



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

Vol. 24

NELSPRUIT
20 OCTOBER 2017
20 OKTOBER 2017

No. 2864

PART 1 OF 2

We all have the power to prevent AIDS



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DEPARTMENT OF HEALTH

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Closing times for **ORDINARY WEEKLY** 2017 MPUMALANGA PROVINCIAL GAZETTE

The closing time is **15:00** sharp on the following days:

- **29 December**, Thursday, for the issue of Friday **06 January 2017**
- **06 January**, Friday, for the issue of Friday **13 January 2017**
- **13 January**, Friday, for the issue of Friday **20 January 2017**
- **20 January**, Friday, for the issue of Friday **27 January 2017**
- **27 January**, Friday, for the issue of Friday **03 February 2017**
- **03 February**, Friday, for the issue of Friday **10 February 2017**
- **10 February**, Friday, for the issue of Friday **17 February 2017**
- **17 February**, Friday, for the issue of Friday **24 February 2017**
- **24 February**, Friday, for the issue of Friday **03 March 2017**
- **03 March**, Friday, for the issue of Friday **10 March 2017**
- **10 March**, Friday, for the issue of Friday **17 March 2017**
- **16 March**, Thursday, for the issue of Friday **24 March 2017**
- **24 March**, Friday, for the issue of Friday **31 March 2017**
- **31 March**, Friday, for the issue of Friday **07 April 2017**
- **07 April**, Friday, for the issue of Friday **14 April 2017**
- **12 April**, Wednesday, for the issue of Friday **21 April 2017**
- **20 April**, Thursday, for the issue of Friday **28 April 2017**
- **26 April**, Wednesday, for the issue of Friday **05 May 2017**
- **05 May**, Friday, for the issue of Friday **12 May 2017**
- **12 May**, Friday, for the issue of Friday **19 May 2017**
- **19 May**, Friday, for the issue of Friday **26 May 2017**
- **26 May**, Friday, for the issue of Friday **02 June 2017**
- **02 June**, Friday, for the issue of Friday **09 June 2017**
- **09 June**, Friday, for the issue of Friday **16 June 2017**
- **15 June**, Thursday, for the issue of Friday **23 June 2017**
- **23 June**, Friday, for the issue of Friday **30 June 2017**
- **30 June**, Friday, for the issue of Friday **07 July 2017**
- **07 July**, Friday, for the issue of Friday **14 July 2017**
- **14 July**, Friday, for the issue of Friday **21 July 2017**
- **21 July**, Friday, for the issue of Friday **28 July 2017**
- **28 July**, Friday, for the issue of Friday **04 August 2017**
- **03 August**, Thursday, for the issue of Friday **11 August 2017**
- **11 August**, Friday, for the issue of Friday **18 August 2017**
- **18 August**, Friday, for the issue of Friday **25 August 2017**
- **25 August**, Friday, for the issue of Friday **01 September 2017**
- **01 September**, Friday, for the issue of Friday **08 September 2017**
- **08 September**, Friday, for the issue of Friday **15 September 2017**
- **15 September**, Friday, for the issue of Friday **22 September 2017**
- **21 September**, Thursday, for the issue of Friday **29 September 2017**
- **29 September**, Friday, for the issue of Friday **06 October 2017**
- **06 October**, Friday, for the issue of Friday **13 October 2017**
- **13 October**, Friday, for the issue of Friday **20 October 2017**
- **20 October**, Friday, for the issue of Friday **27 October 2017**
- **27 October**, Friday, for the issue of Friday **03 November 2017**
- **03 November**, Friday, for the issue of Friday **10 November 2017**
- **10 November**, Friday, for the issue of Friday **17 November 2017**
- **17 November**, Friday, for the issue of Friday **24 November 2017**
- **24 November**, Friday, for the issue of Friday **01 December 2017**
- **01 December**, Friday, for the issue of Friday **08 December 2017**
- **08 December**, Friday, for the issue of Friday **15 December 2017**
- **15 December**, Friday, for the issue of Friday **22 December 2017**
- **20 December**, Wednesday, for the issue of Friday **29 December 2017**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 15h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES**EXTRAORDINARY GAZETTES**

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the e*Gazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .
(Please see *Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see *the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** GPW's annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s).

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

E-mail: submit.egazette@gpw.gov.za

For queries and quotations, contact: Gazette Contact Centre:

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 108 OF 2017**NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6 (Amendment Scheme 118)**

I, Karl Wilhelm Rost, Pr Pln, of the firm Reed Geomatics Incorporated hereby give notice in terms of Section 88 of the Govan Mbeki SPLUM By-Law, that I have applied to the Govan Mbeki Municipality for the following:

Application for Amendment of land use scheme (Rezoning)**Application reference number: Case AS_18251****Property Owner and information:**

Portion 4 of the Farm Riversdale 119, Registration Division I.S., Mpumalanga

Portion 5 of the Farm Riversdale 119, Registration Division I.S., Mpumalanga

Portion 6 of the Farm Riversdale 119, Registration Division I.S., Mpumalanga

Remaining Extent of Portion 7 of the Farm Riversdale 119, Registration Division I.S., Mpumalanga

Portion 10 of the Farm Syferfontein 115, Registration Division I.S., Mpumalanga

Portion 12 of the Farm Syferfontein 115, Registration Division I.S., Mpumalanga

Portion 6 of the Farm Van Schalkwyksrust 118, Registration Division I.S., Mpumalanga

The Remainder of Portion 8 of the Farm Van Schalkwyksrust 118, Registration Division I.S., Mpumalanga

The Remaining Extent of the Farm Van Schalkwyksrust 118, Registration Division I.S., Mpumalanga

The properties are situated approximately 10km North of Trichardt, at coordinates: S26°23'43.82" E29°13'34.85".

Owner: Sasol Mining Pty Ltd (Reg. No: 1950/038590/07) held by title deeds T84390/1989, T26446/1990, T16548/1989, T46214/1990, T73925/1990, T22071/1989 & T14681/2014.

I the owner /agent hereby gives notice in terms of Section 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the amendment of the Land Use Scheme known as the Govan Mbeki Land Use Scheme, as amended, 2010, by the rezoning of portions of abovementioned properties, from "Agriculture" to "Quarrying & Mining" to legally accommodate the existing mine.

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3rd floor, South Wing Municipal Buildings, for the period **30 days** from **13 October 2017**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address within a period of 30 days from 13 October 2017, being **13 November 2017**.

Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394 Fax: 017 631 1770**Our ref: P17588**

13-20

NOTICE 109 OF 2017**NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6 (*Amendment Scheme 120*)**

I, Karl Wilhelm Rost, Pr Pln, of the firm Reed Geomatics Incorporated hereby give notice in terms of Section 88 of the Govan Mbeki SPLUM By-Law, that I have applied to the Govan Mbeki Municipality for the following:

Application for *Amendment of land use scheme (Rezoning)***Application reference number: Case AS_17053****Property Owner and information:**

Remaining Extent of Portion 1 of the Farm Frischgewaagd 142, Registration Division I.S., Mpumalanga
Remaining Extent of Portion 6 of the Farm Frischgewaagd 142, Registration Division I.S., Mpumalanga
Ptn 19 (a Portion of Portion 16) of the Farm Frischgewaagd 142, Registration Division I.S., Mpumalanga,
The properties are situated approximately 6km North East of Trichardt, at coordinates: S26°27'49.6" E29°17'10.87".

Owner: Sasol Mining Pty Ltd (Reg. No: 1950/038590/07) held by title deeds T16379/2008 & T2824/2009

I the owner /agent hereby gives notice in terms of Section 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the amendment of the Land Use Scheme known as the Govan Mbeki Land Use Scheme, as amended, 2010, by the rezoning of portions of Remaining Extent of Portion 1, the Remaining Extent of Portion 6 & Portion 19 (a Portion of Portion 16) of the Farm Frischgewaagd 142, Registration Division I.S., Mpumalanga, from "Agriculture" to "Quarrying & Mining" to legally accommodate the existing mine.

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3rd floor, South Wing Municipal Buildings, for the period **30 days** from **13 October 2017**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address within a period of 30 days from 13 October 2017, being **13 November 2017**.

Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394 Fax: 017 631 1770**Our ref: P17590**

13-20

NOTICE 110 OF 2017**NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6 (*Amendment Scheme 119*)**

I, Karl Wilhelm Rost, Pr Pln, of the firm Reed Geomatics Incorporated hereby give notice in terms of Section 88 of the Govan Mbeki SPLUM By-Law, that I have applied to the Govan Mbeki Municipality for the following:

Application for *Amendment of land use scheme (Rezoning)***Application reference number: Case AS_18301****Property Owner and information:**

Portion 9 of the Farm Zwakfontein 120, Registration Division I.S., Mpumalanga

The Remaining Extent of Portion 10 of The Farm Zwakfontein 120, Registration Division I.S.,

Mpumalanga

Portion 31 (A Portion of Portion 10) of the Farm Zwakfontein 120, Registration Division I.S.,

Mpumalanga

The properties are situated approximately 12km North of Secunda, at coordinates: S26°24'32.84" E29°12'19.18".

Owner: Sasol Mining Pty Ltd (Reg. No: 1950/038590/07) held by title deeds T01498/90 & T87038/89

I the owner /agent hereby gives notice in terms of Section 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the amendment of the Land Use Scheme known as the Govan Mbeki Land Use Scheme, as amended, 2010, by the rezoning of portions of Portion 9, the Remaining Extent of Portion 10 & Portion 31 (A Portion of Portion 10) of The Farm Zwakfontein 120, Registration Division I.S., Mpumalanga, from "Agriculture" to "Quarrying & Mining" to legally accommodate the existing mine.

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3rd floor, South Wing Municipal Buildings, for the period **30 days** from **13 October 2017**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address within a period of 30 days from 13 October 2017, being **13 November 2017**.

Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394 Fax: 017 631 1770**Our ref: P17589**

13-20

NOTICE 111 OF 2017**NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6 (*Amendment Scheme 123*)**

I, Karl Wilhelm Rost, Pr Pln, of the firm Reed Geomatics Incorporated hereby give notice in terms of Section 88 of the Govan Mbeki SPLUM By-Law, that I have applied to the Govan Mbeki Municipality for the following:

Application for *Amendment of land use scheme (Rezoning)***Application reference number: Case AS_18303****Property Owner and information:**

Portion 33 of the Farm Bosjesspruit 291, Registration Division I.S., Mpumalanga. The property is situated approximately 7km South East of SASOL Synfuels, at coordinates: S26°36'26.21" E29°12'53.48".

Owner: Sasol Mining Pty Ltd (Reg. No: 1950/038590/07) held by title deed T7510/2012

I the owner /agent hereby gives notice in terms of Section 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the amendment of the Land Use Scheme known as the Govan Mbeki Land Use Scheme, as amended, 2010, by the rezoning of Portion 33 of the Farm Bosjesspruit 291, Registration Division I.S., Mpumalanga, from "Agriculture" to "Quarrying & Mining" to legally accommodate the existing mine.

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3rd floor, South Wing Municipal Buildings, for the period **30 days** from **13 October 2017**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address within a period of 30 days from 13 October 2017, being **13 November 2017**.

Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394 Fax: 017 631 1770**Our ref: P17599**

13-20

NOTICE 112 OF 2017**NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6 (*Amendment Scheme 121*)**

I, Karl Wilhelm Rost, Pr Pln, of the firm Reed Geomatics Incorporated hereby give notice in terms of Section 88 of the Govan Mbeki SPLUM By-Law, that I have applied to the Govan Mbeki Municipality for the following:

Application for *Amendment of land use scheme (Rezoning)***Application reference number: Case AS_18354****Property Owner and information:**

Portion 26 of the Farm Van Stadensdam 333, Registration Division I.S., Mpumalanga. The property is situated approximately 5km South of Charl Cilliers, at coordinates: S26°42'36.68" E29°10'27.47".

Owner: Sasol Mining Pty Ltd (Reg. No: 1950/038590/07) held by title deed T11983/2012

I the owner /agent hereby gives notice in terms of Section 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the amendment of the Land Use Scheme known as the Govan Mbeki Land Use Scheme, as amended, 2010, by the rezoning of a portion of Portion 26 of the Farm Van Stadensdam 333, Registration Division I.S., Mpumalanga, from "Agriculture" to "Quarrying & Mining" to legally accommodate the existing mine.

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3rd floor, South Wing Municipal Buildings, for the period **30 days** from **13 October 2017**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address within a period of 30 days from 13 October 2017, being **13 November 2017**.

Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394 Fax: 017 631 1770**Our ref: P17591**

13-20

NOTICE 113 OF 2017**NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6 (*Amendment Scheme 122*)**

I, Karl Wilhelm Rost, Pr Pln, of the firm Reed Geomatics Incorporated hereby give notice in terms of Section 88 of the Govan Mbeki SPLUM By-Law, that I have applied to the Govan Mbeki Municipality for the following:

Application for *Amendment of land use scheme (Rezoning)***Application reference number: Case AS_18302****Property Owner and information:**

Portion 2 of the Farm Genadesfontein 334, Registration Division I.S., Mpumalanga. The property is situated approximately 3km East of Charl Cilliers, at coordinates: S26°39'56.9" E29°13'00.49".

Owner: Sasol Mining Pty Ltd (Reg. No: 1950/038590/07) held by title deeds T42553/1992

I the owner /agent hereby gives notice in terms of Section 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the amendment of the Land Use Scheme known as the Govan Mbeki Land Use Scheme, as amended, 2010, by the rezoning of a portion of Portion 2 of the Farm Genadesfontein 334, Registration Division I.S., Mpumalanga, from "Agriculture" to "Quarrying & Mining" to legally accommodate the existing mine.

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3rd floor, South Wing Municipal Buildings, for the period **30 days** from **13 October 2017**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address within a period of 30 days from 13 October 2017, being **13 November 2017**.

Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394 Fax: 017 631 1770**Our ref: P17592**

13-20

NOTICE 114 OF 2017**NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6 (*Amendment Scheme 111*)**

I, Karl Wilhelm Rost, Pr Pln, of the firm Reed Geomatics Incorporated hereby give notice in terms of Section 88 of the Govan Mbeki SPLUM By-Law, that I have applied to the Govan Mbeki Municipality for the following:

Application for *Amendment of land use scheme (Rezoning)***Application reference number: Case AS_16453****Property Owner and information:** Portion 172 (a portion of Portion 6) of the Farm Blesbokspruit 150, Registration Division I.S., Mpumalanga, south west of the intersection of Simon and Anderson street in Bethal.**Owner: Govan Mbeki Local Municipality****Please note that the Proposed Portion has been donated to the Department of Education in accordance with Section 79 (17) (vi) of the Local Government Ordinance, Ordinance 17 of 1939.**

I the owner /agent hereby gives notice in terms of Section 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the amendment of the Land Use Scheme known as the Govan Mbeki Land Use Scheme, as amended, 2010, by the rezoning of Portion 172 (a portion of the Remainder of Portion 6) of the Farm Blesbokspruit No 150, Registration Division I.S., Mpumalanga Province, from "Low Impact Mixed Use" to "Institutional" in order to accommodate a Place of Education on site.

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3rd floor, South Wing Municipal Buildings, for the period of **30 days** from **13 October 2017**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address within a period of 30 days from 13 October 2017, being **13 November 2017**.

Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394 Fax: 017 631 1770**Our ref: P15485**

13-20

PROCLAMATION • PROKLAMASIE

PROCLAMATION 27 OF 2017**EMALAHLENI LOCAL MUNICIPALITY**
NOTICE OF APPROVAL OF EMALAHLENI AMENDMENT SCHEME 1173

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 57(1)(a) of the Town-Planning and Townships Ordinance, 1986, that it has approved an amendment scheme, being an amendment of the Emalahleni Land Use Management Scheme, 2010, by the rezoning of Erven 36, 37, 40, 41, 43 – 46, 58 – 65 and 96, Portion 1 of Erf 65 and Portion 1 of Erf 660, Northfield from “Residential 1” to “Residential 3”.

Map 3 and the scheme clauses of the amendment scheme are filed with the Director, Department of Agriculture, Rural Development and Land Administration Mpumalanga Province, and the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times. This amendment is known as Emalahleni Amendment Scheme 1173 and shall come into operation on date of publication of this notice.

HS MAYISELA
ACTING MUNICIPAL MANAGER

Civic Centre

Mandela Street

eMALAHLENI

1035

P.O. Box 3

eMalahleni

1035

Publication date : Provincial Gazette of Mpumalanga: 20 October 2017

PROCLAMATION 28 OF 2017**EMALAHLENI LOCAL MUNICIPALITY**
PROCLAMATION OF THE TOWNSHIP, KWA-GUQA EXTENSION 6

As a result of the Black Communities Development Act, 1984 (Act 4 of 1984), the Emalahleni Local Municipality hereby declares the township of Kwa-Guqa Extension 6 an approved township, subject to the conditions set out in the Schedule hereto.

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT IN TERMS OF THE PROVISIONS OF CHAPTER III OF THE TOWNSHIP ESTABLISHMENT AND LAND USE REGULATIONS, 1986, ISSUED UNDER SECTION 66 (1) OF THE BLACK COMMUNITIES DEVELOPMENT ACT, 1984 (ACT NO.4 OF 1984, ON A PORTION OF PORTION 14 AND THE REMAINDER OF THE FARM SCHOONGEZICHT 308 -JS PROVINCE OF MPUMALANGA, BY THE CITY COUNCIL OF WITBANK (HEREINAFTER REFERRED TO AS THE TOWNSHIP APPLICANT) AND BEING THE REGISTERED OWNER OF THE LAND HAS BEEN APPROVED

1. CONDITIONS OF ESTABLISHMENT**(1) NAME**

The name of the township shall be KWA GUQA EXTENSION 6.

(2) LAYOUT

The township shall consist of erven and streets as indicated on Layout Plan No SG3205/2002.

(3) RESTRICTION ON THE DISPOSAL OF ERVEN 6662 AND 6671

The township application shall not, offer for sale or alienate erven 6662 and 6671 within a period of six months after the erven become registrable or approval/exemption has been granted by the Premier, to any person or body other than the State unless the Department of Education and Training has indicated in writing that the Department does not wish to acquire erven 6662 and 6671.

(4) LAND USE CONDITIONS**CONDITIONS IMPOSED BY THE PREMIER IN TERMS OF THE PROVISIONS OF THE TOWNSHIP ESTABLISHMENT AND LAND USE REGULATIONS 1986**

The erven mentioned hereunder shall be subject to the conditions as indicated:

(i) ALL ERVEN

- (aa) The use of the erf is as defined and subject to such conditions as are contained in the Land Use Conditions in Annexure F of the Township Establishment and Land Use Regulations, 1986, made in terms of section 66 (1) of the Black Communities Development Act, 1984 (Act No 4 of 1984).

- (bb) The use zone of the erf can on application and after consultation with the local authority concerned, be altered by the Premier on such terms as he may determine and subject to such conditions as he may impose.
- (ii) **ALL ERVEN WITH THE EXCEPTION OF ERVEN FOR PUBLIC OR MUNICIPAL PURPOSES**
The erf lies in an area where the soil conditions can affect buildings and structures and result in damage to them, building plans submitted to the local municipality must show measures taken, in accordance with recommendations contained in the geo-technical report for the township. To limit possible damage to buildings and structures as a result of detrimental foundation conditions, said measures should be identified, unless it is proved to the local municipality that such measures are unnecessary or that the same purpose can be achieved by other more effective means.
- (iii) **ERF 6672**
The use zone of the erf shall be "Industrial"
- (iv) **ERF 6673**
The use zone of the erf shall be "Business"
- (v) **ERVEN 6661, 6662, 6670 AND 6671**
The use zone of the erven shall be "Community Facility"
- (vi) **ERVEN 6663 TO 6669, 6674 AND 6675**
The use zone of the erven shall be "Municipal"
- (vii) **Erven 6676 to 6681**
The use zone of the erven shall be "Public Open Space"

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE

INSTALLATION AND PROVISION OF SERVICES

The township applicant shall install and provide appropriate, affordable and upgradable internal and external services in or for the township.

3. CONDITIONS OF TITLE

(1) DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals and real rights, but excluding the following servitudes in respect of portion 73 of the farm Schoongezicht 308 JS

(a) Erven 6665 to 6667, 6674 and 6677

- (a) Die eiendom is onderhewig aan die reg verleen ten gunste van ESKOM om elektrisiteit oor die eiendom te vervoer, tesame met bygaande regte en onderworpe aan voorwaardes, soos meer volledig sal bly uit Notariele Akte K.811/1975S, geregistreer op 26 Maart 1975, welke roete vasgetsel is kragtens Notariele Akte K.2918 / 1977S welke roete aangedui word deur figuur abc op aangehegte kaart LG No A2245 / 89.

(b) The following servitude which do not affect the township area because of the location thereof:

- (b) Die eiendom is onderhewig aan die reg verleen ten gunste van ESKOM om elektrisiteit oor die eiendom te vervoer, tesame met bygaande regte en onderworpe aan voorwaardes, soos meer volledig sal bly uit Notariele Akte K.1235 / 1980S, geregistreer op 30 April 1980.

- (c) Die eiendom is onderhewig aan die reg verleen ten gunste van Eskom om elektrisiteit oor die eiendom te vervoer, tesame met bygaande regte en onderworpe aan voorwaardes, soos meer volledig sal bly uit Notariele Akte K.K.811/1975S, geregistreer op 26 Maart 1975, welke roete vasgestel is kragtens Notariele Akte K1789 / 1986S, geregistreer op 28 May 1986.

(c) The following servitudes which shall not be passed on to the erven in the township:

B. Die voormalige Gedeelte 1 van die plaas Schoongezicht 308, Registrasie Afdeling JS, Transvaal, waarvan die eiendom aangedui deur die figuur KBML op aangehegte kaart LG No A.2245 / 89 'n gedeelte uitmaak, is onderhewig aan die volgende voorwaardes:

“SUBJECT to a Servitude of Acceptance of all the water which may flow under the Brug Spruit and ancillary and fishing rights in favour of certain Remaining Extent of portion of the farm DRIEFONTEIN 297, Registration Division JS Transvaal, measuring 62, 7099 hectares, held under Deed of Transfer T.6291/1898, DATED THE 24th November 1898; certain Remaining Extent of portion of the said farm, measuring 701, 9818 hectares, held under Deeds of Transfer T.6292,1898 dated 24th November 1898, certain portion marked “A” of the said farm, measuring 491,2211 hectares, certain portion marked “B” of the said farm measuring 729,9552 hectares, both held under Deed of Transfer T.6610/1913, dated 9th August 1913, certain Remaining Extent of the farm LEEWPOORT 283, Registration Division J.S, Transvaal, measuring 1283, 8092 hectares, held under Deed of Transfer T.16281/1920 dated 27 October 1920, as will more fully appear from Notarial Deed of Servitude K.206/1962-S dated 12 January 1962 and registered on the 11th March 1962.

(2) CONDITIONS IMPOSED BY THE PREMIER IN TERMS OF THE PROVISIONS OF THE TOWNSHIP ESTABLISHMENT AND LAND USE REGULATIONS, 1986

All erven with the exception of erven for public or municipal purposes shall be subject to the following conditions:

- (a) The erf is subject to
- (i) A servitude 3 metres along the street boundary.
 - (ii) A servitude 2 metres wide along the rear (mid-block) boundary and servitude along the side boundaries with an aggregate width of 3 metres and.
 - (iii) A minimum width of 1 metre.
- (b) No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 1 metre thereof,
- (c) The Local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion, may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purposes, subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

EMALAHLENI LOCAL MUNICIPALITY
NOTICE OF APPROVAL OF AMENDMENT SCHEME 1608

The Local Municipality of Emalahleni hereby declares in terms of the provisions of the Town-Planning and Townships Ordinance, 1986, that it has approved an amendment scheme, being an amendment of the Emalahleni Land Use Management Scheme, 2010, comprising the same land as included in the township Kwa-Guqa Extension 6.

Map 3 and the scheme clauses of the amendment scheme are filed with the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times. This amendment is known as Emalahleni Amendment Scheme 1608 and shall come into operation on date of publication of this notice.

HS MAYISELA
ACTING MUNICIPAL MANAGER

Civic Centre	
Mandela Street	P.O. Box 3
eMALAHLENI	eMalahleni
1035	1035

Notice Number : ___/2017
 Publication date: Provincial Gazette of Mpumalanga: _____2017

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 131 OF 2017

NOTICE OF APPLICATION FOR AMENDMENT OF THE EMALAHLENI LAND USE MANAGEMENT SCHEME 2010 IN TERMS OF CHAPTER 5 AND 6 OF THE EMALAHLENI SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016, READ TOGETHER WITH SPLUMA, ACT 16 OF 2013

EMALAHLENI AMENDMENT SCHEME 2207

I, Laurette Swarts Pr. Pln. (831214 0079 08 9) of the firm Korsman & Associates, being the authorised agent of the owner of, Erf 2707 Emalahleni Extension 16 Township Registration Division J.S., Province of Mpumalanga, hereby give notice in terms of Chapter 5 and 6 of the Emalahleni Spatial Planning and Land Use Management By-law, 2016, read together with SPLUMA, 2013, that I have applied to the Emalahleni Local Municipality for the amendment of the town planning scheme known as the Emalahleni Land Use Management Scheme 2010 by the rezoning of the erf described above, situated at 20 Volschenk Avenue, from "Residential 1" to "Residential 3" in order to accommodate Residential Buildings. Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, third Floor, Civic Centre, Mandela Avenue, Emalahleni, for a period of 30 days from **13 October 2017**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 3, Emalahleni, 1035 within a period of 30 days from **13 October 2017**.

Address of applicant: Korsman & Associates, Private Bag X7294, Suite 295, Witbank, 1035, Phone: 013-650 0408, Fax: 086 663 6326, Email admin@korsman.co.za
 Our ref: R17189-advGG

13-20

PROVINSIALE KENNISGEWING 131 VAN 2017

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE EMALAHLENI GRONDGEBRUIKBESTUURSKEMA, 2010 INGEVOLGE HOOFSTUK 5 EN 6 VAN DIE EMALAHLENI RUIMETLIKEBEPLANNING EN GRONDGEBRUIKS-BESTUUR BY-WET, 2016, SAAMGELEES MET SPLUMA, WET 16 VAN 2013

EMALAHLENI WYSIGINGSKEMA 2207

Ek, Laurette Swarts Pr. Pln. (831214 0079 08 9) van die firma Korsman & Vennote, synde die gemagtigde agent van die eienaar van Erf 2707 Emalahleni Uitbreiding 16 Dorpsgebied, Registrasie Afdeling J.S., Provinsie van Mpumalanga gee hiermee ingevolge Hoofstuk 5 en 6 van die Emalahleni Ruimtelikebeplanning en Grondgebruiksbestuur By-wet, 2016, saamgelees met SPLUMA, 2013, kennis dat ek by die Emalahleni Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Emalahleni Grondgebruikbestuurskema 2010 deur die hersonering van die eiendom hierbo beskryf, geleë te Volschenklaan 20, van "Residensieel 1" na "Residensieel 3" ten einde 'n Residensieëlegeboue te akkommodeer. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoofstadsbeplanner, Derdevloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 30 dae vanaf **13 Oktober 2017**. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **13 Oktober 2017** skriftelik tot die munisipale Bestuurder by bovermelde adres of by Posbus 3, Emalahleni, 1035 ingedien of gerig word.

Adres van applikant: Korsman & Vennote, Privaatsak X7294, Suite 295, Witbank, 1035, Tel: 013-650 0408 Faks: 086 663 6326, E-pos admin@korsman.co.za

Ons verwysing: R17195-advGG

13-20

PROVINCIAL NOTICE 132 OF 2017

NOTICE OF APPLICATION FOR AMENDMENT OF THE EMALAHLENI LAND USE MANAGEMENT SCHEME 2010 IN TERMS OF CHAPTER 5 & 6 AND SIMULTANEOUS REMOVAL OF RESTRICTIVE CONDITIONS IN TERMS OF SECTION 67 OF THE EMALAHLENI SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016, READ TOGETHER WITH SPLUMA, ACT 16 OF 2013

EMALAHLENI AMENDMENT SCHEME 2207

I, Laurette Swarts Pr. Pln. (831214 0079 08 9) of the firm Korsman & Associates, being the authorised agent of the owner of, Erf 2707 Emalahleni Extension 16 Township Registration Division J.S., Province of Mpumalanga, hereby give notice in terms of Chapter 5 and 6 of the Emalahleni Spatial Planning and Land Use Management By-law, 2016, read together with SPLUMA, 2013, that I have applied to the Emalahleni Local Municipality for the amendment of the town planning scheme known as the Emalahleni Land Use Management Scheme 2010 by the rezoning of the erf described above, situated at 20 Volschenk Avenue, from "Residential 1" to "Residential 3" in order to accommodate Residential Buildings.

Notice is also given in terms of the above that I have applied to the Emalahleni Local Authority for the removal of restrictive title conditions as described hereunder:

Deed of transfer: T16453/2015

Conditions no: Page 3 paragraph C.a & b.

Full name of owner: Johan Blignaut (ID no.: 7707195203081)

Description of land in respect of which the deed of transfer is applicable to: Property will be used for Residential Buildings.

Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, third Floor, Civic Centre, Mandela Avenue, Emalahleni, for a period of 30 days from **13 October 2017**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 3, Emalahleni, 1035 within a period of 30 days from **13 October 2017**.

Address of applicant: Korsman & Associates, Private Bag X7294, Suite 295, Witbank, 1035, Phone: 013-650 0408, Fax: 086 663 6326, Email admin@korsman.co.za

Our ref: R17189-advGG

13-20

PROVINSIALE KENNISGEWING 132 VAN 2017

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE EMALAHLENI GRONDGEBRUIKBESTUURSKEMA, 2010 INGEVOLGE HOOFSTUK 5 & 6 EN GELYKTYDIGE VERWYDERING VAN BEPERKENDE VOORWAARDES IN TERME VAN GEDEELTE 67 VAN DIE EMALAHLENI RUIMETLIKEBEPLANNING EN GRONDGEBRUIKSBESTUUR BY-WET, 2016, SAAMGELEES MET SPLUMA, WET 16 VAN 2013

EMALAHLENI WYSIGINGSKEMA 2207

Ek, Laurette Swarts Pr. Pln. (831214 0079 08 9) van die firma Korsman & Vennote, synde die gemagtigde agent van die eienaar van Erf 2707 Emalahleni Uitbreiding 16 Dorpsgebied, Registrasie Afdeling J.S., Provinsie van Mpumalanga gee hiermee ingevolge Hoofstuk 5 en 6 van die Emalahleni Ruimtelikebeplanning en Grondgebruiksbestuur By-wet, 2016, saamgelees met SPLUMA, 2013, kennis dat ek by die Emalahleni Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Emalahleni Grondgebruikbestuurskema 2010 deur die hersonering van die eiendom hierbo beskryf, geleë te Volschenklaan 20, van "Residensieel 1" na "Residensieel 3" ten einde 'n Residensieëlegeboue te akkommodeer.

Kennis word ook gegee in terme van bovermelde dat 'n aansoek ingedien is by die Emalahleni Plaaslike Owerheid vir die verwydering van beperkende titel voorwaarde soos beskryf hier ondder.

Titelakte: T16453/2015

Voorwaarde nr.: Bladsy 3 paragraaf C.a & b.

Volle naam van eienaar: Johan Blignaut (ID no.: 7707195203081)

Beskrywing van grond waarop titelakte van toepassing is: Die eiendom gaan gebruik word vir Residensieëlegeboue.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoofstadsbeplanner, Derdevloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 30 dae vanaf **13 Oktober 2017**. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **13 Oktober 2017** skriftelik tot die munisipale Bestuurder by bovermelde adres of by Posbus 3, Emalahleni, 1035 ingedien of gerig word.

Adres van applikant: Korsman & Vennote, Privaatsak X7294, Suite 295, Witbank, 1035, Tel: 013-650 0408 Faks: 086 663 6326, E-pos admin@korsman.co.za

Ons verwysing: R17195-advGG

13-20

PROVINCIAL NOTICE 133 OF 2017

NOTICE OF APPLICATION FOR AMENDMENT OF THE EMALAHLENI LAND USE MANAGEMENT SCHEME 2010 IN TERMS OF CHAPTER 5 AND 6 OF THE EMALAHLENI SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016, READ TOGETHER WITH SPLUMA, ACT 16 OF 2013

EMALAHLENI AMENDMENT SCHEME 2177 WITH ANNEXURE 778

I, Laurette Swarts Pr. Pln (ID no.: 831214 0079 08 9) of Korsman & Associates being the authorised agent of the owner of Portion 11 (a portion of Portion 1) & Portion 22 (a portion of Portion 1) of the farm Vlakfontein 569, Registration Division J.R., province of Mpumalanga and the Remainder of Portion 10 & the Remainder of Portion 11 of the farm Bankfontein 216, Registration Division I.R. province of Mpumalanga & Remainder of Portion 11 & Portion 103 of the Farm Heuwelfontein 215, Registration Division I.R., Province of Mpumalanga, hereby give notice in terms of chapter 5 and 6 of the Emalahleni Spatial Planning and Land Use Management By-law, 2016, read together with SPLUMA, 2013, that I have applied to the Emalahleni Local Municipality for the amendment of the town planning scheme known as the Emalahleni Land Use Management Scheme 2010 by the rezoning of the erf described above, situated adjacent west of Emalahleni, south of the N12 and north of Kendal Forest Holdings from "Agriculture" to "Special" with annexure 778 for Mining Purposes. Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, third Floor, Civic Centre, Mandela Avenue, Emalahleni, for a period of 30 days from **13 October 2017**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 3, Emalahleni, 1035 within a period of 30 days from **13 October 2017**.

Address of applicant: Korsman & Associates, Private Bag X7294, Suite 295, Witbank, 1035, Phone: 013-650 0408, Fax: 086 663 6326, Email admin@korsman.co.za

Our ref: R17184-advGazette

13-20

PROVINSIALE KENNISGEWING 133 VAN 2017

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE EMALAHLENI GRONDGEBRUIKBESTUURSKEMA, 2010 INGEVOLGE HOOFSTUK 5 EN 6 VAN DIE EMALAHLENI RUIMETLIKEBEPLANNING EN GRONDGEBRUIKSBESTUUR BY-WET, 2016, SAAMGELEES MET SPLUMA, WET 16 VAN 2013

EMALAHLENI WYSIGINGSKEMA 2177 MET BY LAAG 778

Ek, Laurette Swarts Pr. Pln (Id nr. 831214 0079 08 9) van Korsman & Vennote synde die gemagtigde agent van die eienaar van Gedeelte 11 ('n Gedeelte van Gedeelte 1) & Gedeelte 22 ('n gedeelte van Gedeelte 1) van die plaas Vlakfontein 569, Registrasie Afdeling J.R., Provinsie van Mpumalanga en Restand van Gedeelte 10 & Restand van Gedeelte 11 van die plaas Bankfontein 216, Registrasie Afdeling I.R., provinsie van Mpumalanga en Restand van Gedeelte 11 & Gedeelte 103 van die plaas Heuwelfontein 215, Registrasie Afdeling I.R., provinsie van Mpumalanga gee hiermee ingevolge hoofstuk 5 en 6 van die Emalahleni Ruimtelikebeplanning en Grondgebruiksbestuur By-wet, 2016, saamgelees met SPLUMA, 2013, kennis dat ek by die Emalahleni Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Emalahleni Grondgebruikbestuurskema 2010 deur die hersonering van die eiendom hierbo beskryf, geleë wes van Emalahleni, suid van die N12 en noord van die Kendal Forest Hoewes, van "Landbou" na "Spesiaal" met bylaag 778 vir Mynbou doeleindes. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoofstadsbeplanner, Derdevloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 30 dae vanaf **13 Oktober 2017**. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf

13 Oktober 2017 skriftelik tot die munisipale Bestuurder by bovermelde adres of by Posbus 3, Emalahleni, 1035 ingedien of gerig word.

Adres van applikant: Korsman & Vennote, Privaatsak X7294, Suite 295, Witbank, 1035, Tel: 013-650 0408 Faks: 086 663 6326, E-pos admin@korsman.co.za

Ons verwysing: R17184-advGazette

13-20

PROVINCIAL NOTICE 134 OF 2017**NOTICE**

**MPUMALANGA GAMING ACT, (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR REMOVAL OF SITE OPERATOR LICENCE TO OTHER PREMISES**

Notice is hereby given that Betting World (Pty) Ltd Registration Number 2000/008649/07 trading as Betting World Embalenhle intends submitting an application to the Mpumalanga Gambling Board for the removal of the site operator licence. The current premises is located at: Shop 1 and 2, 5652 Khama Street, Embalenhle, Govan Mbeki Municipality, Mpumalanga Province. The future business premises will be Betting World Naas, located at: Shop 3, Jimmy's Building, Kamaqheza, Naas, Nkomazi Municipality, Mpumalanga Province. No changes to the licence conditions of the site operator licence is proposed in this application. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 20 October 2017 to 19 November 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 135 OF 2017

NOTICE OF APPLICATION FOR AMENDMENT OF THE EMALAHLENI LAND USE MANAGEMENT SCHEME 2010 IN TERMS OF CHAPTER 5 & 6 AND SIMULTANEOUS REMOVAL OF RESTRICTIVE CONDITIONS IN TERMS OF SECTION 67 OF THE EMALAHLENI SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016, READ TOGETHER WITH SPLUMA, ACT 16 OF 2013

EMALAHLENI AMENDMENT SCHEME 2215 WITH ANNEXURE 787

I, Laurette Swarts Pr. Pln. (831214 0079 08 9) of the firm Korsman & Associates, being the authorised agent of the owner of, Portion 148 (a portion of Portion 29) of the farm Kromdraai 292, Registration Division J.S., Province of Mpumalanga, hereby give notice in terms of Chapter 5 and 6 of the Emalahleni Spatial Planning and Land Use Management By-law, 2016, read together with SPLUMA, 2013, that I have applied to the Emalahleni Local Municipality for the amendment of the town planning scheme known as the Emalahleni Land Use Management Scheme 2010 by the rezoning of the property described above, situated south of the R555, from "Agriculture" to "Special" with annexure 787 for the purpose of Rural Residential Development.

Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, third Floor, Civic Centre, Mandela Avenue, Emalahleni, for a period of 30 days from **20 October 2017**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 3, Emalahleni, 1035 within a period of 30 days from **20 October 2017**.

Address of applicant: Korsman & Associates, Private Bag X7294, Suite 295, Witbank, 1035, Phone: 013-650 0408, Fax: 086 663 6326, Email admin@korsman.co.za

Our ref: R17203-advGG

10-20

PROVINSIALE KENNISGEWING 135 VAN 2017

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE EMALAHLENI GRONDGEBRUIKBESTUURSKEMA, 2010 INGEVOLGE HOOFSTUK 5 & 6 EN GELYKTYDIGE VERWYDERING VAN BEPERKENDE VOORWAARDES IN TERME VAN GEDEELTE 67 VAN DIE EMALAHLENI RUIMTELIKEBEPLANNING EN GRONDGEBRUIKSBESTUUR BY-WET, 2016, SAAMGELEES MET SPLUMA, WET 16 VAN 2013

EMALAHLENI WYSIGINGSKEMA 2215 MET BYLAAG 787

Ek, Laurette Swarts Pr. Pln. (831214 0079 08 9) van die firma Korsman & Vennote, synde die gemagtigde agent van die eienaar van Gedeelte 148 ('n Gedeelte van Gedeelte 29) van die plaas Kromdraai 292, Registrasie Afdeling J.S., Provinsie van Mpumalanga gee hiermee ingevolge Hoofstuk 5 en 6 van die Emalahleni Ruimtelikebeplanning en Grondgebruiksbestuur By-wet, 2016, saamgelees met SPLUMA, 2013, kennis dat ek by die Emalahleni Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Emalahleni Grondgebruikbestuurskema 2010 deur die hersonering van die eiendom hierbo beskryf, geleë suid van die R555, van "Landbou" na "Spesiaal" met bylaag 787 vir die doel van Landelike Residensiële ontwikkeling.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoofstadsbeplanner, Derdevloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 30 dae vanaf **20 Oktober 2017**. Besware teen of versoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **20 Oktober 2017** skriftelik tot die munisipale Bestuurder by bovermelde adres of by Posbus 3, Emalahleni, 1035 ingedien of gerig word. Adres van applikant: Korsman & Vennote, Privaatsak X7294, Suite 295, Witbank, 1035, Tel: 013-650 0408 Faks: 086 663 6326, E-pos admin@korsman.co.za

Ons verwysing: R17203-advGG

10-20

PROVINCIAL NOTICE 136 OF 2017**NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 – CHAPTER 5 AND 6**

I, Jaco Peter le Roux, of Afriplan CC hereby give notice in terms of Section 89 of the Govan Mbeki SPLUM By-law, 2016 that I have applied to the Govan Mbeki Municipality for the following:

Application for: **The closure of a Public Place in terms of Section 70 of the Govan Mbeki SPLUM By-law, 2016**

Notification number: **2017-10-05/CLOSURE/Eva-02-1119**

Property information: **Erf 1119, Evander X 2, situated at Bristol Road, Evander X 2**

Owner information: **Govan Mbeki Local Municipality – entered into an agreement of sale with Siyakhulisa Trading Enterpriser**

We, the agent hereby give notice in terms of Section 89 of the Govan Mbeki Spatial Planning and Land Use Management By-law, of the application for the permanent closure of Erf 1119, Evander (Park).

Particulars of the application will lay for inspection during normal office hours at the office of the Municipal Manager, Central Business Area, Secunda for the period of 30 days from **20 October 2017** (date of first notice).

Objections to or representations in respect of the applications must be lodged with or made in writing to the Municipal Manager, during normal office hours, at the above address or at Private Bag X1017, Secunda, 2302 within a period of 30 days from **20 October 2017** (last day for comment being **20 November 2017**). Any person who cannot write may during office hours attend the Office of the Municipal Manager, where an official will assist that person to lodge comment.

Details of agent: Afriplan CC, PO Box 786, Ermelo 2350. Tel: 013 282 8035 Fax: 013 243 1706.

E-mail: jaco@afriplan.com/vicky@afriplan.com

PROVINCIAL NOTICE 137 OF 2017**THE PROVINCIAL GAZETTE, NEWSPAPERS AND PLACARD NOTICE TERMS OF SECTION 16(1)(e) OF THE CHIEF ALBERT LUTHULI MUNICIPALITY LAND USE MANAGEMENT BY-LAW, 2016 FOR THE REMOVAL, AMENDMENT OR SUSPENSION OF A RESTRICTIVE CONDITION IN THE TITLE DEED**

I, THEUNIS CHRISTOFFEL BOTHA of DR T C BOTHA INCORPORATED being the Applicant hereby give notice in terms of section 98(1)(h) of the Chief Albert Luthuli Spatial Planning and Land Use Management By-law, 2016 that I have applied to the Chief Albert Luthuli Municipality for the removal / amendment or suspension of certain conditions contained in the Title Deed of ERF 140 CAROLINA TOWNSHIP (property description), which property is situated at 10 LANGE STREET, CAROLINA

Any objection, with the grounds therefore and contact details, shall be lodged with or made in writing to CHIEF ALBERT LUTHULI MUNICIPALITY at CORNER CHURCH AND VERSVELD STREET, CAROLINA

From 20 October 2017 (the first date of the publication of the notice set out in section 16(i)(e) of the By-law referred to above) until (not less than 30 days after the date of first publication of the notice set out in section 16(1)(e).

Full particulars and plans (if any) may be inspected during normal office hours at the above-mentioned office, for a period of 30 days after the publication of the advertisement in the Provincial Gazette

Closing date for any objections : 1 December 2017

Address of applicant :(Physical as well as postal address)
GARY PLAYER BUILDING, 44 VOORTREKKER STREET, CAROLINA
P O BOX 473, CAROLINA 1185
Telephone No: 017 843 1192

Date on which notice will be published: 20 October 2017

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 113 OF 2017

REVIEWED STANDING RULES OF ORDER

MUNICIPAL NOTICE

The Emalahleni Local Municipality adopted Standing Rules of Order By-Laws at its meeting held on 28 September 2017 in terms of Section 156 (2) of the Constitution of the Republic of South Africa (Act 108 of 1996) read with Section 31 (2) of the Local Government: Municipal Structures Act, 1998 and hereby publishes the By-Laws in terms of Section 13 (a) of the Local Government: Municipal Systems Act, 2000 to come into effect on the date of publication hereof in the Mpumalanga Provincial Gazette.

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CHAPTER 1**APPLICATION, INTERPRETATION AND DEFINITIONS OF COUNCIL STANDING RULES OF ORDERS****1.1. Application**

The Rules of Order contained herein apply to all meetings of Municipal Council and any Committee of Council as well as any other Committee of Councillors established within the Municipality, unless the terms of reference for a specific structure explicitly excludes the application of Rules of Order for such structure.

- 1.2. The rules are aimed at allowing free, open and constructive debate during meetings and seeks to promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated meetings.
- 1.3. The rules endeavour to create the opportunity for Councillors serving in Council Structure to air their view on any matter of public importance.
- 1.4. Accordingly these Standing Rules Of Orders are applicable to:-
 - 1.4.1 all Councillors;
 - 1.4.2 any members of Public whilst present in the Municipal Chamber and Precinct;
 - 1.4.3 Traditional Leaders participating in Council and its Committees in terms of Section 81 of the Municipal Structures Act;;
 - 1.4.4 any deputation addressing the Council or a Committee of Council; and
 - 1.4.5 any Official of the Municipality.

1.5. Interpretation

- 1.5.1 any interpretation of these Rules and Orders must be made having had due regard to the supremacy of the Constitution of the Republic of South Africa, national, provincial and municipal legislation, the rule of law and the rules of natural justice.
- 1.5.2 the ruling of the Speaker or Chairperson with regard to the interpretation of these rules and orders at a meeting of the Council or Committee of Council shall be final and binding, subject to Rules 1.2.5 and 1.2.6.
- 1.5.3 the ruling of the Speaker or Chairperson of any of these rules and orders must be recorded in the minutes of the Council or Committee of Council.
- 1.5.4 the Municipal Manager must keep a register of the rulings and legal opinions.
- 1.5.5 any Councillor may request the Municipal Manager, in writing within five (5) days from a ruling made in terms of 1.2.2, to obtain clarity on the interpretation and ruling. The Municipal Manager must thereafter report to the Council or Committee of Council.
- 1.5.6 the Council or Committee of Council may, after consideration of the report in terms of Rule 1.2.5 confirm, amend or substitute the ruling of the Speaker or a Chairperson subject to any rights which any third party have accrued as a result of the ruling and all decisions effecting the rights of others must be in writing and reasons must be recorded of such decisions.

1.6. Definitions

In these Standing Rules of Order the following terms and phrases used in these rules shall have the meaning assigned to them hereunder: –

- “Administration”** (a) as an entity means the municipal manager and the other employees of the council, or
(b) as a functional activity, includes management and means the tasks that employees perform to enable the council to make and implement policies and by-laws;
- “Agenda”** means a list of matters to be considered at a meeting including reports regarding such matters;
- “Audit Report”** means any report submitted to the council by or on behalf of the Auditor-general with regard to the auditing of the council’s annual financial statements and accounting records;
- “Authorised Official”** means an official of the municipality who has been duly authorised to administer, implement and enforce the provisions of this rules or order;
- “By-Law”** means legislation passed by the municipal council and gazetted by the Government Printers;
- “Chairperson”** means a Councillor elected in a permanent or acting a capacity to control and conduct any meeting of a council committee;
- “Code of Conduct”** means the code of conduct for Councillors contained in Schedule 1 of the Local Government: Municipal Systems Act;
- “Committee”** means any Committee established in the municipality, including Committees established in terms of Section 79 or 80 of the Structures Act, including any Committee established in terms of these Rules and Orders,
- “Constituency”** means, for the purpose of a public hearing –
(a) a political party that contested a general election for councillors in the municipal area; and
(b) any readily identifiable group of residents in the municipal area whether they are organised or not, that share common economic or social interests or conditions;
- “Constituency Meeting”** means a meeting of the residents within a ward in the municipal area contemplated in terms of these rules of order;
- “Constitution”** means the Constitution of the Republic of South Africa Act 108 of 1996;
- “Contact Details”** means a physical address, postal address, electronic mail address, telephone number, and facsimile number and cellular phone number;
- “Continuation Meeting”** means a council or committee meeting held in terms of rule 42 herein to complete the unfinished business standing over from a meeting that was adjourned in terms of these rules of order;

“Council”	means the Council of the Municipality established in terms of Section 23 of the Local Government: Municipal Structures Act;
“Councillor”	means an elected or appointed member of the Council;
“Council Resolution”	means the recorded and written decision and/or finding of a Council;
“Council Whip”	means a Councillor appointed as Chief Whip of the Council in terms of Notice 300 of 2000 Mpumalanga (South Africa) Department of Cooperative Governance publication on Notice in terms of section 12 of the Local Government Structures Act, 1998 , Disestablishment of existing Municipalities and Establishment of Municipalities ;
“Day”	shall mean a day that is not a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;
“Deputation”	means a person or group of persons who wish to appear personally before the Council or a Committee of the Council in order to address the Council or Committee of the Council.
“Division of Vote”	means that every Councillor present shall be obliged to record his/her vote for or against the Motion or proposal, abstention from the vote is not allowed and such vote shall be taken separately by name and recorded in the minutes;
“Employee”	means an employee of the Council;
“Executive Mayor”	means the Councillor elected by the Council as Executive Mayor in terms of Section 55 of the Local Government: Municipal Structures Act;
“In Committee”	means the part of the meeting of Council where the meeting will be closed and members of the public and press, and such Municipal Officials as determined by the Speaker, excluding the Municipal Manager, will be excluded from the meeting, based on the nature of the business transacted;
“Senior Manager”	means an employee of the Council appointed by the Council as Manager of a department or departments in terms of Section 57 of the Local Government: Municipal Systems Act and includes an employee acting in the stead of such a Manager;
“Mayoral Committee”	means the Committee consisting of Councillors appointed by the Executive Mayor in terms of Section 60 of the Local Government: Municipal Structures Act;
“MEC”	means the member of the Executive Council of the Mpumalanga Province responsible for local government;
“Member”	means a Councillor serving in the Municipal Council of the Municipality;
“Municipal Assets”	means any movable, immovable, corporeal, incorporeal, tangible and intangible property to which the municipality holds title;
“Motion”	means a matter submitted by a Member in writing in accordance with Rule 53 herein;
“Motion of Sympathy”	means a written or oral motion of sympathy or congratulations submitted to the

or congratulations”	Municipal Manager at least three (3) hours before an ordinary Council or Committee meeting in respect of the death of a Councillor; Employee, community leader, provincial or national disaster, or of an outstanding achievement by a Councillor, Employee, community leader or an exceptional event at provincial or national level; that a Councillor who did not have the opportunity to forward a motion of sympathy or congratulations within the three(3)hours before an ordinary Council or Committee meeting be afforded the opportunity to forward a motion of sympathy and congratulations.
“MPAC”	means Municipal Public Accounts Committee, an Oversight Committee of Council established in terms of Section 79 of the Local Government: Municipal Structures Act with its terms of reference approved by Council through a Council Resolution;
“Municipal Area”	means the area of jurisdiction of the Council as demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);
“Municipal Manager”	means the head of administration and Accounting Officer appointed by the Council in terms of Section 54 A of the Local Government: Municipal Systems Act and includes any Employee of the Council who acts in her or his stead;
“Newspaper”	means a registered newspaper that circulates within the Municipal Area and that had been determined as a newspaper of record;
“Official “Announcement”	means any announcement made by the Chairperson of a meeting and which may only relate to the governance, administration or management of, or in the conditions in the area of jurisdiction of the municipality or in respect of an event of provincial or national importance;
“Petition”	means a written statement, proposal or grievance addressed to the Council or an office-bearer or employee of the Council and signed by more than five (5) residents within the Municipal Area or a part thereof;
“Point of Order”	means the pointing out of any deviation from or anything contrary to, the conduct and/or any other irregularity in the proceedings of a meeting;
“Precinct”	means the Council Chamber and all other places of a meeting, the areas to which the public are allowed access and all other venues where the meetings of Council of Committee of Council are held.
“Procedural Motion”	shall mean a matter raised by a member at a meeting in terms of Rule 53 below;
“Proposal”	means a draft resolution submitted in writing by a councillor during a debate and is duly seconded on any matter at a meeting of the council or any structure of the council;
“Public”	includes the media and means any person residing within the Republic of South Africa;
“Public Hearing”	means a meeting arranged by the Council or Executive Mayor to solicit the views and opinions of members of the public and specific constituencies on a matter affecting the interests of the residents within the Municipal Area;

“Public Holiday”	means a public holiday contemplated in the Public Holidays Act, 1994 (Act 36 of 1994);
“Public meeting of Voters”	means a meeting of which public notice had been given and which is open for all voters registered in the municipal segment of the national common voters’ roll relating to the council;
“Report”	means any item appearing on the agenda for consideration by the Council or Committee;
“Question”	means a question in terms of rules 51 or 52 asked during a meeting of the council or any of its structures;
“Quorum”	means the minimum number of Councillors and other members of 50% plus 1, if any, that must be present at a meeting before it may commence or continue with its business;
“Sargent-at-arms”	means a person in the full time employment of the Municipality and/or a Peace Officer in the full time employment of the Municipality entrusted to assist the Speaker to maintain order during Council meetings assisted by Municipal Officials in the VIP Protection Unit of the Municipality and by any such staff members as the Speaker may direct;
“Sec 79- Committee”	means a committee of Council contemplated and established by Council in terms of Section 79 of the Local Government: Municipal Structures Act for purposes of carrying out effective and efficient performance of any of its functions or the exercise of any of its powers;
“Sec 80- Committee”	means a Committee of Council established by Council in terms of Section 79 of the Local Government: Municipal Structures Act to assist the Executive Committee and the Executive Mayor;
“Speaker”	means the Councillor elected as a Chairperson of the Council in terms of Section 36 of the Local Government: Municipal Structures Act and includes any Councillor who had been elected by the Council as acting Speaker during the temporary incapacity or absence of the Speaker;
“Structures Act”	means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
“Sub – Committee”	means any other Committee, other than the Executive Committee/Mayoral Committee or Committee appointed by the Council or the Executive Committee;
“Systems Act”	means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
“Table”	means to submit a report or any official document to the Council or a Committee of Council for consideration at a meeting of the Council or Committee of Council of which notice has been given in terms of these Rules and Orders;
“Traditional Authority”	means the authority of a community within the municipal area that traditionally observes a system of customary law recognised in terms of a law; and

- “Traditional Leader”** means the leader of a traditional authority that had been identified by the MEC in terms of section 81 (2) of the Local Government: Municipal Structures Act to participate in the proceedings of the council.
- “Traditional Leadership Act”** means the Traditional Leadership and Governance Framework Act 41 of 2003.
- “Whip”** means a Chief Whip of each political party.

In every rule, unless the contrary indicates otherwise or appears from the context therein words importing the masculine gender shall include the females and words importing the singular shall include the plural and vice versa.

CHAPTER 2
GENERAL PROVISIONS RELATING TO MEETINGS

Part 1: Determination of time and venue of meetings

2. Days and venues of meetings

- (1) No meeting of the Council or a Committee of the Council may be held on a Saturday, Sunday or Public Holiday.
- (2) Meetings and hearings of the Council and its Committees must be held at a suitable venue within the municipal area.
- (3) The Council shall be on recess during the period from the 16th December to 05th January of every year with both days included as part of the recess, unless a Special Council is called in terms of these rules.

3. Determination of venue and time of ordinary council meeting

- (1) The Municipal Manager or, if there is no Municipal Manager, a person appointed by the MEC must, after a general election of Councillors for the Council, determine the date, time and venue of the first meeting of the Council, and such meeting must be held within fourteen (14) days after all the members had been appointed and details of such appointments had been furnished to the Municipal Manager.
- (2) The Speaker must, in consultation with the Municipal Manager, determine a schedule of the dates, times and venues of ordinary Council meetings, other than the meeting referred to in rule 3(1), for a period of at least twelve (12) months in advance, provided that –
 - (a) the Council must hold at least one ordinary meeting every three months; and
 - (b) not more than one ordinary council meeting may take place during any month.
- (3) The Speaker may, in consultation with the Municipal Manager, at the request of a majority of the councillors, in writing convene a council meeting at a date and time set out in the request.

4. Determination of time and venue of special council meetings

- (1) The Council shall hold its meetings at 14:00 hours in the afternoon, unless there is a written request submitted to the speaker in accordance to rule 3(3).
- (2) The Speaker may at the request of the Executive Mayor and/or upon a request in writing of a quorum of the Councillors of the Municipality, call a Special Council, provided that all Councillors were given at least forty eight (48) hours' notice prior to the date and time set for the meeting.
- (3) In the event the Speaker fails and/or refuses to call a Special Council when requested in accordance with Rule 4 (1) above, the Municipal Manager may call the meeting.
- (4) A request to call a special meeting must set out the matter to be dealt with at that special Council meeting and no business may be dealt with at a special Council meeting other than that specified in the notice convening a special Council meeting.

5. Determination of venue and time of ordinary Committee and MPAC meetings

- (1) The Speaker, in consultation with the Municipal Manager, must determine a schedule of the date, time and venue of ordinary meetings of the Section 79 - Committees or other Council Committees including MPAC.
- (2) The Executive Mayor, in consultation with the Municipal Manager, must determine a schedule of the date, time and venue of the Mayoral Committee meetings and Section 80 Committee meetings for a period of at least twelve (12) months in advance, provided that –
 - (a) the determination must take into account the schedule of ordinary council meetings referred to in Rule 3 (2);
 - (b) no Section 79 - Committee or other Committee meeting may take place during an ordinary or Special Council meeting except with the express approval of the Council; and
 - (c) no Mayoral Committee meeting may be scheduled or convened for the same time as an ordinary or Special Council meeting.
- (3) The Speaker, in consultation with the Municipal Manager and after consultation with the Chairperson of a Section 79 or other Committee, may change the date, time or venue of a scheduled meeting of such committee.

6. Determination of venue and time of special committee meetings

- (1) The Speaker or the Executive Mayor, as the case may be, in consultation with the Municipal Manager and after consultation with the Chairperson of a Section 79 - Committee or other Committee, may convene a special meeting of the Section 79 - Committee or other committee concerned at a venue, time and place so determined.
- (2) The Speaker or Executive Mayor must, in consultation with the Municipal Manager, if a majority of the members of a Section 79 - Committee or other Committee who are Councillors requests him or her in writing to convene a special Section 79 - Committee or other Committee meeting convene such special Section 79 - Committee meeting or other Committee on a date set out in the request and at a time and venue so requested.
- (3) As soon as the date, time and meeting of such special committee meeting has been determined as provided for in rule 6 (2), the Chairperson of the relevant committee must be informed thereof.
- (4) A request to convene a special Section 79 - Committee or other committee meeting must set out the matter to be dealt with at such special meeting and no business other than that specified in the notice convening a special meeting may be dealt with at such meeting.

7. Determination of time and venue of public meetings

- (1) The Speaker, in consultation with the municipal manager, must convene a public meeting of voters within the municipal area in terms of a council resolution.
- (2) The date determined for a public meeting of voters may not be less than fourteen (14) days or more than twenty eight (28) days after the date of the Council Resolution.

- (3) A resolution to convene a public meeting of voters must set out the matter to be dealt with at that meeting, and no business other than that specified in the notice convening a public meeting of voters may be dealt with at such a meeting.

8. Meeting using telecommunications or video conferencing facilities

- (1) The Council may hold a Council or Committee meeting using telecommunications or video conferencing facilities if all the councillors and traditional leaders who are required to attend the meeting concerned have access to the required facilities.
- (2) A meeting in terms of rule 8(1) is subject to these standing Rules of Order, provided that the venue stated in the notice of the meeting must be the places where councillors and traditional leaders can access the facilities required for the meeting.

9. Public hearings

- (1) The Council or the Executive Mayor may, in consultation with the Municipal Manager, at any time convene a public hearing on any matter affecting the interests of the residents within the municipal area.
- (2) Whenever a public hearing is to be convened, the Council or the Executive Mayor must, in consultation with the Municipal Manager and subject to Rule 9 (3), determine the date, time and venue of such hearing.
- (3) If more than one public hearing is to be held at different venues in the municipal area or with different constituencies at different venues, the Council or Executive Mayor, in consultation with the Municipal Manager, must determine a schedule of hearings setting out the different venues and dates for those hearings.
- (4) No public hearing may be convened on the same day as a Council meeting.
- (5) The Council or Executive Mayor convening a public hearing must determine the subject matter of that hearing and may identify the constituencies that must be specifically invited to attend or to make representations at the hearing and supply their particulars to the Municipal Manager.
- (6) Any person invited, attending or participating in a public hearing, does so at his or her own cost except for exceptional circumstances where transport is provided by the Council.

Part 2: Notice of meetings

10. Notice of Council and Committee meetings

- (1) Unless otherwise provided in these rules, the Municipal Manager must give notice of at least seventy two (72) hours in writing of the date, venue and time for holding of an ordinary meeting -
 - (a) of the Council, including a continuation meeting in terms of Rule 42, to every Councillor, Traditional Leader if necessary and Senior managers ;
 - (b) of a Committee, including a continuation meeting in terms of Rule 42, to every member of the Committee concerned and Senior managers ;

- (2) The notice period referred to in Rule 10 (1) does not apply when the Executive Mayor deems it necessary to table an urgent matter for the Council's consideration.
- (3) A Councillor, Traditional Leader and members of Senior Managers to whom notice had been given in terms of Rule 10 (1) is, until such date, venue or time is changed and written notice of such change has been given, required to attend the meeting stipulated in the notice without further notice.
- (4) A notice referred to in Rule 10 (1) given to a Councillor, Traditional Leader and a member of Senior Managers must contain the agenda for the meeting concerned, except in the case of a continuation meeting in terms of Rule 42.
- (5) In the case of a special meeting in terms of Rule 4 or 6, the agenda may contain only the matter that must be dealt with at the meeting.
- (6) A notice in terms of Rule 10 given to a Councillor, Traditional Leader and Manager is deemed read for the purpose of the meeting to which it applies.
- (7) The Municipal Manager must, unless otherwise provided in these rules, at least twenty four (24) hours or the last workday before the stipulated time, whichever is the earlier, give notice in writing of the date, venue and time for the holding of a special council meeting and the provisions of Rules 10 (1) to (6) apply with the necessary changes in any such case.

11. Notice of public meetings and public hearings

- (1) The Municipal Manager must, with due regard for Rule 11(3)
 - (a) by notice in the press and placed on the municipal notice board within the municipal area convene the meeting or hearing of the time, date and venue of a public meeting or hearing, and
 - (b) supply a copy of such notice to every Councillor, Traditional Leader and member of Senior Managers.
- (2) A notice in terms of Rule 11 (1) must state the purpose of the meeting or hearing;
- (3) A Councillor, Traditional Leader and members of the Senior Managers to whom notice had been given in terms of Rule 11 (1) is, until such date, venue or time is changed and notice of such change has been given, required to attend, without further notice, the meeting or hearing stipulated in the notice.
- (4) All meetings of the Council and those of its Committees, shall conduct their business in an open manner and every meeting of the Council and all Council Committees (i.e. MPAC and Section 79 Oversight), excluding the Mayoral Committee and Section 80 Committees, shall be open to the public; provided that this Section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of Section 20 (1) (a) and (b) of the Local Government: Municipal Systems Act.

12. Councillors to supply Municipal Manager with contact details

- (1) Every Councillor appointed in terms of Section 23 of the Local Government: Municipal Structures Act must, within seven (7) days after he or she had been declared elected or appointed, as the case may be, and thereafter as often as is necessary, supply the Municipal Manager in writing with full contact details within the municipal area to which official communications and notices must be sent.
- (2) Every Traditional Leader identified in terms of the Local Government: Municipal Structures Act who will represent that traditional authority in the council must, within fourteen (14) days after the Municipal Manager requested such particulars, supply the Municipal Manager with the full names and full details and other particulars of that traditional leader to whom official communications and notices must be delivered.
- (3) The Municipal Manager may deliver a notice contemplated in Rules 12 (1) and 12 (2) to a person that appears to be over the age of sixteen (16) at the address supplied by such Councillor or Traditional Leader.
- (4) Non-receipt of any official communication or notice sent to an address referred to in Rules 12 (1) and 12 (2) or delivered in terms of Rule 12 (3) -
 - (a) does not affect the validity of any meeting or proceedings of the Council or its Committees; and
 - (b) is not sufficient reason to be absent from the meeting concerned without leave of absence.
- (5) In the event that a Notice could not be effected and/or served in terms of Rule 12 (3) the notice shall be left or delivered at the main gate/door or at an accessible distribution point within the nominated address provided to the Municipal Manager by the Councillor and/or Traditional Leader.
- (6) Delivery by email and/or text message (sms) shall be deemed to have been received on receipt of a confirmation of successful delivery by the sender. Delivery by means of an email or text message shall be effected during Council working hours.
- (7) Accidental omission to serve on any Councillor and/or Traditional Leader a notice of a Council meeting shall not invalidate the proceedings of that meeting.

Part 3: Attendance of meetings and hearings**13. Absence from meetings**

- (1) A Councillor or Traditional Leader must, at least three (3) before the meeting, lodge with the Municipal Manager and Speaker in the case of Council, the Executive Mayor in the case of a Mayoral Committee or with the Municipal Manager in the case of a Committee written application for leave of absence from the whole or any part of the Council, Mayoral Committee or Committee meeting or hearing concerned and, at the same time, furnish reasons for his or her application for leave of absence, if he or she –
 - (a) is unable to attend a meeting or hearing of which notice had been given;
 - (b) is unable to remain in attendance at a meeting or hearing; or

- (c) will arrive after the stipulated time for a meeting or hearing.
- (2) A Councillor or Traditional Leader who did not apply for leave of absence in terms of Rule 13 (1) and who was absent from a Council, Mayoral Committee or Committee meeting or hearing or a part thereof must, after that Council, Mayoral Committee or Committee meeting or hearing and within fourteen (14) working days, lodge with the Speaker, Executive Mayor or Municipal Manager a written application for leave of absence from that Council, Mayoral Committee or Committee meeting or hearing and such an application for leave of absence must state the reasons for the late submission of the application and the reasons for his or her absence from the Council, Mayoral Committee or Committee meeting or hearing.
- (3) The Municipal Manager or his/her delegated official must read in to the record any application for leave of absence.
- (4) An application in terms of Rules 13 (1) or 13 (2) is considered and granted or refused by –
- (a) the Speaker in the case of a Council meeting or public hearing;
 - (b) the relevant Chairperson in the case of any other Committee meeting.
 - (c) the Executive Mayor in the case of the Mayoral Committee.
- (5) Whenever an application for leave of absence in terms of Rules 13 (1) or 13 (2) was refused –
- (a) the relevant functionary must supply the reasons for the refusal; and
 - (b) the Municipal Manager must immediately after the meeting or hearing in writing inform the Councillor or Traditional Leader concerned accordingly and supply the reasons for the refusal.
- (6) A Councillor or Traditional Leader is deemed absent without leave from the meeting concerned if:–
- (a) he or she fails to apply in terms of Rule 13 (1) or 13 (2) and he or she is absent from a meeting or hearing he or she is required to attend;
 - (b) his or her application for leave of absence has been refused and he or she is absent from the meeting he or she is required to attend;
 - (c) his or her application for leave of absence has been refused and he or she does not appeal in terms of Rule 14;
 - (d) his or her appeal has been turned down; or
 - (e) he or she did not sign the attendance register contemplated in Rule 17(1); and
- (7) A Councillor delegated by the Council to attend to other official duties at the time of a meeting he or she is required to attend, is deemed to have been granted leave of absence for the meeting he or she is required to attend.
- (8) The Municipal Manager must keep a record of all cases in terms of Rule 13 (6) and must submit a written report thereon to the Speaker at least once every three (3) months.
- (9) A Councillor who has failed to attend Council and did not serve a late application in terms of Rule 13 (2) or a Councillor whose appeal has been turned down shall be fined R1000(one thousand Rands) deducted against his/her monthly salary and/or allowance.

- (10) Female Councillors shall forward to the Speaker, for the duration of four months, a standing apology which shall be forwarded to the respective committees that the said female councillor sits in, including mayoral committee and council. The application of which shall be lodged with the Speaker who shall after approval thereof, report of such in the next ensuing Council that leave has been granted to the said Councillor, with the effective and termination date mentioned in Council.

14. Appeal against refusal of application for leave of absence

- (1) A Councillor or Traditional Leader whose application for leave of absence had been refused may appeal against the refusal, and such appeal must be in writing and lodged with the municipal manager within fourteen days after the date of the decision; provided that the council or the committee who must consider the appeal may in exceptional circumstances condone the late submission of an appeal.
- (2) The Council considers an appeal in terms of Rule 14 (1) in the case of absence from a Council meeting, public meeting or public hearing, Mayoral Committee meeting or any Council Committee meeting, as the case may be.
- (3) A decision with regard to an appeal in terms of Rule 14 (1) is final.

15. Removal of Councillor and Traditional Leader from office as a result of absence from meetings without leave

- (1) Whenever a report submitted to the speaker in terms of Rule 13 (8) identifies a –
- (a) Councillor that had been absent without leave of absence from three (3) or more consecutive Council meetings or three (3) or more consecutive committee meetings which that Councillor was required to attend; or
 - (b) a Traditional Leader that had been absent without leave of absence from three or more Council meetings which such Traditional Leader was required to attend,
 - (c) the Speaker must in writing report the matter to the Council at the first ordinary Council meeting next ensuing, and must, in the case of a Traditional Leader, also report the matter in writing to the traditional authority represented by that Traditional Leader.
- (2) The Council must consider the report of the Speaker and must give the Councillor or Traditional Leader concerned an opportunity to state his or her case. As soon as a Councillor or Traditional Leader has stated his or her case, he or she must leave the meeting whilst the Council considers the matter.
- (3) If, after consideration of the matter, the Council –
- (a) finds that the Councillor was absent without good reasons, the Speaker must, in writing, request the MEC to remove the Councillor from the Council in terms of the Code of Conduct applicable to Councillors; or

- (b) finds that the reason for the absence from any of the meetings was a good reason, the Council may issue a formal warning to the Councillor or Traditional Leader and determine the period during which the warning will be valid.
- (4) A Councillor ceases to be a Councillor in this regard on the date that the MEC informs the Speaker that the Councillor has been removed from office.

16. Who may attend meetings

- (1) Until the Council or a Committee closes a meeting, and subject to Rule 16 (2), a meeting may be attended by members of the public, employees of the Council and the media.
- (2) A public meeting of voters or a constituency meeting or a public hearing may not be closed.
- (3) Every Councillor and Traditional Leader must, from the time stipulated in the notice convening the meeting, attend every meeting of the Council, committee or every public meeting of voters and public hearing and remain in attendance at such meeting or hearing, unless –
 - (a) leave of absence had been granted to him or her; or
 - (b) he or she must leave a meeting or hearing in terms of the Code of Conduct.
- (4) The Speaker and/or executive mayor, as the case may be, may by virtue of their offices, attend and participate in any committee meeting, provided that the Speaker or Executive Mayor may not vote on any matter at such a committee meeting.
- (5) Any Councillor who is not a member of a committee or any Traditional Leader may only attend a meeting of a committee with the express prior permission of the chairperson of that committee, which permission may not be unreasonably withheld.
- (6) The Speaker or the Executive Mayor or the Chairperson of a committee, as the case may be, may invite any person to attend a meeting of the Council or that committee, as the case may be.
- (7) The Municipal Manager and Municipality's Senior Managers must attend public/community meetings or hearings, Council and Committee meetings, provided that the Chairperson of a Committee may, after consultation with the Municipal Manager, exempt the Municipal Manager or any Senior Manager from attending any meeting of the committee concerned, or, if he or she is not exempted, grant leave of absence to him or her from any meeting of that committee.

17. Attendance register

- (1) The Municipal Manager must supply an appropriate attendance register at every meeting and hearing.
- (2) Every Councillor and Traditional Leader who is present at a meeting or hearing must sign the attendance register.
- (3) Any Councillor or Traditional Leader who had been present at a meeting or hearing but who failed to sign the attendance register, is deemed absent without leave from the meeting concerned.

Part 4: Documents to be available at meetings**18. Documents to be available at meetings**

The Municipal Manager must ensure that a copy of the municipal code, referred to the Systems Act, is available at every meeting. The municipal code must include:

- (a) The Constitution of the Republic of South Africa;
- (b) the Municipal Finance Management Act;
- (c) the Municipal Structures Act;
- (d) the Municipal Systems Act;
- (e) these Standing Rules Of Orders;
- (f) the approved and gazetted By - Laws of the Council; and
- (g) such other legislation as the council may determine from time to time.

Part 5: Presiding at meetings and hearings**19. General Powers and duties of Chairperson**

- (1) The Chairperson of a meeting must –
 - (a) ensure that the meeting or hearing at which he or she presides is conducted in accordance with these Standing Rules of Order;
 - (b) when requested to do so, interpret these Standing Rules of Order;
 - (c) reject any motion, proposal or question which in his or her opinion –
 - (i) may lead to the discussion of a matter already contained in the agenda for that meeting;
 - (ii) contains unnecessary tactless, incriminating, disparaging or improper suggestions;
 - (iii) may encourage, engender, advocate or aggravate hatred, discrimination, exclusion, restriction, ridicule, contempt or preference based on colour, descent, race, ethnicity, gender or religion so as to cause harm, hostility, degradation, violence or which insults, degrades, defames or encourages abuse of any racial, ethnic, gender or religious group, through the uttering of words, whether in writing or orally, or the performance of deeds;
 - (iv) contains unwelcome suggestions, innuendoes, remarks or hints of a sexual nature, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments of another person's body;
 - (v) contains threatening, abusive or insulting language towards an employee which causes that employee harassment, alarm or distress due to any alleged, suspected or proven act, omission or statement by that employee in the exercise of any of his or her rights or the discharge of any of his or her duties so as to harass or cause or advocate unfair treatment of that employee;
 - (vi) does not pertain to the governance, administration or management of, or the conditions in, the council;

- (vii) is contrary to these Standing Rules of Order or any other law;
 - (viii) may have an impracticable result or cause uneconomical, inefficient or ineffective use of resources or will be incapable of execution; or
 - (ix) may result in unauthorised expenditure;
 - (d) reject any motion, proposal or question regarding a matter –
 - (i) beyond the council's executive or legislative authority unless, on the face of it, the proposal intends to convince the meeting to make representations with regard to that matter to a body or institution which has such authority; or
 - (ii) in respect of which a decision of a judicial or quasi-judicial body is being awaited;
 - (e) reject any motion, proposal or question which –
 - (i) is not properly seconded;
 - (ii) on the face of it, may threaten or affect a fundamental right of any person; or
 - (iii) is unclear;
 - (f) reject any proposal that a part of a meeting or a meeting be closed that does not comply with Rule 92;
 - (g) call the attention of any person at the meeting to –
 - (i) irrelevance, tedious repetition or language unbecoming; or
 - (ii) any breach of order by a councillor or such other person;
 - (h) submit every motion and proposal made and seconded to the vote;
 - (i) declare the result of any vote in terms of Rule 19 (1) (h); and
 - (j) instruct any member of the public or media and any employee of the council who may be present at a meeting to leave the meeting when the meeting resolved to close any part of its session and not to return to it until the meeting continues in public.
- (2) The Chairperson's ruling with regard to a motion, proposal or question is final; provided that –
- (a) if the ruling is contested or called into question, the debate is suspended and the ruling referred to the Rules and Ethics Committee for recommendation to the council;
 - (b) the ruling of the Rules and Ethics Committee must be submitted to the Council for consideration at the next ordinary meeting at which meeting the Council must consider the recommendation and confirm, amend or substitute the interpretation of the Chairperson where after the debate is then continued.
- (3) The Chairperson's ruling or interpretation of the Rules of Order is final; provided that –
- (a) if the interpretation or ruling is contested or called into question, the debate is suspended and the ruling referred to the Rules and Ethics Committee for recommendation to the council;
 - (b) the ruling of the Rules and Ethics Committee must be submitted to the council for consideration at the next ordinary meeting;
 - (c) the council must upon receipt of such recommendation, consider the matter and confirm, amend or substitute the interpretation of the Chairperson where after the debate is then continued.

- (4) The Chairperson may, in performing his or her functions and powers –
 - (a) consult with the Municipal Manager or any Senior Manager in attendance;
 - (b) direct any person who is speaking to discontinue his or her speech or to desist from breaching the order or to discontinue making interjections;
 - (c) direct any person to apologise for and withdraw any allegation, statement or remark if it is unbecoming, unnecessarily tactless, incriminating, disparaging, improper, racist or sexist or inciting violence or injures or impairs the dignity or honour of a councillor or employee of the council;
 - (d) direct any person who persists in disregarding the chair or who obstructs the business at a meeting, to retire from the meeting; and
 - (e) instruct any person to leave a meeting if the meeting resolves to close its session or any part of it.
- (5) If a Councillor, Official and any other person refuses to obey the Speaker's instructions after having been directed in terms of Rule 19 (4) (d) or 19 (4) (e), the Chairperson may direct a designated Employee of the Council present at the meeting to call in Sargent-at-arms as the Chairperson may direct to remove that Councillor and/or member of public or cause his or her removal and to take steps to prevent that Councillor and/or member of public from returning to the meeting or hearing.
- (6) The Chairperson may change the order of business at the meeting despite any provisions to the contrary contained herein.

20. Failure or refusal to exercise powers or discharge duties by Chairperson at meeting or hearing

- (1) Whenever a Councillor or Traditional Leader who attended a meeting or hearing is of the opinion that the Chairperson at that meeting or hearing failed or refused to exercise any of his or her powers or to discharge any of his or her duties properly, he or she may direct a written allegation against the Chairperson concerned to the Municipal Manager.
- (2) An allegation in terms of Rule 20 (1) must quote the relevant rule or convention that had been breached or not fulfilled and must state to what extent it had been breached or not fulfilled.
- (3) The Municipal Manager must submit the allegation to –
 - (a) the Speaker in the case of an allegation against the Executive Mayor;
 - (b) the Speaker in the case of an allegation against the Chairperson of a Section 79-Committee or other committee;
 - (c) the Council in the case of an allegation against the Speaker;and send a copy thereof to the councillor against whom the allegation had been made.
- (4) The relevant functionary or the council, as the case may be, must in consultation with the municipal manager, determine the time and place of the hearing when the matter will be considered, provided that in a case referred to in –
 - (a) Rule 20 (3) (b), the municipal manager must, after receipt of the allegation, include the matter in the agenda of the next mayoral committee meeting;

- (b) Rules 20 (3) (a) or 20 (3) (c), the municipal manager must, after receipt of the allegation, include the matter in the agenda of the next ordinary council meeting.
- (5) The Municipal Manager must inform the Councillor who made the allegation and the Councillor against whom the allegation had been made of the time and place where the matter will be heard.
- (6) At the hearing the Councillor making the allegation and the Councillor against whom the allegation had been made must have the opportunity to state his or her case, to call witnesses, to examine any documents submitted and to cross examine any witness.
- (7) After the matter had been heard the Speaker, Executive Mayor or the Council, as the case may be, must make a ruling as to the most probable version of the event and make a finding.
- (8)
 - (a) Should it be found that an allegation against the Speaker was true, the Council must decide an appropriate penalty,
 - (b) Whenever the Speaker finds that an allegation against the executive mayor was true, he or she must submit his or her finding to the Council and recommend an appropriate penalty.
 - (c) Whenever the Executive Mayor finds that an allegation against the Chairperson of a Section 79 - Committee or other committee was true he or she must submit his or her finding to the Council and recommend an appropriate penalty.
- (9) An appropriate penalty may include a formal warning or reprimand, and whenever a formal warning is issued, the Council, the Executive Mayor or the Speaker, as the case may be, must determine the period during which the warning is valid.

21. Status of Chairperson at meeting

Whenever the Chairperson at a meeting speaks, any person then speaking or offering to speak and all other persons in the meeting must remain silent and seated so that the Chairperson may be heard without interruption.

22. Presiding at the first Council meeting after a general election

The Municipal Manager, or if there is no Municipal Manager, a person appointed by the MEC, presides at the first meeting of a Council after a general election of Councillors until a Speaker is elected.

23. Presiding at Council meetings

- (1) The Speaker presides, with due regard for the provisions of these Standing Rules Of Orders, at every Council meeting where he or she is present.
- (2) Whenever the Speaker is absent from or unable to preside at or during any part of a Council meeting, the Council must elect an acting speaker in terms Section 41 of the Local Government: Municipal Structures Act.
- (3) The Municipal Manager presides over the election of acting speaker in terms of rule 23(2)

24. Presiding at Council meetings when position of Speaker is vacant

- (1) Whenever the office of Speaker becomes vacant, except during a Council meeting, the Municipal Manager must call a Special Council meeting for the purpose of electing a Speaker on a date and at a time and venue determined by him or her, however, such Special Council meeting must take place within fourteen (14) days after the office of the Speaker became vacant.
- (2) The Municipal Manager presides over the election of a speaker in terms of Rule 24 (1) herein read with Section 36 of the Local Government: Municipal Structures Act.
- (3) The Speaker elected at a meeting in terms of Rule 24 (1) serves as Speaker for the un-expired term of his or her predecessor.

25. Presiding at Mayoral Committee meetings

- (1) The Executive Mayor presides at meetings of the Mayoral Committee.

26. Presiding at Section 79 - Committee or other Committee meetings

- (1) The Councillor appointed by the Council as Chairperson of a Section 79 - Committee or other committee (in this rule referred to as the "chairperson"), presides at meetings of such committee where he or she is present.
- (2) Whenever the Chairperson is absent from or unable to preside at or during any part of the committee meeting, a member of that committee elected by the members of the committee present at that meeting, presides at the meetings of the committee for the duration of the chairperson's absence or inability.
- (3) The Municipal Manager or his/her delegate presides over the election of a Chairperson in terms of Rule 26(2).
- (4) The Committee may not elect the Speaker or the Executive Mayor as Chairperson in terms of Rule 26 (2).

27. Presiding at public community meetings and public hearings

- (1) The Speaker presides at public meetings of voters and any public hearing convened by the Council, with due regard to the provisions of Rule 27 (2).
- (2) The Executive Mayor presides at public hearings convened by him or her.
- (3) Whenever the councillor designated in terms of Rules 27 (1) or 27 (2) is absent from or unable to preside at or during any part of a public meeting of voters or constituency meeting or a public hearing, the Councillors present at such meeting or hearing must elect from amongst their number a Chairperson for the meeting or hearing for the duration of that Councillor's absence or inability.
- (4) The Municipal Manager or his/her delegate presides over the election of a Chairperson in terms of Rule 27 (3).

Part 6: Conduct of persons at meetings**28. Conduct of members of public at Council or Committee meetings**

- (1) A member of the public or the media or an employee attending a council or committee meeting may not –
 - (a) at any time address the meeting, unless he or she is a member of a deputation in terms of Rule 47;
 - (b) obstruct the business of the meeting;
 - (c) make any interjections;
 - (d) make unwelcome suggestions, innuendoes, remarks or hints of a sexual nature, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments of another person's body;
 - (e) encourage, engender, advocate or aggravate hatred, discrimination, exclusion, restriction, ridicule, contempt or preference based on colour, descent, race, ethnicity, gender or religion so as to cause harm, hostility, degradation, violence or which insult, degrade, defame or encourage abuse of any racial, ethnic, gender or religious group, through the uttering of words, whether in writing or orally, or the performance of deeds;
 - (f) use threatening, abusive or insulting language towards an employee or display any writing, sign or other visible presentation which is threatening, abusive or insulting which causes that employee harassment, alarm or distress due to any alleged, suspected or proven act, omission or statement by that employee in the exercise of any of his or her rights or the discharge of any of his or her duties so as to harass or cause or advocate unfair treatment of that employee; or
 - (g) make unwelcome or obscene gestures.
- (2) Rule 28 (1) (a) does not apply to the Municipal Manager or a member of the Senior Managers.
- (3) Whenever a meeting resolves to close its session or a part thereof, any member of the public, media or employee must leave the meeting immediately and not return to that meeting until it resumes as a public meeting.
- (4) A member of the public or media attending a Council or Committee meeting is subject to the authority of the Chairperson of the meeting.

29. Recording of proceedings at meetings

- (1) Except for the purpose of writing the official minutes of a meeting by an Employee, nobody may, unless the express prior approval of the Chairperson of a meeting had been obtained, make any recording, whether audio or visual or both audio and visual, of a meeting or any part thereof.
- (2) Minutes of the proceedings of every meeting of the Council and Committee, shall be electronically or otherwise recorded and be kept for that purpose by the Manager Corporate Services.
- (3) Minutes of the proceedings of every meeting of the Council shall be word processed or typed and printed, and all if confirmed, be signed during the next ensuing ordinary meeting by the Chairperson. Minutes shall be bound and kept secure.

- (4) No motion or discussion shall be allowed upon the confirmation of minutes except as to its accuracy.
- (5) The minutes of every Council or Committee shall be open for inspection by every member of the Council during office hours subject to full compliance with both Promotion of Access to Information Act and Protection of Personal Information Act and provided the demands of duties of the Registry and Secretariat staff are taken into account.

30. Conduct during Council meetings

- (1) The Speaker or the Chairperson of the meeting in the event of a meeting other than a Council meeting shall:
 - (a) maintain order during meetings;
 - (b) ensure compliance with the Code of Conduct for Councillors during meetings;
 - (c) ensure that the meetings are conducted in accordance with the rules;
 - (d) ensure that members of the public attending meetings are seated in areas designated for that purpose;
 - (e) ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or Chairperson of the meeting;
 - (f) ensure that any Councillor or member of the public refusing to comply with the ruling of the Speaker or Chairperson leaves the meeting;
 - (g) ensure that the Whip of each political party represented in the Municipal Council as well as the Council Whip or Council maintains discipline during any meeting.
- (2) There shall be no usage of a cellular phone and/or any electronic communication device except for lap tops and/or computers during Council and/or Committee meetings.
- (3) The Speaker may, in performing his or her functions and powers –
 - (a) consult with the Municipal Manager or any official delegated by the Municipal Manager;
 - (b) direct any Councillor who is speaking to discontinue his or her speech or to desist from breaching the order or to discontinue making interjections;
 - (c) direct any Councillor to apologise for and withdraw any allegation, statement or remark if it is unbecoming, unnecessarily tactless, incriminating, disparaging, improper, racist or sexist or inciting violence or injures or impairs the dignity or honour of a councillor or employee of the council;
 - (d) direct any Councillor who persists in disregarding the Speaker or who obstructs the business at a meeting not to participate any further in the meeting; and
 - (e) instruct any Councillor to leave the precinct and never return until the order of the day is finished.
- (4) If a Councillor refuses to leave the meeting or hearing after having been directed by the Speaker in terms of Rule 30 (3) (d) or (3) (e), the Speaker may direct the Municipal Manager to call in Municipality's Sargent-at-arms/Peace Officers and such Sargent –at -arms as the Speaker may

direct to remove that Councillor and/or cause his or her removal and to take steps to prevent that Councillor person from returning to the Chamber or Precinct.

- (5) Any Councillor who shall on his removal in terms of Rule 30 (4) (d) or (4) (e) and/or Rule 30 (5) removed from Council Chamber or Precinct damage and/or cause any damage of municipal assets or personal assets of any Councillor, Traditional Leader, Municipal Official and/or any other person attending Council shall be personally held liable for such damages.
- (6) The value of such damage shall be quantified and submitted to the Municipal Manager who shall prepare a report to Council advising Council of the value apportioned to the damage and method to be used in recovering the said damages against the salary of the said Councillor.
- (7) Any member of the public and/or the media willing to attend Council and/or Committee Meetings shall request accreditation from the Speaker and/or Chairperson of the Committee at least one (1) hour before the sitting.

31. Dress code

- (1) The Council may by means of a policy prescribe a dress code for Councillors, Traditional Leaders, Media and Officials attending meetings.
- (2) However Councillors, Traditional Leaders, Media, Members of the Public and Municipal Officials attending Council or Council Committee meetings shall, pending passing of a resolution mentioned in 31 (1) above, be dressed formally, in traditional regalia and/or in work suits.
- (3) No any other wear, clothing and/or regalia not mentioned in Rule 31 (1) and (2) including but not limited to any hard hats or any wear that may be used as a weapon shall be allowed in a Council and Committee meeting .
- (4) Notwithstanding the provisions of any resolution passed in accordance with Rule 31 (1) above, no Councillor shall be allowed to wear any clothing or accessories containing political paraphernalia to any meeting.
- (5) The Speaker or the Chairperson of the Council Committee may order any Councillor to leave the meeting if that Councillor is dressed in clothing or accessories containing political paraphernalia to any meeting contrary to Rule 31 (4).
- (6) The Councillor ordered to leave the meeting in terms of Rule 31 (5) shall be marked absent from the said meeting and fined R500 (Five Hundred Rand) deducted against his/her monthly salary and/or allowance.

32. Person speaking to address Chairperson

A person addressing a meeting or hearing must address the chairperson of that meeting or hearing.

33. Councillor to sit while speaking

- (1) A Councillor, Traditional Leader or person addressing a meeting or hearing must sit while speaking.

- (2) If a Councillor or Traditional Leader who is not speaking raises his or her hand on a point of order or to make a proposal and the Chairperson addresses such Councillor or Traditional Leader while another Councillor is speaking, the Councillor or Traditional Leader who speaks must remain silent until the Chairperson has made a ruling on the point of order or the proposal.

34. Duration and reading of speeches

- (1) A Councillor may only speak on any matter included in the agenda of a Council Meeting if his/her name appears on a Speakers list which has been prepared by the Municipal Manager and provided to the Speaker before the commencement of the meeting.
- (2) The Speaker's list referred to in Rule 34 (1) above shall:
 - (a) Contain the name of every Councillor or Traditional Leader who wishes to speak during the Council meeting as well as the number(s) of the item(s) on the agenda on which he or she wishes to speak.
 - (b) Shall be prepared at a meeting convened by the Municipal Manager on the day of the Council meeting between herself/himself and the Chief Whips of all the political parties represented on the Council together with all independent Councillors and a representative of the Traditional Leaders.
- (3) At the meeting referred to in Rule 34 (2) (b) above any Councillor or Traditional Leader shall speak for a period to be determined by the Speaker taking into account proportional representation of the Council.
- (4) However Rule 34 (3) shall not apply to the Executive Mayor and Chairperson of a Committee if called upon to speak in terms of Rule 35 (3).
- (5) The Speaker or the Chairperson shall be entitled to, at any time, to set the limit or extend reasonable time limits for the discussion of and/or any decision or any item or group of items on the relevant agenda.

35. Councillor to speak only once

- (1) A Councillor or Traditional Leader may speak only once on a matter, unless permission to speak more than once is granted by the Speaker or Chairperson of the meeting concerned.
- (2) The introducer of a motion or proposal may reply in conclusion of the debate, but must confine his or her reply to answering previous speakers.
- (3) The Council may allow the Executive Mayor or the Chairperson of a Section 79 - Committee or other Committee, as the case may be, to make an explanatory statement prior to the consideration of any particular matter in the report of the Executive Mayor or Section 79 - Committee or other Committee or during the discussion of such report in reply to a specific question.

36. Relevance

- (1) A Councillor or Traditional Leader who speaks must confine his or her speech strictly to the matter under discussion.
- (2) No discussion may take place –
 - (a) on a matter which anticipates a matter on the agenda unless the Chairperson has granted leave to discuss two or more items at the same time or the Municipal Manager indicated in the agenda that two or more items should be considered together; or
 - (b) on any motion or proposal that had been rejected in terms of Rule 19 (1) (f)

37. Councillor's right to information

A Councillor has the right to request the Municipal Manager to supply such information as may be required for the proper performance of his or her duties as a councillor, including the making of a speech at a meeting or hearing, provided that –

- (a) at least three working days' written notice of the information required is given to the Municipal Manager; and
- (b) confidential information obtained in terms of this rule may not be made known by the relevant Councillor.

38. Personal explanation, point of order and clarification

- (1) A Councillor or a Traditional Leader may, at any time during a meeting, whether or not he or she participated in a debate underway, rise –
 - (a) on a point of order only once per matter in the event of a departure from these Rules of Order or any law;
 - (b) to explain any part of his or her speech that may have been misunderstood; or
 - (c) to request that any part of a speech that he or she may have misunderstood be explained.
- (2) A Councillor or Traditional Leader referred to in Rule 38 (1) must be heard forthwith.
- (3) The ruling of the Chairperson of the meeting on a point of order or a personal explanation is, subject to Rule 19 (2), final and may not be discussed.

39. Right of Municipal Manager to have advice recorded in minutes

- (1) The Chairperson at a meeting must give the Municipal Manager an opportunity to address that meeting on any matter before the meeting in order to advise the meeting as to the eligibility of any proposal or motion before the meeting.
- (2) The Municipal Manager has the right to have his or her advice regarding any motion or proposal which may –
 - (a) cause unauthorised expenditure; or
 - (b) be beyond the authority of the Council, recorded in the minutes of the meeting where the advice was given.

Part 7: Adjournment and continuation of meetings**40. Quorum and adjournment of meeting in the absence of a quorum**

- (1) A majority of Councillors (i.e. 50% of Councillors plus one {1} Councillor) must be present at the start of any meeting held in accordance with this Standing Rules Of Orders. If during any sitting of the Council or any Committee, the attention of the Speaker or Chairperson is called to the number of Councillors present, he/she shall count them, and if found that there is not a quorum present, the matter shall be dealt with in accordance with the provisions of this rule (Rule 40).
- (2) If there is no quorum present within thirty 30 minutes after the time stipulated in the notice of a meeting referred to in Rule 10, such meeting is not held but a continuation meeting is held in terms of Rule 42.
- (3) If at any time during the course of a council or committee meeting it is suspected that there is no quorum present –
 - (a) the Chairperson must discontinue the proceedings immediately; and
 - (b) cause the Councillors present to be counted, and if the suspicion is proved correct, the chairperson must instruct the municipal manager to ring the bell for one minute, and if there is still no quorum five minutes after the bell had been rung, the Chairperson must adjourn the meeting forthwith.
- (4) If the shortfall of Councillors contemplated in Rule 40 (2) is owing to the withdrawal of one or more Councillors in compliance with the code of conduct, the chairperson must arrange that such matter be dealt with at the first meeting next ensuing.
- (5) If a sufficient number of councillors are present after the bell had been rung, the meeting continues, and the councillor who was speaking when the proceedings were discontinued, is, in his or her own discretion, entitled to start his or her speech from afresh.
- (6) Any business, except a matter referred to in Rule 40 (3) which had not been dealt with at a meeting that had been adjourned, must be considered at a continuation meeting contemplated in Rule 42, however, any unfinished business arising from a special meeting must be considered at the first ordinary meeting next ensuing unless the date of such ordinary meeting is later than the date contemplated in Rule 42.

41. Adjournment of meeting before it completed its business

- (1) A Councillor may at any time during a meeting propose that the meeting be adjourned and must state the reasons for the proposal, however, no Councillor may more than twice during the same meeting propose that it be adjourned.
- (2) A proposal in terms of Rule 41 (1) must be seconded by a Councillor present at the meeting, however, a Councillor may not more than twice during the same meeting second a proposal to adjourn, and such a proposal lapses if it is not properly seconded.
- (3) A proposal in terms of Rule 41 (1) is carried if a majority of the members present at a meeting vote in favour thereof.

- (4) Whenever a meeting adjourns in terms of Rule 41 (1) before it had finished the business stated in the agenda for that meeting, the meeting must resume as a continuation meeting in terms of Rule 42 to deal with any unfinished business, unless the date of the first ordinary meeting next ensuing is earlier than the date referred to in Rule 42, in which case the unfinished business of an adjourned meeting is dealt with at that ordinary meeting.

42. Continuation of adjourned meeting

- (1) When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of the Council or Committee, specifying the time, date and place of such adjourned meeting.
- (2) A continuation meeting is held at the same time and venue as a meeting that had been adjourned in terms of Rule 40 or 41, on a day at least seven (7) days but not more than fourteen (14) days later.
- (3) The agenda for a continuation meeting is the agenda for the meeting that had been adjourned.

43. Temporary adjournment of meeting

- (1) A Councillor may at any time during a meeting propose that the meeting be adjourned for a period proposed by him or her, provided that –
 - (a) not more than two such proposals may be made during the same meeting; and
 - (b) no such adjournment may exceed thirty (30) minutes.
- (2) Despite the provisions of Rule 43 (1) (a), the Chairperson at a meeting may, if he or she is of the opinion that a third temporary adjournment of a meeting may facilitate the discussion and resolution of a matter, allow a third adjournment in terms of Rule 43 (1).
- (3) A proposal in terms of Rule 43 (1) must be seconded by a Councillor present at the meeting, however, a Councillor may not more than twice during the same meeting second a proposal to adjourn, and such a proposal lapses if it is not properly seconded.
- (4) A proposal in terms of Rule 43 (1) is carried if a majority of the members present at a meeting vote in favour thereof.
- (5) The meeting resumes after the expiry of the period referred to in Rule 43 (1), and deals with any unfinished business contained in its agenda.

Part 8: Agendas and minutes of meetings

44. Only matters included in agenda are dealt with

- (1) Subject to the provisions of Rules 44 (2) and 44 (5) all meetings must be conducted in accordance with the order in which matters appear and only matters included in an agenda for a meeting may be dealt with.
- (2) The Speaker or the Chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.
- (3) A proposal in terms of Rule 44 (1) need not be seconded and no debate about the proposal is allowed.

- (4) A proposal referred to in Rule 44 (2) is carried if the councillors present at a meeting unanimously adopt it.
- (5) An urgent report received from the Executive Mayor may be tabled and considered during a Council meeting.

45. Minutes of meetings and summary of evidence at hearings

- (1) The Municipal Manager must keep, or cause to be kept, minutes of the proceedings of every public meeting of voters, public hearing, council and committee meeting.
- (2) The minutes of a meeting must reflect –
 - (a) the names of the councillors and traditional leaders attending;
 - (b) the names of the councillors and traditional leaders absent with or without leave;
 - (c) the periods of absence during a meeting of a councillor or traditional leader;
 - (d) the names of the councillors voting respectively for and against any matter for the decision of which a division is called;
 - (e) the name of any councillor who demanded that his or her vote against any particular decision be recorded in the minutes;
 - (f) any adjournment of the meeting;
 - (g) any declaration of a personal or pecuniary interest by a councillor or a traditional leader;
 - (h) any advice of the municipal manager regarding possible unauthorised expenditure or resolutions beyond the authority of the council; and
 - (i) the resolutions taken.
- (3) The minutes of a meeting must be delivered to the councillors with the notice of the ensuing meeting or before such a notice is delivered.
- (4) Minutes delivered in terms of Rule 45 (3) are deemed read with a view to their approval.
- (5) No proposal regarding minutes, except a proposal relating to the accuracy thereof, is allowed.
- (6) The minutes of a meeting, if practically possible, must be approved at the next ordinary meeting of the council or committee, as the case may be.
- (7) The chairperson of the meeting must sign the minutes upon approval, and if the minutes are written on loose sheets, each sheet must be signed.
- (8) Any councillor or other person speaking at a meeting may request that his or her speech not be recorded, and upon receipt of such a request the municipal manager must cease such a recording.
- (9) The municipal manager must make, or cause to be made, a summary of the proceedings and evidence given at a public hearing and submit it at an ordinary meeting of the council or to the executive mayor, as the case may be.

46. Declaration of personal and pecuniary interest

- (1) A councillor or traditional leader wishing to declare a personal or pecuniary interest in terms of the code of conduct must do so at least 24 hours before the meeting when the relevant item is called the councillor or traditional leader involved must recuse himself or herself.

Part 9: Deputations, petitions, objections and representations**47. Deputations**

- (1) Anybody who wishes to obtain an interview with the Mayoral Committee or a Committee of Council, must lodge a written request with the Executive Mayor/Chairperson and such an application must state the representations the applicant wishes to make in detail.
- (2) In respect of such request the municipal manager must investigate and submit a comprehensive report to the Executive Mayor/Chairperson. The Municipal Manager must thereafter submit such a report to the mayoral committee or relevant committee as the case may be.
- (3) If it is deemed necessary by the municipal manager for the mayoral committee or relevant committee, as the case may, to meet such deputation the municipal manager must inform the requester of the date, time and venue where the deputation is to address the mayoral committee or other committee, as the case may be.

48. Attendance of Council meeting by Auditor-general

- (1) Whenever the audit report is included in the agenda for a Council meeting, the Municipal Manager must in writing invite the Auditor- General, the Provincial Treasury and the department responsible for local government to that meeting.
- (2) Despite any provisions to the contrary in these standing Rules of Order, the Speaker may change the order of business at a meeting referred to in Rule 48 (1) to allow the Auditor- General to address the Council and Councillors to ask questions with regard to the audit report and audit findings.

49. Petitions

- (1) A Councillor or Traditional Leader must submit in writing a petition received by him or her to the Municipal Manager within three (3) days after receiving such.
- (2) The Municipal Manager must inform the Speaker of any petition he or she has received including the petition received in terms of Rule 49 (1) above.
- (3) Any petition received in terms of Rules 49 (1) or 49 (2) must be referred to the relevant Manager for investigation and submission of a comprehensive report to the Municipal Manager within seven (7) of receipt of the petition. The Municipal Manager must thereafter submit such petition and the report to the next ensuing Council, Mayoral Committee or relevant Committee as the case may be.
- (4) If the committee or the executive mayor to whom a petition had been referred does not have the power to dispose of the matter, the committee or the executive mayor, as the case may be, must submit a report and recommendations to the council.

50. Objections and representations

- (1) Whenever the Council invites public comment, representations or objections with regard to any proposed resolution before the council or a resolution the council had taken, the Municipal Manager must designate a person who will be responsible for the receipt of such comment, representations or objections.
- (2) The person designated in terms of Rule 50 (1) must make a summary of the comments, representations and comments, if any, that were received and submit it to the relevant Manager.
- (3) The Manager must consider the summary and submit it, together with his or her report and recommendations to the municipal manager who must refer it, with his or her comments, to the council or the executive mayor or the relevant committee, as the case may be.
- (4) The Executive Mayor or Committee, as the case may be, must consider the summary, report and recommendations of the manager and the comments of the municipal manager and submit the matter to the council together with his or her or their recommendations.

Part 10: Questions**51. Questions of which notice had been given**

- (1) A Councillor or Traditional Leader may, at any time, submit to the Municipal Manager a written question he or she intends to ask during a Council meeting or a meeting of a Committee of which he or she is a member, however, such question must be submitted to the Municipal Manager at least ten (10) workdays before the meeting where the question will be asked.
- (2) The Municipal Manager must immediately upon receipt of a question in terms of Rule 51 (1), provide a copy thereof to the relevant Manager and instruct him or her to prepare a reply to the question and the Municipal Manager may direct a Manager to which he or she has sent the question to consult with any other manager before he or she prepares the answer.
- (3) If the question had been received at least ten (10) workdays before the scheduled date of the meeting where the question would be asked, the Municipal Manager must ensure that the question and the draft answer thereto is included in the agenda for the first ordinary meeting of the Council or Committee next ensuing where the question will be asked.
- (4) Any question put in terms of this section must be answered by or on behalf of the Executive Mayor.

52. Questions during meetings

- (1) A councillor or traditional leader may at a meeting of the council or a committee of which he or she is a member, ask a question regarding a matter arising from or pertaining to an item contained in the agenda.
- (2) A question –
 - (a) may only be asked during a meeting to solicit factual information;
 - (b) may not deal with matters of policy, except the implementation of policy; and
 - (c) may not seek to solicit an opinion or include or amount to a statement of fact.

Part 11: Motions**53. Motion to be in written form**

- (1) A Councillor or Traditional Leader may put a matter on the agenda of a committee of which he or she is a member or of the Council by submitting a written motion to the Speaker.

54. Submission and limitation of motions

- (1) With due regard for the provisions of Rule 54 (4) a motion in terms of Rule 53 must be included in the agenda of the next ordinary meeting of Council or the Committee concerned; provided it had reached the Municipal Manager at least ten (10) working days before the date referred to in Rule 10.
- (2) Only one motion of a Councillor or Traditional Leader may be considered at a meeting and no member may move more than three (3) motions during any financial year.
- (3) If the introducer of a motion is absent during the meeting when the motion is put to the order, it lapses without further discussion.
- (4) Any motion which –
 - (a) contemplates the repeal or amendment of a resolution taken during the preceding three months; or
 - (b) has the same scope as a motion that had been rejected during the preceding three months may not be included in the agenda, unless it had been signed by a majority of all the members of the council.

55. Withdrawal and amendment of motions

- (1) With due regard for any provisions to the contrary in these Standing Rules of Order, the introducer of a motion may, at any time before the motion is put to order at a meeting, withdraw it, and such withdrawn motion lapses without further discussion.
- (2) The introducer of a motion may, during a meeting where the motion is considered, request permission to amend the motion, which permission must be granted or denied without discussion.

Part 12: Subject matter and consideration of motions and proposals**56. Right of introducer of motion to speak and reply**

The introducer of a motion in terms of Rule 53 has the right, if the motion had not been rejected or withdrawn, to introduce the motion and to reply provided provision was made on the list of the Speaker as determined per Rule 34 (1).

57. Motion or proposal regarding budget

The Executive Mayor, or the member of the Mayoral Committee responsible for finance, must introduce, at a council meeting which may not be closed for the public and the press –

- (a) the draft budget;
- (b) a revised draft budget; or

- (c) a draft adjustments budget.

58. Motion or proposal regarding by-laws

A motion or proposal affecting the repeal, drafting or amendment of By-Laws must, before the Council considers it, be referred to and considered by the Mayoral Committee for a report and recommendations.

59. Eligible proposals

- (1) With due regard for the provisions of Rules 19 (1) (c) to 19 (1) (f), the following proposals only may be made during the discussion of any motion, proposal or matter contained in an agenda, namely:
 - (a) that the motion or proposal be amended;
 - (b) that the matter be referred back to the executive mayor or the relevant committee for further consideration;
 - (c) that consideration of the matter be deferred;
 - (d) that the debate be suspended;
 - (e) that the matter be put to the vote; and
 - (f) that the meeting continues to the next matter.
- (2) Any proposal in terms of Rule 59 (1) may only be put to the vote if it had been properly seconded.

60. Amendment of motion or proposal

- (1) A proposal that a motion or proposal (hereafter the "original motion") be amended, may only be made by a councillor or traditional leader during his or her speech on the original motion provided that provision was made on the speakers list as per Rule 34 (1).
- (2) No Councillor or Traditional Leader may make more than one proposal for the amendment of the same original motion.
- (3) A proposal in terms of Rule 60 (1) must be relevant to the original motion and the chairperson must clearly repeat it to the meeting before it is put to the vote.
- (4) With due regard for Rule 60 (5), more than one amendment of an original motion may be introduced, and every amendment introduced must be put to the vote at the close of the debate.
- (5) If a proposal in terms of Rule 60 (1) had been made –
 - (a) no other proposal may be made until its introducer had addressed the meeting;
 - (b) the councillor or traditional leader who made the proposal may address the meeting for a period as determined by the speakers list as per Rule 34 (1) on his or her proposal, but he or she has no right of reply; and
 - (c) the seconder may not address the meeting on the proposal.
- (6) (a) When a proposal in Rule 60 (1) had been made and its introducer had spoken in terms of Rule 60 (5), the introducer of the original motion may address the meeting on that proposal for a period of one (1) minute despite any other provisions to the contrary

contained in these Rules of Order without diminishing from his or her right to reply should that proposal be rejected.

- (b) If a proposal in terms of Rule 60 (1) is rejected, a vote must be taken on the original motion without any further discussion.
- (7) (a) If more than one amendment on an original motion had been introduced, they must be put to the vote in the order they were made.
- (b) If any amendment is carried, the amended motion or proposal takes the place of the original motion and becomes the motion or proposal in respect of which any further proposed amendments must be put to the vote.

61. Referring matter back

- (1) A proposal that a motion or proposal (hereafter the "original motion") be referred back, may only be made by a councillor or traditional leader during his or her speech on the original motion provided that provision was made on the speakers list as per Rule 34 (1).
- (2) A proposal in terms of Rule 61 (1) may only be made during a council meeting in the case of a recommendation by the executive mayor.
- (3) If a proposal in terms of Rule 61 (1) had been made –
 - (a) no other proposal may be made until its introducer had addressed the meeting;
 - (b) the councillor or traditional leader who made the proposal may address the meeting for a period as determined by the speakers list as per Rule 34 (1) on his or her proposal, but he or she has no right of reply; and
 - (c) the seconder may not address the meeting on the proposal.
- (4) (a) When a proposal in terms of Rule 61 (1) had been made and after its introducer had spoken in terms of Rule 61 (3), the introducer of the original motion may address the meeting on that proposal for a period of one (1) minute despite any other provisions to the contrary contained in these Rules of order without diminishing from his or her right to reply should that proposal be rejected.
- (b) If a proposal in terms of Rule 61 (1) is rejected, a vote must be taken on the original motion without any further discussion.
- (5) (a) A proposal in terms of Rule 61 (1) may not be put to the vote until the speaker or the executive mayor or the chairperson of the relevant committee, as the case may be, had addressed the meeting.
- (b) If such proposal is carried, the debate on the recommendation ends and the meeting proceeds to the next matter.

62. Deferring consideration of matter

- (1) Any Councillor or Traditional Leader may, at the end of a speech about the original motion, propose that the matter be deferred.

- (2) The councillor or traditional leader who made the proposal in terms of Rule 62 (1) may address the meeting for a period as determined by the speakers list as per Rule 34 (1) on his or her proposal, but he or she has no right of reply, and the seconder may not address the meeting on the proposal.
- (3) A proposal similar to the proposal in terms of Rule 62 (1) may not be made within half an hour after the first proposal was defeated in respect of the same original motion.
- (4)
 - (a) When a proposal in Rule 62 (1) had been made and its introducer had spoken in terms of Rule 62 (2), the introducer of the original motion may address the meeting on that proposal for a period of one (1) minute despite any other provisions to the contrary contained in these Rules of Order without diminishing from his or her right to reply should that proposal be rejected.
 - (b) If a proposal in terms of Rule 62 (1) is rejected, a vote must be taken on the original motion without any further discussion.
- (5) If the proposal in terms of Rule 62 (1) concerns –
 - (a) a recommendation of the executive mayor, the matter must, if that proposal is carried, be included in the next report of the executive mayor to the council; and
 - (b) any other matter, the matter must be included in the agenda of the first ordinary council meeting next ensuing.

63. Suspending debate

- (1) Any Councillor or Traditional Leader may at the end of a speech about the original motion propose that the debate be suspended, however, no councillor or traditional leader may move or second more than one proposal that a debate be suspended during any meeting.
- (2) The Councillor or Traditional Leader who made the proposal in terms of Rule 63 (1) may address the meeting for a period as determined by the speakers list as per Rule 34 (1) on his or her proposal, but he or she has no right of reply, and the seconder may not address the meeting on the proposal.
- (3) A proposal similar to the proposal in terms of Rule 63 (1) may not be made within thirty (30) minutes after the first proposal was defeated in respect of the same original motion.
- (4)
 - (a) When a proposal in Rule 63 (1) had been made and after its introducer had spoken in terms of Rule 63 (2) the introducer of the original motion may address the meeting on that proposal for a period of one (1) minute despite any other provisions to the contrary contained in these Rules of order without diminishing from his or her right to reply should that proposal be rejected.
 - (b) If a proposal in terms of rule 63 (1) is rejected, a vote must be taken on the original motion without any further discussion.
- (5) A proposal in terms of Rule 63 (1) must be rejected if the council or committee, as the case may be, is required by law to pass a resolution on the matter at or before a particular date.

- (6) If a proposal in terms of Rule 63 (1) is carried, the meeting must deal with the next item on the agenda, and the item, in respect of which the debate had been suspended, must be placed first on the list of motions in the next agenda of the council.
- (7) At the resumption of a suspended debate, the introducer of the motion which caused the suspension must address the meeting first.

64. Putting matter to vote

- (1) Any Councillor or Traditional Leader may, at the end of a speech about the original motion, propose that the matter be put to the vote.
- (2) The councillor or traditional leader who made the proposal in terms of Rule 64 (1) may address the meeting for a period as determined by the speakers list as per Rule 34 (1) on his or her proposal, but he or she has no right of reply, and the seconder may not address the meeting on the proposal.
- (3) A proposal similar to the proposal in terms of Rule 64 (1) may not be made within thirty minutes after the first proposal was defeated in respect of the same original motion.
- (4)
 - (a) When a proposal in Rule 64 (1) had been made and its introducer had spoken in terms of Rule 64 (2), the introducer of the original motion may, address the meeting on that proposal for a period of one minute despite any other provisions to the contrary contained in these Rules of Order without diminishing from his or her right to reply should that proposal be rejected.
 - (b) If a proposal in terms of Rule 64 (1) is rejected, a vote must be taken on the original motion without any further discussion.
- (5) The introducer of the original motion has the right to reply before the matter is put to the vote.
- (6) Where a question to be decided by the votes of individual Councillors is put to the Speaker, a Councillors may request that his or her opposition to the question be recorded.
- (7) The Municipal Manager must record in the minutes the names of all Councillors who have requested that their opposition be recorded.

65. Proceeding to next business

- (1) Any Councillor or Traditional Leader may, at the end of a speech about the original motion, propose that the meeting proceed to the next business.
- (2) The councillor or traditional leader who made the proposal in terms of Rule 65 (1) may address the meeting for a period as determined by the speaker's list as per Rule 34 (1) on his or her proposal, but he or she has no right of reply, and the seconder may not address the meeting on the proposal
- (3) A proposal similar to the proposal in terms of Rule 65 (1) may not be made within thirty (30) minutes after the first proposal was defeated in respect of the same original motion.
- (4)
 - (a) When a proposal in Rule 65 (1) had been made and its introducer had spoken in terms of Rule 65 (2), the introducer of the original motion may address the meeting on that

proposal for a period of one minute despite any other provisions to the contrary contained in these Rules of order without diminishing from his or her right to reply should that proposal be rejected.

- (b) If a proposal in terms of Rule 65 (1) is rejected, a vote must be taken on the original motion or proposal without any further discussion.
- (5) A proposal in terms of Rule 65 (1) must be rejected if the council or committee, as the case may be, is required by law to pass a resolution on the matter at or before a particular date.
- (6) If the proposal in terms of Rule 65 (1) is carried, the matter under discussion lapses without further discussion.

Part 13: Applications by Councillors and Traditional Leaders

66. Interest in Council business

- (1) A Councillor or Traditional Leader may not obtain any financial interest in any Council business, irrespective of the procurement process followed.
- (2) A Councillor shall recuse himself/herself from the proceedings of the Council or Committee meeting when the matter is being considered by the Council or Committee meeting, unless the Council or the Committee decides by resolution, that the Councillor's direct or indirect interest in the matter is trivial or irrelevant. A Councillor who has so disclosed his/her interest may, with the approval of majority of the members of the Council or its Committee, address the Council or Committee on the matter prior to deliberation and vote on the matter taking place, subject always to the ruling of the Speaker or the Chairperson on the time to be allowed for such an address.
- (3) This provision does not apply to an interest or benefit which a Councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the Municipality.

67. Disclosure of declared interests

- (1) The Municipal Manager must compile a register of the financial interests of Councillors and traditional leaders declared in terms of the code of conduct.
- (2) As soon as the Municipal Manager has completed the register referred to in Rule 67(1) he or she must submit it to the Council.
- (3) The Council must, on receipt of the register in terms of Rule 67(2), during a closed meeting determine which of the declared financial interests must be made public having regard to the need for confidentiality and the need for public disclosure.
- (4) A Councillor or traditional leader who has declared an interest that is recorded in the register may not be present during the consideration of the matter.
- (5) Any interest declared in terms of this rule that had not been made public, is confidential.

68. Resignation of Councillors and vacancies in offices

- (1) A Councillor may, by written notice signed by him or her and delivered to the Municipal Manager, resign –
 - (a) as Councillor; or
 - (b) from any office he or she holds.
- (2) A Councillor may resign from office at any time during a Council or Committee meeting by making a declaration to the Council or Committee in that regard, however, he or she must immediately after such a declaration, resign in writing, and a declaration in terms of this rule may not be withdrawn.
- (3) If the resignation was that of the Speaker or Executive Mayor, the Council must as soon as the resignation of the Councillor concerned in terms of Rule 67 (2) had been reduced to writing, signed and given to the Municipal Manager, elect a Speaker or Executive Mayor despite the provisions of Rules 23 or 24.
- (4)
 - (a) A resignation in terms of Rules 68 (1) or 68 (3) may not be withdrawn and takes effect upon receipt thereof by the Municipal Manager.
 - (b) If the Executive Mayor resigns, the members of the Mayoral Committee are deemed to have resigned from the same date as the Executive Mayor.
- (5) Except when the resignation or vacancy is that of the Speaker, the Municipal Manager must immediately upon receipt of a resignation of a –
 - (a) Councillor or when a vacancy arises in the council in any other manner, report it to the Speaker; and
 - (b) member of the Mayoral Committee, report it to the Executive Mayor.
- (6) The Municipal Manager must ensure that any resignation or a report of any vacancy arising in another manner is contained in the agenda for the next ordinary Council meeting after the vacancy arose.
- (7) The Council must, except in the case of a vacancy arising in the Mayoral Committee, at the meeting where a vacancy in an office of the Council is reported, elect from amongst the Councillors a successor for the Councillor whose resignation caused the vacancy, and a Councillor elected to an office in terms of this rule serves for the un-expired term of his or her predecessor.

Part 14: Full-time Councillors**69. Designation of full-time councillors**

Before the Council considers designating any Councillor identified by the MEC as a possible full-time Councillor, it must obtain and consider a report from the Municipal Manager.

70. Report of Municipal Manager with regard to full-time Councillors

A report in terms of Rule 69, must include all the relevant information to enable the Council to take an informed decision.

71. Applications by full-time Councillors to undertake other paid work

- (1) A Councillor who was designated as a full-time Councillor may apply for permission of the Council to undertake other paid work (in this rule "private work").
- (2) An application for private work must be lodged in writing with the Municipal Manager and must state all the relevant information to enable the Council to take an informed decision.
- (3) The Council may grant or refuse an application for private work on any conditions deemed necessary.
- (4) The meeting where an application for private work is considered may not be closed.
- (5) The applicant may not be present at a meeting during the discussion of the application; provided that the Speaker may request the applicant to supply such information as the Council may request during that meeting, and the applicant may supply the requested information orally during the meeting.
- (6) The Council may, before it considers an application for private work, request that additional information with regard to the intended work as may be necessary for the proper consideration of the application be submitted in writing.
- (7) The granting of permission to undertake private work is valid for only twelve (12) months after which the Councillor concerned must submit a new application.
- (8) Any permission in terms of this rule –
 - (a) does not exempt a councillor from complying with the code of conduct; and
 - (b) is not a defence against any allegation of a breach of the code of conduct.

Part 15: Traditional Leaders**72. Traditional Leaders**

- (1) Only Traditional Leaders identified by the MEC for Local Government in the Province and in accordance with Schedule 6 and by notice in the Provincial Gazette may, participate in the proceedings of Council;
- (2) The number of Traditional Leaders that may participate in the proceedings of Council may not exceed more than 20% of the total number of Councillors in that Council;
- (3) Before Council takes a decision on any matter affecting the area of the traditional authority, the leader of that authority must be allowed to express a view on the matter.
- (4) A Traditional Leader who is entitled to participate in the proceedings of Council is entitled to the payment of out of pocket expenses which should be determined by Council.

Part 16: Council Whip**73. Powers, Functions and Duties of Council Whip**

The Council Whip executes the powers, functions and duties delegated or assigned to him or her by the Council.

CHAPTER 3
LANGUAGE POLICY OF COUNCIL

74. Determination of language policy

The Council must at its first meeting after a general election for councillors review the language policy of the council in terms of rule 77 and, where such policy does not exist, instruct the Municipal Manager to develop a draft policy and submit it to the Council.

75. Differentiation between languages for different purposes

The Council may determine that one or more languages be used for different purposes.

76. Factors to be taken into account

When the council determines a language policy it must take all the relevant factors into account.

77. Review of language policy

The Council may at any time review and amend its language policy.

CHAPTER 4
ORDER OF BUSINESS AT MEETINGS

78. Order of business at Ordinary Council meetings

The order of business at an ordinary council meeting, except the first meeting of the council after a general election of councillors, is as follows:

- (a) Notice of the Meeting;
- (b) Opening and Welcome
- (c) Applications for leave of absence;
- (d) Declaration of Interests
- (e) Announcements (motions of sympathy and congratulations by the Speaker and by other Councillors);
- (f) Confirmation of Minutes from previous meetings;
- (g) Reports of the Speaker in terms of Rules 15 (1) and 96 (4);
- (h) Applications and appeals from Councillors in terms of Rules 14 (1), 66 and 71;
- (i) Reports of MPAC;
- (j) Questions of which notice has been given;
- (k) Reports of the Executive Mayor;
 - (i) Non Delegated matters
 - (ii) Delegated matters
- (l) Notice of Motions;
- (m) Deferred items;
- (n) In-committee matters
- (o) Closure

78. A Order of Business at a Special Council meeting

- a) Notice of Meeting
- b) Opening and Welcome
- c) Application for Leave of Absence
- d) Reports of the Executive Mayor
- e) Closure

79. Order of business at first Council meeting after general election of Councillors

The order of business at the first meeting of the council after a general election of councillors is as follows:

- (a) Notice of Meeting
- (b) Opening and Welcome;
- (b) Applications for leave of absence;
- (c) Election of Speaker;
- (d) Confirmation of type of municipality;
- (e) Election of Executive Mayor;

- (f) Designation of full-time Councillors;
- (g) Review of language policy;
- (h) Review of delegated powers; and
- (i) Closure.

80. Order of business at Mayoral Committee and Other Committee meetings

The order of business at an ordinary Mayoral Committee meeting or at any other Committee of the Council is as follows:

- (a) Notice of the Meeting;
- (b) Opening and Welcome;
- (c) Application for leave of absence;
- (d) Confirmation of Minutes of Previous Meetings;
- (e) Declaration of Interests;
- (f) Announcements;
- (g) Presentations;
- (h) Reports of the Municipal Manager;
- (i) Reports from Audit Committee
- (j) In-Committee Reports
- (k) Closure.

80. A Order of business at a Special Mayoral Committee

- a) Opening and Welcome;
- b) Application of Leave of Absence;
- c) Reports of the Municipal Manager;
- d) Closure.

CHAPTER 5
VOTING AND DECISION-MAKING

81. Public meetings or public hearings of voters

Proposals and suggestions made at public meetings or public hearings will be considered by council.

82. Decision only taken in certain circumstances

- (a) No decision may be taken unless the Council or a Committee has sufficient information before it to take an informed decision.
- (b) Information contemplated in Rule 82 (a) must be contained in a written report.

83. Voting at Council and Committee meetings

- (1) Subject to 83 (3) below, all matters will be decided by a majority of Councillors present at the meeting.
- (2) Before a formal vote is taken on any matter before the Council, the Speaker shall cause the bells to be rung for a period of one (1) minute, after which all doors shall be closed and no member or other person shall be allowed to enter or leave the chamber.
- (3) Any matter referred to in Section 160 (2) of the Constitution shall be decided on by a majority of the Councillors in the Municipal Council.
- (4) If on any question there is an equality of votes, the Speaker or Chairperson of the Committee may exercise a casting vote in addition to that particular Councillor's deliberative vote, provided that the casting of such vote shall fall within the ambit of the powers duly delegated to the relevant committee, provided that for those matters listed in Section 160 (2) of the Constitution there will be no provision for are adopted.
- (5) In the event of there being opposition to a recommendation, the proposal to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the Speaker or Chairperson, by way of a secret ballot.

84. when a secret ballot is called

- (1) When a secret ballot is called in terms of Rule 83(5), the Speaker shall accede thereto and a bell shall be rung for at least one minute whereupon all entrances to the venue of the meeting must be closed and no Councillor may leave or enter the venue after the entrances has been closed until the result of the division is declared. A request in terms of rule 83 (5) that a secret ballot be held in respect of any motion or proposal is carried if it is seconded.
- (2) The municipal manager must ensure that a sufficient supply of ballot papers that bearing the official mark or logo of the Municipal Council, and having the alternates to be voted for clearly depicted thereon, is available at each meeting:
 - For the proposal/motion
 - Against the proposal/motion

- (3) Immediately after the request that a secret ballot be held has been seconded, the municipal manager or a designated official must give each councillor present ballot paper.
- (4) Upon receipt of a ballot paper the councillor must indicate his or her vote by clearly making whether he or she is for or against the proposal concerned whereupon he or she must fold the ballot paper in half and put it in a ballot box;
- (5) When all the councillors present have put in their ballot papers in a ballot box, the municipal manager or a designated official will count same in the presence of a representative from each party represented on the Council or Committee and present at such meeting determine the result of the ballot and inform the Speaker or chairperson thereof.
- (6) The Speaker or the Chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon in the minutes.
- (7) A Councillor who called for a vote by a secret ballot may not leave the venue of the meeting until the result of the vote had been declared.
- (8) After the Speaker or the Chairperson has declared the result of a vote a Councillor may demand:
 - (a) that his or her vote against the decision be recorded; or
 - (b) a division;
- (9) The number of members voting will be recorded, and the general result of the vote.
- (10) The outcome of the voting will be announced by the Speaker.
- (11) A member may abstain from voting without leaving the chamber.
- (12) The fact that a secret ballot had been held must be recorded in the minutes of that meeting.
- (13) All used ballot papers must be destroyed upon conclusion of the meeting.
- (14) An entry of the declaration of the result of a vote in the minutes of a meeting is conclusive evidence of the result.

85. When division is called

- (1) When a division is called in terms of Rule 83 (11), the Speaker shall accede thereto and a bell shall be rung for at least one minute whereupon all entrances to the venue of the meeting must be closed and no Councillor may leave or enter the venue after the entrances had been closed until the result of the division was declared.
- (2) Immediately thereafter the Chairperson of the meeting must repeat the motion or proposal, put the motion or proposal to the vote and take the vote of each Councillor separately.
- (3) The Chairperson must declare the result of the vote after all the Councillors had been polled.
- (4) When a division is called, every councillor must vote for or against the proposal or motion in respect of which the division had been called.
- (5) A Councillor who called for a division may not leave the venue of the meeting until the result of the vote had been declared.
- (6) An entry of the declaration of the result of a vote in the minutes of a meeting is conclusive evidence of the result.

85. Equality of votes

- (1) Unless a specific majority had been prescribed in respect of any matter or when expressly stated otherwise in these Rules of Order, the chairperson at a meeting may cast a casting vote where there is an equality of votes on any question in addition to his or her deliberative vote.
- (2) Should there be an equality of votes after a division had been called and the chairperson refuses to use his or her casting vote, the matter must be referred back to the executive mayor.
- (3) In all cases other than those mentioned in rules 85(1) and 85(2) where there is an equality of votes and the chairperson refuses to use his or her casting vote, the matter must be referred back to the executive mayor.

CHAPTER 6
REMOVAL OF OFFICE-BEARERS FROM OFFICE

86. Removal of Speaker

- (1) (a) A Councillor (hereafter called "the initiator") may by written motion, which must be seconded by at least three (3) other Councillors, move that the Speaker be removed from office.
- (b) Such a motion must be submitted to the Municipal Manager and may not be sent by electronic mail, telex or telegram.
- (2) The motion must contain a brief summary of the reasons for the motion.
- (3) A motion in terms of Rule 86 (1) may not be withdrawn.
- (4) The Municipal Manager must, upon receipt of a motion in terms of Rule 86 (1), forthwith send a copy to the Speaker.
- (5) (a) Unless the speaker resigns upon receipt of a motion in terms of Rule 86 (1), the municipal manager must forthwith upon receipt thereof determine the date, time and venue for a special council meeting in terms of Rule 4.
- (b) The date of such a special meeting may not be less than fourteen (14) and not more than twenty one (21) days from the date the Speaker received a copy of the motion from the Municipal Manager.
- (6) Despite the provisions of Rule 10 at least seven (7) days' notice of a meeting in terms of Rule 86 (5) must be given to every Councillor and Traditional Leader.
- (7) If the Speaker resigns from office at any time before a meeting in terms of Rule 86 (5) takes place, the motion lapses and the meeting does not go ahead.
- (8) The meeting may not be closed for the public or the media before a vote had been taken on a motion in terms of Rule 86 (1).
- (9) The Municipal Manager presides over the proceedings on a motion in terms of Rule 86 (1) but he or she may not vote.
- (10) The Speaker has the right and must be allowed the opportunity during the proceedings to –
 - (a) respond to every allegation made in the motion and during the proceedings;
 - (b) call witnesses and to cross-examine any witnesses called by the initiator; and
 - (c) submit documents and to examine any documents submitted by the initiator,
- (11) If the Speaker is not present during the proceedings contemplated in Rule 86 (10), the Council may, in its sole discretion, continue with the proceedings, and a proposal to proceed in the absence of the Speaker is carried if a majority of the Councillors of the Council vote in favour of such proposal.
- (12) With due regard for Rules 34 and 35, the Municipal Manager must put the motion to the vote after the debate had been exhausted.
- (13) If the Speaker at any time during the proceedings, but before the motion is put to the vote, make a declaration in terms of Rule 68 (2), the proceedings are discontinued immediately and the motion

lapses and the council proceeds to elect a new speaker despite any provisions to the contrary contained in these Rules of Order.

- (14) If the motion is carried, the Speaker is removed from office with immediate effect and the council proceeds to elect a new speaker despite any provisions to the contrary contained in these Rules of Order.
- (15) A Councillor elected as speaker in terms of Rule 86 (13) or 86 (14) serves for the un-expired term of his or her predecessor.
- (16) If the motion is defeated no motion, forwarding the same allegations, may be submitted within the next three months unless the council directs otherwise.

87. Removal of Executive Mayor from office

The provisions contained in Rule 84 apply, with the necessary changes, to the removal of the executive mayor from office.

88. Removal of members of Section 79 - Committee or other Committees

The provisions of Rule 84 apply, with the necessary changes, to the removal of a member of a Committee from office.

89. Removal from office of Chairperson of Section 79 - Committee or other Committees

The provisions of Section 84 apply, with the necessary changes, to the removal of a Chairperson of a Committee from office.

CHAPTER 7 CLOSING OF MEETINGS

90. Circumstances that must be present to close meeting

Recognising the need for transparency and open and accountable government, the Council or a Committee may, with due regard for any provisions to the contrary in these Rules of Order or any other law, resolve to close any part of a meeting for the public and the media.

91. Procedure for closing meetings

- (1) A Councillor may, when an item in the agenda is put to order or at any time during the debate on an item, propose that the matter be further dealt with in closed session.
- (2) No seconder is required for a proposal in terms of Rule 91 (1).
- (3) Despite anything to the contrary in these Rules of Order, only the introducer of the motion may speak on the proposal provided provision was made on the speakers list as per rule 34(1) and must during his or her speech state the reasons for the proposal.
- (4) The chairperson at the meeting, if he or she does not reject the proposal, must subject the proposal to the vote immediately after the introducer has spoken.
- (5) If the proposal is carried, the chairperson must determine when the matter concerned must be debated.
- (6) When the council or a committee, as the case may be, resolves to close a part of a meeting and subject to any determination of the chairperson in terms of rule 91(5), all members of the public and media and council employees present at the meeting, except such employees as the chairperson may require to remain, must leave the meeting and may not return for the duration of the closed proceedings.

92. Rules governing closed meetings

- (1) When a meeting is closed in terms of Rule 91, the provisions of these Standing Rules Of Orders apply to that meeting.
- (2) If a proposal in terms of Rule 91 is carried, the further debate on the matter, whether in closed session or public, is deemed a continuation of the preceding debate on the matter.
- (3) At the conclusion of a closed debate, the meeting automatically reverts to a meeting in public.
- (4) The Speaker must appoint a person responsible for keeping the minutes of the Council while the council is in committee. The Speaker must announce the resolution as soon as Council comes out of committee unless the matter is of such a nature that an announcement can be to the detriment of the municipality.

93. Opening closed meeting

- (1) A Councillor may, at any time during a meeting that is closed, propose that the meeting proceed in public.
- (2) No seconder is required for a proposal in terms of Rule 93 (1).

- (3) Despite anything to the contrary in these Rules of Order, only the introducer of the motion may speak on the proposal provided that provision was made on the Speakers list as per Rule 34 (1) and must during his or her speech state the reasons for the proposal.
- (4) The chairperson at the meeting, if he or she does not reject the proposal, must subject the proposal to the vote immediately after the introducer has spoken.
- (5) If the proposal is carried, the meeting immediately resumes in public.

94. Supplying information to media

- (1) The Municipal Manager may make confirmed minutes, excluding any part of such minutes with regard to a matter dealt with in terms of Rule 91, and official agendas available to any interested person or registered newspaper at such fees as the council may determine or free of charge.
- (2) The Municipal Manager may, and, if so instructed by the council or a committee, must make the confirmed minutes, excluding any part of such minutes regarding a matter dealt with in terms of Rule 91, and official agendas available in the reference section of a public library in the municipal area.
- (3) The Executive Mayor may hold media conferences and briefings and issue media statements.
- (4) The Municipal Manager may, in respect of any matter included in the official agenda or the confirmed minutes of a meeting, issue media statements and convene media conferences and briefings.

CHAPTER 8
APPLICATION OF CODE OF CONDUCT

95. Investigating suspected breaches of code

- (1)
 - (a) Whenever a written allegation is made to the Municipal Manager or when he or she has reason to believe that a Councillor or Traditional Leader has contravened or failed to comply with any provision of the code of conduct, he or she must report it in writing to the Speaker.
 - (b) Whenever a written allegation is made to a Manager, he or she must report it to the Municipal Manager.
- (2) Upon receipt of a report in terms of Rule 95 (1) (a), and when the Speaker has reason to believe that a provision of the code had been breached, he or she must refer such report to the Rules and Ethics Committee for investigation and report with sanction recommendations to the Council.
- (3) Subject to the requirements of substantive fairness, the Councillor's Code of Conduct (Schedule 1 of the Systems Act, 2000) and the provisions of these Standing Rules, the Rules and Ethics Committee, has the powers to determine and recommend to Council a sanction to be applied and/or imposed against any Councillor, depending on the seriousness of the infringement.
- (4) Warnings
 - (a) Informal oral warnings

Where the Rules and Ethics Committee is of the opinion that the interests of justice will best be served by issuing an informal oral warning to a Councillor for an infringement, the Speaker shall-

 - (i) Issue such warning to the Councillor in private; and
 - (ii) Notify the party whip of the issuing of such warning.
 - (b) Formal warning
 - (i) Where the Rules and Ethics Committee, is of the opinion that the interests of justice will best be served by issuing a formal warning to a councillor for an infringement, such sanction shall, after confirmation by the Municipal Council, be –
 - (aa) expressed in writing; and
 - (bb) served on the Councillor concerned and on the party whip.
 - (ii) Where, as a result of repeated infringements, Rules and Ethics Committee, is of the opinion that the interests of justice will best be served by issuing a formal final warning to a Councillor, such sanction shall after confirmation by the Council-
 - (aa) be expressed in writing;
 - (bb) state that in the event of the Councillor infringing against the Councillor's Code of Conduct or these Standing Rules, Rules and Ethics Committee shall consider advising the Municipal Council to request the suspension or removal of such councillor in terms of the Councillor's Code of Conduct; and

- (cc) be served on the Councillor concerned and on the party whip,
- (5) Formal reprimand
Where Rules and Ethics Committee, is of the opinion that the interest of justice will best be served by issuing a formal reprimand to a Councillor for an infringement the Speaker shall at a meeting of the Municipal Council -
- (a) call upon the Councillor concerned to stand in front of the Council; and
 - (b) state the infringement and reprimand the Councillor in such language as he/she deems appropriate;
- (6) Suspension
- (a) Where the Rules and Ethics Committee is of the opinion that the interests of justice will best be served by the suspension of a Councillor from the Municipal Council or a period for an infringement, the Rules and Ethics Committee shall so report to the Municipal Council and the Municipal Council shall report thereupon to the MEC for Local Government in terms of the Councillors code of conduct.
 - (b) In the event of the MEC for Local Government imposing any suspension of a Councillor for a period in terms of the Councillor's Code of Conduct -
 - (i) the Councillor shall be suspended without any remuneration during such period; and
 - (c) A suspension shall be regarded as a sanction more serious than a formal final warning or formal reprimand.
- (7) Civil fines
- (a) Where the Rules and Ethics Committee, is of the opinion that the interests of justice will best be served for an infringement listed in the Councillors Code of Conduct in Schedule 1 of the Local Government: Municipal Systems Act and/or in these Standing Rules Of Orders by imposing a civil fine on that Councillor, such sanction shall be -
 - (i) expressed in writing; and
 - (ii) served on the Councillor concerned and on the party whip;
 - (b) Where provision is made in these Standing rules for the fining of any councillor, and a councillor is fined, the Municipality may deduct such fine from any monies as may be owing to the councillor by the Municipality or recover such fine as a civil debt.
- (8) Expulsion
- (a) Where the Rules and Ethics Committee is of the opinion that the interests of justice will best be served by the expulsion of a Councillor from the Council for an infringement, the Committee shall so report to the Council.
 - (b) In the event where the Council after consideration of the matter and the recommendations of the Rules and Ethics Committee upholds the said recommendations, shall direct the Speaker to report the matter to the MEC for Local Government in terms of Section 14 of the Councillors 'Code of Conduct embodied in Schedule 1 of the Local Government: Municipal Systems Act.

- (c) Any expulsion confirmed and authorised by the MEC in terms of these Rules shall be with effect from the date of the determination of the MEC.

96. Consideration of Rules and Ethics Committee's report by Council

- (1) The Speaker must vacate the chair during any Council meeting when a report in terms of Rule 95 is put to order.
- (2) Whenever the Speaker vacates the chair in terms of Rule 96 (1), the Municipal Manager must preside over the debate on the report.
- (3) The proceedings in terms of Rule 96 (2) may not be closed to the public and the media.
- (4) After the Chairperson of the Rules and Ethics Committee has introduced his or her report, the Municipal Manager must allow the Councillor or Traditional Leader concerned to reply to the allegations and findings.
- (5) As soon as the Councillor or Traditional Leader concerned has spoken, the matter is debated in terms of these rules.
- (6) Despite any provisions to the contrary in these Rules of Order, the Councillor or Traditional Leader concerned has a right to –
 - (a) reply to all the allegations made during the debate before the speaker replies;
 - (b) examine any documents submitted by the Speaker or any other Councillor or Traditional Leader and submit documents in his or her defence; and
 - (c) call witnesses and to cross-examine any witness called by the speaker.
- (7) With due regard for the provision of Rules 34 and 35 the chairperson of the Rules and Ethics Committee must, after the debate had been exhausted, reply and propose –
 - (a) that the report, findings and recommendation be accepted; or
 - (b) that the report and findings and a different recommendation be accepted.
- (8) A proposal in terms of Rule 96 (7) need not be seconded.
- (9) After the proposal in terms of Rule 96 (7) had been made, the municipal manager must put the proposal to the vote.
- (10) If the proposal in terms of Rule 96 (7) is –
 - (a) defeated, the matter is discontinued; or
 - (b) carried, the municipal manager must forthwith implement the resolution.

97. Implementing result of vote

- (1) If a proposal in terms of Rules 96 (7)(a) or 96 (7)(b) is carried and a fine is imposed, the municipal manager must deduct the amount of such fine from the next payment of the council to the councillor or traditional leader, unless he or she has paid the fine in cash before such payment is due.
- (2) If a proposal in terms of rules 96(7)(a) or 96(7)(b) is carried that the councillor or traditional leader must be suspended or the councillor or traditional leader must be removed from the council, the municipal manager must forthwith make such an application to the MEC.

- (3) If the MEC on application of the council suspends the councillor or traditional leader concerned, he or she is, despite any rule to the contrary, deemed to be absent with leave from any meeting he or she would have been required to attend had he or she not been suspended.
- (4) Where an allegation against a traditional leader is found to be true, the municipal manager must inform the relevant traditional authority accordingly.

98. Effect of appeal on resolution

- (1) If the Councillor or traditional leader concerned appeals against the finding or the penalty imposed by the council or against both such finding and penalty as described in Rule 97 (1) before the Municipal Manager had deducted the fine, the Municipal Manager must defer the matter until the result of the appeal is known.
- (2) If the Councillor or Traditional Leader concerned appeals before the Municipal Manager could submit an application in terms of Rule 97 (2), the Municipal Manager must defer the matter until the result of the appeal is known.

99. Breaches of Rules of Order or legislation relating to privileges and immunities

Any alleged breach of the provisions of these Rules of Order for which a specific procedure and penalty had not been prescribed or of legislation regulating the privileges and immunities of Councillors, must be dealt with in accordance with the provisions of Rules 95 to 98.

CHAPTER 9 DISSOLUTION OF COUNCIL

100. Conditions for dissolution

- (1) The Council may at any time after two (2) years has lapsed since it was elected, consider the dissolution of the Council.
- (2) The Council must consider the dissolution of the Council if two years has lapsed after the Council had been elected –
 - (a) upon receipt of a petition proposing the dissolution signed by not less than 500 voters; or
 - (b) upon receipt of a recommendation proposing the dissolution from the speaker or executive mayor.
 - (c) when so directed by resolution of a public meeting of voters in terms of rule
 - (d) upon receipt of a motion proposing the dissolution from a Councillor signed by at least one-third of the Councillors in addition to the introducer of the motion; or
 - (e) when section 139 of the Constitution is invoked in respect of the Council.

101. Procedure for considering dissolution of council

- (1)
 - (a) Whenever any of the circumstances referred to in Rule 100 (2) arise, the Municipal Manager must determine the date, time and venue of a special council meeting.
 - (b) The date of such a special meeting may not be less than 14 days and not more than 21 days from the date the petition was delivered, recommendation was made, resolution was taken, motion was submitted or instruction received referred to in rule 100(2), as the case may be.
- (2) Despite the provisions of Rule 10, at least seven (7) days' notice of a meeting in terms of Rule 101 (1) must be given,
- (3) A meeting in terms of Rule 101 (1) may not be closed to the public and the media.
- (4) Despite any provisions to the contrary in these Rules of Order, the municipal manager presides over the debate of the petition, recommendation, resolution or motion, as the case may be.
- (6) The proposal is carried if two-thirds of the Councillors of the Council vote in favour of such proposal.
- (7) If the proposal is carried, the council is dissolved and all Councillors must vacate their seats immediately.

CHAPTER 10 COMMITTEES

Part 1: Section 79-committees and other committees

102. Report of Municipal Manager before establishment of Committee

- (1) With due regard for the provisions of part 3 of this chapter, the Council must, before it establishes and elects the members of an Oversight Section 79 – Committee or other Committee, consider a report from the Municipal Manager regarding the proposed committee.
- (3) The Municipal Manager in preparing a report contemplated in Rule 102 (1) must consider the need for the proposed committee, taking into account all relevant information to enable the Council to take an informed decision.
- (4) The report of the Municipal Manager must contain recommendations with regard to the matters listed in Rule 104 and the electoral system contemplated in Rule 105, despite any recommendation that he or she may make that the proposed committee not be established.
- (5) The Municipal Manager must submit his or her report to the Executive Mayor.
- (6) The Executive Mayor must consider the report and recommendations of the Municipal Manager and submit it, together with his or her own comments and recommendations to the Council.

103. Consideration of Municipal Manager's report

If the Council decides to establish the Committee, the Council must determine all the relevant details to ensure that the Committee is able to function effectively.

104. Determining size of committee

- (1) No more than 20% of the Councillors of the Council or 10 Councillors, whichever is the least, may be elected as members of the Committee, however, the Committee must have at least three (3) members who are Councillors.
- (2) If the Council authorises the committee to appoint persons other than Councillors as members of the Committee, it must determine the upper limit of the number of appointments that may be made, provided that the number of councillors serving in a Committee must always exceed the number of persons who are not Councillors in that Committee.

105. Election system and election of members of committee

- (1) The members of the Committee who are Councillors must be elected according to a system that ensures that the parties and interests reflected in the Council are fairly represented in that committee.
- (2) The Speaker or Executive Mayor, as the case may be, may not be elected as a member of the committee.
- (3) Immediately after the council determined the election system in terms of Rule 105 (1), the Council must elect the members of the Committee.

106. Term of Committee and filling of vacancies

- (1) Subject to Rule 106 (2), the members of the Committee are elected and appointed for a term ending when the next municipal Council is declared elected.
- (2) A member of the committee vacates office during the term of the council if that member –
 - (a) resigns as a member of the committee;
 - (b) is removed from office as a member of the committee in terms of Rules 88 or 89; or
 - (c) ceases to be a councillor.
- (3) The council must, if it is deemed necessary and subject to Rule 105 (1), at the earliest opportunity after a vacancy occurred, elect and appoint another person to serve as member of the committee for the un-expired term of his or her predecessor.

107. Quorum and decision-making

- (1) A majority of the members of the Committee must be present before a decision on any matter may be taken.
- (2) If on any question there is an equality of votes, the Chairperson may exercise a casting vote in addition to his or her deliberative vote.

Part 2: Executive Mayor**108. Making decision to establish office of Executive Mayor**

- (1) The council must, at its first meeting after a general election of councillors, immediately after it elected the speaker, consider whether or not to elect an executive mayor.
- (2) The council takes a decision in terms of rule 108(1) only after it considered a report of the municipal manager in terms of rule 109.

109. Report of Municipal Manager about Executive Mayor

The report of the Municipal Manager in respect of the establishment of the office of Executive Mayor must contain all relevant information to enable the council to take an informed decision.

110. Considering Municipal Manager's report

The Council must consider the Municipal Manager's report and, if the Council decides to establish an office of the Executive Mayor, the Council must determine all relevant details to enable the office of the Executive Mayor to function effectively.

111. Establishment of Mayoral Committee

The Executive Mayor must establish the Mayoral Committee with due regard to the provisions of the Local Government: Municipal Structures Act.

112. Term of Mayoral Committee and filling of vacancies

- (1) Subject to Rule 112 (2), the members of the mayoral committee are appointed for a term ending when the next municipal Council is declared elected.
- (2) A member of the Mayoral Committee vacates office during the term of the Council if that member –
 - (a) resigns as a member of the Mayoral Committee;
 - (b) is removed from office as a member of the mayoral committee in terms of Rule 88; or
 - (c) ceases to be a Councillor.
- (3) The Executive Mayor must, unless he or she decides to reduce the size of the Mayoral Committee, at the earliest opportunity after a vacancy occurred, appoint another person to serve as member of the mayoral committee for the un-expired term of his or her predecessor.

113. Quorum and decision-making

- (1) A question before the Mayoral Committee is decided by the Executive Mayor in consultation with the member/s of the Mayoral Committee present.
- (2) Should the members of the Mayoral Committee not be present for whatever reason, the Executive Mayor may take decisions in the interest of the Council.

Part 3: Ad hoc committees**114. Establishment and disestablishment of ad hoc committees**

- (1) The council may at any time establish an ad hoc committee to deal with or advise it with regard to a particular matter.
- (2) An ad hoc committee ceases to exist when –
 - (a) it furnishes its final report to the council; or
 - (b) the council disestablishes it.

115. Terms of reference of ad hoc committees

The Council must determine the terms of reference of that ad hoc committee when it establishes it.

116. Removal from office of members of ad hoc committees

The council may at any time remove one or more of the members from the ad hoc committee.

CHAPTER 11 REPORTS

117. Reports of Executive Mayor and Section 79-Committees

- (1) The Executive Mayor must, at every ordinary Council meeting, submit a report on his or her decisions and recommendations on the matters considered by him or her.
- (2) The Executive Mayor must, at every ordinary Council meeting, submit a report and recommendations on the matters, if any, considered by a Section 79 Committee.
- (3) The Municipal Manager may, in exceptional circumstances and with due regard to Section 55 of the Local Government: Municipal Systems Act, submit reports to the council for consideration.

118. Delivery of reports of committees

Except a report accepted by the Speaker or Chairperson in the case of a Committee as a matter of urgency, a report in terms of Rule 117 is delivered to the Council or the Executive Mayor, as the case may be, together with the agenda for the meeting where it must be considered.

119. Submission of Committee reports

- (1) The report of the Executive Mayor is submitted for the consideration of the Council by the Executive Mayor, or a member of the Mayoral Committee designated by her or him, as the case may be, by proposing: "I propose that the report of the Executive Mayor be considered".
- (2) A proposal in terms of Rule 119 (1) may not be discussed and is deemed seconded once made.

120. Considering Committee report

- (1) When a report in terms of Rule 117 is considered, the Speaker must –
 - (a) put the matters contained in that report not disposed of by the Executive Mayor in terms of his or her delegated or statutory powers, one after the other; and
 - (b) there after allow a discussion of the matters disposed of by the Executive Mayor in terms of his or her delegated or statutory powers.
- (2) The Speaker may alter the sequence of the matters dealt with in a committee report at his or her own discretion.
- (3) The section of a report referred to in Rule 120 (1) (b) is considered in terms of Rule 129.
- (4) The report and recommendation of the Executive Mayor on a matter is deemed proposed and seconded.
- (5) When a recommendation referred to in Rule 120 (4) is adopted, it becomes a council resolution.
- (6) During the consideration of a matter in terms of Rule 120 (4) –
 - (a) the Executive Mayor may speak for five (5) minutes on any matter contained in such report despite any other provisions to the contrary herein contained; and
 - (b) a Councillor may demand that his or her opposition to a recommendation or resolution be recorded in the minutes.
- (7) The Executive Mayor may at any time during the debate on a matter –

- (a) request that the matter be withdrawn and referred back to the Executive Mayor for further consideration; or
 - (b) amend a recommendation contained in such report
- (8) Permission in terms of Rule 120 (7) must be granted or denied without discussion.
- (9) A matter that is withdrawn in terms of Rule 120 (7) lapses without further discussion.
- (10) Despite anything to the contrary herein contained, the executive mayor may conclude the debate on the matter; provided that the Executive Mayor may designate a member of the mayoral committee to conclude such debate provided further, that in concluding such debate the executive mayor or the designated member of the mayoral committee may only speak for one (1) minute.

121. Reports on state of budget

- (1) The Municipal Manager must submit monthly reports on the state of the budget for that financial year to the Executive Mayor for information and consideration.
- (2) The report in terms of Rule 121 (1) must contain the particulars referred to in applicable legislation and must be in the format prescribed by legislation.
- (3) The Executive Mayor must consider the report and submit it to the council for noting.

122. Report on unauthorised expenditure

- (1) The Municipal Manager must, when a committee or a councillor of the Council contemplates taking a resolution that may result in unauthorised expenditure, advise that Committee or Councillor of the reasons why the expenditure may be unauthorised.
- (2) Any advice of the Municipal Manager given in terms of Rule 122 (1) must be recorded in the minutes of the relevant meeting.
- (3) If the advice is not given during a meeting, the Municipal Manager must confirm his or her advice at the earliest possible opportunity in writing to the Council.
- (4) Whenever it is brought to the attention of the Municipal Manager that a decision had been taken that would result in unauthorised expenditure, the Municipal Manager must refer that decision, together with his or her report there on to the Council or the Committee or the Councillor or Manager who took the resolution.
- (5) As soon as the Municipal Manager becomes aware that any unauthorised expenditure had been incurred, he or she must immediately report the matter to the Executive Mayor.
- (6) A report in terms of Rule 122 (5) must contain all the relevant details to enable the Executive Mayor to take an informed decision or to make an informed recommendation to the Council.

123. Information statement on intended debt

Whenever the council contemplates incurring debt, the Municipal Manager must submit a report containing all relevant information to the Council to enable the Council to take an informed decision.

124. Financial report

Financial reports in terms of applicable legislation must be incorporated into the report of the executive mayor to the council.

125. Report about virement

- (1) Reports about virement in terms of applicable legislation must be incorporated into the report of the executive mayor.
- (2) A report referred to in rule 125(1) must contain all relevant information to enable the executive mayor to take an informed decision or to make an informed recommendation to the council.

126. Report on inability to comply with reporting requirements or other duty

- (1) The Municipal Manager must report immediately to the Executive Mayor or the Council, if he or she is not able to comply with any of his or her reporting requirements or any duty in terms of –
 - (a) any legislation, including these Rules of Order; or
 - (b) his or her contract of employment.
- (2) A report in terms of rule 126(1) must state the reasons for the inability.
- (3) Whenever the reasons for the inability arise from inadequate guidance, instruction, training or counselling, the report must state the extent to which such guidance, instruction, training or counselling fell short of being adequate.
- (4) Whenever the reasons for the inability arise from a lack of co-operation from any manager or other employee of the Council, the Municipal Manager must make appropriate recommendations to prevent such an occurrence in future.

127. Reporting about performance

- (1) The Municipal Manager must annually submit a report on the implementation and results of the Council's performance management system to the Executive Mayor.
- (2) The report in terms of Rule 127(1) must contain all relevant information to enable the Executive Mayor to take an informed decision or to make an informed recommendation to the council.

CHAPTER 12
DELEGATED POWERS

128. Reporting on exercise of delegated powers

A report of the Executive Mayor on decisions taken in terms of delegated powers in consultation with the Mayoral Committee, must be incorporated into the report of the Executive Mayor to the Council.

129. Review of decisions under delegated powers

- (1) The Speaker must, after the report of the Executive Mayor in terms of non-delegated powers have been disposed of, put the matters disposed of by the Executive Mayor in terms of delegated or statutory powers for discussion.
- (2) The Speaker may alter the sequence of the matters dealt with in a report in terms of Rule 129 (1) at his or her own discretion.
- (3) During the consideration of a matter in terms of Rule 129 (1) –
 - (a) the Executive Mayor may speak for five (5) minutes on any matter contained in such a report despite any other provisions to the contrary contained in these Rules of Order;
 - (b) no proposal other than a proposal, “That the Executive Mayor be requested to reconsider the resolution” may be made; and
 - (c) a Councillor may demand that his or her opposition to a resolution contained in such report be recorded in the minutes.
- (4) Despite anything to the contrary herein contained, the Executive Mayor may conclude the debate on the matter; provided that the Executive Mayor may designate a member of the Mayoral Committee to conclude such debate provided further, that in concluding such debate the Executive Mayor or the designated member of the Mayoral Committee may only speak for two (2) minutes.

CHAPTER 13
EXERCISE OF POWERS

130. Exercising of Powers

- (1) Whenever any matter of urgency arises –
 - (a) (i) during any period when it is not practicable to obtain a decision of Council, an emergency Mayoral Committee meeting may, on the recommendation of the Municipal Manager, be called; and
 - (ii) at such meeting the submission of written reports by the Municipal Manager may be renounced; and
 - (iii) a resolution of such emergency meeting shall be valid as if being a resolution by the entire Council;
 - (b) during any period when the Council is not constituted, such matter may be decided by the Municipal Manager.
- (2) The powers conferred upon the Executive Mayor or Municipal Manager in terms of Rules 130 (1) (b) and 130 (1) (c) include the power to incur expenditure, however, a certificate must be furnished by the Chief Financial Officer of the Council stating that provision has been made in the current estimates for such expenditure, before any expenditure is incurred.
- (3) All matters decided in terms of Rule 130 (1) must be reported for noting to the next ordinary meeting of the Council, however, anything done pursuant thereto in the meantime, is deemed to have been duly authorised by the council.

CHAPTER 14
MISCELLANEOUS PROVISIONS

131. Revocation of by-laws

The following By- Laws are hereby repealed and revoked:

Emalahleni Local Council Standing Rules of Orders promulgated in Government Gazette 1585 dated 9 October 2008.

132. Short title and commencement

These Rules of Order are known as the Standing Rules of Order and shall commence on the date of publication thereof in the Mpumalanga Provincial Gazette.

Municipal Manager
Emalahleni Local Municipality
Mandela Street
eMalahleni
1035

LOCAL AUTHORITY NOTICE 114 OF 2017

EMAKHAZENI LOCAL MUNICIPALITY



TARIFF BY LAW

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1. Definitions

"Accounting officer" means the municipal manager appointed in terms of Section 60 of the Municipal Systems Act.

"Chief financial officer" means a person designated in terms of section 80(2)(a) of the Municipal Finance Management Act.

"Levy" means any rate, tariff, fee, surcharge or any charge raised by the municipality;

"The municipality" means Emakhazeni Local Municipality.

"Tariff" means a tariff for services which the Municipality may set for the provision of a service to the local community and includes a surcharge on such tariff.

"Tariff policy" means the tariff policy of the Emakhazeni Local Municipality approved by the Municipal Council in terms of section 74 of the Municipal Systems Act, 2000 (Act 32 of 2000);

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

2. Purpose of the Guidelines

The purpose of this by-law is:

- a) to give effect the provisions of section 75 of the Act;
- b) to prescribe procedures for calculating rates, tariffs, fees, surcharges or any charges where the municipality wishes to appoint service providers in terms of section 76(b) of the Act; and
- c) to serve as guidance to the designated Councillor regarding tariff proposals to be submitted to the municipality annually during the budget process.

3. Scope of Application

The By-law applies to all tariffs charged within the defined boundaries of Emakhazeni Municipality, and shall be read together with the approved Municipal Council Tariff Policy.

4. Principles

- 4.1. Service tariffs imposed by the Municipality shall be viewed as usage charges and shall not be viewed as taxes, and therefore the ability of the relevant consumer or user of the services to which such tariffs relate, shall not be considered as a relevant criterion (except in the case of the indigency relief measures approved by the municipality from time to time).

- 4.2. The Municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region.
- 4.3. The municipality shall charge services for the following;
 - a) electricity
 - b) water
 - c) sewerage (waste water)
 - d) refuse removal (solid waste),
- 4.4. The municipality shall recover the expenses associated with the rendering of each service concerned. The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.
- 4.5. The Municipality shall ensure that the tariffs levied in respect of the foregoing services further generate an operating surplus each financial year of 10% or such lesser percentage as the council of the Municipality may determine at the time that the annual operating budget is approved.
- 4.6. Such surpluses shall be applied in relief of property rates and for the partial financing of general services or for the future capital expansion of the service concerned, or both. The modesty of such surplus shall prevent the service tariffs concerned from being viewed as concealed taxes.
- 4.7. The Municipality shall develop, approve and at least annually review an indigency support programme for the municipal area.
- 4.8. This programme shall set out clearly the municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents, and the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.
- 4.9. The Municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall, however, at all times be reasonable, and shall be fully disclosed in each annual budget.
- 4.10. The Municipality further undertakes to ensure that its tariffs shall be easily explainable and understood by all consumers and users affected by the tariff policy concerned.
- 4.11. The Municipality shall render its services cost effectively in order to ensure the best possible cost of service delivery.

- 4.12. For measurable services, the consumption of such services shall be properly metered by the Municipality, and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. The charges levied on consumers shall be proportionate to the quantity of the service which they consume.
- 4.13. The Municipality shall ensure that all its services are levied in terms of the applicable policies.
- 4.14. In adopting what is fundamentally a two-part tariff structure, namely a fixed availability charge coupled with a charge based on consumption.

5. Tariff Policy Guidelines

Calculation of tariffs for major services

- 5.1. To determine the tariffs which must be charged for the supply of the four major services, the Municipality shall identify all the costs of operation of the undertakings concerned, including specifically the following:
 - a) Cost of bulk purchases in the case of water and electricity;
 - b) Distribution costs;
 - c) Distribution losses in the case of electricity and water;
 - d) Depreciation expenses;
 - e) Maintenance of infrastructure and other fixed assets;
 - f) Administration and service costs, including:
 - i. service charges levied by other departments such as finance, human resources and legal services;
 - ii. reasonable general overheads, such as the costs associated with the office of the accounting officer;
 - iii. adequate contributions to the provisions for bad debts and obsolescence of stock;
 - iv. all other ordinary operating expenses associated with the service concerned including, in the case of the electricity service, the cost of providing street lighting in the municipal area (note: the costs of the democratic process in the municipality – that is, all expenses associated with the political structures of the municipality – shall form part of the expenses to be financed from property rates and general revenues, and shall not be included in the costing of the major services of the municipality).
 - g) The intended surplus to be generated for the financial year, such surplus to be applied:
 - i. as an appropriation to capital reserves; and/or
 - ii. generally in relief of rates and general services.

- h) The cost of approved indigency relief measures.
- i. Consumers, who have registered as indigents in terms of the Municipality's indigency relief programme, shall be provided with the first 50kWh of electricity and the first 6 kilolitre of water, including the basic amount, per month free of charge.
 - ii. The Municipality shall further consider relief in respect of the tariffs for sewerage and refuse removal for such registered indigents to the extent that the council deems such relief affordable in terms of each annual budget, but on the understanding that such relief shall not be less than the basic amount on the monthly amount billed for the service concerned.
 - iii. the municipality is committed to the prudent conservation of such resources, the tariff levied for domestic consumption of water shall escalate according to the volume of water consumed.
 - iv. The tariff for domestic consumption shall be based on monthly consumption of up to 6 kilolitre, more than 6 kilolitre but not more than 14 kilolitre, more than 14 kilolitre but not more than 24 kilolitre, more than 24 kilolitre but not more than 34 kilolitre, and more than 34 kilolitre.
 - v. Tariffs for non-domestic consumption shall be based on monthly consumption of 0 kilolitre up to 20 kilolitre, more than 20 kilolitre but not more than 30 kilolitre, more than 30 kilolitre but not more than 40 kilolitre, more than 40 kilolitre but not more than 50 kilolitre, and more than 50 kilolitre.
 - vi. Tariffs for pre-paid meters shall be the same as the ordinary consumption tariffs levied on the category of consumer concerned,

6. Electricity

- 6.1. The various categories of electricity consumers, as set out below, shall be charged at the applicable tariffs, as approved by the NERSA in each annual budget.
- 6.2. Tariff adjustments shall be effective from 1 July each year or as soon as possible thereafter.
- 6.3. Categories of consumption and charges shall be as follows:
 - a) With the single exception of registered indigents, all electricity consumers shall be billed for their electricity consumption at the tariff applicable to the category in which the particular consumer falls.

- b) All domestic electricity consumers of the municipality who are registered as indigents with the municipality shall receive free the first 50kWh (fifty) of electricity consumed per month.
- c) All commercial, industrial and other non-domestic properties shall additionally be billed a monthly basic charge per meter installed and, where applicable, a demand charge appropriate to their respective levels of consumption.
- d) The local municipality's departmental electricity consumption shall be charged at cost.

7. New electricity installations

- 7.1. Per written authorization of the Technical Services Manager, a new electricity installation shall be installed, or permitted to be installed, in any premises within the area of supply and connected to the Council's supply mains.
- 7.2. Application for such authority shall be lodged with the Technical Service Department, via an application form obtainable from the Technical Service Department.
- 7.3. The Council shall not be liable for any loss or damage, direct or consequential, due to or arising from any interruption, diminution or discontinuance of the supply of electricity or any temporary increase or surge therein, occasioned by a strike, blackout, war, Act of God, legislative action or embargo or any other cause beyond the Council's control or by any fault occurring in the machinery, supply or service mains or other apparatus of the Council or by the rectification of any such fault.
- 7.4. The consumer is deemed to hold the Council indemnified against any action, claim, expense or demand arising from or in connection with any of the matters aforesaid.
- 7.5. The Technical Service Department may without notice, interrupt the supply of electricity to any premises for the purpose of carrying out emergency repairs to the supply or service mains.

8. Termination of supply

- 8.1. Unless an application for the continuance of the supply to such premises has been lodged with the Chief Financial Officer, the Engineer shall be entitled to disconnect the supply to the premises.
- 8.2. A consumer who has been given notice of termination of supply may claim a refund of the amount deposited by him, or the residual amount after the deduction of any amount owing by him for electricity supplied or services rendered.

- 8.3. The Chief Financial Officer shall make payment of the amount due within 30 days from the date of the receipt of any such claim.
- 8.4. The deposit shall be forfeited to the Council where no claim for a refund of the amount deposited is made:
 - a) Within 30 days of the date of the termination of the supply, and no interest shall accrue after the expiration of such period; or
 - b) If a claim is made after the expiration of 30 days from the date of termination of supply, the Chief Financial Officer may in his absolute discretion, refund such amount.

9. Meter readings

- 9.1. Meters should be read, as far as practical, at intervals as determined by the policy.
- 9.2. Electricity consumed between meter readings will be deemed to be consumed evenly between such meter reading dates.
- 9.3. Final readings: No reduction of or addition to the prescribed monthly fixed or minimum charges will be made, unless the date of reading is at least five days before or after a full period of one month or a multiple thereof, from the previous reading.
- 9.4. Where a meter is read less than or more than one month after the commencement of an account, or where an account is terminated less than or more than one month or a multiple thereof after the preceding reading of the meter, the monthly fixed or minimum charge will be proportioned accordingly. For the purpose of assessing fixed or minimum charges 'one month' shall be regarded as 30 days.

10. Months in which Meter is not Read

- 10.1. An account for a provisional sum for electricity should be rendered. The provisional sum shall be assessed with due regard, wherever possible, to the average monthly value of fixed or minimum charges and electricity consumed upon the premises served by the meter and to any tariff changes that may have occurred.
- 10.2. Where there has been no previous consumption, the Chief Financial Officer may determine the amount of the said provisional sum by reference to such consumption on other similar premises as he considers would constitute a reasonable guide.

11. Rendering Accounts

- 11.1. Monthly accounts shall be rendered by the municipality.
- 11.2. Where a consumer fails to pay the account within the specified period, the Engineer or the Chief Financial Officer may cut off the supply according to the Credit Control Policy and Debt Management Policy.
- 11.3. A consumer whose supply of electricity has been disconnected in terms of this section shall not be entitled to be reconnected to the Council's supply mains until the conditions as stipulated in the Credit Control Policy have been achieved.
- 11.4. Electricity supplies are disconnected when a consumer's account is in arrears. Thereafter, a final demand is issued. Failure to respond will result in debt collection procedures being followed according to the Credit Control Policy.

12. Validity of meter reading

- 12.1. The record given by any meter installed on any premises by the Council shall be conclusive proof of the quantity of electricity consumed, subject to following:
- 12.2. Where a meter is tested and found to be more than 2,5% inaccurate, the Chief Financial Officer shall correct the consumer's account to conform to the results of the test and shall refund the consumer any amount paid by him in excess of the amount due. However no such adjustment shall be made in respect of any period prior to the last metered period for which an account is rendered to the consumer, unless the consumer is able to establish to the satisfaction of the Technical Service Department, that the meter was inaccurate during such prior period.

13. Request to Test Accuracy of Meter

- 13.1. Per the request of any consumer and upon the payment of the fee prescribed, the Technical Service Department shall test the accuracy of any meter installed by the Council.
- 13.2. Where any such test is carried out at the request of the consumer, the fee paid by him shall be refunded if the meter is found to be more than 2.5% inaccurate.

14. Water

- 14.1. The categories of water consumers as set out below shall be charged at the applicable tariffs, as approved by the council in each annual budget.
- 14.2. Tariff adjustments shall be effective from 1 July each year.
- 14.3. Categories of consumption and charges shall be:

- a) All consumers shall receive free the first 6 kilolitre (six) of water consumed per month while consumers registered as indigents with the municipality shall receive free the first 6 kilolitre (six) of water, including the basic amount.
- b) All domestic consumers shall be charged for actual water consumption at a stepped tariff per kilolitre as determined by the council from time to time.
- c) The tariff applicable to domestic consumption of water shall not exceed 75% per kilolitre of the tariff applicable to other consumers. All other consumers, including businesses, industries and institutional consumers, shall pay the same single tariff per kilolitre, irrespective of the volume of water consumed.
- d) A basic charge per water meter, as determined by the council from time to time, shall be charged on all water consumers, except registered indigents and consumers using prepaid meters.
- e) The local municipality's departmental water consumption shall be charged at cost.

15. Application for a Supply of Water

- 15.1. An application for the supply of water must be made to the Council on a prescribed form together with a copy of the applicant's identity document. Until the application has been granted, no persons shall have access to water from the water supply system.
- 15.2. The prescribed form mentioned above may contain such conditions as the Council deems fit.
- 15.3. An application granted by the Council shall constitute an agreement between the Council and the applicant. Such agreement shall take effect on the date referred to or stipulated therein.
- 15.4. A consumer shall be liable for all the conditions prescribed in the application form, in respect of the supply of water granted to him until the agreement has been terminated.

16. Special Agreement for Supply of Water

- 16.1. The Council may enter into a special agreement for the supply of water to:
 - a) An applicant in its area of jurisdiction;
 - b) The supply necessitates the imposition of conditions not contained in the prescribed form; or
 - c) An applicant outside its area of jurisdiction.

17. Termination of Agreement for Supply of Water

- 17.1. A consumer may terminate the agreement by giving the Council, not less than 5 working days notice in writing, of his intention to do so.
- 17.2. The Chief Financial Officer may by notice in writing of not less than 5 working days, advise a consumer of the Council's intention to terminate his agreement for the supply of water, if:
- a) He has not consumed any water in the preceding 6 months and has not made satisfactory arrangements with the Council, for the continuation of his agreement;
 - b) He has committed a breach of the bylaws of the Council and has failed to rectify such a breach;
 - c) The Council cannot continue to supply him with water; and
 - d) In terms of an arrangement with another local water supplier, such authority shall supply water to the consumer.
- 17.3. The Council may without notice, terminate an agreement for supply if a consumer has vacated the premises to which such agreement relates.

18. Payment of Deposit

- 18.1. The Chief Financial Officer may require an applicant to deposit with him a sum of money for water. Alternatively the Chief Financial Officer may on written application by a consumer, accept from him a guarantee to his satisfaction in lieu of the sum of money.
- 18.2. The deposit paid or the guarantee provided by the consumer shall not be regarded as payment of a current account due for the supply of water.
- 18.3. Upon termination of an agreement, if there is any amount outstanding in respect of supply to the consumer, the Chief Financial Officer may:
- a) Apply the deposit in payment or part payment of the amount and refund any balance to the consumer; or
 - b) Recover the amount in terms of the guarantee.
- 18.4. An agreement referred to above may contain a condition that upon termination of the agreement, a deposit will be forfeited to the Council if it is not claimed within 30 days of the termination.

19. Provisions of Communication / Connection Pipe

- 19.1. Once an application for a supply of water in respect of a premise has been granted and no communication pipe exists in respect of the premises, the owner

shall make an application on the prescribed form and pay the prescribed charge, for the installation of the abovementioned pipe.

- 19.2. If an application is made for a supply of water to premises, which necessitates the extension of the water supply system, the Chief Financial Officer may agree to the extension subject to conditions as he may impose.

20. Cutting-off or Restricting of Supply

- 20.1. The Council may cut off or restrict the supply of water, if a consumer has:
- a) Failed to pay a sum due to it in terms of its bylaws subject to the requirements of the Credit Control and Debt Collection Policy;
 - b) Committed a breach of its bylaws and has failed to rectify such breach within the period specified in a written notice served on him, requiring him to do so; and
 - c) By written notice, inform him of its intention to cut off or restrict his supply on a specified date and it may on or after that date so cut off or restrict such supply.
- 20.2. The consumer shall pay:
- a) The prescribed charge for the cutting off or restricting of his water supply; and
 - b) The prescribed charge for restoration of the water supply.
- 20.3. Provided that, in the case of a cutting off or restriction, the prescribed charges required, as mentioned above, must be paid prior to the restoration of the water supply or alternate arrangements have been agreed upon as per the Credit Control Policy conditions.
- 20.4. The Chief Financial Officer may at the written request of a consumer:
- a) Turn off the supply of water to his premises; and
 - b) Reinstate the supply on the dates requested by him. The consumer shall prior to the reinstatement of his water supply; pay the prescribed charge for the turning-off of his water supply and for its reinstatement.
- 20.5. The Chief Financial Officer may disconnect a water installation from the communication pipe and remove it if:
- a) The agreement for supply has been terminated, and no further application has been received within a period of 90 days of such termination; or
 - b) The building on the premises concerned has been demolished.

21. Metering of Water Supplied to a Consumer

- 21.1. A meter may not be used in the case of:
- a) An automatic sprinkilolitreer installation;
 - b) A fire installation in respect of which steps have been taken to detect unauthorised draw-off of water for purposes other than fire fighting; and
 - c) A special circumstance at the Chief Financial Officer's discretion.
- 21.2. The meter mentioned above shall be provided and installed by the Council. It shall remain the property of the Council and may be changed by it when deemed necessary.

22. Quantity of Water Supplied to a Consumer

- 22.1. For the purpose of assessing the quantity of water supplied through a meter to a consumer over a specified period, it shall be deemed, unless the contrary can be proved, that:
- a) Such quantity is represented by the difference between readings of the meter taken at the beginning and end of a period;
 - b) The meter was registered correctly during the period; and
 - c) The entries in the records of the Council were correctly processed.
- 22.2. Provided that if water is supplied to or taken by, a consumer without passing through a meter, the estimate by the Chief Financial Officer of the quantity of such water, shall be deemed to be correct.

23. Payment of Water Supplied

- 23.1. All water supplied by the Council shall be paid for by the consumer at the prescribed charge for that particular category of use for which the supply was granted.
- 23.2. A consumer shall pay for all water supplied to him from the date of agreement, until the date of termination thereof.
- 23.3. The Chief Financial Officer may estimate a quantity of water supplied in respect of a period or periods within the interval between actual successive readings of the meter, and may render an account to a consumer for the quantity of water so estimated, to have been supplied to him during each period.
- 23.4. The amount of an account rendered for water supplied to a consumer, shall become due and payable on the due date stipulated in the account.
- 23.5. If a consumer is dissatisfied with an account rendered for water supplied to him by the Council, he may prior to the date stipulated therein, object in writing to the account detailing his reasons for such dissatisfaction.

- 23.6. However the lodging of an objection shall not entitle a consumer to defer payment, except with the written consent of the Chief Financial Officer.
- 23.7. Should a consumer use water for uses other than which it was being supplied for, he shall be liable for the amount due to the Council in respect of:
- a) Quantity of water which in its opinion he has consumed and for which he has not been charged; and
 - b) The difference between the cost of the water used by him at the rate at which he has been charged, and the cost of the water at the rate at which he should have been charged.
- 23.8. If amendments to the prescribed charges for water supplied become operative on a date between meter readings it shall be deemed, for the purpose of rendering an account in respect of the charges that the same quantity of water was supplied in each period of 24 hours during the interval between the meter readings.
- 23.9. A consumer shall not under any circumstances be entitled to a reduction of the amount payable for water supplied to him except for leaks arising from faulty connection to water supply.

24. Defective Meters

- 24.1. A consumer must make an application on the prescribed form, against payment of the prescribed charge for the meter to be tested if found defective.
- 24.2. The prescribed charge may be refunded if the meter is found to be defective.
- 24.3. The account of a consumer, who has been charged for water supplied through a defective meter, shall be adjusted over the period determined by the Chief Financial Officer.

25. Recovery of Account

The Municipality:

- a) Shall collect all monies that are due and payable to it, subject to the Local Government Municipal Systems Act and any other applicable legislation; and
- b) For this purpose, shall adopt, maintain and implement a credit control and debt collection policy, which is consistent with its Rates and Tariff Policies and complies with the provisions of the Local Government Municipal Systems Act, 2000.

26. Refuse removal

- 26.1. The categories of refuse removal users as set out below shall be charged at the applicable tariffs, as approved by the council in each annual budget.

- 26.2. Tariff adjustments shall be effective from 1 July each year.
- 26.3. A separate fixed monthly refuse removal charge shall apply to each of the following categories of users, based on the costs of the service concerned:
- a) Domestic and other users
 - b) Business and other users
- 26.4. Registered indigents shall receive a 100% discount on the basic charge and if the service is more than the basic amount, the full amount exceeding the basic amount, is payable.
- 26.5. A fixed monthly charge shall be charged to the local municipality's departments equal to the lowest (domestic) tariff.

27.Sewerage

- 27.1. The categories of sewerage users as set out below shall be charged per month at the applicable tariff as approved by the council in each annual budget.
- 27.2. Tariff adjustments will be effective from 1 July each year.
- 27.3. Categories of usage and charges shall be:
- a) A basic (availability) charge per month shall be charged for undeveloped erven, irrespective of their permitted or intended use.
 - b) A fixed monthly charge based on the costs of the service shall be charged for domestic users. Registered indigents shall receive a 100% discount on the basic charge and if the service is more than the basic amount, the full amount exceeding the basic amount, is payable.
 - c) A fixed monthly charge based on the costs of the service per sewer point/toilet shall be charged to all businesses, industries and institutional users.
 - d) A fixed monthly charge per sewer point/toilet shall be charged to the local municipality's departments equal to the lowest (domestic) tariff.

28.Regional levies

28.1. New Registrations

- a) In respect of new registrations, it should be determined if the enterprise already exists and if it does, it should be established why a new application was submitted.

- b) If the enterprise is under new ownership, it should be determined if the previous owner has settled levy payments in full.
- c) Balances owing by the previous owner, should be recovered from the previous owners, unless business was acquired with the new owner accepting liabilities.
- d) A list of new registrations must be sent to the Receiver of Revenue, monthly.

28.2. Deregistration

- 28.2.1. Returned and outstanding forms should be checked, and personal visits should be made to establish whether the business is in existence.
- 28.2.2. The Chief Financial Officer should be advised accordingly of de-registration of enterprises which are not in existence.
- 28.2.3. When an application for exemption is received, check for a nil balance. Thereafter, a statement of the account since inception should be furnished to the Chief Financial Officer for approval.
- 28.2.4. All relevant forms must be completed upon de-registration/exemption. Details regarding the de-registration or exemption must be entered in the de-registrations/exemptions register.
- 28.2.5. If a business is closed, a physical check must be carried out to confirm the same, before the de-registration is processed.
- 28.2.6. If the owner of a business cannot be traced for outstanding balances, approval should be obtained for write-offs.
- 28.2.7. Reports on outstanding levies, history of payments and age analysis obtained from the Chief Financial Officer, must be reviewed monthly to establish non-paying and under-declaring enterprises.

29. Update of Information

A form should be completed by the enterprise in respect of a change in physical and postal address.

30. Minor tariffs

- 30.1. All minor tariffs shall be standardized within the municipal region.
- 30.2. All minor tariffs shall be approved by the council in each annual budget, and shall, when deemed appropriate by the council, be subsidised by property rates

and general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot accurately be determined, or when the tariff is designed purely to regulate rather than finance the use of the particular service or amenity.

- 30.3. All minor tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, shall annually be adjusted at least in line with the prevailing consumer price index, unless there are compelling reasons why such adjustment should not be effected.
- 30.4. The following services shall be considered as subsidised services, and the tariffs levied shall cover 50% or as near as possible to 50% of the annual operating expenses budgeted for the service concerned:
- a) burials and cemeteries
 - b) rentals for the use of municipal sports facilities.
- 30.5. The following charges and tariffs shall be considered as regulatory or punitive, and shall be determined as appropriate in each annual budget:
- a) fines for lost or overdue library books
 - b) advertising sign fees
 - c) pound fees
 - d) electricity, water: disconnection and reconnection fees
 - e) penalty and other charges imposed in terms of the approved policy on credit control and debt collection
 - f) penalty charges for the submission of dishonored, stale, post-dated or otherwise unacceptable cheques.
- 30.6. Market-related rentals shall be levied for the lease of municipal properties.
- 30.7. In the case of rentals for the use of municipal halls and premises, if the accounting officer is satisfied that the halls or premises are required for non-profit making purposes and for the provision of a service to the community, the accounting officer may waive 50% of the applicable rental.
- 30.8. The accounting officer shall determine whether an indemnity or guarantee must in each instance be lodged for the rental of municipal halls, premises and sports fields, and in so determining shall be guided by the likelihood of the municipality's sustaining damages as a result of the use of the facilities concerned.

31. Conflict of law

When interpreting any provision of this by-law, any interpretation which is reasonable and consistent with the objectives of the Act as set out in Chapter 8, Part 1, on service tariffs,

must be preferred over any alternative interpretation which is inconsistent with these objectives.

32.Repeal

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

33.Short title and commencement

This by-law is called the Tariff By-law of the Emakhazeni Local Municipality and shall be applicable from 1 July 2017.

LOCAL AUTHORITY NOTICE 115 OF 2017
EMAKHAZENI LOCAL MUNICIPALITY



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CHAPTER 1

APPLICATION, INTERPRETATION AND DEFINITIONS OF COUNCIL STANDING RULES AND ORDERS

1.1. Application

The Rules of Order contained herein apply to all meetings of Municipal Council and any Committee of Council as well as any other Committee of Councillors established within the Municipality, unless the terms of reference for a specific structure explicitly excludes the application of Rules of Order for such structure.

- 1.2. The rules are aimed at allowing free, open and constructive debate during meetings and seeks to promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated meetings.
- 1.3. The rules endeavour to create the opportunity for Councillors serving in Council Structure to air their view on any matter of public importance.
- 1.4. Accordingly these Standing Rules and Orders are applicable to:-
 - 1.4.1 all Councillors;
 - 1.4.2 any members of Public whilst present in the Municipal Chamber and Precinct;
 - 1.4.3 Traditional Leaders participating in Council and its Committees in terms of Section 81 of the Municipal Structures Act;
 - 1.4.4 any deputation addressing the Council or a Committee of Council; and
 - 1.4.5 any Official of the Municipality.

1.5. Interpretation

- 1.5.1 any interpretation of these Rules and Orders must be made having had due regard to the supremacy of the Constitution of the Republic of South Africa, national, provincial and municipal legislation, the rule of law and the rules of natural justice.
- 1.5.2 the ruling of the Speaker or Chairperson with regard to the interpretation of these rules and orders at a meeting of the Council or Committee of Council shall be final and binding.
- 1.5.3 the ruling of the Speaker or Chairperson of any of these rules and orders must be recorded in the minutes of the Council or Committee of Council.
- 1.5.4 the Municipal Manager must keep a register of the rulings and legal opinions.

1.5.5 any Councillor may request the Municipal Manager, in writing within five (5) days from a ruling made, to obtain clarity on the interpretation and ruling. The Municipal Manager must thereafter report to the Council or Committee of Council.

1.5.6 the Council or Committee of Council may, after consideration of the report confirm, amend or substitute the ruling of the Speaker or a Chairperson subject to any rights which any third party have accrued as a result of the ruling and all decisions effecting the rights of others must be in writing and reasons must be recorded of such decisions.

1.6 DEFINITIONS

In these Standing Rules of Order the following terms and phrases used in these rules shall have the meaning assigned to them hereunder –

“Administration” means

- a) as an entity means the Municipal Manager and the other employees of the Council, or
- b) as functional activity, includes management and means the tasks that employees perform to enable the Council to make and implement policies and by-laws;

“Agenda” means a list of matter to be considered at a meeting including reports regarding such matter;

“Audit report” means any report submitted to the Council by or on behalf of the Auditor-general with regard to the auditing of the Council’s annual financial statements and accounting records;

“Authorised Official” means an official of the municipality who has been duly authorised to administer, implement and enforce the provisions of this rules or order;

“By-Law” means legislation passed by the municipal council and gazetted by the Government Printers;

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

“Code of conduct” means the code of conduct for Councillors contained in schedule 1 of the Systems Act;

“Committee” means any Committee established in the municipality, including Committees established in terms of Section 79 or 80 of the Structures Act, including any Committee established in terms of these Rules and Orders,

“Constituency” means, for the purpose of the public hearing –

- a) a political party that contested a general election for Councillors in the municipal area; and
- b) any readily identifiable group of residents in the municipal area whether they are organized or not, that share common economic or social interests or conditions;

- "Constituency Meeting"** means a meeting of the residents within a ward in the municipal area contemplated in terms of these rules of order;
- "Constitution"** means the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996);
- "Contact Details"** means a physical address, postal address, electronic mail address, telephone number, and facsimile number and cellular phone number;
- "Continuation meeting"** means a Council or committee meeting in terms of rule 42 that takes place to complete the unfinished business standing over from a meeting that had not been concluded;
- "Council"** means the Council of the Emakhazeni Local Municipality established in terms of Section 23 of the Local Government: Municipal Structures Act;
- "Councillors"** means an elected or appointed member of the Council;
- "Employee"** means an employee of the Council;
- "Council Resolution"** means the recorded and written decision and/or finding of a Council;
- "Council Whip"** means a Councillor appointed as Chief Whip of the Council;
- "Day"** shall mean a day that is not a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;
- "Departmental head"** means an employee of the Council appointed by the Council as manager of a department and includes an employee acting in the stead of such departmental head;
- "Deputation"** means a person or group of persons who wish to appear personally before the Council or a Committee of the Council in order to address the Council or Committee of the Council.
- "Division of Vote"** means that every Councillor present shall be obliged to record his/her vote for or against the Motion or proposal, abstention from the vote is not allowed and such vote shall be taken separately by name and recorded in the minutes;
- "Employee"** means an employee of the Council;
- "Executive Mayor"** means the Councillor elected by the Council as Executive Mayor in terms of Section 55 of the Local Government: Municipal Structures Act;
- "In Committee"** means the part of the meeting of Council where the meeting will be closed and members of the public and press, and such Municipal Officials as determined by the Speaker, excluding the Municipal Manager, will be excluded from the meeting, based on the nature of the business transacted;
- "Mayoral Committee"** means the committee consisting of Councillors appointed by the Executive Mayor in terms of the Structures Act;
- "MEC"** means the member of the Executive Council of the Mpumalanga Province responsible of local government;
- "Member"** means a Councillor serving in the Municipal Council of the Municipality;
- "Motion"** means a matter submitted by a Member in writing in accordance with Rule 53 herein;
- "Motion of Sympathy or congratulations"** means a written motion of sympathy or congratulations submitted to the Municipal Manager at least six (6) hours before an

ordinary Council or Committee meeting in respect of the death of a Councillor; Employee, community leader, provincial or national disaster, or of an outstanding achievement by a Councillor, Employee, community leader or an exceptional event at provincial or national level;

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

"MPAC" means Municipal Public Accounts Committee, an Oversight Committee of Council established in terms of Section 79 of the Local Government: Municipal Structures Act with its terms of reference approved by Council through a Council Resolution;

"Municipal area" means the area of jurisdiction of the Council as demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

"Municipal Manager" means the head of the administration and accounting officer appointed by the Council and includes any employee of the Council who acts in her or his stead;

"Newspaper" means a newspaper registered in terms of any law, that is published at least weekly and that circulates within the municipal area and that had been determined as newspaper of record;

"Official Announcement" means any announcement made by the Chairperson of a meeting and which may only relate to the governance, administration or management of, or in the conditions in the area of jurisdiction of the municipality or in respect of an event of provincial or national importance;

"Petition" means a written statement, proposal or grievance addressed to the Council or an office-bearer or employee of the Council and signed by more than five residents within the municipal area or a part thereof;

"Point of Order" means the pointing out of any deviation from or anything contrary to, the conduct and/or any other irregularity in the proceedings of a meeting;

"Precinct" means the Council Chamber and all other places of a meeting, the areas to which the public are allowed access and all other venues where the meetings of Council or Committee of Council are held.

"Procedural Motion" shall mean a matter raised by a member at a meeting in terms of Rule 53 below;

"Proposal" means a draft resolution submitted orally by a Councilor during a debate on any matter at a meeting of the Council or any structure of the Council;

"Public" includes the media and means any person residing within the Republic of South Africa;

"Public hearing" means a meeting arranged by the Council or Executive Mayor to solicit the views and opinions of members of the public and specific constituencies on a matter affecting the interests of the residents within the municipal area;

"Public holiday" means a public holiday contemplated in the Public Holidays Act, 1994 (Act 36 of 1994);

"Public meeting of voters" means a meeting of which public notice had been given and which are open for all voters registered in the municipal segment of the national common voters' roll relating to the Council;

"Question" means a question in terms of rules 51 or 52 asked during a meeting of the Council or any of its structures;

"Quorum" means the minimum number of Councillors and other members of 50% plus 1, if any, that must be present at a meeting before it may commence or continue with its business;

"Sargent-at-arms" means a person in the full time employment of the Municipality and/or a Peace Officer in the full time employment of the Municipality entrusted to assist the Speaker to maintain order during Council meetings assisted by Municipal Officials in the VIP Protection Unit of the Municipality and by any such staff members as the Speaker may direct;

"Section 79-committee" means a committee of Council contemplated and established by Council in terms of Section 79 of the Local Government: Municipal Structures Act for purposes of carrying out effective and efficient performance of any of its functions or the exercise of any of its powers;

"Sec 80- Committee" means a Committee of Council established by Council in terms of Section 79 of the Local Government: Municipal Structures Act to assist the Executive Committee and the Executive Mayor;

"Senior Manager" means an employee of the Council appointed by the Council as Manager of a department or departments in terms of Section 57 of the Local Government: Municipal Systems Act and includes an employee acting in the stead of such a Manager;

"Speaker" means the Councillor elected as speaker of the Council and includes any Councillor who had been elected by the Council as acting speaker during the temporary incapacity or absence of the speaker;

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"Sub – Committee" means any other Committee, other than the Executive Committee/Mayoral Committee or Committee appointed by the Council or the Executive Committee;

"Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"Table" means to submit a report or any official document to the Council or a Committee of Council for consideration at a meeting of the Council or Committee of Council of which notice has been given in terms of these Rules and Orders;

"Traditional Leadership Act" means the Traditional Leadership and Governance Framework Act 41 of 2003.

"Traditional authority" means the authority of a community within the municipal area that traditionally observes a system of customary law recognized in terms of a law; and

"Traditional leader" means the leader of a traditional authority that had been identified by the MEC in terms of section 80(2) of the Structures Act to participate in the proceedings of the Council.

"Traditional leadership" means the Traditional Leadership and Governance Framework Amendment Act, 2003.

"Whip" means a Chief Whip of each political party.

In every rule, unless the contrary indicates otherwise or appears from the context therein words importing the masculine gender shall include the females and words importing the singular shall include the plural and vice versa.

CHAPTER 2

GENERAL PROVISIONS RELATING TO MEETINGS

Part 1: Determination of time and venue of meetings

2. Days and venues of meetings

- a) No meeting of the Council or committee of the Council may be held on a Saturday, Sunday or a public holiday.

- b) Meetings and hearings of the Council and its committees must be held at a suitable venue within the municipal area.

3. Determination of venue and time of ordinary Council meeting

- (1) The Municipal Manager or, if there is no Municipal Manager, a person appointed by the MEC must, after a general election of Councilors for the Council, determine the date, time and venue of the first meeting of the Council, and such meeting must be held within fourteen days after all the members to be appointed by local Councils had been appointed and details of such appointments had been furnished to the Municipal Manager.
- (2) The speaker must, in consultation with the Municipal Manager, determine a schedule of the dates, times and venues of ordinary Council meetings, other than the meetings referred to in rule (1), for a period of at least 12 months in advance, provided that –
- (a) the Council must hold at least one ordinary meeting every three months; and
 - (b) not more than one ordinary Council meeting may take place during any month.
- (3) The speaker may, in consultation with the Municipal Manager, at any time change the scheduled, date, time or venue of a meeting.

4. Determination of time and venue of special Council meetings

- (1) The speaker may, in consultation with the Municipal Manager, at any time convene a special meeting of the Council on a date, time and venue.
- (2) The Council shall hold its meetings at 14:00 hours in the afternoon, or anytime thereafter.
- (3) The speaker must if a majority of the Councilors of the Council requests him or her in writing to convene a special Council meeting, in consultation with the Municipal Manager, convene a special Council meeting on the date set out in the request and at a time and venue determined in terms of such consultation.
- (4) A request to call a special meeting must set out the matter to be dealt with at that special Council meeting, and no business may be dealt with at a special Council meeting other than that –
- (a) specified in the notice convening a special Council meeting; or
 - (b) set out in the request referred to in rule (2).
- (5) The Speaker may at the request of the Executive Mayor and/or upon a request in writing of a quorum of the Councilors of the Municipality, call a Special Council, provided that all Councilors were given at least forty eight (48) hours' notice prior to the date and time set for the meeting.

5. Determination of venue and time of ordinary committee meetings

- (1) The speaker, in consultation with the Municipal Manager, must determine a schedule of the date, time and venue of ordinary meetings of the section 79-committee or other Council committees and the Executive Mayor, in consultation with the Municipal Manager, must determine the schedule of the dates, time and venue of the Mayoral committee meetings and section 80 committee meetings for a period of at least 12 months in advance, provided that –
 - (a) The determination must take into account the schedule of ordinary Council meetings referred to in rule 3(2);
 - (b) no section 79-committee or other committee meeting may take place during an ordinary or special Council meeting except with the express approval of the Council; and
 - (c) no Mayoral Committee meeting may be scheduled or convened for the same time as an ordinary or special Council meeting.
- (2) The speaker, in consultation with the Municipal Manager and after consultation with the chairperson of the section 79 or other committee, may change the date, time or venue of a scheduled meeting of such committee.

6. Determination of venue and time of special committee meetings

- (1) The speaker or the Executive Mayor, as the case may be, in consultation with the Municipal Manager and after consultation with the chairperson of a section 79-committee or other committee, may convene a special meeting of the section 79-committee or other committee concerned at a venue, time and place so determined.
- (2) The speaker or the Executive Mayor must, in consultation with the Municipal Manager, if a majority of the members of a section 79-committee or other committee who are Councilors requests him or her in writing to convene a special section 79-committee or other committee meeting convene such special 79-committee meeting or other committee on a date set out in the request and at a time and venue so requested.
- (3) As soon as the date, time and meeting of such special committee meeting has been determined as provided for in rule 6(2), the chairperson of the relevant committee must be informed thereof.
- (4) A request to convene a special Section 79-committee or other committee meeting must set out the matter to be dealt with at such special meeting. No business other than that specified in the notice convening a special meeting or set out in the request referred to in rule 6(2) may be dealt with at such meeting.

7. Determination of time and venue of public meetings

- (1) The speaker, in consultation with the Municipal Manager, must convene a public meeting of voters within the municipal area in terms of a Council resolution
- (2) The date determined for a public meeting of voters may not be less than 14 days or more than 28 days after the date of the council resolution.

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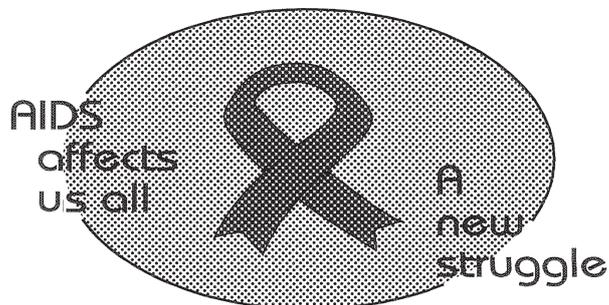
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- (3) A resolution to convene a public meeting of voters must set out the matter to be dealt with at that meeting, and no business other than that specified in the notice convening a public meeting of voters may be dealt with at such a meeting.

8. Meeting using telecommunications or video conferencing facilities

- (1) The Council may hold a Council or committee meeting using telecommunications or video conferencing facilities if all the Councilors and traditional leaders who are required to attend the meeting concerned have access to the required facilities.
- (2) A meeting in terms of rule (1) is subject to these standing rules and orders, provided that the venue stated in the notice of the meeting must be the places where Councilors and traditional leaders can access the facilities required for the meeting.

9. Public hearings

- (1) The Council or Executive Mayor may, in consultation with the Municipal Manager, at any time convene a public hearing on any matter affecting the interest of the residents within the municipal area.
- (2) Whenever a public hearing is to be convened, the Council or the Executive Mayor must, in consultation with the Municipal Manager, and subject to rule 9(3), determine the date, time and venue of such hearing.
- (3) If more than one public hearing is to be held at different venues in the municipal area or with different constituencies at different venues, the Council or the Executive Mayor must determine the schedule of hearings setting out the different venues and dates for those hearings.
- (4) No public hearing may be convened on the same day as a Council meeting.
- (5) The Council or Executive Mayor convening a public hearing must determine the subject matter of that hearing and may identify the constituencies that must be specifically invited to attend or to make representations at the hearing and supply their particulars to the Municipal Manager.
- (6) Any person invited, attending or participating in a public hearing does so at his or her own cost except for exceptional circumstances where transport is provided by the council.

Part 2: Notice of meetings

10. Notice of Council committee meetings

- (1) Unless otherwise provided in these rules, the Municipal Manager must give notice of at least 72 hours in writing of the date, venue and time for the holding of an ordinary meeting –
 - (a) of the Council, including a continuation meeting in terms of rule 42, to every Councilor, traditional leader if necessary and departmental head; and
 - (b) of a committee, including a continuation meeting in terms of rule 42, to every member of the committee concerned and departmental head.
- (2) The notice period referred to in rule (1) does not apply when the Municipal Manager deems it necessary to table an urgent matter for the Council's considerations.
- (3) A Councilor, traditional leader and departmental head to whom notice had been given in terms of rule (1) is, until such date, venue or time is changed and written notice of such change has been given, required to attend the meeting stipulated in the notice without further notice.
- (4) A notice referred to in rule (1) given to a Councilor, traditional leader and a departmental head must contain the agenda for the meeting concerned, except in the case of a continuation meeting in terms of rule (42).
- (5) In the case of a special meeting in terms of rule 4 or 6, the agenda may contain only the matter that must be dealt with at the meeting.
- (6) A notice in terms of rule 10 given to a Councilor, traditional leader and departmental head is deemed read for the purpose of the meeting to which it applies.
- (7) The municipal Manager must, unless otherwise provided in these rules, at least 24 hours or the last workday before the stipulated time, whichever is the earlier, give notice in writing of the date, venue and time for the holding of a special Council meeting and the provisions of rules (1) (a) to (6) apply in any such case, with the necessary changes.

11. Notice of public meetings and public hearings

- (1) The Municipal Manager must, with due regard for rules 11(3) and (4) after receipt of the particulars of a meeting referred to in rule 7(1) and rule 9 –
 - (a) by notice in the press and placed on the municipal notice board convene the meeting or hearing of the time, date and venue of a public meeting or hearing, as the case may be; and
 - (b) supply a copy of such notice to every Councilor, traditional leader and departmental head.
- (2) A notice in terms of rule 11(1) must state the purpose of the meeting or hearing.
- (3) A Councilor, traditional leader and departmental head to whom notice had been given in terms of rule 11(1) is, until such date, venue or time is changed and notice of such change has been given, required to attend, without further notice, the meeting or hearing stipulated in the notice.

12. Councilors to supply Municipal Manager with address

- (1) Every Councilor must, within 7 days after he or she had been declared elected or appointed, as the case may be, and thereafter as often as is necessary, supply the Municipal Manager in writing with an address within the municipal area or an electronic mail address to which official communications and notices must be sent.
- (2) Every traditional authority identified in terms of the Structures Act who will represent that traditional authority in the Council must, within 14 days after the Municipal Manager requested such particulars, supply the Municipal Manager with the name, address and other particulars of that traditional leader to whom official communications and notices must be delivered.
- (3) The Municipal Manager may deliver a notice contemplated in rules 12(1) or 12(2) to a person that appears to be over the age of sixteen at the address supplied by such councilor or traditional leader.
- (4) Non-receipt of any official communication or notice sent to an address referred to in rules 12(1) and 12(2) or delivered in terms of rule 12(3) –
 - (a) does not affect the validity of any meeting or proceedings of the Council or its committees; and
 - (b) is not sufficient reason to be absent from the meeting concerned without leave of absence.

Part 3: Attendance of meetings and hearings**13. Absence from meetings**

- (1) A Councillor or Traditional Leader must, at least six (6) hours before the meeting, lodge with the Speaker in the case of Council, the Executive Mayor in the case of a Mayoral Committee or with the Municipal Manager in the case of a Committee written application for leave of absence from the whole or any part of the Council, Mayoral Committee or Committee meeting or hearing concerned and, at the same time, furnish reasons for his or her application for leave of absence, if he or she –
 - (a) is unable to attend a meeting or hearing of which notice had been given;
 - (b) is unable to remain in attendance at a meeting or hearing; or
 - (c) will arrive after the stipulated time for a meeting or hearing.
- (2) A Councillor or Traditional Leader who did not apply for leave of absence in terms of Rule 13(1) and who was absent from a Council, Mayoral Committee or Committee meeting or hearing or a part thereof must, after that Council, Mayoral Committee or Committee meeting or hearing and within five (5) working days, lodge with the Speaker, Executive Mayor or Municipal Manager written application for leave of absence from that Council, Mayoral Committee or Committee meeting or hearing and such an application for leave of absence must state the reasons for the late submission of the application and the reasons for his or her absence from the Council, Mayoral Committee or Committee meeting or hearing.

- (3) The Municipal Manager must inform the chairperson of the meeting or hearing concerned of any application for leave of absence.
- (4) An application in terms of Rules 13(1) or 13(2) is considered and granted or refused by –
 - (a) the Speaker in the case of a Council meeting or public hearing;
 - (b) the relevant Chairperson in the case of any other Committee meeting.
 - (c) the Executive Mayor in the case of the Mayoral Committee.
- (5) Whenever an application for leave of absence in terms of rules 13(1) or 13(2) was refused –
 - (a) the relevant functionary must supply the reasons for the refusal; and
 - (b) the Municipal Manager must immediately after the meeting or hearing in writing inform the Councilor or traditional leader concerned accordingly and supply the reasons for the refusal.
- (6) A Councilor or traditional leader is deemed absent without leave from the meeting concerned if –
 - (a) he or she fails to apply in terms of rule 13(1) or 13(2) and he or she is absent from a meeting or hearing he or she is required to attend;
 - (b) his or her application for leave of absence has been refused and he or she is absent from the meeting he or she is required to attend;
 - (c) his or her application for leave of absence has been refused and he or she does not appeal in terms of rule (14);
 - (d) his or her appeal has been turned down; or
 - (e) he or she did not sign the attendance register contemplated in rule (17).
- (7) A Councilor delegated by the Council to attend to other official duties at the time of a meeting he or she is required to attend, is deemed to have been granted leave of absence for the meeting he or she is required to attend.
- (8) The Municipal Manager must keep a record of all cases in terms of rule 13(6) and must submit a written report thereon to the speaker at least once every three months.
- (9) Female Councillors shall have be entitled to apply and take four (4) months maternity leave (NB: calendar days), the application of which shall be lodged with the Speaker who shall after approval thereof, report of such in the next ensuing Council that maternity leave has been granted to the said Councillor, with the effective and termination date mentioned in Council.
- (10) A Councillor who fails to attend Council meeting and or any other Committee/s of Council and did not serve a late application in terms of Rule 13 (2) shall be fined R1,500 (**One Thousand Five Hundred Rand**) deducted against his/her monthly salary and/or allowance.

14. Appeal against refusal of application for leave of absence

- (1) A Councilor or traditional leader whose application for leave of absence had been refused may appeal against the refusal, and such appeal must be in writing and

lodged with the Municipal Manager within 14 days after the date of the decision; provided that, however, Council or the committee who must consider the appeal may in exceptional circumstances condone the late submission of an appeal.

- (2) The Council considers an appeal in terms of rule 14(1) in the case of absence from a Council meeting, public meeting or public hearing, Mayoral Committee or any Council committee meeting, as the case may be.
- (3) A decision with regard to an appeal in terms of rule 14(1) is final.

15. Removal of Councilor and traditional leader from office for absence from meetings without leave

- (1) Whenever a report submitted to the speaker in terms of rule 13(8) identifies a –
 - (a) Councilor that had been absent without leave of absence from three or more consecutive Council meetings or three or more consecutive committee meetings which that Councilor was required to attend; or
 - (b) a traditional leader that had been absent without leave of absence from three or more Council meetings which such traditional leader was required to attend

The speaker must in writing report the matter to the Council at the first ordinary Council meeting next ensuing, and must, in the case of a traditional leader, also report the matter in writing to the traditional authority represented by that traditional leader.

- (2) The Council must consider the report of the speaker and must give the Councilor or traditional leader concerned an opportunity to state his or her case, and as soon as a Councilor or traditional leader has stated his or her case, he or she must leave the meeting whilst the Council considers the matter.
- (3) If, after consideration of the matter, the Council –
 - (a) is of the opinion that the Councilor was absent without good reasons, the Municipal Manager must, in writing, request the MEC to remove the Councilor from the Council in terms of the Code of Conduct applicable to Councilors; and
 - (b) finds that the reason for the absence from any of the meetings was a good reason; the Council may issue a formal warning to the Councilor or traditional leader and determine the period during which the warning will be valid.
- (4) A Councilor ceases to be a Councilor on the date that the MEC informs the Municipal Manager that the Councilor had been removed from office.

16. Who may attend meetings

- (1) Until the Council or a committee closes a meeting, and subject to rule 16(2), a meeting may be attended by members of the public, employees of the Council and the media.

- (2) A public meeting of voters or a constituency meeting or a public hearing may not be closed.
- (3) Every Councilor and traditional leader must, from the time stipulated in the notice convening the meeting, attend every meeting of the Council, committee or every public meeting of voters and public hearing and remain in attendance at such meeting or hearing, unless –
 - (a) leave of absence had been granted to him or her; or
 - (b) he or she must leave a meeting or hearing in terms of the Code of Conduct.
- (4) The speaker and/or Executive Mayor, as the case may be, may by virtue of their offices, attend and participate in any committee meeting, however, the speaker or Executive Mayor may not vote on any matter at such a committee meeting.
- (5) Any Councilor who is not a member of a committee or any traditional leader may only attend a meeting of a committee with the express prior permission of the chairperson of that committee, which permission may not be unreasonably withheld.
- (6) The speaker or the Executive Mayor or the chairperson of a committee, as the case may be, may invite any person to attend a meeting of the Council or that committee, as the case may be.
- (7) The Municipal Manager and departmental heads of the Council must attend public meetings of voters, public hearings, Council and committee meetings, however, the chairperson of a committee may, after consultation with the Municipal Manager, exempt the Municipal Manager or any departmental head from attending any meeting of the committee concerned, or, if he or she is not exempted, grant leave of absence to him or her from any meeting of that committee.
- (8) Mayoral committee meetings are not open to the public or the media.

17. Attendance register

- (1) The Municipal Manager must supply an appropriate attendance register at every meeting and hearing.
- (2) Every Councilor and traditional leader who is present at a meeting or hearing must sign the attendance register.
- (3) Any Councilor or traditional leader who had been present at a meeting or hearing but who failed to sign the attendance register, is deemed absent without leave from the meeting concerned.

Part 4: Documents to be available at meetings

18. Documents to be available at meetings

The Municipal Manager must ensure that a copy of the municipal code, referred to in the Systems Act, is available at every meeting, which code must also include:

- (a) The Constitution;
- (b) The Municipal Finance Management Act;
- (c) The Structures Act;
- (d) The Systems Act;
- (e) The Municipal Property Rates Act;
- (f) The by-laws of the Council; and
- (g) Such other legislation as the Council may determine from time to time.

Part 5: Presiding at meetings and hearings

19. General powers and duties of chairperson

- (1) The chairperson of a meeting must –
 - (a) ensure that the meeting or hearing at which he or she presides is conducted in accordance with these standing rules and orders.
 - (b) When requested to do so, interpret these standing rules and orders;
 - (c) Reject any motion, proposal or question which in his or her opinion –
 - (i) may lead to the discussion of a matter already contained in the agenda for that meeting;
 - (ii) contains unnecessary tactless, incriminating, disparaging or improper suggestions;
 - (iii) may encourage, engender, advocate or aggravate hatred, discrimination, exclusion, restriction, ridicule, contempt or preference based on colour, descent, race, ethnicity, gender or religion so as to cause harm, hostility, degradation, violence or which insults, degrades, defames or encourages abuse of any racial, ethnic, gender or religious group, through the uttering of words, whether in writing or orally, or the performance of deeds;
 - (iv) contains unwelcome suggestions, innuendoes, remarks or hints of a sexual nature, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments of another person's body;
 - (v) contains threatening, abusive or insulting language towards an employee which cause that employee harassment, alarm or distress due to any alleged, suspected or proven act, commission or statement by that employee in the exercise of any of his or her rights or the discharge of any of his or her duties so as to harass or cause or advocate unfair treatment of that employee;
 - (vi) is contrary to these standing rules and orders or any other law;
 - (vii) may have an impracticable result or cause uneconomical, inefficient or ineffective use of resources or will be incapable of execution;
 - (viii) may result in unauthorized expenditure or

- (ix) does not pertain to the governance, administration or management of or the conditions in the council
 - (d) Reject any motion, proposal or question regarding a matter –
 - (i) beyond the Council's executive or legislative authority unless, on the face of it, the proposal intends to convince the meeting to make representations with regard to that matter to a body or institution which has such authority; or
 - (ii) in respect of which a decision of a judicial or quasi-judicial body is being awaited;
 - (e) Reject any motion, proposal or question which –
 - (i) is not properly seconded;
 - (ii) on the face of it, may threaten or affect a fundamental right of any person; or
 - (iii) is unclear.
 - (f) Reject any proposal that a part of a meeting or meeting be closed that does not comply with rule 92;
 - (g) Call the attention of any person at the meeting to –
 - (i) irrelevance, tedious repetition or language unbecoming; or
 - (ii) any breach of order by a Councilor or such other person;
 - (h) submit every motion and proposal made and seconded to the vote;
 - (i) declare the result of any vote in terms of 19(1)(h); and
 - (j) instruct any member of the public or media and any employee of the Council who may be present at a meeting to leave the meeting when the meeting resolved to close any part of its session and not to return to it until the meeting continues in public.
- (2) The chairperson's ruling with regard to a motion, proposal or question is final; provided that –
- (a) if the ruling is contested or called into question, the debate is suspended and the ruling referred to the Rules and Ethics Committee for recommendation to the Council;
 - (b) the ruling of the Rules and Ethics Committee must be submitted to the Council for consideration at the next ordinary meeting at which meeting the Council must consider the recommendation and confirm, amend or substitute the interpretation of the chairperson where after the debate is then continued.
- (3) The chairperson's ruling or interpretation of the standing rules and orders is final; provided that –
- (a). if the interpretation or ruling is contested or called into question, the debate is suspended and the ruling referred to the Rules and Ethics Committee for recommendation to the Council;
 - (b) the ruling of the Rules and Ethics Committee must be submitted to the Council for consideration at the next ordinary meeting;

- (c) the Council must upon receipt of such recommendation, consider the matter and confirm, amend or substitute the interpretation of the chairperson at which meeting the Council must consider the recommendation and confirm, amend or substitute the interpretation of the chairperson where after the debate is then continued.
- (4) The chairperson may, in performing his or her functions and powers-
 - (a) consult with the Municipal Manager;
 - (b) direct any person who is in speaking to discontinue his or her speech or to desist from breaching the order or to discontinue making interjections;
 - (c) direct any person to apologize for and withdraw any allegation, statement or remark if it is unbecoming, unnecessarily tactless, incriminating, disparaging, improper, racist or sexist or inciting violence or injures or impairs the dignity or honor of a Councilor or employee of the Council;
 - (d) direct any person who persists in disregarding the chair or who obstructs the business at a meeting, to retire from the meeting; and
 - (e) instruct any person to leave a meeting if the meeting resolves to close its session or any part of it.
- (5) If a person refuses to retire from a meeting or hearing after having been directed in terms of rule 19(4)(d) or 19(4)(e), the chairperson may direct an employee of the Council present at the meeting to remove that person or cause his or her removal and to take steps to prevent that person from returning to the meeting or hearing.
- (6) The chairperson may change the order of business at the meeting despite any provisions to the contrary contained herein.

20. Failure of refusal to exercise powers or discharge duties by chairperson at meeting or hearing

- (1) Whenever a Councilor or traditional leader who attended a meeting or hearing is of the opinion that the chairperson at that meeting or hearing failed or refused to exercise any of his or her powers or to discharge any of his or her duties properly, he or she may direct a written allegation against the chairperson concerned to the Municipal Manager.
- (2) An allegation in terms of rule 20(1) must quote the relevant rule of convention that had been breached or not fulfilled and must state to what extent it had been reached or not fulfilled.
- (3) The Municipal Manager must submit the allegation to –
 - (a) the speaker in the case of an allegation against the Executive Mayor;
 - (b) the Executive Mayor in the case of an allegation against the chairperson of a section 79-committee or other committee;
 - (c) the Council in the case of an allegation against the speaker, and send a copy thereof to the councilor against whom the allegation had been made.

- (4) The relevant functionary or the Council, as the case may be, must, in consultation with the Municipal Manager, determine the time and place of the hearing when the matter will be considered, provided that in case referred to in –
- (a) rule 20(3)(b), the Municipal Manager must, after receipt of the allegation, include the matter in the agenda for the next Mayoral committee meeting.
 - (b) Rule 20(3)(a) or 20(3)(c), the Municipal Manager must, after receipt of the allegation, include the matter in the agenda for the first ordinary Council meeting.
- (5) The Municipal Manager must inform the Councilor who made the allegation and the Councilor against whom the allegation had been made of the time and place where the matter will be heard.
- (6) At the hearing the Councilor making the allegation and the Councilor against whom the allegation had been made must have the opportunity to state his or her case, to call witnesses, to examine any documents submitted and to cross examine any witness.
- (7) After the matter had been heard the speaker, Executive Mayor or the Council, as the case may be, must make a ruling as to the most probable version to the event and make a finding.
- (8) (a) Should it be found that an allegation against the speaker was true, the Council must decide on an appropriate penalty.
(b). Whenever the speaker finds that an allegation against the Executive Mayor was true, he or she must submit his or her finding to the Council and recommend an appropriate penalty.
(c) Whenever the Executive Mayor finds that an allegation against the chairperson of a section 79-committee or other committees was true he or she must decide an appropriate penalty.
- (9) An appropriate penalty may include a formal warning or reprimand, and whenever formal warning is issued, the Council, the Executive Mayor or the speaker, as the case may be, must determine the period during which the warning is valid.

21. Status of chairperson at meeting

Whenever the chairperson at a meeting speaks, any person then speaking or offering to speak and all other persons in the meeting must remain silent so that the chairperson may be heard without interruption.

22. Presiding at the first Council meeting after a general election

The Municipal Manager, or if there is no Municipal Manager, a person appointed by the MEC, presides at the first meeting of a Council after a general election of Councilors until a speaker is elected.

23. Presiding at Council meetings

- (1) The speaker presides, with due regard to the provisions of these standing rules and orders, at every Council meeting where he or she is present.
- (2) Whenever the speaker is absent from or unable to preside at or during any part of a Council meeting, the Council must elect an acting speaker in terms of the Structures Act.

24. Presiding at Council meetings when position of speaker is vacant

- (1) Whenever the office of speaker becomes vacant, except during a Council meeting, the Municipal Manager must call a special Council meeting for the purpose of electing a speaker on a date and at a time and venue determined by him or her, however, such special Council meeting must take place within fourteen days after the office of the speaker became vacant.
- (2) The Municipal Manager presides over the election of a speaker in terms of rule 24(1).
- (3) The speaker elected at a meeting in terms of rule 24(1) serves as speaker for the un-expired term of his or her predecessor.

25. Presiding at Mayoral Committee meetings

The Executive Mayor presides at meetings of the Mayoral Committee.

26. Presiding at section 79-committee and other committee meetings

- (1) The Councilor appointed by the Council as chairperson of a section 79-committee or other committee (in this rule referred to as the "chairperson"), presides at meetings of such committee where he or she is present.
- (2) Whenever the chairperson is absent from or unable to preside at or during any part of the committee meeting, a member of that committee elected by the members of the committee present at that meeting, presides at the meetings of the committee for the duration of the chairperson's absence or inability.
- (3) The Municipal Manager presides over the election of a chairperson in terms of rule 26(2).
- (4) The committee may not elect the speaker or the Executive Mayor as chairperson in terms of rule 26(2).

27. Presiding at public meetings of voters and public hearings

- (1) The speaker presides at public meetings of voters and any public hearing convened by the Council, with due regard to the provisions of rule 27(2).
- (2) The Executive Mayor presides at public hearings convened by him or her.
- (3) Whenever the Councilor designated in terms of rules 27(1) or 27(2) is absent from or unable to preside at or during any part of a public meeting of voters or constituency meeting or a public hearing, the Councilors present at such meeting

or hearing must elect from amongst their number a chairperson for the meeting or hearing for the duration of that Councilor's absence or inability.

- (4) The municipal manger presides over the election of a chairperson in terms of rule 27(3).

Part 6: Conduct of persons at meetings

28. Conduct of members of public at Council or committee meetings

- (1) A member of the public or the media or an employee attending a Council or committee meeting may not –
- (a) at any time address the meeting, unless he or she is a member of a deputation in terms of rule 47;
 - (b) obstruct the business of the meeting;
 - (c) make any interjections;
 - (d) make unwelcome suggestions, innuendoes, remarks or hints of a sexual nature, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments of another person's body;
 - (e) encourage, engender, advocate or aggravate hatred, discrimination, exclusion, restriction, ridicule, contempt or preference based on colour, descent, race, ethnicity, gender or religion so as to cause harm, hostility, degradation, violence or which insult, degrade, defame or encourage abuse of any racial, ethnic, gender or religious group, through the uttering of words, whether in writing or orally, or the performance of deed;
 - (f) use threatening, abusive or insulting language towards an employee or display any writing, sign or other visible presentation which is threatening, abusive or insulting which causes that employee harassment, alarm or distress due to any alleged, suspected or proven act, omission or statement by that employee in the exercise of any of his or her rights or the discharge of any of his or her duties so as to harass or cause or advocate unfair treatment of that employee; or
 - (g) make unwelcome or obscene gestures.
- (2) Rule 28(1)(a) does not apply to the Municipal Manager or a departmental head.
- (3) Whenever a meeting resolves to close its session or a part thereof, any member of the public, media or employee must leave the meeting immediately and not return to that meeting until it resumes as a public meeting.
- (4) A member of the public or media attending a Council or committee meeting is subject to the authority of the chairperson of the meeting.

29. Recording of proceedings at meetings

- (1) Except for the purpose of writing the official minutes of a meeting by an employee, nobody may unless the express prior approval of the chairperson of a

- meeting had been obtained, make any recording, whether audio or visual or both audio and visual, of a meeting or any part thereof.
- (2) Minutes of the proceedings of every meeting of the Council and Committee shall be electronically or otherwise recorded and be kept for that purpose by the Manager Corporate Services.
 - (3) Minutes of the proceedings of every meeting of the Council shall be word processed or typed and printed, and all if confirmed, be signed during the next ensuing ordinary meeting by the Chairperson. Minutes shall be bound and kept secure.
 - (4) No motion or discussion shall be allowed upon the confirmation of minutes except as to its accuracy.
 - (5) The minutes of every Council or Committee shall be open for inspection by every member of the Council during office hours subject to full compliance with both Promotion of Access to Information Act and Protection of Personal Information Act and provided the demands of duties of the Registry and Secretariat staff are taken into account.

30. Conduct of Councilors during meetings

- (1) The Speaker or the Chairperson of the meeting in the event of a meeting other than a Council meeting shall:
 - (a) maintain order during meetings;
 - (b) ensure compliance with the Code of Conduct for Councillors during meetings;
 - (c) ensure that the meetings are conducted in accordance with the rules;
 - (d) ensure that members of the public attending meetings are seated in areas designated for that purpose;
 - (e) ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or Chairperson of the meeting;
 - (f) ensure that any Councillor or member of the public refusing to comply with the ruling of the Speaker or Chairperson leaves the meeting;
 - (g) ensure that the Whip of each political party represented in the Municipal Council as well as the Council Whip or Council maintains discipline during any meeting.
- (2) There shall be no usage of a cellular phone and/or any electronic communication device except for lap tops and/or computers during Council and/or Committee meetings.
- (3) The Speaker may, in performing his or her functions and powers –
 - (a) consult with the Municipal Manager or any official delegated by the Municipal Manager;
 - (b) direct any Councillor who is speaking to discontinue his or her speech or to desist from breaching the order or to discontinue making interjections;
 - (c) direct any Councillor to apologise for and withdraw any allegation, statement or remark if it is unbecoming, unnecessarily tactless, incriminating, disparaging, improper, racist or sexist or inciting violence or injures or impairs the dignity or honour of a councillor or employee of the council;
 - (d) direct any Councillor who persists in disregarding the Speaker or who obstructs the business at a meeting not to participate any further in the meeting; and
 - (e) instruct any Councillor to leave the precinct and never return until the order of the day is finished.
- (4) If a Councillor refuses to leave the meeting or hearing after having been directed by the Speaker in terms of Rule 30 (3) (d) or (3) (e), the Speaker may direct the Municipal

- Manager to call in Municipality's Sargent-at-arms/Peace Officers and such staff members as the Speaker may direct to remove that Councillor and/or cause his or her removal and to take steps to prevent that Councillor person from returning to the Chamber or Precinct.
- (5) Any Councillor who shall on his removal in terms of Rule 30 (4) (d) or (4) (e) and/or Rule 30 (5) removed from Council Chamber or Precinct damage and/or cause any damage of municipal assets or personal assets of any Councillor, Traditional Leader, Municipal Official and/or any other person attending Council shall be personally held liable for such damages.
 - (6) The value of such damage shall be quantified and submitted to the Municipal Manager who shall prepare a report to Council advising Council of the value apportioned to the damage and method to be used in recovering the said damages against the salary of the said Councillor.
 - (7) Any member of the public and/or the media willing to attend Council and/or Committee Meetings shall request accreditation from the Speaker and/or Chairperson of the Committee at least one (1) hour before the sitting.

31. Dress Code

- (1) The Council may by means of a policy prescribe a dress code for Councillors, Traditional Leaders, Media, Members of the Public and Officials attending meetings. No member of Council is allowed to wear a helmet and or anything that can pose danger to member/s in Council meeting.
- (2) However Councillors, Traditional Leaders, Media, Members of the Public and Municipal Officials attending Council or Council Committee meetings shall pending passing of a resolution mentioned in 31 (1) above, be dressed formally and/or dress in traditional regalia.
- (3) No any other wear, clothing and/or regalia not mentioned in Rule 31 (1) and (2) shall be allowed in a Council and Committee meeting.
- (4) Notwithstanding the provisions of any resolution passed in accordance with Rule 31 (1) above, no Councillor shall be allowed to wear any clothing or accessories containing political paraphernalia to any meeting.
- (5) The Speaker or the Chairperson of the Council Committee may order any Councillor to leave the meeting if that Councillor is dressed in clothing or accessories containing political paraphernalia to any meeting contrary to Rule 31 (4).
- (6) The Councillor ordered to leave the meeting in terms of Rule 31 (5) shall be marked absent from the said meeting and fined R1, 500 (one thousand Five Hundred Rand) deducted against his/her monthly salary and/or allowance.

32. Person speaking to address chairperson

A person addressing a meeting or hearing must address the chairperson of that meeting or hearing.

33. Councilor to sit while speaking

- (1) A Councilor, traditional leader or person addressing a meeting or hearing must sit while speaking.
- (2) If a Councilor or traditional leader who is not speaking raises his or her hand on a point of order or to make a proposal and the chairperson addresses such

Councilor or traditional leader while another Councilor is speaking, the Councilor or traditional leader who speaks must remain silent until the chairperson has made a ruling on the point of order or the proposal.

34. Councilor or traditional leader to speak only once

- (1) A Councilor or traditional leader may speak only once on a matter, unless permission to speak more than once is granted by the chairperson of the meeting concerned.
- (2) The introducer of a motion or proposal may reply in conclusion of the debate, but must confine his or her reply to answering previous speakers.
- (3) The Council may allow the Executive Mayor or the chairperson of a section 79-committee or other committee, as the case may be, to make an explanatory statement prior to the consideration of any particular matter in the report of the Executive Mayor or section 79-committee or other committee or during the discussion of such report in reply to a specific question.

35. Relevance

- (1) A Councilor or traditional leader who speaks must confine his or her speech strictly to the matter under discussion.
- (2) No discussion may take place –
 - (a) on a matter which anticipates a matter on the agenda unless the chairperson has granted leave to discuss two or more items at the same time or the Municipal Manager indicated in the agenda that two or more items should be considered together; or
 - (b) on any motion or proposal that had been rejected in terms of rule 19(1)(f).

36. Councilors right to information

A Councilor has the right to request the Municipal Manager in writing in terms of the Access to information Manual of Council to supply such information as may be required for the proper performance of his or her duties as a Councilor, including the making of speech at a meeting or hearing, however –

- (a). at least three working days written notice of the information required is given to the Municipal Manager; and
- (b). confidential information obtained in terms of this rule may not be made known by the relevant Councilor.

37. Personal explanation, point of order and clarification

- (1) A Councilor or a traditional leader may, at any time during a meeting, whether or not he or she participated in a debate underway, rise –

- (a) on a point of order in the event of a departure from these standing rules and orders or any law;
 - (b) to explain any part of his or her speech that may have been misunderstood; or
 - (c) to request that any part of a speech that he or she may have misunderstood be explained.
- (2) A Councilor or traditional leader referred to in rule (1) must be heard forthwith.
- (3) The ruling of the chairperson of the meeting on a point of order or a personal explanation is, subject to rule 19(3), final and may not be discussed.

38. Right of Municipal Manager to have advice recorded in minutes

- (1) The chairperson at a meeting must give the Municipal Manager an opportunity to address that meeting on any matter before the meeting in order to advise the meeting as to the eligibility of any proposal or motion before the meeting.
- (2) The Municipal Manager has the right to have his or her advice regarding any motion or proposal which may –
- (a) cause unauthorized expenditure; or
 - (b) be beyond the authority of the Council,
 - (c) recorded in the minutes of the meeting where the advice was given.

Part 7: Adjournment of continuation of meetings

39. Adjournment of meeting in the absence of a quorum

- (1) If there is no quorum present within 30 minutes after the time stipulated in the notice of a meeting referred to in rule 10, such meeting is not held but a continuation meeting is held in terms of rule 42.
- (2) If at any time during the course of a Council or committee meeting it is suspected that there is no quorum present –
- (a) the chairperson must discontinue the proceedings immediately; and
 - (b) cause the Councilors present to be counted, and if the suspicion is proved correct, the chairperson must instruct the Municipal Manager to ring the bell for one minute, and if there is still no quorum five minutes after the bell had been rung, the chairperson must adjourn the meeting forthwith.
- (3) If the shortfall of Councilors contemplated in rule (2) is owing to the withdrawal of one or more Councilors in compliance with the code of conduct, the chairperson must arrange that such matter be dealt with at the first meeting next ensuing.
- (4) If a sufficient number of Councilors are present after the bell had been rung, the meeting continues, and the Councilor who was speaking when the proceedings were discontinued, is, in his or her own discretion, entitled to start his or her speech from afresh.

- (5) Any business, except a matter referred to in rule 40(3) which had not been dealt with at a meeting that had been adjourned, must be considered a continuation meeting contemplated in rule 42, however, any unfinished business arising from a special meeting must be considered at the first ordinary meeting next ensuing unless the date of such ordinary meeting is later than the debate contemplated in rule 42.

40. Adjournment of meeting before it completed its business

- (1) A Councilor may at any time during a meeting proposed that the meeting be adjourned and must state the reasons for the proposal, however, no Councilor may more than twice during the same meeting proposed that it be adjourned.
- (2) A proposal in terms of rule 41(1) must be seconded by a Councilor present at the meeting, however, a Councilor may not more than twice during the same meeting second a proposal to adjourn, and such proposal lapses if it is not properly seconded.
- (3) A proposal in terms of rule 41(1) is carried if a majority of the members present at a meeting votes in favour thereof.
- (4) Whenever a meeting adjourns in terms of rule 41(1) before it had finished the business stated in the agenda for that meeting, the meeting must resume as a continuation meeting in terms of rule 42 to deal with any unfinished business, unless the date of the first ordinary meeting next ensuing is earlier than the date referred to in rule 42, in which case the unfinished business of an adjourned meeting dealt with at that ordinary meeting.

41. Continuation of adjourned meeting

- (1) A continuation meeting is held at the same time and venue as a meeting that had been adjourned in terms of rule 40 or 41, on a day at least seven days but not more than 14 days later.
- (2) The agenda for a continuation meeting is the agenda for the meeting that had been adjourned.

42. Temporary adjournment of meeting

- (1) A Councilor may at any time during a meeting propose that the meeting be adjourned for a period proposed by him or her, however-
 - (a) not more than two such proposals may be made during the same meeting; and
 - (b) no such adjournment may exceed thirty minutes.
- (2) Despite the provisions of rule 43(1)(a), the chairperson at a meeting may, if he or she is of the opinion that a third temporary adjournment of a meeting may

- facilitate the discussion and resolution of a matter, allow a third adjournment in terms of rule 43(1).
- (3) A proposal in terms of rule 43(1) must be seconded by a Councilor present at the meeting, however, a Councilor may not more than twice during the same meeting second a proposal to adjourn, and such a proposal lapses if it is not properly seconded.
 - (4) A proposal in terms of rule 43(1) is carried if a majority of the members present at a meeting vote in favour thereof.
 - (5) The meeting resumes after the expiry of the period referred to in rule 43(1), and deals with any unfinished business contained in its agenda.

Part 8: Agendas and minutes of meetings

43. Only matters included in agenda are dealt with

- (1) Subject to the provision of rules 44(2) and 44(5) only matters included in an agenda for a meeting may be dealt with, however, the Municipal Manager may table an urgent matter for discussion if he or she deems it necessary.
- (2) A Councilor may at any time during a meeting propose that rule 44(1) be suspended to allow discussion of any matter not included in the agenda, and must give reasons for his or her proposal.
- (3) A proposal in terms of rule 44(1) need not be seconded and no debate about the proposal is allowed.
- (4) A proposal referred to in rule 44(2) is carried if the Councilors present at a meeting unanimously adopt it.
- (5) An urgent report received from the Executive Mayor may be tabled and considered during a Council meeting.

44. Minutes of meetings and summary of evidence at hearings

- (1) The Municipal Manager must keep, or cause to be kept, minutes of the proceedings of every public meeting of voters, public hearing, Council and committee meeting.
- (2) The minutes of a meeting must reflect –
 - (a). the names of the Councilors and traditional leader attending;
 - (b). the names of the Councilors and traditional leaders absent with or without leave;
 - (c). the periods of absence during a meeting of a Councilor or traditional leader;
 - (d) the names of the Councilors voting respectively for and against any matter for the decision of which a division is called;

- (e). the name of any Councilor who demanded that his or her vote against any particular decision be recorded in the minutes;
 - (f). any adjournment of the meeting;
 - (g). any declaration of a personal or pecuniary interest by a Councilor or a traditional leader;
 - (h). any advice of the Municipal Manager regarding possible unauthorized expenditure or resolutions beyond the authority of the Council; and
 - (i). the resolutions taken.
- (3) The minutes of a meeting must be delivered to the Councilors with the notice of the ensuing meeting or before such a notice is delivered.
 - (4) Minutes delivered in terms of rule 45(3) are deemed read with view to their approval.
 - (5) No proposal regarding minutes, except a proposal relating to the accuracy thereof, is allowed.
 - (6) The minutes of a meeting must, be in order, be approved at the next ordinary meeting of the Council or committee, as the case may be, however, the minutes of a public meeting of voters must be approved by the Council.
 - (7) The chairperson of the meeting must sign the minutes upon approval, and if the minutes are written on loose sheets, each sheet must be signed.
 - (8) Any Councilor or other person speaking at a meeting may request that his or her speech not be recorded, and upon receipt of such a request the Municipal Manager must cease such a recording.
 - (9) The Municipal Manager must make, or cause to be made, a summary of the proceedings and evidence given at a public hearing and submit it at an ordinary meeting of the Council or to the Executive Mayor, as the case may be.

45. Declaration of personal and pecuniary interest

- (1) A Councilor or traditional leader wishing to declare a personal or pecuniary interest in terms of the code of conduct must do at least 24 hours before the meeting when the relevant item is called the councilor or the traditional leader involved must recuse himself or herself.
- (2) No Councilor or traditional leader may speak more than five minutes on the question whether his or her interest is so trivial, remote or irrelevant as to render a clash of interests unlikely.

Part 9: Deputations

46. Deputations

- (1) Anybody who wishes to obtain an interview with the Mayoral committee or a committee of the Council must lodge a written request with the Municipal Manager, and such an application must state the representations the applicant wishes to make in detail.

- (2) The Municipal Manager must submit the request to the relevant departmental head for the investigation and submission of a comprehensive report to the municipal manager. The municipal manager must submit the comprehensive report to the mayoral committee or the relevant committee as the case may be.
- (3) The Municipal Manager must inform the requestor of date and time when and place where the deputation is to address the, Mayoral Committee or other committee.
- (4) Unless the Council or a committee conducts an interview in closed session, the members of a deputation may remain in the meeting whilst the Council or committee considers the matter after the interview had been completed.

47. Attendance of Council meeting by Auditor-general

- (1) Whenever the audit report is included in the agenda for a Council meeting, the Municipal Manager must in writing invite the Auditor-general, the provincial treasury and the department responsible for local government to the meeting.
- (2) Despite any provisions to the contrary in these standing rules and orders, the speaker may change the order of business at a meeting referred to in rule 48(1) to allow the Auditor-general to address the Council and Councilors to ask questions with regard to the audit report and audit findings.

48. Petitions

- (1) A Councilor or traditional leader must submit a petition received by him or her to the Municipal Manager.
- (2) The Municipal Manager must inform the speaker of any petition he or she received.
- (3) Any petition received in terms of rules 49(1) or 49(2) must be referred to the relevant departmental head for the investigation and submission of a comprehensive report to the municipal manager. The municipal manager must thereafter submit such petition and report to the Council, mayoral committee or relevant committee as the case may be.
- (4) If the committee or the Executive Mayor to whom the petition has referred does not have the power to dispose of the matter, the committee or the executive mayor, as the case may be, must submit a report and recommendations to the Council.

49. Objections and representations

- (1) Whenever the Council invites public comment, representations or objections with regard to any proposed resolution before the Council or a resolution the Council

had taken, the Municipal Manager must designate a person who will be responsible for the receipt of such comment, representations or objections.

- (2) The person designated in terms of rule 50(1) must make a summary of the comments, representations and comments, if any, that were received and submit it to the relevant departmental head.
- (3) The departmental head must consider the summary and submit it, together with his or her report and recommendations to the Municipal Manager who must refer it, with his or her comments, to the Council or the Executive Mayor or the relevant committee, as the case may be.
- (4) The Executive Mayor or committee, as the case may be, must consider the summary, report and recommendations of the departmental head and the comments of the Municipal Manager and submit the matter to the Council together with his or her recommendations.

Part 10: Questions

50. Questions of which notice had been given

- (1) A Councilor or traditional leader may at any time submit, to the Municipal Manager, a written question he or she intends to ask during a Council meeting or a meeting of a committee of which he or she is a member, however, such question must be submitted to the Municipal Manager at least 10 workdays before the meeting where the question will be asked.
- (2) A Councilor or traditional leader may request the Municipal Manager to assist him or her to formulate a question contemplated in rule 51(1).
- (3) The Municipal Manager must immediately upon receipt of a question in terms of rule 51(1), provide a copy thereof to the relevant departmental head and instruct him or her to prepare a reply to the question, and the Municipal Manager may direct a departmental head to which he or she has sent the question to consult with any other departmental head before he or she prepares the answer.
- (4) If the question had been received at least 10 workdays before the scheduled date of the meeting where the question would be asked, the municipal manger must ensure that the question and the draft answer thereto is included in the

agenda for the first ordinary meeting of the Council or committee next ensuing where the question will be asked.

- (5) Any question put in terms of this section must be answered by or on behalf of the Executive Mayor.

51. Questions during meetings

- (1) A Councilor or traditional leader may at a meeting of the Council or a committee of which he or she is a member, ask a question regarding a matter arising from or pertaining to an item contained in the agenda.
- (2) A question-
 - (a) may only be asked to solicit factual information;
 - (b) may not deal with matters of policy, except the implementation of policy; and
 - (c) may not seek to solicit opinion or include or amount to a statement of fact.
- (3) The chairperson of the meeting may allow the question if, in his or her opinion, it affects the interests of the residents within the municipal area, and may respond to it or direct another Councilor respond to it.
- (4) No discussion of the question is allowed.
- (5) The chairperson of the meeting where the question is asked must reply at the first ordinary meeting of the Council or the committee next ensuing, as the case may be.

Part 11: Motions

52. Motions to be in written form

- (1) A Councilor or traditional leader may put a matter on the agenda of a committee of which he or she is a member or of the Council by submitting a written motion to the Municipal Manager, however, a Councilor or traditional leader may orally request the Municipal Manager to include a motion in the agenda for the first ordinary meeting of such committee or the Council next ensuing.
- (2) When the municipal manger receives an oral request from a Councilor or traditional leader in terms of rule 53(1), he or she must reduce the request to writing, or cause it to be reduced to writing, and include it in the relevant agenda.

53. Submission and limitation of motions

- (1) With due regard for the provisions of rule 54(4) a motion in terms of rule 53 must be included in the agenda for the first ordinary meeting next ensuing of the

Council or the committee concerned; provided it had reached the municipal manger at least 10 days before the date refereed to in rule 10(1).

- (2) Only one motion of Councilor or traditional leader may be considered at a meeting and no member may move more than three motions during any financial year.
- (3) If the introducer of a motion is absent during the meeting when the motion is put to the order it lapses without further discussions.
- (4) Any motion which –
 - (a) contemplates the repeal or amendment of a resolution taken during the preceding three months; or
 - (b) has the same scope as a motion that had been rejected during the preceding three months may not be included in the agenda, unless it had been signed by at least the majority of all the members of the Council.

54. Withdrawal and amendment of motions

- (1) With due regard for any provisions to the contrary in these standing rules and order, the introducer of a motion may, at any time before the motion is put to order at a meeting, withdraw it, and such withdrawn motion lapses without further discussion.
- (2) The introducer of a motion may, during a meeting where the motion is considered, request permission to amend the motion, which permission must be granted or denied without discussion.

Part 12: Subject matter and consideration of motions and proposals**55. Right of introducer of motion to speak and reply**

The introducer of a motion in terms of rule 53 has the right, if the motion had not been rejected or withdrawn, to introduce the motion and to reply.

56. Motion or proposal regarding budget

The Executive Mayor, or the member of the Mayoral Committee responsible for finance, must introduce, at a Council meeting which may not be closed for the public and the press –

- (a). the draft budget;
- (b). a revised draft budget; or
- (c). a draft adjustments budget

57. Motion or proposal regarding by-laws

A motion or proposal affecting the repeal, drafting or amendment of by-laws must, before the Council considers it, be referred to and considered by the appropriate section 79-committee for report and recommendations.

58. Eligible proposals

- (1) With due regard for the provisions of rules 19(1)(c) to 19(1)(f), the following proposals may only be made during the discussion of any motion, proposal or matter contained in an agenda, namely;
 - (a) that the motion or proposal be amended;
 - (b) that the matter be referred back to the Executive Mayor or the relevant committee for further consideration;
 - (c) that consideration of the matter be deferred;
 - (d) that the debate be suspended;
 - (e) that the matter be put to the vote; and
 - (f) that the meeting continues to the next matter.
 - (g) Any proposal in terms of the rule 59(1) may only be put to the vote if it had been properly seconded.

59. Amendment of motion or proposal

- (1) A proposal that a motion or proposal (hereafter the "original motion") be amended may only be made by a Councilor or traditional leader during his her speech on the original motion.
- (2) No Councilor or traditional leader may make more than one proposal for the amendment of the same original motion.
- (3) A proposal in terms of rule 60(1) must be relevant to the original motion and the chairperson must clearly repeat it to the meeting before it is put to the vote.
- (4) With due regard for rule 60(2), more than one amendment of an original motion may be introduced, and every amendment introduced must be put to the vote at the close of the debate.
- (5) If a proposal in terms of rule 60(1) had been made –
 - (a) no other proposal may be made until its introducer had addressed the meeting;
 - (b) the Councilor or traditional leader who made the proposal may address the meeting for a period as determined by the speaker's list as per rule 34(1) on his or her proposal, but he or she has no right of reply; and
 - (c) the seconder may not address the meeting on the proposal.
- (6)
 - (a) When a proposal in rule 60(1) had been made and its introducer had spoken in terms of rule 60(5), the introducer of the original motion may address the meeting on that proposal for a period of one(1) despite any other provisions to the contrary contained in this standing rules and orders without diminishing from his or her right to reply should that proposal be rejected.
 - (b) If a proposal in terms of rule 60(1) is rejected, a vote must be taken on the original motion without any further discussion.

- (7) (a) If more than one amendment on an original motion had been introduced, they must be put to the vote in the order they were made.
- (b) If any amendment is carried, the amended motion or proposal takes the place of the original motion and becomes the motion or proposal in respect of which any further proposed amendments must be put to the vote.

60. Referring matter back

- (1) A proposal that a motion or proposal (hereafter the "original motion") be referred back, may only be made by a Councilor or traditional leader during his or her speech on the original motion.
- (2) A proposal in terms of rule 61(1) may only be made during a Council meeting in the case of a recommendation by the Executive Mayor.
- (3) If a proposal in terms of rule 61(1) had been made –
 - (a) no other proposal may be made until its introducer had addressed the meeting;
 - (b) the Councilor or traditional leader who made the proposal may address the meeting for a (c)period as determined by the speakers list as per rule 34(1) on his or her proposal, but he or she has no right of reply; and
 - (c) the seconder may not address the meeting on the proposal.
- (4) (a) When a proposal in terms of rule 61(1) had been made and after its introducer had spoken in terms of rule 61(3), the introducer of the original motion may address the meeting on that proposal for a period of one (1) minute despite any other provisions to the contrary contained in this rules and orders without diminishing from his or her right to reply should that proposal be rejected.
- (b) If a proposal in terms of rule 61(1) is rejected, a vote must be taken on the original motion without any further discussion.
- (5) (a) A proposal in terms of rule 61(1) may not be put to the vote until the speaker or the Executive Mayor or the chairperson of the relevant committee, as the case may be, had addressed the meeting.
- (b) If such proposal is carried, the debate on the recommendation ends and the meeting proceeds to the next matter.

61. Deferring consideration of matter

- (1) Any Councilor or traditional leader may, at the end of a speech about the original motion, propose that the matter be deferred.
- (2) The Councilor or traditional leader who made the proposal in terms of rule 62(1) may address the meeting for a period as determined by a speakers list as per rule 34(1) on his or her proposal, but he or she has no right of reply, and the seconder may not address the meeting on the proposal.
- (3) A proposal similar to the proposal in terms of rule 62(1) may not be made within half an hour after the first proposal was defeated in respect of the original motion.
- (4)
 - (a) When a proposal in rule 62(1) had been made and its introducer had spoken in terms of rule 62(2), the introducer of the original motion may address the meeting for a period of one(1) minute on that proposal without diminishing from his or her right to reply should that proposal be rejected.
 - (b) If a proposal in terms of rule 62(1) is rejected, a vote must be taken on the original motion without any further discussion.
- (5) If the proposal in terms of rule 62(1) concerns –
 - (a) a recommendation of the Executive Mayor, the matter must, if that proposal is carried, be included in the next report of the Executive Mayor to the Council; and
 - (b) any other matter, the matter must be included in the agenda of the first ordinary Council meeting next ensuing.

62. Suspending debate

- (1) Any Councilor or traditional leader may at the end of a speech about the original motion propose that the debate be suspended; however, no Councilor or traditional leader may move or second more than one proposal that a debate be suspended during any meeting.
- (2) The Councilor or traditional leader who made the proposal in terms of rule 63(1) may address the meeting as determined by the speakers list as per rule 34(1) on his or her proposal, but he or she has no right of reply, and the seconder may not address the meeting on the proposal.
- (3) A proposal similar to the proposal in terms of rule 63(1) may not be made within half an hour after the first proposal was defeated in respect of the same original motion.
- (4)
 - (a) When a proposal in rule 63(1) had been made and after its introducer had spoken in terms of rule 63(2), the introducer of the original motion may address the meeting on that proposal for a minute without diminishing from his or her right to reply should that proposal be rejected.

- (b) If a proposal in terms of rule 63(1) is rejected, a vote must be taken on the original motion without any further discussion.
- (5) A proposal in terms of rule 63(1) must be rejected if the Council or committee, as the case may be, is required by law to pass a resolution on the matter at or before a particular date.
- (6) If a proposal in terms of rule 63(1) is carried, the meeting must deal with the next item on the agenda, and the item, in respect of which the debate had been suspended, must be placed first on the list of motions in the next agenda of the Council.
- (7) At the resumption of a suspended debate, the introducer of the motion which caused the suspension must address the meeting first.

63. Putting matter to vote

- (1) Any Councilor or traditional leader may, at the end of a speech about the original motion, propose that the matter be put to the vote.
- (2) The Councilor or traditional leader who made the proposal in terms of rule 64(1) may address the meeting for a period as determined by the speakers list as per rule 34(1) on his or her proposal, but he or she has no right of reply, and the seconder may not address the meeting on the proposal.
- (3) A proposal similar to the proposal in terms of rule 64(1) may not be made within half an hour after the first proposal was defeated in respect of the same original motion.
- (4)
 - (a) When a proposal in rule 64(1) had been made and its introducer had spoken in terms of rule 64(2), the introducer of the original motion may, address the meeting on that proposal for a period of one(1) minute without diminishing from his or her right to reply should that proposal be rejected.
 - (b) If a proposal in terms of rule 64(1) is rejected, a vote must be taken on the original motion without any further discussion.
- (5) The introducer of the original motion has the right to reply before the matter is put to the vote.

64. Proceeding to next business

- (1) Any Councilor or traditional leader may, at the end of a speech about the original motion, propose that the meeting proceed to the next business.
- (2) The Councilor or traditional leader who made the proposal in terms of rule 65(1) may address the meeting for a period as determined by the speakers list as per rule 34(1) on his or her proposal, but he or she has no right of reply, and the seconder may not address the meeting on the proposal.

- (3) A proposal similar to the proposal in terms of rule 65(1) may not be made within half an hour after the first proposal was defeated in respect of the same original motion.
- (4)
 - (a) When a proposal in rule 65(1) had been made and its introducer had spoken in terms of rule 65(2), the introducer of the original motion may address the meeting on that proposal for a period of one(1) minute without diminishing from his or her right to reply should that proposal be rejected.
 - (b) If a proposal in terms of rule 65(1) is rejected, a vote must be taken on the original motion or proposal without any further discussion.
- (5) A proposal in terms of rule 65(1) must be rejected if the Council or committee, as the case may be, is required by law to pass a resolution on the matter at or before a particular date.
- (6) If the proposal in terms of rule 65(1) is carried, the matter under discussion lapses without further discussion.

Part 13: Applications by Councilors and traditional leaders

65. Applications to obtain financial interest in Council business

- (1) A Councilor or traditional leader must lodge a written application with the Municipal Manager to obtain the Council's consent in terms of the code of conduct.
- (2) The Municipal Manager must submit an application in terms of rule 66(1) to the Council at the earliest opportunity.
- (3) A Councilor or traditional leader who submitted an application in terms of rule 66(1) may not be present during the consideration of his or her application.
- (4) The Council may not close its meeting whilst it considers an application in terms of rule 66(1).
- (5) The Council may grant or refuse an application and may impose conditions when it grants approval in respect of any application.

- (6) Whenever the Council refuses an application in terms of rule 66(1), it must state the reasons for its refusal.

66. Disclosure of declared interests

- (1) The Municipal Manager must compile a register of the financial interest of Councilors and traditional leaders declared in terms of the code of conduct.
- (2) As soon as the Municipal Manager has completed the register referred to in rule 67(1) he or she must submit it to the Council.
- (3) The Council must, on receipt of the register in terms of rule 67(2), during a closed meeting determine which of the declared financial interest must be made public having regard to the need for confidentiality and the need for public disclosure.
- (4) A Councilor or traditional leader who has declared an interest that is recorded in the register may not be present during the consideration of the matter.
- (5) Any interest declared in terms of this rule that had not been made public, is confidential.

67. Resignation of Councilors and vacancies in offices

- (1) A Councilor may, by written notice signed by him or her and delivered to the Municipal Manager, resign –
- (a) as Councilor; or
 - (b) from any office he or she holds.
- (2) A Councilor may resign from office at any time during a Council or committee meeting by making a declaration to the Council or committee in that regard, however, he or she must immediately after such a declaration, resign in writing, and a declaration in terms of this rule may not be withdrawn.
- (3) If the resignation was that of the speaker or Executive Mayor, the Council must as soon as the resignation of the Councilor concerned in terms of rule 68(2) had been reduced to writing, signed and given to the Municipal Manager, elect a speaker or Executive Mayor despite the provisions of rule 23 or 24.
- (4) (a) A resignation in terms of rules 68(1) or 68(3) may not be withdrawn and takes effect upon receipt thereof by the Municipal Manager.
- (b) If the Executive Mayor resigns, the members of the Mayoral Committee are deemed to have resign from the same date as the Executive Mayor.

- (5) Except when the resignation or vacancy is that to the speaker, the Municipal Manager must immediately upon receipt of a resignation of a –
 - (a) Councilor or when a vacancy arises in the Council in any other manner, report it to the speaker, and
 - (b) member of the Mayoral Committee, report it to the Executive Mayor.
- (6) The Municipal Manager must ensure that any resignation or a report of any vacancy arising in another manner is contained in the agenda for the next ordinary Council meeting after the vacancy arose.
- (7) The Council must, except in the case of a vacancy arising in the Mayoral Committee, at the meeting where a vacancy in an office of the Council is reported, elect from amongst the Councilors a successor for the Councilor whose resignation caused the vacancy, and a Councilor elected to an office in terms of this rule serves for un-expired term of his or her predecessor.

Part 14: Full-time Councilors

68. Designation of full-time Councilors

- (1) Before the Council considers designating any Councilor identified by the MEC as a possible full-time Councilor, it must obtain and consider a report from the Municipal Manager.
- (2) The Municipal Manager must submit a report contemplated in rule 69(1) at the first meeting of the Council after a general election of Councilors.

69. Report of Municipal Manager with regard to full-time Councilors

A report in terms of rule 69 must include all the relevant information to enable the Council to take an informed decision.

70. Applications by full-time Councilors to undertake other paid work

- (1) A Councilor who was designated as a full-time Councilor may apply for permission of the Council to undertake other paid work (in this rule "private work").

- (2) An application for private work must be lodged in writing with the Municipal Manager and must state all the relevant information to enable the Council to take an informed decision.
- (3) The Council may grant or refuse an application for private work on conditions deemed necessary.
- (4) The meeting where an application for private work is considered may not be closed.
- (5) The applicant may not present at a meeting during the discussion of the application; provided that the speaker may request the applicant to supply such information as the Council may request during that meeting, and the applicant may supply the requested information orally during the meeting.
- (6) The Council may, before it considers an application for private work, request additional information with regard to the intended work as may be necessary for the proper consideration of the application be submitted in writing.
- (7) The granting of permission to undertake private work is valid for only 12 months after which the Councilor concerned must submit a new application.
- (8) Any permission in terms of this rule –
 - (a) does not exempt a Councilor from complying with the code of conduct; and
 - (b) is not a defense against any allegation of a breach of the code of conduct.

71. Traditional Leaders

- (1) Only traditional leaders identified by the MEC for Local Government in the Province and in accordance with Schedule 6 and by notice in the Provincial Gazette may, participate in the proceedings of Council.
- (2) The number of traditional leaders that may participate in the proceedings of Council may not exceed more than 20% of the total number of Councilors in that Council;
- (3) Before Council takes a decision on any matter affecting the area of the traditional authority, the leader of that authority must be allowed to express a view on the matter.
- (4) A traditional leader who is entitled to participate in the proceedings of Council is entitled to the payment of out of pocket expenses which should be determined by Council.

72. Functions and Duties of Chief Whips

The Chief Whip:

- (1) in consultation with the speaker will be responsible for the discipline of the entire Council;
- (2) in consultation with the speaker will approve or disapprove the leave of absence for Councilors from caucus and Council meetings;
- (3) will monitor the general attendance of Councilors to committees, sittings and manage politically the Council;
- (4) will submit the programme of the party meetings to the programming committee;
- (5) will maintain a political relationship between all parties represented in Council;
- (6) will be responsible for the co-ordination of Council caucuses;
- (7) will delegate political responsibilities to Councilors;
- (8) will allocate Councilors to the S79 committees and other Council committees;
- (9) will monitor constituency work for all the Councilors;
- (10) will deploy Councilors to the Constituency Office Management Committee;
- (11) will perform oversight responsibility over political office bearers;
- (12) will monitor and direct the work of caucus and study group;
- (13) will convene office bearers' meeting as and when necessary to address critical matters in the institution;
- (14) will convene whippy meetings to address amongst other things any matters that are raised by the different parties represented in the Council. This should be done in the best interests of Council;
- (15) will indicate to the speaker at the commencement of a Council meeting how many speakers from each political party will speak on each item to be tabled.

CHAPTER 3: LANGUAGE POLICY OF COUNCIL

73. Determination of language policy

The Council must at its first meeting after a general election for Councilors review that language policy of the Council in terms of rule 77 and , where such policy does not exist, instruct the Municipal Manager to develop a draft policy and submit it to the Council.

74. Differentiation between languages for different purposes

The Council may determine that one or more languages be used for different purposes.

75. Factors to be taken into account

When the Council determines a language policy it must take all the relevant factor into account

76. Review of language policy

The Council may at anytime review and amend its language policy.

CHAPTER 4: ORDER OF BUSINESS AT MEETINGS**77. Order of business at ordinary Council meetings**

The order of business at an ordinary Council meeting, except the first meeting of the Council after a general election of Councilors, is as follows:

- (a) Opening;
- (b) Applications for leave of absence;
- (c) Official announcements
- (d) Reports of the speaker in terms of rules 15(1) and 94(4)
- (e) Applications and appeals from Councilors in terms of rules 14(1), 66 and 71;
- (f) Motions of sympathy and congratulations by the speaker;
- (g) Motions of sympathy and congratulations by other Councilors;
- (h) Deputations and interviews;
- (i) Disclosure if interest;
- (j) Minutes of the previous meeting;
- (k) Question of which notice had been given;
- (l) Questions in terms of section 52(1)(2);
- (m) Reports of the Executive Mayor;
- (n) Discussion of resolutions taken under delegated powers;
- (o) Motions;
- (p) Deferred items; and
- (q) Closure.

78. Order of business at first Council meeting after general election of Councilors

The order of business at the first meeting of the Council after a general election of Councilors is as follows:

- (a) Opening;
- (b) Applications for leave of absence;
- (c) Election of speaker;
- (d) Confirmation of type of municipality;
- (e) Election of Executive Mayor;
- (f) Designation of full-time Councilors;
- (g) Review of language policy;
- (h) Review of delegated power; and
- (i) Closure.

79. Order of business at committee meetings

The order of business at an ordinary Mayoral Committee meeting or other committees is as follows:

- (a) Opening;
- (b) Applications for leave of absence;
- (c) Official announcements;
- (d) Motions of sympathy and congratulations;
- (e) Disclosure of interests;
- (f) Minutes of the previous meeting;
- (g) Questions of which notice had been given;
- (h) Matters deferred from the previous meeting;
- (i) Reports of the Municipal Manager;
- (j) Deputations and interviews; and
- (k) Closure.

CHAPTER 5: VOTING AND DECISION-MAKING**80. Decision only taken in certain circumstances**

- (1) No decision may be taken unless the Council or a committee has sufficient information before it to take an informed decision.
- (2) Information contemplated in rule 81(1) must be contained in a written report.

81. Voting at Council and committee meetings

- (1) Subject to 83 (3) below, all matters will be decided by a majority of Councillors present at the meeting.
- (2) Before a formal vote is taken on any matter before the Council, the Speaker shall cause the bells to be rung for a period of one (1) minute, after which all doors shall be closed and no member or other person shall be allowed to enter or leave the chamber.
- (3) Any matter referred to in Section 160 (2) of the Constitution shall be decided on by a majority of the Councillors in the Municipal Council.
- (4) If on any question there is an equality of votes, the Speaker or Chairperson of the Committee may exercise a casting vote in addition to that particular Councillor's deliberative vote, provided that the casting of such vote shall fall within the ambit of the powers duly delegated to the relevant committee, provided that for those matters listed in Section 160 (2) of the Constitution there will be no provision for or are adopted.
- (5) In the event of there being opposition to a recommendation, the proposal to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the Speaker or Chairperson, by way of secret ballot.
- (6) The Municipal Manager or an official designated by him or her shall count the votes and declare to the Chairperson the result of the divisions. In the event of a secret ballot, the Municipal Manager shall hand to each Councillor a ballot paper bearing the official mark or logo of the Municipal Council, and having the alternates to be voted for clearly depicted thereon.

- (7) The Municipal Manager shall collect all the ballot papers and account same in the presence of a representative from each party represented on the Council or Committee and present at such meeting.
- (8) The Speaker or the Chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon in the minutes.
- (9) The number of members voting will be recorded, and the general result of the vote. The outcome of the voting will be announced by the Speaker.
- (10) A member may abstain from voting without leaving the chamber.
- (11) After the Speaker or the Chairperson has declared the result of a vote a Councillor may demand –
 - (a) that his or her vote against the decision be recorded; or
 - (b) a division.
- (12) An entry of the declaration of the result of a vote in the minutes of a meeting is conclusive evidence of the result of the vote.

82. When division is called

- (1) When a division is called in terms of rule 82(b), all entrances to the venue of the meeting must be closed and no Councilor may leave or enter the venue after the entrances had been closed until the result of the division was declared.
- (2) Immediately thereafter the chairperson of the meeting must repeat the motion or proposal, put the motion or proposal to the vote and take the vote of each Councilor separately.
- (3) The chairperson must declare the result of the vote after all the Councilors had been polled.
- (4) When a division is called, every Councilor must vote for or against the proposal or motion in respect of which the division had been called.
- (5) A Councilor who called for a division may not leave the venue of the meeting until the result of the vote had been declared.
- (6) An entry of the declaration of the result of a vote in the minutes of a meeting is conclusive evidence of the result.

83. Equality of votes

- (1) Unless a specific majority had been prescribed in respect of any matter or when expressly stated otherwise in these standing rules and orders, the chairperson at a meeting may cast a casting vote where there is an equality of votes on any question in addition to his or her deliberative vote
- (2) Should there be an equality of votes after a division had been called and the chairperson refuses to use his or her casting vote, the matter must be referred back to the Executive Mayor.

- (3) In all cases other than those mentioned in rule 84(1) and 84(2) where there is an equality of votes and the chairperson refuses to use his or her casting vote, the matter must be referred back to the Executive Mayor.

CHAPTER 6: REMOVAL OF OFFICE-BEARERS FROM OFFICE

84. Removal of speaker

- (1) (a) A Councilor (hereafter called "the initiator") may by written motion, which must be seconded by at least three other Councilors, move that the speaker be removed from office.
- (b) Such a motion must be submitted to the Municipal Manager and may not be sent by electronic mail, telex or telegram.
- (c) If such motion is transmitted by facsimile, the original must be delivered to the Municipal Manager within seven days from the date of the motion.
- (2) The motion must contain a brief summary of the reasons for the motion.
- (3) A motion in terms of rule 85(1) may not be withdrawn.
- (4) The Municipal Manager must, upon receipt of a motion in terms of rule 85(1), forthwith send a copy to the speaker.
- (5) (a) Unless the speaker resigns upon receipt of a motion in terms of rule 85(1), he or she must forthwith upon receipt thereof determine the date, time and venue for a special Council meeting in terms of rule 4.
- (b) The date of such a special meeting may not be less than 14 days and not more than 21 days from the date the speaker received a copy of the motion from the Municipal Manager.
- (6) Despite the provisions of rule 10(1) at least seven days' notice of a meeting in terms of rule 85(4) must be given to every Councilor and traditional leader.
- (7) If the speaker resigns from office at any time before a meeting in terms of rule 85(5) takes place, the motion lapses and the meeting does not go ahead.
- (8) The meeting may not be closed for the public or the media before a vote had been taken on a motion in terms of rule 84(1).
- (9) The Municipal Manager presides over the proceedings on a motion in terms of rule 85(1) but he or she may not vote.
- (10) The speaker has the right and must be allowed the opportunity during the proceedings to –
- (a) respond to every allegation made in the motion and during the proceedings;

- (b) call witnesses and to cross-examine any witnesses called by the initiator; and
 - (c) Submit documents and to examine any documents submitted by the initiator.
- (11) If the speaker is not present during the proceedings contemplated in rule (10), the Council may, in its sole discretion, continue with the proceedings, and a proposal to proceed in the absence of the speaker is carried if a majority of the Councilors of the Council vote in favour of such proposal.
 - (12) with due regard for rule 34 and 35, the Municipal Manager must put the motion to the vote after the debate had been exhausted.
 - (13) If the speaker at any time during the proceedings but before the motion is put to the vote, make a declaration in terms of rule 68(2), the proceedings are discontinued immediately and the motion lapses and the Council proceeds to elect a new speaker despite any provisions to the contrary contained in these standing rules and orders.
 - (14) If the motion is carried, the speaker is removed from office with immediate effect and the Council proceeds to elect a new speaker despite any provisions to the contrary contained in these standing rules and orders.
 - (15) A Councilor elected as speaker in terms of rule 85(13) or 85(14) serves for the un-expired term of his or her predecessor.
 - (16) If the motion is defeated on motion, forwarding the same allegations may be submitted within the next three months unless the Council directs otherwise.

85. Removal of Executive Mayor from office

The provision contained in rule 84 applies, with the necessary changes, to the removal of the Executive Mayor from office.

86. Removal of members of section 79-committee or other committee

The provision contained in rule 84 & 85 applies, with the necessary changes, to the removal of a member of committee from office.

87. Removal from office of chairperson of section 79-committee or other committee

The provision contained in rule 84 & 85 applies, with the necessary changes, to the removal of a chairperson of a committee from office.

CHAPTER 7: CLOSING OF MEETINGS

88. Circumstances that must be present to close meeting

Recognizing the need for transparency and open and accountable government, the Council or a committee may, with due regard for any provisions to the contrary in these standing rules and orders or any other law, resolve to close any part of a meeting for the public and the media.

89. Procedure for closing meetings

- (1) A Councilor may, when an item in the agenda is put to order or at any time during the debate on an item, propose that the matter be further dealt with in closed session.
- (2) No seconder is required for a proposal in terms of rule 90(1).
- (3) Despite anything to the contrary in these standing rules and orders, only the introducer of the motion may speak on the proposal provided provision was made on the speakers list as per rule 34(1) and must in his or her speech state the reasons for the proposal.
- (4) The chairperson at the meeting, if he or she does not reject the proposal, must subject the proposal to the vote immediately after the introducer has spoken.
- (5) If the proposal is carried, the chairperson must determine when the matter concerned must be debated.
- (6) When the Council or a committee, as the case may be, resolves to close a part of a meeting and subject to any determination of the chairperson in terms of rule 90(5), all members of the public and media and Council employees present at the meeting, except such employees as the chairperson may require to remain, must leave the meeting and may not return for the duration of the closed proceedings.

90. Rules governing closed meetings

- (1) When a meeting is closed in terms of rule 90, the provisions of these Standing Rules and Orders apply to that meeting.
- (2) If a proposal in terms of rule 90 is carried, the further debate on the matter, whether in closed session or public, is deemed a continuation of the preceding debate on the matter.
- (3) At the conclusion of a closed debate, the meeting automatically reverts to a meeting in public.

91. Opening closed meeting

- (1) A Councilor may, at any time during a meeting that is closed, propose that the meeting proceed in public.
- (2) No seconder is required for a proposal in terms of rule 92(1).
- (3) Despite anything to the contrary in these standing rules and orders, only the introducer of the motion may speak on the proposal provided that

provision was made on the speakers list as per rule 34(1) and must during his or her speech state the reasons for the proposal.

- (4) The chairperson at the meeting, if he or she does not reject the proposal, must subject the proposal to the vote immediately after the introducer has spoken.
- (5) If the proposal is carried, the meeting immediately resumes in public.

92. Supplying information to media

- (1) The Municipal Manager may make confirmed minutes; excluding any part of such minutes with regard to a matter dealt with in terms of rule 90, and official agendas available to any interested person or registered newspaper at such fees as the Council may determine or free of charges.
- (2) The Municipal Manager may, and, if so instructed by the Council or a committee, must make the confirmed minutes, excluding any part of such minutes regarding a matter dealt with in terms of rule 90, and official agendas available in the reference section of a public library in the municipal area.
- (3) The speaker or the Executive Mayor, in respect of the Mayoral Committee, or the chairperson of a section 79-committee or other committee may hold media conferences and briefings and issue media statements.
- (4) The Municipal Manager may, in respect of any matter included in the official agenda or the confirmed minutes of a meeting, issue media statements and convene media conferences and briefings.
- (5) A departmental head, in agreement of the Municipal Manager, may in respect of any matter within his or her department, issue media statements and call media conferences.

CHAPTER 8: APPLICATION OF CODE OF CONDUCT

93. Investigating suspected breaches of code

- (1)
 - (a) Whenever a written or oral allegation is made to the Municipal Manager or when he or she has reason to believe that a Councilor or traditional leader has contravened or failed to comply with any provision of the code of conduct, he or she must report it in writing to the speaker.
 - (b) Whenever a written or oral allegation is made to a departmental head, he or she must report it the Municipal Manager.
- (2) Upon receipt of a report in terms of rule 94(1)(a), and when the speaker has reason to believe that a provision of the code had been reached, he or she must refer such report to the Rules and Ethics Committee for investigation and report to the Council

- (3) Subject to the requirements of substantive fairness, the Councillor's Code of Conduct (Schedule 1 of the Systems Act, 2000) and the provisions of these Standing Rules, the Rules and Ethics Committee, has the powers to determine and recommend to Council a sanction to be applied and/or imposed against any Councillor, depending on the seriousness of the infringement.
- (4) Warnings
- (a) Informal oral warnings
Where the Rules and Ethics Committee is of the opinion that the interests of justice will best be served by issuing an informal oral warning to a Councillor for an infringement, the Speaker shall-
- (i) Issue such warning to the Councillor in private; and
- (ii) Notify the party whip of the issuing of such warning.
- (b) Formal warning
- (i) Where the Rules and Ethics Committee, is of the opinion that the interests of justice will best be served by issuing a formal warning to a councillor for an infringement, such sanction shall, after confirmation by the Municipal Council, be –
- (aa) expressed in writing; and
- (bb) served on the Councillor concerned and on the party whip.
- (ii) Where, as a result of repeated infringements, Rules and Ethics Committee, is of the opinion that the interests of justice will best be served by issuing a formal final warning to a Councillor, such sanction shall after confirmation by the Council-
- (aa) be expressed in writing;
- (bb) state that in the event of the Councillor infringing against the Councillor's Code of Conduct or these Standing Rules, Rules and Ethics Committee shall consider advising the Municipal Council to request the suspension or removal of such councillor in terms of the Councillor's Code of Conduct; and
- (cc) be served on the Councillor concerned and on the party whip,
- (5) Formal reprimand
Where Rules and Ethics Committee, is of the opinion that the interest of justice will best be served by issuing a formal reprimand to a Councillor for an infringement the Speaker shall at a meeting of the Municipal Council -
- (a) call upon the Councillor concerned to stand in front of the Council; and
- (b) state the infringement and reprimand the Councillor in such language as he/she deems appropriate;
- (6) Suspension
- (a) Where the Rules and Ethics Committee is of the opinion that the interests of justice will best be served by the suspension of a Councillor from the Municipal Council or a period for an infringement, the Rules and Ethics Committee shall so report to the Municipal Council and the Municipal Council shall report thereupon to the MEC for Local Government in terms of the Councillors code of conduct.
- (b) In the event of the MEC for Local Government imposing any suspension of a Councillor for a period in terms of the Councillor's Code of Conduct -
- (i) the Councillor shall be suspended without any remuneration during such period; and

- (c) A suspension shall be regarded as a sanction more serious than a formal final warning or formal reprimand.
- (7) Civil fines
 - (a) Where the Rules and Ethics Committee, is of the opinion that the interests of justice will best be served for an infringement listed in the Councillors Code of Conduct in Schedule 1 of the Local Government: Municipal Systems Act and/or in these Standing Rules and Orders by imposing a civil fine on that Councillor, such sanction shall be -
 - (i) expressed in writing; and
 - (ii) served on the Councillor concerned and on the party whip;
 - (b) Where provision is made in these Standing rules for the fining of any councillor, and a councillor is fined, the Municipality may deduct such fine from any monies as may be owing to the councillor by the Municipality or recover such fine as a civil debt.
- (8) Expulsion
 - (a) Where the Rules and Ethics Committee is of the opinion that the interests of justice will best be served by the expulsion of a Councillor from the Council for an infringement, the Committee shall so report to the Council.
 - (b) In the event where the Council after consideration of the matter and the recommendations of the Rules and Ethics Committee upholds the said recommendations, shall direct the Speaker to report the matter to the MEC for Local Government in terms of Section 14 of the Councillors 'Code of Conduct embodied in Schedule 1 of the Local Government: Municipal Systems Act.
 - (c) Any expulsion confirmed and authorised by the MEC in terms of these Rules shall be with effect from the date of the determination of the MEC.

94. Consideration of Rules and Ethics Committee's report by Council

- (1) The speaker must vacate the chair during any Council meeting when a report in terms of rule 94 is put to order.
- (2) Whenever the speaker vacates the chair in terms of rule 95(1), the Municipal Manager must preside over the debate on the report.
- (3) The proceedings in terms of rule 95(2) may not be closed for the public and the media.
- (4) After the chairperson of the Rules and Ethics Committee has introduced his or her report, the Municipal Manager must allow the Councillor or traditional leader concerned to reply to the allegations and findings.
- (5) As soon as the Councillor or traditional leader concerned has spoken, the matter is debated in terms of these rules.
- (6) Despite any provisions to the contrary in these standing rules and orders, the Councillor or traditional leader concerned has a right to –
 - (a) reply to all the allegations made during the debate before the speaker replies;

- (b) Examine any documents submitted by the speaker or any other Councilor or traditional leader and submit documents in his or her defense; and
 - (c) Call witnesses and to cross-examine any witness called by the speaker.
- (7) With due regard for the provision of rules 34 and 35 the chairperson of the Rules and Ethics Committee must, after the debate had been exhausted, reply and propose –
 - (a) that the report, findings and recommendation be accepted; or
 - (b) that the report and findings and a different recommendation be acceptable.
- (8) After a proposal in terms of rule 95(7) had been made, the Municipal Manager must put the proposal to the vote.
- (9) If the proposal in terms of rule 95(7) is –
 - (a) Defeated, the matter is discontinued; or
 - (b) Carried, the Municipal Manager must forthwith implement the resolution.
- (10) A proposal in terms of rule 95(7) need not be seconded.

95. Implementing result of vote

- (1) If a proposal in terms of rules 95(7)(a) or 95(7)(b) is carried and a fine is imposed, the Municipal Manager must deduct the amount of such fine from the next payment of the Council to the Councilor or traditional leader, unless he or she has paid the fine in cash before such payment is due.
- (2) If proposal in terms of rule 95(7)(a) or 95(7)(b) is carried that the Councilor or traditional leader must be suspended or the Councilor or traditional leader must be removed from the Council, the Municipal Manager must forthwith make such an application to the MEC.
- (3) If the MEC on application of the Council suspends the Councilor or traditional leader concerned, he or she is, despite any rule to the contrary, deemed to be absent with leave from any meeting he or she would have been required to attend had he or she not been suspended.
- (4) Where an allegation against a traditional leader is found to be true, the Municipal Manager must inform the relevant traditional authority accordingly.

96. Effect of appeal on resolution

- (1) If the Councilor or traditional leader concerned appeals against the finding or the penalty imposed by the Council or against both such finding and penalty as described in rule 96(1) before the Municipal Manager had deducted the fine, the Municipal Manager must defer the matter until the result of the appeal is known.
- (2) If the Councilor or traditional leader concerned appeals before the Municipal Manager could submit an application in terms of rule 96(2), the Municipal Manager must defer the matter until the result of the appeal is known.

97. Breaches of standing rules and orders or legislation relating to privileges and immunities

Any alleged breach of the provisions of these standing rules and orders for which a specific procedure and penalty had not been prescribed or of legislation regulating the privileges and immunities of Councilors, must be dealt with in accordance with the provisions of rules 94 to 97.

CHAPTER 9: DISSOLUTION OF COUNCIL

98. Conditions for dissolution

- (1) The Council may at any time after two years have lapsed since it was elected, consider the dissolution of the Council.
- (2) The Council must consider the dissolution of the Council if two years have lapsed after the Council had been elected –
 - (a) upon receipt of a petition the dissolution signed by not less than 500 voters; or
 - (b) Upon receipt of a recommendation proposing the dissolution from the speaker or Executive Mayor.
 - (c) When so directed by resolution of a public meeting of voters in terms of rule 9;
 - (d) Upon receipt of a motion proposing the dissolution from a Councilor signed by at least one-third of the Councilors in addition to the introducer of the motion; or
 - (e) When section 139 of the Constitution is invoked in respect of the Council.

99. Procedure for considering dissolution of Council

- (1)
 - (a) Whenever any of the circumstances referred to in rule 99(2) arise, the Municipal Manager must determine the date, time and venue of a special Council meeting in terms of rule 4.
 - (b) the date of such a special meeting may not be less than 14 days and not more than 21 days from the date the petition was delivered, recommendation was made, resolution was taken,

motion was submitted or instruction received referred to in rule 99(2), as the case may be.

- (2) Despite the provisions of rule 10, at least seven days notice of a meeting in terms of rule 100(1) must be given.
- (3) A meeting in terms of rule 100(1) may not be closed to the public and the media.
- (4) Despite any provisions to the contrary in these standing rules and orders, the Municipal Manager presides over the debate of the petition, recommendation, resolution or motion, as the case may be.
- (5) The proposal is carried if two-thirds of the Councilors of the Council vote in favour of such proposal.
- (6) If the proposal is carried, the Council is dissolved and all Councilors must vacate their seats immediately.

CHAPTER 10: COMMITTEES

Part 1: Section 79-committees

100. Report of Municipal Manager before establishment of committee

- (1) With due regard for the provisions of part 3 of this chapter, the Council must, before it establishes and elects the members of a section 79-committee or other committee, consider a report from the Municipal Manager regarding the proposed committee.
- (2) The Municipal Manager in preparing a report contemplated in rule 101(1) must consider the need for the proposed committee, taking into account all relevant information to enable the Council to take an informed decision.
- (3) The report of the Municipal Manager must contain recommendations with regard to the matters listed in rule 103 and the electoral system contemplated in rule 104, despite any recommendation that he or she may make that the proposed committee not be established.
- (4) The Municipal Manager must submit his or her report to the Executive Mayor.
- (5) The Executive Mayor must consider the report and recommendations of the Municipal Manager and submit it, together with his or her own comments and recommendations to the Council.

101. Consideration of municipal manager's report

If the Council decides to establish the committee, the Council must determine all the relevant details to ensure that the committee is able to function effectively.

102. Determining size of committee

- (1) No more than 20% of the Councilors of the Council or 10 Councilors, whichever is the least, may be elected as members of the committee;

however, the committee must have at least three members who are Councilors.

- (2) If the Council authorizes the committee to appoint persons other than councilors as members of the committee, it must determine the upper limit of the number of appointments that may be made, however, the number of Councilors serving in a committee must always exceed the number of persons who are not Councilors in that committee.

103. Election system and election of members of committees

- (1) The members of the committee who are Councilors must be elected according to a system that ensures that the parties and interests reflected in the Council are fairly represented in that committee.
- (2) The speaker or Executive Mayor, as the case may be, may not be elected as a member of the committee.
- (3) Immediately after the Council determined the election system in terms of rule 104(1), the Council must elect the members of the committee.

104. Term of committees and filling of vacancies

- (1) Subject to rule 105(2), the members of the committee are elected and appointed for a term ending when the next municipal Council is declared elected.
- (2) A member of the committee vacates office during the term of the Council if that member –
 - (a) resigns as a member of the committee;
 - (b) is removed from office as a member of the committee in terms of rule 86; or
 - (c) ceases to be a Councilor.
- (3) The Council must, if it is deemed necessary and subject to rule 104(1), at the earliest opportunity after a vacancy occurred, elect and appoint another person to serve as member of the committee for the un-expired term of his or her predecessor.

105. Quorum and decision-making

- (1) A majority of the members of the committee must be present before a decision on any matter may be taken.
- (2) A question before the committee is decided if there is agreement among at least the majority of the members present at a meeting.
- (3) If on any question there is an equality of votes, the chairperson may exercise a casting vote in addition to his or her deliberative vote.

Part 2: Executive Mayor

106. Making decision to establish office of Executive Mayor

- (1) The Council must, at its first meeting after a general election of Councilors, immediately after it elected the speaker, consider whether or not to elect an Executive Mayor.
- (2) The Council takes a decision in terms of rule 107(1) only after it considered a report of the Municipal Manager in terms of rule 108.

107. Report of Municipal Manager about Executive Mayor

The report of the municipal manager in respect of the establishment of the office of Executive Mayor must contain all relevant information to enable the Council to take an informed decision.

108. Considering Municipal Manager's report

The Council must consider the municipal manager's report and, if the Council decides to establish an office of the Executive Mayor, the Council must determine all relevant details to enable the office of the Executive Mayor to function effectively.

109. Establishment of Mayoral Committee

The Executive Mayor must establish the Mayoral Committee with due regard to the provision of the Structures Act.

110. Term of Mayoral Committee and filling of vacancies

- (1) Subject to rule 111(2), the members of the Mayoral Committee are appointed for a term ending when the next municipal Council is declared elected.
- (2) A member of the Mayoral Committee vacates office during the term of the Council if that member –
 - (a) resigns as a member of the Mayoral Committee;
 - (b) is removed from office as a member of the Mayoral Committee in terms of rule 86; or
 - (c) ceases to be a Councilor.
- (3) The Executive Mayor must, unless he or she decides to reduce the size of the Mayoral Committee, at the earliest opportunity after a vacancy occurred, appoint another person to serve as a member of the Mayoral Committee of the un-expired term of his or her predecessor.

111. Quorum and decision-making

- (1) A question before the Mayoral Committee is decided if there is agreement among at least the majority of the members present at a meeting.
- (2) If on any question there is an equality of votes, the Executive Mayor may exercise a casting vote in addition to her or his deliberative vote.

Part 3: Ad hoc committee

112. Establishment and disestablishment of ad hoc committees

- (1) The Council may at any time establish an ad hoc committee to deal with or advise it with regard to a particular matter.
- (2) An ad hoc committee cease to exist when –
 - (a) it furnishes its final report to the Council; or
 - (b) the Council disestablishes it.

113. Terms of reference of ad hoc committees

The Council must determine the terms of reference of that ad hoc committee when it establishes it.

114. Removal from office of members of ad hoc committees

The Council may at any time remove one or more of the members from the ad hoc committee.

CHAPTER 11: REPORTS**115. Reports of Executive Mayor**

- (1) The Executive Mayor must, at every ordinary Council meeting, submit a report on his or her decisions and recommendations on the matters considered by him or her.
- (2) The Municipal Manager may, in exceptional circumstances and with due regard to section 55 of the Systems Act, submit reports to the Council for consideration.

116. Delivery of reports of committees

Except a report accepted by the speaker or chairperson in the case of a committee as a matter of urgency, a report in terms of rule 116 is delivered to the Council or the Executive Mayor, as the case may be, together with agenda for the meeting where it must be considered.

117. Submission of committee reports

- (1) The report of the Executive Mayor is submitted for the consideration of the Council by the Executive Mayor, or a member of the Mayoral Committee designated by him or her, as the case may be, by proposing: "I propose that the report of the committee be considered".
- (2) A proposal in terms of rule 118(1) may not be discussed and is deemed seconded once made.

118. Considering committee report

- (1) When a report in terms of rule 116 is considered, the speaker must –

- (a) put the matters contained in that report not disposed of by the Executive Mayor in terms of his or her delegated or statutory powers, one after the other; and
 - (b) thereafter, allow a discussion of the matters disposed of by the Executive Mayor in terms of his or her delegated or statutory powers, one after the other.
- (2) The speaker may alter the sequence of the matters dealt with in a committee report at his or her own discretion.
- (3) The section of a report referred to in rule 119(1)(b) is considered in terms of rule 127.
- (4) The report and recommendation of the Executive Mayor on a matter is deemed proposed and seconded.
- (5) When a recommendation referred to in rule 119(4) is adopted, it becomes a Council resolution.
- (6) During the consideration of a matter in terms of rule 119(4) –
 - (a) the Executive Mayor may speak for 5 minutes on any matter contained in such report despite any other provisions to the contrary herein contained; and
 - (b) a Councilor may demand that his or her opposition to a recommendation or resolution be recorded in the minutes.
- (7) The Executive Mayor may at any time during the debate on a matter –
 - (a) request that the matter be withdrawn and referred back to the Executive Mayor for further consideration; or
 - (b) amend a recommendation contained in such report.
- (8) Permission in terms of rule 119(7) must be granted or denied without discussion.
- (9) A matter that is withdrawn in terms of rule 119(7) lapses without further discussion.
- (10) The Executive Mayor may conclude the debate on the matter; provided that the Executive Mayor may designate a member of the Mayoral Committee to conclude such debate.

119. Reports on state of budget

- (1) The municipal manager must submit monthly reports on the state of the budget for that financial year to the Council for information and consideration.
- (2) The report in terms of rule 120(1) must contain the particulars referred to in applicable legislation and must be in the format prescribed by legislation.
- (3) A report in terms of rule 120(1) must first be submitted to the Executive Mayor for consideration.

- (4) The Executive Mayor must consider the report and submit it, together with his or her comments and recommendations to the Council.

120. Report on unauthorized expenditure

- (1) The Municipal Manager must, when a committee or a Councilor of the Council contemplates taking a resolution that may result in unauthorized expenditure, advise that committee or Councilor of the reasons why the expenditure may be unauthorized.
- (2) Any advice of the municipal manger given during a meeting of the Council or a committee in terms of rule 121(1) must be recorded in the minutes of that meeting.
- (3) If the advice is not given during a meeting of the Council or a committee, the Municipal Manager must confirm his or her advice at the earliest possible opportunity in writing in a letter addressed to the Councilor concerned.
- (4) Whenever it is brought to the attention of the Municipal Manager that a decision had been taken that would result in unauthorized expenditure, the municipal manger must refer that decision, together with his or her report there on to the Council or the committee or the Councilor or departmental head who took the resolution.
- (5) As soon as the Municipal Manager becomes aware that any unauthorized expenditure had been incurred, he or she must immediately report the matter to the Executive Mayor.
- (6) A report in terms of rule 121(4) must contain all the relevant details to enable the Executive Mayor to take an informed decision or to make an informed recommendation to the Council.

121. Information statement on intended debt

Whenever the Council contemplates incurring debt, the Municipal Manager must submit a report containing all relevant information to the Council to enable the Council to take an informed decision.

122. Financial report

Financial reports in terms of applicable legislation must be incorporated into the report of the Executive Mayor to the Council.

123. Report about virement

- (1) Reports about virement in terms of applicable legislation must be incorporated into the report of the Executive Mayor.
- (2) A report referred to in rule 124(1) must contain all relevant information to enable the Executive Mayor to take an informed decision or to make an informed recommendation to the Council.

124. Report on inability to comply with reporting requirements or other duty

- (1) The Municipal Manager must report immediately to the Executive Mayor or the Council, if he or she is not able to comply with any of his or her reporting requirements or any duty in terms of –
 - (a) any legislation, including these standing rules and order; or
 - (b) his or her contract employment.
- (2) A report in terms of rule 125(1) must state the reasons for the inability. Whenever the reasons for the inability arise from inadequate guidance, instruction, training or counseling fell short of being adequate.
- (3) Whenever the reasons for the inability arise from a lack of co-operation from any departmental head or other employee of the Council, the municipal manger must make appropriate recommendations to prevent such an occurrence in future.

125. Reporting about performance

- (1) The municipal manger must annually submit a report on the implementation and results of the Councils performance management system to the Executive Mayor.
- (2) The report in terms of rule 126(1) must contain all relevant information to enable the Executive Mayor to take an informed decision or to make an informed recommendation to the Council.

CHAPTER 12: DELEGATED POWERS

126. Reporting on exercise of delegated powers

A report of the Executive Mayor on decisions taken in terms of delegated powers in consultation with the Mayoral Committee must be incorporated into the report of the Executive Mayor to the Council.

127. Review of decisions under delegated powers

- (1) The speaker must, after the report of the Executive Mayor in terms of non-delegated powers have been disposed of, put the matters disposed of by the Executive Mayor in terms of delegated or statutory powers for discussion.
- (2) The speaker may alter sequence of the matters dealt with in a report in terms of rule 128(1) at his or her own discretion.

- (3) During the consideration of a matter in terms of rule 128(1) –
- (a) the Executive Mayor may speak for five minutes on any matter contained in such report despite any other provisions to the contrary contained in these standing rules and orders;
 - (b) no proposal other than a proposal "that the executive mayor be requested to reconsider the resolution" may be made; and
 - (c) a Councilor may demand that his or her opposition to a resolution contained in such report be recorded in the minutes.
 - (d) Despite anything to the contrary herein contained, the Executive Mayor may at any time during the debate on a matter, request that the matter be withdrawn and referred back to the Executive Mayor for further consideration.
 - (e) Permission in terms of rule 128(4) must be granted or denied without discussion.
 - (f) A matter that is withdrawn in terms of rule 128(4) lapses without further discussion.
 - (g) The Executive Mayor may conclude on the matter; provided that the Executive Mayor may designate a member of the Mayoral Committee to conclude such debate.

CHAPTER 13: EXERCISE OF POWERS

128. Exercise of powers

- (1) Whenever any matter urgency arise –
- (a)
 - (i) during any period when the Council is not in recess but it is not practicable to obtain a decision of the Council or of the Executive Mayor or the section 79-committee having delegated power in the matter, an emergency meeting may, on the recommendation of the Municipal Manager, be called notwithstanding the provisions of section 2 and 13 to take place as soon as possible when a quorum of members can be gathered; and
 - (ii) at such meeting the submission of reports by the Municipal Manager or the Executive Mayor shall be renounced; and
 - (iii) a resolution of such emergency shall be valid as if being a resolution by the entire Council.

- (b) During any period when the Council is in recess, such matter may be decided by the Municipal Manager in consultation with the Executive Mayor or, in the absence of the Executive Mayor, with such members of the Mayoral Committee who may be available ; and
 - (c) During any period when the Council is not constituted, such matter may be decided by the Municipal Manager/
- (2) The powers conferred upon the Executive Mayor or municipal manger in terms of rules 129(1)(b) and 129(1)(c) include the power to incur expenditure, however, a certificate must furnished by the chief financial official of the Council stating that provision has been made in the current estimates for such expenditure, before any expenditure is incurred.
- (3) All matter decided in terms or rule 129(1) must be reported for noting to the next ordinary meeting of the Council, however, anything done pursuant thereto in the meantime, is deemed to have been duly authorized by the Council.

CHAPTER 14: MISCELLANEOUS PROVISIONS

129. Revocation of by-laws

The provisions of any by-laws of Local Municipalities relating to Standings and Orders by the Council are hereby repealed insofar as they relate to matters provided for in these by-laws

130. Short title and commencement

These standing rules and orders are known as the Emakhazeni Local Municipality Standing Rules and Orders, and commence on the date of publication thereof in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 116 OF 2017

EMAKHAZENI LOCAL MUNICIPALITY



CREDIT CONTROL AND DEBT MANAGEMENT BY LAW

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1. Title

These by-laws are entitled Credit Control and Debt Management By Law and Irrespective of date of promulgation, this by law shall be applicable as from 1 July 2017.

2. Definitions

Unless it is clear that the context shows otherwise, in these by-laws –

“Accounting officer” is the Municipal Manager of the Municipality;

“Annual report” is the report that every municipality must prepare for each financial year;

“Approved budget” is the annual budget approved by the Municipal Council;

“Auditor-General” is the person appointed in that position in terms of the Constitution and includes persons acting in that position, persons delegated to act by the Auditor-General and persons designated to perform a duty by the Auditor-General;

“Basic municipal service” is a municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if it is not provided, will endanger public health or safety or the environment;

“Chief Financial Officer” means the official designated by the Municipal Manager;

“Council” means the Council of Emakhazeni established in terms of Local Municipal Structures Act;

“Councillor” is a member of the Council;

“Debt” is a monetary obligation created by an agreement;

“Fruitless and wasteful expenditure” is expenditure made in vain and that could have been avoided if reasonable care was exercised;

“Mayor” is the councillor elected as Mayor in terms of the Local Government: Municipal Structures Act 117 of 1998;

“MEC for Local Government” is the Member of the Executive Council responsible for local government in the province;

“Month” is one of the 12 months of a calendar year;

“Municipality” is either the body referred to in Section 2 of the Local Government: Municipal Systems Act 32 of 2000, or the area determined in terms of the Local Government: Municipal Demarcation Act 27 of 1998;

“Municipal Manager” is the person appointed in terms of Section 82 of the Local Government: Municipal Structures Act 117 of 1998;

“National Treasury” is the body established in terms of Section 5 of the Public Finance Management Act 1 of 1999;

“Official” is an employee of a Municipality or a person seconded to work as member of staff of a Municipality or a person contracted to work as member of staff of a Municipality other than an employee;

“Political structure” is the council of a Municipality or any committee of a Municipality elected, appointed or designated in terms of the Local Government: Municipal Structures Act 117 of 1998;

“Provincial Treasury” is a treasurer established in terms of Section 17 of the Public Finance Management Act 1 of 1999;

“Service delivery and budget implementation plan” is a detailed plan approved by the Mayor in terms of the Local Government: Municipal Finance Management Act 56 of 2003, for implementing the Municipality’s delivery of municipal services and its annual budget;

“Supervisory authority” is a body constituted by Council to ensure compliance with these by-laws;

“Staff member” is an employee of the Municipality, including the Municipal Manager;

3. Objects

3.1. The objects of these by-laws are to –

3.1.1 enable the Municipality to collect –

- a) rates
- b) fees
- c) surcharges on fees
- d) charges
- e) tariffs
- f) interest that accrued on money due in respect of any of the above and
- g) collection charges, that are due to the Municipality, in a prompt and efficient way;

3.2. Set realistic targets for the collection of money due to the Municipality, consistent with –

3.2.1. generally accepted practices and ratios; and

3.2.2. the income estimates set out in the annual budget of the Municipality and taking into account an acceptable provision for bad debts;

3.3. Ensure that all new consumers conclude a service agreement with the Municipality before services are rendered to them;

3.4. Create an environment that induces consumers to pay for the services rendered to them;

3.5. Enable the Municipality to take action against all forms of non-performance;

- 3.6. Ensure that consumer management and credit management is cost-effective and efficient;
- 3.7. Ensure that the rights and responsibilities of both the consumers and the Municipality are respected and protected; and
- 3.8. Ensure that the Municipal Manager and the Chief Financial Officer are held responsible for the implementation of credit control measures and for reporting to the Council on all its relevant aspects.

4. Non-discrimination

- 4.1. These by-laws shall be applied in such a way as not to discriminate between persons on the grounds of race.
- 4.2. These by-laws shall be applied in such a way as to recognise all people's right to have their dignity, their privacy and their right to access to social assistance respected and protected.

5. Application of By-laws

These by-laws apply to all residents living within the jurisdiction of the Emakhazeni Municipality and who are consumers of municipal services, as well as to all businesses and government organizations situated in the Municipality and who consume municipal services, regardless of whether any of the consumers concluded a consumer's agreement with the Municipality or not.

6. Metering of Services

- 6.1. The Municipality must have a metering system to determine the amount or the level of services consumed.
- 6.2. The Municipality may use one of two metering systems –
 - 6.2.1. The kind of meters used to take consumption readings monthly; or
 - 6.2.2. Pre-paid electricity meters.
- 6.3. Technology may be used to download the meter readings referred to in subsection 6.2(1) electronically.
- 6.4. In order to decrease her/his consumption, a consumer has the right to request the Municipality to –
 - 6.4.1. Install a pre-paid meter; or
 - 6.4.2. Disconnect metered services;
- 6.5. The consumer must pay the cost of the installation of a pre-paid meter or disconnection of metered services.

6.6. If a consumer is registered as indigent, the Municipality may, at its own cost, install a pre-paid meter.

7. Billing of Services

7.1. The Municipality must compile a statement in the form of an account, indicating –

7.1.1. The quantity of services consumed over a specific period; and;

7.1.2. The related cost to the consumer, and have the accounts delivered to its consumers.

7.2. The fact that a consumer does not receive an account, does not exempt that consumer from the obligation to pay the account by the due date.

7.3. It remains the duty of the consumer to inquire from time to time from the municipality if not receiving an account.

8. Consumer Agreements

8.1. Consumers must conclude a service agreement with the Municipality before services can be rendered to them.

8.2. The requirements for a valid service agreement are as follows:

8.2.1. The consumer must produce valid identification;

8.2.2. The consumer must agree to an Information Trust Corporation (ITC) check on her/his credit record and, depending on the associated risk, a possible additional deposit may have to be paid;

8.2.3. The consumer must pay a service deposit, which is calculated on the basis of the maximum electricity consumption for two consecutive months, provided that the amount is not less than is prescribed in the electricity tariff;

8.2.4. The deposit is payable in cash and/or any other monetary form commonly accepted in business and may be paid off over a maximum period of six months;

8.2.5. Government organizations and other designated consumers are exempt from paying a deposit;

8.2.6. If, at any time, the deposit is found to be inadequate, the Municipality may require the consumer to increase the deposit within 30 days and if the consumer fails to do so, the Municipality may, after hearing an appeal in terms of Section 62 of the Systems Act, terminate the supply of services;

8.2.7. The deposits of businesses and industrial consumers must be re-assessed three months after the initial deposit was paid;

8.2.8. The deposit does not earn interest with the Municipality;

8.2.9. The deposit will be repaid to the consumer within 60 days after the termination of the consumer's agreement;

8.2.10. If an owner is opening a second account then all outstanding invoice amounts has to be settled prior to opening a second new account.

8.2.11. Before the deposit is repaid to the consumer, the Municipality has the right to deduct any amounts due by the consumer to the Municipality;

8.3. If a consumer does not conclude a consumer's agreement with the Municipality, the Municipality must give written notice to that consumer to enter into an agreement, failing which the electricity supply may be terminated without further notice.

9. Payment Procedure

9.1. Consumers must pay their accounts before or on the 05th day of each month;

9.2. No interest shall be charged on accounts that are in arrears for longer than 30 (thirty) days, except for business, wherein interest shall be charged on accounts in arrears for longer than 30 (thirty) days.

9.3. Pre-paid electricity may only be sold to consumers if their accounts are paid up to date;

9.4. The Municipality may, with the consent of the consumer, enter into an agreement with that consumer's employer, to deduct from his/her salary:

9.4.1. Outstanding amounts due by that consumer to the Municipality, or;

9.4.2. Regular monthly amounts as agreed upon.

9.5. The Municipality may provide special incentives for employers to enter into such an agreement and for employees to consent to such an agreement;

9.6. The Municipality allocates the payment received for services to those different services.

9.7. The current account outstanding on Municipal invoices or properties where Municipal employees as well as Municipal Councilors reside as well as arrear amounts will be deducted from their salaries on a monthly basis.

9.8. If an owner has two or more properties and has not made current payments, on either of the properties then all properties services may be disconnected regardless of whether that property is not in arrears.

10. Debt Collection

If a consumer fails to pay her/his account by the due date, the following procedure will be followed with regard to the supply of water and electricity:

10.1. The services will not be suspended immediately, but the consumer will be notified with the following month's account that –

10.1.1. The previous month's account is in arrears; and

10.1.2. Interest will be charged on the arrear amount in the interest of business.

10.2. If an account remains outstanding for longer than 30 days, the services will be disconnected, *excluding* the provision of water to the limit as provided by the constitution.

10.3. The account will then be debited with the cost of the disconnection and also the cost of a reconnection, if it takes place;

10.4. For the services to be restored, the consumer must pay the outstanding account in full, plus the costs of disconnection and reconnection mentioned in subsection 10.3.

10.5. If a consumer is unable to settle the outstanding amount on her/his account in full, it is possible to make an arrangement with the Municipality for settling of the outstanding amount in monthly installments over an extended period of time, subject to the following conditions, with the exception of debts from January 2017 which must be paid in full.

10.5.1. The period for payment in terms of the arrangement may be negotiated between the consumer and the Municipality and should strike a balance between the interests of both parties;

10.5.2. The minimum monthly installment in terms of an arrangement is R50;

10.5.3. The first payment must be made within 30 days after the date of the arrangement;

10.5.4. Only two arrangements per consumer *per annum* is allowed in the settling of arrear accounts;

10.5.5. An arrangement form and a consent to judgment forms part of the agreement and as part of the arrangement, debit orders may be completed for the monthly repayment of arrears; and

10.5.6. The Municipality does not charge interest on the arrear amount that are repayable in terms of the arrangement, provided that the arrangement is honored such is to exclusion of business.

- 10.6. If this arrangement is dishonored, the services, with the exception of water, to the limit as provided by the constitution shall be discontinued and the full balance shall be payable immediately;
- 10.7. Should the services be disconnected and there be no reaction from the consumer, representatives from the Municipality shall visit the premises to verify if the services are still discontinued. If the electricity is illegally reconnected, it is again disconnected, this time more tamperproof and at the cost of the consumer.
- 10.8. Should the said representatives discover a reconnection, a temper proof should be installed at the cost of the consumer.
- 10.9. A notice shall be served on the consumer from the date that the arrangement was dishonored, notifying him/her of a restriction on the consumption of water;
- 10.10. If, after the Municipality took the steps referred to in subsections 10.2, 10.3 and 10.4 and the outstanding amount is still not paid or the consumer does not honor an arrangement made in terms of subsection 10.5, the Municipality shall issue a letter of demand or alternatively handover the matter to attorneys.
- 10.11. If there is no response to the letter of demand within 14 days, the account shall be handed over to attorneys or debt collectors, who will take further legal action;
- 10.12. In terms of this legal action, a letter of final demand is delivered to the debtor, for which the debtor must bear the cost.
- 10.13. The consumer shall still be obliged to pay her/his current accounts to the Municipality.
- 10.14. When a consumer's account is handed over to debt collectors or attorneys, no further interest accrues on the outstanding amount older than 90 days, to the exception of business.
- 10.15. When an account is handed over to attorneys or debt collectors for legal action, the debtor shall be eligible to conclude arrangements for repayment with them and such shall be in consultation with the Municipality;
- 10.16. If a debtor makes diligent payments as agreed upon with the attorney or debt collectors, the supply of electricity may be restored on appeal made to the Council;
- 10.17. Should there be a breach to the agreement in section 10.14, the municipality shall disconnect services and institute legal action against the consumers.
- 10.18. The legal action referred to in subsection 10.17 shall be held in abeyance should all repayments be done as well as the unpaid current accounts and the consumer shall be liable for cost incurred thereof.

10.19. A consumer has the right to request extension for the payment of a current account, due to exceptional circumstances and it may only be granted for one month's account and then only until the end of that particular month and all debts from January 2017.

10.20. As far as businesses is concerned, should it be notified of an arrear account and fail to make arrangements for payment of the outstanding amount all services excluding water shall be suspended immediately.

10.21. Should a consumer pays her/his account with a cheque or debit order and it is returned marked "Refer to Drawer", the full balance shall be due immediately;

10.22. The supply of electricity to a consumer referred to in subsection 10.19 shall be disconnected until the full amount is paid, only cash or bank guarantees shall be accepted.

10.23. A consumer may not nominate money paid by her/him to cover specific services, and the Municipality allocates money received from consumers as follows:

Sundry debtors, including arrangements for payment of arrears

- Assessment Rates
- Refuse
- Interest
- Electricity
- VAT
- Deposit Charges
- Rental Housing
- Erf Installments
- Government House Installments
- Legal costs
- Money not allocated;
- Sewerage
- Water

10.24. The same debt collection procedures as set out above, apply to accounts on properties that are not metered.

10.25. As part of the payment campaign, ward councillors shall be furnished monthly with a list of the people in their wards who do not pay their consumer accounts, to enable them to assist in recovering the outstanding amounts;

10.26. These are with exception of the debt incurred from January 2017 which must be paid in full.

10.27. Prepaid Electricity;

10.27.1. A debtor consumer may only purchase pre- paid electricity once their current invoiced amount is paid (This includes arrears from 1 January 2017.)

10.27.2. Municipality will produce a quarterly report of all municipal prepaid consumers who are not purchasing electricity on a monthly basis. The report shall be called the Prepaid Electricity Consumption Exception Report.

10.27.3. Municipal Technicians or an appointed contractor will perform physical inspection of all the properties of all the properties appearing on the Prepaid Electricity Consumption Exception Report.

10.27.4. Municipality will investigate and consider root causes for a consumer to be on the Prepaid Electricity Consumption Exception Report.

11. Indigent Consumers

11.1. A Municipality shall, within the confines of its capacity and its financial means, conduct a socio-economic study of its jurisdiction in order to categorize its constituency.

11.2. Indigent consumers has the right to be provided for in applicable municipal policy, subject to the Municipality's human resource capacity and its financial means;

11.3. In relation to indigent consumers, the Municipality shall, within the confines of its human resource capacity and financial means –

11.3.1. Provide 6 (six) free kilolitres of water per month.

11.3.2. Grant indigent status to those households who qualify in terms of the criteria.

11.3.3. Install pre-paid meters to those households who qualify as indigent.

11.4. The criteria for a consumer to be granted indigent status are –

11.4.1. He/She must be a resident of the Municipality and must show a valid South African identity document.

11.4.2. His/Her must submit a municipal form with supporting documents every 12 months to have the indigent status re-confirmed; and

11.4.3. Her/his household's total gross monthly income may not exceed *three thousand five hundred rands (R 3 500,00)*

11.5. The procedure for a consumer to be granted indigent status is as follows –

11.5.1. The applicant's application information is verified is verified.

- 11.5.2. A verification process by Councilors in their respective wards.
- 11.6. In the period it takes to grant approval to an application for indigency, the applicant remains subject to the normal sanctions for non-payment;
- 11.7. The verification process shall be conducted annually.
- 11.8. Once a consumer is registered as indigent, a pre-paid meter may be installed for him/her, at the cost of the Municipality;
- 11.9. When indigent status is granted to a consumer, the subsidy is implemented as follows –
- 11.9.1. Provision of 6 (six) free kilolitres of water per month;
 - 11.9.2. Provision of 50 (fifty) free kilowatts of electricity consumption per month;
 - 11.9.3. The consumer pays the approved tariff on the sliding scale for sewerage services, depending on the size of the property;
 - 11.9.4. The consumer pays the approved tariff for refuse removal; and the consumer pays the approved tariffs for property rates;
- 11.10. When indigent status is granted to a consumer, she/he remains liable for all consumption in excess of the subsidised amount;
- 11.11. If a consumer who was granted indigent status, does not pay her/his account for consumption in excess of the subsidised amount, the same sanctions as for other consumers as set out in section 10 above, applies;
- 11.12. If a consumer is granted indigent status and she/he tampers with, or damages the pre-paid meter, the normal sanctions apply;
- 11.13. If a person was granted indigent status and abuses the system and proof of this is submitted, that person is not considered indigent for the purposes of this policy for a period of six months after the proof was submitted.

12. Appeals Procedure

- 12.1. A consumer whose rights are affected by a decision taken by –
- 12.1.1. A political structure;
 - 12.1.2. A political office-bearer;
 - 12.1.3. A councillor; or
 - 12.1.4. A staff member of a Municipality in terms of a power or duty delegated to it/them may appeal against that decision;
- 12.2. The appeal is lodged by giving written notice of the appeal and the reasons to the Municipal Manager within 21 days after the date of notification of the decision;
- 12.3. If the decision against which the appeal is lodged, was taken by –

- 12.3.1. A staff member other than the Municipal Manager, then the Municipal Manager is the appeal authority;
- 12.3.2. The Municipal Manager, then the Executive Committee or Executive Mayor is the appeal authority and if the Municipality does not have an Executive Committee or Executive Mayor, the Council is the appeal authority;
- 12.3.3. A political structure or political office-bearer or a councillor, then the Council is the appeal authority, if the Council comprises less than 15 councillors and if the Council comprises more than 14 councillors, then a committee of councillors appointed by the Council and who were not involved in the decision is the appeal authority;
- 12.3.4. The Municipal Manager must promptly submit the appeal to the appropriate appeal authority as set out in subsection 12.3;
- 12.3.5. The appeal authority must consider the appeal and may confirm or vary or revoke the decision that was taken, but it may not detract from any rights that accrued as a result of the decision; and
- 12.3.6. An appeal authority must start with an appeal within six weeks and take a decision within a reasonable period.

13. Incentive Schemes

All incentive schemes shall be at the discretion of the Municipal Council.

14. Whistle Blowing

- 14.1. An amount of R2 500.00 shall be payable by the Municipality to a Whistle Blower after verification by the municipality and payment of the fine in full and/or part thereof by the defaulter (consumer) responsible for the illegal connection.
- 14.2. The municipality shall enter into an agreement of payment with a defaulter for a period not exceeding six (6) months.
- 14.3. After, payment of the full amount and/or part thereof, the municipality shall reconnect services provided that the current account is paid in full.

15. Clearance Certificates

Property within the jurisdiction of the Municipality may not be transferred until the Municipality produces a clearance certificate, confirming that all amounts due to the Municipality in connection with that property, is fully paid.

16. Responsibility for Credit Management

- 16.1. The Mayor of the Municipality or Executive Committee –

- 16.1.1. Must provide political guidance over the fiscal and financial affairs of the Municipality;
 - 16.1.2. May monitor and oversee the exercise of responsibilities assigned to the Accounting Officer and the Chief Financial Officer, but may not interfere in the discharge of these responsibilities;
 - 16.1.3. Must take all reasonable steps to ensure that the Municipality delivers on its Constitutional and statutory mandate within the limits of the approved budget;
 - 16.1.4. Must, within 30 days of the end of each quarter, prepare and submit a report to the Council on budget implementation and the Municipality's state of financial affairs;
 - 16.1.5. Must provide general political guidance over the priorities for the budget's preparation;
 - 16.1.6. Coordinate the annual revision of the Integrated Development Plan and the preparation of the budget;
 - 16.1.7. Must ensure that he/she approves the Municipality's service delivery and budget implementation plan within 28 days after the approval of the budget;
 - 16.1.8. Must ensure that the performance agreements of the Municipal Manager and senior management are linked to the performance objectives and to the service delivery and budget implementation plan;
 - 16.1.9. Must ensure that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public within 14 days after its approval;
 - 16.1.10. Must ensure that the performance agreements of the Municipal Manager and senior management are made public within 14 days after approval of the service delivery and budget implementation plan;
 - 16.1.11. May set up a facility for residents to report abuse of the indigency provisions, theft, illegal connections of services, damaging of and tampering with instruments installed to deliver services to the community, coupled with –
 - a) A reward for such information; and
 - b) Protection of the identity of the person/s reporting such incidents.
- 16.2. The Municipal Manager –

- 16.2.1. Is the accounting officer of the Municipality;
- 16.2.2. Must act with integrity, honesty, fidelity and in the Municipality's best interests in managing its financial affairs;
- 16.2.3. Must disclose all material facts which are available and which might influence decisions or actions of the Mayor or Council;
- 16.2.4. Must seek, within the sphere of her/his influence, to prevent any prejudice to the financial interests of the Municipality;
- 16.2.5. May not act in a way that is inconsistent with duties assigned to accounting officers in terms of national legislation;
- 16.2.6. May not abuse the position of privilege or of confidential information obtained for personal gain or to improperly benefit another person
- 16.2.7. Must take all reasonable steps to ensure that the Municipality has effective revenue collection systems and a proper credit control and debt collection policy;
- 16.2.8. Must ensure that revenue due to the Municipality is calculated on a monthly basis;
- 16.2.9. Must ensure that accounts for municipal tax and charges for municipal services are prepared on a monthly basis or a shorter period, where monthly accounts are uneconomical;
- 16.2.10. Must ensure that all money received, is deposited in the Municipality's primary bank account;
- 6.2.11. Must ensure that the Municipality has and maintains a management, accounting and information system which:
 - a) Recognizes revenue when it is earned;
 - b) Accounts for debtors; and
 - c) Accounts for receipts of revenue;
- 16.2.12. Must ensure that the Municipality has and maintains a system of internal control in respect of debtors and revenue;
- 16.2.13. Must ensure that the Generally Accepted Municipal Accounting Practices (GAMAP) are adhered to;
- 16.2.14. Must ensure that the Municipality charges interest on arrears, except where the Council has granted exemptions

in accordance with its budget-related policies and within a prescribed framework;

- 16.2.15. Must ensure that all revenue received by the Municipality, including revenue received by any collecting agency on its behalf, is reconciled on a weekly basis;
- 16.2.16. Must immediately inform National Treasury of any payments due by any organ of state in respect of municipal tax or services, if such payments are regularly in arrears for periods of more than 30 days;
- 16.2.17. Must ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ at least on a weekly basis and that such funds are not used for municipal expenditure;
- 16.2.18. Must ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments;
- 16.2.19. Must ensure that the Municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework;
- 16.2.20. Must ensure that all financial accounts are closed at the end of each month and reconciled with its records;
- 16.2.21. Must ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan;
- 16.2.22. Must ensure that revenue and expenditure are properly monitored;
- 16.2.23. Must, when necessary, prepare an adjustment budget and submit it to the Mayor for consideration and tabling in Council;
- 16.2.24. Must, within 14 days after approval of the annual budget, submit to the Mayor:
- a) A draft service delivery and budget implementation plan for the budget year; and
 - b) Draft annual performance agreements for him/her and all senior managers;
- 16.2.25. Must, by no later than 10 working days after month end, submit to the Mayor and Provincial Treasury a statement in

prescribed format on the state of the Municipality's budget, month to month and month to year, reflecting –

- a) Actual revenue per revenue source;
- b) Actual borrowings;
- c) Actual expenditure per vote;
- d) Actual capital expenditure per vote;
- e) The amount of any allocations received;
- f) Actual expenditure on those allocations;
- g) When necessary, an explanation of:
 - Any material variances from the Municipality's projected revenue by source, and from the Municipality's expenditure projections per vote;
 - Any material variances from the service delivery and budget implementation plan; and
 - Any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remains within budget;

16.2.26. Must provide a statement which must include a projection of relevant revenue and expenditure for the rest of the financial year, and any revision from initial projections;

16.2.27. Must submit to National Treasury, Provincial Treasury, and the Department for Local Government in the Province or the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or required;

16.2.28. Must, if she/he is unable to comply with any of the responsibilities in terms of national municipal financial legislation, promptly report the inability, together with reasons, to the Mayor and the Provincial Treasury;

16.2.29. Must place on the Municipality's website, the following documents:

- a) The annual and adjustment budgets and all budget-related documents;
- b) All budget-related policies;
- c) The annual report;
- d) Her/his own performance agreement as well as those of senior management;
- e) All service delivery agreements;
- f) All long-term borrowing contracts;
- g) All supply-chain management contracts above a prescribed value;

- h) An information statement containing a list of assets over a prescribed value that has been disposed of during the previous quarter;
- i) Contracts having future budgetary implications;
- j) Public-Private Partnership agreements; and
- k) All quarterly reports tabled in the Council in terms of this policy; and

16.2.30. Must place all such documents on the website not later than 5 working days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.

16.3. The Chief Financial Officer –

16.3.1. Is administratively in charge of the budget and the treasury office;

16.3.2. Must advise the Municipal Manager on the exercise of powers and duties assigned to him;

16.3.3. Must assist the Municipal Manager in the administration of the bank accounts and in the preparation and implementation of the Municipality's Budget;

16.3.4. Must advise senior managers and other senior officials in the exercise of powers and duties assigned to them in terms of national municipal financial legislation; and

16.3.5. Must perform such budgeting, accounting, analyses, financial reporting, cash management, debt management, supply-chain management financial management, review and other duties as may be delegated by the Municipal Manager to her/him.

17. Financial Reporting

17.1. Annual Report

17.1.1. The Municipality must prepare and adopt an annual report for each financial year and this report must include:

- a) An assessment by the Municipal Manager of any arrears on municipal taxes and service charges;
- b) An assessment by the Municipal Manager of the Municipality's performance against the performance objectives for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year; and
- c) Particulars of any corrective action taken or to be taken in response to issues rose in the Auditor-General's report.

17.2. Financial Recovery Plan

17.2.1. The Municipal Manager may propose to Council a financial recovery plan, if the need arises, aimed at securing the

Municipality's ability to meet its obligations to provide basic services or its financial commitments. Such a plan –

- a) Must identify the financial problems of the Municipality;
- b) Must be designed to place the Municipality in a sound and sustainable financial position as soon as possible;
- c) Must state the principal strategic objectives of the plan and how to achieve them;
- d) Must set out a remedial strategy for addressing the causes of the Municipality's financial problems, which should include steps to reduce unnecessary expenditure and increase the collection of revenue;
- e) Must identify the human and financial resources needed to assist in resolving the problems;
- f) Must provide details of the anticipated time-frame for the financial recovery, and milestones to be achieved;
- g) Must identify the actions necessary for the implementation of the plan, separating steps to be taken by the Municipality and those to be taken by other parties;
- h) May provide for the liquidation of specific assets, excluding those needed for the provision of the minimum level of basic municipal services;
- i) May provide for debt restructuring or debt relief in terms of national municipal financial legislation;
- j) May provide for special measures to prevent unauthorized, irregular, fruitless, wasteful expenditure and other losses;
- k) May identify any actual or potential revenue sources;
- l) May suggest for adoption by the Council –
 - Spending limits and revenue targets;
 - Budget parameters for a specified period or until stated conditions have been met; and
 - Specific revenue raising measures that are necessary for financial recovery.

17.2.2. The recovery plan must first be approved by the Member of the Executive Council for Local Government in the Province, with or without amendments, prior to its implementation.

17.3. Internal Audit Unit

17.3.1. The Municipality must establish an Internal Audit Unit, either internally or by way of outsourcing and this unit must –

- a) Prepare a risk-based audit plan and an internal audit program for each financial year;
- b) Advise the Municipal Manager and report to the Audit Committee on the implementation of the Internal Audit Plan and matters relating to:
 - Internal audits;

- Internal controls;
- Accounting procedures and practices;
- Risk and risk management;
- Performance management;
- Loss control;
- Compliance with all applicable financial legislation.

17.4. Financial Misconduct

17.4.1. The Municipal Manager commits an act of financial misconduct if he/she –

- a) Contravenes this policy;
- b) Fails to comply with a duty imposed by this policy;
- c) Makes or permits or instruct another official of the Municipality to make an unauthorized, irregular or fruitless and wasteful expenditure; and
- d) Provides incorrect or misleading information in any document which in terms of this policy must be submitted to the elected leadership of the Municipality, the Auditor-General, the Provincial Treasury, and the National Treasury, other organs of state or made public.

17.4.2. A member of senior management or other official of the Municipality exercising financial management responsibilities and to whom a power or duty was delegated, commits an act of financial misconduct if he/she deliberately or negligently fails to carry out the delegated duty or commits any of the acts as set out in (1) to (4) above;

18. Offences and Penalties

If a person –

18.1. Contravenes any of the provisions of these by-laws;

- a) Contravenes any conditions attached to a decision taken in terms of these by-laws;
- b) Fails to comply with the terms of a notice served on he/she in terms of these by-laws; or
- c) He/She is guilty of an offence for which the penalties are provided for in the Local Government Ordinance 1939 (Ordinance 17 of 1939).

19. Repeal of By-laws

The provisions of any by-laws of Local Municipalities relating to Credit Management by the Council are hereby repealed insofar as they relate to matters provided for in these by-laws.

LOCAL AUTHORITY NOTICE 117 OF 2017

EMAKHAZENI LOCAL MUNICIPALITY



MUNICIPAL PROPERTY RATES BY-LAW

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EMAKHAZENI LOCAL MUNICIPALITY

MUNICIPAL PROPERTY RATES BY-LAW

PREAMBLE

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality.

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE BE IT ENACTED by the Council of Emakhazeni Local Municipality, as follows:

1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise.

'Municipality' means Emakhazeni Local Municipality;

'Property Rates Act' means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

'Rates Policy' means the policy on the levying of rates on rateable properties of the Emakhazeni Local Municipality, contemplated in chapter 2 of the Municipal Property Rates Act;

'Rate' or "Rates" means a municipal rate on property as envisaged in section 229 of the Constitution.

'Credit Control and Debt Collection Policy' means Credit Control and Debt collection policy of Emakhazeni Local Municipality as approved by the Municipal Council.

2. OBJECTS

The object of this by-law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

3. ADOPTION AND IMPLEMENTATION OF RATES POLICY

- 3.1. Emakhazeni Local Municipality shall adopt and implement its Rates Policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property within the jurisdiction of the municipality; and
- 3.2. Emakhazeni Local Municipality shall not be entitled to levy rates other than in terms of its Rates Policy.

4. CONTENTS OF A RATE POLICY

The Rates Policy shall, *inter alia*:

- 4.1. Apply to all rates levied by Emakhazeni Local Municipality pursuant to the adoption of its Annual Budget;
- 4.2. Comply with the requirements for:
 - 4.2.1. the adoption and contents of a rates policy specified in section 3 of the Act;
 - 4.2.2. the process of community participation specified in section 4 of the Act; and
 - 4.2.3. the annual review of a Rates Policy specified in section 5 of the Act.
- 4.3. Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and
- 4.4. Provide for enforcement mechanisms that are consistent with the Municipal Property Rates Act and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

5. ENFORCEMENT OF THE RATES POLICY

Emakhazeni Local Municipality's Rates Policy shall be enforced through the Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

6. SHORT TITLE AND COMMENCEMENT

This By-law shall be called the Municipal Property Rates By-law.

7. EFFECTIVE DATE

Irrespective of the date of promulgation this by-law will be applicable with effect from 1 July 2017.

LOCAL AUTHORITY NOTICE 118 OF 2017**STEVE TSHWETE LOCAL MUNICIPALITY****PERMANENT CLOSURE OF A PORTION OF A STREET
MHLUZI EXTENSION 5**

Notice is hereby given in terms of Section 67 of the Local Government Ordinance 17 of 1939, as amended, that the Steve Tshwete Local Municipality intends to permanently close a portion of unnamed street between Erven 8286 and 8285 Mhluzi Extension 5, measuring 215m² in extent.

A plan indicating the said portion of the park to be closed, is available and may be inspected during office hours at Room B218, Legal and Administration Department, Steve Tshwete Local Municipality, for a period of 28 days from the date of publication of this notice.

Any person desirous of objecting to the proposed closure or wishing to make recommendations in this regard, should lodge such objection or recommendation, as the case may be, in writing to the Municipal Manager, Steve Tshwete Local Municipality, P.O. Box 14, Middelburg, 1050, to reach him, no later than 28 days from the date of publication of this notice.

S.M. MNGUNI**Acting Municipal Manager****LOCAL AUTHORITY NOTICE 119 OF 2017****STEVE TSHWETE LOCAL MUNICIPALITY****PERMANENT CLOSURE OF A PORTION OF A STREET
MHLUZI EXTENSION 5**

Notice is hereby given in terms of Section 67 of the Local Government Ordinance 17 of 1939, as amended, that the Steve Tshwete Local Municipality intends to permanently close a portion of unnamed street between Erven 8323 and 8324 Mhluzi Extension 5, measuring 215m² in extent.

A plan indicating the said portion of the park to be closed, is available and may be inspected during office hours at Room B218, Legal and Administration Department, Steve Tshwete Local Municipality, for a period of 28 days from the date of publication of this notice.

Any person desirous of objecting to the proposed closure or wishing to make recommendations in this regard, should lodge such objection or recommendation, as the case may be, in writing to the Municipal Manager, Steve Tshwete Local Municipality, P.O. Box 14, Middelburg, 1050, to reach him, no later than 28 days from the date of publication of this notice.

S.M. MNGUNI**Acting Municipal Manager**

LOCAL AUTHORITY NOTICE 120 OF 2017**STEVE TSHWETE LOCAL MUNICIPALITY****PERMANENT CLOSURE OF A PORTION OF A STREET
MHLUZI EXTENSION 5**

Notice is hereby given in terms of Section 67 of the Local Government Ordinance 17 of 1939, as amended, that the Steve Tshwete Local Municipality intends to permanently close a portion of unnamed street between Erven 8245 and 8244 Mhluzi Extension 5, measuring 215m² in extent.

A plan indicating the said portion of the park to be closed, is available and may be inspected during office hours at Room B218, Legal and Administration Department, Steve Tshwete Local Municipality, for a period of 28 days from the date of publication of this notice.

Any person desirous of objecting to the proposed closure or wishing to make recommendations in this regard, should lodge such objection or recommendation, as the case may be, in writing to the Municipal Manager, Steve Tshwete Local Municipality, P.O. Box 14, Middelburg, 1050, to reach him, no later than 28 days from the date of publication of this notice.

S.M. MNGUNI
Acting Municipal Manager

LOCAL AUTHORITY NOTICE 121 OF 2017**STEVE TSHWETE LOCAL MUNICIPALITY****PERMANENT CLOSURE OF A PORTION OF A STREET
MHLUZI EXTENSION 5**

Notice is hereby given in terms of Section 67 of the Local Government Ordinance 17 of 1939, as amended, that the Steve Tshwete Local Municipality intends to permanently close a portion of unnamed street between Erven 8155 and 8154 Mhluzi Extension 5, measuring 215m² in extent.

A plan indicating the said portion of the park to be closed, is available and may be inspected during office hours at Room B218, Legal and Administration Department, Steve Tshwete Local Municipality, for a period of 28 days from the date of publication of this notice.

Any person desirous of objecting to the proposed closure or wishing to make recommendations in this regard, should lodge such objection or recommendation, as the case may be, in writing to the Municipal Manager, Steve Tshwete Local Municipality, P.O. Box 14, Middelburg, 1050, to reach him, no later than 28 days from the date of publication of this notice.

S.M. MNGUNI
Acting Municipal Manager

LOCAL AUTHORITY NOTICE 122 OF 2017**STEVE TSHWETE LOCAL MUNICIPALITY****PERMANENT CLOSURE OF A PORTION OF A STREET
MHLUZI EXTENSION 5**

Notice is hereby given in terms of Section 67 of the Local Government Ordinance 17 of 1939, as amended, and Section 21 of the Local Government: Municipal Systems Act 32 of 2000, that the Steve Tshwete Local Municipality intends to permanently close a portion of 6th Street Mhluzi Extension 5.

A plan indicating the said portion of the street to be closed is available and may be inspected, during office hours, at Room B218, Legal and Administration Department, First Floor, Steve Tshwete Local Municipality, for a period of 28 days from the date of publication of this notice.

Any person desirous of objecting to the proposed closure or wishing to make recommendations in this regard, should lodge such objection or recommendation, as the case may be, in writing to the Municipal Manager, Steve Tshwete Local Municipality, P.O. Box 14, Middelburg, 1050, to reach him no later than 28 days from the date of publication of this notice.

S.M. MNGUNI

Acting Municipal Manager

LOCAL AUTHORITY NOTICE 123 OF 2017**STEVE TSHWETE LOCAL MUNICIPALITY****PERMANENT CLOSURE OF PARKS
ERVEN 521 AND 522 SOMAPHEPHA VILLAGE**

Notice is hereby given in terms of Section 68 of the Local Government Ordinance 17 of 1939, as amended, and Section 21 of the Local Government: Municipal Systems Act 32 of 2000, that the Steve Tshwete Local Municipality intends to permanently close Park Erven 521 and 522 Somaphepha Village.

A plan indicating the said portion of the street to be closed is available and may be inspected, during office hours, at Room B218, Legal and Administration Department, First Floor, Steve Tshwete Local Municipality, for a period of 28 days from the date of publication of this notice.

Any person desirous of objecting to the proposed closure or wishing to make recommendations in this regard, should lodge such objection or recommendation, as the case may be, in writing to the Municipal Manager, Steve Tshwete Local Municipality, P.O. Box 14, Middelburg, 1050, to reach him no later than 28 days from the date of publication of this notice.

S.M. MNGUNI

Acting Municipal Manager

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