

RULES OF ORDER



APPROVED BY:

MR M NAKO

MUNICIPAL MANAGER

DATE: 17/06/22

APPROVED BY:

CLLR/ JANDA

EXECUTIVE MAYOR

DATE: 17/06/22



COUNCIL RULES OF ORDER

2022/2023

CONTENTS

CHAPTER ONE: DEFINITIONS.....	4
Interpretation of the By-law	5
Object of By-law	6
Application of Rules	6
 CHAPTER TWO: COUNCIL, MAYORAL COMMITTEE, STANDING AND OTHER COMMITTEES	 7
Speaker to convene Council meetings	7
Executive Mayor to convene (MAYCO) Mayoral Committee meetings	8
Chairperson (Portfolio Head) to convene Standing and other Committee meetings	8
Ward Councillor to call Ward Committee meetings	8
Notice of Meetings	9
Notice to attend all other meetings	10
Admission of the public to meetings	10
Public to address Municipal Council	11
Attendance of Councillors	12
Leave of absence	12
Quorum	14
Joint meetings	16
Determination of language policy	17
 CHAPTER THREE: ORDER AND CONSIDERATION OF BUSINESS	 17
Agenda	17
Order of business for an ordinary meeting	18
Reports	19
Conduct of meetings	20
Legal and financial constraints	21
Reconsideration of resolutions and decisions of the municipality	22
 CHAPTER FOUR: COUNCILLORS CONDUCT	 22
Councillor's conduct at meetings	22
Declaration of interest	25

CHAPTER FIVE: DEBATE MANAGEMENT.....	26
Ordinary Notices of Motion	26
Disallowed Motions	28
Procedural Motions	29
Withdrawal of Motions	30
Urgent Motions	30
Allocation of time for debate	31
Rules of Debate	33
Points of Order and Explanation	34
Relevance	34
Decision and Voting	34
Questions on Municipal Performance	36
 CHAPTER SIX: REMOVAL OF OFFICE-BEARERS FROM OFFICE.....	 38
 CHAPTER SEVEN: APPLICATION OF CODE OF CONDUCT	 41
 CHAPTER EIGHT: WARD COMMITTEES.....	 43
 CHAPTER NINE: MISCELLANEOUS PROVISIONS	 44
Delegation of Powers during Recess and Emergencies	44
Records	45
Access to Information	47
Report on Implementation of Council Decisions	48
Short title and commencement	49
54 Sanctioning for non-attendance of meetings	49
59. Council's sittings – days and hours	50
60. Venue of meetings of Committees of Council and council meetings	50
 Subject to the Speaker's approval, a Committee of Council, including the Standing.....	 50
 Committees and council may meet at a venue beyond the seat of the Council ..	 50



MBHASHE LOCAL MUNICIPALITY

All correspondence to be directed to the office of the Municipal Manager
454 Streatfield Street, Dutywa, Eastern Cape Province
Tel: 047 489 5864/34 • Email: info@mbhashemun.gov.za
www.mbhashemun.gov.za

RULES OF ORDER BY- LAW, 2019

To provide Rules of Order regulating the procedures and conduct of meetings of the Municipal Council and its committees; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS a Municipal Council must strive within its capacity to achieve the objectives set out in section 152(1) of the Constitution which is to provide democratic and accountable government to local communities; to ensure the provision of services to communities in a sustainable manner; to promote social and economic development; to promote a safe and healthy environment and to encourage the involvement of communities in the affairs of local government;

AND WHEREAS Councillors are elected to represent local communities in Municipal Councils to ensure that municipalities have structured mechanisms to ensure accountability to local communities and to meet the priority needs of communities;

AND WHEREAS Councillors must fulfil their obligations to the community, support the achievement by the municipality of its objectives, must adhere to the Code of Conduct for Councillors, comply with the Rules of Order and By-laws of the Municipality and at all times respect the rule of law;

AND WHEREAS it is necessary for the Municipal Council to prescribe Rules of Order for its internal arrangements and to regulate the conduct of its business and proceedings;



MBHASHE LOCAL MUNICIPALITY

All correspondence to be directed to the office of the Municipal Manager
454 Streatfield Street, Dutywa, Eastern Cape Province
Tel: 047 489 5864/34 • Email: info@mbhashemun.gov.za
www.mbhashemun.gov.za

NOW THEREFORE the Municipal Council of Mbhashe Local Municipality, acting in terms of section 160(6) of the Constitution of the Republic of South Africa, 1996 hereby makes the following By-law:

CHAPTER ONE: DEFINITIONS

1 (1) in this by-law, unless the context otherwise indicate-

- a) **"Act"** means all relevant local government Acts of Parliament as assented by the President of the republic
 - b) **"Absent"** means not present at a meeting of the council or a committee of the council without valid cause or reason and absenteeism has a corresponding meaning;
 - c) **"Caucus"** means an informal discussion of members of any of the parties represented in the Mbhashe Municipal Council with a view to prepare for or reach a resolution prior any of the formal meetings of the Council or Council Committees;
 - d) **"Constitution"** means the constitution of the Republic of South Africa Act (108 of 1996);
 - e) **"Committee"** means any Committee of Council and Mayoral Committee, including any committee established in terms of legislation;
 - f) **"Chairperson"** means a person chairing a meeting other than a council meeting or such person elected during that particular meeting;
 - g) **"Council"** means the council of Mbhashe Local Municipality
 - h) **"Council Whip"** means a councillor elected by the Council to become a Council Whip to become the overall coordinator of all activities of political and committee whips as well as work with leaders of all represented political parties in the Council
 - i) **"Day"** means Monday to Friday, including a Saturday, Sunday and a public holiday;
 - j) **"Division of Votes"** means to record individually every member or person's vote for or against any proposal and /or the withdrawal from the meeting by a member or person during the thirty seconds allowed;
 - k) **"IDP"** means the Integrated Development Plan of the municipality
 - l) **"Mayor"** means the member of the Mayoral Committee elected as Mayoral Mayor in terms of section 48 of the Municipal Structures Act (117 of 1998)
-



MBHASHE LOCAL MUNICIPALITY

All correspondence to be directed to the office of the Municipal Manager
454 Streatfield Street, Dutywa, Eastern Cape Province
Tel: 047 489 5864/34 • Email: info@mbhashemun.gov.za
www.mbhashemun.gov.za

- m) **"MEC"** for Local Government and Traditional Affairs" means the member of the Mayoral Council responsible for Local Government in the Eastern Cape Province;
- n) **"Member"** means a member of the Council of Mbhashe Local Municipality;
- o) **"Municipal Finance Management Act"** means the Local Government: Municipal Finance Management Act, (32 of 2003) hereinafter referred to as the Municipal Finance Management Act"
- p) **"Municipal Manager"** means a person appointed by the Council in terms section 56 of the **"Municipal Systems Act"** (32 of 2000) as Municipal Manager and includes any person acting in this position;
- q) **"Municipal Structures Act"** means the Local Government: Municipal Structures Act (117 of 1998) as amended, herein referred to as Structures Act;
- r) **"Municipal Systems Act"** means the Local Government: Municipal Systems Act (32 of 2000) as amended, herein referred to as Municipal Systems Act;
- s) **"Municipality"** means the Municipality of Mbhashe as established in terms section 32 of the Municipal Structures Act and, where the text so requires, includes the Council;
- t) **"Party"** means the political party represented in council.
- u) **"Rescind"** means to declare an action taken null and void thus making it ineffective.
- v) **"Speaker"** means the Speaker of Mbhashe Local Municipality, elected in terms of section 36 of the Municipal Structures Act.
- w) **"Ward"** means a Ward as delineated in terms of the Municipal Demarcation Act (27 of 1998)
- x) **"Whip"** means a member of a party in the council appointed by that party in council to ensure, together with the Chief Whip the smooth functioning of the proceedings of the Council in terms of these by-laws.

Interpretation of the By-law

- 2. (1) If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version where there are no ambiguities prevails
 - (2) The ruling of the Speaker or Chairperson with regards to the interpretation of these rules of order at a meeting of the Council or Committee of the Council shall be final and binding.
-



MBHASHE LOCAL MUNICIPALITY

All correspondence to be directed to the office of the Municipal Manager
454 Streatfield Street, Dutywa, Eastern Cape Province
Tel: 047 489 5864/34 • Email: info@mbhashemun.gov.za
www.mbhashemun.gov.za

(3) Any interpretation of these rules shall be made having due regard to the supremacy of the Constitution, National, Provincial and Municipal legislation, the rule of law and the rules of natural justice.

(4) The interpretation and the ruling of the Speaker or Chairperson of a Committee on any of these rules of order must be recorded in the minutes of the Council or committee meeting.

(5) The Office of the Speaker must keep a register of the rulings and associated legal opinions.

Object of By-law

3. (1) The object of this By-law is to prescribe Rules of Order for the Mbhashe Municipal Council and its committees for its—

(a) internal arrangements; and

(b) business and proceedings,

In compliance with the provisions of the Constitution and other applicable laws.

Application of Rules

4. (1) This By-law applies to all meetings of the Municipal Council and its committees. The Speaker may direct that these rules apply *mutatis mutandis* to any other committee of council, including the Mayoral Committee, Standing Committees, Ward Committee or ADHOC Committee meetings.

It must be complied with by—

- a) Councillors;
 - b) Traditional Leaders;
 - c) members of the public;
 - d) officials of the municipality;
 - e) Community members
 - f) Government Ministers
 - g) Members of Mayoral Council;
 - h) Officials from government departments; and
-