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CONTENTS • INHOUD

| <i>No.</i> | <i>Page No.</i> | <i>Gazette No.</i> |
|---|---------------------|------------------------|
| LOCAL AUTHORITY NOTICE | | |
| 39 Local Government: Municipal Systems Act (32/2000): Thaba Chweu Municipality: Standing Orders | 3 | 1633 |

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 39

THABA CHWEU MUNICIPALITY

The Municipality of Thaba Chweu hereby, in terms of Section 13 of the Local Government, Municipal System Act, 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa, 1996, publishes the Standing Orders as set out hereunder

THABA CHWEU STANDING ORDERS INDEX

| <u>SECTION</u> | <u>PAGE NO.</u> |
|--|-----------------|
| PART I (INTRODUCTION) | |
| 1. Definitions | 1 |
| PART II (COUNCIL MEETINGS) | |
| 2. Notice of Meetings | 1 |
| 3. Attendance of Meetings | 2 |
| 4. Quorum | 6 |
| 5. Business of Council | 7 |
| 6. Statements and communications by the Speaker | 8 |
| 7. Statements and communications by other Councillors | 8 |
| 8. Questions | 8 |
| 9. Motions | 9 |
| 10. Petitions | 11 |
| 11. Deputations | 11 |
| 12. Minutes of Meetings | 12 |
| 13. Moving of Report | 12 |
| 14. Consideration of Budget | 13 |
| 15. Motions having financial implications or involving legislation | 14 |
| 16. Proposals during the course of a meeting | 14 |
| 17. Amendment of motion or proposal | 15 |
| 18. Adjournment of Meeting | 16 |
| 19. Adjournment of Debate | 17 |
| 20. Reference Back | 17 |
| 21. Matters to be put to the Vote | 17 |
| 22. Council proceedings to the next business | 18 |
| 23. Presence of Public and Media | 18 |

| <u>SECTION</u> | <u>PAGE NO.</u> |
|--|------------------------|
| 24. Council of Committee | 19 |
| 25. Suspension of Standing Orders | 20 |
| 26. Powers and precedence of Speaker | 20 |
| 27. Councillor to stand when speaking | 20 |
| 28. Length of Speeches | 20 |
| 29. Councillor may speak once only | 21 |
| 30. Relevance | 21 |
| 31. Points of Order | 21 |
| 32. Unopposed Business | 22 |
| 33. Mode of Voting | 22 |
| 34. Maintenance of Order at Meetings | 23 |
| 35. Interpretation of Standing Orders | 23 |
| PART III (MAYORAL COMMITTEE) | |
| 36. Arrangements, Business and Proceedings | 24 |
| PART IV (COMMITTEES ESTABLISHED IN TERMS OF SECTIONS 79 AND 80 OF THE MUNICIPAL STRUCTURES ACT) | |
| 37. Meetings | 24 |
| 38. Special Meetings | 24 |
| 39. Casual Vacancies | 25 |
| 40. Attendance by Non-members | 25 |
| 41. Functions and Procedure applicable to Meetings | 25 |
| 42. Conflicting Recommendations | 25 |

PART I: INTRODUCTION

1. DEFINITIONS

In these Standing Orders unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 117 of 1998 and the Local Government: Municipal Systems Act, 32 of 2000, has the same meaning and –

“Code of Conduct” means the code of conduct for councillors as set out in schedule 1 of the Municipal Structures Act;

“Council” means the municipal council of Thaba Chweu Municipality, established in terms of the Municipal Structures Act, 117 of 1998.

“Motion” means a motion introduced in writing in terms of section 9 of these Standing Orders.

“Municipal Manager” means the employee appointed by the Council in terms of section 56 of the Local Government Municipal Systems Act, 32 of 2000.

“Municipal Structures Act” means the Local Government: Municipal Structures Act 112 of 1998.

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 32 of 2000.

“Proposal” means any proposal with the exception of a motion, moved and seconded during a meeting.

“Speaker” means a councillor elected in terms of section 36 of the Municipal Structures Act to be chairperson of municipal council in terms of section 160(1) (b) of the Constitution of the Republic of South Africa.

PART II: COUNCIL MEETINGS

2. NOTICE OF MEETINGS

- (1) As the Speaker in terms of Section 29 of the Municipal Structures Act decides when and where the Council meets, the Speaker must give written notice for every meeting of Council not less than seven calendar days before the meeting, to each Councillor: Provided when a special meeting must be convened due to urgent matters, the written notice of such a meeting may be given not less than one calendar day before the meeting.

- (2) The written notice in subsection (1) shall specify the place, time and date of the meeting and shall contain the agenda for that meeting including the reports and recommendations of the Executive Mayor and Municipal Manager to be considered at the meeting.
- (3) The written notice and agenda of every meeting to each Councillor shall be delivered to the physical address provided by each Councillor in writing.
- (4) The accidental omission to serve notice on any Councillor in terms of subsection (3) or the late receipt of such notice shall not affect the validity of the meeting concerned.
- (5) A copy of the written notice and agenda in subsection (3) shall be delivered by the Senior Manager Institutional Development and Transformation to the office of the Municipal manager and the offices of the employees nominated by the Municipal Manager.

3. ATTENDANCE OF MEETINGS

- (1) Every Councillor must attend each meeting of the Council and committees of Council of which that Councillor is a member, and remain in attendance at such meeting, except when –
 - (a) Leave of absence is granted on prior written application by the Councillor concerned in the case of his/her inability to attend an Ordinary or Special Council Meeting, an Ordinary meeting of a committee of Council or a mayoral Committee Meeting; provided that due reasons beyond the control of the Councillor concerned verbal application for leave of absence for that Councillor may be made through the Speaker or the Manager in charge of Administration, followed by a written apology within 7 (seven) days after the date of the meeting; or
 - (b) Leave of absence is granted on prior verbal apology by the Councillor, to the chairperson of a committee of Council or the manager in charge of Administration, in the case of the inability to attend a special meeting of a committee or a combined meeting of two or more committees of Council; or
 - (c) A Councillor is required in terms of the Code of Conduct to withdraw from the meeting, or
 - (d) In case of a Special meeting of Council, a written apology for the non-attendance of the meeting is received by the Speaker or the manager in charge of Administration within 7 (seven) days after the date of the meeting.

- (2) All applications for leave must set out the reasons for the Councillor's inability to attend the meeting and must distinguish clearly between non attendance due to personal matter and non attendance due to the Councillor attending to other matters of Council.
- (3) Leave of absence may be granted in the following circumstances:
- (a) Vacation leave, once a year;
 - (b) Sick Leave, provided a certificate from a medical practitioner is submitted and limited to a maximum of three months consecutive meetings;
 - (c) Serious illness or death of next-of-kin;
 - (d) Urgent matters beyond the Councillor's control that require the Councillor's immediate personal attention;
 - (e) A prior engagement elsewhere in the municipality's service.
- (4) Subject to the provisions of Section (1), any Councillor who, without having first obtained leave of absence from the Council, shall otherwise than in circumstances beyond his/her control fail to attend three consecutive meetings of Council or a committee of Council of which that Councillor is a member, irrespective whether they are ordinary or Special meetings, shall, subject to the provision of section (8), be removed from office as a Councillor.
- (5) Subject to the provision of Section 3(1), Council shall impose the following fines on any Councillor who, during his/her terms of officer, without having first obtained leave of absence from the Chairperson, or fail to remain in attendance at such a meeting, or is absent from a meeting more than once a year on account of vacation leave:
- (a) Non-attendance of Council Meetings (Ordinary or Special) and Mayoral Committee meetings:
 - For the non attendance of a first meeting – a fine equal to 25% of the Councillor's allowance;
 - For the non attendance of a second meeting- a fine equal to 25% of the Councillor's allowance;
 - For the non attendance of a third meeting – a fine equal to 50% of the Councillor's allowance;

- For the non attendance of a fourth meeting – a fine equal to 50% of the Councillor’s allowance;
 - For the non attendance of any further meetings – fine equal to 75% of the Councillor’s allowance for each meeting not attended.
- (b) Non-attendance of meetings of committees of Council (Ordinary or Special).
- In the case of a part time Councillor – a fine equal to 10% of that Councillor’s allowance for each meeting not attended.
 - In the case of a full time Councillor – a fine equal to 15% of that Councillor’s allowance for each meeting not attended.
- (6) Every member present at a meeting of Council or committee of Council shall sign the attendance register for that meeting which shall be made available by the manager in charge of Administration.
- (7) The manager in charge of Administration shall submit at the first ordinary meeting of the Council of every calendar year a return indicating the attendance of every Councillor at meetings of Council and committees of Council held during the previous calendar year, as a report to Council.
- (8) The following procedure shall apply for the imposition of a fine as provided for in section (5) and the removal of a Councillor from office, as provided in section (4):
- (a) When a Councillor is absent from a meeting of Council or a committee of Council, without leave of absence, the Speaker shall request such Councillor in writing within seven calendar days from the date of the meeting of which the Councillor was absent, to submit written reasons for such absence and for the non-compliance with the provision hereof, to the Speaker within seven days from date of receipt of such request from the Speaker;
- (b) When a Councillor is absent for three or more consecutive meetings of Council or committee of Council, without leave of absence, the Speaker shall request such Councillor in writing within seven calendar days from the date of the meeting of which the Councillor was absent, to submit written reasons to the Speaker why such Councillor should not be removed from office, within seven days from the date of receipt of such request from the Speaker.

- (c) When a Councillor is absent from a meeting of Council or committee of Council, without leave of absence, such Councillor may, within seven calendar days from the date of the meeting of which the Councillor was absent, submit written reasons to the Speaker by hand or registered mail, why a fine should not be imposed on such a Councillor.
- (d) The written requests in sub-subparagraphs 8(a) and (b) shall be hand delivered to either the business address or residential address on record of the Councillor concerned and any person who appears to be of 18 years or older present on the relevant premises can receive and acknowledge receipt of such a request, alternatively, the written request shall be mailed by registered mail to the last available postal address of the Councillor concerned, in which case the date of receipt shall be deemed to be two calendar days from the date that the request was mailed.
- (e) On receipt of the written reasons as referred to in paragraph (a), (b) and (c) above, the Speaker shall prepare a report with a recommendation and submit such written reasons together with the report and recommendation to the Council for consideration and a finding, not later than the second ordinary meeting of Council from the date of receipt of the mentioned written reasons. Should the Speaker receive no reply to the request for written reasons, he/she will in any event prepare a report with a recommendation and submit same to Council.
- (f) When considering the Speaker's report as set out in paragraph (e), Council shall make a *prima facie* finding on the alleged breach of any of the provisions above and if it finds that a Councillor has *prima facie* breached any of the provisions hereof, it shall;
 - (i) investigate the matter further as provided for in sub-section (g) and make a finding; or
 - (ii) established a special committee to investigate the matter further, make a finding and refer the matter to Council with an appropriate recommendation/recommendations.
- (g) During the investigation of the alleged breach, Council or the Committee may:
 - (i) Request the Councillor concerned to submit such further information or documentation as Council or the Committee may deem necessary;
 - (ii) Request any other person to submit further information or documentation as Council or the Committee may deem necessary; and

- (iii) The Councillor concerned shall be given the opportunity to appear in person before the Council or the Committee to make oral presentations and to call witnesses.
- (h) Should the Council or the Committee find that the Councillor concerned has breached any provision hereof, Council or the Committee may –
 - (i) In the event of a breach of section (1), impose a fine as provided for in section (5)

OR

- (ii) In the event of a breach of section (4), request the MEC for local government in the Province to remove the Councillor from office.
- (9) The finding of Council in terms of sub-section (f) must be forwarded to the Councillor concerned in writing by the Speaker within seven days from the date of the finding.
- (10) Any party in terms hereof may apply in writing to Council for the condonation of any time period set out herein, and Council may, on good cause shown, grant such condonation.
- (11) The Councillor concerned shall have the right of appeal to the MEC for local government, Mpumalanga province, as provided for in Schedule 1 of the Local Government: Municipal Systems Act.
- (12) If the Speaker is absent from a meeting or meetings of Council without leave of absence the Councillor appointed as acting Speaker by the Council shall perform the duties of the Speaker in terms of this section.

4. QUORUM

- (1) A quorum for purposes of a meeting of Council shall be 50% of all Councillors plus 1 and for a meeting committees of Council, shall be 50% Councillors serving on such a committee, plus 1.
- (2) After twenty minutes of the time which the meeting was scheduled for as stated in the written notice in terms of section 2, no quorum as contemplated in section 30 of the Municipal Structures Act is present, the meeting shall not take place, unless the Councillors present agree to wait a further period of time of maximum 10 minutes to obtain a quorum after which the business of such a meeting shall stand over to the ordinary meeting of Council or Special meeting specially convened by the Speaker due to reasons of urgency at the discretion of the Speaker.

- (3) Whenever during a meeting of Council, Councillors leave the meeting to the extent that a quorum is no longer present, the Speaker shall suspend the proceedings of the meeting for five minutes and if after the end of this five minute period there is still no quorum the Speaker shall declare the meeting to be terminated. Regarding the uncompleted business, the provisions of subsection (2) shall apply.

5. BUSINESS OF COUNCIL

- (1) The order of business at an ordinary meeting shall be as follows:
- (a) Opening
 - (b) Acceptance of notice of the meeting as read
 - (c) Application for leave of absence
 - (d) Official Notices
 - (e) Statements and communications by the Speaker (Section 6)
 - (f) Statements and communications by other Councillors (Section 7)
 - (g) Confirmation of minutes of previous meetings
 - Corrections
 - Matters Arising
 - Confirmation
 - (h) Deputations (Section 11)
 - (i) Questions of which notice has been given in terms of Section 8
 - (j) Motions or proposals referred from previous meetings
 - (k) Reports

I NON DELEGATED POWERS

- (aa) Of the Executive Mayor
- (bb) Of the Municipal Manager
- (cc) Other

II DELEGATED POWERS

- (aa) Of the Executive Mayor
- (bb) Of the Municipal Manager
- (cc) Other

- (l) New motions (Section 9)
- (m) Petitions (Section 10)

- (2) After the Council has finalized the matters in paragraphs (a) to (f) subsection (1), it may consider the other matters on the agenda in any order as decided by the Speaker due to circumstances that necessitates the change of order of the business of Council on the agenda.
- (3) The order of business of a special meeting of the Council shall be as follows:
 - (a) Opening
 - (b) Application for leave of absence
 - (c) Statements and communications by the Speaker
 - (d) Reports
 - (i) Of the Executive Mayor
 - (ii) Of the Municipal Manager
 - (iii) Other
- (4) No business other than that specified in the agenda for the meeting, shall be transacted.

6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

The Speaker may at any meeting of Council when the item referred to in Section 5(1)(c) is called, without notice make any statement and or communication which shall not be debated.

7. STATEMENTS AND COMMUNICATIONS BY OTHER COUNCILLORS

The Speaker may allow Councillors at any meeting of Council when the item referred to in Section 5(1)(f) is called, to make statements and communications as arranged with the Speaker prior to the meeting, which shall not be debated.

8. QUESTIONS

- (1)(a) Subject to paragraph (b), at any ordinary meeting of Council, a question concerning the general business of Council, but not directly arising out of or connected with any item on the agenda, may be put without comment.
- (b) Notice of such a question shall be given in writing by the Councillor to the Municipal Manager not later than fourteen calendar days before the ordinary meeting and the Municipal manager shall record such question in a register kept for such questions and shall provide a copy of such question to the Speaker and the Executive Mayor.

- (c) The Executive mayor shall reply to the question put in terms of paragraphs (a) and (b) at the meeting of Council: Provided that such replies may be tabled in the form of a written report as part of the agenda under the item referred to in paragraph (i) of Section 5(1).
 - (d) A Councillor who puts a question in terms of this sub-section shall be entitled in due course to be furnished with a written copy of the reply by the Executive mayor if the reply was not tabled as a written report in terms of paragraph (c).
- (1) At any meeting a Councillor may put questions directly arising out of or connected to such item for clarification and such question shall not be regarded as a speech for the purpose of these Standing Orders.
 - (2) The Speaker shall reply to the questions in subsection (2) or the Speaker shall request the Executive mayor or Municipal Manager to reply to such questions.
 - (3) If questions in terms of this section cannot be clarified at the meeting to which such questions are put, the Council may resolve that a written report be submitted to Council at a meeting of clarification.

9. MOTIONS

- (1) Subject to the provisions of any other law –
 - (a) Every notice of motion shall be in writing and such notice shall be signed by the Councillor submitting it;
 - (b) A motion shall be given to the Municipal manager who shall enter it in a book kept for that purpose which shall be open to inspection by any Councillor;
 - (c) Notice of a motion shall not be specified in the summons for a meeting unless it is received at least ten calendar days prior to such a meeting;
 - (d) A motion shall lapse if the member who submitted it is not present at the meeting when such motion is being debated.
- (2) At the request of a Councillor who gave notice of a motion, the Municipal Manager shall acknowledge receipt thereof in writing.
- (3) Every motion shall be relevant to the administration of or conditions in the municipality or shall deal with a matter in respect of which the municipality has jurisdiction.

- (4) A motion shall only be regarded as having been submitted to the Council for decision if the proposal introducing that motion was duly seconded.
- (5) A Councillor submitting a motion shall move such motion and shall have the right of reply.
- (6) Every motion as contemplated in subsection (1)(a), shall on receipt be dated and numbered and shall be entered by the Municipal manager upon the agenda in the order in which it is received: Provided that a motion amending another motion, shall be entered upon the agenda immediately after the latter motion, irrespective of the time when notice of the motion to amend was given.
- (7) No Councillor shall have more than one motion as contemplated in subsection (1)(a) entered upon the agenda with the exception of a deferred motion, and no Councillor shall move more than six motions during any calendar year.
- (8) When a member moves a motion in terms of this section –
 - (a) Which is intended to rescind or amend a resolution passed by the Council taken within the preceding three months;
 - (b) Which has the same purport as a motion which was negated within the preceding three months;

Such motions shall only be entered upon the agenda if the notice of such motion is signed by no fewer than three Councillors, in addition to the Councillor who proposed the motion.
- (9) No Councillor shall propose a motion similar to a motion which was dealt with in terms of the provisions of subsection (8) before a period of six months after it has been dealt with has elapsed.
- (10) Notwithstanding the provisions of subsection (8) and (9), the Council may at any time, following a recommendation by the Executive mayor, rescind or amend any resolution passed by it, subject to all vested rights of affected parties.
- (11) In dealing with motions –
 - (a) The Municipal manager shall read out the number of every motion and the name of the mover;
 - (b) The Speaker shall ascertain which motions are unopposed and these shall be passed without debate;

And thereafter the Speaker shall call the opposed motions in their order on the paper.

- (12) The Speaker shall disallow a motion or proposal –
- (a) Which in his or her opinion –
 - (i) Might lead to the discussion of a matter already dealt with in the agenda or which has no bearing on the administration of or conditions in the municipality; or
 - (ii) Advances arguments, expresses an opinion, or contains unnecessary factual, incriminating, disparaging or improper suggestions;
 - (b) In respect of which:-
 - (i) The Council has no jurisdiction
 - (ii) A decision by a judicial or quasi-judicial body is pending; or
 - (iii) Which has not been duly seconded;
 - (c) Which if passed would be contrary to the provisions of these Standing Orders, by-laws or of any other law, or impractical: Provided that if such motion or proposal in the opinion of the Council, justifies further investigation, it shall be referred to the Executive Mayor.
- (13) (a) A motion or proposal may be withdrawn or amended by the mover with the consent of the Council which shall be given or refused without debate.
- (b) After consent for the withdrawal of a motion or proposal has been granted, no Councillor shall speak against such motion or proposal.
- (c) After consent for the withdrawal of a motion or proposal has been refused, a Councillor may speak upon such motion or proposal.

10. PETITIONS

- (1) A Councillor may submit a petition at a meeting and may briefly state the purpose thereof.
- (2) Such petition shall be referred to the Mayoral Committee for the consideration and a report to the Council with the recommendation of the Executive Mayor

11. DEPUTATIONS

- (1) A deputation wishing to appear before the Council shall submit a motivated written request to the Municipal manager who shall submit to the Executive mayor and the Executive mayor may, if deemed expedient, receive the deputation and deal with the matter raised in the written request.

- (2) The Executive mayor may, if it is considered that the matter raised is one which should be brought before the Council, report to the Council accordingly and if the Council so decides, the deputation shall be advised to appear before the Council.
- (3) A deputation shall not consist of more than five persons.
- (4) Except with consent of the Council or in reply to a question from a Councillor, only one member of the deputation may address the Council.
- (5) A member of the deputation may not address the Council for more than five minutes except with the consent of the Speaker, but may respond briefly to a question by a member.

12. MINUTES OF MEETING

- (1) If a copy of the minutes of a meeting has been served on every member in the manner as provided in section 2 in respect of the notice of a meeting, the minutes shall be taken as read with a view to confirmation.
- (2) No proposal or discussion shall be allowed on the minutes, except as to their accuracy.

13. MOVING OF REPORT

- (1) The Executive mayor or a Councillor called upon by the Speaker to do so, shall submit all reports to Council at a meeting by requesting "That the reports be considered" and such requests shall not be discussed.
- (2) When the reports are being considered, the Speaker shall put the recommendations in that part of the reports in respect of which there are no delegated powers *seriatim* unless for a good cause he or she sees fit to vary their order.
- (3) The recommendations in the reports to Council as mentioned in subsection (2) shall be deemed to have been proposed and seconded.
- (4) When a recommendation contemplated in subsection (2) has been adopted, such recommendation shall become a resolution of the Council.
- (5) After the matter in respect of which there are no delegated powers have been dealt with, the Speaker shall permit debate of the matters delegated to the Executive mayor, a Committee, Councillor or employee: Provided that:-

- (a) Shall be limited to a period not exceeding one hour or such extended period as the Council may determine;
 - (b) A Councillor, except the Executive mayor, shall not speak on such matters for longer than ten minutes.
 - (c) No other proposal shall be submitted during such debate, except a proposal that the Executive mayor, a Committee, Councillor or employee be requested to reconsider a resolution.
 - (d) During such debate a Councillor may request that his or her opposition to a resolution in respect of which the Executive mayor has delegated powers, and his or her reason thereof, be minuted after which the Senior Manager of Institutional Development and Transformation shall minute or cause to be minuted such opposition and reason.
- (6) The Speaker or Councillor as contemplated in subsection (1) may:-
- (a) With the consent of the majority of the Councillors present, which shall be granted or disallowed without debate, withdraw any item;
 - (b) Subject to the provision of section 15, amend any item, with the consent of all the members of the relevant committee present if applicable, and of the majority of the members present, which shall be granted or disallowed without debate.
- (7) If the Speaker or Councillor as contemplated in subsection (1) takes part in the debate concerning any item in the report, he or she shall close the debate on such item: provided that the Speaker or Councillor concerned may nominate another Councillor on the Mayoral or other Committee who, in his or her opinion, is more conversant with the item being debated, to close the debate on his or her behalf, irrespective of whether such Councillor had previously taken part in the debate on that item.

14. CONSIDERATION ON THE BUDGET

Notwithstanding anything to the contrary in these Thaba Chweu Standing Orders by-laws contained, the following provision shall apply when the budget is considered by the Council:

- (a) No proposal which is designed to increase or decrease the estimated revenue or expenditure of the Council shall be put to the vote before the debate on the budget has been closed.

- (b) After the debate on the budget has been closed, the Speaker shall put to the vote the proposal contemplated in paragraph (a), in the order in which they were proposed.
- (c) After all amendments have been dealt with, and if any proposal contemplated in paragraph (a) has been accepted, the budget shall not be deemed to have been amended by the proposal thus accepted, but the meeting shall be adjourned to a date and time determined by the Speaker, unless the Executive mayor, decides that such adjournment is not necessary.
- (d) If it is decided in terms of paragraph (c) that the meeting need not be adjourned, the budget shall be deemed to have been amended in accordance with the proposal accepted in terms of this paragraph.
- (e) After the adjournment in terms of paragraph (c), the Executive Mayor shall investigate the implications of every proposal accepted and shall report thereon to the Council when the meeting resumes.
- (f) After the Executive Mayor has reported in terms of paragraph (e) -
 - (i) The Speaker shall permit debate on the proposals accepted.
 - (ii) Thereafter, he or she shall put every such proposal to the vote again, and if such proposal is accepted, the budget shall be amended in accordance with that resolution.

15. MOTIONS HAVING FINANCIAL IMPLICATIONS OR INVOLVING LEGISLATION

If a motion –

- (a) Has the effect of increasing the expenditure or of reducing the revenue of the Council, or if it involves expenditure not provided for in the estimates, it shall be referred to the Executive mayor for investigation and report to the Council; or
- (b) If adopted, amend these Standing Orders, or introduce or amend any legislation, it shall, before being put to the vote, be referred to the Executive Mayor for a further report unless he or she is satisfied with the phrasing and legality of the motion.

16. PROPOSALS DURING THE COURSE OF A MEETING

- (1) During the course of a meeting no further proposals shall be received except –
 - (a) To amend a motion or proposal;

- (b) That the Council now adjourns;
 - (c) That a debate be adjourned;
 - (d) That a matter be referred back
 - (e) That the motion or proposal be now put to the vote;
 - (f) That the Council proceeds to the next business;
 - (g) That, subject to applicable legislation, the public or the press be excluded from any or all meetings or part of a meeting;
 - (h) That the Council goes in or out of the committee;
 - (i) That a provision of these Standing orders be suspended;
- (2) Every proposal in terms of subsection (1) shall be seconded
 - (3) A proposal in terms of subsection (1) and any seconder thereof, shall, subject to the provisions of section 16(1), not be regarded as a speech for the purpose of these Standing Orders.
 - (4) Any proposal in terms of subsection (1) shall be dealt with in accordance with the applicable provisions of sections 17 to 26.
 - (5) Nothing in this section shall affect the right of the Speaker, on his or her own initiative or at the request of a Councillor, to adjourn a meeting temporarily for a period not exceeding 30 minutes.

17. AMENDMENT OF MOTION OR PROPOSAL

- (1) Every amendment proposed in terms of section 16(1)(a), shall be relevant to the motion or proposal in respect of which it is proposed and shall be proposed during the course of a speech contemplated in Section 29.
- (2) An amendment shall be reduced to writing, signed by the mover and handed to the Municipal manager or the Executive Mayor
- (3) An amendment shall be read before being proposed.
- (4) No Councillor shall be entitled to propose more than one amendment to any original motion or proposal

- (5) (a) More than one amendment of a motion or proposal may be proposed and, subject to the provisions of subsection (6), all amendments proposed shall be put to the vote at the closure of the debate on such motion or proposal.
- (6) (a) The Speaker shall reject any amendment which constitutes a direct negation of the original motion or proposal.
(b) The provision of sections 9(12)(b) and (c) and 13 shall apply *mutatis mutandis* to a proposal in terms of this section
- (7) After all amendments have been put to the vote as contemplated in sub-sections (4) and (5), the original motion or proposal, as amended, if any amendment has been adopted, shall be put to the vote.

18. ADJOURNING OF MEETING

- (1) A Councillor may at any time except during a course of a speech by another Councillor or while a vote is being taken, verbally propose that the Council now adjourns.
- (2) The proposer, one Councillor in opposition thereto and the Speaker may speak on the proposal for a period not exceeding five minutes each, but the seconder shall not speak further than formally seconding it.
- (3) A proposal contemplated in subsection (1) shall be put to the vote without further debate.
- (4) If the proposal is accepted, the Council shall forthwith adjourn: provided that the Speaker may direct that the unopposed business shall be disposed of before the adjournment.
- (5) If the proposal that the Council now adjourns is rejected, the Speaker shall not allow another such proposal until a period of half an hour has elapsed after such rejection.
- (6) A Councillor may on the same day propose or second more than one proposal for adjournment during the course of any one meeting of the Council.
- (7) Any business uncompleted at an adjournment shall be dealt with at the next ordinary meeting, unless the Council decides otherwise or the Speaker convenes a special meeting to dispose thereof.
- (8) If a proposal to adjourn a meeting has been accepted, the Councillor who proposed the adjournment shall be entitled to speak first when the matter under discussion at the adjourned meeting is considered.

- (9) If a meeting is adjourned to a date not exceeding fourteen days after the date of adjournment, notice of the adjourned meeting need not be given in terms of section 2.

19. ADJOURNMENT OF DEBATE

- (1) A councillor who has not yet participated in a debate on a matter under consideration may, at the conclusion of any speech, verbally propose that the debate be adjourned.
- (2) The proposer and the executive mayor may speak on the proposal for a period not exceeding five minutes each, but the seconder shall not speak further than formally seconding it.
- (3) Save as it is provided in subsection (2), no debate shall be permitted on such proposal except with regard to the period of adjournment.
- (4) If such proposal is accepted, the meeting shall proceed to the next business on the agenda, and the discussion of the adjourned debate, unless otherwise resolved, shall be resumed at the next ordinary meeting.
- (5) On the resumption of the adjourned debate the councillor who proposed the adjournment shall be entitled to speak first.
- (6) If a proposal that a debate be adjourned is rejected, the speaker shall not allow another such proposal until a period of half an hour has elapsed after such rejection.
- (7) A councillor may not propose or second more than one proposal for the adjournment of the debate during the course of the debate.

20. REFERENCE BACK

A councillor may, during the course of his speech on any matter, verbally propose that the matter or any aspect thereof be referred to the executive mayor for further consideration and report to the Council.

21. MATTERS TO BE PUT TO THE VOTE

- (1) A proposal that the matter now be put to the vote, may be made verbally at the close of any speech.
- (2) The proposer may speak on the proposal for a period not exceeding five minutes, but the seconder may not speak further than formally seconding it.

- (3) (a) A proposal that the matter now be put to the vote shall be put to the vote without further debate.
- (b) If proposal that the matter now be put to the vote is accepted, any proposal to amend the original motion or proposal as well as the original motion of proposal shall be put to the vote forthwith.
- (4) If a proposal that the matter now be put to the vote is rejected, the speaker shall not allow another such proposal on the same matter.

22. COUNCIL PROCEEDS TO THE NEXT BUSINESS

- (1) A proposal that the Council proceeds to the next item of business may be proposed verbally at the close of any speech.

23. PRESENCE OF PUBLIC AND MEDIA

- (1) In terms of section 20(1) of the Municipal Systems Act, all meetings of Council and those of its committees are open to the public, including the media and the Council or such committee may not exclude the public, including the media, from a meeting, except when circumstances in paragraphs (20) (a) or (b) or section 20(1) shall prevail.
- (2) In terms of paragraph (b) of section 20(1) of the Municipal Systems Act the following circumstances are specified, in which the council or its committees may close a meeting to the public, including the media, if the council is of the opinion that it would not be in the public interest that any item of business be dealt with in the open council or committee which relates to-
 - (a) any –
 - (i) Legal Proceedings
 - (ii) Arbitration Proceedings;
 - (iii) Negotiations in connection with property, to which the Council is or may become a party;
 - (b) the appointment, emoluments, misconduct or removal of any employee of the Council;
 - (c) any other matter which, in the opinion of the Council, may be prejudicial to the Council or the inhabitants of the municipality;

24. COUNCIL IN COMMITTEE

- (1) Notwithstanding anything to the contrary in these Standing Orders, a Councillor may -
 - (a) at any time propose that the Council resolves to go into committee; or
 - (b) if the Council is in committee as contemplated in paragraph (a), propose that for the further consideration of the item concerned, the council resolves to go out of committee.
- (2)
 - (a) The proposer, one member opposed to the proposal and the speaker may each speak on a proposal in terms of subsection (1) for a period not exceeding five minutes and shall restrict his or her speech to the reasons why the council should or should not resolve to go into or out of committee, as the case may be, but the seconder shall not speak further than formally seconding the proposal.
 - (b) The speaker may, if in his or her opinion information is disclosed or is about to be disclosed during a speech referred to in paragraph (a) which may be prejudicial to the council or the inhabitants of the region, direct the councillor concerned to discontinue such speech forthwith.
- (3) Notwithstanding the provisions of section 16, the speaker may, in the notice of any meeting of section 2 or at the commencement or during the course of any meeting, direct that the council goes into committee for the entire meeting or any part thereof, whereupon it shall be deemed that the council has resolved to go into committee in accordance with such directive.
- (4) If a proposal to go into committee is adopted, all members of the public and media, if present, and all officials of the council, except the municipal manager and those persons or officials allowed by the speaker to remain, shall leave the place of the meeting.
- (5)
 - (a) When the Council is in committee, the provisions of these Standing orders, except in so far as they are contrary to this section, shall apply.
 - (b) If the Council resolves to go into or out of committee during the debate on an item of business, the further debate on that item either in or out of committee, shall for all purposes be a continuation of the preceding debate on that item.
- (6) If the Council resolves to go into committee for consideration of an item on the agenda or part of a meeting, the Council shall first consider and finalize all other business on the agenda out of committee, before going into committee.

- (7) A decision of the Council in committee shall be a decision of the Council.

25. SUSPENSION OF STANDING ORDERS

- (1) A member may, except during the course of a speech, propose that any provisions of sections 8, 10, 11, 16(1), 18 to 22 inclusive and 27 to 29 inclusive, be suspended in respect of one item specified by him or her.
- (2) The proposer, one councillor opposing the proposal and the speaker may each speak on such proposal for not more than five minutes but the seconder shall not speak further than formally seconding the proposal.
- (3) Such proposal shall be put to the vote without further debate.

26. POWERS AND PRECEDENCE OF SPEAKER

- (1) The speaker shall have all powers reasonably required to control the conducting of a meeting and may for such purpose issue directives to any councillor.
- (2) Whenever the speaker speaks or rises during a meeting, any councillor then speaking or intending to speak shall resume his or her seat and all councillors shall be silent so that the speaker may be heard without any interruption.

27. COUNCILLOR TO STAND WHEN SPEAKING

- (1) A councillor speaking at a meeting shall rise and address the chair.
- (2) If a councillor, who is not speaking, rises on a point of order, personal explanation or to submit a proposal and such councillor is addressed by the speaker, the councillor then speaking shall resume his or her seat until the speaker has given a ruling.

28. LENGTH OF SPEECHES

- (1) Subject to the provisions of sections 18 to 25 inclusive, a councillor may not:
- Provided that this subsection shall not apply to the speaker of the Council:
 - Provided further that the executive mayor or the chairperson of a committee or person acting on his or her behalf may, when replying to a debate as contemplated in section 13(5) speak for no more than 30 minutes.
- (2) The provisions in this section shall not be applicable to the councillor introducing the estimates of income and expenditure of the council or when he or she replies to the debate thereon.

29. COUNCILLOR MAY SPEAK ONCE ONLY

- (1) Subject to any provision to the contrary in these Standing orders, a councillor may not address the council more than once on any motion or proposal.
- (2) (a) Subject to any provision to the contrary in these Standing Orders, the mover of a motion or the proposer of the proposal or councillor contemplated in section 13(5), may speak on the motion or proposal and reply to the debate but in replying he shall strictly confine himself or herself to answering the previous speakers and shall not introduce any new matter into the debate.
 - (b) Such reply shall conclude the debate.

30. RELEVANCE

A councillor who speaks shall confine his or her speech strictly to the motion or proposal under discussion or an explanation or a point of order and no discussion shall be allowed.

- (a) that shall anticipate any matter on the agenda; or
- (b) on any matter in respect of which a decision by judicial or quasi-judicial body or commission of inquiry is pending.

31. POINTS OF ORDER

- (1) Any councillor, whether he or she has spoken on the matter under discussion or not, may rise –
 - (a) on a point of order, with a view to drawing attention to any departure from these Standing Orders or any law;
 - (b) in personal explanation, in order to explain some essential part of his or her former speech which may have been misunderstood,

and a councillor so rising shall be entitled to be heard forthwith, unless the speaker rules the point of order or explanation not permissible.

32. UNPOSED BUSINESS

- (1) When a meeting has been in progress for not less than two hours the speaker may deem it unopposed business.
- (2) After the disposal of such business the proceedings shall be resumed at the point of interruption.

33. MODE OF VOTING

- (1) Whenever a vote is taken, every motion or proposal shall be submitted to the Council by the speaker who shall call upon the councillors to indicate by a show of hands whether they are for or against it, and he or she shall thereupon declare the result of voting.
- (2) After the speaker has declared the result of the voting in terms of subsection (1) a councillor may demand –
 - (a) that his or her vote be recorded against the decision; or
 - (b) a division, by rising and putting such demand to the speaker.
- (3) When a division in terms of subsection (2)(b) is demanded, the speaker shall accede thereto, and a bell shall be rung for at least one minute, whereupon all entrances to the chamber shall be closed, and no member shall thereafter leave or enter the council chamber until after the result of the division has been declared.
- (4) After expiry of the period specified in subsection (3), the motion or proposal shall again be put to the vote by the speaker in the manner provided for in subsection (5) and thereafter he or she shall declare the result of the division.
- (5) A division shall take place in the manner prescribed in subsection (1) and the vote of each councillor shall be taken separately by name and recorded in the minutes by the municipal manager or Senior Manager of Institutional Development and Transformation.
- (6) When a division takes place in accordance with the preceding provisions, every councillor present, including the speaker, shall be obliged to record his or her vote for or against the motion or proposal.
- (7) A councillor demanding a division shall not leave the council chamber before such division has been taken.

- (8) Should there be an equality of votes in respect of a proposal, and the speaker refuses to record his or her casting vote as contemplated in terms of section 30(4) of the Municipal Structures Act, the matter shall be referred back to the executive mayor for consideration and recommendation to Council.

34. MAINTENANCE OF ORDER AT MEETINGS

- (1) Any person, other than a councillor, who misbehaves himself or herself, behaves in an improper manner or interrupts the proceedings at any meeting shall, if the speaker so directs, leave the place where the meeting is held, failing which the speaker may direct that he or she be removed.
- (2) (a) If a councillor misbehaves himself or herself, behaves in an improper manner or hinders the business of any meeting or challenges any ruling of the speaker or declines 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 Orders, the speaker shall direct such member to conduct himself or herself properly and if speaking, to discontinue his speech and resume his or her seat.
- (b) In the event of a persistent disregard of the directives of the speaker, the speaker shall direct such councillor to retire from the place where the meeting is held for the remainder of the meeting, failing which the speaker may direct that he or she be removed.

35. INTERPRETATION OF STANDING ORDERS

- (1) Any councillor may request that the ruling of the speaker as to the interpretation of the Standing Orders be recorded as the minutes.
- (2) A councillor who has made a request in terms of subsection (1) may orally during that meeting or within five days thereof in writing require the Municipal Manager to submit the matter to the Executive Mayor, in which event the Executive Mayor shall consider the ruling and report thereon to the council.
- (3) The Council may, on the recommendation of the Executive Mayor, direct that the ruling of the speaker be amended or substituted.
- (4) If the ruling of the Speaker is amended or substituted in terms of subsection (4), the Executive Mayor shall make a recommendation to the council on that matter

PART III: MAYORAL COMMITTEE

36. ARRANGEMENTS, BUSINESS AND PROCEEDINGS

As the appointment of the Mayoral Committee vests with the executive mayor in terms of section 60 of the Municipal Structures Act, the Executive Mayor shall prescribe the rules and orders for the internal arrangements, business and proceedings of the Mayoral Committee.

PART IV: COMMITTEES ESTABLISHED IN TERMS OF SECTIONS 79 AND 80 OF THE MUNICIPAL STRUCTURES ACT

37. MEETINGS

- (1) A committee shall meet as often as is necessary and shall determine the dates of meetings.
- (2) The chairperson of a committee may, and shall at the request of at least two members of such committee, call a special meeting of such committee.
- (3) Section 23 is *mutatis mutandis* applicable to the meetings of committees regarding the presence of the public, including the media.
- (4) A majority of all the members of a committee shall constitute a quorum.
- (5) Whenever a vote is taken, voting at a committee meeting shall take place by a show of hands by members present at the meeting shall constitute a decision of the committee.
- (6) The chairperson of the committee shall not have a casting vote.
- (7) If there is an equality of votes the matter under consideration must be referred to the Executive Mayor for a decision or recommendation to council if such matter is not delegated to the Executive Mayor by the council.
- (8) A member of a committee may require that his or her vote against a decision of the committee, be recorded.

38. SPECIAL MEETINGS

The Chairperson of a committee may convene a Special Meeting of the committee at his or her discretion if circumstances necessitate such a meeting, and shall convene a special meeting of the committee if a majority of the members of such committee requests so in writing indicating the item/s to be discussed urgently.

39. CASUAL VACANCIES

A casual vacancy on a committee shall be notified by the Municipal Manager at the first ordinary meeting of the council after it has arisen and may be filled by the Council in terms of section 79 of the Municipal Structures Act.

40. ATTENDANCE BY NON-MEMBERS

- (1)
 - (a) Any councillor of the Council shall be entitled to attend any meeting of a committee of which he or she is not a member.
 - (b) The chairperson of the committee may invite or permit any councillor of the council to attend any meeting of that committee.
 - (c) The chairperson may permit a member attending a meeting of a committee to speak at the meeting, but such member shall have no vote.
- (2) A copy of the agenda of a meeting of a committee shall, at the request of a councillor of the Council who is not a member of the committee concerned, be furnished to him or her by the Municipal Manager prior to the meeting concerned.

41. FUNCTIONS AND PROCEDURE APPLICABLE TO MEETINGS

A committee shall regulate its own functions and procedure.

42. CONFLICTING RECOMMENDATIONS

If a matter on which a committees have no delegated powers is considered by more than one committee and those committees resolve to submit conflicting recommendations to the council or the Executive Mayor, as the case may be, the Municipal Manager shall forthwith report the matter to the Executive Mayor who shall, before the matter is reported to the council, convene a meeting of the Mayoral Committee for consideration of the matter with a view to making a recommendation to the council

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**I.M. MOSHOADIBA
MUNICIPAL MANAGER**

Notice No. 7/2009