



ALLOWANCES AND BENEFITS OF COUNCILLORS POLICY

**POLICY ADOPTED BY COUNCIL ON 31 JANUARY 2019
AT ITEM C.15.1**

**POLICY AMENDED BY COUNCIL ON 31 OCTOBER 2019
AT ITEM C.15.6**

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1. INTRODUCTION

- 1.1 The Cape Winelands District Municipality is committed to provide full-time and proportional representative (PR) councillors, as well as the chairperson of Municipal Public Accounts Committee (MPAC) with “Tools of Trade” as prescribed in Paragraph 6 of this policy.
- 1.2 The objective of this policy is to ensure that councillors are able to perform their normal day-to-day duties, taking into account accessibility, affordability and cost.
- 1.3 Council intends to invest capital and other resources in both hardware and software in its operations, and this policy intends to safeguard this investment and ensure its efficient use.

2. PURPOSE

- 2.1 As determined in the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) as amended, tools of trade are the resources or enabling facilities provided by a municipal council to a councillor to enable effective and efficient fulfilment of his/her duties in the most cost effective manner, and at all times remain the assets of the municipality.
- 2.2 Providing councillors with the tools of trade covered by this policy will enhance:
 - 2.2.1 Communication and accessibility between councillors, management and their constituencies; and
 - 2.2.2 Enable councillors to focus on the core responsibility of the Cape Winelands District Municipality (CWDM), namely providing services to all citizens in the jurisdiction area.

- 2.2.3 Ensure compliance with the Municipal Cost Containment Regulations, 2019, read together with MFMA Circular No. 97 on Municipal Cost Containment Measures, dated 31 July 2019.

3. SCOPE AND APPLICATION

This policy shall apply to all full-time councillors, proportional representative (PR) councillors, directly representative councillors, part-time councillors and the chairperson of the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality, as the case may be.

4. DEFINITIONS

In this policy, unless the context indicates otherwise, a word or phrase to which a meaning has been assigned in the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) and the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) has that meaning and –

“Acting Executive Mayor” means a councillor elected as Acting Executive Mayor in terms of section 56(7) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

“Council” means the Council of the Cape Winelands District Municipality.

“Deputy Executive Mayor” means a councillor elected as Executive Deputy Mayor in terms of section 55(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

“Directly representative (PR) councillor” means a councillor who directly represents a Local Municipality in terms of section 23(1)(b) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

“Executive Mayor” means a councillor elected as Executive Mayor in terms of section 55(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

“Full-time councillor” means a councillor who has been elected or appointed to an office which has been designated as full-time in terms of section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

“Municipal Cost Containment Regulations” means the Municipal Cost Containment Regulations, 2019, published in Government Gazette No 42514 of 7 June 2019, in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003), which came into effect on 1 July 2019.

“Municipal Manager” shall mean a person appointed in terms of section 82(i)(a) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998).

“Official business” means for purposes of this policy the attendance by councillors of congresses, conferences, seminars, training, meetings, workshops, etc. related to the official business of the Cape Winelands District Municipality, subject thereto that such attendance has been duly authorized in terms of the Cape Winelands District Municipality’s system of Delegations (as amended from time to time).

“Part-time councillor” means a councillor other than a full-time councillor.

“Proportional representative (PR) councillor” means a councillor who proportionally represents the parties contesting the election in the District Municipality in terms of section 23(1)(a) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

“Section 79 committee” means a committee of the municipal council established in terms of section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

“Tools of trade” means the resources provided by Council to a councillor to enable such councillor to discharge his or her duties in the most efficient and effective manner, and at all times remain the assets of the Cape Winelands District Municipality.

“Transportation expenses” shall include trips related to the official business of the Cape Winelands District Municipality by vehicle, taxi, boat, helicopter, train, tram and aeroplane and any other means, and shall include travel with a personally owned vehicle.

5. LEGISLATIVE FRAMEWORK

- 5.1 A framework for providing support to public office bearers is contained in the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) and is reviewed annually by the Minister of Cooperative Governance and Traditional Affairs.
- 5.2 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.

6. TOOLS TO BE PROVIDED

The following tools will be covered by this policy:

	TOOLS OF TRADE	CAPE WINELANDS: APPLICABLE TO
(a)	Braille reader	Not applicable No visually impaired councillor(s) at this stage
(b)	Office space and furniture; Parking bay; Business cards; Calculators; Letterheads; Stationary; Toner cartridges; Diaries; Postage costs; Office telephone; and Appropriate mobile technology and multi-digital office (excluding cell phones and mobile data card), including facsimile, printer, photocopier and scanner	Full-time councillors PR councillors
(c)	Laptop or tablet	Full-time councillors PR councillors
(d)	Official accommodation and furniture where it currently exists	Not applicable
(e)	Business cards; Calculators; Letterheads; Stationery; and Diaries	Full-time councillors MPAC chairperson
(f)	Postage cost; Office telephone; and Multi-digital office, facsimile, printer, photocopier and scanner	Available at the offices of the CWDM
(g)	Personal security	Subject to a threat and risk analysis conducted by the South African Police Service (SAPS)

6.1 Fully furnished office space

Provided to all full-time councillors and the chairperson of the MPAC and the Whips of political parties represented in Council, subject to availability, and will include the provision of:

- 6.1.1 Office telephone;
- 6.1.2 Stationary;
- 6.1.3 Calculators (should be handed in upon ceasing to be a full-time councillor);
- 6.1.4 Diaries (once per annum);
- 6.1.5 Access to facsimile;
- 6.1.6 Access to printer with scanner (with toner cartridges); and
- 6.1.7 Postage.

6.2 Parking bay

Provided to all full-time Councillors at his/her allocated office, subject to availability.

6.3 Business cards

Full-time councillors and the chairperson of MPAC will be issued with personalised official Cape Winelands District Municipality (CWDM) business cards.

6.4. Telephone Access

- 6.4.1 The Cape Winelands District Municipality will provide municipal offices, or a combination of municipal offices, with reliable telephones and facsimile facilities;

- 6.4.2 Telephones and facsimile facilities are to be utilized for official purposes;
- 6.4.3 Access for councillors to telephones in their offices for usage in the performance of their official duties will be allocated in terms of the approved System of Delegations;
- 6.4.4 Provision is made for the allocation of a PIN-code to all councillors to ensure that only Cape Winelands District Municipality's councillors utilize official instruments appropriately and to manage the usage of telephones;
- 6.4.5 Private calls should be avoided where possible, and if necessary, the duration of the private calls should be reasonably limited;
- 6.4.6 Councillors are expected to reimburse the Cape Winelands District Municipality for any private calls made in accordance with the control measures as set out below;
- 6.4.7 The Cape Winelands District Municipality has the right to monitor telephone bills and the usage of telephones;
- 6.4.8 Telephone usage control measures
 - (a) A detailed statement (printout) of all calls made and the total cost thereof would be provided to all councillors by the Administrative Support Services/Switchboard Operator within seven (7) days after the end of the month, provided that the Division: Information and Communication Technology / Switchboard allows for this function;

- (b) All councillors must identify private calls made and calculate the respective amounts due. The councillor concerned shall be obliged to certify (sign) the printout; and
- (c) Signed printouts should be submitted to the Salary Office before the 12th of every month. The cost in respect of private calls will be deducted monthly from the salaries of councillors. Failure to submit signed printouts of private calls before the due date will result in total amount of the statement being deducted.

6.5 Facsimile Access

All councillors should take reasonable safeguards to protect facsimile communications by:

- 6.5.1 Ensuring that facsimile facilities are located in a protected area and is preferably not within view of, or accessible to visitors;
- 6.5.2 Ensuring that confidential information is protected when utilizing facsimile facilities;
- 6.5.3 Take reasonable steps to ensure that the fax transmission/communications are sent to the intended contacts and destinations by:
 - (a) Refraining from sending highly confidential information via fax;
 - (b) Double-checking fax numbers before sending; and
 - (c) Ensuring that copies of all faxes and confirmation sheets must be sent to the Registration Office for filing, as may be determined relevant by the respective managers.

6.6 Laptops / Tablets

- 6.6.1 All full-time and proportional representative (PR) councillors will receive a standard laptop or tablet (subject to availability and depending on functionality) with the necessary software from the Cape Winelands District Municipality (CWDM) to enable them to perform their oversight role;
- 6.6.2 Paper and other consumables for full-time councillors will be provided; subject to budget limitations;
- 6.6.3 The procurement and installation of all computer hardware and software will be the responsibility of the Division: Information and Communication Technology;
- 6.6.4 All faults or queries related to hardware, software and networks will be logged and reported to the Division: Information and Communication Technology. Users are strictly prohibited from opening up or tampering with their hardware or software / system settings;
- 6.6.5 Only legally licensed software may be used on Council's laptops, personal computers and tablets. No illegal or pirate copies of software shall be used or installed on any Council equipment;
- 6.6.6 The use of laptops or tablets by councillors must at all times comply with the requirements of the Division: Information and Communication Technology at the Cape Winelands District Municipality;
- 6.6.7 In the event of a virus discovered, the Helpdesk must be advised IMMEDIATELY in order that remedial action can be taken. The laptop, tablet or personal computer is not to be used until such time as the virus has been removed;

- 6.6.8 The regular back-up of files is essential to protect them against data loss by hardware and/or software failure or theft of the laptop, tablet or personal computer. As all corporate data will be stored on file servers, this will be a function of the Division: Information and Communication Technology. The onus remains with the councillor to adequately protect any important data that may reside on local PC drives from loss and to use a system which enable full recovery in the event of disk failure. All back-up copies of files should be secured away from the immediate environment of the PC. The Division: Information and Communication Technology does not accept responsibility for any loss of data stored locally;
- 6.6.9 No software, excluding Windows embedded drivers, other than that purchased through or authorized by the Division: Information and Communication Technology, may be used on Council hardware as prescribed in the Information Security Policy;
- 6.6.10 Council supports the use of the internet, as a means of enhancing its level of service and promoting Cape Winelands District Municipality in general. All councillors' laptops, tablets or personal computers will be loaded with an internet browser and configured to access Council's internet service and be capable of accessing the internet (WWW-World Wide Web), including appropriate social network sites;
- 6.6.11 The use of the internet impacts on the amount of data traffic on the network and usage therefore should be focused on Council-related work. Misuse thereof is not allowed as, part from being productive, it causes an unnecessary load on the network and affects both response times and storage requirements. A detailed logging system is available which will indicate, by individual, all internet sites visited and total usage in terms of time and volume of data transfers;

- 6.6.12 The use of e-mail should be used primarily for official purposes and councillors are not permitted to use it for private advertising. All official mail received and sent should be handled promptly and be of a high quality and comply with the standards applicable to normal letter-post, internal memoranda and with the provisions of the Provincial Archives and Records Service of the Western Cape Act, 2005 (Act No. 3 of 2005);
- 6.6.13 Internal data and information is a resource belonging to Cape Winelands District Municipality and therefore may not be used for personal or political gain, distributed without authority, or sold;
- 6.6.14 Network and laptop, tablet or personal computer's access will be strictly password controlled and there will be an enforced password change at regular intervals of time;
- 6.6.15 Password are to be regarded as "keys" and must be protected as you would your keys to any container of valuable items. Councillors must take responsibility not to disclose their passwords to other(s) and if it is suspected that the password has become known to other(s), it must be changed immediately;
- 6.6.16 By receiving computer equipment the user accepts responsibility for the safeguarding thereof for the period it is assigned to him/her and will be held responsible for any cost incurred due to negligence, including theft;
- 6.6.17 The control of laptops, tablets or personal computers allocated to a councillor must be in accordance with the Asset Management Policy of the Cape Winelands District Municipality;
- 6.6.18 Councillors will be required to return laptops or tablets issued to them, to the Cape Winelands District Municipality, should they cease to be a councillor;

6.6.19 Laptops and tablets must be available for the annual asset verification to the Cape Winelands District Municipality's asset register.

7. REIMBURSEMENT OF TRAVEL CLAIMS

7.1 A vehicle allowance forms part of the remuneration package of all councillors. Therefore no councillor will be allowed to make use of any Council owned vehicle for the purpose of travelling, except the Executive Mayor or a councillor designated to act in his/her stead.

7.2 No councillor may go on official business without the necessary pre-authorization from the Executive Mayor and in the prescribed format.

7.3 Where privately owned vehicles are utilized by councillors for official travel inside and outside the jurisdiction area of the Cape Winelands District Municipality, councillors shall be reimbursed.

7.4 Councillors of the Cape Winelands District Municipality designated to attend official business, may claim reimbursement for official distances travelled in a particular month in accordance with the applicable tariffs prescribed by the Department of Transport for the use of privately owned vehicles, subject thereto that a logbook acceptable to the South African Revenue Service reflecting the official and private kilometres travelled per month, must be kept for purposes of determining official distance travelled per month:

7.4.1 Councillors are regarded as having conducted business travel where such travel is carried out in the performance of their official duties as members of a municipal council (municipality). Travelling outside the scope of the duties connected to this position of the public office (for example, travelling in respect of political party activities), is not regarded as business travel, since such activities do not form part of the official function of the municipality;

7.4.2 *Apart from their work as public officers for the municipality, councillors may be required by their respective political parties to carry out party work, which may necessitate a particular amount of traveling. Such travelling, however, is not connected to a councillor's role as public officer, and is therefore not regarded as having been carried out for purposes of official municipal business. A distinction must, therefore, be drawn between the performance of duties on behalf of the political party, and the performance of official duties on behalf of the municipality;*

7.4.3 *Travelling carried out in respect of political party work, is not connected to the councillors position of public office and, accordingly, such travel will not be regarded as official business travel;*

7.5 For the purposes of claiming of official distances travelled in a calendar month, councillors must keep a logbook/sheet acceptable to the South African Revenue Service reflecting the official kilometres travelled per month which must be approved and submitted to the Budget and Treasury Office by no later than the 7th of the month following the month during which the official journeys were undertaken.

8. MAYORAL VEHICLE

8.1 Procurement

8.1.1 The threshold limit for purchasing a mayoral vehicle must not exceed R700,000.00 or 70% (VAT inclusive) of the total annual remuneration package of the Executive Mayor, as defined in the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) and the notices issued in terms thereof by the Minister of Cooperative Governance and Traditional Affairs, whichever is lower.

- 8.1.2 The procurement of vehicles in paragraph 4.1 must be undertaken using the national government transversal contract mechanism, subject to the prescriptions of MFMA Circular No. 96. However, should it be impractical to adhere to the determinations of Regulation 32 of the Local Government: Municipal Supply Chain Management Regulations, 2005 or risk compliance with section 217(1) of the Constitution of the Republic of South Africa, 1996, the Municipality will institute its own Supply Chain Management Policy.
- 8.1.3 Before deciding to procure a mayoral vehicle as contemplated in paragraph 8.1.2, the Municipal Manager, or delegated official, must provide Council with information relating to the following criteria which must be considered –
- (a) Status of current vehicle;
 - (b) Affordability of options including whether to procure a vehicle as compared to rental or hire thereof, provided that the most cost effective option is followed and the cost is equivalent to or lower than that contemplated in paragraph 8.1.1;
 - (c) Extent of service delivery backlogs;
 - (d) Terrain for effective usage of the vehicle; and
 - (e) Any other policy of Council.
- 8.1.4 If the rental referred to in paragraph 8.1.3(b) is preferred, the Municipal Manager must review the costs incurred regularly to ensure that value for money is obtained.
- 8.1.5 Regardless of usage, the mayoral vehicle may only be replaced after completion of 120,000 kilometres.

8.1.6 Notwithstanding paragraph 8.1.5, the Municipality may replace the mayoral vehicle before the completion of 120,000 kilometres only in instances where the mayoral vehicle has a serious mechanical problem and is in a poor condition and subject to obtaining a detailed mechanical report by the vehicle manufacturer or approved dealer.

8.2 Usage

8.2.1 The mayoral vehicle may only be utilised by the Executive Mayor for official purposes which will include the attendance by of congresses, conferences, seminars, training, meetings, workshops, etc. related to the official business of the Cape Winelands District Municipality.

8.2.2 The mayoral vehicle will be for the exclusive usage of the elected Executive Mayor.

8.2.3 If the Executive Mayor is absent or not available or if the Office of the Executive Mayor is vacant, the Deputy Executive Mayor will exercises the powers and performs the duties of the Executive Mayor in terms of section 56(6) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and will during such period qualifies to utilise the mayoral vehicle.

8.2.4 If both the Executive Mayor and the Deputy Executive Mayor is absent or not available and the Council has designated a Councillor to act as Executive Mayor in terms of section 56(7) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), such Councillor will qualify to utilise the Mayoral Vehicle during the period that he/she acts as Executive Mayor.

8.2.5 Any passenger(s) entering or being transported in the mayoral vehicle do so at his/her own risk and may not claim damages for any personal injuries sustained or loss of property.

- 8.2.6 Only the Mayoral Driver, or another official designated by the Cape Winelands District Municipality, are allowed to drive the mayoral vehicle.
- 8.2.7 The Mayoral Driver, or another designated driver, shall always keep the logbook up to date, before and immediately after the completion of each trip.
- 8.2.8 When not utilised, the mayoral vehicle must be parked on the premises of the Cape Winelands District Municipality.

9. CELLULAR PHONE ALLOWANCE

- 9.1 Proportional representative (PR) councillors will qualify for a 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 No. 20 of 1998): Determination of upper Limits of salaries, allowances and benefits of different members of Municipal Councils.
- 9.2 A monthly cellular phone allowance will be paid to proportional representative (PR) councillors, in addition to their annual total remuneration packages, to acquire cellular phone services from either of the mobile phone operators in the Republic of South Africa.
- 9.3 Directly represented councillors representing the local municipalities will qualify for the payment of cellular phone expenses not exceeding 50% of the applicable allowance referred to in paragraph 8.1 for the execution of official duties on behalf of the Cape Winelands District Municipality, subject thereto that itemized billing from the applicable mobile service provider be submitted, accompanied by a call log sheet indicating the number, date, purpose and recipient of the calls, as well as the nature of the District's business being discussed and should be signed-off by the Executive Mayor.

- 9.4 The method for acquiring the cellular phone service could either be through a personal contractual agreement or prepaid.
- 9.5 All councillors must furnish the Cape Winelands District Municipality with cellular numbers that they use for official purposes as soon as they enter into a contract or obtain a gadget through prepaid that will enable them to effectively and efficiently perform their assigned official functions as and when it is necessary to do so.
- 9.6 Any contractual agreement entered into between a councillor and a service provider is binding on the said office-bearer and the Cape Winelands District Municipality is absolved whatsoever, in any shape or form from the agreement.
- 9.7 Councillors who already have private contracts or any means of cellular phone access may use same for official purposes for as long as they can be accessed at any time of the day, including after hours.
- 9.8 In the event that a councillor cease to hold Office at the Cape Winelands District Municipality, the allowance shall be discontinued immediately.

10. DATA ALLOWANCE

- 10.1 Proportional representative (PR) 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 No. 20 of 1998): Determination of upper limits of salaries, allowances and benefits of different members of Municipal Councils.
- 10.2 A monthly data allowance will be paid to proportional representative (PR) councillors, in addition to their annual total remuneration packages, to acquire data services from either of the mobile data operators in the Republic of South Africa.

- 10.3 The method for acquiring a data service must be through a personal contractual agreement or prepaid.
- 10.4 Councillors who already have private contracts or any means of data access may use same for official business.
- 10.5 In the event that a councillor cease to hold office at the Cape Winelands District Municipality, the allowance shall be discontinued immediately.

11. TAX IMPLICATIONS FOR CELLULAR PHONE AND DATA ALLOWANCES

- 11.1 A cellular phone and data allowance is affected through the payroll system and is therefore subjected to tax.
- 11.2 Because it is a taxable allowance, cellular phone and data allowances should not be misconstrued as inclusive of a negotiated remuneration package.

12. 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 councillors and in no way shall the Cape Winelands District Municipality 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.

13. CAPACITY BUILDING

- 13.1 The Cape Winelands District Municipality will make provision in its budget for the development and implementation of capacity building programmes for proportional representative (PR) councillors and full-time councillors, during their term of office.

- 13.2 Capacity building programmes will consist of short courses or programmes as provided for in the Education, Training and Development policy and Skills Development Plan of the Cape Winelands District Municipality, including training conducted by national departments, associated government agencies and SETA's, provincial departments, municipalities and organised local government.
- 13.3 Capacity building programmes must take into consideration the capacity needs to fulfil a proportional representative (PR) councillor or full-time councillor's statutory obligations and affordability by the District Municipality.
- 13.4 Subject to any proportional representative (PR) councillor or full-time councillor undergoing training, the Council must develop and adopt a Skills Development Plan and Personal Development Plan.

14. OVERPAYMENT AND SUBSEQUENT COUNCILLOR DEBT

- 14.1 Any remuneration paid to a councillor otherwise than in accordance with section 167(2) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 53 of 2003) including any bonus, bursary, loan, advance or other benefit, is an irregular expenditure and the District Municipality –
- 14.1.1 Must recover that remuneration from the councillor; and
 - 14.1.2 May not write-off any expenditure incurred by the District Municipality in paying or giving that remuneration.
- 14.2 The MEC must report to the Minister –
- 14.2.1 Any transgression of paragraph 14.2; and

14.2.2 Any non-compliance with the Government notice by the Department of Cooperative Governance and Transitional Affairs in terms of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998): Determination of upper Limits of salaries, allowances and benefits of different members of Municipal Councils.

14.3 Should any councillor become indebted to the Cape Winelands District Municipality in any form or manner, such debt will be dealt with in accordance with section 16 of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) read with the provisions of the official Credit Control and Debt Collection policy of the Cape Winelands District Municipality.

15. MONITORING, EVALUATION AND CONTROL

15.1 The Executive Mayor of the Cape Winelands District Municipality will be the implementing agent of this policy and shall ensure that all councillors comply with the provisions thereof.

15.2 This policy shall become the official policy of the Cape Winelands District Municipality once it is adopted and approved by the Council of the Cape Winelands District Municipality.

15.3 The policy shall be reviewed regularly to cater for legislative amendments as well as environmental changes.

16. AMENDMENTS

The Council may from time to time amend this policy and introduce any measure(s) to ensure efficient, economic and effective management of Council resources.

17. EFFECTIVE DATE

The policy will become effective upon approval thereof by the Council of the Cape Winelands District Municipality.