



**MAFUBE LOCAL MUNICIPALITY  
PRINCIPLES AND POLICY ON INDIGENT CONSUMERS**

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**1. DEFINITIONS**

**“child headed household”** means a household when both parents are deceased and where all occupants of the property are children of the deceased and are under the legal age to contract for services;

**“household”** means as a registered owner or tenant with or without children who reside on the same premises , and contributes towards the consumption of services.

**“indigent”** means any household or category of households, including a child headed household, earning a combined gross income, as determined by the municipality annually in terms of a social and economic analysis of its area, which qualifies for rebates/remissions, Support or a services subsidy; provided that the child support grants are not included when calculating such household income;

**“indigent Management System”** an electronic management system applied by the Mafube Municipality for the management of the register of indigent households;

**“municipality”** means the Mafube Municipality, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, Councillor, duly authorized agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office, councillor, agent or employee;

**“programme officer”** an official duly authorised by the municipality, or an employee of a service provider appointed by the municipality, who is responsible for the following:-

- a. to ensure that the applications for the indigent support are received and assessed;
- b. to ensure that the applications are captured on the Indigent Management System;
- c. to ensure that the information on applications are verified and that regular audits are executed; and
- d. to authorise expenditure with regard to indigent support.

**“occupier”** means the person who controls and otherwise users immovable property, provided that:-

- a. the spouse of the owner of immovable property, which is used by such spouse or owner as a dwelling at any time , shall be deemed to be the occupier therefore:-
- b. were both spouse reside on immovable property, which is used by such spouse or owner as a dwelling at any time, shall be deemed to be the occupier thereof, the other shall also be deemed an occupier

**“indigent register”** means the electronic database, which has to be updated on a monthly basis, designed to contain all the inputted data contained within completed indigent application forms and which contains detail regarding the applicant’s personal and socio-economic details;

**“owner,”** in relation to immovable property , means:-

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

- i. the lessee of immovable property which is leased for a period of not less than fifty years, whether the lease is registered or not, shall be deemed to be the owner thereof; and
  - ii. the occupier of immovable property occupied in terms of a servitude or right analogous thereto shall be deemed the owner thereof;-
- b. if the owner is deceased, insolvent, has assigned his or her estate for the benefit of his or her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, then the person in whom the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be;
  - c. if the owner is absent from the Republic or if his or her address is unknown to the municipality, then any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; or
  - d. if the municipality is unable to determine who such person is, then the person who is entitled to the beneficial use of such property;

**“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, 1997 (Act No. 8 of 1997) or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
- b. a general plan registered in terms of the Sectional Titles Act, 1986 (Act No.95 of 1986), and situated within the jurisdiction of the municipality;

**“rates”** means any tax, duty or levy imposed on property by the Council;

## 2. INTRODUCTION

- 2.1 The Municipal Council must give priority to the basic needs of the community, promote the Social and economical development of the community and ensure that all residents and communities in the municipality have access to at least the minimum level of basic municipal services in terms of Section 152(1) (b) of the Constitution.
- 2.2 Basic services are generally regarded to be access to the electricity, access to clean water within a reasonable distance of one’s dwelling, basic sanitation, solid waste removal and access to and availability of roads.
- 2.3 The Constitution recognises Local Government as a distinct sphere of Government and as such also entitles Local Government to a share of nationality raised revenue, which will enable it to perform their basic function of providing essential services to the community within their boundaries.
- 2.4 The key purpose of an indigent subsidy policy is to ensure that households with no or lower income are not denied a reasonable service, and on the contrary the Municipality is not financially burdened with non-payment of services. Provided that grants are received and funds are available, the indigent subsidy policy should remain intact.
- 2.5 To achieve the purpose it is important to set a fair threshold level and then to provide fair subsidy to tariffs.
- 2.6 The consumer, in order to qualify as an indigent, needs to complete the necessary documentation as required and agree to regulations and restrictions stipulated by Mafube Municipality.

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

- 3.1 The purpose of this policy is to ensure that the subsidy scheme for indigent households forms part of the financial management system of Mafube Municipality and to ensure that the same procedure is followed for each individual case.

### **4. POLICY PRINCIPLES**

- 4.1 It is against the above background that the municipality undertakes to promote the following principles:-

- 4.1.1 To ensure that the equitable share received annually will be utilised for the benefit of the poor only and not to subsidise rates and charges of those who can afford to pay;
- 4.1.2 To link this policy with the municipality's Integrated Development Plan (IDP), Local Economic Development (LED) initiatives and poverty alleviation programmes;
- 4.1.3 To promote an integrated approach to free basics service delivery; and
- 4.1.4 To engage the community to the development and implementation of this policy.

### **5. POLICY OBJECTIVES**

- 5.1 In support of the above principles the objectives of this policy will be to ensure the following:-

- 5.1.1 The provision of basic services to the community in a sustainable manner within the financial and administrative capacity of the Council
- 5.1.2 The financial sustainability of free basic services through the determination of appropriate tariffs that contribute to such sustainability through cross subsidisation;
- 5.1.3 Establishment of a framework for the identification and management of indigent household including a socio-economic analysis and an exit strategy;
- 5.1.4 The provision of procedures are guidelines for the subsidisation of charges and the provision of free basic energy to indigent households;
- 5.1.5 To ensure co-operate governance with other spheres of government, and
- 5.1.6 To enhance the institutional and financial capacity of the municipality to implement the policy.

### **6. LEGISLATIVE FRAMEWORK**

- 6.1 This policy is designed and implemented with the framework of the following legislation:-

- 6.1.1 The Constitution of the RSA, 1996;
- 6.1.2 Local Government municipality Systems Amendment Act, 2003, Act No. of 2003;
- 6.1.3 The Local Government Municipal Finance Management Act 2003, Act No. 56 of 2003;
- 6.1.4 The Promotion of Administrative Justice Act, 2000, Act No. 3 of 2000;
- 6.1.5 The Promotion of Access to information Act, 2000, Act No. 2 of 2000; and
- 6.1.6 The Local Government Municipal Property Rates Act, 2004 , Act No. 6 of 2004.

## **7. QUALIFICATION CRITERIA**

7.1 Qualification criteria for indigent support shall be determined by the municipality from time to time, provided that until the Mafube Local Municipality determines otherwise, the following criteria shall apply:-

7.1.1 The applicant must be a resident within the Mafube municipality area.

7.1.2 The applicant must be possession of valid South African identity document.

7.1.3 The total monthly income of all occupants on the property is not more than an amount as determined by Council from time to time. This amount will be determined at the beginning of every financial year and will be applied for the duration of that particular financial year. For the 2019/2020 financial year the criteria is proposed to be:-

7.1.3.1 The total gross income of all occupants is less or equal to R4 000.00per month.

7.1.3.2 In the case of pensioners, the income amount is deemed to be less or equal to the amount received by two state pensioners.

7.1.3.3 In the case of pensioners with a threshold of R1 520 determined by government that income will not be regarded as income.

7.1.4 A person or any other occupier of the property concerned must submit proof or declare under oath that all over 18 years of age had no income or a verified total gross monthly income of less than the amount indicated in terms of the definitions above for the preceding three consecutive months.

7.1.5 The applicant must be the owner or who receives municipal services and is registered as an account holder on the municipal financial system.

7.1.6 Any occupant or resident of the single household referred to above may not own more than one property in addition to the property in respect of which indigent support is provided.

7.1.7 The account of a deceased estate may be subsidised of the surviving spouse or dependents of the deceased who occupy the property applies for assistance in estate cases where the remaining beneficiaries cannot afford to pay for such.

7.1.8 Indigency relief shall apply for a period not extending beyond the financial year in which the particular household is registered as indigent with the exception of pensioners, who are classified as indigents indefinitely. Registration must be renewed in each registration programme if relief is to continue.

## **8. ASSISTANCE PROCEDURES**

### **8.1 Communication**

8.1.1 The municipality must develop a communication strategy in terms of which communities will be informed and educated in order to have a clear understanding of this policy and its implementation. Regular information dissemination and awareness campaigns must be undertaken to eliminate unrealistic expectations both in terms of qualifying for subsidy as well as service delivery in general and methods of communication may include, but will not be limited to:

- Ward committees;
- Community based organisation,

- Local radio stations and newspapers;
- Municipal accounts;
- Imbizo's and road shows; and
- Jamborees where government and municipal officials are made available to assist residents with applications such as ID applications, pension and social grant applications

## **9. INDIGENT BENEFIT**

9.1 The Council shall from time to time determine the overall subsidy for indigent debtors. This amount includes rates, water, sewerage availability, refuse removal and VAT. The indigent will receive the following benefits:

### **9.1.1 Property Rates**

All registered indigent shall be fully subsidised for the payment of property rates provided for by Council in the annual budget from time to time and subject to the provisions of the Municipal Property Rates Act. The subsidy shall not be more than the applicable tariff for that year, and will be applied for the duration of that particular financial year. The subsidy shall form part of the tariff policy applicable for the financial year.

### **9.1.2 Water**

All registered indigent will receive 6 kilolitres of water per month fully subsidised or an amount as determined and provided for by the Council in the annual budget from time to time. The subsidy shall not be more than the applicable tariff for that year and will be applied for the duration of that particular financial year. The subsidy shall form part of the tariff policy applicable for the financial year.

### **9.1.3 Sanitation**

All registered indigents shall be fully subsidised for sewerage services as determined and provided for by the Council in the annual budget from time to time. The subsidy shall not be more than the applicable tariff for that year and will be applied for the duration of that particular financial year. The subsidy shall form part of the tariff policy applicable for the financial year.

### **9.1.4 Refuse Removal**

All registered indigent shall be fully subsidised for refuse removal as determined and provided for by Council in the annual budget from time to time. The subsidy shall not be more than the applicable tariff for that year and will be applied for the duration of that particular financial year. The subsidy form part of the tariff policy applicable for the financial year

### **9.1.5 ELECTRICITY**

- Mafube Municipality as indigents and not based on any indigents records submitted by Eskom.
- ONLY registered indigents on Mafube municipality's indigent register will receive 50KW supplied by Eskom and supplied by municipality.
- Procurement of service providers or service in respect of alternative energy sources shall be subject to the Supply Chain Management regulations of the municipality and the support given shall not exceed the level of support given to other indigent households. Unused subsidy will not be carried over to the month.

## 9.2 Burials

9.2.1. In the event of the death of a member of an indigent household where is in need, the municipality may exempt the household from the cost of digging and preparation of a grave, provided that the burial takes place in a municipal cemetery.

## 9.3 Rentals

Not applicable to the municipality

## 10. TARGETING OF INDIGENT HOUSEHOLDS

10.1. The effective targeting of indigent households and the implementation of this policy will be largely on the social analysis included in the IDP, the LED initiatives and other poverty relief programmes of the Mafube Municipality. The socio-economic information and performance indicators contained in these documents must form the basis for the targeting of indigent households. Against the background pf such socio-economic analysis.

10.1.1. The Municipality may apply targeting methods;

Targeting approach	Application
1. Service Levels	Lowest service levels normally in informal settlements and rural areas.
2. Property value	Applicable only to registered indigents in respect of subsidised or RDP housing to a value determined in addition to the R15 000 in terms of the Property Rates Act, 2004.
3. Household income	Threshold shall be determined in terms of socio-economic analysis equalling not more than an annual amount determined by Council or in the case of pensioners equalling two state pension grants per indigent household.
4. Geographical (Zone) targeting	Specific areas (rural or urban) where households are regarded as poor irrespective of service level.

10.1.2. For the 2015/16 financial year the municipality will use household income as the targeting approach for the registration of indigent customer.

## 11. Institutional Arrangements

- The municipality must designate existing staff or appoint officials, or engage properly Community Development Workers who have been trained in terms of the municipality's
- Directions to assist with the implementation and development of this policy and must establish appropriate registration points in its area, the cost of which may be funded through the equitable share allocation.

## **12. Application/Registration**

12.1. A person applying for indigent support must complete a formal indigent support application form approved by the municipality. Such forms will be available at approved registration points provided by the municipality and shall be dealt with in terms of the Procedure Manual.

**The application form is to contain, *inter alia*, the following important information:**

- Details of the account holder;
- Proof of residence;
- Identification documents;
- Number and names of dependants;
- Electricity Meter Number;
- Copy of latest Bank statement (where applicable);
- An affidavit that the occupant has no source of income;

### **12.2 NON-COMPLIANCE OF HOUSEHOLDS REGISTERED AS INDIGENT**

When a property owner or accountholder who has registered as an indigent fails to comply with any arrangements or conditions materially relevant to the receipt of indigency relief, such person will forfeit his or her status as a registered indigent with immediate effect, and will thereafter be treated as an ordinary residential property owner or accountholder for the financial year concerned.

- The onus is on each registered indigent to advise the municipal manager of such failure to comply.
- It may happen that even with the introduction of the indigent policy, certain households may fall into arrears in respect of the amounts due by them. The property owner or accountholder concerned will have to make immediate arrangements with the municipal manager to pay off these arrears owing within a reasonable time determined by the municipal manager in terms of the municipality's credit control and debt collection policy. If these arrangements are not made, no subsidies will be granted.

12.2.1. The relief to indigents may be withdrawn at the discretion of the municipal manager if:

- A registered indigent who qualifies for such relief fails to keep to the terms of the policy agreement; or
- Any tampering with the installations of the municipality is detected.
- If a registered indigent is found to have provided fraudulent information to the municipality regarding any material condition for registration as an indigent, such person shall immediately be removed from the register of indigents, and shall be liable to repay, with immediate effect all indigency relief received from the date of such fraudulent registration. Moreover, such person may not again be considered for indigency relief for a period extending for 1 (one) year beyond the financial year in which the discrepancy was detected.

### **12.2.2. Application Procedures**

**BEFORE THE CUSTOMER APPLY FOR THERE MUST BE AWARE ASSESMENT CRITERIA NEED TO BE DONE AND THE CUSTOMER MUST BE AWARE OF ANY CONSEQUENCES FOR LEING IN THE OUTH.**

- If the applicant is employed, a copy of the latest pay slip must be produced or any other proof of income.
- The applicant must provide a copy of his/her identity document.
- The completed indigent application form must be handed in at the Mafube Local Municipality's officers.
- A sworn affidavit to confirm the correctness of the information on the form.
- The municipal manager or the designated person may approve the application

### **12.3. CONTROL SYSTEMS INDIGENTS**

- All applicants shall be required to sign and submit a sworn affidavit to the effect that all information supplied is true and all income from formal or informal sources are declared.
- An application will be submitted to Municipal offices in different units or to Ward Councillors.
- The ward committee will review the form and verify if the applicant is the indigent.
- The ward councillor will approve or disapprove the application, and one member of the municipal official will be involved in the process.
- If the form is approved, the form will be submitted to the indigent registration clerk for capturing.
- list of indigents per ward shall be generated on request.
- The performance measure will identify the number of indigent households and to measure the percentage of these households to whom the municipality offers help. The municipality will also create a forum wherein these targets are assessed, the municipality's performance evaluated and remedial steps taken.
- The credit control and the debt collection policy shall be applicable to a customer who is indigent and who is in arrears with their municipal bill. Council can resolve to write off arrears if and when applicable.
- Council reserves the right to deny the sale of electricity or water coupons to indigent customers who are in arrears with their rates or other municipal payments.

### **12.4. Audit and Review**

12.4.1. The municipality may conduct regular audits of the indigent register with regard to the information furnished by applicants, possible changes in status, the usage of allocations and debt collection measures applied and where necessary review the status of applicants. The frequency of such audits will depend on institutional capacity of the municipality to do so. It is proposed that at least monthly targeted audits and reviews are undertaken, with a complete review scheduled for at least every three (3) years.

### **12.5. Exit Programme**

12.5.1. Members to participate in exit pros of households registered as indigent must be prepared to participate in exit programmes co-ordinated by the municipality in collaboration with other government departments and the private sector

12.5.2. As part of list broader poverty reduction programme the municipality undertakes to provide for the participation and accommodation of indigent persons in its local economic development (LED) initiatives and in the implementation of integrated development programmes where possible.

12.5.3. The municipality must promote exit from indigence by;

12.5.3.1. Identifying indigents or inclusion in public works projects;

12.5.3.2. Initiating local job creation projects such as cleansing operations, small infrastructure projects, etc;

12.5.3.3. Facilitation of opportunities to enter the informal trade market;

12.5.3.4. Facilitation of food security projects; and

12.5.3.5. Liaison with National and Provincial departments to include indigent persons in their public works programmes.

### **13. DRAFTING AND MAINTENANCE OF AN INDIGENT REGISTER**

13.1. The Chief Financial Officer will be responsible to compile and administer the database for households registered in terms of this policy.

13.2. Registration will be take place on dates and at times and places determined by the Council, but shall generally be undertaken during January and February each year. The municipal Manager or his/her delegate will provide assistance to persons who cannot read or write, at such times and places as are specified in the notices published to indicate that the registration programme is to be place.

13.3. Council reserves the right to send officials or its agents to premises/households receiving relief from time to time for the purpose of conducting an on-site audit of the details supplied.

### **14. PENALTIES AND DISQUALIFICATION FOR FALSE INFORMATION**

14.1. Applications will be required to sign and submit a sworn affidavit, to the effect that all information supplied is true and that all income, i.e. from formal and/or informal sources, is declared.

14.2. Any person who supplies false information will be disqualified from further participation in the subsidy scheme. He/she will also be liable for the immediate repayment of all subsidies received and all debts including arrears that have previously been written off, and the institution of criminal proceedings, as Council may deem fit.

14.3. The onus also rests on indigent support to immediately notify Council of any changes in their indigence status.

## **15. TARIFF POLICY**

15.1. The Municipality Systems Amendment Act stipulates that a Municipal Council must adopt and implement a tariff policy on the levying of fees for Municipal services provided by the municipal itself or by way of service delivery agreements and which complies with the provisions of the Act and with any other applicable legislation.

15.2. A tariff policy must reflect, amongst others, at least the following principles, namely that:-

15.2.1. The amount individual users pay for their services should generally be in proportions to their use of that service;

15.2.2. Poor households must have access to at least basic services through-

15.2.2.1. Tariff that cover only operating and maintenance costs;

15.2.2.2. Special tariff or life line tariff for low levels of use or consumption of services or for basic levels of service; or

15.2.2.3. Any other direct or indirect method of subsidisation of tariffs for poor households.

15.2.3. The extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.

## **16. SOURCES OF FUNDING**

16.1. The amount of subsidisation will be limited to the amount of the equitable share received on an annual basis. This amount may be varied on a yearly basis according to the new allocation for a particular financial year.

16.2. The Municipality resolves to fully subsidise all registered indigents for property rates, site rentals, refuse collection, sanitation, 10kl of water and 50 KWH of electricity (or alternative energy) per month or an amount to be determined annually by Council.

16.3. If approved as part of the tariff policy the amount of subsidisation may at any time be increased through cross subsidisation, i.e. step tariff system in which case paragraph 15.2.3 shall apply.

## **17. METHOD OF TRANSFER AND THE VALUE OF THE SUBSIDY**

17.1. No amount shall be paid to any person or body, but shall be transferred on a monthly basis as a credit towards the approved account holders municipal services account in respect of the property concerned.

17.2. Arrear amount shall not qualify for any assistance and shall be taken into consideration. Calculations shall be based on the monthly current accounts only and in accordance with the approved tariff policy.

## **18. RESTORING SERVICES TO QUALIFIED HOUSEHOLDS**

18.1. If an application is approved services will be restored free of charge. If services are to be suspended thereafter in terms of the approved credit control policy the approved tariff for reconnection will be payable.

## **19. MONITORING AND REPORTING**

19.1. The Chief Financial Officer must report monthly to the Municipal Manager via the municipality's Service Delivery and Budget Implementation Plan to enable the Municipal Manager to report to Council and other interested parties. Such report shall reflect on:-

19.1.1. Number of indigent household's applications received;

19.1.2. Amount of subsidy allocated per benefit category;

19.1.3. Amount of debt accumulating and debt recovery information (number of customers; enquiries; default arrangements; growth or diminishing of arrear debtors; ideally divided into wards, domestic, state, institutional and other such divisions);

19.1.4. Performance against targets set in respect of indigent support and poverty relief and in particular with regard the following:-

19.1.4.1. Number of applications for indigent support dealt with;

19.1.4.2. Time taken to process and finalise applications;

19.1.4.3. Site visits undertaken;

19.1.4.4. Awareness initiatives, and;

19.1.4.5. Exit initiatives.

19.1.5. Changes in the registered status of indigents.

## **20. CAPACITY BUILDING**

20.1. The municipality must ensure that all officials and councillors are appropriately capacitated in Free Basic Services in terms of the following key areas:-

20.1.1. Database management;

20.1.2. Demand and revenue management; and

20.1.3. Policy and by laws implementation.

## **21. IMPLEMENTATION AND REVIEW OF THIS POLICY**

21.1. This policy shall be implemented once approved by Council. All future application for indigent registrations must be considered in accordance with this policy.

21.1.1. In terms of section 17(1) of the MFMA this policy must be reviewed on annual basis and the reviewed policy tabled to Council for approval as part of the budget process.

## **22. Assessment & Screening of Applicants**

22.1 Upon registration of an application, all information must be verified by the Programme Officer in terms of the Procedure Manual.

## **23. Right of Appeal**

1. An application who feels aggrieved by a decision taken in respect of his or her application may lodge an appeal on terms of section 62 of the Municipal Systems Act, Act no 32 of 2000.

## **23. Debt and Revenue Committee**

- An debt and Debt Committee comprising of designated officials and councillors, preferably ward councillors, must be established for the purpose of consideration and finalisation of applications received.
- The Debt and Revenue Committee must meet regularly, but at least once per month.
- The Debt and Revenue Committee must consider each recommended application, assess it in terms of the application and any other knowledge or information which members may have in respect of the applicant.
- The Debt and Revenue Committee must monitor in conjunction with ward councillors, ward committees and other persons or organisations it may appoint the implementation of the indigent support programme subject to the policy directions of the municipality and in consultation with the municipal manager.

## **24. RESPONSIBILITIES OF THE MUNICIPAL MANAGER**

It is the responsibility of the Municipal Manager:

- To create, maintain and update a register of all debtors receiving indigent support subsidies from the Council in terms of the these policy;
- To reflect the indigent status of debtors in the accounting record of the Municipality;
- To advice and keep indigent debtors informed of the approval, amendment, suspension or withdrawal of an application for indigent support in terms of these policy and the conditions under which such support will be granted, including the renewal of indigent support application;
- To report any instance of misuse of the Council`s indigent and Free Basic Service Subsidy Policy to the Council;

- To report at regular intervals as may be required by Council on the progress or otherwise of the implementation of the Council indigent and Free Basic Service Subsidy Support Programme.
- To publish the copy of the policy and amendment thereto on the official website of the Municipality.

**The Mayor or Executive Committee, as the case may be, shall submit the above reports on a quarterly basis to the Council and to the municipality's Ward Committees. The Ward Committees may request the above information at any time needed from the office of the Speaker.**