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# **STANDING RULES & ORDERS FOR COUNCIL**



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KWAZULU-NATAL PROVINSIE  
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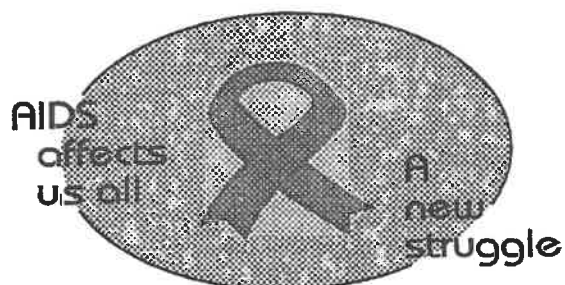
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PIETERMARITZBURG  
28 JULY 2022  
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No: 2434

**PART 1 OF 3**

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**MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS**

**MUNICIPAL NOTICE 198 OF 2022**



**NEWCASTLE  
MUNICIPALITY**

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

**BY-LAW**

# **Standing rules of order for council meetings and its committees**

## **RULES AND ORDERS OF COUNCIL MEETINGS AND COMMITTEES OF THE NEWCASTLE COUNCIL BY-LAW**

Be it enacted by the Council of the Newcastle Municipality, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as follows:

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## CHAPTER 1 DEFINITIONS

### Definitions

1. In these Rules and Orders, unless inconsistent with the context –

**“Authorised person”** means an official of the municipality authorised by the Municipal Manager to perform a specific task in terms of these Rules and Orders;

**“Budget”** means the annual budget drawn up in terms of sections 16 and 17 of the Local Government: Municipal Finance Management Act N°. 56 of 2003;

**“By-Law”** means legislation passed by the Council of a municipality;

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

**“Chairperson”** means a Councillor elected in a permanent or acting capacity to control and conduct any meeting of a Committee of Council;

**“Committee”** means an internal statutory structure or functionary committee established in terms of section 33 and 79 of the Local Government: Municipal Structures Act, No. 117 of 1998 or any other Committee established by the Council in terms of section 33 of the Local government: Municipal Structures Act;

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

**“Council”** means —

- (a) the **Council of the Newcastle Municipality**, exercising its legislative and executive authority through its municipal Council;
- (b) its successor-in-title;
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these Rules and Orders has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Systems Act; and
- (d) a service provider fulfilling a responsibility under these Rules and Orders;

**“Code of Conduct”** means the Code of Conduct for Councillors contained in Schedule 7 of the Structure Act;

**“Contact Details”** means a physical address, postal address, electronic mail address,

telephone number, facsimile number and cellular phone number;

**"Councillor"** means a member of a municipal Council;

**"Day"** means any ordinary 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;

**"Executive Committee"** means the Council's Executive Committee established in terms of section 43 of the Structures Act;

**"In-Committee"** means any Council or Committee meeting at which the public, media and other 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 Councillor elected as the mayor of the municipality in terms of section 48 of the Structures Act;

**"Meeting"** means a meeting of the Council or any one of its Committees;

**"Municipality"** means the **Newcastle Local 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, read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

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

**"Municipal Manager"** means the person appointed Municipal Manager in terms of section 54A of the Systems Act and includes any person acting in that capacity;

**"Notice Of Motion"** means the instrument by which Councillors may bring items on to the agenda of a council meeting in terms of section 23 of these Rules and Orders;

**"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;

**"Proposal"** means any proposal, with the exception of a motion, moved and seconded during a meeting;

**"Quorum"** means a majority of the number of councillors determined in terms of section 20 (MEC determination through section 12 notice) must be present at a meeting of the council when a vote is taken on any matter.

**"Report"** means any item appearing on the agenda, or inserted by the Chairperson, as the case may be, for consideration in the meeting and includes statutory reports. A report may be in writing or oral: provided that in the event of any oral reporting shall be reinforced by written documentation, *as guided by the sensitivity, nature, urgency, privacy of such matter*;

**"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;

**"Secretariat"** means the office of the Secretary of Council/Committee, led by the Secretary of Council as the Senior Manager accountable to the Chief Secretary thereof;

**"Senior Manager"** means the staff member appointed by the council as the Municipal Manager and all managers directly accountable to the Municipal Manager as approved on the official organizational structure 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;

**"Statutes or Legislations or Common/Case law or Regulations or By-Laws"** shall mean all laws applicable to the Municipality or local government within the jurisdiction of the Republic of South Africa;

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

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

**"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 these Rules and Orders;

**"Urgent matters"** means a matter will be deemed urgent when the omission to make a decision or resolution may, if unreasonably delayed, adversely prejudice the best interest of the municipality and / or its operations;

**"Ward Committee"** means a ward committee defined in section 73 (1) of the Local Government: Municipal Structures Act No. 117 of 1998.

## **CHAPTER 2**

### **APPLICATION AND INTERPRETATION OF RULES AND ORDERS**

#### **2. Application of these Rules and Orders**

- (1.) The Rules of Order contained herein apply to all meetings of the municipal Council and any Committee of the municipal council as well as any other Committee of Council established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- (2.) These Rules and Orders governs the proceedings of the council and committees of the council which bind and must be complied with by : –
  - (a) all Councilors;
  - (b) any member of the public while present in the precincts;
  - (c) any deputation addressing the Council or a Committee of The Council;
  - (d) any municipal official of the municipality; and
  - (e) Traditional Leaders participating in Council and its Committees in terms of section 81 of the Municipal Structures Act

#### **3. Interpretation of these Rules and Orders**

- (a) 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.
- (b) 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 will, subject to sections 3(e) and 3(f), be final and binding.
- (c) The interpretation and the ruling of the Speaker or Chairperson on any of these Rules and Orders must be recorded in the minutes of the Council or Committee meeting.
- (d) The Municipal Manager must keep a register of the rulings and legal opinions.
- (e) Any Councillor may request the Municipal Manager, in writing within five days from a ruling made in terms of section 3(b), to obtain clarity on the interpretation and ruling and to report to the council or committee of the council.
- (f) The Council or Committee of the Council may after consideration of the report in

terms of section 3(e) 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.

### **CHAPTER 3**

#### **FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS**

#### **4. Council meetings**

- (a) The Council must meet at least quarterly in line with the provisions of section 18(2) and 37 (c) of the Municipal Structures Act.
- (b) The Council shall determine the date and times of Committee meetings.
- (c) No meeting of sub-committees shall be held during a meeting of the council without the council's consent.
- (d) The Speaker must convene all meetings of the Council in accordance with Rule 4(a) and subject to Rule 6.

#### **5. Admission of public**

- (1.) In terms of Section 29 (a) of the Municipal Structures Act, the Municipal Manager of a municipality must give notice to the public, in a manner determined by the Municipal Council, of the time, date and venue of every :-
  - (a) ordinary and special meeting of the Council or a meeting of a committee of a council;
  - (b) ordinary or special meeting of the Council or a meeting of a Committee of a Council that was postponed; and
  - (c) urgent meeting of the Council or meeting of a Committee of a Council, except when time constraints make this impossible.
- (2.) All meetings of the Council and those of its committees must be open to the public, and the Council or Committee of the council may not exclude the public from a meeting, 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.
- (3.) The Council or a Committee of Council, may not for any reason whatsoever, exclude the public when considering, voting or noting any of the following matters :-
  - (a) a draft by-law in the Council;
  - (b) a budget tables in the Council;
  - (c) the municipality's integrated development plan, or any amendment of the plan

or any amendment of the plan tabled in Council; the municipality's performance management system, or any amendment of the system, tabled in council;

- (d) the decision to enter into a service delivery agreement;
- (e) any reports on an award in terms of supply chain management policy;
- (f) the disposal or acquisition of municipal capital asset;
- (g) any other matter prescribed by legislation

- (4.) Members of the Council together with members of the public attending any council or committee meetings must accord the meeting the dignity it deserves by dressing appropriately as per Rule 41(d) and must not wear any attire which could be ascribed to a political party.

#### **6. Notice to attend an ordinary council meeting**

- (1.) The Speaker must ensure that council meets at least quarterly, through a duly signed "Notice of Council Meeting", stating the date, place and time of the meeting and accompanied by or containing the agenda of the proposed meeting.
- (2.) Notice to attend a meeting in terms of Rule 6(1) must be given at least –
  - (a) five calendar days prior to an ordinary meeting; and
  - (b) two calendar days prior to a special meeting.
- (3.) The Speaker or Chairperson may designate an official to read the notice of the meeting.

#### **7. Special meetings**

- (1.) The Speaker must call a special meeting of the Council –
  - (a) for the purpose of pertinent or urgent Council business; or
  - (b) or at the request of a majority of the Councillors of the municipality.
- (2.) A special meeting must be held in compliance with Rule 6(2)(b) and in terms of Rule 7(1)(b) no later than four days from the date of receipt of a request.
- (3.) A request for the calling of a special meeting, as contemplated in Rule 7(1)(b), must –
  - (a) be signed by the majority of the number of Councillors determined in terms of section 20 of the Municipal Structures Act;
  - (b) and be accompanied by –
  - (c) a duly signed notice of motion; and
  - (d) a written statement by the Councillor signing the notice of motion giving



reasons as to why the intended business of the special meeting is urgent and cannot wait for an ordinary meeting of the Council.

- (e) If the speaker fails to convene a meeting in terms of this Rule, the Municipal Manager must convene such meeting and conduct an election of an Acting Speaker in terms of section 41 of the Structures Act.

#### **8. Service of notices and agenda**

- (1.) Notice to attend a meeting or any other official communication from the council, must be delivered to : –

- (a) a physical address within the area of jurisdiction of the municipality; or
- (b) an electronic method, which may include e-mail, fax, SMS, MS Teams and / or WhatsApp messaging.

Provided that contact details must be supplied by each Councillor to the municipal manager in writing within two days of a Councillor's election and, thereafter, whenever the Councillor wishes to change either address and at which address the Councillor will accept service and or receipt of any notice to attend a meeting and any other official communication from the council.

- (2.) All documentation relevant to any Council or Committee meeting, except special meetings convened in terms of Rule 7, must be given to all Councillors at least five calendar days prior to an ordinary Council or Committee meeting and two calendar days prior to a special Council or special Committee meeting.
- (3.) All Councillors must inform the Speaker and the Municipal Manager of any change in the contact details within three days of such change.
- (4.) Subject to Rule 5(1), notice to attend a meeting must be displayed on the public notice boards of the municipality.
- (5.) A written notice of Council and Committee meeting shall be signed by the Speaker or the Chairperson in consultation with the Municipal Manager or the Senior Manager.

#### **9. Non-receipt of notice**

- (a) A Councillor 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 4****CANCELLATION, ADJOURNMENT AND WALKOUT IN THE ABSENCE OF QUORUM.****10. Quorum**

- (1.) Notwithstanding that there may be vacancies, a majority of the number of Councillors appointed to a committee of council must be present at a meeting of the committee before a vote may be taken on any matter.
- (2.) Subject to a quorum, the failure of any Councillor to vote will not invalidate the proceedings of the Committee meeting.

**11. Cancellation/Postponement, Adjournment, and Walkout.****Cancellation or postponement**

- (1.) No meeting may take place, if no quorum is present twenty minutes after the time at which a meeting was due to commence, unless it is unanimously agreed by the Councillors present to allow further time not exceeding a further ten minutes for a quorum, whereafter if no quorum is present, the meeting must be cancelled.
- (2.) When a meeting is cancelled or postponed, the meeting will be re-convened through a notice within seven days as a continuation meeting.
- (3.) No business shall be transacted at a continuation meeting except such as is specified in the notice of the meeting which was adjourned.

**Adjournment**

- (4.) If during discussion on an item at any meeting of council or any of its committees the attention of the speaker or chairperson is called to the number of Councillors present, he or she must :-
- (a) count the Councillors present;
  - (b) if it is found that there is no quorum, the Speaker or Chairperson must adjourn the meeting and allow an interval of fifteen minutes for a quorum to become present;
  - (c) if a quorum becomes present after the adjournment, then the meeting must continue;
  - (d) if no quorum becomes present after the adjournment, then the chairperson or speaker must forthwith adjourn the meeting.
- (5.) When a meeting is adjourned as a result of no quorum, the meeting will be re-convened through a notice within seven days as a continuation meeting.

- (6.) No business shall be transacted at a continuation meeting except such as is specified in the notice of the meeting which was adjourned.

**Walkout**

- (7.) If a Councillor or group of Councillors leave any meeting in protest, and the remainder of the Councillors constitute a quorum, the business of the meeting shall proceed.
- (8.) In an event of a walk out, Rule 14 on non-attendance and Rule 46 and 47 of sanctions will apply.

## **CHAPTER 5**

### **ATTENDANCE**

#### **12. Attendance**

- (1.) All Councillors must punctually attend and remain in attendance at each meeting of the Council and a Committee of which that Councillor is a member except when:-
  - (a) leave of absence is granted in terms of Rule 13;
  - (b) that Councillor is required to withdraw in terms of Rule 46(b); or
  - (c) that Councillor is absent with the permission of the Speaker or Chairperson.
- (2.) Each Councillor attending any meeting of the Council or a Committee of the Council must sign an attendance register provided for that purpose.
- (3.) The attendance register must be filed in the office of the Municipal Manager.
- (4.) Any Councillor who is entitled to leave of absence in terms of Rule 13 and no longer requires such leave, is entitled to attend, participate and vote in the meeting from which leave of absence was granted and sign the attendance register.

#### **13. Leave of absence**

- (1.) Leave of absence must not be granted by the Speaker in such a manner that more than the number required for a quorum will at any one time be absent.
- (2.) If a Councillor –
  - (a) is unable to attend a meeting of which notice had been given; or
  - (b) is unable to remain in attendance at a meeting; or
  - (c) will arrive after the stipulated commencement time of a meeting,he or she will, before the starting time of the meeting, lodge with the Municipal Manager a written application for leave of absence from the whole or any part of the meeting concerned, which application must provide reasonable and bona fide reasons for the application and show good cause for the granting of the application.
- (3.) The Municipal Manager must as soon as possible inform the Speaker or Chairperson of the meeting concerned of any application for leave of absence received.
- (4.) The Speaker or Chairperson of the meeting concerned must as soon as possible

consider an application for leave of absence and either grant or reject the application with reasons and immediately inform the Municipal Manager of the decision.

- (5.) The Municipal Manager must as soon as is reasonably possible, inform a Councillor who has applied for leave of absence of the Speaker's or Chairperson's decision.
- (6.) A Councillor will be deemed absent without leave from the meeting concerned where an application for leave of absence has not been granted and he or she –
  - (a) failed to attend a meeting; or
  - (b) failed to remain in attendance at a meeting.
- (7.) Where a Councillor fails to remain in attendance at a meeting:-
  - (a) without being granted permission to do so; or
  - (b) without obtaining permission from the Speaker or Chairperson to leave prior to the close of the meeting,
  - (c) the time of leaving must be recorded in the minutes of the meeting and that Councillor will be deemed to have been absent without leave at that meeting.
- (8.) Where a Councillor arrives late at a meeting, without obtaining permission to do so, the time of arrival and the reasons for the late attendance must be recorded in the minutes of the meeting and the Councillor may attend the meeting and sign the attendance register in terms of Rule 12(2).
- (9.) Leave of absence for three or more consecutive Council or Committee meetings must be sanctioned by the Council or the relevant Committee.

#### **14. Non-attendance**

- (1.) (a) Subject to compliance with the procedure set out in Rule 13 and the provisions of item 4(2) of Schedule 7 of the Structures Act hereafter referred to as the Code of Conduct for Councillors, a Councillor who is absent without good cause from a meeting, of which notice has been given, will be liable to pay equivalent to one week's remuneration, which fine may be deducted from remuneration due to the Councillor concerned.
- (b) A Councillor who is absent from three or more consecutive 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 item 4 of Schedule 7 Code of Conduct for Councillors, , must be removed from office as a Councillor in accordance with section 16(2)(e) of the Structures Act.

- (c) Proceedings for the imposition of a fine or the removal of a Councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt.

**(2.) Where a Councillor has been absent without obtaining leave from a meeting:-**

- (a) the Rules Committee as contemplated in Rule 43 or the Speaker or Chairperson as the case may be, must invite the Councillor to provide a formal explanation setting out the reasons for the Councillor's absenteeism from the meeting
  - (b) the Speaker or Chairperson must consider the explanation and decide whether or not the Councillor was absent with good cause, providing appropriate reasons for the decision;
  - (c) the Councillor may appeal in writing to the Speaker's or Chairperson's decision within seven days of receipt of such decision.
  - (d) the Council or Committee, as the case may be, must:-
    - (i) allow the Councillor an opportunity to make representations, oral or written; and
    - (ii) consider the Councillor's appeal, together with any comments from the speaker or Chairperson of the meeting concerned;
    - (iii) make a finding as to whether the Councillor was absent with or without good cause.
- (3.) The Municipal Manager must keep a record of all incidents in respect of which Councillors have been found to be absent or deemed to be absent without leave and without good cause and must submit a written report to the speaker whenever a Councillor is absent from three or more consecutive meetings which that Councillor was required to attend.
- (4.) Where the speaker receives a report in terms of Rule 14(3), the Speaker must submit the report to Council and direct that the matter be investigated in accordance with Item 16 of the Code of Conduct.

## **CHAPTER 6 ADJOURNMENT**

### **15. Adjourned meetings**

Subject to Rule 11(3), a Council or Committee meeting may, by majority vote, be adjourned to another day or hour but no later than 7 calendar days after the original meeting.

### **16. Continuation meeting**

(1.) When a meeting is adjourned, notice of the continuation meeting must be served in terms of Rule 8.

(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 he or she is absent, an Acting Speaker, will be the Chairperson and will perform the duties stipulated in terms of section 37 of the Structures Act and must ensure that each Councillor when taking office is given a copy of these Rules and Orders and the Code of Conduct.
- (2.) The Speaker of Council and Chairperson of committee meetings:-
  - (a) Must preside at every meeting of the Committee at which he or she is present;
  - (b) must maintain order during meetings;
  - (c) must ensure compliance with the Code of Conduct for Councillors;
  - (d) must ensure that meetings are conducted in accordance with these Rules and Orders;
  - (e) be entitled to vote in the first instance and in the case of an equality of votes in addition to his deliberative vote, will give a second or casting vote and
  - (f) In his absence, the Acting or Deputy Chairperson will have the same powers and rights of voting as those possessed by the chairperson.
- (3.) If the Speaker or Chairperson of the committee of Council is absent or not available to perform the functions of Speaker or Chairperson, or during a vacancy, the Council or Committee under the direction of the Municipal Manager or his/her nominee must elect another Councillor to act as Speaker or Chairperson as the case may be.
- (4.) At every meeting of a Committee, if a Chair or a Deputy Chair are both absent, Councillors present shall nominate the Chairperson of that particular meeting.
- (5.) No meeting of the Council or a Committee of the Council may commence or continue unless a Speaker or Chairperson presides at a meeting.
- (6.) The Municipal Manager, or if there is no Municipal Manager, a person appointed by the MEC, presides at the first meeting of a Council after a general election of Councillors until a Speaker is elected.
- (7.) Whenever the Chairperson at a meeting speaks, any person speaking or offering to speak and all other persons in the meeting must remain silent and seated so that the Chairperson may be heard without interruption.
- (8.) The chairperson, before tabling the new item, shall provide the summary of the resolution or recommendation in the previous item.

**18. Minutes**

- (1.) The proceedings of every council committee meeting must be accurately and electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.
- (2.) Except for the purpose of writing the official minutes of a meeting by the employee, nobody may, unless with the express prior approval of the Chairperson of a meeting had been obtained, make any recording, whether audio or visual or both audio and visual, of a meeting or any part thereof.
- (3.) Written minutes of the proceedings of each Council and Committee meeting must contain an accurate record of the resolutions adopted by committee at such meeting.
- (4.) The approved minutes of every meeting of a council or committee other than in-committee meetings must be available to the public.
- (5.) Where the Municipal Manager 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, he or she must advise the council or committee accordingly and full details of such opinion must be recorded in the minutes.
- (6.) The Municipal Manager or the Chairperson of a committee may extract and confirm correctness of a resolution or such decision of council or committee, as the case may be, to implement for the effective and efficiency of the Municipality.
- (7.) The Municipal Manager or Senior Manager: Corporate Services must disclose such extraction in the succeeding meeting to confirm minutes.
- (8.) Every member of the council shall be granted access to the approved minutes of every council or committee meeting.

**19. Order of business**

(1.) The order of business at every meeting of the council or its executive committee or committee of council, as may be applicable, is as follows:-

<b>Council</b>	<b>Executive Committee</b>	<b>Portfolio Committee</b>
<ul style="list-style-type: none"> <li>• Opening: Moment of reflection</li> <li>• Notice of the meeting</li> <li>• Granted leave of absence</li> <li>• Official Notices</li> <li>• Unopposed proposal by the Speaker</li> <li>• Declaration of interest</li> <li>• Deputations/presentations</li> <li>• Confirmation of minutes from the previous meeting</li> <li>• Execution of Resolutions</li> <li>• Submission of reports from Council representatives from District/Local municipality</li> <li>• Reports of the Executive Committee, under the sections: recommendations to the council, decisions under delegated authority and decisions of the Executive Committee</li> <li>• Reports from MPAC</li> <li>• Report from the Audit Committee</li> <li>• Reports on ward committees/ consolidated report on ward committees</li> <li>• Input by the Traditional Leader</li> <li>• Reports - In-Committee;</li> <li>• Notice of Motion</li> <li>• Questions of which Notice has been given; and</li> <li>• Urgent reports - allowed only with the consensus of the chairperson.</li> </ul>	<ul style="list-style-type: none"> <li>• Opening: Moment of reflection</li> <li>• Notice of the meeting</li> <li>• Granted leave of absence</li> <li>• Official Notices</li> <li>• Unopposed proposal by the Mayor</li> <li>• Declaration of Interest</li> <li>• Deputations/Presentations</li> <li>• Confirmation of minutes from previous minutes</li> <li>• Execution of resolutions</li> <li>• Reports from Portfolio Committees</li> <li>• Report from Local Labour Forum</li> <li>• Reports for noting</li> <li>• Reports for consideration</li> <li>• In-Committee reports</li> <li>• Notice of motion</li> <li>• Urgent reports allowed-only with the consensus of the chairperson and the Municipal Manager.</li> </ul>	<ul style="list-style-type: none"> <li>• Opening: Moment of reflection</li> <li>• Notice of the meeting</li> <li>• Granted leave of absent</li> <li>• Official Notices</li> <li>• Unopposed proposal by the chair person</li> <li>• Declaration of interest</li> <li>• Deputation/Presentations</li> <li>• Confirmation of minutes from previous minutes</li> <li>• Execution of resolutions</li> <li>• Reports on monthly activities</li> <li>• Reports for consideration</li> <li>• In-Committee reports</li> <li>• Notice of Motion; and</li> <li>• Urgent reports allowed only with the consensus of the chairperson.</li> </ul>

**(2.) Business limited by notice of council meeting**

Subject to the provisions of Rule 19.1 and, with the exception of an urgent report of the Executive Committee, no business which is not specified in the notice of the meeting, shall be transacted at that meeting.

**(3.) Agenda**

(a) All meetings must be conducted in accordance with the order in which matters appear

on the agenda and only matters which appear on the agenda may be debated.

- (b) The Speaker or Chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.
- (c) Speaker or Chairperson may, after considering a duly motivated request, direct that a matter be moved between the confidential and open parts of the agenda.
- (d) The Speaker or Chairperson may, in his discretion, at any stage bring forward any business that is on the agenda including urgent matters.

## **20. Confirmation of minutes of previous meeting**

- (1.) The minutes of every meeting must be confirmed at the next ordinary or special meeting of that council or committee and must be signed by the Speaker or Chairperson.
- (2.) No motion or discussion will be allowed upon the minutes of a previous meeting, other than relating to the accuracy of those minutes.
- (3.) Minutes of the proceedings of every meeting of the Council or a Committee shall be word processed or typed and printed, and shall if confirmed, be signed at the next ensuing ordinary or special meeting by the Chairperson. Minutes shall be bound and kept secure by the Senior Manager in the secretariat.
- (4.) At every meeting of a committee the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been sent to each Councillor of the committee twenty-four hours previously.
- (5.) The minutes in relation to any item considered by the Council in-committee, shall be kept separately from other minutes of the Council, unless consideration of that item was finalised in open Council and such minutes shall be approved by the Council in-committee at its next meeting.

## **21. Deputations**

- (1.) A deputation wishing to address the Council or a Committee of Council must submit a memorandum to the Municipal Manager in which is set out the representations it wishes to make.
- (2.) A request by a deputation to address the Council or a Committee of the Council must be approved by the Speaker or relevant Chairperson.
- (3.) The Municipal Manager must submit the memorandum to the Council or a Committee of the council, which may receive the deputation.
- (4.) 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.
- (5.) A member of the public, other than a deputation, who wishes to speak at a Council or Committee meeting, must obtain the permission of the Speaker or Chairperson to do so, prior to the commencement of the meeting.

- (6.) 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.
- (7.) 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.
- (8.) Any member of the public or deputation who fails or refuses to comply with the speaker's or chairperson's directions in terms of Rule 21(f) and Rule 21(g) will be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

## 22. Reports

- (1.) Any report submitted to the Council or a Committee of the council must, with the exception of a report accepted by the Speaker or Chairperson as a matter of urgency, be provided to Councillors in terms of Rule 8.
- (2.) The Speaker or Chairperson must allow debate in accordance with Rule 34, 35, 36, 37, 38, 39 and 40 on any report submitted to the Council or a Committee of the council, at the meeting at which that report is submitted and if the debate is incomplete or does not take place for any reason whatsoever, then the debate in respect of that report must be held, at the next meeting.
- (3.) On resumption of a suspended debate, the Councillor who moved its suspension shall be entitled to speak first.
- (4.) No Councillor shall move or second more than one proposal for suspension of the same debate.
- (5.) A report by a head of department shall be submitted to the Municipal Manager as the head of administration who may in turn submit it to the committee.
- (6.) The Committee may refer a report back to administration through the Municipal Manager for amendment or any addition thereto and may, if he deems it necessary, comment or make a recommendation in respect of any report which he submits.
- (7.) A Municipal Manager, or his representative, at any Committee meeting shall be entitled to express the views of administration on any relevant matter under consideration.
- (8.) All reports submitted to Council and its committees must be in accordance with the following format :-
  - Purpose
  - Legislative framework
  - Background
  - Discussion/Deliberations
  - Conclusion
  - Legal implications
  - Financial Implications
  - Other implications
  - Recommendations

**23. Motions**

- (1.) No subject will be brought before Council or a Committee of Council by a Councillor except by way of notice of motion.
- (2.) A notice of motion must:-
  - (a) be in writing; and
  - (b) be signed by the Councillor submitting it and by another Councillor acting as seconder, and
  - (c) refer to one matter only.
- (3.) A notice of motion must, subject to Rule 7, be lodged with the Municipal Manager before 12h00 seven calendar days prior to the next meeting, failing which the notice will be considered at the next ensuing meeting.
- (4.) The Municipal Manager must:-
  - (a) date and number each notice of motion;
  - (b) enter each notice of motion lodged in a register, which must be open to inspection by any Councillor and the public; and must
  - (c) enter each notice of motion on the agenda in the order received.
- (5.) The Speaker or Chairperson must :-
  - (a) read out the number of every motion and the name of the mover and seconder;
  - (b) ascertain which motions are unopposed and these will be passed without debate; and
  - (c) call the movers of the opposed motions in the order they appear on the agenda.
- (6.) A Councillor submitting a motion must move such motion and will have the right of reply.
- (7.) A motion will lapse if the Councillor and seconder who submitted it is not present at the meeting when such motion is being debated.
- (8.) A Councillor will be allowed not more than three notices of motion on the same agenda.
- (9.) The Speaker or Chairperson must not reject a motion received by him or her in terms of these Rules and Orders.

**24. Questions**

- (1.) A Councillor may put a question requiring a written reply from any political or municipal office bearer of the municipality concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers, provided that written notice of the question has been lodged with the Speaker or Chairperson and the Municipal Manager at least seven days prior to the Council or Committee meeting.
- (2.) The Municipal Manager must upon receipt of a question provide a copy to the relevant Manager and instruct him or her to consult with relevant departments if need be, and prepare a reply to the question and ensure that the Councilor receives a written reply at the Council or Committee meeting.

- (3.) At a meeting where a question would be asked, the Municipal Manager must ensure that the question and the draft answer thereto is included in the agenda and this question be answered by or on behalf of the Mayor.
- (4.) If after a question has been replied to, a Councillor is of the opinion that the reply is not clear and is ambiguous, he or she may, with the consent of the Speaker or Chairperson, request a follow-up question.
- (5.) The decision of the Chairperson as to whether a Councilor has asked a question in terms of Rule 24(a) or has spoken in terms of Rule 37 and/or as to whether the question is out of order or not clearly put and therefore rejected by him, is final and cannot be further discussed.
- (6.) All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

## **25. Supply of information to a Councillor**

- (1.) No Councillor may approach or communicate with any official of the municipal administration concerning the business of the municipality other than when exercising his rights or liberties as an ordinary member of the public.
- (2.) 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 or her may reasonably require for the proper performance of his duties as a Councillor.
- (3.) The confidential information provided to a Councillor in terms of 25 (b) may not be made known by the Councillor.
- (4.) A Councillor or group of Councillors shall not have official dealings or discussions with outside persons or bodies in connection with any matters being dealt with or to be dealt with by the council or any committee of the council unless the Municipal Manager or other official nominated by him/her is present.
- (5.) A Councillor shall not inspect departmental records or premises except by arrangement with the Municipal Manager.
- (6.) Any Councillor who publishes or discloses or causes to be published or disclosed any document or record of the Council or the proceedings of any Committee of the council relating to any purchase or expropriation of land or other property by the Council, or any legal or arbitration proceedings in which the Council is concerned, or the agenda or minutes or document or records, or any part thereof, of the Council in Committee or of the executive Committee or another Committee of the council when in Committee, or any matter the publication or disclosure of which would or might be prejudicial to the interests of the Council, shall be guilty of an offence.
- (7.) The Speaker or Council may conduct an investigation in terms of the Code of Conduct for Councillors, upon a Councillor who is suspected of having breached Rules 25 (e).

## **26. General matters of an urgent nature**

- (1.) General items of an urgent nature may be placed on an agenda by the Municipal Manager and any member of the Council with the prior consent of the Speaker or Chairperson, which consent will not be unreasonably withheld.
- (2.) The Municipal Manager may, in consultation with the Speaker, raise a matter which in his / her discretion is urgent, for decision by the Council. A matter will be deemed urgent when

the omission to make a decision or resolution may, if unreasonably delayed, adversely prejudice the best interest of the municipality and / or its operations.

- (3.) Prior to adoption, Councillors must be afforded reasonable time to peruse and consider any report or official documents submitted to the council.

## **27. Interpretation**

If a majority of Councillors present so resolve, an Interpreter may be used in meetings of the council and committees of council.

## **28. In-committee**

- (1.) (a) Subject to Rule 5, the Council or a Committee of Council may, at any time, resolve to proceed In-committee.
- (b) The public, media and other officials will be excluded from any in-committee meetings.
- (c) The Municipal Manager, Secretariat team member, Interpreter or another official exempted from this Rule by the Speaker or Chairperson, will not be excluded from any in-committee meeting.
- (d) All proceedings in-committee must be recorded in terms of Rule 18(a) and 18(b) and must be confidential.
- (e) Unauthorised disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.
- (2.) The Council will be in-committee when discussing any of the following matters :-
- (a) a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
- (b) personal and private information of any Councillor or an employee of the municipality;
- (c) the intention of the municipality to purchase or acquire land or buildings;
- (d) the price a municipality may offer for the purchase or acquisition of land or buildings;
- (e) any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
- (f) disciplinary proceedings or proposed disciplinary proceedings against any employee;
- (g) any matter that might not be disclosed in terms of legislation;
- (h) consideration of the minutes of previous In Committee discussions.
- (3.) A Councillor may, when an Item in the agenda is put to order, other than a matter referred to in 28.2 above, and provided it is not a matter that is required in law to



be dealt with in open council, propose with motivation, that the matter be further dealt with in-committee. The ruling of the Speaker or the Chairperson in this regard will be final and no further discussion will be allowed.

**CHAPTER 8****VOTING****29. Decisions by voting**

- (1.) A quorum must be present in order for a vote to be taken.
- (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 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.
- (3.) All other questions before the council must be decided by a majority of the votes cast by the Councillors present.
- (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 will not exercise a casting vote during the election/removal of any office bearer of council and when Council considers matters listed in section 160 (2) of the Constitution.

**30. Method of voting**

- (1.) Voting will 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 resolves to proceed with a secret ballot.
- (2.) During the taking of a vote, no Councillor may leave the council chamber or committee room.
- (3.) The Municipal Manager or his nominee, will count the votes cast and will record the result of voting, but the Speaker or Chairperson will announce the result.

**31. Dissenting votes and Abstention**

- (1.) A Councillor may request that his dissenting vote be recorded as evidence of how he or she voted on the motion.
- (2.) A member may abstain from voting without leaving the chamber.

**CHAPTER 9****REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS****32. Revocation of Council Resolutions**

- (1.) Approval to revoke or alter a resolution of council may not be delegated to any person or Committee.
- (2.) Prior notice of an intention to move a motion for the revocation or alteration of a council resolution must be given.
- (3.) Any revocation or alteration of a council resolution must be made within a period of six months as provided for in Rule 29(2)(e).

**33. Revocation of Committee Resolutions**

- (1.) Approval to revoke or alter a resolution of a Committee of the Council may not be delegated to any person.
- (2.) Prior notice of an intention to move a motion for the revocation or alteration of a resolution of a Committee of the Council must be given.
- (3.) Any revocation or alteration of a resolution of a committee of the council must be approved by a majority of the number of the members of that committee.

**CHAPTER 10****DEBATE****34. Opportunity to speak**

- (1.) A Councillor may only speak when so directed by the speaker or chairperson and if the name of the Councillor appears on the order paper.
- (2.) A Councillor may indicate a desire to speak by raising his or her hand and awaiting the direction of the Speaker or Chairperson, which direction must not be withheld.
- (3.) When speaking, Councillors and Officials shall stand and must direct their address to the Speaker or Chairperson.

**35. Relevance**

Every speaker must restrict him or herself strictly to the matter under consideration.

**36. Length of speeches**

Other than the delivery of the mayoral report or the presentation of the estimates of income and expenditure, no speech will exceed five minutes in length without the consent of the Speaker or Chairperson.

**37. Councillors to speak only once**

A Councillor may not speak more than once on any motion or proposal provided that the mover of the motion may speak to the motion, will have the right of reply and the reply will be confined to answering previous speakers and will not introduce any new matter into the debate.

**38. Precedence of the Speaker or Chairperson**

Whenever the Speaker or Chairperson rises during a debate, any Councillor then speaking or offering to speak must seat himself and the Councillor must be silent, so that the Speaker or Chairperson may be heard without interruption.

**39. Points of order**

- (1.) Any Councillor may raise a point of order at any time by standing to draw the attention of the Speaker or Chairperson. A Councillor raising a point of order must quote the broken rule and which he or she is raising the point of order on.
- (2.) Any member will only be allowed to raise one point of order and one point of personal explanation during the Council committee meeting. Only one point of order on the same matter will be allowed.
- (3.) The point of order takes precedence over everything else in the meeting and the Chairperson must grant immediate hearing to the Councillor raising the point of order and rule accordingly.
- (4.) The ruling of the Speaker or Chairperson on a point of order will be final and will not be open to discussion.

**40. Explanation**

Any Councillor may speak in explanation, provided that such explanation is confined to some material part of the discussion, which may have been misunderstood.

## **CHAPTER 11**

### **CONDUCT**

#### **41. General conduct**

- (1.) The Speaker or the Chairperson of the meeting in the event of a meeting other than a council meeting shall:
- (a) Maintain order during meetings;
  - (b) Ensure compliance with the Code of Conduct for Councillors during meetings;
  - (c) Ensure that meetings are conducted in accordance with the Council's Rules and Orders;
  - (d) Ensure that members conduct themselves in a dignified and orderly manner during meetings;
  - (e) Ensure that members of the public attending meetings are seated in areas designated for that purpose;
  - (f) Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or Chairperson of the meeting;
  - (g) Ensure that any Councillor or member of the public refusing to comply with the ruling of the Speaker or Chairperson leaves the meeting;
  - (h) Ensure that Council conduct its business in the highest decorum and integrity that the occasion deserves;
  - (i) Ensure adherence to the Code of Conduct, the rule of law and the by-laws of the municipality;
  - (j) Ensure that all members do not use offensive or objectionable language;
  - (k) Ensure that members do not use a cellular phone during, bring a firearm or any dangerous weapon into, a meeting of Council or any of its Committees;
  - (l) Ensure that no one enters or leave the meeting venue when there is a speaker on the floor;
  - (m) Ensure that a person who enters or leaves the meeting during an interval, bows his or her head in the direction of the Speaker or Chairperson to show respect to the house and
  - (n) Ensure that a Councillor or person addressing a meeting stand when speaking.
- (2.) Councillors, Traditional Leaders, Media, Member of the Public and Municipal officials attending the Council or Committee meetings shall be dressed formally and or dress in traditional regalia.
- (3.) Subject to clause 41 (2) above, no Councillor shall be allowed to wear any clothing or accessories containing political paraphernalia to any meeting.
- (4.) The Speaker or the Chairperson of the committee may order any Councillor to leave the meeting if that Councillor is dressed in clothing or accessory containing political paraphernalia to any meeting contrary to Rule 41 (3).
- (5.) The Councillor ordered to leave the meeting in terms of Rule 41 (4) shall be marked absent from the said meeting.

**42. Misconduct and disorderly conduct of a Councillor or persons other than Councillors**

- (1.) The Speaker may order a Councillor to withdraw and apologise for any word, statement, opinion or gesture made by that Councillor.
- (2.) If a Councillor or Councillors behave improperly during a meeting of council or any of its committees, the Speaker must direct the Councillor or Councillors to conduct himself or themselves properly and, if speaking, to stop speaking and resume his seat or seats.
- (3.) In the event of persistent disregard of the directions of the Speaker, the Speaker must direct such Councillor or Councillors to retire from the meeting and remove himself or themselves from the place of meeting until the item under discussion has been finalised.
- (4.) In the event that any misconduct by a Councillor or Councillors prejudices the proceedings of the Council or Committee, the Speaker or Chairperson must adjourn the meeting and any such misconduct by a Councillor or Councillors must be dealt with in terms of these Rules and Orders and the Code of Conduct.
- (5.) Where a Councillor refuses to retire from a meeting or in the event of more than one Councillor having to be ejected from the meeting, and such Councillor/s refuse/s to leave the meeting, the Speaker or Chairperson shall request an Authorized Official or Peace Officer to facilitate the removal of such Councillor/s from the Chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant Councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the Councillor/s have not left / been ejected, the meeting may be adjourned for another ten minutes to address the situation. The chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any Councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Authorized official or Peace Officer of the council will ensure that such Councillors does not enter such an alternative venue.
- (6.) Any person, other than a Councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the Council or any Committee at any meeting shall, if the Speaker or Chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person refuses to leave, the Authorised Official or Peace Officer will be responsible to remove such person from the meeting. The chairperson may exclude such person from further admittance to the council chamber or the meeting venue for such period as it may be deemed fit.

## **CHAPTER 12**

### **COMMITTEES**

#### **43. Establishment of committees**

- (1.) A Council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers.
- (2.) Upon the appointment of any sub-committee of council, the council shall appoint its members, dissolve a committee at any time, determine the functions as well as terms of reference, appoint the Chairperson of such sub-committee and shall fix the membership of such a sub-committee.
- (3.) These Rules and Orders are applicable to all Committees of Council. No Committee of the Council may determine its own rules unless its terms of reference provides otherwise.

#### **43.1 Executive Committee**

- (1.) The Council may establish the Executive Committee, determine a number of Councillors not more than 20% of the Councillors or 10 Councillors, whichever is the least, are elected.
- (2.) Executive Committee is the principal Committee of council and it receives reports from section 80 committees of council and which must be forwarded with its recommendation to Council when it cannot dispose of the matter in terms of its delegated powers.
- (3.) A report submitted by the Executive Committee shall contain, the matters in respect of which the Executive Committee does not have delegated authority and on which recommendations have been made; and thereafter and the matters which have been delegated to the Executive Committee and which are submitted for noting only.

#### **43.2 Municipal Public Accounts Committee (MPAC)**

MPAC is established in terms of section 79 (A) of the Structures Act to hold the Executive and the administration of the municipality accountable for its implementation of policy and budget as well as the utilization of resources.

#### **43.3 Rules and Ethics Committee**

- (1.) The municipal council may by resolution of a majority of Councillors establish a special committee to be known as the rules committee to investigate and make findings on any alleged breaches of the Code of Conduct, including sanctions for non-attendance at meetings and to make recommendations regarding any other matter concerning these rules and orders.
- (2.) The rules committee will consist of the Speaker, the Whip of Council and one representative of each political party represented on the Council, such representative to be nominated from time to time by each political party.



**43.4 Audit Committee**

The Performance and Risk Audit Committee fulfills its responsibilities in terms of section 166 of the MFMA. The Audit Committee charter is approved annually by Council. The audit committee chairperson reports to Council quarterly.

**43.5 Whips Committee**

- (1.) The Whips Committee is a committee established in terms of Section 79 of the Municipal Structures Act. It consists of the Speaker (Chairperson), the Whip of Council, and one whip of each political party. In the event that the Speaker is not available for a meeting of this committee, the Whip of Council can chair that specific meeting.
- (2.) The objective of the Whips Committee is to ensure orderly meetings, arrange the order of procedure and naming speakers in meetings of Council and to support the Speaker in this regard.

## **CHAPTER 13**

### **DISCLOSURE OF INTEREST**

#### **44. Declaration of personal and pecuniary interest**

- (1.) A Councillor or Traditional Leader or Official must disclose to the municipal council, or to any committee, any direct or indirect personal or private business interest that that Councillor, or Traditional Leader or Official or any spouse, partner or business associate of that Councillor or Traditional Leader or Official may have in any matter before the council or committee.
- (2.) The Councillor or Traditional Leader or Official 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.
- (3.) 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.
- (4.) The disclosure of interests in terms of Rule 44(1) and benefit in terms of Rule 44(3) 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.
- (5.) When elected or appointed, a Councillor must within 60 days or as soon as possible thereafter declare in writing to the Municipal Manager the financial interests referred to in item 7 of the Code of Conduct for Councillors.

**CHAPTER 14****BREACH AND SANCTIONS****45. Breach**

Any Councillor who fails or refuses to obey these Rules and Orders, or any resolution of council, may be guilty of a breach of the Code of Conduct.

**46. Sanction**

Where it is alleged that a Councillor has breached these Rules and Orders, the Council must, in terms of Item 15 of the Code of Conduct, investigate the alleged breach and may impose a sanction in keeping with the Uniform Standing procedure.

## **CHAPTER 15**

### **GENERAL PROVISIONS**

#### **47. Suspension of a rule or order**

In instances of urgency or where a Council considers that adherence to a section would be unreasonable and would prejudice the operation of a meeting of the Council, then the Council may with the approval of the majority of the number of Councillors of the municipality and for the duration of that meeting, temporarily relax the provisions of a section, provided that:-

- (a) such relaxation must not be in contravention of any national or provincial legislation or any by-law of the municipality;
- (b) no section may be relaxed when the removal of any political office bearer is before the council.
- (c) the suspension or relaxation of the section relates to an item on the agenda for the meeting of the Council or Committee of the council; and
- (d) Rule 23 must not be suspended; and
- (e) the reasons for the suspension of the section are recorded in the minutes of the meeting.

#### **48. Use of Council Chamber**

- (1.) The Council Chamber use be limited to council business.
- (2.) The equipment used to support the Council meetings be limited to council business.

#### **49. Adoption as by-law**

These Rules and Orders be adopted as a by-law of the Newcastle Municipality.

#### **50. Repeal of existing Rules and Orders**

The Council's existing Rules and Orders are hereby repealed on the council adoption of these Rules.

#### **51. Short title and commencement**

These Rules and Orders will be called the Newcastle Municipal Standing Rules and Orders of Council and its Committees, 2022.