

# **CITY OF MBOMBELA**

## **STANDING RULES OF ORDER OF COUNCIL**

**(COUNCIL RESOLUTION A(2) OF 13 DECEMBER  
2016 – ANNEXURES 420/16 AND 438/16)**

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## 1. Purpose of the Rules

- (1) These are rules for proceedings of the Council of the City of Mbombela and for the exercise of its powers.
- (2) The Rules are intended to enable Council to fulfill its constitutional responsibilities. This means that the rules must:
  - (a) promote the orderly conduct of Council and its committees;
  - (b) promote the ability of Council to conduct its business, oversee the executive and facilitate public participation;
  - (c) facilitate debate and discussions;
  - (d) ensure that all parties and Councillors have an opportunity to participate in the work of the Council in line with the constitutional dispensation;
  - (e) ensure public access to the Council and its proceedings and facilitate public participation in its processes; and
  - (f) promote democratic order, non-racialism, non-sexism and exclude any other forms of discrimination.
- (3) These Rules are not intended to diminish or restrict Council's powers, privileges and immunities.
- (4) These rules must be read in conjunction with any relevant national legislation, applicable local government legislation and the Constitution of the Republic of South Africa.

## 2. Publication and display of the Rules

These Rules must be published in the language of record (English) and a copy of the Rules must be provided to Councillors for easy reference.

## 3. Definitions

In these Rules-

*"Closing a Council meeting or a meeting of a committee" means closing the meeting and any unfinished business needs to be rescheduled by inclusion thereof on the next Council or committee meeting agenda.*

*"Act" means Act No. 117 of 1998, the Local Government: Municipal Structures Act.*

*"Agenda" means the document that describes the business of the Council or committee for discussion at the meeting and includes the proceedings for the meeting.*

*"CAPEX" means capital expenditure.*

*"Council business" means any item before Council or its committees or other business that the Council or its committees may consider.*

*"Chair of Chairs" means the person who chairs the Section 79 Committee of Chairpersons.*

*"Committee" means a committee of Council, unless otherwise indicated, e.g. Mayoral Committee.*

*"Council Chamber" means the room in which the proceedings of the Council take place, excluding those areas where members of the public and the media may follow the proceedings.*

*"Council Precinct" means any place de facto occupied by Councillors for their duties and over which the Speaker has authority.*

*"Chief Whip of Council" means the chief whip of the majority party represented on Council.*

*"Constitution" means the Constitution of the Republic of South Africa, Act 108 of 1996.*

*"Council" means an assembly of elected representatives of the municipality in plenary, either in Council or in committees of Council.*

*"Councillor" means a member of the Council.*

*"Day" means calendar day, unless otherwise indicated.*

*"Executive" means the Executive Mayor and Members of the Mayoral Committee.*

*"Formal" means a suit and tie, or at least a suitable long sleeve shirt and tie for Council meetings and neatly dressed or formal attire, exclusive of smart casual, for committees of Council and workshops.*

*"IDP" means Integrated Development Plan.*

*"Languages of Council" means languages recognized in terms of the Language policy of the City of Mbombela Council.*

*"Leader of Government Business" is a Councillor appointed by the Executive Mayor to manage the interface between the Executive and the Legislature.*

*"Majority of the members of the Council" means 50% plus 1 of the members of Council.*

*"MFMA" means the Local Government: Municipal Finance Management Act, 56 of 2003.*

*"MMC" means Member of the Mayoral Committee.*

*"MOE" means Municipal Owned Entity of the municipality.*

*"Motion" means a proposal for a matter to be adopted or debated by Council.*

*"Municipal Code" means the official record of all applicable by-laws of Council.*

*"Party Whip" means a Councillor designated by his/her party to serve in that capacity.*

*"Petitions policy" means the adopted Council Petitions policy.*

*"Point of Order" means an interjection, during a meeting of Council or a committee, by a Councillor, who does not have the floor, to call the attention of the Presiding Officer to an alleged violation or breach of the Standing Rules and/or other procedure.*

*"Nuisance" meaning irritation or annoyance.*

*"Presiding Officer" means the Speaker of Council, the Chairperson of a Section 79 Committee or any other Chairperson of a committee of Council.*

*"Public" means members of the public in as far as they are within the precincts of Council.*

*"Quorum" means a total of 50% plus one of Councillors elected, unless otherwise stipulated in the Rules.*

*"SALGA": means the South African Local Government Association.*

*"Secretary" means the Secretary to Council or any person delegated or appointed by the Secretary to Council to perform Council's secretariat functions in his/her absence.*

*"Security personnel" means security personnel employed directly by or subcontracted to the municipality, to ensure the safety of the property and*

*persons of the municipality.*

*“Systems Act” means Act no. 32 of 2000, the Local Government: Municipal Systems Act.*

*“Legislature” is the Legislative/oversight arm of Council.*

*“Whippery” means a structure representative of all party whips of political parties represented on Council.*

## **4. Authority and application of the Rules**

These Rules apply to-

- (a) all Councillors;
- (b) Council and its committees;
- (c) all political parties represented in Council;
- (d) any member of the public while present in the Council Chamber and its precinct;
- (e) all employees of the municipality in the course and scope of their employment;
- (f) Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act ,117 of 1998;
- (g) any consultant or contractor to the Legislature, in the course of fulfilling their consulting or contractual obligations.

### **4.1 Sub-Councils and Ward Committee meetings**

These Rules of Order shall not apply to meetings of Sub-Councils and Ward Committees, which meetings are governed by its own Rules of Order.

## **5. Changing the Rules**

- (1) A Rule may be amended, revoked or added by a resolution of Council.
- (2) Any Councillor proposing a change to the Rules must submit the proposal in writing to the Rules and Ethics Committee, which committee shall process the proposal in accordance with its terms of reference.
- (3) A proposal to change the Rules must be introduced by the Speaker of Council and accompanied by a report of the Rules and Ethics Committee.

## **6. Interpretation of the Rules**

- (1) The Speaker must give a ruling: –
  - (a) whenever a question arises about the interpretation or application

of a Rule;

- (b) in cases not provided for in these Rules.
  - (c) when the Speaker gives a ruling, he or she must consider best practices and be guided by:-
    - (i) the prescripts of the Constitution of the Republic of South Africa
    - (ii) National and Provincial Legislation
    - (iii) Municipal by-laws and policies
    - (iv) the Rule of Law and the Rules of Natural Justice
    - (v) previous rulings;
    - (vi) the established practices of Council.
- (2) A ruling on a case not provided for in these Rules remains in force until Council has decided on the matter.
  - (3) Any interpretation and ruling made by the Speaker should be minuted and such minutes be made available to any Councillor on request.
  - (4) Any Councillor who has made a request in terms of the interpretation of the Rules may orally, during that meeting or within five working days thereof in writing, require the Secretary to Council to submit the matter to the Rules and Ethics Committee, in which event the committee shall consider the ruling and report thereon to Council.
  - (5) Council may, on the recommendation/s of the Rules and Ethics Committee, direct that the ruling of the Speaker be amended or substituted.

## **7. Precincts of Council**

- (1) The precincts of Council are the areas of land and every building or part of a building under Council's control, including:-
  - (a) the Chamber in which the proceedings of Council are conducted and the galleries and lobbies of the Chamber;
  - (b) Committee Rooms and other meeting places provided or used primarily for Council's purposes;
  - (c) every other building or part of a building provided or used in connection with the proceedings of Council, while so used;
  - (d) every part of the building in which the Chamber is situated and every forecourt, yard, garden, enclosure or open space appurtenant thereto.
- (2) Insofar as it may be necessary, in a case where Council or its committees convene beyond the seat of Council, these Rules apply as if the premises where Council or its committees are meeting, were within the precincts of Council.

## **8. Ceremonies**

Ceremonies constitute:

- (a) End of the Term Council function before local government elections.
- (b) The first meeting of the Council after an election (Inaugural).
- (c) Inauguration of the Executive Mayor.
- (d) The official opening of Council each year.
- (e) Budget Speech by the Executive Mayor.
- (f) Designated Special meetings, as determined by the Speaker of Council.
- (g) Closing of Council before the December recess, being the last Council meeting of the calendar year.

## **9. First meeting after an election**

### **9.1 Council sits within fourteen (14) days**

In accordance with section 29(2) of the Local Government: Municipal Structures Act, 117 of 1998, the Municipal Manager or, in the absence of the Municipal Manager, a person designated by the MEC for Co-operative Governance and Traditional Affairs, must call the first meeting (Inaugural) of Council within 14 days after the Councillors have been declared elected.

### **9.2 Councillors take oath of affirmation**

- (1) At the first meeting of Council after an election, after the notice convening such a meeting has been read and before Councillors may begin to perform their functions, they must swear or affirm before a judicial officer, faithfulness to the Republic, obedience to the Constitution and that they will perform their duties and functions as Councillors to the best of their abilities.
- (2) Councillors who fill a vacancy in Council between elections must, before a judicial officer, take an oath or affirm their faithfulness to the Republic, obedience to the Constitution and that they will perform their duties and functions as Councillors to the best of their abilities, prior to commencing with their duties and functions in Council.

### **9.3 Election of Speaker**

- (1) After all Councillors present have taken the oath or affirmation, Council must elect one of its Councillors as the Speaker in accordance with the procedure set out in section 36 of the Local Government: Municipal Structures Act, 117 of 1998.



- (2) After the Speaker has been duly elected, the Municipal Manager or the designated person by the MEC for Co-operative Governance and Traditional Affairs, ceases to be the Presiding Officer of Council and the newly elected Speaker further presides over the meeting as prescribed in section 37 of the mentioned Act.

#### **9.4 Acting Speaker**

If the Speaker is absent, or not available to undertake his/her duties or needs to be relieved during a meeting, Council shall elect a Councillor from amongst its members to be the acting Speaker.

#### **9.5 Election of Executive Mayor**

- (1) After the election of the Speaker, Council must elect one of its Councillors as the Executive Mayor in accordance with section 55 of the Local Government: Municipal Structures Act, 117 of 1998.
- (2) After the election of the Executive Mayor, the Speaker must inform Council of the date and time on which the Executive Mayor will deliver his/her address.

### **10. Leader of Government Business (LGB)**

As soon as possible after an election or, whenever the position of the Leader of Government Business is vacant, the Executive Mayor must appoint a Member from the Mayoral Committee as Leader of Government Business in Council and inform the Speaker of the appointment.

### **11. Council meetings open to the public and media**

- (1) The Municipal Council shall conduct its business in an open and transparent manner and every meeting of Council and all its committees, excluding the Mayoral Committee, shall be open to the public and media, 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) of the Local Government: Municipal Systems Act, 32 of 2000.
- (2) The Act further dictates that Council may not exclude the public, including the media, except when the following matters are considered:
  - (i) legal proceedings involving Council
  - (ii) personal and private information of any Councillor or an employee of the municipality
  - (iii) the intention of the municipality to purchase or acquire land or buildings
  - (iv) the price a municipality may offer for the purchase or acquisition of land or buildings
  - (v) any report addressing legal proceedings that the

- municipality is involved in or contemplating instituting or defending
- (vi) disciplinary proceedings or proposed disciplinary proceedings against any employee
  - (vii) any item on the appointment, emoluments, misconduct or removal of any employee of Council
  - (viii) any other matter that may not be disclosed in terms of legislation
  - (ix) consideration of the minutes of previous In-Committee discussions.
- (3) A Councillor may, when an item on the agenda is put to order, other than a matter referred to in sections 11.1 and 11.2 above and provided it is not a matter required by law to be dealt with in Open Council, propose, with a 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.
- (4) The Speaker or presiding officer of a committee must take reasonable measures to regulate public access to meetings, including the media and arrange for the search of any person, the removal of any person from, or refusal of entry to any meeting, where appropriate.
- (5) The Speaker and presiding officer of any committee must:
- (i) set aside places designated for the public, including the media, at meetings;
  - (ii) determine the entrance and exit routes for the public to access meeting venues.

## **12. Frequency of Ordinary Council meetings**

Council shall hold an Ordinary meeting for the transaction of its business not less than once in every three months (quarterly).

## **13. Special Council meetings/workshops**

- 1
- 13.1 The Speaker may at any time of own accord and shall, upon request in writing of a majority of the Councillors of the municipality, call a Special meeting/workshop of Council, provided that no such Special meeting/workshop shall take place unless all Councillors were given 48 hour notice prior to the date and time set for the meeting/workshop.
- 13.2 In the event where the Speaker fails or refuses to call a Special Council meeting when requested to do so in accordance with section 13.1 above, the Municipal Manager of the municipality may call the meeting.

## **14. Notice of meetings**

- 14.1 In terms of section 29 of the Local Government: Municipal Structures Act, 117 of 1998, the Speaker must determine the date, time and venue of Council meetings and, in the case of Ordinary meetings, must ensure that such meetings take place at least quarterly.
- 14.2 The Speaker must give written notice of every Ordinary meeting of Council not less than seven calendar days before such Ordinary meeting and provide the agenda for the meeting at least four calendar days before such meeting, to each Councillor to enable members to prepare adequately, provided that, when a Special Council meeting must be convened due to urgent matters, the written notice and agenda for such Special meeting may be given not less than 48 hours before the meeting.
- 14.3 The written notice specified in section 14.2 above, of every meeting to all Councillors, shall be done by means of Council's short message system (sms) and the agenda delivered to the relevant Regional Centers within Mbombela as indicated by each Councillor, for collection. However, Councillors should note that it is their responsibility to ensure that they receive the agenda in preparation for the meeting and to inform the Office of the Speaker should any problems be experienced in that regard.
- 14.4 The accidental omission to serve a notice to any Councillor in line with section 14.2 above, or the late receipt of such a notice and agenda, shall not affect the validity of the relevant meeting.
- 14.5 Whenever a meeting of Council is called, the Office of the Speaker must give notice of the meeting stipulating the time, date and venue of the meeting by also placing a notice to this effect on Council's notice board and by placing an advertisement in two (2) local newspapers. The obligation to place an advertisement in the newspapers may be dispensed with at the discretion of the Municipal Manager in cases where time constraints do not allow these advertisements to be placed.
- 14.6 The agenda mentioned in subsection 14.2 above shall be delivered by the Secretary to Council to the office of the Municipal Manager. All other employees nominated by the Municipal Manager to receive such notice, shall collect it at the Records Unit.

## **15. Attendance of meetings**

- 15.1 Every Councillor must, in terms of clause 3 of the Municipal Systems Act, 32 of 2000 (MSA)- Code of Conduct for Councillors, attend each meeting/workshop of the Council and

committee of Council of which that Councillor is a member, and remain in attendance at such meeting/workshop, except when:

- (a) on prior written application, in the prescribed format, by the Councillor to the Speaker (for Council-, Section 79-and House Committee meetings as well as workshops) and the Executive Mayor (for Mayoral Committee meetings) and the Speaker/Executive Mayor accepting the reason/s for his/her inability to attend an Ordinary or Special Council meeting, an Ordinary or Extraordinary meeting of the Mayoral Committee or any other committee meeting of Council, absence of leave is granted, provided that due to reasons beyond the control of the Councillor concerned, verbal application for leave of absence for that Councillor may be made by another Councillor to the Speaker/Executive Mayor/Chairperson and provisionally granted by the latter, subject thereto that a written, acceptable application be submitted to the relevant Office within 7 (seven) working days after the date of the meeting;
- (b) a Councillor is required to withdraw from the meeting in terms of the Code of Conduct for Councillors.

15.1.1 The Speaker/Executive Mayor may, where a Councillor, due to unforeseen circumstances, is unable to submit prior application for leave of absence from an Ordinary or Special Council meeting, an Ordinary or Extraordinary Mayoral Committee meeting or any other committee of Council meeting, approve such leave of absence on verbal or written application after the meeting, subject thereto that if such application was submitted verbally, leave be granted provisionally, subject to such verbal application being confirmed in writing within 7 (seven) working days of such meeting.

15.2 A contravention of any stipulation under section 15.1 above, constitutes misconduct which is subject to sanction as prescribed hereunder.

15.2.1 All applications for leave of absence must include clear reasons for the Councillor's inability to attend the meeting and must distinguish clearly between non-attendance due to personal matters and non-attendance due to the Councillor attending to other matters of Council (official business).

15.2.2 All Councillors must inform the Office of the Speaker at all times of their unavailability to perform their duties as Councillors as a result of them being on vacation leave, being ill, being away from office or any other reason, as well as the period of such absence.

15.3 Leave of absence may be granted in the following circumstances:

- (a) vacation leave, once a year;
- (b) sick leave, provided that a letter/certificate from a

medical practitioner or registered traditional healer is submitted and limited to a maximum of three months' consecutive meetings (further sick leave be considered, on merit, by the Speaker in consultation with the Party Whips and such extension be linked to the salary of such Councillor);

- (c) serious illness or death of a family member (to be approved by the Speaker in consultation with the Party Whips);
- (d) urgent matters beyond the Councillor's control that require the Councillor's immediate personal attention;
- (e) a prior official engagement elsewhere (municipal business);
- (f) other reasons, as approved by the Speaker, in consultation with the Party Whips, such as in cases where scheduled meetings have been rescheduled.

15.4 Subject to the provisions of sections 15.1 and 15.2 above, any Councillor who, without having first obtained leave of absence from the Speaker, otherwise than in circumstances beyond his/her control, fail to attend three consecutive meetings of Council, the Mayoral Committee or any committee meeting of Council of which that Councillor is a member, irrespective whether it is Ordinary, Special or Extraordinary meetings, shall, subject to the provisions of section 15.8, be removed from office as a Councillor.

15.5 Subject to the provisions of section 15.1, the Speaker shall impose, in terms of clause 4 of Schedule 1 of the Code of Conduct for Councillors, the following fines on any Councillor who, during his/her term of office, without having first obtained leave of absence from the Speaker/Executive Mayor, fail to attend a meeting of Council, the Mayoral Committee or a committee of Council of which that Councillor is a member, or fail to remain in attendance at such a meeting, or is absent from a meeting more than once a year on account of vacation leave:

- (a) For non-attendance of a first meeting- a fine equal to 10% of the Councillor's allowance, per month;
- (b) For the non-attendance of a second meeting- a fine equal to 15% of the Councillor's allowance, per month;
- (c) For non-attendance of a third meeting- a fine equal to 20% of the Councillor's allowance, per month.

15.6 Every member present at a meeting of Council, the Mayoral Committee or any committee/workshop of Council, shall sign the attendance register for that meeting/workshop, which shall be made available by the relevant Secretariat.

15.7 The Offices of the Speaker and Executive Mayor shall submit, at the first Ordinary meeting of the Council every calendar year, a return indicating the attendance of every Councillor at meetings of Council, the Mayoral Committee and any other committee of Council held during the previous calendar year,

respectively, as a report to Council.

15.8 The following procedure shall apply for the imposition of a fine as provided for in section 15.5 and the removal of a Councillor from office, as provided for in section 15.4:

- (a) When a Councillor is absent from a meeting of Council or a committee of Council, without leave of absence being granted in terms of section 15.1, the Speaker shall inform such Councillor in writing, within seven working days from the date of the meeting from which the Councillor was absent, of such contravention, the fine imposed and the possible consequences in terms of section 15.5.
- (b) When a Councillor is absent from a meeting of Council or committees of Council, without leave of absence, such Councillor may, within 7 (seven) working days from the date of receiving written notice from the Speaker, submit written reasons to the Speaker by hand or registered mail, why a fine should not be imposed on such Councillor. The Speaker shall pronounce himself/herself in writing on such plea before any deduction is made from the relevant Councillor's allowance.
- (c) When a Councillor is absent from three or more consecutive meetings of Council or a committee of Council, without leave of absence and having been notified by the Speaker of each such contravention, the Speaker shall notify such Councillor in writing, within seven working days from the date of the last meeting from which the Councillor has been absent without leave, to appear before a disciplinary committee, being the Rules and Ethics Committee, on a date and time and at a venue as determined by the Speaker, to give evidence, submit documentation and call witnesses on why such Councillor should not be removed from office, at the close of which the Rules and Ethics Committee shall make a ruling in line with the relevant legislation.
- (d) The written notices in sub-paragraphs (a) and (c) above shall be hand delivered to the Councillor involved in the Office of the Speaker, after the Councillor has been called in to receive such, or, if that is not possible, to the business address or residential address on record of the Councillor concerned and any person who appears to be of 18 years of age or older present on the relevant premises, can receive and acknowledge receipt of such a request, alternatively, the written notice shall be mailed by registered mail to the last available postal address of the Councillor concerned, in which case the date of receipt shall be deemed to be 7 (seven) working days from the date that the request was so mailed.
- (e) On having made a finding on such Councillor's absence, the Rules and Ethics Committee shall submit a report with recommendations to Council at its next meeting.

- (f) Council shall then attend to the matter in terms of Schedule 1, clause 14(2) of the Municipal Systems Act.

15.9 The Councillor concerned shall have the right to appeal to the MEC for Co-operative Governance and Traditional Affairs, as provided for in Schedule 1, clause 14(3) of the Municipal Systems Act.

15.10 If the Speaker is absent from a meeting or meetings of Council without leave of absence, the Councillor appointed as Acting Speaker by the Council shall perform the duties of the Speaker in terms of the prescripts of the Municipal Systems Act.

## **16. Quorum**

16.1 A quorum for a meeting of the Municipal Council shall be 50% plus 1 of the total number of Councillors and for the Mayoral Committee or any committee of Council, it will be 50% plus 1 of all the serving members of such a committee.

16.2 If after twenty (20) minutes after the time for which the meeting was scheduled for as stated in the written notice, in terms of section 14.2, no quorum as contemplated in section 30 of the Municipal Structures Act, 117 of 1998, is present, the meeting shall not take place, unless the Councillors present agree to wait for a further maximum period of 10 minutes to obtain a quorum, after which the business of such a meeting shall stand over to the next Ordinary meeting of Council or Special meeting, especially convened by the Speaker, due to reasons of urgency, at the discretion of the Speaker.

16.3 Whenever during a meeting of Council, Councillors leave the meeting to the extent that a quorum is no longer present, the Speaker shall suspend the proceedings of the meeting for five minutes and, if after the five minute period there is still no quorum, the Speaker shall declare the meeting to be closed and the uncompleted business shall stand over to the next meeting.

## **17. Order of procession and entrance of the presiding members**

At the beginning of the proceedings, all Councillors should be seated 5 minutes before the start of the Council meeting, but when the Presiding Officer enters the Chamber, members must rise and remain standing until the Presiding Officer has requested them to take their seats.

The Sergeant at Arms shall lead the Speaker, Executive Mayor and the rest of the entourage to their seats in the following order:-

- (a) Sergeant at Arms carrying the Mace – Leading
- (b) Speaker
- (c) Executive Mayor
- (d) Municipal Manager
- (e) Secretary to Council

### **17.1 Roles and responsibilities of the Sergeant at Arms in Council**

The Sergeant at Arms is an officer appointed by Council to keep order during Council meetings. The incumbent appointed in this position shall thus be a retired soldier, police officer, or any other official with experience in security services.

In the above regard, the Senior Manager: Public Safety or any official acting on his/her behalf shall be the Sergeant at Arms of Council and his/her responsibilities at Council meetings shall be as follows:-

- (a) the Sergeant at Arms is the Security Officer of Council and is thus responsible for the safety and security of all members at Council meetings;
- (b) by order of the Speaker/Presiding Officer, he/she must remove or arrange for the removal of a person who, without permission, is present in the Council Chamber or any venue arranged for Council meetings;
- (c) by order of the Speaker/Presiding Officer, he/she must remove or arrange for the removal of a Councillor/person who disrupts the proceedings of Council, causes a nuisance or does not withdraw from the Chamber when ordered to do so;
- (d) under the direction of the Speaker or the Presiding Officer, he/she shall play an integral role of maintaining order and decorum in the Council Chamber;
- (e) towards achieving the set responsibilities, the Sergeant at Arms shall work in conjunction with Council's security officers;
- (f) the Sergeant at Arms shall lead formal processions at ceremonies such as the Mayoral Inauguration events;
- (g) he/she shall also announce the arrival of the Speaker and the Executive Mayor at all Council meetings;
- (h) he/she shall lead the procession and carry the mace and place it on the pedestal to the Speaker's right and, at the end of the sitting, he/she shall be responsible to remove the mace and ensure its safe custody.



## 18. Opportunity for prayer and meditation

At the commencement of Council business, the Speaker may afford members an opportunity for silent prayer or meditation, or may invite religious leaders to conduct a scripture reading and/or prayer. This must be done on an inter-faith basis.

## 19. Business of Council

(1) The order of business at an Ordinary Council meeting shall be as follows:-

- (a) Opening
- (b) Applications for leave of absence
- (c) Official Notices
- (d) Statements and Communications by the Speaker
- (e) Statements and Communications by other Councillors
- (f) Confirmation of minutes of previous meetings (The matters arising from previous meetings will be addressed by means of a template, attached to the agenda, indicating the progress made with such matters, on at least a quarterly basis)
- (g) Deputations
- (h) Questions of which notice has been given
- (i) Motions and Proposals referred from previous meetings
- (j) Reports:
  - (i) Non Delegated Powers-
    - (a) of the Executive Mayor
    - (b) of the Municipal Manager
    - (c) other, such as Section 79 Committee reports
  - (ii) Delegated Powers-
    - (a) of the Executive Mayor
    - (b) of the Municipal Manager
    - (c) other.

(2) After Council has finalized the matters in paragraphs (a) to (e) of subsection 19.1, it may consider the other matters on the agenda in any order, as decided by the Speaker, due to circumstances that necessitates the change of order of the business of Council on the agenda.

(3) The order of business of a Special meeting of the Council shall be as follows:-

- (a) Opening

- (b) Applications for leave of absence
  - (c) Official Notices
  - (d) Statements and Communications by the Speaker
  - (e) Reports
    - (i) of the Executive Mayor
    - (ii) of the Municipal Manager
    - (iii) other
- (4) No report or matter other than those specified on the agenda for the meeting, shall be considered.

## **20. Statements and communications by the Speaker**

The Speaker may, at any meeting of Council, when the item referred to in section 19.1(d) is called, without notice, make any statement and or communication which shall not be debated.

## **21. Statements and communications by other Councillors**

The Speaker may allow Councillors, at any Ordinary meeting of Council, when the item referred to in section 19.1(e) is called, to make statements and or communications, as arranged with the Speaker prior to the meeting, which shall not be debated.

## **22. Questions**

- (1) (a) Subject to paragraph (b), at any Ordinary meeting of Council, a question concerning the general business of Council, but not directly arising out of or connected with any item on the agenda, may be put without comment.
- (b) Notice of such a question shall be given, in writing, by the Councillor to the Secretary to Council, not later than fourteen calendar days before an Ordinary Council meeting and the Secretary to Council shall record such question/s in a register kept for such questions and shall provide a copy of such question/s to the Municipal Manager, Speaker and the Executive Mayor.
- (c) The Executive Mayor shall reply to the question/s put in terms of paragraphs (a) and (b) above, at the Ordinary meeting of Council, provided that such replies may be presented to Council in the form of a written statement/response and such written responses shall form part of the agenda under paragraph (h) of section 19.1.
- (d) A Councillor who puts a question in terms of this subsection shall be entitled in due course to be furnished with a written copy of the reply by the Executive Mayor as mentioned in (c) above.

- (2) At any meeting a Councillor may put questions directly arising out of or connected to any item on the agenda for clarification and such question shall not be regarded as a speech for the purposes of these Standing Orders.
- (3) The Speaker shall reply to the question mentioned in subsection 22(2) or the Speaker shall request the Executive Mayor, Member of the Mayoral Committee or the Municipal Manager to reply to such questions.
- (4) If questions in terms of this section cannot be clarified at the meeting at which such questions are put, Council may resolve that a matter be investigated and a report in that regard be submitted to Council at a next meeting for clarification.

## **23. Motions**

### **23.1 Nature of Motions**

- (1) A Councillor proposing that Council as a deliberative assembly takes a certain action must introduce a Motion in accordance with these Rules.
- (2) A Motion may, among other things, propose that Council resolves to:-
  - (a) adopt a report;
  - (b) make a recommendation to the Executive;
  - (c) express an opinion;
  - (d) amend a Motion before the Council;
  - (e) pass a motion pursuant to a specific section of the Constitution;
  - (f) censure a person or body;
- (3) A Councillor may move a Motion for ordinary debate.

### **23.2. Form of Motions**

- (1) A Motion must be in writing in one of the languages of the Council and must be signed by the Councillor submitting it as well as a member seconding it:
- (2) A Motion introduced by the Executive Mayor does not need to be seconded.
- (3) A Motion shall lapse if the member who submitted it does not move it or is absent from the meeting when such Motion is

being debated and did not apply for leave of absence, or has not requested another member to move it on his/her behalf after having duly informed the Speaker thereof at least a day before the meeting.

### **23.3. Procedure for consideration of a Motion**

- (1) No matter shall be brought before Council or any committee of Council by any member of the Council except upon a notice of Motion, which shall be in writing and signed by the member giving the notice as well as the member seconding it.
- (2) A Motion shall be given to the Secretary to Council within the Speakers Office, who shall enter it in a register kept for that purpose and such register shall be open to inspection by any Councillor.
- (3) At the request of a Councillor who gave the notice of a Motion, the Secretary to Council shall acknowledge receipt thereof in writing.
- (4) Every Motion shall be relevant to the administration of or the conditions in the municipality or shall deal with a matter in respect of which the municipality has jurisdiction.
- (5) A notice of a Motion shall not be specified in the summons for a meeting unless it is received at least ten (10) calendar days prior to such a meeting.
- (6) A Councillor submitting a Motion, or another member requested by him/her on his/her behalf and the Speaker having been informed about it at least a day in advance of the meeting, shall move such Motion and shall have the right of reply thereto.
- (7) All notices as contemplated above shall be dated and numbered as received by the Secretary of Council and shall be entered on the agenda in the order in which they were received, provided that a Motion amending another Motion, shall be entered upon the agenda immediately after the latter Motion, irrespective of the time when the notice of the Motion to amend was given.
- (8) Before the notice of Motion is placed on the agenda, it shall be submitted to the Municipal Manager who must obtain written technical input from the various Heads of Departments of the municipality, if it is required and who, if he/she be of the opinion that it is ultra vires in terms of existing legislation, shall cause the Councillor giving the notice of Motion to be so informed. The Councillor who gave the notice of Motion shall so have the right to appeal to the sub-committee comprising of the Speaker, Executive Mayor and the Chief Whip of the Council, who shall then review the matter and decide whether or not such notice of Motion should be placed on the agenda of the Council.
- (9) No Councillor shall have more than two (2) notices of Motion on the same agenda, with the exception of a deferred Motion and no Councillor shall move more than six Motions during any calendar

year.

- (10) When a member moves a Motion in terms of this section:-
- (a) which is intended to rescind or amend a resolution passed by the Council within the preceding three months;
  - (b) which has the same purport as a Motion which was negated within the preceding three months;

such Motions shall only be entered upon the agenda if the notice of such Motion is signed by no fewer than three Councillors, in addition to the Councillor who proposed the Motion.

- (11) No Councillor shall propose a Motion, similar to a Motion which was dealt with in terms of the provisions of subsection (10) before a period of six months after it has been dealt with, has elapsed.
- (12) Notwithstanding the provisions of subsections (10) and (11) above, the Council may at any given time, following a recommendation by the Executive Mayor, rescind or amend any resolution passed by it, subject to all vested rights of affected parties being protected.
- (13) A Motion affecting the making and amending of a by-law shall be submitted to the Speaker for a report before the Council passes a resolution in that regard.
- (14) In dealing with Motions:
- (a) the Secretary to Council shall read out the number of every Motion and the name of the mover;
  - (b) the Speaker shall ascertain which Motions are unopposed and these shall be passed without debate;
  - (c) thereafter the Speaker shall call the opposed Motions in their order on the agenda.

#### **23.4 Admissibility of Motions**

A Motion is admissible if:-

- (a) the matter is not pending before a court of law
- (b) it has been submitted within the prescribed time, in accordance with these Rules
- (c) issues raised, or a substantial portion of issues raised, are not pending before a Section 79 Committee of Council, or any of the other spheres of government
- (d) it does not seek for Council to adopt an unlawful resolution.

#### **23.5 Motions without Notice**

Every Motion requires a notice, except in the following circumstances:

- (a) proposing an amendment to an existing Motion
- (b) raising a Point of Order
- (c) postponing, discharging or giving precedence to an item on the Council agenda

### **23.6 Amendment or disallowance of Motions**

The Speaker shall amend or disallow a Motion or proposal:-

- (a) which in his or her opinion:-
  - (i) might lead to the discussion of a matter already dealt with on the agenda or which has no bearing on the administration of or conditions in the municipality; or
  - (ii) advances arguments, expresses an opinion, or contains unnecessary factual, incriminating, disparaging or improper suggestions;
  - (iii) is unconstitutional
- (b) in respect of which:
  - (i) Council has no jurisdiction
  - (ii) a decision by a judicial or quasi-judicial body is pending or
  - (iii) which has not been duly seconded
- (c) which, if passed, would be contrary to the provisions of the by-laws or any other law, or impractical, provided that if such Motion or proposal in the opinion of the Council, justifies further investigation, it shall be referred to the Executive Mayor;
- (d) if the proposed amendment, in the Speaker's opinion, is so substantial in nature that it constitutes a new Motion.
- (e) The Speaker must notify the mover within seven (7) working days of the submission of the notice, of any amendment to the original disallowed notice.

### **23.7 Withdrawal or amendment of Motion**

- (a) A Motion or proposal may be withdrawn or amended by the mover with the consent of the Speaker before it reaches a Council meeting or, with the consent of

Council, once the Motion has been tabled.

- (b) In case where the mover decides to withdraw the Motion, the Motion can still be discussed in the same session when re-opened by another member, who must be duly seconded.
- (c) A Motion can be withdrawn by another member on behalf of the mover if authorized to do so and the Speaker has been informed in advance at least a day before the Council meeting .
- (d) After consent for the withdrawal of a Motion or proposal has been granted, no Councillor shall speak upon such Motion or proposal.
- (e) After consent for the withdrawal of a Motion or proposal has been refused, a Councillor may speak upon such Motion or proposal.

## **23.8**

### **Voting Procedure**

- (a) The majority of Councillors present in a meeting must support the amendment, failing which the amendment shall not be carried out.
- (b) Where an amendment is not carried, voting shall be on the original Motion.
- (c) A majority vote shall be needed to carry or defeat the Motion.

## **23.9**

### **Amendment of Motion or Proposal**

- (a) Every amendment proposed in terms of section 23.6.2 above shall be relevant to the Motion or proposal in respect of which it is proposed and shall be proposed during the course of a speech contemplated under the "Privileges of Councillors. "
- (b) Any proposed amendment shall be read by the mover.
- (c) More than one amendment of a Motion or proposal may be proposed and, subject to the provisions of subsection 23.6, all amendments proposed shall be put to the vote at the closure of the debate on such Motion or proposal.
- (d) The Speaker shall reject any amendment, which constitutes a direct negation of the original Motion or proposal.
- (e) After all the amendments have been put to the vote as contemplated in subsection 23.7, the original Motion or proposal, as amended, if any amendment has been

adopted, shall be put to the vote.

## **24. Proposals during the course of a meeting**

- (1) During the course of a meeting, no further proposal shall be received, except:-
  - (a) to amend a Motion or proposal
  - (b) that the Council adjourns
  - (c) that a debate be adjourned
  - (d) that a matter be referred back
  - (e) that a Motion or proposal be put to the vote
  - (f) that the Council proceeds to the next business
  - (g) that, subject to applicable legislation, the public or the media be excluded from any or all meetings or part of the meeting.
  - (h) that Council goes in or out of Committee
  - (i) that a provision of these Standing Orders be suspended.
- (2) Every proposal in terms of subsection 24.1 shall be seconded.
- (3) A proposal in terms of subsection 24.1 and any seconding thereof, shall not be regarded as a speech for the purpose of these Standing Orders.
- (4) Any proposal in terms of subsection 24.1 shall be dealt with in accordance with the applicable provisions of these Standing Orders.
- (5) Nothing in this section shall affect the right of the Speaker, on his or her own initiative, or at the request of a Councillor, to adjourn a meeting temporarily for a period not exceeding 30 minutes.

## **25. Petitions**

Section 17(2) of the Municipal Systems Act provides that: "A municipality must establish appropriate mechanisms, processes and procedures to enable local community participation in the affairs of the municipality and must for this purpose provide for:

- (a) The receipt, processing and consideration of petitions and complaints lodged by members of the local community.

Petitions should be processed through these Standing Orders, read with Council's Petition policy, Public Participation Policy and other relevant pieces of legislation.

### **25.1 Right to petition**

- (1) A member of the public has the constitutional right to petition Council.
- (2) The right to petition the Council must be exercised in accordance with the Petitions policy.



## **25.2 Submission of petition**

- (1) A petition must be submitted to the Office of the Speaker of Council in writing and in the form prescribed by the Petitions policy.
- (2) All petitions that meet the requirements of the Petitions policy, must be referred to the Public Participation and Petitions Committee.

## **25.3 Assistance with petitions**

Where a petition is not in the form prescribed by the Petitions policy, assistance shall be provided by the Secretary to Council to the petitioners to ensure that the requirements are met.

## **25.4 Consideration of petitions**

- (1) The Public Participation and Petitions Committee must consider all petitions that are properly submitted in terms of the Petitions policy.
- (2) The committee may use all the powers allocated to it to facilitate a conclusion to a petition in terms of the Petitions policy.
- (3) The Chairperson of the Public Participation and Petitions Committee must inform the petitioner of the receipt of, progress made and decision relating to the said petition and of any other action taken by the committee, in terms of the Petitions policy.

## **25.5 Reports of the Public Participation and Petitions Committee**

- (1) The Public Participation and Petitions Committee must submit quarterly and annual reports to Council in accordance with these Rules.
- (2) The quarterly and annual report must: -
  - (a) set out the activities of the committee and the time taken to respond to petitions received;
  - (b) include an assessment of the effectiveness of the petitions process and procedures;
  - (c) include an assessment of each Member of the Mayoral Committee's cluster's performance with respect to petitions received and an evaluation of trends.

## **26. Deputations**

- (1) A deputation wishing to appear before Council shall submit a motivated written memorandum to the Secretary to Council, who shall submit it to the Executive Mayor and the Executive Mayor may, if deemed expedient, receive the deputation and deal with the matter raised in the written request.
- (2) The Executive Mayor may, if it is considered that the matter raised is one which should be brought before Council, report to Council accordingly and if the Speaker so decides, the deputation shall be advised to appear before Council.
- (3) A deputation shall not consist of more than five (5) persons.
- (4) Except with the consent of Council or in reply to a question from a Councillor, only one member of the deputation may address Council.
- (5) A member of a deputation may not address Council for more than five minutes except with the consent of the Speaker, but may respond briefly to a question by a member.

## **27. Closing of meeting**

- (1) A Councillor may, at any time, except during the course of a speech by another Councillor or while a vote is being taken, verbally propose that the Council meeting be closed.
- (2) The proposer, one Councillor in opposition thereto and the Speaker may speak on the proposal for a period not exceeding five minutes each, but the seconder shall not speak further than formally seconding it.
- (3) A proposal contemplated in subsection (1) above shall be put to the vote without any further debate.
- (4) If the proposal is accepted, the Council meeting shall forthwith be closed: Provided that the Speaker may direct that the unopposed business be disposed of before such closure.
- (5) If the proposal that the Council meeting be closed is rejected, the Speaker shall not allow another such proposal until a period of half an hour has elapsed after such rejection.
- (6) A Councillor may not propose, or second, more than one proposal for the closure of a meeting during the course of any one meeting of Council.
- (7) Any business uncompleted at the closure, shall be dealt with at the next Ordinary meeting, unless Council decides otherwise or the Speaker convenes a Special meeting to dispose thereof.

- (8) If a proposal to close a meeting has been accepted, the Councillor who proposed the closure shall be entitled to speak first when the matter under discussion at the closed meeting, is considered at the next meeting.
- (9) If a meeting is adjourned to a date not exceeding fourteen days after the date of adjournment, notice of such meeting need not be given in terms of section 14.

## **28. Adjournment debate**

- (1) A Councillor who has not yet participated in the debate on a matter under consideration may, at the conclusion of any speech, verbally propose that the debate be adjourned.
- (2) The proposer and the Executive Mayor may speak on the proposal for a period not exceeding five minutes each, but the seconder shall not speak further than formally seconding it.
- (3) In line with subsection 2 above, no debate shall be permitted on such proposal, except with regard to the period of adjournment.
- (4) If such proposal is accepted, the meeting shall proceed to the next business on the agenda and the discussion of the adjourned debate, unless otherwise resolved, shall be resumed at the next Ordinary meeting.
- (5) On the resumption of the adjourned debate, the Councillor who proposed the adjournment, shall be entitled to speak first.
- (6) If a proposal that a debate be adjourned is rejected, the Speaker shall not allow another such proposal until a period of half an hour has elapsed after such rejection.
- (7) A Councillor may not propose, or second, more than one proposal for the adjournment of the debate during the course of a meeting.

## **29. Referral back**

A Councillor may, during the course of his/her speech on any matter, verbally propose that the matter, or any aspect thereof, be referred to the Executive Mayor, the relevant Section 79 Committee or House Committee for further consideration and a report be submitted to Council thereafter.

## **30. Powers and precedence of the Speaker**

- (1) The Speaker shall have all powers reasonably required to control the conducting of a meeting and may for such purpose issue directives to any Councillor.
- (2) Whenever the Speaker intervenes during the debate, any member then

speaking or intending to speak, must resume his or her seat, and all Councillors must be silent so that the Speaker can be heard without any interruption.

- (3) Any Councillor, whether he or she has spoken on the matter under discussion or not, may rise:
  - (a) On a Point of Order, with a view to drawing the attention to any departure from these Standing Orders or any law.
  - (b) In personal explanation, in order to explain some essential part of his or her former speech which may have been misunderstood.
  - (c) Any Councillor so rising shall be entitled to be heard forthwith, unless the Speaker rules the Point of Order or explanation not permissible.
- (4) During the sitting of the Council or a committee, members, except lady members and members in traditional, cultural and/or religious headdress, shall have their heads uncovered.
- (5) At the beginning of the proceedings, when the Speaker enters the Council Chamber, members must rise and remain standing until the Speaker has requested them to take their seats.
- (6) At the closure of a Council meeting, members must rise and remain standing until the Speaker has left the Chamber.

### **31. Minutes of meetings**

- (1) If copies of the minutes of previous meetings have been served to every member, in respect of the notice of an Ordinary meeting, the minutes shall be taken as read with a view for confirmation.
- (2) No discussion shall be allowed on the minutes, except as to its accuracy.

### **32. Moving of report**

- (1) The Executive Mayor or a Councillor called upon by the Speaker to do so, shall submit all reports to Council at a meeting by requesting "That the reports be considered" and such request shall not be discussed.
- (2) When the reports are being considered, the Speaker shall put the recommendations in respect of which there are no delegated powers, seriatim, unless for good cause he or she sees it fit to vary their order.
- (3) The recommendations in the reports to Council as mentioned in subsection (2) above, shall be deemed to have been proposed and seconded.
- (4) When the recommendations contemplated in subsection (2) above have

been adopted, such recommendation/s shall become the resolution of Council.

- (5) After the matters in respect of which there are no delegated powers have been dealt with, the Speaker shall permit debate of the matters delegated to the Executive Mayor, a committee, Councillor or employee: Provided that:-
- (a) such debate shall be limited to a period not exceeding one hour or such extended period as Council may determine
  - (b) a Councillor, except the Executive Mayor, shall not speak on such matters for longer than 5 minutes
  - (c) no other proposal shall be submitted during such debate, except a proposal that the Executive Mayor, a committee, Councillor or employee be requested to reconsider the resolution
  - (d) during a debate, a Councillor may request that his or her opposition to a resolution in respect of which the Executive Mayor has delegated powers and his or her reason therefore, be minuted, after which the Secretariat shall minute or cause to be minuted such opposition and reason.
- (6) The Speaker or a Councillor as contemplated in subsection (1) above may:-
- (a) request the withdrawal of any item from the agenda, which shall, with the consent of the majority of the Councillors present, be withdrawn;
  - (b) request an amendment of any item, which shall, with the consent of the majority of the members present, be granted.

### **33. Consideration of the Budget**

Notwithstanding anything to the contrary contained in these by-laws, the following provisions shall apply when the budget is considered by Council:

- (a) Before the budget is considered by Council, the Speaker must request the Executive Mayor to present his/her budget address, which must precede the passing of the budget.
- (b) No recommendation which is designed to increase or decrease the estimated revenue or expenditure of Council, shall be put to the vote before the debate on the budget has been closed.
- (c) After the debate on the budget has been closed, the Speaker shall put to the vote the recommendations contemplated in paragraph (b) above, in the order in which they were proposed.
- (d) After all amendments have been dealt with and, if any proposal contemplated in paragraph (b) above has been accepted, the budget shall not be deemed to have been amended by the

recommendations thus accepted, but the meeting shall be adjourned to a date and time determined by the Speaker, unless the Executive Mayor decides that such adjournment is not necessary.

- (e) If it is decided in terms of paragraph (d) above to adjourn the meeting, the Executive Mayor shall investigate the implications of every recommendation accepted and shall report thereon to Council when the meeting resumes.
- (f) After the Executive Mayor has reported in terms of paragraph (e) above:-
  - (i) the Speaker shall permit debate on the recommendations accepted
  - (ii) thereafter, the Speaker shall put every such recommendation to the vote again and if such recommendation is accepted, the budget shall be amended in accordance with that resolution.

### **33.1 Motivations having financial implications or involving legislation**

If a Motion:-

- (a) has the effect of increasing the expenditure or reducing the revenue of the Council, or if it involves expenditure not provided for in the estimates, it shall be referred to the Executive Mayor for investigation and report to Council; or
- (b) would, if adopted, amend these Standing Orders, or introduce or amend any legislation, it shall, before being put to the vote, be referred to the Executive Mayor for a further report, unless he or she is satisfied with the phrasing and legality of the Motion.
- (c) thereafter, the Speaker shall put every such recommendation to the vote again and, if such recommendation is accepted, the budget shall be amended in accordance with that resolution.

## **34. Conduct in the Council Chamber**

- (1) Every member desiring to speak, must stand while addressing the Speaker, unless he or she is unable to do so due to his or her disability.
- (2) If a Councillor who is not speaking, rises on a Point of Order, personal explanation or to submit a proposal and such Councillor is addressed by the Speaker, the Councillor then speaking shall take his or her seat until the Speaker has given

a ruling.

- (3) No Councillor may refer to another Councillor by his or her name(s) but shall address each other as Honourable Councillor, Executive Mayor, Speaker or Chairperson.
- (4) Every member must bow to the Speaker when leaving and/or entering the Council Chamber during a meeting.
- (5) During the proceedings, Councillors may not pass between the Speaker and the member who is speaking, nor stand in any of the passages.
- (6) A member may only use in-house communication equipment during the proceedings, except for the tools of trade provided by Council, which include laptops.
- (7) Members, officials and the public may not bring food, drinks or any intrusive/disturbing/interfering object into the Council Chamber.
- (8) Members, officials and the public may not read for leisure any newspapers or any reading material, except those provided for the purpose of the Council meeting.
- (9) Members, officials, the public and media may not bring any electronic equipment into the Chamber without prior approval by the Speaker, including cameras, recording and/or filming equipment which may interfere with Council's recording system.
- (10) Councillors, officials and members of the public may not sing in the Council Chamber during the proceedings.
- (11) Members may not interact with the persons sitting in the public gallery without the permission of the Speaker.
- (12) Members may not bring or circulate any article, object or exhibit into the Chamber for debating purposes, without prior approval of the Speaker.

### **35. Maintenance of order at meetings**

- (a) If at any meeting of the Council or committee, a Councillor conducts himself or herself in an improper fashion, behaves in an unseemly manner, persistently obstructs the business to be carried out, 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 repetitive or unbecoming language or commits any breach of these rules, the Speaker or Chairperson shall direct such Councillor to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, if he/she was standing.

- (b) In the event of the persistent disregard of the directions of the Speaker or Chairperson, the Speaker or Chairperson shall direct such Councillor to retire from the venue where the meeting is being held for the remainder of the meeting and shall, if necessary, cause him/her to be ejected therefrom.
- (c) Where a Councillor refuses to retire or, in the event of more than one Councillor having to be ejected from the meeting and such Councillor/s refusing to leave the meeting, the Speaker shall request the Sergeant at Arms to facilitate the removal of such Councillor/s from the Chamber. If this cannot be done orderly (through a verbal request), the Chairperson of a meeting may adjourn the proceedings for a period not exceeding 15 minutes, in order for the relevant Councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of the proceedings, the Councillor/s have not left after having been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The Speaker may rule that, after the second adjournment, the meeting will reconvene at another venue and any Councillor/s ordered to retire or so evicted or ordered to be evicted, will be refused entry to the alternative venue. The Sergeant at Arms of the Council will ensure that those Councillor/s do/does not enter such an alternative venue.

### **36. Obstruction by persons other than Councillors**

Any person, other than a Councillor, 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 Chamber or the venue of the meeting. If the person refuses to leave, the Sergeant at Arms will be responsible to remove such person from the meeting. The Chairperson may exclude such person from further admittance to the Council Chamber or the meeting venue for such a period as it may be deemed fit.

### **37. Length of speeches**

- (1) A Councillor may not speak for more than five consecutive minutes on any one Motion or proposal: Provided that this subsection shall not apply to the Speaker of Council: Provided further that the Executive Mayor or the Chairperson of a committee or person acting on his or her behalf may, when replying to a debate, speak for no more than 30 minutes.
- (2) Subject to any provision to the contrary in these Standing Orders, the mover of a Motion, the proposer of a proposal or Councillor, may speak on the Motion or proposal and reply to the debate, but in replying he/she shall strictly confine himself or herself to answering the previous speakers and shall not introduce any new matter into the debate, except with the consent of the Speaker.



### **38. Relevance**

A Councillor who speaks shall confine his or her speech strictly to the Motion or proposal under discussion, or an explanation or a Point of Order and no discussion shall be allowed:-

- (a) that shall anticipate any matter on the agenda; or
- (b) on any matter in respect of which a decision by a judicial or quasi-judicial body or commission of inquiry is pending.

### **39. Points of Order and personal explanations**

- (1) Any member, regardless of whether he/she addressed the Council on the matter under debate, or not, may:
  - Raise a Point of Order
  - Raise a point of personal explanation at the end of the debate.
- (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 two (2) minutes on the Point of Order or personal explanation.
- (3) Any member contemplated in section 39.1 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.
- (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.
- (5) Any member will only be allowed to raise one Point of Order and one point of personal explanation per item, during a Council meeting.
- (6) Any member persisting on a Point of Order or personal explanation after a ruling has been made by the Speaker, will be subject to the provisions of point 35 above.

### **40. Matters to be put to the Vote**

- (1) A proposal that a matter be put to the vote, may be made verbally at the close of a speech or debate.
- (2) The proposer may speak on the proposal for a period not exceeding five minutes, but the seconder may not speak further than formally seconding it.
- (3) A proposal that the matter be put to the vote shall be put to the vote without any further notice.
- (4) If a proposal that the matter be put to the vote is accepted, any proposal

to amend the original Motion or proposal as well as the original Motion or proposal shall be put to the vote forthwith.

- (5) If a proposal that the matter be put to the vote is rejected, the Speaker shall not allow another such proposal on the same matter.

#### **41. Council Proceed to the Next Business**

A proposal that Council proceeds to the next item of business may be proposed verbally at the close of any speech.

#### **42. Unforeseen matters**

- (1) The Speaker may give a ruling on a matter not provided for in the Standing Orders or Council delegations, provided that the ruling is not in conflict with the Constitution, Municipal Structures Act and/or Municipal Systems Act.
- (2) The Speaker's ruling shall remain in force until the Rules and Ethics Committee decides on the matter.
- (3) The Rules and Ethics Committee must meet within fourteen working days to decide over the matter if the ruling was made during a Council session.

#### **43. Council In-Committee**

- (1) Notwithstanding anything to the contrary in these Standing Orders, a Councillor may:—
- (a) at any time propose that Council resolve to go into Committee; or
- (b) if Council is In-Committee as contemplated in paragraph (a) above, propose that for the further consideration of the item concerned, Council resolve to go out of Committee.
- (2) (a) The proposer, one member opposed to the proposal and the Speaker may each speak on a proposal in terms of subsections (1) and (2) above for a period not exceeding five minutes and shall restrict his or her speech to the reasons why the Council should or should not resolve to go into or out of Committee, as the case may be, but the seconder shall not speak further than formally seconding the proposal.
- (b) The Speaker may, if in his or her opinion, information is disclosed or is about to be disclosed during a speech referred to in paragraph (a) above which may be prejudicial to Council or the inhabitants of the region, direct the Councillor concerned to discontinue such speech forthwith.
- (3) Notwithstanding the provisions of sub-sections 1 and 2 above, the Speaker may, in the notice of any meeting as per section 14 or at the

commencement or during the course of any meeting, direct that Council goes into Committee for the entire meeting or any part thereof, whereupon it shall be deemed that Council has resolved to go into Committee in accordance with such directive.

- (4) If a proposal to go into Committee is adopted, all members of the public and media, if present, and all officials of the Council, except the Municipal Manager, the Council Secretariat and those persons or officials allowed by the Speaker to remain, shall leave the place of the meeting.
- (5) (a) When Council is In-Committee, the provisions of these Standing Orders, except in so far as they are contrary to this section, shall apply.
  - (b) If Council resolve to go into or out of Committee during a debate on an item of business, the further debate on that item either in- or out of committee, shall for all purposes be a continuation of the proceeding debate on that item.
- (6) If Council resolve to go into Committee for consideration of an item on the agenda or part of a meeting, the Council shall first consider and finalize all other business on the agenda out of Committee, before going into Committee.
- (7) A decision of Council In-Committee shall be a decision of Council.

#### **44. Privilege**

Members of Council:

- (a) must have freedom of speech in Council and its committee meetings, subject to the confines of Council's Rules and Orders;
- (b) are not liable to arrest and/or civil litigation for damages for any disclosure of information, utterances or material produced during Council- and committee meetings.

#### **45. Modes of Voting**

- (1) Whenever a vote is taken, every Motion or proposal shall be submitted to Council by the Speaker, who shall call upon the Councillors to indicate by a show of hands whether they are for or against it and the Speaker shall thereupon declare the result of voting.
- (2) After the Speaker has declared the result of the voting in terms of subsection (1) above, a Councillor may demand –
  - (a) that his or her vote be recorded against the decision; or
  - (b) a division,

by rising and putting such demand to the Speaker.

- (3) When a division in terms of subsection (2)(b) above is demanded, the Speaker shall accede thereto and a bell shall be rung for at least one minute, whereupon all entrances to the meeting place shall be closed and no member shall thereafter leave or enter the meeting place until after the result of the division has been declared.
- (4) After expiry of the period specified in subsection (3) above, the Motion or proposal shall again be put to the vote by the Speaker in the manner provided for in subsection (5) below and thereafter the Speaker shall declare the result of the division.
- (5) A division shall take place in the manner prescribed in subsection (1) above and the vote of each Councillor shall be taken separately by name and recorded in the minutes by the Council Secretariat.
- (6) When a division takes place in accordance with the preceding provisions, every Councillor present, including the Speaker, shall be obliged to record his or her vote for or against the Motion or proposal.
- (7) A Councillor demanding a division shall not leave the meeting place before such division has been taken.
- (8) Should there be an equality of votes in respect of a proposal and the Speaker refuses to record his or her casting vote as contemplated in terms of section 30(4) of the Municipal Structures Act, 117 of 1998, the matter shall be referred back to the Executive Mayor for consideration and recommendation to Council.

## **46 Mayoral Committee: Arrangements, business and proceedings**

### **46.1 Appointment of Mayoral Committee**

The Executive Mayor must, within 60 days in office, appoint Members of the Mayoral Committee.

## **47. Meetings of the Mayoral Committee**

- (1) Meetings of the Mayoral Committee shall be held as per the instruction of the Executive Mayor, who must determine the dates of such meetings.
- (2) Meetings of the Mayoral Committee shall be closed meetings and shall be attended by the Municipal Manager, Senior Managers, Executive Secretariat and any other person as per the instruction/invitation of the Executive Mayor.

## **48. Notice of meetings**

The Executive Mayor must give written notice of every Ordinary meeting

of the Mayoral Committee not less than 7 (seven) calendar days before the meeting, to each Mayoral Committee Member, provided that when an Extraordinary meeting must be convened due to urgent matters, the written notice of such a meeting may be given not less than one calendar day before the meeting.

#### **49. Committees of Council**

- (1) Council shall establish Section 79 Oversight- and House Committees to assist Council with its operational and monitoring functions.

#### **50. Meetings of Committees**

- (1) A committee shall meet as often as is necessary and shall determine the dates of its meetings which shall be submitted to the Programming Committee.
- (2) Section 11 is *mutatis mutandis* applicable to the meetings of committees regarding the presence of the public, including the media.
- (3) Whenever a vote is taken, voting at a committee meeting shall take place by a show of hands by the members of the committee and the vote of the majority of the members present at the meeting shall constitute a decision of the committee.
- (4) The Chairperson of the committee shall have a casting vote.
- (5) A member of a committee may require that his or her vote against a decision of the committee, be recorded.

#### **51. First meetings of committees**

- (a) Section 79 Committees must meet within 21 working days of their composition.
- (b) The Speaker must give notice of the first meetings of Section 79 Committees and must preside over such first meetings.

#### **52. Special meetings**

The Chairperson of a committee may convene a Special meeting of the committee at his or her discretion, if circumstances necessitate such a meeting and shall convene a Special meeting of the committee if a majority of the members of such committee request so in writing, indicating the item/s to be discussed urgently.

### **52.1 Sub-committees**

- (1) Committees may establish sub-committees or working groups for proper co-ordination of work.

## **53. Councillors' right of access to documents**

- (1) Every Councillor has the right to examine any document tabled to Council, including any of its committees and to receive a copy of that document upon submitting a written request to the Speaker of Council.
- (2) A Councillor must not reveal the contents of any document supplied under section 53(1) above, if that document has been withheld from the public under applicable legislation.
- (3) Council agendas and all documents provided to Councillors prior to a formal meeting, remain confidential and must not be shared with third parties unless such have been formally dispensed with in Council.
- (4) Documents considered In-Committee shall at all circumstances be treated with confidentiality. Councillors may be requested to affirm confidentiality by signing non- disclosure agreement(s).

## **54. Prohibition of Councillors publishing or disclosing documents**

- (1) Any Councillor who publishes, discloses or causes to be published or disclosed, any document or record of the Council or the proceedings of any committee of the Council or of Council relating to any purchase or expropriation of land or other property by the Council, or any legal or arbitration proceedings in which the Council is involved, or the agenda, minutes, document or records, or any part thereof, of the Council In-Committee, or of the Mayoral Committee or another committee of the Council, or any matter the publication or disclosure of which would or might be prejudicial to the interests of the Council, shall be presumed to be in contempt of Council and may be subjected to Rules and Ethics Committee processes.
- (2) Where a document or record of Council exposes corruption or a Councillor is of the view that corruption may be involved, the Councillor must refer the matter to the Speaker of Council for investigation and a report in that regard be submitted to Council within a reasonable time

## **55. Disclosure of financial interests**

- (1) A Councillor wishing to disclose an interest in terms of the Code of Conduct for Councillors, must do so forthwith after the item or Motion in respect of which such interest exists, has been called.

- (2) No Councillor may speak for more than five minutes on the question on whether her/his financial interest as contemplated in subsection (1) above is so small or remote as to render a clash of interests unlikely, unless the Speaker allows her/him to continue her/his speech for a further five minutes.
- (3) The speech contemplated in subsection (2) above must not for the purposes of this section be regarded as a speech on the recommendation, Motion or proposal under debate.

## **56. Secretary to Council**

In addition to the duties mentioned in these Rules, the Secretary to Council is responsible for the regulation of all matters connected with the business of the Council, subject to direction of the Speaker or the Council.

## **57. Minutes of proceedings**

The minutes of proceedings must be taken by the Secretary to Council and, after perusal by the Speaker, be printed and delivered to every Councillor.

## **58. Journals of the Council**

The minutes of proceedings, signed by the Speaker of Council, constitute the Journal of the Council.

## **59. Agenda**

The Secretary to Council must print the agenda for each Council meeting and dispatch it to each Councillor.

## **60. Custody of records and papers**

- (1) The Speaker of Council is the custodian of all records and papers of Council- and its committee meetings.
- (2) Records or other papers of Council or Council committee meetings cannot be removed from the precincts of the Council without the permission of the Speaker, where such records or papers relate to a matter discussed when Council or a Section 79 Committee deliberated In-Committee.

## **61. Dress Code**

Members are required to dress in a manner befitting the dignity and must conform to the decorum of the Council, as may further be provided for in guidelines approved by the Rules and Ethics Committee and provided that no party symbols may be displayed.

All Councillors and officials attending Council meetings, Mayoral Committee meetings and sub-committees of Council, must dress appropriately to portray the professional and corporate image of Council. They must dress neatly in formal or traditional attire. In this regard formal excludes smart casual. Members, except lady members and members in traditional, cultural and/or religious headdress, shall have their heads uncovered.

Furthermore proper shoes/footwear shall be worn, unless that is not possible due to a medical condition, provided that a letter or certificate from a medical examiner or registered traditional healer is submitted to the Office of the Speake in such case.

Informal clothes such as T-shirts, jeans, track suits and takkies will be considered as inappropriate dress code for Council meetings. Non-compliance to the stipulated dress code will be addressed directly with the Councillor/s and official/s concerned.