



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Munisipale Bestuurer
8 Junie 2022

5/10/1

ITEM 3.1 VAN DIE AGENDA VAN 'N SPESIALE RAADSVERGADERING WAT GEHOU SAL WORD OP 15 JUNIE 2022

ONDERWERP: RAADSLIDVERGOEDING: 2021/22 FINANSIËLE JAAR SUBJECT: COUNCILOR'S REMUNERATION: 2021/22 FINANCIAL YEAR

1. BACKGROUND / DISCUSSION

- 1.1 The salaries and allowances payable to councillors are regulated in terms of the Remuneration of Public Office-Bearers Act, 1998.
- 1.2 The National Minister for Cooperative Governance and Traditional Affairs, under the powers vested in her in terms of the said act, determined the upper limits of salaries, allowances and benefits of different members of municipal councils effective in respect of the 2021/22 financial year, i.e. from 1 July 2021 as per Government Notice R.2126 (hereinafter referred to as 'the Notice') as published in Government Gazette No. 46470 dated 2 June 2022, appended hereto as **Annexure A**.
- 1.3 The adjustments made in respect of allowances (refer Items 5, 6, 7, 8 and 11 of the Notice) are as follows:
- All councillors: a 3% increase
 - Cell phone allowance: unchanged at R3 400,00 per month for all councillors
 - Sitting allowance (i.r.o. councillors appointed to a district council or serving in the governance and intergovernmental structures of organized local government): increased from R1 103,23 to R1 136,32 per day
- 1.4 **TO NOTE:** The Notice now determines (in Item 11) that the cell phone allowance referred to above, is inclusive of mobile data, whereas the previous Notice made provision for the payment of a data bundle allowance not exceeding R300,00 per month, to be paid in addition to the annual remuneration packages provided for in the Notice. The late promulgation of the new Notice, effective 1 July 2021, has brought about that the Municipality has continued with the payment of the additional data allowance from 1 July 2021 as per the Notice applicable at the time. With reference to Item 16 of the Notice, these payments qualify as 'overpayments', and must be recovered from councillors.
- 1.4 It must be noted that the total remuneration package payable to full-time and part-time councillors (Items 5 and 9 respectively) **INCLUDES** the vehicle allowance, housing allowance, municipal contribution to pension fund (also provident or retirement fund) and municipal contribution to medical aid scheme.

2. WETGEWING / LEGISLATION

- 2.1 The salary and allowances of municipal council members are determined by the council by resolution of **a supporting vote of a majority of its members**, in consultation with the member of the Executive Council responsible for local government in the province concerned, having regard to the upper limits in the notice, the financial year of municipal councils and affordability of municipal councils to pay within the different grades of the remuneration, including the National Treasury austerity measures. The Notice may therefore not be implemented before respective municipal councils have considered a report on the upper limits and have resolved on the levels of remuneration which will apply in that municipality. This consideration must occur with regard to the

financial year (in this instance 2021/22) within which the payments will have to be made, and the affordability thereof for municipalities. This implies that the budget for the year in question must reflect the liability to pay the level of remuneration determined by the council and this must in turn be cash funded.

- 2.2 Further, before implementation, it is necessary for a council to consult with the MEC responsible for Local Government in the Province, motivating the affordability and demonstrating that the liability has been budgeted for. Failure to follow these steps will result in AN ADVERSE AUDIT OPINION being expressed by the Auditor General.
- 2.3 Based on the consultation prescripts of prior years, the following information is to be submitted to the MEC by Council:
 - Grading of municipality for remuneration purposes. The calculation must be provided in a prescribed format, inclusive of Affordability Certificate, extracts of financial statements providing the total revenue as defined;
 - Salaries and allowances determined by the Municipal Council with a supporting vote of the majority of its members;
 - Record of council approval;
 - Statement that budgetary provision has been made for the increased remuneration.
- 2.5 Salary adjustments may only be implemented after the MEC has applied his mind to the resolution and concurred therewith, and is further subject to submission of information as referred to in Item 17 of the Notice.

3. **FINANCIAL AND OTHER IMPLICATIONS**

3.1 **Determination of grading (i.t.o. items 2, 3 and 4 of the notice):**

Swartland Municipality is graded a **Grade 4** municipal council, based on the points allocated as follows:

		Number of points
Total municipal income (refer definition) 2020/21	R697 491 802	33.33
Total population (as per the 2016 Community Survey)	133 762	<u>25.00</u>
		<u>58.33</u>

3.2 **Annual total remuneration packages (Item 5):**

The increases are applicable i.r.o. the 2021/22 financial year and thus effective as from 1 July 2021. Excluding insurance cover and travel reimbursement (distances travelled for official purposes) to be paid in addition to the total remuneration upper limits provided for in the Notice, the total expenditure for the 2021/22 financial year has been determined at R 11 057 781,77 as detailed in **Annexure B** to this report.

Adequate financial provision has been made for the above increase in the 2021/22 operating budget, in that an amount of R 11 231 505,00 has been budgeted for this purpose.

1.5 **Annual total remuneration packages (Items 5 & 8)**

The total remuneration package payable to full-time and part-time councillors (Items 5 and 8 respectively) INCLUDES the travel allowance, housing allowance, municipal contribution to pension fund (also provident or retirement fund) and municipal contribution to medical aid scheme.

1.6 **Allowances payable to councillors serving in organized local government structures (Item 7)**

Councillors appointed to a district council or serving in the governance and intergovernmental structures of organized local government qualify for a sitting allowance of R1 136,32 per day.

1.7 **Motor vehicle and travel allowances [Item 9(1)]:**

- 1.7.1 A councillor may structure his/her allowance to provide for a motor vehicle allowance. However, should a councillor elect to include a motor vehicle allowance in the salary structure, he/she may only use a council vehicle for official duties in line with an approved council policy.

1.7.2 In Circular 16/2022 issued by SALGA, the latter explains as follows:

*"It should be noted that the amount contained under "total remuneration" requires that **every councillor who elects to include the motor vehicle allowance in his or her salary structure must specifically provide for it** having regard to the **likely kilometres to be travelled** for the tax year and **the type of vehicle** to be used. In providing for the travelling allowance councillors' attention should be drawn to the reality that this allowance is granted to cover costs incurred on travelling for official business, which excludes travel between the place of residence and ordinary place of work. Although fully taxable on assessment, only 80% of the allowance is subject to the deduction of PAYE. Again, this does not mean that only 80% is taxable. The full allowance remains taxable and any unspent portion will be included in a Councillor's taxable income and a councillor would be required to account to the South African Revenue Service (SARS) for the use of such an allowance. Councillors who do not have motor vehicles and/or who are likely to have difficulties in accounting to SARS for this allowance are advised not to include the travel allowance in the salary structure."*

Policy measures regarding the payment of travel allowances for official business travel were approved by the new Council on 16 November 2021 as per **Annexure C** hereto.

1.8 Housing allowance [Item 9(2)]

To be structured as part of total remuneration package where applicable.

1.9 Out of pocket expenses (Item 10)

To be claimed in terms of Council's Travel, Accommodation and Subsistence policy, where applicable.

1.10 Upper limits of cell phone allowance for councillors (Item 11)

All councillors qualify for an allowance not exceeding R3 400,00 per month, inclusive of mobile data. This amount has remained unchanged. As noted earlier, the allowance in respect of mobile data bundles is no more applicable as from 1 July 2021, requiring that the Tools of Trade Policy for Part-time Councillors (appended to Annexure C) as approved by the Council on 16 November 2021, will have to be amended accordingly.

1.12 Pension fund contributions [Item 12(1)]

A councillor may elect to participate in a pension, provident or retirement annuity fund. Contributions by the municipal council are included in the total remuneration package as a total cost to the municipality.

1.13 Medical aid benefits [Item 12(2)]

A councillor may participate in a medical aid scheme duly established in terms of a law. Council contributions are included in the total remuneration package as a total cost to the municipality.

1.14 Special Risk Cover (Item 13)

Although there is an obligation on the Municipality in terms of Item 13(1) to take out risk insurance cover as detailed, paragraph 13(4) is to be noted, namely that councillors are to provide all necessary details to the municipality upon request.

Similarly, councillors who already have their own special risk cover must also declare such information to the Director: Financial Services.

1.15/...

1.15 **Tools of Trade (Item 14)**

Refer paragraph B(a) of **Annexure B** as policy directive adopted by Council.

As regards Personal Security, the number of personal protectors to Executive Mayors, Mayors and speakers are limited to “two bodyguards subject to a threat and risk analysis by the South African Police Service. Deviation may only be based on the recommendations of the South African Police Service”.

To be noted is that the extension of tools of trade is not subject to concurrence by the MEC for local government.

1.16 **Capacity Building (Item 15)**

The Notice determines that prior to any councillor undergoing training, a skills development plan and personal development plan must be developed and adopted. Capacity building programmes consisting of short courses or programmes must be provided for in the training, education and development policy and skills development plan of the municipality.

1.17 **Overpayment (Item 18)**

Any overpayments to councillors must be recovered from their remuneration, and may not be written off. Overpayments are considered an irregular expenditure.

1.18 **Information to be submitted to the Minister (Item 18)**

The Notice provides that the Municipal Manager must provide the information specified in the Notice, to the MEC responsible for local government by 31 August 2022 for submission of a consolidated report by the MEC (by 31 October 2022) to the Minister of Cooperative Governance and Traditional Affairs.

4. **AANBEVELING**

- (a) Dat kennis geneem word van die inhoud van Goewermentskennisgewing R.2126 soos afgekondig in Staatskoerant 46470 gedateer 2 Junie 2022, asook die implikasies wat die verhoogde toelaes en byvoordele vir die Munisipaliteit as Graad 4 plaaslike owerheid inhou ten aansien van die 2021/22 finansiële jaar, soos toegelig in Aanhangsel B tot hierdie verslag;
- (b) Dat kennis geneem word dat daar genoegsame voorsiening in die 2021/22 bedryfsbegroting gemaak is om die verhoogde toelaes en voordele te dek, en dat die Raad goedkeuring gevolglik verleen vir die implementering daarvan, terugwerkend vanaf 1 Julie 2021 ten aansien van herverkose raadslede, en met ingang vanaf 9 November 2021 ten aansien van nuut verkose raadslede;
- (c) Dat die *Tools of Trade Policy* soos goedgekeur deur die Raad op 16 November 2021 gewysig word om weg te doen met die betaling van die datatoelaag, maar ten einde steeds die toekenning van elektroniese toerusting/tegnologie te reguleer;
- (d) Dat daar voldoen sal word aan die oorlegplegingsvereistes van die LUR vir plaaslike regering ten einde lg. se instemming te bekom vir die implementering van die gewysigde toelaes en voordele;
- (e) Dat die Munisipale Bestuurder hom vergewis dat die inligting wat in terme van Paragraaf 17 van die Goewermentskennisgewing vereis word aan die LUR vir plaaslike regering voorgelê word, teen nie later nie as 31 Augustus 2022;
- (f) Dat die Munisipaliteit sy misnoeë uitspreek teenoor die Nasionale Minister ten aansien van die volgende twee aspekte, synde:

(1)/...

(f)/...

- (1) Die feit dat die laat afkondiging van die boperke verhoed dat munisipaliteite pro-aktief kan begroot, en die onbedoelde gevolg van sodanige laat afkondiging wat behels dat oorlegpleging met die LUR nie betyds/effektief mee gehandel kan word word nie, en dat terugbetalings aan raadslede eers in die daaropvolgende finansiële jaar geskied wat nie goeie praktyk is nie;
- (2) Die eensydige terugtrekking van die R300 datatoelaag (met die gepaardgaande implikasie dat hierdie toelae terugwerkend vanaf 1 Julie 2021 verhaal moet word) nie 'n aanduider is van goeie regeringspraktyk nie en intendeel onregmatige spandering bevorder.

RECOMMENDATION

- (a) That the contents of Government Notice R.2126 as published in Government Gazette 46470 dated 2 June 2022 be noted, as well as the implications of same in respect of the increased allowances and benefits payable in respect of the 2021/22 financial year by the Municipality as a Grade 4 local authority, as explained in Annexure B to this report;
- (b) That cognizance be taken that adequate provision has been made in the 2021/22 operating budget in order to cover the increased allowances and benefits, and that the implementation of same thereof be approved, with retrospective effect from 1 July 2021 in respect of re-elected councillors and with effect from 9 November 2021 in respect of newly elected councillors;
- (c) That the Tools of Trade Policy as approved by Council on 16 November 2021 be amended to do away with the payment of the data allowance, but to still regulate the allocation of electronic equipment/technology;
- (d) That the consultation prescripts of the MEC for local government be complied with in order to obtain the latter's approval for the implementation of the amended allowances and benefits;
- (e) That the Municipal Manager ensures that the information required in terms of Paragraph 17 of the Government Notice be submitted to the MEC for local government, by no later than 31 August 2021;
- (f) That the Municipality expresses its dissatisfaction with the National Minister regarding the following two aspects:
 - (1) The fact that late promulgation of the upper limits prevents pro-active budgeting by municipalities, and the unintended consequence of such late promulgation being that consultation with the MEC cannot be dealt with timeously/effectively, resulting in the back payment of councillors only taking place in the ensuing financial year, which does not constitute good practice;
 - (2) The unilateral withdrawal of the R300 data allowance (with the associated implication that allowances have to be recovered retrospectively from 1 July 2021) not being an indicator of good governance and, on the contrary, promotes irregular expenditure.

(get) J J Scholtz

MUNISIPALE BESTUURDER

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE**NO. R. 2126****2 June 2022****REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998
(ACT NO. 20 OF 1998)****DETERMINATION OF UPPER LIMITS OF THE SALARIES, ALLOWANCES
AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS**

Under the powers vested in me by sections 7(1), 8(5)(a) and 9(5)(a) of the *Remuneration of Public Office-bearers Act*, 1998 (Act No. 20 of 1998), I, Nkosazana Clarice Dlamini Zuma, Minister for Cooperative Governance and Traditional Affairs, after –

- (a) consultation with the member of the Executive Council responsible for local government in each province; and
- (b) taking into consideration the matters listed in paragraphs (a) to (i) of section 7(1) of the Act,

hereby determine the upper limits of the salaries, allowances and benefits of the different members of municipal councils as set out in the Schedule.



NKOSAZANA CLARICE DLAMINI ZUMA, MP
MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: 01-06-2022

SCHEDULE

PREAMBLE

The salary and allowances of a councillor are determined by that municipal council by resolution of a supporting vote of the majority of its members, in consultation with the member of the Executive Council responsible for local government in each province, having regard to the upper limits as set out hereunder, the financial year of a municipality and affordability of municipality to pay within the different grades of the remuneration of councillors, including the austerity measures as approved by national Cabinet.

For purposes of implementation of this Government Notice, "in consultation with" means that a municipal council must obtain concurrence of the MEC for local government prior to the implementation of the provisions of this Notice.

1. Definitions

In this Schedule, unless the context indicates otherwise, a word or phrase to which a meaning has been assigned in the *Remuneration of Public Office-bearers Act*, 1998 (Act No. 20 of 1998) (hereinafter referred to as "the Act") and the *Local Government: Municipal Structures Act*, 1998 (Act No. 117 of 1998) (hereinafter referred to as "the Structures Act"), has that meaning and –

"basic salary" means the salary component of a councillor that excludes a travel allowance as provided in item (9)(1), housing allowance as provided in item 9(2), the municipal contribution to a pension fund as provided in item 12(1) and municipal contribution to a medical aid scheme as provided in item 12(2);

"full-time councillor" means a councillor who has been elected or appointed to an office which has been designated as full-time in terms of section 18(4) of the Structures Act;

"grade" in relation to this Notice means the grade of municipal council as determined in terms of item 4;

"MEC" means the member of the Executive Council of a province responsible for local government in the province;

"oversight committee" means a committee of the municipal council established in terms of section 79 or 79A of the Structures Act;

"part-time councillor" means a councillor other than a full-time councillor;

"pension fund" means any pension, provident or retirement annuity fund established and registered in terms of, and subject to, any law governing the registration and control of pension funds in the Republic of South Africa and to which an office bearer contributes or any pension scheme approved by Parliament for such office bearers;

"SETAs" means the Sector Education and Training Authorities established in terms of section 9 of the *Skills Development Act*, 1998 (Act No. 97 of 1998);

“special risk cover” means an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor’s personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder;

“tools of trade” means the resources provided by a municipal council to a councillor to enable such councillor to discharge his or her duties in the most efficient and effective manner, and at all times remain the assets of the municipality concerned;

“total municipal income” means gross income in respect of a metropolitan, local or district municipality based on actual income received as stated in the audited financial statements of that municipality for the 2020/21 financial year. The gross income for the municipality will include the following:

- rates on property;
- fees for services rendered by the municipality, or on its behalf by a municipal entity;
- surcharges;
- other authorised taxes;
- levies and duties;
- income from fines for traffic offences and contravention of municipal by-laws or legislation assigned to the local sphere of government;
- regional services council replacement grant for district municipalities;
- interest earned on invested funds other than national and provincial conditional grants;
- rental for the use of municipal movable or immovable property; and
- amounts received as agent for other spheres of government.

The gross income excludes the following:

- transfers and / or grants from the national fiscus and provincial fiscus, with the exception of regional services council replacement grant for district municipalities; and
- all value added tax (VAT) refunds.

“total population” means the official statistics of the population residing in the area of jurisdiction of a metropolitan, local or district municipality, as published in the Community Survey 2016: Statistical Release No. P0301, in terms of the *Statistics Act*, 1999 (Act No. 6 of 1999); and

“total remuneration package” means the annual total cost to a municipality of a basic salary component, a motor vehicle allowance as provided in item 9(1), housing allowance as provided in item 9(2), the municipal contribution to a pension, provident or retirement annuity fund as provided in item 12(1) and municipal contribution to a medical aid scheme as provided in item 12(2) to a councillor in a municipal financial year.

2. Allocation of number of points for total municipal income

The number of points allocated for the total municipal income of a municipality is as follows:

TOTAL MUNICIPAL INCOME			NUMBER OF POINTS
R 0	-	R 10,000,000	8.33
R 10,000,001	-	R 50,000,000	16.67
R 50,000,001	-	R 200,000,000	25.00
R 200,000,001	-	R 1,500,000,000	33.33
R 1,500,000,001	-	R 2,000,000,000	41.67
More than R2,000,000,000			50.00

3. Allocation of number of points for total population

The number of points allocated for the total population within a municipality is as follows:

TOTAL POPULATION			NUMBER OF POINTS
0	-	50,000	8.33
50,001	-	100,000	16.67
100,001	-	250,000	25.00
250,001	-	550,000	33.33
550,001	-	1,800,000	41.67
More than 1,800,000			50.00

4. Determination of grade of municipal council

The sum of the number of points allocated to a municipal council in terms of items 2 and 3 of the Notice, determines the grade of such municipal council as follows:

GRADE OF MUNICIPAL COUNCIL	POINTS
1	0 to 16.66
2	16.67 to 33.33
3	33.34 to 50.00
4	50.01 to 66.67
5	66.68 to 83.35
6	83.36 and above

5. Upper limits of the annual total remuneration packages of full-time councillors

The upper limits of the annual total remuneration packages of full-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE			
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE, WHIP OR CHAIRPERSON OF A SUBCOUNCIL	CHAIRPERSON OF OVERSIGHT COMMITTEE
6	1,446,388	1,168,131	1,100,361	1,068,083
5	1,078,407	862,723	808,804	785,080
4	920,656	736,530	690,808	670,243
3	886,685	709,349	665,015	651,654
2	830,248	664,199	628,615	610,176
1	806,059	650,986	610,297	615,055
The system of plenary type of municipalities ceased to exist from 1 November 2021 and all mayors must be remunerated according to the total remuneration package column of executive mayor or mayor.				

6. Upper limit of annual total remuneration package or allowance in respect of appointed councillors

(1) A councillor appointed to a district council in terms of section 23(1)(b) of the Structures Act, may be paid the upper limit of the total remuneration package or allowance as follows:

- (a) If the councillor is appointed as speaker, mayor, executive mayor, member of a mayoral committee, member of an executive committee, chairperson of oversight committee, part-time member of a district council, such councillor is entitled to an amount equal to the difference between the total remuneration package that the councillor receives as a member of the local council and the total remuneration package allocated to that office in the district council in terms of items 5, 6, 7, 8, 9, 10, 11 and 12, as the case may be.
- (b) If the total remuneration package payable to the councillor as a member of the local council is equal to or higher than the total remuneration package that an appointed councillor to the district council receives, such a councillor is, in addition to the total remuneration package received at the local council, entitled to a sitting allowance not exceeding R1,136.32: Provided that this allowance is limited to R1,136.32 per day, regardless of the number of meetings of the district council or committees of that council that are attended by such councillor on a specific day.

(2) A district municipality is responsible for –

- (a) the payment of the remuneration or the allowance referred to in sub-item (1); and
- (b) the reimbursement of travel expenses not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles incurred by a councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy.

7. Upper limit of allowance in respect of councillors serving in the governance and intergovernmental structures of organised local government

- (1) (a) A councillor designated by organised local government to serve in a governance structure of organised local government must, in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1,136.32 per sitting and actual attendance of any meeting: Provided that the allowance is limited to R1,136.32 per day, irrespective of the number of meetings attended by such councillor on a specific day.
- (b) A councillor designated by organised local government to represent organised local government at any intergovernmental structure, including national and provincial executive authorities, must in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1,136.32 per sitting and actual attendance of such structure: Provided that the allowance is limited to R1,136.32 per day, irrespective of the number of attendances by such councillor on a specific day.

(2) Organised local government is responsible for –

- (a) the payment of the allowance referred to in sub-item (1);
- (b) the payment of accommodation expenses incurred for attending a meeting of governance and intergovernmental structures in terms of applicable organised local government policy; and
- (c) reimbursement of travel expenses, not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles, incurred by a councillor for attending a meeting of governance and intergovernmental structures.

8. Upper limits of the annual total remuneration packages of part-time councillors

The upper limits of the annual total remuneration packages of part-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE				
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE OR WHIP	CHAIRPERSON OF OVERSIGHT COMMITTEE	OTHER PART-TIME MEMBERS
6	810,755	685,866	613,857	595,851	541,681
5	601,610	481,289	451,208	437,970	341,275
4	513,611	410,888	385,208	373,908	291,356
3	494,655	395,724	370,999	360,107	280,603
2	463,169	370,535	347,379	337,188	262,744
1	449,672	359,737	337,256	327,361	254,788
The system of plenary type of municipalities ceased to exist from 1 November 2021 and all mayors must be remunerated according to the total remuneration package column of executive mayor or mayor.					

9. Upper limits of allowances of full-time and part-time councillors

The upper limits of allowances of full-time and part-time councillors, that constitute part of the annual total remuneration package, are as follows:

- (1) Motor vehicle and travel allowance
 - (a) A councillor listed in item 5 and 8 of this Notice may, in line with applicable legislation, structure his or her total remuneration package to provide for motor vehicle allowance.
 - (b) If a councillor structures his or her total remuneration package to provide for motor vehicle allowance, the councillor must submit proof of ownership of a private motor vehicle to the municipality and have the vehicle available for official duties.
 - (c) A councillor who uses a privately-owned vehicle for execution of official duties on behalf of the municipality, may be reimbursed for official kilometres travelled, in addition to the total remuneration package of a councillor as determined in terms of items 5 and 8 of the Notice, not exceeding the applicable tariffs as prescribed by the national department responsible for transport and in terms of the municipal council's policy.

- (d) A councillor who utilises a privately-owned vehicle for official purposes must, for purpose of claiming kilometres travelled, keep a travel logbook containing the following information relating to actual official and private kilometres travelled per month as may be determined from time to time by the South African Revenue Service:
- (i) Date of travel;
 - (ii) Kilometres travelled; and
 - (iii) Travel details, where to and reason for the trip.
- (e) A councillor may, in exceptional circumstances and upon good cause shown, and with the approval of the Mayor or Speaker, utilise the municipal-owned vehicle for official purposes: Provided that the municipal council must, in line with applicable legislation and approved municipal council policy, exercise prudent financial management to ensure that the provision of motor vehicle does not undermine the need to prioritise service delivery and sustain viable municipalities.
- (f) If a councillor uses a municipal-owned motor vehicle for official purposes, such councillor will not be reimbursed for kilometres travelled.

(2) Housing allowance

A councillor may structure his or her salary to provide for housing allowance as part of the total remuneration package.

10. Out of pocket expenses

A councillor may, in addition to the total remuneration package, be reimbursed for reasonable and actual out of pocket expenses incurred during the execution of official or ceremonial duties, in accordance with the applicable municipal council policy.

11. Upper limits of cell phone allowance for councillors

A councillor may, in addition to the annual total remuneration package provided for in terms of items 5 and 8 respectively, be paid a cell phone allowance not exceeding R3,400.00 per month inclusive of mobile data, in accordance with the applicable municipal council policy.

12. Upper limits of pension, provident or retirement annuity fund contributions and medical benefits of councillors

(1) Pension, provident or retirement annuity funds contributions

- (a) A councillor may participate in a pension, provident or retirement annuity fund registered in terms of the *Pension Funds Act*, 1956 (Act No. 24 of 1956).

- (b) If a councillor elects to participate in a pension, provident or retirement annuity fund, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a pension, provident or retirement annuity fund to which the councillor is a member in accordance with the rules of such pension, provident or retirement annuity fund. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

(2) Medical Aid Scheme

- (a) A councillor may participate in a medical aid scheme registered in terms of the *Medical Schemes Act*, 1998 (Act No. 131 of 1998).
- (b) If a councillor elects to participate in a medical aid scheme, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a medical aid scheme to which the councillor is a member in accordance with the rules of such medical aid scheme. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

13. Special risk cover

(1) A municipality must, in addition to the annual total remuneration packages as provided in items 5 and 8 respectively, take out risk insurance cover, to provide for an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder. The special risk insurance on residential property is limited to R1,5 million while on vehicles it is limited to R750,000. The life and disability insurance cover is limited to 2 times the total remuneration package of a councillor.

(2) In the event where the residential property of a councillor was damaged or destroyed as a result of riot, civil unrest, strike or public disorder, the municipality may, subject to affordability, provide alternative accommodation to the affected councillor, for a period of 30 days from the date of such an incident.

(3) Notwithstanding sub-item (2), the municipal council may, on good cause shown, provide alternative accommodation for a further period not exceeding 30 days.

(4) A councillor is obliged to submit to the municipality details of property, assets and beneficiaries to be covered by the special risk insurance upon request. A councillor who fails to submit the required details referred to herein forfeits the benefits associated with the special risk insurance cover.

(5) If a councillor already belongs to another special risk cover, such councillor must declare to the municipality the details of property, assets and beneficiaries to be covered by the special risk insurance.

14. Tools of trade

(1) A municipal council may extend the following tools of trade to a councillor:

	TOOLS OF TRADE	APPLICABLE TO:
(a)	Braille reader.	All visually impaired councillors.
(b)	Office space and furniture; Parking bay; Business cards; Calculators; Letter-heads; Stationery; Toner cartridges; Diaries; Postage costs; Office telephone; and Appropriate mobile technology and multi-digital office (excluding cell phones and as per item 11), including facsimile, printer, photocopier and scanner.	Full-time councillors, part-time executive mayors or mayors, part-time deputy executive mayors or deputy mayors, part-time speakers, part-time members of mayoral committee or members of executive committee, part-time chairpersons of oversight committees and whips.
(c)	Laptop or tablet.	All councillors.
(d)	Official accommodation and furniture where it currently exists.	Full-time Executive Mayors or Mayors.
(e)	Business cards; Calculators; Letter-heads; Stationery; and Diaries.	Part-time councillors and the usage must comply with policy directives of the municipality.
(f)	Postage costs; Office telephone; and Multi-digital office, facsimile, printer, photocopier and scanner.	Part-time councillors to have access to these tools of trade at the municipal offices.
(g)	Personal security.	<p>Executives Mayors, Mayors and Speakers are entitled to two bodyguards. Deviation from the norm must only be based on the recommendations of the South African Police Service.</p> <p>All councillors, subject to a threat and risk analysis conducted by the South African Police Service.</p>

(2) If a municipal council makes available tools of trade in terms of sub-item (1), such a municipal council must take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

(3) The tools of trade must be insured by the council with the exception of sub-item (1)(g).

(4) The application of sub-item (1) is subject to concurrence by the MEC.

15. Capacity building

(1) The municipal council must develop and adopt a skills development plan and personal development plan prior to any councillor undergoing training.

(2) A municipality must make a provision in its budget for development and implementation of capacity building programme for a councillor during the term of office of that councillor.

(3) Capacity building programmes consist of short courses or programmes as provided for in the training, education and development policy and skills development plan of the municipality, including training conducted by national departments, associated government agencies and SETAs, provincial departments, municipalities and organised local government.

(4) The capacity building and training programme must take into consideration the capacity needs to fulfil a councillor's statutory obligations and affordability by a municipality.

16. Overpayment

(1) Any remuneration paid to a councillor of a municipality otherwise than in accordance with section 167(1) of the *Local Government: Municipal Finance Management Act*, 2003 (Act No. 56 of 2003) including any bonus, bursary, loan, advance or other benefit, is an irregular expenditure and the municipality –

- (a) must recover that remuneration from the political office bearer or member;
- (b) may not write-off any expenditure incurred by the municipality in paying or giving that remuneration; and
- (c) must be reported to the MEC within 30 days of becoming aware.

(2) The MEC must report to the Minister –

- (a) any transgression of subsection (1); or
- (b) any non-compliance with this Notice,

within 14 days from the date when the MEC became aware of such transgression or non-compliance.

17. Information to be submitted to the Minister

(1) A municipality must submit to the MEC, by not later than 31 August 2022, a report containing the following information in respect of its serving councillors for the 2021/22 financial year on an official letterhead of the municipality, signed by the executive mayor or mayor, as the case may be:

- (a) Total number of councillors;
- (b) Designation;
- (c) Part-time or full-time;
- (d) Name of incumbent;
- (e) Gender;
- (f) Total municipal income;
- (g) Total population;
- (h) Grading of municipal council;
- (i) Date concurrence in terms of item 14(4) granted by the MEC;
- (j) Total remuneration package;
- (k) Total budget for personal security; and
- (l) Any allowance(s) payable to a councillor.

(2) Upon receipt of the data referred to in sub-item 1, the MEC must submit a consolidated report of all municipalities in the province to the Minister by not later than 31 October 2022.

18. Transitional measures and repeal of *Government Gazettes*

(1) If a municipality has no audited financial statements for the 2020/21 financial year by the date of publication of this Notice, the audited financial statements for the 2019/20 financial year apply.

(2) If the grading of a municipality degrades as a result of the redetermination of the grade of municipal council as set out in item 4 of this Notice, a councillor who was in office as at 30 June 2021 retains the total remuneration package as determined in terms of Government Notice No. 475, *Government Gazette* No. 43246 of 24 April 2020 and the councillor is entitled to the applicable cost of living adjustment: Provided that the data used by the municipality for determination of the grading of a municipal council is correct.

(3) The Notice replaces *Government Gazette* No. 43246 of 24 April 2020 and *Government Gazette* No. 45420 of 2 November 2021.

19. Short title and commencement

This Notice is called the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils and takes effect from 1 July 2021.

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Annexure B

Description	2021/2022 Financial Year		
	Expenditure	Budget	Balance of Budget Remaining
Executive Mayor	948,920.14	963,278.00	14,357.86
Executive Deputy Mayor	762,511.33	779,500.00	16,988.67
Speaker	768,461.99	779,500.00	11,038.01
Executive Committee Members	2,874,182.16	2,934,231.00	60,048.84
Chairpersons and Councillors	5,703,706.15	5,774,996.00	71,289.85
	11,057,781.77	11,231,505.00	173,723.23

A. Reistoelaes vir amptelike besigheidsreise

Dat reistoelaes geëis mag word uit hoofde van die Raad se Beleid insake die Betaling van Reis-, Akkommodasie- en Verblyfkostes vir amptelike besigheidsreise wat gemaak word na en van die 'munisipale kantore' en 'werksplekke' soos hieronder gedefinieer:

- (a) Ten aansien van **voltydse raadslede**, sal 'munisipale kantore' verwys na:
Darling, in die geval van rdle J H Cleophas, M A Rangasamy en A K Warnick
Malmesbury, in die geval van rdle J M de Beer en T van Essen
Riebeek-Wes, in die geval van rdle N Smit
Riebeek Kasteel, in die geval van rdle D G Bess
- (b) Ten aansien van **deeltydse PR (proporsionele) raadslede**, sal 'plaaslike munisipale kantore' verwys na Malmesbury Hoofkantoor
 (t.o.v. rdle E C O'Kennedy, I Le Minnie, B J Penxa, C Pieters, C Fortuin, S Phakamini, G Vermeulen, A Booysen, J Papier en A A Duda)
- (c) Ten aansien van **deeltydse Wyksraadslede**, sal 'gewone werksplek' verwys na:
Moorreesburg, in die geval van rdle M van Zyl en D C Pypers
Chatsworth, in die geval van rdle R Jooste en B J Stanley
Malmesbury, in die geval van rdle M Ngozi en C Daniels
- (d) Dat 'amptelike besigheidsreise' sal verwys na reise gemaak deur raadslede as amptelike afgevaardigdes van die Raad in die uitoefening van funksies en verpligtinge binne sowel as buite die area van jurisdiksie van die munisipaliteit, bv. om vergaderings by te woon, om die munisipaliteit te verteenwoordig by 'n konferensie, werkwinkel, vergadering, seminar of vir enige ander amptelike verpligting (ter uitsluiting dus van reise gemaak vir normale raadsverpligtinge, bv. bywoning van raads- en komiteevergaderings, wykskomiteevergaderings, besoeke aan en interaksies met kiesers).

B. 'Tools of trade'

- (a) Dat die volgende 'tools of trade' aan **voltydse raadslede** beskikbaar gemaak word:
 Kantoorakkommodasie en -toerusting; parkeerplekke; besigheidskaartjies; sakrekenaars; briefhoofde; skryfbehoeftes; drukkersink ('toner cartridges'); dagboeke; posgeld; kantoortelefoon; en toepaslike mobiele tegnologie en multi-digitale kantoor, ingesluit skoot- en/of 'desktop' rekenaar, drukker, fotokopieerder en scanner;
- (b) Dat, ten aansien van **deeltydse raadslede**, die aangehegte '*Tools of Trade Policy for Part Time Councillors*' goedgekeur word vir implementering met onmiddellike effek, om die betaling van maandelikse toelaes aan deeltydse raadslede vir die verskaffing van inligting en kommunikasie tegnologie (ICT) toestelle en data kommunikasieskakels vir amptelike gebruik te reguleer.

[Raadsbesluit 7.12 gedateer 16 November 2021]

A. Travel allowance for official business travel

Travel allowances may be claimed according to the Council's Policy in respect of the Payment of Travel, Accommodation and Subsistence Costs for official business travel to and from the 'municipal offices' and 'work places' identified as follows:

- (a) With respect to fulltime councillors, 'municipal offices' refers to:
Darling, in the case of cllrs J H Cleophas, M A Rangasamy and A K Warnick
Malmesbury, in the case of cllrs J M de Beer and T van Essen
Riebeek West, in the case of cllr N Smit
Riebeek Kasteel, in the case of cllr D G Bess
- (b) With respect to **part-time PR (proportional) councillors**, 'local municipal offices' refers to Malmesbury Head Office.

(in respect of cllrs E C o'Kennedy, I Le Minnie, B J Penxa, C Pieters, C Fortuin, S Phakamini, G Vermeulen, A Booysen, J Papier and A A Duda)
- (c) With respect to **part-time ward councillors**, 'ordinary workplace' refers to:
Moorreesburg, in the case of cllrs M van Zyl and D C Pypers
Chatsworth, in the case of cllrs R Jooste and B J Stanley
Malmesbury, in the case of cllrs M Ngozi and C Daniels
- (d) That 'official travel' will refer to travel undertaken by councillors as official representatives of the Council in carrying out functions and duties within, as well as outside the area of municipal jurisdiction, eg. attending meetings, representing the municipality at conferences, workshops, meetings, seminars or any other official duties (excluding travel for normal council duties eg. attendance of council and committee meetings, ward committee meetings, visits to and interaction with voters).

B. 'Tools of trade'

- (a) That the following 'tools of trade' are made available to **full-time councillors**:

Office accommodation and equipment; parking bays; business cards; laptop computers; letterheads; stationery; toner cartridges; diaries; postage; office telephone and applicable mobile technology and multi-digital office equipment, including lap top or desk computer, printer, photocopier and scanner;
- (b) That with respect to **part-time councillors**, the attached '*Tools of Trade Policy for Part Time Councillors*' is approved for immediate implementation, in order to regulate the payment of monthly allowances to part-time councillors for the provision of information and communication technology (ICT) equipment and data communication liaison for official use.

[Council resolution 7.12 dated 16 November 2021]



SWARTLAND MUNICIPALITY

TOOLS OF TRADE POLICY FOR PART TIME COUNCILLORS

November 2016

TOOLS OF TRADE POLICY FOR PART TIME COUNCILLORS

1. Introduction

- 1.1 This policy is introduced in order to regulate the payment of monthly allowances to part time councillors for the provision of information and communication technology (ICT) devices and data communication links for official use. The objective is to enhance efficiency, inter alia to reduce the volumes of documentation having to be issued in hard copy format to part time councillors and to facilitate access to and encourage the utilization of information and communication technology.
- 1.2 This policy is not applicable on full time councillors to whom computers, associated equipment and software programs owned by Swartland Municipality are issued and as a result, compliance with the stringent *Information Security Policy* of Swartland Municipality is essential and enforced for full time councillors.
- 1.3 Since information and communication technology is a continuously evolving discipline with new devices and enhanced technologies being introduced as well as a tendency of diminishing costs, opportunities enabling more efficient means of working must be explored. It is feasible to secure suitable ICT devices and monthly data allocations by means of private contracts to enable downloading and viewing of official documentation in electronic format. The monthly allowance in terms of the tools of trade regulations is considered adequate to finance such a contract, however if required, improved devices or enhanced features can be added by augmentation of the monthly allowance amount to facilitate private use of such ICT devices by part time councillors.
- 1.4 Therefore, this policy makes provision for payment of a monthly allowance for tools of trade to part time councillors who have elected to participate. Part time councillors must in return make available suitable ICT devices to enable official usage by downloading and viewing official documents in lieu of hard copies being issued. ICT devices thus provided by part time councillors remain the property of the councillor who will be fully responsible for insurance, support, maintenance, repairs and security thereof, and can therefore also be used for private purposes. As such, private ICT devices owned by part time councillors and the usage thereof do not have to adhere to or comply with the *Information Security Policy* of Swartland Municipality.
- 1.5 This approach to also facilitate private use of the ICT devices will create additional opportunities, i.e. to enhance education, familiarization and computer literacy and to allow the utilization of ICT devices more efficiently for personal and private business applications as well.

2. Scope

This policy is only applicable to part time councillors of Swartland Municipality with respect to the payment of a monthly allowance pertaining to tools of trade in order for the part time councillor to make a suitable ICT device available for official use, to download official documents in electronic format and to view such documents.

3. Policy

- 3.1 Although it is not compulsory to participate, part time councillors are encouraged to consider the long term benefits with respect to enhanced efficiency, the

opportunities to improve computer literacy and to facilitate personal or private use of the ICT devices and as a result, to revert to documentation in electronic format in due course. The full intended financial and operational benefit of the policy will only be realized when all part time councillors elect to participate.

- 3.2 Part time councillors desirous to partake in the program must give notice of their intention by means of the enclosed application form to be submitted to the CFO. The monthly payment of the approved tools of trade allowance amount will commence within two months after receipt and acceptance of the application. Provided that all conditions of this policy are complied with, the monthly allowance will continue for the duration of the part time councillor's tenure, allowing a contract to be entered into in the private capacity of the part time councillor with any service provider of his or her choice to secure a suitable ICT device and monthly data allocations. The quantum of the monthly allowance will be the upper limit of the allowance for mobile data bundles in terms of the latest "*Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils*" promulgated under the "*Remuneration Of Public Office Bearers Act, 1998*"
- 3.3 Within 60 calendar days after receipt of the monthly allowance it is expected that a suitable ICT device including access to adequate monthly data be made available by the participating part time councillor and official documents available in electronic format will cease to be printed and will not be delivered to the part time councillor in hard copy format. All such documents will subsequently be made available in electronic format only.
- 3.4 All documents available in electronic format will be uploaded to an internet cloud storage application. Swartland Municipality at this time utilizes an internet based platform which allows groups of users to participate and collaborate, however the internet platform utilized for the purpose of document upload and storage may change in the future with the development of new technologies and business processes. Participating part time councillors will be invited by email to register for the appropriate workgroups of the internet based platform where all required documents will be available for download. Access to the internet platform will be strictly password controlled. Notification of the availability of new documents will be by means of email.
- 3.5 Data communication may be by means of cellular networks, fixed line networks or WIFI. It is a prerequisite that a data communication link of adequate speed is accessible by the part time councillor to allow the download of official documents available in electronic format. Part time councillors may make use of a communication link and internet service provider such as cellular networks or fixed line ADSL at his or her place of residence. In addition, a separate private WIFI connection point (hotspot) will be available at the Malmesbury municipal head office building in the banqueting hall to enable connection to the internet and downloading of official documents. The WIFI connectivity will be setup by the municipal ICT Division and access will be restricted to one ICT device selected by the part time councillor.
- 3.6 It is essential that participating part time councillors have access to the internet and that all required official documents be downloaded well before meetings and stored on the computers or devices, as the internal municipal WIFI network will not be able to serve all councillors simultaneously at reasonable speed if download is attempted during official meetings. In addition, downloading in advance is essential as the reliability of internet access, connectivity and network

performance in the area is not guaranteed and cannot be relied upon at all times.

- 3.7 As a backup in the event of no or restricted access to the internet during the period preceding the official meeting, an USB compatible flash drive with the relevant documents in electronic format will be made available at the official meeting. This will allow participating part time councillors to copy the relevant documents to his or her computer, if unable to download the required documents in electronic format prior to the meeting.
- 3.8 It is recommended that a notebook computer with windows based operating system with the following minimum specifications be made available for the downloading and viewing of official documents:
- Minimum Processor: Celeron
 - Operating system: Windows 7 or better
 - Minimum USB Ports: 2
 - WIFI Connectivity
 - Minimum Cellular Modem: 3G (Built in or dongle)
 - Software: Internet Browser, PDF Reader/Viewer, Virus protection
 - Internet connectivity
 - eMail exchange and address
 - Minimum monthly data availability for official use: 1Gb
 - Minimum data transfer speed: 1Mbits/s
 - Minimum Battery capacity: 3.5 hours

Limited technical support of notebook computers owned by part time councillors will be provided by the ICT Division of Swartland Municipality, i.e.:

- Connection to municipal private WIFI network. (one device)
- Registration on internet platform to access documents.
- Verification of operation of virus protection software.

Should assistance be required from the municipal ICT Division, a request shall be lodged on the municipal Helpdesk.

- 3.9 Participating part time councillors may elect to make available other types of ICT devices for downloading and viewing of documents in electronic format such as tablets, smartphones, phablets, etc. This is acceptable, however no technical support can be offered by the municipal ICT Division for such devices.
- 3.10 All documents made available by Swartland Municipality electronically will be in an industry standardized format which at this time is the PDF format. Participating part time councillors may select PDF readers or viewers of their own choice and may make use of enhanced features such as annotation if required.
- 3.11 Swartland Municipality will assume no responsibility for insurance, support, maintenance or repairs of ICT devices or any software licensed or not, owned by part time councillors. Licensed software to facilitate private use of the ICT devices may be installed. It is required that virus protection software be installed and updated regularly by participating part time councillors to protect against computer viruses and other malware.
- 3.12 The regular backing-up of files is essential to protect against data loss by hardware and/or software failure or theft of the ICT devices. The onus remains with part time councillors to adequately protect all official documents that may reside on local storage devices from loss or inadvertent disclosure.

- 3.13. Passwords to gain access to the municipal internet platform are to be regarded as "keys" and must be protected as such. Passwords should not be made known to others and if it is suspected that the password has been compromised, it must be changed immediately.
- 3.14 Participating part time councillors shall ensure that the internal battery of the ICT device made available for official use is adequately charged to last the likely duration of the official meeting. The minimum duration of battery capacity is 3,5 hours. Although it will be attempted to provide power outlets at venues where official meetings are scheduled, it will not always be possible to provide adequate numbers of power outlets for recharging in all instances.
- 3.15 In the event of the participating councillor not providing a suitable ICT device or adequate data communication capability to enable downloading of all the required documents in electronic format, the part time councillor must communicate the difficulties and problems being experienced in writing to the municipal registration and if no mutually acceptable resolution can be found, the monthly allowance for tools of trade will be discontinued forthwith and the issuing of official documents in hard copy format will have to resume. In the event of the part time councillor after having lodged an application to participate, failed to make the required ICT device or data communication link available within a period of 60 calendar days after commencement of payment of the monthly allowance for tools of trade, the total amount of allowances paid in this regard will be recovered against future remuneration due.

SWARTLAND MUNICIPALITY

APPLICATION FORM FOR PART TIME COUNCILLORS

**APPLICATION TO PARTICIPATE IN PROGRAM TO RECEIVE MONTHLY
TOOLS OF TRADE ALLOWANCE TO PROVIDE ICT DEVICE AND DATA
COMMUNICATION LINK FOR OFFICIAL USE**

FULL NAME & SURNAME OF PART TIME COUNCILLOR

RESIDENTIAL ADDRESS

I herewith apply that the monthly allowance for Tools of Trade be paid into my bank account and undertake to provide a suitable ICT device and data communication link to enable download and viewing of official documents within a period of 60 calendar days from receipt of the first month's allowance. I agree that the issuing of official documents in hard copy format will cease thereafter and undertake to make the following ICT device and data communication link available for official use.

Type of ICT Device:

Notebook Computer in compliance with Policy recommendation

Other Device (Specify)

Data Communication link type (Specify cellular/ADSL)

Rated Speed (Mbits/s) & Data capacity/month (Gb)

Email Address

Signature of Part time Councillor

Date