



PROVINCE OF THE EASTERN CAPE  
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# GENERAL NOTICE

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## NOTICE 120 OF 2015

### UMZIMVUBU LOCAL MUNICIPALITY RULES OF ORDER

#### PART I: GENERAL COUNCIL AND COMMITTEE PROCEDURES

##### 1.0 First Meeting of the Council during a Municipal Term

- 1.1 The Municipal Manager shall call the first Meeting of the Municipal Council within 14 Days after the Municipal Council has been elected.
- 1.2 The Municipal Manager shall, at least three Days before the first Meeting of the Municipal Council, send to each Councillor at his place of residence or another place nominated by him within the municipal area, a notice specifying the place, time and date of the first Meeting of the new Council and an agenda listing the business which it is proposed will be transacted at the meeting.
- 1.3 At the commencement of proceedings of the first council meeting, after it has been elected, the Municipal Manager must read the notice convening the council.
- 1.4 The order of business on the agenda of the first Meeting of a Municipal Council Term shall, unless the Municipal Council by resolution otherwise determines, be as follows: -
  - (1) Swearing-in of Councillors or Affirmation of Oath (affirm faithfulness and obedience to the Constitution of the Republic of South Africa).
  - (2) The election of the Speaker in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act;
  - (3) The determination of the size of and the method for the election of Councillors to serve on the Executive Committee
  - (4) The election of Councillors to serve on the Executive Committee in- accordance with such method;
  - (5) The election of the Mayor from the Members of its Executive Committee in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act;
  - (7) The determination of the Constitutions and Terms of Reference of the Committees to assist the Executive Committee;
  - (8) The appointment of Councillors to serve on any Committees to assist the Executive Committee in such order as Council may determine; and
  - (9) Any other business.

1.5 The Municipal Manager shall surrender the Chair of the Council to the Speaker on his election.

## **2.0 Subsequent Meetings of the Municipal Council**

2.1 Council meets by-monthly (on the last week of the month) in the Municipal Town Hal, at 10h00, except that the Speaker is obliged to call a meeting in the event of either of the following:

- (1) if a majority of the Councillors requests the Speaker in writing to convene a Meeting of the Municipal Council<sup>1</sup> at a time set out in such request; or
- (2) if at least one quarter of the councillors requests the Speaker in writing to convene a Meeting of the Municipal Council at a reasonable time to review any decision taken by a Committee, a Municipal Functionary or a Municipal Employee in consequence of a delegation or instruction<sup>1</sup>.

2.2 Council is in recess during the period of 15 December to 15 January of each year.

2.3 The proceedings of the Council, or of a Committee of Council, may be interrupted, suspended or adjourned only by Speaker, or the Councillor presiding at the time.

## **3.0 Notices of Meetings of the Council and its Committees**

3.1 The Municipal Manager shall call Ordinary Meetings of the Municipal Council and its Committees in accordance with the Municipal Calendar and/or Speaker's Sessional Orders.

3.2 The Municipal Manager shall, at least (7) seven Days before an Ordinary Meeting of the Municipal Council, send to each Councillor within the municipal area nominated by him a notice specifying the place, time and date of the Ordinary Meeting and an agenda listing the business to be transacted at the meeting.

3.3 The Municipal Manager, in consultation with the Speaker, shall request to call a Special Meeting of the Council or Committees concerned on such Notice.

3.4 The Municipal Manager shall, at least (48) forty eight hours before a Special Meeting of the Municipal Council/ Committees, send to each Councillor within the municipal area nominated by him a notice specifying the place, time and date of the Ordinary Meeting and an agenda listing the business to be transacted at the meeting

3.5 The accidental omission to serve notice on any Councillor in terms of this Code or the late receipt of such notice, shall not affect the validity of any Meeting.

## **4.0 Agenda for Meetings of Council & its Committees and Dress Code**

- 4.1 Any Agenda for any Meetings of the Municipal Council and any of its Committees shall include copies of all Reports contemplated to be considered at that Meeting unless the Presiding Officer permits a Report to be laid on table.
- 4.2 Before the Municipal Council takes a decision on any of, the following matters, the Executive Committee shall submit to it a Report and recommendation on any of the following matters: -
- (1) The passing of bylaws;
  - (2) The approval of budgets;
  - (3) The imposition of rates and other taxes, levies and duties;
  - (4) The raising of loans;
  - (5) The approval of the Integrated Development Plan, and any amendment to that plan; and
  - (6) The appointment and conditions of service of the Municipal Manager and any Managers directly accountable to the Municipal Manager of the Municipality.
  - (7) The adoption of the Performance Management System.
- 4.3 No business shall be transacted at a Meeting of the Municipal Council, or any of its Committees, other than that specified in the agenda relating thereto unless the Presiding Officer concerned accepts it as a matter of urgency.
- 4.4.1 The order of business at an Ordinary Meeting of the Municipal Council shall be as determined by the agenda and includes the following: -

Council	Executive Committee	Portfolio Committee
Opening and Welcoming	Opening and Welcoming	Opening and Welcoming
Reading of the Official Notice	Reading of the Official Notice	Reading of the Official Notice
Applications for Leave of absence	Applications for Leave of absence	Applications for Leave of absence
Apologies from members	Apologies from members	Apologies from members
Pecuniary Interest	Deputations	Pecuniary Interest
Deputations	Pecuniary Interest	Deputations
Communication Statements by the Chairperson	Communication Statements by the Chairperson	Communication Statements by the Chairperson
Official Announcements	Official Announcements	Official Announcements
Confirmation of previous minutes	Confirmation of previous minutes	Confirmation of previous minutes
Business of the Day	Consideration of reports from the Municipal Manager	Business of the Day
Considerations of reports by the Executive Committee	Considerations of reports from the Standing Committees	Consideration of urgent matters
Consideration of reports from the District	Consideration of urgent matters	Date of the Next Meeting
Motions of Urgency	Date of the Next Meeting	Closure
Date of the Next Meeting	Closure	
Closure		

- 4.4.2 Discussion in all Committee or Council meetings will be confined to the items contained in the agenda for the meeting.
- 4.4.3 Municipal Councillors and Officials shall be at liberty to request for items to be prepared and submitted to the next meeting of a committee subject to allowing for a reasonable time frame for preparation of such item/s.
- 4.4.4 No supplementary item shall be submitted to a Committee or Council meeting without prior approval of the Chairperson or Speaker.
- 4.4.5 Deputation may be allowed by any Committee, subject to the observance of protocol.
- 4.5 Notwithstanding the provisions of this Code, a Councillor may at the conclusion of the business on any item on the agenda, propose that precedence be given to any other item on the agenda and may briefly state the reasons for such Proposal.
- 4.6 If such Proposal is seconded, it shall be put to the vote without any debate.
- 4.7 The Speaker may, if he considers it expedient, give precedence to any item on the agenda.
- 4.8 The Speaker may, without notice, make any statement and read any communication, at any Meeting, when the item referred to in section 4.7 is called.
- 4.9 Dress code shall be observed as follows by both Councillors and Officials:**
- 4.9.1 Suitable dress, that is, clothing which is universally acceptable by the majority of members attending a Council, Executive Committee or other Portfolio Committees of the Council shall be acceptable in all meetings.
- 4.9.2 Councillors and Officials, when attending meetings, are expected to **wear formal attire**. This normally means men with tie/cravat and a jacket, except when wearing safari suits. Ladies, when wearing "trouser-pants" to ensure that their tops or jackets cover their waist-line.
- 4.9.3 However, for the purpose of cultural and religious inclusiveness a shirt without a collar and tie, or a "chitenge" shirt or Moslem /African style dress, shall be accepted as formal style of dress.
- 4.9.4 Councillors and Officials should refrain from wearing clothing that could be regarded as being more suitable for the beach, sexually provocative and unbecoming for a meeting.
- 4.9.5 The Speaker and the Chairpersons of various committees shall be responsible for maintenance of adherence to this dress code.

#### **4.10 Precincts of the council**

4.10.1 Council sits at its declared precincts.

#### **4.11 Prayer and Meditation**

4.11.1 A prayer/moment of silence for prayer and meditation must be observed at the commencement of meeting on every sitting day.

#### **4.12 Public access**

##### **4.12.1 Admittance of public**

4.12.1.1 The Council shall conduct its business in an open manner and hold its sittings and those of its committees, in public.

4.12.1.2 The Speaker has the power to take reasonable measures to regulate public access, including access of the media, to the Council, and to provide for the search of any person, and where appropriate, the refusal of entry or the removal of any person in terms of the relevant legislation.

4.12.1.3 The Councillor presiding at a Committee has the power to take reasonable measures regulate public access, including access of the media, to a meeting of committee, and to provide for the search of any person, and where appropriate, the refusal of entry or the removal of any person in terms of section 9 of the constitution.

4.12.1.4 Persons attending sittings of the Council or its committees must observe such directions and conform to such rules that may be laid down by the Councillor presiding.

#### **5.0 Minutes of Meetings**

5.1 The Speaker shall be responsible for the correctness of the minutes of every Meeting.

5.2 The Speaker shall be accountable for ensuring that minutes of the proceedings of every Meeting to be drawn up and printed and sent, prior to the next meeting to every Member of the Municipal Council, or of the Committee concerned and shall ensure that the same be submitted for confirmation at the next Ordinary Meeting thereafter by the Presiding Officer concerned: Provided that minutes relating to a Meeting or part of a Meeting from which the public and the press have been excluded shall be kept separate from the other minutes and shall be confirmed at a Meeting in the absence of the public and the press.

5.3 Where any member of the Council or any of its Committees whose name appears among those present at the meeting is absent for any time during that meeting the minutes of that

meeting shall show the time the member left the meeting and when he returned and shall show the business that was dealt with during the member's absence.

- 5.4 The minutes shall be taken as read for the purpose of confirmation, if a copy thereof was furnished to each Member at least forty-eight hours prior to the Meeting concerned: Provided that the accidental omission to furnish or late furnishing of such copy to a Member shall not affect the application of this subsection.
- 5.5 Except as to accuracy, no Proposal or discussion shall be allowed in respect of the minutes.
- 5.6 The minutes of a Meeting shall be open for inspection by the public at the Information Office and on the Municipal Council's Web Site should one have been established; Provided that the minutes of a Meeting or part of a Meeting from which the public and the press have been excluded, shall not be open for inspection.
- 5.7 The Speaker shall be accountable for the minutes of the Municipal Council and shall ensure their safe-keeping.
- 5.8 Minutes of proceedings at a Meeting of the Municipal Council or of a Committee, signed by the Speaker, or a copy of or extract from such minutes certified as correct by the Speaker or an officer authorised by him shall be received in evidence in a Court without further proof.
- 5.9 Until the contrary is proved, every Meeting of the Municipal Council or of a Committee in respect of the proceedings whereof Minutes have been so made shall be deemed to have been duly convened, constituted and held, and all Members of the Meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a Committee, the Committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes.
- 5.10 Recording of minutes with a mechanical device shall be confined only to Exco and Council meetings.

## **6.0 Absence of Councillors and Quorum**

### **6.1 Absence of Councillors**

- 6.1.1 Unless an apology has been made and accepted in terms of sub-rule 6.1.2 below, a Councillor must attend the following:-
- Meetings of the Council
  - Committee meetings of the Council;
  - Official seminars, training sessions, and workshops approved by the Speaker;



- Meetings of other structures or bodies as determined by the Speaker.

6.1.2 A Councillor who wishes to be absent from sittings or meetings mentioned in sub-rule 6.1.1 above, must submit a written apology to the Speaker 24 hours before the meeting, who will consult with the Chief Whip of the parties concerned and in turn advise the chairperson of the meeting (if not Council) of such apology.

#### 6.1.3 **Criteria for Granting Leave of Absence**

If the Council or Committee receives an application for leave of absence from a Councillor as described above (6.1.2), it does not necessarily imply that the Councillor has automatic leave of absence from attending the meeting. The reasons for the absenteeism should be considered and, if the reasons are found to be acceptable, leave of absence should be granted.

If the Council or Committee is not satisfied with the reasons given by the Councillor, the matter should be referred to the Rules Committee for an investigation and a report to the Council.

The following should be, however be noted:

- (1) If an application for leave of absence is not submitted in a prescribed format; leave of absence shall not be granted and the minutes of the meeting should reflect that a Councillor was absent without leave.
- (2) Leave of absence from a Council or Committee meeting shall not be considered or granted after the conclusion of that meeting.
- (3) Should a Councillor indicate that he or she will for any reason show up late for a meeting, and he or she does not show up before the conclusion of the meeting, the Councillor shall be considered to be absent without leave and the minutes of the meeting shall reflect that accordingly.

#### 6.1.4 **Penalty Clause**

- (1) Any contravention of these rules and Orders or the Code of Conduct for Councillors contained in the Municipal Systems Act must be investigated in accordance with item 14 of Schedule 1 of the Municipal Systems Act, and the sanctions referred to in item 14 (2) of Schedule 1 of the Municipal Systems Act apply if a member is found guilty of contravening these Rules and Orders of the Code of Conduct for Councillors.

## 6.2 Quorum

- 6.2.1 A majority of all the Members of a Meeting shall constitute a quorum of such Meeting (50 + 1).
- 6.2.2 If, after twenty minutes of the time at which a Meeting should commence, no quorum is assembled, the Meeting shall not take place, unless the Members present agree to wait a further period, the duration of which is agreed to by them, not exceeding twenty minutes, to obtain a quorum.
- 6.2.3 If no quorum assembles in the circumstances contemplated in section 6.2 above, the business of the proposed Meeting shall stand over till the next Ordinary Meeting, unless a Special Meeting is called by the Speaker prior to such Ordinary Meeting for the purpose of disposing of such business.
- 6.2.4 Whenever during a Meeting there is no quorum, the Presiding Officer shall suspend proceedings for a period of five minutes and, if at the end of that period, there is still no quorum, the Presiding Officer shall declare the Meeting to be at an end.
- 6.2.5 The provisions of section 6.2 shall apply mutatis mutandis to any uncompleted business at a Meeting contemplated in section 6.2.4
- 6.2.6 Whenever Council is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of Councillors present, must be recorded in the minutes of proceedings.
- 6.2.7 Unless the Constitution provides otherwise:-
- The presence of the majority of Councillors constitutes a meeting of the Council.
  - Subject to section 30(2) of Municipal Structures Act, at least a majority of Councillors must be present before a vote may be taken.
  - All questions are decided by a majority of the votes cast except a question mentioned in section 160(2) of the Constitution, which must be decided by a supporting vote of a majority of Councillors.
  - The Speaker/Chairperson has no deliberative vote, but, if on any question there is an equality of votes, the Councillor presiding must exercise a casting vote in addition to that Councillor's vote as Councillor.

## 6.3 Order in Council Meetings

The Speaker or the person presiding at the time therein shall ascertain that order is at all times maintained during the commencement of the Council and/or Committee Meeting.

- 6.3.1 When entering or leaving the chamber the Councillor and Officials shall be expected to bow to the speaker or person presiding therein.
- 6.3.2 During the deliberations in the chambers, no Councillor shall be authorised to use offensive gestures when addressing the Speaker or any other person presiding therein.
- 6.3.3 During the deliberations in the chambers, no Councillor may use offensive or unbecoming language.
- 6.3.4 Whenever a Councillor is debating in the chambers, such Councillor shall be obliged to do that through the chairperson.
- 6.3.5 No Councillor shall converse aloud during the proceedings of a meeting.
- 6.3.6 A Councillor may only be allowed to interrupt another during the proceedings, only when raising a point of order, or a question of privilege therein.
- 6.3.7 All Councillors are expected to stand when addressing the Speaker or any other person presiding therein.
- 6.3.8 Whenever the Speaker speaks, any Councillor then speaking or offering to speak must sit, and the Speaker must heard without any form of interruption.
- 6.3.9 The Speaker or the person presiding at the time therein, shall be authorised excuse or retire any Councillor who persistently and timeously, refuses to conform to the rules and regulations set out by the Speaker or any other presiding person at the time or the powers bestowed to Speaker by these rules or any relevant legislation.
- 6.3.10 Should the Councillor so required to vacate the meeting because of misconduct, refuse to do as advised, the Council shall have the power to engage the services of security personnel to that effect.
- 6.3.11 When the Council starts or adjourns, the Councillors must rise and remain standing in their seats until the Speaker or the person presiding has entered or left the chamber.
- 6.3.12 Manager: Corporate Services or designee shall ensure that all Councillors and Officials are be seated at least 10-5 minutes before the commencement of the Council /Committee Meeting.
- 6.3.13 Whenever Council has discussed an item In-Committee, the Speaker/chairperson will give feedback to the officials/person that was asked to go out/person that was excused from the meeting during the discussion of a particular item.
- 6.3.14 Provision for translation or relaying of Communication in meetings shall be made as and when necessary.

- 6.3.15 During the deliberations in the chambers, no Councillor may refer to any other Councillor by his or her first name or names only.

#### **6.4 Language to be used in Council Meetings**

- 6.4.1 Notwithstanding the provisions of section 6(3)(b) and section 30 of the Constitution of the Republic of South Africa, Act 108 of 1996, either English and Xhosa shall be the languages used during the Council proceedings.

#### **6.5 Communication with the outside world and media by a Councillor**

- 6.5.1 No Councillor is allowed to communicate with the out side world other than a political constituency, on any issue, on behalf of the Municipality without an explicit approval from the Speaker.
- 6.5.2 No Councillor is allowed to communicate with the media on behalf of the Municipality without an explicit approval from the Speaker

#### **7.0 Questions**

##### **7.1 QUESTIONS CONCERNING THE GENERAL WORK OF THE COUNCIL**

- 7.1.1 At any ordinary meeting a question concerning the general work of the Council but not arising out of or connected with any item on the agenda may be put without comment.
- 7.1.2 Notice of such question shall be given by a member in writing to the Municipal Manager not later than twenty one clear days before the meeting, and the latter shall furnish a copy thereof to the Speaker of the Council, or the Mayor, or the chairperson of the committee, if any, within which terms of reference, in his opinion, the matter falls.
- 7.1.3 All such questions, which are considered, shall be put in the order in which notice thereof was received and shall be replied to by the Chairperson of that committee or if there is no committee within which terms of reference the matter falls, by the Mayor provided that such replies may be tabled.
- 7.1.4 A member putting a question in terms of this subsection shall be entitled in due course to be furnished with a copy of the reply.

##### **7.2.0 QUESTIONS CONCERNING ITEMS ON THE AGENDA**

- 7.2.1 At any meeting when any item on the agenda of a committee or a report of an officer of the Council is under consideration, any member may, without comment, put a question directly arising out of or connected with such item: provided that a written copy of such question, signed by the questioner, is submitted to the Municipal Manager at least 24 hours before the sitting for the day commences: provided further that in the computation of that period any Saturday, Sunday or Public Holiday shall be excluded.

7.2.2 The Speaker shall call upon the member who has lodged the question in terms of section 7.2.1 in the order in which notice thereof was given, immediately after the item has been called, and such question shall be replied to immediately, if possible, or if the information requested is not immediately available, the reply shall take the form of a written reply to the next ordinary meeting.

#### 7.3.0 QUESTIONS OF ELLUCIDATION

7.3.1 At any meeting a member may forthwith after an item on the agenda has been called request elucidation of that item before it is debated, provided a written copy of the request specifying the points to be elucidated is submitted to the Municipal Manager at least 24 hours before the sitting for the day commences and the provision to section 7.2.1 shall apply *mutatis mutandis*.

7.3.2 Every such request shall be replied to by the Chairperson of a committee within whose terms of reference the matter falls or in the absence of such committee by the Speaker, or in the case of a motion by its mover, before the debate on the item commences.

#### 7.4.0 QUESTIONS PUT WITHOUT NOTICE OR COMMENT

7.4.1 Notwithstanding the provisions of section 7.2.1 and 7.2.2, any member may without notice and comment put a question directly arising out of or connected with an item on the Agenda, to the chairperson of a committee within whose terms of reference the item falls, or a mover of a motion, or to any member speaking, which may be replied to.

#### 7.5.0 QUESTIONS ON MATTERS OF URGENT PUBLIC IMPORTANCE

7.5.1 At any meeting, questions of urgent public importance, of which the Speaker shall be the judge, may be put to the Presiding Officer without comment, subject to the provisos to subsection 7.2.1.

7.5.2 All such questions which are considered by the Speaker to be in order shall be put to the chairperson of the committee within whose terms of reference the matter falls and shall be replied to by him or on his behalf at any stage in the consideration of the agenda.

7.5.3 A Councillor may request the Speaker to place a matter of public importance on the agenda.

7.5.4 The Councillor must make a request to the Speaker at least three (3) days before the meeting of the Council. Such a discussion may not exceed the time allocated for it by the Speaker after consultation with the Chief Whip of the majority party.

7.5.5.1 Questions of privilege may not be discussed under this rule.

7.5.5.2 Matters already discussed by Council during preceding twelve months may not be discussed under this rule.

## 7.6.0 QUESTIONS DISALLOWED

7.6.1 The Speaker, whose decision shall be final and not open to discussion, may disallow any question referred to in sections 7.1.0, 7.2.0 and 7.3.0, the subject matter of which is not within the jurisdiction of the Council, or which is otherwise out of order or which is unduly long, and he shall cause the member concerned to be informed thereof.

## 8.0 Motions and Urgent Matters

### 8.1.0 NOTICE OF MOTION

8.1.1 Every Notice of intention to introduce a Motion at a Meeting shall be signed and dated by the Member submitting it, shall specify in full the proposed Motion, shall specify the date of the Meeting at which it is intended to be introduced and shall be received by the Speaker at least ten Clear Days before such date.

8.1.2 A Notice of Motion shall deal with one matter only and shall be relevant to the affairs of the Municipal Council.

8.1.3 Where a Member gives Notice of a Motion on a matter that falls within the terms of Reference of a Committee the subject of that motion must have been considered previously by that Committee unless such Motion is in the form of a reference to that committee for consideration and report.

8.1.4 On receipt of a Notice of Motion, the Speaker shall, if the Notice complies with and is received by him in accordance with section 7.1.3, enter the Notice of Motion in a book kept for the purpose, which book shall be available for inspection by any Member and he shall place it on the agenda for the Meeting specified in such Notice.

8.1.5 All Notices of Motion shall be dated and numbered in the sequence received by the Speaker and the Speaker shall forward it to the Corporate Services Department to be included in the agenda in the order in which they are received.

8.1.6 A Notice of Motion which: -

(1) has as its purpose the rescission or amendment of a resolution adopted by the Municipal Council during the preceding three Months; or

(2) is substantially the same as a Motion rejected during the preceding three months,

shall be placed on the agenda only if the Notice of Motion has been signed by at least one-third of the Members in addition to the mover of the Motion.

8.1.7 A Notice of Motion similar to one placed on the agenda as contemplated in section 7.1.6, shall not be submitted until six Months have elapsed after the Motion so placed on the agenda had been disposed of.

## 8.2.0 IRREGULAR MOTIONS

### 8.2.1 The Speaker shall reject a Motion: -

- (1) which, in his opinion, does not comply with the provisions of section 7.1.1, 7.1.6 or 7.1.7;
- (2) in respect of which the Municipal Council does not have jurisdiction;
- (3) in respect of which a decision by a judicial or quasi-judicial body is pending; or
- (4) which, if adopted, would be contrary to any law or incapable of execution.

8.2.2 Whenever the Speaker rejects a Motion he shall do so in writing and ensure that before the day of the relevant meeting the member introducing the Motion is informed of both the rejection and the grounds for the rejection.

## 8.3.0 OPPOSED AND UNOPPOSED MOTIONS

8.3.1 If a Motion is not rejected in terms of section 7.2, the Speaker shall ascertain whether the Motion is opposed and, if it is unopposed, it shall be adopted forthwith without debate.

8.3.2 If it is opposed, the Speaker shall call upon the mover of the Motion to speak thereon.

8.3.3 If the mover is not present at the Meeting when called upon by the Speaker to move his Motion, no other Member may move such Motion in his own name unless the original mover has notified the Speaker in writing that a particular Member will move the Motion on his behalf.

8.3.4 If a Motion is not moved in terms of this section it shall lapse and it may not again be moved without further Notice.

8.3.5 No Member shall move more than two Motions, including any Motions the consideration of which was deferred from a previous Meeting, on the same agenda or move more than six Motions in any one Financial Year unless otherwise agreed to with the Speaker.

## 8.4.0 MOTIONS HAVING FINANCIAL IMPLICATIONS OR INVOLVING LEGISLATION

If a Motion: -

- (1) has the effect of increasing the expenditure or reducing the revenue of the Municipal Council, or if it involves expenditure not provided for in the Current Estimates, it shall take the form of a reference to the Executive Committee for investigation and report to the Municipal Council; or

- (2) would, if adopted, amend the Rules and Orders, before being put to the vote, be referred to the Speaker for a further report unless he is satisfied with the drafting thereof and that it is legally in order.

#### 8.5.0 Motions without Notice

Motions without notice shall be discussed at the end of agenda with the permission of the Speaker or any person presiding, provided it is regarded as a matter of urgency.

### 9.0 Reports

#### 9.1.0 REPORTS TO COMMITTEES

- 9.1.1 A report by an officer of the Municipality on any matter, other than a matter delegated to him, which falls within the Terms of Reference of a Committee, shall be placed on the agenda of a Meeting of the Committee concerned by the Municipal Manager.
- 9.1.2 Any report with financial implications and which is placed on the agenda of a Meeting of the Committee shall be accompanied by a Financial Certificate as defined in section 12.1.
- 9.1.3 Where a Report has not been placed on the agenda, and The Presiding Officer of a Committee is of the opinion that the matter is one of urgency; he may submit the Report to a Meeting of the Committee concerned, provided that the Report is on a matter within the Terms of Reference of that Committee.
- 9.1.4 Such Presiding Officer may speak on the reasons for the urgency of the report for not more than five minutes after which the aspect of urgency shall, without further debate, be decided on by the Committee.
- #### 9.2.0 REPORTS OF COMMITTEES TO ASSIST THE EXECUTIVE COMMITTEE
- 9.2.1 The report of every Committee to Assist the Executive Committee shall be submitted to an appropriate Meeting of the Executive Committee and shall contain a recommendation, which may be adopted by the Executive Committee.
- 9.2.2 Every recommendation shall be deemed to have been a Motion moved by the Chairperson of the Committee to Assist the Executive Committee and to have been seconded.
- 9.2.3 The chairperson of a Committee to Assist the Executive Committee may at any time, with the consent of the Mayor, correct or withdraw any item emanating from his Committee that appears on the agenda of a Meeting of the Executive Committee.
- 9.2.4 If an item falls within the Terms of Reference of more than one Committee to Assist the Executive Committee and contradictory recommendations have been submitted by those committees, the Mayor shall decide the order in which the recommendations shall be put to the vote in the Executive Committee.



- 9.2.5 The Municipal Manager, after consultation with the Chairperson of a Committee to Assist the Executive Committee, may, if he is of opinion that the matter is one of urgency, submit a Report on a matter to a Meeting of the Executive Committee.
- 9.2.6 The Chairperson of the committee concerned may speak on the reasons for the urgency of the Report for not more than five minutes after which the aspect of urgency shall without further debate be decided on by the Executive Committee.

### 9.3.0 REPORTS OF THE EXECUTIVE COMMITTEE

- 9.3.1 A report of the Executive Committee shall be submitted to an appropriate Meeting of the Municipal Council via the Speaker.
- 9.3.2 Unless an item is submitted for information only, every item contained in the first part of the report of the Executive Committee shall contain a recommendation which may be adopted by the Municipal Council.
- 9.3.3 The Mayor may, at any time with the consent of the Speaker, correct or withdraw any item emanating from the Executive Committee that appears on the agenda of a Meeting of the Municipal Council.
- 9.3.4 A Report submitted by the Executive Committee only for information may not be debated, but shall only be noted.
- 9.3.5 Every recommendation in the first part of a report of the Executive Committee shall be deemed to have been a Motion moved by the Mayor and to have been seconded.
- 9.3.6 The Speaker shall put the recommendation contained in the report of the Executive Committee *seriatim*, unless he considers it expedient to rearrange the order.
- 9.3.7. If an item is put to the meeting in terms of section 8.3.6 and is met by silence or the word "agreed", it shall be deemed to have been adopted unanimously.
- 9.3.8 The Mayor may, if he is of opinion that the matter is one of urgency, submit a Report on a matter to the Speaker who shall decide whether the Report concerned should be placed on the agenda of the Meeting of the Municipal Council as requested by the Mayor.
- 9.3.9 Where the Speaker agrees to a Report being placed on the agenda of the Meeting of the Municipal Council, copies of the Report shall be laid on the table at the Meeting concerned.

## 10.0 Proposals

### 10.1.0 PROPOSALS DURING THE COURSE OF A MEETING OF THE COUNCIL

- 10.1.1 During the course of a Meeting of the Municipal Council no Proposal shall, subject to the provisions of this section, be received except the following: -
- (1) To amend a Motion or Proposal;
  - (2) That the Municipal Council does now adjourn;
  - (3) That a debate be adjourned;
  - (4) That a matter be referred back;

- (5) That the Motion or Proposal be now put to the vote;
- (6) That the Municipal Council proceed to the next business;
- (7) That the public or the press be excluded from any or all Meetings or part of a Meeting;
- (8) That the Municipal Council goes in or out of Committee;
- (9) That a provision of these Rules and Orders be suspended; or
- (10) That a Member be excluded in terms of this code or in terms of any legislation.

10.1.2 Every Proposal in terms of section shall be seconded.

10.1.3 A Proposal in terms of section 9.1.1 and any secondment thereof shall, subject to the provisions of section 9.1.2, not be regarded as a speech for the purposes of this Code.

10.1.4 Any Proposal in terms of section 9.1.1 shall be dealt with in accordance with the applicable provisions of sections 9.2.0 to 10.0.

10.1.5 Nothing in this section shall affect the right of the Speaker, of his own initiative or at the request of a Member, temporarily to adjourn a Meeting of the Municipal Council for a period not exceeding two hours.

10.1.6 Where the original motion or proposal relates to a Bylaw or to legislation, any motion to amend shall take the form of a reference back to the Executive Committee (unless the amendment does not alter the proposed Bylaw or legislation in principle and is acceptable to the Mayor as chairperson of the Executive Committee).

10.1.7 Any amendment which would have the effect of increasing the expenditure or reducing the income of the Municipal Council shall take the form of a reference back to the Executive Committee for consideration.

#### 10.2.0 AMENDMENT OF MOTION OR PROPOSAL

- 10.2.1 Every amendment proposed in terms of section 9.1.1(1) shall be relevant to the Motion or Proposal to which it is proposed and shall be proposed during the course of a speech contemplated in section 11.1.
- 10.2.2 No amendment to an amendment shall be proposed in any Meeting of the Municipal Council.
- 10.2.3 An amendment proposed in any Meeting of the Municipal Council shall be reduced to writing, signed by the mover and the seconder and handed to the Speaker.
- 10.2.4 An amendment shall be read before being proposed.
- 10.2.5 No Member shall be entitled to propose more than one amendment to any original Motion or Proposal.
- 10.2.6 More than one amendment of a Motion or Proposal may be proposed and, subject to the provision of section 9.2.7, all amendments proposed shall be put to the vote at the closure of the debate on such Motion or Proposal.
- 10.2.7 If more than one amendment to a Motion or Proposal has been proposed, such amendments shall be put to the vote in the sequence in which they were proposed.
- 10.2.8 If an amendment is adopted, the amended Motion or Proposal shall take the place of the original Motion or Proposal and shall become the Motion or Proposal in respect of which any further amendments proposed shall be put to the vote: Provided that the Speaker, if he is of opinion that an amendment adopted renders another amendment unnecessary or meaningless, may rule that such other amendment need not be put to the vote after which such amendment shall lapse.
- 10.2.9 The Speaker shall reject an amendment, which constitutes a direct negative of the original Motion or Proposal.
- 10.2.10 The provisions of sections 7.2.0, 7.3.0 and 7.4.0 shall apply *mutatis mutandis* in respect of a Proposal in terms of this section.
- 10.2.11 After all the amendments have been put to the vote, the original Motion or Proposal, as amended if any amendment has been adopted, shall be put to the vote.

#### 10.3.0 REFERENCE BACK

- 10.3.1 A Member may during the course of his speech on any matter propose verbally (not in writing) that the matter or any aspect thereof be referred back for further consideration and report.
- 10.3.2 A Proposal in terms of section 9.3.1 shall state: -

- (1) The Committee to which the matter is to be referred back or, if there is not a Committee within whose Terms of Reference the matter falls, the proposal shall state that the matter be referred to the Municipal Manager for report to the Executive Committee; and
  - (2) The aspect of which reconsideration is required.
- 10.3.3 The proposer and the Chairperson of the Committee within whose Terms of Reference the matters falls or, in the absence of such Committee, the Mayor, may speak on the Proposal for a period not exceeding five minutes each, but the seconder shall not speak beyond formally seconding the Proposal.
- 10.3.4 If a Proposal contemplated in section 9.3.1 is seconded, it shall be put to the vote without further debate and, if carried, the Municipal Council shall proceed to the next item.
- 10.3.5 The proposer of a Proposal contemplated in section 9.3.1, which was adopted by the Municipal Council, shall be entitled to be heard by the Committee or the Municipal Manager, as the case may be.
- 10.4.0 PROPOSAL THAT THE MATTER BE PUT TO THE VOTE
- 10.4.1 A Proposal that the matter be now put to vote may be proposed verbally at the close of any speech.
- 10.4.2 The proposer may speak on the Proposal for a period not exceeding five minutes, but the seconder may not speak beyond formally seconding it.
- 10.4.3 A Proposal that the matter be now put to the vote shall be put to the vote without further debate.
- 10.4.4 If a Proposal that the matter be now put to the vote is carried, any Proposal to amend the original Motion or Proposal and the original Motion or Proposal, as amended, shall be put to the vote forthwith.
- 10.4.5 If a Proposal that the matter be now put to the vote is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.
- 10.5.0 PROPOSAL THAT THE COUNCIL MOVE TO THE NEXT BUSINESS
- 10.5.1 A Proposal that the Municipal Council proceed to the next business may be proposed verbally at the close of any speech.
- 10.5.2 Such Proposal shall be put to the vote without debate except that the Chairperson of a Committee within whose Terms of Reference the matter falls or, in the absence of such Committee, the Mayor, may speak on the Proposal for a period not exceeding five minutes, but the seconder shall not speak beyond formally seconding it and, if the Proposal is carried, the matter under discussion shall lapse and shall not be included in the agenda of any subsequent Meeting within a period of six months, unless it is reinstated on the recommendation of that Committee, or the Speaker.

10.5.3 If a Proposal that the Municipal Council proceed to the next business is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.

10.6.0 PROPOSAL THAT THE DEBATE BE ADJOURNED

10.6.1 A Councillor who has not yet participated in a debate on a matter under consideration may at the conclusion of any speech, verbally propose that the debate be adjourned.

10.6.2 The proposer and the Chairperson of the Committee within whose Terms of Reference the matter falls or, in the absence of such Committee, the Mayor, may speak on the Proposal for a period not exceeding five minutes each, but the seconder shall not speak beyond formally seconding it.

10.6.3 Save as is provided in section 9.6.2, no debate shall be permitted on such Proposal except in respect of the period of adjournment.

10.6.4 If such Proposal is carried, the Meeting shall proceed to the next business on the agenda.

10.6.5 If a Proposal that a debate be adjourned is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.

10.6.6 A Councillor may not propose or second more than one Proposal for the adjournment of the debate during the course of that debate.

10.7.0 PROPOSAL THAT THE MEETING BE ADJOURNED

10.7.1 A Member may, at any time (except during the course of a speech by another Councillor or while a vote is being taken), verbally propose that the Municipal Council do now adjourn.

10.7.2 The proposer, one Councillor in opposition thereto and the Mayor may speak on the Proposal for a period not exceeding five minutes each, but the seconder shall not speak beyond formally seconding it.

10.7.3 A Proposal contemplated in section 9.7.1 shall be put to the vote without further debate.

10.7.4 If the Proposal is carried, the Municipal Council shall forthwith adjourn: Provided that the Speaker may direct that any unopposed business shall be disposed of before the adjournment.

10.7.5 If the Proposal that the Municipal Council do now adjourn is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.

10.7.6 A Member may not on the same day propose or second more than one Proposal for adjournment during the course of anyone Meeting of the Municipal Council.

10.7.7 Any business uncompleted at an adjournment shall be dealt with at the next Ordinary Meeting, unless the Municipal Council decides otherwise or the Presiding Officer convenes a Special Meeting to dispose thereof.

10.7.8 If a Meeting is adjourned to a date not more than 14 days after the date of the adjournment, notice of the adjourned Meeting need not be given.

#### **11.0 Withdrawal of Motion or Proposal**

11.1 A Motion or Proposal may, without debate and with the permission of the Speaker, be withdrawn or corrected by the mover or proposer.

11.2 A Councillor may not speak upon such Motion or Proposal in any Meeting of the Municipal Council after the mover or proposer has asked for its withdrawal, unless such withdrawal is refused by the Speaker.

**12.0 Debate and Discussion****12.1.0 LENGTH OF SPEECHES**

12.1.1 Subject to the provisions of section 11.2.0, a Councillor may not speak for more than such period as the Speaker may have agreed or two consecutive minutes on any one Motion or Proposal (whichever is the longer).

**12.2.0 MEMBERS MAY SPEAK ONCE ONLY**

12.2.1 Subject to any provision to the contrary in this Code, a Member may not address the Municipal Council more than once on any Motion or Proposal.

12.2.2 Subject to any provision to the contrary in this Code, the mover of a Motion or the proposer of a Proposal or a Member contemplated in sections 8.2.4 or 8.3.5, may speak on the Motion or Proposal and reply to the debate but in replying he shall strictly confine herself to answering previous speakers and shall not introduce any new matters into the debate.

12.2.3 Such reply shall conclude the debate.

12.2.4 The reply to the debate by the Mayor or another Member of the Executive Committee requested by the Mayor to act on his behalf on any item in the first part of the report of that Committee, shall conclude the debate on that part of the report: Provided that the Speaker may refuse the Mayor the opportunity to speak if he is of opinion that the item concerned has not been sufficiently debated and that there are other Members who wish to participate in the debate.

**12.3.0 RELEVANCE**

12.3.1 A Councillor who speaks in the Municipal Council shall direct his speech strictly to the Motion or Proposal under discussion or to an explanation or a point of order and no discussion shall be allowed:

- (1) Which will anticipate any matter on the agenda; or
- (2) On any matter in respect of which a decision by a judicial or quasi-judicial body or commission of inquiry is pending.

**12.4.0 POINTS OF ORDER AND EXPLANATION**

12.4.1 Any Councillor, whether he has spoken under discussion or not, may rise:

- (1) on a Point of Order; or
- (2) on a Point of Personal Explanation,



and a Councillor so rising shall be entitled to be heard forthwith: provided that no new issues are introduced, unless the Speaker rules the Point of Order or the Point of Personal Explanation to be inadmissible.

12.4.2 The ruling of the Speaker on a Point of Order, or on the admissibility of a Point of Personal Explanation, shall be final and not open to discussion.

#### 12.5.0 DISCUSSION ON SECOND PARTS OF REPORTS OF THE EXECUTIVE COMMITTEE

12.5.1 After the conclusion of the business on the first part of a Report of the Executive Committee, the Speaker shall allow discussion on the second part of such reports for a period not exceeding one hour.

12.5.2 During such discussion: -

- (1) no Proposal other than a Proposal that the Committee concerned be requested to reconsider the matter shall be made;
- (2) a Member may request that his opposition to a decision in the second part of the Executive Committee's report be minuted.

#### 12.6.0 UNFINISHED BUSINESS

- 12.6.1 The discussion of the adjourned debate, unless otherwise resolved, shall be resumed at the next Ordinary Meeting of the Municipal Council.
- 12.6.2 A matter to be reconsidered shall be reported to the next Ordinary Meeting by the Speaker unless a Special Meeting for that purpose is convened.
- 12.6.3 If a Proposal to adjourn a Meeting of the Municipal Council has been carried, the Councillor on the floor at the adjournment shall, upon consideration of the matter forming the subject of such debate at the adjourned Meeting, be entitled to speak first.

#### 12.7.0 ETIQUETTE OF DEBATING

- 12.7.1 A Member speaking at a Meeting shall remain seated and address the chair.
- 12.7.2 If a Member who is not speaking raises on a Point of Order or gives a personal explanation and such Member is addressed by the Presiding Officer, the Member then speaking shall be silent until the Presiding Officer has given a ruling.

#### 13.0 Resolutions of Meetings

- 13.1 No resolution involving expenditure shall be taken at any Meeting until there is produced to the Presiding Officer of the Meeting a certificate from the Chief Financial Officer that provision is made in the Current Estimates for such expenditure, or, if the estimates for the Financial Year then current have not been adopted by the Municipal Council, that provision has been or will be made in the estimates for that Financial Year.

#### 14.0 Unopposed Business

- 14.1 When a Meeting has been in progress for not less than two hours, the Speaker may interrupt the proceedings and direct that the Municipal Council proceed forthwith to dispose of unopposed business.
- 14.2 After the disposal of such business, the proceedings shall be resumed at the point at which they were interrupted.

#### 15.0 Voting

- 15.1 A majority of the Members of a Municipal Council must be present before a vote may be taken on any matter.
- 15.2 Questions concerning the following matters are determined by a decision taken by the Municipal Council with a supporting vote of a majority of its Members: -
- (1) the passing of bylaws;
  - (2) the approval of budgets;

- (3) the imposition of rates and other taxes, levies and duties; and
  - (4) the raising of loans.
- 15.3 All other questions before the Municipal Council or before any of its Committees are decided by a majority of the votes of Members cast.
- 15.4 If on any question there is an equality of votes, the Presiding Officer presiding at any Meeting shall exercise a casting vote in addition to that Councillor's vote as a Member.
- 15.5 Except where the law prescribes a secret ballot or the Municipal Council otherwise resolves by resolution, voting at a Meeting shall be by a show of hands of those Members entitled to vote.
- 15.6 A Member of a Meeting entitled to vote, may request that his vote be recorded against a decision of that Committee.
- 15.7 Whenever a vote is taken at a Meeting the votes of the Members shall be recorded by the Presiding Officer who shall declare the result of the voting.
- 15.8 The Presiding Officer shall thereafter declare the decision of the Meeting.
- 15.9 During the taking of a vote, no Member shall enter or leave the Municipal Council chamber or Committee room.
- 16.0 Casual Vacancies**
- 16.1 If, for any reason, the Speaker ceases to hold office as such, the Municipal Manager shall convene a Special Meeting of the Municipal Council to elect a Speaker in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act.
- 16.2 The provisions relating to Ordinary Meetings shall apply *mutatis mutandis* to any such Special Meeting.
- 16.3 If, for any reason, the Mayor ceases to hold office as such, the Speaker shall convene a Special Meeting of the Municipal Council to elect a Mayor in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act.
- 16.4 A vacancy on a Committee shall be notified by the Speaker at the first Meeting of the Municipal Council after it has arisen and shall be filled by the Municipal Council in accordance with section 1.2.2.
- 16.5 The existence of a vacancy on any Committee shall not affect the validity of any of its decisions or proceedings.

**PART II: SPECIAL COUNCIL AND COMMITTEE PROCEDURES****1.0 Removal of Speaker from Office**

- 1.1 The Municipal Council may by resolution remove the Speaker from office.
- 1.2 Where a Councillor wishes to propose the removal of the Speaker, prior notice of an intention to move a Motion for the removal of the Speaker has to be given in accordance with Part I, section 7.1.0.

**2.0 Dissolution of Committees**

- 2.1 The Municipal Council may by resolution dissolve any Committee to Assist the Executive Committee.
- 2.2 Where a Councillor wishes to propose the dissolution of any Committee to Assist the Executive Committee, prior notice of an intention to move a Motion for such dissolution has to be given in accordance with Part I, section 7.1.0.

**3.0 Removal of Members of Committees**

- 3.1 The Municipal Council may by resolution remove any one, more than one or all Councillors from Membership of a Committee.
- 3.2 Where a Councillor wishes to propose the removal of any councillor from any Committee, prior notice of an intention to move a Motion for the removal of the councillor from such Committee has to be given in accordance with Part I, section 7.1.0.
- 3.3 If all the Members of the Executive Committee are removed, a new election of Members and of the Mayor must be held in terms of sections 45 and 48 of the Municipal Structures Act respectively.
- 3.4 The election of a Member or Members of an Executive Committee, following a removal from office in terms of this section, is subject to section 43 of the Municipal Structures Act.

**4.0 Legislative Procedures**

- 4.1 Only a Councillor or the Executive Committee of the Council may introduce a proposed Bylaw in the Municipal Council<sup>1</sup>.
- 4.2 Where an individual Councillor introduces a proposed Bylaw at a Meeting of the Municipal Council,

- (1) he shall give no less than ten Days' Notice to the Municipal Manager and the Municipal Manager shall notify all Councillors accordingly; and

- (2) if the Municipal Council is of opinion that the proposed Bylaw be considered, the Municipal Council shall, by resolution, refer the matter back to the Executive Committee.

4.3 Where: -

- (1) any matter referred to in section 4.2 is referred back to the Executive Committee; or

- (2) the Executive Committee is of opinion that a proposed Bylaw be considered, the Executive Committee concerned shall request the Municipal Manager to publish a notice in the Newspapers of Record stating:

- (1) the purport of the proposed Bylaw;
- (2) that the draft Bylaw may be inspected at the Information Office and on the Municipal Council's Web Site should one have been established; and
- (3) that any person wishing to comment on the proposed Bylaw should submit his comments to the Speaker at his office on or before a date fourteen days after the date of publication<sup>1</sup>.

4.4 Where comments are made and the Executive Committee is of opinion that detailed consideration needs to be given to any proposed Bylaw or for any other reason it is of such opinion, it shall establish a Working Group to consider the proposed Bylaw and report back to the Executive Committee.

4.5 If the Executive Committee is of opinion that such Bylaw should be passed, it shall recommend such to the Municipal Council and the Municipal Manager shall ensure that all Councillors have been given reasonable notice of the intention of the Executive Committee to introduce the proposed Bylaw in the Municipal Council.

4.6 A Bylaw is made by a decision taken by a Municipal Council: -

- (1) in accordance with the provisions of this Code; and
- (2) with a supporting vote of a majority of its Members.

4.7 A Bylaw may take effect on:

- (1) a future date determined in the Bylaw; or
- (2) in the event of no future date of application being provided for in the Bylaw, the date when the Bylaw is published in the *Official Gazette*.

4.8 A Bylaw may be enforced only after it has been published in the *Official Gazette*.

**5.0 Suspension of Rules and Orders**

- 5.1 A Councillor may in any Meeting of the Municipal Council, except during the course of a speech propose that any rule of order contained in this code or a Financial Regulation be suspended in respect of one item specified by her, provided that the Municipal Council shall not be competent to suspend any rules prescribed by law, nor any rules relating to misconduct by members, nor the disciplinary code, nor any of the following: Part I, s. 1.2, s. 8.1.1, s. 8.2.1, s. 8.3.1, s. 9.1.6, s. 0.1.7.
- 5.2 The proposer and one Councillor in opposition thereto may speak on such Proposal for not more than five minutes each but the seconder shall not speak beyond formally seconding the Proposal.
- 5.3 Such Proposal shall be put to the vote without further debate.

## **6.0 Exercise of Powers where the Council is not sitting**

- 6.1 Whenever any matter of urgency arises:
- (1) during the period the Municipal Council is not in recess but it is not practicable to obtain a decision of the Municipal Council, or of the Executive Committee, such matter may on the recommendation of the Municipal Manager be decided by the Speaker or the Mayor as Presiding Officer of the Executive Committee, as the case may be;
  - (2) during any period that the Municipal Council is in recess, such matter may be decided by the Speaker in consultation with the Mayor provided that if the matter refers to the business of the Council itself then the Municipal Manager shall consult with the Speaker.
- 6.2 The power conferred the Municipal Manager and the Mayor or Speaker, as the case may be, by section 6.1 shall include the power to incur expenditure: Provided that: -
- (1) a certificate from the Chief Financial Officer that provision has been made in the current estimates for such expenditure has been furnished to Municipal Manager and Mayor or Speaker (as the case may be);
  - (2) no expenditure on capital account shall be incurred unless approved jointly by the Municipal Manager and the Mayor.
- 6.3 All matters decided in terms of section 6.1 shall be reported for ratification to the next Ordinary Meeting of the Municipal Council or of the Executive Committee: Provided that anything done pursuant thereto in the meantime shall be deemed to have been duly authorised by the Municipal Council or the Executive Committee.

## **7.0 Attendance at meetings by Councillors who are Non-Members**

- 7.1 Any councillor may attend any Executive Committee meeting or meeting of any Committee to Assist the Executive Committee notwithstanding that he is a non-member of that committee.

- 7.2 Any councillor attending a meeting of a committee of which he is a non-member may not address that meeting unless he has been given permission thereto by the Presiding Officer.

### **PART III: THE RIGHTS OF RESIDENTS AND HUMAN RIGHTS<sup>1</sup>**

#### **1.0 Petitions**

- 1.1 Any Person may present a Petition to a Councillor.
- 1.2 A Councillor may at a Meeting of the appropriate Committee submit any such petition and may briefly state the purpose thereof.
- 1.3 A petition shall be referred to the Committee within whose Terms of Reference it falls or, in the absence of such Committee, to the Speaker, for consideration and report to the Municipal Council.

#### **2.0 Deputations:**

- 2.1 A deputation wishing to appear before the Municipal Council or a Committee shall submit a memorandum to the Mayor who shall submit it to the Committee within whose Terms of Reference it falls and the Committee or the Speaker, in the absence of such Committee, may if it or he considers it expedient, receive the deputation and deal with the matter raised in the memorandum at such reasonable time as it or he considers appropriate.
- 2.2 The Speaker may allow any deputation to appear before the Municipal Council without submission of a memorandum if, in his opinion, the matter concerned is of an urgent nature.
- 2.3 A deputation shall not consist of more than five Persons.
- 2.4 Except with the consent of the Presiding Officer or in reply to a question from a Member, only one from the deputation may address the Meeting.
- 2.5 A deputation may not address the Municipal Council for more than five minutes without the consent of the Speaker, but it may respond briefly to a question by a Councillor.

#### **3.0 Referenda**

- 3.1 The Municipal Council:
- (1) may by resolution, and,
  - (2) on the petition of five hundred Residents, shall submit to a general poll of the voters of the Municipality or of the voters of a part of the Municipality, any matter or question affecting the interests of the Municipality or the part concerned.
- 3.2 The Municipal Council may, by resolution, prescribe the time, date and procedures for any such Referendum.

**4.0 Plebiscites**

## 4.1 The Municipal Council:

- (1) may by resolution, and,
- (2) on the petition of five hundred Residents, shall submit to a general poll of the voters of the Municipality or of the voters of a part of the Municipality, any proposed Bylaw for the Municipality or intended to be applicable only in the part concerned.

4.2 The Municipal Council may, by resolution, prescribe the time, date and procedures for any such plebiscite.

4.3 In the event of the plebiscite being successful, the Speaker shall introduce the draft Bylaw into the Municipal Council for consideration-.

**5.0 Applications for Amendment of Bylaw:**

## 5.1.0 REGULATORY FRAMEWORK:

5.1.1 The Municipal Manager may prescribe the procedures and forms for any Application for any amendment of any Bylaw.

5.1.2 The Municipal Manager shall publish any Regulatory Act, prescribed under section 5.1.1, on the Municipal Notice Board and such publication shall be deemed to be sufficient notice of any such Regulatory Act to all Persons concerned.

## 5.2.0 APPLICATION PROCEDURE

5.2.1 Any Person desiring any amendment of any Bylaw shall apply to the Speaker at the Municipal Office

5.2.2 Where the Municipal Manager has prescribed any form for any Application; such form shall be obtainable from the office of the Municipal Manager.

5.2.3 In considering any Application under section 5.2.1, the Speaker shall consider the legality of the proposed Bylaw and, if he deems it appropriate, report thereon to the Executive Committee.

**6.0 Information, Privacy and Meetings**

6.1 The Municipal Council must conduct its business in an open manner and shall, subject to sections 6.3, 6.4 and 6.5, ensure that meetings of the Municipal Council and its Executive Committee and other committees to assist the Executive Committee are open to residents in the Municipal District.

6.2 The Municipal Manager shall give notice to the public of the time, date and venue of every:  
-



- (a) Ordinary Meeting of the Municipal Council; and
- (b) Special Meeting of the Municipal Council, except when time constraints make this impossible,
- by placing a Notice under his hand containing such information on the Municipal Notice Board.
- 6.3 The Municipal Council shall, within the financial and administrative capacity of the Municipality, provide space for the public in the chambers and places where the Municipal Council meets.
- 6.4 The Speaker may take reasonable steps to regulate public access to Meetings of the Municipal Council.
- 6.5 The Speaker may close any Meeting or part of a Meeting of the Municipal Council to the public when it is reasonable to do so having regard to the nature of the business being transacted at such Meeting: Provided that the Speaker may not exclude the public when the Municipal Council is considering or voting on any of the following matters: -
- (1) a draft bylaw tabled in the Municipal Council;
  - (2) a budget tabled in the Municipal Council;
  - (3) the draft Integrated Development Plan of the Municipality, or any amendment of the plan, tabled in the Municipal Council;
  - (4) the draft Performance Management System for the Municipality or any amendment of the system, tabled in the Municipal Council; and
  - (5) a decision to enter into a Service Delivery Agreement being considered by the Municipal Council.
- 6.6 The Speaker may order any Member of the public to leave the chamber if he is of opinion that the behaviour of such Person is causing the proceedings of the Municipal Council to be disturbed and may call upon any Person to assist him to remove such Person from the chamber if such Person refuses to obey.
- 6.7 Any Member of the public who disobeys an order of the Speaker to leave the chamber shall be guilty of an offence and liable on conviction to a Criminal Fine or a period of imprisonment not exceeding six months.
- 6.8 Notwithstanding anything to the contrary in this Code, a Member may: -
- (1) at any time propose that a Meeting resolve itself into Closed Session; or

- (2) if the Municipal Council or Committee concerned is in Closed Session as contemplated in paragraph (1), propose that for the further consideration of the matter concerned, the Municipal Council resolve itself out of Closed Session.
- 6.9 Where the Proposal is that the Municipal Council go into Closed Session, the proposer, the Presiding Officer of the Committee within whose Terms of Reference the matter falls or, in the absence of such Committee, the Mayor, may speak on a Proposal for a period not exceeding five minutes each and shall restrict his speech to the reason why the Municipal Council should or should not resolve itself into or out of Closed Session, as the case may be, but the seconder shall not speak beyond formally seconding the Proposal.
- 6.10 If a Proposal that the Municipal Council go into Closed Session is adopted, the Speaker may, in his discretion, order that the public and the press, if present, and all officers of the Municipal Council, except those Persons allowed by the Speaker to remain, shall leave the place of the Meeting.
- 6.11 When the Municipal Council is in Closed Session, the provisions of this Code, except in so far as they are in conflict with this section, shall apply.
- 6.12 If, in the opinion of the Presiding Officer, information is disclosed or is about to be disclosed during a speech which may be prejudicial to the Municipal Council or the inhabitants of the Municipality, the Presiding Officer may direct the Member concerned to forthwith discontinue such speech.
- 6.13 If the Municipal Council resolves itself into or out of Closed Session during the debate on an item of business, the further debate on that item either in or out of Closed Session shall for all purposes be a continuation of the preceding debate on that item.
- 6.14 If the Municipal Council resolves itself into Closed Session, the Municipal Council shall at the conclusion of the consideration of the item concerned, revert to the consideration of further business out of Closed Session.
- 6.15 A decision of the Municipal Council in Closed Session shall be a decision of the Municipal Council.
- 6.16 The minutes relating to any item considered by the Municipal Council or a Committee in Closed Session shall, unless consideration of that item was concluded out of Committee, be kept separate from the other minutes of the Municipal Council.
- 7.0 The Right to Information**
- 7.1 The Municipality shall, on demand, make available to the public at the office of Municipal Manager:
- (1) All Policy and Administrative Directives applicable in the Municipal Administration, which relate to the proper administration of any discretion vested in terms of any Bylaw;

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- (2) the names and business addresses of the Municipal Functionaries and a statement of their respective Powers in terms of any Bylaw;
  - (3) all Acts of Delegations by the Municipal Council or the, Executive Committee of powers to any Person in terms of any law;
  - (4) the names and business addresses of all Authorised Delegates and a statement of their respective powers, which are delegated to them;
  - (5) all Bylaws of the Municipality;
  - (6) all Proclamatory Acts by the Municipality in terms of any Bylaws;
  - (7) all Regulatory Acts by any Municipal Organ of State in terms of any Bylaws; and
  - (8) the minutes of all Meetings.
- 7.2 The Information Officer shall make available to the public all information about the financial interests of Councillors referred in the Public Part of the Register of Interests bearing in mind the Policy Directives of the Municipal Council with regard to the need for both confidentiality and the public interest in disclosure.
- 7.3 Any Person may inspect any instrument or information referred to in sections 7.1 and 7.2 during Office Hours at the Office of the Municipal Manager.
- 7.4 Every Person may, during Office Hours, make extracts from the instruments and information listed in sections 7.1 and 7.2 upon payment of the Tariff fee for copying.

# IMPORTANT Information from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



## **GPW Business Rules**

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za).



Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.  
Tel: (012) 748 6052, 748 6053, 748 6058  
Also available at the Legal Advisory Services, **Province of the Eastern Cape**, Private Bag X0047, Bisho, 5605. Tel. (040) 635-0052