

# **LEKWA LOCAL MUNICIPALITY BUDGET RELATED POLICY**



**MP305**

## **CELL PHONE POLICY**

**2024/2025**

## 1. **INTRODUCTION**

Cell phones have become an integral part of the operational tools used by councilors and officials in the execution of their daily tasks and activities. The municipality has an obligation whether through legislative or internal policy to implement a framework through policy to regulate the allocation, use and reimbursement of this tool of trade.

## 2. **OBJECTIVES OF POLICY**

The objectives of the policy are to:

- 2.1 Ensure proper systems are in place to regulate the allocation of cell phones or cell phone allowances.
- 2.2 Ensure that the municipality has and maintains an effective system of expenditure control with regards to cell phones/allowances.
- 2.3 Ensure that councilors and officials are able to execute their duties through accepted communication channels.
- 2.4 Ensure that the policy is not abused and that the municipality maintains proper record keeping in the spirit of the policy.

## 3. **LEGISLATIVE FRAMEWORK**

The legislative framework governing cell phones directly or indirectly are:

- 3.1 The Local Government Municipal Finance Management Act, Act 56 of 2003.
- 3.2 The Municipal Supply Chain Management Regulations, Regulation 868, published under Government Gazette 27636, 30 May 2005.
- 3.3 The municipal Supply Chain Management Policy.
- 3.4 The Remuneration of Public Office Bearers Act, Act 92 of 1997, as amended. (Only for councilors)

#### **4. ALLOCATION OF CELLULAR PHONES**

- 4.1 Councilors will automatically qualify for cellular phones/allowances, subject to the conditions per the annual gazette of the Remuneration of Public Office Bearer's Act.
- 4.2 The following officials will automatically qualify for cellular phones/allowances:
  - 4.2.1 Municipal Manager
  - 4.2.2 Heads of Departments
  - 4.2.3 Divisional Managers on post level 17 - 15
- 4.3 Should other posts be identified requiring the use of cell phones/ allowances, a motivation will be submitted to the Municipal Manager by the relevant Manager for approval.
- 4.4 It is imperative that sufficient funds are available in the budget for these expenses.
- 4.5 Cellular phones/allowances will not be available or paid to temporary staff. Where the Municipal manager authorizes it, re-imbursements may be made.
- 4.6 The use of cellular internet modems/allowances by officials will be applicable as above.

#### **5. General Conditions**

##### **Council Acquired Phones/Internet Modems**

- 5.1 The Municipality must enter into an agreement with a cellular phone provider in terms of which the Municipality, as client of the service provider, will provide cellular phones to councilors and officials.
- 5.2 The maximum monthly limit allocated for councilors will be based on the government gazette promulgating councilor's remuneration.
- 5.3 The maximum monthly limit for officials will be determined on the total fixed monthly subscription.
- 5.4 In the event that the maximum monthly amount allocated is exceeded, the Finance department is authorized to deduct the excess amount from the monthly salary of the councilor or official concerned. Soft blocking may be applied where applicable or requested.
- 5.5 In the event that the councilor or official ceases to hold office, the cellular phone must be returned to the Municipal manager or his delegate. However, the individual has the option of taking over the agreement.

- 5.6 The phone will become the property of the user at the end of the contract to discourage abuse of the handset.
- 5.7 Upgrades will only be applied after the 24 months and not before even if the participant qualifies.

**Privately owned cell phones/internet modems**

- 5.8 Councilors and officials may acquire or use their own personal phones with prior consent of the Municipal Manager and subject to the limits set out per Annexure A.
- 5.9 The monthly allowance will be paid to the relevant councilor or official with the monthly salary run.
- 5.10 The councilor/official will be responsible for acquiring his/her own cell phone and contract.
- 5.11 It is the understanding that the privately owned phone and the use there of will be the same as those owned by council. The difference being that the user will have the choice of service provider, type of contract and will remain the owner of the handset.

**6. Maintenance of Cellular phones and equipment**

- 6.1 The repairs and maintenance of cellular phones/modems will be for the account of the individual. Users are encouraged to exercise due care with the devices.

**7. Loss, Theft or Damage to Cellular Phones**

- 7.1 Any theft, damage or loss will be for the individual's account. The understanding remains that the individual will have a phone available to assist in the execution of his/her daily duties. By failing to do so, the Municipal manager can suspend the allowance after investigation.

**8. Insurance**

- 8.1 Since the handset becomes the property of the user at the end of contract all insurance is for the user's personal account and claims should be lodged against the user's personal insurance.

## 9. **Limits**

9.1 Councilors: Limits are promulgated as per the Remuneration of Public Office Bearers Act annually.

9.2 Officials: Limits will be reviewed annually with the budget. See Annexure A.

9.3 The limits set include the fixed monthly charges. The service provider may set bill limits on the cellular phones upon written request from the individual. Privately owned cellular phones are also subject to the above limits based on the monthly subscription.

## 10. **Cell phone instruments and accessories**

10.1 Where the contract is council owned the handset granted will be based on the service provider package. In the event that the individual wishes to have another instrument, the cost thereof will be for the individual. The handset will only be ordered upon proof of payment of the difference through an official council receipt.

10.2 Private handsets are negotiated by the individual with the understanding that council will not incur any cost.

## 11. **Other Matters**

11.1 Where the contract is privately owned the payment has to be done by the individual directly.

11.2 Council promotes freedom of association through this policy as users will have a choice of which service provider they use. Where council contracts are applicable the user will not be allowed to change service provider until the contract is due for renewal.

11.3 Participants in the policy should be available on phone at all reasonable time during the day and after hours. Repetitive misconduct could disqualify a person from participation in the policy.

## 12. **Implementation of the policy**

12.1 Unless otherwise stipulated this policy will come into effect upon approval by Council.

12.2 Users will be allowed to migrate once their contracts come to an end from the current service provider.

12.3 Users opting to take over their contracts will be allowed to do so during such period prescribed by the Chief Financial Officer with the understanding that once this window closes the next opportunity to take up an allowance will

only be at the end of the current contract.

- 12.4 In any instance the individual must complete any prescribed form or supply documentation as required by the Finance Department.
- 12.5 The Finance Department will annually review and report to the Municipal manager on participants in this scheme.
- 12.6 Where council cancels this benefit other than for abuse, private contracts must be settled by council within the limits of the policy, this will include a change in policy and retrenchment.

ANNEXURE A

COUNCILORS as per act:

All Councilors irrespective of position, cell phone allowance – R as per RPOA .

All Councilors irrespective of position, data bundle - R as per RPOA

Officials:

**CELLPHONE:**

Municipal Manager - R4500 pm

Head of Department - R 4000 pm

Managers post level 17 to 15 R 2500 pm

Other as authorized by MM - R800 pm

Above prices will be including insurance cover.

**DATA BUNDLES:**

All Managers (MM to post level 15) R 1000pm

Other as authorized R 500pm