

MANGAUNG METROPOLITAN MUNICIPALITY



CREDIT CONTROL AND DEBT COLLECTION POLICY

**1st draft
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MANGAUNG METROPOLITAN MUNICIPALITY

PRINCIPLES AND POLICY ON CREDIT CONTROL AND DEBT COLLECTION

1. PREAMBLE

Whereas section 152 (1) (b) of the Constitution of the Republic of South Africa Act 108 of 1996 (*the Constitution*) provides that one of the objects of local government is to ensure that the provision of services to communities occurs in a sustainable manner;

And whereas section 4 (1) (c) of the Local Government: Municipal Systems Act 32 of 2000, as amended (*the Systems Act*) provides that the Council of a Municipality has the right to finance the affairs of the Municipality by charging fees for services, imposing surcharges on fees, rates on property and, to the extent authorised by national legislation, other taxes, levies and duties;

And whereas section 5 (1) (g), read with subsection (2) (b) of the Systems Act provides that members of the local community have the right to have access to municipal services which the Municipality provides provided that, where applicable and subject to the policy for indigent customers, pay promptly for services fees, surcharges on fees, other taxes, levies and duties imposed by the Municipality;

And whereas Chapter 9, sections 95, 96, 97, 98, 99 and 100, of the Systems Act provides for Customer Care Management, Debt Collection responsibility of the Municipality, contents of the policy, by-laws that give effect to the policy, Supervisory authority and Implementing authority, respectively.

Now therefore the Municipal Council of Mangaung Municipality adopts the following policy regarding Customer Care, Credit Control and Debt Collection.

1.1 Scope Of The Policy

- (a) This Policy applies to all administrations within the defined boundaries of the Mangaung Municipality and all customers of these administrations.
- (b) The Credit Control and Debt Collection policy, as approved by Council, has been enshrined in a Municipal policy in terms of the Systems Act and such Policy will be binding on the public, officials and Councillors of the Metropolitan Municipality of Mangaung and no interference in the process will be permitted.
- (c) The Policy is applicable until such time as it is reviewed and any revisions to the Policy approved by Council.
- (d) All acts performed in terms of the above approved Policy, will not be invalidated due to the timing differences between approval and promulgation.
- (e) All acts performed as mentioned in the previous paragraph will be ratified with the promulgation of the Municipal Policy.

1.2. Objective Of The Policy

- The objective of this policy is to:-
- (a) Focus on all outstanding debt as raised on the customer's account.
 - (b) Provide for a uniform credit control, debt collection and indigent Policy throughout the Mangaung Municipality.
 - (c) Facilitate implementation of this Policy throughout the Mangaung Municipality.
 - (d) Promote a culture of good payment habits amongst Mangaung Municipality customers and

instil a sense of responsibility towards the payment of municipal accounts and reduction of municipal debt.

- (e) To ensure that the Council of Mangaung Municipality uses innovative, cost effective, efficient and appropriate methods to collect as much of the debt in the shortest possible time without any interference in the process.
- (f) To ensure that Mangaung Municipality effectively and efficiently deal with defaulters in accordance with the terms and conditions of this Policy.

2. DEFINITIONS

In this policy any word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act has that meaning, unless the context indicates otherwise:

“Accommodation” means accommodation in an accommodation establishment, a room, dwelling-house or second dwelling unit, self-catering room, self-catering apartment or free standing building let to transient guests.

“Accommodation Establishments” – consists of one or more of the following lettable types of accommodation –

- (a) “Camping” (informal temporary accommodation in a unique environment) is defined by a property used for erection of tents or other temporary structures for temporary accommodation for visitors or holiday-makers, which includes ablution, cooking and other facilities that are reasonably and ordinarily related to camping , for use of such visitors, and includes a caravan park, whether publicly or privately owned, but which excludes the alienation of land on the basis of time sharing, sectional title share blocks or individual subdivision; and excludes resort accommodation or mobile homes;
- (b) “Bed and Breakfast” (accommodation in a dwelling-house or second dwelling unit for transient guests) is defined by a dwelling-house or second dwelling in which the owner of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; provided that the primary use of the dwelling-house concerned shall remain for the living accommodation of a single family;
- (c) “Guest House” (accommodation in a dwelling-house or second dwelling unit for transient guests) is defined by a dwelling-house or second dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the restrictions of a bed and breakfast establishment and may include business meetings or training sessions for resident guests;
- (d) “Self catering Accommodation” (accommodation for non-permanent residents and transient guests) is defined by a house, cottage, chalet, bungalow, flat, studio, apartment, villa, or similar accommodation where facilities and equipment are provided for guests to cater for themselves. The facilities should be adequate to cater for the maximum advertised number of residents the facility can accommodate;
- (e) “Self catering Apartments” (accommodation for non-permanent residents and transient guests) is defined by a building or group of buildings consisting of separate accommodation units, each incorporating a kitchen / kitchenette facility, and which may include other communal facilities for the use of transient guests, together with outbuildings as are normally used therewith; which are rented for residential purposes and may include holiday flats; but does not include a hotel, dwelling-house, second dwelling or group house;
- (f) “Backpackers Accommodation” (accommodation and communal facilities in a building or free standing buildings for transient guests) is defined by a building where lodging is

provided, and may incorporate cooking dining and communal facilities for the use of lodgers, together with such outbuildings as are normally used therewith and includes a building in which dormitories/rooms/beds are rented for residential purposes, youth hostel, and backpackers' lodge; but does not include a hotel, dwelling house, second dwelling or group house;

- (g) "Boarding House" a dwelling-house or second dwelling which is used for the purpose of supplying lodging with or without meals or self catering to non permanent/permanent residents for compensation; provided that the primary use of the dwelling-house shall remain for the living accommodation of a single family;

"Account" means an account rendered specifying charges for municipal services provided by the Municipality, or any authorised and contracted service provider or a Municipal Entity, and which account may include assessment rates levies.

"Accounting Officer" means the municipal manager appointed in terms of Section 60 of the Municipal Finance Management Act.

"Annual Budget" shall mean the budget approved by the municipal council for any particular financial year, and shall include any adjustments to such budget.

"Annually" – means once every financial year;

"Arrangement" means a written agreement entered into between the Municipality and the customer where specific repayment parameters are agreed to. Such arrangement does not constitute a credit facility envisaged in terms of section 8(3) of the National Credit Act but is deemed to be Incidental Credit as envisaged in terms of section 4(6)(b) read with section 5(2) and (3) of the National Credit Act.

"Arrears" means those rates and service charges that have not been paid by the due date and for which no arrangement has been made.

"Authorised Representative" means a person or instance legally appointed by the Municipality to act or to fulfil a duty on its behalf.

"Basic municipal services" shall mean a municipal service necessary to ensure an acceptable and reasonable quality of life, which service – if not provided – would endanger public health or safety or the environment.

"Billing Date" means the date upon which the monthly statement is generated and debited to the customer's account.

"Business and Commercial Property" means -

- (a) property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity; or

- (b) property on which the administration of the business of private or public entities take place.

"By-law" shall mean legislation passed by the council of the Municipality, and which shall be binding on the Municipality and on the persons and institutions to which it applies.

"Calendar year" shall mean 12 consecutive months of a financial year(s).

“Category” –

- (a) in relation to a property, means a category of properties determined in terms of section 8(2) of the Municipal Property Rates Act;
- (b) in relation to the owners of property, means a category of owners determined in terms of section 15(2) of the Municipal Property Rates Act.

"Chief Financial Officer" means the person appointed as the Chief Financial Officer of the Municipality, or his or her nominee.

"Consumer Price Index" shall mean the CPIX as determined and gazetted from time to time by the South African Bureau of Statistics.

"Consolidated Account" means an account which is a consolidation of any separate accounts of a person who is liable for payment to the Municipality or Municipal Entity.

"Council" means the Council of the Mangaung Municipality.

"Councillor" shall mean a member of the Council of the Municipality.

"Credit Control" means all the functions relating to the collection of monies owed by ratepayers and the users of municipal services.

"Customer" means the occupier of any premises to which the Municipality has agreed to supply or is actually supplying municipal services, or if no occupier can be identified or located, then the owner of the premises and includes any customer of the Municipality.

"Day/Days" means calendar days, inclusive of Saturdays, Sundays and public holidays.

"Debt Collectors" means an external person or entity appointed by the Municipality to collect monies due and payable to the Municipality, subject to the conditions contained herein. Such external person or entity includes, but is not limited to, the appointment of registered debt collectors and attorneys.

"Defaulter" means any person who owes arrears to the Municipality.

"Delivery Date" shall mean the date on which the periodic account is delivered to the customer or 3 days after the date the account was posted, whichever is the first.

"Domestic Customer or User" of municipal services shall mean the person or household which municipal services are rendered in respect of "residential property" as defined below.

"Due Date" in relation to -

- (a) rates due in respect of any immovable property, means:-
 - (i) the twentieth(20th) day of September of the financial year for which such rate is made, in the case where rates are levied on an annual basis;
 - (ii) the date for payment indicated on the account, in the case where rates are levied on a monthly basis; or
 - (iii) any other date determined by Council in terms of a public notice in the Provincial Gazette, and
- (b) service charges due in respect of any immovable property, means the date for payment

indicated on the account, provided that the due date for any service charges means the twentieth (20th) day of September in the case where service charges are levied annually; and

- (c) should such day fall on a Saturday, Sunday or public holiday the due date shall be the next working day

."Dwelling" means a building, structure or place of shelter to live in.

"Farm Property or Small Holding used for agricultural purpose" – means property that is used for the cultivation of soils for purposes of planting and gathering in of crops; forestry in the context of the planting or growing of trees in a managed and structured fashion; the rearing of livestock and game or the propagation and harvesting of fish, but excludes the use of a property for the purpose of eco-tourism; and in the respect of property on which game is reared, trade or hunted, it excludes any portion that is used for commercial or business purposes.

"Farm Property or Small Holding not used for any purpose" – means agricultural property or an agricultural zoned land unit situated outside an urban region which is not used for farming purposes, regardless of whether such portion of such property has a dwelling on it which is used as a dwelling and must be regarded as residential property.

"Financial Year" shall mean the period starting from 1 July in any year and ending on 30 June of the following year.

"Immovable Property" also includes -

- (a) an undivided share in immovable property, and
- (b) any right in immovable property.

"Implementing Authority" means the Municipal Manager or his or her nominee, acting in terms of section 100 of the Local Government: Municipal Systems Act No. 32 of 2000.

"Indigent Customer" means the head of an indigent household:-

- (a) who applied for and has been declared indigent in terms of Council's Indigent Policy for the provision of services from the Municipality; and
- (b) who makes application for indigent support in terms of Council's Indigent Policy on behalf of all members of his or her household;

"Indigent Policy" means the Indigent Policy adopted by the Council of the Municipality.

"Indigent Support Programme" means a structured program for the provision of indigent support subsidies to qualifying indigent customers in terms of the Council's Indigent Policy.

"Integrated Development Plan" shall mean a plan formulated and approved as envisaged in Section 25 of the Municipal Systems Act 2000, as amended.

"Industrial Property" – means property used for construction, repair, trade or manufacturing, production, assembly or processing of finished or partially finished products from raw materials or fabricated parts on such a large scale that capital and labour are significantly involved, and includes any office or other accommodation on the same property, the use of which is incidental to such activity;

"Interest" means the charge levied on arrears, calculated as the prime rate, charged by the bank which holds the Municipality's primary bank account, plus one percent or such other percentage as may be determined by Council from time to time. (See clause 18).

"Local Community" – in relation to the Municipality –

(a) means that body of persons comprising –

- (i) the residents of the Municipality;
- (ii) the rate payers of the Municipality;
- (iii) any civic organisations and non-governmental, 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; and

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

"Manager Income" Means the Senior Official in a division of the Municipality's Finance Department, overall responsible for the collection of monies owed to the Municipality and/or any other official to whom he/she has delegated duties and responsibilities in terms of this policy.

"Market Value" – in relation to a property, means the value of the property determined in accordance with section 46 of the Municipal Property Rates Act;

"Month" means one of twelve months of a calendar year.

"Monthly Average Consumption" means the monthly average consumption in respect of that property calculated on the basis of consumption over the preceding or succeeding twelve months.

"Multiple purposes" – in relation to a property, means the use of a property for more than one purpose as intended in section 9 of the Municipal Property Rates Act.

"Municipality" or **"Municipal Area"** shall, where appropriate, mean the geographic area, determined in terms of the Local Government: Municipal Demarcation Act No. 27 of 1998 as the municipal area pertaining to the Municipality.

"the Municipality" means Mangaung Metropolitan Municipality.

"Municipal Council" or **"Council"** shall mean the municipal council of Mangaung Metropolitan Municipality as referred to in Section 157(1) of the Constitution.

"Municipal Pay Point" means any municipal office in the area of jurisdiction of the Municipality designated by Council for such purposes, or any such other places as the Chief Financial Officer may from time to time designate.

"Municipal Manager" means the Municipal Manager of the Mangaung Municipality or his or her nominee acting in terms of power delegated to him or her by the said Municipal Manager with the concurrence of the Council.

"Municipal Services" means services provided either by the Municipality, or by an external agent or Municipal Entity on behalf of the Municipality in terms of a service delivery agreement.

"Municipal Tariff" shall mean a tariff for services which the Municipality may set for the provision of a service to the local community, and may include a surcharge on such service. Tariffs for major services shall mean tariffs set for the supply and consumption or usage of electricity, water, sewerage and refuse removal, and minor tariffs shall mean all other tariffs, charges, fees, rentals or fines levied or imposed by the Municipality in respect of other services supplied including services incidental to the provision of the major services.

"Occupier" means any person who occupies, controls or resides on any premises, or any part of any premises without regard to the title under which he or she so occupies it.

"Open Space" - means land that is used as a park, garden, for passive leisure or maintained in its natural state.

"Owner" in relation to immovable property means -

(a) the person in whom is vested the legal title thereto provided that:-

- (i) the lessee of immovable property which is leased for a period of not less than thirty years, whether the lease is registered or not, shall be deemed to be the owner thereof;
- (ii) the occupier of immovable property occupied under a service servitude or right analogous thereto, shall be deemed to be the owner thereof;

(b) if the owner is dead or insolvent or has assigned his or her estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, shall be deemed to be the owner thereof;

(c) if the owner is absent from the Republic or if his address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, or if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property.

"Person" means a natural and juristic person, including any department of state, statutory bodies or foreign embassies.

"Premises" includes any piece of land, the external surface boundaries of which are delineated on:

- (a) A general plan or diagram registered in terms of the Land Survey Act, (9 of 1927) or in terms of the Deed Registry Act, 47 of 1937; or
- (b) A sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, and which is situated within the area of jurisdiction of the Municipality.

"Prescribed" means prescribed by this policy and where applicable by Council or the Municipal Manager.

"Prescribed debt" means debt that becomes extinguished by prescription in terms of the Prescription Act 68 of 1969.

"Private Open Space" means land that is privately owned and used for practising of sport, play- or leisure facilities or used as a botanical garden, cemetery or nature area.

"Privately Owned Townships Serviced by the Owner" – means single properties, situated in an area not ordinarily being serviced by the Municipality, divided through subdivision or

township establishment in (ten or more) full-title stands and/or sectional units and where all rates-related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreation facilities, are installed at the full cost of the developer and are rendered and maintained by the residents, Home owners association or management companies/ bodies of such estate.

"Property"—means 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;

"Rateable Property" shall mean property on which the Municipality may in terms of Section 2 of the Municipal Property Rates Act 2004 levy a rate, but excluding property fully excluded from the levying of rates in terms of Section 17 of that Act.

"Ratepayer" shall mean a person who is liable to the Municipality for the payment of (a) rates on property in the Municipality; (b) any other tax, duty or levy imposed by the Municipality; and/or (c) fees for services provided either by the Municipality or in terms of a service delivery agreement.

"Rates" means a municipal rate on property envisaged in section 229 (1) of the Constitution read with the Local Government: Municipal Property Rates Act 6 of 2004 and the Local Government: Municipal Finance Act 56 of 2003.

"Rebate" in relation to a rate payable on a property, shall mean a discount granted in terms of Section 15 of the Municipal Property Rates Act, 2004 on the amount of the rate payable on the property.

"Reduction" - in respect of a rate payable on a property, means the lowering of the amount for which the property was valued and the rating of that property at that lower amount.

"Refuse Charges" means service charges in respect of the collection and disposal of refuse.

"Registered Owner" means that person, natural or juristic, in whose name the property is registered in terms of the Deeds Registry Act, no. 47 of 1937.

"Responsible Person" means any person other than the registered owner of an immovable property who is legally responsible for the payment of municipal service charges.

"Residential Property" shall mean a property included in the valuation roll in terms of Section 48(2)(b) of the Municipal Property Rates Act, 2004 as residential.

"Residential Property" means a property with a building designed for, or containing provision for human habitation, together with such outbuildings are ordinarily used therewith:

- (a) Is used exclusively for residential purposes without derogating from section 9 of the Act;
- (b) Is a unit registered in terms of the sectional Title Act and used exclusively for residential purposes without derogating from section 9 of the Act;
- (c) Is owned by a share-block company and used solely for residential purposes;
- (d) Is a residence used for residential purposes situated on property used for or related to educational purposes;
- (e) Retirement schemes and life right schemes used exclusively for residential purposes and specifically exclude hostels, guest houses and vacant land irrespective of its zoning or intended use.

"Service Charges" means the fees levied by the Municipality or Municipal Entity in terms of its tariff policy for any municipal services rendered in respect of an immovable property and includes any penalties, interest or surcharges levied or imposed in terms of this policy.

"Service Delivery Agreement" means an agreement between the Municipality and an institution or persons mentioned in section 76(b) of the Local Government: Municipal Systems Act 32 of 2000.

"Sewerage Charges" means service charges in respect of the provision of sewerage collection and treatment of infrastructure.

"Small Holding" means

- (a) all agricultural zoned land units situated within an urban region with an area of one to three hectares; or
- (b) any agricultural zoned land unit situated outside an urban region with an area of three hectares or less.

"State Owned Property" refers to property used or owned by the State other than public service infrastructure including schools, universities, technicons, colleges, hospitals etc.

"Sundry Customer Accounts" means accounts raised for miscellaneous charges for services provided by the Municipality or charges that were raised against a person as a result of an action by a person, and were raised in terms of Council's policies, bylaws and decisions.

"Supervisory Authority" means the Executive Mayor of the Municipality or his or her nominee, acting in terms of Section 99 of the Municipal Systems Act 32 of 2000.

"Tariff" means the scale of rates, taxes, duties, levies or other fees which may be imposed by the Municipality or Municipal Entity in respect of immovable property and/ or for municipal services provided.

"Tariff Policy" means a Tariff Policy adopted by the Council in terms of Section 74 of the Local Government: Municipal Systems Act 32 of 2000.

"User" means the owner or occupier of a property in respect of which municipal services are being rendered.

"Water Charges" means service charges in respect of the provision of water.

"Water meter" means a device that measures the volume of water that passes through it

3. PRINCIPLES

- (1) The principles of credit management in the Municipality are:-
 - (a) The administrative integrity of the Municipality must be maintained at all times.
 - (b) This policy must have the full support of Council.
 - (c) Councillors must have full knowledge of the implementation and enforcement of the policy.
 - (d) Customers must be informed of the contents of this policy.

- (e) Customers must apply for services from the Municipality by the completion of the prescribed application form.
- (f) Customers must receive regular and accurate accounts that indicate the basis for calculating the amounts due. The customer is entitled to have the details of the account explained upon request.
- (g) Customers must pay their accounts regularly by the due date.
- (h) Customers are entitled to reasonable access to pay points and to a variety of reliable payment methods.
- (i) Customers are entitled to an efficient, effective and reasonable response to appeals, and should not suffer any disadvantage during the processing of a reasonable appeal.
- (j) Debt collection action will be instituted promptly, consistently, and effectively without exception and with the intention of proceeding until the debt, including the cost of collection, is recovered.

~~(j)(k) It shall be the duty of all customers to ensure that they have the correct information regarding all due amounts.~~

4. ~~It shall be the duty of all customers to ensure that they have the correct information regarding all due amounts~~ **SUPERVISORY AUTHORITY**

- (1) The Executive Mayor oversees and monitors:-
 - (a) The implementation and enforcement of the Municipality's credit control and debt collection policy.
 - (b) The performance of the Municipal Manager in implementing the credit control and debt collection policy.
- (2) The Executive Mayor shall at least once a year cause an evaluation or review of the credit control and debt collection policy to be performed, in order to improve the efficiency of the Municipality's credit control and debt collection mechanisms, processes and procedures, as well as the implementation of this policy.
- (3) The Executive Mayor shall submit a report to Council regarding the implementation of the credit control and debt collection policy at such intervals as Council may determine.

5. **IMPLEMENTING AUTHORITY**

- (1) The Municipal Manager:-
 - (a) Implements and enforces the credit control and debt collection policy.
 - (b) Is accountable to the Executive Mayor for the enforcement of the policy and shall submit a report to the Executive Mayor regarding the implementation and enforcement of the credit control and debt collection policy at such intervals as may be determined by Council.
 - (c) Must establish effective administration mechanisms, processes and procedures to collect money that is due and payable to the Municipality.

- (d) Where necessary make recommendations to the Executive Mayor with the aim of improving the efficiency of the credit control and debt collection mechanisms, processes and procedures.
 - (e) Establish effective communication between the Municipality and account holders with the aim of keeping account holders abreast of all decisions by Council that may affect account holders.
 - (f) Establish customer service centres, located in such communities as determined by the Municipal Manager.
 - (g) Convey to account holders information relating to the costs involved in service provision, and how funds received for the payment of services are utilised, and may where necessary employ the services of local media to convey such information.
- (2) The Municipal Manager may, in writing, delegate any of the powers entrusted or delegated to him or her in terms of Council's credit control and debt collection policy to the Chief Financial Officer.
- (3) A delegation in terms of subsection (2):-
- (b) Is subject to any limitations or conditions that the Municipal Manager may impose;
 - (c) (May authorise the Chief Financial Officer in writing, to sub-delegate duties and responsibilities to the Manager Income.
 - (d) The delegation does not divest the Municipal Manager of the responsibility concerning the exercise of the delegated power.
- (4) The Chief Financial Officer is accountable to the Municipal Manager for the implementation, enforcement and administration of this policy, and the general exercise of his powers in terms of this policy.
- (5) The Manager Income shall be accountable to the Chief Financial Officer for the sections of this policy delegated to the Manager Income in terms of the MFMA section 82.

6. UNSATISFACTORY LEVELS OF INDEBTEDNESS

- (1) If the level of indebtedness in a particular ward or part of the Municipality exceeds the level of the acceptable norm as determined in the Municipality's budget guidelines, the supervisory authority (Executive Mayor) must, without delay, advise the Councillor for that ward or part.
- (2) The Councillor concerned must without delay convene a meeting of the ward committee, if there is one, or convene a public meeting and report the matter to the committee or meeting for discussion and advice; and may make any appropriate recommendations to the supervisory authority.

7. APPLICATION FOR THE PROVISION OF MUNICIPAL SERVICES

- (1) A customer who requires the provision of municipal services must apply for the service from the Municipality. The application must be made on the prescribed form.
- (2) Applications may be made for the installation of a pre-paid water meter (new connection or replacement) at the prescribed fee as per the tariff policy.

- All outstanding amounts from the consolidated owner and tenants accounts has been settled in full, or
- An arrangement has been made to settle all outstanding amounts in full over the period of the arrangement.

~~(2)~~(3) The application for the provision of municipal services must be made by the registered owner of an immovable property only.

~~(3)~~(4) The Municipality will not consider an application for the provision of municipal services by a tenant of a property, or any other person who is not the owner of the property. The only exception will be:-

~~(a)~~ Individuals and Businesses with lease agreements or similar agreements to lease properties from the Municipality;

~~(a)~~(b) Government Departments;

~~(b)~~(c) The Body Corporate who take the responsibility for the payment of basic water, basic sewer and refuse removal services on behalf of the individual sectional title owners; and

~~(c)~~(d) Approved Indigent Customers for the purposes of registering and allocating the applicable subsidy to qualified indigent customers whom will be allowed to open an account in the name of the lessee of the property.

~~(4)~~(5) In case of existing arrangements where tenants have existing accounts, written permission of the owner may be requested from the owner by the Municipality. If the tenant is guilty of non-payment the owner, where permission has been granted, as a last resort is liable for the outstanding debt, except where the property concerned is owned by the Municipality' in which case the tenant remains liable.

In terms of section 102(3) of the Municipal Systems Act the Municipality must provide an owner of a property in its jurisdiction with copies of accounts sent to the occupier of the property for municipal services supplied to such a property if the owner requests such accounts in writing from the Municipality.

~~(5)~~(6) An agent may with a proxy open an account in the name of the owner.

~~(6)~~(7) The application for the provision of municipal services must be made in writing on the prescribed application form that is provided by the Municipality.

~~(7)~~(8) By completing the prescribed application form for the provision of municipal services the consumer of services enters into an agreement with the Municipality. Such agreement does not constitute a credit facility envisaged in terms of section 8(3) of the National Credit Act (NCA) but shall be incidental credit as envisaged in terms of section 4(6)(b) of the NCA, to which the NCA will only apply to the extent as stipulated in section 5 of the NCA.

~~(8)~~(9) The agreement with the Municipality makes provision for the following:-

(a) An undertaking by the occupier that he or she will be liable for collection costs including administration fees, interest, disconnection and reconnection costs, and any other legal costs occasioned by his or her failure to settle accounts by the due date on an attorney/ client basis;

- (b) An acknowledgement by the occupier that accounts will become due and payable by the due date notwithstanding the fact that the owner did not receive the account;
- (c) That the onus will be on the occupier to ensure that he or she is in possession of an account before the due date; and
- (d) An undertaking by the Municipality that it shall do everything in its power to deliver accounts timeously.

~~(9)~~(10) The application for the provision of municipal services shall be made at least fourteen (14) days prior to the date on which the services are required to be connected.

~~(10)~~(11) On receipt of the application for provision of municipal services, the Municipality will ensure that readings of metered services linked to the property are taken on the working day preceding the date of occupation. On receipt of the application for provision of municipal services, the Municipality will cause the reading of metered services linked to the property to be taken on the working day preceding the date of occupation.

~~(11)~~(12) The first account for services will be rendered after the first meter reading cycle to be billed following the date of signing the service agreement.

~~(12)~~(13) In case of new buildings being erected and a connection is made for the first time to the main service lines, the metering and levying of services actually consumed or received will take place as follows:-

- (a) Basic electricity (in the case of builders' connections) and sewer charges are levied with effect from the date when the connection is made to the main service line.
- (b) Basic electricity (if no builders' connection) and refuse removal charges are levied with effect from the date of the Occupancy Certificate issued by the Building Control Section.
- (c) Any connection date between the 1st and 15th of the month will be levied for a full month whilst any connection date after the 15th of the month will only be levied from the 1st of the following month.

~~(14)~~ ~~(13)~~ No new account will be opened where there are arrears of the owner or previous tenant.

8. DEPOSITS AND GUARANTEES

(1) On application for the provision of municipal services the customer deposit prescribed by Council shall be paid.

(2) No interest will be paid on any deposit held by Council.

(3) For the purposes of registering and allocating the applicable subsidy to qualified indigent customers, accounts will be opened for these customers without requiring any deposit. This is made possible through the fact that the value of services levied against these accounts is fully offset on a monthly basis against the applicable indigent subsidy. This arrangement will immediately terminate if the status of the indigent customer changes.

(4) The Chief Financial Officer may, in respect of business premises, accept an

- irrevocable bank guarantee in lieu of a deposit for the provision of municipal services by a business.
- (5) Existing customers moving to a new address are required to pay the prescribed customer deposit on application for the provision of municipal services at the new address.
- (6) The following customers will be exempted from paying any deposit:
- 6.1 Customers staying in informal settlements
- 6.2 Customers who did not pay deposit previously in terms of disestablished municipality policies
- 6.3 Approved indigent customers
- 6.4 Government Departments
- 6.5 Council's Departments
- (7) The minimum deposit is determined annually by Council and is contained in the tariff book produced annually.
- (8) The customer deposit paid on application for the provision of municipal services must be reviewed annually and may be increased or decreased upon written notice to customers. The calculations of the deposit amount are contained in the service charges procedure manual which is reviewed by Finance Directorate annually.
- (9) The developers will be compelled to pay the business deposit until the development is completed and occupational certificates issued. The residential deposit will then be payable by the registered owner of the property. The developer will then be refunded if no outstanding amounts are owed to the council.
- (10) Where the property has already being registered under the owner and no structure, the developer will be compelled to open a tenant account with the business deposit charge on it until the construction is completed.
- (11) On termination of the supply of services the amount of the deposit less any payment due to the Municipality will be refunded to an account holder, provided that payments due are less than the deposit paid, and that the account holder has provided a forwarding address.
- (12) The refund of the said deposit shall be processed once the water meter(s) has been transferred to the new owner.
- (13) If the Chief Financial Officer intends increasing the minimum deposit payable by the owner, then he or she shall, in the aforesaid notice, state full reasons for the increase, and allow the owner an opportunity to make written representations in this regard.
- (14) An aggrieved owner may, within a period of twenty one (21) days of having been notified of an increase in the minimum deposit payable, lodge an appeal against the decision of the Chief Financial Officer with the Municipal Manager.
- (15) The Municipal Manager shall, in his or her capacity as the appeal authority, consider the appeal, and confirm, vary or revoke the decision of the Chief Financial Officer, within a reasonable period.

9. ACCOUNTS AND BILLING

- (1) The Municipality shall provide all customers with a monthly consolidated account for municipal service rendered, which account shall be generated on a monthly basis in cycles of approximately thirty (30) days.
- (2) The monthly consolidated account can include property rates charges, in which case they shall comply with section 27 of the Municipal Property Rates Act No. 6 of 2004.
- (3) All accounts rendered by the Municipality shall be payable on the due date.
- (4) Account balances which remain unpaid after 30 days from the delivery date of the account shall attract interest on arrears, irrespective of the reasons for non-payment. Interest will be charged from the first working day of the month following the month in which the account becomes payable.

~~(5)~~ All accounts are payable as above regardless of the fact that the customer has not received the account, the onus being on the customer to obtain a copy of the account before the due date.

~~(5)~~

~~(6)~~ Accounts will be rendered using conventional postal services, hand delivery at the premises, mms/sms or by means of an email, if so requested by the consumer.
~~Accounts will be rendered using conventional postal services, hand delivery at the~~

~~(7)(6)~~ premises mms / sms or by means of an email if so requested by the customer.

~~(8)(7)~~ The municipality may –

- (a) consolidate any separate accounts of an account holder liable for payment to the Municipality; and
- (b) credit any payment by an account holder against any debt of that account holder.

10. RATES

- (1) Rates shall be billed annually and maybe recovered annually or monthly, as determined by the Municipality.
- (2) Property rates which are billed and recovered annually shall be billed in terms of the July account of each year.
- (3) Property rates may also be billed annually for a specific financial year but recovered in monthly instalments to assist its customers. In the case of the consolidated account of a customer being in arrear during a specific financial year the full amount becomes due and payable with immediate effect.
- (4) The tariffs to calculate property rates are determined annually, approved by Council and contained in the tariff book produced by the Municipality.

11. WATER CHARGES

- (1) The provisions of this policy, in respect of the supply of water to a customer, shall constitute the payment conditions of the Municipality as water services authority and

water services provider, contemplated in sections 4 and 21 of the Water Services Act No. 108 of 1997.

- (2) Service charges in respect of water shall be determined in accordance with metered consumption.
- (3) Monthly accounts shall be rendered for water consumption and the customer shall effect payment thereof by the due date.
- (4) Availability charges for water, where applicable, are levied annually for a specific financial year but recovered in monthly instalments to assist ~~its~~ customers. In the case of the consolidated account of a customer being in arrear during a specific financial year the full amount becomes due and payable with immediate effect. ~~With regards to pre-paid water meters, the monthly availability charge (or any potential accumulated availability charges) would need to be recovered first from any vended amount, before additional water units can be attributed for use on the consumer's prepaid water meter~~
- (5) The tariffs to calculate the water charges are determined annually, approved by Council and contained in the tariff book ~~and related schedules~~ produced by the Municipality.

12. REFUSE AND SEWER CHARGES

- (1) Refuse and Sewer charges are billed monthly.
- (2) Refuse and Sewer charges charged monthly are billed on the monthly accounts and the due date for the payment of the charges is as indicated on the accounts.
- (3) Availability charges for sewer, where applicable, are levied annually for a specific financial year but recovered in monthly instalments to assist its customers. In the case of the consolidated account of a customer being in arrear during a specific financial year the full amount becomes due and payable with immediate effect.
- (4) The tariffs to calculate the refuse and sewer charges are determined annually, approved by Council and contained in the tariff book produced by the Municipality.

13. SUNDRY CUSTOMER ACCOUNTS

- (1) Sundry customer accounts may be rendered by the Municipality from time to time.
- (2) Any sundry customer account shall be included in the monthly consolidated account produced by the Municipality.

14. FINAL ACCOUNTS

- (1) Upon receipt of a customer's application for the termination of municipal services, the Municipality shall:-
 - (a) take final readings in respect of metered municipal services;
 - ~~(a)(b) fully investigate the account to determine if the account was accurately billed;~~
 - ~~(b)(c)~~ prepare and render a final account;
 - ~~(c)(d)~~ appropriate the customer deposit for the reduction or settlement of any outstanding amount owed by the customer; and

~~(d)~~(e) return the customer deposit to the customer in the event that no amount is owed to the Municipality.

~~(e)~~(f) All unfavourable balances must be paid before the account can be closed".

~~(f)~~(g) The customer must apply for a refund where there is a favourable balance on the final account".

~~(g)~~(h) Deposits/credits that are not claimed for a period exceeding three years will be written off and may not be claimed after the write-off.

15. METERING OF MUNICIPAL SERVICES

- (1) The Municipality may introduce various metering equipment and may encourage customers to convert to a system which is preferred by the Council when Council considers this to be beneficial to its functioning and operations.
- (2) Water consumption is measured with credit and ~~pre payment~~ water meters.
- (3) Customers may apply to Council for the installation of a ~~pre payment~~ water meter in place of a credit meter at the cost of the customer.
- (4) Where a customer has successfully applied for indigent status the credit meter for water may be changed to a ~~pre payment~~ electricity or water meter at the cost of the Council.
- (5) For all new ~~and replacement of existing~~ connections, a pre-paid meter shall be installed ~~where applicable~~ or practical.
- (6) The following applies to the reading of credit meters:-
 - (a) Credit water meters are read at in cycles of approximately 30 days.
 - (b) If for any reason the credit water meters cannot be read, the Municipality will render an account based on estimated consumption. The estimate will be based on the average of the previous 12 months consumption.
 - (c) The account based on estimated consumption will be adjusted in the subsequent account based on the actual consumption.
 - (d) The customer is responsible to ensure access to metering equipment for the purpose of obtaining meter readings for billing purposes. Municipal Law enforcement may be utilized where necessary to ensure access to the metering equipment.
 - (e) Customers can, for reasons of non-accessibility to their properties by meter readers, provide the Municipality with monthly meter readings for billing purposes, provided that an audit reading can be obtained by the Municipality once every six months and provided that a final reading can be obtained should the customer vacate the property.
 - (f) If any calculation, reading or metering error is discovered in respect of any account rendered to a customer:-
 - (i) the error shall be corrected in the account subsequent to the month of discovering the error;

- (ii) any such correction in favour of Council may apply in respect of an account from a date no more than three calendar years back from the date on which the error on the account was discovered;
 - (iii) any such correction in favour of the customer may apply in respect of an account from a date no more than three calendar years back from the date on which the error on the account was discovered; and
 - (iv) the correction shall be based on the tariffs applicable during the period.
- (g) Any water leakage discovered on the side of the customer will be the responsibility of the customer.
- (7) The following applies to **pre-paid payment** metering:-
- (a) **Pre-paid payment** water is purchased at **pre-paid payment** vending points for consumption after the date of purchase.
 - (b) Amounts tendered for the purchase of **pre-paid payment** water will not be refunded after the **pre-paid payment** meter voucher has been produced.
 - (c) On request of the customer, copies of the previous **pre-paid payment** meter vouchers will be produced. Lost vouchers will not be replaced under any circumstances.
 - (d) Credits remaining in the **pre-paid payment** meter will not be refunded when a premises is vacated by a customer or in case of purchasing against a wrong account.
 - (e) The Municipality shall not be liable for the reinstatement of credit in a **pre-paid payment** meter due to tampering with, or the incorrect use or abuse of **pre-paid payment** meters.
 - (f) The Municipality may appoint vendors for the sale of pre-paid water but does not guarantee the continued operation of any vendor.
 - (g) The Municipality may apply all the debt collection functions available on the **pre-paid payment** system to collect all arrear debt on the account of the customer including, but not limited to the systematic reduction of water and other debt through the use of water vending mechanisms.

16. PAYMENT OF ACCOUNTS

- (1) All accounts rendered by the Municipality are due and payable on the due date.
- (2) All payments, whether made by cash, stop order, electronic payments or payments made through duly authorized agents must be receipted by the Municipality by the close of business on the due date.
- (3) Cheques will not be accepted as payment for all municipal services except with the approval of the City Manager or the Chief Financial Officer. Only cash (or credit- or debit cards where available), direct deposits and third party receipts (SAPO, Pay@ etc.) will be accepted as payment. Only Attorney cheques will be accepted for clearance purposes when transferring property.
- (4) Accounts rendered by the Municipality can be paid at any municipal cashier office and any other pay point as determined by the Municipal Manager from time to time.

- (5) The payment methods and facilities supported by the Municipality can be used to make payments on accounts.
- (6) Payments received in respect of rates and service charges will be allocated by the Municipality entirely within its discretion, on the account of the customer.
- (7) Part payment received on an account shall be allocated firstly to reduce any penalty charges, administration costs, legal fees, interest and capital charges that may have accrued on the account.
- (8) An official receipt issued by the Municipality or its duly authorized agent will be the only proof of payments made.

~~(8)(9) Pre-paid water vending may be used to recover any arrear debt~~

17. INTEREST ON ARREAR DEBT

- (1) Account balances which remain unpaid 30 days after the delivery date of an account shall attract interest irrespective of the reason for non-payment.
- (2) Interest on arrear debt shall, subject to sub-clause (1) above, be calculated for each month, or part thereof, for which such payment remains unpaid.
- (3) Interest will be charged from the first working day of the month following the month in which the account becomes payable.
- (4) In case of outstanding debt owed by Residential Households, no further interest shall be charged on any outstanding amounts in respect of which an agreement had been concluded for the payment by way of instalment thereof, provided the instalments are paid in full by the due dates thereof and there client does not default on the arrangements.
- (5) Interest shall be charged on all overdue accounts (interest will be charged at prime +1% on all accounts older than 30 days calculated from the last transaction date) Interest shall be levied on all accounts and services except for the following categories:
 - Housing rentals and;
 - All selected government accounts.

18. ENQUIRIES AND APPEALS

- (1) Any aggrieved person may address a grievance or query regarding charges for municipal services to the Chief Financial Officer in writing or may visit any customer care office provided by the Municipality.
- (2) Every customer has the right to ask and to be provided with a clear explanation as to the services being charged and a breakdown of all amounts shown on their account.
- (3) The aggrieved person shall clearly state the basis of his or her dissatisfaction and the desired resolution.
- (4) The lodging of an inquiry shall not relieve the aggrieved person of the responsibility to settle his or her account. An interim payment similar to an average account must be paid by the due date pending finalisation of the enquiry.

- (5) The Municipality will respond to all inquiries from customers within 30 days from the lodging of the enquiry.
- (6) Additional statements shall be provided by the municipality at an additional cost for the consumer.

19. LIMITATION, DISCONNECTION OR DISCONTINUATION OF SUPPLY

- (1) An account rendered to a customer by the Municipality in respect of rates or municipal services, including the collection and disposal of refuse, electricity, water and sewerage services shall be paid by the due date.
- (2) If the customer fails to pay any account within a period of fourteen (14) days after the expiry of the due date, then:-
 - (a) the Municipality may limit, disconnect or discontinue the supply of water to the immovable property in question;
 - (b) Subject to the provisions of sections 28 and 29 of the Municipal Property Rates Act, 2004 (Act 6 of 2004), the right to deny, restrict, disconnect or terminate services due to the non-payment for any rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation prevails notwithstanding the fact that –
 - (i) payment was intended for any specific service; or
 - (ii) the person who entered into a service agreement for supply of services with the municipality and the owner are different entities or persons, as the case may be.
 - (c) The Chief Financial Officer or any duly authorised person may instruct attorneys to recover the outstanding amounts owed.
- (3) The limitation, disconnection or discontinuation of the supply of water shall be effected in the manner that is customarily used or by taking such reasonable and lawful steps as may be necessary.
- (4) Any disbursements or charges incurred or raised in respect of the limitation, disconnection or discontinuation of the supply of water shall be paid by the customer.
- (5) Prior to the limitation, disconnection or discontinuation of the supply of water as per paragraph 20(2) above, the Municipality or Municipal Entity shall:-
 - (a) provide the customer with adequate notice, including:-
 - (i) the date and time of the proposed limitation, disconnection or discontinuation;
 - (ii) the reason for the proposed limitation, disconnection or discontinuation;
 - (iii) the place at which the customer can challenge the basis of the proposed limitation, disconnection or discontinuation; and
 - (b) allow the customer fourteen (14) days within which to challenge or make representations.

- (6) The limitation, disconnection or discontinuation of the supply of water shall not result in a customer being denied access to basic water services for non-payment, where the customer proves, to the satisfaction of the Municipality, that he or she is unable to pay for basic water services.
- (7) If a customer unlawfully reconnects, tempers with the metering system or attempts to reconnect a supply of water that has been limited, disconnected or discontinued, then -
 - (a) the Municipality may disconnect or discontinue the supply entirely by removing the service connection from the premises; and
 - (b) any disbursements, penalties or reconnection charges, together with any outstanding amounts owed in respect of rates or municipal services, must be paid in full before a reconnection can be made.
- (8) Subject to the provisions of this policy, the Chief Financial Officer or any person duly authorised thereto may enter into an arrangement with a defaulter for the payment of an outstanding account, in which event -
 - (a) payment may be made by way of instalments; and
 - (b) the normal supply of water to the premises shall be resumed.
- (9) Any defaulter who enters into a bona fide arrangement with the Municipality for the settlement of arrears, and who fails to honour the terms of such arrangement, shall not be allowed to enter into any further arrangement with the Municipality.
- (10) Any customer already handed over to a debt collector or attorney is not allowed to make any arrangement with the Municipality for the payment of such an account and must be referred to the relevant debt collector or attorney attending to the account handed over.
- (11) In the case of a customer where the supply of water has been limited, disconnected or discontinued at least twice during the preceding period of twelve (12) months, the Municipality may review the amount of the customer deposit required from such customer.
- (12) The Municipality must provide an owner of a property in its jurisdiction with copies of accounts sent to the occupier of the property for municipal services supplied to the property if the owner requests such accounts in writing from the Municipality.
- (13) The Municipality must provide an owner of a property in its jurisdiction with copies of any agreement entered into with the occupier of the property for the payment of an outstanding account if the owner requests such agreement in writing from the Municipality.
- (14) The owner of a property may request in writing the disconnection services where a tenant owes the services account
- (15) Where appropriate, the Municipality must at all times attempt to advise an account holder of an impending disconnection or restriction of a supply, and the following mechanisms may be applied should an account holder fail to settle a municipal account by the due date:
 - (a) Delivering or mailing, emailing, sms or mms of a final demand and explaining to the account holder the status of the account and the consequences of not paying or concluding an arrangement;

- (b) Informing the account holder verbally, in writing, by telephone ,by sms, mms or by electronic means of the overdue amount and the impending disconnection or restriction of services;
- (c) Disconnecting or restricting the supply of municipal services to the premises and the serving of a disconnection or restriction notice on the account holder; or
- (d) Debiting the municipal account of the account holder with all relevant fees or penalties approved by the municipality, legal costs and any other costs associated with collection of monies due

Where the metered supply had been disconnected or restricted, and should the account holder still fail to pay the account, the premises may be revisited at regular intervals to ensure that the metered supply remains disconnected or restricted, and if it is found that the supply which had been disconnected or restricted previously has been restored –

- (a) The municipality has the right to take whatever action is required in terms of section 31, and the account holder is responsible for the relevant fees or charges or damages caused;
 - (b) The municipality may refuse to supply services for a period determined by the municipality ; and
 - (c) In the instance of the use of a pre-paid meter, the municipality may cease further vending of pre-paid services.
- (16) Where a duly authorised officer of the municipality has visited the premises for the purpose of disconnecting or restricting the supply and was obstructed or prevented from effecting such disconnection or restriction, an amount equal to the prescribed fee for a reconnection becomes payable for each visit necessary for the purpose of such disconnection or restriction, subject to a maximum of two such visits during which disconnection or restriction could not be effected.
- (17) The municipality may use any one or more of the following mechanisms to secure full payment of any amounts owing to it:
- (a) Restricting or denying the sale of pre-paid services to an account holder, or disconnecting any pre-paid metering system of an account holder, who is in arrears with other services, **the municipality may apply the systematic redemption of arrear balances as part of prepaid money vended.**
 - (b) requiring the account holder to convert to another metering system;
 - (c) allocating a portion of any pre-paid payment to other debts;
 - (d) releasing debtor information to a credit bureau;
 - (e) publishing a list of account holders who remain in default;
 - (f) withholding payment of a grand-in-aid and excluding the account holder from the tender process;
 - (g) withholding payment on contracts for settlement of the municipal account;
 - (h) reviewing and altering the conditions of the service agreement;

- (i) instituting legal proceedings for the recovery of the debt;
- (j) classifying the account holder as an unreliable customer;
- (k) using the services of external debt collection specialists or agencies;
- (l) insisting on conversion to pre-paid metering at the cost of the account holder; or
- (m) employing any other methods authorised by the municipality from time to time to recover arrear amounts.
- (n) in the event that the customer claims damage from the municipality, the municipality will have a right to withhold such a claim until the claimant has paid of full for all outstanding services as well as rates and taxes.

20. RECOVERY OF RATES FROM OWNERS, TENANTS, OCCUPIERS AND AGENTS

- (1) The Municipality may utilise the procedures prescribed in terms of section 20 of this policy to recover rates arrears from the owner of immovable property.
- (2) Any limitation, disconnection or discontinuation of the water supply, for the purposes of sub-section (1), shall be effected subject to the requirements contained in section 20 of this policy.
- (3) Alternatively to sub-section (1), above, the Municipality may recover rates arrears in whole or in part from a tenant or occupier of the immovable property, despite any contractual obligation to the contrary on the tenant or occupier. The Municipality may recover an amount only after the Municipality has served a written notice on the tenant or occupier.'
- (4) The amount the Municipality may recover from the tenant or occupier of a property is limited to the amount of rent or other money due and payable, but not yet paid, by the tenant or occupier to the owner of the property.
- (5) Any amount the Municipality recovers from the tenant or occupier of the property must be set off by the tenant or occupier against any money owed by the tenant or occupier to the owner.
- (6) The tenant or occupier of a property must, on request by the Municipality, furnish the Municipality with a written statement specifying all payments to be made by the tenant or occupier to the owner of the property for rent or other money payable on the property during a period determined by the Municipality.
- (7) The Municipality may, despite the Estate Agents Affairs Act 1976, recover the amount due for rates on a property in whole or in part from the agent of the owner, if this is more convenient for the Municipality.
- (8) The Municipality may recover the amount due for rates from the agent of the owner only after it has served a written notice on the agent.
- (9) The agent must, on request by the Municipality, furnish the Municipality with a written statement specifying all payments for rent on the property and any other money received by the agent on behalf of the owner during a period determined by the Municipality.

- (10) The amount the Municipality may recover from the agent is limited to the amount of any rent or other money received by the agent on behalf of the owner, less any commission due to the agent.

21. DEBT COLLECTION

(1) Handover of debt to debt collectors

- (a) Debts which have been outstanding for more than 90 days from due date may be handed over to debt collectors appointed by the Municipality for the purposes of collecting such debt.
- (b) The relevant debt collectors must ensure that the stipulations contained in the NCA with respect to incidental credit are duly complied with.
- (c) If the debt collectors are unsuccessful in collecting the debt within 90 days of same being handed over, the debt may be handed over for the recovery thereof by means of formal litigation processes.
- (d) Only the Chief Financial Officer may hand over debts to attorneys for collection, and the Chief Financial Officer shall hand such debts over to attorneys for collection if they have not been collected by debt collectors within the aforementioned period of ninety (90) days, unless the Chief Financial Officer is of the opinion that it shall not be cost effective to do so.
- (e) If the Chief Financial Officer is of the opinion that it is appropriate to do so (such as in cases of urgency), he or she may hand over debts for collection to attorneys at any time prior to the expiration of any of the periods referred to above and without first handing them to debt collectors.
- (f) The following types of debt will not be handed over to debt collectors.
 - (i) Debts of indigent customers that are registered as indigent at the date of handover.
 - (ii) Government debt.
 - (iii) Debt that is being paid off as per an arrangement with the customer, **provided that the customer do not default on the arrangement.**
- (g) The process of collecting debt by debt collectors includes:-
 - (i) Phoning of customers.
 - (ii) Sending an sms to customers.
 - (iii) Sending out demand letters.
 - (iv) Making arrangements with customers to pay off debt in terms of the Council's credit control and debt collection policy.
 - (v) Making follow-up contact with customers on unpaid arrangements.

(2) Handover of debt for formal litigation processes

- (a) Debts which have been outstanding for more than 90 days from due date may be handed over to attorneys appointed by the Municipality for the purposes of collecting such debt through legal collection.
- (b) The following types of debt will not be handed over to attorneys:-
 - (i) Debt of approved indigent customers that has not yet been written off by the council.
 - (ii) Debt that is being paid off as per an arrangement with the customer, **provided that the customer does not default.**
- (c) The process of legal collection includes:-
 - (i) Final demands for payment to customers.
 - (ii) Emolument attachment orders on customer's salaries.
 - (iii) Summons issued for debt to be paid.
 - (iv) Default judgment be obtained against the customer.
 - (v) The attachment of moveable properties and sale in execution of moveable property
 - (vi) The attachment of immovable property and the sale of immovable property.
- (3) Withholding or off setting grants-in-aid.

The Municipality provides annual grants-in-Aid to Institutions on application. If an institution is in arrear with its services account, then the Municipality will withhold the grant-in-aid or the grant-in-aid will be off set against the arrear debt with the Municipality.
- (4) Section 118 of the Local Government: Municipal Systems Act No 32 of 2000.
 - (a) The Municipality will issue a certificate required for the transfer of immovable property in terms of Section 118 of the Systems Act, which is lodged with the Municipality in the prescribed manner.
 - (b) This is subject to all amounts that became due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for the certificate have been fully paid.
 - (c) Debt older than two years on the property irrespective of whether the owner of the property accumulated the debt will also have to be paid by the owner or the potential buyer.
 - (d) If the owner refuses to pay the debt which is older than two years then the Municipality will apply to a competent Court for an order in the following terms:-
 - (i) In the case where there is already a judgment for the payment of the amount, an order that the judgment debt be paid out of the proceeds of the sale, before the mortgage debt is settled.

- (ii) In the case where there is no judgment debt, for an order staying transfer of the property pending the finalisation of a civil action to be instituted against the person who is in law liable for the payment of the outstanding debt.
 - (iii) The above action must be taken before the property is transferred as the statutory lien created by Section 118(3) of the Act only endures until the property has been transferred and in terms of Section 118(5) of the Act the new owner of the property cannot be held liable for the debt that became due before a transfer of a residential property took place.
 - (iv) In addition to the steps provided above the Municipality is also entitled to immediately proceed with formal litigation processes for the recovery of the debt older than two years.
- (e) Rates Clearance Certificates:-
 - (i) will be valid for up to 60 days;
 - (ii) no extension on a certificate will be granted. If it expires a new application for clearance must be made; and
 - (iii) outstanding services on properties may only be recovered for a maximum of two years in terms of a Rates Clearance Certificate. Debt older than two years will be dealt with in terms of paragraphs 22(4)(c) and 22(4)(d) above.
 - (iv) All files where clearance certificates have been issued must be closed and the commission or any legal cost must be referred to the transferring attorney
 - (v) The municipality will not process a refund on cancellation of sale after clearance certificate was issued".
 - (vi) The municipality may issue either a manual or electronic clearance certificate
- (5) Debt of approved indigent customers written off
 - (a) Upon registration as an indigent household, the arrears on the account of the applicant will be written off, **subject to Council approval.**
 - (b) Where restriction of consumption applies to a particular service, applicants may not refuse to be restricted in terms of Council policy. Where restrictions are not possible the account holder will be responsible for the consumption in excess of the approved subsidy.
 - (c) The writing off of any arrears is strictly subject to the provision that the property may not be sold within a period of three years from the date that the owner qualify as a registered indigent. In the case of the property being sold inside a period of three years the arrear debt, excluding any further accumulated interest, will be recovered before a clearance certificate is issued. This paragraph does not apply to change of ownership of the deceased if the surviving spouse of dependents takes over the property and qualify as indigents.
- (6) Other debt collection methods
 - (a) The debt collection methods mentioned in the paragraphs above are not an exhaustive list of methods that can be applied to collect debts and any other methods that can be initiated will be implemented with the approval of Council.

(7) Debt Collection Costs

- (a) Any costs, which include collection costs, administration costs, charges, disbursements and legal costs relating to any of the debt collection methods applied to collect the debt may only be recovered from the defaulting customer within the provisions of the NCA and any other prescribed legislation.

22. ARRANGEMENTS TO PAY ARREAR DEBT

(1) Arrangements to Pay Outstanding and Due Amounts in Consecutive Instalments - Residential Households

- (a) One of the key objectives of debt collection is to encourage customers to start paying their monthly accounts in full. In addition it is also necessary to ensure that arrear debt is addressed. The current average balances on customer accounts necessitate that innovative ideas be implemented to encourage customers to pay off their arrears. At the same time it is also of utmost importance that regular payers not be discouraged through the implementation of any possible incentives.
- (b) The main aim of an agreement will be to promote full payment of the current account and to address the arrears on a consistent basis. At the date of the arrangement a minimum of 30% of the capital arrear debt must be paid immediately for residential customers". The minimum amount less than 30% may be recommended by the Chief Financial Officer.
- (c) A customer may enter into a written agreement with the Municipality to repay any outstanding and due amount to the Municipality under the following conditions:-
- (i) The outstanding balance, costs and any interest thereon shall be paid in regular and consecutive monthly instalments;
- (ii) The current monthly amount must be paid in full; and
- (iii) The written agreement has to be signed on behalf of the Municipality by a duly authorised officer.
- (iv) The agreement will be compliant with the requirements of the National Credit Act where applicable.
- (d) In order to determine monthly instalments a comprehensive statement of assets and liabilities of the customer must be compiled by a treasury official. To ensure the continuous payment of such arrangement the amount determined must be affordable to the customer, taking into account that payment of the monthly current account is a prerequisite for concluding an arrangement.
- (e) The Municipality may from time to time introduce incentive schemes to improve the debt collection rate.
- (f) A customer who cannot pay their arrear debt may enter into an arrangement to pay the account over an extended period of time.
- (g) During the time of the debt collection process, but before the debt is handed over to the attorneys a customer may enter into an arrangement to payoff arrear debt, which will be made an order of court by agreement in terms of the Rules of the Court.

- (h) No arrangements will be entertained by the Municipality on a debt that has been handed over for legal collection.
- (i) The Municipality will entertain only one arrangement with a customer to pay off arrear debt. Failure to abide by the arrangement will result in that:-
 - (i) the arrangement shall be terminated with immediate effect; and
 - (ii) the outstanding balance shall immediately become due and payable;
- (j) The customer by signing the arrangement agreement to pay off arrear debt acknowledges the following: -
 - (i) The debt is owed to the Municipality.
 - (ii) That on default of the arrangement agreement, interest on arrears will be charged on the amount due, water supply will be disconnected to the property of the customer or the customer will be blocked from the purchase of on the prepayment system, and legal proceedings will be instituted to collect the debt.
 - (iii) Any costs, which include collection costs, charges, disbursements and legal costs relating to any of the debt collection methods applied to collect the debt may only be recovered from the defaulting customer within the provisions of the NCA.

(2) Arrangements by businesses

- (a) At the date of the arrangement a minimum of 50% of the capital arrear debt must be paid immediately and any variance on the minimum shall be recommended by the Chief Financial Officer for approval by the City Manager. A report on all businesses that negotiated payments less than the 50% threshold shall be reported quarterly to Council.
- (b) The balance of the debt which includes the capital amount and interest must be paid over a 6 to 12 month period provided payments are made monthly by the due date. Only the Chief Financial Officer may approve any extension on this arrangement.
- (c) The total monthly instalment must include the current monthly charges plus the amount to pay off arrear debt.
- (d) Arrangement by businesses to pay off arrear debt will only be entertained for debt on which debt collection actions have been taken and which actions are in an advanced stage.
- (e) During the time of the debt collection process, but before the debt is handed over to the attorneys a customer may enter into an arrangement to pay off arrear debt, which will be made an order of court by agreement in terms of the Rules of the Court.
- (f) No arrangements will be considered by the Municipality on a debt that has been handed over for legal collection (litigation).
- (g) Failure to maintain the arrangement will result in interest being reversed and full debt collection being implemented, with no possibility of reprieve.

- (h) Any arrangement outside of the foregoing must be approved by the Municipal Manager. This function cannot be delegated.

23. INDIGENT CUSTOMERS

- (1) An account holder (customer) must apply, in the prescribed manner, to be regarded as an indigent customer as defined in the Indigent Policy approved by the Council.
- (2) Any person who has been declared indigent shall be entitled to indigent subsidies for basic services on a basis determined by Council from time to time.
- (3) The approved account holder shall remain responsible for any outstanding amount at the date of application as well as for future excess charges.
- (4) The arrears on the accounts of households, approved as indigent, will be submitted to Council to be written off in full. This submission will only be valid as a once-off exercise after approval and will not be applicable for future consumption in excess of the approved subsidy accumulated.
- (5) Where applicable, indigent customers must have their credit electricity and water meters converted to prepayment electricity and water meters.
- (6) Indigent customers with credit electricity and water meters are required to pay their current monthly account, which is the amount after the indigent subsidy has been deducted, every month by the due date, until the conversion to a prepaid meter has been made.

24. DEBT OF ABSCONDED OWNERS

The occupant of the property must sign an agreement in which the occupant agrees to pay all property rates and service charges that are to be raised on the property of the absconded registered owner's property.

25. STAFF AND COUNCILLORS - PAYMENT OF ARREARS

- (1) All existing staff and Councillors who have not entered into an agreement to pay arrears must do so within thirty days of the approval of this policy by Council.
- (2) All staff members joining the Municipality must within thirty days sign an agreement to pay arrears.
- (3) The repayment period for both Councillors and staff is not to exceed twelve months.
- (4) All agreements with Councillors must not exceed the expiry date of the term of office.
- (5) Salary deduction in terms of section 10 of schedule 2 of the Municipal Systems Act will be implemented on all staff members and councillors with arrears on their account irrespective of whether they enter into an arrangement or not. .

26. ADMINISTRATION ORDERS - PAYMENT OF ARREARS

- (1) On notification that an order for administration in terms of section 74 of the Magistrates Court Act, 1944 order has been granted, Council will manage the debt that is part of the administration order separately to the current account.

- (2) Interest on arrears will not be charged from the date of notification order for administration. However, interest will be charged immediately thereafter rehabilitation process has been concluded.
- (3) The customer will be responsible for the payment of the current monthly account and if the customer defaults on the payment of the account, debt collection action will be implemented, however the administration order will be taken into account

27. WRITE OFF OF IRRECOVERABLE DEBT

- (1) The objective to write off irrecoverable debt is to have a debt book that does not reflect irrecoverable debt.
- (2) For this purpose Council should adopt and implement a write off policy to formalise the processes for writing off such debts.

28. CERTIFICATES REQUIRED FOR TENDERS

- (1) A person or an institution reacting to a tender published by the Municipality or wishing to enter into a contract to either provide services or goods to the Municipality must produce a certificate, on the prescribed form, which states that regular payment of rates and services accounts are maintained and that the account is currently up to date.
- (2) A person who fails to provide such a certificate shall be disqualified from the tendering process.
- (3) A person who has an existing arrangement with the Municipality for the payment of arrears shall be exempted from (1) and (2) to the extent of the arrears.
- (4) The municipality reserves the right to extend clause (3) above to the registered directors of the prospective bidders.
- (5) The municipality may withhold payments to its creditors if the creditors including its directors owe municipality for rates or services.

29. PRIMA FACIE EVIDENCE

A certificate endorsed by the municipal manager, reflecting the amount due and payable to the Municipality, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness reflected therein.

30. OFFENCES AND PENALTIES

- (1) Any person who:-
 - (a) fails to give the access required by a duly authorised representative of the Municipality in terms of this policy;
 - (b) obstructs or hinders a duly authorised representative of the Municipality in the exercise of his or her powers or performance of functions or duties in terms of this policy;
 - (c) unlawfully uses or interferes with municipal equipment or the consumption of services supplied to any customer;
 - (d) tampers with or breaks any seal on a meter or on any equipment belonging to the Municipality, or causes a meter not to register properly the service used;

- (e) fails, or refuses, to give a duly authorised representative of the Municipality such information as he or she may reasonably require for the purpose of exercising or performing his or her powers or functions in terms of this policy, or gives such representative false or misleading information, knowing it to be false or misleading; or
 - (f) contravenes, or fails to comply with, a provision of this policy,
- shall be guilty of an offence.

31. REPORTING ON PERFORMANCE MANAGEMENT

- (1) The Chief Financial Officer shall report monthly to the Municipal Manager in a suitable format to enable the Municipal Manager to report to the Executive Mayor as Supervisory Authority in terms of section 99 of the Systems Act, read with section 100(c).
- (2) The Executive Mayor as Supervisory Authority shall, at intervals of three (3) months, report to Council as contemplated in section 99(c) of the Systems Act.
- (3) This report shall contain particulars on cash collection statistics, showing high-level debt recovery information including amongst others numbers of customers, enquiries, arrangements, default arrangements, growth or reduction of arrear debt.
- (4) Where possible, the statistics should ideally be divided into wards, business (commerce and industry), domestic, state, institutional and other such divisions.
- (5) If in the opinion of the Chief Financial Officer, the Municipality will not achieve cash receipt income equivalent of the revenue projected in the annual budget as approved by Council, the Chief Financial Officer will report this with motivation to the Municipal Manager who will, if in agreement with the Chief Financial Officer, immediately move for a revision of the budget according to realistically realisable income levels.

32. PROPERTY MANAGEMENT LEASES

The procedure for the recovery of arrears on leases will be in accordance with the conditions contained in the relevant lease contract and this policy will be applied if deemed appropriate by the Chief Financial Officer

33. POWER OF ENTRY AND INSPECTION

- (1) For any purpose related to the implementation or enforcement of this policy, and at all reasonable times, or in an emergency, a duly authorised representative of the Municipality may enter premises, request information and carry out such inspection or examination, as he or she may deem necessary:-
 - (a) with regard to the installation or repair of any meter or service connection or reticulation; or
 - (b) so as to limit, discontinue, disconnect or reconnect the provision of any service.
 - (c) To take readings for consumption of water.
- (2) If the Municipality considers it necessary that work be performed to enable the afore stated authorised representative to perform a function referred to in subsection (1) properly and effectively, then it may:-

- (a) by written notice require the owner or occupier of the premises, at his or her own expense, to do specific work within a specified period; or
- (b) if, in its reasonable opinion, the situation is a matter of urgency, then the Municipality may do such work, or cause it to be done, at the expense of the owner or occupier, and without written notice.
- (3) If the work referred to in subsection (2)(b) above is carried out for the sole purpose of establishing whether a contravention of this policy has been committed, and no such contravention has taken place, then the Municipality shall bear the expense connected therewith, together with the expense of restoring the premises to its former condition.

34. NOTICES

- (1) A notice or document issued by the Municipality in terms of this policy shall be deemed to be duly issued if signed by a duly authorised representative of the Municipality.
- (2) If a notice is to be served on a person in terms of this policy then such service shall be effected by:-
 - (a) delivering the notice to him or her personally, or to his or her duly authorised agent;
 - (b) delivering the notice at his or her residence or place of employment, to a person apparently not less than 16 (sixteen) years of age, and apparently residing or employed there;
 - (c) if he or she has nominated an address for legal purposes, delivering the notice to such an address;
 - (d) registered or certified post, addressed to his or her last known address;
 - (e) in the case of a body corporate, delivering it to the registered office or the business premises of such a body corporate; or
 - (f) if service cannot be effected in terms of the afore going subsections, by affixing it to the principal door of entry to the premises or displaying it in a conspicuous place on the property to which it relates.

35. BY-LAWS

- (1) The Municipality may promulgate by-laws regarding:-
 - (a) any matter required, or permitted, to be prescribed in terms of this policy; and
 - (b) generally, all matters which, in the reasonable opinion of the Municipality, are necessary, or expedient, to be prescribed, in order to achieve the objects of this policy.

36. REPEAL OF POLICY

Any policy relating to credit control and debt collection adopted by the Municipality or any erstwhile municipal council now comprising an administrative unit of the Municipality shall be repealed from the date of promulgation of this policy.

37. PUBLICATION OF POLICY

The Municipal Manager shall, within 14 days from the date of adoption of this Policy by the Council, by public note draw the attention of the public to its broad contents and method of application.

38. APPLICATION OF THE POLICY

- (a) The Council reserves the right to differentiate between different categories of customers, debtors, services or service standards when applying this Policy. The Council will on application of the credit control policy avoid discrimination as forbidden by the Constitution unless it is established that the discrimination is fair as allowed by the Constitution.
- (b) If any provision of this policy is unenforceable at law, such provision shall be severed from the remaining provisions of this policy and the remaining provisions of this policy shall not be affected and shall remain of full force and effect.

39. IMPLEMENTATION AND REVIEW OF THIS POLICY

- (1) This policy shall be implemented once approved by Council. All future credit control actions must be made in accordance with this policy.
- (2) In terms of section 17(1)(e) of the MFMA this policy must be reviewed on annual basis and the reviewed policy tabled to Council for approval as part of the budget process.