

NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

**Provincial Gazette
Kasete ya Profensi**

**iGazethi YePhondo
Provinsiale Koerant**

Vol. 23

KIMBERLEY
8 AUGUST 2016
8 AUGUSTUS 2016

No. 2032

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-4549



9 771682 454009

02032



As of **Monday, 04 January 2016**, the **Government Printing Works** has become the custodian of the Northern Cape *Provincial Gazette*.

GPW will start accepting notices from Northern Cape (NC) customers with the following conditions:

- Any submissions received from the NCPL (Northern Cape Provincial Legislature) from the 01 January 2016 will be rejected.
- Any submissions received from NC customers where the proof of payment is made to NCPL will also be rejected.
- Over and above these 2 points, the **GPW** Business rules and Submissions deadlines will apply.

Each province has standard notice types that are published in that specific *Provincial Gazette*.

The valid notice types applicable for the Northern Cape *Provincial Gazette* are:

Proclamations, General Notice, Municipal Notice, Premier's Notice

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

CONTENTS

Gazette *Page*
No. *No.*

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

72	Local Government Municipal Structures Act, 1998: Standing Rules and Orders for the meetings of the Council and its Committees.....	2032	11
73	Spatial Planning and Land Use Management Act (16/2013): Erf 1881, Upington.....	2032	21
73	Spatial Planning and Land Use Management Act (16/2013): Erf 1881, Upington.....	2032	21
74	Local Government: Municipal Structures Act, 1998: Standing rules and orders for the meetings of the council and its committees.....	2032	22

IMPORTANT ANNOUNCEMENT**Closing times for the ORDINARY WEEKLY
NORTHERN CAPE PROVINCIAL GAZETTE 2016**

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

- 09 May 2016, Monday for the issue of Monday 16 May 2016
- 16 May 2016, Monday for the issue of Monday 23 May 2016
- 23 May 2016, Monday for the issue of Monday 30 May 2016
- 30 May 2016, Monday for the issue of Monday 06 June 2016
- 06 June 2016, Monday for the issue of Monday 13 June 2016
- 10 June 2016, Friday for the issue of Monday 20 June 2016
- 20 June 2016, Monday for the issue of Monday 27 June 2016
- 27 June 2016, Monday for the issue of Monday 04 July 2016
- 04 July 2016, Monday for the issue of Monday 11 July 2016
- 11 July 2016, Monday for the issue of Monday 18 July 2016
- 18 July 2016, Monday for the issue of Monday 25 July 2016
- 25 July 2016, Monday for the issue of Monday 01 August 2016
- 01 August 2016, Monday for the issue of Monday 08 August 2016
- 05 August 2016, Friday for the issue of Monday 15 August 2016
- 15 August 2016, Monday for the issue of Monday 22 August 2016
- 22 August 2016, Monday for the issue of Monday 29 August 2016
- 29 August 2016, Monday for the issue of Monday 05 September 2016
- 05 September 2016, Monday for the issue of Monday 12 September 2016
- 12 September 2016, Monday for the issue of Monday 19 September 2016
- 19 September 2016, Monday for the issue of Monday 26 September 2016
- 26 September 2016, Monday for the issue of Monday 03 October 2016
- 03 October 2016, Monday for the issue of Monday 10 October 2016
- 10 October 2016, Monday for the issue of Monday 17 October 2016
- 17 October 2016, Monday for the issue of Monday 24 October 2016
- 24 October 2016, Monday for the issue of Monday 31 October 2016
- 31 October 2016, Monday for the issue of Monday 07 November 2016
- 07 November 2016, Monday for the issue of Monday 14 November 2016
- 14 November 2016, Monday for the issue of Monday 21 November 2016
- 21 November 2016, Monday for the issue of Monday 28 November 2016
- 28 November 2016, Monday for the issue of Monday 05 December 2016
- 05 December 2016, Monday for the issue of Monday 12 December 2016
- 09 December 2016, Friday for the issue of Monday 19 December 2016
- 19 December 2016, Monday for the issue of Monday 26 December 2016
- 23 December 2016, Friday for the issue of Monday 02 January 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, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 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, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 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**NOTICE SUBMISSION PROCESS**

3. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
4. 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.
5. 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.
6. Each notice submission should be sent as a single email. The email should contain **all documentation relating to a particular notice submission**, each as a separate attachment:
 - 6.1. Electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 6.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 6.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 6.2. 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
 - 6.3. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should also be attached as a separate attachment. (See specifications below, point 11).
 - 6.4. Any additional notice information if applicable.
7. 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.
8. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
9. 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.
10. 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**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

11. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
 - 11.1. 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).
 - 11.2. 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

12. 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.
13. 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

14. 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

15. 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:
 - 15.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
 - 15.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
 - 15.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
 - 15.4. 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**

16. 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.
17. 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

18. The Government Printer will assume no liability in respect of—
 - 18.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 18.2. 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;
 - 18.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

19. 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.

20. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
21. 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

22. 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.
23. 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.
24. 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.
25. 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.
26. 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**.
27. 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

28. 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.
29. 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:

For queries and quotations, contact: Gazette Contact Centre:

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

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 72 OF 2016

EMTHANJENI MUNICIPAL NOTICE STANDING RULES AND ORDERS FOR THE MEETINGS OF THE COUNCIL AND ITS COMMITTEES

The municipal council for Emthanjeni Municipality adopted the following bylaws at its meeting held on 13 July 2016 in terms of section 165 (2) of the Constitution of the Republic of South Africa (Act No. 108 of 1996) read with section 31 (2) of the Local Government: Municipal Structures Act, 1998 and hereby publishes the bylaws 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 Provincial Gazette.

TABLE OF CONTENTS

1. Application of the rules
2. Definitions
3. Meetings of the council open to the public
4. Council meetings
5. Special council meetings
6. Service of notices
7. Non-service of notice
8. Urgent matters
9. Conduct at meetings
10. Interpretation of the rules
11. Quorum and acts of council
12. Decisions and voting
13. When councilors may not attend or participate in meetings
14. Walkout
15. Count out
16. Adjourned meetings
17. Notice of adjourned meetings
18. Chairperson of meetings
19. Agenda
20. Business at council meeting
21. Leave of absence
22. Minutes to be kept and confirmation thereof
23. No discussion on minutes under confirmation of minutes
24. Petitions to be written, typed or printed
25. Deputations to submit memoranda
26. Reception of deputations
27. Moving a report
28. Motions
29. Precedence of the Speaker
30. Relevance
31. Councilor to speak only once
32. Debate management
33. Length of speeches
34. Disorderly conduct of councilor and the duty of the chairperson
35. Obstruction by persons other than councilors
36. Points of order and personal explanations
37. Questions
38. Terms of reference of sub-committees
39. Council may increase or restrict powers
40. Minutes of executive committee / committees and sub-committees
41. Inspection of minute books by councilors
42. Non-attendance of members of committees
43. Members of council attending committee meetings of which they are not members
44. Information to be obtained from municipal manager and head of department concerned
45. Information to the press or other media: In-Committee discussions
46. Suspension of standing orders
47. Legal defense and indemnification of councilors and officers of the council
48. Speaker may refer matters for legal advice
49. Activities prohibited within the council chamber or meeting venue and the use of the council chamber by other persons or institutions
50. Ward Committees
51. Sanctions and offences

52. Dress code

1. Application of rules

- 1.1 The rules of order contained herein apply to all meetings of the municipal council and any committee of the municipal council as well as any other committee of councilors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- 1.2 The rules are aimed at allowing free, open and constructive debate during meetings. The rules are encouraged and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.
- 1.3 The rules endeavor to create the opportunity for councilors serving in council structures to air their view on any matter of public importance.
- 1.4 The rules of order are applicable to:
- 1.4.1 All councilors;
 - 1.4.2 Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act;
 - 1.4.3 Any municipal official of the municipality; and
 - 1.4.4 Any member of the public while present in the council chamber and precinct.

2. Definitions

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

"Committee" shall mean any committee established in the municipality, including committees established in terms of section 79 and 80 of the Structures Act; "Constitution" shall mean the Constitution of the Republic of South Africa, 1996; "Council" shall mean the municipal council for the Emthanjeni Municipality;

"Councilor" shall mean a member of the municipal 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;

"Executive Committee" shall mean the committee appointed in terms of section 42 (2) of the Structures Act;

"Executive Mayor" shall mean the Executive Mayor of the municipality as elected in terms of section 55 of the Structures Act;

"In Committee" shall mean the part of the meeting of the municipal 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 being transacted; "Mayor" shall mean the Mayor of the municipality as elected in terms of section 48 of the Structures Act;

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

"Member" shall mean a councilor serving in the municipal council of the municipality; "Motion" shall mean a matter submitted by a member in accordance with 28 below; "Municipality" shall mean the Emthanjeni Municipality;

"Point of order" shall mean a point raised by a councilor during the council meeting and shall only relate to a matter of procedure and provided for in the rules of order; "Privilege" shall mean the right of freedom of speech for councilors in council and committee meetings, subject to the rules of order of any ruling of the Speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings

for anything they said, produced or submitted to the Council or Committee; "Procedural motion" shall mean a matter raised by a member at a meeting in terms of section 28;

"Report" shall mean any item appearing on the agenda for consideration by the council or a committee;

"Sargent-at-arms" shall mean a person in the full time employment of the municipality entrusted to assist the Speaker to maintain order during council meetings and assisted by such staff members as the Speaker may direct;

"Senior managers" shall mean the persons appointed by the council as the municipal manager and all managers directly accountable to the municipal manager as approved on the official organizational structure of the municipality

"Speaker" shall mean the person as elected in terms of section 36 of the Structures Act;

"Structures Act" shall mean the Local Government: Municipal Structures Act, 1998; "Sub-committee" means any other committee, other than the executive committee / mayoral committee or committees appointed by the council or the executive committee;

"Systems Act" shall mean the Local Government: Municipal Systems Act, 2000; "Traditional Leader" shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal council in terms of section 81 of the Structures Act;

"Whip" shall mean a member of the municipal council appointed by each political party represented in the council;

"Whip of the Council" shall mean the person elected as the Whip of the Council.

3. Meeting of council open to public

- 3.1 The Municipal Council shall conduct its business in an open manner and every meeting of the council and all committees, including the executive committee 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 Systems Act.
- 3.2 The Council will deal In Committee when discussing any of the following matters:
- 3.2.1 a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
 - 3.2.2 personal and private information of any councilor or an employee of the municipality;
 - 3.2.3 the intention of the municipality to purchase or acquire land or buildings;
 - 3.2.4 the price a municipality may offer for the purchase or acquisition of land or buildings;
 - 3.2.5 any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
 - 3.2.6 disciplinary proceedings or proposed disciplinary proceedings again against any employee;

3.2.7 any matter that might not be disclosed in terms of legislation;

3.2.8 consideration of the minutes of previous In Committee discussions. 3.3 A councilor may, when an item in the agenda is put to order, other than a matter referred to in 3.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with In Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

4. Council meetings

The Council shall hold an ordinary meeting for the transaction of business not less than once in every three months.

5. Special council meetings

5.1 The Speaker may at any time of own accord and shall, upon request in writing of a majority of the councilors of the municipality, call a special meeting of the council, provided that no such special meeting shall take place unless all councilors were given at least 48 hours' notice prior to the date and time set for the meeting.

5.2 In the event where the Speaker fails and/or refuses to call a special meeting when requested in accordance with 5.1 above, the Municipal Manager of the municipality may call the meeting.

6. Service of notices

At least 7 days before any ordinary meeting of the council and at least forty eight hours before any special meeting of the council, a notice to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Speaker or the Municipal Manager as contemplated in 5.2 above, shall be left or delivered to an accessible distribution point within the municipality as determined by the council from time to time / sent by electronic mail to an address provided by the councilor as his/her official address / mail address.

7. Non-service of notices

Accidental omission to serve on any councilor a notice of meeting shall not invalidate the proceedings of that meeting.

8. Urgent matters

8.1 No business shall be transacted at a meeting of the council or any committee other than that specified in the agenda relating thereto, except any matters which the relevant chairperson considers urgent and the said chairperson has ruled the matter to be urgent.

8.2 The Municipal Manager may raise matters which in his / her discretion is urgent, for decision by the council. A matter will be deemed urgent when the decision required, if delayed, would prejudice the Council and / or its operations.

8.3 The Speaker or chairperson of the meeting will determine an appropriate time when the Municipal Manager may raise urgent matters and the time available for discussion thereof; Provided that the Speaker may rule that the matter is not urgent as defined in 8.2 above.

9. Conduct at meetings

The Speaker or the chairperson of the meeting in the event of a meeting other than a council meeting shall:

1. Maintain order during meetings
2. Ensure compliance with the Code of Conduct for Councilors during meetings
3. Ensure that meetings are conducted in accordance with the rules
4. Ensure that members conduct themselves in a dignified and orderly manner during meetings
5. Ensure that members of the public attending meetings are seated in areas designated for that purpose
6. 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
7. Ensure that any councilor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting
8. Ensure that the Whip of each political party represented in the municipal council as well as the Whip of Council maintains discipline during any meeting.

10. Interpretation of rules

10.1 The ruling of the Speaker or the chairperson in the event of a meeting other than a council meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding: Provided that the Speaker / chairperson may be required to provide reasons for a ruling.

10.2 Any ruling made by the Speaker must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.

10.3 Any interpretation and ruling made by the Speaker should be registered by the Municipal Manager in such register kept for this purpose by the Municipal Manager and kept for safekeeping similar to the agendas and minutes of all meetings.

11. Quorum and acts of council

11.1 A majority of the councilors must be present at a meeting of the council before any matter may be considered and / or voted on.

11.2 In the event of no quorum for a meeting, the meeting must be suspended for no more than 20 minutes, and if at the end of the said period there is still no quorum, the Speaker or

chairperson may suspend the meeting for such a period he/she deems fit and thereafter adjourn the meeting to another date, time and/or venue.

12. Decisions and Voting

- 12.1 Subject to 12.3 below, all matters will be decided by a majority of councilors present at the meeting.
- 12.2 Before a formal vote is taken on any matter before the Council, the Speaker shall cause the bells to be rung for a period of 1 minute, after which all doors shall be closed and no member or other person shall be allowed to enter or leave the chamber.
- 12.3 Any matter referred to in section 160(2) of the Constitution shall be decided on by a majority of the councilors in the municipal council.
- 12.4 If on any question there is an equality of votes, the Speaker of chairperson of the Committee may exercise a casting vote in addition to that particular councilor'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 a casting vote.
- 12.5 If the Speaker or chairperson of a meeting asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations are adopted.
- 12.6 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.
- 12.7 The Municipal Manager or an official designated by him 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 councilor a ballot paper bearing the official mark or logo of the municipal council, and having the alternates to be voted for clearly depicted thereon, substantially in accordance with the following:

Date :.....

Proposal or motion to be voted for	Councilor's vote (X) : For or against
1.	
2.	

- 12.8 The municipal manager shall collect all the ballot papers and count same in the presence of a representative from each party represented on the council or committee and present at such meeting.
- 12.9 The Speaker or chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon the minutes.
- 12.10 The number of members voting will be recorded, and the general result of the 9 vote. The outcome of the voting will be announced by the Speaker.
- 12.11 A member may abstain from voting without leaving the chamber.
- 12.12 A member may request that his/her support / dissent / abstention be recorded in the minutes of the meeting.

13. When councilors may not attend and participate in the proceedings of the council, executive committee, portfolio committee or sub-committee

A councilor shall-

- 13.1 Disclose to the council, or to any committee of which that councilor is a member, any direct personal or private business interest that the councilor, or the spouse, partner or business associate of that councilor may have in any matter before the council or the committee;
- 13.2 Withdraw from the proceedings of the council or committee meeting when the matter is being considered by the council or committee, unless the council or the committee decides by resolution, that the councilor's direct or indirect interest in the matter is trivial or irrelevant. A councilor 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 the deliberation and vote on the matter taking place, subject always to the ruling of the Speaker or chairperson on the time to be allowed for such an address.
- 13.3 A councilor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councilor is aware at the first meeting of the council or committee of the council at which it is possible for the councilor to make a disclosure.
- 13.4 This provision does not apply to an interest or benefit which a councilor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.

14. Walkout

If a councilor or group of councilors leave any meeting in protest, and the remainder of the councilors constitute a quorum the business of the meeting shall be proceeded with.

15. Count out

If during any sitting of the council or any committee, the attention of the Speaker or chairperson is called to the number of members 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 11 above.

16 Adjourned meetings

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

17. Notice of adjourned meeting

When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of the council or committee, specifying the time, date and place of such adjourned meeting, except under the circumstances contemplated in 34 below.

18. Chairperson of meetings

18.1 At every meeting of the council the Speaker, or if he/she is not present, an Acting Speaker shall be the chairperson. An acting Speaker may be elected by the majority of councilors present at any meeting of the council where the Speaker is not present.

18.2 The Mayor shall chair meetings of the Executive Committee and if not present, the Deputy Mayor or if the Deputy Mayor is also not available, any other councilor appointed by a majority members of the executive committee in attendance.

18.3 The chairperson appointed by the Executive Committee shall chair meetings of the portfolio committees.

18.4 The person so nominated by the council, Executive Committee or committee shall chair meetings of committees and sub-committees; Provided that where no such person was nominated the members present may elect their own chairperson.

19. Agenda

19.1 Subject to 19.2 and 19.3 below, all meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated.

19.2 The Speaker or chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.

19.3 The Speaker or chairperson may, after considering a duly motivated request, direct that a matter be moved between the confidential and open parts of the agenda.

20. Business at council meetings

The order of business at every ordinary meeting of the council, the executive committee / mayoral committee or a committee is as follows:

Council	Executive Committee Mayoral Committee	Committee
<ul style="list-style-type: none"> • Opening: Moment of reflection • Notice of the meeting • Applications for leave of absence • Acceptance of the agenda • Declaration of interest • <u>Announcements</u> • Presentations • Confirmation of minutes from previous minutes • Outstanding matters • Submission of reports from Council representatives from District/Local municipality • Reports of the Executive Committee / Executive Mayor, under the sections: recommendations to the council, decisions under delegated authority and decisions of the Executive Mayor taken with the Mayoral Committee • Reports from MPAC • Report from the Audit Committee □ □ Reports on ward committees / consolidated report on ward committees • Report on SALGA activities • Monthly Activities • Input by the Traditional Leader Reports for noting • Reports for consideration • Reports - In-Committee; • Notice of Motion • Questions 	<ul style="list-style-type: none"> • Opening: Moment of reflection • Notice of the meeting • Applications for leave of absence • Acceptance of the agenda • Declaration of interest • <u>Announcements</u> • Presentations • Confirmation of minutes from previous minutes • Outstanding matters • Reports from Portfolio Committees • Reports from Audit Committees • Reports for noting • Reports for consideration • In-Committee reports • Urgent reports allowed-only with the consensus of the chairperson; and 	<ul style="list-style-type: none"> • Opening: Moment of reflection • Notice of the meeting • Applications for leave of absence • Acceptance of the agenda • Declaration of interest • <u>Announcements</u> • Presentations • Confirmation of minutes from previous minutes • Outstanding matters • Reports for noting • Reports for consideration • In-Committee reports • Notice of Motion • Urgent reports allowed only with the consensus of the chairperson; and

<ul style="list-style-type: none"> Urgent reports - allowed only with the consensus of the chairperson; and 		
--	--	--

21. Leave of absence

21.1 Applications for leave of absence from any council or committee meeting must be submitted to the Speaker or the chairperson in writing and signed by the member applying for leave.

21.2 All applications for leave must be submitted at least 12 hours before the starting time of the meeting.

21.3 The Speaker or chairperson shall grant leave at his or her discretion, and the Speaker is at liberty to reject such application for leave of absence.

21.4 Leave will be deemed to have been granted if a councilor has been delegated to attend a meeting or engagement on behalf of the council.

22. Minutes to be kept and confirmation thereof

22.1 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 Director: Corporate Services. The Municipal Manager shall be responsible for the correctness of the same, and the minutes of every meeting shall be confirmed at the next ordinary meeting.

22.2 Minutes of the proceedings of every meeting of the council or a committee shall be word processed or typed and printed, and shall if confirmed, be signed at the next ensuing ordinary meeting by the chairperson. Minutes shall be bound and kept secure.

22.3 The Municipal Manager must ensure that the minutes reflect the names of the members that attended the meeting, those that are absent and those that have been granted leave of absence.

23. No discussion on minutes under confirmation of minutes

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

24. Petitions to be written, typed or printed

Petitions, which must be clearly written, typed or printed, must be signed by not less than three citizens and must be couched in respectful language and presented to the office of the Municipal Manager who shall, if he/she deems it necessary, bring the matter before the executive committee.

Deputations wishing to be received by the executive committee shall be required, in the first instance to send a duly motivated memorandum in writing requesting same, and the Municipal Manager shall bring the memorandum before the executive committee, which it may authorize, if it sees fit to receive the deputation, and to report to the council forthwith.

26. Reception of deputations

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

27. Moving a report

The Speaker or chairperson shall move the recommendation contained in a report unless he/she shall have previously stated his/her disagreement with it. The chairperson of a committee or other member presenting a report may withdraw or amend any section with the consent of the committee, only if it has been established that a particular item or items in the original report was or were incorrectly recorded or it has been established that it would be in the best interest of the council not to adopt a recommendation or a part or parts thereof.

28. Motions

28.1 No matter shall be brought before the council or a committee by any member of the council except upon a notice of motion, which shall be in writing and signed by the member giving the notice as well as the member seconding it: Provided that a person who has a personal electronic mail address from where he or she can be identified by the Municipal Manager, can submit such motion by electronic mail.

28.2 Any notice of motion shall be submitted to the Speaker or chairperson before 12:00, ten days prior to the meeting of the council or committee.

28.3 A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated.

28.4 A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.

28.5 When a member introduces a motion which is intended to rescind or amend a resolution passed by the council in the preceding three months or which has the purport as a motion that was not supported within the three preceding months shall not be entertained.

28.6 When dealing with motions the motion shall be read out together with the number thereof and the name of the mover.

28.7 The Speaker or chairperson shall ascertain which motions are unopposed and these shall be passed without debate and

thereafter the opposed motions shall be called in accordance with the order of the agenda.

28.8 All notices of motion shall be dated and numbered as received by the Municipal Manager, and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motions shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.

28.9 No member shall have more than two notices of motion on the same agenda at the same time.

28.10 Before any notice of motion is placed on the agenda paper it shall be submitted to the Municipal Manager who must obtain the written technical input from the various heads of department of the municipality, if it is required, and, who, if he/she be of the opinion that it is ultra vires existing legislation, shall cause the giver of the notice to be so informed.

The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the Speaker, Mayor and Whip of the Council, who shall review the matter and decide whether or not such notice of motion be placed on the agenda paper.

28.11 A motion affecting the making or amending of a by-law, shall be submitted to the Speaker for a report before the council passes a resolution in this regard.

28.12 The Speaker may disallow a motion which:

- May lead to discussions of a matter already dealt with on the agenda
- Addresses a matter where the Council has no jurisdiction
- Addresses a matter where a decision of a judicial or quasi-judicial body is pending
- Has not been seconded
- If passed, would be contrary to the law.

28.13 The mover with the consent of the seconder may withdraw a motion or amendment.

28.14 The Speaker or chairperson may call upon any mover of an amendment to a motion to reduce the same to writing, and, after signing it, to hand it to the Municipal Manager to read the amendments for the meeting to either adopt or reject such amendment.

28.15 Except upon the recommendation of the committee to which the council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of the council shall be revoked or altered at any subsequent meeting unless notice of motion so to revoke or alter such resolution shall have been given to the Municipal Manager at least seven days before such subsequent meeting and the Municipal Manager shall, at least two days before such subsequent meeting, have forwarded a copy of such notice of motion to each councillor.

29. Precedence of the Speaker

29.1 During the sitting of the council or a committee, members, except lady 15 members and members in traditional, cultural or religious headdress shall have their heads uncovered.

29.2 When speaking, councillors shall be seated, but at all times, address their speech to the Speaker or chairperson.

29.3 Whenever the Speaker or chairperson speaks, any member then speaking or offering to speak must be silent in order for the Speaker to be audible and speak without interruption.

30. Relevance

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

31. Councillor to speak once only

Except for otherwise provided for in these rules, no speaker shall speak more than once on any recommendation, motion or proposal, provided that the Mayor or a member may reply in conclusion of a debate, but shall confine him / her to answering to previous speakers and shall not introduce any new matter into the debate.

32. Debate management

32.1 Time allocated to each political party or interest group will be determined by the Speaker.

32.2 At least 24 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or chairperson with a list indicating which items on the agenda are to be debated.

32.3 At least 12 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or chairperson with a list indicating which members will speak on which item included in the agenda.

32.4 The Speaker will determine the allocation of time per item and inform the whips of the speaking time allowed to each member included in the list, based on the principle in 32.1 above.

32.5 Each political party or interest group represented in the municipality has the right to speak on each item on the agenda.

33. Length of speeches

33.1 No speech shall exceed three (3) minutes in length without the consent of the Speaker. This period shall exclude consecutive translation time required.

33.2 The Speaker or the chairperson shall be entitled to, at any time, to set, 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.

33.3 The time limits shall be at the sole discretion of the Speaker or chairperson guided by the principles of fairness, democracy, efficiency and good governance.

34. Disorderly conduct of councilor and the duty of the chairperson

- 34.1 If at any meeting of the council or committee a councilor conducts himself or herself in an improper fashion, behaves in an unseemly manner or persistently obstructs business to be carried out or challenges the ruling of the Speaker or chairperson on any point of order or declines to withdraw an expression when required to do so by the chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the chairperson shall direct such councilor to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, as he/she was standing.
- 34.2 In the event of persistent disregard of the directions of the Speaker or chairperson, the Speaker or chairperson shall direct such councilor to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him/her to be ejected there from.
- 34.3 The Speaker or a chairperson may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair, provided that a formal process will be initiated after the conclusion of the meeting.
- 34.4 Where a councilor refuses to retire or in the event of more than one councilor having to be ejected from the meeting, and such councilor/s refuse/s to leave the meeting, the Speaker shall request the Sergeant at Arms to facilitate the removal of such councilor/s from the chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant councilors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the councilor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any councilor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Sergeant at Arms of the council will ensure that such councilor/s does not enter such an alternative venue.

35. Obstruction by persons other than councilors

Any person, other than a councilor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the council or any committee at any meeting shall, if the Speaker or chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person refuses to leave, the Sergeant-at-arms will be responsible to remove such person from the meeting. The chairperson may exclude such person from further admittance to the council chamber or the meeting venue for such period as it may be deemed fit.

36. Points of order and personal explanation

- 36.1 Any member, regardless of whether he/she addressed the Council on the matter under debate or not, may:
- raise a point of order
 - raise a point of personal explanation at the end of the debate
- 36.2 Any point of order or personal explanation will not constitute a speech and will therefore not affect the right of any member to speak on a particular item, provided that the member will not be allowed to spend more than 2 (two) minutes on the point of order or personal explanation.
- 36.3 Any member contemplated in 36.1 shall be entitled to be heard and the councilor speaking at the time shall remain silent until a ruling has been made by the Speaker or chairperson.
- 36.4 The ruling of the Speaker or chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.
- 36.5 Any member will only be allowed to raise one point of order and one point of personal explanation during the council meeting. Only one point of order on the same matter will be allowed.
- 36.6 Any member persisting in a point of order or personal explanation after a ruling has been made by the Speaker will be subject to the provision of point 34 above.

37. Questions

- 37.1 Any member may submit a question requiring a written reply from any political office bearer, the municipal manager or senior manager of the municipality, concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers, provided that a written notice of such a question has been submitted to the Speaker or chairperson and the municipal manager at least 10 (ten) days prior to the council or committee meeting and the political office bearer and the municipal manager shall ensure that the member receive a written reply at the meeting.
- 37.2 If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, he or she may, with the permission of the Speaker or chairperson, request a follow up question.
- 37.3 All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

38. Terms of reference of sub-committees

Upon the appointment of any sub-committee the council a committee shall specifically determine the terms of reference of such sub-committee and shall fix the quorum of such sub-committee. The council's standing rules and orders shall apply to all sub-committees.

39. Council may increase or restrict powers

With the exception of the Executive Committee whose functions are determined in terms of the Structures Act, and the committees whose functions and powers are determined in terms of Section 80 of the Structures Act by the Executive Committee, the council may at any time extend, withdraw or modify the duties and powers of a committee or sub-committee appointed in terms of Section 79 of the Structures Act.

40. Minutes of Executive Committee, committees and sub-committees

Every committee, including the Executive Committee, except when specifically exempted from this provision by a resolution of the council or the executive committee in view of the sensitivity, confidentiality or otherwise of the subject matter of a particular meeting and provided the final resolution or recommendation is duly recorded in writing, shall record minutes of its proceedings and cause the same to be duly kept by the Director Corporate Services. At every ordinary meeting of a committee the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been sent to each member of the committee twenty four hours previously. No discussion shall be allowed upon the minutes, except as to their accuracy save at portfolio committees and even then at the sole discretion of the chairperson.

41. Inspection of minute books by councilors

The minutes of every council or committee shall be open for inspection by every member of the council during office hours; provided the demands of duties of the registry and secretariat staff is taken into account.

42. Non-attendance of members of committees

42.1 Should any member of a committee fail to attend three consecutive meetings of the same committee of which he or she is a member, without leave of absence having been granted as contemplated in 21 above, he/she shall be required to submit a motivation for such absence and if the Speaker are not satisfied with such explanation, it shall be reported to the municipal council that the councilor is deemed to have forfeited his/her seat on such committee, and such forfeiture shall be reported to the council or the executive committee to the end that the vacancy may be filled by the executive committee.

43. Members of council attending committee meetings of which they are not members

43.1 Members of the municipal council may attend the meeting of any committee that they are not a member of, but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings.

43.2 The provisions of 43.1 will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the executive will be requested to attend the MPAC meeting and the request for attendance will specify the matters that the member of the executive will be expected to address the MPAC on.

43.3 The rules with regard to agendas as set out above will also be applicable to requests to attend MPAC and address it.

43.4 Any member of the executive requested to attend the MPAC may instruct the municipal manager or a senior manager to accompany him/ her to the MPAC meeting but may not instruct such official to appear and address the MPAC on his / her behalf.

44. Information to be obtained from municipal manager or the head of department concerned

Subject to the provisions of 37 above, members of the council who desire to obtain from any official of the council information with regard to the administrative work of the council, which is not accessible to the general public, should address their enquiries firstly to the Municipal Manager and then to the relevant senior manager.

45. Information to the press or other media: In-committee discussions

45.1 The Mayor, or in his/her absence, the Speaker and the Municipal Manager in their discretion may, on application being made to him/her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the municipality.

45.2 In view of the Municipal Manager, the Speaker or the Mayor being the authorised channel through which the media may receive information and reports, members of the council are therefore expected to refrain from sending to the media documents or information supplied to them with a view to their consideration by the council or any committee: Provided that this clause shall not be construed as abrogating a councilors individual constitutional right to make press statements which reflect his/her own personal or political view and not that of the council, further provided however, that no discussion that took place in-committee may be conveyed to the public or the press except by the Mayor, Speaker or Municipal Manager.

45.3 Chairpersons of committees must liaise with the Mayor, Speaker and Municipal Manager for the publication of any information relating to committee and the Municipal Manager shall arrange, if approved, the publication of the relevant information.

46. Suspension of standing orders

No standing order shall be suspended without the vote of a majority of the members of the council or of three-fourths of the members present and a motion duly seconded to suspend the standing orders shall be put without debate.

47. Legal defense and indemnification of councilors and officers of the council

The council may determine the circumstances in which it will undertake the defense of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, a councilor or an official may have against any person, body, organisation or institution arising from the councilor's or official's capacity as a councilor or official of the Municipality.

48 Speaker may refer matters for legal advice

The Speaker shall be entitled, within the framework of the approved operational budget of the municipality and subject to the supply chain management policy, to refer any matter pertaining to the council and its proceedings, for legal opinion to the council's legal advisors.

49. Activities prohibited within the council chamber or a meeting venue and the use of the council chamber by other persons or institutions

49.1 The decorum of the council chamber as the official seat of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.

49.2 The following activities are strictly prohibited from being conducted within the confines of the council chamber or a meeting venue of the council or its committees by any person:

- Having a cellular telephone that is not on silent mode and speaking on a cellular phone during the meeting;
- Consuming any food or drink in his/her possession, excluding water provided at the meeting.

49.3 Caucus meetings of the various political parties may be held in the chamber provided it is booked with the Chief Administration Officer prior to the meeting, and subject to such bookings to be on a rotational basis for all the parties.

49.4 The use of the council chamber by any other person or institution, other than a recognised committee, body of or person in the employ of the Municipality shall be subject to the approval by the Speaker, and at all times subject to the availability thereof in terms of the council's calendar of use, and the purpose for which it is applied for. Applications for use shall be made in writing to the Speaker who shall confer with the Director Corporate Services in making the venue available in writing.

50. Ward committees

The council may by resolution determine the rules of procedure for the election of ward committees, the procedures at meetings, the reporting rules, and the rendering of secretarial services to these committees

51. Sanctions and offences

Any person who willfully contravenes any provision of these rules shall be guilty of an offence and shall be subject to the following sanctions imposed by the council:

- 51.1 Having a fine imposed by the council as determined by it from time to time for the categories of offences as approved by it by resolution from time to time;
- 51.2 Be suspended from the attendance of council or committee meetings as the council may determine for such a period as the council may by resolution determine from time to time for the categories of offences as determined by it.

52. Dress code

52.1 The Council may by resolution prescribe a dress code for councilors and traditional leaders attending meetings.

52.2 Notwithstanding the provisions of any resolution passed in accordance with 52.1, no councilor shall be allowed to wear any clothing or accessory containing party political paraphernalia to any meeting.

NOTICE 73 OF 2016

//KHARA HAIS MUNICIPALTY

Spatial Planning and Land Use Management Act, 2013 [ACT 16 of 2013]

Notice is given in terms of the provisions of Spatial Planning and Land Use Management Act, 2013 [ACT 16 of 2013], that the Council of //Khara Hais has, with effect from 11 May 2016, per resolution 2016/05/02/1881/01 (MPT), approved the removal of the restrictive Title conditions of Title Deed T443/1987, Section C. I. (a), (b), (c) and (d) to facilitate the rezoning of Erf 1881, Upington.

KENNISGEWING 73 VAN 2016

MUNISIPALITEIT //KHARA HAIS MUNICIPALTY

"Spatial Planning and Land Use Management Act", 2013 [Wet 16 van 2013]

Hierby word ooreenkomstig die bepalings van "*Spatial Planning and Land Use Management Act*", 2013 [Wet 16 van 2013] bekend gemaak dat die //Khara Hais Raad per besluit 2016/05/02/1881/01 (MPT), met ingang van 11 Mei 2016, goedgekeur het dat die beperkende Titelvoorwaardes soos uiteengesit in Titelakte T443/1987, Afdeling C. I. (a), (b), (c) en (d), ten einde die hersonering op Erf 1881 Upington toe te laat.

NOTICE 74 OF 2016**EMTHANJENI MUNICIPAL NOTICE****STANDING RULES AND ORDERS FOR THE MEETINGS OF THE COUNCIL AND ITS COMMITTEES**

The municipal council for Emthanjeni Municipality adopted the following bylaws at its meeting held on 13 July 2016 in terms of section 165 (2) of the Constitution of the Republic of South Africa (Act No. 108 of 1996) read with section 31 (2) of the Local Government: Municipal Structures Act, 1998 and hereby publishes the bylaws 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 Provincial Gazette.

TABLE OF CONTENTS

1. Application of the rules
2. Definitions
3. Meetings of the council open to the public
4. Council meetings
5. Special council meetings
6. Service of notices
7. Non-service of notice
8. Urgent matters
9. Conduct at meetings
10. Interpretation of the rules
11. Quorum and acts of council
12. Decisions and voting
13. When councilors may not attend or participate in meetings
14. Walkout
15. Count out
16. Adjourned meetings
17. Notice of adjourned meetings
18. Chairperson of meetings
19. Agenda
20. Business at council meeting
21. Leave of absence
22. Minutes to be kept and confirmation thereof
23. No discussion on minutes under confirmation of minutes
24. Petitions to be written, typed or printed
25. Deputations to submit memoranda
26. Reception of deputations
27. Moving a report
28. Motions
29. Precedence of the Speaker
30. Relevance
31. Councilor to speak only once
32. Debate management
33. Length of speeches
34. Disorderly conduct of councilor and the duty of the chairperson
35. Obstruction by persons other than councilors
36. Points of order and personal explanations
37. Questions
38. Terms of reference of sub-committees
39. Council may increase or restrict powers
40. Minutes of executive committee / committees and sub-committees
41. Inspection of minute books by councilors
42. Non-attendance of members of committees
43. Members of council attending committee meetings of which they are not members
44. Information to be obtained from municipal manager and head of department concerned
45. Information to the press or other media: In-Committee discussions
46. Suspension of standing orders
47. Legal defense and indemnification of councilors and officers of the council
48. Speaker may refer matters for legal advice
49. Activities prohibited within the council chamber or meeting venue and the use of the council chamber by other persons or institutions
50. Ward Committees
51. Sanctions and offences

52. Dress code

1. Application of rules

- 1.1 The rules of order contained herein apply to all meetings of the municipal council and any committee of the municipal council as well as any other committee of councilors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- 1.2 The rules are aimed at allowing free, open and constructive debate during meetings. The rules are encouraged and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.
- 1.3 The rules endeavor to create the opportunity for councilors serving in council structures to air their view on any matter of public importance.
- 1.4 The rules of order are applicable to:
- 1.4.1 All councilors;
 - 1.4.2 Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act;
 - 1.4.3 Any municipal official of the municipality; and
 - 1.4.4 Any member of the public while present in the council chamber and precinct.

2. Definitions

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

“Committee” shall mean any committee established in the municipality, including committees established in terms of section 79 and 80 of the Structures Act; “Constitution” shall mean the Constitution of the Republic of South Africa, 1996; “Council” shall mean the municipal council for the Emthanjeni Municipality;

“Councilor” shall mean a member of the municipal 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;

“Executive Committee” shall mean the committee appointed in terms of section 42 (2) of the Structures Act;

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

“In Committee” shall mean the part of the meeting of the municipal 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 being transacted; “Mayor” shall mean the Mayor of the municipality as elected in terms of section 48 of the Structures Act;

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

“Member” shall mean a councilor serving in the municipal council of the municipality; “Motion” shall mean a matter submitted by a member in accordance with 28 below; Municipality” shall mean the Emthanjeni Municipality;

“Point of order” shall mean a point raised by a councilor during the council meeting and shall only relate to a matter of procedure and provided for in the rules of order; “Privilege” shall mean the right of freedom of speech for councilors in council and committee meetings, subject to the rules of order of any ruling of the Speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings

for anything they said, produced or submitted to the Council or Committee; “Procedural motion” shall mean a matter raised by a member at a meeting in terms of section 28;

“Report” shall mean any item appearing on the agenda for consideration by the council or a committee;

“Sargent-at-arms” shall mean a person in the full time employment of the municipality entrusted to assist the Speaker to maintain order during council meetings and assisted by such staff members as the Speaker may direct;

“Senior managers” shall mean the persons appointed by the council as the municipal manager and all managers directly accountable to the municipal manager as approved on the official organizational structure of the municipality

“Speaker” shall mean the person as elected in terms of section 36 of the Structures Act;

“Structures Act” shall mean the Local Government: Municipal Structures Act, 1998; “Sub-committee” means any other committee, other than the executive committee / mayoral committee or committees appointed by the council or the executive committee;

“Systems Act” shall mean the Local Government: Municipal Systems Act, 2000; “Traditional Leader” shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal council in terms of section 81 of the Structures Act;

“Whip” shall mean a member of the municipal council appointed by each political party represented in the council;

“Whip of the Council” shall mean the person elected as the Whip of the Council.

3. Meeting of council open to public

- 3.1 The Municipal Council shall conduct its business in an open manner and every meeting of the council and all committees, including the executive committee 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 Systems Act.
- 3.2 The Council will deal In Committee when discussing any of the following matters:
- 3.2.1 a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
 - 3.2.2 personal and private information of any councilor or an employee of the municipality;
 - 3.2.3 the intention of the municipality to purchase or acquire land or buildings;
 - 3.2.4 the price a municipality may offer for the purchase or acquisition of land or buildings;
 - 3.2.5 any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
 - 3.2.6 disciplinary proceedings or proposed disciplinary proceedings against any employee;

3.2.7 any matter that might not be disclosed in terms of legislation;

3.2.8 consideration of the minutes of previous In Committee discussions. 3.3 A councilor may, when an item in the agenda is put to order, other than a matter referred to in 3.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with In Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

4. Council meetings

The Council shall hold an ordinary meeting for the transaction of business not less than once in every three months.

5. Special council meetings

5.1 The Speaker may at any time of own accord and shall, upon request in writing of a majority of the councilors of the municipality, call a special meeting of the council, provided that no such special meeting shall take place unless all councilors were given at least 48 hours' notice prior to the date and time set for the meeting.

5.2 In the event where the Speaker fails and/or refuses to call a special meeting when requested in accordance with 5.1 above, the Municipal Manager of the municipality may call the meeting.

6. Service of notices

At least 7 days before any ordinary meeting of the council and at least forty eight hours before any special meeting of the council, a notice to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Speaker or the Municipal Manager as contemplated in 5.2 above, shall be left or delivered to an accessible distribution point within the municipality as determined by the council from time to time / sent by electronic mail to an address provided by the councilor as his/her official address / mail address.

7. Non-service of notices

Accidental omission to serve on any councilor a notice of meeting shall not invalidate the proceedings of that meeting.

8. Urgent matters

8.1 No business shall be transacted at a meeting of the council or any committee other than that specified in the agenda relating thereto, except any matters which the relevant chairperson considers urgent and the said chairperson has ruled the matter to be urgent.

8.2 The Municipal Manager may raise matters which in his / her discretion is urgent, for decision by the council. A matter will be deemed urgent when the decision required, if delayed, would prejudice the Council and / or its operations.

8.3 The Speaker or chairperson of the meeting will determine an appropriate time when the Municipal Manager may raise urgent matters and the time available for discussion thereof; Provided that the Speaker may rule that the matter is not urgent as defined in 8.2 above.

9. Conduct at meetings

The Speaker or the chairperson of the meeting in the event of a meeting other than a council meeting shall:

1. Maintain order during meetings
2. Ensure compliance with the Code of Conduct for Councilors during meetings
3. Ensure that meetings are conducted in accordance with the rules
4. Ensure that members conduct themselves in a dignified and orderly manner during meetings
5. Ensure that members of the public attending meetings are seated in areas designated for that purpose
6. 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
7. Ensure that any councilor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting
8. Ensure that the Whip of each political party represented in the municipal council as well as the Whip of Council maintains discipline during any meeting.

10. Interpretation of rules

10.1 The ruling of the Speaker or the chairperson in the event of a meeting other than a council meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding: Provided that the Speaker / chairperson may be required to provide reasons for a ruling.

10.2 Any ruling made by the Speaker must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.

10.3 Any interpretation and ruling made by the Speaker should be registered by the Municipal Manager in such register kept for this purpose by the Municipal Manager and kept for safekeeping similar to the agendas and minutes of all meetings.

11. Quorum and acts of council

11.1 A majority of the councilors must be present at a meeting of the council before any matter may be considered and / or voted on.

11.2 In the event of no quorum for a meeting, the meeting must be suspended for no more than 20 minutes, and if at the end of the said period there is still no quorum, the Speaker or

chairperson may suspend the meeting for such a period he/she deems fit and thereafter adjourn the meeting to another date, time and/or venue.

12. Decisions and Voting

- 12.1 Subject to 12.3 below, all matters will be decided by a majority of councilors present at the meeting.
- 12.2 Before a formal vote is taken on any matter before the Council, the Speaker shall cause the bells to be rung for a period of 1 minute, after which all doors shall be closed and no member or other person shall be allowed to enter or leave the chamber.
- 12.3 Any matter referred to in section 160(2) of the Constitution shall be decided on by a majority of the councilors in the municipal council.
- 12.4 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 councilor’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 a casting vote.
- 12.5 If the Speaker or chairperson of a meeting asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations are adopted.
- 12.6 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.
- 12.7 The Municipal Manager or an official designated by him 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 councilor a ballot paper bearing the official mark or logo of the municipal council, and having the alternates to be voted for clearly depicted thereon, substantially in accordance with the following:

Date :.....

Proposal or motion to be voted for	Councilor’s vote (X) : For or against
1.	
2.	

- 12.8 The municipal manager shall collect all the ballot papers and count same in the presence of a representative from each party represented on the council or committee and present at such meeting.
- 12.9 The Speaker or chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon the minutes.
- 12.10 The number of members voting will be recorded, and the general result of the 9 vote. The outcome of the voting will be announced by the Speaker.
- 12.11 A member may abstain from voting without leaving the chamber.
- 12.12 A member may request that his/her support / dissent / abstention be recorded in the minutes of the meeting.

13. When councilors may not attend and participate in the proceedings of the council, executive committee, portfolio committee or sub-committee

A councilor shall-

- 13.1. Disclose to the council, or to any committee of which that councilor is a member, any direct personal or private business interest that the councilor, or the spouse, partner or business associate of that councilor may have in any matter before the council or the committee;
- 13.2. Withdraw from the proceedings of the council or committee meeting when the matter is being considered by the council or committee, unless the council or the committee decides by resolution, that the councilor’s direct or indirect interest in the matter is trivial or irrelevant. A councilor 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 the deliberation and vote on the matter taking place, subject always to the ruling of the Speaker or chairperson on the time to be allowed for such an address.
- 13.3 A councilor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councilor is aware at the first meeting of the council or committee of the council at which it is possible for the councilor to make a disclosure.
- 13.4 This provision does not apply to an interest or benefit which a councilor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.

14. Walkout

If a councilor or group of councilors leave any meeting in protest, and the remainder of the councilors constitute a quorum the business of the meeting shall be proceeded with.

15. Count out

If during any sitting of the council or any committee, the attention of the Speaker or chairperson is called to the number of members 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 11 above.

16 Adjourned meetings

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

17. Notice of adjourned meeting

When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of the council or committee, specifying the time, date and place of such adjourned meeting, except under the circumstances contemplated in 34 below.

18. Chairperson of meetings

18.1 At every meeting of the council the Speaker, or if he/she is not present, an Acting Speaker shall be the chairperson. An acting Speaker may be elected by the majority of councilors present at any meeting of the council where the Speaker is not present.

18.2 The Mayor shall chair meetings of the Executive Committee and if not present, the Deputy Mayor or if the Deputy Mayor is also not available, any other councilor appointed by a majority members of the executive committee in attendance.

18.3 The chairperson appointed by the Executive Committee shall chair meetings of the portfolio committees.

18.4 The person so nominated by the council, Executive Committee or committee shall chair meetings of committees and sub-committees; Provided that where no such person was nominated the members present may elect their own chairperson.

19. Agenda

19.1 Subject to 19.2 and 19.3 below, all meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated.

19.2 The Speaker or chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.

19.3 The Speaker or chairperson may, after considering a duly motivated request, direct that a matter be moved between the confidential and open parts of the agenda.

20. Business at council meetings

The order of business at every ordinary meeting of the council, the executive committee / mayoral committee or a committee is as follows:

Council	Executive Committee Mayoral Committee	Committee
<ul style="list-style-type: none"> • Opening: Moment of reflection • Notice of the meeting • Applications for leave of absence • Acceptance of the agenda • Declaration of interest • <u>Announcements</u> • Presentations • Confirmation of minutes from previous minutes • Outstanding matters • Submission of reports from Council representatives from District/Local municipality • Reports of the Executive Committee / Executive Mayor, under the sections: recommendations to the council, decisions under delegated authority and decisions of the Executive Mayor taken with the Mayoral Committee • Reports from MPAC • Report from the Audit Committee □□Reports on ward committees / • consolidated report on ward committees • Report on SALGA activities • Monthly Activities • Input by the Traditional Leader Reports for noting • Reports for consideration • Reports - In-Committee; • Notice of Motion • Questions 	<ul style="list-style-type: none"> • Opening: Moment of reflection • Notice of the meeting • Applications for leave of absence • Acceptance of the agenda • Declaration of interest • <u>Announcements</u> • Presentations • Confirmation of minutes from previous minutes • Outstanding matters • Reports from Portfolio • Committees • Reports from Audit Committees • Reports for noting • Reports for consideration • In-Committee reports • Urgent reports allowed-only with the consensus of the chairperson; and 	<ul style="list-style-type: none"> • Opening: Moment of reflection • Notice of the meeting • Applications for leave of absence • Acceptance of the agenda • Declaration of interest • <u>Announcements</u> • Presentations • Confirmation of minutes from previous minutes • Outstanding matters • Reports for noting • Reports for consideration • In-Committee reports • Notice of Motion • Urgent reports allowed only with the consensus of the chairperson; and

<ul style="list-style-type: none"> Urgent reports - allowed only with the consensus of the chairperson; and 		
--	--	--

21. Leave of absence

21.1 Applications for leave of absence from any council or committee meeting must be submitted to the Speaker or the chairperson in writing and signed by the member applying for leave.

21.2 All applications for leave must be submitted at least 12 hours before the starting time of the meeting.

21.3 The Speaker or chairperson shall grant leave at his or her discretion, and the Speaker is at liberty to reject such application for leave of absence.

21.4 Leave will be deemed to have been granted if a councilor has been delegated to attend a meeting or engagement on behalf of the council.

22. Minutes to be kept and confirmation thereof

22.1 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 Director: Corporate Services. The Municipal Manager shall be responsible for the correctness of the same, and the minutes of every meeting shall be confirmed at the next ordinary meeting.

22.2 Minutes of the proceedings of every meeting of the council or a committee shall be word processed or typed and printed, and shall if confirmed, be signed at the next ensuing ordinary meeting by the chairperson. Minutes shall be bound and kept secure.

22.3 The Municipal Manager must ensure that the minutes reflect the names of the members that attended the meeting, those that are absent and those that have been granted leave of absence.

23. No discussion on minutes under confirmation of minutes

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

24. Petitions to be written, typed or printed

Petitions, which must be clearly written, typed or printed, must be signed by not less than three citizens and must be couched in respectful language and presented to the office of the Municipal Manager who shall, if he/she deems it necessary, bring the matter before the executive committee.

Deputations wishing to be received by the executive committee shall be required, in the first instance to send a duly motivated memorandum in writing requesting same, and the Municipal Manager shall bring the memorandum before the executive committee, which it may authorize, if it sees fit to receive the deputation, and to report to the council forthwith.

26. Reception of deputations

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

27. Moving a report

The Speaker or chairperson shall move the recommendation contained in a report unless he/she shall have previously stated his/her disagreement with it. The chairperson of a committee or other member presenting a report may withdraw or amend any section with the consent of the committee, only if it has been established that a particular item or items in the original report was or were incorrectly recorded or it has been established that it would be in the best interest of the council not to adopt a recommendation or a part or parts thereof.

28. Motions

28.1 No matter shall be brought before the council or a committee by any member of the council except upon a notice of motion, which shall be in writing and signed by the member giving the notice as well as the member seconding it: Provided that a person who has a personal electronic mail address from where he or she can be identified by the Municipal Manager, can submit such motion by electronic mail.

28.2 Any notice of motion shall be submitted to the Speaker or chairperson before 12:00, ten days prior to the meeting of the council or committee.

28.3 A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated.

28.4 A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.

28.5 When a member introduces a motion which is intended to rescind or amend a resolution passed by the council in the preceding three months or which has the purport as a motion that was not supported within the three preceding months shall not be entertained.

28.6 When dealing with motions the motion shall be read out together with the number thereof and the name of the mover.

28.7 The Speaker or chairperson shall ascertain which motions are unopposed and these shall be passed without debate and

thereafter the opposed motions shall be called in accordance with the order of the agenda.

28.8 All notices of motion shall be dated and numbered as received by the Municipal Manager, and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motions shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.

28.9 No member shall have more than two notices of motion on the same agenda at the same time.

28.10 Before any notice of motion is placed on the agenda paper it shall be submitted to the Municipal Manager who must obtain the written technical input from the various heads of department of the municipality, if it is required, and, who, if he/she be of the opinion that it is ultra vires existing legislation, shall cause the giver of the notice to be so informed.

The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the Speaker, Mayor and Whip of the Council, who shall review the matter and decide whether or not such notice of motion be placed on the agenda paper.

28.11 A motion affecting the making or amending of a by-law, shall be submitted to the Speaker for a report before the council passes a resolution in this regard.

28.12 The Speaker may disallow a motion which:

- May lead to discussions of a matter already dealt with on the agenda
- Addresses a matter where the Council has no jurisdiction
- Addresses a matter where a decision of a judicial or quasi-judicial body is pending
- Has not been seconded
- If passed, would be contrary to the law.

28.13 The mover with the consent of the seconder may withdraw a motion or amendment.

28.14 The Speaker or chairperson may call upon any mover of an amendment to a motion to reduce the same to writing, and, after signing it, to hand it to the Municipal Manager to read the amendments for the meeting to either adopt or reject such amendment.

28.15 Except upon the recommendation of the committee to which the council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of the council shall be revoked or altered at any subsequent meeting unless notice of motion so to revoke or alter such resolution shall have been given to the Municipal Manager at least seven days before such subsequent meeting and the Municipal Manager shall, at least two days before such subsequent meeting, have forwarded a copy of such notice of motion to each councillor.

29. Precedence of the Speaker

29.1 During the sitting of the council or a committee, members, except lady 15 members and members in traditional, cultural or religious headdress shall have their heads uncovered.

29.2 When speaking, councillors shall be seated, but at all times, address their speech to the Speaker or chairperson.

29.3 Whenever the Speaker or chairperson speaks, any member then speaking or offering to speak must be silent in order for the Speaker to be audible and speak without interruption.

30. Relevance

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

31. Councillor to speak once only

Except for otherwise provided for in these rules, no speaker shall speak more than once on any recommendation, motion or proposal, provided that the Mayor or a member may reply in conclusion of a debate, but shall confine him / her to answering to previous speakers and shall not introduce any new matter into the debate.

32. Debate management

32.1 Time allocated to each political party or interest group will be determined by the Speaker.

32.2 At least 24 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or chairperson with a list indicating which items on the agenda are to be debated.

32.3 At least 12 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or chairperson with a list indicating which members will speak on which item included in the agenda.

32.4 The Speaker will determine the allocation of time per item and inform the whips of the speaking time allowed to each member included in the list, based on the principle in 32.1 above.

32.5 Each political party or interest group represented in the municipality has the right to speak on each item on the agenda.

33. Length of speeches

33.1 No speech shall exceed three (3) minutes in length without the consent of the Speaker. This period shall exclude consecutive translation time required.

33.2 The Speaker or the chairperson shall be entitled to, at any time, to set, limit or 16 extend reasonable time limits for the discussion of and/or any decision or any item or group of items on the relevant agenda.

33.3 The time limits shall be at the sole discretion of the Speaker or chairperson guided by the principles of fairness, democracy, efficiency and good governance.

34. Disorderly conduct of councilor and the duty of the chairperson

- 34.1 If at any meeting of the council or committee a councilor conducts himself or herself in an improper fashion, behaves in an unseemly manner or persistently obstructs business to be carried out or challenges the ruling of the Speaker or chairperson on any point of order or declines to withdraw an expression when required to do so by the chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the chairperson shall direct such councilor to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, as he/she was standing.
- 34.2 In the event of persistent disregard of the directions of the Speaker or chairperson, the Speaker or chairperson shall direct such councilor to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him/her to be ejected there from.
- 34.3 The Speaker or a chairperson may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair, provided that a formal process will be initiated after the conclusion of the meeting.
- 34.4 Where a councilor refuses to retire or in the event of more than one councilor having to be ejected from the meeting, and such councilor/s refuse/s to leave the meeting, the Speaker shall request the Sergeant at Arms to facilitate the removal of such councilor/s from the chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant councilors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the councilor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any councilor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Sergeant at Arms of the council will ensure that such councilor/s does not enter such an alternative venue.

35. Obstruction by persons other than councilors

Any person, other than a councilor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the council or any committee at any meeting shall, if the Speaker or chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person refuses to leave, the Sergeant-at-arms will be responsible to remove such person from the meeting. The chairperson may exclude such person from further admittance to the council chamber or the meeting venue for such period as it may be deemed fit.

36. Points of order and personal explanation

- 36.1 Any member, regardless of whether he/she addressed the Council on the matter under debate or not, may:
- raise a point of order
 - raise a point of personal explanation at the end of the debate
- 36.2 Any point of order or personal explanation will not constitute a speech and will therefore not affect the right of any member to speak on a particular item, provided that the member will not be allowed to spend more than 2 (two) minutes on the point of order or personal explanation.
- 36.3 Any member contemplated in 36.1 shall be entitled to be heard and the councilor speaking at the time shall remain silent until a ruling has been made by the Speaker or chairperson.
- 36.4 The ruling of the Speaker or chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.
- 36.5 Any member will only be allowed to raise one point of order and one point of personal explanation during the council meeting. Only one point of order on the same matter will be allowed.
- 36.6 Any member persisting in a point of order or personal explanation after a ruling has been made by the Speaker will be subject to the provision of point 34 above.

37. Questions

- 37.1 Any member may submit a question requiring a written reply from any political office bearer, the municipal manager or senior manager of the municipality, concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers, provided that a written notice of such a question has been submitted to the Speaker or chairperson and the municipal manager at least 10 (ten) days prior to the council or committee meeting and the political office bearer and the municipal manager shall ensure that the member receive a written reply at the meeting.
- 37.2 If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, he or she may, with the permission of the Speaker or chairperson, request a follow up question.
- 37.3 All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

38. Terms of reference of sub-committees

Upon the appointment of any sub-committee the council a committee shall specifically determine the terms of reference of such sub-committee and shall fix the quorum of such sub-committee. The council's standing rules and orders shall apply to all sub-committees.

39. Council may increase or restrict powers

With the exception of the Executive Committee whose functions are determined in terms of the Structures Act, and the committees whose functions and powers are determined in terms of Section 80 of the Structures Act by the Executive Committee, the council may at any time extend, withdraw or modify the duties and powers of a committee or sub-committee appointed in terms of Section 79 of the Structures Act.

40. Minutes of Executive Committee, committees and sub-committees

Every committee, including the Executive Committee, except when specifically exempted from this provision by a resolution of the council or the executive committee in view of the sensitivity, confidentiality or otherwise of the subject matter of a particular meeting and provided the final resolution or recommendation is duly recorded in writing, shall record minutes of its proceedings and cause the same to be duly kept by the Director Corporate Services. At every ordinary meeting of a committee the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been sent to each member of the committee twenty four hours previously. No discussion shall be allowed upon the minutes, except as to their accuracy save at portfolio committees and even then at the sole discretion of the chairperson.

41. Inspection of minute books by councilors

The minutes of every council or committee shall be open for inspection by every member of the council during office hours; provided the demands of duties of the registry and secretariat staff is taken into account.

42. Non-attendance of members of committees

42.1 Should any member of a committee fail to attend three consecutive meetings of the same committee of which he or she is a member, without leave of absence having been granted as contemplated in 21 above, he/she shall be required to submit a motivation for such absence and if the Speaker are not satisfied with such explanation, it shall be reported to the municipal council that the councilor is deemed to have forfeited his/her seat on such committee, and such forfeiture shall be reported to the council or the executive committee to the end that the vacancy may be filled by the executive committee.

43. Members of council attending committee meetings of which they are not members

43.1 Members of the municipal council may attend the meeting of any committee that they are not a member of, but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings.

43.2 The provisions of 43.1 will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the executive will be requested to attend the MPAC meeting and the request for attendance will specify the matters that the member of the executive will be expected to address the MPAC on.

43.3 The rules with regard to agendas as set out above will also be applicable to requests to attend MPAC and address it.

43.4 Any member of the executive requested to attend the MPAC may instruct the municipal manager or a senior manager to accompany him/ her to the MPAC meeting but may not instruct such official to appear and address the MPAC on his / her behalf.

44. Information to be obtained from municipal manager or the head of department concerned

Subject to the provisions of 37 above, members of the council who desire to obtain from any official of the council information with regard to the administrative work of the council, which is not accessible to the general public, should address their enquiries firstly to the Municipal Manager and then to the relevant senior manager.

45. Information to the press or other media: In-committee discussions

45.1 The Mayor, or in his/her absence, the Speaker and the Municipal Manager in their discretion may, on application being made to him/her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the municipality.

45.2 In view of the Municipal Manager, the Speaker or the Mayor being the authorised channel through which the media may receive information and reports, members of the council are therefore expected to refrain from sending to the media documents or information supplied to them with a view to their consideration by the council or any committee: Provided that this clause shall not be construed as abrogating a councilors individual constitutional right to make press statements which reflect his/her own personal or political view and not that of the council, further provided however, that no discussion that took place in-committee may be conveyed to the public or the press except by the Mayor, Speaker or Municipal Manager.

45.3 Chairpersons of committees must liaise with the Mayor, Speaker and Municipal Manager for the publication of any information relating to committee and the Municipal Manager shall arrange, if approved, the publication of the relevant information.

46. Suspension of standing orders

No standing order shall be suspended without the vote of a majority of the members of the council or of three-fourths of the members present and a motion duly seconded to suspend the standing orders shall be put without debate.

47. Legal defense and indemnification of councilors and officers of the council

The council may determine the circumstances in which it will undertake the defense of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, a councilor or an official may have against any person, body, organisation or institution arising from the councilor's or official's capacity as a councilor or official of the Municipality.

48 Speaker may refer matters for legal advice

The Speaker shall be entitled, within the framework of the approved operational budget of the municipality and subject to the supply chain management policy, to refer any matter pertaining to the council and its proceedings, for legal opinion to the council's legal advisors.

49. Activities prohibited within the council chamber or a meeting venue and the use of the council chamber by other persons or institutions

49.1 The decorum of the council chamber as the official seat of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.

49.2 The following activities are strictly prohibited from being conducted within the confines of the council chamber or a meeting venue of the council or its committees by any person:

- Having a cellular telephone that is not on silent mode and speaking on a cellular phone during the meeting;
- Consuming any food or drink in his/her possession, excluding water provided at the meeting.

49.3 Caucus meetings of the various political parties may be held in the chamber provided it is booked with the Chief Administration Officer prior to the meeting, and subject to such bookings to be on a rotational basis for all the parties.

49.4 The use of the council chamber by any other person or institution, other than a recognised committee, body of or person in the employ of the Municipality shall be subject to the approval by the Speaker, and at all times subject to the availability thereof in terms of the council's calendar of use, and the purpose for which it is applied for. Applications for use shall be made in writing to the Speaker who shall confer with the Director Corporate Services in making the venue available in writing.

50. Ward committees

The council may by resolution determine the rules of procedure for the election of ward committees, the procedures at meetings, the reporting rules, and the rendering of secretarial services to these committees

51. Sanctions and offences

Any person who willfully contravenes any provision of these rules shall be guilty of an offence and shall be subject to the following sanctions imposed by the council:

- 51.1 Having a fine imposed by the council as determined by it from time to time for the categories of offences as approved by it by resolution from time to time;
- 51.2 Be suspended from the attendance of council or committee meetings as the council may determine for such a period as the council may by resolution determine from time to time for the categories of offences as determined by it.

52. Dress code

52.1 The Council may by resolution prescribe a dress code for councilors and traditional leaders attending meetings.

52.2 Notwithstanding the provisions of any resolution passed in accordance with 52.2, no councilor shall be allowed to wear any clothing or accessory containing party political paraphernalia to any meeting.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Also available at the **Northern Cape Provincial Legislature**, Private Bag X5066, Nobengula Extension,
Kimberley, 8301. Tel. : (053) 839-8073. Fax: (053) 839-8094.