

LEPELLE – NKUMPI MUNICIPALITY



DRAFT TARIFF POLICY

2015-2016

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1. DEFINITIONS AND ABBREVIATIONS

“Accounting officer” means the municipal manager appointed in terms of Section 60 of the Municipal Finance Management Act.

“Annual budget” shall mean the budget approved by the municipal council for any particular financial year, and shall include any adjustments to such budget.

“Basic municipal services” shall mean a municipal service necessary to ensure an acceptable and reasonable quality of life, which service – if not provided – would endanger public health or safety or the environment.

“By-law” shall mean legislation passed by the council of the municipality, and which shall be binding on the municipality and on the persons and institutions to which it applies.

“Consumer price index” shall mean the CPIX as determined and gazetted from time to time by the South Bureau of Statistics.

“Chief financial officer” means a person designated in terms of section 80(2)(a) of the Municipal Finance Management Act.

“Councillor” shall mean a member of the council of the municipality.

“Domestic consumer or user” of municipal services shall mean the person or household which municipal services are rendered in respect of “residential property” as defined below.

“Financial year” shall mean the period starting from 1 July in any year and ending on 30 June of the following year.

“Integrated development plan” shall mean a plan formulated and approved as envisaged in Section 25 of the Municipal Systems Act 2000, as amended.

“Local community” or **“community”**, in relation to the municipality, shall mean that body of persons comprising the residents of the municipality, the ratepayers of the municipality, any civic organisations and non-governmental, private sector or labour organisations or bodies involved in local affairs within the municipality, and visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality.

“Month” means one of twelve months of a calendar year.

“Municipality” or **“municipal area”** shall, where appropriate, mean the geographic area, determined in terms of the Local Government: Municipal Demarcation Act No. 27 of 1998 as the municipal area pertaining to the municipality.

“the municipality” means Lepelle – Nkumpi Municipality.

“Municipal council” or **“council”** shall mean the municipal council of Lepelle – Nkumpi Municipality as referred to in Section 157(1) of the Constitution.



“Municipal manager” shall mean the person appointed in terms of Section 82 of the Municipal Structures Act, 1998.

“Multiple purposes” in relation to a property, shall mean the use of a property for more than one purpose.

“Municipal service” has the meaning assigned to it in terms of Section 1 of the Municipal Systems Act.

“Municipal tariff” shall mean a tariff for services which the municipality may set for the provision of a service to the local community, and may include a surcharge on such service. Tariffs for major services shall mean tariffs set for the supply and consumption or usage of electricity, water, sewerage and refuse removal, and minor tariffs shall mean all other tariffs, charges, fees, rentals or fines levied or imposed by the municipality in respect of other services supplied including services incidental to the provision of the major services.

“Occupier” in relation to a property, shall mean a person in actual occupation of the property, whether or not that person has a right to occupy the property.

“Owner” (a) in relation to a property referred to in paragraph (a) of the definition of “property”, shall mean a person in whose name ownership of the property is registered; (b) in relation to a right referred to in paragraph (b) of the definition of “property”, shall mean a person in whose name the right is registered; (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, shall mean a person in whose name the right is registered or to whom it was granted in terms of legislation; and (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, shall mean the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, provided that a person mentioned below may for the purposes of the Property Rates Act 2004 be regarded by the municipality as the owner of a property in the following cases:-

- (i) a trustee, in the case of a property in a trust, but excluding state trust land;
- (ii) an executor or administrator, in the case of a property in a deceased estate;
- (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
- (iv) a judicial manager, in the case of a property in the estate of a person under judicial management;
- (v) a curator, in the case of a property in the estate of a person under curatorship;
- (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) a lessee, in the case of a property that is registered in the name of the municipality and is leased by it; and
- (viii) a buyer, in the case of a property sold by the municipality and of which possession was given to the buyer pending registration of ownership in the name of such buyer.

“Rate” shall mean a municipal rate on property as envisaged in Section 229(1)(a) of the Constitution.



“Rateable property” shall mean property on which the municipality may in terms of Section 2 of the Property Rates Act 2004 levy a rate, but excluding property fully excluded from the levying of rates in terms of Section 17 of that Act.

“Ratepayer” shall mean a person who is liable to the municipality for the payment of (a) rates on property in the municipality; (b) any other tax, duty or levy imposed by the municipality; and/or (c) fees for services provided either by the municipality or in terms of a service delivery agreement.

“Rebate” in relation to a rate payable on a property, shall mean a discount granted in terms of Section 15 of the Property Rates Act 2004 on the amount of the rate payable on the property.

“Residential property” shall mean a property included in the valuation roll in terms of Section 48(2)(b) of the Property Rates Act 2004 as residential.

“Tariff” means a tariff for services which the Municipality may set for the provision of a service to the local community and includes a surcharge on such tariff.

2. PURPOSE OF THE TARIFF POLICY

The purpose of this tariff policy is to prescribe the accounting and administrative policies and procedures relating to the determining and levying tariffs by Lepelle - Nkumpi Municipality.

The Municipality should perform the procedures set out in this policy to ensure the effective planning and management of tariffs. In setting its annual tariffs the Council shall at all times take due cognisance of the tariffs applicable elsewhere in the economic region, and of the impact which its own tariffs may have on local economic development.

3. SCOPE OF APPLICATION

This policy applies to all tariffs charged within the defined boundaries of Lepelle- Nkumpi Local Municipality.

4. BASIC PRINCIPLES TO BE CONSIDERED IN DETERMINATION OF A TARIFF STRUCTURE

- (a) Service tariffs imposed by the Lepelle – Nkumpi Municipality shall be viewed as user charges and not as taxes, and therefore the ability of the relevant consumer or user of the services to which such tariffs relate, shall not be considered as a relevant criterion (except in the case of the indigent relief measures approved by the municipality from time to time).
- (b) The municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region in accordance with the various levels of services.
- (c) Tariffs for the four major services rendered by the municipality, namely:-
 - Property Rates
 - Water(on behalf of the district)
 - Sewerage(on behalf of the district)
 - Refuse Removal.



shall as far as possible recover the expenses associated with the rendering of each service concerned, and where feasible, generate a modest surplus as determined in each annual budget. Such surplus shall be applied in relief of property rates or for the future capital expansion of the service concerned, or both.

- (d) The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.
- (e) The municipality shall develop, approve and at least annually review an indigent support programme for the municipal area. This programme shall set out clearly the municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents, and the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.
- (f) In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall, however, at all times be reasonable, and shall be fully disclosed in each annual budget.
- (g) The municipality's tariff policy shall be transparent, and the extent to which there is cross-subsidisation between categories of consumers or users shall be evident to all consumers or users of the service in question.
- (h) The municipality further undertakes to ensure that its tariffs shall be easily explainable and understood by all consumers and users affected by the tariff policy concerned.
- (i) The municipality also undertakes to render its services cost effectively in order to ensure the best possible cost of service delivery.
- (j) In the case of a directly measurable service such as water, the consumption of such service shall be properly metered by the municipality, and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. The charges levied on consumers shall be proportionate to the quantity of the service which they consume.
- (k) In addition, the municipality shall levy monthly availability (where the services are available but not connected)/ or basic charges for the services concerned and these charges shall be fixed for each type of property as determined in accordance with its appropriate policies. Availability charges are also applicable to sewer services.

Generally, consumers of water shall therefore pay two charges:-

- A basic charge which is unrelated to the volume of consumption and is levied because of the availability of the service concerned; and
- A consumption charge directly related to the consumption of the service in question; or



- A flat rate (no basic charge) in the case where the consumption is not metered.
- (l) In considering the costing of its water and sewerage services, the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services.
- (m) In adopting what is fundamentally a two-part tariff structure, namely a basic/availability charge coupled with a charge based on consumption, the municipality believes that it is properly attending to the demands which both future expansion and variable demand cycles and other fluctuations will make on service delivery.

5. FACTORS TO BE CONSIDERED IN THE DETERMINATION OF A TARIFF STRUCTURE

5.1 Financial Factors

The primary purpose of a tariff structure is to recover the actual costs of the rendering of a particular service. If a service is rendered at a loss, cross subsidisation of such loss by another service will be necessary. This will place a burden on the tariff structure of the other service.

In order to determine the tariffs which must be charged for the supply of the four major services, the municipality shall identify all the costs of operation of the undertakings concerned, including specifically the following:-

- (a) Cost of bulk purchases in the case of water (where applicable).
- (b) Distribution costs.
- (c) Distribution losses in the case of water.
- (d) Depreciation expenses.
- (e) Maintenance of infrastructure and other fixed assets.
- (f) The cost of approved indigent relief measures.
- (g) Administration and service costs, including:-
 - (i) service charges levied by other departments such as finance, human resources and legal services;
 - (ii) reasonable general overheads, such as the costs associated with the Office of the Municipal Manager;
 - (iii) adequate contributions to the provisions for bad debts and obsolescence of stock; and
 - (iv) all other ordinary operating expenses associated with the service concerned (note: the costs of the democratic process in the municipality – that is, all expenses associated with the political structures of the municipality – shall form part of the expenses to be financed from property rates and general



revenues, and shall not be included in the costing of the major services of the municipality).

- (h) The intended surplus to be generated for the financial year; such surplus to be applied:-
- (i) as an appropriation to capital reserves; and/or
 - (ii) generally in relief of rates and general services.

5.2 Socio-economic factors

Although the determination of tariffs is in many instances politically orientated, it ought to be based on sound, transparent and objective principles at all times. In order to fully understand the influence of the socio-economic factors the various user categories and forms of subsidisation needs to be considered.

Users can be divided into the following categories:-

- Users who are unable to make any contribution towards the consumption of services and who are fully subsidised in terms of the basic package of municipal services;
- Users who are able to afford a partial contribution and who are partially subsidised only; and
- Users who can afford the cost of the services in total.

It is important to identify these categories and to plan the tariff structures accordingly. Subsidies currently derived from two sources namely:-

- Contributions from National Government: National Government makes an annual contribution through the equitable share, according to a formula, which is primarily based on information obtained from Statistics South Africa by means of census surveys. If this contribution is judiciously utilised it will subsidise all indigent households who qualify in terms of the Council policy.
- Contributions from own funds: The Council can, if the contribution of National Government is insufficient, provide in its own operational budget for such support. Such action will in all probability result in increased tariffs for the larger users. Any subsidy must be made known publicly.

In terms of the Bill of Rights every individual has the right to have access to basic services such as food and water, health care, housing and social security. In this regard, the state has an obligation to achieve the progressive realisation of each of these rights. In accordance with the above the Municipality has defined a basic package of municipal services as follow:-

- 6 kl of water per Indigent household per month.
- 50 units of electricity per Indigent household per month (through Eskom)
- Refuse removal from residential stands in accordance with the municipality's policy.
- Sewer services to residential stands in accordance with the municipality's policy.
- Payment of Rates and Taxes on a residential property in accordance with the municipality's policy.

The Municipality will annually determine as part of its budget process:-



- Totally free services for a basic package of municipal services as defined above (within limits and guide lines);
- Lower tariffs for users who qualify in terms of particular guide lines for a basic package of municipal services as defined above, for example to recover the operational costs of the service only; and
- Full tariff payable with a subsidy that is transferable from sources mentioned above.

5.3 Minimum service levels

It is important that minimum service levels be determined in order to make an affordable tariff package available to all potential users.

5.4 Multi year budgets

In terms of the Municipal Finance Management Act and guidelines from National Treasury, Municipalities are required to compile multi year budgets as from 2008/2009. Such a change also necessitates that proposed tariffs would form part of this process. An increase in tariffs should not simply be implemented annually without considering the affordability thereof by the user. The effect of resolutions that impact on the financial situation of the Council must be observable over a longer period in respect of tariffs and sensible planning of cost structures must be done to keep tariffs within affordable levels.

5.5 Credit Control

It is not possible to successfully compile a tariff structure without consideration of the stipulations of an effective credit control system. Income is provided for in the budget as if a 100% payment level will be maintained. It is therefore important to continuously ensure that users indeed pay punctually. However, it is also a fact that there are users who are unable to pay. Tariffs must therefore provide access to a minimum level of basic services for all users. It should furthermore be supplemented with a practical policy for indigents. This will ensure the sustainable delivery of services. In addition, adequate provision should be made on an annual basis for bad debt/ working capital in accordance with current payment levels.

5.6 Package of services

The accounts for rates and services must not be seen in isolation. It must be considered jointly to determine the most affordable amount that the different users can pay as a total account. The basic costs of a service must first of all be recovered and then only can profits be manipulated to determine the most economic package for the user with due allowance for future events in regard to a particular service.

5.7 Principles in terms of the Local Government: Municipal Systems Act

Section 74 of the Local Government: Municipal Systems Act, Act 32 of 2000 as amended, contains clear guidelines regarding the compilation of and principles for a tariff policy. An extract reads as follows:-

"74. (1) A Municipal council must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of this Act and with any other applicable legislation."



(2) *A tariff policy must reflect at least the following principles, namely that-*

- (a) *Users of municipal services should be treated equally in the application of tariffs;*
- (b) *The amount individual users pay for services should generally be in proportion to their use of that service;*
- (c) *Poor households must have access to at least basic services through-*
 - (i) *Tariffs that cover only operating and maintenance costs;*
 - (ii) *Special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service, or*
 - (iii) *Any other direct or indirect method of subsidisation of tariffs for poor households;*
- (d) *Tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;*
- (e) *Tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;*
- (f) *Provision may be made in appropriate circumstances for a surcharge on the tariff for a service;*
- (g) *Provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;*
- (h) *The economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged;*
- (i) *The extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.*

(3) *A tariff policy may differentiate between different categories of users, debtors, service providers, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination."*

5.8 Historical and future user patterns

It is important to keep accurate consumption statistics for the purpose of determining tariffs. Consumption determines tendencies, which ultimately have an influence on tariffs within a structure. Provision should be made in the process for growth and seasonal use, as well as for unforeseen events that may have an impact on tariffs.

5.9 User groups

Users are traditionally divided into user groups as set out below:-

- Households;
- Businesses and Government Departments;
- Industries/Bulk consumers;
- Schools, hostels and Institutions that are directly subsidised for example retirement homes, non-profit organisations, etcetera.

A continuous effort should be made to group together those users who have more or less the same access to a specific service.



6. FREE BASIC SERVICES

Free basic municipal services refers to those municipal services necessary to ensure an acceptable and reasonable quality of life, and which service, if not provided, could endanger public health or safety or the environment.

In terms of the South African Constitution all consumers should have access to basic services.

7. PROPOSED TARIFF STRUCTURES FOR VARIOUS SERVICES

It is essential that a compromise be reached between the following needs with the determination of a tariff structure:-

- The need to reflect costs as accurately as possible in order to achieve cost effectiveness;
- The need to ensure equality and fairness between user groups;
- The need for a practically implementable tariff;
- The need to use appropriate metering and provisioning technology;
- The need for an understandable tariff; and
- The user's ability to pay.

Taking into consideration the abovementioned points the tariff structure of the following services are discussed:-

- Water.
- Refuse Removal.
- Sewerage.
- Property Rates.

7.1. Electricity

50 Units of free basic electricity per month is provided to all indigent household consumers registered by the municipality. The monthly cost component of 50 KWh electricity per registered indigent household consumer must also be paid over to Eskom as the supplier of the electricity.

7.2. Water

In principle, the amount that users pay for water services should generally be in proportion to their use of water services. Tariffs must be set at levels that facilitate the sustainability of the service. In the case of metered services Lepelle-Nkumpi Municipality utilises a stepped tariff structure to incorporate the national drive to promote water conservation.

Tariffs will be determined by the district, Capricorn District Municipality as the water service Authority. They will therefore be provided as annexure to our municipal tariffs.

Free basic water is provided to all registered indigent household consumers in accordance with the municipality's indigent policy.



7.2. Refuse Removal

Refuse removal is an economic service and tariff calculations should be based on the actual cost incurred in delivering the service. The tariff levied by Lepelle Nkumpi Municipality is based on the category of user.

The cost of refuse removal services is subsidised for all registered indigent household consumers in accordance with the municipality's indigent policy.

7.3. Sewerage

The levying of sewerage will be as determined by the district (Capricorn District Municipality) in its tariff structure.

7.4. Property Rates

The Municipality has implemented a valuation roll for all properties within the municipal boundaries to levy property rates based on property values. In applying its rates policy the council shall adhere to all the requirements of the Property Rates Act, 2004, including any regulations promulgated in terms of that Act.

The cost of property rates is subsidised for all registered indigent household consumers in accordance with the municipality's indigent policy.

7.5. Sundry Tariffs

All sundry tariffs shall be approved by the council in each annual budget, and shall, when deemed appropriate by the council, be subsidised by property rates and general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot accurately be determined, or when the tariff is designed purely to regulate rather than finance the use of the particular service or amenity.

All sundry tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, shall annually be adjusted at least in line with the prevailing consumer price index, unless there are compelling reasons why such adjustment should not be effected.

The following services shall be considered as economic services, and the tariffs levied shall cover 100% or as near as possible to 100% of the budgeted annual operating expenses of the service concerned:

- town planning and building plan approvals
- rental of vehicles and equipment
- rentals for the use of municipal halls and other premises
- sales of refuse bins
- water, sewerage: new connexion fees
- clearance certificates.

The following charges and tariffs shall be considered as regulatory or punitive, and shall be determined as appropriate in each annual budget:



- advertising sign fees
- pound fees
- water: disconnection and reconnection fees
- penalty and other charges imposed in terms of the approved policy on credit control and debt collection
- penalty charges for the submission of dishonoured, stale, post-dated or otherwise unacceptable cheques.

8. IMPLEMENTATION AND REVIEW OF THIS POLICY

This policy shall be implemented once approved by Council. All future changes to tariff structures and tariff increases must be considered in accordance with this policy.

Council Approval

Date	
Resolution Number	
Signature	