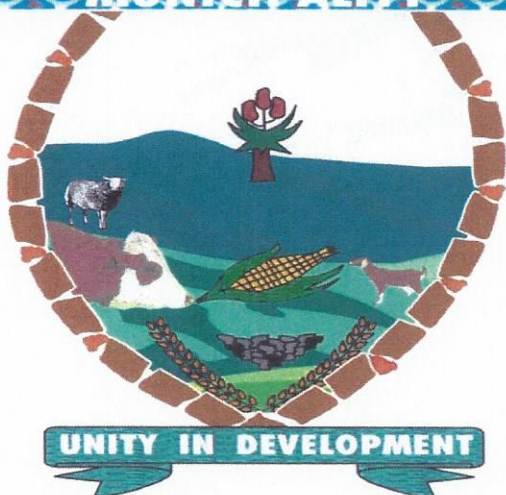


EMALAHLENI MUNICIPALITY



POLICY GOVERNANCE

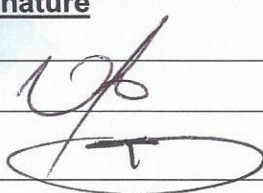
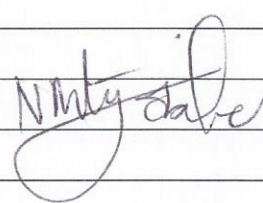
Policy Title	MOBILE PHONE POLICY FOR COUCELLORS BASED ON THE DETERMINATION OF UPPER LIMITS	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr V.C. Makedama	
Policy Custodian	Director Corporate Services: Mr T. Javu	
Policy Author	Corporate Services	
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HONARABLE SPEAKER	Cllr. N Mtyobile	
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1. INTRODUCTION

- 1.1 The Emalahleni Local Municipality continuously endeavours to achieve best practice policies and procedures in its administration and operations. 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 mobile phones and data in the performance of their daily duties.

2. POLICY PURPOSE

The purpose of this policy is to:

- 2.1 Standardise and regulate the reimbursement of the costs of business calls and mobile data for internet connectivity.
- 2.2 To specify mobile phone and data allowances of councillors as provided for in Act 20 of 1998.
- 2.3 Comply with the requirements of tax legislation.
- 2.4 To develop a means or framework for the allocation of mobile phone allowance and data allowance to political office-bearers.
- 2.5 To provide for replacement of a system of Mobile phone contracts and data contracts by the municipality with the salary allowance system.
- 2.6 To release the municipality and its officials of the administrative burden of managing mobile phone and data contracts.
- 2.7 To enable the municipality and its officials to focus on its core responsibility of providing services towards its jurisdictional citizens.

3. POLICY DEFINITION

"Act" means the local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)

"Council" means the council of the Municipality of Emalahleni or any duly authorized Committee or official of the said Council.

“Councillor” means a councillor who has been elected or appointed to an office which has been designated in terms of section 18(4) of the Structures Act.

“Municipal Manager” means the Accounting Officer of the Municipality.

4. LEGISLATIVE FRAMEWORK

This document is established within the framework of the following legislations:

- 4.1 Remuneration of Public Office Bearers Act 20 of 1998: Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils.
- 4.2 Municipal Systems Act 32 of 2000.

5. POLICY OBJECTIVES

The objectives of this policy are:

- 5.1 To ensure that the councilors are always reachable for any business-related matters.
- 5.2 To ensure that the councilors can submit any information as required by the institution anywhere as long as there is mobile connectivity.

6. SCOPE OF THE POLICY

This policy covers the councillors of Emalahleni Local Municipality.

6.1 MOBILE PHONE ALLOWANCE

The mobile phone allowance threshold will be determined as follows.

- 6.1.1 The mobile phone allowance for councilors will be determined by the Minister of Corporative Governance and Traditional Affairs from time to time.
- 6.1.2 A councillor may be paid a mobile phone allowance not exceeding R3400.00 per month inclusive of mobile data in accordance with the applicable municipal council policy.
- 6.1.3 A monthly mobile phone allowance will be paid and reflected in their salaries to acquire mobile phone service of their choice from any of the mobile phone operators in the Republic of South Africa.
- 6.1.4 The method for acquiring the mobile phone service could either be through a personal contract or prepaid.

- 6.1.5 Political office-bearers must furnish the department of Corporate Services with mobile phone numbers that they use for official purposes as soon as they have entered into a contract or obtained a phone through prepaid that will enable them to perform their assigned official functions effectively and efficiently as and when it is necessary to do so.
- 6.1.6 Any contractual agreement entered into between political office-bearers and the service provider is binding on the said official and the municipality is absolved whatsoever, in any shape or form from that agreement.
- 6.1.7 Political Office-bearers who already have private contracts or any means of mobile 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.
- 6.1.8 In the event that the Political Office-bearer or councillor cease to hold office at the Emalahleni Local Municipality the allowance shall also be discontinued immediately.

6.2 DATA ALLOWANCE

- 6.2.1 A councillor may be paid an allowance on the use of data bundles which is included in the mobile phone allowance of R 3 400.00 as per government gazette, of 2/06/2022.
- 6.2.2 A monthly data allowance will be paid and reflected in their salaries to acquire data service from any of the mobile data operators in the Republic of South Africa.
- 6.2.3 The method for acquiring the data service could either be through a personal contract or prepaid.
- 6.2.4 Political Office-bearers who already have private contracts or any means of data access may use same for official purposes.
- 6.2.5 In the event that the Political Office-bearers or Councillor cease to hold office at the Emalahleni Local Municipality the allowance shall also be discontinued immediately.

6.3 TAX IMPLICATIONS FOR MOBILE PHONES AND DATA ALLOWANCES

- 6.3.1 A mobile phone and data allowance is affected through the payroll system and is therefore subjected to tax.

- 6.3.2 The determination of allowance, through the Budget and Treasury department, shall also take into consideration tax implications of the allowances.
- 6.3.3 Because it is a taxable allowance, mobile phone and data allowances should not be misconstrued as inclusive of a negotiated remuneration package.

7. MAINTENANCE AND LOSS OF DEVICES

- 7.1 The repairs and maintenance of mobile phones, data cards, wi-fi routers, data dongles and/or any other device 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 device thereof, whether lost through theft or under any form of duress.

8. INSURANCE

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

9. POLICY GENERAL CONDITIONS

- 9.1 This Policy only applies to the Political Office-bearers and anyone who falls outside of the political office is excluded from the policy.
- 9.2 The content of this policy will come into force and effect when approved by Council and must be reviewed in accordance with the changes in legislation.
- 9.3 Political Office-bearers must ensure that the mobile phone, and data devices is accessible for council activities and functions at all times, failing which the user may risk losing the allowance.
- 9.4 If a political office-bearer is consistently unavailable on the mobile phone for a two-month period, the Municipal Manager have the discretion to stop the allowance of the said person.