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PROVINSIE OOS-KAAP

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 602 OF 2023

**STANDING RULES AND ORDERS FOR THE MEETINGS OF
THE COUNCIL AND COMMITTEES OF BUFFALO CITY
METROPOLITAN MUNICIPALITY**



**(AS APPROVED BY COUNCIL IN TERMS OF RESOLUTION
BCMC763/22 OF 1 DECEMBER 2022)**

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1. Definitions

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

“Ad hoc Committee” means any other Committee established for a specific purpose for a predetermined period, other than the Mayoral Committee or Committees established by the Council;

“Chairperson” means the chairperson of the Council and any Committee of the Council (refer also “Speaker”);

“Code of Conduct” means the Code of Conduct for Councillors attached as Schedule 7 to the Municipal Structures Act;

“Committee” shall mean any Committee established in the Municipality, including Committees established in terms of section 79 and 80 of the Municipal Structures Act;

“Committee of Council” shall mean any Committee appointed by the Municipal Council;

“Committee Whips” shall mean any person appointed by the Council as the Whip of a Committee of Council;

“Constitution” shall mean the Constitution of the Republic of South Africa, 1996;

“Council” or **“Municipal Council”** shall mean the Municipal Council of the Buffalo City Metropolitan Municipality as envisaged in section 157 (1) of the Constitution;

“Councillor” shall mean a member of the Municipal Council;

“Day” shall mean any calendar day excluding a Public Holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;

“Executive Mayor” shall mean the Executive Mayor of the Municipality as elected in terms of section 55 of the Municipal Structures Act;

“In Committee” shall mean the part of the meeting of the Municipal Council or its Committees, as envisaged by Section 160(7) of the Constitution, where the meeting

will be closed and members of the public and press, and such municipal officials as determined by the Speaker, excluding the Municipal Manager and any other official duly delegated by the Municipal Manager, will be excluded from the meeting, based on the nature of the business being transacted;

“Mayoral Committee” means the committee appointed by the Executive Mayor in terms of section 60 of the Municipal Structures Act;

“MEC for local government” means the Member of the Executive Council responsible for local government in the province;

“Media” shall mean members or employees of broadcasting, publishing, and online communication news networks whose activities are essential to the media function;

“Member” shall mean a Councillor serving in the Municipal Council of the Municipality.

“Motion” shall mean any matter or proposal submitted by a member in terms of the Rules, wherein a decision or resolution is required, and includes an urgent matter;

“Municipality” shall mean the Buffalo City Metropolitan Municipality;

“Municipal Public Accounts Committee” shall mean a Committee established in terms of Section 79A of the Municipal Structures Act;

“Municipal Structures Act” shall mean the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Municipal Systems Act” shall mean the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“Party Whip” shall mean, for purposes of these rules, a member of the Municipal Council appointed, by a political party represented in the Council, as the whip of the party.

“Point of Order” shall mean a point raised by a Councillor during the Council meeting and shall only relate to a matter of procedure as provided for in the rules and orders;

“Report” shall mean sufficient written information prepared in the prescribed template on any item appearing on the agenda for consideration by the Council or a Committee;

“Speaker” shall mean the Chairperson of the Council who is elected in terms of sections 36 and 41 of the Municipal Structures Act;

“Traditional Leader” shall mean a Traditional Leader identified to participate in the business activities of the Municipal Council in terms of section 64 of the Traditional and Khoi-San Leadership, 2019 (Act No. 3 of 2019);

“Virtual meetings or sittings” shall mean any meeting or sitting conducted on any form of online technology or virtual platform or combination of virtual and physical meetings;

“Whip of the Council” shall mean the person elected in terms of Section 41A of the Municipal Structures Act as the Whip of the Council;

any other word or expression shall have the meaning assigned thereto in the relevant legislation.

2. Application of the Rules

- 2.1 The rules of order contained herein apply to all physical and/or virtual meetings of the Municipal Council and any committee of the Municipal Council as well as any other Committees of Councillors established within the Municipality.
- 2.2 The rules are aimed at allowing free, open and constructive debate during meetings. The rules encourage and promote freedom of expression in such a manner that orderly debate is ensured within the allocated time.
- 2.3 The rules create the opportunity for Councillors and Traditional Leaders serving in Council structures to air their views on any matter of public importance.
- 2.4 The rules of order are applicable to:
 - 2.4.1 All Councillors;

- 2.4.2 Traditional leaders participating in Council and its Committees in terms of item 7 of Schedule 3 of the Traditional and Khoi-San Leadership Act No. 3 of 2019 read with section 64 thereof;
- 2.4.3 Any municipal official of the Municipality;
- 2.4.4 Any representative from national or provincial government or Chapter 9 Institutions participating in Council or its Committees;
- 2.4.5 The Media; and
- 2.4.6 Any member of the public.

3. Chairpersons of Meetings

- 3.1 At every meeting of the Council the Speaker shall be the Chairperson, or if he or she is not present or is required to table a report before the council or is conflicted on an item, an acting Speaker shall be elected by the majority of Councillors present at the meeting to act as chairperson.
- 3.2 The Chairperson(s) of section 79 committees elected by the Council, in terms of the Municipal Structures Act, shall chair meetings of the oversight committees of Council or if he or she is not present, an acting chairperson shall be elected by the majority of the Committee members present at the meeting to act as chairperson.
- 3.3 The Chairperson(s) or acting chairperson of section 80 Standing Committees appointed by the Executive Mayor, in terms of the Municipal Structures Act, shall chair meetings of the Standing Committees of Council.
- 3.4 The Executive Mayor shall chair meetings of the Mayoral Committee. If the Executive Mayor is absent or not available, the Deputy Executive Mayor exercises the powers and performs the duties of the Executive Mayor.

4. Conduct at Meetings

- 4.1 The Chairperson of the meeting shall:

- 4.1.1 Maintain order during meetings;
- 4.1.2 Ensure compliance with the Code of Conduct for Councillors during meetings;
- 4.1.3 Ensure that meetings are conducted in accordance with the rules;
- 4.1.4 Ensure that members conduct themselves in a dignified and orderly manner during meetings;
- 4.1.5 Ensure that members of the public and the media attending meetings are seated in areas designated for that purpose;
- 4.1.6 Ensure that members of the public and the media attending meetings conduct themselves in an orderly manner and obey any ruling made by the Chairperson of the meeting;
- 4.1.7 Ensure that any Councillor or member of the public or the media refusing to comply with the ruling of the Chairperson leaves the meeting; and
- 4.1.8 Ensure that, where applicable, the Whip of each political party represented in the Municipal Council as well as the Whip of Council maintains discipline during any meeting.

5. Interpretation of Rules

- 5.1 The ruling of the Chairperson with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding: Provided that the Chairperson may be required to provide reasons for a ruling not later than the next meeting.
- 5.2 Any ruling made by the Chairperson must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.
- 5.3 Interpretations and rulings made by the Chairperson shall be registered by the Municipal Manager and be part of the minutes of all meetings.

6. Meetings open to the Public

- 6.1 The Municipal Council shall conduct its business in an open manner and every meeting of the Council and Committees of Council, shall be open to the public: Provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of section 20 (1) (a) and (b) of the Municipal Systems Act.
- 6.2 The Council or a Committee of Council will convene In-Committee when discussing any of the following matters:
- 6.2.1 a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
 - 6.2.2 personal and private information of any employee of the municipality;
 - 6.2.3 reports of a non-disclosure nature addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
 - 6.2.4 disciplinary proceedings or proposed disciplinary proceedings against any employee;
 - 6.2.5 any matter that might not be disclosed in terms of legislation;
 - 6.2.6 consideration of the minutes of previous In-Committee discussions.

7. Council Meetings

- 7.1 The Council shall hold its ordinary meetings at least once a quarter.
- 7.2 The Speaker determines the date, time and venue of the meetings of the Council.

8. Special Council Meetings

- 8.1 The Council may hold special meetings as and when required.
- 8.2 The Speaker determines the date, time and venue of the special meetings of the Council.

- 8.3 The Speaker must, upon written request of a majority of the Councillors of the Municipality, call a special meeting of the Council, at a time set out in the request, provided that no such special meeting shall take place unless all Councillors were given at least forty-eight (48) hours' notice of such meeting.
- 8.4 In the event where the Speaker is unavailable, fails and/or refuses to call a special meeting when requested in accordance with Rule 8.3 above, the Municipal Manager, when requested in writing by the majority of the Councillors of the Municipality, must call the meeting.
- 8.5 In the absence or refusal by the Municipal Manager, the MEC for local government in the province may on good cause shown designate a person to call and chair the meeting.

9. Notice of Meetings and Service of Notice and Agenda

- 9.1 Whenever a meeting of the Municipal Council is called, the Municipal Manager must give notice of the meeting stipulating the time, date and venue of the meeting by placing a notice to this effect on a notice board situated at the main administrative office of the Municipality, by placing an advertisement in one (1) newspaper circulating in the Municipality and by placing it on social media platforms and the municipal website.
- 9.2 At least seven (7) days before any ordinary meeting of the Council and at least forty-eight (48) hours before any special meeting of the Council, a notice to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Speaker or the Municipal Manager as contemplated in 9.1 above, or shall be sent by electronic mail or hand delivered to an address provided by the Councillor as his or her official address or mail address. Delivery to this address will constitute proper notification of the meeting.

10. Waiting period before the commencement of the meeting

- 10.1 Councillors shall be seated fifteen (15) minutes before the commencement of the meeting or the arrival of the Chairperson.
- 10.2 For virtual meetings or sittings, Councillors shall be logged onto the virtual platform fifteen (15) minutes before the commencement of the meeting.

11. Quorum for Meetings

- 11.1 A quorum of the Council or a Committee of the Council will constitute a majority, fifty percent plus one (**50% + 1**) of all Councillors as determined by Section 20 of the Municipal Structures Act or Councillors who are members of that Committee, as the case may be.
- 11.2 In the event of no quorum for a meeting, the meeting must be suspended for no more than twenty (20) minutes, and if at the end of the said period there is still no quorum, the Speaker or Chairperson may suspend the meeting for a further fifteen (15) minutes and if on the expiry of that period, there is still no quorum, immediately adjourn the meeting to another date, time and/or venue.
- 11.3 In the absence of the Speaker or Chairperson of a Committee the Municipal Manager or a duly delegated person must perform the functions referred to in Rule 11.2.

12. Decisions and Voting

- 12.1 Subject to Rule 12.4 below, all matters will be decided on by a majority vote of Councillors present at the meeting.
- 12.2 Before a formal vote is taken on any matter before the Council, the Speaker shall cause the bells to be rung for a period of one (1) minute, after which, all doors shall be closed and no member or other person shall be allowed to enter or leave the chamber.
- 12.3 Before a formal vote is taken on any matter before the Council during a virtual meeting, the Speaker shall formally announce that a matter would be subjected

to a vote and no member or other person shall be allowed to enter or leave the virtual platform.

- 12.4 The following matters are determined by a decision taken by the majority of the members of the Council:-
- 12.4.1 the passing of by-laws;
 - 12.4.2 the approval of budgets;
 - 12.4.3 the imposition of rates and other taxes;
 - 12.4.4 the raising of loans; and
 - 12.4.5 the approval of the Integrated Development Plan.
- 12.5 If, on any matter, there is an equality of votes, the Speaker or the Chairperson of the Committee may exercise a casting vote in addition to his or her deliberative vote.
- 12.6 For those matters that are listed in Rule 12.4 above, there shall be no provision for a casting vote.
- 12.7 If the Speaker or Chairperson of a meeting asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations shall be adopted unopposed.
- 12.8 In the event that there is an opposing view from a member, the matter shall be subjected to a vote by show of hands.
- 12.9 During a virtual meeting Councillors shall be entitled to cast their votes either electronically or by voice. The Municipal Manager shall maintain a system that is capable of verifying the votes of members cast either electronically or by voice.
- 12.10 The Speaker must announce the decision of the Municipal Council taken in terms of Rules 12.6 or 12.7.
- 12.11 In the event, there is an opposing view and further seconded against the recommendation, a member may require that the matter shall be subjected to a secret ballot in line with the Municipal Structures Act, and also in conformity with Rule 12.2 and Rule 12.3 respectively.
- 12.12 In effecting a secret ballot, the Municipal Manager shall hand to each Councillor a ballot paper bearing the official mark or logo of the Council of the Buffalo City

Metropolitan Municipality, and having the alternates to be voted for clearly depicted thereon, substantially in accordance with the following:

Logo

Date.....

Proposal or motion to be voted for Councillor's vote (X) for or against

1.

2.

12.13 The Municipal Manager or his or her designated official shall collect all the ballot papers and count same in the presence of a representative from each party represented on the Council or Committee and present at such meeting.

12.14 The Municipal Manager or his or her designated official shall declare to the Chairperson, the result of the voting outcome.

12.15 For the purposes of a secret ballot during virtual meetings the Municipal Manager of the Council shall maintain a system or process that is capable of allowing the casting of a secret ballot and verifying such votes of members cast.

12.16 The Speaker or Chairperson shall thereupon declare the motion carried or lost, and it shall be entered in the minutes.

12.17 Only the number of members, and not the names of members voting for or against an item, is to be recorded in the minutes.

12.18 A member may abstain from voting without leaving the chamber.

12.19 A member may require that his or her dissent or abstention be recorded in the minutes of the meeting whether through an opposed vote or a secret ballot.

13. Count Out

If during any meeting the attention of the Speaker or Chairperson is called to the number of members present, he or she shall count them, and if found that there is no quorum present, the matter shall be dealt with in accordance with Rule 11 above.

14. Disclosure of Financial Interests

- 14.1 A Councillor is obliged to disclose any direct personal or private business interest that the Councillor, or the spouse, partner or business associate of that Councillor may have in any matter before the Council or any Committee.
- 14.2 A Councillor or municipal official may not participate in the proceedings of a meeting, if such a Councillor or municipal official is conflicted on any item/s on the agenda.
- 14.2.1 ;
- 14.2.2
- 14.3 A Councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the Municipality, must disclose full particulars of the benefit of which the Councillor is aware of, at the first meeting of the Council or Committee of the Council at which it is possible for the Councillor to make a disclosure.
- 14.4 This provision does not apply to an interest or benefit which a Councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the Municipality.

15. Attendance at meetings

- 15.1 A Councillor must attend and remain in attendance until the conclusion of the business of each meeting of the Municipal Council or of a Committee of which that Councillor is a member, except when leave of absence has been granted or that Councillor is required to withdraw from the meeting.
- 15.2 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 be proceeded with.

16. Leave of Absence

- 16.1 All applications for leave must be submitted at least forty-eight (48) hours for an ordinary meeting and at least twelve (12) hours for a special meeting, before the starting time of the meeting to the Speaker for approval. Should any other eventualities arise, it is incumbent on the individual Councillor to notify the Speaker.
- 16.2 Notwithstanding Rule 16.1 above, applications for leave of absence from meetings are deemed to have been granted if:
- 16.2.1 the Council or Executive Mayor delegated the relevant member to act elsewhere on behalf of the Council in a matter; or
 - 16.2.2 if the Council or Committee of the Council requests the member to leave the relevant meeting in circumstances envisaged in Rule 15 or the member recuses him/herself.
 - 16.2.3 The Speaker may, subject to Rules 16.1 and 16.2 above, grant leave of absence, in writing, to a member for the following reasons:
 - 16.2.3.1 Illness or any other valid reason making it impossible for the member to attend;
 - 16.2.3.2 Essential business or personal commitments, or personal circumstances of the member;
 - 16.2.3.3 When the member is not permitted to attend the meeting due to circumstances envisaged in Item 3(b) of the Code of Conduct for Councillors in Schedule 7 to the Municipal Structures Act as amended;
 - 16.2.3.4 Any other circumstances where the member is prevented from attending the meeting.
 - 16.2.4 The Speaker may not grant leave of absence, to a member for more than three (3) consecutive meetings.

17. Sanction for non-attendance

- 17.1 A member who is absent without leave from a meeting or who fails to remain in attendance at such meeting is in breach of Rule 15.
- 17.2 The Ethics Committee or the Multi-party Investigative Committee, must investigate and report to Council on any transgression contemplated in Rule 15.1 above.
- 17.3 The Committee must conduct its work according to the fixed procedures as outlined in the Code of Conduct.
- 17.4 If the Committee finds that a member breached Rule 15.1, the member may be fined an amount to be determined by the Council from time to time or be sanctioned as detailed in the Code of Conduct.

18. Members of Council attending Committee meetings of which they are not members

- 18.1 Members of the Municipal Council may attend the meeting of any Committee that they are not a member of but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings, including the In-Committee part of the meeting.
- 18.2 The provisions of Rule 18.1 will not be applicable to the Municipal Public Accounts Committee, the Ethics Committee, Ad hoc Committees and the Mayoral Committee where the meeting has been closed in line with Section 20 (1) and 20 (3) of the Municipal Systems Act, except where a Councillor has been specifically requested to attend the meeting and the request for attendance will specify the matters expected to be addressed in the meeting.
- 18.3 Any member of the Mayoral Committee requested to attend a Committee meeting may instruct the Municipal Manager or a senior manager to accompany him or her to the meeting but may not instruct such official to appear and address the meeting on his or her behalf.

19. Agenda

- 19.1 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.
- 19.2 The Speaker must prepare and approve the agenda for a meeting, having regard to the following: -
- 19.2.1 The Executive Mayor is entitled to receive reports from Section 80 Committees and to forward these reports to the council as decisions of the Executive Mayor taken with the Mayoral Committee under delegated authority and/or when matters cannot be disposed of by the Executive Mayor in terms of the Executive Mayor's delegated powers;
 - 19.2.2 Reports from the Municipal Public Accounts Committee must be tabled in the next meeting of the Municipal Council; and
 - 19.2.3 The specific purpose for which a Special meeting of Council has been called for or convened.

20. Business at Council Meetings

- 20.1 The order of business at every ordinary meeting of the Council, shall be as follows:
- (a) Opening
 - (b) Moment of reflection
 - (c) Notice of the meeting
 - (d) Applications for leave of absence
 - (e) Acceptance or adoption of the agenda
 - (f) Declaration of interest
 - (g) Communication by the Speaker
 - (h) Communication by the Municipal Manager
 - (i) Announcements

- (j) Deputations or Presentations
- (k) Confirmation of minutes from previous meetings
- (l) Outstanding matters
- (m) Reports from the Speaker
- (n) Reports of the Executive Mayor, under the sections: recommendations to the Council, decisions under delegated authority and decisions of the Executive Mayor taken with the Mayoral Committee
- (o) Reports from Municipal Public Accounts Committee
- (p) Report from the Audit Committee
- (q) Monthly Activities
- (r) Input by the Traditional Leader
- (s) Reports for noting
- (t) Reports for consideration
- (u) Notice of Motion
- (v) In-Committee Reports
- (w) Questions

20.2 The order of business at every Mayoral Committee meeting of the Council, shall be as follows:

- (a) Opening: Moment of reflection
- (b) Notice of the meeting
- (c) Applications for leave of absence
- (d) Acceptance or adoption of the agenda
- (e) Declaration of interest
- (f) Announcements
- (g) Deputation or Presentations
- (h) Confirmation of minutes from previous meetings
- (i) Outstanding matters
- (j) Reports from Portfolio Committees
- (k) Reports from Audit Committee
- (l) Reports for noting

- (m) Reports for consideration
- (n) In-Committee reports

20.3 The order of business at Committee meetings shall be as follows:

- (a) Opening: Moment of reflection
- (b) Notice of the meeting
- (c) Applications for leave of absence
- (d) Acceptance or adoption of the agenda
- (e) Declaration of interest
- (f) Announcements
- (g) Deputations or Presentations
- (h) Confirmation of minutes from previous meetings
- (i) Outstanding matters
- (j) Reports for noting
- (k) Reports for consideration
- (l) In-Committee reports
- (m) Notice of Motion

21. Motions

- 21.1 No matter shall be brought before the Council or a Committee by any member of the Council except upon a notice of motion, which shall be in writing and signed by the member giving the notice as well as the member seconding it: Provided that a person who has a personal electronic mail address from where he or she can be identified by the Municipal Manager, can submit such motion by electronic mail.
- 21.2 Any notice of motion shall be submitted to the Municipal Manager before 12:00, ten (10) days prior to the meeting of the Council or Committee.
- 21.3 A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated, except where such member

authorised another member to take charge of the motion after having timeously notified the Speaker or Chairperson.

- 21.4 A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.
- 21.5 When a member introduces a motion which is intended to rescind or amend a resolution passed by the Council in the preceding three months or which has the purpose as a motion that was not supported within the three preceding months shall not be entertained.
- 21.6 When dealing with motions the motion shall be read out together with the number thereof and the name of the mover.
- 21.7 The Speaker or Chairperson shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the opposed motions shall be called in accordance with the order of the agenda.
- 21.8 All notices of motion shall be dated and numbered as received by the Municipal Manager and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motions shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.
- 21.9 No member shall have more than one motion on the same agenda.
- 21.10 The mover may withdraw a motion or amendment.
- 21.11 The Speaker or Chairperson may call upon any mover of an amendment to a motion to reduce the same to writing, and, after signing it, to hand it to the Municipal Manager, which shall be read by the mover for the meeting to either adopt or reject such amendment.

22. Motion without Notice

- 22.1 A Councillor may direct the attention of the Council to any matter which does not appear on the Agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon, moving that notice be dispensed with and that it be considered.

- 22.2 Unless the majority of Councillors object that the notice of the motion be dispensed with, the Councillor may move the motion as if notice has been given in terms of Rule 21.

23. Rescission of resolution

- 23.1 If a member wishes to give notice of his or her intention to move the rescission or alteration of a resolution, or part thereof, then –

- 23.1.1 the member shall deliver a written notice of motion to the Municipal Manager at least seven (7) days before the meeting, which shall be –

- (i) signed and dated by the said member; and
- (ii) state at which meeting of the Council it will be introduced.

- 23.1.2 In addition to the requirements of sub-rule 23.1.1 the notice of motion shall state that –

- (i) the member will move that the stated resolution be rescinded or altered, as the case may be; and
- (ii) in the case of an intended alteration, the exact alteration desired shall be stipulated.

- 23.2 If a Committee has resolved to recommend to the Council that a resolution or part thereof be rescinded or altered, then –

- 23.2.1 notification to move such rescission or alteration shall be given by including a recommendation to this effect in a report of the Committee to Council;

- 23.2.2 the Municipal Manager shall send a copy of such report and details of the meeting at which it will be considered to each member –

- (i) at the address furnished by the member for delivery of notices and documents; and
- (ii) at least twenty-four (24) hours before such meeting.

24. Questions

- 24.1 Any member may submit a question requiring a written reply from any political office bearer or the Municipal Manager, concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers, provided that a written notice of such a question has been submitted to the Speaker or Chairperson and the Municipal Manager at least 10 (ten) days prior to the meeting and the Political Office Bearer and the Municipal Manager shall ensure that the member receive a written reply at the meeting.
- 24.2 If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, he or she may, request a follow up question.
- 24.3 All questions duly given notice of, and all responses submitted shall be recorded in the minutes of the meeting.

25. Adjourned Meetings

The Council or a Committee may adjourn a meeting to any date or hour, but no business shall be transacted at any adjourned meeting, except such as was set out in the notice for the meeting of which it is an adjournment.

26. Notice of Adjourned Meeting

When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of the Council or Committee, specifying the time, date and place of such adjourned meeting.

27. Adjournment during proceedings

- 27.1 A Whip may at any time, except while a vote is being taken, move that the council adjourns for a caucus meeting.
- 27.2 Such motion shall be seconded but need not to be placed in writing.
- 27.3 The mover may speak to the motion for three (3) minutes, but the seconder shall not speak beyond formally seconding the motion.
- 27.4 The Speaker shall decide whether or not to allow the request for a caucus meeting. In this regard-
- 27.4.1 if the request is refused by the Speaker then he/she shall give reasons for refusing such request, the set reasons shall be entered in the minutes.
 - 27.4.2 the ruling of the Speaker on the request will be final and shall not be open for discussion;
 - 27.4.3 if the request of a caucus meeting is approved by the Speaker then the Council shall adjourn immediately: Provided that the Speaker may direct that a meeting proceeds first to dispose of other business;
 - 27.4.4 the Speaker shall impose a time limit for the proposed caucus meeting, such time limit to include having regard to the convening of caucuses on virtual platforms;
 - 27.4.5 the caucus requesting the adjournment shall gather at another venue or an alternative virtual platform;
 - 27.4.6 if the caucus members have not taken their seats at the time when the council is required to reconvene then the Council shall proceed with its normal business, provided that a quorum of members is present; and
 - 27.4.7 if a quorum of members is not present, then the meeting shall adjourn for ten (10) minutes and where the caucus members do not return within ten minutes the meeting will be closed by the Speaker and the reasons for such closure will be stated in the minutes.

28. Minutes to be kept and confirmation thereof

- 28.1 Records of the proceedings of all Council and Committee meetings shall be electronically or otherwise recorded and be kept for that purpose by the Municipal Manager. The Municipal Manager shall be responsible for the correctness thereof and the minutes of every meeting shall be confirmed at the next ordinary meeting.
- 28.2 At every ordinary meeting, the minutes of the previous meeting/s shall be taken as read, having circulated in compliance with the standing rules and orders governing the duration intervals in distributing an agenda and minutes of Council and Committees of Council.
- 28.3 Minutes of the proceedings shall, once confirmed, be signed at the next ensuing ordinary meeting by the Speaker or Chairperson and shall be bound and kept safe.
- 28.4 The Municipal Manager must ensure that the minutes reflect the names of the members that attended the meeting, those that are absent and those that have been granted leave of absence.
- 28.5 The provisions of Rule 28.1 are not applicable in matters of a particular meeting due to the sensitivity, confidentiality or otherwise of a subject matter and provided the final resolution or recommendation is duly recorded in the minutes.

29. No discussion on minutes under confirmation of minutes

No motion or discussion shall be allowed upon the confirmation of the minutes, except as to its accuracy.

30. Inspection of Minute Books by Councillors

Every member of the Council shall be granted access to the approved minutes of every Council or Committee meeting.

31. Precedence of the Speaker

- 31.1 When a Councillor is speaking other Councillors and those in attendance shall be seated but all times address their speech to the Speaker or Chairperson.
- 31.2 Whenever the Speaker or Chairperson speaks, any member then speaking or offering to speak must be silent in order for the Speaker to be audible and speak without interruption.

32. Relevance

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

33. Councillor to speak once only

- 33.1 Except otherwise provided for in these rules, no speaker shall speak more than once on any recommendation, motion or proposal, provided that the Executive Mayor or a member who tabled the item may reply in conclusion of a debate but shall confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.
- 33.2 The provisions of Rule 33.1 will only be applicable to the meetings of Council.

34. Debate Management

- 34.1 At least twenty-four (24) hours prior to a meeting of Council, the Party Whips, must provide to the Whip of Council a list showing:
- 34.1.1 which items on the agenda for that meeting are to be debated and for which written amendment proposals should be submitted;
 - 34.1.2 the total time to be allocated to the debate of each such item, provided that, the maximum time allocated for debate on each item on

the agenda will be up to thirty (30) minutes subject to review in exceptional circumstances. The Speaker and the Whip of Council can reduce and increase the time allocated to discuss an item in accordance with the comprehensiveness and contents thereof.

- 34.2 Based on the list drawn up in terms of Rule 34.1, each party must deliver to the Whip of Council, before the close of the business on the day preceding the Council meeting, a list of the members who will speak on an item, and the time allocated to each member, provided that the total time allocated to all such members of a party shall not exceed the time allocated to that party in terms of Rule 34.7.
- 34.3 On receipt of the lists referred to in Rule 34.2, the Speaker must, if he/she wishes to deviate from the provisions of those lists, convey his/her decision in this regard to the Whip of Council within a reasonable time prior to the Council meeting.
- 34.4 All matters before the Council not listed in Rule 34.2 must individually be put to the meeting for adoption without debate, before the matters listed in Rule 34.2 are considered.
- 34.5 At the discretion of the Speaker, a time of five (5) minutes of response may be allowed to the Mayor or relevant Member of the Mayoral Committee or relevant Committee, or the mover of a motion, to conclude the debate on an item debated in terms of Rule 34.2.
- 34.6 Notwithstanding any matter contained in Rules 34.1 to 34.5, the Speaker may not, when exercising his discretion in terms of these rules, prejudice any party in respect of time allocated in this regard.
- 34.7 All parties represented in Council have a right to be allocated time to speak on each item on the agenda relative to their representation in Council, subject to the provisions of Rule 34.2.

35. Disorderly Conduct

- 35.1 If at any meeting a Councillor/s:-

- 35.1.1 conducts himself or herself in an improper fashion; or
 - 35.1.2 behaves in an unseemly manner; or
 - 35.1.3 persistently obstructs business to be carried out; or
 - 35.1.4 challenges the ruling of the Speaker or Chairperson on any point of order; or
 - 35.1.5 declines to withdraw an expression when required to do so by the Chairperson; or
 - 35.1.6 indulges in tedious repetition or unbecoming language; or
 - 35.1.7 commits any breach of these rules,
- the chairperson shall direct such Councillor/s to conduct himself or herself properly and, if speaking, to discontinue his or her speech and resume his or her seat, if, he or she was standing.
- 35.2 In the event of persistent disregard of the directions of the Chairperson, the Chairperson shall direct such Councillor/s to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him or her to be ejected therefrom.
- 35.3 The Chairperson may exclude from a meeting, for such period of time during the meeting as he or she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair, provided that a formal process will be initiated after the conclusion of the meeting.
- 35.4 Where a Councillor refuses to retire or in the event of more than one Councillor having to be ejected from the meeting, and such Councillor's refusal to leave the meeting, the Chairperson shall request the Protection Services 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 fifteen (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 or been ejected, the meeting may be adjourned for another ten (10) minutes to address the situation. The Chairperson

may rule that after the second adjournment the meeting will re-convene at another venue and any Councillor(s) ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Protection Services will ensure that such Councillor(s) do or does not enter such an alternative venue.

36. Obstruction by Person/s other than Councillors

Any person/s, 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 Chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person/s refuses to leave, the Protection Services will be responsible to remove such person/s from the meeting. The Chairperson may exclude such person/s from further admittance to the Council Chamber or the meeting venue for such period as it may be deemed fit.

37. Points of Order and Personal Explanation

- 37.1 A member may raise a point of order at any time during the meeting, by stating that he or she is rising on a point of order.
- 37.2 A point of order must be confined only to a matter of procedure or practice or a matter relating to conduct and must be raised immediately when the alleged breach of order occurs.
- 37.3 The member raising the point of order must commence by quoting the exact rule or at least the principle or subject matter upon which the point of order is based.
- 37.4 If the member does not do so, the Chairperson may insist on him or her doing so, and if he or she fails or does not adequately do so, the Chairperson may

summarily rule that it does not amount to a point of order or that the matter is out of order.

- 37.5 The Chairperson may allow members to address the Chairperson on a point of order that has been raised.
- 37.6 The Chairperson must give a ruling and may give his or her ruling or decision on the point of order immediately or defer the decision to the earliest opportunity later during the meeting by way of a considered ruling.
- 37.7 No point of order may be raised in response to a considered ruling in terms of Rule 37.6.
- 37.8 No other member may raise another point of order before the Chairperson has ruled on the first point of order.
- 37.9 No member may raise a point of order again or a similar point of order, if the Chairperson has ruled that it is not a point of order or that the matter is out of order.
- 37.10 Members may not disrupt proceedings by raising points of order that do not comply with this rule.
- 37.11 When a point of order is raised during debate, the member called to order must resume his or her seat, and after the point of order has been stated to the Chairperson by the member raising it, the member raising the point of order must likewise immediately resume his or her seat when he or she has concluded his or her submission or if the Chairperson asks him or her to do so.
- 37.12 The Chairperson's ruling on a point of order is final and binding and may not be challenged or questioned in the meeting.
- 37.13 A member who is aggrieved by a Chairperson's ruling on a point of order may subsequently in writing to the Speaker request that the principle or subject matter of the ruling be referred to the Rules Committee.
- 37.14 The Rules Committee may deal with the referral as it deems fit: Provided that it must confine itself to the principle underlying or subject matter of the ruling concerned.

38. Petitions to be written, typed or printed

Petitions, which must be clearly written, typed or printed, must be signed by the petitioner/s and must be couched in respectful language and presented to the office of the Speaker who shall, bring the matter before the Petitions Committee.

39. Reception of Deputations

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

40. Terms of Reference of AD HOC-Committees

Upon the appointment of any ad hoc-committee, the Council shall specifically determine the terms of reference of such Ad hoc-committee and shall fix the membership and quorum of such Ad hoc-committee.

41. Ward Committees

The Municipal Council must by resolution determine the rules of procedure for the election of Ward Committees, the procedures at meetings, the reporting rules, and the rendering of secretarial services to these Committees.

42. Council may Increase or Restrict Powers

With the exception of the Mayoral Committee whose functions are determined in terms of the Municipal Structures Act and the Committees whose functions and powers are determined in terms of Section 80 of the Municipal Structures Act by the Executive Mayor, the council may at any time extend, withdraw or modify the duties and powers of any Committee appointed in terms of Section 79 of the Municipal Structures Act.

43. Information to be obtained

Members of the Council who desire to obtain information with regard to the administrative work of the council, which is not accessible to the general public, should address their enquiries to the Municipal Manager.

44. Information to the press or other media: In-Committee discussions

- 44.1 Only the Executive Mayor, or in his or her absence the Deputy Executive Mayor, the Speaker and the Municipal Manager are specifically authorized to, on application being made to him or her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the municipality.
- 44.2 In view of the Municipal Manager, the Speaker or the Executive Mayor being the authorized channel through which the media may receive information and reports, members of the council are therefore expected to refrain from sending to the media, documents or information supplied to them for their consideration by the council or any committee: Provided that this clause shall not be construed as abrogating a Councilor's individual constitutional right to make press statements which reflect his or her own personal or political view and not that of the council: Provided further however, that no discussion that took place in-committee may be conveyed to the public or the press except by the Executive Mayor, Speaker or Municipal Manager.

- 44.3 Chairpersons of Committees must liaise with the Executive Mayor, Speaker and Municipal Manager for the publication of any information relating to a committee and the Municipal Manager shall arrange, if approved, the publication of the relevant information.
- 44.4 Any member 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 contrary to Rules 44.1, 44.2 and 44.3 above, shall be guilty of an offence.
- 44.5 The Council may exclude for such period as it may determine, any member who in its opinion is guilty of an offence in terms of Rule 44.4: Provided that such exclusion shall not equal or exceed such period as would result in the vacation of such member's office in terms of item 4(2) of the Code of Conduct for Councillors.
- 44.6 If a member attends a meeting in contravention of a decision in terms of Rule 44.5 to exclude such member, the Speaker / Chairperson may call upon the Protection Services to remove such member and to take steps to ensure that such member does not return to the meeting.

45. Legal Defence and Indemnification of Councillors and Officers of the Council

- 45.1 The Council may determine the circumstances in which it will undertake the defence of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, a Councillor or an official may have against any person, body, organization or institution arising from the Councillor's official capacity as a Councillor of the Municipality.
- 45.2 Section 109A of the Municipal Systems Act, 2000 shall be followed in granting legal representation for Councillors who are faced with litigation as a result of executing municipal functions.

46. Speaker May Refer Matters for Legal Advice

The Speaker shall be entitled to refer any matter pertaining to the Council and its proceedings, for legal opinion to the Municipal Manager.

47. Dress Code

All members are to dress in a manner befitting the dignity and decorum of the Council and Committees, as may further be provided for in guidelines approved by the Rules Committee: Provided that no party symbols may be displayed.

48. Determination of language policy

- 48.1 The Council must after the local government elections review the language policy of the municipality in terms of Rule 48.2 and, where such policy does not exist, instruct the Municipal Manager to develop a draft policy and submit it to the Council.
- 48.2 The Council may at any time review and amend its language policy.
- 48.3 The Council must review its language policy upon receipt of a written request demanding such a review signed by at least one-third of the Councillors.

49. Activities Prohibited within the Council Chamber or a Meeting Venue and the Use of the Council Chamber by Other Persons or Institutions

- 49.1 The decorum of the council chamber as the official seat of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.
- 49.2 The following activities are strictly prohibited from being conducted within the confines of the council chamber or a meeting venue of the council or its Committees by any person:

49.2.1 Having a cellular telephone that is not on silent mode and speaking on a cellular phone during the meeting;

49.2.2 Consuming any food or drink in his or her possession, excluding water provided at the meeting; and

49.2.3 bring weapons of any kind or dangerous or threatening articles or objects or replicas of any such articles or objects into the Chamber or meeting venue, excluding cultural objects which are not weapons, with the prior approval of the Speaker.

50. Sanctions and Offences

Any person who willfully contravenes any provision of these rules shall be guilty of an offence and shall be subject to the sanctions as provided for and imposed by the Council in terms of the Code of Conduct.

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Tel. (040) 635-0052.