



**RULES OF ORDER FOR MUNICIPAL
COUNCIL AND COUNCIL COMMITTEES
BY-LAW 2023**

POLOKWANE LOCAL MUNICIPALITY

Rules of Order for Municipal Council and Council Committees By-law 2023

DOCUMENT

To give effect to the implementation of the Rules of Order for Municipal Council and Council Committees By-law and to provide for matters incidental thereto.

OBJECTIVE

To provide for the general conduct in Municipal Council and Council Committee meetings, as well as the order, voting procedures and reports to and reporting in such meetings.

PREAMBLE

WHEREAS the Local Government Municipal Structures Act, Act 117 of 1998 (as amended) in Schedules 7 (Code of Conduct for Councillors) prescribe certain minimum conduct for Councillors and Traditional Leaders *inter alia* participating in Municipal Council and Council Committee Meetings;

AND WHEREAS Chapters 3 & 4 of the Local Government Municipal Structures Act 117 of 1998 outlines the structures and functions of Municipal Councils as well as internal structures and functionaries;

BE IT THEREFORE ENACTED by the Council of Polokwane Municipality under the powers conferred to it by Section 156(2) of the Constitution of the Republic of South Africa, 1996, read with Section 12 of the Local Government Municipal Systems Act 32 of 2000, as follows:-

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1. DEFINITIONS

(1) In these Rules, unless inconsistent with the context –

“Adjourn” means suspend the debate, meeting or part thereof until a later stated time or place.

“Adopt” means to accept or approve a motion or report. The effect of accepting, adopting, or approving a report is that the Council endorses the report in its entirety, every word of it.

“Caucus” means short adjournment of the meeting to allow for a political party discussion as requested by a party whip during a Council meeting.

“Code of Conduct” means the code of conduct for Councillors set out in the Local Government: Municipal Structures Act 117 of 1998 as amended (hereafter cited as Municipal Structures Act).

“Committees” means the committees established in terms of section 60, 79 or 80 of the Municipal Structures Act or any other statutory committee.

“Constitution” means the Constitution of the Republic of South Africa, 1996.

“Day” includes weekends and public holidays.

“Deputation” means a person or group of persons who wish to appear personally before the Council; Mayoral Committee or a committee of the council in order to address the Council; Mayoral Committee or committee of the Council.

“General consent or unanimous consent” means a method of voting without taking a formal vote. The Presiding Officer asks if there are no objections, and if none are expressed, the motion is considered passed. If any objection is expressed, the motion must be processed using the procedure provided for in these Rules.

“Freedom of speech, privileges, and immunity” means to be exempt from an obligation or penalty and for purposes of these Rules shall refer to the protection enjoyed by members in respect of freedom of speech during Council meetings and Council Committee meetings including privileges and immunity as provided for in Section 161 of the Constitution read with Section 28 of the Municipal Structures Act.

Hybrid meeting” means a meeting in which some participants are gathered together in person at a physical venue/s while other participants are remote and participate through a virtual platform.

“Meditation” means a reflection or contemplation of beliefs.

“MEC” means the member of the Executive Council responsible for Local Government in Limpopo Province.

“Meeting” means the meeting of the Council and other committees established in terms of sections 60, 79 or 80 of the Municipal Structures Act, whether held in person (physically), virtually or hybrid.

“Member” means a councillor or traditional leader designated in terms of any law to participate in the Council.

“MFMA” means the Municipal Finance Management Act 56 of 2003.

“Motion” means a motion (formal proposal) introduced (put to the Council) in writing and which requires a response in the form of a written report with a recommendation and further includes a motion under section 40 or 58 of the Structures Act.

“Ordinary Meeting” means a meeting scheduled in the Corporate Calendar of the Municipality.

“Point of Order” means the pointing out of a deviation from the matter under discussion, or the pointing out of anything contrary to the rules contained in these Rules or any law.

“Precinct” means the council chamber and all places of meeting, the areas to which the public are allowed access and all other venues where the meetings of the Council; Mayoral Committee or a committee of the council are conducted. The venue where a member is seated for a virtual meeting is deemed to be the Council precinct and therefore under the control of the Presiding Officer, and attracts freedom of speech, privileges and immunities provided for in section 28 of the Municipal Structures Act.

“Presiding Officer” means a person chairing the Council, Mayoral Committee or Council committee meeting including acting chairpersons.

“Privileged or confidential information” means and includes any information concerning any matter (a) listed under Rule 13(6); (b) discussed in closed session by the council or a committee of the Council; (c) disclosure of which would violate a person’s right to privacy; or (d) declared to be privileged, confidential or secret in terms of any law.

“Quorum” means a majority of 50 percent plus one of the councilors of Polokwane Municipality.

“Roll call vote” means a method of voting in which the voting members’ names are called and the member states their votes.

“Rules” means the Rules of Order By-Law Document for Municipal Council and Council Committees.

“Sergeant-at-arms” means a designated official responsible for removing members under the instruction of the Speaker, either on his/her own or with the assistance of the Municipal Security Services.

“Show of hands vote” means a method of voting in which the members express their vote by raising their hand.

“Special meeting” means a meeting not scheduled in the Corporate Calendar of the Municipality, convened for a specific purpose as stated in the notice convening the meeting.

“Traditional Dress” means traditional attire relating to or following tradition. More specifically this may refer to distinctive shirts (the Madiba-shirt) worn with long trousers, Shweshwe-type dresses with traditional head coverings (“doek”), sari’s and any other traditional garments worn as formal clothing and which does not detract from the dignity of the gathering. Ordinary working clothes shall not be construed to be traditional dress.

“Urgent meeting” means a meeting required to deal with a matter which, if not dealt with as soon as practically possible, will or may cause substantial harm or detriment to the Municipality, any person, any property or cultural or economic interest of any person and includes an urgent meeting in the event of a local disaster to deal with any

such matter in relation to or prescribed in the Disaster Management Act, Act no 57 of 2002.

“Venue” means a place or platform at or on which the meeting is held, which can either be physical, virtual or hybrid.

“Virtual meeting” means a meeting that takes place electronically (online).

“Whip” means the member of Council appointed by his or her political party to assist in organising party business, keeping members informed of party and Council business, ensuring that members attend committee and Council meetings, arranging members to speak in debates, etc.

“Whip of Council” means a councillor elected in terms of section 41A of the Local Government: Municipal Structures Amendment Act No. 3 of 2021 to be whip of municipal council.

“Written” or **“in writing”** shall mean in written format that can be captured in the official record system, and shall include hand written and typed letters in hard copy or electronic format and all other electronic communications such as electronic-mail, WhatsApp messages, short message service (sms) and documents signed electronically as provided for in the Electronics Communications and Transactions Act 25 of 2002.

“Written Question” means a written question put to the Council which requires a written answer.

2. PURPOSE

These Rules are intended to enable the Council and its Committees to fulfil Council's Constitutional mandate and for that reason the Rules seek to:

- (1) Promote order, fairness and decorum in the Council and committees meetings.
- (2) Facilitate the transaction of business and expedite meetings.
- (3) Facilitate free and constructive debate and discussions during meetings of the Council and committees.
- (4) Ensure majority rule while protecting the rights of the minority, the absentees and individual members.
- (5) Promote the ability of the Council to oversee its committees and the Executive.
- (6) Ensure that all parties and councillors have an opportunity to participate and share ideas in the work of the Council.
- (7) Promote freedom of expression in such a manner as to allow orderly debate by as large a number of members as is possible within reasonable time constraints.
- (8) Ensure that all members have the right to information to help make decisions, unless otherwise prevented by law.
- (9) Ensure public access to the Council and its proceedings and facilitate participation in its processes.
- (10) Promote consistency, democratic order, non-racialism, non – sexism; and exclude any other form of discrimination.
- (11) Ensure fairness and common courtesy to all members of the meeting.

3. APPLICATION

- (1) These rules apply to all meetings of the Council and, with the necessary changes as the context may require, to all meetings of any Committee of the Council as well as any other committee of councillors established within the Municipality, unless the terms of reference for a specific committee explicitly excludes the application of the rules for such committee.
- (2) Except where it is clearly inappropriate, a rule applying to Councillors in any proceedings, also apply to a non-councillor who takes part in those proceedings with the approval of the Presiding Officer.
- (3) These Rules remain in force until amended or rescinded by Council.
- (4) Any word or phrase in these Rules, other than a word or phrase defined in Rule 1, shall, unless the context clearly indicates otherwise, bear the meaning of that

word or phrase in the Constitution, MFMA, Structures Act or the Systems Act.

- (5) A word indicating the singular will include the plural.
- (6) Where these Rules refer to a Council meeting, it shall also include all Council committee meetings insofar as the rule is applicable to such other meetings.
- (7) Any authority or responsibility herein conferred to a person or position shall equally apply to an acting person or position.

4. SUPPLEMENTATION

- (1) The Speaker may give a ruling in respect of the application or interpretation of these Rules and other procedural matters, including where there is a conflict between two or more rules in these Rules or any eventuality for which these Rules do not provide and such ruling becomes final and binding and no further discussion shall be allowed on the ruling, subject to Rule 4.2.
- (2) The Speaker may be required to provide reasons for any ruling he/she makes and the aggrieved member may thereafter, and on the reasons given request the Rules and Ethics Committee to review the ruling and advise Council.
- (3) The Council may, on the recommendation of the Rules and Ethics Committee, direct that the ruling of the Speaker/Chairperson be confirmed, amended or substituted.
- (4) The Speaker may adjourn the meeting temporarily to consider her ruling and get the necessary advice.
- (5) The ruling of the Speaker given under Rule 4.1 shall be entered in the minutes by mentioning the name of the member/s requesting the ruling and then a summary of such ruling and his/her reasons.
- (6) All rulings of the Speaker shall be contained in a separate document known as "The Speaker's Rulings Book", which document shall be updated and made available electronically to all members prior to each scheduled Council Meeting. Where a member requires a hard copy of the Speaker's Rulings Book, such request has to be made in writing to the office of the Speaker.
- (7) Unless the Speaker's ruling was reviewed, amended or corrected, as provided in Rule 4(3), such ruling as recorded in the "The Speaker's Rulings Book" will be deemed to be supplementary to these Rules.

5. ROLES AND RESPONSIBILITIES

5.1. THE SPEAKER

- (1) The Speaker chairs all Council meetings and perform the functions

determined in Section 37 of the Municipal Structures Act, 117/1998_as amended by section 18 of the Local Government Municipal Structures Amendment Act 3 of 2021, and as provided for in these Rules.

- (2) In the event that the Speaker is for any reason not available to chair a meeting, an acting Speaker must be elected for the duration of the meeting from among the non-executive councillors present.
- (3) The Speaker:
 - (a) In consultation with the Programming Committee, prepares the agenda for Council meetings.
 - (b) Maintains order during meetings.
 - (c) Ensures that meetings of the Council and Council Committees are convened and conducted in accordance with these Rules and as per approved Corporate Calendar.
 - (d) Ensures that members of the public attending any meetings of the Municipal Council conduct themselves in an orderly manner and obey any rulings made by the Speaker.
 - (e) The Speaker may, at any time during the meeting, if he/she deems it necessary for the maintenance of order, request a member to refrain from certain behavior in contravention of the rules, by stating the rule so being contravened.
 - (f) The Speaker may, at any time during the meeting, if he/she deems it necessary for the maintenance of order ask that such member as referred to in Rule 6(3)(e) leave the precinct.
 - (g) The Speaker may, at any time during the meeting, if he/she deems it necessary for the maintenance of order and after following Rule 6(3)(e) and (f) request the Sergeant at Arms to assist the identified Councillor(s) to leave the precinct and if the councillor resists, then the Speaker shall direct Security Officers to remove or cause the removal of any person(s), including a member(s), from the meeting place, or order that the public gallery be vacated.
 - (h) Ensures compliance with the Code of Conduct for Councillors by Councillors during the meeting.
 - (i) Ensures that Councillors conduct themselves in a dignified and orderly manner.
 - (j) Ensures that any person refusing to comply with his/her ruling leaves the meeting place immediately when ordered to do so.
 - (k) Ensures that each Party Whip or Chief Whip is responsible for maintaining

discipline of his/her party's members during the Council's meeting. Failure by any such Party Whip to take appropriate action may be dealt with in terms of Rule 37 hereof.

- (l) Acts in an impartial and fair manner to all parties and their members.
 - (m) Maintains the integrity of the democratic process in the meeting.
 - (n) When requested or required to do so, interprets these Rules.
 - (o) Ensures compliance with the Dress Code for attendance of meetings.
 - (p) Ensures that a quorum is present before voting takes place.
 - (q) Protects Council or a committee from motions that are obviously frivolous or tending to cause delay, by refusing to acknowledge them.
 - (r) May direct any person who is speaking to discontinue his or her speech or to desist from breaching the order or to discontinue making an interjection.
 - (s) May direct any person to apologise for and withdraw any allegation, statement or remark if it is unbecoming, unnecessarily tactless, incriminating, disparaging, improper, racist or sexist or incites violence or injures or impairs the dignity or honour of a councillor or employee of the Council.
 - (t) May, in performing his or her roles and responsibilities, consult with the Municipal Manager or his/her delegate, and may for this purpose adjourn the proceedings temporarily.
- (4) The Speaker must call the attention of the member to irrelevant, tedious repetition, unbecoming language or any breach of order on the part of a member, and shall direct such member, if speaking, to discontinue his/her speech until the member has come to order. Such directions shall be regarded as a warning. Upon 2 warnings and a final warning during the deliberations of a Council meeting, the Speaker may direct that the member be removed from the meeting or refer such member to the Rules and Ethics Committee for investigation regarding disciplinary action against such member in terms of the Code of Conduct for Councillors.
- (5) The Speaker shall direct a member to apologise or withdraw an allegation if it is unbecoming or injures or impairs the dignity, or honour of a member or Officer of the Council.
- (6) The Speaker must allow a matter before the Council to be debated and issues relevant to the matter, to be raised, in a manner inclusive of allowing a variety of arguments and viewpoints.
- (7) The Speaker must, after a matter before the Council has been debated and

views aired to the extent that the Speaker deems expedient, and consensus cannot be reached on a decision on the matter, put the matter to the vote in the prescribed manner.

5.2. COUNCILLORS

Councillors are responsible for:

- (1) Attending meetings.
- (2) Carefully considering and making decisions about meeting business.
- (3) Voting on motions put to a vote, provided a member may elect to abstain.
- (4) Respecting the Rules of Order and any applicable Standing Rules.
- (5) Speaking respectfully at all times.
- (6) Listening attentively, participating in a meeting, and not unnecessarily interrupting the proceedings.
- (7) Remaining silent in their seats while Council or a committee votes and until the Chair announces the result of the vote.
- (8) Refraining from using any offensive, disrespectful or unacceptable language about any member, any Council officials or other Council employee, or the Council as a whole.
- (9) Respecting and following Council's decisions.
- (10) Speaking only on the matter under debate or related motions during debate.
- (11) Obeying the Chair's rulings and Council's decisions.
- (12) Complying with the Council Dress Code.
- (13) Respecting the confidentiality of matters discussed in closed meetings and not disclosing the subject or substance of these discussions, unless authorized to do so.
- (14) Complying with the Councillor's Code of Conduct.

5.3. MUNICIPAL MANAGER

- (1) Notifies the public of the day, time and venue of every ordinary, special, urgent or postponed Council or committee meeting in accordance with the provisions of these Rules and any applicable legislation.
- (2) Chairs the Council meetings for the election of the Speaker or acting Speaker.
- (3) Advises Council regarding possible unauthorised expenditure or resolutions beyond the authority of the Council.
- (4) Appoints and delegates officials to execute his/her operational

responsibilities relating to Council and Committees.

- (5) Ensures that the necessary arrangements are made with the South African Police Services to be on standby on dates and during the sitting of Council meetings.

5.4. SERGEANT-AT-ARMS

The Sergeant-at-arms is responsible for:

- (1) Reviewing and implementing all issues relating to the safety and security of members.
- (2) Attending and maintaining order at all times during Council meetings and, as required, during committee meetings.
- (3) Removing or causing removal of people from the Chamber or precincts as ordered by the Presiding Officer in terms of the procedure prescribed in Schedule 1 to these Rules.
- (4) Notifying the Presiding Officer if there is a threat or imminent threat to the health or safety of anyone in a meeting, who shall decide whether to:
 - (a) Recess the meeting.
 - (b) Order everyone to leave immediately.
- (5) Escorting everyone out of the meeting place if the Presiding Officer makes an order in terms of Rule 5.1 (3) (g).
- (6) Prohibiting any lounging or loafing in the Council Chamber and keep the passages or gangways clear of all persons during Council meetings.
- (7) Overseeing the physical arrangement of the Council Chamber, the committee rooms and maintaining security therein.
- (8) Carrying out all commands and directions of the Presiding Officer relating to the maintenance of order and security during the meeting.

5.4. COUNCIL/COMMITTEE SECRETARY

The secretary assigned to Council or each committee shall:

- (1) Take and keep the minutes and records of the work of the committee.
- (2) Prepare the committee reports.
- (3) Perform such other duties as the committee, Chairperson, or the Council Rules of Order direct or imply.

5.5. MEMBERS OF THE PUBLIC

- (1) Members of the public have the right to attend any Council or Committee meeting subject to these Rules of Order.
- (2) When in attendance of Council or Committee meeting, members of the public are not allowed to engage in any of the following:
 - (a) Display signs or placards.
 - (b) Applaud debating participants.
 - (c) Engage in conversation or other behaviour that may disrupt a meeting.
 - (d) Speak to a committee, except by invitation of the Presiding Officer.
 - (e) Distribute any material to members during a meeting.
 - (f) Use a cellular phone during a meeting, and anyone who brings one to a meeting must turn off the ringer.
- (3) If a non-member or member of the public misconducts himself or herself, behaves in an unseemly manner or obstructs the business of any meeting, the Presiding Officer may order his/her removal from the meeting or cause his/her microphone to be muted and or video to be turned off.

6. DRESS CODE

- (1) A member must when attending a meeting of the Council or a Council Committee, be dressed in such a manner as not to detract from the dignity of the meeting or the Council as a whole.
- (2) Members of the Council must be presentable while attending all forms of formal and official meetings.
- (3) Without detracting from the generality of Rules 6.1 and 6.2, the following dress requirements must be observed by members, when attending Council meetings:
 - (a) Traditional dress.
 - (b) A jacket and long pants is compulsory for male Councillors not wearing traditional dress.
 - (c) A male member must not wear a hat, cap or safety hard-hat inside the Council Chamber or place of meeting, nor may any female member wear a safety hard-hat inside the Council Chamber. A safety hard-hat may not be brought into the Council Chamber or place of meeting.

- (d) A member must not wear a shirt, blouse, jacket or other clothing on which appear a logo, words or picture of any kind, including politically orientated logos, words or pictures.
- (e) Formal shoes shall be the only footwear allowed inside the Council Chamber. (Sneakers or takkies and steel-tipped safety boots shall under no circumstances be allowed in the Council Chamber), except whereby proof of ailment is provided that will exempt a member from wearing such.

7. MEETINGS

7.1. INAUGURAL MEETINGS

- (1) In accordance with Section 29(2) of the Municipal Structures Act, the Municipal Manager or, in the absence of the Municipal Manager, a person designated by the Member of the Executive Council (MEC) responsible for local government in the Province, shall call the first meeting within fourteen (14) days after the council has been declared elected.
- (2) The Municipal Manager or, in the absence of the Municipal Manager, a person designated by the MEC, prepares and signs off the agenda for the first meeting, in accordance with Rule 18.1.
- (3) After all Councillors have taken oath or affirmation, the Council must elect one of its Councillors as the Speaker of Council in accordance with the procedure set out in section 36 of the Municipal Structures Act.
- (4) The Municipal Manager or the nominee of the MEC must preside over the election of the Speaker.
- (5) After the election of the Speaker, Council must elect one of its Councillors as the Executive Mayor in accordance with section 55 of the Municipal Structures Act.
- (6) After the election of the Executive Mayor, Council must elect one of its Councillors as the Whip of Council in accordance with section 41A of the Municipal Structures Act.
- (7) After the election of the Whip of Council, the Speaker shall request the Executive Mayor to deliver his acceptance address or inform Council of the time at which the Executive Mayor must deliver his/her address and announce members of the Mayoral Committee.

7.2. ORDINARY MEETINGS

- (1) The Speaker shall annually before the commencement of a financial year, recommend an annual schedule of the dates, time and venues of ordinary Council and committee meetings to the Council,
- (2) The Speaker shall ensure that ordinary meetings are convened as scheduled, provided that the Speaker may make or authorise amendments of the dates, time and venues of the Council or committee meetings where necessary.
- (3) The Speaker shall on a quarterly basis report to Council all the amendments made or authorized in terms of Rule 7.2 (2).
- (4) The notice and agenda must be served electronically and or by posting in the pigeon-holes allocated to members, provided that printing of hard copies may be done on request.

7.3. URGENT & SPECIAL MEETINGS

- (1) The Speaker may at any time convene a special meeting of the Council on a date, time and venue determined by him/her when there is any urgent matter that Council is required to consider before the next ordinary meeting.
- (2) A special meeting or an urgent meeting may take place simultaneous with an ordinary meeting.
- (3) The Speaker determines whether any meeting is urgent or not.
- (4) In the case of any urgent special meeting, the notice period of such meeting must be at least 24 hours prior to the meeting.
- (5) The Speaker must, if the majority of the councillors of the Council request him or her in writing to convene an urgent special Council meeting:
 - (a) convene such a special council meeting on a date set within 24 hours of the request to do so and a time and venue determined by him or her, provided that no such special meeting shall take place unless all councillors were given at least 24 hours' notice prior to the date and time set for the meeting.
 - (b) Supply a copy of the request to the Municipal Manager.
- (6) As soon as the Speaker has determined the date, time and venue of the requested special meeting, he or she must inform the Municipal Manager thereof.

- (7) A request to call a special meeting must set out the matter to be dealt with at that special meeting. No business other than that specified in the notice convening a special Council meeting or set out in the request referred to in Rule 7.3 (5) may be dealt with at a special Council meeting.
- (8) A request for a special Council meeting in terms of Rule 7.3 (5) must contain original Council members' signatures and, once the request is given to the Speaker no Council member may add or remove his or her name from the list.
- (9) If the Speaker refuses or fails to call a meeting of the Council as requested in terms of Rule 7.3 (5), the Municipal Manager, or in the absence, refusal, or failure by the Municipal Manager, a person designated by the MEC shall call and chair the meeting.

7.4. MEETING FOR THE STATE OF THE CITY ADDRESS

- (1) The Speaker may call a special meeting of the Council, to be held at the beginning or end of each calendar year, for the Executive Mayor to deliver an address on the State of the City.
- (2) After the Executive Mayor's State of the City Address has been delivered, the Speaker must determine a date at which the address shall be debated, which shall be within 14 days of the date on which the State of the City Address was delivered.

8. NOTICE OF MEETING

- (1) The Speaker or Chairperson of a committee must convene meetings of the Council or committee through a notice of meeting signed by him/her and stating the date, venue, time and the agenda of the meeting, except in the case of a continuation meeting.
- (2) The Municipal Manager must ensure that a notice of an ordinary meeting is duly served all members and departmental heads at least 72 hours prior the meeting and at least 24 hours prior any special meeting, provided that the hours hereof are inclusive of weekends and public holidays.
- (3) When the Council meets as a legislative body to consider By-Laws, the Municipal Manager must give 7 working days' notice of this meeting to all members of Council.
- (4) The notice and agenda must be served electronically and or by posting in the

pigeon-holes allocated to members, provided that printing of hard copies may be done on request.

- (5) A notice is served when a short messages service (SMS) or Whatsapp message is sent to members notifying them of the place where the notice has been delivered or can be collected, and for this purpose each member must provide his or her contact details to the Office of the Speaker and Municipal Manager within two (2) working days after his or her election or appointment, and whenever there is a change in his or her contact details.
- (6) A member or departmental head to whom notice had been served in terms of these Rules is, until such date, venue or time is changed and notice of such change has been given, required to attend the meeting stipulated in the notice without further notice.
- (7) Accidental omission to serve on any member a notice of meeting, or non-receipt of any official communication or notice sent to an official contact details, shall not affect the validity of the meeting, provided that a councillor may request that an investigation be conducted regarding the non-receipt of notice to attend a meeting he/she is entitled to attend.
- (8) A notice served in terms of these Rules is deemed read for the purpose of the meeting to which it applies.
- (9) The Municipal Manager must give notice to the public of the day, time and venue of every ordinary, special, urgent or postponed Council or committee meeting by publishing a notice in a local newspaper determined by him/her; on the municipal website and other appropriate media; and placing it on a notice board situated at the main administrative office of the Municipality.
- (10) The obligation to place an advertisement of the Council meeting in the newspapers may be dispensed with at the discretion of the Municipal Manager when time constraints make this impossible in respect of urgent meetings.

9. MEETING VENUE

- (1) When determining the venue of the physical meeting the Speaker or Chairperson must take the following factors into account:
 - (a) The accessibility of the designated venue for members of the public or the media who wish to attend the meeting.
 - (b) Reasonable steps that can be taken to regulate public access to such venue.
 - (c) A member shall choose the venue where he/she will sit for any virtual

meeting subject to Rule 9 (2).

- (2) A member has a responsibility to ensure that the venue he/she chooses to sit for a virtual meeting is:
 - (a) Free from noise.
 - (b) Free from interference by other persons.
 - (c) Clear of anything that may be construed to articulate a party political message or promote/advertise a commercial product.
 - (d) Has adequate network coverage.
 - (e) May not be affected by scheduled electricity load shedding.

10. ATTENDANCE OF MEETINGS

- (1) Every member attending a meeting of Council or committee must sign his or her name in the attendance register kept for such purpose.
- (2) In the event that the meeting is held virtually, a member must login using his/her official credentials provided that if this is not possible the member must notify the Presiding Officer of the credentials on which he/she has joined the meeting, which shall be recorded in the minutes.
- (3) Subject to Rule 10(2), the attendance register generated by the electronic system used for the virtual meetings is conclusive evidence of attendance of the meeting.
- (4) A member must attend each meeting except when leave of absence is granted in terms of Rule 11(2), or the member is required to withdraw in terms of any law.
- (5) A member who arrives at a meeting 30 minutes after the starting time of such a meeting, without the necessary leave to do so, shall be barred from attending that meeting. Subsequently his or her name shall also be marked as absent without leave on the attendance register.
- (6) A member who without leave absents himself or herself from a meeting or who fails to be in attendance at the start of the meeting or fails to remain in attendance at such a meeting without leave of absence is in breach of these Rules and subject to disciplinary action.
- (7) A councillor who is absent from three or more scheduled consecutive meetings which he or she is required to attend in terms of these Rules without leave of absence, shall be dealt with as stipulated under Rule 37.

11. LEAVE OF ABSENCE

- (1) If a member –

- (a) is unable to attend a meeting for which notice has been issued;
 - (b) is unable to remain in attendance at a meeting; or
 - (c) will arrive or login after the stipulated commencement of a meeting, he/she must, at least three (03) hours before the commencement of the meeting, lodge with the Speaker or Chairperson an application in writing, telephonically or through an e-mail, SMS, or whatsapp message, for leave of absence from the whole or any part of the meeting concerned, provided that applications made through SMS and whatsapp message shall be reduced to writing and transmitted to the Office of the Speaker or Chairperson within 24 hours of the date of the meeting.
- (2) The Speaker/Chairperson must decide to grant or refuse the application and must immediately communicate his/her decision to the applicant and announce same in the Council/Committee meeting.
 - (3) The Speaker/Chairperson, on good cause, may grant leave of absence (after the meeting and ensure that such authority is reported to the next Council/Committee meeting) to a member who has been prevented by special circumstances from obtaining leave of absence from the Council/Committee within the required 24 hours timeframe.
 - (4) In the event of the member having to leave during the meeting due to some urgent matter, e.g. death of someone or some other incident, the member is to personally advise the Whip of Council before leaving and submit an application for leave to the Speaker within 14 days after the event.
 - (5) Notwithstanding Rule 11(1), applications for leave of absence from a meeting are deemed to have been granted if:
 - (a) the Council or Executive Mayor delegated the relevant member to act elsewhere on behalf of the Council in a matter; or
 - (b) The member is required to leave the relevant meeting in circumstances envisaged in Item 4(b) of Schedule 7 of the Municipal Structures Act as amended by the section 36 of the Municipal Structures Act 3 of 2021 or the member recuses himself or herself.

12. PUBLIC ACCESS

- (1) The Speaker/Chairperson must take reasonable steps to regulate public access to, and public conduct at meetings and for this, and in the interest of security or to prevent any disruption of proceedings, he/she may provide

- for any person to be searched, refuse access and may remove any person.
- (2) The Speaker/Chairperson must take reasonable steps to ensure and regulate public access to, and public conduct at virtual meetings and for this, and in the interest of capacity or security of the system, or to prevent any disruption of proceedings, he/she may provide for any person to be refused access or blocked during the proceedings.

13. CLOSED SESSIONS

- (1) Council and all committees must conduct their business in an open manner and may only close its meetings to the public and media when it is reasonable and justifiable to do so in an open and democratic society as provided for in Rule 13(6).
- (2) Whenever a matter, which is not to be disclosed to the public is provisionally placed on a part of the agenda, the Speaker/Chairperson, when such a matter is to be considered, must:
- (a) Direct all members of the public and any municipal officials not required to be in attendance to leave the venue of the meeting, and
 - (b) Direct the members to consider whether it would be reasonable for any or all of the items on such part of the agenda to be considered without the presence of the public, with due regard to section 160(7) of the Constitution which requires that the public and media may only be excluded from being present at a meeting when it is reasonable to do so, having regard to the nature of the business being transacted.
- (3) The motivation for the exclusion of the public must be recorded in the minutes in full.
- (4) Any items, from which the public will not be excluded, shall be considered directly after the procedure as set out in Rule 13(2).
- (5) Notwithstanding the provisions of Rule 13(1), Council/Committee may not exclude the public, including the media, when considering or voting on any of the following matters :
- (a) By-law.
 - (b) Budget.
 - (c) Integrated Development Plan, or any amendments of the Plan.
 - (d) The Municipality's Performance Management Systems, or any amendments of the System.
 - (e) The decision to enter into a service delivery agreement referred to in section 76(b) of the Systems Act.

- (f) The disposal or acquisition of municipal capital asset.
 - (g) Any other matter prescribed by legislation.
- (6) Without disturbing the generality of Rule 13(1), the following matters shall be considered privileged and confidential and shall only be distributed and discussed in a closed session, provided that they may be shared or presented in secured multi-party or party caucus meetings by or with the permission of the author/initiator of the report:
- (a) A trade secret or confidential commercial information of any supplier of the Municipality or any person offering to become a supplier of the Municipality.
 - (b) Personal and private information of any councillor or an employee of the Municipality.
 - (c) Appointment of municipal employees, including acting appointments.
 - (d) Security of the Municipality's property.
 - (e) An intention of the Municipality to purchase or acquire land or buildings.
 - (f) The price the Municipality may offer for the purchase or acquisition of land or buildings.
 - (g) Any strategy to be used in defense or initiation of litigation against or by the Municipality.
 - (h) Any report addressing legal proceedings that the Municipality is involved in or contemplating instituting or defending.
 - (i) Disciplinary proceedings or proposed disciplinary proceedings against an employee of the Municipality.
 - (j) Any matter that may not be publicly disclosed in terms of a law.
 - (k) Forensic reports.
 - (l) Minutes of the minutes of previous discussions in a closed meeting and progress on resolutions taken in closed meetings.
- (7) No Councillor, traditional leader or municipal official may publish or disclose or cause to be published or disclosed any privileged and confidential document or record of the Council or the proceedings of Council or any Committee relating to closed session.

14. COMMENCEMENT AND CLOSURE OF MEETINGS

- (1) The Presiding Officer must take the chair precisely at the time for which the meeting is convened.
- (2) The Presiding Officer shall allow members an opportunity for silent prayer or meditation at the commencement of a Council meeting for no more than

thirty (30) seconds.

- (3) The Council sitting is constituted by the Presiding Officer by confirming the availability of a quorum, quoting the Rule or legal provision in terms of which the sitting has been called and formally declaring the sitting duly constituted, whereafter he/she may pronounce his/her opening and welcome remarks, provided that this shall be kept as concise as possible.
- (4) At the commencement of each Council meeting the Presiding Officer shall read out messages of sympathies and or congratulations whereafter he/she will allow leaders of political party a minute each to propose their own political messages of sympathies and or congratulations.
- (5) A meeting shall be deemed closed once it has been declared as such by the Presiding Officer, having exhausted the agenda of the meeting or as provided for in these Rules.

15. QUORUM

- (1) A majority of the councillors constitutes a quorum.
- (2) The Presiding Officer must ensure that a quorum is present whenever a vote is to be taken.
- (3) Notwithstanding that there may be vacancies, a quorum is constituted by a majority of the members of the Council/Committee determined in accordance with the Municipality's establishment notice and, in respect of a Committee, by a majority of the number of Councillors appointed to that committee.
- (4) Whenever there is no quorum, the start of the meeting must be delayed for not longer than 30 minutes and if at the end of that period, there is still no quorum, the Presiding Officer must postpone the meeting to another time, date and venue at his or her own discretion and record the names of those members present.
- (5) Whenever the Speaker/Chairperson is not present and there is no quorum, the start of the meeting must be delayed for not more than 30 minutes and if there is still no quorum at the end of that period, no meeting shall take place and the Municipal Manager or his/her delegated official in respect of a committee meeting must record the names of the members present.
- (6) Whenever during a meeting there is no quorum, the Presiding Officer must suspend the proceedings until a quorum is again present, provided that if after 10 minutes there is still no quorum the Presiding

Officer must adjourn the meeting.

- (7) Whenever a meeting is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded.
- (8) The Speaker must report the names of the absentee members to the Rules and Ethics Committee for the purposes of an investigation into a breach of these Rules.

16. ADJOURNED MEETINGS

- (1) Business not disposed of at a meeting adjourned in terms of Rule 15(6) must be dealt with at a meeting convened for this purpose, or may be held over until the next ordinary meeting.
- (2) When a meeting is adjourned, notice of adjourned meeting shall be sent out to each member of the Council/Committee, specifying the time, date and place of such adjourned meeting at least 24 hours before the meeting.
- (3) 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.
- (4) The Speaker or Chairperson of the Committee, as the case may be, should if requested by a Party Whip, adjourn a meeting in order to afford members the opportunity to caucus, provided that the Whip who requested the caucus should first address the Council or committee before any further discussion takes place.

17. AGENDA

- (1) Subject to Rules 17(2), Rule 17(4) and Rule 17(5), all meetings must be conducted according to the order in which the matters appear on the agenda before Council, and the Presiding Officer shall permit debate only on the matters which are contained in the agenda.
- (2) The Municipal Manager may direct that any matter be entered into the confidential part of the Council's agenda. Such matter must not be disclosed to any person other than those who receive it in their official capacity, and such matter must be debated in a closed meeting of the Council.
- (3) The Municipal Manager may also advise that after the debate of any confidential matter, the documents of such matter be brought back for safety purposes.

- (4) The Speaker may, after considering suitable motivation, direct that a matter be moved between the confidential and open agendas.
- (5) The Speaker may at his/her own volition change the order of the business appearing on the agenda.
- (6) Except otherwise provided in these Rules, no matter not specified in the agenda of a meeting of the Council shall be transacted at such meeting.
- (7) A member who wishes to have the order of business on the agenda changed must approach the Speaker prior to the meeting, stating his/her reason for such a request, which request shall be considered by the Speaker in his/her own discretion.
- (8) Should the Executive Mayor wish to introduce a matter to Council, it shall be done in accordance with Rule 24.

18. ORDER OF BUSINESS

18.1. INAUGURAL COUNCIL MEETING

The order of business at Inaugural Council meeting shall appear as follows;

- (1) Opening and Welcome
- (2) Introduction of Councillors and Executive Management
- (3) Applications for Leave of Absence
- (4) Oath or Solemn Affirmation by Members
- (5) Council Rules of Order and Code of Conduct for Councillors
- (6) Election of the Speaker
- (7) Election of the Executive Mayor
- (8) Election of the Whip of Council
- (9) Congratulatory Messages to the Newly Elected Office Bearers/Executive Mayor by Political Parties
- (10) Executive Mayor's Acceptance Speech
- (11) Official Announcements
- (12) Closure

18.2. ORDINARY COUNCIL MEETING

The order of business at Ordinary Council meeting, except inaugural meeting or in-quarter ordinary meetings (i.e. meetings to table or approve IDP/Budget or for the State of the City Address) will shall appear as follows:

- (1) Opportunity for silent prayer or meditation
- (2) Opening and Welcome Remarks by the Speaker

- (3) Applications for leave of absence
- (4) Proposals for condolences and congratulations by the Speaker
- (5) Proposals for condolences and congratulations by leaders of political parties
- (6) Confirmation of minutes of the previous meeting(s)
- (7) Status of Implementation of Council Resolutions
- (8) Consideration of the Agenda (Reports)
- (9) Questions of which notice has been given
- (10) Motions deferred from previous meetings
- (11) New motions
- (12) Petitions
- (13) Official announcements by the Speaker
- (14) Closure

18.3. IN-QUARTER ORDINARY COUNCIL

The order of business at in-quarter ordinary Council meetings shall appear as follows:

- (1) Opportunity for silent prayer or meditation
- (2) Opening and Welcome Remarks by the Speaker
- (3) Applications for leave of absence
- (4) Proposals for condolences and congratulations by the Speaker
- (5) Proposals for condolences and congratulations by leaders of political parties
- (6) Condolences and Congratulations by the Speaker
- (7) Consideration of Reports
- (8) Official announcements by the Speaker
- (9) Closure

18.4. SPECIAL COUNCIL MEETING

The order of business at Special Council meetings shall appear as follows:

- (1) Opportunity for silent prayer or meditation
- (2) Opening and Welcome Remarks by the Speaker
- (3) Applications for leave of absence
- (4) Proposals for condolences and congratulations by the Speaker
- (5) Proposals for condolences and congratulations by leaders of political parties
- (6) Consideration of Reports
- (7) Official announcements by the Speaker

- (8) Closure

18.5. MEETING FOR STATE OF THE CITY ADDRESS

The order of business for the State of the City Address shall appear as follows:

- (1) Opening and Welcome
- (2) Applications for Leave of Absence
- (3) State of the City Address by the Executive Mayor
- (4) Announcements
- (5) Closure

19. DECLARATION OF INTERESTS

- (1) A member who has to declare a personal or pecuniary interest in terms of the Code of Conduct for Councillors must do so when the Presiding Officer puts the relevant item in the agenda to order and must withdraw from the proceedings of the meeting when the matter is being considered, unless the Council or the committee decides by resolution, that the councillor's direct or indirect interest in the matter is trivial or irrelevant.
- (2) A councillor who has so disclosed his/her interest may, with the approval of majority of the members of the Council/Committee, address the Council/Committee on the matter prior to the deliberation and vote on the matter taking place, subject always to the ruling of the Presiding Officer on the time to be allowed for such an address.

20. MANDATORY REPORTS AND TIMELINES

- (1) The Council may not take any decision on any matter tabled before it, unless sufficient information relating to the matter on which a decision is to be taken is brought before the Council in a written report.
- (2) The Executive Mayor must report on the implementation of the budget and the financial state of affairs of the Municipality within 30 days of the end of each quarter.
- (3) The Executive Mayor must report on a quarterly basis on the implementation of all Council resolutions, showing status of the implementation of each resolution of the Council that had not yet been reported as having been finalised on the afore-going schedule.
- (4) A Committee must submit its Quarterly Oversight Reports within sixty

- (60) days after referral by the Programming Committee or Council.
- (5) A Portfolio Committee must submit its Annual Oversight Reports within sixty (60) days after referral by the Programming Committee or Council.
 - (6) Oversight visit reports must be submitted within thirty (30) days or at the next Council meeting, whichever occurs first, after the visit.
 - (7) Study visit reports must be submitted within thirty (30) days or at the next Council meeting, whichever occurs first, after any study visits that the Committee has undertaken.
 - (8) Annual Committee Performance Reports must be submitted within thirty (30) days or at the next Council meeting, whichever occurs first, after the end of the financial year.
 - (9) Report of the Speaker must be submitted within thirty (30) days of the end of each quarter.
 - (10) Report of the Whip of Council must be submitted within thirty (30) days of the end of each quarter.

21. SUBSTANTIVE CONTENT OF MANDATORY REPORTS

- (1) A report of the Executive Mayor/Mayoral Committee shall contain the following matters:
 - (a) Recommendations to Council (where the Executive Mayor/Mayoral Committee has no delegated authority).
 - (b) A schedule of decisions by the Executive Mayor/Mayoral Committee under his/her delegated or assigned authority.
- (2) Every report of an Oversight Committee must reflect the agreement reached in the Committee and, in the absence of agreement, the report must reflect the decision of the Committee and dissenting views, if any.
- (3) A Committee's annual report should include an assessment of the way in which the Committee has fulfilled:
 - (a) Its oversight responsibilities.
 - (b) The targets identified in its annual programme.
- (4) The quarterly reports of the Speaker to Council must include the following:
 - (a) Dates of all Council related meetings held since the last Council meeting, and the holding of Council meetings as legislated.
 - (b) Authorised deviations from the approved Corporate Calendar.
 - (c) An overview of functionality of ward committee.

- (d) Number of issues brought to the attention of councillors and how these are addressed.
 - (e) The functionality of Council Committees.
 - (f) Overview of public participation programmes conducted.
 - (g) Participation and reports emanating from the District/Provincial IGR Forums for Speakers.
- (5) The quarterly reports of the Whip of Council must include the following:
- (a) Functionality and number of the meetings of all the committees coordinated by the Office of the Whip of Council held during the preceding quarter.
 - (b) Participation and reports emanating from the District/Provincial IGR Forums for the Whips of Council.
- (6) Every Oversight Committee report must be set out in the following format:
- (a) Summarise the Committee process including reflecting in the report:
 - (i) Overview of the process followed by the committee in its consideration of the report.
 - (ii) Key deliberations.
 - (iii) The meetings held in dealing with the matter.
 - (iv) The extent of involvement and participation by the Executive in the Committee's process, including reflecting the views of the Executive on the matter.
 - (v) The extent of involvement and participation by the public and primary stakeholders in the Committee's process, including reflecting the submissions or inputs of the public or stakeholders on the matter.
 - (vi) The degree to which the matter fulfils the Municipality's obligation to promote, advance and fulfil the principles in Chapter 2 of the Constitution (Bill of Rights) and, particularly, gender equity and socio-economic rights of the citizens of Capricorn District Municipality.
 - (b) Provide a detailed explanation of the position of the Committee on the matter.

22. AMENDMENTS TO RECOMMENDATIONS

- (1) An amendment which is moved:
 - (a) Must be relevant to the recommendation, motion or proposal on which it is moved.

- (b) Shall be reduced to writing, signed by the mover and seconder, and handed to the Speaker.
- (c) May only be moved by a member while he is speaking on a recommendation, motion or proposal under debate.
- (d) The amendment should indicate its financial and legal implications.
- (2) A member who has moved an amendment may speak thereon for not more than 2 minutes, but the seconder shall not be allowed to speak thereon, and there shall be no right to reply.
- (3) More than one amendment may be moved on a recommendation, motion or proposal, and subject to Rule 22(8), all amendments which have been moved shall be put to the vote at the close of the debate upon such recommendation, motion or proposal.
- (4) If the Executive Mayor or member or the mover of the original motion wishes to address the Council on any amendment moved to such recommendation, motion or proposal, he/she may only do so during his/her reply.
- (5) The debate shall close when the Executive Mayor or his/her nominee has replied thereto.
- (6) If more than one amendment to a recommendation, motion or proposal has been moved, such amendments must be put to the vote in the order in which they were moved.
- (7) Each amendment to a recommendation, motion or proposal must be clearly stated to the meeting by the Speaker before it is put to the vote.
- (8) If an amendment is carried, the amended recommendation, motion or proposal shall take the place of the original recommendation, motion or proposal in respect of which only further proposed amendments shall be put to the vote, provided that the Speaker may, if he/she is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, rule that such other amendment need not be put, after which the latter amendment shall lapse.

23. MINUTES

- (1) The Municipal Manager must ensure that signed minutes of the proceedings of every Council and committee meeting are compiled in printed form and kept safely.
- (2) The minutes of a meeting must reflect –
 - (a) The date; time and place of the meeting of the committee.
 - (b) The exact time at which the meeting commenced.
 - (c) The names of the members attending, provided that copy of the signed or system generated/electronic attendance register may be attached for this purpose.
 - (d) The names of the members absent, including late arrivals or early departures.
 - (e) Reasons for absence; late arrival or early departures.

- (f) The name of any councillor who demanded that his/her dissent, abstention or support on any particular decision be recorded in the minutes.
 - (g) The name of the mover and seconder of any motion.
 - (h) A record of members, if any, who declared a conflict of interest and the reason for the conflict of interest.
 - (i) Any advice of the Municipal Manager regarding possible unauthorised expenditure or resolutions beyond the authority of the Council.
 - (j) Any adjournment of the meeting.
 - (k) The resolutions taken.
 - (l) Time at which the meeting was closed.
- (3) The person chairing the meeting at which the minutes were approved must sign the minutes, and if the minutes are written on loose sheets, each sheet must be signed.
 - (4) The Speaker of the Council, or the person who presides at the meeting at which the resolutions are taken, shall sign each of such resolutions.
 - (5) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each member within a reasonable period before the next meeting.
 - (6) No motion or discussion shall be allowed on the minutes, except in connection with the correctness thereof.
 - (7) The Municipal Manager must ensure that the names of members attending any meeting, of those members who are absent, as well as the names of those who have been granted leave of absence, are recorded in the minutes.
 - (8) The Municipal Manager must ensure that the names of members who requested that their dissent, abstention or support during voting are recorded in the minutes.
 - (9) The minutes relating to any matter, which had been discussed and resolved in closed session, must be clearly separated from the minutes of that part of the meeting that had been conducted in public.
 - (10) The minutes of a meeting or any part of a meeting that had been closed shall be approved during a closed session.
 - (11) For administrative reference purposes, audio recordings of all meetings of the Council must be kept for a period of 5 years.

24. MOTIONS & QUESTIONS

- (1) Every notice of motion shall be in writing in the form of a draft proposal and similarly all questions shall be in writing and shall be submitted to the Speaker, clearly indicating whether the motion or written question is for Council or Portfolio Committee, and the notice of such motion shall be signed by the member submitting it and by the member seconding it.
- (2) Subject further to Rule 24(7), no question or notice of a motion shall appear on an agenda, unless it is received at least 10 working days prior to such meeting, provided that if the question is for Council it shall be received at least 21 working days prior such meeting if it has to be processed via a Portfolio Committee.
- (3) Should the member who submitted a motion not be present at the meeting when such motion is due to be debated, the motion shall lapse unless the original mover has notified the Speaker or Committee Chairperson in writing of a substitute to move the motion.
- (4) The Speaker shall acknowledge receipt in writing of all motions and questions received and shall allocate a number to each individual motion or question received, which number together with a brief description of the motion or question shall be recorded in a register created specifically for this purpose (One register for motions and another for questions).
- (5) Every motion and question shall deal with a matter in respect of which the Council has jurisdiction.
- (6) A member submitting a motion or question shall introduce such motion and shall have the right of reply thereto.
- (7) The Municipal Manager must when he/she receives a motion or question from the Speaker, without delay submit the motion or question to the relevant directorate for a written report with recommendations in the event of a motion or a written answer to a question, whereafter the report or answer shall be introduced in Council by the Executive Mayor/Mayoral Committee.
- (8) When a member introduces a motion in terms of this Rule:
 - (a) Which is intended to rescind or amend a resolution passed by the Council taken within the preceding 3 months or;

- (b) Which has the same purport as a motion which was not supported within the preceding 3 months,
such motion shall not be entertained.
- (9) A question shall not be asked:
- (a) seeking information in relation to an investigation that is underway, other than to determine the status of that investigation i.e. initiated, ongoing, close to completion or completed.
 - (b) regarding the contents of any report resulting from a confidential or forensic investigation unless the disclosure of information necessary to answer such question is in accordance with the policy regarding the release of information contained in such a report.
 - (c) in relation to matters that are legally privileged, that are the subject of ongoing legal proceedings or that are confidential, or if the disclosure of information necessary to answer such a question would result in the breach of the rights of, or a duty owed to, a third party.
 - (d) regarding matters on the confidential agenda.
- (10) There shall be a Question and Notice of Motion Record book, to be kept by the Speaker in which shall be recorded:
- (a) All Question(s) and Motions submitted by members during the month reflecting the date on which they were submitted to the Speaker, as well as the date on which they were transmitted to the relevant office to answer the question or attend to the motion.
 - (b) Questions and motions referred back and the reasons for their rejection.
 - (c) Answers given to the questions and reports generated in relation to motions.
- (11) When dealing with motions and questions:
- (a) The motion or questions shall be read out together with the number thereof and the name of the mover or questioner.
 - (b) The Speaker shall ascertain which motions are unopposed and these shall be passed without debate, followed by answers to questions and thereafter the Speaker shall call the opposed motions in their order on the agenda.
- (12) The Speaker may disallow a motion or proposal which:

- (a) May lead to the discussion of a matter already dealt with in the agenda, or which has no bearing on the administration of, or conditions in the Municipality; or
- (b) Advances arguments, expresses an opinion or contains unnecessary, incriminating, disparaging or improper suggestions, or in respect of which:
 - (i) The Council has no jurisdiction;
 - (ii) A decision by a judicial or quasi-judicial body is pending; or
 - (iii) Which has not been duly seconded; or
- (c) If passed, would be contrary to the provisions of these Rules, or of any other law or which Council is not financially or legally competent to approve provided that if such motion or proposal, in the opinion of the Council, justifies further investigation it shall be referred to the relevant Committee.

25. MOTION OF COURSE

In addition to those provided for elsewhere in these Rules, the following shall be regarded as motions of course:-

- (1) That precedence be given to the consideration of any particular item appearing on the agenda.
- (2) That any report referred to on the agenda be noted, adopted, acted upon or referred back.
- (3) That any document before the Council be acted upon in the manner specified in the motion.
- (4) That action be taken in regard to any item submitted for consideration in the manner specified in the motion.

26. RE-INTRODUCTION OF MOTION OR QUESTION

No motion which has been rejected by the Council and no question asked in terms of the rules in these Rules, and dealt with at any meeting may again be moved or asked within a period of 3 (three) months of such meeting except with the consent of the Speaker.

27. WITHDRAWAL OF MOTION, AMENDMENT OR QUESTION

- (1) A motion or amendment may without debate and with the permission of the seconder and Council, be withdrawn by the mover.
- (2) A Councillor may not speak on such motion or amendment after the Council has agreed to the withdrawal of such motion.
- (3) A question may be withdrawn by a Councillor intending to put it.

28. PROCEEDINGS AND DEBATE

28.1. Precedence of the Speaker during meetings

- (1) A member must immediately stop speaking when a point of order is raised or where instructed thereto by the Speaker, until such time that the member is allowed by the Speaker to continue his/her address.
- (2) A member must not interrupt the Speaker and must immediately stop speaking when the Speaker speaks or when the Speaker instructs the member to stop addressing the Council.

28.2. Member Addresses the Speaker

A member or other person who speaks at a meeting must address the Speaker.

28.3. Order of Priority

When a member or other person wishes to address the Council, he or she must first have the permission of the Speaker.

28.4. Relevance

- (a) A member who speaks must direct his/her speech strictly to the subject or matter under discussion or to an explanation or to a point of order.
- (b) No discussion shall be permitted-
 - (a) Which will anticipate any matter on the agenda, or
 - (b) On any matter in respect of which a decision by a judicial or quasi-judicial body or commission of enquiry is pending.

28.5. Repetition

The Speaker must disallow any address to the Council which is a repetition of what has already been said, whether such repetition is done by a

speaking Councillor on the floor or any previous speaker (Councillor), which is not relevant to the matter before the Council.

28.6. Right to Speak

- (1) A member may only speak once-
 - (a) To the matter before the Council;
 - (b) To any motion before the Council;
 - (c) To any amendments to the matter (motion) before the Council;
 - (d) To a matter (motion) or an amendment proposed or to be proposed by himself or herself;
 - (e) To a point of order or question of privilege;
unless authorized by the Speaker or as provided for in terms of these Rules.
- (2) The mover of an original motion may speak to the motion and reply once, but in replying he or she shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter to the debate.
- (3) The right of reply shall not extend to the mover of an amendment which, having been carried, has become the substantive motion.

28.7. Length of Speeches

- (1) Except with the consent of the Speaker, no councillor may speak for more than 3 (three) minutes on any subject (or matter).
- (2) The mover of an original motion or of any amendment may however speak for a period not exceeding 6 (six) minutes on such motion or amendment.
- (3) A digital clock with a stopwatch-timer and alarm shall be employed by the Speaker at all times in the Council chamber for purposes of time management of members' speeches.

28.8. Order of Debate

When a motion is under debate at any meeting of the Council no further motion shall be received except the following:

- (1) **That the motion be amended**
 - (a) Every amendment shall be relevant to the motion on which it is moved.

- (b) An amendment shall, if required by the Speaker, be in writing, signed by the mover and handed to the Speaker.
- (c) An amendment shall be read before being moved.
- (d) An amendment shall not be discussed or put to the Council until it has been seconded.
- (e) If there are more than one amendment to a motion the amendment last proposed shall be put to the vote first and if carried the matter shall be resolved accordingly.
- (f) If the amendment last proposed is rejected the amendment proposed immediately prior to the last amendment shall be put to the vote.
- (g) No further amendment shall be moved to a motion or amendment after the Speaker has commenced to take the vote upon such motion or amendment.

(2) That the consideration of the matter be postponed

- (a) A Councillor may at the conclusion of a speech move that the consideration of the matter be postponed to a fixed or undetermined date.
- (b) Such motion must be seconded but need not be in writing, provided that the seconder shall not be permitted to speak. The mover shall be permitted to speak to the motion of a period not exceeding 3 (three) minutes and the seconder shall not speak except for seconding the motion.
- (c) Upon such motion being made the mover of the matter under debate may (without prejudice to his or her ultimate right of reply if the motion that the matter be postponed be not carried) be heard in reply for a period not exceeding 3 (three) minutes, after which the motion shall be put to a vote without further debate.
- (d) If the motion is carried, the matter shall be placed first on the agenda of matters to be considered at the meeting to which it has been postponed, provided that Rule 28.8(1)(a) and Rule 28.8(1)(b) shall not apply to such matter.

(3) That the public and the media be excluded

- (a) Notwithstanding Rule 13(2), a member may when an item on the

agenda is put to order or at any time during the debate on an item, other than an item on a matter referred to in Rule 13(5), and provided it is not a matter that is required in law to be dealt with in open Council, propose that the matter be further dealt with in closed session.

- (b) Despite anything to the contrary in these Rules, only the introducer of the motion may speak on the proposal and must during his argument state the reasons for the proposal.
- (c) After the introducer has spoken, the proposal shall be put to the vote forthwith without discussion, if it is opposed.
- (d) If the proposal is carried, the Presiding Officer must determine when the matter concerned must be debated.
- (e) When the Council or committee, as the case may be, resolves to close a part of the meeting and subject to any determination of the Presiding Officer in terms of these rules, all members of the public and media and municipal employees present at the meeting, except such employees as the Presiding Officer may require to remain, must leave the meeting and may not return for the duration of the closed session.

(4) That the public and media be re-admitted

- (a) A member may during the course of the meeting from which the public and the media were excluded, move "that the meeting again be opened" and state the reasons for such motion.
- (b) If such motion is seconded it shall be put to the vote forthwith without discussion.
- (c) If, after due consideration by Council of the reasons stated, such motion is carried, members of the public including the media will be re-admitted to the Council Chamber or place of meeting.

(5) That the Council adjourn

- (a) A Councillor who has not already participated in the debate on the matter then before the meeting may at any time except during the course of a speech by another member or while a vote is being taken move "that the Council do now adjourn to another date".
- (b) Such motion must be seconded.
- (c) The mover shall be permitted to speak to the motion for a period not exceeding 3 (three) minutes but the seconder shall not speak except

for seconding the motion.

- (d) If the motion is carried the Council shall forthwith adjourn, provided that the Speaker may direct that the meeting proceed first to dispose of business other than opposed business.
- (e) If the motion is not carried the Speaker shall not accept another such motion until the period of half an hour has elapsed.
- (f) Save as is provided in Rule 28.8(5)(c) no discussion on such motion shall be permitted, except that a member who has first indicated as such, may speak in opposition of the motion for not more than 3 (three) minutes.
- (g) No amendment to such motion may be moved except in relation to the period of adjournment.
- (h) If a motion to adjourn a meeting has been carried during a debate and prior to the conclusion thereof then upon consideration of the matter, the member who moved the adjournment shall be entitled to speak first.
- (i) No business shall be transacted at an adjourned meeting except such as was set out in the agenda for the adjourned meeting.

(6) That the Council adjourn for a specified time

- (a) A Councillor may except during the course of a speech by another member or while a vote is being taken move "that the Council adjourn for a specified time, up to one hour".
- (b) Such motion need not be in writing.
- (c) If the motion is carried the Council shall forthwith adjourn for the specified time.
- (d) The Speaker may limit the number of such motions.

(7) That the debate be adjourned

- (a) A Councillor who has not yet participated in a debate may at the conclusion of any speech move that the debate be adjourned.
- (b) Such motion must be seconded but need not be in writing.
- (c) The mover of such motion may speak to it for 3 (three) minutes, but the seconder may not speak beyond formally seconding it.
- (d) Save as is provided in Rule 28.8(7)(c) no discussion may be permitted on such motion except in relation to the period of adjournment and that the member who first rises in his/her place for that purpose may speak

in opposition thereto for no more than 3 (three) minutes.

- (e) If such motion is carried, the meeting proceeds to the next business on the agenda, and the discussion of the adjourned debate, unless otherwise resolved, is resumed at the next meeting.
- (f) On the resumption of the adjourned debate the member who moved the adjournment is entitled to speak first.
- (g) If the motion is not carried the Speaker shall not accept another such motion until half an hour has elapsed.
- (h) A Councillor may not move or second more than one motion for the adjournment of the debate during the course of that debate.

(8) That the matter be put to the vote

- (a) A Councillor who has not yet participated in a debate on a matter may during such debate, at the conclusion of any speech, move that the matter be now put to the vote.
- (b) Subject to the provisions of Rule 28.8(8)(c), no motion put in terms of Rule 28.8(8)(a) shall be open to discussion.
- (c) The mover of a matter under discussion may, when a motion has been put in terms of Rule 28.8(8)(a) speak on such motion for not more than 5 (five) minutes, whereupon the said motion shall be put to the vote without any further discussion.

(9) Removal of the matter from the agenda

- (a) A Councillor who has not yet participated in the debate on a matter may during such debate, at the conclusion of any speech, move that the matter be removed from the agenda.
- (b) No motion put in terms of Rule 28.8(9)(a) shall be open to discussion.
- (c) The mover of a matter under discussion may when a motion has been put in terms of Rule 29.8(9)(a) speak on such motion for not more than 3 (three) minutes, whereupon the said motion shall be put to the vote without any further discussion.
- (d) If such a motion is carried, the matter under discussion shall not be further pursued.

28.9. Points of Order and Points of Clarity

- (1) Other than the Presiding Officer, no member shall interrupt another member whilst speaking, except to:

- (a) Raise a point of order; or
 - (b) Raise a point of personal explanation or clarification.
- (2) A point of order means any deviation from, or anything contrary to these Rules.
 - (3) A point of order may be raised at any stage of the meeting proceedings, by addressing the words: "*On a point of Order*" to the Speaker, provided it shall be raised immediately after the perceived deviation is made.
 - (4) The member raising a point of order must state the particular Rule that is alleged to have been breached or deviated from.
 - (5) Any point of order 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 order shall not be permitted to address the Speaker for longer than 1 minute on such point of order.
 - (6) Any member, whether he/she addressed the Council on the matter under debate or not, may rise on a point of order.
 - (7) A member rising on a point of order shall be entitled to be heard forthwith, and the member speaking at the time shall remain silent and be seated, until a ruling has been made by the Speaker.
 - (8) A point of order requires no second, is not debatable or amendable.
 - (9) The Speaker must immediately rule on the point of order or indicate when a ruling shall be made.
 - (10) The ruling of the Speaker on a point of order shall be final and shall not be open to discussion, and shall be entered in the minutes.
 - (11) A point of clarity means 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 has closed.
 - (12) 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.
 - (13) Any member, whether he/she addressed the Council on the matter under debate or not, may rise/raise his/her hand on a point of clarity at the end of the debate.

- (14) A member contemplated in Rule 29.9(5), shall be entitled to be heard forthwith, and the member speaking at the time shall remain silent and be seated until a ruling has been made by the Speaker.
- (a) The ruling of the Speaker on the admissibility of a point of clarity shall be final and shall not be open to discussion.

29. LEGISLATIVE PROCESS

- (1) Any councillor or committee may introduce (place on the agenda) a by-law.
- (2) The draft by-law must be introduced in the following form:
 - (a) an executive summary of the draft by-law;
 - (b) memorandum on the objects of the by-law;
 - (c) the need to regulate the conduct proposed in the draft by-law;
 - (d) the contents of the proposed by-law;
 - (e) the by-laws that must be repealed or amended if the draft by-law is adopted;
 - (f) any relevant comments or proposals, and
 - (g) a recommendation.
- (3) When the Council or Committee meets to consider a draft by-law, members of the Council or Committee must be given 7 working days' notice of this meeting, together with the draft by-law to be considered.
- (4) Council after considering the report referred to in Rule 29 (3) must decide to either reject the proposed by-law or to provisionally pass it.
- (5) The Municipal Manager must, as soon as possible after council has provisionally passed a by-law, publish the draft by-law for public comment for 21 days in the local and national newspapers in such a manner that the public will have the opportunity to make representations with regard thereto.
- (6) The Municipal Manager must as soon as possible after the closing date for public representations, submit a report to the Chairperson of the relevant Portfolio Committee together with:
 - (a) a copy of the proposed by-law;
 - (b) copies of the advertisements in which the public was invited to make representations;
 - (c) any comments received from the public; and
 - (d) any other comments from the executive (Administration and Mayoral Committee).

- (7) The Portfolio Committee must consider the report by the Municipal Manager and advise the Council to either pass the by-law in an amended form or reject it.
- (8) When a draft by-law has been rejected by the Council no by-law of the same substance may be introduced within a period of 6 months from the date of rejection.
- (9) When a proposed by-law has been passed, it must be advertised in the Provincial Gazette, and takes effect on a future date determined in or in terms of the by-law.
- (10) The rules pertaining to debate also apply to the legislative process.
- (11) Once enacted, a by-law may only be amended or repealed by another by-law, unless the by-law or legislation specifies otherwise.

30. DECISION MAKING

- (1) The Council may only take such decisions as it is legally and financially competent to do and all reports submitted in an agenda or made orally must make reference to legal and financial implications.
- (2) The Secretariat of council will call the item and whenever Council is called upon to consider a matter before it:
 - (a) It would be deemed that the Presiding Officer has intimated to the meeting that such item is open for discussion
 - (b) An item on the agenda shall be deemed to be an opposed matter if a member signifies his/her intention to discuss such item
 - (c) Any member may put such questions a may be necessary to be answered by the Executive Mayor of Council, who may delegate the answering thereof to any of the Members of the Mayoral Committee.
 - (d) After all the questions was answered, the Presiding Officer must restate the debatable motion and open the debate.
 - (e) The maker of a motion has the right to speak first in the debate, where it was introduced by a Portfolio, the Chairperson of that Portfolio will be deemed to be the maker of the motion.
 - (f) After the maker of a motion has spoken on the item, the Presiding Officer will call on member to indicate whether they are in opposition of the Item:

- (i) If there are no opposition from any member, a unanimous vote will be recorded in the minutes.
 - (ii) If there are opposition to the item, the Presiding Officer shall record the names of the members in opposition_("opposition members") whereafter such members may be allowed to debate on the item in opposition thereof.
- (g) As soon as all the opposition members has debated on the item, the Presiding Officer shall call a vote in terms of the rules.
- (3) The following matters are determined by a decision taken by the majority of the members of the Council:
- (a) The passing of By-laws;
 - (b) The approval of budgets;
 - (c) The imposition of rates and other taxes;
 - (d) Levies and duties; or
 - (e) The raising of loans.
- (4) In accordance with the Municipal Structures Act, 117/1998, a supporting vote of at least two-thirds of the members is necessary to adopt a decision to dissolve the Council.

31. VOTING PROCEDURE

- (1) Subject to the provisions of Rule 30 all decisions must be taken by a majority vote of the members present at any meeting of the Council.
- (2) The Speaker shall determine whether a vote on any motion should be decided by an open or secret ballot, provided that prior notice of intention to request a secret ballot in respect of any motion was given to the Speaker.
- (3) Voting by secret ballot shall be conducted in accordance with the procedure prescribed in Schedule 2 herein.
- (4) Voting in virtual meetings shall be by a roll call vote or by raising of hands where the technology used has verifiable, reliable, and efficient capabilities.
- (5) Before any vote is taken on any matter before the Council, the Speaker shall cause the bells to be rung for a period of 1 minute, after which all doors leading to the Council Chamber shall be closed and no Councillor or any other person shall be allowed to enter or leave the Council Chamber, and all Councillors must be seated while voting is in progress.

- (6) The Speaker must put every motion or question to be decided by a vote by calling upon the members to indicate through the electronic system or by show of hands where the electronic system is not functional, unless otherwise prescribed by law, whether they are for such motion or against it, whereupon he or she must declare the result of such vote.
- (7) A member may abstain from voting without leaving the meeting place.
- (8) Upon the Speaker's declaration of the result of a vote, a member may demand:
 - (a) that his dissent, abstention or support be recorded in the minutes of that meeting and the Presiding Officer shall ensure that such vote is recorded in the minutes;
 - (b) a show of hands vote or
 - (c) division of the Council to verify the vote that was taken by voice, or by show of hands, where there is a reasonable doubt of the results, provided that a division for the virtual meetings shall be conducted through a roll call vote.
- (9) The motion for a division:
 - (a) Can be made without being recognised;
 - (b) Does not require a second;
 - (c) is not debatable;
 - (d) is not amendable; and
 - (e) does not require a vote.
- (10) As soon as a division is called for in a physical meeting, the Presiding Officer must proceed to take the show of hand vote, with the affirmative voting first, whereas in a virtual meeting the presiding officer shall call out members by name to indicate their vote.
- (11) A member demanding division may not leave the Chamber (or log out) until the result of the division has been declared and must vote with those in the opinion of the Presiding Officer are in minority, or specifically record his/her abstention.
- (12) In the event of a confusion or error during a division, another division must take place unless the numbers can be corrected otherwise.
- (13) If there is an equality of votes in respect of a motion on which voting takes place the Speaker may exercise his/her casting vote, in addition to his/her deliberative vote, provided that the Speaker may not exercise a casting vote in terms of any matter set out in section 160(2) of the Constitution.

- (14) Should there be an equality of votes and the Speaker elects not to use his/her casting vote, the matter must be referred back.

32. CONSIDERATION AND REVIEW OF DECISIONS OF DELEGATED STRUCTURES

- (1) The matters disposed of by the Committee in terms of its delegated powers are for noting by the Council but the Presiding Officer may allow debate on any of these matters, upon the prior written request of a member, which shall be handed to the Speaker at least 24 hours prior to the meeting.
- (2) Council must review any decision taken in terms of a delegation when a quarter of the councillors request it to do so in writing, and may either confirm, revoke (subject to any rights already accrued to a person) or vary it.
- (3) The request for the review of any decision taken in terms of a delegation must be motivated, signed by all the members requesting the review and must be submitted to the Speaker in time to serve in the next scheduled Council meeting or a special Council sitting if the Speaker considers it urgent.
- (4) If the request for review is carried, the Council must-
 - (a) Refer the matter to the Executive Mayor or Oversight Committee reporting directly to the Council, for the submission of a report to the Mayoral Committee or relevant committee; or
 - (b) Summarily confirm or revoke the resolution.

33. PUBLIC ACCESS AND PARTICIPATION IN COUNCIL AND COMMITTEE MEETINGS

33.1. PUBLIC ACCESS TO MEETINGS

- (1) Council and Committees must conduct their business in an open manner and may only close their meetings to the public and media when it is reasonable and justifiable to do so in an open and democratic society as provided for in Rule 13.
- (2) The Speaker must take reasonable steps to regulate public access to, and public conduct at meetings.
- (3) All physical meetings of the Council and Committees must be held at a venue within the Municipality's area of jurisdiction.

- (4) The public, including media, may be excluded from the meetings:-
 - (a) Where so directed by the Speaker in terms of Rule 13(2)(a).
 - (b) Where so decided by Council in terms of Rule 28.8(3).

33.2. PUBLIC PARTICIPATION IN COMMITTEES

- (1) Any member of the public and any institution or organisation may request to appear before, or may make a written submission to, a committee with regard to a particular matter.
- (2) Members of the public, including the media, must apply in writing at least forty eight (48) hours before the committee meeting and the Chairperson of the committee must respond thereto twenty four (24) hours before the Committee meeting.
- (3) The Committee Chairperson must determine the seating arrangements for the public, including the media, in the committee room.
- (4) Any member of the public who has made a written submission to a committee of Council may request the Chairperson of the Committee to make a submission of not more than ten (10) minutes to the Committee on the same subject.
- (5) Members of the committee may ask questions of any member of the public making a submission to the said committee.

33.3. INVITATION TO NON-MEMBER

The Speaker may invite a person who is not a member to address the Council or attend a meeting to state his or her views on a matter before the Council.

33.4. DEPUTATIONS

- (1) A deputation seeking an interview with the Council must give the Municipal Manager at least 6 (six) working days' written notice of this intention and furnish details of the representations to be made and the source of the deputation.
- (2) The Municipal Manager must submit a notice in terms of Rule 33.4(1) together with his or her comments and recommendations, to the
 - (a) Speaker in the case of an application for an interview with the Council;
 - (b) Executive Mayor in the case of an application for an interview with the Mayoral Committee; or
 - (c) Chairperson of the relevant committee in any other case,

who may decide to grant an interview under certain conditions, request additional information or refuse it.

- (3) If permission is granted in terms of Rule 33(2) (c) the Municipal Manager may set conditions for such deputations.
- (4) Whenever the Speaker, Executive Mayor or Chairperson of a committee:
 - (a) Grants an interview, he/she must determine the date, time and venue of the interview and the size of the deputation that may attend the interview; or
 - (b) Refuses an application, he/she must supply reasons for the refusal and inform the Municipal Manager of his decision.
- (5) The Municipal Manager must inform the applicant of a decision in terms of Rule 33(2) (c).
- (6) If a committee conducts an interview and that committee does not have the power to dispose of the matter, the committee must submit its report and recommendations to the Council or the Mayoral Committee, as the case may be.
- (7) During an interview only one member of the deputation may address the meeting except when the chairperson of the meeting has made a particular concession, either before or during the meeting, or in reply to questions from members of the Council or Committee.
- (8) Unless the Council or committee conducts an interview in a closed session, the members of a deputation may remain in the meeting whilst the Council or committee considers the matter after the interview had been completed.
- (9) When speaking at a council or committee meeting, a member of the deputation must comply with any directions or orders given by the Speaker or Chairperson.
- (10) If a member of a deputation conducts himself/herself in a disorderly and unruly manner at any time, the Speaker or chairperson must direct that that member remove himself/herself or be removed by an authorised official from the precincts.

34. COMMITTEE SYSTEM

34.1. Establishment of Council committees

Council may at any time establish a committee or committees necessary for effective and efficient performance of any of its functions or the exercise of any of its powers as envisaged in section 79 of the Municipal Structures Act.

34.2. Terms of reference

- (1) A Committee will perform specific functions as provided for in the Committee's Terms of Reference, which shall be approved before its members are appointed.
- (2) The terms of reference that Council adopts under Rule 34.2(1) for any new committee that it establishes must include:
 - (a) The matters the committee deals with;
 - (b) The committee's composition;
 - (c) The Committee's reporting lines;
 - (d) The date the committee reports and the date that it ends, unless Council approves an extension or continuation;
 - (e) The reason an existing committee cannot do the work; and
 - (f) A Municipal Manager's impact statement identifying the staff and other resources the committee needs for support and a statement that such resources are available.

34.3. Composition

- (1) Political parties are entitled to be represented in committees in substantially the same proportion as in which they are represented in the Council, except where:
 - (a) These Rules prescribe the composition of the Committee, or
 - (b) The number of members in the committee does not allow for all parties to be represented.

34.4. Appointment of members

- (1) The Council must determine the number of members for each Committee.

- (2) Parties or political interests shall be allocated seats in the Committee in the same proportion as they are represented in the Council.
- (3) The authorised representatives of political parties or political interests shall submit the names that should occupy their seats in the Committee to the Speaker and Municipal Manager.

34.5. Term of office

- (1) Members of a committee are appointed until the Council's term expires or the Council is dissolved, whichever occurs first, unless the Council, with good reason, resolves to disestablish the Committee.
- (2) A member of a committee ceases to be a member if a Whip of the party to which that member belongs gives notice to the Speaker in writing that the member be replaced or withdrawn.

34.6. Committee Chairperson

- (1) A committee chairperson shall be appointed by the Council.
- (2) The Chairperson of a committee, subject to the other provisions of these Rules and the directions of the committee:
 - (a) Presides at all meetings of the committee where he/she is present.
 - (b) Represents the committee in the Committee of Chairpersons.
 - (c) Determines the agenda of each meeting of the committee.
 - (d) Brings the report of the committee to the Council and moves the same.
 - (e) Performs the functions, tasks and duties and exercise the powers that the committee, as per resolutions of the Council, may assign to the Chairperson.
 - (f) In the event of an equality of votes on any question before the committee, may exercise a casting vote in addition to the his/her vote as a member.
 - (g) May act on any matter on behalf of, and in the best interest of the committee when it is not practical to arrange a meeting of the committee to discuss that matter, if that matter concerns:
 - (i) A request by a person to give evidence or make oral representations to the committee;
 - (ii) Any other request to the committee; or

- (iii) The initiation of any steps or decisions necessary for the committee to perform its functions or exercise its powers.
- (h) Must sign the minutes when the committee has approved same, provided that the minutes are signed by the same person who presided over their approval.
- (i) Must report to the next ordinary committee meeting on any steps taken in terms of Rule 34.6(2)(g), provided that the committee may set aside any decision of the Chairperson thereof.

34.7. Acting Chairperson

- (1) In the event of the position of the Chairperson becoming vacant, the Speaker must appoint an Acting Chairperson until the vacancy is filled by the Council.
- (2) An Acting Chairperson performs the functions and may exercise the powers of the Chairperson.
- (3) In the absence of the Chairperson or Acting Chairperson, the members present shall appoint one of their members to preside at the meeting and the member so appointed shall, when presiding, have the same power and rights of voting as those possessed by the Chairperson.

34.8. General powers of committees

For the purposes of performing its functions a committee may, subject to the Constitution, legislation, the other provisions of these Rules and resolutions of the Council:

- (1) Invite a Member of the Mayoral Committee or municipal official to appear before it to give evidence, produce documents or respond to questions.
- (2) Receive petitions, representations or submissions from interested persons or institutions.
- (3) Permit oral evidence on petitions, representations, submissions and any other matter before the committee.
- (4) Investigate and report on issues that are referred to it or on its own initiative.
- (5) Exercise oversight on the executive.
- (6) Determine its own procedures, subject to these Rules.
- (7) Determine its annual programme, subject to the programme of Council.

- (8) Publish an item that is before the committee for written and oral representations from, and comments by the public;
- (9) Establish sub-committees;
- (10) Conduct public hearings; and
- (11) Exercise any powers granted to it by resolutions of the Council.

34.9. Referral of matters to committees

- (1) A matter may be referred to a committee by the Speaker, Programming Committee or by Council.
- (2) The Programming Committee shall comprise of 10 members representative of political parties as they are proportionally represented in Council, which shall be inclusive of the Speaker (who will be the Chairperson); Whip of Council; Leader of Executive Business (Rep of the Mayoral Committee); and Chairperson of the Committee of Chairpersons. The Committee shall be responsible for considering and routing items/motions to Council and or Council Committees for oversight and ultimately to Council; and agreeing on the allocation of speaking time for the items and motions contained in the Council agenda.
- (3) If there is a dispute about which committee should deal with a matter, the Speaker must decide.

34.10. Council may increase or restrict powers

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

35. GENERAL PROVISIONS

35.1. OATH OF OFFICE

- (1) At the commencement of the proceedings of the Council at its first sitting after elections at which members of the Council were elected, councillors shall, individually or in groups, be sworn or shall make affirmation before a Magistrate.
- (2) A member who fills a vacancy in Council between elections shall be

sworn or shall make affirmation before assuming the duties of his/her office as councillor, provided that a councillor shall be considered to have officially assumed office and entitled to benefits of office from the date determined by the Independent Electoral Commission.

- (3) The Speaker shall convene a meeting of leaders of political parties represented in Council and relevant Chairpersons of Council Committees to which the member is to be allocated, to introduce the new member and witness his/her swearing as soon as it is reasonably possible after having been notified of the declaration of a new member of the Council.

35.2. PRIVILEGE AND IMMUNITY OF COUNCILLORS DURING MEETINGS

- (1) Subject to the provisions contained in these Rules, there must be freedom of speech and debate in the Council and its Committees.
- (2) As provided for in section 28 of Municipal Structures Act, members of the Council have freedom of speech in a municipal council and in its committees and are not liable to civil or criminal proceedings, arrest, imprisonment or damages for:
 - (a) anything that they have said in, produced before or submitted to the Council or any of its committees; or
 - (b) anything revealed as a result of anything that they have said in, produced before or submitted to the Council or any of its committees.

36. DISORDERLY CONDUCT

- (1) Notwithstanding and in addition to the provisions contained in these Rules, if at any meeting of the council or a committee of council a councillor or any other person present, 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 Presiding Officer on any point of order or declines to withdraw an expression when required to do so by the Presiding Officer or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the Presiding Officer shall direct such councillor or attendee to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, if he/she is standing.
- (2) In the event of persistent disregard of the directions of Presiding Officer, the Presiding Officer shall direct such councillor or person 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.
- (3) The Presiding Officer may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member or person 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 Presiding Officer, provided that a formal disciplinary process will be initiated after the conclusion of the meeting.
 - (4) Where a councillor or person refuses to retire or in the event of more than one councillor or person having to be ejected from the meeting, and such councillor/s or person/s refuse/s to leave the meeting, Presiding Officer shall request the assistance of the Community Safety Officers in attendance at the meeting to facilitate the removal of such councillor/s or person/s from the chamber. If this cannot be done orderly, the Presiding Officer may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant councillors or persons to retire or to be ejected from the venue of the meeting.
 - (5) If, at the resumption of proceedings, the councillor/s or person/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The Speaker or chairperson may rule that after the second adjournment the meeting will re-convened at another venue and any councillor/s or persons ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue.
 - (6) The Senior Community Safety Officer in charge of security of the Council will ensure that such councillor/s do/es not enter such an alternative venue.

37. BREACH OF THESE RULES

- (1) Any contravention or breach of these Rules or the Code of Conduct for Councillors contained in the Municipal Structures Act as amended, constitutes a misconduct and must be investigated by the Speaker or the Rules and Ethics Committee upon referral by the Speaker in accordance with item 15 and 16 of Schedule 7 of the and the sanctions referred to in item 16 (2) of Schedule 7 of the Municipal Structures Act as amended apply if a member is found guilty of contravening these Rules or the Code of Conduct for Councillors.
- (2) Without disturbing the generality of Rule 37(1), A member committing any of the following is guilty of misconduct and liable to be dealt with as provided for under Rule 37 (1):-

- (a) Contravenes the terms and conditions of these Rules;
 - (b) Behaves in an inappropriate and improper manner;
 - (c) Obstructs the business of meeting;
 - (d) Challenges the ruling of the Speaker on any point of order or ruling under these Rules;
 - (e) Declines to withdraw any expression when required to do so by the Speaker;
 - (f) Indulges in tedious repetition or unbecoming language; or
 - (g) In any manner whatsoever commits a breach of these Rules.
- (3) If a non-member and member of the public misconducts himself or herself, behaves in an unseemly, manner or obstructs the business of any meeting, the Speaker may order his or her removal from the Council Chamber or place of meeting.

38. REVISION AND AMENDMENT

These Rules may be reviewed annually or as regularly as deemed appropriate and amendments to these Rules are subject to the conditions and procedures stipulated for adoption of by-laws by a municipal council, as provided for in terms of the Local Government Municipal Systems Act 32 of 2000.

39. REPEAL OF EXISTING BY-LAWS

The Rules of Order By-Law for Municipal Council and Council Committees, published in the Provincial Gazette dated 31 May 2019, Local Authority Notice 67 of 2019, is hereby repealed.

40. SHORT TITLE AND COMMENCEMENT

This By-law shall be called the Rules of Order for Municipal Council and Council Committees By-law 2023, and shall come into effect on the date of its publication in the Provincial Gazette.

SCHEDULE 1: PROCEDURE FOR REMOVAL OF A MEMBER FROM THE MEETING

1. Removal of member from Chamber

- (1) If a member refuses to leave a meeting when ordered to do so by the Presiding Officer in terms of these Rules, the Presiding Officer must instruct the Serjeant-at-Arms to remove the member from the meeting and the (Council) precincts forthwith.
- (2) If the Serjeant-at-Arms is unable in person to effect the removal of the member, the Presiding Officer may instruct the Council Protection Services to assist in removing the member from the meeting and precincts.
- (3) A member who is removed from the meeting in terms of sub-rule (2) of this Schedule stated hereinabove, is thereby immediately automatically suspended for the rest of the meeting from which he/she is removed.
- (4) If a member resists attempts to be removed from the meeting in terms of sub-rules (1) or (2) of this Schedule, the Sergeant-at-Arms and the Council Protection Services may use such force as may be reasonably necessary to overcome any resistance.
- (5) No member may, in any manner whatsoever, physically intervene in, prevent, obstruct or hinder the removal of a member from the Chamber in terms of these Rules.
- (6) Any member or members who contravene sub-rule (5) of this Schedule stated hereinabove may, on the instruction of the Presiding Officer, also be summarily removed from the meeting and precincts forthwith.
- (7) If proceedings are suspended for the purposes of removing a member or members, all other members must remain seated or resume their seats, unless otherwise directed by the Presiding Officer.
- (8) When entering the Chamber for the purpose of removing a member, members of the Council Protection Services may not be armed; and
- (9) Members who have been removed from the Chamber will be escorted off the precincts by Council Protection Services personnel and will not be allowed to enter the meeting venue or precincts as the Rules prescribe.
- (10) If a member(s) offers resistance to being removed from the precincts, members of the security services may be called upon to assist with such removal.
- (11) In the event of violence, or a reasonable prospect of violence or serious disruption ensuing in the meeting as a result of a member(s) resisting removal, the Presiding Officer may suspend proceedings, and members of the security services

may be called upon by the presiding officer to assist with the removal of members from the meeting and precincts forthwith, or may intervene directly anywhere in the precincts when there is immediate danger to the life or safety of any person or damage to any property.

2. Standard operating procedures: member refusing to leave Chamber
 - (1) If a member refuses to leave the Chamber, the presiding officer asks the Sergeant-at-Arms to remove the member from the Chamber.
 - (2) The Serjeant-at-Arms approaches the member(s) to explain politely that the instruction of the Presiding Officer must be complied with and that failure to do so can constitute a grave offence and have serious implications, including that the member(s) may need to be physically removed from the meeting and precincts.
 - (3) If the member still refuses to leave, the Serjeant-at-Arms indicates to the Presiding Officer that the member refuses to comply, whereupon the Presiding Officer informs the Council that the Council Protection Services are to be called upon to assist.
 - (4) The Council Protection Services personnel enter the Chamber upon the instruction of the Presiding Officer, and proceed to remove the member(s) concerned under the direction of the Serjeant-at-Arms.
 - (5) Members of the public in the gallery who participate in disorderly conduct will be removed by the security services.

SCHEDULE 2: PROCEDURE FOR MANUAL SECRET BALLOT VOTING

1. Voting Procedure

- (1) Accounting Officer to design ballot paper
- (2) Councillors to vote in an alphabetical order as called out by Accounting Officer
- (3) Councillor proceeds to Desk 1 to sign voters roll and receive 1 ballot paper.
- (4) Councillor to vote in a place demarcated where no other person may view how he/she votes.
- (5) Councillor proceeds to put his/her folded ballot into the ballot box, which shall be in full view of all members in the Council Chamber.
- (6) Councillor to resume his/her chair.

2. Promotion of Transparency

- (1) Party Chief whips/Caucus Leaders to ensure procedure is followed.
- (2) Party Chief whips/Caucus Leaders to be stationed near Desk 1 to see that each Councillor signs against their name and receive 1 ballot paper.
- (3) Ballot box to be assembled in full view of everybody.
- (4) Ballots to be counted in full view with Municipal Manager or his/her representative reading out the name of the candidate voted for and displaying the ballot to all Party Agents.
- (5) Results to be tallied and signed off by all the whips.

SCHEDULE 3

**THE PROCEDURE TO BE FOLLOWED IN ELECTING THE SPEAKER
INCLUDING NOMINATION FORM**

1. The Municipal Manager presides over the election of a Speaker.
2. The Municipal Manager announces that a new Speaker has to be elected. (Where the election is due to vacation of the position of Speaker, the Municipal Manager shall announce it accordingly.)
3. The Municipal Manager calls for nominations.
4. On receipt of the nomination form, the Municipal Manager states that a nomination has been received for the Councillor nominated on the nomination form, also indicating that the nomination form has been signed by two members of the Municipal Council and whether the nominated Councillor accepts the nomination or not.
5. The Councillor elect is announced as Speaker by the Municipal Manager.
6. Following congratulating the newly elected Speaker, the Municipal Manager requests him/her to take the Speaker's seat and preside over the meeting.

**SCHEDULE 3 ANNEXURE A: NOMINATION FORM FOR ELECTION OF
SPEAKER/EXECUTIVE MAYOR/WHIP OF THE COUNCIL**

I, Clr _____ [Signature: _____] herewith
nominate Clr _____ as Speaker/Executive Mayor/Whip of
the Council of Polokwane Municipality.

Seconded by Clr _____ [Signature: _____]

I, Clr _____ [Signature: _____] herewith accept
the nomination of Speaker/Executive Mayor/Whip of the Council of Polokwane
Municipality.

Date _____

SCHEDULE 4 : TIMELINES

NO.	ACTIVITY	TIMEFRAME	RULE
1	Convening of Inaugural meeting	Within 14 Days after Council has been declared elected	7.1
2	Issuing of Notice of special Council meeting	24 hours prior to the meeting	7.3(4)
3	Issuing of Notice of special Council meeting requested by majority of councillors	On a date set within 24 hours of the request	7.3.(5)(a)
4	Convening meeting for State of the City Address	At the beginning or end of each financial year	7.4(1)
5	Convening of meeting to debate State of the City Address	Within 14 days of the date on which the State of the City Address was delivered	8.4(2)
6	Issuing of Notice of ordinary Council meeting	72 hours prior to the meeting	8(2)
7	Convening/Notice period of Council meeting to consider By-Laws	7 working days prior to the meeting	8(3) & 29(3)
8	Application for leave of absence	At least 3 hours before the meeting	11(1)(c)
9	Submission of written applications for the SMS/Whatsap applications	Within 24 hours of the date of the meeting	11(1)(c)
10	Publication of draft by-law for public comments	21 days	29(5)
11	Re-introduction of a by-law rejected by Council	Not within 6 months after rejection	29(8)
12	Provision/Submission of members official contact details to Speaker and Municipal Manager	Within 2 working days after appointment or change of contact details	8(5)
13	Application for leave of absence where a member leaves a meeting due to an urgent matter	Within 14 days after the event	11(4)
14	Allowable opportunity for opening silent prayer or meditation	No more than 30 seconds	14(2)
15	Delay of commencement of the meeting due lack of quorum	No more than 30 minutes	15(4)

16	Delay of commencement of the meeting due non-availability of the Speaker or Chairperson AND lack of quorum	No more than 30 minutes	15(5)
17	Suspension of proceeding due to loss of quorum during the meeting	No more than 10 minutes	15(6)
18	Issuing of Notice of adjourned meeting	24 hours prior to the meeting	16(2)
19	Report to Council on implementation of the budget and state of financial affairs of the Municipality	Within 30 days of the end of each quarter	20(2)
20	Quarterly Oversight Reports to Council	Within 60 days after referral by the Programming Committee or Council	20(4)
21	Annual Oversight Reports to Council	Within 60 days after referral by the Programming Committee or Council	20(5)
22	Oversight visit reports to Council	Within 30 days or at the next Council meeting, whichever occurs first, after the visit	20(6)
23	Study visit reports to Council	Within 30 days or at the next Council meeting, whichever occurs first, after the study visits	20(7)
24	Annual Committee Performance Reports to Council	Within 30 days or at the next Council meeting, whichever occurs first, after the end of the financial year	20(8)
25	Report of the Speaker to Council	Within 30 days of the end of each quarter	20(9)
26	Report of the Whip of Council to Council	Within 30 days of the end of each quarter	20(10)
27	Mover's right to speaking on motion to amend a recommendation	No more than 2 minutes	22(2)
28	Introduction of a motion to rescind/amend Council resolution or motion previously not supported	Not within 3 months of such Council decision	24(8)
29	Length of speech	No more than 3 minutes on any subject (or matter), except with the consent of the Presiding Officer	28.7
30	Length of speech on point of clarity	No more than 1 minute	28.9(12)

31	Ringling of the bells before a vote	1 minute	31(5)
32	Submission of written request to debate for noting	At least 24 hours prior the meeting	32
33	Request by member of the public/organisation/institution/media to appear and make submission to a committee	48 hours before the committee meeting	33.2(2)
34	Response to a member of the public/organisation/institution/media who request to appear and make submission to a committee	24 hours before the committee meeting	33.2(2)
35	Presentation to a committee by member of the public/organisation/institution/media	No more than 10 minutes	33.2(4)
36	Submission of written request for deputation	At least 6 working days	33.4(1)
37	Adjournment of proceedings for removal of member(s) or person(s) from the Chamber	No more than 15 minutes	36(4)
38	Review of the Rules of Order	Annually or as regularly as deemed appropriate	38