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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 748 OF 2023

NTABANKULU LOCAL MUNICIPALITY

EC444



RULES STANDING ORDERS AND PROCEDURES

To provide uniform rules, standing orders and procedures governing council and all council related committees including the executive committee. To provide for procedures applicable in transacting council and committee business including prescribing, acceptable conduct of councilors, the public and staff in all meetings of council and committees.

PREAMBLE

WHEREAS the constitution establishes local government as an independent sphere of government, interdependent, and interrelated with national and provincial spheres of government

WHEREAS local government as an independent sphere of government is strategically placed to entrench democracy, development and nation-building

WHEREAS political decision-making process must be managed in a manner consistent and complimentary with the notion of developmental local government

WHEREAS the institution must synchronize the decision of its committees and the executive committee with the overall strategic direction of council. To this end, the council of Ntabankulu, through freely and democratically elected representatives, adopts the Rules, Standing Orders and Procedures as its supreme regulations, so as to govern and regulate all council and committee meetings, unless otherwise stated.

WHEREAS Councillors must fulfil their obligations to the community, support the achievement by the municipality of its objectives, must adhere to the Code of Conduct for Councillors, and comply with the Rules, Standing Orders and Procedures as a By-law of the Municipality and at all times shall respect the rule of law.

AND WHEREAS it is necessary for the Municipal Council to prescribe the Rules, Standing Orders and Procedures for its internal arrangements and to regulate the conduct of its business.

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CHAPTER 1

DEFINITIONS OF TERMS

1. Definitions

In this By-law, unless inconsistent with the context any word or expression shall have the meaning assigned thereto in the relevant legislation, unless the context indicates otherwise-

“Act” means Local Government: Municipal Structures Act, 1998 (Act117 of 1998);

“Business day” means Monday to Friday excluding a public holiday

“By-law” means legislation passed by the council of a municipality;

“Chairperson” means a councillor elected in a permanent or acting capacity to control and conduct any meeting of a committee of council;

“Council” means —

(a) a body, exercising its legislative and executive authority in a municipal jurisdiction;

(b) its successor-in-title;

“Code of Conduct” means the Code of Conduct for Councilors contained in Schedule 1 to the Systems Act;

“Contact details” means a physical address, postal address, electronic mail address, telephone number, facsimile number and cellular phone number;

“Calendar day” means a twenty-four-hour day as denoted on the calendar;

“Councilor” means a member of a municipal council;

“Day” means any ordinary working day other than a Saturday, Sunday or Public Holiday, except where otherwise stated;

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

“Gender and Number” – in every rule, unless the contrary intention appears, words importing the masculine gender include females and words in the singular number include the plural, and words in the plural number include singular.

“In-committee” means any council or committee meeting at which the public and some officials of the municipality are excluded;

“Integrated development plan” means a single, inclusive and strategic plan for the development of the municipality and applicable in terms of Chapter 5 of the Systems Act;

"Mayor" means a member of the Executive Committee of the Ntabankulu Local Municipality who is designated as its Chairperson as in terms of section 55 of the Structures Act;

"MEC for Cooperative Governance and Traditional Affairs means the member of the Executive Council of the province responsible for local government in the said province;

"Meeting" means a meeting of the council or any one of the committees;

"Member" means a member of the Ntabankulu Local Municipal Council, referred to as Council and councillor shall have a corresponding meaning;

"Motions" means any matter or proposal submitted by a member in terms of these Rules, wherein a decision or resolution is required, and includes an urgent motion;

"Motions of course" means a proposal that the order of matters before Council be changed;

"Motions of exigency" means a motion pertaining to an urgent, pressing matter;

"Municipality" means the Municipality established in terms of section 155(6) of the Constitution, 1996, and established by and under sections 11 and 12 of the Structures Act

"Municipal asset" means any movable, immovable, corporeal, incorporeal, tangible and intangible property to which the municipality holds title;

"Municipal Manager" means the incumbent appointed in terms of Section 82 of the Act;

"Notice of motion" means the instrument by which councillors may bring items on to the agenda of a Council Meeting in terms of Rule 18 of this By-law;

"Party whips" mean the whips of other parties participating in the municipal council, except the ruling party, this includes the whip of the traditional leaders participating in the municipal council;

"Peace Officer" means any person declared as a Peace Officer in terms of the Criminal Procedure Act No. 51 of 1977;

"Point of Order" means the pointing out of any deviation from or anything contrary to, the conduct and or any other irregularity in the proceedings of a meeting;

"Precincts" 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 or a committee of the council are conducted;

"Public" includes the media and means any person residing within the Republic of South Africa;

"Recess" with reference to councillors in Council, means the break for members of Council during the festive season between December and January of each year;

"Service delivery agreement" means an agreement between a municipality and an institution or person mentioned in section 76(b) of the Systems Act in terms of which a

municipal service is provided by that institution or person, either for its own account or on behalf of the municipality;

"Speaker" means the Chairperson of the council elected in terms of section 36 of the Structures Act and includes any Acting Speaker when he or she is elected to perform the functions of the Speaker as envisaged in section 160 (1)(b) of the Constitution, 1996 and as detailed in clause 7 hereof;

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

"Table" means to submit a report or any official document to the council or a committee of council for consideration at a meeting of the council or a committee of council of which notice has been given in terms of this By-law.

"The Chairperson" means the councillor presiding over in a meeting;

"The Chief Whip" means an elected Chief Whip from the majority party of the Ntabankulu Local Municipality

"The Constitution" means the Republic of South Africa Act, 1996 (Act No. 108 of 1996) as amended.

"The Traditional Leader" means a Traditional Leader appointed in terms of section 81 of the Municipal Structures Act to represent Traditional Authorities in the municipal council as envisaged in section 212 of the Constitution, 1996.

"Venue & Virtual Venue" means a **place** where an **event** or **meeting** is happening. To accommodate extra-ordinary measure venue might include modern electronic systems and tools to include computer systems or hand-held devises (gadgets) and be held on virtual mode.

"Virtual meeting" is when people around spread geographic area, regardless of their location, use video, audio, and text to link up online. **Virtual meetings** allow people to share information and data in real-time without being physically located together.

CHAPTER 2

APPLICATION AND INTERPRETATION OF RULES AND ORDERS

2. Application

- (1) These Rules and Orders govern the proceedings of the council and committees of the council which must be compiled with by: -
- (a) all councillors;
 - (b) any member of the public while present in the precincts;

- (c) any deputation addressing the council or a committee of the council; and
- (d) any municipal official of the municipality.

3. Interpretation of these rules and orders

- (1) Any interpretation of these rules and orders must be made having due regard to the supremacy of the Constitution, national, provincial and municipal legislation, the rule of law and the rules of natural justice.
- (2) The ruling of the Speaker or Chairperson with regard to the interpretation of these rules and orders at a meeting of the council or committee of the council shall, subject to rules 3(5) and 3(6), be final and binding.
- (3) The interpretation and the ruling of the Speaker or Chairperson of any of these rules and orders must be recorded in the minutes of the council or committee meeting.
- (4) The Municipal Manager must keep a register of the rulings and legal opinions.
- (5) Any councillor may request the Municipal Manager, in writing within five days from a ruling made in terms of rule 3(2), to obtain clarity on the interpretation and ruling and to report to the council or committee of the council.
- (6) The council or committee of the council may after consideration of the report in terms of rule 3(5) confirm, amend or substitute the ruling of the speaker or Chairperson, subject to any rights which any third party may have accrued as a result of the ruling and all decisions effecting the rights of others must be in writing and reasons must be recorded of such decisions.

4. Framing of Rules

- 4.1 The Speaker may give a ruling, or frame a rule, in respect of any eventuality for which these rules do not provide, but such a ruling or resultant framed rule may not be in conflict with any legislation or the Constitution.

4.2 Any rule framed by the Speaker will remain in force pending submission to and a decision by the Rules, Ethics and Members Interest Committee, which decision shall in turn be submitted to the next Council sitting for consideration.

4.3 The Rules, Ethics and Members Interest Committee must decide on any rule framed by the Speaker within 14 days from the date in which the rule was framed and the rule shall fall away if the sitting of the aforementioned Committee did not take place within a period of 14 (fourteen) business days, except if the 14 (fourteen) business days fall within a council recess period.

4.4 The Speaker may at any time submit a proposed addition or amendment to these Rules to the Rules, Ethics and Members Interest Committee for its consideration.

5. Suspension or Supplementing of Rules

5.1 Any provision of these rules relating to the business or proceedings at a sitting of the council or committees or any other forum of the council, may be suspended by resolution of the council.

5.2 The suspension of any provision must be limited in its operation to the particular purpose and period for which such suspension has been approved.

5.3 At least 50% plus one of the members of the council must be present before a decision may be taken to suspend any provision of these rules including taking a decision to adopt or amend any rule.

5.4 The council may by resolution, subject to these rules, make an order supplementing these rules in accordance with the structures act; provided that —

(a) a standing order remains in force until amended and

(b) a sessional order identified as such by the council remains in force —

(i) until the period of its validity, as specified in the order, has expired; or

(ii) until the end of the last sitting day of the session within which it was made and provided that a sessional order may be amended at any time.

6. Directives and Guidelines of Rules, Ethics and Members Interest Committee

6.1 The Rules, Ethics and Members Interest Committee may, in terms of these rules,

issue directives and lay down guidelines to assist with the implementation of these rules and orders.

6.2 Members must comply with any such directives and guidelines.

7. Rulings

7.1 The Speaker must perform the functions as provided for in these rules and may make rulings in applying and interpreting these rules and orders of the council, directives and guidelines approved by the Rules, Ethics and Members Interest Committee.

7.2 The Speaker and other Chairpersons may make rulings in accordance with Sub-rule 7.1 (above) in respect of procedural matters that arise when presiding.

7.3 Members must comply with rulings made

(a) However, a member may request that a ruling be referred to the Rules, Ethics and Members Interest Committee for consideration and report.

(b) In considering a ruling referred to it in terms of Sub-rule 7(1), the Rules, Ethics and Members Interest Committee must confine itself to the principle underlying, or subject of the ruling in question.

8. Conventions and Practices

8.1 Conventions and practices relating to the business of the council and its committees are established by agreement amongst political parties and may be varied by agreement amongst them and reviewed from time to time as decided by the Rules, Ethics and Members Interest Committee.

8.2 Conventions and practices must be consistent with the provisions of the Constitution, these rules and orders, rulings, directives and guidelines of the Rules, Ethics and Members Interest Committee.

9. Contempt

A member who wilfully fails or refuses to obey any rule, order or resolution of the council may be found guilty of contempt of council in terms of these rules and the Code of Conduct as enshrined in schedule 1 of the municipal systems act.

CHAPTER 3

GENERAL RULES

10. General Orders: General Conduct

(1) In every council meeting, councillors, officials and the public must observe these orders to give effect to democratic and accountable local government. For these purposes the hereunder shall be applicable:

- (a) The Municipal Manager or a designated official shall inform all present at the chambers to stand and observe in silence the arrival of the Speaker
- (b) The Speaker, whilst standing shall call upon all present in the precincts to remain standing for a solemn reflection and commitment. All persons' present shall remain standing until ordered by the Speaker to sit.
- (c) Immediately the Council is in session a councillor shall refer to another as "Honourable Councillor or Honourable Member or Ikhansela Elihloniphekileyo"
- (d) All officials shall address councillors in terms of paragraph (c) above.
- (e) No councillor may leave a Council in session unless granted permission by the Speaker.
- (f) Any councillor who walks out either in protest or without permission shall be dealt with in terms of these rules.
- (g) A councillor may express him/herself in the mother tongue or either *IsiXhosa or English*.
- (h) The Municipal Manager must on request provide an interpreter.

11. Duties, Powers and Functions of Speaker and Chairpersons

- (1) Over and above those duties enshrined in the structures act and the delegation framework the Speaker and or the Chairperson as the case may be shall;
- (i) Keep and maintain order during meetings
 - (ii) Ensure that at all times councillors transact the business of the meeting in terms of these rules and orders.

- (iii) Initiate disciplinary measures in terms of the relevant code in the case of councillors misbehaving in the meeting including but not limited to
 - 1. Instructing a councillor to leave the chamber for a particular item OR
 - 2. Instructing a councillor to leave the chamber for the duration of the proceedings.
 - 3. Instructing any member of the public who misbehaves during the proceedings to recuse himself either for an item under discussion or for the entire proceedings.
- (2) Over and above the powers and functions enshrined in the Structures Act and the delegation framework the Speaker and or Chairperson as the case may be shall;
 - (i) Give rulings and directions according to these rules and orders and such rulings shall not be subjected to a debate
 - (ii) When interrupting any member on the floor during a meeting that member shall immediately stop speaking and await direction.
 - (iii) Exercise the "Privilege rule" by affording any person an opportunity to address a meeting on a specific subject
 - (iv) Apply the "extra-ordinary rule" by employing at own discretion extra-ordinary measures to ensure both the order of the meeting and the control of the debate.
 - (v) The extra-ordinary rule shall be revoked if the Speaker is of the opinion that the issue under consideration is controversial and the debate has the propensity to degenerate into chaos;
 - (vi) The extra-ordinary rule shall be used to ensure a fair play and to be seen to be ensuring fair play.
 - (vii) Any councillor may request the Speaker to activate the extra ordinary rule; the Speaker in turn shall make a ruling which ruling shall be final
 - (viii) The Speaker shall on record formally declare activating the extra ordinary rule and for that purpose allocate rules for the debate.
- (3) The Speaker or Chairperson may relax Rule 29 and allow a debate on any report submitted to the council or a committee of the council, at the meeting at which that report is submitted in order to do justice to the report before the council or committee.
- (4) Councillors must when interfacing with staff conduct themselves and abide by the hereunder rules.

- (a) No Councillor may approach or communicate with any officer of the municipal administration concerning the business of the municipality other than when exercising his/her rights or liberties as an ordinary member of the public provided that;
 - (b) A councillor may approach and communicate with the Municipal Manager or any Head of Department or any officer of the municipal administration specifically designated by the Municipal Manager or by the Head of Department concerned for this purpose, in order to obtain such information as he may reasonably require for the proper performance of his duties as a Councillor.
- (5) Generally, council and committee meetings are open to the public unless extra ordinary circumstances so warrant;
- (a) The council or a committee of council may, at any time, resolve to proceed in-committee
 - (b) The public will be excluded from any in-committee meeting.
 - (c) The Municipal Manager or another official exempted from this section by the Speaker or Chairperson will not be excluded from any in-committee meeting.
 - (d) All in-committee proceedings must be recorded in terms of rule18 and must be confidential until council has confirmed the minutes.
 - (e) Unauthorized disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.
-

CHAPTER 4

COUNCIL MEETINGS AND ADJOURNMENTS

12. Time of sittings, Notice of Meetings, Adjournments and Admission of Public

(1) Sitting Days of council meetings

- (a) The council must hold an ordinary meeting-not less than once a quarter.
- (b) The Speaker must convene all meetings of the Council in accordance with sub-rules 12(2)(c) and (d) hereunder.
- (c) A committee must at least meet once quarterly on a business day at date and

as time determined by the Chairperson.

- (d) All committees, which ordinarily present reports to an ordinary Council must hold their meetings to produce such reports prior to the sitting of Council in accordance with these rules.

(2) Notice of Meeting

- (a) The Municipal Manager must give notice to the public, in a manner determined by the Council, of the time, date and venue of every ordinary meeting of the council or committee of the council and any special or urgent meeting of the council or committee of the council, except when time constraints make this impossible. Council meeting venue may vary depending on the nature of situation as determined by extra-ordinary National Disaster Management Determination and Regulation.
- (b) The Municipal Manager shall convene the first sitting of the Council within 14 days after the Council has been declared elected.
- (c) The Speaker or Chairperson (as the case may be) must give at least a minimum of seven (07) business days written notice for normal Council and Committee meetings at the registered address of each political party and councilors represented in council and committee(s).
- (d) The Speaker or chairperson must give at least 48 hours' (2 business days) notice for a special Council or Committee Meetings (as the case may be).
- (e) With regard to the Special Council meetings, the speaker may at any time and own accord or shall, upon request in writing of a majority of councilors of the municipality, convene a special meeting of the council, provided that no such special council shall take place unless all councilors were given two days' notice prior to the date and time set for the meeting.
- (f) If one or more councilors fail to receive such notice, such failure does not render the convening of such meeting invalid, provided that each political party has been given notice, proof whereof shall be furnished by the Speaker's office.
- (g) Where the composition of a council has been changed as a result of the provision of items 2, 3 or 7 of scheduled 6 of the constitution, the Speaker

must convene a council meeting for the purpose of dealing, amongst others, with the consequences of such a change.

(3) Interruption, Suspension or Adjournment of Proceedings

- (a) If a meeting of council has commenced, it must continue uninterrupted until it has completed the business unless it is interrupted, suspended or adjourned as provided for in these rules.
- (b) Only the Speaker may interrupt, suspend or adjourn proceedings of the council for such period or until such date and time as may be determined by the Speaker, but before holding any ordinary council meeting. At the discretion of the Speaker, s/he may discuss an adjournment of the meeting with the whips of parties.
- (c) The proceedings of an interrupted, suspended or adjourned meeting must immediately recommence on the termination of the period of interruption or suspension or at the date and time to which it was adjourned. No additional business should be submitted for consideration when the previous suspended, interrupted and or adjourned meeting recommences.
- (d) The leader or whip of a party may request an adjournment of a meeting to go into caucus. The Speaker subject to the provisions of 12(3)(f) below can either grant or refuse such request.
- (e) Parties have the right to caucus before council deals with any of the items that had not been included, on an urgent basis, in the agenda that was circulated as per Rule 12(2)(c).
- (f) The caucus timeframe shall be determined by the Speaker in consultation with the whips of political parties

(4) Admission of the Public

- (a) All meetings of the council and those of its committees must be open to the public,

other than when the council or committee, due to the nature of the business being transacted or when the disclosure of any matter may be prejudicial to the interests of the municipality, deems it reasonable and justifiable to do so having due regard to the principles of an open and democratic society. This right may be suspended as in line with National Disaster Management Regulations and or measures as determined from time-to-time. In such instances Council may resolve to hold the meeting(s) using virtual electronic system which may exclude the public participation and attendance.

(b) The Council or a committee of the Council, may not for any reason whatsoever, exclude the public when considering, voting or noting any of the following matters –

- (i) A draft By-law tabled in the Council;
- (ii) A budget tabled in the Council;
- (iii) The municipality's Integrated Development Plan, or any amendment of the plan, or any amendment of the plan tabled in Council;
- (iv) The municipality's performance management system, or any amendment of the system, tabled in Council;
- (v) The decision to enter into a service delivery agreement;
- (vi) Any reports on an award in terms of supply chain management policy;
- (vii) The disposal or acquisition of municipal capital asset;
- (viii) Any other matter prescribed by legislation.

(5) Council Sitting in-Committee

- (a) Notwithstanding anything to the contrary in these rules, a councilor may at any time after an item on the agenda has been called or during consideration thereof, move that the Council resolves to sit in-committee in terms of section 20 of the Systems Act for the further consideration of that item.
- (b) If the Council is in-committee, the provisions of these Rules, except insofar as they are in conflict with this rule, must apply.
- (c) If a proposal in terms of paragraph (a) is carried, the Speaker must determine when in the agenda the item/s concerned must be considered and must be considered consecutively.

(d) At the conclusion of the consideration of items in-committee, the council must revert to the consideration of further items in open manner.

(e) When the council/committee resolves that proceedings should be in-committee, all members of the public and Council officials, except those officials that he/she may require to remain, must leave the precincts and must not return for the duration for the proceedings in-committee.

(6) Ceremonial council meetings

(a) The following shall be ceremonial council sittings provided the Speaker may declare other sittings not covered hereunder as ceremonies:

- (i) The first meeting of the council after an election;
- (ii) The State of the Municipality Address by the Mayor;
- (iii) Tabling of the IDP and Budget;
- (iv) The last Council meeting of the calendar year; and
- (v) Any designated special and extraordinary meetings, as determined by the Speaker.

(b) All council meetings declared as ceremonial shall comply and be treated as ordinary sittings of Council provided that at the end of the ceremony the Council adjourns in terms of sub-rule 12(3) above.

(7) Service of notices and agenda

(a) Notice to attend a meeting or any other official communication from the council, must be delivered in either of the following –

- (i) The allocated post box of a councilor or;
- (ii) A physical address within the area of jurisdiction of the municipality; or
- (iii) An e-mail address;
- (iv) A facsimile;
- (v) A short message service;
- (vi) To the Offices of the Political Party represented in council in that Municipality.

(b) The methods above are feasible provided that contact details must be supplied by

each councilor to the Municipal Manager in writing within two days of a councilor's election and, thereafter, whenever the councilor wishes to change an address the councilor will accept service and or receipt of any notice to attend a meeting and any other official communication from the council.

- (c) All documentation relevant to any council or committee meeting, convened in terms of sub-rule 12(2)(c) and (d), must be given to all councilors at least seven (07) calendar days prior to an ordinary Council or committee meeting and one (02) calendar days prior to a special council or special committee meeting.
- (d) All councilors must inform the Speaker of any change of his/her contact details within three days of such change.
- (e) Subject to section 12(2), notice to attend a meeting must be displayed on the public notice boards of the municipality and the council annual program be advertised in the local newspaper.

(8) Non-receipt of Notice

- (a) A councilor may request an investigation regarding the non-receipt of a notice to attend a meeting.
- (b) Non-receipt of a notice to attend a meeting will not affect the validity of any meeting or proceedings of council or any of its committees.

CHAPTER 5

ABSENCE OF COUNCILORS AND QUORUM

13. Attendance of Meeting

- 13.1 Each councillor is required to perform the following:
 - 13.1.1 attend all meetings of the council and
 - 13.1.2 attend all meetings of the portfolio committee of which that councillor is a member; unless

13.1.3 an application for leave or absence has been submitted in a manner provided in 13.2 hereunder, to the Speaker or Chairperson thereof [Annexure B].

13.2 A leave of absence is a method by which a councillor obtains lawful absence from an officially sanctioned meeting.

13.2.1. Its application must neither be used as a protest nor a tool to derail proceedings.

13.2.2. Such behaviour if reasonably suspected must be investigated in terms of the code of conduct.

13.3 A councillor who will be absent from sittings or meetings referred to in sub-rule 10.1 must submit a written application and for leave of absence stating the reason/s for such intended absence to the Speaker by no later than 24 hours prior to the date of the meeting.

13.4 In exceptional circumstances, including but not limited to death in the family, illness, injury or other incapacity, the councillor may upon written application to the Speaker, within three (3) days after the Council meeting, apply for condonation of his/her failure to comply with sub-rule 13.3.

13.5 In the event of an emergency arising less than 48 hours prior to a meeting, a councillor shall be permitted to submit an apology by any means, including telephone, fax or SMS, stating the nature of the emergency and the full reason/s for the intended absence. The Speaker shall submit the application to the council or relevant committee for consideration of whether or not the penalty should apply.

13.6 The Speaker receives application for leave of absence for council's approval. If an application for leave of absence is not approved, the Speaker must inform the applicant.

13.7 The Council will establish a specific structure to deal with any extra-ordinary matters related to dispute resolution and or the interpretation of this section, the Rules and Ethics Committee.

13.8 An official of the council must keep an attendance register of members at the commencement of the meeting, and at the end of the meeting.

- 13.9 A councillor who is absent without leave of absence for three or more meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of items 3, Scheduled 1 (Code of Conduct, Municipal Systems Act No. 32 of 2000), must be removed from office as a Councillor in accordance with item 5, scheduled 1 of the Municipal Systems Act No. 32 of 2000.
- 13.10 A councillor removed in terms of item 5 of the Code of Conduct must lodge an appeal with the MEC in accordance with the relevant legislation.
- 13.11 A municipal council may impose a fine according to schedule 1 of these rules and orders as may be reasonable deemed fit by the Speaker of the municipal council on a councillor for;
- 13.11.1 Not attending a meeting which that councillor is required to attend in terms of item 13.1, or
 - 13.11.2 Failing to remain in attendance at such a meeting
 - 13.11.3 Disclosing classified information.
- 13.12 The Rules and Ethics Committee to be so established and as per delegation 8 shall in respect of minor breaches impose the listed fines on Table 1 hereunder.
- 13.13 The Speaker, shall table an Item before council indicating any allegations of a breach of code of conduct by any member or the Chief Whip in respect of the Speaker. Council shall consider and delegate the matter for further attention and consideration by the Rules and Ethics Committee. The Rules and Ethics Committee after reasonable time shall present its findings to the Municipal Council for a decision.

Table 1 Table of Fines and Penalties

Transgression	Fine / Penalty to be Imposed
Late arrival at meetings of council and Committees without informing the Speaker or Chairperson	R100.00
Absence to a meeting of council without a written apology	R500.00
Absence to a meeting of a committee without a written apology	R250.00

Transgression	Fine / Penalty to be Imposed
Absence to a meeting of a Council without an sms apology in the case of emergency	R250
Disclosure of classified information	R 500 - R5000
Non-compliance with the dress code	R500.00
Early departure from a meeting	R250.00
Absence to a workshop, conference, symposium, etc. without an apology resulting in costs being incurred for travelling and accommodation and any other related costs	To be calculated <i>pro-rata</i> . (This expenditure would be fruitless and wasteful therefore the councillor would have to repay. See section 32 of the MFMA)

14. Quorum Requirements

- 14.1 A quorum of a council or committee shall be constituted by a majority i.e. fifty percent plus one (50% + 1) of all councillors (seats) or members of that committee, as the case may be.
- 14.2 On virtual cases, a councillor must activate a video call to confirm his/her presence in the meeting, if more than one councillor is connected on the same device.
- 14.3 Notwithstanding sub-rule 14.1 above, and subject to Section 30 (1) of the local government municipal structures act, at least a majority of councillors, or of the members of the committee in question, must be present before a vote of any matter may be taken.
- 14.4 All questions, motions or items before the Council or a committee of the Council shall be decided by a majority of the votes cast, save for the following Matters:
- 14.4.1 the passing of by-laws
 - 14.4.2 the approval of budgets and amendments
 - 14.4.3 the imposition of rates and other taxes, levies and duties, and
 - 14.4.4 the raising of loans
- 14.5 In case of the matters specified above any motion(s) shall be decided by a majority vote of all elected Councillors.

14.6 A municipal council may dissolve itself at a meeting called specifically for this purpose, by adopting a resolution dissolving the council with a supporting vote of at least two-thirds of the councillors.

14.7 No By-law may be passed by the Council unless:

14.7.1 all members of the Council have been given reasonable notice thereof and

14.7.2 the proposed by-laws have been published for the public comment.

Table 2. Table of Majorities

QUESTION	MAJORITY	LEGAL REASON
The dissolution of Council.	The supporting vote of at least two thirds of Councillors. Note: Two thirds of all the elected Councillors must agree.	Local Government Municipal Structures Act, NO. 117 OF 1998, Section 34 (1)
The passing of by-laws The approval of budgets The imposition of rates and other taxes, levies and duties	The majority vote of all elected members of Council i.e. fifty percent plus one (50%+1)	Constitution, Act 108 of 1996, Section 160 (3) (b)
All questions other than the two above.	The decision will be by majority of votes cast. Here casting votes can operate as the constitutional requirement and relates to votes not councillors.	Constitution, Act 108 of 1996, Section 160 (3) (c)

14.8 Before a municipal council takes a decision on any of the following matters it must first require its executive committee, to submit to it a report and recommendation on the matter:

14.17.1 Any matter mentioned in section 160 (2) of the Constitution;

14.17.2 The approval of an Integrated Development Plan and budget for the municipality,

14.17.3 The appointment and conditions of service of the municipal manager and head of a department within the municipality.

15 Absence of Quorum

15.1 If there is no quorum at the time of the beginning of the council / committee meeting, the meeting shall not commence until a quorum is met, at which stage the Speaker / Chairperson must take the Chair.

15.2 If a quorum is still not present at the expiration of a period of ten minutes of the time appointed for the meeting; the Speaker may invoke her privilege power further add more time not exceeding 30 minutes. Should still no improvement the Speaker must take the Chair and adjourn the meeting.

15.3 When a meeting is adjourned as a result of no quorum in terms of 15 (1) above, the meeting must be re-convened as a continuation meeting before the next ordinary sitting of council or a committee in terms of these rules.

15.4 If a meeting loses a quorum as a result of a walk out; councillors engaged in a walk out shall be deemed to have absented themselves without an official leave of absence.

15.5 Whenever a meeting of the council is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of those councillors present and absent, must be recorded in the minutes of the proceedings of the council.

CHAPTER 6 ADJOURNED MEETING

16 Continuation Meeting

- (1) When a meeting is adjourned a Notice of continuation shall be served in terms of rule 12(2).
 - (2) No business will be transacted at a continuation meeting except such as is specified in the notice of the meeting, which was adjourned.
-

CHAPTER 7 PROCEEDINGS

17 Speaker and Chairpersons of Meetings

- (1) At every meeting of the council, the Speaker, or if absent, an acting Speaker, will perform the duties stipulated in terms of section 37 of the structures act and must ensure that each councilor when taking office is given a copy of this by-law and the Code of Conduct.
- (2) The Speaker and Chairperson must—
 - (a) maintain order during meetings;
 - (b) ensure compliance in the council with the code of conduct for councilors; and
 - (c) ensure that meetings are conducted in accordance with this by-law.
- (3) If the Speaker or Chairperson is absent or not available to perform the functions or during a vacancy, the council or committee under the direction of the Municipal Manager or his/her nominee must elect another councilor to act as Speaker or Chairperson as the case may be.
- (4) No meeting of the council or a committee of the council may commence or continue unless a Speaker or Chairperson presides at that meeting.

18 Minutes

- (1) The proceedings of every council and committee meeting shall be accurately and electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.
- (2) Written minutes of the proceedings of each council and committee meeting must contain an accurate record of the resolutions and or recommendations adopted by council or committee at such meeting.
- (3) The approved minutes of every meeting of a Council or committee once approved must be made public unless lawfully declared confidential.
- (4) Where the Municipal Manager or the HOD as the case may be, is of the opinion that any resolution or proceeding of a council or committee meeting may be in contravention of any law or by-law, s/he must advise the council or committee accordingly and full details of such opinion must be recorded in the minutes.

(5) The head of council support must ensure that minutes are drafted and approved in the hereunder method. Due care must be taken to ensure that each approval stage is recorded in the minutes as proof of such approval:

(a) In terms of the council meeting, minutes shall be drafted within eleven (11) days after the Council meeting as follows:

- i. Three (3) days after the sitting the drafter in council support shall complete and submit the first draft to Manager: Administration & Council Support for editing.
- ii. Within two (2) days after receiving the first draft the Manager: Administration & Council Support shall complete editing and submit to the Director: Corporate Services for initial confirmation.
- iii. The Director: Corporate Services shall complete his/her confirmation task and submit to Municipal Manager for the second confirmation within two (2) days of receiving the edited minutes.
- iv. The Municipal Manager shall complete the second confirmation within two (2) days of receipt from the Director: Corporate Services and shall submit to the Speaker.
- v. The Speaker shall perform the final confirmation of minutes within two (2) days and shall henceforth return minutes to council support who shall submit to the next ordinary sitting for approval.

(6) In terms of the meetings of the executive committee, minutes shall be drafted within eleven (11) days after the committee meeting as follows:

- i. Three (3) days after the sitting the drafter in council support shall complete and submit the first draft to Manager: Administration & Council Support for editing.
- ii. Within two (2) days after receiving the first draft the Manager: Administration & Council Support shall complete editing and submit to the Director: Corporate Services for initial confirmation.
- iii. The Director: Corporate Services shall complete his/her confirmation task and submit to Municipal Manager for the second confirmation within two (2) days of receiving the edited minutes.
- iv. The Municipal Manager shall complete the second confirmation within two (2) days of receipt from the Director: Corporate Services and shall submit to the Mayor.

- v. The Mayor shall perform the final confirmation of minutes within two (2) days and shall henceforth return minutes to council support who shall submit to the next ordinary Executive Committee sitting for approval.
- (7) In terms of the meetings of the portfolio and other section 79 committees, minutes shall be drafted within eleven (11) days after the sitting of such committee as follows:
- i. Three (3) days after the sitting the drafter in council support shall complete and submit the first draft to Manager: Administration & Council Support for editing.
 - ii. Within two (2) days after receiving the first draft the Manager: Administration & Council Support shall complete editing and submit to the Head of the Department of the relevant portfolio Committee or the Municipal Manager if it is a section 79 committee.
 - iii. The HOD/Municipal Manager shall complete his confirmation task and submit to the Chairperson for the second confirmation within two (2) days of receiving the edited minutes.
 - iv. In the case of other committees, the Director: Corporate Services shall act as the initial confirming authority and shall complete such confirmation within two (2) days of receipt from the Manager: Administration & Council Support.
 - v. The Municipal Manager shall complete the second confirmation within two (2) days of receipt from the HOD or the Director: Corporate Services as the case may be and shall submit to the relevant Chairperson of the relevant committee.

19 Order of Council and Committee Business: The Agenda

- (1) The order of business of ordinary sittings of council and committees shall be officially standardized and adhered to in the drafting of the Agenda and the conducting the order of business in the meeting unless:
- a. Otherwise stated in these rules in terms of sub-rule 19(8)
 - b. The council or committee thereof is special in which case the special item must be allocated within the set agenda topics.

20 The Order of business of the First Council Meeting

After local government elections the Order of Business shall be as follows:

1. Notice of a Council meeting;
2. Official Prayer or Silent meditation
3. Acknowledgement of the Public, Honored Guests
4. Words of Devotion as Farewell to retiring Councilors
5. Applications for leave of absence;
6. Introduction of Councilors and Council Officials
7. Oath of office
8. Election of the Speaker
9. Declaration of Election
10. Oath of office
11. Handing Over by the Municipal Manager to the Newly elected Speaker
12. 1st Communication Statement by the Speaker
13. Designation of Executive Committee Members by the Council
 - a. Oath of Office
14. Election of the Mayor
 - a. Declaration of Election
 - b. Oath of Office
15. Election of the Chief Whip
 - a. Declaration of Election
 - b. Oath of Office
16. Election of the Chairs of Section 79 Committees
 - a. Declaration of Election
 - b. Oath of Office
17. Determination of Portfolio Committee Members
18. Election of Ntabankulu Representatives to Alfred Nzo District Municipality
19. Determination of Full-time Councilors
20. Adoption of the Rules of Order
21. Adoption of the IDP and Budget
22. Adoption of the Orders of Delegation
23. Noting of Councilor Code of Conduct
24. Noting of Councilor Allowances
25. Noting of the Declaration of Member's Interest Register
26. Address by the Mayor
27. Closure

21. The Order of Business of Ceremonial Council Meeting

The Order of Business of Ceremonial Council sittings shall be as follows:

1. Notice of a Council meeting
2. Singing of the National Anthem
2. Affirmation "a clean administration and audit"
3. Application for leave of absence
4. Purpose of Meeting by Speaker
5. Address by the Mayor
6. Business for the Day
7. Closure

22. The Order of Business Ordinary Council Meeting

The Order of every meeting of the ordinary Council shall be as follows:

1. Notice of a council meeting
2. Affirmation "a clean administration and audit"
3. Disclosure of Personal Interest
4. Official Prayer or Silent meditation
5. Applications for leave of absence
6. Communication Statement of Service Delivery Matters by the Speaker
7. Deputations
8. Confirmation of minutes of the previous meeting
9. Reports
 - (1) Statutory Reports and Recommendations of Delegated functions of the Speaker
 - a. External Audit Committee Report
 - b. Functionality of Ward Committees
 - c. Reports and Recommendations of the Rules and Ethics Committee
 - d. Reports and Recommendations of the Municipal Public Accounts Committee
 - (2) Statutory Reports and Recommendations of Delegated functions of the Mayor
 - a. Section.44 Report of the Executive Committee
 - b. Statutory Periodic Reports e.g. Section 71 Financial Reports
 - c. Status of Council Resolutions and Progress
 - d. Items from Portfolio Departments
10. Notices of Motion
11. Answers to Questions of which a notice has been given
12. In-Committee

13. Closure

23. The Order of Business at every Ordinary Executive Committee

The Order of every Ordinary Executive Committee shall be as follows:

1. Notice of Convening the meeting;
2. Affirmation "a clean administration and Audit"
3. Disclosure of Personal Interest
4. Official Prayer or Silent meditation
5. Applications for leave of absence;
6. Communication Statement of Service Delivery Matters by the Mayor
7. Deputations
8. Confirmation of minutes of the previous meeting;
9. Reports
 - a. Statutory Reports by the Municipal Manager
 - b. Recommendations from Portfolio Committees
 - i. KPA 1 &5: Corporate Services
 - ii. KPA 2: Technical Services
 - iii. KPA 2: Community Services
 - iv. KPA 3 &6: Development Planning
 - v. KPA 4: Finance
10. Notices of Motion
11. Answers to Questions of which a notice has been given
12. In-Committee
13. Closure

24. The Order of Business at Every Ordinary Portfolio Committee

The Order of every Ordinary Portfolio Committee shall be as follows:

1. Notice of Convening the meeting;
2. Affirmation "a clean administration and Audit"
3. Official Prayer or Silent meditation
4. Applications for leave of absence
5. Communication Statement of Service Delivery Matters by the Chairperson of the Portfolio
6. Deputations
7. Confirmation of minutes of the previous meeting;
8. Reports

- a. Reports and Recommendations from the Head of Department
- 9. Answers to Questions of which a notice has been given
- 10. In-Committee
- 11. Closure

25. The Order of business at every ordinary Municipal Public Accounts Committee

The Order of every Ordinary Municipal Public Accounts Committee shall be as follows:

1. Notice of Convening the meeting;
2. Affirmation "a clean administration and Audit"
3. Official Prayer or Silent meditation
4. Applications for leave of absence;
5. Communication Statement by the Chairperson of the Committee
6. Deputations
7. Confirmation of minutes of the previous meeting;
8. Business of the Day
9. Answers to Questions of which a notice has been given
10. Closure

26. The Order of business of the Rules Committee

The Rules Committee shall be determined by the nature of the sitting. The Municipal Manager and the Speaker must determine the order of business without materially departing from the practise set herein, but taking into cognizance the peculiar nature of the meeting.

27. Discretionary Powers of the Speaker or Chairperson

The Speaker may, in his/her discretion, at any stage bring forward any business that is on the agenda after consideration of a motivated motion by any Councillor on his/her volition.

CHAPTER 8

CONDUCT IN MEETINGS

28. Order of Meetings

- 28.1 All proceedings during Council meeting must be conducted in a formal manner.
- 28.2 At all meetings of the Council and committees, councillors must take their seats at least 5 minutes before the time stipulated as the commencement time for the meeting.
- 28.3 After Councillors have taken their seats, an official of the council shall call the meeting to order and announce the entrance of the Speaker or Chairperson as the case may be.
- 28.4 Councillors shall stand up, keep quiet and remain standing until the Speaker or Chairperson is completely seated and orders them to assume their seats.
- 28.5 In an ordinary council / committee meeting every councillor must be appropriately dressed in formal attire:
- a) Males: formal shoes, formal shirt, formal pair of trousers (tie is compulsory in ordinary Council meeting) and a formal jacket
 - b) The Speaker and the Mayor must wear their gowns and collars in ordinary Council meetings
 - c) Females: formal shoes & formal attire
 - d) Traditional attire (not compulsory) can be dressed on special days e.g. Opening and Closing of Council, Heritage Day etc.
 - e) Any councillor who is not in compliance with the dress code, must be recused from the council for a period not exceeding 15 (Fifteen) minutes, failure to return by such councillor will be regarded as being absent from the council / committee meeting.
 - f) No political party regalia with party logo may be dressed, but this excludes the colour of the outfit.
 - g) Dress code excludes the following

Table 3. Dress Code

MALE	FEMALE
Tekkies and Loafers shoes	Glittering and Long Banquet dresses
Jeans	Jean-skirts & Jean pants
T-shirts	Pumps shoes including Tekkies
Short-sleeve shirts	Leggings
Shorts	Jeggings
Benni	Benni

- 28.6 No councillor may converse aloud during debate.
- 28.7 No councillor may interrupt another councillor who is speaking, except to call Attention of the Speaker to a point of order or point of clarity.
- 28.8 A councillor who rises on a point of order will not be given a hearing unless he/she stipulate the applicable rule. If, in the opinion of the Speaker the rule is not applicable, the Speaker must suppress the councillor.
- 28.9 When the council adjourns, councillors must rise and remain in their places until the Speaker has left the precincts.
- 28.10 The Speaker must leave the precinct within two (2) minutes of the adjournment so as to ensure that the members of council are not unnecessarily delayed in leaving the precincts.
- 28.11 Order in a council meeting must be maintained by the Speaker, and when the Speaker rises during a debate or commences to speak, any councillor then speaking or offering to speak must sit and be silent, and the Speaker must be heard without interruption, failing which a sanction may be imposed.
- 28.12 After having called attention to irrelevance or repetition of arguments in a

councillor's speech, the Speaker may direct such councillor to desist.

28.13 Whenever in the opinion of the Speaker a charge has been made against a councillor, the Speaker must provide such councillor with an opportunity to respond to such response but may not exceed three (03) minutes. No debate on such a response shall be allowed.

28.14 In the event of a grave disorder at a meeting, the Speaker may adjourn the meeting or must suspend the proceedings for a stated period.

28.15 If the Speaker is of the opinion that a member is deliberately contravening a provision of these rules or the constitution, or that a member's conduct is disruptive the Speaker may order the member to withdraw immediately from the precincts for a period specified by the Speaker, which may not exceed the current day's sitting.

28.16 Councillors must at all times address the chair and not fellow councillors.

29. Rules of Debate

29.1 The Speaker must call a councillor to speak on a question, motion or item before the council.

29.2 A councillor, after being called to speak by the Speaker, must address the chair from his or her seat, but the Speaker may require a councillor to rise or authorize a councillor to speak from the podium or another point in the chamber.

29.3 A councillor may speak to:

- 29.3.1 an item before the council;
- 29.3.2 any amendments proposed to an item;
- 29.3.3 a question or an amendment proposed by him or herself or
- 29.3.4 a point of order.

29.4 Except as provided for in these Rules, no councillor may speak twice to a question, provided that this restriction will (not) apply:

- 29.4.1 Portfolio committee meetings
- 29.4.2 to the Mayor (or a member of the Executive Committee speaking on his/her behalf)

29.5 A councillor who has spoken on a motion may also speak on the amendment of

that and on the amendment of that amendment. A Councillor may not speak more than three times on any item.

- 29.6 No councillor may call another councillor by his or her first name; but must use the title "honourable councillor" followed by the surname when referring to another councillor.
- 29.7 No councillor may use language which offends the constitution. A member may, with the prior consent of the Speaker, explain issues of languages and cultural preference which may have given offence to councillors belonging to other culture/languages groups, which explanation may not exceed three (03) minutes and may not be debated.
- 29.8 A councillor must direct his/her speech strictly to the motion or matter under discussion and may not repeat him or herself.
- 29.9 The Speaker may allow a councillor who has spoken on a question before the council, to offer an explanation when, in the opinion of the Speaker, a material part of that councillor's speech has been misquoted or misunderstood. However, such councillor will not be permitted to introduce any new matter, and no debate will be allowed on such explanation.

30. Commencement of meetings

- 30.1 The Speaker, or Chairperson as the case may be shall order the Municipal Manager or the Head of Department as the case may be to read the notice. The relevant official must stand up and read the Notice.
- 30.2 The notice of a council meeting shall always be issued under the Speaker's signature or the Municipal Manager's in the case of the first council meeting after local government elections.
- 30.3 The notice of all council committee meetings shall always be issued under those committee Chairpersons.
- 30.4 The notice shall be standard and shall read as follows

“Notice is hereby given in terms of section 29 of the municipal structures act 117 of 1998 (as amended) that the Ntabankulu Local Council shall be holding its ordinary council meeting to dispose of the items as contained in the attached agenda as follows:

Date (specify)

Time (specify)

Venue (specify)”

30.5 The Notice must specify the numerical number of the ordinary sitting or whether the sitting is Special.

30.6 All notices of committees shall specify the name of the committee whether the committee is ordinary or special and issued by the relevant Chairperson of the committee.

30.7 Affirmation of Good Governance

(a) The Speaker or Chairperson as the case may be shall instruct all councillors to stand up and remain standing until the hereunder affirmation has been recited.

“We the members of the Ntabankulu Municipal Council duly elected and sworn into office as councillors hereby affirm as follows:

That we shall conduct ourselves in line with all the provisions of Schedule 1 of the systems act; we shall honestly exercise our oversight responsibility in order to ensure that; at all times we run the legislature and administration in line with the principles of clean good governance so as to ensure the attainment and retaining of a clean audit.”

30.8 The Municipal Manager shall ensure that the recital is on record.

30.9 The Speaker or Chairperson shall ask and or enquire as to whether is/are there an Hon. Councillors who Has/have a personal interest on any matter appearing on the agenda. If the reply is to the affirmative that/those Hon. Member(s) shall be asked to recuse himself/herself from that Item. In the case of a negative reply the Hon. Speaker shall proceed to the next item.

30.10 Official Prayer or Meditation

- (a) The Speaker or Chairperson as the case may be, shall designate a councillor or invite fraternal societal structures to pray OR
- (b) Order the meeting to observe a moment of silence for meditation.

30.11 Applications for leave of Absence

- (a) The Speaker and or Chairperson shall put on record applications received and approved in terms of these rules.
- (b) The Speaker or Chairperson shall record and put on record applications received but not approved.

30.12 Communication statement

- (a) The Speaker or Chairperson must in all ordinary sittings prepare a written communication statement. The statement must reflect on all areas so delegated. The statement is not on its own a report but merely a statement on service delivery matters.

30.13 Deputations

- (a) In the event a private party has requested to table a deputation in council the Speaker shall assess such request and may grant the opportunity provided such presentation may not be best attended by the executive Committee, portfolio or any other committee.
- (b) In the event the Speaker grants a deputation the presenter may only be afforded an opportunity provided he does not exceed a total of fifteen (15) minutes including questions of clarity.
- (c) The Speaker may not allow more than two (2) deputations per meeting.

- (d) Deputations are best preferred to be forwarded to the executive committee or the relevant portfolio provided that the Chairperson affords the presenter a maximum of forty (15) minutes including questions of clarity.
- (e) The Chairperson may not allow more than five (5) deputations per meeting in any council committee.
- (f) It is only permissible and only by advice put on record for the council or committee as the case may be to move a resolution based on a deputation and provided a written item is prepared.
- (g) Any matter requiring consideration arising from a deputation, will not be further considered by the council or committee until the deputation has withdrawn provided that questions of clarity may be permitted.
- (h) When speaking at a council or committee meeting, a member of the public and a deputation must comply with any directions or orders given by the Speaker or Chairperson.
- (i) If a member of the public or 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 or be removed by a peace officer from the precincts.

30.14 Confirmation of minutes from previous meetings

- (a) Minutes including of special sittings drafted and approved in terms of Rule 18 above must be approved during the next ordinary sitting of council or committee as the case may be. Upon confirmation the Speaker or Chairperson must sign the minutes.
- (b) No motion or discussion shall be allowed arising from the minutes of a previous meeting, other than relating to the accuracy of those minutes.

30.15 Reports

- (a) Each ordinary sitting shall receive reports from the Office of the Speaker on all matters delegated including the Functionality of Ward Committees.

(b) Each ordinary sitting of council shall receive the following reports:

(i) Executive Committee report (Section 44 Report)

This report is required in terms of section 44 and entails a record of all decisions taken by the Executive Committee in the period under review. Due regard must be paid to ensure that this report does not include non-delegated functions wherein the executive committee only recommends to council.

(ii) Recommendations to Council:

The Executive Committee receives reports from Portfolio Committee on work performed on non-delegated authority. The Executive Committee resolves to recommend to council all matters that it may not be disposed of.

(c) Report of the Municipal Manager

(i) The Mayor must report on all matters delegated to him/her specifically statutory reports required periodically by the Municipal Finance Management Act, Municipal Systems Act and other relevant legislations which are to be reported directly to Council.

(ii) Under this Order the following may be included:

1. Report of the Audit Committee Chairperson
2. Report of External Audit including matters to resolve issues
3. Resolutions Register and progress on the implementation thereof for the period under review.

(d) Rules Committee report

- (i) Framed rules
- (ii) Investigations and recommendations

(e) Municipal Public Accounts report

- (i) Statutory quarterly reports
- (ii) Investigations and recommendations

(f) Use of Green Paper in Agenda

(1) An item/report shall be placed on green paper in the following instances:

- I. Where there is a possibility on the subject matter of the item/ report.

- II. Where there is a specific mention of names of either officials or Council/Councillors on an item or report dealing with a sensitive issue.
 - III. Where the nature of the matter to be decided is very sensitive and require a confidentiality;
- (2) Items/reports placed on green paper in accordance in subrule 30.15 (f), shall remain on green paper for a period not exceeding (3) months.
- (3) Notwithstanding the foregoing, Speaker may give his/her ruling on the protected usage of green paper in certain instances.

30.16 Reporting format

The Municipal Manager must within 60 days of the adoption of this By-law submit to council a prescribed reporting format for the reports contemplated in this order.

CHAPTER 9 MOTIONS

31. Notice of Motion

31.1 A motion is an instrument by which councillors may bring and table any matter before council for consideration in the hereunder prescribed manner:

- (a) A notice of motion must –
 - (i) be in writing;
 - (ii) be signed by the councilor moving it and by another councilor acting as a seconder; and
 - (iii) refer to one matter only.
- (b) A notice of motion must be lodged with the Municipal Manager before 12h00; fourteen (14) calendar days prior to the next ordinary meeting.
- (c) On receipt of the motion the Municipal Manager must –
 - (i) date and number each notice of motion;
 - (ii) enter each notice of motion lodged in a register, which must be open to any councilor and public for inspection.

(iii) enter each notice of motion on the agenda in the order received.

(d) The Speaker or Chairperson must –

- (i) read out the number of every motion and the name of the mover and seconder;
- (ii) ascertain which motions are unopposed and these shall be passed without debate; and
- (iii) call the movers of the opposed motions in the order they appear on the agenda.

(e) A councillor submitting a motion must move such motion and shall have the right of reply.

(f) A motion shall lapse if either the mover, seconder or both are not present at the meeting when such motion is placed on the agenda.

(g) A councillor will be allowed not more than two notices of motion on the same agenda.

(h) The Speaker or Chairperson may not reject a motion received by him or her in terms of this by-law unless the motion has not met the above set criteria.

(i) If the Speaker fails to convene petitioned meeting the Rules and Ethics Committee should further instruct the Speaker to convene the meeting within two days. If the Speaker again fails to execute this directive, the Municipal Manager shall be requested to write to Provincial COGTA seeking intervention in this regard.

32. Withdrawal of Motion

A councillor who moved a motion, with or without notice may withdraw the motion standing in his or her name.

33. Matter of the Public Importance

33.1 A councillor may request the Speaker to place a matter of public importance on the agenda.

- 33.2 The request in sub-rule 34.1 above must be submitted to the Speaker at least 24 hours before the meeting of council.
- 33.3 A discussion on a matter of public importance may not exceed the time allocated for it by the Speaker, after consultation with the chief whip of council.
- 33.4 Questions of privilege may not be discussed under this rule.
- 33.5 Matters already discussed by the council during the preceding four months may not be discussed under this rule.

34 Answers to Questions Given Under a Notice

- 34.1 A councilor may put a written question requiring a written reply from any political office bearer or Municipal Manager of the municipality concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers, provided that ***such written notice of the question has been lodged with the Speaker or Chairperson and the Municipal Manager at least ten (10) days prior to the council or committee meeting*** and the Municipal Manager must ensure that the councilor receives a written reply from that political or municipal office bearer, at the council or committee meeting.
- 34.2 If after a question has been replied to, and the councilor concerned is of the opinion that the reply is not clear or ambiguous, he or she may request a follow- up question.
- 34.3 Once the Office Bearer has in the opinion of the Speaker responded fully, there will be no further debate on the decision.
- 34.4 Should the Councillor who posed the original question ask for further clarity, such request shall be entertained by the Speaker at his/her discretion.

35 In-Committee

Items declared or issued under a notice as in-committee items shall always be discussed as the last item/s in order to lesson disruption.

36. Closure

- (a) When council has concluded the business, it was convened for the Speaker / Chairperson shall officially declare the sitting closed.
- (b) The time of closure shall be noted on the minutes.

CHAPTER 10 DECISION ON MATTERS

37. Decisions by voting

37.1 A quorum must be present in order for a vote to be taken.

37.2 All questions concerning the following matters must be determined by a decision taken by the council with a supporting vote of a majority of the number of councillors determined in accordance with the municipality's gazetted establishment notice: -

- (a) the passing of by-laws;
- (b) the approval of budgets;
- (c) the imposition of rates and other taxes, levies and duties;
- (d) the raising of loans;
- (e) the rescission of a council resolution within 6 months of the taking thereof;
and
- (f) any other matter prescribed by legislation.

37.3 All other questions before the council shall be decided by a majority of the votes cast by the councillors present.

37.4 If on any matter there is an equality of votes, the Speaker or Chairperson may exercise a casting vote in addition to a deliberative vote as a councillor, provided that a Speaker or Chairperson shall not exercise a casting vote during the election of any office bearer of council.

38. Voting

38.1 All council decisions and or resolutions shall be subjected to a vote in terms of the following:

- (a) voting shall always be by a show of hands unless the law prescribes otherwise, or the council or committee by resolution of a majority of the

- councillors present resolving to proceed with a secret written ballot.
- (b) immediately after a question has been put to a meeting of the council for the purpose of being voted on or immediately after decision upon a show of hands has been declared by the Speaker, any councillor may demand a division and, if such demand has been seconded, the Speaker will declared a division and require the doors of the chamber to be closed.
 - (c) No councillor may enter or leave the council chamber during the course of the vote on division.
 - (d) Whenever a division is taken, the Municipal Manager will call out the names of all Councillors in alphabetical order. Each council must respond either “for” or “against” and the names of absentee councillors must be recorded.
 - (e) The Speaker must thereafter from such record declare the decision of the council and the number of councillors who voted for or against the question.
 - (f) All divisions must be recorded as such in the minutes.
 - (g) Minority vote against majority decision: a party / Councillor who is in a minority can request that his/her vote be recorded against a majority decision.

38.2 Decisions shall be in terms of the **Table 2: Majorities** above.

A quorum in terms of Rule 14 above must be present in order for a vote to be taken.

39. Revocation of Council Resolutions

- (1) The council shall:
- (a) Not delegate the approval to revoke or alter a resolution of council to any person/s or committee.
 - (b) Receive prior notice of an intention to move a motion for the revocation or alteration of a Council resolution in terms of Rule 31 unless it is a recommendation of a duly delegated council committee.
 - (c) Any revocation or alteration of a Council resolution must be made in terms of section 39(2)(d).

39.2 Decisions shall be in terms of the following table of majorities provided:

- (a) A quorum in terms of Rule 14 above must be present in order for a vote to be

taken.

QUESTION	MAJORITY	LEGAL REASON
(b) The dissolution of Council.	(i) The supporting vote of at least two thirds of Councillors. Note: Two thirds of all the elected Councillors must agree. If there is a 71/27 split a deliberative vote, will not create the required two thirds.	Local Government Municipal Structures Act, NO. 117 OF 1998, Section 34 (1)
(c) The passing of by-laws The approval of budgets The imposition of rates and other taxes, levies and duties the raising of loans;	(i) The majority vote of all elected members of Council i.e. 50% plus 1	Constitution, Act 108 of 1996, Section 160 (3) (b)
(d) The rescission of a council resolution within 6 months of the taking thereof; an	(i) The majority vote of all elected members of Council i.e. 50% plus 1	Constitution, Act 108 of 1996, Section 160 (3) (c)
(d) All questions other than the above.	(i) The majority of votes cast. Here a casting votes can operate as a Constitutional requirement and relates to votes not Councillors. There is no reason why the Speaker should not have a casting vote	Constitution, Act 108 of 1996, Section 160 (3) (c)

CHAPTER 11

DECLARATION OF MEMBERS INTEREST

40. Declaration of Pecuniary Interest

40.1 Once a person has been elected a councillor he must within 60 days declare in writing to the Municipal Manager ALL financial interests and update thereafter within 30 days after a change in interests as follows:

- (a) shares and securities in any company.
- (b) membership of any close corporation
- (c) interest in any trust

- (d) directorships
- (e) partnerships
- (f) other financial interests in any business undertaking
- (g) employment and remuneration
- (h) interest in property
- (i) pension and
- (j) subsidies, grants and sponsorships by any organization

40.2 A Councillor must disclose to the Council, or to any committee of which that Councillor is a member, any direct or indirect personal or private business interest that that Councillor, or any spouse, partner or business associate of that Councillor may have in a matter before the Council or committee.

40.3 The Councillor making a declaration must withdraw from the proceedings of the Council or committee unless the Council or committee decides that the Councillor's direct or indirect interest in that matter is trivial or irrelevant.

40.4 A Councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the Council at which it is possible for the Councillor to make disclosure.

40.5 The disclosure of interests in terms of this By-law and benefit does not apply to an interest or benefit which a Councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

40.6 To give effect to this rule the Municipal Manager must within 60 days of the passing of this By-law design a register of interests and make it accessible to councilors.

CHAPTER 12

PETITION MEETING

41. Petitions

- 41.1 The majority of the councillors may petition the Speaker to convene a Council Meeting in line with Section 29(1) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998).
- 41.2 The copy of the petition must be submitted to the Municipal Manager.
- 41.3 The Speaker must convene the meeting on the time and date specified in the petition.
- 41.4 The time and date of the meeting of which the Speaker is petitioned must be reasonable (not less than 24 hours), which is the notice given for an urgent or extra-ordinary meeting.
-

CHAPTER 13

GENERAL PROVISIONS

42. Adoption as By-laws

These rules and orders must be adopted as a By-law of the Municipality.

43. Repeal of existing By-laws

The council's existing By-law in respect of rules and orders are hereby repealed.

44. Privileges and Immunities

- (1) Councillors have freedom of speech in a municipal council and its committee (read section 28(1)(a) municipal Structures Act 117 of 1998).
- (2) Councillors are not liable to civil or criminal proceedings, arrest, imprisonment or damages:
 - (a) Anything that they have said is produced before or submitted to council or any of its committees
 - (b) Anything revealed as a result of anything that they have said is, produced before or submitted in council and its committees.

NB: Section 161 of Republic of South Africa Constitution Act No 108 of 1996 makes provision for Immunities and Privileges of Council members (councillors)

45. Short title and commencement

These “Rules, Standing Orders and Procedures” shall be called the “Rules and Orders” shall come into operation on the _____ 2022 after it has been approved by Council on _____ 2022.

RULES AND ORDER APPROVAL CERTIFICATE

The Rules and Order described in this document meet the requirements of all Legislation and Frameworks to regulates the holding of Ntabankulu Local Municipality Council and Committee meetings.

Approval

Document for sign-off: Rules and Order: Ntabankulu Local Municipal Council

Approved:**APPROVED BY COUNCIL:****Date:****Signed: -----****Hon. Mayor: Cllr PT Sobuthongo****Approved:****APPROVED BY COUNCIL:****Date:****Signed: -----****Hon. Speaker: Cllr V. Matwasa****CONFIRMED:****APPROVED BY COUNCIL:****Date:****Signed: -----****Mr. M. Pinyana The Acting Municipal Manager**

Annexure A

APPLICATION FOR LEAVE OF ABSENCE

USE OFFICIAL LETTERHEAD

APPLICATION FOR LEAVE OF ABSENCE

To: Hon. Speaker/Hon. Mayor/Chairperson
NTABANKULU LOCAL MUNICIPALITY

I, Cllr. _____ hereby apply for leave of absence
from the meeting of the _____ scheduled to be
held on the _____.

<u>REASONS FOR ABSENCE</u>	<u>TICK BOX</u> [x]
Attending other Municipal Business	
Indisposed	
Personal Business	
Other	

Reason/s for absence:
Details

SIGNATURE OF APPLICANT

DATE

APPROVED / NOT APPROVED

SPEAKER / CHAIRPERSON

DATE

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Also available at the Legal Advisory Services, **Province of the Eastern Cape**, Private Bag X0047, Bisho, 5605.
Tel. (040) 635-0052.