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KWAZULU-NATAL PROVINSIE  
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Tel : (012) 748-6066

Fax : (012) 323-9574

E-mail : [Maureen.Toka@gpw.gov.za](mailto:Maureen.Toka@gpw.gov.za)

20 October 2016

Dear Value Customers

The 27<sup>th</sup> of December 2016 has been declared as a public holiday by the State President Mr Jacob Zuma.

For this reason, the closing date of all gazettes during that week will be a day before scheduled dates as published in the gazette or on the website.

Sincerely,

Maureen Toka  
Acting Assistant Director: Publications  
(Tel): 012 748-6066

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**MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS**

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**MUNICIPAL NOTICE 130 OF 2016****KING CETSHWAYO DISTRICT MUNICIPALITY****STANDING ORDERS****PART I****PREAMBLE**

We, the Council of King Cetshwayo District Municipality, being aware of our obligations and responsibilities in terms of the Constitution of our Country, the Republic of South Africa, solemnly resolve to adopt these Standing Orders as the fundamental rules for the conduct of proceedings in the uThungulu Council meetings.

As a Council we commit our Municipality to:

- (i) Establishing economic growth and development in all economic sectors of the District Municipality;
- (ii) Effective maintenance of the existing infrastructure and provision of new infrastructural services.
- (iii) Social development and community empowerment
- (iv) Establishing and maintaining an integrated environment
- (v) Ensuring leadership excellence
- (vi) Subscribe to the principle of transparency and accountable Governance.

**DEFINITIONS**

1. In these Standing Orders, unless the context otherwise indicates -

“Council” means King Cetshwayo District Municipal Council in conformity with Section 157 (1) of the Constitution of the Republic of South Africa and Section 18 of the Municipal Structures act of 1998.

“Council Meeting” refers to the meeting convened for the total political structure of King Cetshwayo District Municipality referred to in Section 18 of the Municipal Structures act of 1998.

“Chairperson of the Council” when used in Part II and Part III and Part IV) means the Speaker;

“Chairperson of the Executive Committee” when used in Part II and Part III means the Mayor

“Chairperson” when used in Part II and Part III means the Chairperson of a committee;

“Executive Committee” means a Committee established in terms of Section 42 of the Act

“Committee” means a committee appointed by the Council in terms of Sections 42, 79 or 80 of the Act;

“Municipal Manager” means the officer appointed by the Council as such and any officer of the Municipality in that capacity;

“Municipality” means the District Municipality

“financial year” means the financial year of the Council from 1 July in any year to 30 June in the following year;

“meeting” when used in Part II and Part III means a meeting of the council and of a committee, respectively;

“member” when used in Part II and Part III means a member of the Council or a committee, respectively;

“motion” means a motion contemplated in Section 22;

“the Act” means the Municipal Structures Act (No 117 Of 1998)

“proposal” means any recommendation in a report contemplated in section 18 and 19 and a proposal in terms of sections 9(2)(a) and 26, but shall not include a motion;

the singular includes the plural and **vice versa**, the masculine gender includes the feminine gender and any word or expression to which a meaning has been assigned in the Act, shall bear that meaning.

## **PART II**

### **2. COUNCIL MEETINGS**

#### **2.1. ATTENDANCE OF MEETINGS BY THE PUBLIC**

Meetings of the Council shall be open to the public and the press : Provided that the Council may, subject to the provisions of Section 34, exclude the public and the press from any or all meetings or any part of a meeting.

#### **3. DRESS CODE FOR MEETINGS**

Members and non-members when attending any of the Council Meetings should be dressed either formally (collar and tie) smart casual, or in traditional attire. No party insignia or regalia will be allowed.

#### **4. NOTICE OF MEETINGS**

4.(1) The Speaker of Council shall in accordance with Section 29(1) of the Act, at least forty eight hours prior to the meeting by either -

- (a) delivery to a member at the physical address of the body that is represented by such member; or
- (b) sending by post or other means to the member's postal address so that it would reach such member timeously in the normal course of postal delivery, or
- (c) a notice specifying the place, time and date of the meeting.

4.(2) No business shall be transacted at a meeting other than that specified in the agenda relating thereto unless the Council accepts it as a matter of urgency;

#### **5. SPECIAL MEETINGS**

Council and or its Committees may from time to time hold special meetings to discuss any business deemed urgent. Notice for such meetings shall be given at least 24 hours before the meeting, but in the same manner as outlined in section 4 above.

**6. ATTENDANCE REGISTER**

6. (1) Every member present at a meeting shall sign his name in an attendance register which shall be kept available by the Municipal Manager;
6. (2) The Municipal Manager shall at the end of each financial year prepare a return showing the attendance of members at meetings and shall furnish each member with a copy.

**7. QUORUM REQUIREMENT TO COMMENCE WITH THE MEETING**

7. (1) The quorum at all Council meetings, with the exception of the meeting to approve the municipal budget, shall be 50% + 1. A two thirds majority has to be present to approve the municipal budget.
7. (2) If, after twenty minutes of the time at which the meeting should commence, no quorum is assembled, the meeting shall not take place, unless the members present agree to wait a further period not exceeding ten minutes to obtain a quorum;
7. (3) In the absence of a quorum, the business of the proposed meeting, shall stand over until the next ordinary meeting, unless a special meeting is called prior to the ordinary meeting for the purpose of disposing of such business. Omission to serve notice of a Special meeting on any member in terms of section 4 (1) or the late receipt of such notice, subject to a valid reasons being provided, shall not affect the validity of the meeting.

**8. QUORUM REQUIREMENT DURING MEETING**

8. (1) The quorum at all Council meetings, with the exception of the meeting to approve the municipal budget, shall be 50% + 1 AS in terms of Section 30 of the Municipal Structures Act, 117 of 1998.
- 8 (2) A majority of the members must be present at a meeting of the Council or any Committee of Council before a vote may be taken on any matter subject thereto that:
- (a) All questions concerning matters mentioned in Section 160 (2) of the Constitution (i.e. functions which may not be delegated by Council namely, passing of by-laws, approval of budgets, imposition of rates and other taxes, levies and duties and raising of loans) are determined by a decision taken by Council with a supporting vote of a majority of the members.
- (b) All other questions before Council are decided by a majority of the votes cast (subject to section 34 of the Local Government: Municipal Structures Act, 1998 relating to dissolution of Council)

**9. ORDER OF BUSINESS OF MEETING**

9. (1) The order of business at an ordinary meeting shall be as follows:
- (a) Opening : All meetings shall open with a devotion
- (b) Applications for leave of absence;
- (c) Statements and communications by the chairperson: official announcements must be submitted to the Mayor/Speaker/Chairperson of Portfolio Committees 24 hours before the meeting;
- (d) Confirmation of minutes of previous meeting: matters arising must be submitted to the Mayor/Speaker 24 hours before the meeting;
- (e) Statutory appointments and elections;
- (f) Questions of which notice has been given;

- (g) Matters adjourned from previous meeting, including matters to be reconsidered but excluding deferred motions;
  - (h) Reports of officers of the Municipality;
  - (i) Petitions;
  - (j) Deputations;
  - (k) Deferred motions;
  - (l) New motions;
9. (2) (a) Notwithstanding the provisions of subsection (1) and Section 26, a member may at the conclusion of the business on any item on the agenda propose that precedence be given to any other item on the agenda and may briefly state the reasons for such proposal;
- (b) If such proposal is seconded, it shall be put to the vote without any debate;
9. (3) The Chairperson may if he considers it expedient give precedence to any item on the agenda.

#### **10. LEAVE OF ABSENCE**

10. (1) Leave of absence from any meeting may be applied for -
- (a) by submitting a written application to the Municipal Manager before (or at) the meeting concerned by the member concerned or another member on his behalf;
  - (b) verbally by a member on behalf of an absent member at the meeting concerned during consideration of the item referred to in Section 9 (1)(b), stating the reason for such absence;
10. (2) If a member has been granted leave of absence from a meeting and he attends any such meeting after tendering his apologies, the leave of absence or any unexpired period thereof shall be deemed to have been cancelled.

#### **11. STATEMENTS BY THE CHAIRPERSON**

The Chairperson may without notice make any statement and read any communication at any meeting when the item referred to in Section 9 (1) (c) is called, save where resolved upon statements made in terms of Section 9(1)(c) shall be of no building effect on Council.

#### **12. MINUTES**

12. (1) Printed or typewritten minutes of the resolutions of every meeting shall be drawn up and sent to every member. Such minutes shall be submitted by the Municipal Manager for confirmation at the next ordinary meeting provided that any minutes relating to a meeting or part of a meeting from which the public and the press have been excluded shall be kept separate from the other minutes and shall be confirmed at a meeting in the absence of the public and the press;
12. (2) If a copy of the minutes was furnished to each member at least forty-eight hours prior to the meeting concerned, the minutes shall be taken as read for the purpose of confirmation;
12. (3) Except for matters arising in the new agenda and as to accuracy, no proposal or discussion shall be allowed in respect of the minutes;
12. (4) Subject to the provisions of Section 35 (9), the minutes of a meeting shall be open for inspection by the public and the press except for the minutes of a meeting or part of a meeting from which the public and the press have been excluded;
- 12 (5) The Municipal Manager shall be responsible for the safe keeping of the minutes of the Council.

**13. CHAIRPERSON OF COUNCIL: ELECTION OF SPEAKER**

13. (1) The Speaker shall be elected at the first meeting after the Council is declared elected, or when necessary to fill a vacancy.
13. (2) Speaker of the Council shall remain in office until the next Municipal Council is declared elected.
13. (3) A Speaker shall cease to hold office if that person;
- (a) submits his resignation in writing to the Municipal Manager;
  - (b) is removed from office; or
  - (c) he ceases to be a Councillor;
13. (4) A casual vacancy in the office of the Speaker shall be filled by election not later than at the second ordinary meeting after such vacancy occurred;
13. (5) For the purposes of electing a Speaker in terms of subsection (1) and (4) the Municipal Manager shall follow the procedure as provided in Schedule 3 of the Act.

**14. ELECTION OF MAYOR AND DEPUTY MAYOR**

14. (1) The Mayor and Deputy Mayor shall be elected from the members of the Executive Committee;
14. (2) The Mayor and Deputy Mayor shall remain in office for the duration of their term as a member of the executive committee;
14. (3) A Mayor or Deputy Mayor shall cease to hold office if that person;
- (a) resigns as Mayor or Deputy Mayor;
  - (b) is removed from office as a member of the Executive Committee in terms of Section 53 of the Act;
  - (C) ceases to be a member of the Executive Committee

**15. CHAIRPERSON OF COUNCIL AND COMMITTEES**

15. (1) The chairperson of Council is the Speaker. In the absence of the Speaker at a Council meeting, members present, from amongst themselves, shall elect an Acting Chairperson of Council for the day.
15. (2) The Chairperson of the Executive Committee is the Mayor. In the absence of the Mayor, the Deputy Mayor becomes the Acting Chairperson. In the event of both the Mayor and the Deputy not being available, the members present may elect, from amongst themselves, the Acting Chairperson of ExCo for the day.
15. (3) The Acting Chairperson shall during the course of the meeting have all the rights of the de jure Chairperson.

**16. QUESTIONS**

16. (1) (a) a question which does not arise directly out of, or is not related to any item of the agenda concerning the work of the Council may be put forward at any ordinary meeting;
- (b) Notice of such question shall be given to the Speaker and Municipal Manager in writing by a member not later than seven clear days before the meeting. The latter shall furnish a copy to the Chairperson and the Chairperson of the committee, if any, within whose terms of reference, in his opinion, the matter falls;



- (c) All questions which are considered by the Chairperson to be in order according to the provisions of subsection (5), shall be put in the order in which notice was received. Questions shall be replied to either by the Chairperson of the committee concerned; a member of that committee nominated by him; or if there is no committee within whose terms of reference the matter falls, by the Chairperson provided that such replies are tabled.
- (d) A member putting a question in terms of this subsection shall be entitled to be furnished with a copy of the reply in due course;
16. (2) (a) At any meeting when any item on the agenda of a committee, or a report of an Officer of the Municipality is under consideration, any member may put a question arising directly out of or connected with such item : Provided a written and signed copy of the question, is submitted to the Speaker and Municipal Manager at least twenty four hours, excluding any Saturday, Sunday and public holiday, before the sitting for the day commences
- (b) The Chairperson shall call upon a member who has lodged a question in terms of paragraph (a) in the order in which notice was given, immediately after the item has been called. The question shall be replied to at once if possible, or if the information requested is not immediately available, the reply shall take the form of a written reply to the next ordinary meeting;
16. (3) (a) After an item on the agenda has been called at any meeting a member may request elucidation of that item before it is debated; provided a written copy of the request specifying the points to be elucidated is submitted to the Speaker and Municipal Manager at least twenty four hours before the sitting for the day commences. The proviso to subsection (2)(a) shall apply *mutatis mutandis*;
- (b) Every such request shall be replied to by the Chairperson of the committee within whose terms of reference the matter falls or in the absence of such a committee by the Chairperson or in the case of a motion by its mover, before the debate on the item commences;
16. (4) Notwithstanding the provisions of subsection (2), any member may without notice put a question directly arising out of or connected with an item on the agenda to either the Chairperson of a committee within whose terms of reference the item falls; a mover of a motion or to any member speaking, and which question may be replied to;
16. (5) (a) At any meeting questions on matters of urgent public importance, of which the Chairperson shall be the judge; and/or questions on a matter of urgency accepted in terms of section 4 (2), may be put to the Chairperson of a committee, subject to the provisos to subsection (2)(a);
- (b) All such questions which are considered by the Chairperson to be in order subject to the provisions of subsection (6), shall be put to the Chairperson or the Chairperson of the committee within whose terms of reference the matter falls and shall be replied to by him or on his behalf at any stage in the consideration of the agenda;
16. (6) The Chairperson whose decision shall be final and not open to discussion, may disallow any question referred to in subsection (1)(2) or (3), if the subject matter of which is not within the jurisdiction of the Council; is otherwise out of order; or is unduly long. The Chairperson shall inform the member concerned accordingly.
16. (7) If after a reply to a question a member considers that the reply to his question requires further elucidation, he may with the consent of the Chairperson ask for a further reply. No additional questions may be posed without the consent of the Chairperson;
16. (8) No questions on a matter to be dealt with or still to be dealt with by the Council or a committee in the absence of the press and the public, shall be asked at a meeting which is open to the public or the press;

16. (9) The asking of a question and the reply shall not be regarded as a speech for the purpose of these Standing Orders.

**17. MATTERS TO BE RECONSIDERED**

Unless a special meeting is convened a matter to be reconsidered shall be reported to the next ordinary meeting by the Municipal Manager

**18. REPORTS OF COMMITTEES**

18. (1) The report of every committee shall be submitted to every ordinary meeting of the Council and shall be divided into two parts. The first part shall contain the items on which the committee has no delegated powers; and the second part shall contain those items in respect of which the committee has delegated powers;
18. (2) (a) Unless an item is submitted for information only, every item contained in the first part of the report of a committee shall contain a recommendation which may be adopted by the Council;
- (b) A report submitted for information only may be noted but not debated.
18. (3) Every recommendation in the first part of the report of a committee shall be deemed to have been moved by its Chairperson and to have been seconded;
18. (4) (a) Unless the Chairperson considers it expedient to vary the order, he shall put the recommendation contained in the first part of the report of a committee seriatim
- (c) If an item is put in terms of paragraph (a) and is met by silence, it shall be deemed to have been unanimously adopted;
18. (5) If an item falls within the terms of reference of more than one committee and contradictory recommendations have been submitted by those committees, the Chairperson shall decide the order in which the recommendations shall be put to the vote;
- 18.6 (6) The Chairperson of a committee may at any time with the consent of the Executive Committee correct or withdraw any item on the agenda emanating from his committee;
18. (7) The reply to a debate by the Chairperson of a committee or another member requested by the Chairperson to act on his behalf on any item in the first part of the report of that committee, shall conclude the debate. The Chairperson may refuse such Chairperson the opportunity to speak if he is of the opinion that the item concerned had not been sufficiently debated and there are other members who wish to participate in the debate.
18. (8) (a) After the conclusion of the business on the first part of the reports of committees and the reports of Officers of the Municipality, the Chairperson shall allow discussion on the second part of such reports for a period not exceeding one hour;
- (b) During such discussion -
- (i) no proposal other than a proposal that the committee concerned be requested to reconsider, shall be made;
- (ii) a member may request that his opposition to a decision in the second part of a committee's report be reported;
18. (9) The Chairperson of a committee may, if he is of the opinion that the matter is one of urgency, submit a report at a meeting on a matter within the terms of reference of that committee

**19. REPORTS BY OFFICERS OF THE MUNICIPALITY**

- (1) Subject to the approval of the Municipal Manager a report by an Officer of the Municipality on any matter which does not fall within the terms of reference of a committee, other than a matter delegated to an Officer of the Municipality shall be placed on the agenda of a meeting
- (2) Every recommendation in such a report shall be deemed to have been moved by the Chairperson and to have been seconded;
- (3) The provisions of Section 18 (2), (6), (7) and (9) shall apply mutatis mutandis. For the purposes of such application, any reference to the Chairperson of a committee shall be deemed to be a reference to the Chairperson of the Council.

**20. PETITIONS**

20. (1) At a meeting a member may submit a petition and may briefly state the purpose thereof;
20. (2) Such petition shall be referred to the committee within whose terms of reference it falls or, in the absence of such committee, to the Municipal Manager for consideration and a report to the Council.

**21. DEPUTATIONS**

21. (1) A deputation wishing to appear before the Council shall submit a memorandum to the Municipal Manager who shall submit it to the committee within whose terms of reference it falls or, in the absence of such committee, to the Chairperson and the committee or the Chairperson, as the case may be, and if considered appropriate, deal with the matter raised in the memorandum;
21. (2) If the matter raised is one which should be brought before the Council, the committee or the Chairperson may report to the Council accordingly. The deputation shall be advised to appear before the Council should it so decide.
21. (3) The Chairperson may allow any deputation to appear before the Council without submission of a memorandum if, in his opinion, the matter concerned is of an urgent nature;
21. (4) A deputation shall not consist of more than five persons;
21. (5) Only one member of a deputation may address the Council except with the consent of the Council or in reply to a question from a member,
21. (6) A member of a deputation may not address the Council for more than ten minutes except with the consent of the Chairperson, and may respond briefly to a question by a member.

**22. NOTICE OF MOTION**

22. (1) Every notice of intention to introduce a motion at a meeting shall be in writing, which must be signed and dated by the member submitting it. The notice shall specify the proposed motion in full and the date of the meeting at which it is intended to be introduced. The notice must be received by the Municipal Manager at least seven clear days before the date of the meeting.
22. (2) A notice of motion shall deal with one matter only and shall be relevant to the affairs of the Municipality.
22. (3) A member may not give notice of a motion in regard to any matter falling within the terms of reference of a committee unless such motion has previously been considered by that committee or unless it is in the form of a reference to that committee for consideration and report;

22. (4) On receipt of a notice of motion the Municipal Manager shall, if the notice complies with and is received by him in accordance with subsection (1) enter it in a book kept for this purpose. The book shall be available for inspection by any member and the notice of motion shall be placed on the agenda for the meeting specified in such notice;
22. (5) All notices of motion shall be dated and numbered in the order received and shall be so placed on the agenda by the Municipal Manager .
22. (6) A notice of motion shall only be placed on the agenda if the notice of motion has been signed by at least three members in addition to the mover of the motion which:
- (a) has as its purpose the rescission or amendment of a resolution adopted by the Council during the preceding three months; or
  - (b) Is substantially the same as a motion which has been rejected during the preceding three months.
22. (7) A notice of motion similar to one placed on the agenda as contemplated in subsection (6), shall not be submitted within six months after the motion had been disposed of.

### 23. IRREGULAR MOTIONS

- 23.1. The Chairperson shall reject a motion in respect of which:
- (a) in his opinion, does not comply with the provisions of Section 22 (1), (2) or (3);
  - (b) the Council does not have jurisdiction;
  - (c) a decision by a judicial or quasi-judicial body is pending;
  - (d) if adopted, would be contrary to any law, or incapable of execution.

### 24. OPPOSED AND UNOPPOSED MOTIONS

24. (1) (a) If a motion is not rejected in terms of Section 23, the Chairperson shall ascertain whether the motion is opposed. If it is unopposed it shall be adopted forthwith without debate;
- (b) If it is opposed, the Chairperson shall call upon the mover of the motion to speak thereon;
24. (2) If the mover is not present at the meeting when called upon by the Chairperson to move his motion, any other member may have such motion in his own name unless the original mover has notified the Municipal Manager in writing that a particular member will move the motion on his behalf;
24. (3) If a motion is not moved in terms of subsection (1) or (2) it shall lapse and it may not again be moved without further notice;
24. (4) No member shall have more than two motions on the same agenda, including any motions of which consideration was deferred from a previous meeting; or move more than six motions in any one financial year.

### 25. MOTIONS HAVING FINANCIAL IMPLICATIONS OR INVOLVING LEGISLATION

- 25.1. If a motion -
- (a) has the effect of increasing expenditure or reducing the revenue of the Municipality, or if it involves expenditure not provided in the estimates, it shall take the form of a reference to the committee dealing with the Municipality's financial matters. In the absence of such committee it must be referred to the Municipal Manager for investigation and report to the Council; or

- (b) would, if adopted; amend these Standing Orders; or introduce or amend any legislation, before being put to the vote it shall be referred to the Municipal Manager for further report, unless he is satisfied with the drafting and that it is legally in order.

## **26. PROPOSAL DURING THE COURSE OF A MEETING**

- 26. (1) Subject to the provisions of Section 9 (2), no further proposal shall be received during the course of a meeting except for the following:
  - (a) to amend a motion or proposal;
  - (b) that the Council adjourns;
  - (c) that a debate be adjourned;
  - (d) that a matter be referred back;
  - (e) that the motion or proposal be put to the vote;
  - (f) that the Council proceed to the next business;
  - (g) that the public or the press be excluded from part of, or any, or all meetings.
  - (h) that the Council go in or out of committee;
  - (i) that a provision of these Standing Orders be suspended;
  - (j) That a member be excluded in terms of Section 34 (1);
- 26. (2) Every proposal in terms of subsection (1) shall be seconded;
- 26. (3) A proposal in terms of subsection (1) shall be dealt with in accordance with the applicable provisions of Section 27 to 37;
- 26. (4) Nothing in this section shall affect the Chairperson's right, or at the request of a member, to temporarily adjourn a meeting for a period not exceeding two hours.

## **27. AMENDMENT OF MOTION OR PROPOSAL**

- 27. (1) Every amendment proposed in terms of Section 26 (1)(a), shall be relevant to the motion or proposal and shall be proposed during the course of a speech contemplated in Section 34;
- 27. (2) No amendment to an amendment shall be proposed;
- 27. (3) An amendment shall be reduced in writing, signed by the mover and handed to the Chairperson or Municipal Manager;
- 27. (4) An amendment being proposed shall be read;
- 27. (5) No member shall be entitled to propose more than one amendment to any original motion or proposal;
- 27. (6) (a) More than one amendment of a motion or proposal may be proposed, and subject to provisions of subsection (8), all amendments proposed shall be put to the vote at the closure of the debate on the motion or proposal;
- (b) If more than one amendment to a motion or proposal has been proposed, such amendments shall be put to the vote in the sequence in which they were proposed;
- 27. (7) The amended motion or proposal shall replace the original and shall become the motion or proposal in respect of which any further amendments may be proposed and put to the vote: Provided that if the Chairperson is of the opinion that an

amendment adopted renders another amendment unnecessary or meaningless, he may rule that it need not be put to the vote, where after the amendment shall lapse;

27. (8) (a) The Chairperson shall reject an amendment which constitutes a direct negative of the original motion or proposal;
- (b) In respect of a proposal in terms of this section, the provisions of Sections 23 (b), (c) and (d), and 25 shall apply mutatis mutandis
27. (9) After all the amendments have been put to the vote as contemplated in subsections (6) and (7), the original motion or proposal shall be put to the vote if any amendment has been adopted.

## 28. TIME ALLOCATION ON DEBATE

Time for individual to speak during a debate shall be allocated to members as follows:

- |                      |           |
|----------------------|-----------|
| (a) Majority party   | 5 minutes |
| (b) Opposition party | 3 minutes |
| (c) Minority party   | 2 minutes |

## 29. ADJOURNMENT OF MEETINGS

29. (1) Except during the course of a speech by another member or while a vote is being taken a member may verbally propose that the Council adjourn;
29. (2) The proposer, one member in opposition thereto and the Chairperson may speak on the proposal for a period not exceeding five minutes. The seconder shall not speak beyond formally seconding it;
29. (3) A proposal contemplated in subsection (1) shall be put to the vote without further debate;
29. (4) If the proposal is carried, the Council shall immediately adjourn unless the Chairperson directs that unopposed business be disposed of before the adjournment;
29. (5) If the proposal that the Council be adjourned is rejected, the Chairperson shall not allow another such proposal until a period of half an hour has elapsed after such rejection;
29. (6) A member may not propose or second more than one proposal for adjournment during the course of any one meeting of the Council;
29. (7) The Chairperson may, without interrupting the speech of another member or the voting process, adjourn the meeting to allow members to caucus on a particular matter.
29. (8) Unless the Council decides otherwise or the Chairperson convenes a special meeting, any uncompleted business at an adjournment shall be dealt with at the next ordinary meeting;
29. (9) If a proposal to adjourn a meeting has been carried the member who proposed the adjournment shall be entitled to speak first on the matter forming the subject of such debate at the adjourned meeting;
29. (10) If a meeting is adjourned to a date not more than 14 days, notice of the adjourned meeting need not be given in terms of Section 29(1) of the Act.

## 30. ADJOURNMENT OF DEBATES

30. (1) Any member may in a debate on a matter under consideration may at the conclusion of any speech, verbally propose that the debate be adjourned;

30. (2) The proposer and the Chairperson of the committee within whose terms of reference the matter falls or in the absence of such committee, the chairperson of the Council, may speak on the proposal for a period not exceeding five minutes. The seconder shall not speak beyond formally seconding it;
30. (3) No debate shall be permitted on such proposal except in respect of the period of adjournment as provided in subsection (2);
30. (4) If the proposal is carried, the meeting shall proceed to the next business on the agenda. The discussion of the adjourned debate, unless otherwise resolved, shall be resumed at the next ordinary meeting;
30. (5) On the resumption of the adjournment debate the member who proposed the adjournment shall be entitled to speak first;
30. (6) If a proposal that a debate be adjourned is rejected the Chairperson shall not allow another such proposal until a period of half an hour has lapsed;
30. (7) A member may not propose or second more than one proposal for the adjournment of the debate during its course.

### **31. BACK REFERRAL**

31. (1) A member may verbally propose during the course of his speech that the matter or any aspect thereof be referred back for further consideration and report;
31. (2) A proposal in terms of subsection (1), shall state -
- (a) the committee to which the matter is to be referred or if there is no committee within whose terms of reference the matter falls, the matter be referred to the Municipal Manager; and
  - (b) the aspect of which reconsideration is required;
31. (3) The Chairperson of the committee within whose terms of reference the matter falls or in the absence of such committee, the Chairperson of the Council, may speak on the proposal for a period not exceeding five minutes. The seconder shall not speak before formally seconding it;
31. (4) If a proposal contemplated in subsection (1) is seconded, it shall be put to the vote without further debate. If the proposal is carried, the Council shall proceed to the next item;
31. (5) The proposer of a proposal contemplated in subsection (1) which was adopted by the Council, shall be entitled to be heard by the committee or the Municipal Manager, as the case may be.

### **32. PUTTING MATTERS TO A VOTE**

32. (1) A proposal that the matter be now put to the vote may be proposed verbally at the close of any speech;
32. (2) The proposer may speak on the proposal for a period not exceeding five minutes, but the seconder may not speak beyond formally seconding it;
32. (3) (a) A proposal that the matter be now put to the vote shall be put to the vote without further debate except that the mover or proposer of the original motion or proposal shall have the right of reply to the original motion or proposal;
- (b) If a proposal that the matter now be put to the vote is carried, any proposal to amend the original motion or proposal shall immediately be put to the vote;

32. (4) If a proposal that the matter now be put to the vote is rejected, the Chairperson shall not allow such proposal on the same matter until a period of half an hour has elapsed after the rejection.

**33. COUNCIL PROCEEDS TO NEXT BUSINESS**

33. (1) A proposal that the Council proceed to the next business may be verbally proposed at the close of any speech;
33. (2) Such proposal shall be put to the vote without debate except that the chairperson of a committee within whose terms of reference the matter falls or in the absence of such committee, the Chairperson may speak on the proposal for a period not exceeding five minutes. If carried, the matter under discussion shall lapse and shall not be included in the agenda of a subsequent meeting within a period of six months, unless it is reinstated on the recommendation of a committee or the Chairperson;
33. (3) If a proposal that the Council proceed to the next business is rejected, the Chairperson shall not allow another such proposal in respect of the same item until a period of half an hour has elapsed after the rejection.

**34. PRESENCE OF PUBLIC AND PRESS**

34. (1) Except during the course of a speech, a member may, verbally propose that the public and the press be excluded from any or all meetings or part of a meeting;
34. (2) The proposer, one member in opposition thereto and the Chairperson of a committee within whose reference the matter falls, or in the absence of such committee, the Chairperson of the Council may each speak on such proposal for not more than five minutes. The seconder shall not speak beyond formally seconding the proposal;
34. (3) Such proposal shall be put to the vote without further debate.

**35. COUNCIL OR EXCO IN COMMITTEE**

35. (1) Notwithstanding anything to the contrary in these Standing Orders, a member may
- (a) at any time propose that the Council or ExCo resolve itself into committee; or
  - (b) if the Council or ExCo is in committee as contemplated in paragraph (a), propose that for the further consideration of the item concerned, the Council or ExCo resolve itself out of committee;
35. (2) (a) The proposer, the Chairperson of the committee within whose terms of reference the matter falls or in the absence of such committee the Chairperson of the Council or ExCo, may each speak on a proposal in terms of subsection (1) for a period not exceeding five minutes and shall restrict his speech to the reason why the Council or ExCo, as the case may be, should or should not resolve itself into or out of committee, as the case may be;
- (b) The Chairperson may if, in his opinion, believe information is disclosed or is about to be disclosed during a speech referred to in paragraph (a) which may be prejudicial to the Council or ExCo or the inhabitants of the region, direct the member concerned to immediately discontinue such speech;
35. (3) If a proposal to go into committee is adopted, all members of the public and the press, if present, and all officers of the Municipality, except those persons or Officers allowed by the Chairperson to remain, shall leave the place of the meeting;
35. (4) (a) When the Council or ExCo is in committee, the provisions of these Standing Orders, except in so far as they are in conflict with this section, shall apply;



- (b) If the Council or ExCo resolves itself into or out of committee during the debate on an item of business, the further debate on that item, either in or out of committee, shall for all purposes be a continuation of the preceding debate on that item;
35. (5) If the Council or ExCo resolves itself into committee, the Council or ExCo respectively shall at the conclusion of the consideration of the item concerned, revert to the consideration of further business out of committee;
35. (6) A decision of the Council or ExCo in committee shall be a decision of the Council or ExCo respectively;
35. (7) The minutes relating to any item considered by Council or ExCo in committee shall, unless consideration of that item was concluded out of committee, be kept from the other minutes of the Council or ExCo respectively;
35. (8) The minutes referred to in subsection (7) shall, respectively, be considered by the Council or ExCo in committee. The Council or ExCo shall immediately prior to such consideration be deemed to have resolved itself into committee and the provisions of this section shall apply mutatis mutandis;
35. (9) No member of the public or the press may inspect the minutes referred to in subsection (7).

### **36. SUSPENSION OF STANDING ORDERS**

36. (1) A member may, except during the course of a speech, propose that any provision of Sections 9(1), 16, 20, 21, 26(1), 29 to 34 inclusive and 44 be suspended in respect of one item specified by him;
36. (2) The proposer, one member in opposition thereto and the Chairperson may speak on such proposal for not more than five minutes each but the seconder shall not speak beyond formally seconding the proposal;
36. (3) Such proposal shall be put to the vote without further debate.

### **37. MEMBERS MAY SPEAK ONCE ONLY ON AN ITEM**

37. (1) Subject to any provision to the contrary in these Standing Orders, a member may not address the Council more than once on any motion or proposal.
37. (2) (a) Subject to any provision to the contrary in these Standing Orders, the mover of a motion, the proposer of a proposal, or a member contemplated in Section 18(7) may speak on the motion or proposal and reply to the debate; but in replying, he shall strictly confine himself to answering previous speakers and shall not introduce any new matters into the debate.
- (b) Such reply shall conclude the debate.

### **38. RELEVANCE**

38. (1) A member who speaks shall direct his speech strictly to the motion or proposal under discussion; to an explanation; or a point of order. No discussion shall be allowed:
- (a) which will anticipate any matter on the agenda; or
- (b) on any matter in respect of which a decision by a judicial or quasi-judicial body, or commission of inquiry is pending.

**39. WITHDRAWAL OF MOTION OR PROPOSAL**

39. (1) With the permission of the Council, a motion or proposal may be withdrawn or corrected by the owner or proposer without debate.
39. (2) Unless such permission is refused, a member may not speak upon such motion or proposal after the mover or proposer has asked permission for its withdrawal.

**40. POINTS OF ORDER AND PERSONAL EXPLANATION**

40. (1) Any member, whether or not he has spoken on the matter under discussion may rise:
- (a) on a point of order, with a view to calling attention to any departure from these Standing Orders or any law;
  - (b) in personal explanation, in order to explain some material part of his former speech which may have been misunderstood.
40. (2) The ruling of the Chairperson on a point of order, or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

**41. UNOPOSED BUSINESS**

41. (1) When a meeting has been in progress for not less than two hours, the Chairperson may interrupt the proceedings and direct that the Council proceed forthwith to dispose of unopposed business.
41. (2) After the disposal of such business, the proceedings shall be resumed at the point of interruption.

**42. VOTING**

42. (1) The Municipal Manager or the Speaker must be notified in writing of any alternate member acting in the place of a member before he/she can take his/her seat at a meeting.
42. (2) Whenever a vote is taken at a meeting, the votes of the members shall be recorded by the Municipal Manager and from such record, the Chairperson shall declare the result of the voting.
42. (3) Every person eligible to vote shall either vote in favour or against.
42. (4) Voting shall either be by secret ballot or by show of hands whichever the Council decides at that particular meeting.
42. (5) When the Chairperson has declared the result of the voting, any member may request that a second vote be taken. When a second vote is to be held, the Chairperson shall summon the members and allow no less than one minute to elapse, after which a second vote shall be taken. The Chairperson shall thereafter declare the decision of the Council in accordance with subsection (2).
42. (6) During the taking of a vote, no member shall enter or leave the Council chamber.
42. (7) The result of each vote and if applicable, the second vote, shall be recorded in the minutes together with the names of the members who voted for and against the motion or proposal, as well as those who abstained from voting.

**43. MAINTENANCE OF ORDER AT MEETINGS**

43. (1) Any member who behaves in an unseemly manner or interrupts the proceedings at any meeting shall, if the Chairperson so directs, leave the place where the meeting is held, failing which the Chairperson may direct that he be removed.
43. (2) (a) If a member: misconducts himself; behaves in an unseemly manner; obstructs the business of any meeting; challenges any ruling of the Chairperson; declines to withdraw any expression when asked to do so by the Chairperson; indulges in tedious repetition or unbecoming language; or commits any breach of these Standing Orders, the Chairperson shall direct such member to conduct himself properly, and if speaking, to discontinue his speech.
- (b) In the event of a member's persistent disregard of the Chairperson's directions, the Chairperson shall instruct the member to retire from the place where the meeting is held for the remainder of the meeting failing which, the Chairperson may order that he be removed.

**44. INTERPRETATION OF RULES OF ORDER**

Every ruling of the Chairperson as to the interpretation of these Standing Orders shall, if any member present at the meeting so requests, or if the Chairperson so decides, be recorded in the minutes and a register kept by the Municipal Manager for that purpose.

**45. PENALTIES : CONTRAVENTION OF STANDING ORDERS AND CODE OF CONDUCT**

45. (1) The Speaker shall impose the following penalties for the specific contraventions of the Code of Conduct [Schedule 1 of the Municipal Systems Act (32 of 2000)] and these Standing Orders, as set out below:
45. (2) Non Attendance of Meeting:
- |   |      |
|---|------|
| (a) Failure to attend a meeting without an apology submitted in the prescribed manner:                            | R200 |
| (b) Late arrival at, or early departure from, two consecutive meetings without prior approval of the Chairperson: | R200 |
| (c) Postponement of a scheduled meeting by the Chairperson less than 48 hours prior to the meeting:               | R500 |
45. (3) Breaches of Code of Conduct
- |  |       |
|--|-------|
| (a) Failure to disclose an interest in an item during the course of a Meeting:                     | R1500 |
| (b) Use of position or privileges for gain:  | R2000 |
| (c) Failure to disclose interests as per Paragraph (7) of Schedule 1 of the Municipal Systems Act: | R1500 |
| (d) Intervention in Administration:  | R 500 |
| (e) Unauthorised use of Municipal Property:  | R1200 |
45. (4) Notwithstanding the provision of Section 45, any Councillor against whom such action is to be taken may, within seven days of notification by the Speaker of the intention to apply any of the foregoing penalties, be allowed an opportunity to refute the charges

**45 (5) PROCEDURES FOR REMOVAL OF COUNCILLOR FROM OFFICE**

1. Upon becoming aware that a Councillor has been absent from three or more consecutive meetings to the Council or from three or more meetings or a Committee which that Councillor is required to attend, the Chairperson of the meeting shall report the non-attendance to the Speaker who shall commence proceedings for the removal of that Councillor from office as a Councillor.

2. For the purposes of 1 above the councillor concerned shall be required to attend a hearing before a Committee established by the Council for that purpose and which shall be chaired by the Speaker.
3. For the purpose of 2 above, the Speaker shall appoint a person to act as (the Prosecutor).
4. The Prosecutor shall give notice of the hearing to the Councillor
5. The notice shall-
  - (a) be in writing
  - (b) inform the Councillor-
    - (i) of the date, time and venue of the hearing
    - (ii) of the circumstances upon which the allegations are founded:
    - (iii) that no legal representation shall be permitted, however a councillor may be represented by a fellow councillor.
    - (iv) That the councillor has the right to give evidence, including the right to call witness.
    - (v) That the councillor may put questions to any witnesses called by Committee.
6. In the event that the Councillor fails to attend the hearing after Delivery of the notice the Prosecutor shall attempt to establish the reason for such failure to attend the hearing, prior to the commencement of the proceedings.
7. If the Prosecutor is unable to establish the reasons why the Councillor has failed to attend the hearing, the Committee shall commence the proceedings in the absence of the Councillor.
8. At the hearing –
  - (a) The Prosecutor shall produce the necessary evidence to confirm that the councillor;
    - (i) has been absent from three or more consecutive meeting of the Council: or
    - (ii) has been absent from three or more consecutive meetings of a Committee which that councillor is required to attend.
  - (b) the Councillor shall have the right to put questions to the witness/es called by the Prosecutor.
  - (c) the Committee shall have the right to put questions to the witness/es called by the Prosecutor for the purpose of clarifying any issues;
  - (d) the Councillor shall have the right to call other witnesses in support of the Councillors case; and
  - (e) the Prosecutor and the Councillor concerned may address the Committee after all the evidence has been heard and before the Committee takes a decision.
9. If majority of the members of the Committee find that on a balance of probabilities –
  - a) the councillor has been absent from three or more consecutive meetings of the Council; or
  - b) the councillor has been absent from three or more consecutive meetings of a Committee which that councillor is required to attend,

the Committee shall report and recommend to the Executive Committee that the Councillor concerned be removed from office as a councillor.

10. In the event that the Executive Committee confirms the decision of the Committee, the Executive Committee shall
  - (i) inform the councillor of its decision, in writing; and
  - (ii) inform the MEC for Local Government in the province of its decision in writing, and request him/her to consider the facts of the matter and form an opinion that the Councillor in question has breached the code, and that such contravention warrants a removal from office and to remove the councillor from office.
11. The councillor may, within 14 days of having been notified of the decision of the Executive Committee, appeal to the MEC for Local Govt in writing, setting out the reasons on which the appeal is based.
12. A copy of the appeal must be provided to the Council.
13. The Council may, within 14 days of receipt of the appeal referred to in Paragraph 12, make any representation pertaining to the appeal to the MEC for Local Government in writing,
14. The MEC for Local Government may, after having considered the appeal, confirm, set aside or vary the decision of the Councillor and the Council of the outcome of the appeal.

### **PART III**

#### **COMMITTEES**

##### **EXECUTIVE COMMITTEE**

###### **46. ELECTION OF MEMBERS**

46. (1) The Council shall, within 14 days after the last of the Local Councils has appointed its representative to the District Council, elect the members of its Executive Committee from among its members;
46. (2) The Chairperson and Deputy Chairperson of the Executive Committee shall be those persons elected by the Council as Mayor and Deputy Mayor

###### **47. TERM OF OFFICE**

47. (1) The members of the Executive Committee are elected for a term ending, subject to Section 47 of the Act, when the next Municipal Council is declared elected.
47. (2) A member of the committee shall cease to hold office:
  - (a) if he submits his resignation in writing to the Municipal Manager;
  - (b) if he is removed from office as a member of the executive committee in terms Section 53 of the Act;
  - (c) if he/she fails to attend three consecutive meetings of the committee without having obtained prior leave of absence from the committee, unless the Committee resolves that failure to obtain leave of absence was due to circumstances beyond his control; provided that this paragraph shall not apply in respect of an ex-officio member;
  - (d) if he ceases to be a Councillor.
47. (3) The member concerned shall not be entitled to vote on a resolution contemplated in subsection (1) (c).

**48. COMMITTEES TO ASSIST**

48. (1) The Executive Committee may establish Committees for the purpose of assisting it;
48. (2) The Executive Committee shall at the first and every subsequent appointment of such a committee determine the Chairperson of the committee and the membership of the committee.

**49. EX-OFFICIO MEMBERS OF COMMITTEES**

The Chairperson of the Executive Committee shall be an ex-officio member of the committees.

**50. MEETINGS**

50. (1) A committee shall meet as often as is necessary and shall determine the date of meetings.
50. (2) The Chairperson may and/or shall at the request of two members call a special meeting of the committee.
50. (3) No committee shall meet while the Council is in session.

**51. NOTICE OF MEETINGS**

The Municipal Manager shall give notice of the meeting in the manner provided in Section 4(1) at least forty eight hours prior to the meeting.

**52. QUORUM AND VOTING**

52. (1) A majority of all the members of a committee, including a casual vacancy, shall constitute a quorum.
52. (2) Voting at a committee meeting shall be per capita by show of hands of those members entitled to vote. A majority of such members present shall constitute a decision of the committee.
52. (3) The Chairperson of a committee shall have a casting vote which he must exercise in addition to his vote as a Councillor.
52. (4) A member of a committee entitled to vote may request that his vote be recorded against a decision of that committee.

**53. CASUAL VACANCIES**

53. (1) A vacancy on a committee shall be notified by the Municipal Manager at the first meeting of the Council after it has arisen, and shall be filled by the Council in accordance with Section 47.
53. (2) The existence of a vacancy on any committee shall not affect the validity of any of its decisions or proceedings.

**54. TEMPORARY ABSENCE OF MEMBERS**

During the temporary absence of a member of a committee, such member's alternate, or in the case of a member who is not a member of the Council, an alternate nominated by him and approved by the Committee, shall act in his place.

**55. PROCEDURE APPLICABLE TO MEETINGS**

55. (1) Subject to the provisions of subsection (2), a committee shall regulate its own procedure.
55. (2) The provisions of Section 4(2) and 5, 6, 7, 9, 11 excluding the proviso to subsection (1) and subsection (4), 38, 42, 44, and 45 shall apply mutatis mutandis in respect of meetings.

**56. REPORTS OF MEETINGS**

Any proposal which falls within the terms of reference of a committee shall be reported to that committee prior to consideration thereof by the Council.

**57. DECISIONS UNDER DELEGATED POWERS**

57. (1) Whenever a committee, in the exercise of its delegated powers takes a decision, or takes a decision not to refer a matter on which it had no delegated power to the Council, it shall be competent for:
- (a) any one member of the committee then present and entitled to vote; or
  - (b) any five members of the Council to request that the resolution embodying the decision be submitted as a recommendation to the next ordinary meeting of the Council.
57. (2) The right conferred by subsection (1) (a) shall be exercised before the termination of the meeting of the committee at which the decision was taken, and the right conferred under subsection (1) (b), by the delivery of a written notice of intention to do so, to the Municipal Manager within three days, excluding any Saturday, Sunday or public holiday, of the date of the meeting at which the decision was taken.
57. (3) If the rights conferred by subsection (1) are exercised, the decision of the committee shall be stayed until it has been dealt with by the Council, unless the Chairperson of the Council in a matter of urgency directs otherwise.

**58. CONFLICTING RECOMMENDATIONS**

58. (1) If a matter on which committees have no delegated powers is considered by more than one committee, and those committees solve to submit conflicting recommendations to the Council, the Municipal Manager shall immediately report the matter to the Chairperson of the Council. Before the matter is reported to the Council, the Chairperson shall convene a special joint meeting of the committee concerned for reconsideration of the matter with a view to making a joint recommendation to the Council.
58. (2) At such a joint meeting, the committees shall be deemed to be one committee with a quorum as contemplated in Section 52(1). The Chairperson of the Council shall preside but shall not have a vote.

**59. SUB-COMMITTEES**

59. (1) A committee may establish one or more sub-committees to consider and report to it upon any matter falling within the terms of reference of that committee.
59. (2) Every such sub-committee shall consist of members of the committee.
59. (3) Every sub-committee shall, unless disestablished earlier, cease to exist on the date on which the committee concerned is disestablished or re-appointed.

**PART IV****GENERAL****60. EXERCISE OF POWER DURING RECESS OF COUNCIL**

60. (1) Whenever any matter of urgency arises where there is a threat to human life and/or property or action is required to be taken to protect Council assets and/or personnel;
- (a) during the period the Council is not in recess, but it is not practicable to obtain a decision of the Council, or of the committee having delegated powers in the matter, such matter may on the recommendations of the Municipal Manager, be decided by the Chairperson of the Council; or

- (b) of the committee within whose terms of reference the matter falls, as the case may be;
  - (c) during any period that the Council is in recess, such matter may be decided by the Municipal Manager in consultation with the Mayor and the Speaker;
60. (2) The power conferred upon a Chairperson and the Municipal Manager by subsection (1) shall include the power to incur expenditure, provided that:
- (a) a certificate from the treasurer stating that provision has been made in the current estimates for such expenditure has been furnished to the Chairperson or the Municipal Manager, as the case may be;
  - (b) no expenditure on capital account shall be incurred unless approved by the Chairperson of the Council.
60. (3) All matters decided in terms of subsection (1) shall be reported to a special meeting of the committee within whose delegated powers the matter falls as soon after the event as is practicable and for ratification to the next ordinary meeting of the Council, or the committee within whose delegated powers the matter falls; provided that anything done pursuant thereto in the meantime shall be deemed to have been duly authorised by the Council or the committee concerned.

#### **61. DECLARATION OF INTERESTS**

- 61 (1) Every member shall, in March of every year, submit to the Municipal Manager a hard copy of a newly completed Declaration of Interests Form.
61. (2) Gifts received by a member in excess of R350,00 be declared in writing to Council within 60 days from receipt thereof.
61. (3) The members financial interests that shall be made public annually are the following:
- (a) shares and securities in any company
  - (b) directorships
  - (c) partnerships
  - (d) subsidies, grants, and sponsorships by any organization.
61. (4) The Municipal Manger shall refer to the Speaker of Council any case where a member or members fail to declare their interests accordingly.

#### **62. CONFIDENTIALITY**

62. (1) Unless authorised by the Chairperson of the Council, no member of the Council or a committee shall publish, disclose or cause to be published or disclosed:
- (a) any document or record of the Council; or the proceedings of any committee of the Council relating to any expropriation or purchase of land or other property by the Council; or any legal or arbitration proceedings in which Council is concerned; or any matter relating to the disclosure or publication of which would or might be prejudicial to the Council;
62. (2) for such period not exceeding sixty days.
62. (3) If a member attends any meeting of a Council or a committee in defiance of a decision in terms of subsection (2), the Chairperson may direct that he be removed.

#### **63. FIREARMS AT MEETINGS**

No one (member or non member) is allowed to carry a firearm into any of the Councils meetings.



**64. OFFICIAL LANGUAGE**

The official language for recording at meetings shall be English or any other language based on the individual request for interpretation.

**65. INTERFERENCE IN ADMINISTRATION**

Members of Council shall not meddle in the administrative matters of the municipality.





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