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1. PREAMBLE

WHEREAS the Municipality is characterized by a diversity of activities and functions, some of which are carried outside the permanent working stations.

WHEREAS the Municipality seeks to ensure continuous communication for employees whose work requires regular contact while outside their permanent working premises of after hours.

WHEREAS the policy seeks to guide effective and efficient use of municipal cellphone allowance and data allowance to councilors and employees.

WHEREAS Cellphones and data allowance are not a benefit but a tool of trade:

NOW THEREFORE be it enacted by Council, as Cellphone and Data allowance Policy.

2. DEFINITIONS

“Allowance”	An amount of money allotted to a councilor Or employee on a monthly basis for a Cellphone and Data card purpose.
“Employee”	The person who works full-time or part-time Under the employ of the municipality
“Full time Councilors”	A councilor who has been elected or Appointed to an office which has been Designated as full time in terms of Section 18(4) of the structure Act No. 117 of 1998

“Municipality”	Local Municipality as determined by the Constitution of the Republic of South Africa Act No. 108 of 1996 Section 155 (1) (b)
“Municipal Manager”	The person appointed by Council as the head Of the administration of the municipal council As prescribed in terms of section 54 (A) of The Local Government: Municipal System Act No. 32 of 2000;
“Tools of Trade”	The resources provided by a municipal council to Enable such councilor/employee to discharge his Or her duties in the most efficient and Effective manner, and at all times remain the Assets of the municipality;
“Part-time councilor”	A councilor other than a full-time councilor.
“User”	Councilor, or official

3. LEGISLATIVE FRAMEWORK

3.1 Constitution of the Republic of South Africa Act No. 108 of 1996, Section 195 (1) (a)

(b) & (g) states that:

“Public Administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principle:

- (a) A high standard of professional ethics must be promoted and maintained,
- (b) Efficient, economic and effective use of resources must be promoted,

- (c) Transparency must be fostered by providing the public with timely, accessible and accurate information. “

3.2 The Local Government: Municipal Finance Management Act no. 56 of 2003 Section 78 (1) (a) & (b) states that:

“Senior managers and other officials of municipalities. (1) Each senior manager of a municipality and each official of a municipality exercising financial management responsibility must take all reasonable steps within their respective areas of responsibility to

(a) That the system of financial management and internal control established for the municipality is carried out diligently,

(b) That the financial and other resources of the municipality are utilized effectively, efficiently, economically and transparently.”

3.3 The Local Government: Municipal Finance Management Act No. 56 of 2003, Section 63(a) & (2)(c) State that:

“(1) The accounting officer of the municipality is responsible for the management of –

(a) The assets of the municipality, including safeguarding and the maintenance of those assets.

(2) The accounting officer must for the purpose of subsection (1) take all reasonable steps

To ensure-

(c) That the municipality has and maintain a system of internal controls of assets and

Liabilities, including an assets and liabilities register, as may be prescribed.

3.4 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 states that:

“10. Upper; limits of cell phone allowance for councilors

A councilor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be reimbursed affixed cell phone allowance not exceeding an amount as gazette every year:

11. Upper limits of mobile data bundles for councilors

A councilor may, in addition to the annual total remuneration packages provided for items of items 5 and 8 respectively, be reimbursed for the expenditure on the use of data bundles not exceeding an amount as gazetted every year:

4. CONSULTATION

Relevant stakeholders shall be consulted in development and review of this policy, namely:

Directorates, Management, SAMWU, IMATU, Council

5. OBJECTIVE OF THE POLICY

The objectives of the policy are to:

5.1 Determine the categories of employees which require direct communication at all times to

Receive a cellphone and data allowance as a tool of trade.

5.2 Establish framework for the management of municipal cellphone and data allowances to

Eliminate unnecessary, excessive costs and the recovery of excess amount.

5.3 Prescribe corrective measures for employees who fail to observe the guideline stipulated in the policy.

6. SCOPE

The following categories of employment shall automatically qualify to receive cellphone and data allowance

- a. All Councillors,
 - i. Municipal Manager
 - ii. Section 56 & 57 Managers [Managers reporting directly to the Municipal Manager]
Managers
 - iii. Officers and Technicians on Task Grade 10-14
- b. Should other posts be identified requiring the use of cellular phones and data allowance , a motivation will be submitted to the Municipal Manager by the relevant Director for approval.

7. Allocation of cellphone and data allowance

All councilors will be given cellphone and data allowance in line with the remuneration of Public Office Bearers Act No.20 1998 as Gazetted annually applicable for that financial year.

All officials and council will be given cellphone and data allowance in line with this policy
All councilors and officials benefiting from the cellphone and data allowance are required to be contactable at all times.

All councilors and officials earning cellphone allowance should ensure that they are always able to make business calls at any time during the cellphone allowance earning period

A cellphone and data allowance shall be necessary for the execution of official duties

8. Provision of cellphone allowance and data card

Cellphone allowance

The municipality will not be responsible for the payment of any cost of the cellphone

All cellphone allowance provided must be allocated as follows:

8.1 Privately Owned Cellular Phones

- a. Councilors and Officials are required to use their own personal phones to make official calls and receive calls on behalf of the municipality.

8.2 Councilors

- a) Limits are as promulgated annually in the government gazette.

8.3 Officials

Designation	Cellphone Cost	Proposed cost	Data
a. Municipal Manager	R 2 215.20	R 2 500.00	R 500
b. Section 56 & 57 Managers(Senior Manager)	R 1993.68	R 2 500.00	R 500
c. Managers	R 2 026.65	R 2 500.00	R 500
d. Officers	R 1 463.70	R 1 800.	R 500
e. Others	R 563.49	R 800	R 500

8.2.1 Directors will identify officials that would require cellphone allowance and the package required.

- a) The HRM unit is the implementing agent of this policy and shall ensure that all councillors and officials comply with the provision thereof.
- b) The policy shall be reviewed at the end of every financial year or when need be to cater for legislative amendments as well as environmental changes.

9. Consequences for non-compliance

In case of employees , failure to comply with this policy will be viewed as a serious transgression and appropriate disciplinary action will be taken

In the case of councilors, the provisions of the code of conduct for councilors and standing rules of order of council shall apply

Policy review

The policy will be reviewed annually in order to ensure it remains responsive and relevant

APPROVAL OF THE POLICY

(a) Date of Approval by Council _____

Signature:	
Initials and Surname:	
Designation:	
Council Resoluti on Number:	
Council Date:	

