



DATE: 18 NOVEMBER 2021

REPORT TO: COUNCIL

1. ITEM NUMBER : C 02/11/21**2. SUBJECT****LEAVE OF ABSENCE: ATTENDANCE OF MEETINGS****IZIZINGXENGXEZO ZOKUNGAZIMASI IINTLANGANISO****VERLOF OM AFWESIGHEID: BYWONING VAN VERGADERINGS****3. DELEGATED AUTHORITY**

This report is for

 Committee name : The Executive Mayor together with the Mayoral Committee (MAYCO) Council**4. DISCUSSION**

To determine which Councillors have applied for leave of absence from the Inaugural meeting of Council and to note the provisions contained in Schedule 1 of the Municipal Systems Act 32 of 2000, namely the Code of Conduct for Councillors, regarding attendance of meetings.

Section 3 of the Code of Conduct for Councillors contained in Schedule 1 of the Municipal Systems Act, *inter alia*, provides as follows:

“A Councillor must attend each meeting of the Municipal Council and of a Committee of which that Councillor is a member, except when leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the Council.”

In terms of Section 3 of the Code of Conduct Councillors may be granted leave of absence when they are unable to attend meetings of the Council, or of a Committee of which such a Councillor is a member.

Making progress possible. Together.

In addition, Section 4(2) of the Code of Conduct specifies that a Councillor who is absent from three or more consecutive meetings of Council or a Committee which that Councillor is required to attend in terms of Section 3 above, must be removed from office as a Councillor.

It is to be noted that whilst the Municipal Structures Amendment Act moved Schedule 1 of the Municipal Systems Act to be included as Schedule 7 of the Municipal Structures Act, the change has not yet been effected in the principle Act. The Code of Conduct as contained in Schedule 1 is therefore attached as Annexure A to this report.

4.1. Financial Implications None Opex Capex
 Capex: New Projects
 Capex: Existing projects requiring additional funding
 Capex: Existing projects with no Additional funding requirements

4.2. Policy and Strategy Yes No

4.3. Legislative Vetting Yes No

4.4. Legal Implications Yes No

Schedule 1 of the Local Government: Municipal Systems Act: 32 of 2000 - Code of Conduct of Councillors

4.5. Staff Implications Yes No

4.6. Risk Implications Yes No

4.7. POPIA Compliance Yes It is confirmed that this report has been checked and considered for POPIA compliance.

RECOMMENDATIONS

It is recommended that:

- a) the applications for Leave of Absence submitted in respect of this meeting be granted.
- b) Section 3 and 4(2) of the Code of Conduct for Councillors relating to applications for leave of absence, be noted.

IZINDULULO

Kundululwe ukuba:

- a) makwamkelwe izecelo zezingxengxezo zokungabikho ezijoliswe kule ntlanganiso.
- b) makuqwalaselwe icandelo 3 no-4(2) loMgaqo ongeNdelela yokuziPhatha kooCeba ophathelene nezicelo zezingxengxezo zokungabikho.

AANBEVELINGS

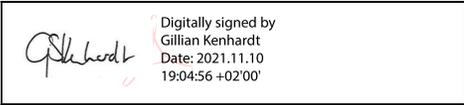
Daar word aanbeveel dat:

- a) die aansoeke om verlof tot afwesigheid wat vir hierdie vergadering ingedien is, toegestaan word.
- b) daar kennis geneem word van artikel 3 en 4(2) van die gedragkode vir raadslede wat op aansoeke om verlof tot afwesigheid betrekking het.

ANNEXURES

Annexure A: Applicable section of Schedule 1 of the Local Government: Municipal Systems Act

FOR FURTHER DETAILS CONTACT

NAME	R Razack	CONTACT NUMBER	021 400 1246
E-MAIL ADDRESS	Rehana.Razack@capetown.gov.za		
DIRECTORATE	Corporate Services	FILE REF NO	
SIGNATURE :	 <p>Digitally signed by Gillian Kenhardt Date: 2021.11.10 19:04:56 +02'00'</p>		

ACTING EXECUTIVE DIRECTOR: CORPORATE SERVICES

NAME	Gareth Morgan	COMMENT:
DATE	11 November 2021	Supported.
SIGNATURE	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>Gareth Morgan</p> <p>Digitally signed by Gareth Morgan Date: 2021.11.11 11:55:15 +02'00'</p> </div>	

The Acting ED's signature represents support for report content and confirms POPIA compliance.

LEGAL COMPLIANCE

- REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.
- NON-COMPLIANT

NAME	Sarah Sanders	COMMENT:
DATE	11 November 2021	Certified as legally compliant based on the contents of the report.
SIGNATURE	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>Sarah Sanders</p> <p>Digitally signed by Sarah Sanders Date: 2021.11.11 21:34:53 +02'00'</p> </div>	Note: in terms of sections 4 and 5 of Schedule 7 of the Municipal Structures Amendment Act.

 Digitally signed by Lungelo Mbandazayo
Date: 2021.11.12 10:58:07 +02'00'

CITY MANAGER

NAME	L MBANDAZAYO	Comment:
TEL		
DATE		

SCHEDULE 1

CODE OF CONDUCT FOR COUNCILLORS

Preamble

Councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local 5 communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators. In order to ensure that councillors fulfil 10 their obligations to their communities, and support the achievement by the municipality of its objectives set out in section 19 of the Municipal Structures Act, the following Code of Conduct is established.

Definitions

1. In this Schedule 'partner' means a person who permanently lives with another 15 person in a manner as if married.

General conduct of councillors

2. A councillor must—
- (a) perform the functions of office in good faith, honestly and a transparent 20 manner; and
 - (b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

Attendance at meetings

3. A councillor must attend each meeting of the municipal council and of a committee 25 of which that councillor is a member, except when—
- (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or
 - (b) that councillor is required in terms of this Code to withdraw from the meeting.

Sanctions for non-attendance of meetings

4. (1) A municipal council may impose a fine as determined by the standing rules and 30 orders of the municipal council on a councillor for:
- (a) not attending a meeting which that councillor is required to attend in terms of item 3; or
 - (b) failing to remain in attendance at such a meeting.
- (2) A councillor who is absent from three or more consecutive meetings of a 35 municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed from office as a councillor.
- (3) Proceedings for the imposition of a fine or the removal of a councillor must be 40 conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item. The uniform standing procedure must comply with the rules of natural justice.

Disclosure of interests

5. (1) A councillor must—
- (a) disclose to the municipal council, or to any committee of which that councillor 45 is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee: and