

# EMAKHAZENI LOCAL MUNICIPALITY



## FREE BASIC SERVICES AND INDIGENT SUPPORT POLICY

APPROVED BY COUNCIL ON: 23 JUNE 2015

IMPLEMENTATION DATE: 1 JULY 2015

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## **1 INTRODUCTION**

### **1.1 Vision and value statement**

It is the vision of Council to “create a secure environmental and sustainable development to promote service excellence and unity”. Council is committed to its mission of creating conducive institutional environment within which communities can thrive economically and socially.

#### **The Values of the Council are:**

Transparency  
High Quality Service Delivery  
Accountability  
Serving Communities with Integrity  
Efficiency  
Professionalism

### **1.2 Vision**

A secure environment with sustainable development to promote service excellence, unity and community participation resulting in a caring society.

### **1.3 Mission**

- Emakhazeni Local Municipality is a category B municipality and a tourist destination within the Nkangala District.
- Existing to provide a sustainable basic municipal services to the local community and the visitors.
- Creating a conducive environment for socio-economic development
- And promoting democracy, accountability and public participation in our affairs.

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**2 DEFINITIONS**

**"Child headed household"** means a household where both parents are deceased and where all occupants of property are children of the deceased and are all under the legal age to contract for service and are considered as minors in law by the state;

**"Council"** means the Council of the Emakhazeni Local Municipality or any duly authorised Committee or an official delegated by the said Council;

**"Gender"** any reference to the one gender shall include reference to the other;

**"Household"** means as a registered owner or tenant with children who reside on the same premises;

**"Household Income"** means all sources of income being formal and/ or informal of nature including, but not restricted to, salaries, revenue generated, pensions, fixed deposits, investments, state subsidies and or grants, private financial support/contributions from outside the indigent household;

**"Indigent"** means any household which is responsible for the payment of services and rates, earning a combined gross income equivalent to or less than two times the Government pension grant as prescribed by the National Department of Social Development or in line with the National Indigence Framework issued by the Department Provincial and Local Government (DPLG), who qualify, according to the policy, for rebates/remissions support or a service subsidy. Examples hereof include pensioners, the unemployed and child headed families who are unable to fully meet their obligations for municipal services consumed and property taxes on their monthly accounts;

**"Indigent Management System"** means an electronic management system used by Emakhazeni Local Municipality for the management of the register of indigent households:

**"Indigent debtor"** means the head of an indigent household, inclusive of destitute indigents and indigents, being old age pensioners, the unemployed and households with a total monthly income as determined in this policy:

- a. who applies for the provision of services from the municipality;
- b. who makes application for indigent support in terms of this Policy;
- c. who shall be regarded as the representative of all members of his/her household;  
and
- d. which indigent household members shall not own any other fixed property other than the property for which the application is made, or hold fixed assets or investments.

**"Indigent Households"** shall include all individuals residing at the residential premises of the indigent debtor, inclusive of destitute indigents and indigents, by whom and for which application is made, which premises has access to municipal services;

**"Municipality"** means the Emakhazeni Local Municipality, a local municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, No 117 of 1998, and includes any political structure, political office bearer, councillor,

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duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

**"Municipal Manager"** means the Municipal Manager of the Emakhazeni Local Municipality or his/her nominee acting in terms of power delegated to him/her by the said Municipal Manager with the concurrence of the Council;

**"Poverty"** is defined with reference to a poverty line i.e. if a household earns gross income lower than a set amount that household and its members are deemed to be living in poverty;

**"Programme officer"** means an official duly authorized by the municipality, or an employee of a service provider appointed by the municipality, who is responsible to ensure that an assessment, screening and site visits are undertaken;

**"Occupier"** means the person who controls and resides on or controls and otherwise uses immovable property, provided that -

- a. the spouse of the owner of immovable property, which is used by such spouse or owner as a dwelling at any time, shall be deemed to be the occupier thereof;
- b. where both spouses reside on immovable property and one of them is an occupier thereof, the other shall also be deemed an occupier;

**"Owner"** in relation to immovable property, means -

- a. the person in whom is vested the legal title thereto provided that -
  - i. the lessee of immovable property which is leased for a period of not less than fifty years, whether the lease is registered or not, shall be deemed to be the owner thereof;
  - ii. the occupier of immovable property occupied in terms of a servitude or right analogous thereto shall be deemed the owner thereof.
- b. If the owner is deceased, insolvent, has assigned his or her estate for the benefit of his or her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, then the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be;
- c. If the owner is absent from the Republic or if his/her address is unknown to the municipality, then any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; or
- d. If the municipality is unable to determine who such person is, then the person who is entitled to the beneficial use of the property.

**"Premises"** includes any piece of land, external surface boundaries of which are delineated on:

- a. a general plan or diagram registered in terms of the Land Survey Act, No 8 of

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1997 or in terms of the Deeds Registries Act, No 47 of 1937;

- b. a general plan registered in terms of the Sectional Titles Act, No 95 of 1956, and situated within the jurisdiction of the municipality;

“**Rates**” means any tax, duty or levy imposed on property by Council

“**Vote**” means:

- a. any of the main segments into which the budget of the municipality is divided for the appropriation of money for the different departments or functional areas of the municipality; and
- b. which specifies the total amount that is appropriated for the purposes of the department or functional area concerned.

As a developmental institution, the municipality needs to commit to supporting measures that assist and empower its community. It is accepted that large sections of the community cannot exist without intervention and it is therefore the duty of the municipality to support and to ensure that citizens are able to access their constitutional right to have access to a basic level of services.

### **3 OBJECTIVES OF THE POLICY**

The objectives of this policy are to ensure the following:

- a. That the Equitable Share received annually will be utilised for the benefit of the poor only and not to subsidise rates and service charges of those who can afford to pay;
- b. Link this policy with the municipality's Integrated Development Plan (IDP), Local Economic Development (LED) initiatives and poverty alleviation programmes;
- c. Promote an integrated approach to free basic service delivery;
- d. Engage the community in the development and implementation of this policy.
- e. The provision of basic services to the community in a sustainable manner within the financial and administrative capacity of the Council;
- f. The financial sustainability of free basic services through the determination of appropriate tariffs that contribute to such sustainability through cross subsidisation;
- g. Establishment of a framework for the identification and management of indigent households including a socio-economic analysis where necessary and an exit strategy;
- h. The provision of procedures and guidelines for the subsidisation of basic charges and the provision of free basic energy to indigent households; and
- i. Co-operative governance with other spheres of government.

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**4 LEGISLATIVE AND REGULATORY FRAMEWORK**

This policy is designed and implemented within the framework of the following legislation:

- a) The Constitution of the Republic of South Africa
- b) Municipal Systems Act, No 32 of 2000
- c) Municipal Finance Management Act, No 56 of 2003
- d) Promotion of Administrative Justice Act, No 3 of 2000
- e) Promotion of Access to information Act, No 2 of 2000; and
- f) Property Rates Act, No 6 of 2004

**5 QUALIFICATION CRITERIA**

The qualification criteria for indigent support and the municipal services qualifying for such support shall be determined by the municipality from time to time. An indigent debtor shall qualify for consideration of indigent benefits in terms of the laid down procedures of Council, which are:

- a. The combined or joint gross income of all occupants or dependants in a single household which receives services from the municipality does not exceed two times the government pension grant;
- b. The applicant should be a resident or owner at the premises for which application is made within the Municipality, receives municipal services and is registered as an account holder on the municipal financial system;
- c. The applicant should be a citizens of the Republic of South Africa in possession of a valid South African Identity Document;
- d. The account of a deceased estate may be subsidised if the surviving spouse or dependants of the deceased, who occupy the property, applies for assistance.
- e. For the purpose of determining the total household income of all applicants, the combined or joint gross income of all occupants/residents/dependants in such household shall be taken into account;
- f. Applicants and/or any occupant/resident/dependant of the debtor's household shall not own any other fixed property in addition to the property in respect of which indigent support is required from Council in terms of this Policy; and
- g. Applicants should be in possession of a service agreement with the Municipality in the name of the indigent debtor.

**6 ASSISTANCE AND REGISTRATION**

**6.1 Communication**

The municipality will develop a Communication Strategy in terms of which communities will be informed and educated in order to have a clear understanding of

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this policy and its implementation. Regular information dissemination through ward committees, community based organisations and face-to-face contact by means of imbizo's will be undertaken to eliminate unrealistic expectations both in terms of qualifying for subsidy as well as service delivery in general.

**6.2 Application/Registration**

A person applying for assistance must complete a Formal Indigent Support Application Form approved by the municipality. Such forms will be available at the pay points of all administrative units;

Applications must be accompanied by the following:

- a. A copy of the applicant's identity document;
- b. The latest municipal account;
- c. Documentary proof of income (as prescribed below), or an affidavit declaring lack of income and/or proof of registration as unemployed, plus bank statements (where applicable);
- d. Particulars of any other grants received by the account holder;
- e. Proof of ownership of business or second properties.
- f. Proof of income: Applicants for indigent support must produce written proof acceptable to the Council of:
  - i. Household income/grants for each member of the household;
  - ii. Employment status or low income or reduction in income of each member of the household;
  - iii. Inability to work of each member of the household; and All minor members of the household.

*The above documentation should be current, i.e. not more than three months old, and should be submitted with the application form.*

**6.3 The applicant shall agree to the following:**

If required to appear personally before the designated official with the application form and documentation required for verification purposes;

To the installation of a prepaid electricity meter by Council which costs Council may recover by applying the applicable prepaid tariff;

To the installation of a water flow restrictor meter by Council;

To the valuation by the Municipal Valuer of the residential property for which application is made (applicable if applicant is owner);

Annual resubmission by the applicant of the application to Council on the



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anniversary of the granting thereof and/or on a date determined by Council and communicated to the applicant. Failure to comply herewith shall result in the debtor's indigent status being revoked;

That the onus shall be on the approved indigent debtor to inform the Council of any change in his status or personal household circumstances; and

Willingness to give consent for external scans and credit bureau checks.

**6.4 Assessment and Screening of Applicants:**

After the application / registration process all information must be verified by the Revenue Accountant as follow:

**Indigent Management Register** - the information on the municipality's Indigent Management System must be checked to determine whether an applicant is already registered within the system as well as to determine dates when these existing applicants should be reviewed;

**Data Capture** - the indigent registration data must then be captured in the Indigent Management Register as per application form;

**Verification - Site Visit** - the Indigent Management System must assign an application to a duly appointed official to perform an on-site verification, if necessary. If needed undertake house visits by Councillors, Ward Representatives, Council staff or Council's accredited agents to confirm the indigent's claim and living conditions. Where after the Revenue: Accountant must verify and assess the registration application, and make recommendations for acceptance of the application, or for further investigation which may include an external scan;

**Verification - External Scans** - an external scan of applicants recommended as suitable candidates support may be conducted with UIF, SARS, Department of Welfare, or Credit Bureau after the site visitation has been captured;

Where an indigent debtor is found to be living at a standard inconsistent with his indigent application or fails to allow access or provide any further information as may be required by the Council, such debtor's indigent benefits may be cancelled at Council's sole discretion retrospective to the date of approval;

Once the verification has been completed and confirmed by the Revenue Accountant and the relevant Ward Councillor, a recommendation should be forwarded to the Municipal Manager or Chief Financial Officer for approval. Only once approved by the Municipal Manager or Chief Financial Officer will the applicant qualify for Free Basic Service and Indigent Subsidy Support as may be prescribed; and

Re-evaluate all indigent households after a period of twelve months or such period as the Council may determine to enable the Council to assess the provision of continued basic services and indigent support to them.

## **7 EXTENT OF INDIGENT ASSISTANCE AND SUPPORT**

Council shall annually, determine the overall subsidy for indigent and other debtors during council's budget process and within its financial constraints.

Indigent subsidies may be granted on:

- a. Rates;
- b. Water;
- c. Sewerage;
- d. Refuse Removal;
- e. Electricity; and
- f. Arrears on any of the above services.

All registered indigent households will, on approval, be designated as Indigent, and shall be charged the determined economical tariff or charge for a service applicable to their designation.

The indigent households' monthly account will be credited with the amount of the indigent subsidy as determined by the Council budget according to their designation.

- **Subsidy allocations**

An indigent household shall qualify to receive subsidised services on the following terms and conditions:

Property Rates

All owners of residential properties or properties used for multiple purposes, provided one or more components of the property are used for residential purposes would receive a reduction on the rateable value of the property as provided for in section 17 (1)(h) of the Property Rates Act No. 6 of 2004;

An indigent owner who resides in a property which value exceeds the exemption amount, shall be subsidised for property rates in full; and

All other rebates, reductions and exemptions provided in terms of council's Rates Policy shall also applicable.

Water

All metered domestic consumers shall receive the allocated 6kl free water as determined by National Government;

If the water supply was disconnected prior to the debtor applying for indigent support the water reconnection would be made free of charge; and

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The basic and availability charge for metered and un-metered indigence consumers as determined annually by Council shall be subsidized in full.

#### Electricity

All indigence consumers shall receive the allocated 50KwH Free Basic Electricity as determined by National Government;

Free Basic Electricity shall be dispensed as determined by Council where Council is the service provider;

Free Basic Electricity shall be dispensed as determined by Council and ESKOM, where Council is not the service provider;

The indigent consumers shall not carry over, from one month to another, the Free Basic Electricity subsidy or any portion thereof allocated which is not claimed. Free Basic Electricity subsidy not claimed, in any calendar month, will be forfeited; and

Subsidisation shall be withdrawn following disconnection from the electricity supplier due to non-payment of service account and or meter tampering until such time as the requirements have been met as described in Council's Credit Control and Debt Collection Policy.

#### Sewerage

Indigence consumers shall be subsidised in full for sewerage levies as determined annually by Council.

#### Refuse Removal

Indigence consumers shall be subsidised in full for refuse removal levies as determined annually by Council.

#### Arrears

Once classified indigent, all arrears that such an indigence consumer might have on his / her consumer account in respect of any service above would be subsidized in full.

Any measures implemented in terms of **council's** Credit Control and Debt Collection Policy would immediately be stopped.

#### Free Basic Alternative Energy

Indigent households in informal settlements where limited or no electricity is available, may be provided with alternative energy sources including, but not limited to paraffin, fire gel, liquefied petroleum gas, etc., provided that procurement of service providers or services shall be subject to council's Supply Chain Management Policy; and

Prior implementation of the above, the Manager: Community & Social Services would determine the need and provide the Budget and Treasury department with a cost estimate for budget purposes. The Manager: Community and Social Services would be responsible for the distribution of Free Energy.

## **8 INDIGENT HOUSEHOLDS IN BODIES CORPORATE AND RETIREMENT CENTRES**

The onus will be on the Board of Trustees/Managing Agent/Chairperson of a Body Corporate (hereinafter referred to as the representative of the Body Corporate or Retirement Centre) to apply to the municipality, for indigent status to be granted in respect of water consumption on behalf of the owners of those units, who meet the criteria and conditions for qualification.

The onus will be on the unit owner to apply to the municipality for indigent status to be granted in respect of property rates and related charges.

The representative of the Body Corporate or Retirement Centre, will submit applications to the Chief Financial Officer which applications must be accompanied by a certified copy of the Sectional Title Plan of the Body Corporate or Retirement Centre, which indicates the participation quota for each unit, as registered in the Deeds Office.

The Revenue Accountant must verify all applications and after consideration by the Municipal Manager or Chief Financial Officer he/she must notify:

- a. the representative of the Body Corporate or Retirement Centre whether an application was successful or not, with regard to the water consumption; and
- b. the unit owner whether an application was successful or not, with regard to the property rates and other related charges.

The Chief Financial Officer will credit the monthly municipal: -

- a. water account of a Body Corporate or Retirement Centre with water and sewerage charges, the amount which will be calculated by dividing the total number of kiloliters of water consumed by the Body Corporate by the number of units in the complex, but up to the maximum of 6kl of water per month for each unit that qualifies for assistance.
- b. General rates and refuse charges account of the unit owner with the full amount charged.

The representative of the Body Corporate or Retirement Centre in respect of which monthly water credits are allowed under indigent support, must ensure that such credits are off-set against the monthly levies of the relevant individual units; such representative also being required, once every six months, or at such intervals as may be determined by the municipality, to provide proof to the Chief Financial Officer that the monthly levies of poor households which qualify for assistance, have been adjusted by the amounts credited to the account of the Body Corporate or Retirement Centre.

## **9 PROCESS MANAGEMENT**

### 9.1 Validity period

Validity period of assistance will be for a maximum period of 12 month - municipality's financial year - 1 July to 30 June. Any application approved during the financial year would only be valid until the end of that financial year being 30 June. Households must re-apply annually.

### 9.2 Death of Registered Applicant

In event that the approved applicant passes away the heir/s of the property must reapply for the indigent support, provided that the stipulated criteria are met.

### 9.3 Publication of Register of Indigent Households

Names of indigent beneficiaries must be open for public perusal and comment

### 9.4 Excess Usage of Allocation

If the level of consumption of the indigent household exceeds the consumption level approved by the municipality, the household will be obliged to pay for the excess consumption on a monthly basis. Such accounts will be subject to the municipality's credit control and debt collection measures.

### 9.5 Termination of Indigent Support

Indigent Support will be terminated under the following circumstances:

- a. Death of account-holder;
- b. End of the 12 month cycle, except in the case of pensioners and child-headed households;
- c. Upon sale of the property;
- d. When circumstances in the indigent household have improved in terms of a gross income exceeding two times the government pension grant;
- e. If the applicant is found to have lied about his/her personal circumstances or has furnished false information regarding indigent status, in which case the following will apply:
  - i. All arrears will become payable immediately;
  - ii. Stringent credit control measures will apply;
  - iii. The applicant will not be eligible to apply for indigent support for a period of 2 years;

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**9.6 Audit and review**

The municipality will conduct an audit of the indigent register on a quarterly basis with regard to the information furnished by applicants and possible changes in status, the usage of allocations and debt collection measures applied;

Any resident, Councillor, Ward Committee member or official may, in writing, addressed to the Municipal Manager, query the qualification of a recipient indigent debtor within 21 days from the date the applicant's name appears on the Indigent Management Register;

The Municipal Manager shall refer queries referred to in [9.6.2.] above to the relevant official for Indigent Support who may take one or more of the following actions:

- a. Request the indigent debtor against whom a query has been raised to provide full proof of his/her banking account and income details as well as pension registration number;
- b. Undertake an inspection at the indigent debtor's place of residence to determine his/her social conditions;
- c. Request a social welfare worker's report on the indigent debtor's household; and
- d. Where after the official shall recommend to the Municipal Manager for submission to Council such action as he may deem appropriate in the circumstances including a recommendation to the Council:
  - i. that the indigent status of the debtor be suspended for a defined period and subject to such conditions as it may determine;
  - ii. that irregular or excess payments of indigent subsidies be recovered from the indigent debtor by way of debiting such indigent debtor's services account or accounts with such payments;
  - iii. that normal credit control measures be applied to the indigent debtor in accordance with the Council's Credit Control Policy; and
  - iv. that criminal charges of theft or fraud be instituted against the indigent debtor;
- e. The Municipal Manager must, in writing, advice a complainant who lodges a query against an indigent debtor of the result of the investigation;
- f. The indigent status of a debtor cannot be withdrawn, suspended or altered until and unless such debtor has been given an opportunity to be heard and make representations on the allegations against him or her.

## **10 MONITORING AND REPORTING**

The Chief Financial Officer shall report quarterly to the Municipal Manager in a suitable format to enable the Municipal Manager to report to Council and other interested parties.

Such report shall reflect on:

- a. Number of indigent households applied;
- b. Amount of subsidy allocated per service category;
- c. Amount of debt accumulating and debt recovery information (number of customers / enquiries / default arrangements / growth or diminishing of arrear debtors / ideally divided into wards / domestic / state / institutional and other such divisions);
- d. Performance of all areas against targets set in the municipality's performance management system;
- e. Changes in the registered status of indigents.

For the purposes of transparency the Council, and for the perusal by Councillors, Ward Committees and officials, the Chief Financial Officer shall cause to be kept a Indigent Management Register of all indigent households at Office of the Council containing:

- a. the names of indigent debtors receiving indigent relief for a prescribed period;
- b. the erf or stand numbers where services are rendered to recipient indigent debtors;
- c. the total household income of recipient indigent debtors; and
- d. the number of dependants residing on the property of the recipient indigent debtor;

An annual report must be submitted, per ward to the Executive Committee and Council of:

- a. applications received;
- b. applications approved;
- c. applications declined; and
- d. indigent defaulters.

An annual renewal notification in terms of Council's laid down timetable, shall be processed by the municipality.

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**11 BUDGETING FOR INDIGENT SUPPORT SUBSIDY**

The Council must annually budget for the total indigent subsidy to be granted to indigent debtors in terms of this Policy. Such amount must, upon approval of the budget of the Council, be reflected against a separate vote in the name of **Free Basic Services**.

The total value of indigent subsidies for all subsidised services must be reflected against such Free Basic Services on a monthly basis.

**12 COMMUNICATION AND SKILLS DEVELOPMENT**

The Council shall, with the aid of Ward Committees, embark on an extensive community communications programme aimed at informing communities of the contents of this policy and the duty on them to pay service charges and contribute to the funds of the Municipality.

The Council should endeavour to support and, within its capacity, access skills training and other education related programmes aimed at developing the indigent to become self - sufficient and thereby reducing the rate of indigence.

**13 APPEALS**

The applicant on an indigent household application, which has been declined, may appeal against such decision.

The appeal must be in writing and lodged with the Municipal Manager within 14 days after receipt of the notification setting out:

- a. the reason for the appeal; and
- b. any other documentary proof in support of the appeal.

The appeal shall be decided: -

- a. within 21 days after lodgement of the appeal;
- b. strictly in terms of the provisions of the bylaw and this policy; and
- c. by three officials from Budget & Treasury department designated by the Municipal Manager.

The decision of the committee is final and the appellant shall be notified of the outcome in writing.

**14 OFFENCES**

Any applicant who misuses the indigent support policy of the Council or provides incorrect information to the Municipality and or tampers with the supply of services



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or municipal installations shall be subject to forfeiture of indigent status, criminal prosecution and other measures as determined by the Council within the Credit and Debt Collection Policy.

## **15 NOTICES AND DOCUMENTS**

A notice or document issued by the Council in terms of these by-laws shall be deemed to be duly issued if signed by an employee duly authorized by the Council.

If a notice is to be served on a person in terms of these by-laws, such service shall be effected by:

- a. Delivering the notice to him personally;
- b. By delivering the notice at his residence or to a person apparently not less than sixteen years of age and apparently residing or employed there;
- c. If he has nominated an address for legal purposes, by delivering the notice to such an address; or
- d. By registered or certified post addressed to his last known address;
- e. If service cannot be effected in terms of the aforesaid sub-sections by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land.

## **16 REVIEW AND AMENDMENT OF POLICY**

The Council has the discretionary power to amend any clause, stipulation or tariff embodied in this Policy in the interests of all the parties concerned at the annual budgetary review of Council policies in conjunction with the consideration of the annual budget of the Council.

## **17 IMPLEMENTATION**

This Free basic services and indigent support Policy will be adopted and implemented at the start of the financial year after Council approval.

**Approved on: 2015/06/23**

**Council Resolution nr: S01/06/2015**