
ELIAS MOTSOLEDI LOCAL
MUNICIPALITY-MASEPALA WA SELEGAE



REVIEWED CELLPHONE AND MOBILE DATA POLICY

MUNICIPAL COUNCIL RESOLUTION NUMBER

C24/25-78

APPROVED AT THE COUNCIL SITTING OF **26/06/2025**

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1. PREAMBLE

- a) **WHEREAS** the Elias Motsoaledi Local Municipality (hereinafter "the Municipality") is characterized by a diversity of activities and functions, some of which are carried outside the permanent working station.
- b) **WHEREAS** the Municipality seeks to ensure continuous communication for employees whose work requires regular contact while outside their permanent working premises or after hours.
- c) **WHEREAS** there is a recognition that cell phone and/or data allowance is closely linked to individual needs.
- d) **WHEREAS** the Municipality seeks to inform effective and efficient use of municipal cell phone allowance and data allowance to councillors, senior managers and employees of the Municipality.
- e) **WHEREAS** cell phones and data cards are not a benefit but a tool of trade. AND
- f) **NOW THEREFORE** be it enacted by the Municipal Council, as **Cell phone and Mobile Data Policy**.

MR M.D

1) DEFINITIONS

“Allowance “

An amount of money allocated to a councillor and senior manager or employee monthly for a cell phone and/or data card purpose.

“Employee”

The person who works for the municipality, on full time or part time, receiving remuneration and assisting in any manner to carry out or conduct the business of the employer (the Municipality). “*Employed*” and “*Employment*” have meanings corresponding to that of employee.

“Full time Councillor”

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 Local Government: Municipal Structures Act 117 of 1998.

“Municipality”

Elias Motsoaledi Local Municipality being the local sphere of government as determined by Section 155 (1) (b) of the Constitution of the Republic of South Africa, 1996 read together with Section 12 Notice issued by the MEC (Member of the Executive Council) responsible for Local Government in Limpopo Province in terms of Section 12 of the Local Government: Municipal Structures Act 117 of 1998.

“Municipal Manager”

The person appointed by Council as the head of the administration of the municipal council and accounting officer as prescribed in terms of Section 54(A) of the Local Government: Municipal Systems Act 32 of 2000 read together with Section 82 of the Local Government: Municipal Structures Act 117 of 1998.

“Tools of trade”

In the context of this Policy, it refers to the resources in the form of cell phone and/or data card allowance provided by the Municipality to a councillor and senior manager or employee to enable such person to discharge his or her

duties in the most of efficient and effective manner and always remain accessible for the municipality.

“Part-time councillor”

A councillor other than a full-time councillor.

“User”

A councillor participating in the Elias Motsoaledi Municipal Council, senior manager or employee who uses or is entitled to the municipal cell phone and/or data allowance.

2. LEGISLATIVE FRAMEWORK

2.1 Constitution of the Republic of South Africa Act, 1996 states that:

“Public Administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

- (a) A high standard of professional ethics must be promoted and maintained,
- (b) Efficient, economic and effective use of resources must be promoted,
- (c) Transparency must be fostered by providing the public with timely, accessible and accurate information”.¹

2.2 The Local government: Municipal Finance Management 58 of 2003 states that Senior managers and other officials of a municipal exercising financial management responsibilities must take all reasonable steps within their respective areas of responsibility to ensure:

- (a) “That the system of financial management and internal control established for the municipality is carried out diligently.
- (b) That the financial and other resources of the municipality are utilized effectively, efficiently, economically and transparently”.²

2.3 . The Local Government: Municipal Finance Management 56 of 2003 goes further stating that:

¹ Section 195 (1)(a)(b).
² Section 78 (1) (a) & (b).

“(1) The accounting officer of the municipality is for the maintenance of those assets.

(2) That the accounting officer must for the purpose of subsection (1) take all reasonable steps to ensure

(c) That the municipality has and maintains a system of internal controls of assets and liabilities, including an asset and liabilities register, as may be prescribed”.³

2.4. Remuneration of Public Office Bearers Act 20 of 1998

Determination of upper limits of salaries, allowance and benefits of different members of municipal councils

Entitled “upper limits of cell phone allowance for councillors” and “Upper limits of mobile data bundles for councillors” respectively, Items 11 and 12 of the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils promulgated thereunder Government Notice 1440 Government Gazette 41335 of 15th December 2017 issued by the Minister of Cooperative Governance and Traditional Affairs under Sections 7(1), 85(a) and 95(a) of the Remuneration of Public Office Bearers Act 20 of 1998 state that a councillor may, in addition to the annual total remuneration packages provided for, be paid a cell phone allowance not exceeding an amount as gazetted every year. Furthermore, a councillor may, in addition to the annual total remuneration package provided for, be paid an allowance on the use of data bundles not exceeding an amount as gazetted every year. These allowances shall be provided to councillors in terms of the upper limits applicable in that given financial year.

2.5 Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014.

³ Ibid Section 63 (a) & (2) (c)

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Item 40 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers promulgated thereunder Government Notice 21 Government Gazette 37245 of 17th January 2014 entitles senior managers for compensation for use of cell phone and mobile data card in terms of the relevant municipal policy.

3. OBJECTIVES OF THE POLICY

The objectives of the policy are to:

3.1 Ensure continuous communication for:

- a) employees whose work requires regular contact while outside their permanent working premises or after hours; and
- b) councillors

3.2 Ensure effective and efficient use of municipal cell phone allowance and data allowance to councillors and senior managers and employees of the Municipality.

3.3 Determine the categories of employees which always require direct communication to receive a cell phone and data allowance as a tool of trade.

3.4 Establish framework for the management of municipal cell phone allowance to eliminate unnecessary, excessive costs and the recovery of excess amount.

3.5 Prescribe corrective measures for employees who fail to observe the stipulations of this Policy.

4 APPLICATION PROCEDURE

The Policy is applicable to employees of the municipality who qualify for cell phone and data allowance and are expected to use cell phones for the performance of their office duties as well as to the senior managers and councillors.

4.1 Municipal Manager

4.1.1 The Municipal Manager is responsible for approval of recommendation for employees to be allocated cell phone and data allowance.

MR M.D

4.2 Senior Managers

- 4.2.1 A respective user senior manager shall recommend to Corporate Services upon receipt of an application form from the employee considering the duties and nature of the post the employee occupies.

4.3 Corporate Services Department

- 4.3.1 The Head of Department Corporate Services shall write a recommendation to the Municipal Manager, after considering the CFO budget verification for allocation of requested cell phone and/or data allowance, considering the duties and nature of the post the employee occupies.

- 4.3.2 The Corporate Services Department bear the responsibility for effective implementation of the Policy.

4.4 Budget and Treasury department

- i. CFO verifies budget and recommends to Municipal manager

4.5 Councillors, senior managers and employees

- i) All councillors shall be given cell phone and data allowance in line with the Remuneration of Public Office Bearers Act No.20 of 1998 as Gazetted annually applicable for that financial year.
- ii) All the approved employees shall be given cell phone and data allowance in line with this Policy
- iii) All the councillors and senior managers and employees receiving cell phone and data allowance are required to always be contactable.
- iv) All approved employees receiving cell phone allowance shall see to it that they are always able to make a business calls at any time.

5 ALLOCATION OF CELLPHONE AND DATA ALLOWANCES

- 5.1 Provision for cell phones and data allowance for municipal councillors must be allocated as per the Remuneration of Public Office Bearers Act No.20 of 1998 as Gazetted annually
- 5.2 Municipal councillors who qualify for cell phone and data allowance are determined by the Act and the Gazette every year.

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5.3 Other users who qualify for the cell phone allowance are determined as follows:

5.3.1 Senior Managers

5.3.2 Middle / Divisional Managers

5.3.3 Personal Assistant: Office of the Municipal Manager

5.3.4 Personal Assistant: Office of the political bearers

5.3.5 Secretaries / Personal Assistants to Senior Managers; and

5.3.6 Other proved Users identified.

5.4 Qualifying criteria for allocation of cell phone and data allowances

5.4.1 A cell phone and data usage shall be necessary for the execution of official duties; regard being had to the nature of the post the employee occupies.

5.4.2 The detailed reason and motivation for the request shall be furnished by the respective user Senior Manager.

6 TRANSITION TO ALLOWANCE PROVISION

6.1 All the current cell phone and data users as per the previously approved Cell Phone and Mobile Data Policy shall continue to be the users, however, governed in terms of the stipulations of this Policy.

6.2 A new approval process for cell phone allowance must be implemented where the employee was not a cell phone and/or data allowance user in terms of the previous Policy.

6.3 The Municipality is authorised to enter into cell phone and/or mobile data contracts, or to provide cell phone and/or data allowances to users, in order to support the objectives of this Policy."

7 PROVISION OF CELL PHONE AND DATA ALLOWANCE

7.1 All cell phone and/or data allowances provided must be allocated as follows:

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User	Cell phone allowance	Data allowance
Full time and part time Councillors	In line with the Remuneration of Public Office Bearers Act 20 of 1998	In line with the Remuneration of Public Office Bearers Act 20 of 1998
Municipal Manager	Regulations of upper limits by the Department of Cooperative Governance (COGTA).	Regulations of upper limits by the Department of Cooperative Governance (COGTA).
Senior Managers	Regulations of upper limits by the Department of Cooperative Governance (COGTA).	Regulations of upper limits by the Department of Cooperative Governance (COGTA).
Middle / Divisional Managers	R1000.00	R500.00
Personal Assistants / Secretaries	R800.00	R500.00
Other approved users below Divisional managers	R800,00	R500.00
Drivers of the Political Bearers (Mayor, Chief-whip and Speaker	R2,000.00	R300.00

7.2 Annual cell- phone and data allowance increment.

7.2.1 For the Bargaining employees, the annual increment of the cell phone and data allowance shall be linked to the SALGBC Salary and Wage Collective Agreement: percentage increase.

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7.2.2 For the Municipal Manager and Senior Managers reporting directly to the Municipal Manager their increment shall be regulated in line with the legislation or Regulations of upper limits by the Department of Cooperative Governance (COGTA).

8 CONSEQUENCES FOR NON-COMPLIANCE

- 8.1 In the case of employees, failure to comply with this policy will be viewed as a serious transgressions and appropriate disciplinary action will be taken.
- 8.2 In case of councillors, the provisions of the Code of Conduct for Councillors and Standing rules of Orders of Council shall apply.
- 8.3 Any costs incurred because of cell phone and /or mobile data misuse must be borne by that user.

9 DISPUTE RESOLUTION

- 9.1 If there is a dispute about the interpretation or application of this Policy, the disputant or aggrieved party shall refer the dispute or grievance to:
- (a) employer, in terms of the applicable Grievance Procedure.
 - (b) South African Local Government Bargaining Council, if the dispute falls within its jurisdiction, CCMA, if the dispute falls within its jurisdiction, for conciliation.
 - (c) arbitration, if the dispute remains unresolved with parties to the dispute consenting to arbitration; and
 - (d) competent court(s) in terms of the applicable laws of the Republic of South Africa.

10 APPLICATION OF THIS POLICY WHEN IN CONFLICT WITH THE NATIONAL OR PROVINCIAL LEGISLATION OR APPLICABLE COLLECTIVE AGREEMENT

- 10.1 If any conflict relating to a matter dealt with in this Policy arises between this Policy and the provisions of the national or provincial legislation or applicable collective agreements for employees falling within the SALGBC, the provisions

of the national or provincial legislation or applicable collective agreements for employees falling within the SALGBC prevail.

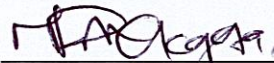
11 POLICY REVIEW

11.1 This Policy shall be reviewed and revised as and when required.

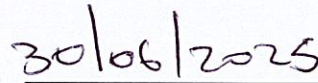
12 EFFECTIVE DATE

12.1 The Policy shall be effective forthwith from the date approved by the Municipal Council.

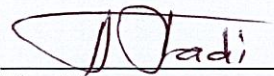
13 SIGNATORIES



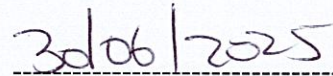
Ms. NR Makgata Pr Tech Eng
Municipal Manager



Date



The Mayor
Cllr. Tladi MD



Date