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Draft Cost Containment Policy

2023/24

APPROVED



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1. PREAMBLE

1.1 Each municipality must develop or revise and implement a cost containment policy which must -

be adopted by the municipal council as part of its budget related policies;

- a) define a municipality objectives for the use of consultants; and
- b) be consistent with the relevant legislation.

1.2 The cost containment policy of a municipality contemplated in 1.1 *supra* must -

- a) be in writing;
- b) give effect to the Regulations;
- c) be reviewed annually, as may be appropriate;
- d) be communicated on the municipality's website; and
- e) set out –

- i) monitoring measures for ensuring implementation of the policy;
- ii) procedures for the annual review of the policy; and
- iii) consequences for non-adherence to the measures contained therein.

1.3 This policy document seeks to implement National Treasury Instructions and MFMA Circulars applicable to Cost Containment, as set out in 1.1 and 1.2 *supra*.

1.4 The object of the Policy, in line with Sections 62(1)(a), 78(1)(b), 95(a) and 105(1)(b) of the Act, is to ensure that resources of the Municipality are used effectively, efficiently and economically by implementing the cost containment regulations.

1.5 The following measures must be implemented, consistently with immediate effect to ensure the containment of costs, and will be updated if and when any revisions are done to the applicable legislation.

2. DEFINITIONS

"Accounting officer" means a person appointed in terms of section 82(l) (a) or (b) of the Municipal Structures Act;

"Approved budget," means an annual budget-

- (a) Approved by a municipal council, or
- (b) Includes such an annual budget as revised by an adjustments budget in terms of section 28 of the MFMA;

"Budget-related Policy" means a policy of a municipality affecting or affected by the annual budget of the municipality, including-

- (a) The tariff policy, which the municipality must adopt in terms of section 74 of the Municipal Systems Act;
- (b) The rates policy which the municipality must adopt in terms of legislation regulating municipal property rates; or
- (c) The credit control and debt collection policy, which the municipality must adopt in terms of section 96 of the Municipal Systems Act;

"Budget Year" means the financial year of the municipality for which an annual budget is to be approved in terms of section 16(1) of the MFMA;

"Chief Financial Officer" means a person designated in terms of section 80(2) (a) of the MFMA;

"Councillor" means a member of a municipal council;

"Current year" means the financial year, which has already commenced, but not yet ended;

"Delegation", in relation to a duty, includes an instruction or request to perform or to assist in performing the duty;

"Executive mayor" means the councillor elected as the executive mayor of the municipality in terms of section 55 of the Municipal Structures Act;

"Financial year" means a twelve months period commencing on 1 July and ending on 30 June each year

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"Municipal council" or "council" means the council of a municipality referred to in section 18 of the Municipal Structures Act;

"Municipality"-

- (a) when referred to as a corporate body, means a municipality as described in section 2 of the Municipal Systems Act; or
- (b) when referred to as a geographic area, means a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

"Municipal tariff" means a tariff for services which a municipality may set for the provision of a service to the local community, and includes a surcharge on such tariff;

"National Treasury" means the National Treasury established by section 5 of the Public Finance Management Act;

"Official", means-

- (a) an employee of a municipality or municipal entity;
- (b) a person seconded to a municipality or municipal entity to work as a member of the staff of the municipality or municipal entity; or
- (c) a person contracted by a municipality or municipal entity to work as a member of the staff of the municipality or municipal entity otherwise than as an employee;

"Consultant" means a professional person, individual, partnership, corporation, or a company appointed to provide technical and specialist advice or to assist with a design and implementation of projects or to assist a municipality to perform its functions to achieve the objects of local government in terms of section 152 of the Constitution;

"Cost Containment" means measures implemented to curtail spending in terms of this policy; and

3. APPLICATION OF POLICY

This policy shall apply to all officials and political office bearers in municipalities

4. USE OF CONSULTANTS

4.1 Measures

- 4.1.1 A municipality may only appoint consultants if an assessment of the needs and requirements confirms that the affected municipality does not have the requisite skills or resources in its full-time employ to perform the function.
- 4.1.2 The reasons for the use of the consultants must be motivated by the Senior Manager concerned and endorsed by the Accounting Officer, in writing.
- 4.1.3 The remuneration framework of the Municipality will be-
- a) determined in the "Guideline on fees for audits undertaken on behalf of the Auditor-General of South Africa ", issued by the South African Institute of Chartered Accountants;
 - b) set out in the "Guide on Hourly Fee Rates for Consultants ", issued by the Department of Public Service and Administration; or
 - c) as prescribed by the body regulating the profession of the consultant
- 4.1.4 The tender documentation for the appointment of consultants must include a clause that the remuneration rates will be subject to negotiation, not exceeding the applicable rates mentioned in 5.1.2 supra.
- 4.1.5 When negotiating cost-effective consultancy rates for international consultants, the accounting officer may take into account the relevant international and market-determined rates.
- 4.1.6 When consultants are appointed, an accounting officer must, where practical –
- a) appoint consultants on a time and cost basis with specific start and end dates;
 - b) appoint consultants on an output- specified basis, subject to specific measurable objectives and associated remuneration;
 - c) ensure that contracts with consultants include overall cost ceilings by specifying whether the contract price is inclusive or exclusive of travel and subsistence disbursements;
 - d) ensure the transfer of skills by consultants to the relevant officials of a municipality;
 - e) undertake all engagements of consultants in accordance with the Municipal Supply Chain Management Regulations, 2005 and the municipality's supply chain management policy; and
 - f) develop consultancy reduction plans to reduce the reliance on consultants.
- 4.1.7 All contracts with consultants must include a fee retention or penalty clause for poor performance.
- 4.1.8 The municipality must ensure that the specifications and performance are used as a monitoring tool for the work to be undertaken and are appropriately recorded and monitored.

- 4.1.9 The travel and subsistence costs of consultants must be in accordance with the national travel policy issued by the National Department of Transport, as updated from time to time.
- 4.1.9 The contract price must specify all travel and subsistence costs and if the travel and subsistence costs for appointed consultants are excluded from the contract price, such costs must be reimbursed in accordance with the national travel policy of the National Department of Transport.
- 4.1.11 These provisions will only apply to contracts entered into and tender processes started after the approval of the Policy by Council

4.2 Controls:

- 4.2.1 The use of consultants must be reviewed and curtailed.
- 4.2.2 Directors must review the utilisation of consultants in their respective Directorates to determine if their services are still required.
- 4.2.3 Requests for extension of consultants' contracts of appointment must be motivated in writing to the Municipal Manager, and he may in turn instruct the Director to table an item via the Bid Committee system to make recommendations in this regard.
- 4.2.4 Any SLA or contract signed with consultants, must include:
 - a) penalty clauses for poor performance,
 - b) clauses that deal with skills transfer,
 - c) period of the contract must be clearly stated, amongst other pertinent clauses.
- 4.2.5 Directorates who deal with Consultants must ensure compliance with the NT instruction, as it relates to disbursements for travelling and accommodation for consultants.
- 4.2.6 The Municipal Manager must give instructions to all Directorates to develop a consultancy reduction plan, indicating how the Directorates intend to comply with the National Treasury instruction.

5. VEHICLES USED FOR POLITICAL OFFICE-BEARERS

- 5.1 The threshold limit for vehicle purchases relating to official use by political office – bearers must not exceed R700 000 or 70% (VAT inclusive) of the total annual remuneration package for the different grades of municipalities, as defined in the Public Office Bearers Act and the notices issued in terms thereof by the Minister of Cooperative Governance and Traditional Affairs, whichever is lower.
- 5.2 The procurement of vehicles in 6.1 supra must be undertaken using the national government transversal contract mechanism, unless it may be procured at a lower cost through other procurement mechanisms; other procurement mechanisms may also be used should the transversal contract mechanism be proven to be too onerous or

vehicles available on the contract will not be serviceable within a 100 km distance of the municipality.

- 5.3 Before deciding to procure a vehicle as contemplated in 6.2 supra, the accounting officer or delegated official must provide the council with information relating to the following criteria which must be considered:
- a) status of current vehicles;
 - b) affordability of options including whether to procure a vehicle through a cash purchase or a lease transaction, provided that the most cost effective option is followed and the cost is equivalent to or lower than that contemplated in 6.1 supra;
 - c) extent of service delivery backlogs;
 - d) terrain for effective usage of the vehicle; and
 - e) any other policy of council.
- 5.4 Regardless of their usage, vehicles for official use by political office bearers may only be replaced after completion of 120 000 kilometres.
- 5.5 Notwithstanding 6.5 supra, a municipality may replace a vehicle for official use by political office bearers before the completion of 120 000km only in instances where the vehicle has a serious mechanical problem and is in a poor condition and subject to obtaining a detailed mechanical report by the vehicle manufacturer or approved dealer.
- 5.6 An accounting officer must ensure that there is a policy that addresses the use of municipal vehicles for official purposes.

6. TRAVEL AND SUBSISTENCE

- 6.1 An accounting officer –
- a) may approve the purchase of economy class tickets for all officials or
 - b) political office bearers where the flying time for the flights is five hours or less; and
 - c) may only approve the purchase of business class tickets for officials, political office bearers and persons reporting directly to the accounting officer for flights exceeding five hours.
- 6.2 In the case of the accounting officer, the mayor may approve the purchase of economy class tickets where the flying time is five hours or less and business class tickets for flights exceeding five hours.
- 6.3 Notwithstanding 6.1 and 6.2 supra, an accounting officer, or the mayor in the case of an accounting officer, may approve the purchase of business class tickets for an official or a political office bearer with a disability or a medical certified condition.
- 6.4 The cost containment policy must limit international travel to meetings or events that are considered critical. The number of officials or political office bearers attending such meetings or events must be limited to those officials or political office bearers directly involved in the subject matter related to such meetings or events.
- 6.5 An accounting officer, or the mayor in the case of the accounting officer, may approve accommodation costs that exceed an amount as determined from time to time by the National Treasury through a notice only –

- a) during peak holiday periods; or
- b) when major local or international events are hosted in a particular geographical area that results in an abnormal increase in the number of local and /or international guests in that particular geographical area.
- c) where the event is hosted on a site where making use of on-site
- d) accommodation is more practical, written motivation for the deviation must accompany the requisition for accommodation.

6.6 An official or a political office bearer of a municipality must –

- a) utilise the municipal fleet, where viable, before incurring costs to hire vehicles;
- b) follow the below guidelines, as per Table 1, for the short-term rental of vehicles

Table 1

KM to be travelled	Drivers' position	Minimum Vehicles' Group Allowed
<150	T13 and lower	Group B
<150	T14 - T18	Group C
<150	EMT & Cllrs	Group F
>151 <800	T13 and lower	Group C
>151 <800	T14 - T18	Group F
>151 <800	EMT & Cllrs	Group G
>801	T13 and lower	Group F
>801	T14 - T18	Group G
>801	EMT & Cllrs	Group H

- 6.7 The municipality must utilise the negotiated rates for flights and accommodation as communicated from time to time by the National Treasury through a notice or any other available cheaper flight and accommodation
- 6.8 The geographical location of the municipality makes the usage of public transport unpractical and this policy therefore deviates from the Regulation relating to the use of public transport.

7.DOMESTIC ACCOMMODATION

- 7.1 An accounting officer must ensure that costs incurred for domestic accommodation and meals are in accordance with the maximum allowable rates for domestic accommodation and meals as communicated from time to time by the National Treasury through a notice.
- 7.2 Overnight accommodation may only be booked where it is in line with the below Table on the Guidelines for Approval of Overnight Allowance per Section 5 of the Council's approved Subsistence and Travel Allowance Policy.

GUIDELINES FOR APPROVAL OF OVERNIGHT ALLOWANCE

Table 2

Travel Distance	Time-frames of Event	Comment
Bitou to Destination >200km	Starting time: 10h00	No overnight allowance approved prior the event.
Bitou to Destination >200km	Starting time: 08h00	Overnight allowance approved prior the event.
Bitou to Destination <400km	Ending time: 15h00	No overnight allowance approved after the event.
Bitou to Destination >450km	Ending time: 15h00	Overnight allowance approved after the event.
Bitou to Destination <>100km	Starting time: 10h00 Ending time: 16h00	Overnight allowance will be approved provided that travelling will occur in three consecutive days.

8. SPONSORSHIPS, EVENTS AND CATERING

- 8.1 The municipality may not incur catering expenses for meetings which are only attended by persons in the employ of the municipality, unless the prior written approval of the accounting officer is obtained.
- 8.2 An accounting officer may incur catering expenses for the hosting of meetings, conferences, workshops, courses, forums, recruitment interviews, and proceedings of council that may not exceed five hours or where the attendees travelled in excess of 100 km to attend.
- 8.3 Entertainment allowances of qualifying officials may not exceed two thousand rand per person per financial year, unless approved otherwise by the accounting officer.
- 8.4 A municipality may not incur expenses on alcoholic beverages unless the municipality recovers the cost from the sale of such beverages.
- 8.5 An accounting officer must ensure that year-end functions, team building exercises, staff sporting events are not financed from the municipality's budgets or by any suppliers or sponsors; specific budgeted staff-wellness events are excluded where the specific events are separately budgeted, disclosed in the budget documentation of the municipality and approved by Council.
- 8.6 The municipality may not incur expenditure on corporate branded items like clothing or goods for personal use of officials, other than protective clothing, office supplies and tools of trade unless costs related thereto are recovered from affected officials or is an integral part of the business model. The protective clothing should be in line with Occupational Health and Safety standards instead of printing T Shirts and Golf Shirts as part of the PPE.
- 8.7 An accounting officer may incur expenditure not exceeding the limits for petty cash usage to host farewell functions in recognition of officials who retire after serving the municipality for ten or more years or retire on grounds of ill health. The petty cash limit is defined as per the limitations of the Supply Chain Management Regulations.

9. COMMUNICATION

- 9.1 The municipality should, as far as possible, advertise municipal related events on its website instead of advertising in magazines or newspapers. No advertisements regarding the general information and functions of the municipality may be placed in any publication at cost.
- 9.2 The accounting officer must ensure that allowances to officials for private calls and data costs are limited to an amount as determined by the accounting officer, the municipal officer should review the staff receiving allowances and the amounts receivable at least annually.
- 9.3 Newspapers and other related publications for the use of officials must be discontinued on expiry of existing contracts or supply orders, unless required for professional purposes and where unavailable in electronic format.
- 9.4 The municipality may participate in the transversal term contract arranged by the National Treasury for the acquisition of mobile communication services.
- 9.5 The Councils policy relating to payment for private calls must be fully enforced by all Directorates. The cost for private calls must be recovered on monthly basis through salary deductions from the affected officials.

10. CONFERENCES, MEETINGS AND STUDY TOURS

- 10.1 The accounting officer must establish policies and procedures to manage applications to attend conferences or events hosted by professional bodies or non-governmental institutions held within and outside the borders of South Africa taking into account their merits and benefits, costs and available alternatives. Applications for attendance must be completed on the Nomination/Request form to attend Education, Training and Development Course/Conference/Seminars/Workshops/Symposia/Lecture/Meeting and duly approved by either the Municipal Manager or the duly delegated senior official.

- 10.2 When considering applications from officials or political office bearers to attend conferences or events within and outside the borders of South Africa, an accounting officer or mayor as the case may be, must take the following into account –
- a) the official's or political office bearer's role and responsibilities and the anticipated benefits of the conference or event;
 - b) whether the conference or event addresses relevant concerns of the institution;
 - c) the appropriate number of officials or political office bearers, not exceeding three, attending the conference or event; and
 - d) the availability of funds to meet expenses related to the conference
 - e) or event.
- 10.3 An accounting officer may consider appropriate benchmark costs with other professional bodies or regulatory bodies prior to granting approval for an official to attend a conference or event within and outside the borders of South Africa.
- 10.4 The benchmark costs referred to in 11.3 may not exceed an amount as determined from time to time by the National Treasury through a notice.
- 10.5 The amount referred to in 11.4 supra excludes costs related to travel, accommodation and related expenses, but includes –
- a) conference or event registration expenses; and
 - b) any other expense incurred in relation to the conference or event.
- 10.6 When considering costs for conferences or events these may not include items such as laptops, tablets and other similar tokens that are built into the price of such conferences or events.
- 10.7 The accounting officer of a municipality must ensure that meetings and planning sessions that entail the use of municipal funds are, as far as may be practically possible, held in-house.
- 10.8 Municipal or provincial office facilities must be utilised for conference, meetings, strategic planning sessions, inter alia, where an appropriate venue exists within the municipal jurisdiction.

- 10.9 An accounting officer must grant the approval for officials and in the case of political office bearers and the accounting officer, the mayor, as contemplated in 12.2 supra.
- 10.10 A municipality must, where applicable and practical, take advantage of early registration discounts by granting the required approvals to attend the conference, event or study tour, in advance.

11. OTHER RELATED EXPENDITURE ITEMS

- 11.1 All commodities, services and products covered by a transversal contract concluded by the National Treasury must be considered before approaching the market, to benefit from savings where lower prices or rates have been negotiated.
- 11.2 Municipal resources may not be used to fund elections, campaign activities, including the provision of food, clothing, printing of agendas and brochures and other inducements as part of, or during election periods or to fund any activities of any political party at any time.
- 11.3 Expenditure on tools of trade for political office bearers must be limited to the upper limits as approved and published by the Cabinet member responsible for local government in terms of the Remuneration of Public Office Bearers Act, 1998.
- 11.4 A municipality must avoid expenditure on elaborate and expensive office furniture.
- 11.5 A municipality may only use the services of the South African Police Service to conduct periodical or quarterly security threat assessments of political office bearers and key officials and a report must be submitted to the speaker's office.
- 11.6 A municipality may consider providing additional time-off in lieu of payment for overtime worked. Planned overtime must be submitted to the relevant manager for consideration on a monthly basis. A motivation for all unplanned overtime must be submitted to the relevant manager.

- 11.7 A municipality must ensure that due process is followed when suspending or dismissing officials to avoid unnecessary litigation costs.
- 11.8 The outsourcing of repairs and maintenance to municipal fleet should be reviewed to ensure that internal capacity is generated to save the costs.
- 11.9 The municipality should implement central printing system to reduce cost of printing and Managers should monitor that employees do not abuse municipal printing services.

12. ENFORCEMENT PROCEDURES

Failure to implement or comply with these Regulations may result in any official of the municipality, political office bearer or director of the board that authorised or incurred any expenditure contrary to these regulations being held liable for financial misconduct or a financial offence in the case of political office bearers as defined in Chapter 15 of the Act read with the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014.

13. DISCLOSURES OF COST CONTAINMENT MEASURES

- 13.1 The disclosure of cost containment measures applied by the municipality must be included in the municipal in-year budget reports and annual costs savings disclosed in the annual report.
- 13.2 The measures implemented and aggregate amounts saved per quarter, together with the regular reports on reprioritisation of cost savings and on the implementation of the cost containment measures must be submitted to the Municipal Council for review and resolution. The municipal council can refer such reports to an appropriate Council Committee for further recommendations and actions.
- 13.3 The reports referred to in 14.2 must be copied to the National Treasury and the relevant provincial treasury within seven calendar days after the report is submitted to municipal council.

- 13.4 The reporting referred to in 14.1, 14.2 and 14.3 may be done as per the declaration from the Accounting Officer included in Annexure A that the Cost Containment Regulations and measures was considered and implemented by the municipality, this report will form part of the monthly, quarterly and annual reporting of the municipality. The detailed measures and aggregate amounts saved are not practically reportable at this stage. The reporting measures required in terms of the Policy will be revised on an annual basis.

14. IMPLEMENTATION DATE

This policy will be implemented with effect on the day of approval by Council.

APPROVED