

Council of the Kouga Municipality has in terms of Rule 156(2) of the Constitution read in conjunction with Rule 11 of the Local Government: Municipal Systems Act No.32 of 2000, approved the following By-Law:

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

Document Control

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

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1. Application of rules

- 1.1 The rules of order contained herein 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 excludes the application of the rules for such structure.
- 1.2 The rules are aimed to encourage free, open and constructive debate during meetings, to encourage and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.
- 1.3 The rules endeavour to create the opportunity for Councillors serving in Council structures to air their view on any matter of public importance.
- 1.4 The rules of order are applicable to:
 - 1.4.1 All Councillors;
 - 1.4.2 Traditional Leaders participating in Council and its committees in terms of Section 81 of the Municipal Structures Act;
 - 1.4.3 Any municipal officials of the municipality; and
 - 1.4.4 Any member of the public while present in the Council Chambers and precinct.

2. Definitions

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

“Alternate member”	shall mean a member of Council appointed by Council to represent a member of a committee of Council, in the event that the such member of the committee is absent as contemplated in Rule 22;
“Committee”	shall mean any committee established in the municipality, including committees established in terms of Section 79 and 80 of the Structures Act;
“Constitution”	shall mean the Constitution of the Republic of South Africa, 1996;
“Council”	shall mean the municipal Council for the Kouga Municipality;
“Councillor”	shall mean a member of the municipal Council;
“Day”	shall mean a day that is not a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;
“Executive Mayor”	shall mean the Executive Mayor of the municipality as elected in terms of Section 55 of the Structures Act;
“In Committee”	shall mean the part of the meeting of the municipal Council where the meeting will be closed and members of the public and press, and such municipal officials as determined by the Speaker, excluding the Municipal Manager, will be excluded from the meeting, based on the nature of the business being transacted;
“Mayoral Committee”	means the committee appointed by the Executive Mayor in terms of Section 60 of the Structures Act;
“Member”	shall mean a Councillor serving in the municipal Council of the municipality;
“Motion”	shall mean a matter submitted by a member in accordance with Rule 29 below;

“Municipality”	shall mean the Kouga Municipality;
“Notice”	shall mean a notification, in writing, sent to members of Council or its committees, informing them of a time, date and location of a Council meeting or of its committees;
“Point of clarity”	shall mean the explanation of some material part of a member’s speech which has not been understood or which contains incorrect assertions during the course of the debate, but not once the debate is closed;
“Point of order”	shall mean a point raised by a Councillor during Council meeting and shall only relate to a matter of procedure and provided for in the rules of order;
“Privilege”	shall mean the right of freedom of speech for Councillors in Council and committee meetings, subject to the rules of order, of any ruling of the Speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings for anything they said, produced or submitted to Council or Committee;
“Procedural motion”	shall mean a matter raised by a member at a meeting in terms of Rule 29;
“Report”	shall mean any item appearing on the agenda for consideration by Council or a committee;
“Sargent-at-arms”	shall mean a person in the 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;
“Senior managers”	shall mean the persons appointed by Council as the Municipal Manager and all managers directly accountable to the Municipal Manager as approved on the official organisational structure of the municipality
“Speaker”	shall mean the person as elected in terms of Section 36 of the Structures Act;
“Structures Act”	shall mean the Local Government: Municipal Structures Act, No. 117 of 1998;

“Sub-committee”	means any other committee, other than the Mayoral Committee or Committees appointed by Council or the Mayoral committee;
“Systems Act”	shall mean the Local Government: Municipal Systems Act, 2000;
“Traditional Leader”	shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal Council in terms of Rule 81 of the Structures Act;
“Whip”	shall mean a member of the municipal Council appointed by each political party represented in Council;
“Whip of Council”	shall mean the person elected as the Whip of Council.
“Quorum”	shall mean 50% of the Council or committee members plus 1.

3. Meeting of Council open to public

- 3.1. The Municipal Council shall conduct its business in an open manner and every meeting of Council and all committees, including the Mayoral Committee shall be open to the public; provided that this rule shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of Section 20 (1) (a) and (b) of the Systems Act.
- 3.2 The Mayoral Committee, as contemplated in Section 60 of the Local Government: Municipal Structures Act (as amended) may, subject to sub-section (1)(a), close any or all of its meetings to the public, including the media.
- 3.3 Council may deal “In Committee” when discussing any of the following matters:
 - 3.3.1 a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
 - 3.3.2 personal and private information of any Councillor or an employee of the municipality;
 - 3.3.3 the intention of the municipality to purchase or acquire land or buildings;
 - 3.3.4 the price a municipality may offer for the purchase or acquisition of land or buildings;
 - 3.2.5 any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;

- 3.3.6 disciplinary proceedings or proposed disciplinary proceedings against any employee;
- 3.3.7 any matter that may not be disclosed in terms of legislation;
- 3.3.8 consideration of the minutes of previous "In Committee" discussions.
- 3.3.9 After confidential matters served before Council it is open to public domain, except when a Council decides not to open certain matters to the public.
- 3.4 A Councillor may, when an item in the agenda is put to order, other than a matter referred to in Rule 3.2 above, and provided it is not a matter that is required in law to be dealt with in open Council, propose with motivation, that the matter be further dealt with In Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

4. Council meetings

- 4.1 Council shall hold an ordinary meeting for the transaction of business not less than once in every three months.

5. Special Council meetings

- 5.1 The Speaker may at any time of own accord and shall, upon request in writing by a majority of Councillors of the municipality, call a special meeting of Council, provided that no such special meeting shall take place unless all Councillors were given at least 48 hours' notice prior to the date and time set for the meeting. The Agenda for such a meeting must accompany such a notice of a meeting, unless same would not be reasonably practical, given the specific circumstances.
- 5.2 In the event where the Speaker fails and/or refuses to call a special meeting when requested in accordance with Rule 5.1 above, the Municipal Manager of the municipality may call the meeting, accordingly.

6. Service of notices

- 6.1 At least 7 days , but no less than 5 days, before any ordinary meeting of Council and at least forty-eight hours before any special meeting of Council, a notice to attend the meeting, specifying the business proposed to be transacted there and signed by the Speaker or the Municipal Manager as contemplated in Rule 5.2 above, shall be left or delivered to an accessible distribution point within the municipality as determined by Council from time to time or sent by electronic mail to an address provided by the Councillor as his/her official address or an email address assigned by the municipality to Councillors, as his/her official email address.

- 6.2 The Agenda for such a meeting must accompany such a notice of a meeting, unless same would not be reasonably practical, given the specific circumstances.
- 6.3 The Municipal Manager, or in his /her absence, a person designated by the Speaker, must give notice to the public of every meeting at least 7 days before such meeting, except in the event of a special and urgent meeting of Council, or a continuation of an adjourned meeting under circumstances stipulated in Rule 36.

7. Non-service of notices

- 7.1 An omission to serve, on any Councillor, a notice of meeting does not invalidate the proceedings of that meeting.

8. Urgent matters

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

9. Conduct at meetings

- 9.1 The Speaker or the Chairperson of the meeting in the event of a meeting other than a Council meeting shall:
 - 9.1.1 Maintain order during meetings.
 - 9.1.2 Ensure compliance with the Code of Conduct for Councillors during meetings.
 - 9.1.3 Ensure that meetings are conducted in accordance with the rules.
 - 9.1.4 Ensure that members conduct themselves in a dignified and orderly manner during meetings.

- 9.1.5 Ensure that members of the public attending meetings are seated in areas designated for that purpose.
- 9.1.6 Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or Chairperson of the meeting.
- 9.1.7 Ensure that any Councillor or member of the public refusing to comply with the ruling of the Speaker or Chairperson leaves the meeting.
- 9.1.8 Ensure that the Whip of each political party represented in the municipal Council as well as the Whip of Council maintains discipline during any meeting.

10. Interpretation of rules

- 10.1 The ruling of the Speaker or the Chairperson in the event of a meeting other than a Council meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding, provided that the Speaker / Chairperson may be required to provide reasons for a ruling.
- 10.2 Any ruling made by the Speaker must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.
- 10.3 Any interpretation and ruling made by the Speaker should be registered by the Municipal Manager in such register, kept for this purpose by the Municipal Manager and kept for safekeeping similar to the agendas and minutes of all meetings.

11. Quorum and acts of Council

- 11.1 A majority of Councillors must be present at a meeting of Council before any matter may be considered and / or voted on.
- 11.2 Should the meeting not be quorate, the meeting must be suspended for no more than 20 minutes, and if at the end of the said period there is still no quorum, the Speaker or Chairperson may suspend the meeting for such a period he/she deems fit and thereafter adjourn the meeting to another date, time and/or venue.


12. Alternates for Portfolio Committee and Sub-Committee members

- 12.1 When committees of Council are established, alternates must be nominated and appointed. The duties of such alternates shall only commence, and their presence as a committee member only recognised once a formal application

for leave of absence has been approved by the Speaker, in respect of the committee member to be represented by the alternate member.

13. Decisions and Voting

- 13.1 Subject to 13.3 below, all matters will be decided by a majority of Councillors present at the meeting.
- 13.2 Before a formal vote is taken on any matter before Council, the Speaker shall cause 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.
- 13.3 Any matter referred to in rule 160(2) of the Constitution shall be decided on by a majority of Councillors in the municipal Council.
- 13.4 If on any question there is an equality of votes, the Speaker or Chairperson of the Committee may exercise a casting vote in addition to that particular Councillor's deliberative vote, provided that the casting of such vote shall fall within the ambit of the powers duly delegated to the relevant committee, provided that for those matters listed in rule 160(2) of the Constitution, there will be no provision for a casting vote.
- 13.5 If the Speaker or Chairperson of a meeting asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations are adopted.
- 13.6 In the event of there being opposition to a recommendation, the proposal to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the Speaker or Chairperson, by way of secret ballot.
- 13.7 The Municipal Manager or an official designated by him or her shall count the votes and declare to the Chairperson the result of the divisions. In the event of a secret ballot, the Municipal Manager shall hand to each Councillor a ballot paper bearing the official mark or logo of the municipal Council, and having the alternates to be voted for clearly depicted thereon, substantially in accordance with the following:



Date:.....

Proposal or motion to be voted for Councillor’s vote (X):

1. For

2. Against

- 13.8 The Municipal Manager shall collect all the ballot papers and count same in the presence of a representative from each party represented on Council or committee and present at such meeting.
- 13.9 The Speaker or Chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon the minutes.
- 13.10 The number of members voting, and the general result of the vote will be recorded, and the outcome of the voting will be announced by the Speaker.
- 13.11 A member may abstain from voting without leaving the chamber.
- 13.12 A member may request that his/her support / dissent / abstention be recorded in the minutes of the meeting.

14. When Councillors may not attend or participate in meetings

- 14.1 When Councillors may not attend or participate in the proceedings of Council, mayoral committee, portfolio committee or subcommittee

A Councillor shall-

- 14.2 Disclose to Council, or to any committee of which that Councillor is a member, any direct personal or private business interest that Councillor, or the spouse, partner or business associate of that Councillor may have in any matter before Council or the committee;
- 14.3 Withdraw from the proceedings of Council or committee meeting when the matter is being considered by Council or committee, unless Council or the committee decides by resolution, that Councillor's direct or indirect interest in the matter is trivial or irrelevant. A Councillor who has so disclosed his/her interest may, with the approval of majority of the members of Council or its committee, address Council or committee on the matter prior to the deliberation and vote on the matter taking place, subject always to the ruling of the Speaker or Chairperson on the time to be allowed for such an address.
- 14.4 A Councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which Councillor is aware at the first meeting of Council or committee of Council at which it is possible for Councillor to make a disclosure.
- 14.5 This provision does not apply to an interest or benefit which a Councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.

15. Walkout

- 15.1 If a Councillor or group of Councillors leave any meeting in protest, and the remainder of Councillors constitute a quorum the business of the meeting shall be proceeded with.

16. Count out

- 16.1 If during any sitting of Council or any committee, the attention of the Speaker or Chairperson is called to the number of members present, he/she shall count them, and if found that there is not a quorum present, the matter shall be dealt with in accordance with Rule 11.2 above.

17. Adjourned meetings

- 17.1 Council or a committee may adjourn a meeting to any date or hour, but no business shall be transacted at any adjourned meeting except such as was set out in the notice for the meeting of which it is an adjournment, and any urgent additional business accepted by the Speaker or Chairperson of the meeting prior to the adjournment of the meeting.

18. Notice of adjourned meeting

- 18.1 When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of Council or committee, specifying the time, date and place of such adjourned meeting, except under the circumstances contemplated in 36 below.
- 18.2 A notice setting out the particulars of the continuation of an adjourned meeting must be published in a newspaper in the manner determined by Council, and a notice must be placed on the municipal notice boards, except under the circumstances contemplated in 36 below.

19. Chairperson of Meetings

- 19.1 At every meeting of Council the Speaker, or if he/she is not present, an Acting Speaker shall be the Chairperson. An acting Speaker may be elected by the majority of Councillors present at any meeting of Council where the Speaker is not present.
- 19.2 The Executive Mayor shall Chair meetings of the Mayoral Committee and if not present, the Deputy Executive Mayor or if the Deputy Executive Mayor is also not available, any other Councillor appointed by a majority members of the Mayoral Committee in attendance.
- 19.3 The Chairperson appointed by the Executive Mayor shall Chair meetings of the portfolio committees. The portfolio Chairperson may request a member of its portfolio committee to take the Chair of such a portfolio meeting, in the absence of the portfolio Chairperson, in respect a portion of the meeting or in its totality.
- 19.4 The person so nominated by Council, Mayoral Committee or committee for that meeting shall Chair meetings of committees and subcommittees; provided that where no such person was nominated, the members present may elect their own Chairperson.

20. Agenda

- 20.1 Subject to Rule 20.2 and Rule 20.3 below, all meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated.
- 20.2 The Speaker or Chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.
- 20.3 The Speaker or Chairperson may, after considering a duly motivated request, direct that a matter be moved between the confidential and open parts of the agenda.

21. Business at Council Meetings

21.1 The order of business at every ordinary meeting of Council, the Mayoral Committee or a committee is as follows:

COUNCIL
<p>Opening: Moment of reflection</p> <ul style="list-style-type: none"> <input type="checkbox"/> Notice of the meeting <input type="checkbox"/> Applications for leave of absence <input type="checkbox"/> Acceptance of the agenda <input type="checkbox"/> Declaration of interest <input type="checkbox"/> Announcements <input type="checkbox"/> Presentations <input type="checkbox"/> Confirmation of minutes from previous meeting <input type="checkbox"/> Outstanding matters <input type="checkbox"/> Submission of reports from Council representatives from District/Local municipality <input type="checkbox"/> Reports of the Executive Mayor, under the rules: recommendations to Council, decisions under delegated authority and decisions of the Executive Mayor taken with the Mayoral Committee <input type="checkbox"/> Reports from MPAC <input type="checkbox"/> Report from the Audit Committee <input type="checkbox"/> Reports on ward committees / consolidated report on ward committees <input type="checkbox"/> Report on SALGA activities <input type="checkbox"/> Monthly Activities <input type="checkbox"/> Reports for noting <input type="checkbox"/> Reports for consideration <input type="checkbox"/> Reports - In-Committee; <input type="checkbox"/> Notice of Motion <input type="checkbox"/> Questions <input type="checkbox"/> Urgent reports - allowed only with the consensus of the Chairperson; and <input type="checkbox"/> Confirm the signing of the attendance register
MAYORAL COMMITTEE
<p>Opening: Moment of reflection</p> <ul style="list-style-type: none"> <input type="checkbox"/> Notice of the meeting <input type="checkbox"/> Applications for leave of absence <input type="checkbox"/> Acceptance of the agenda <input type="checkbox"/> Declaration of interest <input type="checkbox"/> Announcements <input type="checkbox"/> Presentations <input type="checkbox"/> Confirmation of minutes from previous meeting <input type="checkbox"/> Outstanding matters <input type="checkbox"/> Reports from Portfolio Committees <input type="checkbox"/> Reports from Audit Committees <input type="checkbox"/> Reports for noting <input type="checkbox"/> Reports for consideration <input type="checkbox"/> In-Committee reports

- | |
|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Notice of Motion, and <input type="checkbox"/> Urgent reports allowed only with the consensus of the Chairperson |
|--|

COMMITTEES OF COUNCIL
<p>Opening: Moment of reflection</p> <ul style="list-style-type: none"> <input type="checkbox"/> Notice of the meeting <input type="checkbox"/> Applications for leave of absence <input type="checkbox"/> Acceptance of the agenda <input type="checkbox"/> Declaration of interest <input type="checkbox"/> Announcements <input type="checkbox"/> Presentations <input type="checkbox"/> Confirmation of minutes from previous meeting <input type="checkbox"/> Outstanding matters <input type="checkbox"/> Reports for noting <input type="checkbox"/> Reports for consideration <input type="checkbox"/> In-Committee reports <input type="checkbox"/> Notice of Motion, and <input type="checkbox"/> Urgent reports allowed only with the consensus of the Chairperson

22. Leave of absence

- 22.1 Applications for leave of absence from any Council or Committee meeting must be submitted to the Speaker in writing and signed by the member applying for leave, and thereafter the member should notify the Chairperson.
- 22.2 All applications for leave must be submitted at least 12 hours before the starting time of the meeting, except where it is not reasonably possible due to unforeseen circumstances, and in which instance such an application for leave must be lodged with the Speaker within 10 days from the date on which the meeting, from which the member was absent, took place.
- 22.3 The Speaker shall grant leave at his or her sole discretion, and the Speaker is at liberty to reject such an application for leave of absence.

- 22.4 Leave will be deemed to have been granted if a Councillor has been delegated to attend a meeting or engagement on behalf of Council.
- 22.5 The onus rests solely on the individual members to sign the attendance register circulated at Council and Council committees' meetings.

23. Minutes to be kept and confirmation thereof

- 23.1 Minutes of the proceedings of every meeting of Council and its committees, shall be electronically or otherwise recorded and be kept for that purpose by the Director: Corporate Services. The Municipal Manager shall be responsible for the correctness of same, and the minutes of every meeting shall be confirmed at a subsequent ordinary meeting.
- 23.2 Minutes of the proceedings of every meeting of Council or a committee shall be word processed or typed and printed, and shall if confirmed, be signed at the next ensuing ordinary meeting by the Chairperson. Minutes shall be bound and kept secure.
- 23.3 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.
- 23.4 The minutes of the proceedings of every meeting of Council or its committees shall be distributed to all members within 10 days after the meeting was held.

24. No discussion on minutes under confirmation of minutes

- 24.1 No motion or discussion shall be allowed upon the confirmation of the minutes, except as to its accuracy. Clarification and corrections will be allowed but no debates.

25. Petitions to be written, typed or printed

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

26. Deputations to submit memorandum

- 26.1 Deputations wishing to be received by the Mayoral Committee shall be required, in the first instance to send a duly motivated memorandum in writing requesting same, and the Municipal Manager shall bring the memorandum

before the Mayoral Committee, which it may authorise, if it sees fit to receive the deputation, and to report to Council forthwith.

27. Reception of deputations

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

28. Moving a report

- 28.1 The Speaker or Chairperson shall 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 rule 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 Council not to adopt a recommendation or a part or parts thereof.

29. Motions

- 29.1 No matter shall be brought before Council or a committee by any member of 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 official electronic mail address.
- 29.2 Any notice of motion shall be submitted to the Speaker or Chairperson before 12:00, ten days prior to the meeting of Council or committee.
- 29.3 A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated.
- 29.4 A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.
- 29.5 When a member introduces a motion which is intended to rescind or amend a resolution passed by 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.
- 29.6 When dealing with motions, the motion shall be read out together with the number thereof and the name of the mover.

- 29.7 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.
- 29.8 All notices of motion shall be dated and numbered as received by the Municipal Manager and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motions shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.
- 29.9 No member shall have more than two notices of motion on the same agenda at the same time.
- 29.10 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* existing legislation, shall cause the giver of the notice to be so informed. The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the Speaker, Executive Mayor and Whip of Council, who shall review the matter and decide whether or not such notice of motion be placed on the agenda paper.
- 29.11 A motion affecting the making or amending of a by-law, shall be submitted to the Speaker for a report before Council passes a resolution in this regard.
- 29.12 The Speaker may disallow a motion which:
- 29.12.1 May lead to discussions of a matter already dealt with on the agenda
 - 29.12.2 Addresses a matter where Council has no jurisdiction
 - 29.12.3 Addresses a matter where a decision of a judicial or quasi-judicial body is pending
 - 29.12.4 Has not been seconded
 - 29.12.5 If passed, would be contrary to the law.
- 29.13 The mover with the consent of the seconder may withdraw a motion or amendment.
- 29.14 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.
- 29.15 Except upon the recommendation of the committee to which Council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of 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.

29.16 Sub-rules 29.1 and 29.2 shall not apply to a motion of exigency.

30. Motion of exigency

30.1 A member may direct the attention of Council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon moving 'that the motion to which attention has been directed be considered forthwith as a matter of exigency'.

30.2 Such motion is herein referred to as a motion of exigency.

30.3 If such motion is seconded and carried by a majority of the members present, the mover shall be permitted, without notice, to bring the matter under consideration by way of motion or question.

31. Precedence of the Speaker

31.1 During the sitting of Council or a committee, members, except lady members and members in traditional, cultural or religious headdress shall have their heads uncovered.

31.2 When speaking, Councillors shall stand, but at all times, address their speech to the Speaker or Chairperson.

31.3 Whenever the Speaker or Chairperson speaks, any member then speaking or offering to speak must be silent and seated, in order for the Speaker to be audible and speak without interruption.

31.4 That all Councillors stand when the Executive Mayor and the Speaker enter Council Chambers unless he/she is unable to do so due to medical reasons or a form of disability.

31.5 A Councillor wishing to be recognised by the Speaker or Chairperson must raise his/her hand, wait for acknowledgment from the Speaker or Chairperson, and stand to his/her feet once given the opportunity to speak.

32. Relevance

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

33. Councillor to speak once only

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

34. Debate management

- 34.1 Time allocated to each political party or interest group will be determined by the Speaker.
- 34.2 At least 24 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or Chairperson with a list indicating which items on the agenda are to be debated.
- 34.3 At least 12 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or Chairperson with a list indicating which members will speak on which item included in the agenda.
- 34.4 The Speaker will determine the allocation of time per item and inform the whips of the speaking time allowed to each member included in the list, based on the principle in Rule 34.1 above.
- 34.5 Each political party or interest group represented in the municipality has the right to speak on each item on the agenda.
- 34.6 At the discretion of the Speaker, he/she may allow 3 minutes of response to the Executive Mayor, relevant Mayoral Committee Member, or the mover of the motion, to conclude the debate on an item debated in terms of this Rule 34.

35. Length of address

- 35.1 No speaker, recognized by the Speaker or Chairperson, shall exceed **three (3)** minutes in length without the consent of the Speaker other than the Executive Mayor, Speaker or Chairperson. This period shall exclude consecutive translation time required.
- 35.2 The Speaker or the Chairperson shall be entitled to, at any time, to set, limit or extend reasonable time limits for the discussion of and/or any decision or any item or group of items on the relevant agenda.
- 35.3 The time limits shall be at the sole discretion of the Speaker or Chairperson guided by the principles of fairness, democracy, efficiency and good governance.

36. Disorderly conduct of Councillors and the duty of the Chairperson

- 36.1 If at any meeting of Council or committee, a Councillor conducts himself or herself in an improper fashion, behaves in an unseemly manner or persistently obstructs business to be carried out or challenges the ruling of the Speaker or Chairperson on any point of order or declines to withdraw an expression when required to do so by the Chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the Chairperson shall direct such Councillor to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, if he/she was standing.
- 36.2 In the event of persistent disregard of the directions of the Speaker or Chairperson, the Speaker or Chairperson shall direct such Councillor to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him/her to be ejected there from.
- 36.3 The Speaker or a Chairperson may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the Chair, provided that a formal process will be initiated after the conclusion of the meeting.
- 36.4 Where a Councillor refuses to retire or in the event of more than one Councillor having to be ejected from the meeting, and such Councillor/s refuse/s to leave the meeting, the Speaker shall request the Sargent at Arms to facilitate the removal of such Councillor/s from the Chamber. If this cannot be done orderly, the Chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant Councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, Councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The Chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any Councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Sargent at Arms of the Council will ensure that such Councillor/s does not enter such an alternative venue.

37. Obstruction by persons other than Councillors

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

38. Points of order and personal explanation and points of clarity

- 38.1 Any member, regardless of whether he/she addressed Council on the matter under debate or not, may:
- 38.1.1 raise a point of order, or
 - 38.1.2 raise a point of personal explanation at the end of the debate
- 38.2 Any point of order or personal explanation will not constitute a speech and will therefore not affect the right of any member to speak on a particular item, provided that the member will not be allowed to spend more than 2 (two) minutes on the point of order or personal explanation.
- 38.3 Any member contemplated in Rule 38.1 shall be entitled to be heard and Councillor speaking at the time shall remain silent until a ruling has been made by the Speaker or Chairperson.
- 38.4 The ruling of the Speaker or Chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.
- 38.5 Any member will only be allowed to raise one point of order and one point of personal explanation during Council meeting. Only one point of order on the same matter will be allowed.
- 38.6 Any member persisting in a point of order or personal explanation after a ruling has been made by the Speaker will be subject to the provision of Rule 36 above.
- 38.7 Any point of clarity shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of clarity shall not be permitted to address the Speaker for longer than 1 minute on such point of clarity.
- 38.8 Any member, whether he/she addressed Council on the matter under debate or not, may raise his/her hand on a point of clarity at the end of the debate.

- 38.9 A member contemplated in Rule 38.8 shall be entitled to be heard forthwith, and the member speaking at the same time shall remain silent and be seated, until a ruling has been made by the Speaker.
- 38.10 The ruling by the Speaker on the admissibility of a point of clarity shall be final and shall not be open for discussion.

39. Questions

- 39.1 Any member 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 effective performance of the functions of the municipality and the exercise of its powers, provided that a written notice of such a questions has been submitted to the Speaker or Chairperson and the Municipal Manager at least 10 (ten) days prior to Council or committee meeting and the political office bearer and the municipal manager shall ensure that the member receive a written reply at the meeting.
- 39.2 If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, he or she may, with the permission of the Speaker or Chairperson, request a follow up question.
- 39.3 All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

40. Terms of reference of sub-committees

- 40.1 Upon the appointment of any sub-committee, Council shall specifically determine the terms of reference of such sub-committee and shall fix the quorum of such sub-committee. Council's standing rules and orders shall apply to all sub-committees.

41. Council may increase or restrict powers

- 41.1 With the exception of the Mayoral 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 Mayor, 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.

42. Minutes of the Mayoral Committee, Committees and Sub-committees

- 42.1 Every committee, including the Mayoral Committee, except when specifically exempted from this provision by a resolution of Council or the Mayoral Committee in view of the sensitivity, confidentiality or otherwise of the subject matter of a particular meeting and provided the final resolution or

recommendation is duly recorded in writing, shall record minutes of its proceedings and cause the same to be duly kept by the Director: Corporate Services. At every ordinary meeting of a committee the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been sent to each member of the committee twenty-four hours previously. No discussion shall be allowed upon the minutes, except as to their accuracy save at portfolio committees and even then, at the sole discretion of the Chairperson.

43. Inspection of minute books by Councillors

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

44. Non-attendance of members of committees

- 44.1 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 Rule 22 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 Councillor is deemed to have forfeited his/her seat on such committee, and such forfeiture shall be reported to Council or the executive / mayoral committee to the end that the vacancy may be filled by the executive / mayoral committee, and the formal disciplinary procedures for Councillors be implemented by the office of the Speaker.

45. Members of Council attending committee meetings of which they are not members

- 45.1 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.
- 45.2 The provisions of Rule 45.1 will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the executive can 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.
- 45.3 The rules with regard to agendas as set out in Rule 20 will also be applicable to requests to attend MPAC and address it.
- 45.4 Any member of the executive requested to attend the MPAC may instruct the municipal manager or a senior manager to accompany him/ her to the MPAC meeting but may not instruct such official to appear and address the MPAC on his /her behalf.

46. Information to be obtained from Municipal Manager or the head of Department concerned

- 46.1 Subject to the provisions of Rule 39 above, members of Council who desire to obtain from any official of Council information with regard to the administrative work of Council, which is not accessible to the general public, should address their enquiries firstly to the Municipal Manager and then to the relevant senior manager.

47. Information to the press or other sources of media: In-committee discussions

- 47.1 The Executive Mayor, or in his/her absence the Deputy Executive Mayor, the Speaker or the Municipal Manager in their discretion may, on application being made to him/her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the municipality.
- 47.2 In view of the Municipal Manager, the Speaker or the Executive Mayor being the authorised channel through which the media may receive information and reports, members of Council are therefore expected to refrain from sending to the media documents or information supplied to them with a view to their consideration by Council or any committee: Provided that this clause shall not be construed as abrogating a Councillors individual constitutional right to make press statements which reflect his/her own personal or political view and not that of Council, further provided however, that no discussion that took place in-committee may be conveyed to the public or the press except by the Executive Mayor, Speaker or Municipal Manager.
- 47.3 Chairpersons of committees must liaise with the Executive Mayor, Speaker and Municipal Manager for the publication of any information relating to committee and the Municipal Manager shall arrange, if approved, the publication of the relevant information.

48. Legal defense and indemnification of Councillors and officers of Council

- 48.1 Council may determine the circumstances in which it will undertake the defense of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, a Councillor or an official may have against any person, body, organisation or institution arising from Councillor's or official's capacity as a Councillor or official of the Municipality.

49. Speaker may refer matters for legal advice

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

50. Activities prohibited within Council Chambers or a meeting venue and the use of Council Chamber by other persons or institutions

- 50.1 The decorum of Council Chamber as the official seat of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.
- 50.2 No cellphones will be allowed in the meetings of Council or its committees unless such cellphone is kept on the silent mode during the course of the meeting so as to cause no disturbance during the course of the meeting.
- 50.3 No one shall be allowed to answer his/her cellphone during the course of a meeting of Council or its committees.
- 50.4 No food or drinks shall be allowed in Council Chamber or venue where a Council or its committee's meeting is held, excluding water provided at the meeting.
- 50.5 Caucus meetings of the various political parties may be held in the chamber provided it is booked with the Senior Administrative Officer: Committees prior to the meeting, and subject to such bookings to be on a rotational basis for all the parties.
- 50.6 The use of Council Chambers by any other person or institution, other than a recognised committee, body of or person in the employ of the Municipality shall be subject to the approval by the Speaker, and at all times subject to the availability thereof in terms of Council's calendar of use, and the purpose for which it is applied for. Applications for use shall be made in writing to the Speaker who shall confer with the Director: Corporate Services in making the venue available in writing.

51. Ward Committees

- 51.1 Council may by resolution determine the rules of procedure for the election of ward committees, the procedures at meetings, the reporting rules, and the rendering of secretarial services to these committees.

52. Sanctions and offences

- 52.1 Any person who willfully contravenes any provision of these rules shall be guilty of an offence and which contravention shall be dealt with in accordance with the disciplinary procedures for Councillors.

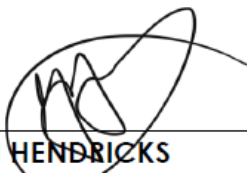
53.2 Notwithstanding the provisions of any resolution passed in accordance with Rule 53.1, no Councillor or member of the public shall be allowed to wear any clothing or accessory containing party political regalia to any meeting of Council or its committees.

54. Invitation to address Council

54.1 The Speaker may, in his/her discretion, invite any person or persons to address any meeting of Council.

55. Language Usage

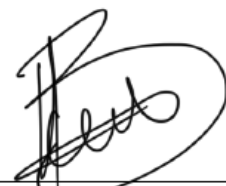
55.1 The use of vulgar language shall not be allowed inside Council chamber or at a meeting of Council or its committee.



H HENDRICKS
EXECUTIVE MAYOR

18 September 2018

DATE



H BORNMAN
SPEAKER

18 September 2018

DATE