cash vouchers and requisitions must be reconciled to the petty cash register at the end of each month.
- 6.6.5 The petty cash custodian must sign and date the petty cash register as evidence that it was done by him or her.
- 6.6.6 After the balancing of the petty cash register it must be reviewed by the Accountant. The Accountant must append his or her signature and date on the petty cash register as evidence of review.

6.7 **Reimbursements**

- 6.7.1 The petty cash custodian completes the “expenditure voucher” and attaches all requisitions and petty cash vouchers to the expenditure voucher. The expenditure voucher must be signed by the petty cash custodian, Accountant as a checking official and Manager as authorizing official.
- 6.7.2 Once the expenditure voucher has been processed the cash cheque is presented at the bank in exchange for cash to replenish petty cash.
- 6.7.3 Petty cash shall be reimbursed on a monthly basis.

7. **GENERAL CONTROL MEASURES**

- 7.1 When the petty cash custodian is on leave a proper handing over certificate should be completed with the relief petty cash custodian. The handing over should be done after reconciliation and balancing petty cash. This process should be done under the supervision of the Manager: Expenditure and Financial Accounting. The handing over certificate should be signed by the official handing over and the official taking over petty cash as well as the Manager: Expenditure and Financial Accounting who witnessed the handing over process.
- 7.2 When the petty cash custodian is on sick leave or any unplanned leave due to circumstances that are beyond control of the official and a proper handing over

PETTY CASH POLICY

cannot be done a key to the safe and cash box must be collected by the Accountant and the Senior Accountant: Payroll if petty cash is urgently required.

- 7.3 The Director: Budget and Financial Reforms must investigate the reasons for non-compliance with this policy and make recommendations. This recommendation will be based on the written explanation submitted by the official who received petty cash.
- 7.4 Should the matter remain unresolved by the attempts by the manager, the manager must refer the matter to the Director and at this level the Strategic Executive Director whose official received petty cash must be involved and be asked to take the necessary disciplinary measures in terms of the code of conduct of the municipality.
- 7.5 Should the Strategic Executive Director whose official received petty cash fail to resolve the matter within that month on which petty cash was received the following must take place:
- 7.5.1 The Strategic Executive Director or delegated official who authorised the requisition shall be held responsible for reimbursement of petty cash should proof of purchase in the form of receipt not be submitted before the close of the same day on which petty cash was handed over or within 24 hours from the date of receipt of petty cash.
- 7.5.2 Should the Strategic Executive Director or delegated official fail to comply with paragraph 7.5.1 above the full amount of petty cash shall be deducted from his/her salary without any further notice.
- 7.6 The Manager: Budget and Financial Accounting must conduct surprise review of petty cash on hand against the petty cash register and petty cash vouchers and requisitions on quarterly basis.
- 7.7 Internal auditors and Auditor-General staff are entitled to conduct any surprise petty cash audit at any time and must not be prevented from doing so.

PETTY CASH POLICY

8. IMPLEMENTATION AND REVIEW OF THIS POLICY

- 8.1 The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director: Budget and Treasury Office once approved by Council.

- 8.2 In terms of section 17(1) (e) of the Municipal Finance Management Act, 2003 this policy shall be reviewed on annual basis and the reviewed policy tabled to Council for approval as part of the budget process.



NEWCASTLE MUNICIPALITY

VIREMENT POLICY

VIREMENT POLICY

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VIREMENT POLICY

1. Definitions

1. **“Accounting Officer”** The municipal manager of a municipality is the accounting officer of the municipality in terms of section 60 of the MFMA.
2. **“Approved budget”** means an annual budget approved by a municipal council.
3. **“Budget-related policy”** means a policy of a municipality affecting or affected by the annual budget of the municipality
4. **“Chief Financial Officer”** means a person designated in terms of the MFMA who performs such budgeting, and other duties as may in terms of section 79 of the MFMA be delegated by the accounting officer to the Chief Financial Officer.
5. **“Capital Budget”** This is the estimated amount for capital items in a given fiscal period. Capital items are fixed assets such as facilities and equipment, the cost of which is normally written off over a number of fiscal periods.
6. **“Council”** means the council of a municipality referred to in section 18 of the Municipal Structures Act.
7. **“Financial year”** means a 12-month year ending on 30 June.
8. **“Line Item”** an appropriation that is itemised on a separate line in a budget adopted with the idea of greater control over expenditures.
9. **“Operating Budget”** The Municipality’s financial plan, which outlines proposed expenditures for the coming financial year and estimates the revenues used to finance them.
10. **“Ring Fenced”** an exclusive combination of line items grouped for specific purposes for instance salaries and wages.
11. **“Service delivery and budget implementation plan”** means a detailed plan approved by the mayor of a municipality in terms of section 53(1)(c)(ii) for implementing the municipality’s delivery of municipal services and its annual budget.
12. **“Virement”** is the process of transferring an approved budget allocation from one operating line item or capital project to another, with the approval of the relevant Strategic Executive Director. To enable budget managers to amend budgets in the light of experience or to reflect anticipated changes.
13. **“Vote”** means one of the small segments into which a budget of a municipality is divided for the appropriation of funds for the different items of revenue and expenditure for all departments in the municipality.

VIREMENT POLICY

2. Abbreviations

1. **C.F.O.** – Chief Financial Officer
2. **IDP** – Integrated Development Plan
3. **MFMA** – Municipal Finance Management Act No. 56 of 2003
4. **SDBIP** – Service Delivery and Budget Implementation Plan
5. **CM** – Council Minute/s

VIREMENT POLICY

3. Objective

To allow limited flexibility in the use of budgeted funds to enable management to act on occasions such as disasters, unforeseen expenditure or savings, etc. as they arise to accelerate service delivery in a financially responsible manner.

4. Virement Clarification

Virement is the process of transferring budgeted funds from one line item number to another, or from one function to another with the approval of the relevant Strategic Executive Director, Director, Manager or any employee delegated to enable budget managers to amend on approved budgets in terms of (Section 28 (2) (c) (d) of the MFMA). The bottom line of the original approved budget should remain unchanged.

Virement should accommodate all 7 segments that is: project, item, function, funding, region, costing and GFS

5. Financial Responsibilities

Strict budgetary control must be maintained throughout the financial year in order that potential overspends and / or income under-recovery within individual vote departments are identified at the earliest possible opportunity. (Section 54 MFMA)

The Chief Financial Officer has a statutory duty to ensure that adequate policies and procedures are in place to ensure an effective system of financial control. The budget virement process is one of these controls. (Section 27(4) MFMA)

It is the responsibility of each Strategic Executive Director to which funds are allocated, to plan and conduct assigned operations so as not to expend more funds than budgeted. In addition, they have the responsibility to identify and report any irregular or fruitless and wasteful expenditure in terms of the MFMA sections 78.

6. Virement Restrictions

- a) No funds may be transferred between functions without the approval of both heads of departments and the Chief Financial Officer, unless through an adjustment budget as per S28 of the MFMA.
- b) Virements may not exceed a maximum of 20% of the total approved operating expenditure budget, with the exception of line items where virement is implemented in terms of MSCOA compliance.
- c) A virement may not create new policy, significantly vary the current policy, or alter the approved outcomes / outputs as approved in the IDP for the current or subsequent years. (section 19 and 21 MFMA)

VIREMENT POLICY

- d) Virements resulting in adjustments to the approved SDBIP need to be submitted with an adjustments budget to the Council with altered outputs and measurements for approval. (MFMA Circular 13 page 3 paragraph 3)
- e) No virement may commit the municipality to increase recurrent expenditure, which commits the Council's resources in the following financial year, without the prior approval of the Council. This refers to expenditures such as entering into agreements into lease or rental agreements such as vehicles, photo copier's or fax machines.
- f) No virement may be made where it would result in over expenditure in the vote and in each line item. (section 32 MFMA)
- g) If the virement relates to an increase in the work force establishment, then the Council's existing recruitment policies and procedures will apply.
- h) Virements in respect of ring-fenced allocations must be made within ring fenced items. These include finance charges, debt impairment, depreciation and employee related costs.
- i) Virements for employee related cost may only be allowed for month end procedures and must be within the employee related costs category.
- j) Virements on fleet budget may only be done within the vote and fleet budget.
- k) Virements should not result in adding 'new' projects to the Capital Budget. Any new projects may only added in compliance with S28 of MFMA or the Budget Policy of the municipality.
- l) Virements are permitted after three months of the start of the financial year. However virements to correct budget to be MSCOA compliant are permitted at any time of the financial year.
- m) Virement amounts may not be rolled over to subsequent years, or create expectations on following budgets. (Section 30 MFMA)
- n) Virements should not be permitted in relation to the revenue side of the budget.
- o) Virements from capital budget to operational should not be permitted as per circular 51 of the MFMA; this may only be permitted via adjustment budget.
- p) Virements from an amount of R200 000 on both operational and capital budget may only be actioned after approval by the Executive Committee of Council.
- q) Virements are not allowed between sources of funding especially if such sources refer to conditional grant funding or funding received for a specific purpose. Approval of virements between funding sources will be subject to the authorization of the Chief Financial Officer, accompanied by a motivation.

VIREMENT POLICY

7. Virement Procedure

- a) A request for a virement must be in a memorandum format which must be signed by any official delegated in terms of municipal delegations policy and should be endorsed by Director Budget and Financial Reforms or must be in a form of item to EXCO or to council. That item should be confirmed by budget office if such funds are available to be moved.
- b) If the virement is between two different departments or functions both Executive Strategic Directors must sign where funds are moved and where funds are transferred endorsed by the Chief financial officer, otherwise if funds are moved within same functions any senior official may sign and this may be endorsed by a director budget or budget manager.
- c) Any virement with the outcome to correct budget to be MSCOA compliant may be initiated by any senior official to the director budget or manager budget by means of internal emails, otherwise this will be corrected by budget office from time to time.
- d) All virement requests, inclusive of relevant documentation, must be forwarded to the budget office.
- e) Virements relating to employee related costs for the purposes of month-end procedures shall be approved by the Director: Budget and Financial Reports which each vote by means of internal email.
- f) Virements relating to fleet budget for the purpose of month-end and other urgent operational requirement shall be authorized by the Director: Budget and Financial Reporting.
- g) Budget transfers, to and from a particular vote per year, in excess of R200 000.00 with a maximum as determined under section 6(p) requires the approval of the Executive Committee. Such a virement must be accompanied by a full report detailing the compelling reasons that lead to it.
- h) The Municipal Manager must report to the Mayor on a quarterly basis on those virements above R200 000 that have taken place during that quarter.
- i) Any budgetary amendment of which the net impact will be a change to the total approved annual budget allocation and any other amendments

VIREMENT POLICY

not covered in this policy are to be considered for budgetary adoption via an adjustments budget (per MFMA Section 28).

8. Implementation of the Policy

- (a) The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director: Budget and Treasury Office.

- (b) The policy shall be reviewed on annual basis and updated if there are any changes brought about through an amendment of any legislation and/or policies by National Treasury or arrangement within the municipality.

- (c) This policy must be read together with the Budget and the Local Government Municipal Finance Management Act, Act 56 of 2003.

9. Commencement

In terms of section 17(1) (e) of the MFMA this policy must be reviewed our annual basis and the reviewed policy tabled to Council for approval as part of the budget process- to adopt the following proposal as the Virement Policy of Newcastle Municipality as per council resolution number _____

This policy will takes effective on the _____



NEWCASTLE MUNICIPALITY

FUNDING & RESERVES POLICY

2021/22 FINANCIAL YEAR

FUNDING & RESERVES POLICY

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FUNDING & RESERVES POLICY

1. PREAMBLE

The funding and reserves policy is aimed at ensuring that the municipality has sufficient and cost-effective funding in order to achieve its objectives through the implementation of its operating and capital budgets.

This policy aims to set guidelines towards ensuring financial viability over both the short- and long-term which includes reserves requirements.

2. POLICY OBJECTIVES

2.1 The objectives of the policy are to:

- 2.1.1 Ensure that the Medium Term Expenditure Framework (annual budget) of the municipality is appropriately funded.
- 2.1.2 Ensure that cash resources and reserves are maintained at the required levels to avoid future year unfunded liabilities.
- 2.1.3 To achieve financial sustainability with acceptable levels of service delivery to the community.

3. SCOPE OF THE POLICY

This policy shall apply to the Council, Executive Committee, Finance Portfolio Committee, Budget Steering Committee, Accounting Officer, Strategic Executive Directors and all staff of the municipal council. It is, however, specifically applicable to the council and all officials who have a formal, administrative duty to prepare, manage and control the municipal's budget and expenditure.

4. APPLICABLE LEGISLATIVE

4.1 The legislative framework governing borrowings are:

- 4.1.1 Local Government Municipal Finance Management Act, Act 56 of 2003; and
- 4.1.2 Local Government Municipal Budget and Reporting Regulation, Regulation 393, published under Government Gazette 32141, 17 April 2009.

FUNDING & RESERVES POLICY

5. FUNDING OF ANNUAL BUDGET

5.1 An annual budget may only be funded from:

- (a) cash backed accumulated funds from previous years surpluses and reserves not committed for any other purpose;
- (b) borrowed funds but only for capital expenditure; and/or
- (c) Grant funding.

5.2 Realistic anticipated revenue projections must take into account:

- (a) projected revenue for the current year based on collection levels to date.
- (b) actual revenue collected in previous financial years.

5.3 Capital expenditure may only be incurred on a capital project only if:

- (a) the funding for the project has been appropriated in the capital budget.
- (b) the total cost for the project has been approved by Council.
- (c) the future budgetary implications and projected cost covering all financial year until the project is operational has been considered.
- (d) the implications of the capital budget on municipal tax and tariff increases.
- (e) the sources of funding are available and have not been committed for other purposes.

6. CASH MANAGEMENT

6.1 The availability of cash is one of the most important requirements for working capital management and must be closely monitored to ensure a minimum days cash on hand of forty five (45) days for its daily operations.

6.2 Changes in the municipal environment that may have an impact on the municipal cash flow position include:

- (a) changes in revenue levels as a result of consumption patterns (water restrictions, load shedding etc.);
- (b) reduced growth as a result of economic conditions;
- (c) increase in non-payment rate as a result of economic conditions;
- (d) implementation of electricity industry pricing policy (inclining block tariffs).
- (e) increased debt levels.

FUNDING & RESERVES POLICY

6.3 Surplus cash not immediately required for operational purposes is invested in terms of the municipality's investment policy to maximize the return on investment.

7. DEBT MANAGEMENT

7.1 Debt is managed in terms of the municipal credit control and debt collection policy and the writing off of bad debts and impairments of debtors policy.

7.2 The provision for revenue that will not be collected are budgeted as an expense and is based on the projected annual non-payment rate for each service.

8. OPERATING BUDGET

8.1 The operating budget provides funding to departments for their medium term expenditure as planned. The municipality categorises services rendered to the community according to its revenue generating capabilities.

- (a) trading services – services that generate surpluses that can be used for cross subsidization to fund other services.
- (b) economic services – services that break even with no surpluses.
- (c) rates and general services – services that are funded by rates, surpluses generated by trading services, and/or other revenues generated such as fines, interest received, grants and subsidies etc.

8.2 The operating budget is funded from the following main sources of revenue:

- (a) property rates.
- (b) surpluses generated from service charges.
- (c) government grants and subsidies.
- (d) other revenue, fines, interest received etc.
- (e) cash backed accumulated surpluses from previous years not committed for any other purposes.

8.3 The following guiding principles apply when compiling the operating budget:

- (a) the annual budget must be balanced.
- (b) growth parameters must be realistic taking into account the current economic conditions.

FUNDING & RESERVES POLICY

- (c) tariff adjustments must be realistic, taking into consideration the general inflation, affordability, bulk increases and the demand according to the approved Integrated Development Plan (IDP).
- (d) Revenue from government grants and subsidies must be in line with allocations gazette in the Division of Revenue Act and provincial gazettes.
- (e) Revenue from public contributions, donations or any other grants may only be included in the budget if there are acceptable documentation that guarantees the funds such as:
 - (i) signed service level agreement;
 - (ii) contract or written confirmation; or
 - (iii) any other legally binding document.
- (f) Property rates are levied according to the Municipal Property Rates Act, and property rates policy based on land and improvement values. The budget is compiled using the latest approved valuation and supplementary roll, consistent with current and past trends. Property rates tariffs and rebates are determined annually as part of the tariff setting process.
- (g) Property rates rebates, exemptions and reductions are budgeted either as revenue foregone or a grant as per directive in MFMA Budget Circular 51 depending on the conditions thereof.
- (h) Projected revenue from service charges must be realistic based on current and past trends with expected growth considering the current economic conditions. The following factors must be considered for each service:
 - (i) Metered services comprise of electricity and water:
 - the consumption trends for the previous financial years;
 - envisaged water restrictions or load shedding when applicable; and
 - actual revenue collected in previous financial years.
 - (ii) Refuse removal services:
 - the actual number of erven receiving the service per category; and
 - actual revenue collected in previous financial years.
 - (iii) Sewerage services:
 - the actual number of erven receiving the service and the consumption trends per category; and
 - actual revenue collected in previous financial years.

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- (i) Rebates, exemptions or reductions for service charges are budgeted either as revenue foregone or as a grant as per directive in MFMA Budget Circular 51 depending on the conditions thereof.
- (j) Other projected income is charged in terms of the approved sundry tariffs and fines considering the past trends and expected growth for each category.
- (k) Provision for revenue that will not be collected is made against the expenditure item bad debt and based on actual collection levels for the previous financial year and the projected annual non-payment rate.
- (l) Interest received from actual long-term and or short-term investments are based on the amount reasonably expected to be earned on cash amounts available during the year according to the expected interest rate trends. Transfers from the accumulated surplus to fund operating expenditure will only be allowed for specific once-off projects and with no recurring operating expenditure resulting thereof.
- (m) Transfers from the accumulated surplus to offset the increased depreciation charges as a result of the implementation of GRAP 17 will be phased out over a number of years.
- (n) A detailed salary budget is compiled on an annual basis. All funded positions are budgeted for in total and new and/or funded vacant positions are budgeted for six (6) months only of the total package considering the recruitment process. As a guiding principle the salary budget should not constitute more than 35% of annual operating expenditure.
- (o) Depreciation charges are fully budgeted for according to the asset register and to limit the impact of the implementation of GRAP 17 a transfer from the accumulated surplus is made. However the annual cash flow requirement for the repayment of borrowings must fully be taken into consideration with the setting of tariffs.
- (p) To ensure the health of municipal assets, sufficient provision must be made for the maintenance of existing and infrastructure assets based on affordable levels, resulting that maintenance budgets are normally lower than the recommended levels. Therefore the mere reduction of maintenance budgets to balance annual budgets must carefully be considered. As a guiding principle repair and maintenance should constitute between 5 and 8% of total operating expenditure and should annually be increased incrementally until the required targets are achieved.
- (q) Individual expenditure line items are to be revised each year when compiling the budget to ensure proper control over expenditure. Increases for these line

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items must be linked to the average inflation rate and macro-economic indicators unless a signed agreement or contract stipulates otherwise.

9. CAPITAL BUDGET

9.1 The capital budget provides funding for the municipality's capital programme based on the needs and objectives as identified by the community through the Integrated Development Plan and provides for the eradication of infrastructural backlogs, renewal and upgrading of existing infrastructure, new developments and enlargement of bulk infrastructure.

9.2 Provisions on the capital budget will be limited to availability of sources of funding and affordability. The main sources of funding for capital expenditure are:

- (a) accumulated cash backed internal reserves;
- (b) borrowings;
- (c) government grants and subsidies; and
- (d) public donations and contributions,

9.3 The following guiding principles applies when considering sources of funding for the capital budget:

- (a) Government grants and subsidies:
 - (i) only gazette allocations or transfers as reflected in the Division of Revenue act or allocations as per provincial gazettes may be used to fund projects;
 - (ii) the conditions of the specific grant must be taken into consideration when allocated to a specific project; and
 - (iii) government grants and subsidies allocated to specific capital projects are provided for on the relevant department's operating budget to the extent the conditions will be met during the financial year.
- (b) In the case of public contributions, donations and/or other grants, such capital projects may only be included in the annual budget if the funding is guaranteed by means of:
 - (i) signed service level agreement;
 - (ii) contract or written confirmation; and/or
 - (iii) any other legally binding document.

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- (c) Public donations, contributions and other grants are provided for on the relevant department's operating budget to the extent the conditions will be met during the financial year.
- (d) The borrowing requirements as contained in the borrowing policy are used as a basis to determine the affordability of external loans over the Medium Term Income and Expenditure Framework. The ratios to be considered to take up additional borrowings:
 - (i) long-term credit rating of BBB;
 - (ii) interest cost to total expenditure to not exceed 8%;
 - (iii) long-term debt to revenue (excluding grants) not to exceed 50%;
 - (iv) payment rate of above 95%;
 - (v) percentages of capital charges to operating expenditure less than 18%.
- (e) Allocations to capital projects from cash backed internal reserves will be based on the available funding for each ring-fenced reserve according to the conditions of each reserve as follows:
 - (i) infrastructure projects to service new developments and the revenue is received through the sale of erven must be allocated to the capital reserve for services ;
 - (ii) capital projects of a smaller nature such as office equipment, furniture, plant and equipment etc. must be allocated to the capital reserve from revenue which is funding from the revenue budget for that specific year. A general principle is that these types of capital expenditure should not exceed more than 1% of total operating expenditure;
 - (iii) capital projects to replace and/or upgrade existing assets will be allocated to the capital replacement reserve;
 - (iv) capital projects to upgrade bulk services will be allocated to the capital bulk contributions reserve for each service.

9.4 All capital projects have an effect on future operating budget therefore the following cost factors should be considered before approval:

- (a) additional personnel cost to staff new facilities once operational;
- (b) additional contracted services, that is, security, cleaning etc.
- (c) additional general expenditure, that is, services cost, stationery, telephones, material etc.
- (d) additional other capital requirements to the operate facility, that is, vehicles, plant and equipment, furniture and office equipment etc.
- (e) additional costs to maintain the assets;

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- (f) additional interest and redemption in the case of borrowings;
- (g) additional depreciation charges;
- (h) additional revenue generation. The impact of expenditure items must be offset by additional revenue generated to determine the real impact on tariffs.

10. RESERVES

- 10.1 All reserves are “ring fenced” as internal reserves within the accumulated surplus, except for provisions as allowed by the General Recognized Accounting Practices (GRAP).
- 10.2 The following ring fenced reserves exist:

(a) *Housing development reserves*

The reserve is used to fund housing expenses for housing units that previously belonged to the Department of Human Settlements. All rentals are deposited to this fund and only utilised on authorisation by the department. This reserve must be fully cash backed and be not utilised for any other purpose that authorised by the Department of Human Settlements.

(b) *Self-insurance reserve*

Self-insurance reserve exists to selected risks including fire, storm, workmen compensation, public liability and motor vehicles. The service is re-insured externally to cover major losses and excess amounts as approved by the municipal Insurer. The reserve must be cash backed to ensure availability of cash in the event of minor losses or excess amounts subsequent to claims approved by the municipal Insurer.

(c) *Capital replacement reserve*

Funding for capital budgets of future financial years are generated through a combination of methods. Once a municipality has reached its maximum gearing ability no further borrowings can be taken up. This necessitates that the municipality also invests in a capital replacement reserve, however, it must be cash backed.

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This reserve once fully established will enable the municipality to provide internal funding for its capital replacement and renewal programme.

In the past, the cash generated from depreciation was used for the redemption payments on borrowings only. The increased asset value as a result of GRAP 17 has resulted that the depreciation charges increased drastically which was not supported by cash.

To limit the tariff increases a non-cash contribution was made from the depreciation reserve to offset the depreciation charge. Depreciation is a method to generate future cash. Therefore it is anticipated to annually incrementally decrease the offset depreciation charge from the depreciation reserve with 2% until the depreciation is fully funded from cash through tariff setting.

Other contributions to the capital replacement reserve through the operating budget are:

- (i) interest received on investments;
- (ii) surface rentals from mines as identified from time to time; and

This reserve must be cash backed to ensure the availability of cash to fund the municipal capital programme.

(d) Bulk capital contribution reserves

This reserve is to supplement capital expenditure for the necessary expansions and upgrading of bulk infrastructure due to new developments. Revenue generated through bulk services contributions are allocated to this reserve for each applicable service. This reserve must also be cash backed.

11. PROVISIONS

A provision is recognised when the municipality has a present obligation as a result of a past event and it is probable, more likely than not, that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation.

FUNDING & RESERVES POLICY

Provisions are revised annually and those estimates to be settled within the next twelve (12) prior to the finalisation of annual financial statements. Only current portion of provision at each balance sheet date should be cash backed as follows:

(a) Leave provision

Liabilities for annual leave are recognised as they accrue to employees. An annual provision is made from the operating budget to the leave provision. Due to the fact that not all leave balances are redeemed for cash, only 30% of the leave provision is cash backed.

(b) Long services awards

Municipal employees are awarded leave days according to years in service at year end. Due to the fact that not all long service leave balances are redeemed for cash, only 40% of the long service leave provision is cash backed.

(c) Post employment medical care benefits

The municipality provides post retirement medical care benefits by subsidizing the medical aid contributions to retired employees and their legitimate spouses. The entitlement to post retirement medical benefits is based on employees remaining in service up to retirement age and the completion of a minimum service period. The expected cost of these benefits is accrued over a period of employment. This provision must be cash backed to ensure the availability of cash for the payment of medical aid payments.

(d) Landfill rehabilitation provision

The landfill site rehabilitation provision is created for the current operational site at the future estimated time of closure. The value of the provision is based on the expected future cost to rehabilitate the landfill site. This provision will be treated as non-current liability in the municipal financial statements and will not be fully cash backed as the new landfill site will occur at a future date.

12. OTHER ITEMS TO BE CASH BACKED

FUNDING & RESERVES POLICY

(a) Donations, public contributions, unspent grant funding

Revenue received from conditional grants, donations and funding is recognised as revenue to the extent that the municipality has complied with any of the criteria, conditions or obligations embodied in the agreement. Unspent amounts in relation to donations, public contributions and unspent grant funding are therefore retained in cash and are not available to fund any other items on the operating or capital budget other than that for which it was intended for.

(b) Consumer deposits

Consumer deposits are partial security for a future payment of an account. Deposits are considered a liability as the deposit is utilised on the account once the service is terminated. Therefore the funds are owed to consumers and can therefore not be utilised to fund the operating or capital budget. Consumer deposits should be retained in cash. Due to the fact that it is not likely to redeem all of the consumer deposits at once, only 30% are cash backed.

13. IMPLEMENTATION AND REVIEW OF THIS POLICY

- 13.1 The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director: Budget and Treasury Office once approved by Council.
- 13.2 In terms of section 17(1) (e) of the Municipal Finance Management Act, 2003 this policy shall be reviewed on annual basis to ensure that it complies with changes in applicable legislation, regulations and any other directive issued by National Treasury, and tabled to Council for approval as part of the budget process.
- 13.3 This policy must be read in-conjunction with the Budget and Borrowing Policies; Local Government Municipal Finance Management Act, Act 56 of 2003; and Local Government Municipal Budget and Reporting Regulation, Regulation 393, published under Government Gazette 32141, 17 April 2009.

14 COMMENCEMENTS

FUNDING & RESERVES POLICY

In terms of section 17(1) (e) of the MFMA this policy must be reviewed our annual basis and the reviewed policy tabled to Council for approval as part of the budget process- to adopt the following proposal as the Cash and Investment Management Policy of Newcastle Municipality as per council resolution number _____

This policy will takes effective on the _____

DRAFT



NEWCASTLE MUNICIPALITY

BORROWING POLICY

BORROWING POLICY

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BORROWING POLICY

1. PREAMBLE

- 1.1 Considering the large demand for municipal infrastructure, borrowing is an important element to obtain additional funding sources to fund the municipal capital programme over the medium term.
- 1.2 Given that a large portion of municipal infrastructure has a long-term economic life and a general principle is that the current ratepayers should not pay for the usage of future ratepayers, there is a strong economic argument to finance this capital expenditure through long-term borrowing in order to accelerate the pace of delivery and to mirror the repayment of funds with the economic life of the asset.

2. DEFINITIONS

“Act” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

“current year” means the financial year which has already commenced but not yet ended;

“debt” means-

- (a) monetary liability or obligation created by a financing agreement, note, debenture, bond or overdraft, or by the issuance of municipal debt instruments; or
- (b) a contingent liability such as that created by guaranteeing a monetary liability or obligation of another;

“disclosure statements” means a statement issued or to be issued by:

- a municipality which intends to incur debt by issuing municipal debt instruments; and
- a person who intends to incur debt by issuing securities backed by municipal debt.

“financing agreement” means any loan agreement, lease, instalment, purchase arrangement under which a municipality undertakes to repay a long-term debt over a period of time.

“lender” in relation to a municipality means a person who provides debt finance to the municipality.

“long term debt” means debt repayable by the municipality over a period exceeding one (1) year.

“municipal debt” means:

- (c) a monetary liability or obligation on a municipality by:
- a financing agreement, note, debenture, bond or overdraft; and
 - the issuance of municipal debt instruments.

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- (d) a contingent liability such as that created by guaranteeing a monetary liability or obligation of another.

“security” means any mechanism intended to secure the interest of a lender or investor and includes any of the mechanisms mentioned.

“short term debt” means debt that is repayable over a period not exceeding one (1) year.

3. POLICY OBJECTIVES

The objectives of the policy are to:

- 3.1 enable the municipality to exercise its obligation to ensure sufficient cash resources to implement capital programme in the most cost effective manner;
- 3.2 ensure compliance with the relevant legal and statutory requirements relating to municipal borrowing;
- 3.3 govern the taking up of short-term and long-term debt according to the legislative framework;
- 3.4 manage interest rate and credit risk exposure;
- 3.5 maintain debt with specified limits and ensure adequate provision for the repayment of debt; and
- 3.6 maintain financial sustainability.

4. SCOPE OF THE POLICY

- 4.1 This policy shall apply to the Council, Executive Committee, all Portfolio Committees, Accounting Officer and Strategic Executive Directors. It is, however, specifically applicable to the council and all officials who have a formal, administrative duty to deal with capital projects and programmes of the municipality management of budget.

5. APPLICABLE LEGISLATION

- 5.1 In terms of the Municipal Finance Management Act, No. 56 of 2003, Chapter 6 on Debt, Section 45 (1) which deals with short-term debts states that a municipality may incur short-term debt only in accordance with and subject to the provisions of the act and only when necessary to bridge shortfalls and capital needs within a specific financial year.

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5.2 In terms of the Municipal Finance Management Act, No. 56 of 2003, Chapter 6 on Debt, Section 46 (1) which deals with long-term debts states that a municipality may incur short-term debt only in accordance with and subject any applicable provisions of the act, including Section 19 for the purposes of capital expenditure or re-financing existing long-term debt.

5.3 Local Government Municipal Regulations and Debt Disclosure, Regulation R492, published under Government Gazette 29966, 15 June 2007 further regulates compulsory disclosures when incurring municipal debt and securities backed by municipal debt.

6. BORROWING PRINCIPLES

6.1 The economic life of assets should always be equal to or longer than the tenure of the debt finance.

There are five main reasons why access to financial markets is considered important for local authorities. These may be summarised as follows:

- *Access to capital.* Local governments in SA are responsible for infrastructure that requires large, “lumpy” capital investments on a periodic basis. Given the extensive needs in SA, financing this investment on a “pay-as-you-go” or “taxation-in-advance” basis is usually neither possible nor efficient. Particularly where the need for capital greatly exceeds what is available on a grant basis from the central fiscus, access to capital markets can provide municipalities with the capital resources necessary to finance infrastructure investments efficiently.
- *Inter-temporal equity.* The benefits of the infrastructure investments that municipalities make often endure for extensive periods and accrue to future generations of taxpayers and consumers. It is equitable for such generations to bear some of the costs of these benefits. Financing investment over time with funds accessed from capital markets allows for this.
- *Efficiency.* Because capital markets allocate capital resources on a commercial basis, capital should be appropriated efficiently. Moreover, the opportunity costs of capital provide incentives to ensure efficient standards of delivery and discouraged “overbuilding” and wasteful investment.

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- *Accountability.* Markets tend to punish poor fiscal and management performance through pricing (pushing up interest rates or making capital increasingly scarce.) This can promote accountability and fiscal discipline at the local level. It may also provide other stakeholders (national government; the provinces; aid agencies and so on) with a convenient means to assess the relative performance of municipal governments.
- *Short-term matching of revenues and expenditures.* In the short term – for example within a given financial year – municipal revenues and expenditures are seldom completely congruent in time. Short-term borrowing allows municipalities to deal with this lack of synchronicity.
- International experience suggests that achieving these benefits depends on the method of access and the conditions under which this access occurs. In principle there are two main routes here: local governments can access capital markets through “on-lending” from central government, most often through a *Policy Framework for Municipal Borrowing and Financial Emergencies* 9 public intermediary (a financial parastatal), or they may access the markets directly.

In SA the DBSA, which is increasingly active in the municipal market, already represents one “indirect” access mechanism. As already recorded, the interface between this mechanism and the private market in respect of municipal debt is an important issue which will require further attention once the policy framework outlined below is established in legislation. The DBSA aside, there are three broad reasons that government wishes to facilitate direct access by municipalities to the capital markets:

- *Limitation of implicit or contingent liabilities.* It is important to protect central government from ultimately inheriting the debts of local government. When sub-sovereigns borrow through central government the debts of these bodies easily become the implicit or contingent liabilities of central government. Policy and legislation need to ensure that central government is not perceived as banker of last resort. This is necessary for prudent fiscal management at the national level and is fundamental to government’s ability to maintain its macro targets. It is also needed to ensure that municipalities face strong incentives to improve their own management and creditworthiness, knowing that it is unlikely that central support will be forthcoming to compensate for local mismanagement or policy errors.

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- *Systemic discipline.* International experience suggests that the indirect borrowing route can result in situations where credit allocation decisions become increasingly less commercial in character. Under such conditions, capital does not necessarily flow to the most productive uses, but to those players which are politically the most astute. In other words the efficiency and accountability outcomes mentioned above become diluted. Incentives for inefficient and wasteful decision-making can replace those which encourage the productive use of capital and tight financial management.
- *Expanding investment resources.* Subsovereign borrowing via the state can result in the “squeezing out” of private capital from the municipal sector, thereby narrowing the aggregate resource available for investment. Moreover, central control of borrowing can also create incentives for local governments to elude these restrictions through innovative off-budget schemes. Centralised borrowing, therefore, does not necessarily increase the ability of central government to control the liabilities of local government, but it may simultaneously diminish the overall financial resource base for investment in worthy projects.

In sum, direct access to capital markets offers the potential for a more transparent, market-based system to develop where there is a greater chance of achieving the benefits of accessing capital markets discussed above. However, it is also true that moral hazard problems – which arise from the assumption by capital markets that borrowing by local governments is ultimately backed by central government - may also develop where there is direct borrowing by sub sovereigns from private financial markets. Ultimately, such problems can never be eliminated completely. The basic objective of the detailed policy framework given below is to ensure that such risks are managed through an appropriate regulatory framework while allowing market discipline to guide the allocation of capital in order to maximise the potential benefits that this offers.

7. COMPULSORY DISCLOSURES WHEN INCURRING MUNICIPAL DEBT

- 7.1 When entering into discussions with a prospective lender with a view to incur municipal debt, the municipality must indicate in writing to the prospective lender whether it intends to incur short-term or long-term debt.
- 7.2 In the case of short-term debt it must be disclosed whether the debt is to bridge:

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- (a) shortfalls within a financial year during which the debt is incurred, in expectation or specific and realistic anticipated revenue to be received with that financial year; or
- (b) capital needs within a financial year, to be repaid from specific funds to be received from enforceable allocation or long-term debt commitments.

7.3 In the case of long-term debt, whether the purposes of the debt is for:

- (a) capital expenditure on property, plant or equipment to be used for the purpose of achieving the objectives of local government, subject to section 46(4) of the Act.
- (b) refinancing of existing long-term debt, subject to section 46(5) of the Act.

8. BORROWING PROCESS

The process as required by the Act is as follows:

8.1 Short-term debt

8.1.1 Newcastle Municipality may incur short-term debt only if:

- (a) a resolution of the municipal council, signed by the mayor, has approved the debt agreement; and
- (b) the accounting officer has signed the agreement or other document which creates or acknowledges the debt.

8.1.2 A short term debt transaction may be:

- (c) Approve by the municipality alone; or
- (d) approve an agreement with a lender for short-term credit facility to be accessed as and when required, including a line of credit or bank overdraft facility, provided that:
 - (i) the credit limit must be specified in the resolution of the council;
 - (ii) in terms of the agreement, including the credit limit, may be changed only by a resolution of the council; and
 - (iii) if the council approves a credit facility that is limited to emergency use, the accounting officer must notify the council in writing as soon as practical of the amount, duration and cost of any debt incurred in terms of such a credit facility, as well as options for repaying such debt.

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8.1.3 Newcastle Municipality:

- (a) must pay off short-term debt within the financial year; and
- (b) may not renew or refinance short-term debt, whether its own debt or that of any other entity, where such renewal or refinancing will have the effect of extending the short-term debt into a new financial year.

8.1.4 No lender may willfully extend credit to a municipality for the purpose of renewing or refinancing short-term debt that must be paid off in terms of subsection 6.3 (a).

8.1.5 If a lender willfully extends credit to a municipality in contravention of paragraph 6.4, the municipality is not bound to repay the loan or interest on the loan.

8.1.6 Subsection 6.1.5 does not apply if the lender:

- (a) relied in good faith on written representations of the municipality as to the purpose of the borrowing; and
- (b) did not know and had no reason to believe that the borrowing was for the purpose of renewing or refinancing short-term debt.

8.2 Long-term debt

8.2.1 Newcastle Municipality may incur long-term debt only if:

- (a) a resolution of the municipal council, signed by the mayor, has approved the debt agreement; and
- (b) the accounting officer has signed the agreement or other document which creates or acknowledges the debt.

8.2.2 Newcastle Municipality may incur long-term debt only if the accounting officer of the municipality:

- (a) has, in accordance with section 21A of the Municipal Systems Act:
 - (i) at least twenty one (21) days prior to the meeting the council at which approval for the debt is to be considered, made public an information statement setting out particulars of the proposed debt, including the amount of the proposed debt, the purposes for which the debt is to be incurred and particulars of any security to be provided; and
 - (i) invited the public, the National Treasury and the relevant provincial treasury to submit written comments or representations to the council in respect of the proposed debt; and

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- (b) has submitted a copy of the information statement to the municipal council at least twenty one (21) days prior to the meeting of the council, together with particulars of:
 - (i) the essential repayment terms, including the anticipated debt repayment schedule; and
 - (i) the anticipated total cost in connection with such debt over the repayment period.

8.2.3 Capital expenditure contemplated in 5.3(a) may include:

- (a) financing costs, including:
 - (ii) costs associated with security arrangements in accordance with section 48 of the Act;
 - (iii) discounts and fees in connection with the financing;
 - (iv) fees for legal, financial, advisory, trustee, credit rating and other services directly connected to the financing; and
 - (v) costs connected to the sale or placement of debt, and costs for printing and publication directly connected to the financing.
- (b) costs of professional services directly related to the capital expenditure; and
- (c) such other costs as may be prescribed.

8.2.4 A municipality may borrow money for the purpose of refinancing existing long-term debt, provided that:

- (a) the existing long-term debt was lawfully incurred;
- (b) the refinancing does not extend the term of the debt beyond the useful life of the property, plant or equipment for which the money was originally borrowed;
- (c) the net present value of projected future payments (including principal and interest payments) after refinancing is less than the net present value of projected future payments before refinancing; and
- (d) the discount rate used in projecting net present value referred to in paragraph (c), and any assumptions in connection with the calculations, must be reasonable and in accordance with criteria set out in a framework that may be prescribed.

8.2.5 A municipality's long-term debt must be consistent with its capital budget referred to in section 17(2) of the Act.

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9. CONDITIONS APPLYING TO BOTH SHORT-TERM AND LONG-TERM DEBT

- 9.1 Newcastle Municipality may incur debt only if:
- (a) the debt is denominated in rand and is not indexed to, or affected by fluctuations in the value of the rand against any foreign currency; and
 - (b) section 48(3) of the Act has been complied with, if security is to be provided by the municipality.

10. SECURITIES

- 10.1 Newcastle Municipality may by resolution of its council provide security for:
- (a) any of its debt obligations; and
 - (b) contractual obligations of the municipality undertaken in connection with capital expenditure by the persons on property, plant or equipment to be used by the municipality or such other person for the purpose of achieving the objectives of local government in terms of section 152 of the Constitution.
- 10.2 Appropriate security is contemplated in section 48(2) of the Act.
- 10.3 Other additional conditions to be complied with are contemplated in section 48(3) to (5) of the Act.

11. DISCLOSURE

- 11.1 Any person involved in the borrowing of money by a municipality must, when interacting with a prospective lender or when preparing documentation for consideration by a prospective investor:
- (a) disclose all information in that person's possession or within that person's knowledge that may be material to the decision of that prospective lender or investor; and
 - (b) take reasonable care to ensure the accuracy of any information disclosed.
- 11.2 Lender or investor may rely on written representations of the municipality signed by the accounting officer, if the lender or investor did not know and had no reason to believe that those representations were false or misleading.

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12. GUARANTEES

12.1 Newcastle Municipality may not issue any guarantee for any commitment or debt of any organ of state or person, except on the following condition:

- (a) the guarantee must be within limits specified in the municipality's approved budget.

12.2 Neither the national nor a provincial government may guarantee the debt of a municipality except to the extent that chapter 8 of the Public Finance Management Act provides for such guarantees.

13. SUBMISSION OF DOCUMENTS

13.1 When entering into discussion with a prospective lender with a view to incur short-term or long-term debt, the following information must be made available to the prospective lender.

- (a) audited financial statements for the preceding three (3) financial years with audited outcomes;
- (b) approved annual budget;
- (c) the municipal integrated development plan;
- (d) repayment schedules pertaining to existing short-term or long-term debt.

14. NOTIFICATION TO NATIONAL TREASURY

All information prescribed in the act must be provided to National Treasury with respect to a long-term debt proposal. Any intention to incur a long-term debt must also be reported to National and Provincial Treasury for the purpose of affordability assessment.

15. FINANCIAL AFFAIRS OF THE MUNICIPALITY

The following information concerning the financial situation and financial management of the municipality must be disclosed:

- (a) schedule of all long-term debt obligations stating principal and interest payments for the life of all loans and any security provided to secure such debt;
- (b) the amount of any short-term debt outstanding;

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- (c) the revenue of the municipality for the preceding three (3) financial years stated separately:
 - (i) government grants and public donations;
 - (ii) revenue from rates and service charges; and
 - (iii) other revenue sources
- (d) what source of funding will be used to repay the loan;
- (e) details of any default by the municipality on outstanding or repaid debt during the preceding three (3) years;
- (f) the reserves of the municipality;
- (g) a summary of financial policies and practices; and
- (h) the latest credit rating obtained.

16. INTEREST RATE RISK

16.1 As a general principle when interest rates are expected to decrease, it is advisable that a floating rate be negotiated in order to take advantage of the lower interest rates in future. If interest rates are expected to increase, it is advisable to obtain a fixed rate so that the benefits of the current low interest rate are maintained.

16.2 The interest risk must be limited in so far as possible. The policy directive is to negotiate fixed interest rates for all long-term borrowings. This will ensure stability of the repayments and reduce the risk for high rates and tariff increases as a result of interest rate hikes in the market.

16.3 Variable rates should be considered for short-term debt only.

17. LIMITATIONS

To ensure a financial viable municipality the following ratios are used to determine the municipal gearing ability to borrow:

- long-term credit rating of BBB;
- interest cost to total expenditure to not exceed 8%;
- long-term debt to revenue (excluding grants) not be exceed 50%;
- payment rate mature above 95%; and
- percentage of capital charges to operating expenditure less than 18%.

BORROWING POLICY

18. IMPLEMENTATION AND REVIEW OF THIS POLICY

- 18.1 The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director for Financial Services Department once approved by Council. All future borrowings must be considered in accordance with this policy read with MFMA and Local Government Municipal Regulations and Debt Disclosure, Regulation R492, published under Government Gazette 29966, 15 June 2007 and other directives and guidelines issued by National Treasury.
- 18.2 In terms of section 17(1) (e) of the Municipal Finance Management Act, 2003 this policy shall be reviewed on annual basis to ensure that it complies with changes in applicable legislation and regulation and the reviewed policy tabled to Council for approval as part of the budget process .
- 18.3 This policy must be read together with the Budget and Funding and Reserves Policies; Local Government Municipal Finance Management Act, Act 56 of 2003; and Local Government Municipal Budget and Reporting Regulation, Regulation 393, published under Government Gazette 32141, 17 April 2009.

19 COMMENCEMENT

In terms of section 17(1) (e) of the MFMA this policy must be reviewed our annual basis and the reviewed policy tabled to Council for approval as part of the budget process- to adopt the following proposal as the Borrowing Policy of Newcastle Municipality as per council resolution number _____



NEWCASTLE MUNICIPALITY

LOSS CONTROL POLICY

LOSS CONTROL POLICY

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LOSS CONTROL POLICY

1. INTRODUCTION

Council will bear its own damages and accident risks and be responsible for all claims and losses of Council owned property where these arise from council activities by an official who is liable in law and who is or was employed by council.

Section 78(1)(b-e) of the Municipal Finance Management Act places the onus on each official within the Department to take responsibility for the effective, efficient, economical and transparent use of financial and other resources within that official's area of responsibility. In particular, the official must take effective and appropriate steps to prevent, within that official's area of responsibility, any unauthorised, irregular, fruitless and wasteful expenditure and any under-collection of revenue due.

For the effective management of losses, potential losses and loss control can be divided to the following main functions:

- a) Reporting all claims, losses, and damage
- b) Ensuring the correct format and content of reports with regard to which claims, losses, and damage are registered
- c) Following up and investigating any claims, losses and damage
- d) Keeping a losses register in which particulars of all losses are recorded
- e) Recovery of money and checking of cases to be finalised

The identification of actions or instances of neglect, which may result in potential claims against or losses for Council, is very important for instituting preventative control measures. The accounting officer or his/her assignee must delegate the responsibilities attached to loss control as set out in the Municipal Finance Management Act in terms of section 79. This official can, where necessary, obtain the support of nominated officials on a decentralised basis.

2. DEFINITIONS

For the purposes of this policy the following definitions apply:

“Claim” - a lawsuit, action, interdict, arbitration, inquest or dispute and also includes an intended lawsuit, action, interdict, arbitration, inquest or dispute.

LOSS CONTROL POLICY

“Losses” - any material loss or damages or prejudice to Council or a said person and, without derogating from or limiting the concept, also shortages, damages, fruitless or wasteful expenditure and compensations.

3. OBJECTIVE

This document informs departmental officials of the policy on loss control within the Department. This policy applies to all departments and officials of the Newcastle Municipality.

4. RESPONSIBILITY FOR LOSSES

The Accounting Officer has in terms of departmental financial delegation delegated the acceptance of liability for any loss or damage suffered by another person, as for a claim against council, which arose from an act or omission of an official, to the Strategic Executive Director concerned.

4.1 In terms of Newcastle Municipality Assets Management Policy:

Paragraph 13.2

Insurance provides selected coverage for the accidental loss of the asset value. Generally, government infrastructure is not insured against disasters because relief is provided from the Disaster Fund through National Treasury.

Paragraph 13.3 – Safekeeping of Assets:

Directives for the safekeeping of assets shall be developed and the safekeeping of assets shall be actively undertaken. The municipality shall establish and implement the Loss Control Policy for such purpose. This is in view to compliance with the Municipal Finance Management Act and other relevant prescripts

REPORTING POTENTIAL CLAIMS, LOSSES AND DAMAGE

1. LOSS CONTROL OFFICERS AND THEIR DUTIES

a) On account of the organizational composition of the assets & control, a central loss control officer shall be appointed for the purpose of loss control in a regulated and effective manner.

LOSS CONTROL POLICY

b) The loss control officer shall be responsible for loss control in all the departments of the municipality.

c) The Accountant: Asset Management in the Budget and Treasury Office shall assume the position and the responsibilities of a central loss control officer.

1.1 Appointment of the central loss control officer

1.1.1 The duties attached to loss control shall be sub-delegated by the Chief Financial Officer to the Accountant: Asset Management in terms of delegation. These powers have been delegated to the Chief Financial Officer by the Accounting Officer.

1.1.2. A copy of the letter of appointment must be sent by the Chief Financial Officer to all departments. This also applies when the appointed loss control officer is replaced. The letter of appointment or resolution of a central loss control officer shall contain his or her particulars regarding his or her name, position, office address and telephone number and the responsibilities attached to the appointment.

1.2 The duties of the central loss control officer

1.2.1 The following duties must be delegated to the central loss control officer in writing:

- Obtaining all details, statements, etc. in connection with claims and losses in a loss register
- The timely reporting of all claims and losses to the Chief Finance Officer, Asset Management Committee as well as to the Municipal Insurer. Copies of the Departmental Losses must be submitted to the central loss control officer as soon as all documents are attached.
- Liaising with the Legal Office
- Monitoring claims to prevent prescription
- Reminding all employees periodically, by means of departmental directives, instructions, etc. that everything possible must be done on a continuous basis to prevent claims against Council from arising, or to shield the Council against losses.
- If there were no losses for the period, the CFO must be informed quarterly either by e-mail or in writing that there were no losses.
- Following up with Council Insurance broker and settling of such cases
- Regular checking of losses registers and cases recorded therein
- Checking all cases for authorization by Treasury, the accounting officer or directors

LOSS CONTROL POLICY

- The reconciliation of written-off items with the respective lost items in the budgeting of expenditures in cases where book entries have been made for the accounting of the written-off items
- Reporting all cases to the office of Auditor –General
- Introducing preventative measures to avoid the recurrence of any losses
- insuring proper accounting entries for all asset loss and replacement either through council reserves or through the Council insurance broker
- ensure proper administration of recovery of losses after officials, where applicable.

2. PROCEDURES FOR REPORTING ALL CLAIMS, LOSSES AND DAMAGE

2.1 Reporting cases to the loss control officer

2.1.1 Each Strategic Executive Director must see to it that all cases (of the kind mentioned above), which arise in the relevant directorate and offices or institutions under its management, are timeously reported to the loss control officer.

2.1.2 Cases must be reported to the loss control officer through the submission of a properly completed loss report

2.1.3 Upon receipt of the report, the loss control officer must enter the case forthwith in the losses register and assign a unique loss register number to it. A case file must also be opened for each case.

2.2 Reporting cases to Chief Finance Officer

2.2.1 The loss control informs the Chief Financial Officer of all cases that have arisen in a particular directorate and in the offices/institutions under its management. The loss report together with any other supporting documentation relevant to the case must be sent to the Chief Financial Officer for noting and monitoring.

2.2.2 The loss report consists of the following sections:

(a) A loss control form shall be designed and completed by all departments and officials who has suffers loss or damage and submitted to the loss control officer;

- As soon as the forms are received, the loss control officer must allocate a losses register serial number to the case.

LOSS CONTROL POLICY

- After it has been completed and signed, the loss control sends the notification report to the Chief Financial Officer.
- The head of the relevant department/section shall complete relevant sections of the form and must see to it that all the required declarations are attached, together with all necessary documents.

2.3 General

2.3.1 The loss control officer must ensure that cases as set out above are noted and reported to the Chief Financial Officer and the losses register serial numbers are allocated numerically to cases in the register

2.3.2 No recording of any losses, claims or damage will be dealt with by the departments. Rejections will be dealt with centrally by the loss control officer.

2.3.3 Cases involving more than one item may be reported and entered in the losses register as one case. The number of items and their value must however, be specified separately.

2.3.6 After the cases are recorded by means of the above-mentioned process on the loss control register, the loss control officer must see to it that the cases are followed up and finalized as soon as possible.

3. REPORTING TO THE OFFICE OF AUDITOR –GENERAL

If necessary, the loss control officer shall report to the office of the Auditor –General all items written off and all cases of financial crimes committed during the year by officials of the municipality.

FOLLOWING UP AND INVESTIGATING ANY POTENTIAL CLAIMS, LOSSES AND DAMAGE

1. CASE FILES

1.1 The loss control officer shall keep a case file for each case entered in the loss control register. The correspondence concerning the case and final authorisation to write off the loss, deficit or payment shall be kept in a similar case file.

LOSS CONTROL POLICY

1.2 The loss control officer shall keep similar case files updated. The loss control officer must therefore as soon as a case has been finalized, provide the official who submitted the case with the relevant authorisation or decision leading to closure of the case. All addenda to the authorisation and/or decision by the Legal Service, if any, must be attached to the authorisation.

1.3 The case file kept by the loss control officer and filed according to the serial number in the loss control register.

2. SAFE-KEEPING AND DISPOSAL OF CASE FILES

2.1 In terms of Section 13(4) of the National Archives of South Africa (Act No 43 of 1996), read with paragraph 1.4 of the Archives Instructions, loss control officers must ensure the safe keeping of all case files, registers and records in their care.

2.2 Disposal of the above-mentioned case files, registers and records will be in terms of paragraph 2 of the Archives Instructions.

3. FOLLOWING UP AND DEALING WITH CASES

3.1 The loss control officer must ensure that all cases are followed up regularly and, where applicable, handed over to the South African Police Service.

3.2 If a legal opinion must be obtained for a particular case, the loss control officer shall liaise with the legal section of the municipality and ensure that the following information is provided:

- Full particulars concerning the case and the circumstances that led to it,
- Statements containing all relevant information by all persons involved,
- All other documentation related to the case

3.3 The latest progress made with a case must be cleared indicated in the loss control register and be sent for the attention of the Chief Financial Officer.

3.4 The CFO will regularly check departmental losses in order to ensure regular follow-up and full reporting to the Auditor –General or South African Police Services where applicable.

LOSS CONTROL POLICY

4. UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE

4.1 According to Chapter 1 of the MFMA:

“Fruitless and wasteful expenditure” means expenditure, which was made in vain and which would have been avoided had reasonable care been exercised.

“Irregular expenditure” means expenditure, other than unauthorized expenditure, incurred in contravention of or that is not in accordance with a requirement of any applicable legislation, including-

- (a) This Act; or
- (b) The Municipal Systems Act (Act 20 Of 1998)
- (c) The Public Office-Bearer Act, 1998
- (d) Any provincial legislation providing for procurement procedures in that provincial government:

“Unauthorized expenditure,” means any expenditure incurred by a municipality otherwise than in accordance with section 15 or 11 (3) and includes-

- (a) Overspending of the total amount appropriate in the municipality’s approved budget
- (b) Overspending of the total amount appropriated for a vote of the approved budget
- (c) Expenditure from a vote unrelated to the department or functional area covered by the vote
- (d) Expenditure of money appropriated for a specific purpose, otherwise than for the specific purpose

4.2 The above-mentioned expenditure must be dealt with according to the guidelines for the preparation of annual reports for national and provincial departments, issued by the National Treasury. These guidelines are updated annually and are available on the National Treasury website of the Office of the Accountant General (OAG) under the public link.

4.3 Where the final outcome of the investigation reveals any negligent on the part of the official, any financial loss shall be recovered directly from the official concerned. Any arrangement to recover such costs shall be decided in consultation with the Chief Financial Officer, the legal department and the official concerned.

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4.4 In cases where the Council insurance broker has settled the claim of a loss, however the official is still regarded as negligent, the official concerned shall be personally liable for excess amount payable by the council to the insurance broker.

4.5 In cases where the loss or damage is contravention of the Criminal Procedure Act No.51 of 1977, the cases shall also be reported to the South African Police Services. Such cases must also be followed up to finality in terms of this policy.

5 GENERAL

5.1 CLAIMS AGAINST THE MUNICIPALITY THROUGH ACTS OR OMISSIONS

Council shall accept liability for any loss or damage suffered by another person (Third Party), as for a claim against the municipality, arising from an act or omission of an official. Due cognisance must take place to ensure that claim exist and falls within stated regulations

5.2 CLAIMS BY THE MUNICIPALITY AGAINST OTHER PERSONS

The Accounting Officer has delegated the institution of legal action, where the Council suffers a loss or damage and the other person denies liability, to the Manager: Legal Services. Should it be deemed economical, the matter may be referred to one of panel members of attorneys as appointed by the municipality in terms of its Supply Chain Management Policy.

5.3 CLAIMS BY OFFICIALS AGAINST THE MUNICIPALITY

The Accounting Officer has delegated the compensation of an official, who has suffered a loss or damage in the execution of official duties, to the Strategic Executive Director: Corporate Services, who may make good the loss or damage provided that the official can prove such loss or damage.

5.4 LOSSES OR DAMAGES THROUGH CRIMINAL ACTS OR OMISSIONS

The Accounting Officer has delegate the recovery of losses or damages, through criminal acts or possible criminal acts, to the Manager: Legal Services. The matter shall be reported, in writing, to the Accounting Officer and the South African Police Service. In the case of omission, the matter shall be reported, in writing, to the Accounting Officer. Whether or not

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the person is still in the employ of the Municipality, the Department shall recover the value of the loss or damage from the person responsible.

5.5 RECOVERY OF LOSSES AND DAMAGES

Losses and damages suffered by the municipality, because of an act committed or omitted by an official, shall be recovered from such an official if that official is liable in law.

Note: The Accounting Officer has delegated the recovery of losses or damages to the Chief Financial Officer.

5.6 UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE

The recovery of losses or damages resulting from unauthorised, irregular or fruitless and wasteful expenditure must be dealt with in accordance with the MFMA Section (5). The writing off in terms of subsection (2) of any unauthorised, irregular or fruitless and wasteful expenditure as irrecoverable is no excuse in criminal or disciplinary proceedings against a person charged with the commission of an offence or a breach of this Act relating to such unauthorised, irregular or fruitless and wasteful expenditure.

Section 32 (2) (MFMA) states that a municipality must recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure—

- (a) In the case of unauthorised expenditure, is—
 - (ii) Certified by the municipal council, after investigation by a council Committee, as irrecoverable and written off by the council; and
- (b) In the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

6. MANAGEMENT REPORTING

The Budget and Treasury Office shall report on all losses and the status of losses to the Municipal Public Accounts Committee on a monthly basis.

The Chief Financial Officer shall include the following particulars with the annual report and audited financial statements:

LOSS CONTROL POLICY

- (a) any material losses through criminal conduct, and any unauthorised expenditure, irregular expenditure and fruitless and wasteful expenditure, that occurred during the financial year;
- (b) any criminal or disciplinary steps taken as a result of such losses, unauthorised expenditure, irregular expenditure and fruitless and wasteful expenditure;
- (c) any material losses recovered or written off; and
- (d) any other matters that may be prescribed.

KEEPING AN UPDATED STANDARDISED LOSSES REGISTER IN WHICH ALL PARTICULARS CAN BE ENTERED

1. The loss control officer keeps a central register in which all claims, losses, etc. which arise in the Departments are entered. This register is known as the Central Loss Control register.
2. The losses registers must indicate the following particulars for each case:
 - 2.1 Date received: The date on which the case was received
 - 2.2 The serial number allocated to the case
 - 2.4 The file number of the department/derectorate where the case arose
 - 2.5 The date on which the claim, loss, etc .arose or was discovered (N.B. This is not the date on which the loss was reported to the loss control officer.)
 - 2.6 A factual description of the claim losses. If known, the place where it happened and the person responsible must also be mentioned
 - 3.7 The estimated amount of the claim or losses.
 - 3.8 The amount authorized to be written off, where applicable.
 - 3.9 The amount to be recovered from a person or an institution, where applicable
 - 3.10 The rank of the person who, in terms of the delegated powers, gave authorization to write off a loss, recovery of loss or to pay out a claim.
 - 3.11 The number allocated to the delegated authority by which it was authorised
 - 3.12 The latest progress made must be indicated briefly. Full details of the progress made with a case must be entered in the relevant case file

FINALISING OF CASES

1. FINALISING OF LOSSES

When it has been determined after regular follow-ups that certain losses must be written off or where expenditure needs to be condoned, the loss control officer must draw up the relevant submission (see paragraph 3 & 4 of this chapter).

LOSS CONTROL POLICY

1.1 Writing off losses against the Council and other cases involving monetary transactions

When authorisation has been obtained in accordance with the delegated powers for writing off a loss or deficit, the following procedure is followed:

1.1.1 When authorisation has been obtained, the Chief Financial Officer provides the loss control officer (who must bring items written off to account) with a copy of the authorisation to make the required journal entry.

1.1.2 The loss control officer, who is doing the journal entry, attaches the copy of the authorization to the original journal and enters the authorization number and the date in the journal.

1.1.3 A copy of the numbered journal must be filed in the file of the loss control officer.

1.2 Partial writing off of losses against the Council and other cases involving monetary transactions

When responsibility for the specific loss, damage or deficit has been determined, the following procedure must be followed:

1.2.1 The amount of the loss, damage or deficit, as determined by the foregoing investigation, must be recovered from a particular person or institution. The loss control officer enters this amount in the “amount recoverable” column of the losses register.

1.2.2 As soon as the recoverable amount has been recovered in full, it must be noted as such in the “Follow –up” column of the losses register. Proof of full settlement of the amount, such as copy of the receipt, must be kept in the relevant case file and sent to the loss control officer for closure of the case.

1.2.3 If the debt is to be repaid in the monthly instalments, a copy of this decision with particulars regarding the deductions must be kept in the case file and sent to the loss control officer. For recording purposes, the date on which the last instalment is payable must be entered in the “follow- up” column of the loss register. As soon as the final instalment has been received, all substantiating documents must be sent to the loss control officer for closure of that case.

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1.2.4 If the amount cannot for some reason be recovered, the writing off of the outstanding amount must be considered.

1.3 Writing off losses or damage to Council property

1.3.1 Authorisation with full particulars, for something must be available in the case file and sent to the loss control officer.

1.3.2 As soon as the appropriate columns in the loss control register dealing with authorisation have been completed, the loss control officer has been supplied with a copy of the authorization, and the loss control officer has checked the submission, the case is regarded as settled.

1.3.3 "Council property" includes, inter alia:

- all stock and equipment issued or held to be issued;
- all buildings or structures, etc. that are property of the Council
- all vehicles or machinery that belong to the Council

1.4 Claims against the Council and ex gratia payments

1.4.1 The payment of a claim or an amount in terms of a settlement by the Legal Department, if the Accounting Officer or the Budget and Treasury Officer approves, can be made against the appropriate provision in the vote item if, at the time of the payment, it had already been established that the Council alone was responsible and that the person in question has not forfeited his or her protection.

1.4.2 Full authorisation (together with addenda referred to in submission, if any) must be attached to the payment form used to apply for payment, to serve as documentary evidence.

1.4.3 If finality concerning the liability of an intended person has not been reached by the time of the payment, the payment is made provisionally from an appropriate suspense account.

1.4.4 Should it be found that the Council is solely accountable; the amount will be settled by journal entry to the appropriate provision on the budget vote concerned. Full particulars concerning the finding and authorization are attached to the journal and must be referred to in the journal.

LOSS CONTROL POLICY

1.4.5 If it is found that the intended person is solely accountable, or jointly accountable with the Council, that the part of the claim for which the intended person is responsible plus the legal costs will be recovered from that person and credited to the appropriate suspense account. That part of the claim for which the Council is responsible must be dealt with as described in paragraph 1.4.4 above.

2. AUTHORISATIONS

2.1 All claims and loss losses must be allocated a unique serial number as stated in the title of the submission.

2.2 The loss control officer must ensure that the authorisations given by incumbents of posts in departments are appropriate and correct in accordance with delegated powers. If not, the case must be referred back to be corrected by the relevant office/institution which made the submission.

2.3 Authorisations granted by the Budget and Treasury Office and Accounting Officer will be sent via the Chief Financial Officer to the loss control officer for distribution among the offices/institutions concerned.

2.4 Authorisations granted by incumbents of posts in departments and offices resorting under them must be dealt with by the loss control officer.

4 IMPLEMENTATION

The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director: Budget and Treasury Office.

The policy shall be reviewed on annual basis and updated if there are any changes brought about through an amendment of any legislation and/or policies by National Treasury or arrangement within the municipality.



NEWCASTLE MUNICIPALITY

SHORT TERM INSURANCE POLICY

SHORT TERM INSURANCE POLICY

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SHORT TERM INSURANCE POLICY

1. Preamble

1.1 It is required of the accounting officer, to take all reasonable steps to ensure that the Council has and implemented policies for effective financial and risk management. The safeguarding of assets and the protection of Council against liabilities, is very important which forms part of a proper assets management system as prescribed by Section 63 and needs annual revision in terms of Section 24(2)(c)(v) of the Municipal Finance Management Act 56 of 2003. This requirement is also embedded in the Asset Management Policy and the Loss Policy of the municipality.

1.2. Insurance brokers active in the municipal environment over years prepared a standard for local authority insurance that takes all circumstances related to a municipal environment into account. There are however aspects in addition to this standard that the Council can decide on policy in order to reduce premium without an increase in risk or where the Council is prepared to accept risk due to a very slim probability of the risk event occurring.

2. Property to be insured

The following is recommended as a policy on short term insurance of risk and liabilities:

2.1 Asset schedules

Upon the appointment of the new Insurance Broker, the Strategic Executive Director and submit the asset register of assets necessary to be covered in terms of this this policy, where after such assets shall be categorised in terms of insurance schedules in consultation with the insurance broker.

Subsequent to the appointment of the insurance broker, each head of a department shall immediately on acquisition, submit all assets to be insured to the Strategic Executive Director: Budget and Treasury Office which will need cover shall in accordance to this policy.

The Strategic Executive Director shall ensure that the asset register is regularly updated in order to avoid omissions of assets being covered for any risk of loss of damage, where after all new assets shall be submitted to the Council's insurance broker for insurance purposes.

SHORT TERM INSURANCE POLICY

Such assets shall accordingly be included in the insurance portfolio through updating of the insurance schedules representing the covers and in category of asset covered in the insurance portfolio.

2.2 Property excluded from external insurance

All property owned by or leased to the Council, property held by the Council in trust and/or commission and/or custody and/or under Council's control and/or for which the Council is responsible must be insured ***except for the following which are specifically excluded:***

- property more specifically insured by any other firm arrangement.
- dam walls, dam contents, canals, reservoirs and reservoir contents.
- pavilions, sport stadiums, spectator stands, outdoor sports playing or recreational surfaces, athletic tracks.
- loose assets falling within the excess payment of the applicable insurance policy.
- explosives and ammunition.
- bullion.
- precious stones.
- jewellery other than the Mayor's regalia.
- trophies and indexed museum items.
- electrical and communication transmission and distribution lines including cabling and their support structures, other than on or within 150 meters of any insured premises.
- water piping as well as stormwater piping including their supporting structures, other than on or within 150 meters of insured property.
- sewerage piping including their supporting structures other than on or within 150 meters of insured property.
- driveways, pavements, outdoor parking surfaces
- roads, road and railway bridges, road and rail tunnels, manhole covers
- aircraft runways and aprons
- land, topsoil, backfill, drainage or culverts
- accounts receivable
- saving certificates and the like
- property in possession of customers (library books, etc.).
- trees, shrubs and plants
- monuments and statues
- growing timber, growing crops and livestock.

SHORT TERM INSURANCE POLICY

2.3 Contingencies and risks specifically excluded

- any event of risk where the Council is specifically indemnified.
- contingencies arising from landslides and earthquakes.
- removal of rubble or professional fees resulting from any damaged property or structures except for the Newcastle Civic Centre.
- workmen's compensation for personnel covered under the Workmen's Compensation Act.
- first 24-hours' work on the recovery of lost electronic data information.

2.4 Damage and risks to be specifically included to the short term insurance portfolio

- houses under rental and selling schemes administrated by the Council.
- all property as contained in the assets schedules.
- contractors all risk for high-risk construction as identified by the relevant Head of departments from time to time.
- full theft cover at all insured property.
- all money on the premises or in transit to a maximum at any stage at any premises in cash and in cheques.
- fidelity insurance based on all positions higher than Task Grade 12 and including, excluding councillors.
- comprehensive motor own damage and third party liability on a motor fleet basis including specifically mentioned high valued vehicles.
- full comprehensive coverage for all emergency vehicles.
- goods in transit up to R200 000 per single load.
- group personal accident insurance on 24-hour basis for all councillors to a maximum of R500 000 per incident.
- stated benefits (workmen's' compensation) insurance on 24-hour basis for the Councillors in terms of Upper Limits Notice as issued from time to time.
- electronic equipment on the mainframe computer, document imaging system and networks.
- incidental damages including consequential damages at high risk electrical and mechanical plants as identified by the Strategic Executive Director: Electrical Services.
- aerodrome owners liability insurance.
- public liability for bodily injury or damage to an amount of R2-million per event and a total annual coverage of R100-million.
- maximum employers liability of R10-million.

SHORT TERM INSURANCE POLICY

3. Consideration of higher excess payments

The possibility of paying higher first amounts with claims which might result in lower premiums must constantly be considered by the Strategic Executive Director: Budget and Treasury Office taking into account the best benefit for Council at all times.

4. Contribution to insurance reserve

4.1 The short term insurance portfolio must be administrated on an internal insurance fund principle as contemplated in the Financial Code of Practice.

4.2 Excess payments on claims are allocated to the Budget and Treasury Office department vote under general expenditure.

4.4 All uninsured assets are replaced from the Self-insurance reserve funds.

5. Reporting risk, claims and damage

It shall be the duty of a head of a department to notify the Strategic Executive Director: Budget and Treasury Office without delay of any new insurable risk or of any alteration in an existing insurable risk which has arisen in connection with his or her department.

On the occurrence of any event giving rise or likely to give rise to a claim by or against the Council or against its insurers, the head of the department concerned shall notify the Strategic Executive Director: Budget and Treasury Office of that event which shall immediately notify the Council's insurer thereof.

The Strategic Executive Director: Budget and Treasury Office shall keep a register in which particulars of all insurance policies held by the Council shall be entered and he shall be responsible for the payment of all premiums and shall ensure that claims that arise under such policies are instituted.

6. Claims preparation costs

The Strategic Executive Director: Budget and Treasury Office shall with annual renewal of insurance or otherwise as regular as required negotiate for the inclusion of exceptional claims preparation costs to be included to the related insurance portfolio.

SHORT TERM INSURANCE POLICY

7. Disputes and arbitration

The Strategic Executive Director: Budget and Treasury Office shall with the annual renewal of insurance arrange with the insurance brokers that any disputes as to the amount of liability of the insurers under any of the insurance policies be determined by arbitration in accordance with the laws of the Republic of South Africa.

8. Appointment of insurance brokers

The Council shall call for tenders for the appointment of insurance brokers at least once every three (3) years, unless circumstances require deviation here from. Insurance brokers will be appointed according to their ability to administrate the Council's short term insurance portfolio, the professional people in their employment and their record of sound brokerage service in the municipal environment.

The insurance brokers shall specifically indemnify the Council of increased risk because of the incorrect or unprofessional handling of the placement of insurance or the handling of a specific insurance claim. The insurance broker shall revise the Council's insurance policy annually in collaboration with the Strategic Executive Director: Budget and Treasury Office.

9. Implementation of this Policy

The Accounting Officer shall be responsible for the implementation and administration of this policy through the delegation of Strategic Executive Director: Budget and Treasury Office.

The policy shall be reviewed on annual basis and updated if there are any changes brought about through an amendment of any legislation and/or policies by National Treasury or arrangement within the municipality.

This policy must be read in conjunction with the municipality's Asset Management and the Loss Control policies.



NEWCASTLE MUNICIPALITY

COST CONTAINMENT POLICY

DRAFT

COST CONTAINMENT POLICY

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DRAFT

COST CONTAINMENT POLICY

1. INTRODUCTION

1.1 Section 62(1)(a) of the Municipal Finance Management Act No. 56 of 2003 (MFMA) stipulates that the accounting officer of a municipality is responsible for managing the financial administration of a municipality and must for this purpose take all reasonable steps to ensure that the resources of the municipality are used effectively, efficiently and economically.

1.2 In terms of the legal framework, the elected councils and accounting officers are required to institute appropriate measures to ensure that the limited resources and public funds are appropriately utilized to ensure value for money is achieved. This policy must be read, understood, practiced and implemented against this legislative background.

2. OBJECTIVES OF THE POLICY

2.1 The purpose of this policy is to guide council and officials on cost containment measures that are being implemented in an effort to minimize costs by cutting of unnecessary expenditure, looking at alternative ways to procure goods and services and gradually reduce the deficit.

2.2 This policy is intended to ensure:

2.2.1 That measures are in place to contain operational costs and eliminate all non-essential expenditure.

2.2.2 That excessive and wasteful expenditure has to be reduced, and that increased action be taken to manage unnecessary expenditure

2.2.3 That measures are taken in terms of Section 32 of the MFMA in event of unauthorized, irregular, fruitless and wasteful expenditure.

2.2.4 That the Strategic Executive Directors implemented proper monitoring of non-necessary expenditure

2.2.5 That the Mayor exercise proper general political guidance over the fiscal and financial affairs of the municipality

COST CONTAINMENT POLICY

3. SCOPE OF THE POLICY

This policy shall apply to the Council, Executive Committee, Finance Portfolio Committee, Budget Steering Committee, Accounting Officer, Strategic Executive Directors and all officials who have a formal and administrative duty to procure goods and services, manage and control the municipality's budget.

4. APPLICABLE LEGISLATION

4.1 The budget process and management is regulated in terms of the Municipal Finance Management Act, Act 56 of 2003 (MFMA):-

4.1.1 Chapter 4 of the MFMA deals with the municipal budgets.

4.1.2 Chapter 7 of the MFMA deals with the responsibilities of the Mayor in relation to budget processes and related matters as well as the fiscal and financial affairs of the municipality.

4.1.3 Chapter 8 of the MFMA deals with the responsibilities of the municipal officials in relation, among others, budgeting processes, revenue and expenditure management and reporting.

4.1.4 Chapter 9 of the MFMA deals with the municipal budget and treasury offices.

4.1.5 The Municipal Finance Management Act, Circular 82, published on 7 December 2018

4.1.6 Municipal Cost Containment Regulations, 2019

5. COST DRIVERS IDENTIFIED

The municipality has identified various cost drivers where non-essential, fruitless and wasteful expenditure can be curbed and eliminated

5.1 Vehicles for Political Office Bearers

5.1.1 The threshold limit for vehicle purchases relating to official use by political office-bearers may not exceed R700,000 or 70% of the total annual remuneration package for different grades, whichever is greater;

5.1.2 The procurement of vehicles must be undertaken using the national government transversal control mechanism;

COST CONTAINMENT POLICY

- 5.1.3 If any other procurement process is used, the cost may not exceed the threshold limit set out above;
- 5.1.4 Before deciding on another procurement process, the chief financial officer must provide the council with information relating to the following criteria which must be considered:
 - a) Status of current vehicles;
 - b) Affordability;
 - c) Extent of service delivery backlogs;
 - d) Terrain for effective usage of vehicle; and
 - e) Any other policy of council
- 5.1.5 Regardless of their usage, vehicles for office use by public office-bearers may only be replaced after completion of 120,000 kilometres;
- 5.1.6 Notwithstanding above, a municipality may replace vehicles for official use by public officebearers before completion of 120,000 kilometres only in instances where the vehicle experiences serious mechanical problems and is in a poor condition and subject to obtaining a detailed mechanical report by the vehicle manufacturer or approved dealer.

5.2 Engagement of consultants

- 5.2.1 The municipality may only appoint consultants if an assessment of the needs and requirements confirms that the municipality does not have the requisite skills or resources in its full time employ to perform the function.
- 5.2.2 The accounting officer must adopt a fair and reasonable remuneration framework for consultants taking into account the rates:
 - 5.2.2.1 Determined in the “guidelines on fees for audits undertaken on behalf of the Auditor-General of South Africa”, issued by the South African Institute of Chartered Accountants;
 - 5.2.1.2 Set out in the ‘guide on hourly fee rates for consultants,’ issued by the Department of Public Service and Administration;
 - 5.2.2.3 As prescribed by the body regulating the profession of the consultant
- 5.2.2 The tender documentation for the appointment of consultants must include a clause that the remuneration rates will be subject to negotiation, not exceeding the applicable rates mentioned above

COST CONTAINMENT POLICY

- 5.2.3 When negotiating cost-effective consultancy rates for international consultants, the accounting officer may take into account the relevant international and market-determined rates
- 5.2.4 When consultants are appointed, the accounting officer must:
- a) Appoint consultants on a time and cost basis with specific start and end dates;
 - b) Where practical, appoint consultants on an output-specific basis, subject to a clear specification of deliverables and associated remuneration;
 - c) Ensure that contracts with consultants include overall cost ceilings by specifying whether the contract price is inclusive or exclusive of travel and subsistence disbursements;
 - d) Develop consultancy reduction plans; and
 - e) Undertake all engagements of consultants in accordance with the Municipal Supply Chain Management Policy;
 - f) All contracts with consultants must include fee retention or penalty clause for poor performance;
 - g) The municipality must ensure that the specifications and performance, are used as a monitoring tool for the work to be undertaken and is appropriately recorded and monitored;
 - h) The travel and subsistence costs of consultants must be in accordance with the travel policy issued by the National Department of Transport, as updated from time to time;
 - i) The contract price must specify all travel and subsistence cost and, if the travel and subsistence costs for appointed consultants are excluded from the contract price, such costs must be reimbursed in accordance with the travel policy of the National Department of Transport.

5.3 Catering, refreshments and entertainment

- 5.3.1 The municipality may not incur catering expenses for internal meetings, i.e. for meetings attended only by persons in its employ, except where a meeting will be in excess of 5 hours. These include meetings such as workshops, courses, committees, forums, recruitment interviews, trainings, hearings, meetings hosted by the Management Committee and governance structures.
- 5.3.2 The municipality may not incur expenses on alcoholic beverages.
- 5.3.3 Standard price for catering services must be introduced.

COST CONTAINMENT POLICY

- 5.3.4 Entertainment allowance shall be limited to the Accounting Officer and the Strategic Executive Directors, with the annual budget not exceeding R5000 for the Accounting Officer and R2000 for each Strategic Executive Director.
- 5.3.5 The Accounting Officer must ensure that team building exercises and social functions, including year-end functions, are not financed from the budgets of their respective establishments or by any suppliers or sponsors;
- 5.3.6 Apart from tea, coffee and muffins, limited catering and refreshments may be provided at Council workshops, retreats, strategic sessions, internal training sessions, official meetings (Standing Committees and other Council committees), Council and Management meetings provided prior approval is to be obtained from the Accounting Officer;
- 5.3.7 At the discretion of the Accounting Officer, catering and refreshments may only be provided at meetings with overseas visitors and other spheres of government, after budget availability has been confirmed by the Budget & Treasury Office;

5.4 Telephone Costs

- 5.4.1 Review and introduce limits on municipal staff telephones and limiting private call to a reasonable amount.
- 5.4.2 Any costs for abuse of telephone or private calls must recovered from the employee's salary through the payroll office.
- 5.4.3 Review of cell phone contracts and introduction of cell phone allowance, depending on the level for and the need analysis

5.5 Events, advertising and sponsorships

- 5.5.1 Eliminate wasteful expenditure on events, advertising in magazines, television, newspapers etc. where the municipality can use other cost effective means such as websites to market the institution or properly publicize the matters or events under consideration.
- 5.5.2 Limit or stop all unnecessary expenditure on matters such as printing of shirts, hosting of sporting events, festivals and other associated events, lavish functions, and extraordinary costs associated with visits of dignitaries or induction of new councilors.

5.6 Travel and subsistence

COST CONTAINMENT POLICY

The accounting officer:

- 5.6.1 May only approve purchase of economy class tickets for employees and Councillors where the flying time for the flights is five hours or less;
- 5.6.2 May approve the purchase of business class tickets for employees and Councillors with disabilities or for those with special needs, where the flying time is five hours or less;
- 5.6.2 Purchasing of air tickets for first class travel is not permitted under any circumstances;
- 5.6.3 For flights exceeding five hours, may purchase business class tickets only for accounting officer and Councillors;
- 5.6.4 This policy limits international travel to meetings or events that are considered critical and the number of officials attending such meetings or events is limited to the officials directly involved in the subject matter related to such meetings or events;
- 5.6.5 Domestic hotel accommodation linked to travel and subsistence may not exceed R1,370 per night. This amount can be reviewed by National Treasury periodically;
- 5.6.6 The amount of R1,370 may be exceeded with the approval of the accounting officer in instances
 - 5.6.6.1 such as peak holiday periods, and
 - 5.6.6.2 when South Africa is hosting an event in the country or in a particular geographical area that results in an abnormal increase in the number of local/international guests in the country or in that particular geographical area;
- 5.6.7 Hiring of vehicles for travelling must be undertaken in terms of the Council approved Subsistence and Travelling policy as it relates to vehicle groupings that can be hired as per the level of employees or councillors;
- 5.6.8 Sharing of the mode of transport when employees or councillors travel to the same destination must be implemented;
- 5.6.9 Overnight accommodation must be limited to instances where the distance by road exceeds 500 kilometres to and from the destination (return journey);
- 5.6.10 When a vehicle is hired, it must be shared between the employees or councillors attending the same workshop, conference, seminar, etc (one vehicle to be hired per occasion);
- 5.6.11 Flight bookings must be made timeously, to prevent unnecessary overnight stay costs
- 5.6.12 Strategic Executive Directors must implement systems in their respective departments to ensure cost effective and time efficient travelling;

COST CONTAINMENT POLICY

5.6.13 Travelling must be pre-authorised by the Accounting Officer or the Strategic Executive Director of the respective department who must implement systems to ensure cost-effective and time efficient travelling

5.7 Protective Clothing

5.7.1 A policy must be developed stipulating the guidelines, including the type of clothing, shoes and frequency of issue in line with the working environment of the employees;

5.7.2 A monthly reconciliation of the clothing purchased, issued and on stock must be performed by the Stores unit;

5.7.3 Introduce turnaround period time for the procurement of protective clothing.

5.7.4 Number of Personal Protective Clothing issued to the employee must be limited.

5.8 Conferences, meetings, study tours

5.8.1 Employees may attend conferences hosted by professional bodies or non-governmental institutions (external conferences) held within the borders of South Africa provided that expenses related to their attendance do not exceed two thousand five hundred rand (R2 500) per person per day. The number of municipal officials attending such conferences and workshops must be limited, see below. The National Treasury may periodically review this amount.

5.8.2 Employees must make every effort to take advantage of early registration in order to avoid additional costs of late registration.

5.8.3 Conferences abroad must be limited to its ultimate minimum or none at all.

5.8.4 Utilise municipal and/or provincial office facilities for conferences, meetings, strategic planning sessions etc. where an appropriate venue exists within the municipal jurisdiction.

5.8.5 Limit or stop overseas trips and the delegations going on such trips unless a tangible and clear benefit to the local community and performance of essential service provision can be established beforehand

5.8.6 The number of employees travelling to conferences or meetings on official duty for the same matter is limited to three (3) employees, unless otherwise approved in advance by the relevant Strategic Executive Director or the Accounting Officer.

5.9 Office Furnishing

COST CONTAINMENT POLICY

- 5.9.1 When new persons are elected or appointed, use of existing facilities and equipment must be considered.
- 5.9.2 Office furnishing when required, should be contained to minimal costs, avoiding elaborate and expensive furniture or equipment.
- 5.9.3 Buying of laptop should be discouraged unless it is need for the official mobility is established beyond doubt and duly authorized to attend meetings where such equipment might be required.
- 5.9.4 Buying of laptops for interns and junior personnel should be eliminated, unless where prior approval is obtained from the relevant Strategic Executive Director of his delegate.

5.10 Staff study, perks and suspension costs

- 5.10.1 Training attended by employees and councillors of municipalities must be organized on site.
- 5.10.2 Expenditure associated with overseas study tours by councillors or officials must be reduced and preferably stopped.
- 5.10.3 Overtime policy and measures must be reviewed to ensure that overtime is limited to the budget
- 5.10.4 Encourage staff to take time off to make up for overtime worked.
- 5.10.5 Planned overtime must be submitted to management for consideration on a monthly basis and no payment should be made if planned overtime is not motivated by the Strategic Executive Director.
- 5.10.6 Unplanned overtime worked must be motivated and approved by management, and no payment should be made if unplanned overtime is not motivated by the Strategic Executive Director.
- 5.10.7 Costs associated with long-standing staff suspensions and legal costs associated with not following due processes when suspending and dismissing staff must be eliminated otherwise S32 of the MFMA should be implemented if it is established that a supervisor did not consider reasonable steps in suspending the subordinate.
- 5.10.8 Constant management of staff, improvements in productivity levels and feedback must be provided to all staff.

5.11 Credit cards

- 5.11.1 The Municipal Manager must ensure that no credit or debit cards linked to a bank account of the municipality is issued to any employee or councillor;

COST CONTAINMENT POLICY

5.11.2 Where employees or councillors incur expenditure in relation to official municipal activities, the employee or councillor must use their personal credit/debit card or cash or arrangements made by the municipality and request reimbursement from the municipality in accordance with the relevant policies and processes

5.12 Budget provision

5.12.1 Each Strategic Executive Director shall, prior to providing for any expenditure in respect of any items in the budget or the adjustments budget, prepare and submit to the Strategic Executive Director: Budget and Treasury Office a business plan relating to such item, which business plan shall contain the following information regarding such item:

- 5.12.1.1 A full description;
- 5.12.1.2 Its purpose;
- 5.12.1.3 The expected beneficiaries ;
- 5.12.1.4 Alternative means of providing the same benefits;
- 5.12.1.5 An acquisition, construction and implementation plan (as applicable);
- 5.12.1.6 The expected useful life;
- 5.12.1.7 The principal cost;
- 5.12.1.8 The sources of funding;
- 5.12.1.9 A schedule of financing costs;
- 5.12.1.10 A maintenance plan;
- 5.12.1.11 A schedule of maintenance costs;
- 5.12.1.12 A depreciation schedule; and
- 5.12.1.13 Insurance costs.

5.13 General measure to be implemented

- 5.13.1 Introduce measure to control budget for stores items in relating to the requirement and affordability
- 5.13.2 Municipal funds may not be used to fund election campaign activities. No expenditure may be incurred by the municipality to support campaign of any political party;
- 5.13.3 Printing of documents must be back-to-back and use of color printing be avoided at all costs, unless in the cases of graphs and necessary documents. Use of electronic files must be encouraged;

COST CONTAINMENT POLICY

- 5.13.4 Where practical, the warranties on vehicle and computer equipment should be extended instead in order to save on maintenance costs and new assets. Purchasing of computers is recommended compared to lab tops due to the life span and risk associate with the movement of asset;
- 5.13.5 Purchasing of newspapers and other publications for municipal employees must be discouraged. Use of internet must be encouraged;
- 5.13.6 Municipalities should ensure that awareness is raised with municipal staff so that a high degree of energy saving measures can be introduced, e.g. air-conditioning and lights in buildings are switched off at night and when offices are not in use.
- 5.13.7 Every effort must be made to recover debt from consumers before write-off. Municipalities to avoid the excessive usage of debt collectors and improve its internal capacity for debt collection.
- 5.13.8 Ensure synergy between municipal divisions or departments to avoid duplication of processes and efforts.(dropbox, DRMS, printing of copies while sent as soft copies)
- 5.13.9 In order to curb wastage on petrol, the vehicle tracking system should be utilized to monitor usage in order to curb abuse of municipal vehicles and excessive petrol consumption.
- 5.13.10 Telephone and/or video conferencing facilities must be encouraged, where possible, to avoid unnecessary traveling and subsistence costs.
- 5.13.11 Bulk purchases and negotiated discounts must be considered for regularly consumed inventory.
- 5.13.12 All commodities, services and products covered by Transversal contract concluded by the National Treasury must be procured through that transversal contract before approaching the market, in order to benefit from savings where lower prices or rates have been negotiated.

6 ENFORCEMENT PROCEDURES

- 6.1 Failure to implement or comply with this policy may result in any official of the municipality or political bearer that has authorized or incurred any expenditure contrary to those stipulated herein being held liable for financial misconduct as set out in chapter 15 of the MFMA.

7 DICLOSURES OF COST CONTAINMENT MEASURES

COST CONTAINMENT POLICY

- 7.1 Cost containment measures applied by the municipality must be included in the in- year budget report.
- 7.2 The measures implemented and the aggregate amount saved per quarter, together with the report of reprioritization of cost savings on the implementation of the cost containment measure must be submitted to the municipal council for review.
- 7.3 Such reports must be placed to municipal website within 5 days after council meeting.

8 IMPLEMENTATION & REVIEW PROCESS

- 8.1 The policy will be implemented with immediate effect after approval by the municipal council.
- 8.2 The policy will be reviewed at least annually and will be part of budget related policies, it will also be reviewed when an update is issued by National or Provincial Treasury.

9 SHORT TITLE

- 9.1 This policy shall be called the “Cost Containment Policy of the Newcastle Municipality”

NEWCASTLE MUNICIPALITY



DRAFT PROPERTY RATES BY-LAWS

NEWCASTLE MUNICIPALITY PROPERTY RATES BY-LAWS

The Newcastle Municipality, hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, adopted the Municipality's Property Rates By-law set out hereunder.

PREAMBLE

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality.

AND WHEREAS section 13 of the Municipal systems Act read with section 162 of the constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE BE IT ENACTED by the Council of the Newcastle Municipality, as follows:

1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise.

'Municipality' means the Newcastle Municipality;

'Property Rates Act' means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

'Rates Policy' means the policy on the levying of rates on rateable properties of the Newcastle Municipality, contemplated in chapter 2 of the Municipal Property Rates Act.

2. OBJECTS

The object of this by-law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

3. ADOPTION AND IMPLEMENTATION OF RATES POLICY

- 3.1. The Municipality shall adopt and implement its Rates Policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property within the jurisdiction of the Municipality;
and
- 3.2. The Municipality shall not be entitled to levy rates other than in terms of its Rates Policy.

4 CONTENTS OF RATES POLICY

The Rates Policy shall, *inter alia*:

- 4.1 Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;
- 4.2 Comply with the requirements for:
 - 4.2.1 The adoption and contents of a rates policy specified in section 3 of the Act;
 - 4.2.2 The process of community participation specified in section 4 of the Act; and
 - 4.2.3 The annual review of a Rates Policy specified in section 5 of the Act;
- 4.3 Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and
- 4.4 Provide for enforcement mechanisms that are consistent with the Municipal Systems Act, 2000 (Act No: 32 of 2000).

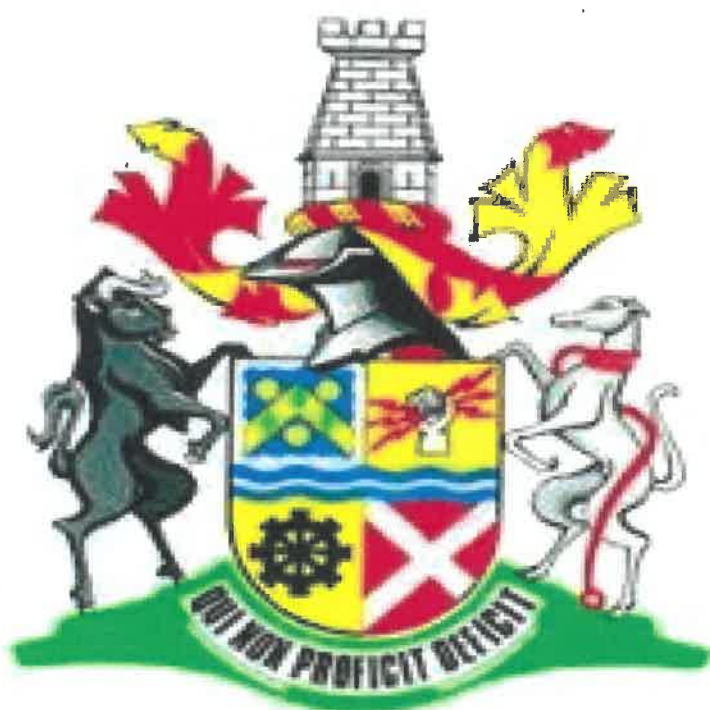
5 ENFORCEMENT OF THE RATES POLICY

The Municipality's Rates Policy shall be enforced through the Credit Control and Debt collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

6 SHORT TITLE AND COMMENCEMENT

This By-law is called the Municipal Property Rates By-law, and takes effect on 1 July 2019.

NEWCASTLE MUNICIPALITY



TARIFF BY-LAW

NEWCASTLE MUNICIPALITY TARIFF BY-LAW

The Newcastle Municipality, hereby, in terms of section 75 of the Local Government: Municipal Systems Act, 32 of 2000 read with Section 62 (1) (f) (i) of the Municipal Finance Management Act, 56 of 2003, adopts the Municipality's Tariff By-law set out hereunder.

PREAMBLE

WHEREAS section 13 of the Municipal systems Act read with section 162 of the constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.

AND WHEREAS section 74 of the Local Government: Municipal Systems Act, 32 of 2000 requires a municipality to adopt and implement a tariff policy together with the related by-laws to give effect to the policy.

NOW THEREFORE BE IT ENACTED by the Council of the Newcastle Municipality, as follows:

1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act, 32 of 2000, shall bear the same meaning unless the context indicates otherwise.

'Municipality' means the Newcastle Municipality;

'Municipal Systems Act' means the Local Government: Municipal Systems Act, 32 of 2000;

'Tariff Policy' means the policy on the levying of fees for municipal services provided by the Municipality itself or by way of service delivery agreements, as contemplated in part 1 of chapter 8 of the Municipal Systems Act.

2. OBJECTS

The object of this by-law is to give effect to the implementation of the Tariff Policy as contemplated in Section 74 of the Local Government: Municipal Systems Act.

3. ADOPTION AND IMPLEMENTATION OF TARIFF POLICY

- 3.1. The Municipality shall adopt and implement its Tariff Policy consistent with the Municipal Systems Act on the levying of fees for municipal services provided by the Municipality itself or by way of service delivery agreements, within the jurisdiction of the Municipality; and
- 3.2. The Municipality shall not be entitled to levy tariffs other than in terms of its Tariff Policy and related Tariff of Charges.

4 CONTENTS OF TARIFF POLICY

The Tariff Policy shall, *inter alia*:

- 4.1 Apply to all tariffs levied by the Municipality pursuant to the adoption of its Annual Budget;
- 4.2 Comply with the requirements for:
 - 4.2.1 The adoption and contents of a tariff policy specified in section 74 of the Municipal Systems Act;
 - 4.2.2 The process of community participation specified in section 13 of the Municipal Systems Act.
- 4.3 Provide for principles, criteria and implementation measures that are consistent with the Municipal Systems Act for the levying of tariffs which the Council may adopt; and
- 4.4 Provide for implementation mechanisms that are consistent with the Municipal Systems Act.

5 ENFORCEMENT OF THE TARIFF POLICY

The Municipality's Tariff Policy shall be enforced through the Customer Care, Credit Control and Debt Collection Policy as approved by Council when adopting its Annual Budget

6 SHORT TITLE AND COMMENCEMENT

This By-law is called the Municipal Tariff By-law, and takes effect on 1 July 2016.