

**AGENDA of the
Portfolio Committee : Finance & Tourism
14 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

**2.
AMENDMENT TO THE INDIGENT POLICY**

**SG Reyneke-Naude
30 January 2023**

Director: Finance

(028) 313 8040

1. Executive Summary

The purpose of this report is to recommend an adjustment to the Indigent Policy in order to address risks (invalid indigent debtors) related to households automatically qualifying for an Indigent subsidy.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate Finance
Department Revenue

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Provision and maintenance of municipal services

4. Delegated Authority

None

5. Legal Requirements

Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)
Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

6. Background/Discussion/Evaluation/Conclusion

The budget related policies were tabled with the draft budget for 2022/2023 and revised policies were implemented from 1 July 2022.

The auditor general issued a formal communication of audit finding, pointing out the risk of invalid indigent debtors, in the automatic allocation of indigent subsidies to these households who qualify, only based on the municipal valuation of the property.

During the testing of the validity of indigent households, some of these accounts receiving automatic subsidy allocations, included consumers employed by government (national & provincial departments, other municipalities), deceased persons, directors of companies, etc.

**AGENDA of the
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Before-mentioned risk as reported, must be addressed before the end of June 2023, thus necessitating that all Category B and C subsidy allocations on an automatic basis, be ceased prior to 30 June 2023.

It is therefore required to amend the Indigent Policy, to advance the current phasing-out date of 30 June 2023 for allocations, to 31 May 2023, to ensure that the necessary controls are in place prior to the end of the financial year, to reduce the risk identified.

All applications for subsidies and implementation of indigent allocations will be for qualifying clients only, in terms of the existing conditions of the Indigent Policy.

The amendments to the Indigent Policy are as follows:

AMENDMENTS TO THE POLICY:

Category B Subsidy benefit 01 March 2023 to 31 May 2023 [30 June 2023]:

- (i) R 97.20 of the basic levy for electricity for one service point per month;
- (ii) R 43.05 of the basic levy for water for one service point per month;
- (iii) R 38.36 of the basic levy for sewage for one service point per month;
- (iv) 100% of 1 X vacuum tanker service after hours, per annum;
- (v) R 61.83 of the basic levy for refuse removal for one service point per month;
- (vi) 3.33 kℓ of water;
- (vii) 2.33 kℓ of water consumption for sewerage; and
- (viii) R 3.95 in regard of Infrastructure Levy.

NOTE: Subsidy for Category B benefit will be discontinued from 01 June 2023. [01 July 2023]

Category C Subsidy benefit from 01 March 2023 – 31 May 2023. [30 June 2023]

- (i) R 38.36 of the basic levy for sewage per month for one service point;
- (ii) R 61.83 of the basic levy for refuse removal per month for one service point

NOTE: Subsidy for Category C benefit will be discontinued from 01 June 2023. [01 July 2023]

7. Financial Implications

Phasing out of Category B and C by 31 May 2023, subsidies only to be allocated to qualifying indigents, based on a complete application, in compliance with set criteria.

**AGENDA of the
Portfolio Committee : Finance & Tourism
14 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A: Indigent Policy

RECOMMENDATION TO THE COUNCIL:

that the amended Indigent policy be approved and implemented from 1 March 2023.

RESPONSIBLE OFFICIAL :

EM HOONEBERG

TARGET DATE FOR IMPLEMENTATION :

01 MARCH 2023

OVERSTRAND MUNICIPALITY



INDIGENT POLICY

P R E A M B L E

Whereas section 96 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) requires a municipality to adopt, maintain and implement a credit control, debt collection and customer care policy;

And whereas section 97 of the Systems Act prescribes that such policy must provide for "provision for indigent debtors that is consistent with its rates and tariff policies and any national policy on indigents."

Now therefore the Municipal Council of the Municipality of Overstrand adopts the Indigent Policy as set out in this document:-

TABLE OF CONTENTS

	PAGE
1. DEFINITIONS.....	4
2. OBJECTIVES OF POLICY	5
3. SUBSIDY FOR INDIGENT HOUSEHOLDS	5
4. PRINCIPLES OF POLICY	6
5. CATEGORIES AND CRITERIA OF SUBSIDY.....	6
6. APPLICATION FOR A SUBSIDY	8
7. SWORN STATEMENT.....	9
8. CONVERSION OF METERS	9
9. PUBLICATION OF NAMES.....	9
10. FALSE OR MISLEADING INFORMATION	9
11. CALCULATION OF SUBSIDY	9
12. VERIFICATION AND AMNESTY PERIOD.....	9
13. DURATION OF SUBSIDY	10
14. ACCOUNTS IN ARREAR	10
15. REGISTER	10
16. ENCOURAGEMENT	10
17. REVIEW AND IMPLEMENTATION PROCESS	101

1. DEFINITIONS

For the purpose of this policy, unless the context indicates otherwise, any word or expression to which a meaning has been attached in the Act shall bear the same meaning and means:-

“authorised representative”	The person or instance legally appointed by the Council to act or to fulfil a duty on its behalf.
“basic service”	the amount or level of any municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if not provided, would endanger public health or safety of the environment and for the purposes of this Policy are restricted to the delivery of electricity, refuse, sewerage and water services.
“Chief Financial Officer”	An officer of the Municipality appointed as the Head of the Finance Department and includes any person:- a. acting in such position; and b. to whom the Chief Financial Officer has delegated a power, function or duty in respect of such a delegated power, function or duty.
“Council” or “municipal council”	A municipal council referred to in section 18 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) and for purposes of this policy, the municipal council of the Municipality of Overstrand.
“customer”	Any occupier of any property to which the Municipality has agreed to supply services or already supplies services to, or if there is no occupier, then the owner of the property (including registered indigent household).
“defaulter”	A person who owes money to in respect of a municipal account after the due date for payment has expired.
“Household”	Any customer who are jointly living on a stand or site on a permanent basis and who receive electricity and/or water from one meter, regardless whether the person rents or owns the property.
“Income”	Income is the gross sum of all monthly income from all sources, including wages, salaries, profits, dividends, pensions, rentals, board & lodging, interest received, grants or investment income and other forms of earnings received by every person residing on the property. Child Support Government grants will not be added as a financial contribution towards the household income.
“Indigent”	A household which qualifies in terms of clause 5A, and a household which qualified in terms of 5B as at 30 June 2021.
“Indigent-Poor”	A household which qualified in terms of clause 5C as at 30 June 2021.
“interest”	A levy with the same legal priority as service fees and calculated on all amounts in arrears in respect of assessment rates and service levies at a standard rate as approved by Council.
“municipal account” or “billing”	the proper and formal notification by means of a statement of account, to persons liable for monies levied and indicating the net accumulated balance of the account, specifying charges levied by the Municipality, or any authorised and contracted service provider, in the format of, but not limited to:- (a) show the levies for assessment rates and/or building clause; and “monthly account” rendered monthly and shows the levies for assessment rates and/or building clause, availability charge, sewerage, refuse removal, electricity, water, sundries, housing rentals and instalments, allas well as the monthly instalment for annual services paid monthly
“Municipality”	The institution that is responsible for the collection of funds and the provision of services to the customers of Overstrand.

“the Act”	The Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) as amended from time to time.
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2. OBJECTIVES OF POLICY

The objectives of this Policy are to:-

1. provide a framework within which the Municipality can exercise its executive and legislative authority with regard to the implementation of financial aid to indigent and indigent-poor households in respect of their municipal account;
2. determine the criteria for qualification of indigent and indigent-poor households;
3. ensure that the criteria is applied correctly and fairly to all applicants;
4. allow the Municipality to conduct in loco visits to the premises of applicants to verify the actual status of the household;
5. allow the Municipality to maintain and publish the register of names and addresses of account holders receiving subsidies.

3. SUBSIDY FOR INDIGENT AND INDIGENT-POOR HOUSEHOLDS

- a. A basic level of services will be provided to qualifying households with:
 - (i) a total gross income which is below a determined amount, and
 - (ii) according to further specified criteria, as determined by the Municipality from time to time;
- b. Indigence subsidies will be funded from the equitable share contribution made by National Treasury and as provided for in the municipal budget. The subsidy can only be credited to the qualifying customers' accounts until the amount received by the Municipality from National Treasury and provided for in the municipal budget for this purpose, has been exhausted, whereupon no further credits will be made until further national funds for this purpose are received or additional funds has been provided for in the municipal budget.
- c. Subsidised services are refuse removal, sewerage and consumption service charges.
- d. Customers who qualify for an indigent or indigent-poor subsidy must convert to pre-payment electricity meter, except for areas where electricity is not supplied by Overstrand Municipality, and a flow limiter water meter may be installed, free of charge for these customers.
- e. If a customer's consumption or use of the municipal service is less than the subsidised amount of the service, the subsidy will be limited to the lesser amount. The unused portion, if any, may not be accrued by the customer and will not entitle the customer to cash or a rebate in respect of the unused portion.
- f. If a customer's consumption or use of a municipal service is in excess of the subsidised service, the customer will be obliged to pay for such excess consumption at the applicable rates.
- g. All customers who qualify for an indigent subsidy will be considered placed on restricted service levels in order to limit further escalation of debt.
- h. Where applicable, indigent customers may be exonerated from a portion of their arrear debt.
- i. An indigent customer must immediately request de-registration by the Municipality or its authorised agent if his/her circumstances have changed to the extent that he/she no longer meet the criteria.
- j. An indigent customer may, at any time, request de-registration.
- k. A list of indigent customers will be maintained and may be made available to the general public, subject to the Promotion of Access to Information Act ("PAIA") and/Protection of Personal Information Act ("POPI Act").
- l. The applicant may not be the registered owner of more than one property.
- m. Councillors and municipal officials do not qualify for any benefit in terms of this Policy.

4. PRINCIPLES OF POLICY

- a. The administrative integrity of the Municipality must be maintained at all costs. The democratically elected councillors are responsible for the approval of this policy, while it is the responsibility of the Municipal Manager to ensure the execution of this policy;
- b. Applicants must complete an official application form, which is to be submitted together with the supporting documents as specified in this policy.
- c. Application forms, agreements and documents relating to this Policy must be available in Afrikaans, English and isiXhosa.
- d. 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.
- e. Compliant applications received before the 15th of a particular month will be considered for subsidy for that account levied for the month.

5. CATEGORIES AND CRITERIA OF SUBSIDY

A category of needy households is recognised for purposes of receiving an indigent subsidy.

The criteria for Category A, will be applicable from 1 July 2021 for all implementations of payment of an Indigent Subsidy, only on receipt of application for indigent subsidy, submitted on the prescribed application form and accompanied by the required documentation in accordance with clause 6 :-

A. Indigent household with income less than four times the Government Old Age Pension and electricity units purchase less than 500 kWh

- (i) The total household income may not be more than four times the Government State Old Age pension amount plus R1 per month;
- (ii) Average monthly units purchase of electricity over the previous 6 months may not exceed 500 kWh;
- (iii) Average monthly consumption of water over the previous 6 months may not exceed 20 kℓ;
Or: A flow limiter meter will be installed immediately on application for a flow limiter meter and flow will be limited to a maximum of 20 kl per month;
- (iv) Occupy the property as his/her primary residence;
- (v) Must be a South African citizen; and
- (vi) [The applicant may] The recipient of an indigent benefit in terms of this policy must not be the registered owner of more than one property.
- (vii) The property may only be used for residential purposes.
- (viii) **Categories B and C Indigents as at 1 July 2022 in this policy, must re-apply formally by submitting an application for Category A on the prescribed application form and accompanied by the required documentation in accordance with clause 6, in order to phase out Indigent Categories B and C, which will be discontinued as from 1 July 2022.**

If any of the above criteria is not complied with, the household will immediately be given notice and will lose the status of "indigent" and the subsidy will be forfeited.

Subsidy

- (i) 100% of the basic levy for electricity for one service point per month;
- (ii) 100% of the basic levy for water for one service point per month;
- (iii) 100% of the basic levy for sewage for one service point per month;
- (iv) 100% of 1 X vacuum tanker service after hours, per annum;
- (v) 100% of the basic levy for refuse removal for one service point per month;
- (vi) The first 50 kWh in the tariff block 0-350 of electricity per month shall be free of charge;
- (vii) 10 kℓ of water;

- (viii) 7 kℓ of water consumption for sewerage; and
- (ix) R11.84 in regard of Infrastructure Levy.

B. Indigent household with a property value up to R220 000.00 and electricity units purchase less than 500kWh (no income restriction), with category B subsidy only applicable to existing category B recipients as at 30 June 2021, of a benefit in terms of this policy:-

- (i) All properties with a municipal valuation of R220 000.00 or less, used for residential purposes, are classified as Indigent;
- (ii) Average monthly units purchase of electricity over the previous 6 months may not exceed 500kWh;
- (iii) Average monthly consumption of water over the previous 6 months may not exceed 20kℓ;
- (iv) The recipient of an indigent benefit in terms of this policy must not be the registered owner of more than one property.
- (v) A property may only be used for residential purposes.
- (vi) Must be a South African citizen
- (vii) Occupy the property as his/her primary residence

In order to facilitate phasing out of Category B and to encourage applicants to apply for Category A, subsidies will be allocated as follows from 01 July 2022:

Category B Subsidy benefit from 01 July 2022 to 31 October 2022:

- (i) R291.60 of the basic levy for electricity for one service point per month;
- (ii) R129.14 of the basic levy for water for one service point per month;
- (iii) R115.09 of the basic levy for sewage for one service point per month;
- (iv) 100% of 1 X vacuum tanker service after hours, per annum;
- (v) R185.49 of the basic levy for refuse removal for one service point per month;
- (vi) 10 kℓ of water;
- (vii) 7 kℓ of water consumption for sewerage; and
- (viii) R11.84 in regard of Infrastructure Levy.

Category B Subsidy benefit from 01 November 2022 to 28 February 2023:

- (i) R194.40 of the basic levy for electricity for one service point per month;
- (ii) R 86.09 of the basic levy for water for one service point per month;
- (iii) R 76.73 of the basic levy for sewage for one service point per month;
- (iv) 100% of 1 X vacuum tanker service after hours, per annum;
- (v) R123.66 of the basic levy for refuse removal for one service point per month;
- (vi) 6.67 kℓ of water;
- (vii) 4.67 kℓ of water consumption for sewerage; and
- (viii) R 7.89 in regard of Infrastructure Levy.

Category B Subsidy benefit 01 March 2023 to 31 May 2023 [30 June 2023]:

- (i) R 97.20 of the basic levy for electricity for one service point per month;
- (ii) R 43.05 of the basic levy for water for one service point per month;
- (iii) R 38.36 of the basic levy for sewage for one service point per month;
- (iv) 100% of 1 X vacuum tanker service after hours, per annum;
- (v) R 61.83 of the basic levy for refuse removal for one service point per month;
- (vi) 3.33 kℓ of water;
- (vii) 2.33 kℓ of water consumption for sewerage; and
- (viii) R 3.95 in regard of Infrastructure Levy.

NOTE: Subsidy for Category B benefit will be discontinued from 01 June 2023 [01 July 2023].

C. Indigent households with a property value up to R220 000.00 and electricity units purchase less than 500 kWh (no income restriction).

Only applicable for existing category C recipients as at 30 June 2021, of a benefit in terms of this policy:

- (i) The property value must be less than R220 000.00;
- (iii) The average monthly units purchase of electricity by the household over the previous 6 months may not exceed 500kWh;
- (iv) The average monthly consumption of water by the household over the previous 6 months may not exceed 20kℓ;
- (v) Occupy the property as his/her primary residence;
- (vi) Must be a South African citizen; and
- (vii) The recipient of an indigent benefit in terms of this policy must not be the registered owner of more than one property.
- (viii) The property may only be used for residential purposes.

In order to facilitate phasing out of Category C, and to encourage applicants to apply for Category A, subsidies will be allocated as follows from 01 July 2022:

Category C Subsidy benefit from 01 July 2022 to 31 October 2022:

- (i) R115.09 of the basic levy for sewage per month for one service point;
- (ii) R185.49 of the basic levy for refuse removal per month for one service point.

Category C Subsidy benefit from 01 November 2022 – 28 February 2023:

- (i) R 76.73 of the basic levy for sewage per month for one service point;
- (ii) R123.66 of the basic levy for refuse removal per month for one service point

Category C Subsidy benefit from 01 March 2023 – 31 May 2023. [30 June 2023]

- (i) R 38.36 of the basic levy for sewage per month for one service point;
- (ii) R 61.83 of the basic levy for refuse removal per month for one service point

NOTE: Subsidy for Category C benefit will be discontinued from 01 June 2023 [July 2023].

6. APPLICATION FOR A SUBSIDY

A. Applications for indigent subsidy must be submitted on the prescribed application form and must be accompanied by the following documentation:-

- (i) the latest municipal account of the account holder;
- (ii) proof of the applicant's identity and an affidavit confirming responsibility for the account in the instance where the applicant is not the account holder, but reside on the property; and a letter from account holder;
- (iii) In the instance of a deceased estate, indigent applications will be considered in accordance with requirements for Deceased Estates as stipulated in the Overstrand Customer Care, Credit Control and Debt Collection Policy, inclusive of submission of the executors letter, or letter of authority from the Master/Court and a letter from the relatives of the deceased confirming responsibility for the account and In the instance of a child headed household, also a report from a social worker,
- (iv) proof of the total gross household income, e.g. a letter from his/her employer, salary slip/envelope, pension card, unemployment insurance fund (UIF) card.; and
- (v) proof of medical condition when requiring additional water and electricity.

- B. Incomplete forms or forms without the required documentation attached thereto will be rejected.

7. SWORN STATEMENT

The applicant must complete the sworn statement that forms part of the application form. Failure to do so will render the application invalid.

8. CONVERSION OF METERS

The applicant must agree to the conversion to pre-payment electricity meter and flow limiter water meter. Refer clause 3(d) of Policy.

9. PUBLICATION OF NAMES

The applicant must grant permission for the Municipality to publish his/her name and address on a list of account holders receiving subsidies in terms of this Policy. Refer clause 3(k) of Policy.

10. FALSE OR MISLEADING INFORMATION

A person who provides false information will be disqualified and be refused further participation in the subsidy scheme. In addition he/she may be held liable for the immediate repayment of any subsidies already granted and legal action may be instituted against the guilty party/parties. A person who provides misleading information may only apply again for Indigent Subsidy after a period of 6 months.

11. CALCULATION OF SUBSIDY

- a. The subsidies below will be funded from the “equitable share” contribution received from National Treasury, plus an amount from the Municipality’s own income as budgeted for in the financial year in question. The subsidies will only be granted to qualifying households to the extent that the above-mentioned funds are available for allocation.
- b. The accounts of qualifying applicants are credited monthly by the subsidies calculated in section 5.

12. VERIFICATION AND AMNESTY PERIOD

- 12.1 The Municipality reserves the right to send officials and/or representatives of the Municipality to the household or site of the recipient(s) of a subsidy at any reasonable time with the aim of carrying out an ongoing audit on the accuracy of the information provided.
- 12.2 The municipality implemented an amnesty period, for a six (6)-month period from 1 July 2021 to 31 December 2021, to customers who received, or who are receiving an indigent subsidy, on reporting of transgressions of the stipulations of this policy, to avoid the retrospective repayment of any indigent subsidy received during the period of the transgression with regard to the following:

12.2.1 Requirement for a customer to occupy the property as his/her primary residence:

This amnesty offered customers, who have not, or who are not occupying the property as his/her primary residence, to make use of the window period (1 July 2021 to 31 December 2021) to report any transgressions in this regard in writing to the municipality, to avoid the retrospective repayment of any indigent subsidy received during the period of the transgression;

12.2.2 The recipient of an indigent benefit in terms of this policy must not be the registered owner of more than one property:

This amnesty offered customers, who were, or who are, the registered owner of more than one property, to make use of the window period (1 July 2021 to 31 December 2021), to report any transgressions in this regard in writing to the municipality, to avoid the retrospective repayment of any indigent subsidy received during the period of the transgression.

12.3 The municipality also implemented the retrospective exemption, which was available up to 31 December 2021, of the recovery of any indigent subsidy payment to a customer prior to 30 June 2021, who received an indigent subsidy in conflict of the following requirements in terms of this policy –

- 12.3.1 occupation of the property by the recipient of an indigent benefit, as primary residence;
- 12.3.2 the recipient of an indigent benefit in terms of this policy must not be the registered owner of more than one property.

13. DURATION OF SUBSIDY

- a. If an application is approved, the subsidy will be applicable up until the equitable share contribution made from the National Governments' fiscus and as provided for in the municipal budget is depleted.
- b. If the Municipality obtains information that indicates that the circumstances of the applicant have changed to such an extent that he/she no longer qualifies for the subsidy, the Municipality reserves the right to cancel the subsidy immediately.
- c. If any of the criteria, as set out in 5A, B, C, is not complied with any more, the onus is on the recipient of the subsidy to notify the Municipality within 7 days after such criteria is no longer complied with. If a recipient cannot write, a designated official must be informed in person.
- d. If any of the above criteria is not complied with, the household will immediately be given notice and will lose its Indigent status and the subsidy will be forfeited.
- e. In the case of misrepresentation or false declaration, including subsidy recipients of qualifying properties, the Municipality reserves the right to refuse the approval of the subsidy and to recover any subsidy amount if already granted and may institute appropriate legal action civil or otherwise, against guilty party(ies).
- f. If a category B, C subsidy is cancelled due to excessive water consumption and/or electricity units purchase, in terms of the conditions of this policy, the consumer must apply in terms of category A to be considered for indigent status.

14. ACCOUNTS IN ARREAR

Applicants, whose municipal accounts show arrear amounts at the time of the application for a subsidy, will have to make arrangements with the Municipality for paying off the amounts in arrears.

15. REGISTER

- a. The Municipality will compile a register of households that qualify as "indigent".
- b. The register will be updated continually and reconciled with the relevant subsidy account in the general ledger on a monthly basis.

16. ENCOURAGEMENT

Councillors should encourage tax payers/customers in their various wards to apply for participation in the indigent subsidy scheme.

17. REVIEW AND IMPLEMENTATION PROCESS

This policy will come into effect on 1 March 2023 [July 2022];

This policy will be reviewed at least annually or when required by way of a Council resolution.

POLICY SECTION:	SENIOR MANAGER: REVENUE
CURRENT UPDATE:	28 FEB 2023
PREVIOUS REVIEW:	31 MAY 2022
PREVIOUS REVIEW:	26 MAY 2021
PREVIOUS REVIEW	25 NOV 2020
PREVIOUS REVIEW	27 MAY 2020
PREVIOUS REVIEW	29 MAY 2019
PREVIOUS REVIEW	30 MAY 2018
PREVIOUS REVIEW	26 JUN 2017
PREVIOUS REVIEW	31 MAY 2017
PREVIOUS REVIEW	31 AUG 2016
PREVIOUS REVIEW	28 MAY 2015
PREVIOUS REVIEW	28 MAY 2014
PREVIOUS REVIEW	29 MAY 2013
PREVIOUS REVIEW:	30 MAY 2012
PREVIOUS REVIEW:	04 MAY 2011
PREVIOUS REVIEW:	26 MAY 2010
PREVIOUS REVIEW	27 MAY 2009
PREVIOUS REVIEW	31 MAY 2006
APPROVAL BY COUNCIL:	30 JUNE 2004