



# **STANDING RULES AND ORDERS FOR THE MEETINGS OF THE MUNICIPAL COUNCIL OF THE SENQU LOCAL MUNICIPALITY AND ALL ITS COMMITTEES**

## **MUNICIPAL NOTICE**

The municipal council of the Senqu Local Municipality adopted the following bylaw at its meeting held on .....in terms of section 165 (2) of the Constitution of the Republic of South Africa, No. 108 of 1996 read with section 31 (2) of the Local Government: Municipal Structures Act, No. 117 of 1998 and hereby publishes the bylaw in terms of section 13 (a) of the Local Government: Municipal Systems Act, No. 32 of 2000 to come into effect on the date of publication hereof in the Provincial Gazette.

---

### **STANDING RULES AND ORDERS FOR THE MEETINGS OF THE COUNCIL AND ALL ITS COMMITTEES**

#### **TABLE OF CONTENTS**

1. Application of the rules
2. Definitions
3. Meetings of the council open to the public
4. Council meetings
5. Special council meetings
6. Service of notices
7. Non-service of notice
8. Urgent matters
9. Conduct at meetings
10. Interpretation of the rules
11. Quorum and acts of council
12. Decisions and voting
13. When councillors may not attend or participate in meetings
14. Walkout
15. Count out

16. Adjourned meetings
17. Notice of adjourned meetings
18. Chairperson of meetings
19. Agenda
20. Business at meetings
21. Leave of absence
22. Minutes to be kept and confirmation thereof
23. No discussion on minutes under confirmation of minutes
24. Petitions to be written, typed or printed
25. Deputations to submit memoranda
26. Reception of deputations
27. Moving a report
28. Motions
29. Precedence of the speaker
30. Relevance
31. Councillor to speak only once
32. Debate management
33. Length of speeches
34. Disorderly conduct of members and the duty of the chairperson
35. Obstruction by persons other than members
36. Points of order and personal explanations
37. Questions
38. Terms of reference of sub-committees
39. Council may increase or restrict powers
40. Minutes of executive committee, committees and subcommittees
41. Inspection of minute books by councillors

42. Non-attendance of members of committees
43. Members of council attending committee meetings of which they are not members
44. Information to be obtained from municipal manager and head of department concerned
45. Information to the press or other media: in-committee discussions
46. Suspension of the rules
47. Legal defence and indemnification of councillors and officers of the council
48. Speaker may refer matters for legal advice
49. Activities prohibited within the council chamber or meeting venue and the use of the council chamber by other persons or institutions
50. Ward committees
51. Sanctions and offences
52. Dress code

## **1. Application of rules**

- 1.1 The rules of order contained herein apply to all meetings of the council and any committee of the council as well as any other committee of councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- 1.2 The rules are aimed at allowing free, open and constructive debate during meetings. The rules are encouraged and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.
- 1.3 The rules endeavour to create the opportunity for councillors serving in council structures to air their view on any matter of public importance.
- 1.4. The rules of order are applicable to:
  - 1.4.1. All councillors;
  - 1.4.2. Traditional leaders participating in council and its committees in terms of section 81 of the Structures Act;
  - 1.4.3. Any municipal official of the municipality;

1.4.4. Any other person appointed as a member of a committee; and

1.4.5. Any member of the public while present in the council chamber and precinct.

## 2. **Definitions**

The following terms and phrases used in these rules shall have the meaning assigned to them hereunder:

**“Chief whip”** shall mean the person elected as the chief whip of the council.

**“Committee”** shall mean any committee established in the municipality, including committees established in terms of section 79 and 80 of the Structures Act;

**“Constitution”** shall mean the Constitution of the Republic of South Africa, Act No. 108 of 1996;

**“Council”** shall mean the municipal council of the municipality;

**“Council chamber”** shall mean the Dumisani Mqungquthu Council Chamber located at the municipal building, 19 Murray Street, Lady Grey or any other location where the council or any of its committees are convened for a meeting;

**“Council precinct”** shall mean the enclosed gardens, parking area and municipal buildings located at 19 Murray Street, Lady Grey;

**“Councillor”** shall mean a member of the council;

**“Day”** shall mean a day that is not a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;

**“Director”** shall mean a senior manager directly accountable to the municipal manager as contemplated in, and appointed in terms of section 56 of the Systems Act;

**“Executive committee”** shall mean the committee appointed in terms of section 42 (2) of the Structures Act;

**“In committee”** shall mean the part of a meeting where the meeting will be closed and members of the public and press, and such municipal officials as determined by the speaker or chairperson, excluding the municipal manager (save where he / she is affected), will be excluded from the meeting, based on the nature of the business being transacted;

**“In writing”** shall mean any worded or numbered expression that can be read, reproduced, and later communicated, and includes electronically transmitted and stored information;

**“Item”** shall mean a matter submitted by the municipal manager or a director appearing on the agenda for consideration by the council or a committee;

**“Mayor”** shall mean the mayor of the municipality as elected in terms of section 48 of the Structures Act;

**“MEC”** shall mean the member of the executive council of the province responsible for local government;

**“Member”** shall mean a councillor serving in the council, a traditional leader who may participate in meetings of the council and any other person who is a member of a committee other than in an official capacity;

**“Motion”** shall mean a formal step to introduce a matter or propose a decision or action for consideration by the council or a committee, submitted by a member in accordance with 28 below;

**“MPAC”** shall mean the Municipal Public Accounts Committee;

**“Municipality”** shall mean the Senqu Local Municipality duly established in terms of section 12 of the Structures Act;

**“Municipal Manager”** means a person appointed in terms of section 54A of the Systems Act;

**“Point of order”** shall mean a point raised by a councillor during a council meeting and shall only relate to a matter of procedure and provided for in the rules of order;

**“Privilege”** shall mean the right of freedom of speech for councillors in council and committee meetings, subject to the rules of order of any ruling of the speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings for anything they said, produced or submitted to the council or committee;

**“Report”** shall mean any matter appearing on the agenda for consideration by the council or a committee, including but not limited to statutory reports by the designated councillors, reports from committees and political structures;

**“Rules”** shall mean these standing rules and orders for the meetings of the council and all its committees

**“Sergeant-at-arms”** shall mean a person in the employment of or contracted by the municipality entrusted to assist the speaker to maintain order during council meetings and the chairperson of a committee meeting and assisted by such staff members as the speaker may direct;

**“Senior managers”** shall mean the persons appointed by the council as the municipal manager and all managers directly accountable to the municipal manager as approved on the official organisational structure of the municipality;

**“Speaker”** shall mean the person as elected in terms of section 36 of the Structures Act;

**“Structures Act”** shall mean the Local Government: Municipal Structures Act, No. 17 of 1998;

**“Sub-committee”** means any other committee, other than the executive committee or committees appointed by the council or the executive committee;

**“Systems Act”** shall mean the Local Government: Municipal Systems Act, No.32 2000;

**“Traditional leader”** shall mean a traditional leader identified by the MEC to participate in the proceedings of a municipal council in terms of section 81 of the Structures Act;

**“Whip”** shall mean a member of the council appointed as a whip by each political party represented in the council;

### **3. Meeting of council open to public**

3.1. The council shall conduct its business in an open manner and every meeting of the council and all committees, including the executive committee shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of sections 20 (1) (a) and (b) and 20(3) of the Systems Act.

3.2. The municipal manager must give notice to the public of the time, date and venue of every -

3.2.1. ordinary meeting of the council; and

3.2.2. special or urgent meeting of the council, except when time constraints make this impossible;

by placing a notice of the meeting on the municipality’s official website. Notices may also be placed on official notice boards, broadcast on radio, social and other media and / or published in local newspapers circulating within the area of jurisdiction of the municipality, at the municipal manager’s discretion.

3.3. The municipal manager shall publish the annual calendar of the meetings of the council and all committees in the local newspapers

circulating within the area of jurisdiction of the municipality. Amendments to the calendar will be similarly published.

- 3.4. The council will deal in committee when discussing any of the following matters:
  - 3.4.1. a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
  - 3.4.2. personal and private information of any councillor or an employee of the municipality;
  - 3.4.3. the intention of the municipality to purchase or acquire land or buildings;
  - 3.4.4. the price a municipality may offer for the purchase or acquisition of land or buildings;
  - 3.4.5. any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
  - 3.4.6. disciplinary proceedings or proposed disciplinary proceedings against any employee;
  - 3.4.7. any matter that might not be disclosed in terms of legislation;
  - 3.4.8. any matter marked as confidential; and
  - 3.4.9. consideration of the minutes of previous in committee discussions.
- 3.5. Members of the public and press, directors, officials and any person affected by a matter dealt with in committee, save for the secretariat, are prohibited from attending in committee meetings and are required to vacate the council chamber.
- 3.6. A councillor or the municipal manager may, when a matter in the agenda is put to order, other than a matter referred to in 3.4 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with in committee. The ruling of the speaker in this regard will be final and no further discussion will be allowed.
- 3.7. In committee matters shall be dealt with at the start of any meeting. A separate agenda must be adopted and separate minutes must be recorded for the meeting. All resolutions of in committee meetings must be recorded in a separate resolutions register.

#### **4. Council meetings**



The council shall hold an ordinary meeting for the transaction of business not less than once in every three months.

## **5. Special council meetings**

- 5.1. The speaker may at any time of own accord and shall, upon request in writing of a majority of the councillors, call a special meeting of the council, provided that no such special meeting shall take place unless all councillors were given at least 24 hours' notice prior to the date and time set for the meeting.
- 5.2. In the event where the speaker fails and/or refuses to call a special meeting when requested in accordance with 5.1 above, the municipal manager may call the meeting.

## **6. Service of notices**

- 6.1. All councillors must within 7 days of the adoption of the rules provide their official e-mail address and mobile telephone number to the speaker as their respective *domicilia citandi et executandi* for all purposes under the rules whether in respect of notices or communications of whatsoever nature.
- 6.2. Any notice or communication required or permitted to be given in terms of the rules to a councillor shall be valid and effective only if given in writing by electronic mail to the official e-mail address in 6.1 above but it shall be competent to give notice by short messaging service (SMS), WhatsApp, signal or telegram in the event of an urgent notice or communication.
- 6.3. If a notice or communication is transmitted by electronic mail to an official e-mail address it shall be deemed to have been received on the date of transmission.
- 6.4. If a notice or communication is transmitted by short messaging service (SMS), WhatsApp, signal or telegram to an official mobile telephone number it shall be deemed to have been received on the date and time of transmission.
- 6.5. The provisions of 6.1 to 6.4 above shall apply to traditional leaders and any other person who is a member of a committee save that they may elect to nominate a facsimile number, physical address or postal address as their respective *domicilia citandi et executandi* for all purposes under the rules whether in respect of notices or communications of whatsoever nature.

- 6.6. At least 7 days before any ordinary meeting of the council and / or a committee and at least 24 hours before any special meeting of the council, a notice to attend the meeting, specifying the business proposed to be transacted thereat, shall be sent by electronic mail to the official e-mail address or the address in 6.5 above or in the event of a special meeting to the official mobile telephone number.

## **7. Non-service of notices**

Accidental omission to serve on any councillor a notice of meeting shall not invalidate the proceedings of that meeting.

## **8. Urgent matters**

- 8.1. No business shall be transacted at a meeting of the council or any committee other than that specified in the agenda relating thereto, except any matters which the speaker or the chairperson considers urgent and the speaker or the chairperson has ruled the matter to be urgent.
- 8.2. The municipal manager may raise matters which in his / her discretion are urgent, for decision by the council or a committee. A matter will be deemed urgent when the decision required, if delayed, would prejudice the municipality and / or its operations.
- 8.3. The speaker or chairperson of the meeting will determine an appropriate time when the municipal manager may raise urgent matters and the time available for the consideration and discussion thereof; provided that the speaker or chairperson may rule that a matter is not urgent as defined in 8.2 above.

## **9. Conduct at meetings**

The speaker or the chairperson of the meeting in the event of a meeting other than a council meeting shall:

- 9.1. Maintain order during meetings;
- 9.2. Ensure compliance with the code of conduct for councillors during meetings;
- 9.3. Ensure that meetings are conducted in accordance with the rules;
- 9.4. Ensure that members conduct themselves in a dignified and orderly manner during meetings;
- 9.5. Ensure that members of the public attending meetings are seated in areas designated for that purpose;

- 9.6. Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the speaker or chairperson of the meeting;
- 9.7. Ensure that any councillor or member of the public refusing to comply with the ruling of the speaker or chairperson leaves the council chamber and in the event of the member of the public the council precinct;
- 9.8. Ensure that the whips of each political party represented in the council as well as the chief whip maintain discipline during any meeting.

## **10. Interpretation of rules**

10.1.[9.9.] The ruling of the speaker or the chairperson in the event of a meeting other than a council meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding: provided that the speaker or the chairperson may be required to provide reasons for a ruling.

10.2.[9.10.] Any ruling made by the speaker or the chairperson must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.

10.3.[9.11.] Any interpretation and ruling made by the speaker or the chairperson should be registered by the municipal manager in such register kept for this purpose by the municipal manager and kept for safekeeping similar to the agendas and minutes of all meetings.

## **11.[10.] Quorum and acts of council**

11.1.[10.1.] A majority of the councillors must be present at a meeting of the council or a committee before any matter may be considered and / or voted on.

11.2.[10.2.] In the event of no quorum for a meeting, the meeting must be suspended for no more than 20 minutes, and if at the end of the said period there is still no quorum, the speaker or chairperson may suspend the meeting for such a period he/she deems fit and thereafter adjourn the meeting to another date, time and/or venue.

## **12.[11.] Decisions and Voting**

12.1.[11.1.] Subject to 12.3 and 12.13 below, all matters will be decided by a majority of councillors present at the meeting.

- 12.2.[11.2.] Before a formal vote is taken on any matter before the council, the speaker shall order that all doors be closed and no member or other person shall be allowed to enter or leave the chamber.
- 12.3.[11.3.] Any matter referred to in section 160(2) of the Constitution shall be decided on by a majority of the councillors of the council.
- 12.4.[11.4.] If on any question there is an equality of votes, the speaker or chairperson of the committee may exercise a casting vote in addition to that particular councillor's deliberative vote, provided that the casting of such vote shall fall within the ambit of the powers duly delegated to the relevant committee: provided that for those matters listed in section 160(2) of the Constitution, there will be no provision for a casting vote.
- 12.5.[11.5.] If the speaker or chairperson of a meeting asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations are adopted.
- 12.6.[11.6.] In the event of there being opposition to a recommendation, the proposal to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the speaker or chairperson, by way of secret ballot.
- 12.7.[11.7.] The municipal manager or an official designated by him / her shall count the votes and declare to the speaker or chairperson the result of the divisions. In the event of a secret ballot, the municipal manager shall hand to each councillor a ballot paper bearing the official mark or logo of the council, and having the alternates to be voted for clearly depicted thereon, substantially in accordance with the following:

Logo

Date:.....

Proposal or motion to be voted for	Councillor's vote (X) :	
	For	Against
1.		
2.		

- 12.8.[11.8.] The municipal manager shall collect all the ballot papers and count same in the presence of a representative from each party represented on the council or committee and present at such meeting.
- 12.9.[11.9.] The speaker or chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon the minutes.

12.10.[11.10.] The number of members voting will be recorded, and the general result of the vote. The outcome of the voting will be announced by the speaker or chairperson.

12.11.[11.11.] A member may abstain from voting without leaving the chamber.

12.12.[11.12.] A member may request that his/her support / dissent / abstention be recorded in the minutes of the meeting.

**13.[12.] When councillors may not attend and participate in the proceedings of the council, executive committee, portfolio committee or subcommittee**

A councillor shall-

13.1.[12.1.] Disclose to the council, or to any committee of which that councillor is a member, any direct personal or private business interest that the councillor, or the spouse, partner or business associate of that councillor may have in any matter before the council or the committee;

13.2.[12.2.] Withdraw from the proceedings of the council or committee meeting when the matter is being considered by the council or committee, unless the council or the committee decides by resolution, that the councillor's direct or indirect interest in the matter is trivial or irrelevant. A councillor who has so disclosed his/her interest may, with the approval of majority of the members of the council or its committee, address the council or committee on the matter prior to the deliberation and vote on the matter taking place, subject always to the ruling of the speaker or chairperson on the time to be allowed for such an address.

13.3.[12.3.] A councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the council or committee of the council at which it is possible for the councillor to make a disclosure.

13.4.[12.4.] This provision does not apply to an interest or benefit which a councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.

13.5.[12.5.] The provisions of 13.1 to 13.4 above will apply *mutatis mutandis* to members who are not councillors.

#### **14.[13.] Walkout**

If a councillor or group of councillors leave any meeting in protest, and the remainder of the councillors constitute a quorum the business of the meeting shall be proceeded with.

#### **15.[14.] Count out**

If during any sitting of the council or any committee, the attention of the speaker or chairperson is called to the number of members present, he/she shall count them, and if found that there is not a quorum present, the matter shall be dealt with in accordance with 11 above.

#### **16.[15.] Adjourned meetings**

The council or a committee may adjourn a meeting to any date or hour, but no business shall be transacted at any adjourned meeting except such as was set out in the notice for the meeting of which it is an adjournment.

#### **17.[16.] Notice of adjourned meeting**

When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of the council or committee, specifying the time, date and place of such adjourned meeting, except under the circumstances contemplated in 34 below.

#### **18.[17.] Chairperson of meetings**

18.1.[17.1.] At every meeting of the council the speaker, or if he/she is not present, an acting speaker shall be the chairperson. An acting speaker may be elected by the majority of councillors present at any meeting of the council where the speaker is not present.

18.2.[17.2.] The mayor shall chair meetings of the executive committee and if not present, any other councillor appointed by a majority of the members of the executive committee in attendance.

18.3.[17.3.] The chairperson appointed by the council shall chair meetings of the committees established in terms of section 79 of the Structures Act and if not present the chairperson shall nominate an acting chairperson.

18.4.[17.4.] The chairperson appointed by the executive committee shall chair meetings of the committees established in terms of section 80 of the Structures Act and if not present the chairperson shall nominate an acting chairperson.

18.5.[17.5.] The person so nominated by the council, executive committee or committee shall chair meetings of committees and subcommittees; provided that where no such person was nominated the members present may elect their own chairperson.

**19.[18.] Agenda**

19.1.[18.1.] Subject to 19.2 and 19.3 below, all meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated.

19.2.[18.2.] The speaker or chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.

19.3.[18.3.] The speaker or chairperson may, after considering a duly motivated request, direct that a matter be moved between the confidential and open parts of the agenda.

**20.[19.] Business at meetings**

The order of business at every ordinary meeting of the council, the executive committee or a committee is as follows:

<b>Council</b>	<b>Executive Committee</b>	<b>Committee</b>
<ul style="list-style-type: none"> <li>• Opening and welcome</li> <li>• Reading of notice convening the meeting</li> <li>• Applications for leave of absence</li> <li>• Determination of quorum</li> <li>• Adoption of the agenda</li> <li>• Declaration of interest</li> <li>• Announcements</li> <li>• In committee</li> <li>• Motions</li> <li>• Confirmation of minutes from previous meeting</li> <li>• Matters arising from the minutes</li> <li>• Executive committee minutes for notification</li> <li>• Items for approval</li> <li>• Items for noting</li> <li>• Closure</li> </ul>	<ul style="list-style-type: none"> <li>• Opening and welcome</li> <li>• Reading of notice convening the meeting</li> <li>• Applications for leave of absence</li> <li>• Determination of quorum</li> <li>• Adoption of the agenda</li> <li>• Declaration of interest</li> <li>• Announcements</li> <li>• In committee</li> <li>• Motions</li> <li>• Confirmation of minutes from previous meeting</li> <li>• Matters arising from the minutes</li> <li>• Items from directorates &amp; the municipal manager</li> <li>• Items for approval</li> <li>• Items for noting</li> <li>• Closure</li> </ul>	<ul style="list-style-type: none"> <li>• Opening and welcome</li> <li>• Reading of notice convening the meeting</li> <li>• Applications for leave of absence</li> <li>• Determination of quorum</li> <li>• Adoption of the agenda</li> <li>• Declaration of interest</li> <li>• Announcements</li> <li>• In committee</li> <li>• Confirmation of minutes from previous meeting</li> <li>• Matters arising from the minutes</li> <li>• Items from directorates &amp; the municipal manager</li> <li>• Items for approval</li> <li>• Items for noting</li> </ul>

## **21.[20.] Leave of absence**

- 21.1.[20.1.] Applications for leave of absence from any council or committee meeting must be submitted to the speaker or the chairperson in writing and signed by the member applying for leave.
- 21.2.[20.2.] All applications for leave must be submitted at least 12 hours before the starting time of the meeting.
- 21.3.[20.3.] The speaker or chairperson shall grant leave at his or her discretion, and the speaker is at liberty to reject such application for leave of absence.
- 21.4.[20.4.] Leave will be deemed to have been granted if a councillor or senior manager has been delegated in writing to attend another meeting or engagement on behalf of the council or the municipality.

## **22.[21.] Minutes to be kept and confirmation thereof**

- 22.1.[21.1.] Minutes of the proceedings of every meeting of the council and committee, shall be electronically or otherwise recorded and be kept for that purpose by the director: corporate services. The municipal manager shall be responsible for the correctness of the same, and the minutes of every meeting shall be confirmed at the next ordinary meeting.
- 22.2.[21.2.] Minutes of the proceedings of every meeting of the council or a committee shall be word processed or typed and printed, and shall if confirmed, be signed at the next ensuing ordinary meeting by the speaker or chairperson. Minutes shall be bound and kept secure.
- 22.3.[21.3.] The municipal manager must ensure that the minutes reflect the names of the members that attended the meeting, those that are absent and those that have been granted leave of absence.
- 22.4.[21.4.] All resolutions of every meeting of the council and committee meetings must be recorded in a separate resolutions register.
- 22.5.[21.5.] No member shall be entitled to record any of the proceedings of an in committee meeting or a meeting closed to the public or copy any confidential motion, item or report or part thereof.

## **23.[22.] No discussion on minutes under confirmation of minutes**

No motion or discussion shall be allowed upon the confirmation of the minutes, except as to its accuracy.



## **24.[23.] Petitions to be written, typed or printed**

Petitions, which must be clearly written, typed or printed, must be signed by not less than three citizens and must be couched in respectful language and presented to the office of the municipal manager who shall, if he/she deems it necessary, bring the matter before the executive committee.

## **25.[24.] Deputations to submit memorandum**

Deputations wishing to be received by the executive committee shall be required, in the first instance to send a duly motivated memorandum in writing requesting same, and the municipal manager shall bring the memorandum before the executive committee, which may authorise, if it sees fit to receive the deputation, and to report to the council forthwith.

## **26.[25.] Reception of deputations**

A deputation wishing to address the executive committee shall not exceed five in number, but only one member thereof shall be at liberty to address the committee (except in reply to questions from members of the committee) and only for a period not exceeding ten minutes. The committee shall not further consider the matter until the deputation shall have withdrawn itself from the meeting.

## **27.[26.] Moving a report or item**

The speaker or chairperson shall move the recommendation contained in a report or item unless he/she shall have previously stated his / her disagreement with it. The speaker or chairperson of a committee or other member or senior manager presenting a report or item may withdraw or amend any section with the consent of the meeting, only if it has been established that a particular matter or matters in the original report or item was or were incorrectly recorded or it has been established that it would be in the best interest of the council or committee not to adopt a recommendation or a part or parts thereof.

## **28.[27.] Motions**

**28.1.[27.1.]** No matter shall be brought before the council or a committee by any member of the council except upon a notice of motion.

**28.2.[27.2.]** A notice of motion shall be in writing in the form of a draft proposal put to the council or committee and signed by the member giving the notice as well as the member seconding it: provided that a person who has a personal electronic mail address from where he / she can be identified by the municipal manager, can submit such motion by electronic mail.

- 28.3.[27.3.] Any notice of motion shall be submitted to the speaker or chairperson before 12:00, 10 days prior to the meeting of the council or committee. The speaker or chairperson shall submit a copy of the motion to the municipal manager within 24 hours of receipt.
- 28.4.[27.4.] A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated.
- 28.5.[27.5.] A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.
- 28.6.[27.6.] When a member introduces a motion which is intended to rescind or amend a resolution passed by the council in the preceding 3 months or which has the purport as a motion that was not supported within the 3 preceding months shall not be entertained.
- 28.7.[27.7.] When dealing with motions the motion shall be read out together with the number thereof and the name of the mover.
- 28.8.[27.8.] The speaker or chairperson shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the opposed motions shall be called in accordance with the order of the agenda.
- 28.9.[27.9.] All notices of motion shall be dated and numbered as received by the municipal manager, and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motions shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.
- 28.10.[27.10.] No member shall have more than two notices of motion on the same agenda at the same time.
- 28.11.[27.11.] Before any notice of motion is placed on the agenda paper the municipal manager must obtain the written technical input from the various directors of the municipality, if it is required, and, who, if he/she be of the opinion that it is *ultra vires* existing legislation or in any other manner unlawful, shall cause the giver of the notice to be so informed. The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the speaker, mayor and chief whip, who shall review the matter and decide whether or not such notice of motion be placed on the agenda paper.
- 28.12.[27.12.] A motion affecting the making or amending of a by-law, shall be submitted to the speaker for a report before the council passes a resolution in this regard.

28.13.[27.13.] A motion affecting a matter listed in section 30(5) of the Structures Act, shall be submitted to the executive committee for a report before the council passes a resolution in this regard.

28.14.[27.14.] Confidential motions, items and reports will not be handed out to members but will be projected on a screen.

28.15.[27.15.] The speaker or chairperson may disallow a motion which:

28.15.1.[27.15.1.] may lead to discussions of a matter already dealt with on the agenda;

28.15.2.[27.15.2.] addresses a matter where the council has no jurisdiction;

28.15.3.[27.15.3.] addresses a matter where a decision of a judicial or quasi-judicial body is pending;

28.15.4.[27.15.4.] has not been seconded

28.15.5.[27.15.5.] if passed, would be contrary to the law.

28.16.[27.16.] The mover with the consent of the seconder may withdraw a motion or amendment.

28.17.[27.17.] The speaker or chairperson may call upon any mover of an amendment to a motion to reduce the same to writing, and, after signing it, to hand it to the municipal manager to read the amendments for the meeting to either adopt or reject such amendment.

28.18.[27.18.] Except upon the recommendation of the committee to which the council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of the council shall be revoked or altered at any subsequent meeting unless notice of motion so to revoke or alter such resolution shall have been given to the municipal manager at least 7 days before such subsequent meeting and the municipal manager shall, at least 2 days before such subsequent meeting, have forwarded a copy of such notice of motion to each councillor.

## **29.[28.] Precedence of the speaker**

29.1.[28.1.] During the sitting of the council or a committee, members, except female members and members in traditional, cultural or religious headdress shall have their heads uncovered.

29.2.[28.2.] When speaking, councillors shall be seated, but at all times, address their speech to the speaker or chairperson.

29.3.[28.3.] Whenever the speaker or chairperson speaks, any member then speaking or offering to speak must be silent in order for the speaker to be audible and speak without interruption.

### **30.[29.] Relevance**

A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

### **31.[30.] Councillor to speak once only**

Except for otherwise provided for in these rules, no speaker shall speak more than once on any recommendation, motion or proposal, provided that the mayor or a member may reply in conclusion of a debate, but shall confine him / her to answering to previous speakers and shall not introduce any new matter into the debate.

### **32.[31.] Debate management**

32.1.[31.1.] Time allocated to each political party or interest group will be determined by the speaker.

32.2.[31.2.] At least 24 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the speaker or chairperson with a list indicating which matters on the agenda are to be debated and which are unopposed.

32.3.[31.3.] At least 12 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the speaker or chairperson with a list indicating which members will speak on which item included in the agenda.

32.4.[31.4.] The speaker will determine the allocation of time per item and inform the whips of the speaking time allowed to each member included in the list, based on the principle in 32.1 above.

32.5.[31.5.] Each political party or interest group represented in the municipality has the right to speak on each item on the agenda.

### **33.[32.] Length of speeches**

33.1.[32.1.] No speech shall exceed 3 minutes in length without the consent of the speaker or chairperson. This period shall exclude consecutive translation time required.

33.2.[32.2.] The speaker or the chairperson shall be entitled to, at any time, to set, limit or extend reasonable time limits for the discussion

of and/or any decision or any item or group of items on the relevant agenda.

33.3.[32.3.] The time limits shall be at the sole discretion of the speaker or chairperson guided by the principles of fairness, democracy, efficiency and good governance.

### **34.[33.] Disorderly conduct and the duty of the speaker or chairperson**

34.1.[33.1.] If at any meeting of the council or committee a member conducts himself or herself in an improper fashion, behaves in an unseemly manner or persistently obstructs business to be carried out or challenges the ruling of the speaker or chairperson on any point of order or declines to withdraw an expression when required to do so by the speaker or chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the speaker or chairperson shall direct such member to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, if he/she was standing.

34.2.[33.2.] In the event of persistent disregard of the directions of the speaker or chairperson, the speaker or chairperson shall direct such member to retire from the council chamber for the remainder of the meeting, and shall, if necessary, cause him/her to be ejected there from.

34.3.[33.3.] The speaker or a chairperson may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the speaker or chairperson, provided that a formal process in terms of the code of conduct of councillors will be initiated after the conclusion of the meeting in respect of councillors and / or traditional leaders.

34.4.[33.4.] Where a member refuses to retire or in the event of more than one member having to be ejected from the meeting, and such member/s refuse/s to leave the meeting, the speaker or chairperson shall request the sergeant at arms to facilitate the removal of such member/s from the council chamber. If this cannot be done orderly, the speaker or chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant member/s to retire or to be ejected from the council chamber. If, at the resumption of proceedings, the member/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The speaker or chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any member/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The sergeant at arms will ensure that such member/s do/does not enter such an alternative venue.

### **35.[34.] Obstruction by persons other than members**

Any person, other than a member, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the council or any committee at any meeting shall, if the speaker or chairperson so directs, be removed from the council chamber and the council precinct or the venue where the meeting is being held. If the person refuses to leave, the sergeant-at-arms will be responsible to remove such person from the meeting. The speaker or chairperson may exclude such person from further admittance to the council chamber, council precinct or the meeting venue for such period as it may be deemed fit.

### **36.[35.] Points of order and personal explanation**

36.1.[35.1.] Any member, regardless of whether he/she addressed the council on the matter under debate or not, may:

36.1.1.[35.1.1.] raise a point of order;

36.1.2.[35.1.2.] raise a point of personal explanation at the end of the debate.

36.2.[35.2.] Any point of order or personal explanation will not constitute a speech and will therefore not affect the right of any member to speak on a particular item, provided that the member will not be allowed to spend more than 2 minutes on the point of order or personal explanation.

36.3.[35.3.] Any member contemplated in 36.1 shall be entitled to be heard and the councillor speaking at the time shall remain silent until a ruling has been made by the speaker or chairperson.

36.4.[35.4.] The ruling of the speaker or chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

36.5.[35.5.] Any member will only be allowed to raise one point of order and one point of personal explanation during the council or other meeting. Only one point of order on the same matter will be allowed.

36.6.[35.6.] Any member persisting in a point of order or personal explanation after a ruling has been made by the speaker will be subject to the provisions of 34 above.

### **37.[36.] Questions**

37.1.[36.1.] Any member may submit a question requiring a written reply from any political office bearer, the municipal manager or other senior manager of the municipality, concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers, provided that a written notice of such a question has been submitted to the speaker or chairperson and the municipal manager at least 10 days prior to the council or committee meeting and the political office bearer and the municipal manager shall ensure that the member receive a written reply at the meeting.

37.2.[36.2.] If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, he / she may, with the permission of the speaker or chairperson, request a follow up question.

37.3.[36.3.] All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

### **38.[37.] Terms of reference of sub-committees**

Upon the appointment of any sub-committee the council shall specifically determine the terms of reference of such sub-committee and shall fix the quorum of such sub-committee. The rules shall apply to all sub-committees.

### **39.[38.] Council may increase or restrict powers**

With the exception of the executive committee whose functions are determined in terms of the Structures Act, and the committees whose functions and powers are determined in terms of section 80 of the Structures Act by the executive committee, the council may at any time extend, withdraw or modify the duties and powers of a committee or sub-committee appointed in terms of section 79 of the Structures Act.

### **40.[39.] Minutes of executive committee, committees and subcommittees**

Every committee, including the executive committee, except when specifically exempted from this provision by a resolution of the council or the executive committee in view of the sensitivity, confidentiality or otherwise of the subject matter of a particular meeting and provided the final resolution or recommendation is duly recorded in writing, shall record minutes of its proceedings and cause the same to be duly kept by the director: corporate services. At every ordinary meeting of a committee the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been sent to each member of the committee 24 hours previously. No discussion shall be allowed upon

the minutes, except as to their accuracy save at portfolio committees and even then at the sole discretion of the chairperson.

#### **41.[40.] Inspection of minute books by councillors**

The minutes of every council or committee shall be open for inspection by every member of the council during office hours; provided the demands of duties of the registry and secretariat staff is taken into account.

#### **42.[41.] Non-attendance of members of committees**

Should any member of a committee fail to attend 3 consecutive meetings of the same committee of which he / she is a member, without leave of absence having been granted as contemplated in 21 above, he/she shall be required to submit a motivation for such absence and if the speaker is not satisfied with such explanation, it shall be reported to the council that the councillor is deemed to have forfeited his / her seat on such committee, and such forfeiture shall be reported to the council or the executive committee to the end that the vacancy may be filled by the executive committee.

#### **43.[42.] Members of council attending committee meetings of which they are not members**

43.1.[42.1.] Members of the council may attend the meeting of any committee that they are not a member of, but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings.

43.2.[42.2.] The provisions of 43.1 will not be applicable to the MPAC and members of the executive committee will be requested to attend the MPAC meeting and the request for attendance will specify the matters that the member of the executive committee will be expected to address the MPAC on.

43.3.[42.3.] The rules with regard to agendas as set out above will also be applicable to requests to attend the MPAC and address it.

43.4.[42.4.] Any member of the executive committee requested to attend the MPAC may instruct the municipal manager or a senior manager to accompany him/ her to the MPAC meeting but may not instruct such official to appear and address the MPAC on his / her behalf.

#### **44.[43.] Information to be obtained from municipal manager or the head of department Concerned**



Subject to the provisions of 37 above, members of the council who desire to obtain from any official of the council information with regard to the administrative work of the council, which is not accessible to the general public, should address their enquiries firstly to the municipal manager and then to the relevant director.

#### **45.[44.] Information to the press or other media: in committee discussions**

45.1.[44.1.] The mayor, the speaker and the municipal manager in their discretion may, on application being made to him / her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the municipality.

45.2.[44.2.] In view of the mayor, the speaker and the municipal manager being the authorised channel through which the media may receive information and reports, members of the council are therefore obliged to refrain from disclosing to the media any documents or information supplied to them for consideration by the council or any committee: provided that this clause shall not be construed as abrogating a councillor's individual constitutional right to make press statements which reflect his / her own personal or political view and not that of the council, further provided however, that no discussion that took place in-committee may be conveyed to the public or the press except by the mayor, speaker or municipal manager.

45.3.[44.3.] Chairpersons of committees must liaise with the mayor, speaker and municipal manager for the publication of any information relating to committee and the municipal manager shall arrange, if approved, the publication of the relevant information.

#### **46.[45.] Suspension of rules**

No rule shall be suspended without the supporting vote of 75% of the members of the council and a motion duly seconded to suspend the rules shall be put without debate.

#### **47.[46.] Legal defence and indemnification of councillors, senior managers and officers of the council**

The council may determine the circumstances in which it will undertake the defence of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, a councillor, senior manager or an official may have against any person, body, organisation or institution arising from the councillor, senior manager or official's capacity as a councillor, senior manager or official of the municipality.

#### **48.[47.] Speaker may refer matters for legal advice**

The speaker shall be entitled, within the framework of the approved operational budget of the municipality and subject to the supply chain management policy, to refer any matter pertaining to the council and its proceedings, for legal opinion to the council's legal advisors.

#### **49.[48.] Right of the municipal manager to have advice recorded in the minutes**

49.1.[48.1.] The speaker or chairperson of a meeting must afford the municipal manager an opportunity to address that meeting on any matter before it in order to advise members thereof on the legality of any proposal or motion before the meeting.

49.2.[48.2.] The municipal manager has the right to have his or her advice regarding any motion or proposal which may:

49.2.1.[48.2.1.] cause unauthorised, irregular, fruitless or wasteful expenditure; or

49.2.2.[48.2.2.] be unlawful or in any manner beyond the authority of the municipality -

recorded in the minutes of the meeting where such advice was given.

#### **50.[49.] Activities prohibited within the council chamber or a meeting venue and the use of the council chamber by other persons or institutions**

50.1.[49.1.] The decorum of the council chamber as the official seat of governance of the municipality shall at all times be respected and adhered to by any person or institution using the facilities.

50.2.[49.2.] The following activities are strictly prohibited from being conducted within the confines of the council chamber or a meeting venue of the council or its committees by any person:

50.2.1.[49.2.1.] Having a cellular telephone that is not on silent mode and speaking on a cellular phone during the meeting;

50.2.2.[49.2.2.] Consuming any food or drink in his / her possession, excluding water provided at the meeting.

50.3.[49.3.] Caucus meetings of the various political parties may be held in the council chamber provided it is booked with the designated person in the corporate services directorate prior to the meeting, and subject to such bookings to be on a rotational basis for all the parties.

50.4.[49.4.] The use of the council chamber by any other person or institution, other than a recognised committee, body of or person in the employ of the municipality shall be subject to the approval by the speaker, and at all times subject to the availability thereof in terms of the council's calendar of use, and the purpose for which it is applied for. Applications for use shall be made in writing to the speaker who shall confer with the director: corporate services in making the venue available in writing.

### **51.[50.] Ward committees**

The council may by resolution determine the rules of procedure for the election of ward committees, the procedures at meetings, the reporting rules, and the rendering of secretarial services to these committees

### **52.[51.] Sanctions and offences**

A contravention of these rules by a member shall be regarded as a contravention of the code of conduct of councillors. Any member who contravenes any provision of these rules shall be dealt with in terms of section 14 of the code of conduct for councillors. Any senior manager or official who contravenes any provision of these rules shall be dealt with in terms of the applicable disciplinary code.

### **53.[52.] Dress code**

53.1.[52.1.] The Council may by resolution prescribe a dress code for members attending meetings.

53.2.[52.2.] Notwithstanding the provisions of any resolution passed in accordance with 53.1, no member shall be allowed to wear any clothing or accessory containing party political paraphernalia to any meeting.

### **54.[53.] Official language**

54.1.[53.1.] The official written and spoken language of the council and the committees is English.

54.2.[53.2.] Every member has the right to use the language of his or her choice during debates in council and committee meetings. All

discussions and decisions must, however, be recorded in English in the minutes and / or resolutions.

54.3.[53.3.] Every member is entitled to request that any document be translated into one of the official languages.

54.4.[53.4.] Any member who requires the services of a translator shall notify the municipal manager 3 days in advance of the meeting and 7 days in advance for the translation of a document. The employment of the services of a translator shall be in the discretion of the municipal manager and subject to practicability and the expense of choosing any particular language.

## **55.[54.] Conflict of interest**

Should the speaker or chairperson be conflicted in any manner then the municipal manager shall assume the rights and obligations of the speaker or chairperson in terms of the rules until such time as an acting speaker or chairperson is elected.

## **56.[55.] Provisions for meetings and decisions other than by physical presence (virtual)**

56.1.[55.1.] Nothing in these rules shall be interpreted as preventing a member to attend a meeting of the council or committee by means other than his or her physical presence through the use of technology (virtual).

56.2.[55.2.] The council or committee may, in the sole discretion of the speaker or chairperson, confer by telephone, closed circuit television, webinar, video meeting or any other appropriate means of communication. The provisions of these rules shall apply to all such meetings save as expressly provided below.

56.3.[55.3.] During such meetings members must:

56.3.1.[55.3.1.] Where available, make use of the video function when speaking;

56.3.2.[55.3.2.] Mute the microphone on his or her device when not speaking;

56.3.3.[55.3.3.] Where available, make use of the 'chat' function or the hand raising function to engage in the dialogue; and

56.3.4.[55.3.4.] Wait for the chairperson of the meeting to be called upon to speak or unmute the microphone on his or her device.

56.4.[55.4.] Members who have accessed a meeting via the secure link sent to their email address or mobile phone number or any other

means shall be deemed present for the purposes of establishing a quorum.

56.5.[55.5.] No person, other than another invited member of the meeting, may be present when members attend any meeting by means other than his or her physical presence through the use of technology (virtual).

56.6.[55.6.] Notwithstanding that members are not physically present in one place at the time of meeting, a resolution passed by members constituting a quorum at such a meeting shall, provided such resolution is recorded in writing, be deemed to have been passed at a meeting of the council or committee held on the day and at the time when the meeting was held.

56.7.[55.7.] Members shall be entitled to cast their votes electronically or by voice. Only members who are present when a vote is called shall be permitted to vote. The results of a vote will be announced and the names of members and how they voted must be recorded in the minutes. Members must ensure that their votes are correctly recorded.

56.8.[55.8.] For the purposes of voting the municipal manager shall maintain a system that is capable of verifying the votes of members cast either electronically or by voice.

56.9.[55.9.] Provision must be made for the public to access a meeting in the manner provided for in 56.2 above. The public notice of the municipality's non-physical meeting, must:

56.9.1.[55.9.1.] state that there is no physical meeting location;

56.9.2.[55.9.2.] describe how members of the public can observe the meeting;

56.9.3.[55.9.3.] provide a phone number or email address where members of the public can obtain additional information on how the municipality conducts the meeting and get assistance in operating the required software and / or equipment to observe the meeting.

56.10.[55.10.] Alternatively the meeting may be streamed live on the municipality's Facebook page or recorded and made available on the municipality's website as soon as possible after the meeting. In such event the public notice in 56.9 above must state accordingly.

Date of Approval by Council: 30 July 2021

Resolution Number: 033/OCM/21

---

MM YAWA

MUNICIPAL MANAGER

<b>Resolution No: 033/OCM/21</b>	<b>Date approved: 30 July 2021</b>
----------------------------------	------------------------------------