

# **DIHLABENG LOCAL MUNICIPALITY**



**DRAFT TARIFF POLICY  
EFFECTIVE 1 JULY 2019**

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## 1. PREAMBLE

This Policy is made in terms of Section 96 of the Municipal Systems Act, 2000 (Act 32 of 2000) and the Dhlabeng Local Municipality: Credit Control Bylaws

This policy has been compiled in accordance with the Local Government Municipal Systems Act, Act no 32 of 2000. The Council of the municipality, in adopting this policy on Credit Control and Debt Collection, recognizes its constitutional obligations as set out in Chapter 7 of the Constitution and Chapter 9 of the Municipal Systems Act, to develop the local economy and to provide acceptable services to its residents. It simultaneously acknowledges that it cannot fulfill these constitutional obligations unless it exacts payment for the services which it provides and for the taxes which it legitimately levies in full from those residents who can afford to pay, and in accordance with its indigent relief measures for those who have registered as indigents in terms of the Council approved indigent management policy.

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 153 (a) of the Constitution provides that a municipality must structure its administration, budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community;

AND WHEREAS section 195 (1) of the Constitution provides that the public administration must be governed by the democratic values and principles enshrined in the Constitution, including-

- The promotion of the efficient, economic and effective use of resources;
- The provision of services impartially, fairly, equitably and without bias; and
- The fact that people's needs must be responded to.

AND WHEREAS section 4 (1) (c) of the Local Government: Municipal Systems Act 33 of 2000 ('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 Municipal 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 debtors, pay promptly for services fees, surcharges on fees, other taxes, levies and duties imposed by the municipality;

AND WHEREAS section 6 (2) (c), (e) and (f) of the Systems Act provides that the administration of a municipality must take measures to prevent corruption; give members of a local community full and accurate information about the level and standard of municipal services that they are entitled to receive; and inform the local community about how the municipality is managed, of the costs involved and the persons in charge;

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.

IT IS HEREBY ADOPTED: a COLLECTION POLICY: CREDIT CONTROL and DEBT MANAGEMENT POLICY of the DIHLABENG Local Municipality.

## 2. DEFINITIONS

In this policy:

“**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.

“**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.

“**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.

“**Consumer price index**” shall mean the CPIX as determined and gazetted from time to time by STATS SA.

“**Chief financial officer**” means a person designated in terms of section 80(2)(a) of the Municipal Finance Management Act.

“**Councillor**” shall mean a member of the council of the municipality.

“**Domestic consumer or user**” of municipal services shall mean the person or household which municipal services are rendered in respect of “residential property” as defined below.

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

“**Integrated development plan**” shall mean a plan formulated and approved as envisaged in Section 25 of the Municipal Systems Act 2000, as amended.

“**Local community**” or “**community**”, in relation to the municipality, shall mean that body of persons comprising the residents of the municipality, the ratepayers of the municipality,

any civic organisations and non-governmental, private sector or labour organisations or bodies involved in local affairs within the municipality, and 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.

**“Month”** means one of twelve months of a calendar year.

**“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 Dihlabeng Local Municipality.

**“Municipal council” or “council”** shall mean the municipal council of Dihlabeng Local Municipality as referred to in Section 157(1) of the Constitution.

**“Municipal entity”** shall mean (a) a company, co-operative, trust, fund or any other corporate entity established in terms of any applicable national or provincial legislation, and which operates under the ownership control of one or more municipalities; or (b) a service utility.

**“Municipal manager”** shall mean the person appointed in terms of Section 82 of the Municipal Structures Act, 1998.

**“Multiple purposes”** in relation to a property, shall mean the use of a property for more than one purpose.

**“Municipal service”** has the meaning assigned to it in terms of Section 1 of the Municipal Systems Act.

**“Basic Municipal Services”** has the meaning assigned to it in terms of Section 1 of the Municipal Systems Act.

**“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”** in relation to a property, shall mean a person in actual occupation of the property, whether or not that person has a right to occupy the property.

**“Owner”** –

- a) in relation to a property referred to in paragraph (a) of the definition of “property”, shall mean 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”, shall mean a person in whose name the right is registered;

- c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, shall mean a person in whose name the right is registered or to whom it was granted in terms of legislation; and
- d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, shall mean 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 Property Rates Act 2004 be regarded by the municipality as the owner of a property in the following cases:-
  - i) a trustee, in the case of a property in a trust, but 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 a property that is registered in the name of the municipality and is leased by it; and
  - viii) a buyer, in the case of a property sold by the municipality and of which possession was given to the buyer pending registration of ownership in the name of such buyer.

“**Rate**” shall mean a municipal rate on property as envisaged in Section 229(1)(a) of the Constitution.

“**Rateable property**” shall mean property on which the municipality may in terms of Section 2 of the 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.

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

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

“**Tariff**” means a tariff for services which the Municipality may set for the provision of a service to the local community and includes a surcharge on such tariff.

### **3. PURPOSE OF THE TARIFF POLICY**

The purpose of the tariff policy is to:

- 3.1 prescribe the accounting and administrative policies relating to the determining and levying tariffs by Dihlabeng Local Municipality.
- 3.2 take into account, where applicable, the guidelines set out in Section 74 of the Local Government: Municipal Systems Act, 2000
- 3.3 ensure that the Municipal services are financially sustainable, affordable and equitable.
- 3.4 ensure that the needs of the indigent, aged and disabled are taken into consideration.
- 3.5 Ensure that there is consistency in how the tariffs are applied throughout the municipality and;
- 3.6 ensure that the municipality, in levying of fees for services provided shall at all times take into cognisance of the tariffs applicable elsewhere in the economic region, and of the impact which its own tariffs have on local economic development.

### **4. APPLICATION**

- 4.1 The Council of Dihlabeng Local Municipality reserves the right to differentiate between different categories of consumers, debtors, services or service standards when applying this Policy. The Council will, on application of this policy, avoid discrimination as forbidden by the Constitution unless it is established that the discrimination is fair as allowed by the Constitution.
- 4.2 This policy shall apply only in respect of money due and payable to Dihlabeng Local Municipality for:
  - 4.2.1 Property Rates and related taxes
  - 4.2.2 Fees, surcharges on fees, charges and tariffs in respect of the provision of water, refuse removal, sewerage, electricity (herein after referred to collectively as “services”), in all instances where Dihlabeng Local Municipality is responsible for the rendering of accounts in relation to any one or more of the services and for the recovery of amounts due and payable in respect thereof
  - 4.2.3 Interest which has accrued in respect of any money due and payable to Dihlabeng Local Municipality in regard to rates or services
  - 4.2.4 Rental of facilities and properties and Collection charges
  - 4.2.5 Services provided through pre-paid meters
- 4.3 No accounts should be held in the name of the tenant

## **5. FUNDAMENTAL PRINCIPLES IN THE DETERMINATION OF THE TARIFF STRUCTURE**

- 5.1 Service tariffs imposed by the Dihlabeng Municipality shall be viewed as user charges and not as taxes, and therefore the financial standing of the relevant consumer or user of the services to which such tariffs relate, shall not be considered as a relevant criterion (except in the case of the indigent relief measures approved by the municipality from time to time).
- 5.2 The municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region in accordance with the various levels of services.
- 5.3 Tariffs for the four major services rendered by the municipality, namely:
  - 5.3.1 Electricity;
  - 5.3.2 Water;
  - 5.3.3 Sewerage; and
  - 5.3.4 Refuse Removalshall as far as possible recover the expenses associated with the rendering of each service concerned, and where feasible, generate a modest surplus as determined in each annual budget. Such surplus shall be applied in relief of property rates or for the future capital expansion of the service concerned, or both.
- 5.4 The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.
- 5.5 The municipality shall develop, approve and annually review an indigent support programme for the municipal area. This programme shall set out clearly the municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents, and the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.
- 5.6 In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall, however, at all times be reasonable, and shall be fully disclosed in each annual budget.
- 5.7 The municipality's tariff policy shall be transparent, and the extent to which there is cross-subsidisation between categories of consumers or users shall be evident to all consumers or users of the service in question.
- 5.8 The municipality further undertakes to ensure that its tariffs shall be easily explainable and understood by all consumers and users affected by the tariff policy concerned.
- 5.9 The municipality also undertakes to render its services cost effectively in order to ensure the best possible cost of service delivery.



- 5.10 In the case of a directly measurable service such as electricity or water, the consumption of such service shall be properly metered by the municipality, and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. The charges levied on consumers shall be proportionate to the quantity of the service which they consume
- 5.11 In addition, the municipality shall levy monthly availability (where the services are available but not connected)/ or basic charges for the services concerned and these charges shall be fixed for each type of property as determined in accordance with its appropriate policies.
- 5.12 Generally, consumers of electricity and water shall therefore pay two charges:-
- 5.12.1 A basic charge which is unrelated to the volume of consumption and is levied because of the availability of the service concerned; and
- 5.12.2 A consumption charge directly related to the consumption of the service in question; or
- 5.12.3 A flat rate (no basic charge) in the case where the consumption is not metered.
- 5.13 In considering the costing of its electricity, water and sewerage services, the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services.
- 5.14 The municipality shall also take into consideration any stepped tariffs from service providers in determining the final tariff to be charged to customers, to ensure that the service remains sustainable.
- 5.15 The municipality shall also take into consideration demand-management principles in setting tariffs to manage consumption of services, especially during times of shortages.
- 5.16 Because water is a scarce national resource, and this municipality is committed to the prudent conservation of such resources, the tariff levied for consumption of water shall escalate according to the volume of water consumed. The tariff for consumption shall be based on monthly consumption of up to 6 kl (for non-indigents), more than 6kl up to 10 kl, more than 10kl up to 15kl, more than 15kl up to 20kl, more than 20kl up to 30kl, and more than 30kl.
- 5.17 The municipality shall be entitled to charge punitive tariffs for excessive usage of services, subject to regulatory approval, where applicable.
- 5.18 Where there is a substantial difference between the infrastructure use to provide a service to a specific group of users within a category and/or standard of services provided, the Council can, after the considering a report by the Municipal Manager or the relevant Head of Department, determine differentiated tariffs for different consumers within the specific category.
- 5.19 The differentiation must be based on one or more of the following elements; infrastructure costs, volume usage, availability and service standards.

## **6. FACTORS TO BE CONSIDERED IN THE DETERMINATION OF A TARIFF STRUCTURE**

### **6.1 Financial Factors**

6.1.1 The primary purpose of a tariff structure is to recover the actual costs of the rendering of a particular service. If a service is rendered at a loss, cross subsidisation of such loss by another service will be necessary. This will place a burden on the tariff structure of the other service.

6.1.2 In order to determine the tariffs which must be charged for the supply of the four major services, the municipality shall identify all the costs of operation of the undertakings concerned, including specifically the following:-

- a) Cost of bulk purchases in the case of electricity and water (where applicable).
- b) Distribution costs.
- c) Distribution losses in the case of electricity and water.
- d) Depreciation expenses.
- e) Maintenance of infrastructure and other fixed assets.
- f) The cost of approved indigent relief measures.
- g) Administration and service costs, including:
  - i) service charges levied by other departments such as finance, human resources and legal services;
  - ii) reasonable general overheads, such as the costs associated with the Office of the Municipal Manager;
  - iii) adequate contributions to the provisions for bad debts and obsolescence of stock; and
  - iv) all other ordinary operating expenses associated with the service concerned (note: the costs of the democratic process in the municipality – that is, all expenses associated with the political structures of the municipality – shall form part of the expenses to be financed from property rates and general revenues, and shall not be included in the costing of the major services of the municipality).
- h) The intended surplus to be generated for the financial year; such surplus to be applied:
  - i) as an appropriation to capital reserves; and/or
  - ii) generally, in relief of rates and general services.
  - iii) Cost of approved indigency relief measures

### **6.2 Socio-economic factors**

6.2.1 The determination of tariffs shall be based on sound, transparent and objective principles. In order to fully understand the influence of the socio-economic factors the various user categories and forms of subsidisation needs to be considered.

6.2.2 Users can be divided into the following categories:-

- a) who are unable to make any contribution towards the consumption of services and who are fully subsidised in terms of the basic package of municipal services;
- b) Users who are able to afford a partial contribution and who are partially subsidised only; and
- c) Users who can afford the cost of the services in total.

6.2.3 In terms of the Bill of Rights every individual has the right to have access to basic services such as food and water, health care, housing and social security. In this regard, the state has an obligation to achieve the progressive realisation of each of these rights. In accordance with the above the Municipality has defined a basic package of municipal services as follows:-

- a) 6 kl of water per household per month.
- b) 50KWh of electricity per household per month.
- c) Refuse removal from residential stands in accordance with the municipality's policy.
- d) Sewer services to residential stands in accordance with the municipality's policy.

6.2.4 The Municipality will annually determine as part of its budget process:

- a) Totally free services for a basic package of municipal services as defined above (within limits and guide lines);
- b) Lower tariffs for users who qualify in terms of particular guide lines for a basic package of municipal services as defined above, for example to recover the operational costs of the service only; and
- c) Full tariff payable with a subsidy that is transferable from sources mentioned above.

### **6.3 Minimum service levels**

Minimum service levels shall be determined in order to define the level of service that users of Municipal services, can expect of the Municipality.

### **6.4 Multiyear budgets**

In terms of the Municipal Finance Management Act and guidelines from National Treasury, Municipalities are required to compile multi year budgets as from 2008/2009. Proposed tariffs shall form part of this process. An increase in tariffs should be implemented annually after considering the affordability thereof by the

user. The effect of resolutions that impact on the financial situation of the Council must be observable over a longer period in respect of tariffs and planning of cost structures must be done to keep tariffs within affordable levels.

## **6.5 Credit Control**

Income is provided for in the budget as if a 100% payment level will be maintained. Non-payment of tariffs shall be dealt with in terms of the Municipality's credit control policy. This should be supplemented with a practical policy for indigents. This will ensure the sustainable delivery of services. In addition, adequate provision should be made on an annual basis for bad debt / working capital in accordance with current payment levels.

## **6.6 Package of services**

The accounts for rates and services must not be seen in isolation. It must be considered jointly to determine the most affordable amount that the different users can pay as a total account. The basic costs of a service must first of all be recovered and then only can profits be manipulated to determine the most economic package for the user with due allowance for future events in regard to a particular service.

## **6.7 Historical and future user patterns**

The Municipality shall keep accurate consumption statistics for the purpose of determining tariffs. Consumption determines tendencies, which ultimately have an influence on tariffs within a structure. Provision should be made in the process for growth and seasonal use, as well as for unforeseen events that may have an impact on tariffs.

# **7. TARIFF STRUCTURES FOR VARIOUS SERVICES**

7.1 It is essential that a compromise be reached between the following needs with the determination of a tariff structure:

7.1.1 The need to reflect costs as accurately as possible in order to achieve cost effectiveness;

7.1.2 The need to ensure equality and fairness between user groups;

7.1.3 The need for a practically implementable tariff;

7.1.4 The need to use appropriate metering and provisioning technology;

7.1.5 The need for an understandable tariff; and

7.1.6 The user's ability to pay.

7.2 Taking into consideration the abovementioned points the tariff structure of the following services are discussed:

7.2.1 Electricity.

7.2.2 Water.

7.2.3 Refuse Removal.

7.2.4 Sewerage.

7.2.5 Sundry Tariffs

### **7.3 Electricity**

7.3.1 A basic availability service charge will be levied to consumers. Tariff will be based on a cost-reflective structure, taking into account the cost of supply, distribution and any other direct and indirect costs incurred by the municipality in providing the service.

7.3.2 Any tariff increases will be subject to relevant regulatory approvals

### **7.4 Water**

7.4.1 To calculate the tariff for water services, the actual cost incurred in the supply of water to the community has to be taken into consideration.

7.4.2 In principle, the amount that users pay for water services should generally be in proportion to their use of water services. Tariffs must be set at levels that facilitate the sustainability of the service.

7.4.3 The municipality may add a punitive tariff to discourage water use during periods of water-restrictions

### **7.5 Refuse Removal**

7.5.1 Refuse removal is an economic service and tariff calculations should be based on the actual cost incurred in delivering the service.

7.5.2 The tariff levied by Dihlabeng Municipality is based on the category of user.

7.5.3 The cost of refuse removal services is subsidised for all registered indigent household consumers in accordance with the municipality's indigent policy.

### **7.6 Sewerage**

7.6.1 Sewer service is an economic service and tariff calculations should be based on the market value of property as appearing in the valuation roll.

7.6.2 The tariff levied by Dihlabeng Municipality is based on the category of user

7.6.3 The cost of sewerage is subsidised for all registered indigent household consumers in accordance with the municipality's indigent policy.

### **7.7 Sundry Tariffs**

7.7.1 All sundry tariffs shall be approved by the council in each annual budget, and shall, when deemed appropriate by the council, be

subsidised by property rates and general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot accurately be determined, or when the tariff is designed purely to regulate rather than finance the use of the particular service or amenity.

7.7.2 All sundry tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, shall annually be adjusted at least in line with the prevailing consumer price index, unless there are compelling reasons why such adjustment should not be effected.

7.7.3 The following services shall be considered as economic services, and the tariffs levied shall cover 100% or as near as possible to 100% of the budgeted annual operating expenses of the service concerned:

- a) housing rentals
- b) town planning and building plan approvals
- c) fire brigade services
- d) rental of vehicles and equipment
- e) rentals for the use of municipal halls and other premises (subject to the provisions as set out below)
- f) sales of refuse bins
- g) cleaning of stands
- h) electricity
- i) water
- j) sewerage
- k) new connection fees
- l) photo-copies and fees
- m) clearance certificates
- n) burials and cemeteries
- o) rentals for the use of municipal sports facilities
- p) municipal library

7.7.4 The following charges and tariffs shall be considered as regulatory or punitive, and shall be determined as appropriate in each annual budget:

- a) fines for lost or overdue library books
- b) advertising sign fees
- c) pound fees

- d) electricity, water: disconnection and reconnection fees
- e) penalty and other charges imposed in terms of the approved policy on credit control and debt collection
- f) penalty charges for the submission of dishonoured, stale, post-dated or otherwise unacceptable cheques.

7.7.5 Market-related rentals shall be levied for the lease of municipal properties.

7.7.6 A deposit of a value to be determined during each year's budgeting process shall be lodged for the rental of Municipal halls, premises and sports fields. Any damages to the facilities shall be recovered from the Deposit

## **8. REVIEW OF THIS POLICY**

8.1 The Rates Policy shall be reviewed on an annual basis with the budget process to ensure that it complies with the Municipality's strategic objectives, with applicable legislation and regulations.

8.2 The reviewed policy will be approved with the adoption of the annual budget for the applicable financial year in terms of section 16(2) of the MFMA

## **9. SHORT TITLE**

9.1 This policy shall be known as the Dihlabeng Tariff Policy.

## **10. IMPLEMENTATION AND APPROVAL OF THIS TARIFF POLICY**

This rates policy shall be effective from 1 July 2019.

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**Municipal Manager**

**DIHLABENG LOCAL MUNICIPALITY**

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**Date**

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**Mayor**

**DIHLABENG LOCAL MUNICIPALITY**

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**Date**

**COUNCIL RESOLUTION NUMBER** \_\_\_\_\_