



Dr. Beyers Naudé

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**STANDING RULES AND ORDERS FOR
MEETINGS AND INTERNAL
ARRANGEMENTS
OF THE MUNICIPAL COUNCIL AND
COMMITTEES**

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The Municipal Council of Dr. Beyers Naudé Local Municipality has in terms of Section 156 (2) of the Constitution of the Republic of South Africa, read in conjunction with Section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, reviewed and approved the following By-Law:

STANDING RULES AND ORDERS FOR MEETINGS AND INTERNAL ARRANGEMENTS OF THE MUNICIPAL COUNCIL OF DR. BEYERS NAUDÉ LOCAL MUNICIPALITY AND ITS COMMITTEES

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DR. BEYERS NAUDÈ LOCAL MUNICIPALITY

RULES OF ORDER FOR THE INTERNAL ARRANGEMENTS OF THE MUNICIPAL COUNCIL

The Municipal Council for Dr. Beyers Naudè Local Municipality adopted the following by-laws at its meeting held on **28 June 2018** in terms of section 156 (2) of the Constitution of the Republic of South Africa, 1996 and hereby published the by-laws in terms of section 13 (a) of the Local Government: Municipal Systems Act 32, 2000 to come into effect on the date of publication hereof in the Provincial Gazette, and reviewed at a Special Council meeting held on **27 May 2020** (Resolution No. **SCOUN-026.1/20**) as per SALGA Circular 18/2020 and the Rules dated 11 May 2020, Gazette No. 43291 from the Minister of COGTA dated 7 May 2020 was circulated to all municipalities countrywide.

The Municipal Council of Dr. Beyers Naudè Local Municipality further reviewed the Standing Rules and Orders of Council during a workshop held on the 10th May 2023 and approved by Council during a Special Council Meeting held on the 31st May 2023 (Resolution No. **SCOUN-053.3/23**) to be in line with the provisions made in the Local Government: Municipal Structures Act as amended.

PURPOSE OF BY-LAW

The purpose of this by-law is to make provision for Rules of Order for the business and proceedings of the municipal council of the Dr. Beyers Naudè Local Municipality and to make provision for internal arrangements and matters in connection therewith.

CHAPTER 1: INTRODUCTION

A. INTERPRETATION

In this policy terms used to indicate –

DEFINITION	INTERPRETATION
Authorised Official	Any peace officer authorized in terms of section 334 of the Criminal Procedures Act, 1977 (Act 51 of 1977), as amended, or any employee of the Dr. Beyers Naudè Local Municipality, who is authorized by the Dr. Beyers Naudè Local Municipality to enforce the provisions of this policy.
Code of Conduct of Councillors	This means the Code of Conduct for Councillors, as contemplated in section 54, and stipulated in Schedule 1 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended.
Committee	This means a committee of the Municipal council, established in terms of sections 79 and 80 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended.
Constitution	Means the Constitution of the Republic of South Africa, 1996.
Council	Means the municipal council for the Dr. Beyers Naudè Local Municipality.
Councillor	Means a member of a municipal council, including a political office-bearer as referred to in section 1 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended.
Day	Means a workday (excluding Saturdays, Sundays, and public holidays) and for the calculation of days the first day will be excluded and the last day will be included.
Executive committee	This means the committee appointed in terms of section 42(2) of the Local Government: Municipal Structures Act (Act 117 of 1998), as amended.
In Committee	Means any part of a municipal council meeting that will be closed for members of the public, the press, and such municipal officials (excluding the Municipal Manager, unless matters pertaining to him personally is discussed) determined by the Speaker based on the confidential nature of the matters to be discussed.
Mayor	Means the Mayor of the Dr. Beyers Naudè Local Municipality elected in terms of section 48 of the Local Government: Municipal Structures Act (Act 117 of 1998), as amended.
Meeting	Means any meeting or similar scheduled event of the municipal council or a committee of the municipal council but excludes a meeting of the local labour forum or a workshop of the Dr. Beyers Naudè Local Municipality.

Member	Means a member of the municipal council or a committee of the municipal council.
Member of the public	Means a person who is not a councillor or an employee or a service provider of Dr. Beyers Naudè Local Municipality, including representatives of the media who attend a meeting of the municipal council or a committee of the municipal council.
Motion	Means a matter submitted by a member.
Municipal council	Means the municipal council of Dr. Beyers Naudè Local Municipality, and “Council” has a corresponding meaning.
Municipal Manager	Means the person appointed as Municipal Manager by the municipal council in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended, or a person appointed by the municipal council as Acting Municipal Manager.
Municipality	Means the Dr. Beyers Naudè Local Municipality and includes reference to any duly delegated and/or appointed officials and/or service providers in terms of service level agreements of the Dr. Beyers Naudè Local Municipality.
Office bearer	Means the Mayor or the Speaker of the municipal council of Dr. Beyers Naudè Local Municipality.
Point of order	Means a point raised by a councillor during a council meeting and shall only relate to a matter of procedure as provided for in the Rules of Order.
Privilege	Means the right of freedom of speech for councillors in council and committee meetings, subject to the Rules of Order and any ruling of the Speaker as well as the right not to be held liable for civil or criminal proceedings for anything said, produced or submitted to council or committee.
Procedural motion	Means a matter raised by a member at a meeting.
MEC	Means the Minister of the Executive Council is responsible for Local Government in the Eastern Cape Province.
Report	Means any item appearing on the agenda for consideration by the council or a committee of council.
Rules	Means the rules of conduct provided for in this policy, the Rules of Order for the Internal Arrangements of the municipal council of Dr. Beyers Naudè Local Municipality.
Senior Managers	Means the persons appointed by the council in terms of Section 54 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended, as Municipal Manager and all managers directly accountable to the Municipal Manager appointed by the council in terms of Section 56 of the same act and in positions provided for on the approved organizational structure.

Speaker	Means the Speaker of the municipal council, elected in terms of section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, or a councillor elected as Acting Speaker in terms of section 41 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended.
Structures Act	Means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended.
Sub-committee	Means any other committee than the Executive committee or committees appointed by council.
Municipal Public Accounts Committee	Means a Committee established in terms of Section 79A of the Municipal Structures Act.
Systems Act	Means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended.
Party Whip	Means a member of the municipal council appointed by each political party represented in the council.
Whip of the Council	Means the person elected in terms of Section 41A of the Local Government: Municipal Structures Act as the Whip of the Council.
Traditional leader	Means a Traditional Leader identified by MEC to participate in the proceedings of a municipal council in terms of Section 81 of the Structure Act and Section 64 of the Traditional and Khoi-San Leadership Act No. 3 of 2019, item 7 of Schedule.
Sargent-at-arms	Means a person in full-time employment of the municipality entrusted to assist the Speaker to maintain order during council meetings and assisted by such staff members as the Speaker may direct.
Working day	Means any day of the week, except Saturday, Sunday, or a public holiday.

1. APPLICATION OF THE RULES OF ORDER

1.1. The Rules of Order, as contained in this policy, apply to all the meetings of the municipal council, as well as all the meetings of any committees and sub-committees of the municipal council, unless the term of reference explicitly excludes the application of the rules for such structure. The terms of reference for any sub-committee shall be determined by council or the Executive Committee upon appointment thereof.

1.2. The Rules of Order are applicable to:

1.2.1 All councillors;

1.2.2 Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act (if applicable); or Section 64 of the Traditional and Khoi-San Leadership Act No. 3 of 2019, item 7 of Schedule;

1.2.3 Any municipal official of the municipality; and

1.2.4 Any member of the public or media while present in the council chamber and precinct.

1.3. Unless clearly irrelevant, any reference to the municipal council in this policy shall be regarded as a reference to a committee or sub-committee of the municipal council, and any reference to the Speaker shall be regarded as a reference to the appointed chairperson of a committee or sub-committee of the municipal council.

1.4. The Rules of Order are aimed at allowing free, open, and constructive debate during meetings and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints or time allocated to meetings.

2. DUTIES OF THE SPEAKER/ CHAIRPERSONS AND COUNCILLORS

2.1. The Speaker and councillors shall familiarise themselves with the Rules of Order contained in this policy.

2.2. At every meeting of the council the Speaker, or if he/she is not present, an acting Speaker shall be the chairperson.

2.3. An acting Speaker may be elected by the majority of councillors present at any meeting of the council when the Speaker is not present.

2.4. The Mayor shall chair meetings of the executive committee and if not present, any other councillor appointed by a majority members of the executive committee in attendance.

2.5. The chairpersons appointed by council, or the executive committee shall chair meetings of the portfolio committees, other committees, and sub-committees of council unless council appoints a committee for a specific function and council resolves to appoint the chairperson for such committee.

- 2.6. In the event that no person was nominated as chairperson of committees and sub-committees, the members present may elect their own chairperson.

CHAPTER 2: MEETINGS

3. ORDER OF BUSINESS

- 3.1. The order of business at **ordinary meetings of the municipal council** shall be as follows unless the order has been changed by the Speaker in terms of sub-section 4.4 of this policy -

- 3.1.1. Opening and welcome
- 3.1.2. Election of acting Speaker, when necessary
- 3.1.3. Application for Leave of absence
- 3.1.4. Declaration of Interest
- 3.1.5. Statements and Communication by the Speaker
- 3.1.6. Statements and Communications by the Mayor
- 3.1.7. Announcements: Councillors
- 3.1.8. Announcements: Municipal Manager
- 3.1.9. Motion of Sympathy and Congratulations
- 3.1.10. Confirmation of municipal council minutes
- 3.1.11. Matters arising from the minutes
- 3.1.12. Outstanding Matters on council resolutions
- 3.1.13. Urgent matters submitted by the Municipal Manager for decision (i.e., matters where an urgent decision is required and, if delayed, would prejudice the Council and/or its operations)
- 3.1.14. Consideration of reports:
 - 3.1.14.1. Executive committee recommendations and decisions are taken under delegated authority.
 - 3.1.14.2. Council Representative on District Municipality
 - 3.1.14.3. MPAC
 - 3.1.14.4. Audit Committee
 - 3.1.14.5. Ward Committees/ consolidated report on Ward Committees
 - 3.1.14.6. SALGA

- 3.1.14.7. Monthly activity reports
- 3.1.14.8. Reports for noting (including circulars, guidelines, audits etc. from the national and provincial government)
- 3.1.14.9. Reports for consideration (including circulars, guidelines, audits etc. From national and provincial government)
- 3.1.14.10. Consideration of Notices of Motions
- 3.1.14.11. Consideration of Notices of Questions
- 3.1.14.12. Consideration of urgent motions
- 3.1.14.13. Consideration of confidential reports
- 3.1.14.14. Adjournment/ closure

3.2. The order of business for the **Executive Committee** shall be as follows unless the order has been changed by the Mayor or acting chairperson in terms of sub-section 4.4 of this policy:

- 3.2.1. Opening and Welcome
- 3.2.2. Election of Acting Chairperson in the Absence of the Mayor
- 3.2.3. Application for Leave of Absence
- 3.2.4. Declaration of Interest
- 3.2.5. Statements by the Mayor/Chairperson
- 3.2.6. Confirmation of previous executive committee minutes
- 3.2.7. Matters Arising from the minutes
- 3.2.8. Outstanding Matters on council resolutions
- 3.2.9. Consideration of reports:
 - 3.2.9.1. Reports from portfolio committees
 - 3.2.9.2. MPAC
 - 3.2.9.3. Audit Committee
 - 3.2.9.4. Any other committees or sub-committees reporting to the executive committee
 - 3.2.9.5. Reports for noting (including circulars, guidelines, and audits etc. from National and Provincial government)
 - 3.2.9.6. Reports for consideration (including circulars, guidelines, audits etc. from National and Provincial government)
 - 3.2.9.7. Consideration of urgent motions (only with the consensus of the chairperson)
 - 3.2.9.8. Consideration of confidential reports
 - 3.2.9.9. Adjournment/ closure

3.3. The order of business for **portfolio committees, any other committees, and sub-committees**, shall be as follows unless the order has been changed by the chairperson in terms of sub-section 3.4 of this policy:

3.3.1. Opening and welcome

3.3.2. Election of Acting Chairperson when Necessary

3.3.3. Application for Leave of Absence

3.3.4. Declaration of Interest

3.3.5. Statements by the Chairperson

3.3.6. Confirmation of previous committee/ sub-committee minutes

3.3.7. Matters Arising from the minutes

3.3.8. Outstanding matters on previous council resolutions or work of the committee/ sub-committee

3.3.9. Consideration of reports:

3.3.9.1. Reports for noting

3.3.9.2. Reports for Consideration

3.3.9.3. Notices of Motion

3.3.9.4. Consideration of urgent motions (only with the consensus of the chairperson)

3.3.9.5. Consideration of confidential reports

3.3.9.6. Adjournment/ closure

3.4. The Speaker (or chairperson of committees and sub-committees) may of his or her own volition, or upon a request by a whip of a political party represented in the municipal council, change the order of business on an agenda, may rule that a matter is not urgent and whether a matter must be dealt with In Committee or not.

3.5. A councillor who wishes to have the order of business on the agenda changed may approach the Speaker/ chairperson before the start of a meeting, and the Speaker/ chairperson may accede to or decline the request to change the order of business of a meeting.

4. **AGENDAS**

- 4.1 The Municipal Manager or a person designated by the Municipal Manager, shall prepare an agenda for a meeting.
- 4.2 The Municipal Manager may at his or her own discretion, and subject to the provisions of sub-section 160 (7) of the Constitution, identify reports on the agenda to be handled as confidential matters, not to be disclosed to the public.
- 4.3 The Speaker may at any time during a meeting introduce an urgent matter that does not appear on the agenda for discussion by the municipal council, by making an announcement or submitting an urgent report, subject thereto that the majority of the councillors present at the meeting agree to the introduction of such urgent matter.
- 4.4 Except as provided for in this policy or otherwise allowed for in terms of sub-section 4.3 of this policy, no matter that is not on the agenda of a meeting, may be dealt with at a meeting.
- 4.5 The chairperson of a committee, other member or official presenting a report may withdraw or amend any section with the consent of the committee, only if it has been established that a particular item or items in the original report was or were incorrectly recorded or it has been established that it would be in the best interest of the council not to adopt a recommendation or a part or parts thereof.
- 4.6 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.
- 4.7 The Speaker or Chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.
- 4.8 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.

5. PETITIONS

5.1 Petitions, clearly written or typed and signed by not less than three (3) residents, must be submitted to the Senior Coordinator in the Office of the Speaker who shall bring the matter before the Petitions Committee.

6. MEETINGS/VIRTUAL MEETINGS OF THE MUNICIPAL COUNCIL

6.1 The Municipal council shall meet at least quarterly, as required by sub-section 18(2) of the Structures Act for an ordinary council meeting.

6.2 All council meetings of the municipal council shall be open to members of the public unless the members of the public have been excluded from a meeting of the municipal council in terms of section 17 of this policy.

6.3 The Speaker shall decide where and when the municipal council meets.

6.4 All meetings of Council, tribunals, and entities may be done using media platforms, such as teleconferencing and videoconferencing.

6.5 The Municipal Manager or in his or her absence, a person designated by the Municipal Manager, shall give notice of every council meeting (signed by the Speaker or the Municipal Manager) to each councillor and to the public, at least seven (7) working days before such meeting takes place.

6.6 Notices for meetings will be left or delivered to an accessible distribution point within the municipality (pre-determined by council from time-to-time) or delivered or sent by electronic mail to an address provided by the councillor as his/her official address/ email address.

6.7. When the position of Speaker is vacant, the Municipal Manager or, in the absence of the Municipal Manager, a person designated by the MEC shall –

6.7.1.1. Ensure that a special council meeting be scheduled within fourteen (14) days after the position of Speaker became vacant to elect a new speaker; and

6.7.1.2. Give notice of the planned council meeting to each councillor and to the public.

6.8. A majority of councillors may request the Speaker in writing to convene a special council meeting, and the Speaker shall convene such meeting at a time set out in the request, subject thereto –

6.8.1. That should the Speaker fail to convene a special council meeting as requested by a majority of councillors, the majority of councillors may request the Municipal Manager to convene such a meeting, and the Municipal Manager shall then convene such meeting at a time as set out in the request; and

6.8.2. The notice by the majority of councillors for a special council meeting shall clearly indicate the reports to be dealt with at such a special council meeting, and no other matters may be dealt with at the special council meeting, except with the consent of the majority of councillors.

6.9. The notice of a meeting referred to in sub-sections 6.4 and 6.6 of this policy, shall state that meeting is virtual and there is no physical location, the date and time of such meeting, and shall –

6.9.1. Be forwarded to each councillor in writing with at least 48 hours' notice prior to the date and time set, together with an agenda, and may for the purpose of expediting notification, also be provided in electronic format;

6.9.2. Should time allow, be published in a local newspaper determined by the municipal manager or a designated person; and

6.9.3. Be displayed on a notice board at the head office of the municipality.

6.10. The Municipal Manager or a person designated under sub-section 6.4 of this policy, may deviate from the requirement of sub-section 6.8.1 of this policy, in the event of an urgent or special meeting when time constraints make it impossible to meet the requirements as contemplated in sub-section 6.8.1 of this policy.

6.11. When a meeting has been convened, it may be moved or postponed by the Speaker on written notification to all councillors, on condition that –

6.11.1. Such moving or postponement of a meeting shall be at least twenty-four (24) hours in advance, before the scheduled time and date of the meeting; and

6.11.2. The reasons for the moving or postponement of a meeting be provided to all councillors.

6.12. A convened council meeting may only be adjourned –

6.12.1. When a quorum of councillors is not present to continue with such a meeting, subject to any other provision of this policy; or

6.12.2. When a meeting has been adjourned in terms of the stipulations of this policy.

6.13. Notices of adjourned meetings shall be sent out to each member of the council or committee (excluding councillors who have been evicted and will be refused to attend meetings), specifying the time, date, and place of such adjourned meeting.

7. FUNCTIONS OF THE SPEAKER AT COUNCIL MEETINGS

7.1 The Speaker as chairperson for meetings of the municipal council (and chairpersons of any other meeting other than a council meeting), shall take the chair exactly at the time for which a meeting has been scheduled.

7.2 The functions entrusted to the Speaker in section 37 of the Municipal Structures Act, prescribe that the Speaker: -

7.2.1 Presides over meetings of council;

7.2.2 Performs the duties and exercises the powers delegated to the speaker in terms of section 59 of the Municipal Systems Act;

7.2.3 Must ensure that the council meets at least quarterly;

7.2.4 Must maintain order during meetings;

7.2.5 Must ensure compliance in council and committees with the Code of Conduct set out in Schedule 1 to the Municipal Systems Act;

7.2.6 Must ensure that council meetings are conducted in accordance with the rules and orders of council;

7.2.7 Must ensure that the legislative authority of the municipality functions effectively;

7.2.8 Is responsible for the effective oversight over the executive authority of the municipality;

- 7.2.9 Must ensure the effectiveness of the committees of the municipal council established in terms of section 79;
 - 7.2.10 Is responsible for the ethics and accountability of the municipal council; and
 - 7.2.11 Must ensure the effectiveness and functionality of ward committees and the public participation processes.
- 7.3 In addition to the functions entrusted to the Speaker in 7.2 above, the Speaker:
- 7.3.1 Shall maintain decorum at council meetings;
 - 7.3.2 Shall make a ruling in respect of a point of order raised by a councillor, including a question regarding the precedence of a matter;
 - 7.3.3 Ensure that members conduct themselves in a dignified and orderly manner during meetings;
 - 7.3.4 Ensure that members of the public attending meetings are seated in areas designated for that purpose;
 - 7.3.5 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;
 - 7.3.6 Ensure that any councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting;
 - 7.3.7 Ensure that the Whip of each political party represented in the municipal council maintains discipline during any meeting;
 - 7.3.8. May make a ruling in respect of any procedural contingency for which these rules do not make provision.
- 7.3.9. The rulings of the Speaker in a council meeting (and in the event of a meeting other than a council meeting, the rulings of the chairperson of such 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, shall be recorded in the minutes of the meeting provided that the Speaker/ chairperson may be required to provide reasons for a ruling.
- 7.3.10. Any ruling made by the Speaker (or chairperson of any other committee) must be made having due regard for the provisions of the Constitution, national and

provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.

- 7.3.11. An objection against a ruling of the Speaker, may be submitted in writing to the Municipal Manager after a meeting and a report on the objection shall be submitted by the Municipal Manager at a following council meeting for consideration.

8. FUNCTIONS OF THE WHIP OF COUNCIL

8.1. The functions entrusted to the Whip of Council in section 41B of the Municipal Structures Act, prescribe that the Whip of Council: -

- 8.1.1. Liaises with the different political parties to ensure representation in council and council committees;
- 8.1.2. Maintains sound relations between the various political parties;
- 8.1.3. Informs the whips of all parties on important matters on the council agenda;
- 8.1.4. Assists the speaker to count votes in the council meeting
- 8.1.5. Facilitates the interaction between the executive and legislative oversight structures in the municipality; and
- 8.1.6. Resolves disputes between the speaker, mayor or executive mayor, or members of the mayoral committee.

9 ATTENDANCE OF MEETINGS AND EVENTS BY COUNCILLORS

9.1. Subject to section 9.2 of this policy, a councillor shall attend every meeting or similar official event of the municipal council or a committee of the municipal council to which he or she has been elected or appointed and sign his or her name in the attendance register at the beginning of such a meeting or event.

9.2. A councillor shall attend every meeting or similar official event of the municipal council, or of a committee of the municipal council of which he or she is a member, except when such councillor has –

- 9.2.1. Been granted leave of absence in terms of section 10 of this policy;
- 9.2.2. to be excused from such a meeting or an event in terms of statutory stipulations, including withdrawal from a meeting when a matter is

considered, unless the council or committee decides by resolution, that the councillor's direct or indirect interest in the matter is trivial or irrelevant;

- 9.2.3. Been delegated by the municipal council or an authorized office bearer to represent the municipality at another meeting or engagement elsewhere; or
- 9.2.4. Has been excused from a meeting or an event by the speaker in terms of the provisions of sub-section 20.6.2 of this policy.
- 9.3. Members of the municipal 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.
- 9.4. The provisions of section 9.3 above will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the Executive will be requested to attend the MPAC meeting and the request for attendance will specify the matters that the member of the Executive will be expected to address the MPAC on.
- 9.5. Any member of the Executive requested to attend the MPAC may request 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.
- 9.6. No standing order shall be suspended without the vote of a majority of the members of the council or of three-fourths of the members present and a motion duly seconded to suspend the standing orders shall be put without debate.
- 9.7. A councillor or official must disclose any direct personal or private business interest that the councillor/official or spouse, partner or business associate of that councillor/official may have in any matter before the council or committee and must disclose full particulars of any direct or indirect benefit he/she may stand to acquire (excluding benefits acquired in common with other residents and ratepayers) from a contract/any business that is to be concluded/ has been concluded with the municipality, at the first meeting that the matter is discussed.

10. PROCEDURES FOR APPLICATIONS FOR LEAVE OF ABSENCE

- 10.1 Before absenting himself or herself from a meeting, a councillor shall apply for leave of absence from the Speaker, by addressing a communication in writing to the Speaker at least twelve (12) hours before a meeting or any such period which is acceptable for the Speaker, stating the reasons for being absent or by providing a medical certificate to the Speaker before the meeting, stating that he or she is unfit for duty.
- 10.2 The Speaker or chairperson shall grant leave of absence at his or her own discretion, and the Speaker is at liberty to reject applications for leave. Upon receipt of an application referred to in sub-section 10.1 of this policy, the Speaker shall consider the application, and approve or reject the application, and the Speaker shall notify the councillor concerned, at least 7 hours before the meeting concerned of his or her decision.
- 10.3 The Speaker may, when good cause exists, grant leave of absence to a councillor prevented by special circumstances from applying for leave of absence in accordance with the stipulations of sub-section 10.4 of this policy.
- 10.4 The special circumstances referred to in sub-section 10.3 of this policy, may include –
- 10.4.1 Illness of a councillor; or
 - 10.4.2 Illness or death in a councillor's family.
- 10.5 The names of all the councillors present at a meeting, the councillors absent without leave and all the councillors to whom leave of absence from the meeting has been granted by the Speaker, shall be recorded in the minutes of a meeting, as well as the names of all the municipal officials and other persons in attendance on invitation at such a meeting.
- 10.6 When the Speaker rejects an application for leave of absence, as referred to in sub-section 10.2 of this policy, the Speaker shall provide the reason for the rejection of the application for leave of absence at the meeting for which such leave of absence has been applied for.

11 SANCTIONS FOR THE NON-ATTENDANCE OF MEETINGS

11.1 Except for the circumstances referred to in sub-sections 9.2 and 10.4 of this policy, a councillor shall be in breach of the Rules of Order if he or she-

11.1.1. Is absent without leave from a meeting;

11.1.2. Fails to be in attendance at the start of a meeting;

11.1.3. Fails to remain in attendance for the duration of a meeting or until the end of a meeting; or

11.1.4. Leave a meeting without being excused from such meeting by the speaker.

11.2. A councillor who has been absent without leave from three (3) or more consecutive similar meetings that he or she is required to attend in terms of sub-section 9.1 of this policy, is in breach of the Code of Conduct for Councillors.

11.3. Should any member of a committee fail to attend three consecutive meetings of the same committee of which he or she is a member, without leave of absence having been granted as contemplated in 11.1 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 municipal 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 Council.

11.4. The Municipal council may appoint a special committee, consisting out of a chairperson appointed by the municipal council and at least two (2) other councillors, reflecting the composition of the council, to investigate and report to council, any alleged breach referred to in sub-sections 10.2 or 11.2 of this policy.

11.5. The Municipal Manager shall report every occurrence of non-attendance of meetings by councillors to the Speaker.

11.6. The Speaker shall on receipt of information on the non-attendance of meetings by councillors from the Municipal Manager, immediately in writing inform the councillor concerned that a report has been received regarding his or her non-attendance and request the written comments of the councillor concerned, within ten (10) working days, from the date of the notification.

11.7. The Speaker shall on receipt of the written comments of the councillor concerned on his or her alleged absenteeism from meetings, or when the councillor fails to furnish the Speaker with his or her comments within the ten (10) working days or after such extension of time as may be permitted by the Speaker, submit a report to the municipal council for consideration of the matter, and the further actions to be taken on the matter.

11.8. The municipal council shall on receipt of the report of the Speaker, decide whether or not to refer the matter to a special committee, as contemplated in sub-section 11.3 of this policy, to investigate the alleged absenteeism at meetings of the councillor concerned, or that the municipal council shall investigate the matter themselves, or that no further action shall be taken against the councillor concerned because of a lack of substantive evidence.

11.9. The Speaker shall for the purpose of ensuring the principles of natural justice, determine the procedures for the hearing of the matters referred to in sub-sections 11.1 to 11.3 of this policy by the special committee or the municipal council, as applicable, or the municipal council may adopt a uniform standard procedure as a policy for the hearing of the matters referred to in sub-sections 11.1 – 11.3 of this policy, which shall at least include the following principles –

11.9.1 The councillor concerned shall have the right to be present when any evidence is heard, except when such person refuses or fails to attend a meeting on the hearing of a matter, and the councillor may ask relevant questions based on the evidence submitted;

11.9.2 The members of the special committee or the municipal council, as applicable, may ask questions of the councillor concerned, as well as questions with regard to any evidence, report or document presented by any person;

11.9.3 When the councillor concerned refuses or fails to attend a meeting on the hearing of a matter, or is instructed by the speaker or the chairperson, as applicable, to leave a meeting because of his or her conduct at the meeting, the meeting concerned may continue in the absence of such a councillor;

- 11.9.4 The special committee or the municipal council, as applicable, may be assisted during the proceedings by an official of the municipality, as agreed on by the special committee or the municipal council;
- 11.9.5 The councillor concerned shall have the right to present his or her own evidence on the reports submitted and to call witnesses; and
- 11.9.6 The special committee or the municipal council, as applicable, may call witnesses, to assist it in making a finding.
- 11.10 The Speaker or the chairperson of a special committee, as applicable, shall invite the councillor concerned to the meeting where the alleged absenteeism of the councillor at meetings, as referred to in sub-section 11.1 – 11.3 of this policy, shall be heard.
- 11.11 When the Speaker has been implicated in a matter under investigation, the functions of chairperson in the case of the municipal council, shall be performed by the Mayor (for the procedure), and when he or she has also been implicated, then a councillor appointed by municipal council shall perform the functions.
- 11.12 When the absenteeism of a councillor is referred by the municipal council for further investigation and hearing, the special committee or the municipal council, as applicable, shall conduct a hearing as contemplated in sub-section 11.9 of this policy, and after consideration of all the evidence, shall make a finding as to whether the councillor concerned contravened the Rules of Order and/or the Code of Conduct for Councillors, being absent for three or more meetings of the municipal council or a committee of the municipal council or has breached the Code of Conduct, and shall record the reasons for its findings, and –
- 11.13 When the finding is that a councillor did not contravene the Rules of Order and/or the Code of Conduct for Councillors, the Speaker or the Chairperson, as applicable, shall terminate the hearing and in writing inform the councillor concerned, the Speaker of the municipal council when the hearing has been conducted by a special committee, and the Municipal Manager, of the finding; or

- 11.14 When the finding is that a councillor did, in fact, contravene the Rules of Order for non-attendance in respect of more than three (3) consecutive similar meetings or breached the Code of Conduct, the Chairperson of the special committee shall recommend to the municipal council a fitting sanction, or when the matter is heard by the municipal council, the municipal council may resolve to impose the fine determined for the contravention concerned, and the Speaker shall in writing inform the Municipal Manager and the councillor concerned of the finding and the sanction being imposed; or
- 11.15 When the finding is that a councillor did, in fact, contravene the Code of Conduct for Councillors by not attending more than three (3) consecutive similar meetings, the chairperson of the special committee shall submit a report on the findings of such committee to the municipal council for consideration of a suitable sanction, or when the matter is heard by the municipal council, the municipal council shall resolve on a suitable sanction or a recommendation for a suitable sanction in terms of sub-section 11.14 of this policy to the MEC for the transgression, and the Speaker shall in writing inform the Municipal Manager and the councillor concerned of the finding and the sanction being imposed or recommended to be imposed.
- 11.16. When a special committee cannot reach consensus on the findings to be conveyed to the municipal council, the collective and individual findings of the members of the committee shall be reported to the municipal council.
- 11.17. Should the municipal council find that a councillor was in breach of the Rules of Order, as contemplated in sub-section 11.1 – 11.3 of this policy, the Municipal council shall impose the following sanction-
- 11.17.1. For a first offence, give the councillor a written warning or fine the councillor with a fine equal to five (5) percent of the gross remuneration of such councillor for one (1) month, for each meeting not attended;
- 11.17.2. For a second offence, fine the councillor with a fine equal to eight (8) percent of the gross remuneration of such councillor for one (1) month, for each meeting not attended;

- 11.17.3. For a third/further offence, fine the councillor with a fine equal to ten (10) percent of the gross remuneration of such councillor for one (1) month, for each meeting not attended.
- 11.18 Should the municipal council find that a councillor was in breach of the Code of Conduct for Councillors, as contemplated in sub-section 11.2 of this policy, the municipal council may –
- 11.18.1 Issue a formal warning to the councillor;
 - 11.18.2 Reprimand the councillor; or
 - 11.18.3 Request the MEC to –
 - 11.18.3.1 Suspend the councillor for a period;
 - 11.18.3.2 Fine the councillor; or
 - 11.18.3.3 Remove the councillor from office.
- 11.19 When the municipal council is not satisfied with a report or the findings of a special committee, the municipal council may institute its own investigation into the non-attendance of meetings by a councillor.
- 11.20 A councillor found guilty of being absent without leave from meetings of the Municipal council or meetings of committees of the municipal council, has in terms of sub-section 14(3) of the Code of Conduct for Councillors, the right to appeal to the Provincial Minister, against a formal warning, a reprimand or a fine imposed in terms of sub-section 11.14 of this policy, and the special committee concerned and/or the municipal council shall have the right to provide written input for such appeal to the MEC.
- 11.21 Sub-sections 11.1 – 11.20 of this policy, shall apply with the necessary amendments, also to the Speaker.

12. MINUTES OF MEETINGS

12.1 The Director: Corporate Services shall –

- 12.1.1 Within two (2) weeks after a meeting, compile in writing the minutes of the proceedings of a council meeting; and

- 12.1.2 Provide each councillor with a copy of the minutes of a meeting, within seven (7) working days before the next ordinary meeting of the municipal council or a specific committee of the municipal council.
- 12.2 The Municipal Manager shall be responsible for the correctness of the minutes.
- 12.3 The minutes of a meeting shall be considered by council or the relevant committee of council at the next ordinary meeting of council or such committee of council, and when confirmed, such minutes shall be signed by the Speaker, or the chairperson of such committee, as applicable.
- 12.4 The Director: Corporate Services, shall keep a record of the signed minutes and will be responsible for the safekeeping of such signed minutes in a fireproof strong room or vault in terms of the Archives Act.
- 12.5 The minutes of a meeting shall be taken as read for the purpose of sub-section 12.3 of this policy, when it has been provided to each councillor within five (5) working days for council minutes and within 48 hours for committee minutes, before the meeting where such minutes shall be considered for adoption.
- 12.6 No motion or discussion during the confirmation of minutes shall be permitted, except for questions in respect of the correctness thereof or on a point of clarification.
- 12.7 When a councillor disagrees with the correctness of minutes, the councillor shall –
- 12.7.1 State the report or the resolution with which he or she disagrees with; and
- 12.7.2 Propose a motion in which the alternative wording is clearly set out, to amend the minutes for the specified report or the resolution.
- 12.8 When consensus cannot be obtained at a meeting on the correctness of minutes, the meeting shall –
- 12.8.1 Approve the minutes, with the exclusion of the item or items in dispute;

- 12.8.2 Refer the item or items in dispute to the next ordinary meeting of the municipal council or the committee of the municipal council, as applicable, to allow for the examination of the recording of the meeting involved (which safekeeping is the responsibility of the Director: Corporate Services), to determine the exact wording used during the meeting concerned; and
- 12.8.3 Reconsider the part of the minutes on the item or items in dispute, at the meeting as contemplated in sub-section 12.8.2 of this policy for approval of the portion of the minutes in dispute, based on the results of the examination of the recording.
- 12.9 The minutes of a meeting shall clearly indicate the date, time and venue of the meeting, and the resolutions taken, or any other important matters debated at a meeting, but shall not be a verbatim report of a meeting.
- 12.10 It is the responsibility of the Speaker as chairperson of Council (and chairpersons of other committees) to ensure that minutes of all meetings are signed after approval and returned to the Director: Corporate Services who is responsible for ensuring that the signed minutes are returned to him/her for binding and safekeeping of signed minutes in terms of the Archives Act.
- 12.11 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.

13 QUORUMS AT MEETINGS

- 13.1 A majority of the members of the full municipal council shall constitute a quorum at a council meeting, as contemplated in section 30(1) of the Municipal Structures Act, and a majority of the councillors elected to a committee or sub-committee of the municipal council, shall constitute a quorum at a meeting of such committee/ sub-committee, and such meetings shall only be properly constituted when a quorum of councillors are present and when elected members of the municipal

council and/or appointed members of a committee or sub-committee of the municipal council have been properly notified of a meeting, and/or members who have accessed the meeting via the secure link sent to their email address shall be deemed present for the purposes of establishing a quorum, taking a decision or voting on a matter.

- 13.2. Accidental omissions to serve a notice of a meeting on any councillor shall not invalidate the proceedings of the meeting.
- 13.3. No matter on an agenda may be considered/ voted on before a meeting is quorate. In the event that there is no quorum at a meeting, at the time at which a meeting was scheduled to start, the Speaker or the Chairperson shall take the chair at the stipulated starting time of the meeting, for the purpose of implementing the procedure as contemplated in sub-section 13.5 of this policy.
- 13.4. When the Speaker is absent, and there is no quorum, the start of a council meeting shall be postponed with twenty (20) minutes by the Municipal Manager at the most, and when there is still no quorum at the end of that period, the council meeting may not take place and the Municipal Manager shall record the names of those councillors present.
- 13.5. When there is no quorum, the start of a meeting shall be postponed by twenty (20) minutes at the most, and when at the end of that period, there is still no quorum, the Speaker or the Chairperson, as applicable, shall adjourn the meeting at his or her discretion to another time, date and venue, and record the names of those councillors present.
- 13.6. If at any stage during any sitting of the council or any committee/ sub-committee, the Speaker or chairperson becomes aware or his/her attention is called to the number of members present, the Speaker or chairperson will count members, and if found that the meeting is not quorate, shall suspend proceedings until a quorum of councillors is again present, provided that when after ten (10) minutes, or such longer period as the Speaker/ chairperson may allow, there is still no quorum, the Speaker/ chairperson shall adjourn the meeting.

13.7. When a council meeting is adjourned owing to the absence of a quorum, the time of such adjournment as well as the names of those councillors present, shall be recorded in the minutes.

13.8. 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.

13.9. The Municipal Manager shall report the names of the absent councillors as contemplated in sub-sections 13.3 – 13. of this policy, to the Speaker, for the purpose of an investigation a breach of the Rules of Order.

CHAPTER 3: DECISIONS

14 UN-OPPOSED MATTERS

When the municipal council (or committee/ sub-committee) considers a report before it and there is no opposition from any councillor against the matters in the report, the unanimous adoption of the matter shall be recorded in the minutes for the specific report.

15 OPPOSED MATTERS

15.1. Before a formal vote is taken on any matter before the Council, the Speaker shall call for the bell to be rung for a period of 1 minute, after which all doors shall be closed, and no member or other person shall be allowed to enter or leave the chamber.

15.2. The Speaker/chairperson shall put each opposed matter to the vote by requesting councillors to indicate by a show of hands, unless an alternative method of voting (secret ballot) has been determined by the municipal council, whether they are in favour of a matter or opposed to the matter being voted on, after which the Speaker/chairperson shall announce the outcome of such voting. Secret ballot will not be an option for committees and sub-committees.

15.3. In the event of a vote by secret ballot, the Municipal Manager shall hand to each councillor a ballot paper bearing the official mark determined by the Municipal

Manager and having the date and the alternates to be voted for clearly depicted thereon as indicated below:

DR. BEYERS NAUDÈ LOCAL MUNICIPALITY	
OFFICIAL MARK DETERMINED BY MUNICIPAL MANAGER	
DATE: _____	
PROPOSAL OR MOTION TO BE VOTED FOR	VOTE (X)

15.4. The Municipal Manager or an official designated by him, shall collect and count the votes in the presence of a representative from each party represented on the council and present at such meeting.

15.5. The Speaker shall thereupon declare the motion carried or lost and it shall be entered upon the minutes.

15.6. The number of members voting will be recorded as well as the general result of the vote. The Speaker will announce the outcomes of the voting.

15.7. A member may abstain from voting without leaving the chamber.

15.8. When the Speaker announces the outcome of a vote, a councillor may request that his or her vote against the decision be recorded, and the Municipal Manager shall ensure that such vote is recorded in the minutes.

16. DECISIONS

16.1. In terms of sub-section 160(3) of the Constitution the supporting vote of a majority of the members of the full municipal council shall be required to decide on –

- 16.1.1. The passing of by-laws;
 - 16.1.2. The approval of budgets;
 - 16.1.3. The imposition of property rates and other taxes, levies and charges;
 - 16.1.4. The raising of loans.
- 16.2. In terms of Section 34 of the Municipal Structures Act, a supporting vote of at least two thirds of the members of the full municipal council shall be required to take a decision to dissolve the municipal council.
- 16.3. All other matters before municipal council shall be decided by a majority of votes cast by the councillors present at a council meeting, as contemplated in sub-section 160(3)(c) of the Constitution.
- 16.4. In the event of a tie of votes in respect of any matter at a council meeting, which is put to the vote in accordance with sub-section 16.1 of this policy, but excluding those matters referred to in sub-section 16.1, as stipulated in section 160(2) of the Constitution, and 16.2 of this policy, the Speaker shall cast a deciding vote as required by sub-section 30(4) of the Municipal Structures Act, in addition to his or her ordinary vote. The Speaker is not permitted to cast a deciding vote in respect of any matter provided for in sub-section 160(2) of the Constitution.
- 16.5. In the event of a tie of votes in respect of any matter at a committee meeting which is put to vote, the Chairperson will have a deciding vote.

CHAPTER 4: ATTENDANCE OF COUNCIL MEETINGS BY MEMBERS OF THE PUBLIC

17 ATTENDANCE OF COUNCIL MEETINGS BY MEMBERS OF THE PUBLIC

17.1 The municipal council shall conduct its business in an open manner and every meeting of the Council and all Standing Committees, including the Executive Committee, shall be open to the public subject to the provisions of the Rules of Order.

17.1.1. As requisite in the Standing Rules that a meeting be open to the public, is satisfied if: -

- The meeting is streamed live on the website of the Municipality; or

- The meeting is recorded and made available on the website of the Municipality as soon as feasible after the meeting.

17.2 The Speaker shall take all reasonable steps to regulate the access to and conduct of the public at council meetings, subject to the constraints and capacity of a council chamber.

17.3 A member of the public or any delegation of any institution or organization who wishes to address the Municipal council, shall apply to the Speaker in writing, stating in such application the matter that shall be discussed, and the Speaker in his or her sole discretion may accede to or decline such application.

17.4 Deputations who wish to address the Executive Committee or any other committee of the municipal council, will submit fully motivated memoranda to the Municipal Manager who will bring the matter before the Executive Committee and if approved, the deputation will be received, and the matter reported to Council.

17.5 Deputations in 17.3 and 17.4 above, shall not exceed five in number, but only one member thereof shall be at liberty to address the meeting (except in reply to questions from members of the council/committee) and only for a period allowed by the Speaker/ chairperson.

17.6 The council/ committee shall not further consider the matter until the deputation have withdrawn itself from the meeting.

18 EXCLUSION OF THE PUBLIC FROM COUNCIL MEETINGS

18.1 The public shall be excluded from a council meeting -

18.1.1 When the Speaker wishes to make a confidential statement, as contemplated in sub-section 5.3 of this policy;

18.1.2 For consideration of reports indicated on an agenda as confidential by the Municipal Manager, after the Speaker determined whether the councillors agree that the indicated matters should be considered as confidential matters, which may include:

- 18.1.2.1 Any trade secret or confidential commercial information of any supplier of the municipality or any person rendering services to the municipality;
- 18.1.2.2 Personal and private information of any councillor or an employee;
- 18.1.2.3 The intention of the municipality to purchase or acquire land or buildings;
- 18.1.2.4 The price a municipality may offer for the purchase or acquisition of land or buildings;
- 18.1.2.5 Any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
- 18.1.2.6 Disciplinary proceedings or proposed disciplinary proceedings against an employee;
- 18.1.2.7 Any matter that may not be disclosed in terms of legislation; and
- 18.1.2.8 Consideration of the minutes of previous In Committee discussions.

18.2 A councillor may, when an item in the agenda is put to order, other than a matter referred to in 18.1 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.

18.3 When a motion to exclude the public from a council meeting is seconded, the motion shall be put to the vote, subject to any debate allowed on the matter by the Speaker.

18.4 When a motion to exclude the public is adopted, all members of the public, including the media and certain officials if required to as determined by the Speaker, shall leave the meeting venue.

18.5 The reasons for the exclusion of the public during the discussion and/or debate of a matter shall be minuted.

18.6 Whenever the Municipal Council decides to exclude the public and media from a virtual meeting, electronic access to the meeting must be suspended in order to close all or part of the meeting to the public and media.

18.7 The ruling of the Speaker regarding exclusion of the public or certain officials from any meeting is final.

19 RE-ADMISSION OF THE PUBLIC TO COUNCIL MEETINGS

19.1 A councillor may in the course of a council meeting, from which the public was excluded, propose a motion “*that the meeting again be opened*” and state the reasons for the motion.

19.2 When such a motion is seconded, it shall be put to the vote without delay and without any discussion.

19.3 When a motion as contemplated in sub-section 19.1 of this policy is adopted, the Speaker shall ensure that the public is re-admitted to the meeting venue.

CHAPTER 5: CONDUCT AT MEETINGS

20 CONDUCT AT MEETINGS

20.1 Councillors, officials of the municipality and members of the public shall maintain order and decorum at meetings, and they may not –

20.1.1 Misbehave in any way;

20.1.2 Act in an unseemly manner, by threatening or intimidating fellow councillors;

20.1.3 Deliberately obstruct the business or progress of a meeting;

20.1.4 Dispute the ruling of the speaker on any point of order or arrangements;

20.1.5 Make insulting remarks, use any offensive or insulting language or make defamatory allegations;

20.1.6 Make tedious and iterating speeches;

20.1.7 Use blasphemous or improper language; or

20.1.8 Commit a breach of any of the rules of order.

20.2 All members of the Council or a Committee shall be seated at least ten (10) minutes before the start of a meeting.

- 20.3 During the sitting of the council or a committee, members, except lady members and members in traditional, cultural or religious headdress shall have their heads uncovered.
- 20.4 When speaking, a councillor shall stand up when addressing the Speaker or Chairperson, unless otherwise ruled by the Speaker, but at all times, address their speech to the Speaker or chairperson.
- 20.5 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.
- 20.6 When a councillor, an official of the municipality or member of the public, contravenes sub-section 20.4 of this policy, the Speaker shall direct such person to refrain from such breach.
- 20.7 When a councillor, official of the municipality or member of the public disregards the directions of the Speaker the Speaker may –
- 20.7.1 Direct the councillor, officials of the municipality or member of the public when he or she is speaking, to discontinue his or her speech;
- 20.7.2 Direct that the person be withdrawn from the precincts of the council for the remainder of the sitting time and the speaker or chairperson may request the Sargent-at-arms or other support mechanism used by the municipality for security purposes to remove such person from the meeting; or
- 20.7.3 Postpone the council meeting concerned for a period determined by the speaker.
- 20.8 When the Speaker fails to act in terms of sub-section 20.6 of this policy, any councillor may submit a point of order to require the Speaker to do so.
- 20.9 The point of order referred to in sub-section 20.7 of this policy, shall be immediately attended to by the Speaker.

20.10 The Municipal Manager shall report the names of the councillors, or any other person at a council meeting who contravened the Rules of Order as contemplated in sub-sections 20.1 and 20.4 of this policy to the Speaker, for the purpose of investigations of the breach of the Rules of Order.

20.11 The Speaker shall after an investigation of a breach of the Rules of Order, report the findings to the municipal council for further action and the imposing of sanctions.

CHAPTER 6: DEBATES AND MOTIONS

21. ADDRESSING THE SPEAKER

A councillor or official of the Municipality or a member of the public acknowledged by the Speaker to speak at a meeting, shall address the Speaker directly.

22. THE RIGHT TO SPEAK AND LIMITATIONS TO SPEAKING AT A MEETING

22.1 A councillor may only speak or continue to speak at a council meeting after he or she has been acknowledged by the Speaker and shall refrain from speaking when the Speaker speaks or addresses the municipal council.

22.2 A councillor who is not a member of a committee, shall only be allowed to speak at such a committee meeting, when the councillor has been invited in writing by the Chairperson of the committee involved, to attend such meeting for discussions on a specified matter on the agenda.

22.3 Councillors who attend a committee meeting and speak at such committee meeting, without being invited or authorized to do so by the chairperson of such committee, shall not be protected by the Privileges and Immunities of Councillors Act, 2002, and contravenes the Rules of Order.

22.4 A councillor shall avoid personal attacks on other councillors and shall refrain from doubting the motives for any argument or vote of another councillor.

22.5 A councillor may speak only once –

22.5.1 About a matter before the municipal council;

22.5.2 On any motion before the municipal council;

22.5.3 On any amendments to a motion before the municipal council ; or

22.5.4 On a point of order or a question; or

22.5.5 Unless he or she has been authorised by the speaker or chairperson to provide further input, or as provided for by the rules of order.

22.6 A councillor may not be interrupted while he or she is speaking, unless he or she is called to order by the Speaker or chairperson, or a point of order has been raised by another councillor.

22.7 The Speaker or chairperson may not acknowledge a councillor to speak on a matter, after such matter has been voted on.

22.8 The Speaker may not allow a debate on a matter –

22.8.1 That would pre-empt any other matter on the agenda; or

22.8.2 In respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry is pending.

22.9 Except with the consent of the Speaker, a councillor shall restrict all debates or points of order to the matter under discussion.

22.10 No speech shall exceed three (3) minutes in length without the consent of the Speaker or chairperson who may allow exceeding of the time restriction depending on the matter under discussion. This period shall exclude consecutive translation time required.

22.11. The Speaker or the chairperson shall be entitled, at any time, to set, limit or extend reasonable time limits for the discussion of any decision or item or group of items on the relevant agenda.

22.12. 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.

23 CONTENTS OF DEBATES

- 23.1 A councillor who speaks, shall restrict his or her speech on the matter before the municipal council to 3 minutes (unless the Speaker approves continuation due to the nature of the matter).
- 23.2 When a councillor persists with an irrelevant speech, after a request from the Speaker to the councillor concerned, to restrict his or her speech to the matter under discussion, the Speaker shall instruct the councillor concerned to discontinue speaking about the matter under discussion.
- 23.3 Councillors shall maintain order and decorum at meetings and may not use tedious repetitions of arguments, or unbecoming language or remarks that are defamatory in nature.
- 23.4 Time allocated to each political party or interest group will be determined by the Speaker.
- 23.5 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 items on the agenda are to be debated.
- 23.6 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.
- 23.7 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 above.
- 23.8 Each political party or interest group represented in the municipality has the right to speak about each item on the agenda.

24 POINT OF ORDER

- 24.1 A councillor may make an interjection at a meeting to raise a point of order, to direct the attention of the Speaker or the Chairperson to a breach of the Rules of Order or a statutory provision.
- 24.2 A point of order may be raised with respect to –
- 24.2.1 A procedural matter; or
 - 24.2.2 The conduct of a councillor, a member of the public or an official of the municipality.
- 24.3 A councillor who raises a point of order shall be heard immediately and he or she may –
- 24.3.1 Raise the point of order; and
 - 24.3.2 State the rule or statutory provision that has been breached.
 - 24.3.3 Any point of order will not constitute a speech and will therefore not affect the right of any councillor to speak on a particular item, provided that the councillor will not be allowed to spend more than 2 (two) minutes on the point of order.
- 24.4 A councillor who is speaking when a point of order is raised, shall immediately stop speaking until the Speaker has ruled on the point of order, and all other matters before council shall be suspended until the point of order has been ruled on.
- 24.5 When the Speaker or the Chairperson has ruled that no rule of order or statutory provision has been breached, the councillor referred to in sub-section 24.4 of this policy, shall be allowed to continue his or her speech.
- 24.6 When the Speaker has ruled that a rule of order or statutory provision has been breached, the councillor concerned shall remain silent or withdraw or change any remarks, in order to comply with the ruling, and no debate of any kind shall be allowed on the point of order.
- 24.7 The Speaker's ruling on a point of order is final, not open to debate and shall be recorded in the minutes.

24.8 A councillor who is dissatisfied with the ruling of the Speaker on a point of order, may after the conclusion of the meeting where the point of order of a councillor has been declined or accepted by the Speaker, submit a motion in terms of section 26 or section 27 of this policy, that a legal opinion be obtained on the ruling of the Speaker, where after the matter shall be handled in terms of the provisions for the submission of motions.

25. EXPLANATIONS

25.1 The Speaker may allow a councillor to explain a previous speech, but only when and to the extent that a material part of such speech may possibly have been misunderstood.

25.2 The councillor giving the explanation may not raise any new matters, and no debate on the explanation shall be allowed.

26. MOTIONS

26.1. No matter shall be brought before the council or a committee 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, provided that a person who has a personal electronic mail address from where he or she can be identified by the Municipal Manager, can submit such motion by electronic mail.

26.2. Any notice of motion shall be submitted to the Speaker or chairperson before 12:00, ten days prior to the meeting of the council or committee.

26.3. A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated.

26.4. A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.

26.5. When a member introduces a motion which is intended to rescind or amend a resolution passed by the council in the preceding three months or which has the purport as a motion that was not supported within the three preceding months shall not be entertained.

- 26.6. When dealing with motions the motion shall be read out together with the number thereof and the name of the mover.
- 26.7. 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.
- 26.8. All notices of motion shall be dated and numbered as received by the Municipal Manager and shall be entered on the agenda 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.
- 26.9. No member shall have more than two notices of motion on the same agenda at the same time.
- 26.10. Before any notice of motion is placed on the agenda paper it shall be submitted to the Municipal Manager who must obtain the written technical input from the various heads of department of the municipality, if it is required, and, who, if he/she be of the opinion that it is *ultra vires* in relation to existing legislation, shall cause the giver of the notice to be so informed.
- 26.11. The giver of the notice shall, however, have the right to appeal to a sub-committee comprised of the Speaker, Mayor and Whip of the party of which the Councillor is a member, who shall review the matter and decide whether or not such notice of motion be placed on the agenda.
- 26.12. 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.
- 26.13 The Speaker may disallow a motion which:
- 26.13.1 May lead to discussions of a matter already dealt with on the agenda;
 - 26.13.2 Addresses a matter where the council has no jurisdiction;

- 26.13.3 Addresses a matter where a decision of a judicial or quasi-judicial body is pending;
 - 26.13.4 Has not been seconded
 - 26.13.5 If passed, would be contrary to the law.
- 26.14 The mover with the consent of the seconder may withdraw a motion or amendment.
- 26.15 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.
- 26.16 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 seven days before such subsequent meeting and the Municipal Manager shall, at least two days before such subsequent meeting, have forwarded a copy of such notice of motion to each councillor.
- 26.17 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.
- 26.18 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.
- 26.19 A councillor may only table a motion, when such motion has been allowed for introduction by the Speaker and has been seconded by another councillor, except where the Rules of Order provide otherwise.

27. NOTICE OF MOTIONS

27.1 A notice of a motion shall be in writing, motivated, dated and signed by the relevant councillor, and delivered to the Speaker at least ten (10) working days before the date of the council meeting at which it is to be introduced, unless otherwise provided for in this Rules of Order.

27.2 The Speaker shall either request the Municipal Manager to put the motion on the agenda of a meeting of council or to refer such motion to a committee dealing with the matter indicated in the motion.

27.3 Sub-section 27.1 of this policy shall not apply to the following types of motions -

27.3.1 An urgent motion; or

27.3.2 A motion for a point of order.

27.4 The Speaker's ruling on a motion for a point of order shall be final, not open to debate and shall be recorded in the minutes.

28. QUESTIONS

28.1 After a motion has been proposed and seconded, or at the conclusion of any speech on such motion, a councillor may put any question relevant to such motion to any other councillor, and the Speaker shall allow such questions.

28.2 No supplementary questions may be asked, except by the councillor who put the question and then only in respect of matters arising from the response to such question.

28.3 The councillor to whom the question has been directed may either reply thereto forthwith or may require that written notice be given of the question.

28.4 The notice referred to in sub-section 28.3 of this policy, shall be in writing, signed by the relevant councillor, dated, and delivered to the Speaker and the Municipal Manager, at least ten (10) working days prior to the Council or Committee meeting before the date of the meeting at which it is to be answered.

28.5 When the Municipal Manager receives the notice concerned, he or she shall within five (5) working days forward the notice to the councillor to whom the question has been directed and –

28.5.1 Request the councillor to submit a written reply to the question, to the Municipal Manager; and

28.5.2 Notify the Speaker of any such response received in respect of the question.

28.6 The Speaker shall ensure that the response is placed on the agenda of the next meeting, where the question must be answered.

28.7 A councillor may table a question requiring a written response from any political office bearer or the Municipal Manager, or Senior Manager/Director concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers.

28.8 Notice of a question referred to in sub-section 28.7 of this policy, shall be given in writing, signed by the relevant councillor, dated, and delivered to the Speaker or Chairperson and the Municipal Manager, and the procedures contemplated in sub-sections 28.5 and 28.6 of this policy, shall apply for the tabling of the question.

29. URGENT MOTIONS

29.1 A councillor may direct the attention of the municipal council to any matter that does not appear on the agenda and of which prior notice has not been given, by briefly stating the subject of the matter, and propose an urgent motion, "*that the matter which has been brought to the attention of the municipal council, be considered forthwith as an urgent matter*".

29.2 When the motion referred to in sub-section 29.1 of this policy, has been seconded and adopted, the councillor who proposed the motion, shall be permitted to have the matter considered without further notice.

30. MOTIONS OF ORDER

30.1 The following matters are regarded as motions of order –

- 30.1.1 That precedence be given to the consideration of any particular matter that appears on the agenda;
 - 30.1.2 That any report included in the agenda, be adopted or be referred back or be noted or be implemented;
 - 30.1.3 That any document serving before the municipal council, be acted upon in the manner specified in the motion;
 - 30.1.4 That in respect of any matter submitted for consideration, steps be implemented in the manner specified in the motion;
 - 30.1.5 That the Speaker shall instruct a councillor or an official of the Municipality or a member of the public to withdraw from the meeting; and
 - 30.1.6 Any motion referred to in section 30 of this policy.
- 30.2 When a motion of order has been seconded, such motion shall be put to the vote forthwith and without debate.

31. PRECEDENCE OF DEBATE

- 31.1 When a motion or a question is under discussion, no further motion may be received, except -
- 31.1.1 That the tabled motion be amended;
 - 31.1.2 That consideration of the matter under discussion be postponed to a specified or an unspecified date;
 - 31.1.3 That the public be excluded from a meeting;
 - 31.1.4 That members of the public be re-admitted to a meeting;
 - 31.1.5 That the meeting be adjourned to another date;
 - 31.1.6 That the meeting be adjourned for a specified time;
 - 31.1.7 That the debate on the matter be adjourned for a specified time;
 - 31.1.8 That the matter under discussion be put to the vote;
 - 31.1.9 That the matter under discussion be removed from the agenda; or
 - 31.1.10. That the question or motion be withdrawn.

32. AMENDMENT OF MOTIONS

- 32.1 A councillor may propose an amendment to a motion by stating “*that the motion be amended*”, and shall read the amendment to the municipal council, stating in what way the original motion should be amended.

- 32.2 The motion referred to in sub-section 32.1 of this policy, shall be seconded and a councillor may not speak on the amendment of such a motion before the municipal council agreed to the amendment of such motion.
- 32.3 The proposal for the amendment to a motion shall be submitted by the councillor who proposed the motion, and such amended motion need not to be in writing.
- 32.4 An amendment shall be relevant to the original motion in respect of which it is proposed and shall be proposed while the original motion is under consideration by the municipal council.
- 32.5 The amendment shall be considered before considering the original motion.
- 32.6 When the Speaker so requires, a proposed amendment shall be in writing, signed by the Councillor who proposed it, and the written amended motion shall be handed to the Speaker.
- 32.7 When there is more than one amendment to an original motion, the last proposed motion shall be put to the vote first, and when adopted, the matter shall be resolved.
- 32.8 When the last proposed amendment has been rejected, the amendment proposed immediately before the last proposed amendment, shall be put to the vote, and when all amendments have been dealt with and has been rejected by the municipal council, the original motion or the original motion as amended, shall be voted on, depending on the case.
- 32.9 No further amendments to the original motion may be proposed after the Speaker has tabled the original motion to be voted on.
- 32.10 An amendment may not in a material way amend the principle embodied in the original motion but may only vary the terms on one or more particulars contained in a motion.
- 32.11 The Speaker shall have discretion, to decide whether or not an amendment complies with sub-section 32.10 of this policy.

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

33. MOTION FOR THE POSTPONEMENT OF A MATTER

33.1 A councillor may at the conclusion of a speech on a matter, propose “*that the matter be postponed until a specified or an unspecified date.*”

33.2 The motion shall be seconded but need not to be in writing.

33.3 Only the councillor who proposed the motion may speak on such motion, restricted to the time limitation as contemplated in sub-section 22.10 of this policy.

33.4 The councillor who proposed the original motion, in respect of the matter for which a motion for the postponement has been received, may reply on the proposed motion subject to the stipulations provided for in sub-section 22.9 of this policy, after which the motion shall be put to the vote without further debate.

33.5 When the motion referred to in sub-section 33.1 has been adopted, the matter shall be placed first on the agenda of matters to be considered at the meeting to which it has been postponed, and the provisions as contemplated in sub-section 4.4 and 4.5 of this policy to change the order of business, shall not apply in this instance.

33.6 When the motion referred to in sub-section 33.1 has been declined, the proposer of the motion for the postponement of the matter shall be allowed to reply on the declined motion subject to the stipulations provided for in sub-section 22.9 of this policy.

33.7 When the motion referred to in sub-section 33.1 of this policy, is not adopted, the council meeting proceeds as if no interruption occurred, and the Speaker may not accept a similar motion, for the remainder of the meeting concerned.

34. MOTION FOR THE ADJOURNMENT OF A MEETING TO ANOTHER DATE

- 34.1 A councillor who has not yet participated in the debate on a matter, may at any time during the discussion of a matter, except during the course of a speech by another councillor or while there is voting on the matter concerned, propose “*that the meeting adjourn to another date*”.
- 34.2 The motion shall be seconded but need not to be in writing.
- 34.3 Only the councillor who proposed the motion, may speak on the motion, restricted to the time limitation provided for in sub-section 22.9 of this policy.
- 34.4 No debate on the motion may be permitted, except that the councillor, who introduced the matter under discussion, may speak in opposition of the tabled motion for adjournment, subject to the stipulations provided for in sub-section 22.9 of this policy.
- 34.5 No amendment to the motion may be proposed, except in respect of the period of adjournment.
- 34.6 When the motion has been adopted, the meeting shall adjourn forthwith and be reconvened on the date specified in the motion or amended motion, unless the Speaker directs that the meeting should proceed to dispose first of unopposed matters.
- 34.7 When the motion has not been adopted, the meeting shall proceed as if no interruption occurred, and the Speaker may not accept a similar motion until half an hour has elapsed.
- 34.8 When the motion referred to in sub-sections 35.1 of this policy, has been adopted during a debate and before the conclusion thereof, the councillor who proposed the motion shall be entitled to speak first when the matter concerned is reopened for discussion at the resumption of the adjourned meeting.

34.9 No matters may be transacted at the resumption of the adjourned meeting, other than the unconcluded reports that was on the agenda of the meeting which has been adjourned.

35. MOTION FOR THE ADJOURNMENT OF A MEETING FOR A SPECIFIED TIME

35.1 A councillor may at any time, except during the course of a speech by another councillor or while there is being voted on the matter concerned, propose “*that the meeting adjourn for a specified time*”, to caucus on a matter.

35.2 The motion shall be seconded but need not to be in writing.

35.3 When the motion referred to in sub-section 35.1 of this policy has been adopted, the Speaker shall adjourn the meeting forthwith for the specified time and the meeting shall reconvene at the time specified in the motion, and the Speaker may for the sake of progress with a meeting, restrict the time allowed for adjournment for caucusing.

35.4 When the motion has not been adopted, the meeting proceeds as if no interruption occurred, and the Speaker may not accept a similar motion until half an hour has elapsed.

35.5 The Speaker may at any time adjourn a meeting for a specified time, on good cause shown.

36. MOTION OF THE ADJOURNMENT OF A DEBATE ON A MATTER FOR A SPECIFIED TIME

36.1 A councillor who has not yet participated in the debate on a matter may at the conclusion of any speech on that matter, propose “*that the debate on the matter be adjourned for a specified time.*”

36.2 The motion shall be seconded but need not to be in writing.

36.3 Only the Councillor who proposed the motion, may speak on the motion, subject to the stipulations provided for in sub-section 22.9 of this policy.

- 36.4 No debate on the motion may be permitted, except that the councillor, who introduced the matter under discussion, may speak in opposition of the tabled motion for adjournment, subject to the stipulations provided for in sub-section 22.9 of this policy.
- 36.5 No amendment to the motion may be proposed, except in relation to the period of adjournment.
- 36.6 When the motion has been adopted, the meeting proceeds to the next item on the agenda, and the adjourned debate shall resume at the time specified in the motion.
- 36.7 On the resumption of the adjourned debate, the councillor who proposed the adjournment shall be entitled to speak first.
- 36.8 When the motion has not been adopted, the debate on the matter proceeds as if no interruption occurred, and the Speaker may not accept a similar motion until half an hour has lapsed.
- 36.9 A councillor may not propose or second more than one motion for the adjournment of the debate on a matter, during a debate on the matter concerned.
- 36.10 The Speaker may at any time adjourn a meeting for a specified time on good cause shown or may restrict the time allowed for adjournment for the sake of progress with a meeting.

37. MOTION THAT A MATTER SHOULD BE PUT TO A VOTE

- 37.1 A councillor who has not yet participated in the debate on a matter, may at the conclusion of any speech on that matter, proposes "*that the matter be put to the vote*".
- 37.2 The motion shall be seconded but need not to be in writing.
- 37.3 Subject to sub-section 37.4 of this policy, a motion referred to in sub-section 37.1 of this policy shall not be open to debate.

37.4 The councillor who proposed the original motion under debate may be allowed, when a motion referred to in sub-section 37.1 of this policy has been proposed, to speak on the original motion, subject to the stipulations provided for in sub-section 22.9 of this policy, where after the motion referred to in sub-section 37.1 of this policy shall be put to the vote without any further debate.

37.5 When the motion referred to in sub-section 37.1 of this policy has not been adopted, the meeting shall proceed as if no interruption occurred, and the Speaker may not accept a similar motion for the remainder of the meeting.

37.6 Members shall be entitled to cast their votes either by show of hands, electronically or by voice, or if requested and approved by the Speaker or chairperson, by way of secret ballot.

37.7 Only members who are present when a vote is called shall be permitted to vote.

37.8 the results of a vote are announced and the names of members and how they voted are recorded in the Minutes; and

37.9 Members must ensure that their votes are correctly recorded.

38. MOTION TO REMOVE A MATTER FROM THE AGENDA

38.1 A councillor who has not yet participated in the debate on a matter, may at the conclusion of any speech, propose "*that the matter be removed from the agenda*".

38.2 The motion shall be seconded but need not to be in writing.

38.3 Subject to sub-section 38.4 of this policy, a motion referred to in sub-section 38.1 of this policy shall not be open to debate.

38.4 The councillor who proposed the original motion under debate may be allowed, when a motion referred to in sub-section 38.1 of this policy has been proposed, to speak on the original motion, subject to the stipulations provided for in sub-section 22.9 of this policy, where after the motion referred to in sub-section 38.1 of this policy shall be put to the vote without any further debate.

38.5 When the motion referred to in sub-section 38.1 of this policy has been adopted, the matter shall be removed from the agenda of the meeting and may not be discussed again at that meeting.

38.6 When the motion referred to in sub-section 38.1 of this policy has not been adopted, the meeting proceeds as if no interruption occurred, and the Speaker may not accept a similar motion for the remainder of the meeting.

39. MOTION TO REFER A MATTER TO A COMMITTEE

39.1 A councillor may, at the conclusion of any speech on a matter, propose “*that the matter be referred to a committee*”.

39.2 The motion shall be seconded but need not to be in writing.

39.3 Subject to sub-section 39.4 of this policy, a motion referred to in sub-section 39.1 of this policy shall not be open to debate.

39.4 The councillor who proposed the original motion under debate may be allowed, when a motion referred to in sub-section 39.1 of this policy has been proposed, to speak on the original motion, subject to the stipulations provided for in sub-section 22.9 of this policy, where after the motion referred to in sub-section 39.1 of this policy shall be put to the vote without any further debate.

39.5 No debate on the motion may be permitted, except that the councillor who introduced the matter under discussion, may speak in opposition of the tabled motion for adjournment, restricted to the time limitation provided for in sub-section 22.9 of this policy.

39.6 When the motion referred to in sub-section 39.1 of this policy has been adopted, the matter under debate may not be discussed further at that meeting.

39.7 When the motion referred to in sub-section 39.1 of this policy has not been adopted, the meeting proceeds as if no interruption occurred, and the Speaker may not accept a similar motion for the remainder of the meeting.

40. WITHDRAWAL OF MOTIONS OR QUESTIONS

- 40.1 A councillor who has proposed a motion may at any time withdraw it with the permission of the councillor who seconded it.
- 40.2 A councillor may not speak on a motion at a council meeting, after such motion has been withdrawn.
- 40.3 A councillor who has put a question may withdraw it without the permission of the municipal council, at any time before the question is answered.

41. ABSENCE OF THE COUNCILLOR WHO GAVE NOTICE OF A MOTION OR A QUESTION

When the councillor who gave notice of a motion or a question is not present when called upon by the Speaker to introduce the motion concerned or ask the question concerned, the motion or question shall lapse, unless the proposer of the motion or question, in writing before such meeting, requested the Speaker that another councillor table the motion or ask the question concerned.

42. RE-INTRODUCTION OF MOTIONS OR QUESTIONS

- 42.1 A motion that has been rejected by the municipal council or a question that has been answered, may not again be proposed or asked within a period of three (3) months after the meeting at which it was rejected or answered, except with the permission of municipal council.
- 42.2 A councillor who wishes to re-introduce a motion or question shall give notice in writing to the Speaker thereof.
- 42.3 When the Speaker receives a notice referred to in sub-section 42.2 of this policy, he or she shall request the Municipal Manager to place the notice on the agenda of the next meeting, subject to the provisions of sub-section 42.1 of this policy.

43. MOTIONS OR QUESTIONS ON MATTERS REFERRED TO A COMMITTEE

- 43.1 A councillor may not give notice of a motion or a question regarding any matter that is before a committee for consideration, unless such notice of the motion or the question –

43.1.1 Has also been submitted to the committee concerned; or

43.1.2 Is part of the referral of a matter to that committee for consideration and reporting to the municipal council.

43.2 A member of a committee may with the approval of the Chairperson of the committee concerned and the Speaker, when he or she is of the opinion that a matter is urgent, give notice of a motion or a question on a matter referred to such a committee, even though the motion or the question has not been submitted to or has been considered by such committee.

CHAPTER 7: LEGISLATIVE PROCESS

44. INTRODUCTION OF DRAFT BY-LAWS

A draft by-law may only, in accordance with section 12 of the Systems Act, be introduced by a councillor or a committee of the municipal council.

45. INTRODUCTION OF DRAFT BY-LAWS BY COUNCILLORS

45.1 A councillor may introduce a draft by-law, by submitting it together with a memorandum on the objectives of the by-law concerned to the Speaker.

45.2 The Speaker shall obtain the comments of the Municipal Manager on the content of the submitted draft by-law and may solicit the comments of any other person.

45.3 The Speaker shall submit the draft by-law, together with any comments received in terms of sub-section 45.2 of this policy, to the executive committee for a report and a recommendation in accordance with sub-section 30(5) of the Structures Act.

45.4 The executive committee shall within one (1) month of the receipt of a draft by-law from the Speaker, consider the draft by-law and decide to either support or not support such by-law.

45.5 When the executive committee decides to support a draft by-law, the Mayor shall submit a report to the municipal council and recommend that the draft by-law be supported and that the Municipal Manager advertise the draft by-law for public comment as contemplated in section 47 of this policy.

45.6 When the Executive Committee decides not to support a draft by-law, the Mayor shall submit a report to the municipal council, stating the committee's opposition to such draft by-law and the reasons therefore.

45.7 After considering the report referred to in sub-section 45.5 of this policy, the municipal council may decide to either reject the draft by-law or to approve the commencement of the legislative process set out in section 47 and 48 of this policy in respect of the draft by-law concerned.

45.8 When a draft by-law has been rejected by the municipal council, no by-law with the same content may be re-introduced to the municipal council within a period of six (6) months from the date of rejection of the submitted draft by-law.

45.9 When the commencement of the legislative process in respect of a draft by-law has been approved in terms of sub-section 45.7 of this policy, the draft by-law shall be published for public comment in accordance with section 47 of this policy.

45.10 Adoption of a draft by-law by the municipal council shall be considered as the first introduction and reading of such by-law.

46. INTRODUCTION OF DRAFT BY-LAWS BY THE MAYOR

46.1 A Mayor may on request of the Municipal Manager, introduce a draft by-law by submitting it together with a memorandum on the objects of the draft by-law to the Speaker.

46.2 When the Mayor wishes to introduce a draft by-law on his or her own accord, he or she shall solicit the comments of the Municipal Manager thereon and may request the comments of any other person there-on before submitting it to the Speaker.

46.3 The Mayor shall submit a report to the municipal council on the introduction of the draft by-law and recommend that the draft by-law be supported and that the Municipal Manager publish the draft by-law for public comment in accordance with section 47 of this policy.

46.4 After considering the report referred to in sub-section 46.3 of this policy, the Municipal council may decide to either reject the draft bylaw or to approve the commencement of the legislative process set out in section 47 and 48 of this policy, in respect of the draft by-law concerned.

46.5 The adoption of the draft by-law by the municipal council shall be considered as the first introduction and reading of such by-law.

47. PUBLICATION OF A DRAFT BY-LAW FOR PUBLIC COMMENT

The Municipal Manager shall as soon as possible after the municipal council has in terms of sub-section 45.7 and 46.4 of this policy, approved the commencement of the legislative process for a by-law, publish the draft by-law in two of the official languages for not less than thirty (30) days in terms of sections 21, 21A and 21B of the Systems Act for public comment.

48. CONSIDERATION OF A DRAFT BY-LAW FOR ADOPTION

48.1 The Municipal Manager shall as soon as possible after the closing date for public comment referred to in section 47 of this policy, submit a report to the executive committee together with –

48.1.1 A copy of the draft by-law;

48.1.2 Copies of the notices in which the public was invited to make representations;

48.1.3 The comments and recommendations received from the public; and

48.1.4 Any other comments or recommendations by the Municipal Manager.

48.2 The executive committee shall consider the report of the Municipal Manager and shall after consideration of all the recommendations and comments submit a report to the Municipal council in which the following shall be included –

48.2.1 An executive summary of the draft by-law;

48.2.2 A memorandum on the objectives of the draft by-law;

48.2.3 The view of the executive committee on the need for the draft by-law;

48.2.4 The contents of the draft by-law;

48.2.5 Other by-laws that shall have to be repealed or amended when the draft by-law is adopted; and

48.2.6 Any relevant comments or proposals; and

48.2.7 Recommend to the municipal council to adopt the by-law or to adopt the by-law in an amended form or to reject the by-law.

48.3 When a draft by-law has been rejected by the municipal council, no by-law with the same content may be introduced within a period of six (6) months from the date of the rejection of the submitted draft by-law.

48.4 When the municipal council has adopted a by-law, it shall be promulgated in accordance with Section 13 of the Systems Act, as a municipal by-law of the Dr. Beyers Naudè Local Municipality.

48.5 Adoption of the draft by-law by the municipal council shall be considered as the second introduction and final reading of such by-law, before the proclamation thereof as a by-law.

CHAPTER 8: GENERAL MATTERS

49. OFFICIAL LANGUAGES

Anyone who speaks at a meeting may use Afrikaans, English or isiXhosa.

50. INTERFERENCE IN THE ADMINISTRATION

Any councillor who desires to obtain information, which is not accessible to the general public, from any official with regard to the administration, will first address their enquiries with the Municipal Manager. Councillors (including the Mayor, Speaker, and Portfolio Chairpersons) must refrain from interfering with the administration which is a serious breach of the Code of Conduct for Councillors contained in the Systems Act. Incidents of interference with the administration shall be reported to the Speaker for further action.

51. DISCLOSURE OF INFORMATION AND MEDIA

51.1 Only the Municipal Manager (or in his or her absence, an official designated by him or her), in his discretion, may disclose information relating to the work of the municipality to any registered newspaper, radio station, television service or internet publisher.

51.2 Members of council will refrain from divulging to the media any documentation, reports or any other information provided to them for consideration by council or a committee.

51.3 No In Committee discussions may be disclosed to the public or media except by the Municipal Manager (or in his or her absence, an official designated by him or her). Disclosure of confidential information is gross misconduct in terms of the Municipal Systems Act.

51.4 Chairpersons of committees must liaise with the Municipal Manager for the publication of any information relating to that committee and the Municipal Manager shall arrange the publication of the relevant information, if approved.

52. LEGAL REPRESENTATION FOR COUNCILLORS AND EMPLOYEES

Legal representation may be provided to councillors and employees for legal action against them in their official capacity, subject to the stipulations of sections 109 and 109A of the Municipal Systems Act.

53. THE SPEAKER MAY REFER MATTERS FOR LEGAL ADVICE

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

54. WARD COMMITTEES

54.1 In terms of sections 72(1) and 73 of the Municipal Structures Act ward committees are established for every ward.

54.2 The objective of the ward committee is to enhance participatory democracy in local government.

54.3 Ward committees may make recommendations on any matter affecting its ward to the Ward Councillor, or through the Ward Councillor, to the Council.

54.4 Ward committees meet once per month and the ward councillor shall be the chairperson of the ward committee.

54.5 A Ward committee may have such duties and powers as may be delegated to it by the municipal council in terms of Section 59 of the Municipal Systems Act, 1998 to create formal unbiased communication channels as well as cooperative partnerships between the community and the council that may be achieved as follows:

54.5.1 Advise and make recommendations to the ward councillor on matters and by-laws affecting the ward;

54.5.2 Assist the Ward Councillor in identifying challenges and needs of residents;

54.5.3 Disseminate information in the ward concerning municipal affairs such as the budget, Integrated Development Planning, Performance Management System (PMS), service delivery options and municipal properties utilisation;

54.5.4 Receive queries and complaints from residents concerning municipal service delivery, communicate it to council through the Ward Councillor and provide feedback to the community on Council's response;

54.5.5 Ensure constructive and harmonious interaction between the Municipality and community through the use and co-ordination of ward residents' meetings and other community development forums; and

54.5.6 Interact with other forums and organisations on matters affecting the ward.

54.6 Council may adopt a by-law to regulate the functioning of ward committees.

55. DRESS CODE

55.1 The Council may by resolution prescribe a dress code for councillors and traditional leaders (if applicable) attending meetings.

55.2 Any councillor or official attending a meeting of the municipal council will be dressed semi-formally (shirt and tie and ladies will be dressed accordingly).

55.3 Notwithstanding the provisions of any resolution passed in accordance with section 55.2 of this policy, no councillor shall be allowed to wear any clothing or accessory containing partly political paraphernalia to any meeting of council, committee, or sub-committee meetings.

56. ACTIVITIES PROHIBITED WITHIN THE COUNCIL CHAMBER OR A MEETING VENUE AND THE USE OF THE COUNCIL CHAMBER BY OTHER PERSONS OR INSTITUTIONS

56.1 The decorum of the council chamber as the official seat of governance of the Municipality shall always be respected and adhered to by any person or institution using the facilities.

56.2. 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:

56.2.1. Having a cellular telephone that is not on silent mode and speaking on a cellular phone during the meeting;

56.2.2. Consuming any food or drink in his/her possession, excluding water provided at the meeting.

56.2.3. Caucus meetings of the various political parties may be held in the chamber provided it is booked prior to the meeting, and subject to such bookings to be on a rotational basis for all the parties.

56.2.4. The use of the council chamber by any other person or institution, other than a recognized committee, body of or person in the employ of the Municipality shall be subject to the approval by the Municipal Manager, and always subject to the availability thereof in terms of the council's calendar of use, and the purpose for which it is applied for.

56.2.5. Applications for use shall be made by writing to the office of the Municipal Manager who shall confer with the Director: Corporate Services in making the venue available in writing.

57. OFFENCES AND PENALTIES

57.1 A councillor or an official of the municipality or a member of the public who-

57.1.1 Refuses to withdraw from a meeting of the municipal council or a committee of the municipal council, when directed to do so by the Speaker or the Chairperson of a meeting in terms of sub-section 21.6.2 of this policy; or

57.1.2 Returns to a meeting from which he or she has been expelled or was removed in terms of sub-section 21.6.2 of this policy, may be forcibly removed from such a meeting and shall be guilty of an offence.

57.2 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 council chamber or the venue where the meeting is being held. If the person refuses to leave, the Chairperson/Speaker will be responsible to remove such person from the meeting.

57.3 The Chairperson/Speaker may exclude such person removed in terms of section 56.2, from further admittance to the council chamber or the meeting venue for such period as he/she may deem fit.

57.4 A councillor or an official of the municipality or a member of the public may not –

57.4.1 Interfere with or impede the municipal council or a committee of the municipal council, when the municipal council or such committee are exercising their authority or performing their functions;

57.4.2 Interfere with or impede a councillor while he or she is addressing the municipal council or a committee of the municipal council, or prevent a councillor to speak at a meeting; or

57.4.3 Interfere with or impede the performance and duties of a councillor or his or her functions as a councillor;

57.4.4 Threaten a councillor or obstruct the access of a councillor to or leaving a meeting of the municipal council or a committee of the municipal council;

57.4.5 Assault or threaten a councillor with assault;

57.4.6 While the municipal council or a committee of the municipal council is meeting, create or take part in any disturbance of such meeting;

57.4.7 Fail or refuse to comply with an instruction by the person presiding at a meeting of the municipal council or a committee of the municipal council, regarding the presence of any person or the conduct of any persons at such meeting; or

57.4.8 Fail or refuse to comply with an instruction issued by a duly authorised official of the municipality regarding –

57.4.8.1 The presence of persons at a particular meeting of the municipal council or a committee of the municipal council;

57.4.8.2 The conduct of persons at a particular meeting of the municipal council or a committee of the municipal council; or

57.4.8.3 The possession of a firearm or any other dangerous weapon or substance at any meeting of the municipal council or any committee of the municipal council or in a meeting venue.

57.4.9 A person may not by fraud, intimidation, force, insult, or threats of any kind or by the offer or promise of any inducement or benefit of any kind or by any other improper means –

57.4.9.1 Influence a councillor in the performance of his or her duties and functions as a councillor;

57.4.9.2 Convince a councillor to be absent from a meeting of the municipal council or a committee meeting of the municipal council; or

57.4.9.3 Attempt to compel a councillor to declare himself or herself in favour of or against any matter pending before or proposed to or

expected to be submitted to the municipal council or a committee of the municipal council.

57.5 The Speaker shall after investigation of any breach of the Rules of Order, report the findings to the municipal council for further action and the imposing of sanctions.

57.6 Any person, including a councillor, who contravenes any provision of this policy is guilty of an offence and is liable on conviction, for –

57.6.1 A fine or imprisonment or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;

57.6.2 In the case of a successive or continuing offence, to an additional fine or an additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and

57.6.3 Any further amount such as an order of court for costs, equal to any costs and/or expenses, deemed by the court to have been incurred by the municipality as a result of such contraventions.

57.7 All councillors will take cognisance of the stipulations of the Code of Conduct for Councillors to ensure that said Code is not transgressed.

58. CONFLICT BETWEEN LEGISLATION

When any stipulation of this policy, conflicts with national and provincial legislation or regulations, the national and provincial legislation or regulations shall prevail.

59. AMENDMENT OF THE STANDING RULES AND ORDERS OF COUNCIL

59.1 A rule may be amended, revoked, or added by a resolution of Council.

59.2 Any Councillor proposing a change to the Rules and Orders must submit the proposal in writing to the Rules Committee.

59.3 A resolution of Council to change the Rules and Orders must be introduced by the Speaker of Council and accompanied by a report of the Rules Committee.

60. REPEAL OF BY-LAWS RELATING TO RULES OF ORDER

60.1 The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the municipality in terms of Rules of Order, are hereby repealed as far as they relate to matters provided for in this policy.

60.2 The following policy of the Dr. Beyers Naudè Local Municipality is hereby specifically repealed -

Name of policy	Date published	As a whole or partially
Standing Rules and Orders for the Meetings and Internal Arrangements of the Municipal Council of Dr. Beyers Naudè Local Municipality Council and its Committees		As a whole

61. SHORT TITLE

This policy shall be called the Standing Rules of Order for the Meetings and Internal Arrangements of the Municipal Council of Dr. Beyers Naudè Local Municipality and its Committees.

62. OPERATIVE DATE

This policy shall take effect on the date of publication thereof in the Government Gazette.