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CREDIT CONTROL & DEBT COLLECTION POLICY

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1. DEFINITIONS AND ACRONYMS

1.1 Statutory and Regulatory

This Procedure applies to the following meanings and interpretations:

#	TERM	DESCRIPTION
1.1	Council	Thulamela Municipal Council.
1.2	Owner	The purpose of this policy will be the same as the definition stipulated in the Property Rates Act, Act 2001.
1.3	Act	The Local Government Act: Systems Bill, 2000 (Act No 32 of 2000) as amended from time to time.
1.4	Arrangement	A written agreement entered into between the Council and the debtor where specific repayment parameters are agreed to.
1.5	Authorized personnel	An employee, agent, subcontractor, representative of a service provider, or any person, duly authorized by a service provider to perform any function under this policy.
1.6	Arrears	Includes collection charges and interest in respect of the principal amount in arrears.
1.7	Billing	It means proper formal notification (invoicing) on the statement to each customer of amounts levied for assessment rates and services and the net accumulated balance of the account.
1.8	Council	Means- a) a municipal council as referred to in section 157 of the constitution b) the Local Municipality of Thulamela established by provincial notice No .6766 of 2000, as amended, exercising a delegated power or carrying out an instruction, where any power in these policy has been delegated, or sub delegated, or an instruction given, as contemplated in section 59 of the Act; or c) a service provider fulfilling a responsibility under the policy, assigned to it in terms of section 81(12) of the Act, or any other law, As the case may be.
1.9	Credit control	Means all function relating to the collection of monies owed by the rate payers and users of municipal services.
1.10	Credit controller	Means a person appointed by the Council to Manage, inter-alia, the Council financial administration and debt collection of the Council debtors.
1.11	Collection charges	Means charges which may be recovered by the council in terms of section 75A of the Act, and includes – a) the cost of reminding customer of arrears; b) the cost of the termination, restriction and reinstatement of municipal services; c) the cost of any notice rendered, sent or delivered in terms of these policy

#	TERM	DESCRIPTION
		d) the cost and administration fees contemplated in section 22; e) all legal cost, including attorney and client cost incurred in the recovery of arrears; and f) any commission and other expenses relating to.
1.12	Customer	Means any occupier of the premises to which the council has agreed to supply or is supplying services, or if there is no occupier, then the owner of the premises.
1.13	Customer management	It means focusing on the client's needs in a responsive and proactive way to encourage payment, thereby limiting the need for enforcement.
1.14	Household	Means the total number of people who occupy a property for residential purposes whether permanently or on a temporary basis, but excludes people employed by the household.
1.15	Indigent	It means a household who cannot afford to make a full monetary contribution towards municipal charges for basic services and rates & taxes as determined by the council.
1.16	Debtor	Means a person owing an amount of money to the municipality for a reason other than through the provision of municipal services.
1.17	Defaulter	Means those people owing the council in respect of taxes and/or service charges for a period of more than 90 (ninety) days from the date of the account.
1.18	Interest	Constitutes a levy equal to service levies and is calculated at a rate determined by the council on all services levies in arrears.
1.19	Municipal Manager	The person appointed as Municipal Manager in terms of section 82 of the Local Government: Structures Act, 1998, (Act 117 of 1998) and includes any person acting in that position or to whom authority was delegated.
1.20	Municipal services	Services, rates and taxes are reflected in the municipal account for which payments are required by the Council.
1.21	Municipal account	It includes levies or charges in respect of the following services and/or taxes: (a) refuse removal and disposal (b) rates (c) interest, and (d) miscellaneous and sundry fees and collection charges.
1.22	Owner	Means-

#	TERM	DESCRIPTION
		(a) the person in whom from time to time is vested the legal title to premises; (b) in a case where the person in whom the legal title is vested to is insolvent or dead, or is under any form of legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and under control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative (c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises of the building thereon; (d) In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof.
1.23	Occupier	Any person who occupies any premises or part thereof, without regard to the title under which he, she occupies.
1.24	Premises	Includes any piece of land, the external surface boundaries of which are delineated on- (a) A general plan or diagram registered in terms of Land Survey Act, 9 of 1927) or in terms of the deeds Registry Act, 47 of 1937; or 4 CREDIT CONTROL & DEBT COLLECTION POLICY (b) A sectional plan registered in terms of the sectional titles Act, 95 of 1986, which is situated within the area of jurisdiction of the Council.
1.25	Property	Means- (a) Immovable property registered in the name of a person, including, in case of a sectional title scheme, a sectional title unit registered in the name of person (b) A right registered against immovable property in favor of a person, excluding a mortgage bond registered against the property (c) A land tenure right registered in favor of a person or granted to a person in terms of any law; or (d) Public service infrastructure.
1.26	Rates	A municipal rate on property levied in terms of local government; Municipal property rates Act, 2004 (Act No.6 of 2004), or any prior law.
1.27	Service provider	Means the municipality as well as any entity that provides services to customers pursuant to a service delivery agreement entered with the municipality in terms of section 80 of the local government: municipal systems act 32 of 2000.

#	TERM	DESCRIPTION
1.28	Sundry and housing accounts	An account where a person owes an amount to the municipality for a reason other than through the provision of municipal services.
1.30	By-law	Thulamela Local Municipality: Credit Control and Debt Collection By-Law, as amended.

1.2 ACRONYMS

#	TERM	DESCRIPTION
2.1	CFO	A person appointed as the Chief Financial Officer of the Municipality, or his or her nominee.
2.2	Municipality	Thulamela Local Municipality

2. POLICY STATEMENT

- 2.1 To promote social and economic development and to provide services to communities in an efficient and sustainable manner, the Municipality believes that a credit control and debt collection policy should be adopted to collect all money due and payable to the Municipality. It is further recognized that the Council is not a banker or credit institution that will grant credit for longer than 24 months, or other than resolutions taken by Council regarding officials.

3. PREAMBLE

- 3.1 The Council acknowledges its responsibility in terms of the Municipal Systems Act, Act 32 of 2000, towards the community for the rendering of services, the community acknowledges their responsibility to pay promptly for services rendered.
- 3.2 Section 96(a) of the Local Government: Municipal Systems Act, No 32 of 2000 (hereinafter referred to as the "Systems Act"), obliges the municipality to collect all money that is due and payable to it, subject to the provisions of that Act and any other applicable legislation.
- 3.3 Section 96(b) of the Municipal Systems Act requires the municipality to adopt, maintain and implement a credit control and debt collection policy, which is consistent with its rates and tariff policies and complies with the provisions of the Act.
- 3.4 Section 97(1) of the Municipal Systems Act stipulates what a credit control and debt collection policy must provide for; Now therefore the following is adopted as the Credit Control and Debt Collection Policy of the Municipality (hereinafter referred to as "this policy").
- 3.5 The Credit Control function comprises of issuing of statements, entering into payment arrangements and handovers.
- 3.6 The Debt Collection function includes the issuing of reminder letters, arrangements, summonses, telephone collections.

4. POLICY VISION

- 4.1 To ensure that consumers pay for the services that are supplied and consumed according to the Municipality's approved tariff structure.

- 4.2 To ensure that consumers pay for the assessment rates raised as per the Municipal Property Rates Act (Act No. 6 of 2004).
- 4.3 To ensure that all credit control-related enquiries are attended to on the same day on which the enquiries were reported to the relevant Municipal credit control official and feedback be provided to the complainant within 14 days.
- 4.4 To attend to all the consumer's needs regarding credit control in such a manner that it should not be necessary to sell property or goods on the execution of the sale.
- 4.5 To ensure that Municipal credit control officials are sufficiently trained to ensure that they can attend to all credit control-related functions and enquiries.

5. OBJECTIVES

The objectives of this policy are to:

- 5.1 Ensure that all money is due and payable to TLM in respect of rates, fees for services, surcharges on such fees, charges, tariffs, interest which has accrued on any amounts due and payable in respect of the foregoing and any collection charges are collected efficiently and promptly.
- 5.2 Provide for interest in overdue amounts, payment agreements and collection charges on the payment of any overdue amounts.
- 5.3 To maximize revenue by timeously collecting all the money owed to the municipality.
- 5.4 To ensure that action taken to recover arrear debt is warranted and fair.
- 5.5 To enable the municipality to develop and maintain a sustainable service delivery relationship with its customers.
- 5.6 To deliver excellent service to the municipality in return for payment of their rates and service accounts.
- 5.7 This policy will further lay down broad principles which is in line with the by-law for the implementation and enforcement of credit control and collection of all outstanding debts.

6. SCOPE

- 6.1 In overall, the policy applies to municipal consumers and ratepayers, including the municipal Councillor's and officials.
- 6.2 The policy shall also apply in respect of money due and payable to the municipality for:
 - 6.2.1 Rates.
 - 6.2.2 Refuse removal.
 - 6.2.3 Interest which has or will accrue in respect of any money due and payable, or which will become due and payable to TLM regarding rates or services.
 - 6.2.4 Collection and other charges.

7. POLICY PRINCIPLES

- 7.1 Non-payment of their accounts by debtors has a direct negative impact on the municipality's ability to provide high quality service delivery to its clients.
- 7.2 Current levies not paid by the indicated due date are subject to Credit Control and Debt Collection measures.
- 7.3 Various methods of payment by debtors as well as sufficiently convenient payment points are available.
- 7.4 Interest of debt in arrears is levied monthly at the rate specified in the Council approved tariffs.
- 7.5 Interest is levied on all arrears of 30 days plus and will be included in the arrear amount of such a debtor.
- 7.6 Credit control measures are applied with proactive reminders and account statements are regarded as notification of the arrears status of the account as well as stating the intention to handover the account.
- 7.7 Only one account for all municipal levies and services charges relating to any property will be opened and submitted to the owner of such property.

- 7.8 The owner of the property remains liable for all charges raised on the property irrespective of whether such property is rented or not.
- 7.9 Clients who make no further use of any services but still owe an amount are considered inactive debtors and are subject to the normal credit control and debt collection process.
- 7.10 Thulamela Municipality will remove all interest charged on arrears when settlement of account is done.
- 7.11 The administrative integrity of the municipality must be always maintained.
- 7.12 The billing must be accurate, timeous, easy to read and understandable.
- 7.13 The customer is entitled to reasonable access to pay points and to a variety of reliable payment methods.
- 7.14 Enforcement of payments must be prompt, consistent and effective.
- 7.15 The collection process must be cost-effective.

8. CUSTOMER CARE

- 8.1 The implementing authority must institute proper customer care and management mechanisms and ensure that it falls within the ambit of the budget. The customer care management must make provisions for:
 - 8.1.1 The creation of positive and reciprocal relationships between the municipality and its customers.
 - 8.1.2 The establishment of mechanisms for users of services and ratepayers to give feedback on the quality of services and the performance of the service provider.
 - 8.1.3 Mechanisms to deal with complaints from users, as well as for the monitoring of replies and corrective steps to complaints.
 - 8.1.4 The provision of pay points for the settling of accounts or for making prepayments for services.

- 8.1.5 The creation of mechanisms to inform defaulters of their arrears before hand over of accounts is instituted.

9. CREDIT CONTROL IMPLEMENTING PROCEDURES

CREDIT CONTROL PROCEDURES AND MECHANISMS

- 9.1 Implementation of procedures lies with the municipality and the municipality will institute the necessary administrative procedures and mechanisms to implement the following key procedures:

9.1.1 Payment Agreements

9.1.2 Rendering of accounts

9.1.3 Receipting of payments

PAYMENT AGREEMENT

- 9.2 The signing of payment agreements is important and key to payment of arrears on consumer services. The agreements constitute a legally binding document between Council and the consumer/owner of the property.
- 9.3 An account that has an active payment arrangement with the municipality will not be charged interest and will not be handed over to debt collectors.

RENDERING OF ACCOUNTS

- 9.4 Accounts shall be rendered monthly to customers at the customer's last recorded address.
- 9.5 Where in the opinion of the municipality it is not reasonably possible or cost effective to render accounts, the municipal council may, notwithstanding sub-section (1), decide not to render accounts to those consumers.
- 9.6 A person liable for rates and services must furnish the municipality with an address where correspondence can be directed to.
- 9.7 It is the responsibility of a person liable for rates and services to furnish the Municipality with active mailing /contacts, where monthly rate and service accounts can be directed to.

- 9.8 A person is liable for payment of rates and services whether or not that person has received a written account.
- 9.9 If a person has not received a written account, that person must make the necessary enquiries from the municipality
- 9.10 Failure by the customer to receive or accept an account does not relieve a customer of the obligation to pay any amount that may be due and payable.
- 9.11 The municipality shall, if it is reasonably possible to do so, issue a duplicate account to a customer on request after receipt of payment as per applicable tariff.
- 9.12 Accounts must be paid not later than the last date for payment specified on it.
- 9.13 Accounts for municipal services shall reflect at least the:
- 9.13.1 Services rendered;
 - 9.13.2 Period addressed in the account;
 - 9.13.3 Applicable charges;
 - 9.13.4 Subsidies;
 - 9.13.5 Amount due (excluding the value added tax payable);
 - 9.13.6 Value added tax;
 - 9.13.7 Adjustment, if any, to an account;
 - 9.13.8 Arrears and interest payable on any arrears;
 - 9.13.9 Final date for payment;
 - 9.13.10 Methods, places and approved agents where payment may be made.

10. DEBT COLLECTION PROCEDURES AND MECHANISM

The implementation of the procedures lies with the implementing authority and the implementing authority will institute the necessary administrative procedures and mechanisms to implement the following key procedures:

REMINDERS

10.1 All accounts with correct mailing information will be issued with consumer statements through:

10.1.1 Post Office

10.1.2 Emails

10.1.3 Messaging or MMS

10.2 No other reminder letter for outstanding debt will be issued to the customer.

ACCOUNT WITH MORE THAN 90 DAYS IN ARREARS.

10.3 The Municipality may hand over to the debt collector any account that is more than 90 days in arrears, with no active payment agreement/ arrangement that was entered.

10.4 The municipality may hand over accounts in batches per area or any groupings that may be workable with the debt collection service provider.

HANDING OVER TO DEBT COLLECTORS AND ATTORNEYS.

10.5 The Municipality may hand over to the debt collector any account that is in arrears for more than 90 days without an active payment agreement/ arrangement that was entered.

10.6 The handing over of defaulters is the beginning of a legal process and payments for arrears will be made to offices of the Municipality or to any of their nominated and approved payment points as per the contract of agreement with the service provider.

10.7 It is important that defaulters be handed over to debt collectors when the credit control section is unsuccessful with the collection of debt.

10.8 Defaulters who do not enter payment agreement/arrangement will be handed over to Council's debt collection service provider/s for collection and called "Handed over accounts".

10.9 All agents should be supplied with a copy of credit control measures. Clear instructions to agents and other arrangements should be explained for customers' benefit.

10.10 The liability for the costs of legal action and other credit control actions should as far as is legally possible be for the account of the debtor.

10.11 After the expiry of the debt collection service provider's term of the contract, the accounts that are already issued with demand letters will be handed over to the new service provider without repeating the issuing of demand letters provided they have not yet signed a payment agreement with the previous service provider.

ATTACHMENT OF ASSETS AND LISTING OF DEFAULTERS WITH CREDIT BUREAU

10.12 If defaulters remain behind with their accounts and the Council has followed all other avenues to collect outstanding debt, the Council will then proceed with the attachment of assets.

10.13 The Municipality may:

10.13.1 To recover debt, approach a competent court for an order to attach a debtor's movable property 90 days after handing it over to debt collectors.

10.13.2 List the defaulters with the Credit Bureau.

INDIGENT HOUSEHOLD

10.14 In terms of the Council's Indigent Policy all classified Indigent Households receive a subsidy from National raised revenue. It is required from these households to pay for the portion of the amount owed to Council which is not covered by the subsidy.

10.15 Indigent Households will be handled in terms of the Council's Indigent policy. Although Council has adopted an indigent policy every consumer will be subject to the conditions set in this policy and any by-law that emerges from this policy.

10.16 It is important to note that the subsidy received, in most cases, does not cover the full account. In such an event, the consumer is still responsible for the balance between the full account and the subsidy received. Where applicable, credit control should still be applied for these outstanding amounts.

INTEREST ON ARREARS

- 10.17 Every account that is 30 days and more in arrears will be subjected to interest as determined by the council. Interest will be charged on outstanding debts that exclude Interest and VAT. (NO interest Will be charged on Interest & VAT).

ARRANGEMENT TO PAY OUTSTANDING AND DUE AMOUNTS CONSECUTIVE INSTALLMENTS

- 10.18 A debtor may enter into a written agreement with the Municipality to repay any outstanding and due amount to the Municipality under the following Conditions:

10.18.1 The outstanding balance including interest raised thereon should be paid monthly.

10.18.2 The current monthly amount should be paid in full.

10.18.3 The written agreement should be signed on behalf of the Municipality by a duly authorized officer.

- 10.19 Should any dispute arise as to the amount owing by an owner in respect of Municipal rates and services the owner should, notwithstanding such dispute, proceed to make regular minimum payments based on the calculation of the average municipal debts for the preceding three months prior to the arising of the dispute and considering interest as well as the annual amendments of the Municipality.

- 10.20 As soon as the agreement to repay has been concluded the agreement will be captured into the financial system and the account in arrears will no longer attract further interest, if the agreement is honoured. In case of defaulting (no payment for a period of three consecutive months), the payment arrangement will be nullified, and the account will be handed over to the appointed debt collectors for collection without any further notice.

- 10.21 The payment arrangement will be entered into in accordance with Credit control and debt collection strategy as per Annexure A.

PAYMENT OF ACCOUNTS

- 10.22 When payment is received from a debtor, a principle of oldest debt first will be followed and credited as such. On current accounts credits will be allocated as follows; When payment is received from a debtor, the principle of oldest debt first

will be followed and consumer accounts credited as such. Credits will be allocated as follow:

10.22.1 General Debit and Credit

10.22.2 Assessment Rates Development Levy

10.22.3 Miscellaneous

10.22.4 Refuse Removal

10.22.5 Instalment purchase

WRITING OFF OF DEBTS

10.23 An estimate is made for doubtful debts on review of all outstanding amounts at year-end. Provision for bad debts is calculated based on the collection rate for the financial year. Bad debts may be written off in the following cases:

10.23.1 If the owner of the property dies and his or her estate is not economical can settle debts.

10.23.2 If the household was indigent before the owner dies.

10.23.3 If the debt is more than 365 days and all efforts e.g. in terms of this policy have been made but no payment is received - If the Council decides to write off any debt.

10.23.4 Writing off debts for Indigent customers will be dealt with in accordance with the Indigent policy.

11 DISPUTE RESOLUTION

11.1 Any dispute on an account rendered by the municipality must be in writing within 30 days after the rendering of the account under dispute.

11.2 Where a written dispute has been received, the Municipality will strive to settle the dispute within 14 days after the receiving thereof.

11.3 While the dispute is under investigation, the Municipality will not implement this policy in terms of section 102 (2) of the System Act.

12. LONG TERM CREDIT

12.1 The Municipality does not see itself as a credit provision Institution and where debtors other than officials seek long-term credit except those granted extension as provided in paragraph 8.1.5 (Customer care), should do so at a financial institution.

13. PAYMENT OF MUNICIPAL RATES AND SERVICES THROUGH DEDUCTION ON SALARIES & ALLOWANCES.

13.1 Code of conduct for Councillors and Employees as per Schedule 1 and 2 of systems act will be applicable.

13.2 Council's policy is that Councillors and officials will set an example to the community, and Councillor's will sign a stop order against their allowances and officials against their salary.

13.3 Councillors and Officials are liable for payment of municipal rates and services for the site that they reside or do business in, irrespective of whether they own a property or not.

13.4 The Municipal Manager may upon a written submission, approve an exception to the above if they circumstances deems fit.

14 OWNERS LIABILITY

14.1 Notwithstanding the requirements in section 118 of the Systems Act the owner on the application of a clearance certificate will be held jointly and severally liable for any outstanding debt on his/her property.

ISSUING OF CLEARANCE CERTIFICATE

14.2 On the sale of any property in the municipal jurisdiction, the council will withhold the transfer until all rates, service and sundry charges are estimated amounts for the duration of a certificate in connection with the property are paid, by withholding a clearance certificate.

14.3 The municipality will issue such clearance certificate after the payment has been received per quoted clearance figures.

- 14.4 All payments will be allocated to the registered seller's municipal accounts, and all refunds will be made to such seller.
- 14.5 No interest shall be paid in respect of these payments.
- 14.6 Where any residential or non-residential debtor has entered an arrangement with the Municipality in respect of the arrears on a property, the prescribed certificate as referred to in Section 118 of the Act, will not be issued until such time as the full outstanding amount have been paid.
- 14.7 In terms of section 118(3) of the Act an amount due for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties are a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property.
- 14.8 Accordingly, all such municipal debts shall be payable by the owner of such property without prejudice to any claim which the municipality may have against any other person.
- 14.9 On application for clearance, any arrangements, acknowledgement of debt shall be cancelled, and all debts on the property shall become due, owing and payable.
- 14.10 The payments of clearance certificate must be made in cash, EFT, Bank transfer or by irrevocable bank guaranteed cheque, there shall be no refunds on cancellation of sale.
- 14.11 The certificate shall be valid for a period of 90 days from date of issue.

15 ROLES AND RESPONSIBILITIES

DELEGATIONS

- 15.1 The implementation of the credit control policy is the competency of the Municipal Manager but if is delegated to the Chief Financial Officer and sub-delegation by way of deconcentrating as a form of delegation, is permitted in terms of section 59 of the Municipal System Act, Act 32 of 2000.

COUNCILLORS

In terms of section 99 of the Municipal System Act, Act 32 of 2000 the Executive Committee is the supervisory committee and must:

- 15.2 Oversee the implementation and enforcement of the council's credit control and debt collection policy and any by-law enacted in term of section 98 of the Municipal System Act, Act 32 of 2000
- 15.3 Measure the performance of the Municipal manager in the Implementation of Credit control and debt collection.
- 15.4 Evaluate the credit control and debt collection policy from time to time to improve the efficiency, Mechanisms, processes and procedures
- 15.5 Report to Council on a quarterly basis on the implementation of the credit control and debt collection policy.

MUNICIPAL MANAGER

In terms of section 100 of the Municipal System Act, Act 32 of 2000 the Municipal manager is the implementing authority and must:

- 15.6 Implement and enforce the municipality's credit control and debt collection policy and by-law enacted in terms of section 98 of the Municipal systems Act, Act 32 of 2000.
- 15.7 Establish effective administrative mechanisms, processes, and procedures to collect all money due and payable to the municipality.

16 LEGISLATIVE AND REGULATORY FRAMEWORK

- 16.1 Municipal Systems Act, 2000
- 16.2 Local Government: Municipal Finance Management Act, 2003
- 16.3 Municipal Property Rates Act, 2004
- 16.4 Municipal Property Rates Regulations, as amended
- 16.5 Thulamela Local Municipality By-laws

17 STAKEHOLDER ENGAGEMENT

17.1 All the relevant stakeholders internal and external will be consulted through the development and implementation of this policy.

18 IMPLEMENTATION

18.1 All the respective departments within the municipality must ensure adequate implementation of this policy. The CFO is responsible for enforcing this policy and continuously ensuring monitoring and compliance and ensure that the corrective steps are taken where necessary.

19 MONITORING AND EVALUATION

19.1 On a continuous basis this policy will be assessed to determine its relevance and effectiveness and to assess whether it has achieved the intended objectives.

20. CONCLUSION

20.1 In conclusion, the Credit and Debt Control policy outlines critical matters raised in the purpose and the objectives. The provisions in the policy contents highlights the need for municipality to adhere to the key issues narrated which will address challenges encountered and lead to effective and efficient implementation of the policy.

20.2 The municipality commits to make resources available, monitor and evaluate the effectiveness of the policy, thus encouraging all relevant stakeholders to familiarise themselves with the policy and take necessary actions to fully participate and ensure compliance of the policy.

20.3 On that note, stakeholders are urged to provide feedback on implementation of the policy to enable the municipality to review and make adjustments where necessary.

21 REVISION DATE

21.1 The policy will be reviewed annually or as and when the need arises.

22 ANNEXURES

22.1 Annexure A - Credit Control Strategy

22.2 Business Process Map

22.3 Standard Operating Procedure