

MODIMOLLE- MOOKGOPHONG LOCAL MUNICIPALITY



CREDIT CONTROL & DEBT COLLECTION POLICY

FOR THE YEAR 2023/2024

1. Objectives

The objectives of the policy are to:

- Provide a framework within which the municipal council can exercise its executive and legislative authority with regard to credit control and debt collection;
- Ensure that all monies due and payable to the municipality are collected and used to deliver municipal services in the best interest of community, residents and ratepayers and in a financially sustainable manner;
- Set realistic targets for debt collection;
- Outline credit control and debt collection policy procedures and mechanisms; and
- Provide a framework to link the municipal budget to :
 - Indigent support; and
 - Tariff policies.

2. Principles

- The administrative integrity of the municipality must be maintained at all costs. The democratically elected officials (councilors) are responsible for policy-making, while it is the responsible of the municipal manager to execute these policies.
- All customers must complete an official application form formally requesting the municipality to connect them to the service supply lines.
- A copy of the application form, conditions of the services and extracts of the relevant council's credit control and debt collection policy and by-laws must be handed to every customer on request and will be available in ten working days.
- Billing is to be accurate, timeous and understandable.
- The customer is entitled to reasonable access to pay points and to a variety of reliable payment methods.
- 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.
- Enforcement of payment must be prompt, consistent and effective.
- Fraud/criminality will lead to loss of rights and heavy penalties and/or public prosecution.

- Incentives and disincentives may be used in collection procedures.
- The collection process will be cost-effective.
- Collection ‘Best Practices’ will be pursued.
- Results will be regularly and efficiently reported.
- Application forms will be used to categorize customers and to determine whether the customer qualifies for indigent support, pre-payment or credit meters.
- Although customer care and debt collection are inter-related issues, they should be performed by two separate divisions.
- There must be legal cause between the municipality and its customer and customer debt must arise out of a legal framework and must be legally collectable.
- Indigent households will be identified and supported. Welfare is to be separated from tariff and credit control issues and will be supported by appropriate and affordable policies and practices. Indigent support will be introduced within council’s financial ability.
- Targets for performance in both customer service and debt collection will be set and pursued and remedies implemented for non-performance.

3. Duties and Functions of Council

- To approve a budget consistent with the needs of communities, ratepayers and residents.
- To impose rates and taxes and to determine service charges, fees and penalties to finance the budget.
- To provide sufficient funds to give access to basic services for the poor.
- 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.
- To set an improvement target for debt collection, in line with acceptable accounting ratios and the ability of the Municipal Manager.
- To approve a reporting framework for credit control and debt collection.
- To consider and approve by-laws to give effect the Council’s policy.
- To monitor the performance of the Municipal Manager regarding credit control and debt collection.
- To revise the budget should Council’s target for credit control and debt collection not be met.
- To take disciplinary action against councillors, officials and agents who do not execute council policies and by-laws.

- To delegate the required authorities to monitor and execute the Credit Control and Debt Collection Policy to the Executive Committee and Municipal Manager respectively.
- To provide sufficient capacity in the Treasury department for credit debt collection.
- **Duties and functions of Budget & Treasury Portfolio Committee :**
 - To ensure that Council’s budget, cash flow and targets for debt collection are met and executed in terms of the policy and relevant by-laws.
 - To monitor the performance of the Municipal Manager in implementing the policy and by-laws.
 - To review and evaluate the policy and by-laws in terms of collection procedures, mechanisms and processes.
 - To report to Council.
- **Duties and functions of Ward Councilors and Political parties :**
 - To hold regular ward meetings.
 - To adhere to and convey council policies to residents and ratepayers and report in council meetings.
 - To adhere to council’s code of conduct for councilors.

4. Duties and functions of the Municipal Manager

- To implement good customer care management.
- To implement council’s credit control and debt collection policy.
- To install and maintain an appropriate accounting system.
- To bill customers.
- To demand payment on due dates.
- To raise penalties for defaults.
- Issue a reminder of account was not settle on due date.
- To appropriate payments received.
- To collect outstanding debt.
- To implement ‘Best Practices’.

- To provide different payment methods.
- To determine credit control measures.
- To determine work procedures for public relations, arrangements, disconnections of services, summonses, attachments of assets, sales in execution, write-off of debts, sundry debtors and legal processes.
- To appoint firm/s of attorneys to complete the legal process (i.e. attachment and sale in execution of assets, emolument attachment orders etc.).
- To set performance targets for staff.
- To appoint staff to execute council's policy and by-laws in accordance with council's staff policy.
- To delegate certain functions to heads of the departments.
- Response time to customer queries within 10 working days.
- To report to the relevant Portfolio Committee.

5. Duties and obligations of Communities, ratepayers and residents

- To fulfill certain responsibilities, as brought about by the privilege and or right to use and enjoy public facilities and municipal services.
- To pay service fees, rates on property and other taxes, levies and duties imposed by the municipality.
- To observe the mechanisms and processes of the municipality in exercising their rights.
- To allow municipal officials reasonable access to their property to execute municipal functions.
- To comply with the by-laws and other legislation of the municipality.
- To refrain from tampering with municipal services and property.
- A debtor who has an overdue debt may not specify the payment to a specific portion of account.

POLICY PRINCIPLES

6. Customer Care and Management Policy

- 6.1 Communication and feedback : The municipality will, within its financial and administrative capacity, conduct an annual process of compiling its budget which will include:
- a) A first budget meeting annually wherein the Budget Steering Committee will consider budget priorities, principles and a budget framework.
 - b) A first round of public meetings will then be called, to invite at least the following: political parties; ratepayers and civic organizations; chambers of business and organized labour; the general public and other interested parties, at which the budget priorities, principles and framework will be outlined and debated.
 - c) Workshops will be conducted in all wards, to:
 - i. identify the needs of the wards legitimately in the area of responsibility of the council.
 - ii. involve the community in prioritizing these needs.
 - iii. involve the community in Council's planning, and to provide the community with much basic information as to what Council does and what other levels of government do.
 - iv. inform the community of the levels of payment and non-payment in that ward, and to formulate strategies in that regard.
 - d) A council workshop, which will marry the results of the first budget meeting, the public meetings, and the need identification workshops with Council's Integrated Development Plan.
 - e) Thereafter Council's draft Capital and Operating budgets, informed by the above processes, will go through Council's Budget Steering Committee for the formulation of a budget to be tabled by end of February each year.
 - f) This tabled budget, with tariff and rate implications, will then be presented for a second round of public meetings.
 - g) Thereafter, a final budget with inputs from the relevant stakeholders be submitted to Council for approval.
- 6.2 Council's Debt Collection Policy will be made available by general publication and on specific request, and will also be available at Council's cash collection points.
- 6.3 Council will endeavor to distribute a regular newsletter, which will give prominence to customer care and debt issues.
- 6.4 Ward councilors will be required to hold regular ward meetings, at which customer care and debt issues will be given prominence.

- 6.5 The press will be encouraged to give prominence to Council's Customer Care and Debt issues, and will be invited to Council meetings where these are discussed.
- 6.6 Council aims to establish:
- a. A central complaints/feedback office;
 - b. A centralized complaints database to enhance co-ordination of complaints, their speedy resolution and effective communication with customers;
 - c. Appropriate training for officials dealing with the public to enhance communications and service delivery; and
 - d. A communication mechanism to give council feedback on service, debt and other issues of concern.

CREDIT CONTROL

7. Service application and agreements

- 7.1 All customers of services will be required to complete an application form and sign an agreement governing the supply of and cost of, the municipal services and proof of ID to be submitted.
- 7.2 Agreements will only be entered into with the owner of the property or his duly authorized agent.
- 7.3 Prior to signing these agreements, property owners are entitled to receive the policy document of the Council on request.
- 7.4 On the signing of the agreement owners will receive a copy thereof.
- 7.5 Within a specified period (in the agreement) of change of ownership, meters will be read and an account posted.
- 7.6 In the agreement, customers will acknowledge liability for costs of collection, and interest and penalties, in the event of delayed payment.

8. Deposits

- 8.1 Security deposits either in cash or bank guarantee to the municipality are required, and may vary according to the risk determined by the payment history of the customer. A minimum deposit, equivalent to three months average consumption plus sewerage and refuse charges will determine the minimum deposit payable. An initial deposit as determined annually by council will be payable by each new customer applying for the connection of services.
- 8.2 Deposits can be increased by the municipality at any time at the sole discretion of the municipality to a maximum of three months consumption, subject to 30 days notice being given.
- 8.3 Deposits can vary according to the credit-worthiness or legal category of the applicant subject to paragraph 8.1.
- 8.4 The municipality will not pay any interest on deposits.

8.5 On the termination of the agreement the amount of the deposit less any outstanding amount due to the municipality will be refunded to the consumer.

9. Accounts and billing

9.1 Customers will receive an understandable and accurate bill from the municipality, which bill will consolidate all service costs for that property.

9.2 Accounts will be produced in accordance with the meter reading cycle and due dates are linked to the statement date.

9.3 Accounts will be rendered monthly in cycles of approximately 30 days at the address last recorded with the municipality or its authorized agent.

9.4 It is the client's responsibility to ensure timeous payment in the event of accounts not received.

9.5

The due date is indicated on the invoice and normally would be as follows:

- (a) Monthly accounts are payable on or before the 7th day, or the first working day thereafter if the 7th falls on a weekend or public holiday, in the month following the month in which the account has been rendered.
- (b) Accounts of Councillors and Staff can be deducted from their salaries.

9.6 Where an account is not settled in full, any lesser amount tendered and accepted shall not be deemed to be in final settlement of such an account.

9.7 Where any payment made to the municipality or its authorized agent by negotiable instrument is later dishonored by the bank, the municipality or its duly authorized agent :

- a) may recover the average bank charges incurred relating to dishonored negotiable instrument against the account of the customer.
- b) shall regard such an event as default on payment.

9.8 The municipality or its authorized agent must, if administratively possible, issue a duplicate account or consolidate existing accounts upon request by a customer.

9.9 Sundry levies such as final notice – reconnection fees will be levied monthly even though the services were not recommended.

10. Metering

10.1 The municipality will provide meters on all properties where metered services are rendered.

10.2 All meters will be read monthly, if at all possible. If the meter is not read monthly the council will average the consumption for the preceding three months.

- 10.3 Customers are entitled to request verification of meter readings and accuracy within reason, but may be held liable for the cost thereof.
- 10.4 Customers will be informed of the meter replacements.
- 10.5 If a service is metered but it cannot be read due to financial and human resource constraints or circumstances out of the control of the municipality or its authorized agent, and the customer is charged for an average consumption the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption, and the resulting credit or debit adjustments.
- 10.6 If a customer denies council access to a meter by what ever means the council may discontinue the service of the applicable meter until such time, the council can start reading the meter.

11. Right of access to premises

- 11.1 The owner and or occupier of premises gives an authorized representative of the municipality access at all reasonable hours to the premises in order to read, inspect, install or repair any meter or service connection for reticulation, or to disconnect, stop or restrict, or reconnect, the provision of any service¹.
- 11.2 The owner bears the cost of relocating a meter if satisfactory access is continuously denied.
- 11.3 If a person contravenes 11.1 the municipality or its authorized agent may:
 - a) By written notice require such person to restore access at his/her own expense within a specified period.
 - b) If it is deemed that the situation is a matter of urgency, the municipality can, without prior notice restore access and recover the cost from such a person.

12. Payment facilities and methods and stop orders and debit orders

- 12.1 The municipality will operate and maintain suitable banking and cash facilities which facilities will be accessible to all users.
- 12.2 The municipality will, at its discretion allocate a payment between service debts – a debtor who has overdue debt may not specify that the payment is for a specific portion of the account.
- 12.3 The municipality may, with the consent of a customer, approach an employer to secure a debit or stop order arrangement.
- 12.4 The customer will acknowledge, in the customer agreements, that the use of customer agent in the transmission of payments to the municipality is at the risk of the customer – also for the transfer time of the payment.

13. Enquiries, appeals and service complaints

13.1 The municipality must make provision for the following within its administrative and financial powers:-

- (a) Establish a centralised enquiries office;
- (b) Establish a centralised database for complaints that facilitates the co-ordination of complaints, speed up solutions and to provide effective communication with customers;
- (c) Introduce effective training of staff that deal with the public in order to improve service delivery and communication;
- (d) Establish a line of communication with the Council to provide feedback on the implementation of this policy as well as other issues/problems.

13.1 If a customer is convinced that his or her account is inaccurate, he or she can lodge an appeal with the municipality for recalculation of this account.

13.2 In the interim the debtor must pay the average of the last three months account where history of the account is available. Where no such history is to pay an estimate provided by the municipality before payment due date until the matter is resolved.

13.3 The relevant department will investigate and inform the debtor within one month.

13.4 Failure to make such agreed interim payment or payments will make the customer liable for disconnection.

13.5 A customer may register an appeal with the municipality or its authorized agent in terms of 13.1.

13.6 An appeal and request in terms of 13.1 must be made and lodged with the municipality within 21 (twenty-one) days after the customer became aware of the finding referred to in 13.3 and must:

- a) Set out the reasons for the appeal.
- b) Be accompanied by any security determined for the testing of a measuring device if applicable.

14. Incentives for prompt payment

14.1 The municipality may, to encourage payment, and to reward good payers consider from time to time incentives for the payment of accounts.

14.2 Such incentive schemes, if introduced, will be reflected in annual budget as additional expenditure.

15. Customer assistance programme

15.1 Water leakages: If the leakage is on the side of the customer the customer is responsible for the payment of the full account.

15.2 The customer has the responsibility to control and monitor his/her consumption.

- 15.3 **Rate rebates** : Properties used exclusively for residential purposes may qualify for a rebate determined annually by Council. A rate rebate may be granted to social pensioners or the receiver of a State disability grant as determined by Council from time to time. To qualify for the concession the following criteria will apply:
- Application must be made each year and reach the Chief Financial Officer on or before 30 June.
 - The applicant must be the registered owner of the property and should not sub-let any portion of the dwelling or take in boarders and used solely for residential purposes.
 - The applicant should not own any other property.
 - The property must be readily accessible to municipal staff for the purposes of carrying out of inspections.
- 15.4 **Arrangements for settling a municipal account:** If a customer cannot pay his/her municipal account, the municipality may enter into an extended term of payment with the customer not exceeding 6 months, and any other variation can only be through the approval of the Accounting Officer. If the electricity supply was disconnected before the arrangement was approved, it shall include an immediate payment of 50% of the total outstanding amount before the connection could be restored. The customer must:
- Sign an acknowledgement of debt;
 - Sign a consent to judgment;
 - Provide a garnishee order/emolument order/stop order (if he or she is in employment);
 - Acknowledge that interest will be charged at the prescribed rate;
 - Pay the current portion of the account in cash; and
 - Sign an acknowledgement that, if the arrangements are being negotiated later defaulted on, that no further arrangements will be possible and that disconnection of water and electricity will immediately follow, as will legal proceedings;
 - Such arrangement has to be approved either by the Chief Financial Officer, or by the Accounting Officer;
 - Customers with electricity arrears must agree to the conversion to a prepayment metering system of which the cost, and the arrears total, will be paid off either by :
 - adding it to the arrears bill and repaying it over the agreed period; or
 - adding it as a surcharge to the prepaid electricity cost, and repaying it with each purchase of electricity until the debt is liquidated.
 - Council reserves the right to raise the deposit/security requirement in accordance with paragraph 8.1 of debtors who seek arrangements.

- 15.5 **Rates by installments** : Property owners will be allowed to pay the annual assessment rates charged on their municipal by 12 equal monthly installments at no interest.
- 15.6 **Indigent subsidy** : Qualifying households will be entitled to a monthly subsidy credited to their municipal accounts in terms of the council’s Indigent Policy. An indigent customer is exempted from interest – final notice and disconnection levies, but their services will be disconnected if such an account falls in arrears.
- 15.7 Tenders Submitted To the Municipality
- (a) When tenders for the provision of services or for the delivery of goods are requested, potential suppliers will be subject to the provision that they will declare to the municipality that all monies owing to the municipality have either been paid in full or an acceptable arrangement (subject to offset being applied through default on the terms of the contract) has been made to pay off the balance owing subject to the terms and conditions of this policy. Such monies owing will be by the company submitting the tender, its directors, owners and/or partners.
 - (b) No tender will be awarded where monies are owing without an acceptable payment arrangement has been concluded. No further debt may be allowed to accumulate during the contract period.
 - (c) Tender conditions must include a clause allowing the municipality to deduct any monies owing to the municipality from the monies owing to the company/supplier in terms of the tender.

16. Obligations of Property Developers

- Developers will install services, including meters to each stand – according to council’s standards.
- The Developer is liable for the payment of the assessment rates and taxes on the Original property till it is registered in the Deeds office as a new property in a new owner’s name. The original property will be reduced pro rata (value per m² of original value times the size of the departing property);
- The Developer will supply the Council with the meter information of each stand within 7 days after it is occupied.

DEBT COLLECTION

17. Enforcement Mechanisms

17.1 Interruption of service :

- Customers who are in arrears with their municipal account and who have not made arrangements with the council will have their supply of electricity and water, and other municipal services, suspended or disconnected;
- Pre-paid electricity consumers will forfeit 50% of the amount tendered to buy electricity at any vending station if their municipal account is in arrears for rates & taxes and other services;

- The amount recovered through prepaid electricity sales increases by 10 percentage points every 3 months up to a maximum of 90% until the arrears are settled or the consumer signs an acceptable payment arrangement.
- Salary deductions will be enforced for staff and councillors
- 50 % of Long service bonuses, leave encashment travel claims, acting and other adhoc remuneration or allowances paid by the employer will be deducted towards the payment of outstanding debt.
- Applications for property development/building plans, requests for zoning & rezoning certificates, copies of building plans and requests for proof of address will be approved after the arrears have been settled or a payment arrangement has been made.
- Individual consumer service requests and reported faults will be attended to after proof of payment of the arrears is produced to the technicians or the consumer immediately signs a payment commitment/arrangement before repairs can commence.
- The customers will receive a notice to inform him/her that his/her an account is overdue. This notice could either be a written notification delivered at the site of the consumption or by sms via a cell phone number, supplied by the consumers on the application for service form. (consumer to keep council updated with change of contact details);
- The disconnection of electricity service may occur when the account is 1(one) day overdue after the notification mention above was served (electricity supplied by existing meter or pre-paid system). Council is not responsible to prove that any of the notices were served on the premises where the consumption took place or whether the sms was received by the consumer.
- Failing to pay after the notices were served. The water and or the electricity supply will be disconnected.
- The cost to have water supply reinstated will be an amount set by council payable in advance.
- Council reserves the right to deny or restrict the sale of electricity or water to customers or accounts related to the effected property that is in arrears with their rates or other municipal charges.
- Upon the liquidation of arrears, or the conclusion of arrangements, the service will be reconnected as soon as conveniently possible as but not later than 10 working days.
- The cost of the restriction or disconnection, and the reconnection, will be determined by tariffs agreed by Council, and will be payable by the customer.

17.2 **Interest and penalties:** Interest will be raised on the outstanding capital amount as being determined by council, as a charge on all accounts not paid by the due date, in accordance with applicable legislation. Cost to recover debt, will be for the account of the defaulter and such costs will either be determined by means of a tariff, annually approved by council or actual costs incurred in the collection process.

17.3 Legal Process and the use of attorneys and or credit bureaus

- Council may, when a debtor is 45 days in arrears, commence legal process against that debtor, which process could involve final demands, summonses, court trials, judgements, garnishee orders and/or sales in execution of the property.
- Council will exercise strict control over this process, to ensure accuracy and legality within it, and will require regular reports on progress from outside parties, be they attorneys or any other collection agents appointed by council.
- Council will establish procedures and codes of conduct with these outside parties.
- Garnishee orders, in the case of employed debtors, are preferred to sales in execution, but both are part of Council's system of debt collection procedures.
- All steps in the credit control procedure will be recorded for Council's records and for the information of the debtor.
- All costs of this process are for the account of the debtor.
- Individual debtor accounts are protected and are not the subject of public information. However, Council may release debtor information to credit bureaus. This release will be in writing and this situation will be included in Council's agreement with its customers.
- Council may consider the cost effectiveness of this process, and will receive reports on relevant matters, including cost effectiveness.
- Council may consider the use of agents, and innovative debt collection methods and products. Cost effectiveness, the willingness of agents to work under appropriate codes of conduct and the success of such agents and products will be part of the agreement Council might conclude with such agents or product vendors; and will be closely monitored by Council.
- Customers will be informed of the powers and duties of such agents and their responsibilities including their responsibility to observe agreed codes of conduct.
- Any agreement concluded with an agent or product vendor shall include a clause whereby breaches of the code of conduct by the agent or vendor will see the contract terminated.

17.4 Theft and fraud

- Any person (natural or juristic) found to be illegally connected or reconnected to municipal services, tampering with meters, reticulation network or any other supply equipment or committing any unauthorized service associated with the supply of municipal services, as well as theft and damage to Council property, will be prosecuted and/or liable for penalties as determined from time to time.
- Council will immediately terminate the supply of services to a customer should such conduct as outlined above be detected.

- The total bill owing, including penalties, assessment of unauthorized consumption and discontinuation and reconnection fees, and increased deposits as determined by Council if applicable, becomes due and payable before any reconnection can be sanctioned.
- Council will maintain monitoring systems and teams to detect and survey customers who are undertaking such illegal actions.
- Council may distinguish in its penalties between cases of vandalism and cases of theft.
- Subsequent acts of tampering will lead to penalties and deposits increasing in quantum.
- Council reserves the right to lay charges and to take any other legal action against both vandals and thieves.
- Any person failing to provide information or providing false information to the municipality may face immediate disconnection.

17.5 **Cost of collection:** All cost of legal process, including interest, penalties, service discontinuation cost and legal costs associated with credit control are for the account of the debtor and should reflect at least the cost of the particular action.

17.6 **Abandonment**

- The Municipal Manager must ensure that all avenues are utilized to collect the outstanding debt.
- There are some circumstances that allow for the valid termination of debt collection procedures:
 - The insolvency of the debtor, whose estate has insufficient fund.
 - A balance being too small to recover, for economic reasons considering the cost of recovery.
- The municipality will maintain audit trails in such an instance, and document the reasons for the abandonment of the debt.

17.7 **Rates clearance :** On the sale of any property in the municipal jurisdiction, Council will withhold the transfer until all rates and service charges are paid by withholding a rates clearance certificate¹.

PERFORMANCE EVALUATION

18. **Income Collection Targets :** Council to create targets that include the reduction in present monthly increase in debtors in line with performance agreements determined by council.

19. **Customer Service Targets :** Council to create targets that would include:

- Response time to customer queries.
- Date of first account delivery to new customers.
- Reconnection time lapse.
- Meter reading cycle.

20. **Administrative Performance :** Council to create targets that will include:

- Cost efficiency of debt collection.
- Enforcement mechanism ratios.

21. **Reporting to Council**

21.1 The Chief Financial Officer shall report monthly to the Municipal Manager in a suitable format to enable the Municipal Manager to report to Council. This report shall report on:

- Cash flow information for the capital and operating accounts, and combined situation, showing Council's actual performance against its cash flow budgets.
- Cash collection statistics, showing high-level debt recovery information (numbers of customers; enquires; default arrangements; growth or reduction of arrear debtors; ideally divided into wards, business (commerce and industry) domestic, state, institutional and other such divisions.
- Performance of all areas against targets agreed to in items 6 of this policy document.
- Council's ongoing income and expenditure statements, comparing both billed income and cash receipt income, against ongoing expenditure in both the capital and operating accounts.

21.2 If in the opinion of the Chief Financial Officer, Council will not achieve cash receipt income equivalent of the income projected in the annual budget as approved by Council, the Chief Financial Officer will report this with motivation to the Municipal Manager who will, if he agrees with the Chief Financial Officer, immediately move for a revision of the budget according to realistically realizable.

22. **Structures of the Budget & Treasury Office :**

Council shall regularly receive a report from the Chief Financial Officer, if necessary after consultation with suitable consultants, on the manpower and systems requirements of treasury which requirements take into account Council's agreed targets of customer care and management, and debt collection, and, after considering this report, Council will within reason vote such resources as are necessary to ensure that treasury has the staffing and structures to meet Council's targets in this regard or to outsource the service

Annexure A : Rendering of Consumer Services Agreement

Annexure B : Application Form for Indigent Household Subsidy

COMMENCEMENT CERTIFICATE

This policy will be effective on the 01 July 2023.

MUNICIPAL MANAGER