

PROVINCIAL NOTICE 27 OF 2019

LEPHALALE LOCAL MUNICIPALITY



**STANDING RULES AND ORDERS
FOR THE MEETINGS OF THE COUNCIL
AND
ITS COMMITTEES**

The Municipal Council for Lephalale Municipality has in its meeting held on the *28th February 2017* taken a resolution to adopt and pass these rules and orders as the Standing Rules and Orders of the Municipal Council

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1. Definitions

The following terms and phrases used in this by-law shall have the meaning assigned to them hereunder:

“committee” means any committee established in the municipality, including committees established in terms of *Section 79 and 80 of the Structures Act*;

“constitution” means the *Constitution of the Republic of South Africa, 1996*;

“council” means the Municipal Council for Lephalale Local Municipality;

“Councilor” means a member of the Municipal Council;

“day” means 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” means the committee appointed in terms of Section 42 (2)

of the Structures Act;

“in committee” means 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, will be excluded from the meeting, based on the nature of the business being transacted;

“mayor” means the Mayor of the Municipality as elected in terms of *section 48 of the Structures Act*;

“member” means a Councilor serving in the municipal council of the municipality;

“motion” means a matter submitted by a member;

“municipality” means Lephalale Local Municipality;

“petition” means a written statement, proposal or grievance addressed to the council, committee, an office-bearer or employee of the council and signed by more than five residents within the municipal area;

“point of order” means 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” means 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;

“report” means any item appearing on the agenda for consideration by the Council or a committee;

“**sargent-at-arms**” means 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**” means 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**” means a councilor as elected in terms of *section 36* of the Structures Act;

“**structures act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**sub-committee**” means any other committee, other than the Executive Committee or mayoral committee or committees appointed by the council or the Executive Committee;

“**systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“**Traditional Leader**” means 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**” means a member of the Municipal Council appointed by each political party represented in the council; and

“**whip of the Council**” means the person elected as the Whip of the Council.

2. Purpose

- (1) To prescribe the rules and orders for the municipal council's internal arrangements, business and proceedings and the establishment, composition, procedures, powers and functions of committees.

3. Application of rules and orders

- (1) The rules and orders 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.
- (2) These rules and orders are applicable to:
 - (a) all councilors;
 - (b) Traditional Leaders participating in Council and its committees in terms of Section 81 of the Municipal Structures Act;
 - (c) any municipal official of the Municipality; and

- (d) any member of the public while present in the Council chamber and precinct;
- (3) The rules are aimed to allow free, open and constructive debate during meetings. The rules are encouraging and promoting freedom of expression in such a manner that orderly debate is ensured within the time constraints allocated to meetings.
- (4) The rules endeavor to create the opportunity for Councilors serving in Council structures to air their view on any matter of public importance.

4. Councilors' attendance

- (1) Councilors must attend each meeting of the council and committee meetings that councilors must attend and remain in attendance unless they request, in writing, for leave of absence, twenty- four (24) hours before the meeting or unless the councilor is required to withdraw in terms of the Code of Conduct for councilors as outlined in Schedule 1 of Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- (2) When a councilor requests leave of absence from attending or remaining in attendance of council meeting, such requests must be put to the Speaker of council and when a councilor requests absence of leave from attending or remaining in attendance of committee meetings, such request must be put to the chairperson.
- (3) Failure by a councilor to attend meetings or to remain in attendance as prescribed above is a breach of these rules and orders and the councilor may if found to have breached the rules and orders, be ordered to pay a fine in line with the Code of Conduct.
- (4) The provisions of item 14 (1); (3) and (7) of the Code of Conduct as outlined in schedule 1 of the Systems Act shall, as far as practicable, apply to a councilor who is alleged to have failed to comply with sub rule (1) and has been fined.
- (5) A councilor who is absent for three or more consecutive meetings of a municipal council or committee, which that councilor is required to attend or remain in attendance, is committing a breach of the Code of Conduct and the provisions of Schedule 1 of the Systems Act shall apply.

5. Councilor's conduct

- (1) When attending to the business of the council and committee meetings, every councilor must:
 - (a) behave in a way that demonstrates respect for the council, the speaker of council, committee chairperson and other councilors;
 - (b) conduct themselves in compliance with the code of conduct for councilors and in accordance with the provisions of these rules;

- (c) not distribute any material other than the agenda, speakers list, urgency reports, motions and minutes of meetings of the council prior to the commencement of or at meetings of the council; and
- (d) be identifiable at all times and wear a name badge in instances where a councilor acts in the official capacity as a councilor.

6. Meetings of council open to public

- (1) The Municipal Council shall conduct its meeting in an open manner and every meeting of the Council and all committees, including the executive committee or mayoral 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*.
- (2) The Council will deal In Committee when discussing any of the following matters:
 - (a) a trade secret or confidential commercial information of any supplier of the Municipality or any person rendering a service to the Municipality;
 - (b) personal and private information of any Councilor or an employee of the Municipality;
 - (c) the intention of the municipality to purchase or acquire land or buildings;
 - (d) the price a municipality may offer for the purchase or acquisition of land or buildings;
 - (e) any report addressing legal proceedings that the Municipality is involved in or contemplating instituting or defending;
 - (f) disciplinary proceedings or proposed disciplinary proceedings against any employee;
 - (g) any matter that might not be disclosed in terms of any legislation; or
 - (h) consideration of the minutes of previous In Committee discussions.
- (3) A Councilor may when an item in the agenda is put to order, other than a matter referred to in paragraph 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.

7. Council meetings

- (1) The speaker decides when and where the council meets subject to section 18(2) of the Structures Act.
- (2) The Council shall hold ordinary meetings for the transaction of business at least quarterly as outlined in section 18(2) of the Structures Act.

- (3) 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.
- (4) The municipal manager or in the absence of the municipal manager, a person designated by the MEC for local government in the province, must call the first meeting of the council of the municipality within 14 days after council has been declared elected.

8. Public access

- (1) The meetings of municipal council and those of its committees must, subject to section 20 of the Systems Act, be open to the public, including the media.
- (2) The Speaker must inform the public of the proceedings of the council and its committees by publishing in the press, on the website and other appropriate media, details of the time, date and place of meeting.
- (3) The Speaker of council shall make every effort to facilitate access including the relocation of a meeting to an appropriate venue, especially with respect to access for person with disabilities and the anticipated interest in the committee's agenda.
- (4) Council must take reasonable measures to regulate public access, including access by the media.
- (5) The regulation of public access to the council precinct, subject to these standing rules and orders, is the responsibility of the Speaker.
- (6) In the interest of security or to prevent any disruption of proceedings, the Speaker may provide for any person to be searched or refused entry, or that any person be removed from council precinct.
- (7) A committee may exclude the public, including the media, from a meeting only when it is reasonable and justifiable to do so in an open and democratic manner, taking into consideration the nature of business that is being transacted.

9. Service of notices

- (1) 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 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 or her official address or mail address.

10. Urgent matters

- (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.
- (2) A matter will be deemed urgent when the decision required, if delayed, would prejudice the Council or its operations.
- (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.

11. Conduct at meetings

- (1) The Speaker or the chairperson of the meeting in the event of a meeting other than a Council meeting shall:
 - (a) maintain order during meetings;
 - (b) ensure compliance with the Code of Conduct for Councilors during meetings;
 - (c) ensure that meetings are conducted in accordance with the rules;
 - (d) ensure that members conduct themselves in a dignified and orderly manner during meetings;
 - (e) ensure that members of the public attending meetings are seated in areas designated for that purpose;
 - (f) 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;
 - (g) ensure that any Councilor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting; and
 - (h) 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.

12. Quorum and decisions

- (1) A majority of the Councilors must be present at a meeting of the council before any vote may be taken on any matter.
- (2) All questions concerning matters mentioned in section 160(2) of the Constitution are determined by a decision taken by a municipal council with the supporting vote of a majority of the councilors.

- (3) 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 as he or she deems fit and thereafter adjourn the meeting to another date, time or venue.
- (4) All matters will be decided by a majority of Councilors present at the meeting.
- (5) 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.
- (6) 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.
- (7) 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 and for those matters listed in section 160(2) of the Constitution, there will be no provision for a casting vote.
- (8) 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 majority of members present, the recommendations are adopted.
- (9) 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 and the outcome shall be determined thereat.
- (10) The Speaker or chairperson shall thereupon declare the motion carried or lost and it shall be entered upon the minutes.
- (11) The number of members voting will be recorded and the general result of the vote. The outcome of the voting will be announced by the Speaker.
- (12) A member may abstain from voting without leaving the chamber.
- (13) A member may request that his or her support, dissent or abstention be recorded on the minutes of the meeting.

13. Councilor may not speak twice to a matter

- (1) Except when required or allowed by these rules, no councilor may speak more than once to a matter.
- (2) A councilor may request permission to speak to a matter for the second time in order to-

- (a) clarify any misquotation or misunderstanding of any material part of the original speech;
or
- (b) ask a question or make a remark, raise a point of order or personal explanation.

14. Interpretation of rules

- (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 or chairperson may be required to provide reasons for a ruling.
- (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.
- (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.

15. Disclosure

- (1) A councilor:
 - (a) shall 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;
 - (b) shall 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 or 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; and
 - (c) 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.

16. Walkout

- (1) If a Councilor or group of Councilors leaves any meeting in protest, the remainder of the Councilors shall proceed with the meeting.

17. Adjourned meetings

- (1) 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.
- (2) 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.

18. Chairperson of meetings

- (1) At every meeting of the council the speaker, or if he or she is not present, an acting speaker shall be the chairperson. An acting speaker shall be elected by the majority of Councilors present at any meeting of the Council where the speaker is not present.
- (2) The mayor shall chair meetings of the executive committee and if not present, any other Councilor appointed by a majority of members of the executive committee in attendance.
- (3) The chairperson appointed by the executive committee shall chair meetings of the portfolio committees.
- (4) The person so nominated by the council, executive committee or committee shall chair meetings of committees and subcommittees; provided that where no such person was nominated the members present may elect their own chairperson.

19. Agenda

- (1) The Speaker must ensure that all business of the council is placed on the agenda.
- (2) 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.
- (3) The Speaker or chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.
- (4) 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. Content of debate

- (1) Councillors may not –
 - (a) discredit the council or councilors by using disrespectful and offensive language;
 - (b) refer to proceedings in committee meetings that were closed to the public until those proceedings are reported to the council;
 - (c) refer to any other councilor by that councilor's first name or names only;

- (d) comment upon the merits of any matter pending before the courts in a way that could interfere with the administration of justice or infringe upon the independence of the courts;
 - (e) comment upon matters that are irrelevant to the matter under discussion;
 - (f) repeat arguments; or
 - (g) anticipate the discussion of a matter appearing on the council agenda.
- (2) When a councilor persists in irrelevant or repetition of arguments, the Speaker of council must call attention to the conduct of the councilor and may then direct the councilor to stop the speech.
- (3) In determining whether a councilor is out of order on the grounds of anticipating the discussion of a matter appearing on the agenda, the Speaker of council must take into account whether the matter is likely to be discussed in the council within a reasonable time.

21. Interruption

- (1) Councilors may through the Speaker interrupt the councilor who is speaking in a debate only to –
- (a) raise a point of order; or
 - (b) call attention to the presence of an unauthorized person.

22. Maintaining order

- (1) The Speaker of council or councilor chairing a committee meeting must maintain order in meetings.
- (2) The Speaker of council may at any time during a meeting, if the Speaker deems it necessary for the maintenance of order, direct an authorized person to remove or cause the removal of any person.

23. Leave of absence

- (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 especially in cases where application for leave of absence must also be submitted even where such a councilor must attend another official meeting.
- (2) All applications for leave must be submitted at least 24 hours before the starting time of the meeting.

24. Minutes to be kept and confirmation thereof

- (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 municipality. 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.
- (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.
- (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.
- (4) No discussion on minutes under confirmation of minutes and no motion or discussion shall be allowed upon the confirmation of the minutes, except as to its accuracy.

25. Petition

- (1) Petitions 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 or she deems it necessary, bring the matter before the executive committee or mayoral committee.
- (2) Where a petition does not meet the form prescribed by the petitions policy, assistance shall be given by the Secretary to Council to the petitioner to ensure that the requirements are met.
- (3) The committee must consider all petitions that are properly submitted in terms of the petitions policy.
- (4) The Secretary to Council must inform the petitioner about receipt of progress and decision of the said committee and other action taken by the committee of council, in terms of the petitions policy.

26. Deputations to submit memorandum

- (1) Deputations wishing to be received by the executive committee or mayoral 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 or Mayoral Committee, which it may authorize, if it sees fit to receive the deputation and to report to the council forthwith.
- (2) A deputation wishing to address the executive committee or mayoral 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

- (1) The Speaker or chairperson shall move the recommendation contained in a report unless he or she shall have previously stated his or her disagreement with it.
- (2) 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

- (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.
- (2) Any notice of motion shall be submitted to the Speaker or chairperson before 12:00 o'clock, ten (10) days prior to the meeting of the Council or committee.
- (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.
- (4) A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.
- (5) 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.
- (6) All notices of motion shall be dated and numbered as received by the Municipal Manager, the motion will then with approval of the mover, be discussed in the next council meeting.
- (7) No member shall have more than two notices of motion on the same agenda at the same time.
- (8) 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. The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the Speaker, Executive 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.

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- (9) 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.
- (10) The Speaker may disallow a motion which:
- (a) may lead to discussions of a matter already dealt with on the agenda;
 - (b) addresses a matter where the Council has no jurisdiction;
 - (c) addresses a matter where a decision of a judicial or quasi-judicial body is pending;
 - (d) has not been seconded; or
 - (e) if passed, would be contrary to the law.
- (11) The mover with the consent of the seconder may withdraw a motion or amendment a motion.
- (12) 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.

29. Precedence of the Speaker

- (1) When speaking, Councilors, officials or members of the public shall stand and address their speech to the Speaker or chairperson.
- (2) 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

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

31. Debate management

- (1) Time allocated to each political party or interested group will be determined by the Speaker.
- (2) Each political party or interest group represented in the municipality has the right to speak on each item on the agenda.

32. Length of speeches

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

- (2) The Speaker or the chairperson shall be entitled to at any time set, limit or extend reasonable time limits for the discussion of or any decision or any item or group of items on the relevant agenda.
- (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.

33. Disorderly conduct of Councilor and the duty of the chairperson

- (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 or her speech and resume his or her seat, if he or she was standing.
- (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 or her to be ejected there from.
- (3) The Speaker or a chairperson may exclude from a meeting, for such period of time during the meeting as he or 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.
- (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 Sargent at Arms to facilitate the removal of such Councilor/s from the chamber.

34. Obstruction by persons other than Councilors

- (1) 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.
- (2) If the person refuses to leave, the Sargent-at-arms will be responsible to remove such person from the meeting.

35. Points of order and personal explanation

- (1) Any member, regardless of whether he or she addressed the Council on the matter under debate or not, may:
 - (a) raise a point of order; and
 - (b) raise a point of personal explanation at the end of the debate.
- (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.
- (3) Any member contemplated in subsection 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.
- (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.
- (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. Questions

- (1) Any member may submit a question requiring a written reply from any political office bearer, the Municipal Manager or Executive 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 questions has been submitted to the Speaker or chairperson and the municipal manager at least 10 (ten) days prior to the council or committee meeting, the political office bearer and the municipal manager shall ensure that the member receives a written reply at the meeting.
- (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.
- (3) All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

37. Committees

- (1) Committees must be established or dissolved by resolution of council.
- (2) A committee may establish sub-committee, consisting of members of that committee only.

- (3) Ad hoc committee:
 - (a) may be established to deal with a specific matter and dissolves when it has reported on that matter; and
 - (b) may consist of members of the committee and outside experts but experts from outside the council may not vote in the committee.
- (4) The rules committee must determine the number of members of a committee.
- (5) Political parties are entitled to be represented on committees in substantially the same proportion as the proportion in which they are represented in council.
- (6) The council and parties represented in the council should, as far as possible, ensure that women are represented on all committees.
- (7) The chief whip of council in consultation with the whips of political parties shall nominate members of the committees and submit the nominations to the speaker of council.
- (8) The council must appoint the members of the committees as soon as possible after the election of the council or whenever a vacancy arises on the recommendation of the rules committee.
- (9) Alternative members may be appointed for each member of a committee. An alternate acts as a member when the member for whom the alternate was appointed, is absent or has vacated office.

38. Minutes of the Committee

- (1) 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 municipality.
- (2) 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 prior meeting.
- (3) 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.

39. Inspection of minute books or recorded versions by Councilors

- (1) The written and recorded versions of 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.

40. Non-attendance of members of committees

- (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, he or she shall be required to submit a motivation for such absence and if the Speaker is not satisfied with such explanation, it shall be reported to the Municipal Council that the Councilor is deemed to have forfeited his or 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.
- (2) Members of Council may attend on invitation, 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.
- (3) The provisions of subsection 1 above will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the Executive Committee will be requested to attend the MPAC meeting and the request for attendance will specify the matters that the member of the executive committee will be expected to address the MPAC on.
- (4) Any member of the executive committee requested to attend the MPAC may instruct the Municipal Manager or a senior manager to accompany him or her to the MPAC meeting but may not instruct such official to appear and address the MPAC on his or her behalf.

41. Information to be obtained from Municipal Manager

- (1) 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 to the Municipal Manager.

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

- (1) The Speaker may on application being made to him or 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.
- (2) 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.

43. Legal defence and indemnification of councilors and officials of the Council

- (1) 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, organization or institution arising from the Councilor's or official's capacity as a Councilor or official of the Municipality.

44. Speaker may refer matters for legal advice

- (1) 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.

45. Sanctions and offences

- (1) Any person who willfully contravenes any provision of this rules and orders shall be guilty of an offence and shall be subject to the following sanctions imposed by the council:
 - (a) 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;
 - (b) 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.

46. Dress code

- (1) The Council may by resolution prescribe a dress code for Councilors, traditional leaders and staff attending meetings.