

# PIXLEY ka SEME DISTRICT MUNICIPALITY

## STANDING RULES OF ORDER

### PART 1

#### INTRODUCTION

#### **DEFINITIONS**

1 In these Standing Rules of Order, unless inconsistent with the context:

“Act “ means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended;

“ Chairperson” where it is used in Part 11 and Part 111, means the chairperson of a committee ;

“ Committee “ means of the Council established in terms of Chapter 4, Part 1 (Section 42-53), Part 2 (Section 60), Part 3 (Section 71), Part 4 (Section 72-78), Part 5 (Section 79 and 80) of the Act;

“ Council “ means the Pixley ka Seme District Municipality;

“ Executive Mayor “ means an executive mayor elected in terms of Section 55 of the Act

“ Financial Year “ means the financial year of the Council from 1 July of any year up to 30 June of the following year:

“ Meeting” where it is used in Part 11 and Part 111, means a meeting of the Council and a committee respectively;

“ Proposal “ means any recommendation in a report but does not include a motion;

“ Municipal Manager” means the official appointed as such by the Council or any official acting in that capacity:

“ Speaker “ where it is used in Part 11 and Part 111, means the chairperson of the Council;

and the singular also denotes the plural and vice versa and the male gender the female gender and vice versa, and any word or expression to which a meaning has been assigned in the Act, shall have that meaning.

## **PART 11**

### **MEETINGS OF THE COUNCIL**

1. (a) The Speaker of the Council decides where and when the Council meet subject to Section 18(2) of the Act.
1. (b) All meetings of the Council shall commence at the time specified in the notice.

### **MEETINGS OPEN TO THE PUBLIC AND THE PRESS**

2. Meetings of the Council are open to the public and the press: Provided that the public and the press may be excluded from any or all meetings or any part of a meeting subject to section 28.

### **NOTICE OF MEETINGS**

3. (1) Written notice of at least 48 hours must be given of every meeting to each member..
- 3 (2) The Municipal Manager shall in terms of sub-section (1) and subject to the proviso contained therein, give notice of each meeting in a notice stipulating the date, time and venue of the meeting and an agenda for the meeting, including all available reports necessary for consideration at that meeting -
  3. (2)(a) to the Municipal Manager/Municipal Secretary of the local body for delivery to the member/s of such local body by mutual arrangement;
  - (b) to Proportionally Elected Members at the last known address of that member.
3. (3) No matters other than those specified in the agenda shall be dealt with at a meeting.
3. (4) The accidental failure to deliver notices in terms of sub-section (2) to a member or the late receipt of such notice shall not affect the validity of the meeting in question.
3. (5) In exceptional circumstances the Speaker may convene a Special Meeting, in which case the notice of 48 hours shall not apply.

### **ATTENDANCE REGISTER**

4. Every member present at a meeting shall sign his name in the attendance register which shall be made available by the Municipal Manager and that signature shall be sufficient proof of his attendance.

## **QUORUM FOR MEETINGS**

5. (1) If, subject to the provisions of Section 30(1) of the Act , no quorum as as contemplated in that section, is present twenty minutes after the time at which the meeting should have commenced, the meeting shall not take place unless the members present agree to wait for a further period of not more than ten minutes to obtain a quorum.
5. (2) If, in the circumstances contemplated in sub-section (1), there is no quorum the names of the councillors present shall be recorded in the minutes of the meeting and the Speaker shall declare the meeting adjourned.
5. (3) If, in the circumstances contemplated in sub-section (1), there is no quorum the business of the proposed meeting shall be held over until the next ordinary meeting unless a special meeting is convened before such meeting to dispose of the business.

## **MEETING DURING MEETINGS**

6. (1) Whenever there is no quorum during a Council meeting, the Speaker shall adjourn the proceedings of the Council for a period of five minutes and if after at the end of that period there is still no quorum, the Speaker shall declare the meeting closed.
6. (2) The provisions of section 5 (2) shall apply *mutatis mutandis to any* unfinished business of a meeting as contemplated in sub-section (1).

## **ORDER OF BUSINESS**

7. (1) The order of business at an ordinary meeting shall be as follows:
  7. (1)(a) Opening prayer by Speaker or nominee;
  7. (1)(b) Applications for leave of absence;
  7. (1)(c) Statements and communications by the Speaker;
  7. (1)(d) Confirmation of minutes of previous meeting;
  7. (1)(e) Statutory appointments and elections;
  7. (1)(f) Questions of which notice has been given;
  7. (1)(g) Matters held over from the previous meeting including matters to be reconsidered in terms of the Act, but not motions held over;
  7. (1)(h) Reports of the Mayoral Committee;

- 7. (1)(i) Petitions
- 7. (1)(j) Delegations;
- 7. (1)(k) Motions held over;
- 7. (1)(l) New motions;
- 7. (1)(m) Communications by the Executive Mayor;
- 7. (2)(a) Notwithstanding the provisions of sub-section (1) and Section 21, a member may at the end of the proceedings on any item in the agenda propose that precedence be given to any other item on the agenda and briefly state the reasons for such proposal.
- 7. (2)(b) If such proposal be seconded, it shall be put to the vote without any debate.
- 7. (3) The Speaker may, if he sees fit, give precedence to any item on the agenda.

#### **LEAVE OF ABSENCE**

- 8. (1) Application for leave of absence from any meeting may -
  - 8. (1)(a) be made by the member concerned or by another member on his behalf by submission of a written application to the Municipal Manager prior to or during the meeting in question;
  - 8. (1)(b) be made orally by any member at a particular meeting on behalf of a member who is absent during the consideration of the item referred to in section 7 (1)(b) stating the reasons for such absence.
  - 8. (1)(c) be made orally at the preceding meeting, in which case it shall be recorded in the minutes accordingly.

#### **STATEMENTS AND COMMUNICATIONS BY THE SPEAKER AND EXECUTIVE MAYOR**

- 9 The Speaker and Executive Mayor may at any meeting without notice make any statement or read any communication under the item referred to in section 7. (1)(c) and 7. (1)(m). No discussion shall be allowed on such statements or communications.

#### **MINUTES**

- 10. (1) Minutes of the proceedings of every meeting shall be drawn up and printed or typed and sent to each member and shall, where possible, be submitted for confirmation at the next ordinary meeting by the Speaker: Provided that

the minutes of a meeting from which the public and press were excluded shall be kept separate from the other minutes and be confirmed at a meeting from which the public and press are excluded

10. (2) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each member at least forty-eight hours prior to the meeting concerned: Provided that the accidental failure to provide minutes or the late provision thereof shall not affect the application of this subsection.
10. (3) No proposal or discussion shall be allowed on the minutes, except as to their accuracy.
10. (4) Subject to the provisions of section 29(9), the minutes of a meeting shall be open to inspection by the public and the press: Provided that the minutes of a meeting or part of a meeting from which the public and press were excluded, shall not be open to inspection.
10. (5) The Municipal Manager shall be responsible for the safekeeping of the minutes.

#### **SPEAKER AND ACTING SPEAKER**

11. (1) A Speaker is elected in terms of Section 36 of the Act and holds office subject to Section 38 of the Act.
11. (2) The Speaker vacates office during a term in accordance with Section 39 of the Act.
11. (3) If the Speaker is absent, an Acting Speaker shall be elected in terms of Section 41 of the Act.
11. (4) For the purposes of electing a Speaker, the Chairperson shall call for nominations from the meeting.
11. (5) Each nomination shall be in writing and be signed by the proposer and seconder.
11. (6) Anyone nominated in this manner, may before the ballot takes place, decline the nomination orally, following which such nomination shall fall away.
11. (7) When a ballot takes place, members are allowed one minute to take their seats and after the announcement no further nominations can be accepted.
11. (8) A member may only vote for one candidate.
11. (9) The member receiving half plus one of the votes of the members present shall be declared duly elected.

## QUESTIONS

12. (1)(a) At an ordinary meeting a question about the general activities of the Council which does not arise from or bear relevance to any item on the agenda, may be asked without comment.
12. (1)(b) A member must submit written notice of such question to the Municipal Manager at least fourteen days before the meeting and he must provide a copy thereof to the Speaker of the Council. The Speaker of the Council may, if necessary, refer the question to the Executive Mayor.
12. (1)(c) All such questions deemed in order by the Speaker taking the provisions of sub-section (5) into consideration, shall be placed in the order in which they were received and shall be answered by the Executive Mayor or, on behalf of him, by his assignee: Provided that such answers may be tabled.
12. (1)(d) A member putting a question in terms of this sub-section shall be entitled to receive a written answer in due course.
12. (2)(a) When an item on the agenda of the Mayoral Committee or other committee or a report of an official of the Council is considered at any meeting, any member may put a question arising directly from or relating to such item without comment: Provided that such question, in writing and signed by the questioner, be submitted to the Municipal Manager at least forty eight hours prior to the commencement of the sitting for the day: Provided further that Saturdays, Sundays and public holidays shall be excluded for the calculation of this period.
12. (2)(b) As soon as the item comes under discussion, the Speaker shall call upon the a member putting a question in terms of paragraph (a) to put the question in the order in which notice was given thereof, and such question shall, if possible, be answered immediately or if the required information is not immediately available, the answer shall be provided in writing at the next ordinary meeting.
12. (3)(a) A member may at any meeting immediately after an item on the agenda comes under discussion, request that the item be explained before it is debated, providing that a written request setting out the points requiring explanation be submitted to the Municipal Manager at least twenty-four hours prior to the commencement of the sitting for the day, and the second proviso to sub-section (2)(a) shall apply *mutatis mutandis*.
12. (3)(b) Every such request shall be responded to by the Executive Mayor or his assignee or in the case of a motion, by the mover thereof, before the debate on the item commences.
12. (4) Notwithstanding the provisions of sub-section (2) any member may without notice or comment put a question arising directly from or relating to an item on the agenda to the Chairperson of the Council, the Executive Mayor, the

mover of a motion or any member taking part in the debate, and it may be answered forthwith.

12. (5)(a) At any meeting questions of urgent public interest, in respect of which the Speaker shall decide whether it is of such interest, and questions on matters of urgency, adopted in terms of section 3(3), may be put to the Speaker or Executive Mayor without comment.
12. (5)(b) All such questions deemed in order by the Speaker, taking the provisions of sub-section (6) into consideration, shall be put to the Executive Mayor and shall be answered by him or on behalf of him at any stage of the consideration of the agenda.
12. (6) The Speaker, whose ruling is final and not open to discussion, may reject any question referred to in sub-section (1) , (2) or (3) if the subject thereof does not, in his opinion, fall within the jurisdiction and decision-making powers of the Council, or is otherwise out of order or is unnecessarily lengthy.
12. (7) If a member, after his question has been answered, is of the opinion that the answer to his question requires further explanation, he may, with the consent of the Speaker, request a further answer and no supplementary questions may be put, except with the permission of the Speaker.
12. (8) No question on a matter dealt with or to be dealt with by the Mayoral Committee or a committee of the Council in the absence of the press and the public may be put at a meeting open to the public or the press.
12. (9) For the application of these Standing Rules of Order the putting of a question and the answer thereto shall not be regarded as a speech.

#### **MATTERS TO BE RECONSIDERED**

13. Matters to be reconsidered shall be reported to the next ordinary meeting by the Municipal Manager unless a special meeting is convened for this purpose.

#### **REPORTS BY THE MAYORAL COMMITTEE**

14. (1) Subject to the provisions of sub-section (10) the report of the Mayoral Committee shall be submitted to each ordinary meeting of the Council and shall be divided into two parts with the first part consisting of items in respect of which the committee does not have delegated authority and the second part which shall be submitted for noting and be deemed resolutions of the Council.
14. (2)(a) Unless an item is submitted for information, each item contained in the first part of the report shall, subject to the provisions of sub-section (5),

- include a recommendation which may be adopted by the Council.
14. (2)(b) A report submitted solely for information, may be debated but it shall only be for noting
14. (3) Each recommendation in the first part of the report of the committee shall be deemed a recommendation by the Executive Mayor.
14. (4)(a) The Executive Mayor or his assignee shall present the recommendations in the first part of the committees report point by point, or as a whole, unless he deems it expedient to change the order.
14. (4)(b) If an item presented in terms of paragraph (a) is followed by silence it shall be deemed to be adopted unanimously.
14. (5) The Executive Mayor may ,with the consent of the Council, request that any item on the agenda of a meeting emanating from his committee be referred back to his committee should new information have come to his attention which could possibly have affected the recommendation of the committee.
14. (6) The response by the Executive Mayor, or by another member of the committee who was requested by the Mayor to act on his behalf, to a debate on any item in the first part of the report of that committee, shall conclude the discussion: Provided that the Speaker may refuse the Executive Mayor the opportunity to speak if he is of the opinion that the item in question has not been debated sufficiently and that there are other members wishing to take part in the debate.
14. (7)(a) After the business in the first part of the report of the Mayoral Committee has been disposed of, the Speaker may allow an opportunity for discussion of matters in the delegated part of the agenda which were intended for information: Provided that during such discussion –
14. (7)(a)(i) no proposal be made other than a proposal that the relevant committee reconsider the matter and then only if the resolution has not yet been implemented;
14. (7)(a)(ii) a member may request that his dissent with regard to a resolution in the second part of the report of the Mayoral Committee be recorded in the minutes;
14. (7)(a)(iii) if the resolution has not yet been implemented, the Council may in exceptional circumstances issue the instruction that the resolution not be implemented.
14. (8)(a) If the Executive Mayor is of the opinion that it is a matter of urgency he may submit a report on a matter within the terms of reference of his committee to a meeting.



14. (8)(b) The Executive Mayor may speak for not more than five minutes on the reasons for the urgency of the report where after a decision shall be made about the nature of the urgency without further debate.

### **PETITIONS**

15. (1) A member may submit a petition and briefly state the purpose thereof.
15. (2) Such petition shall be addressed to the Municipal Manager who in consultation with the Speaker shall refer it to ..... or the committee within whose terms of reference it falls or, if there is no such committee, to the Mayoral Committee

### **DEPUTATIONS**

16. (1) A deputation wishing to interview the Council, shall submit a memorandum to the Municipal Manager who, with the concurrence of the Speaker, shall submit it to the Mayoral Committee, and the Committee or the Speaker, as the case may be, may, if it is deemed expedient, grant the deputation an interview and deal with the matter raised in the memorandum.
16. (2) The Mayoral Committee, or the Speaker, may, if they are of the opinion that the matter raised should be brought before the Council report to the Council accordingly and should the Council so decide, the deputation shall be notified that it may appear before the Council on a specific occasion.
16. (3) The Speaker of the Council may allow a deputation to appear before the Council or the committee concerned without submitting a memorandum if he is of the opinion that the matter is urgent.
16. (4) A deputation may not consist of more than five members.
16. (5) Except with the consent of the Council/Mayoral Committee, as the case may be, or in reply to a question, only one member of a deputation may address the Council.
16. (6) A member of a deputation may not address the Council or Mayoral Committee, as the case may be, for more than five minutes, except with the consent of the Speaker, but may briefly reply to a question from a member.

### **NOTICE OF MOTION**

17. (1) Every notice of intention to introduce a motion at a meeting shall be in writing, signed and dated by the member submitting it, and shall specify in full the proposed motion and shall indicate the date of the

meeting at which it is intended to be introduced and shall be received by the Municipal Manager at least twenty one clear days prior to the date of such meeting.

17. (2) A notice of motion shall only deal with one matter relating to the business of the Council or the region in respect of which the Council has final decision-making powers.
17. (3) A member may not give notice of a motion in regard to any matter falling within the terms of reference of any committee or Mayoral Committee, if such committee has been appointed, unless such motion has previously been submitted to that committee or it is in the form of a reference to such committee for consideration and report.
17. (4) On receiving such notice of motion the Municipal Manager shall ,if the notice meets the requirements and has been received in accordance with sub-section (1) have it recorded in a book kept specifically for that purpose which shall be open to inspection by members, and shall, subject to the provisions of section 18, place it on the agenda of the meeting referred to in such notice.
17. (5) All notices of motion shall be dated and numbered in the order in which they were received and shall, subject to the provisions of section 18, be included in the agenda by the Municipal Manager in which they were received.
17. (6) A notice of motion which –
  17. (6)(a) is intended to rescind or amend a resolution passed by the Council within the preceding three months; or
  17. (6)(b) has the same purport as a motion which has been rejected within the preceding three months;shall only be placed on the agenda if the notice of motion has been signed by at least five members in addition to the mover of the motion.
17. (7) A notice of motion similar to one placed on the agenda, as contemplated in sub-section (6), may not be submitted within six months of the motion placed on the agenda in this manner having been dealt with.

### **IRREGULAR MOTIONS**

18. The Speaker shall disallow a motion –
  18. (a) which in his opinion, does not comply with the provisions of section 17. (1), (2), (3), (6) or (7) ;
  18. (b) in respect of which the Council has no jurisdiction;

- 18. (c) in respect of which a decision by a judicial or quasi-judicial body is pending;
- 18. (d) which is contrary to any law or would be impracticable if it were to be passed.

### **MOTIONS**

- 19. (1)(a) If a motion is not disallowed in terms of section 18, the Speaker shall ascertain whether it is opposed and if it is unopposed it shall be passed forthwith without debate.
- 19. (1)(b) If a motion is opposed the Speaker shall call upon the mover to speak to the motion.
- 19. (2) If the mover is not present at the meeting when called upon by the Speaker to move his motion, any other member may move such motion in his own name, unless the original mover shall have notified the Municipal Manager in writing that a specific member would move the motion on his behalf.
- 19. (3) If the motion is not move in terms of sub-section (1) or (2) it shall lapse and may not be moved again without further notice.
- 19. (4) No member may have more than two motions on the same agenda, including any motions consideration of which were postponed at a previous meeting, or may move more than six motions in any financial year.

### **MOTIONS WITH FINANCIAL OR LEGAL IMPLICATIONS**

- 20. If a motion –
  - 20. (1) has the effect of increasing the expenditure of the Council or reducing its revenue or will entail expenditure for which no provision has been made in the budget, it shall be referred to the Mayoral Committee for investigation and report to the Council; or
  - 20. (2) if it is passed, would amend these Standing Rules of Order or envisages the introduction or amendment of any legislation, such motion shall, before it is put to the vote, be referred to the Municipal Manager for a further report, unless he is satisfied with the formulation and it is legally in order.

### **PROPOSALS IN THE COURSE OF A MEETING**

- 21. (1) Subject to the provisions of section 7. (2), (11) and (12) no further proposal shall be received in the course of a meeting except the following:
  - 21. (1)(a) to amend a motion or proposal;

- 21. (1)(b) that the Council do now adjourn;
- 21. (1)(c) that the debate be adjourned ;
- 21. (1)(d) that a matter be referred back;
- 21. (1)(e) that the motion or proposal now be put to the vote;
- 21. (1)(f) that the Council proceed to the next business;
- 21. (1)(g) that the public or the press be excluded from any or all meetings or part of a meeting;
- 21. (1)(h) that the Council do now sit in committee or do now resume;
- 21. (1)(i) that a provision of these Standing Rules of Order be suspended;
- 21. (1)(j) that a member be excluded in terms of section 53(2).
- 21. (2) Every proposal in terms of sub-section (1) must be seconded.
- 21. (3) A proposal in terms of sub-section (1) and the seconding thereof shall, subject to the provisions of section 22 (1) not be deemed a speech for purpose of applying these Standing Rules of Order.
- 21. (4) Any proposal in terms of sub-section (1) shall be dealt with in accordance with the provisions of section 22 to 31.
- 21. (5) Nothing in this section affects the authority of the Speaker to adjourn the meeting temporarily for not more than two hours on own initiative or at the request of a member.

### **TO AMENDMENT MOTION OR PROPOSAL**

- 22. (1) Every amendment proposed in terms of section 21.(1) (a) must be relevant to the motion or proposal in respect of which it is proposed and shall be moved in the course of a speech contemplated in section 35.
- 22. (2) No amendment may be moved to an amendment.
- 22. (3) An amendment shall be reduced to writing, if required by the Speaker, and signed by the mover and handed to the Speaker or Municipal Manager.
- 22. (4) If an amendment is reduced to writing it shall be read before being moved.
- 22. (5) No member shall be entitled to move more than two amendments to any original motion or proposal.
- 22. (6)(a) More than one amendment to a motion or proposal may be moved and, subject to the provisions of sub-section (8), all the amendments which

have been moved shall be put the vote at the close of the debate on such motion or proposal.

22. (6)(b) If more than one amendment to a motion or proposal has been moved the amendments shall be put to the vote in the reverse order in which they were moved.
22. (7) If an amendment is carried, the amended motion or proposal shall take the place of the original motion or proposal and it shall be the motion or proposal in respect of which any further proposed amendments shall be put to the vote: Provided that the Speaker, if he is of the opinion that an amendment which has been carried renders any other amendment unnecessary or pointless, may rule that such other amendment not be put to the vote, where after such amendment shall lapse.
22. (8)(a) The Speaker shall disallow any amendment nullifying the original motion or proposal.
22. (8)(b) The provisions of section 18.(b), (c) and (d) and section 20 shall apply *mutatis mutandis* to a proposal in terms of this section.
22. (9) After all the amendments as contemplated in sub-sections (6) and (7) have been put to the vote, the original motion or proposal, as amended ,if any of the amendments have been carried, shall be put to the vote.

### **ADJOURNMENT OF MEETING**

23. (1) A member may at any time, except during the course of a speech by another member or while a vote is being taken, verbally move that the Council do now adjourn.
23. (2) The mover, one member opposed to the motion and the Speaker may speak to the motion for not more than five minutes, but the seconder may not speak except to formally second the motion.
23. (3) A motion as contemplated in sub-section (1) shall be put to the vote without further debate.
23. (4) If the motion is carried, the Council shall adjourn forthwith: Provided that the Speaker may rule that unopposed business be disposed of before the adjournment.
23. (5) If the motion that the Council do now adjourn is defeated, the Speaker shall not allow another such motion until a period of half an hour has elapsed.
23. (6) A member may not on the same day move or second more than one motion for adjournment during the course of any one meeting of the Council.
23. (7) Any unfinished business at adjournment shall be dealt with at the next

ordinary meeting, unless Council decides otherwise or the Speaker convenes a special meeting to dispose of the business.

23. (8) If the motion to adjourn a meeting is carried, the member who moved the adjournment shall be entitled to speak first when the matter is considered at the adjourned meeting.
23. (9) If the meeting is adjourned to a date no more than fourteen days after the date of the adjourned meeting it shall not be necessary to give notice of the adjourned meeting in terms of section 3.

### **ADJOURNMENT OF DEBATE**

24. (1) A member may in the course of his speech or at the conclusion of any speech move verbally that the debate be adjourned.
24. (2) The mover and the Executive Mayor may each speak to the motion for not more than five minutes but the seconder may not speak except to formally second it.
24. (3) Subject to the provisions of sub-section (2) no discussion shall be allowed on such motion except in relation to the period of adjournment.
24. (4) If such motion is carried, the meeting shall proceed to the next business on the agenda and the adjourned debate, unless otherwise resolved, shall be resumed at the next ordinary meeting.
24. (5) On resumption of the adjourned debate the member who moved the adjournment is entitled to speak first.
24. (6) If a motion that the debate be adjourned is defeated, the Speaker shall not allow a similar motion until half an hour has elapsed.
24. (7) A member may not move or second more than one motion that the debate be adjourned during the course of a debate.

### **REFERRAL OF MATTERS**

25. (1) A member may in the course of his speech on any matter move verbally that the matter or any aspect thereof be referred back to the Mayoral Committee for further consideration and report.
25. (2) A motion in terms of sub-section (1) shall indicate the aspect which should be reconsidered.
25. (3) The mover and the Executive Mayor or his assignee, may speak to the motion for a period of not more than five minutes but the seconder may not speak except to formally second it.

25. (4) If a motion as contemplated in sub-section (1) has been seconded, it shall be put to the vote without further debate and if it is carried the Council shall proceed to the next item.
25. (5) The mover of a motion as contemplated in sub-section (1) which has been carried by the Council shall be entitled to be heard by the Mayoral Committee or the Municipal Manager, as the case may be.

### **MATTER PUT TO THE VOTE**

26. (1) A motion that the matter now be put to the vote may be moved verbally at the conclusion of any speech.
26. (2) The mover may speak to the motion for not more than five minutes, but the seconder may not speak except to formally second the motion.
26. (3)(a) A motion that the matter now be put to the vote, shall be put to the vote without further debate, except that the mover or proposer of the original motion shall have the right of reply in respect of the original motion or proposal.
26. (3)(b) If a motion that the matter now be 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.
26. (4) If a motion that the matter now be put to the vote, is defeated, the Speaker shall not allow a similar proposal on the same matter before half an hour has elapsed.

### **THAT THE COUNCIL PROCEED TO THE NEXT BUSINESS**

- .27. (1) A motion that the Council proceed to the next business may be made verbally at the conclusion of any speech.
- 27.(2) Such motion shall be put to the vote without debate, except that the Executive Mayor or his assignee, or the Speaker may speak to the motion for a period of not more than five minutes, and if the motion is carried, the matter under discussion shall be dropped and shall not be included in the agenda of a subsequent meeting within a period of six months, unless it be included on the recommendation of the Mayoral Committee or the Speaker.
27. (3) If a motion that the Council proceed to the next business is rejected, the Speaker shall not allow a similar motion on the same item before half an hour has elapsed.

### **PRESENCE OF THE PUBLIC AND THE PRESS**

28. (1) A member may, except in the course of a speech, verbally move that the public and the press be excluded from any or all meetings or any part of a meeting: Provided that the Speaker may exclude the public and the press if

- he deems it advisable.
28. (2) The mover, one member opposed to the motion and the Executive Mayor or the Speaker may each speak to the motion for a period of not more than five minutes, but the seconder may not speak except to formally second the motion.
28. (3) Such motion shall be put to the vote without further debate.

### **COUNCIL-IN-COMMITTEE**

29. (1) Notwithstanding any provision to the contrary contained in these Standing Rules the following matters shall be dealt with “in committee”:
29. (1)(a) any legal or arbitration proceedings or negotiations in connection with property to which the Council is or may become a party; or
29. (1)(b) personnel matters;
29. (1)(c) any specific point of discussion to be dealt with at any such meeting pertaining to any matter which would be prejudicial to the interests of the Council were it to be discussed in public.
29. (2) A member of the Council may:
29. (2)(a) at any time move that that Council do now sit in committee; of
29. (2)(b) if the Council is sitting in committee as contemplated in paragraph (a) move that the Council do now resume for the further consideration of the item in question.
29. (3)(a) The mover, the Executive Mayor or the Speaker of the Council may each speak to the motion in terms of sub-section (1) for a period of not more than five minutes and shall confine their speeches to the reasons why the Council should now sit in committee or should now resume, as the case may be.
29. (3)(b) The Speaker may, if information which in his opinion may be prejudicial to the Council or the residents of the region is made public or is about to be made public, in the course of a speech in terms of paragraph (1) direct the member to discontinue such speech forthwith.
29. (4) If a motion that the council do now sit in committee is carried, the place of meeting shall be cleared of all members of the public and the press, if present, save those persons or officials permitted by the Speaker to remain.
29. (5)(a) When the council is sitting in committee, the provisions of these Standing Rules of Order shall apply except where they are inconsistent with this section.



29. (5)(b) If the Council in the course of the debate on any matter resolves to sit in committee or to resume, the subsequent debate on that item in committee or having resumed shall for all purposes constitute a continuation of the preceding debate on that item.
29. (6) If the Council resolves to sit in committee, the Council shall on conclusion of consideration of the specific item resume the consideration of other matters on the open agenda of the Council
29. (7) A resolution of the Council-in-committee shall be a resolution of the Council.
29. (8) The minutes relating to any item considered by the Council-in-committee shall be kept separate from the other minutes of the Council, unless the Council resolved on the consideration of that item after having resumed.
29. (9) The minutes referred to in sub-section (8) shall be considered by the Council-in-committee and the Council shall have been deemed to have resolved to sit in committee immediately prior to such consideration and the provisions of this section shall apply *mutatis mutandis*.
29. (10) No member of the public or the press may read the minutes referred to in sub-section (8).

#### **SUSPENSION OF THE STANDING RULES OF ORDER**

30. (1) A member may, save in the course of a speech, move that the provisions of sections 7. (1), 12. 15, 16, 21.(1), 23 up to and including 28, 33 up to and including 35 and 39 be suspended in respect of one item mentioned by him.
30. (2) The mover, one member opposed to the motion and the Speaker may each speak to the motion for a period of not more than five minutes, but the seconder may not speak except to formally second the motion.
30. (3) Such motion shall be put to the vote without further debate.

#### **EXCLUSION OF MEMBER**

31. (1) A member may at any time verbally move that another member be excluded in terms of section 53.(2)
31. (2) The mover, the Speaker and the member whose exclusion is required may each speak to the motion for a period of not more than five minutes, but the seconder may not speak except to formally second the motion.
31. (3) Such motion shall be put to the vote without further debate.

## **POWERS AND PRECEDENCE OF SPEAKER**

32. (1) The Speaker shall have all the powers necessary within reason to control the proceedings of a meeting and may with this objective give directions to any member.
32. (2) Whenever the Speaker speaks or rises during a meeting, a member then speaking or offering to speak shall sit down and the members shall be silent so that the Speaker may be heard without interruption.

## **MEMBER TO STAND WHILE SPEAKING**

33. (1) A member shall stand while speaking and shall address the Speaker: Provided that the Speaker may permit or direct such member to remain seated while speaking.
33. (2) If a member not speaking rises on a point of order or personal explanation or to move a motion and such member is addressed by the Speaker, the member speaking at the time shall be seated until a ruling has been made by the Speaker.

## **LENGTH OF SPEECHES**

34. (1) Subject to the provisions of Section 23 to 30, a member may speak for not more than 10 minutes to one proposal or motion.
34. (2) Only one member of a political group concerned shall speak on a specific subject, where after one member of the opposing political group shall have the opportunity to put questions on that item.
34. (3) The Speaker shall allocate specific time for debate and speeches on a particular subject. The time shall be allocated to specific groups and the Speaker, in consultation with the Whips of the political groups shall allocate time on the following basis:
  34. (3)(a) A political group, Executive Mayor or his assignee, submitting the item or report to the Council shall be allowed to provide information on the specific item or report for not more than five/ten consecutive minutes.
  34. (3)(b) The opposing political grouping shall thereafter have the opportunity to put questions on the item or report for not more than five minutes.
  34. (3)(c) The Executive Mayor shall be entitled at any time to participate in any debate or response to any question. To participate, the Executive Mayor shall rise, where after the Speaker shall rule which member, the member then speaking or the Executive Mayor, may speak. Both members shall be seated until the Speaker has made his ruling.

34. (3)(d) The Executive Mayor shall be allowed to speak for not more than five minutes, where after the member who was then speaking shall be allowed the opportunity to speak for the rest of the time originally allocated to him.
34. (3)(e) The Speaker determines the time per item and subject and no debate shall be allowed to exceed the allocated time.
34. (3)(f) After the allocated time has been used the item shall be put to the vote and if no decision is reached on the item or subject, the item or subject shall be referred back to the Mayoral Committee.
34. (3)(g) Time shall be allocated as follows:
34. (3)(g)(i) The member introducing or proposing the subject or item:  
5 minutes
34. (3)(g)(ii) The member introducing the report or proposal: 10 minutes
34. (3)(g)(iii) Member of opposing party putting questions and making counter-proposals: 2 minutes
34. (3)(g)(iv) Response by member introducing original proposal: 2 minutes

#### **MEMBER MAY SPEAK ONLY ONCE**

35. (1) Subject to any provision to the contrary contained in these Standing Rules of Order, a member may not speak more than once to a motion or proposal, without the consent of the Speaker.
35. (2)(a) Subject to any provision to the contrary contained in these Standing Rules of Order, the mover of a motion or proposer of a proposal or a member envisaged in section 14.(6) may speak to a motion or proposer or reply to the debate, but in replying he shall strictly confine himself to responding to previous speakers and shall not introduce any new matters into the debate.
35. (2)(b) Such reply shall conclude the debate.

#### **RELEVANCE**

36. A member who speaks shall strictly confine himself to the motion or proposal under discussion or to explanation or point of order and no discussion shall be allowed –
36. (a) which pre-empts a matter appearing in the agenda; or
36. (b) on any matter in respect of which a decision by a judicial or quasi-judicial body or commission of enquiry is pending.

### **WITHDRAWAL OF MOTION OR PROPOSAL**

37. (1) A motion or proposal may be withdrawn or improved by the mover or proposer without debate and with the permission of the Council.
37. (2) A member may not speak to such motion or proposal after the mover or proposer has asked permission for its withdrawal, unless such permission was refused.

### **POINT OF ORDER AND PERSONAL EXPLANATION**

38. (1) Any member, whether he has spoken on the matter under discussion or not, may rise to –
  38. (1)(a) a point of order with the purpose of drawing attention to any deviation from these Standing Orders or contrary to any law;
  38. (1)(b) a point of personal explanation in order to explain some material part of his earlier speech which may possibly have been misunderstood; and such member shall be entitled to be heard forthwith, unless the Speaker rules that the point of order or explanation is not admissible.
38. (2) The ruling of the Speaker on a point of order or on the admissibility of an explanation shall be final and not open to discussion.

### **UNOPPOSED BUSINESS**

39. (1) When a meeting has been in progress for not less than one hour, the Speaker may, interrupt the proceedings and direct that the Council proceed forthwith to dispose of unopposed business.
39. (2) After such business has been disposed of the proceedings shall be resumed at the point at which they were interrupted.

### **VOTING**

40. (1) Every member shall have one vote, except the Speaker, who in addition to his deliberative vote, shall have a casting vote in the event of the votes being equal.
40. (2) As soon as the Speaker has announced the result of the vote, a member may request a second vote, where after members shall be allowed at least one minute to take their seats, and a second vote may then be taken and the Speaker shall announce the decision of the Council in terms of subsection (1)
40. (3) No member shall enter or leave the Council Chamber during a vote.

40. (4) The result of each vote and in the case of a second vote, the result of that vote, shall be recorded in the minutes. A member may request that his support or dissent on the motion or proposal or abstention be recorded in the minutes.

#### **MAINTENANCE OF ORDER AT MEETINGS**

41. (1) Any person other than a member, who misconducts himself, behaves in an unseemly manner or interrupts the proceedings at any meeting, shall if the Speaker so directs, leave the place of meeting and if he fails to do so, the Speaker may have him removed.

41. (2) If a member misconducts himself, behaves in an unseemly manner or obstructs the proceedings at any meeting, or challenges any ruling of the Speaker or refuses to withdraw any expression when required to do so by the Speaker or indulges in tedious repetition or unbecoming language, or commits any breach of these Standing Rules of Order, the Speaker shall direct such member to conduct himself properly and, if speaking, to discontinue his speech and be seated.

41. (2)(b) In the event of persistent disregard of his directions, the Speaker shall direct such member to retire from the place of meeting for the remainder of the meeting and if he fails to do so, the Speaker may have him removed.

#### **INTERPRETATION OF STANDING RULES OF ORDER**

42. Every ruling of the Speaker on the interpretation of these Standing Rules of Order, shall, if requested by any member present at the meeting, or if the Speaker so decides, be recorded in the minutes and in a register kept for this purpose by the Municipal Manager.

## **PART 111**

### **AND OTHER MAYORAL COMMITTEE COMMITTEES**

- 43. (1) The Executive Mayor shall subject to the provisions of Section 60 of the Act, appoint a Mayoral Committee.; and
- 43. (2) The Council may subject to Section 79 of the Act establish other committees.

### **MEETINGS**

- 44. (1) The Mayoral Committee shall meet as frequently as deemed necessary by the Mayor: Provided that the Mayor shall notify the Speaker and Municipal Manager of the dates of such committee meetings and inform the Speaker and Municipal Manager of cancellation of, or changes to, such meetings.

### **NOTICE OF MEETINGS**

- 45. The Municipal Manager shall give at least forty-eight hours notice of a meeting prior to a meeting of a committee or the Mayoral Committee in the manner prescribed in section 3. (2).

### **QUORUM AND VOTING**

- 46. (1) A majority of all the members of a committee entitled to vote, including a incidental vacancy, shall constitute a quorum.
- 46. (2) At a committee meeting voting shall take place by a show of hands by those members entitled to vote and a majority ( half plus one ) of members present shall constitute a decision of the committee..
- 46. (3) A member of a committee entitled to vote, may request that his dissenting vote in respect of a decision of that committee be recorded in the minutes.

### **ATTENDANCE BY NON-MEMBERS**

- 47. (1)(a) A member of the Council shall be entitled to attend a meeting of any committee of which he is not a member.
- 47. (1)(b) The Executive Mayor may invite or allow a member of Council to attend a meeting of the Mayoral Committee.

47. (1)(c) The Chairperson may allow a member attending a meeting of a committee or the Mayoral Committee to speak at the meeting but such member shall not have a vote.
47. (1)(d) A member of the Council who is not a member of a particular committee and attends a meeting of that committee, shall not be entitled to any allowances for such attendance, unless the Council decides otherwise in specific cases.
47. (1)(e) Non-members of the Council appointed or co-opted to serve on a committee, shall attend meetings of the committee to which he has been appointed or co-opted in this manner and shall have a vote on that committee.

### **REPORTS OF COMMITTEES**

48. (a) A committee shall, subject to the provisions of Section 80 of the Act, submit a report to the Mayoral Committee on any matter falling within the terms of reference of that particular committee.
48. (b) The Mayoral Committee may adopt, reject, amend or refer back a recommendation contained in a report of a committee.

### **DECISIONS IN TERMS OF DELEGATED AUTHORITY**

49. (1) When a committee in exercising its delegated authority takes a decision –
49. (1)(a) any two members of the committee then present and entitled to vote; or
49. (1)(b) the majority of the Council –
- may demand that the decision be submitted as a recommendation to the next ordinary meeting of Council or the Mayoral Committee, as the case may be: Provided that the request is received before the decision is implemented.
49. (2) The rights conferred by sub-section (1)(a), shall be exercised before the conclusion of the meeting of the committee at which the decision was taken, and the rights conferred by sub-section (1)(b), by the delivery of a written notice of the intention to do so to the Municipal Manager within three days of the meeting at which the decision was taken: Provided that any Saturday, Sunday or public holiday shall be excluded and subject to the proviso in section 49. (1)(b).

49. (3) If the rights conferred by sub-section (1) are exercised, the decision of the committee shall be suspended until it has been dealt with by the Council or the Mayoral Committee, as the case may be, unless the Speaker of the Council, or the Mayoral Committee in the case of a matter of urgency, directs otherwise.

### **CONFLICTING RECOMMENDATIONS**

50. (1) If a matter in respect of which committees do not have delegated authority be considered by more than one committee and those committees make conflicting recommendations, the Municipal Manager shall, upon it coming to his notice, immediately raise the matter with the Speaker of the Council or the Mayoral Committee. If any of the committees concerned do not agree with a recommendation or decision of the Mayoral Committee, the matter may, if necessary, be referred to the next meeting of the Mayoral Committee.

### **SUB-COMMITTEES, AD HOC COMMITTEES AND ADVISORY COMMITTEES**

51. (1) A committee may with the approval of the Mayoral Committee appoint one or more sub-committees to consider and report on any matter falling within the terms of reference of that committee.
51. (2) Every such sub-committee shall consist of members of the committee or the Mayoral Committee, as the case may be: Provided that a committee or the Mayoral Committee may, with the approval of the Council, co-opt any member of the Council in such sub-committee.
51. (3) Every sub-committee shall cease to exist as soon as its terms of reference have been accomplished, but shall in any case cease to exist on the date on which the term of office of the committee in question or the Mayoral Committee ends.
51. (4) The Council may from time to time appoint ad hoc committees with specific terms of reference and likewise dissolve such committees at its discretion.
51. (5) The Council may appoint advisory committees consisting of members and non-members of the Council, on conditions determined from time to time, to advise it on specific matters.
51. (6) Members of such committees receive attendance and travelling allowances as determined by the Council from time to time.



## **PART IV**

### **GENERAL**

52. (1) Whenever a matter of urgency arises –
52. (1)(a) during the period when the Council is not in recess, but it is not practical to obtain a decision of the Council or the Mayoral Committee or the committee with delegated authority in respect of the matter, the Speaker of the Council or the Mayoral Committee or the committee within whose terms of reference the matter falls, as the case may be, may, on the recommendation of the Municipal Manager, make a decision on the matter.
52. (1)(b) during any period while the Council is in recess, a decision on the matter may be made by the Municipal Manager in consultation with the Executive Mayor or, in his absence, with the Speaker, or in the absence of both, with the chairperson of the committee concerned or, in his absence, with any available committee chairperson.
52. (2) The authority granted to the Executive Mayor and the Municipal Manager in terms of sub-section (1) shall include the authority to incur expenditure : Provided that –
52. (2)(a) a certificate from the Treasurer that provision for such expenditure has been made in the budget, has been furnished to the Executive Mayor or the Municipal Manager, as the case may be;
52. (2)(b) no expenditure may be incurred on the capital account, unless it has been approved by the Municipal Manager of the Council.
52. (3) All matters on which decisions were taken in terms of sub-section (1) shall be submitted for confirmation at the next ordinary meeting of the Council or the Mayoral Committee or the committee within whose delegated authority the matter falls: Provided that any action taken subsequently in consequence thereof shall be regarded as duly authorised by the Council or committee.
52. (4) The Council may nominate or co-opt someone who is not a member of the Council to serve on a committee of the Council.
52. (5) Anyone nominated or co-opted in this manner, shall, in addition to the committees of the Council to which he has been appointed, be entitled to attend the meetings of Council, without the right to vote and shall be entitled to participate in the discussions.
53. (1) No member of the Council or committee may, unless authorised thereto by Executive Mayor of the Council publish or disclose or cause to be published or disclosed –

53. (1)(a) any document or report of the Council, or the proceedings of the Mayoral Committee or any other committee of the Council with regard to any expropriation or purchase of land or other property by the Council or any legal or arbitration proceedings involving the Council, or any personnel matters or any matter the disclosure or publication of which would or could be prejudicial to the Council;
53. (1)(b) any information regarding a matter on which the Council-in- Committee made a decision.
53. (2) The Council may, for such period as determined by it, but not more than sixty days, exclude any member who in his opinion is guilty of a contravention of sub-section (1).
53. (3) If a member attends any meeting of the Council or the Mayoral Committee or other committee despite a ruling in terms of sub-section (2), the chairperson may direct that he be removed.
54. Any person who contravenes the provisions of section 5 or any instruction of the Executive Mayor in terms of section 26 (2)(b) or 40, or fails to comply therewith, shall be guilty of a misdemeanour and liable on conviction to a fine of not exceeding R 500.00 or imprisonment of not more than three months or both such fine and such imprisonment.