OVERBERG DISTRICT MUNICIPALITY

POLICY:

TOOLS OF TRADE, CELLULAR PHONE , ALLOWANCES AND DATA ALLOWANCES FOR COUNCILLORS

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1. INTRODUCTION:

The Overberg District Municipality continuously endeavours to achieve best practice policies and procedures in its administration and operations. In order to enable and enhance the productivity of the municipality's strategic business units it is critical that we make use of sound and latest means of communication technology. It is on this premise that municipal political office-bearers should have access to tools of trade, cellular phones and data in the performance of their daily duties.

2. PURPOSE OF THE POLICY:

The purpose of the policy is to develop a means or framework for the allocation, management and control of tools of trade, cellular phone allowances and data allowances to political office-bearers.

3. TOOLS OF TRADE:

3.1 A framework for providing support to public office bearers is contained in the Remuneration of Public Office Bearers Act and is renewed annually by the Minister of Cooperative Governance and Traditional Affairs.

3.2 In terms of section 13(3) of the Municipal Cost Containment Regulations of 2019 must expenditure on tools of trade for political office bearers be limited to the upper limits as approved and published by the Cabinet member responsible for local government in terms of the Remuneration of Public Office Bearers Act, 1998.

3.3 Currently a municipal council may provide tools of trade to a councillor in terms of Section 15(a) of the Act, taking into account Section 15(b) of the Act, that *"where a municipal council makes available tools of trade in terms of paragraph (a) above, such a municipal council must take into account accessibility, affordability and cost control; equity; flexibility; simplicity; transparency and accountability and value of tools of trade."*

3.4 Tools of trade that may be extended include:

	TOOL OF TRADE	**CONDITIONS**	**ODM POSITION**
1.	Braille reader	To be provided to all visually impaired councillors	NO
2.	Office space and furniture	To be provided to full-time councillors, part-time Executive Mayors or Mayor; part-time Deputy Executive Mayors or Deputy Mayors, part-time Speakers, part-time Members of Mayoral Committee or Members of Executive Committee and part-time Chairpersons of Section 79 Committees	Mayor & Speaker
	Parking bay		Mayor & Speaker
	Business Cards		Available on request
	Calculators		NO
	Letter-heads		YES
	Stationary		YES
	Toner Cartridges		YES
	Diaries		YES
	Postage Costs		NO
	Office Telephone		Mayor & Speaker
	Appropriate mobile technology and multi-digital office (excluding cell phones and data card)		NO
	Laptop and/or desktop computer		Full-time councillors and directly elected councillors
	Facsimile		Mayor & Speaker (1 unit to share), rest of councillors to be provided with access
	Printer		Mayor & Speaker (1 unit to share), excluding non-directly elected Councillors
	Photocopier		Mayor & Speaker (1 unit to share), excluding non-directly elected Councillors
	Scanner		Mayor & Speaker (1 unit to share), excluding non-directly elected Councillors
3.	Business cards; Calculators; Letter-heads; Stationary; and Diaries	To be provided to part-time councillors and the usage must comply with policy directives of the municipality	Only diaries to be provided

4.	Postage Costs; Office telephone; and Multi-digital office, facsimile, printer, photocopier and scanner	Part-time councillors to have access to these tools of trade at the municipal offices	Access in Pastorie Building - excluding non-directly elected Councillors
5.	Personal security to Executive Mayors or Mayors	Subject to a threat and risk analysis conducted by the South African Police Service	As and when required
6.	Personal security to any other councillor	Subject to a threat and risk analysis conducted by the South African Police Service	As and when required
7.	Official accommodation and furniture	To be provided to full-time Executive Mayors or Mayors	NO
	The extension and implementation of the above tools of trade must be done in consultation with the member of the Executive Council responsible for local government in the province concerned.		

3.4 Full-time Councillors are housed in official municipal building ("Pastorie") fully equipped as envisaged under 3.3 *supra*

3.5 Full-time councillors to have access to the following tools of trade at the municipal building ("Pastorie") and to be assisted by the office of the mayor/speaker:

Office telephone, facsimile, printer, photocopier and scanner.

3.6 Part-time councillors are not entitled to be issued with any stationary and can also not use postage of the municipality or newsletters.

3.7 Business Cards will be provided to full-time and directly elected Councillors.

3.8 All councillors are provided with tablets.

4 CELLULAR PHONE ALLOWANCES:

4.1 Directly elected councillors will qualify for an Cellular allowance in terms of the upper limits on cell phone allowances for councillors as per the annual Government notice by the Department of Cooperative Governance and Transitional Affairs in terms of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998): Determination of upper limits of salaries, allowances and benefits of different members of Municipal Councils.

4.2 A monthly cellular phone allowance will be paid and reflected in their salaries to acquire cellular phone service from either of the mobile phone operators in the Republic of South Africa.

4.3 The method for acquiring the cellular phone service could either be through a personal contractual agreement or prepaid.

5 DATA ALLOWANCES:

5.1 Directly elected councillors qualify for a Data allowance in terms of the upper limits on data allowances for councillors as per the annual Government notice by the Department of Cooperative Governance and Transitional Affairs in terms of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998): Determination of upper limits of salaries, allowances and benefits of different members of Municipal Councils.

5.2 A monthly data allowance will be paid and reflected in their salaries to acquire data service from either of the mobile data operators in the Republic of South Africa.

5.3 The method for acquiring the data service could either be through a personal contractual agreement or prepaid.

6 TAX IMPLICATIONS FOR CELLULAR PHONE AND DATA ALLOWANCES:

6.1 A Cellular phone and data allowance are affected through the payroll system and is therefore subjected to tax.

6.2 The determination of allowance, through the Budget and Treasury department, shall also take into consideration tax implications of the allowances.

6.3 Because it is a taxable allowance, cellular phone and data allowances should not be misconstrued as inclusive of a negotiated remuneration package.

6.4 Councillors are taxed according to the "Guide for Employers in respect of Allowances".

7 OWNERSHIP OF EQUIPMENT:

7.1 The laptop/desktop and tablets will be and remain the property of council and shall be subject to all council normal asset management processes. Councillors will be provided an opportunity to buy the laptop or tablet as allocated to him/her at the end of his/her term as Councillor. The selling price of the laptop or tablet will be based on the market value of the laptop/tablet at the end of the Councillor's term.

7.2 Mobile devices are not municipal assets as it is paid by each Councillor who receives cellular phone and data allowances.

8 MAINTENANCE AND LOSS OF EQUIPMENT:

The repairs and maintenance of cellular phones, data cards, data dongles and/or any other gadgets by means of which data can be supplied will be for the cost of users and in no way shall Council be held responsible, be it for a sim swap, wear and tear or replacement of the gadget thereof; whether lost through theft or under any form of duress.

9 INSURANCE:

Political Office-bearers are responsible for insuring of their cellular phones, and data gadgets, against any theft, loss or damage.

10 **LIMITS:**

10.1 Limits are promulgated annually in the government gazette.

10.2 A monthly Cellular Phone Allowance in the maximum amount as allowed for by the Remuneration of Public Office Bearers Act, 20 of 1998 (as revised) will be given to directly elected political office-bearers.

10.3 A monthly Data Allowance in the maximum amount as allowed for by the Remuneration of Public Office Bearers Act, 20 of 1998 (as revised) will be given to directly elected political office-bearers.

10.4 These limits will under no circumstances be varied, exceeded or altered by the Municipality, unless provided for in the government gazette.

11 **APPROVAL OF POLICY:**

Date of Approval by Council: 17 August 2020