

NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

**Provincial Gazette
Kasete ya Profensi**

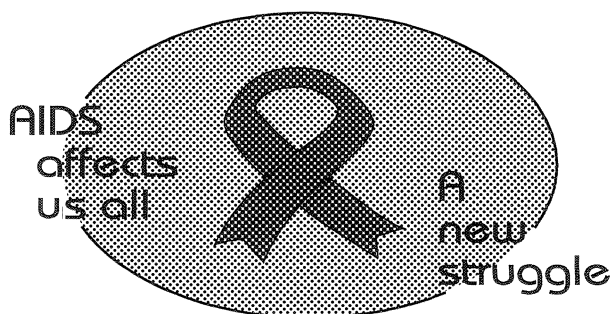
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No. 1807

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DEPARTMENT OF HEALTH

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OFFICIAL NOTICE

OFFICIAL NOTICE 8 OF 2014

NOTICE TO PUBLISH THE CONSOLIDATED REPORT ON THE PERFORMANCE OF MUNICIPALITIES IN THE PROVINCE IN TERMS OF SECTION 47 (2) (C) OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT NO. 32 OF 2000 AS AMENDED.

In terms of the provisions of section 47 (2) (c) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended, I hereby notify the public that the Consolidated report on the Performance of the Municipalities in the Northern Cape is available on the website of the Department of Co-operative Governance, Human Settlements and Traditional Affairs (www.coghsta.ncpg.gov.za).

Requests for the report can be made via email or post to the Head of Department at the following address:

Private Bag X5005
Kimberly
8300

Or send an email to Ms. J. Petersen at jpetersen@ncpg.gov.za.

Given under my hand at Kimberley on this 05th day of May 2014



Mr. A. Botes
Member of the Executive Council of the Northern Cape Province
responsible for Co-operative Governance, Human Settlements and
Traditional Affairs

GENERAL NOTICES

NOTICE 55 OF 2014

Gen 55/2014

SIYANCUMA LOCAL MUNICIPALITY

PROPOSED REMOVAL OF RESTRICTIONS : ERF 21 DOUGLAS

With reference the application for the removal of Restrictions Erf 21 Douglas, the following:

The MEC for Co-operative Governance, Human Settlements and Traditional Affairs has approved the application for the removal of restrictive conditions, with effect from 22 October 2013, in respect of Erf 21 Douglas Title Deed T1548/1998 Section C4,(a) in terms of Section 4 of the Removal of Restrictions Act 1967, Act 84 of 1967 read with the Northern Cape Planning and Development Act, 1998, Act 7 of 1998 subject to:

- a) That the proposed development complies with Northern Cape Planning and Development Act and all other relevant planning legislation

Mr. HF Nel
Municipal Manager

NOTICE 56 OF 2014

Gen 56/2014

HANTAM MUNICIPALITY

Notice is hereby given in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Council of Hantam Municipality has made the by-law as set out hereunder, which would take the place of the previous by-law:

CREDIT CONTROL AND DEBT COLLECTION BY-LAW

PREAMBLE

Section 152 (1) (b) of the Constitution of the Republic of South Africa 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;

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;

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.

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;

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 by-law for indigent debtors, pay promptly for services fees, surcharges on fees, other taxes, levies and duties imposed by the municipality;

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;

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 by-law, by-laws that give effect to the by-law, Supervisory authority and Implementing authority.

IT IS HEREBY ADOPTED: a credit control and debt management by-law of the Hantam Local Municipality.

1. SCOPE OF THE BY-LAW

- 1.1 This by-law applies to all administrations within the defined boundaries of the Hantam Local Municipality and all persons of these administrations.
- 1.2 This by-law as approved by Council, shall be passed into a municipal by-law in terms of the Local Government: Municipal Systems Act No 32 of 2000 and such by-law will be binding on the public, officials and Councillors of the Municipality and no interference in the process will be permitted.
- 1.3 The by-law is applicable until such time as it is reviewed and Council approves the revisions. All acts performed in terms of the above approved by-law, until such time as by-law is passes into a municipal by-law, will not be invalidated due to the timing differences between approval and promulgation.
- 1.4 All acts performed as mentioned in the previous paragraph will be ratified with the promulgation of the related municipal by-law.

2. OBJECTIVES OF THE BY-LAW

The objectives of this by-law are to:

- 2.1 define a framework within which the municipality can develop an effective procedure to bill and collect its revenues;
- 2.2 ensure that all monies due and payable to the municipality are collected in full and used to deliver municipal services in the best interest of the community, residents and ratepayers and in a financially sustainable manner as prescribed by the Municipal Systems Act, 2000 and other applicable legislation;
- 2.3 enable the implementation of this by-law throughout the Hantam Local Municipality;
- 2.4 effectively and efficiently deal with defaulters in accordance with the terms and conditions of this by-law;
- 2.5 promote a culture of payment and instill a sense of responsibility towards the payment of municipal accounts and reduction of municipal debt; and
- 2.6 ensure compliance with the National Credit Act.

3. DEFINITIONS

For the purpose of this by-law, the wording or any expression has the same meaning as contained in the Act, except where clearly indicated otherwise and means the following:

“Act” The Local Government Act: Systems Bill, 2000 (Act No 32 of 2000) as amended from time to time;

“Arrangement” A written agreement entered into between the Council and the debtor where specific repayment parameters are agreed to.

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

“Authorized Representative” Person or instance legally appointed by the Council to act or to fulfil a duty on its behalf;

“CFO” Person appointed as the Chief Financial Officer of the Municipality, or his or her nominee;

“Council” The municipal council, as referred to in section 157 of the Constitution of the Republic of South Africa Act 108 of 1996, of the Hantam Municipality established by part 7 of provincial notice 80, dated 27 September 2000;

“Credit Control” All the functions relating to the collection of monies owed by ratepayers and the users of municipal services.

“customer” Any occupier of any premises to which Council has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises and includes any debtor of the municipality;

“defaulter” Any Person who owing the Council arrear monies in respect of rates and / or service charges;

“engineer” The person in charge of the civil and/or electrical component of Council;

“equipment” A building or other structure, pipe, pump, wire, cable, meter, engine or any accessories;

“Implementing Authority” Means the Municipal manager or his or her nominee, acting in terms of section 100 of the Systems Act;

“interest” A charge levied with the same legal priority as service fees and calculated at a rate determined by council from time to time on all arrear monies;

“municipal account” An account rendered specifying charges for services provided by the municipality, or any authorised and contracted service provider, and/or assessment rates levies;

“Municipality” Means the Hantam Local Municipality;

“municipal services” Those services provided by the municipality, such as, inter alia the supply of water and electricity, refuse removal, sewerage treatment, and for which services charges are levied;

“occupier” Any person who occupies any property or part thereof, without regard to the title under which he or she occupies the property;

“owner” The person in whom from time to time is vested the legal title to premises
a) In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
b) In a case where the Council is unable to determine the identity of such person,

a person who is entitled to the benefit of such premises with a building thereon;

c) In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;

d) In relation to-

i. A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property; or

ii. A section as defined in such Act, the person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

e) Any legal person including but not limited to –

i. A company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a trust, a Closed corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984) and a voluntary association;

ii. Any department of State;

iii. Any Council of Board established in terms of any legislation applicable to the Republic of South Africa;

iv. Any Embassy or other foreign entity;

“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, 1927 (9 of 1927), or in terms of the Deed Registry Act, 1937 (47 of 1937); or

b) A sectional plan registered in terms of the Sectional Titles Act, 1986 (95 of 1986), which is situated within the area of jurisdiction of the Council;

“Supervisory Authority” Means the Mayor of the Municipality or his or her nominee, acting in terms of Section 99 of the Systems Act.

4. PRINCIPLES

4.1 The administrative integrity of the municipality must be maintained at all costs. The democratically elected councillors are responsible for by-law-making, while it is the responsibility of the Municipal manager to ensure the execution of these policies.

- 4.2 All customers must complete an official application form, formally requesting the municipality to connect them to service supply lines. Existing customers may be required to complete new application forms from time to time, as determined by the Municipal manager.
- 4.3 A copy of the application form, conditions of services and extracts of the relevant council's credit control and debt collection by-law and by-laws must be handed to every customer on request at such fees as may be prescribed by Council.
- 4.4 Billing is to be accurate, timeous and understandable.
- 4.5 The customer is entitled to reasonable access to pay points and to a variety of reliable payment methods.
- 4.6 The customer is entitled to an efficient, effective and reasonable response to appeals, and should suffer no disadvantage during the processing of a reasonable appeal.
- 4.7 Enforcement of payment must be prompt, consistent and effective.
- 4.8 Unauthorised consumption, connection and reconnection, the tampering with or theft of meters, service supply equipment and the reticulation network and any fraudulent activity in connection with the provision of municipal services will lead to disconnections, penalties, loss of rights and criminal prosecutions.
- 4.9 Incentives and disincentives may be used in collection procedures.
- 4.10 The collection process must be cost-effective.
- 4.11 Results will be regularly and efficiently reported by the Municipal manager and the Mayor.
- 4.12 Targets for performance in both customer service and debt collection will be set and pursued and remedies implemented for non-performance.
- 4.13 There must be legal cause between the municipality and its consumer, and the consumer debt must arise out of a legal framework and must be legally collectable.
- 4.14 Debtors may be referred to third party debt collection agencies and may be placed on the National Credit Bureau.
- 4.15 The Municipality shall not conduct any business activity with persons with arrear municipal accounts.

5. DUTIES AND FUNCTIONS

5.1 Duties and functions of Council

- 5.1.1 To approve a budget consistent with the needs of communities, ratepayers and residents.
- 5.1.2 To impose rates and taxes and to determine service charges, fees and penalties to finance the budget.
- 5.1.3 To facilitate sufficient funds to give access to basic services for the poor.
- 5.1.4 To provide for a bad debt provision, in line with the payment record of the community, ratepayers and residents, as reflected in the financial statements of the municipality.
- 5.1.5 To set an improvement target for debt collection, in line with acceptable accounting ratios and the ability of the Implementing Authority.
- 5.1.6 To approve a reporting framework for credit control and debt collection.
- 5.1.7 To consider and approve by-laws to give effect to the Council's by-law.
- 5.1.8 To monitor the performance of the Mayor (Supervising Authority) regarding credit control and debt collection.
- 5.1.9 To revise the budget should Council's targets for credit control and debt collection not be met.
- 5.1.10 To take disciplinary and/or legal action against councillors, officials and agents who do not execute council policies and by-laws, or act improperly in terms of such policies.
- 5.1.11 To approve a list of attorneys that will act for Council in all legal matters relating to debt collection.
- 5.1.12 To delegate the required authorities to monitor and execute the credit control and debt collection by-law to the Mayor and Municipal manager and Service Provider respectively.
- 5.1.13 To provide sufficient capacity in the Municipality's Financial Department for credit control and debt collection. Alternatively to appoint a Service Provider, or debt collection agent.
- 5.1.14 To assist the Municipal manager in the execution of his duties, if and when required.

5.1.15 To provide funds for the training of staff.

5.2 Duties and functions of Mayor

5.2.1 To ensure that Council's budget, cash flow and targets for debt collection are met and executed in terms of the by-law and relevant by-laws.

5.2.2 To monitor the performance of the Municipal manager in implementing the by-law and by-laws.

5.2.3 To review and evaluate the by-law and by-laws in order to improve the efficiency of Council's credit control and debt collection procedures, mechanisms and processes.

5.2.4 To report to Council.

5.3. Responsibilities of all Councillors

5.3.1 To always pay amounts that are owed in respect of municipal rates, taxes and services as required by section 12A of Schedule 1 of the Municipal Systems Act and not default on payments for a period longer than 3 months.

5.3.2 The municipality may deduct any outstanding amounts from a councillor's allowance, if the councillor has not paid amounts that are due to the municipality for more than 3 months.

5.3.3 The normal credit control procedures shall also apply to any arrear account of a councillor.

5.3.4 All agreements with councillors must not exceed the expiry date of the term of office.

5.4 Duties and functions of Ward Councillors

5.4.1 To hold regular ward meetings.

5.4.2 To adhere to and convey council policies to residents and ratepayers.

5.4.3 To adhere to the Code of Conduct for Councillors.

5.4.4 Ward Committees will act in terms of roles and functions as approved by Council.

5.5 Duties and functions of the Municipal Manager

The Municipal Manager, as the accounting officer of the municipality, must take all reasonable steps to ensure that –

- 5.5.1 the municipality has effective revenue collection systems consistent with Section 95 of the Act and the Municipality's Credit Control and Debt Collection bylaws and the National Credit Act;
- 5.5.2 Revenue due to the municipality is calculated on a monthly basis;
- 5.5.3 accounts for municipal tax and charges for municipal services are prepared on a monthly basis;
- 5.5.4 All money received is promptly deposited into the municipality's primary and other bank accounts;
- 5.5.5 The municipality has and maintains a management, accounting and information system which recognises revenue when it is earned, accounts for debtors, accounts for receipts of revenue;
- 5.5.6 The municipality has and maintains a system of internal control in respect of debtors and revenue, as may be prescribed;
- 5.5.7 The municipality charges interest and other permissible charges on arrears;
- 5.5.8 All revenue received by the municipality, including revenue received by any collecting agent on its behalf, is reconciled regularly;
- 5.5.9 The accounting officer must immediately inform the National Treasury of any payments due by an organ of State to the municipality in respect of municipal tax or services, if such payments are regularly in arrears for periods of more than 30 days.

5.6 Responsibilities of all municipal staff

- 5.6.1 To always pay amounts that are owed in respect of municipal rates, taxes and services and not to default on payments for a period longer than 3 months;
- 5.6.2 The municipality may deduct any outstanding amounts from a staff member, if the staff member has not paid amounts that are due to the municipality for more than 3 months.
- 5.6.3 The normal credit control procedures shall also apply to any arrear accounts.
- 5.6.4 Where the municipality provides temporary employment to members of the community who are in arrears with payments for municipal rates and services they will be required to enter into an agreement to pay 20% of their gross remuneration towards these arrears debt.

5.7 Duties and functions of Communities, Ratepayers and Residents

- 5.7.1 To fulfil certain responsibilities, as brought about by the privilege and or right to use and enjoy public facilities and municipal services.
- 5.7.2 To pay service fees, rates on property and other taxes, levies and duties imposed by the municipality.
- 5.7.3 To observe the mechanisms and processes of the municipality in exercising their rights.
- 5.7.4 To allow municipal officials access to their property to execute municipal functions at a time that is agreeable by the consumer and municipal officials.
- 5.7.5 To comply with the by-laws and other legislation of the municipality.
- 5.7.6 To refrain from tampering with municipal services and property.

6. AREA OF APPLICATION

This by-law applies throughout the area of the municipality.

7. APPLICATION FOR SERVICES

- 7.1. Consumers who require a service must enter into a written service agreement with the municipality.
- 7.2 The process must occur ten (10) days prior to taking occupation of the premises, so that the Municipality can ensure that a meter reading is taken on the appropriate day and that the services are available when occupation is taken.
- 7.3 Failure to adhere to the timeframe may result in customers not having the services available when occupation is taken.
- 7.4 The Municipality will render the first account after the first meter reading cycle to be billed following the date of signing the service agreement.
- 7.5 Consumers who illegally consume services without this agreement will be subject to punitive action.
- 7.6 An applicant must provide any information and documentation which the municipality requires.
- 7.7 If an applicant for municipal service is an existing customer of the municipality in respect of any other municipal service and such customer has an outstanding amount that is due and payable to the municipality:
 - The arrears must be paid; or

- An agreement for payment of arrears must be concluded with the municipality before an application for services can be approved.

8. TERMINATION OF SERVICES

- 8.1 It is the responsibility of the consumer to notify the municipality when municipal services are no longer required due to the sale of the property or other reasons.
- 8.2 A customer shall remain liable for all arrears and applicable charges that are payable for municipal services for municipal services rendered prior to the termination of an agreement.
- 8.3 Owners of property remain ultimately responsible for the municipal account of property and services even if such property are rented out and the municipal accounts are in the name of the tenant, if the municipality after having taken reasonable steps to recover from such customer/tenant any amount due by him/her, and could not do so.

9. CUSTOMER SERVICE AGREEMENTS

- 9.1 Customer service agreements are those agreements that will be from time to time be entered into between the customer and the Municipality for the supply of municipal services.
- 9.2 The contents of the agreement includes this by-law as well as:
- 9.2.1 An undertaking by customers:
- That they are liable for the costs of collection, including any administration fees, penalties for late payment, legal costs, interest, disconnection fees and reconnection fees;
 - That any alleged non-receipt of an account does not stop the collection process;
- 9.2.2 An undertaking by Council:
- That it will deliver accounts to customers.
 - That it will inform customers that they are required to request statements in the event that they do not receive an account.

10. PAYMENT OF A DEPOSIT

- 10.1 Every consumer must, on application for the provision of municipal services, pay a deposit to the municipality prior to the provision of any municipal services, the amount of which shall be determined by the Council of the municipality by resolution from time to time.
- 10.2 The Council may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- 10.3 The Council may from time to time review the sum of money deposited by a consumer in terms of this section and, in accordance with such review:
- Require that an additional amount be deposited by the consumer; or
 - Credit the account of the consumer with such amount as may be held by the municipality in excess of the reviewed deposit.
- 10.4 The municipality shall give the owner or occupier of the premises where municipal services are rendered reasonable notice of any increase of the deposit.
- 10.5 An aggrieved owner or occupier of property where municipal services are provided may within the prescribed time lodge an objection to any increase of the deposit.
- 10.6 An amount deposited with the municipality in terms of this section shall not be regarded as being in payment or part payment of an account due for services rendered.
- 10.7 No interest shall be payable by the municipality on the amount of deposit held by it in terms of this section.
- 10.8 An agreement for provision of services may contain that a deposit shall be forfeited to the municipality or its authorised agent if it has not been claimed within 12 months after termination of the agreement.
- 10.9 On termination of the supply of the municipal services the consumer shall be paid the amount deposited less any payments due to the municipality.

11. PAYMENT FOR MUNICIPAL SERVICES PROVIDED

A customer shall be responsible for the payment of all municipal service accounts rendered to him/her from the commencement date of the agreement until the

account has been paid in full and the municipality shall be entitled to recover all payments due to it from the customer concerned.

12. DISHONoured PAYMENTS

If the drawer of the cheque, or the consumer who received value from the depositing of the cheque, is an existing consumer of Council, the reversal and penalty fee may be debited to an account of the drawer or beneficiary and a letter of notification must be sent to the consumer. Such fee shall be deemed to be a tariff charge and shall be recovered from the consumer. Council reserves the right to refuse to accept further cheques from the drawer or beneficiary, to place the matter on the National Adverse Credit Listing and also institute legal action which may include criminal charges against the offender.

13. ACCOUNTS AND BILLING

- 13.1 Customers will receive one consolidated bill for all services to a property, which is situated within the boundaries of the Municipality.
- 13.2 Accounts are produced in accordance with the meter reading cycles.
- 13.3 An account will be rendered each month in cycles of approximately 30 days.
- 13.4 The Municipality will undertake to have the accounts delivered to all consumers. However non-receipt of an account does not prevent interest charges and debt collection procedures. In the event of non-receipt of an account, the onus rests on the account holder to obtain a free copy of the account, before the due date.
- 13.5 Except where expressly provided to the contrary in this By-law, the municipality may levy interest on all arrears at a rate prescribed by the Council from time to time in accordance with the prevailing law.
- 13.6 Accounts must be paid on the due date as indicated on the account. Interest on arrears will accrue after due date if the account remains unpaid irrespective of the reason for non-payment.
- 13.7 Payments for accounts must be received on or before the due date at a Municipal pay-point by the close of business. In the case of any electronic payments or payments via agents, the money must be received in the

municipal bank account on or before the due date and not later than the close of Business.

13.8 Consumers will be notified of their unpaid accounts prior to the commencement of the debt collection process.

13.9 Non-payment of the account will result in debt collection action.

13.10 Accounts must contain at least the following:

- The consumption or estimated consumption of water and electricity;
- As determined for the measuring or consumption period;
- The measuring or consumption period for water and electricity;
- The amount due based on the measured or estimated consumption;
- The amount due and payable for any other municipal service;
- The applicable tariff;
- The amount due in terms of the consumption;
- The amount in arrears, if any;
- The interest payable on any arrears, if any;
- Collection charges if any;
- The final payment date;
- The methods, places where payment can be made.

13.11 Accounts may be accompanied by a notice stating that:

- The consumer may conclude an agreement with the municipality for payment of the arrear amount in instalments at the municipality 5 working days before the final date for payment, if a consumer is unable to pay the full amount due and payable;
- If no such agreement is entered into, the municipality may, in accordance with the by-law contained herein, limit the water services to the consumer by installing a water restrictor, or cut electricity supply;
- Legal action may be instituted against any consumer for the recovery of any arrear amount in terms of the by-law contained herein;
- The defaulting consumer's name may be listed with a credit bureau or any other equivalent body as defaulter;
- The account may be handed over to a debt collector for collection;
- Proof of registration, as an indigent consumer, in terms of the municipality's indigent by-law must be handed in before the final date for payment.

14. METERING OF CONSUMABLE SERVICES

- 14.1 The municipality may introduce various metering equipment and customer may be encouraged to convert to a system preferred by the municipality.
- 14.2 Customers who default (fail to pay by a due date) may be required by the municipality to convert to another metering system.
- 14.3 Prepayment metering is the preferred installation for all new domestic and where applicable, business accounts.
- 14.4 Meters (credit) will be read monthly. Should circumstances prevent reading the Municipality is entitled to estimate a reading that is within reason comparable to past consumption.
- 14.5 A Customer is responsible to ensure access to metering equipment at a time that is agreeable by the consumer and the municipal officials and will accept any cost to ensure access (such as relocating the meter) if satisfactory access is not possible.

15. DISPUTES, QUERIES AND COMPLAINTS

- 15.1 In this section “**Dispute**” refers to when a consumer questions the correctness of any account rendered by the municipality to such consumer and the consumer lodges an appeal with the Council in accordance with this section. A consumer may lodge a query or a complaint in respect of any amount that is due and payable by him/her before or on the due date for payment specified in the account concerned or as soon as reasonably possible thereafter.
- 15.2 Procedure to be followed:
In order for a dispute to be registered with the municipality, the following procedures must be followed:
- a) By the Consumer:
- The consumer must submit the dispute in writing to the Municipal Manager of the municipality before or on the due date for payment specified in the account concerned or as soon as reasonably possible thereafter;
 - No dispute will be registered verbally whether in person or over the telephone;

- The consumer must furnish his full personal particulars including the account number, direct contact telephone number, fax, e-mail address and any other relevant information as may be required by the municipality;
- The full nature of the dispute must be described in the correspondence referred to above;
- The onus will be on the consumer to ensure that he received a written acknowledgement of receipt of the dispute from the municipality.

b) By the Council:

On receipt of the dispute, the following actions are to be taken:

- An authorised official must register the query or complaint and provide the customer with a reference number. An authorised controlling official will keep custody of the register and conduct a daily or weekly check or follow-up on all disputes as yet unresolved.
- The following information should be entered into the register:
 - Consumer's Account Number
 - Consumer's Name;
 - Consumer's address;
 - Full particulars of the dispute;
 - Name of the official to whom the dispute is given to investigate;
 - Actions that have been/were taken to resolve the dispute;
 - Signature of the controlling official.
- A written acknowledgement of receipt must be provided to the consumer;
- The municipality should not institute enforcement proceedings against the consumer for an amount or an account entry that is in dispute until it has resolved the dispute;
- All investigations regarding disputed amounts must be by Council's Chief Financial Officer within 21 days from receipt thereof.
- The consumer shall be advised in writing of the findings.

15.3 Appeal against finding

- A consumer may, in writing, appeal against a finding of the municipality;
- An appeal shall be in writing and shall set out the reasons for the appeal and be lodged with the Municipal Manager within 21 days from the date the consumer is advised of the findings of the investigation;

- An appeal must be decided by the Council of the municipality at its first ordinary meeting held after the appeal was lodged;
- The decision of the Council shall be final and the consumer must pay any amounts due and payable in terms of such decision within 14 days of him/her being advised of the Council's decision;
- The Council may, in its sole discretion, condone the late lodging of an appeal or other procedural irregularity;
- If the consumer is not satisfied with the outcome of the appeal, he may, under protest, pay the amount in dispute and redress his action in a court of law.

16. AGREEMENT FOR THE PAYMENT OF ARREARS IN INSTALMENTS

- 16.1 Only a consumer with positive proof of identity or a person authorised in writing by that consumer, will be allowed to enter into an agreement for the payment of arrears in instalments.
- 16.2 The offer by the consumer to settle arrear amounts plus accrued interest thereon shall be embodied in a written agreement signed by the parties. The aforesaid agreement shall include an acknowledgement of debt signed by the consumer and a copy of the agreement shall be made available to the consumer. The cost of preparation of the agreement plus any incidental costs associated therewith shall be borne by the consumer.
- 16.3 A consumer will, in the agreement, assume liability for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- 16.4 A consumer may be required to complete a debit order for the payment of arrears.
- 16.5 No agreement for the payment of arrears including accrued interest thereon will be longer than 24 months.
- 16.6 The municipality may, on an individual basis, allow a longer period than 24 months for the payment of arrears if special circumstances prevail that, in the opinion of the municipality, warrants such an extension and which the consumer reasonably could not prevent or avoid. Documentary proof of any special circumstances must be furnished by the consumer on request by the municipality.

- 16.7 Should a consumer fail to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will immediately be due and payable, without further notice or correspondence.
- 16.8 A consumer may, in the sole discretion of the Chief Financial Officer, be allowed to enter into a new agreement for the payment of arrears in instalments where that consumer has failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.
- 16.9 The Chief Financial Officer will sign off all arrangements.

17. LIMITATION AND DISCONTINUATION OF SERVICE DUE TO FAILURE TO COMPLY WITH PAYMENT PERIOD

- 17.1 If no payment was received from a customer, the municipality shall, after the due date of payment, as required by municipality, hand deliver to the last recorded address of the consumer, a discontinuation notice informing him/her that the provision of services will be disconnected in the case of electricity or limited in the case of water within 14 days of the date of the discontinuation notice if:
- No payment is received within the allowed period;
 - No agreement is entered into for the payment of arrears in instalments; or
 - No proof of registration as indigent is handed in within the 14-day period allowed.
- 17.2 A discontinuation notice must contain:
- The amount in arrears and any interest payable;
 - A statement that the consumer may conclude an agreement with the municipality for payment of arrear amounts in instalments, within 14 days of the date of discontinuation notice;
 - That if no such agreement is entered into within the stated period, the municipality may discontinue the provision of services with immediate effect, notwithstanding any legal action instituted or in the process of being instituted against the consumer for the recovery of the arrear amount; and

- Proof of registration, as indigent consumer, in terms of the municipality's indigent by-law must be handed in within 14 days of the date of the discontinuation notice.

18. RESTORATION OF SERVICES

After services were discontinued, it can only resume after one of the following took place AND a re-connection fee was paid:

- After a consumer settles arrear amounts owing to the municipality;
- An agreement was entered into for the payment of arrears in instalments and payment was received in regards of the agreement; or
- Proof of registration as indigent is handed in and the person qualifies.

The disconnected service will be restored within 3 working days.

19. DISCRETION: NEGOTIABLE AMOUNTS

- 19.1 Discretion in terms of negotiable amounts as per this By-law is delegated to the Chief Financial Officer with the right to sub-delegate.
- 19.2 Officials with delegated powers may use discretion as a final tool by which decisions can be made in accordance with this By-law.
- 19.3 At all times, and at all levels, discretion will only be used so as to apply the principles embodied in the By-law and to ensure that some form of payment acceptable to Council is forthcoming from negotiations with the consumer.

20. ARRANGEMENT CRITERIA

All consumers who are in arrears and apply to make arrangements to reschedule their debt will be obliged to make the following minimum payment requirements at the time of entering into such arrangement:

- An initial payment towards arrears; and
- Each following month the consumer will be required to by his/her current account PLUS an instalment which will liquidate the arrear amount plus accrued interest thereon within a period of 24 months.

- In all cases, failure to respond to notices will result in normal credit control procedures and/or legal processes being followed.

21. LISTING OF DEBTOR WITH CREDIT BUREAU

Where an account rendered to a consumer remains outstanding for an unacceptable period:

- The defaulting consumer's name may, at the option of the municipality, be listed with a credit bureau or any other equivalent body as a defaulter, provided that the agreement for the provision of services provide therefore; and
- May be handed over to a debt collector or an attorney for collection unless the consumer is under debt review.

22. SERVICES NOT RECONNECTED OR REINSTATED AFTER FOUR WEEKS

If services have been terminated or restricted in the case of a property in respect of which the account is in arrear, and the account holder has not paid such arrears, including the interest raised on such account, or made an acceptable arrangement with the municipality for the payment of the arrear account, including interest raised on such account, within a period of 28 days after the date of termination or restriction of the service concerned, the municipality shall hand over such account over for collection and such further action as is deemed necessary to the municipality's attorneys or any debt collecting agency appointed by the Council.

Such further action shall include, is necessary, the sale in execution of such property to recover arrear property rates and service charges. All legal expenses incurred by the municipality shall be for the account of the defaulting account holder.

23. NOTICES AND DOCUMENTATION

Any notice or other document served on a person by a municipality in terms of any other legislation is regarded as having been served:

- By delivering the notice to him/her personally or to his duly authorised agent;
- or

- By delivering the notice at his residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there; or
- If he has nominated an address for legal purposes, by delivering the notice to such an address; or
- If he has not nominated an address for legal purposes, delivering it to the address given by him/her in his application for the provision of water services, for the reception of an account for the provision of water services;
- By sending it by pre-paid registered or certified post addressed to his last known address;
- In the case of a body corporate, by delivering it to the registered office or the business premises of such body corporate;
- If service cannot be effected in terms of the aforesaid sub-sections by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place.
- Delivery of a copy of the document shall be deemed to be delivery of the original.

24. UNAUTHORISED RECONNECTION OF WATER/ELECTRICITY SUPPLY(TAMPERING)

- 24.1 The unauthorised reconnection of, or tampering with a service supply is prohibited and shall constitute a criminal offence that will result in legal action being taken against the person responsible for such unauthorised reconnection or tampering. Where this has occurred, the service reconnected without authorisation or tampered with will be effectively disconnected.
- 24.2 The full amount of arrears plus any unauthorised consumption, and any applicable reconnection tariffs, will be payable prior to reconnection. Should exceptional circumstances exist, adequate payment arrangements may be permitted at the sole discretion of the Chief Financial Officer with the right to delegate.

25. INSTALLATION OF PREPAID METERS

The installation of prepaid meters, with the written permission of the owner, should be encouraged, but those customers whose electricity supply has been disconnected for non-payment will be compelled to install a prepaid meter before the supply is reconnected.

26. ALLOCATION OF PREPAID PURCHASES TO ARREARS

A minimum of 20% to a maximum of 70% of the value of units purchased for electricity shall be allocated to arrear accounts. Before the action starts, the customer will be notified.

27. RIGHT OF ACCESS

27.1 An authorised representative of the municipality must, at all reasonable hours, be given unrestricted access to the consumer's premises in order to read, inspect, install or repair any meter, service or service connection for reticulation, or to disconnect, reconnect, stop or restrict the provision of any service.

27.2 Any person who contravenes Section 27.1 above will be deemed to have contravened the provisions of Section 101 of the Local Government: Municipal Systems Act, 2000, as amended, and will be charged with the commission of an offence which, if proven, may attract the penalties referred to in Section 119 of the Act.

27.3 Failure to comply with clause 27.1 could result, *inter alia*, in any of the consumer's services being disconnected or terminated.

28. RATES CLEARANCE CERTIFICATE

No rates clearance certificate will be issued by the municipality contrary to the provisions of Section 118 of the Local Government: Municipal Systems Act, 2000.

Where an undertaking is submitted by an attorney to the municipality to pay all outstanding debt on receipt of the purchase price of the property for indigents, the municipality may issue a rates clearance certificate, valid for 90 days, after the relevant fee for the certificate was deposited in the municipality's primary account. If the attorney would default to pay the outstanding debt, he will forfeit this

arrangement. Debt prior to 2 years that remain unpaid shall remain as a charge against the property and the new owner shall become liable for this.

29. PAYMENT OF RATES BY INSTALMENTS

- 29.1 Owners may pay the property rates annually or in equal monthly instalments over a period of 12 months.
- 29.2 Interest shall accrue on all monthly paid rates accounts if they are not paid by the due date as indicated on the account.
- 29.3 Regular monthly instalment payments must be maintained. Failure to maintain monthly instalment payment for three (3) consecutive months shall result in the cancellation of the facility and all future instalments become payable. Indigent accounts will remain on monthly instalment.

30. INDIGENT ASSISTANCE SCHEME

An account holder may apply to the Municipality, in the prescribed manner, to be declared indigent provided that the following conditions are applied:

- That the gross household income must not exceed the poverty threshold value as determined by Council from time to time.
- That the Municipality may inspect the property occupied by the applicant and in respect of which municipal services are rendered to assess the merits of the application.
- Any aggrieved person who was not successful in the application to be regarded as indigent may lodge an appeal to the Chief Financial Officer within a period of ten (10) days from the date on which the aforesaid decision has been communicated to him/her.
- The subsidy is only valid for 12 months whereafter the beneficiaries must reapply.

31. INCOME COLLECTION TARGET

The long-term target is a debtor turnover ratio of 45 days, that is, debtors are expected to pay for services on average in a month and a half.

APPLICATION OF THE BY-LAW

The Council reserves the right to differentiate between different categories of consumers, debtors, services or service standards when applying the By-law.

The Council will on application of the credit control by-law avoid discrimination as forbidden by the Constitution unless it is established that the discrimination is fair as allowed by the Constitution.

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