

STELLENBOSCH

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Rules of Order By-law

Notice Number: 40/2019.

The above-mentioned by-law of Stellenbosch Municipality is hereby advertised in terms of the provisions of Section 160(4)(b) of the Constitution, Act 108/96 read with Section 12 and 13 of the Local Government: Municipal Systems Act 32/2000.

Be advised that the by-law is open for inspection and for written comments, if any, and can be viewed at all libraries within 30 days of the advertisement. Closing date for submissions are 29 June 2019. Copies of the by-law can be downloaded from the municipal website: www.stellenbosch.gov.za

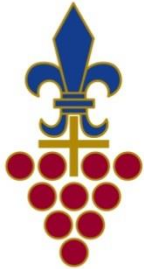
All comments should be addressed to:

The Municipal Manager, Stellenbosch Municipality, PO Box 17, Stellenbosch, 7599/
Plein Street, Stellenbosch, 7600 and or to: Municipal.manager@stellenbosch.gov.za /
021 808 8025

Geraldine Mettler
MUNICIPAL MANAGER

Dated:





STELLENBOSCH

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

February 2019

Date approved by Council: _____

MUNICIPAL NOTICE

The Municipal Council of Stellenbosch Municipality adopted the following bylaw at its meeting held on under section 165 (2) of the Constitution of the Republic of South Africa 1996, read with section 31 (2) of the Local Government: Municipal Structures Act 117 of 1998, and hereby publishes the bylaws under section 13 (a) of the Local Government: Municipal Systems Act 32 of 2000 to come into effect on the date of publication of this Notice in the *Provincial Gazette*.

STELLENBOSCH MUNICIPALITY STANDING RULES AND ORDERS FOR THE MEETINGS OF THE COUNCIL AND ALL ITS COMMITTEES

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1. **Application of the rules**

- 1.1 The rules of order contained in this Notice apply to all meetings of the Municipal Council and any committee of the Municipal Council, as well as any other committee of councillors established within the Municipality, unless the terms of reference for a specific structure explicitly exclude the application of these rules for such structure.
- 1.2 The aim of the rules are to allow free, open and constructive debate during meetings; to promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of the time allocated to meetings.
- 1.3 The rules are meant to create the opportunity for councillors serving in Council structures to air their views on any matter of public importance.
- 1.4 The rules of order apply to:
 - 1.4.1 all councillors;
 - 1.4.2 all officials of the Municipality; and
 - 1.4.3 all members of the public present in the Council chamber or precinct.

2. **Definitions**

In these rules, the following terms and phrases have the meaning assigned to them below:

Code of Conduct – the Code of Conduct for councillors as set out in Schedule 1 of the Systems Act;

committee – any committee established in the Municipal structure, including but not limited to committees established under sections 79 and 80 of the Structures Act;

Constitution – the Constitution of the Republic of South Africa 1996;

Council – the Municipal Council of Stellenbosch Municipality;

councillor – a member of the Municipal Council;

day – a day that is not a public holiday, Saturday or Sunday; for the purposes of calculating a period of days, the first day is excluded and the last is included;

Executive Mayor – the Executive Mayor of the Municipality as elected under section 55 of the Structures Act;

in committee – the part of a meeting of the Municipal Council during which the meeting is closed to members of the public and press, and to such municipal officials as determined by the speaker – excluding the Municipal Manager – because of the nature of the business being transacted;

Mayoral Committee – the committee appointed by the Executive Mayor under section 60 of the Structures Act;

member – a councillor serving on the Municipal Council of the Municipality;

motion – a matter submitted by a member in accordance with rule 26 below;

Municipality – Stellenbosch Municipality;

point of order – a point raised by a councillor during a Council meeting that relates to a matter of procedure only, as provided for in the rules of order;

precinct – the area defined by the chair at the meeting concerned;

privilege – the right to freedom of speech for councillors at Council and committee meetings, subject to the rules of order or any ruling by the speaker under such rules; as well as the right not to be held liable for civil or criminal proceedings for anything said or submitted to the Council or Committee or produced by such bodies;

procedural motion – a matter raised by a member at a meeting in accordance with rule 26;

report – any item included in the agenda for consideration by the Council or a committee;

senior managers – the person appointed by the Council as the Municipal Manager as well as all managers directly accountable to the Municipal Manager, as approved under the official organisational structure of the Municipality;

Sergeant-at-arms – a person in the full-time employment of the Municipality, who is charged to assist the speaker in maintaining order at Council meetings and who may be assisted by such staff members as the speaker may direct;

single whip – the person elected as the single whip of the Council;

speaker – the person as elected under section 36 of the Structures Act;

special meeting – any additional Council meeting called by the speaker by the powers vested in the speaker;

Structures Act – the Local Government: Municipal Structures Act 117 of 1998;

Systems Act – the Local Government: Municipal Systems Act 32 of 2000;

urgent special meeting – a special meeting related to an urgent matter under rule 8.

venue – the place or location where a meeting is held, including any public gallery;

whip – a member of the Municipal Council, one whip appointed by each political party represented on the Council, to perform the function set out in rule 9.

3. Council meetings open to the public

3.1 The Municipal Council must conduct its business in an open manner, and every meeting of the Council and all its committees must be open to the public, provided that this rule will not apply when an open meeting would be unreasonable having regard to the nature of the business being transacted under section 20(1)(a) and (b) of the Systems Act.

3.2 The Council will convene “in committee” when discussing any of the following matters:

- 3.2.1 a trade secret or confidential commercial information of any supplier of the Municipality or any person rendering a service to the Municipality;
 - 3.2.2 personal and private information of any councillor or Municipal employee;
 - 3.2.3 the Municipality's intention to purchase or acquire land or buildings;
 - 3.2.4 the price that the Municipality may offer for the purchase or acquisition of land or buildings;
 - 3.2.5 any report regarding legal proceedings that the Municipality is involved in, or that it is contemplating to institute or defend;
 - 3.2.6 disciplinary proceedings or proposed disciplinary proceedings against any Municipal employee;
 - 3.2.7 any matter of which disclosure is forbidden by legislation; and
 - 3.2.8 the minutes of previous in-committee discussions.
- 3.3 A councillor may, when an agenda item – other than a matter referred to in 3.2 above and provided that it not be a matter that is required by law to be dealt with at an open meeting – is put to order, propose (with motivation) that the matter be dealt with further in committee. The speaker's ruling in this regard is final and no further discussion will be allowed.

4. **Council meetings**

The Council must hold an ordinary meeting for the transaction of business at least once every three months.

5. **Special Council meetings**

- 5.1 The speaker may, at any time and of his/her own accord, call a special Council meeting; provided that no such special meeting may take place unless all councillors have received notice of at least 48 hours before the date and time set for the meeting.
- 5.2 The speaker must, upon written request of a majority of the councillors, call a special Council meeting; provided that no such special meeting may take place unless all councillors have received notice of at least 48 hours before the date and time set for the meeting.
- 5.3 Should the speaker fail or refuse to call a special meeting when requested in accordance with 5.2 above, the Municipal Manager must call the special meeting for the date set out in the written request, and at a venue and time determined by the Municipal Manager.
- 5.4 The speaker may, at any time and of his/her own accord, call an urgent Council meeting; provided that no such urgent meeting may take place unless all councillors have received notice of at least 24 hours before the date and time set for the meeting.

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6. **Serving of notices**

The Municipality must distribute a notice to each councillor to attend a meeting, specifying the business proposed to be transacted and signed by the Speaker or the Municipal Manager as contemplated in rule 5 above, by electronic mail to the address provided by the councillor concerned as their official email address. The following time frames are to be followed:

6.1 at least 72 hours before any ordinary Council meeting; or

6.2 at least 48 hours before any special meeting.

Further,

6.3 24 hours before any urgent special Council meeting, a notice to attend the meeting, specifying the business proposed to be transacted and signed by the speaker or the Municipal Manager as contemplated in rule 5 above, must be distributed by electronic mail to the address provided by each councillor as their official email address.

Further,

6.4 when a matter related to a by-law must be considered, notice of the item must be given at least seven (7) days before the matter is to be considered.

6.5 Hard copies will be made available only upon request and with the approval of the speaker under exceptional circumstances. Councillors who make such requests must pay the printing costs and must collect the document personally.

7. **Non-serving of notices**

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

8. **Urgent matters**

8.1 No business may be transacted at a meeting of the Council or any Council committee other than that specified in the relevant agenda, except any matters that the chair concerned may consider urgent and only after the chair has ruled the matter to be urgent.

8.2 The Municipal Manager may raise matters for decision by the Council that, in the Manager's discretion, are urgent. A matter will be deemed urgent if the required decision would prejudice the Council, its operations or both should it be delayed.

8.3 The speaker or chair at a meeting must determine an appropriate time when the Municipal Manager may raise urgent matters, as well as the time available for discussing them, provided that the speaker may rule that the matter is not urgent as defined in 8.2 above.

9. **Conduct at meetings**

The speaker or the chair at a meeting must:

- 9.1 maintain order during the proceedings;
- 9.2 ensure that the Code of Conduct for Councillors be adhered to during the meeting;
- 9.3 ensure that the meeting be conducted in accordance with these rules;
- 9.4 ensure that members conduct themselves in a dignified and orderly manner during the meeting;
- 9.5 ensure that members of the public attending meetings be seated in areas designated for that purpose;
- 9.6 ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the speaker or chair at the meeting;
- 9.7 ensure that any councillor or member of the public refusing to comply with the ruling of the speaker or chair leave the meeting; and
- 9.8 ensure that the whip of each political party represented in the Municipal Council, as well as the single whip of Council, maintain discipline during the meeting.

10. Interpretation of the rules

- 10.1 The ruling of the speaker or the chair at a meeting regarding the application and interpretation of the rules, as well as other procedural matters not dealt with in these rules, is final and binding; provided that the speaker or chair may be required to furnish reasons for a ruling.
- 10.2 Any ruling made by the speaker or chair must be done with due regard for the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies (including these rules), the rule of law and the rules of natural justice.

11. Quorum and acts of Council

- 11.1 A majority of the councillors must be present at a Council meeting before any matter may be considered or put to the vote.
- 11.2 Should there be no quorum for a meeting, the meeting must be suspended for no more than 20 minutes. If, at the end of the stated time, there is still no quorum, the speaker or chair may suspend the meeting for a period that they deem fit and thereafter adjourn the meeting to reconvene on another date and at another time and/or venue.

12. Decisions and voting

- 12.1 Subject to 12.3 below, all matters must be decided by a majority of councillors present at the meeting.
- 12.2 Before a formal vote is taken on any matter before the Council, the speaker must indicate that voting is due to take place, whereafter no member or other person may be allowed to enter or leave the venue.

- 12.3 Any matter referred to in section 160(2) of the Constitution is to be decided by a majority of the councillors.
- 12.4 Should there be an equality of votes on any matter, the speaker or chair may exercise a casting vote in addition to that particular councillor's deliberative vote; provided that the casting of such vote fall within the ambit of the powers duly delegated to the relevant committee, and provided that – for the matters listed in section 160(2) of the Constitution – there is no provision for a casting vote.
- 12.5 Should the speaker or chair ask the meeting whether it is in agreement with the recommendations before them and should no member present raise an objection, such recommendations are adopted without being put to the vote formally.
- 12.6 In the event of there being opposition to a recommendation, the decision is taken by means of voting – either by show of hands or, if requested and if approved by the speaker, by way of secret ballot.
- 12.7 The single whip counts the votes and declares the result of the decisions to the chair.
- 12.8 In the event of a secret ballot, the Municipal Manager must hand each councillor a ballot paper bearing the official mark or logo of the Municipal Council and clearly depicting the options to be voted for.
- 12.9 The Municipal Manager must collect all ballot papers and count them in the presence of a representative of each party represented on the Council or committee and present at such meeting.
- 12.10 Upon receiving the results, the speaker or chair declares the motion carried or lost, which must be recorded in the minutes.
- 12.11 The number of votes cast must be recorded, along with the general result. The outcome of the voting will be announced by the speaker.
- 12.12 Members may abstain from voting without leaving the chamber.
- 12.13 Members may request that their support/dissent/abstention be recorded in the minutes.

13. **Disclosure of interest and removals**

A councillor or other member of a meeting:

- 13.1 must disclose to the meeting any direct personal or private business interest that they themselves, or their spouse, partner or business associate or close family member, may have in any matter before the Council or the committee;
- 13.2 must withdraw from the proceedings until the matter has been concluded; unless the meeting decides by resolution that the person's direct or indirect interest in the matter is trivial or irrelevant;
- 13.3 who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the Municipality, must disclose full particulars of the

benefit of which the person is aware at the first meeting at which it is possible for them to make such disclosure.

Regarding the above, this provision –

13.4 does not apply to an interest or benefit that a councillor or other member, or their spouse, partner or business associate or close family member, has or has acquired in common with other residents and ratepayers of the Municipal area.

Further,

13.5 when a councillor or other member of a committee or a member of the public has been asked to leave a Council meeting, they will not be allowed to return to that meeting or any in-committee session at that meeting. This includes any adjournment of a Council meeting where the speaker and chair concerned have requested a member or committee member or member of the public to leave the meeting and precinct.

14. **Walkout**

Should a councillor or group of councillors leave any meeting in protest, and the remaining councillors constitute a quorum, the business of the meeting proceeds as usual.

15. **Count-out**

Should, during any sitting of the Council or any Council committee, the attention of the speaker or chair be called to the number of members present, he/she must count them and, should it be found that no quorum is present, the matter must be dealt with in accordance with rule 11 above.

16. **Adjourned meetings**

The Council or a Council committee may adjourn a meeting to any date or hour, but may not proceed to transact any business at such adjourned meeting, except such as was set out in the notice for the meeting that has so been adjourned.

17. **Notice of adjourned meetings**

When a meeting is adjourned, notice of the adjourning must be sent to each Council or committee member, specifying the time, date and place of the adjourned meeting; except under the circumstances contemplated in 34 below.

18. **Chair at meetings**

18.1 The speaker – or, in the speaker's absence, the acting speaker – serves as chair at all Council meetings. An acting speaker may be elected by the majority of councillors present at any Council meeting where the speaker is not present.

18.2 The Executive Mayor chairs meetings of the Mayoral Committee and, in the Executive Mayor's absence, the Deputy Executive Mayor; and,

should the Deputy Executive Mayor also be unavailable, any other councillor appointed by a majority Mayoral Committee members in attendance.

18.3 The Executive Mayor must appoint a chair to serve at meetings of the portfolio committees (section 80 of the Structures Act).

18.4 The person so appointed by Council must chair Council committee meetings; provided that, where no such person was nominated, the members present may elect their own chair.

19. **Agenda**

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

19.1 The speaker or chair may, after considering a duly motivated request, change the order of agenda items.

19.2 The speaker or chair may, after considering a duly motivated request, direct that a matter be moved between the “in-committee” and open-meeting sections of the agenda.

20. **Order of business at Council meetings**

The order of business of an ordinary Council meeting is as follows:

1. **Opening and welcome**
2. **Mayoral address**
3. **Communications by the speaker**
4. **Communications by the Municipal Manager**
5. **Disclosure of interests**
6. **Applications for leave of absence**
7. **Approval of the minutes of the previous meeting**
8. **Statutory matters**
9. **Report by the Municipal Manager on outstanding resolutions**
10. **Items for noting:**
 - 10.1 **Report(s) by the Executive Mayor**
 - 10.2 **Report(s) by the speaker**
 - 10.3 **Report(s) by the Municipal Manager**
11. **Items for consideration from the Executive Mayor or Mayoral Committee:**
 - 11.1 **Community and Protection Services**
 - 11.2 **Corporate Services**
 - 11.3 **Financial Services**
 - 11.4 **Human Settlements**
 - 11.5 **Infrastructure Services**

- 11.6 Planning and Economic Development Services**
- 11.7 Rural Management and Tourism**
- 11.8 Youth, Sports and Culture**
- 11.9 Executive Mayor**
- 12. Consideration of items, reports, communications, petitions and applications submitted via the Office of the Municipal Manager**
- 13. Municipal Public Accounts Committee (MPAC)**
- 14. Reports by the Municipal Manager**
- 15. Consideration of notices of questions and notices of motions received by the speaker**
- 16. Consideration of urgent motions**
- 17. Urgent matters submitted by the Municipal Manager**
- 18. Reports by the speaker**
- 19. Matters to be considered in-committee**

- 21. Leave of absence and attendance**
 - 21.1 All councillors must punctually attend and remain in attendance for the full duration of each meeting of Council or one of its committees, unless leave of absence has been granted or a matter serves before the meeting in which a councillor or committee member or their spouse, partner or business associate or close family member has any direct or indirect personal or private business interest and such councillor or committee member is required to withdraw under item 3(b) of the Code of Conduct.
 - 21.2 Applications for leave of absence from any Council or committee meeting must be submitted to the single whip for approval by the speaker or the relevant chair. The application must be in writing and signed by the member applying for leave.
 - 21.3 For any meeting other than an urgent special meeting, all applications for leave must be submitted at least 12 hours before the starting time of the meeting. In case of an urgent special meeting, the single whip must receive the application an hour before the meeting. In the case of extenuating circumstances, an application must be submitted as soon as is reasonably possible.
 - 21.4 The speaker or chair may grant leave at their sole discretion, and the speaker or chair is at liberty to reject an application for leave of absence; except when such request is accompanied by a medical certificate prescribing a member's being absent. A medical certificate that is not attached to a request for absence must be submitted within three (3) working days after the meeting and must be dated at least on the date of the meeting.

22. **Minutes to be kept and approved**

- 22.1 Minutes of the proceedings of every meeting of the Council and its committees must be recorded electronically or otherwise and kept for that purpose by the Director: Corporate Services. The Municipal Manager is responsible for the accuracy of the minutes, and every set of minutes must be approved at the next ordinary meeting.
- 22.2 Minutes of the proceedings of every Council or committee meeting must be recorded, typed and printed and, once approved, signed by the chair at the next ensuing ordinary meeting. Minutes must be bound and kept secure.
- 22.3 The Municipal Manager must ensure that the minutes reflect the names of the members who attended the meeting, those who were absent and those who had been granted leave of absence.

23. **No discussion on minutes at approval stage**

Any motion or discussion during the approval of the minutes is limited to its accuracy.

24. **Motions**

- 24.1 No matter may be brought before a meeting by any member except upon a notice of motion, which must be submitted in writing on a form prescribed for such purpose and signed by the member giving the notice as well as a member seconding it.
- 24.2 All notices of motion must be submitted to the speaker or chair ten (10) days before the meeting concerned.
- 24.3 All notices of motion must be dated and numbered as received by the Municipal Manager, and are entered on the agenda paper in the order in which they have been received; save and except that notices of amendment to motions must be entered immediately after the notice of motion that they relate to, irrespective of the time at which the notice has been received.
- 24.4 Subject to rule 37, no member may enter more than two notices of motion on the same agenda.
- 24.5 Before any notice of motion may be placed on the agenda, it must be submitted to the Municipal Manager, who must obtain the written technical input from the various heads of department of the Municipality, if so required; and who, should the Manager be of the opinion that the motion would be *ultra vires* existing legislation, must ensure that the member concerned be so informed. The notice giver does have the right to appeal to a committee comprising the speaker, Executive Mayor and single whip of the Council, who will review the matter on the papers alone and decide whether or not such notice of motion should be included in the agenda.

- 24.5.1 A motion lapses if the member who submitted it is absent at the meeting where the motion is to be debated. The motion concerned must be resubmitted.
- 24.5.2 The member who submitted a motion must introduce it at the meeting and has the right to deliver a reply.
- 24.5.3 No motion will be considered that intends to rescind or amend a resolution passed by the Council in the preceding three months, or that has the same purport as a motion that was rejected in the three preceding months.
- 21.1 When a motion is introduced, it must be read out together with the number allocated to it and the name of the mover.
- 24.6 The speaker or chair must ascertain which motions are unopposed; these must be passed without debate. Thereafter the opposed motions will be called in accordance with the order of the agenda.
- 24.7 A motion affecting the making or amending of a by-law must be submitted to the speaker for a report before the Council may pass a resolution on it.
- 24.8 The speaker may disallow a motion that:
 - 24.9.1 may lead to discussion of a matter already dealt with on the agenda;
 - 24.9.2 addresses a matter on which the Council has no jurisdiction;
 - 24.9.3 addresses a matter on which a decision of a judicial or quasi-judicial body is pending;
 - 24.9.4 has not been seconded;
 - 24.9.5 if passed, would contradict existing law; or
 - 24.9.6 is frivolous
- 24.9 The mover may withdraw a motion or amendment with the consent of the seconder.
- 24.10 The speaker or chair may call upon any mover of an amendment to a motion to reduce the same to writing and sign it, and to hand it to the Municipal Manager to read it for the meeting's adoption or rejection. 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 Council meeting may be revoked or altered at any subsequent meeting, unless notice of a motion to amend or revoke has been submitted as contemplated in section 24.

25. Amendments to recommendations

- 25.1 An amendment that is moved:
 - 25.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;
 - 25.1.2 must be reduced to writing, signed by the mover and seconder, and handed to the speaker; and

- 25.1.3 may be moved by a member only while he/she is speaking on a recommendation, motion or proposal under debate.
- 25.2 A member who has moved an amendment may speak thereon for no longer than three (3) minutes, but the seconder will not be allowed to speak thereon, and all amendments that have been moved must be put to the vote once the debate upon such recommendation, motion or proposal has been closed.
- 25.3 More than one amendment may be moved to a recommendation, motion or proposal and, subject to rule 24.9, all amendments that have been moved must be put to the vote once the debate upon such recommendation, motion or proposal has been closed.
- 25.4 No member may move more than one amendment to a recommendation, motion or proposal.
- 25.5 If the Mayor or member of the Mayoral Committee or chair of a committee or the mover of the original motion wishes to address the Council on any amendment moved to such recommendation, motion or proposal, they may do so only during their reply.
- 25.6 The debate is closed after the Mayor or member or chair has delivered their reply.
- 25.7 If more than one amendment to a recommendation, motion or proposal have been moved, they must be put to the vote in the order in which they were moved.
- 25.8 The speaker must state each amendment to a recommendation, motion or proposal clearly to the meeting before it is put to the vote.
- 25.9 If an amendment be carried, the amended recommendation, motion or proposal must take the place of the original recommendation, motion or proposal, in respect of which only further proposed amendments will be put to the vote; provided that, should the speaker be of the opinion that an amendment that has been carried renders another amendment unnecessary or pointless, may rule that such other amendment need not be put to the vote, in which case the latter amendment lapses.
26. **Precedence of the speaker**
- 26.1 Members at a sitting of the Council or a committee must have their heads uncovered; except for members in traditional, cultural or religious headdress.
- 26.2 Councillors must remain seated while speaking, addressing the speaker or chair at all times.
- 26.3 Whenever the speaker or chair speaks, any member speaking or offering to speak at that moment must be silent in order for the speaker to be audible and speak without interruption.

27. **Relevance**

Members who speak must confine their speech strictly to the motion or matter under discussion or to an explanation or a question of order.

28. Members' right to speak

Unless otherwise provided for in these rules, no member may speak more than once on any recommendation or amendment to a recommendation(s), motion or proposal; provided that the Executive Mayor or a member may reply in conclusion of a debate – even then confining their comments to previous speakers, without introducing any new matter into the debate.

29. Mayoral address

29.1 After the speaker has opened the meeting, but before any matters on the agenda are dealt with, the Executive Mayor may address the meeting on any matter, whether it be on the agenda or not, which he/she deems appropriate. No points of order or debate are allowed during the Mayoral address.

29.2 At the conclusion of the Mayoral address, the speaker may allow a maximum of ten (10) minutes for questions and answers arising from such address. The speaker must ensure that the time available be allocated proportionally to the political parties, and as agreed at the whips' meeting.

29.3 The Executive Mayor may reply to any questions envisaged in rule 29.2 above or, if so directed by the Executive Mayor, by any other member of the Mayoral Committee.

30. Debate management

30.1 The speaker determines the time allocated to each political party.

30.2 At least 24 hours before the meeting, the whip of each political party represented on the Municipal Council must provide the speaker or chair with a list indicating which agenda items are to be debated.

30.3 At least 12 hours before the meeting, the whip of each political party represented on the Municipal Council must provide the speaker or chair with a list indicating which members will speak on which agenda items.

30.4 The speaker determines the time allocated per item, and informs the whips of the speaking time allowed each member included in the list, based on the principle in 30.1 above.

30.5 Each political party or interest group represented on the Municipal Council has the right to speak on each agenda item.

31. Length of speeches

31.1 No speech may be longer than three (3) minutes without the speaker's consent. This allotted time excludes consecutive translation time required.

31.2 The speaker or the chair will be entitled at any time to set, limit or extend reasonable time limits for discussion and/or decision-making regarding any item or group of items on the relevant agenda.

32. Disorderly conduct by councillors and the chair's function

32.1 Should members at any meeting conduct themselves improperly, behave unseemly or persistently obstruct business to be transacted at that meeting, challenge a ruling by the speaker or chair, or decline to withdraw an expression when required to do so by the speaker or the chair, indulge in tedious repetition or unbecoming language, or commit any breach of these rules, the speaker or chair may rule those members to be out of order and may direct them to conduct themselves properly and, if they have been speaking, to cease such speech immediately.

32.2 Should members persistently disregard directions by the speaker or chair, the latter may declare those members to be out of order and direct them to retire from the venue for the remainder of that meeting and, if necessary, may cause them to be ejected from the venue. The speaker or chair will launch an investigation under the Code of Conduct regarding such behaviour.

32.3 Unless otherwise ruled, such members are excluded for the full duration of the meeting concerned, including the "in-committee" section of the meeting and any adjournment of that meeting.

32.4 Should members refuse to retire from the venue, the speaker or chair may request the Sergeant-at-arms to facilitate the removal of such members.

32.5 If this cannot be done in an orderly manner, the speaker or chair at the meeting may adjourn proceedings for no longer than 15 minutes to allow for the relevant members to retire or be ejected from the venue. If the members have not left or been ejected by the time that the meeting is to be resumed, it may be adjourned for another 10 minutes to resolve the situation.

32.6 After a second adjournment the speaker or chair may rule that the meeting will re-convene at another venue and time, and that any members ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Council's Sergeant-at-arms must ensure that such members do not, indeed, enter the alternative venue.

33. Obstruction by persons other than councillors

Any persons other than members who misconduct themselves, behave unseemly or interrupt the proceedings of the Council or any Council committee at any meeting must, should the speaker or chair so direct, leave the venue or be removed from it. Should such persons refuse to leave, the Sergeant-at-arms is responsible for removing them from the venue. The speaker or the chair may

exclude such persons from further admittance to the venue or the meeting for a period as the speaker or chair may deem fit.

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34. Points of order and personal explanations

- 34.1 All members, whether they have addressed the Council on the matter under debate or not, may raise a point of order at any time and must specify the rule upon which they raise it after having been acknowledged by the speaker or chair.
- 34.2 All members who have addressed a meeting on the matter under discussion may raise a point of personal explanation in order to clarify any misunderstanding or incorrect interpretation of their input.
- 34.3 No point of order or personal explanation constitutes a speech and, therefore, will not affect any members' right to speak on a particular item; provided that they must be limited to one (1) minute speaking on the point of order or personal explanation.
- 34.4 Any members contemplated in rule 34.1 and 34.2 must be heard, and the member speaking at the time as well as all other members must remain silent until the speaker or chair has ruled on the matter.
- 34.5 The ruling by the speaker or chair on a point of order or on the admissibility of a point of personal explanation is final and will not be open to discussion.
- 34.6 Members who persist in raising a point of order or of personal explanation after the speaker or chair has made a ruling are subject to rule 32.4 above.

35. Questions

- 35.1 All members may submit a question requiring a written reply from any political office bearer, the Municipal Manager or Senior Manager of the Municipality concerning any matter related to the Municipality's effectively performing its functions and to its exercising its powers; provided that a written notice of such question must be submitted to the speaker or chair and the Municipal Manager at least 10 days before the Council or committee meeting, and the political office bearer and the Municipal Manager must ensure that the members concerned receive a written reply at the meeting.
- 35.2 If, after questions have been replied to, members should consider a reply to be unclear or satisfactory, they may request a follow-up question in writing with the permission of the speaker or chair.
- 35.3 All questions duly given notice of and all responses submitted must be recorded in the minutes.
- 35.4 Each member may raise/file/petition only two (2) motions or two (2) questions, or one (1) question and one (1) motion, per meeting.
- 35.5 Members may not submit a question or motion that is substantially the same as a motion or question raised in the previous three months; the speaker or chair has sole discretion to make a ruling regarding the substance of a motion or question.

36. **Terms of reference of subcommittees**

Upon the appointment of any subcommittee of Council, the Council must specify the terms of reference of such subcommittee and determine the number of member required for a quorum.

37. **Extension or restriction of powers by the Council**

The Council may at any time extend, withdraw or modify the duties and powers of a committee or subcommittee appointed under section 79 of the Structures Act.

38. **Minutes of executive committee, Mayoral Committee, and Council committees and subcommittees**

38.1 Every committee must keep minutes of its proceedings and cause the same to be duly stored by the Director: Corporate Services. This provision applies to the Mayoral Committee, too, except when it is specifically exempted from this duty by a resolution by the Council in view of the sensitivity, confidentiality or other nature of the subject matter of a particular meeting; and provided that the final resolution or recommendation be duly recorded in writing.

38.2 At every ordinary meeting of a committee, the minutes of the previous meeting will be taken as read, with a view to approving it; provided that a copy of such minutes be attached to the agenda and have been sent to each member of the committee beforehand.

38.3 No discussion will be allowed regarding the minutes, except as to its accuracy, save at portfolio committee meetings – and even then at the sole discretion of the chair.

39. **Inspection of minutes**

39.1 Once approved, the minutes of recent Council meetings must be posted on the Municipality's website for perusal.

39.2 Hard copies of minutes and historical minutes may be inspected, but access must be applied for as per the Municipality's policy regarding PAIA (Promotion of Access to Information Act 2 of 2000), and may attract an administration fee.

40. **Non-attendance by committee members**

40.1 Should any member of the Council or a committee of Council fail to attend three or more consecutive meetings of the relevant body without leave of absence having been granted as contemplated in rule 21 above, item 4 of the Code of Conduct (Schedule 1 to the Systems Act) applies.

40.2 Members of Council or a committee who fail to attend a meeting of the relevant body without leave of absence having been granted as

contemplated in rule 21 above may incur a fine of 10% of their monthly salary.

40.3 A committee consisting of the speaker, the single whip and two other party whips chosen on a rotational basis must investigate before a fine is imposed under rule 40.2, and report to Council on the transgression contemplated by rule 40.2 read with rule 21.

41. Council members attending meetings of committees of which they are not members

41.1 Members of the Municipal Council may attend the meeting of any committee of which they are not a member. In all such instances, the Council members are granted observer status and thus may not participate or vote at such meetings.

41.2 The provisions of rule 41.1 do not apply to the Municipal Public Accounts Committee (MPAC). Mayoral Committee members may be requested to attend MPAC meetings, and the notice must specify the matters on which the Mayoral Committee member is expected to address the MPAC.

41.3 Mayoral Committee members who have been requested to attend an MPAC meeting may request that the Municipal Manager – or a senior manager, with the Municipal Manager’s permission – accompany them to such MPAC meeting; however, they may not instruct such official to appear before and address the MPAC on their behalf.

42. Information to be obtained from the Municipal Manager or heads of department

Subject to the provisions of rule 38 above, Council members who wish to obtain from any Municipal official information about the Municipality’s administrative work – which information is not accessible to the general public – must address their enquiries firstly to the Municipal Manager in writing; in the event of the Municipal Manager refusing such request, the Council member concerned may submit a PAIA application.

43. Information to the media: in-committee discussions

43.1 The Executive Mayor or, in his/her absence, the Deputy Executive Mayor and the Municipal Manager – or their delegated representative according to their discretion – may supply, upon application to them by any registered newspaper, radio station, television service or internet publisher, information and reports relating to the Municipality’s work to such media or their representatives.

43.2 In view of the Municipal Manager or the Executive Mayor being the authorised channel through which the media may receive information and reports, Council and committee members must refrain from providing the media with documents or information that they have

received for the purposes of discussion by the Council or committee; on the understanding that this clause is not be construed as abrogating councillors' individual constitutional right to make press statements that reflect their personal or political views, not those of the Council; and provided, further, that no in-committee discussion may be conveyed to the public or media except by the Executive Mayor or Municipal Manager.

43.3 Committee chairs must liaise with the Executive Mayor and Municipal Manager for the publication of any information relating to the committee concerned; if approved, the Municipal Manager will arrange for the publication of the relevant information.

44. Legal defence and indemnification of members and officers of the Council

The Council (as per the delegations) may determine the circumstances in which it will undertake the defence of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, that a councillor or an official may have against any person, body, organisation or institution arising from the councillor's or official's capacity as a Municipal official.

45. Speaker may refer matters for legal advice

The speaker may, within the framework of the Municipality's approved operational budget and subject to its supply chain management policy, refer any matter pertaining to the Council and its proceedings for legal advice.

46. Activities prohibited within the Council chamber or meeting venue and the use of the Council chamber by other persons or institutions

46.1 All persons and institutions who make use of the facilities must respect and adhere to the decorum of the Council chamber as the official seat of Municipal governance at all times.

46.2 The following activities, conducted by whosoever, are strictly prohibited within the confines of the Council chamber or a meeting venue of the Council or its committees:

46.2.1 being in possession of a cellular telephone that is not in silent mode;

46.2.2 speaking on a cellular phone during a meeting; and

46.2.3 consuming any food or drink, excluding water provided at the meeting or bottled water.

46.3 The use of the Council chamber by any persons or institutions other than a recognised committee, body of or person in the employ of the Municipality is subject to approval by the speaker, and at all times dependent on the venue's availability as regards the Council's calendar of use and the purpose for which it is requested. Applications for use

must be submitted in writing to the speaker, who will confer with the Director: Corporate Services about making the venue available and send a written reply.

47. **Sanctions and offences**

Any person who wilfully contravenes any provision of these rules is guilty of an offence and subject to the following sanctions imposed by the Council:

- 47.1 a fine as determined by Council from time to time for the categories of offences as approved by Council by resolution from time to time;
- 47.2 suspension from attending Council or committee meetings as the Council may determine, for such a period as the Council may determine by resolution from time to time for the categories of offences as determined by Council.

48. **Dress code**

- 48.1 The Council may by resolution prescribe a dress code for councillors and traditional leaders attending meetings.
- 48.2 Notwithstanding the provisions of any resolution passed in accordance with rule 48.1, no councillor will be allowed to wear to any meeting any clothing or accessory that displays party-political paraphernalia or any clothing that may offend a party or person.