



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

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## RULES & ETHICS COMMITTEE

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1. **ITEM NUMBER: RLE 07/05/22**

2. **SUBJECT / ONDERWERP / ISIHLOKO:**

**REVIEW THE RULES OF ORDER FOR SECTION 79 & 80 COMMITTEE MEETINGS**

*HERSIENING VAN DIE ORDEREëLS VIR VERGADERINGS VAN ARTIKEL 79-EN 82-KOMITEES*

**UPHENGULULO LWEMIGAQO YOCWANGCO ENGEENTLANGANISO ZEKOMITI EZINGECANDELO79 NELAMA80**

3. **PURPOSE**

At the Rules & Ethics Committee meeting held on 10 February 2022, the members agreed to review the Rules of Order for Council as part of their annual work program for 2022.

The Rules of Order for Section 79 & 80 Committees and Virtual Section 79 & 80 Committees meetings are attached for review by the Rules & Ethics Committee.

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**ANNEXURE A: RULES OF ORDER – SECTION 79 & 80 COMMITTEES MEETINGS**

**ANNEXURE B: RULES OF ORDER – VIRTUAL SECTION 79 & 80 COMMITTEES MEETINGS**



# **RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF SECTION 79 AND 80 COMMITTEES OF THE COUNCIL OF THE CITY OF CAPE TOWN**

Latest version as approved by Council  
on 15 December 2021 – C08/12/21



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

**RULES OF ORDER REGULATING  
THE CONDUCT OF MEETINGS  
OF  
SECTION 79 AND 80 COMMITTEES  
OF THE COUNCIL  
OF THE  
CITY OF CAPE TOWN**

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## SUMMARY OF TIME LIMITS

### RULES OF ORDER REGULATING THE CONDUCT OF SECTION 79 AND 80 COMMITTEE MEETINGS OF THE COUNCIL OF THE CITY OF CAPE TOWN

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| <b>RULE 6: NOTICE OF MEETINGS</b>  | <b>Rule 6.2</b> Municipal Manager to give 72 hours' notice of Committee meetings;<br><b>Rule 6.4</b> Special meetings require 48 hours' notice   |
| <b>RULE 7: QUORUMS</b>   | <b>Rule 7.2</b> if no quorum meeting to be suspended for no more than 30 minutes, still no quorum meeting adjourned to another time, date etc.   |
| <b>RULE 9: ATTENDANCE AND LEAVE OF ABSENCE</b>   | <b>Rule 9.3</b> member leaving during the meeting due to urgent matter must personally advise the Chairperson and submit an application for leave within 14 days after the event<br><b>Rule 9.6.3</b> leave of absence is granted when notice of meeting has been delivered less than 72 hours before commencement of meeting and where the Municipal Manager has received such member's change of address at least 7 days before the relevant meeting |
| <b>RULE 13: DEBATE MANAGEMENT</b>  | <b>Rule 13.1</b> members speech not to exceed 5 minutes;   |
| <b>RULE 14: MINUTES</b>  | <b>Rule 14.7</b> audio recordings of all meetings of Committee to be kept for 5 years  |
| <b>RULE 15: MOTIONS</b>  | <b>Rule 15.1.2</b> motion to be received 10 working days prior to meeting at which such meeting is to be debated<br><b>Rule 15.5.1</b> motion to rescind or amend a resolution of Council taken within the 3 preceding months which was not supported within the preceding 3 months shall not be entertained   |
| <b>RULE 17: URGENT MATTERS</b>   | <b>Rule 17.2</b> Chairperson to determine period of time available for discussion of any urgent matter   |
| <b>RULE 18: AMENDMENTS TO RECOMMENDATIONS</b>  | <b>Rule 18.2</b> mover of an amendment to speak thereon for not more than 2 minutes<br><b>Rule 18.4</b> member may not move more than 1 amendment to a recommendation, motion or proposal  |
| <b>RULE 21: IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER</b> | <b>Rule 21.1</b> after 2 warnings and a final warning during the deliberations of a Committee meeting, disciplinary action may be recommended in terms of the Code of Conduct  |
| <b>RULE 22: REMOVAL OR EXCLUSION OF MEMBER</b>   | <b>Rule 22.2</b> members who refuse to comply with directions of Chairperson in terms of Rule 21 may be excluded from Committee meetings for a period determined by Council not excluding 30 days  |
| <b>RULE 24: POINTS OF ORDER</b>  | <b>Rule 24.4</b> a member may not address Chairperson for longer than 2 minutes on a point of order  |
| <b>RULE 25: POINTS OF CLARITY</b>  | <b>Rule 25.2</b> a member may not address Chairperson for longer than 1 minute on a point of clarity   |

## **RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF SECTION 79 AND 80 COMMITTEES OF THE COUNCIL OF THE CITY OF CAPE TOWN**

### **1. APPLICATION OF RULES**

- 1.1 These Rules of Order apply to all meetings of the Committees of the City Of Cape Town established in terms of section 79 and 80 of the Local Government: Municipal Structures Act, Act 117 of 1998, as amended.
- 1.2 These Rules shall not apply to the meetings of Council, Sub-Councils and Ward Committees which are governed by their own Rules of Order or the Conduct and Guidance Committee which is governed by the Rules of Natural Justice.
- 1.3 Rules of Order are aimed to allow for a free and constructive debate during meetings. These Rules are aimed to promote freedom of expression in such a manner as to allow for orderly debate by as large a number of Members as is possible within reasonable time constraints. The Rules endeavour to create an opportunity for Members of the Committees to air their views on matters of public importance.
- 1.4 These Rules remain in force until amended or rescinded by Council.
- 1.5 Any reference to the masculine gender in these rules shall include the feminine and the singular shall include the plural, and vice versa.

### **2. DEFINITIONS**

In these Rules, unless inconsistent with the context:

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

“Chairperson” means:

In respect of a section 80 Committee – the member of the Mayoral Committee appointed by the Executive Mayor in terms of section 80(2)(a) of the Act;

In respect of a section 79 Committee – a member appointed by the Municipal Council in terms of section 79(2)(c);

“Committee” means a Committee of the Council of the City of Cape Town established in terms of section 79 or 80 of the Act;

“Conduct and Guidance Committee” means the Committee established in terms of Schedule 1 Code of Conduct for Councillors in the Systems Act;

“Council” means the Municipal Council of the City of Cape Town;

“Executive Director” means a manager directly accountable to the Municipal Manager in terms of section 56 of the Act;

“Mayor” means the Executive Mayor of Council;

“Mayoral Committee” means the Mayoral Committee of Council;

“Meeting” means any meeting of the relevant Committee;

“Member” means a councillor of the Council of the City of Cape Town;

“MMC” means Member of the Mayoral Committee;

“Motion” means a matter submitted by a member in terms of Rule 15;

“Municipal Manager” means the person appointed in terms of Section 54A of the Act and as mentioned in the regulations;

“Ordinary meeting” means a meeting in terms of Rule 6.1;

“Political party” means a political party registered in terms of the Electoral Act (Act 73 of 1998);

“Procedural motion” means a matter raised by a member at a meeting in terms of Rule 26;

“Special meeting” means a meeting in terms of Rule 6.4;

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

“Transversal or Cluster Committee” means a committee established in terms of section 79 of the Act.

### **3. CONDUCT AT MEETINGS**

The Chairperson must:

- 3.1 maintain order during meetings;
- 3.2 ensure compliance with the Code of Conduct for Councillors at meetings;
- 3.3 ensure that meetings are conducted in accordance with these Rules of Order;
- 3.4 ensure that any person refusing to comply with his/her ruling leaves the meeting place immediately when ordered to do so;
- 3.5 ensure that members conduct themselves in a dignified and orderly manner;
- 3.6 ensure that members use the privileges and immunities conferred by section 28 of the Act with discretion and with due regard to the right of dignity of those whom such privileges and immunities do not apply.

#### **4. INTERPRETATION OF RULES**

The ruling of the Chairperson in regard to the application or interpretation of these Rules and other procedural matters not dealt with in the Rules of Order is, final and binding, once he/she has given his/her reasons.

#### **5. CHAIRING OF MEETINGS**

- 5.1 The Chairperson chairs a meeting of a Transversal or Cluster Committee.
- 5.2 Should the Chairperson not be present at a meeting, an Acting Chairperson must be elected for that meeting from the members present.
- 5.3 Should the Chairperson be present at a meeting but it is necessary for the Chairperson to absent him/herself during the meeting for a short period, then the Chairperson must appoint an Acting Chairperson for that meeting from the members present.

#### **6. NOTICE OF MEETINGS**

- 6.1 The Chairperson, must ensure that ordinary meetings as approved on Council's calendar of meetings take place as scheduled.
- 6.2 The Municipal Manager must give at least 72 hours' notice of the meetings referred to above, to enable members to prepare adequately.
- 6.3 The fact that a member has not received notice of a meeting in accordance with these Rules will not affect the validity of any proceedings of that meeting.
- 6.4 Should the Chairperson wish to arrange a Special Meeting, the Chairperson must consult Council's Chief Whip to arrange a suitable date, and the notice period to members must be at least 48 hours.
- 6.5 Every member of a Committee must specify in writing an electronic mail address and/or a physical address within the municipal area of Cape Town, where he/she will receive notice of meetings and other official correspondence.

#### **7. QUORUMS**

- 7.1 The quorum for a meeting of a Committee is a majority of its members.
- 7.2 Whenever there is no quorum, the meeting must be suspended for no more than 30 minutes. If, at the end of that period, there is still no quorum, the Chairperson may adjourn the meeting to another time which is to be determined after consultation with the Chief Whip of Council and must be conveyed to the members in terms of Rule 6.2.



## **8. AGENDA**

- 8.1 Subject to Rule 8.2, all meetings must be conducted according to the order in which the matters appear on the agenda, and only matters which are on the agenda may be debated.
- 8.2 The Chairperson may, after considering suitable motivation, change the order of matters appearing on the agenda.
- 8.3 The Municipal Manager may direct that any matter be entered into the confidential part of the Committee's agenda. Such matter must not be disclosed to any person other than those who receive it in their official capacity, and such matter must be debated in a closed meeting of the Committee.
- 8.4 The Chairperson may, after considering suitable motivation, direct that a matter be moved between the confidential and open agendas.
- 8.5 Except in the case of a motion, the Chairperson may withdraw an item or refer it back to the administration or an appropriate Committee.

## **9. ATTENDANCE AND LEAVE OF ABSENCE**

- 9.1 Every member attending a Committee meeting must register his/her attendance either manually or electronically depending on which system is in use i.e. electronic registration or attendance register.
- 9.2 A member must attend each Committee meeting of which he/she is a member, except when -
- 9.2.1 leave of absence is granted by the Chief Whip in terms of these Rules of Order;
- 9.2.2 that member is required by law to withdraw from a meeting.
- 9.3 Application for leave of absence (both partial or full) from a meeting of a Committee must be addressed to the Chief Whip in terms of Part 4 Delegation 1(1) of the Council's System of Delegations, on the prescribed form to be signed and dated by the member. In the event of the member having to leave during the meeting due to some urgent matter, e.g. death of someone or some other incident, the member is to personally advise the Chairperson before leaving and submit an application within 14 days after the event.
- 9.4 The Chief Whip may only consider applications for leave of absence which are in writing with exceptions of incidents or urgency as which are dealt with as set out in Rule 9.3 above. Applications for leave of absence which are not in writing may not be considered.
- 9.5 Notwithstanding Rule 9.2 above, applications for leave of absence from a meeting are deemed to have been granted if:

- 9.5.1 the Council or Mayor delegated the relevant member to act elsewhere on behalf of the Council in a matter; or
  - 9.5.2 if the Council, Mayor or Committee of the Council requests the member to leave the relevant meeting in circumstances envisaged in Item 3(b) of Schedule 1 to the Systems Act, or the member recuses him/herself.
- 9.6 The Chief Whip of Council may, subject to Rules 9.2 and 9.3 above, grant leave of absence to a member for the following reasons:
- 9.6.1 illness of the member;
  - 9.6.2 essential business or personal commitments, or personal circumstances of the member.
  - 9.6.3 on delivery of the notice of a meeting, or delivery of the notice of a meeting less than 72 hours before its commencement, provided that this will not apply to an ordinary meeting of the Committee or when the member has moved and failed to inform the Municipal Manager at least 7 days before the relevant meeting of the revised address for the service of documentation;
  - 9.6.4 when the member is not permitted to attend the meeting due to circumstances envisaged in item 3(b) of the Code of Conduct for Councillors in Schedule 1 to the Systems Act;
  - 9.6.5 any other circumstances where the member is prevented from attending the meeting.

## **10. REPORTS**

A Committee may not take any decision unless it has before it sufficient information as determined by the Chairperson to take an informed decision. Except in exceptional circumstances, such information must be in a written report.

## **11. LEGAL AND FINANCIAL CONSTRAINTS**

A Committee may only take such comments and recommendations as it is legally and financially competent to do and all reports submitted in an agenda or made orally must make reference to these aspects.

## **12. DECISIONS AND VOTING**

- 12.1 All decisions of the Committees must relate to the functions of the respective Committees and must be confined to making comment and recommendations.

- 12.2 All decisions must be taken by a supporting vote of the majority of the members present at any meeting of a Committee.
- 12.3 If the Chairperson asks the meeting if it is in agreement with the recommendation(s) and the recommendation(s), is/are not opposed by any member present, the recommendation(s) is/are adopted.
- 12.4 Where there is opposition to any matter to be decided, voting must be by a show of hands.
- 12.5 Only the number of members, and not the names of members, voting for or against an item, is to be recorded in the minutes.
- 12.6 A member may abstain from voting without leaving the meeting place.
- 12.7 Any member may request that his/her dissent, abstention or support be recorded in the minutes of that meeting.
- 12.8 The Chairperson must announce the decision of the Committee taken in terms of Rules 12.3 or 12.4.
- 12.9 Should there be an equality of vote on any matter other than those listed in Rules 12.3 to 12.4, the Chairperson must exercise a casting vote in addition to his vote as a Chairperson.
- 12.10 When a Committee considers legislation for recommendation it must consider each clause of the proposed legislation separately after allowing debate on each individual clause.

### **13. DEBATE MANAGEMENT**

- 13.1 A member shall direct his speech to the item under discussion and no speech shall exceed 5 minutes.
- 13.2 The Chairperson may restrict or extend the time allocated in a manner which is fair to all parties, taking into account the matters still to be discussed and the time available for the meeting.
- 13.3 The Chairperson may curtail the debate by a member of the Committee if, in his/her opinion, that member is no longer debating the matter on the agenda, is repeating him- or herself, indulges in filibustering, or is obstructing the meeting. The Chairperson's ruling after exercising his/her discretion in this regard shall be final.

### **14. MINUTES**

- 14.1 The Municipal Manager must ensure that all decisions of a Committee are recorded in a minute book, and that decisions of a Committee held in closed meetings are recorded in a separate minute book.

- 14.2 If a copy of the minutes of a meeting has been served on every member in the manner as provided in Rule 6, the minutes will be taken as read with a view to confirmation.
- 14.3 There will be no proposal on or discussion of the minutes, except as to their accuracy.
- 14.4 The correctness of the minutes of the Committee must be considered at its next meeting, failing which, at the following meeting.
- 14.5 The Chairperson must ensure that the names of members attending any meeting, those members who are absent, as well as the names of those who have been granted leave of absence, are recorded in the minutes.
- 14.6 The Chairperson must ensure that the names of members, who requested that their dissent, abstention or support be recorded during voting, are recorded in the minutes.
- 14.7 For administrative reference purposes, audio recordings of all meetings of the Committee must be kept for a period of 5 years.

## **15. MOTIONS**

- 15.1 Subject to the provisions of any other law:
  - 15.1.1 Every notice of motion must be in writing, signed by the member submitting it and by the member seconding it, and must be submitted to the Chairperson;
  - 15.1.2 Notice of a motion may not appear on an agenda, unless it is received at least 10 working days prior to such meeting; and
  - 15.1.3 A motion will lapse if the member who submitted it is not present at the meeting when such motion is being debated.
- 15.2 At the request of the member who gave notice of such motion, the Chairperson must acknowledge receipt in writing.
- 15.3 Every motion must deal with a matter in respect of which the Committee has jurisdiction and must address one matter only.
- 15.4 A member submitting a motion must introduce such motion and must have the right of reply thereto.
- 15.5 When a member introduces a motion in terms of this rule:
  - 15.5.1 which is intended to rescind or amend a resolution passed by the Committee taken within the preceding 3 months or;
  - 15.5.2 which has the same purport as a motion which was not supported within the preceding three months;

such motion will not be entertained.

15.6 When dealing with motions:

15.6.1 the motion must be read out together with the number thereof and the name of the mover;

15.6.2 the Chairperson must ascertain which motions are unopposed and these must be passed without debate; and thereafter the Chairperson must call the opposed motions in their order on the agenda.

15.7 In the event of the Chairperson having submitted a motion to be placed on the agenda he/she must vacate the Chair when he/she introduces the motion and for the duration of the discussion of the motion. In such a case, the Deputy Chairperson will chair the meeting.

**16. DISALLOWED MOTIONS AND PROPOSALS**

16.1 The Chairperson must disallow a motion or proposal which:

16.1.1 may lead to the discussion of a matter already dealt with in the agenda, or which has no bearing on the administration of, or conditions in the Municipality; or

16.1.2 advances arguments, expresses an opinion or contains unnecessary, incriminating, disparaging or improper suggestions, or in respect of which:

16.1.2.1 the Committee has no jurisdiction

16.1.2.2 a decision by a judicial or quasi-judicial body is pending; or

16.1.2.3 which has not been duly seconded;

16.1.3 if passed, would be contrary to the provisions of these Rules of Order or of any other law or which Council is not financially competent to approve.

**17. URGENT MATTERS**

17.1 An Executive Director may introduce an urgent matter for discussion which is not on the agenda for that meeting.

17.2 The Chairperson must determine an appropriate time during the Committee's deliberations to consider the urgent matter, and he/she must determine the period of time available for discussion of any urgent matter.

17.3 A resolution may be taken on an urgent matter without a written report having been submitted, provided that the Committee accepts that it has sufficient information before it.

**18. AMENDMENTS TO RECOMMENDATIONS**

- 18.1 An amendment which is moved:
- 18.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;
  - 18.1.2 must be reduced to writing, signed by the mover and seconder, and handed to the Chairperson; and
  - 18.1.3 may only be moved by a member while he/ she is speaking on a recommendation, motion or proposal under debate.
- 18.2 A member who has moved an amendment may speak thereon for not more than 2 minutes, but the seconder will not be allowed to speak thereon, and there will be no right to reply.
- 18.3 More than one amendment may be moved to a recommendation, motion or proposal, and subject to Rule 18.9, all amendments which have been moved must be put to the vote at the close of the debate upon such recommendation, motion or proposal.
- 18.4 No member may move more than 1 amendment to a recommendation, motion or proposal.
- 18.5 If the Chairperson or the mover of the original motion wishes to address the Committee on any amendment moved to such recommendation, motion or proposal he/she may only do so during his/her reply.
- 18.6 The debate will close when the Chairperson has replied thereto.
- 18.7 If more than one amendment to a recommendation, motion or proposal has been moved, such amendments must be put to the vote in the order in which they were moved.
- 18.8 Each amendment to a recommendation, motion or proposal must be clearly stated to the meeting by the Chairperson before it is put to the vote.
- 18.9 If an amendment is carried, the amended recommendation, motion or proposal must take the place of the original recommendation, motion or proposal in respect of which only further proposed amendments must be put to the vote.
- 18.10 If the Chairperson is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, he/she may rule that such other amendment needs not be put to the vote, after which the latter amendment will lapse.

**19. PRECEDENT OF CHAIRPERSON**

- 19.1 Whenever the Chairperson speaks, any member then speaking or offering to speak must be silent and the members must be silent so that the Chairperson may be heard without interruption.
- 19.2 A member addressing the meeting must do so by addressing the Chairperson.

**20. RELEVANCE**

20.1 A member who speaks must direct his/her speech strictly to the matter under discussion or to an explanation or point of order, and no discussion will be permitted:

20.1.1 which will anticipate any matter on the agenda; or

20.1.2 on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending.

**21. IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER**

21.1 The Chairperson must call the attention of the member to irrelevant, tedious repetition, unbecoming language or any breach of order on the part of a member, and shall direct such member, if speaking, to discontinue his / her speech until the member has come to order. Such direction shall be regarded as a warning. Upon 2 warnings and a final warning during the deliberations of a Committee meeting, the provisions of Rule 22 shall apply and the Chairperson may recommend that disciplinary action be taken against such member in terms of the Code of Conduct for Councillors.

21.2 The Chairperson shall direct a member to apologise or withdraw an allegation if it is unbecoming or injures or impairs the dignity or honour of a member or officer of the Council.

**22. REMOVAL OR EXCLUSION OF MEMBER**

22.1 If a member refuses to comply with a direction in terms of Rule 21, the Chairperson may direct an officer to remove the member or to cause his / her removal and to take steps to prevent his / her return to the meeting, provided that the Chairperson may, in his / her sole and absolute discretion, permit the return of the member to the meeting on the submission by the said member to the Chairperson of a written expression of regret, such expression of regret must be part of the minutes of the meeting.

22.2 The Council may exclude from the meetings of the Council for such period as it may determine but not exceeding 30 days without member's allowance, a member who wilfully obstructs the business of any meeting of Council and its Committees.

22.3 A proposal to exclude any person may be moved at any stage of the meeting.

**23. DISORDERLY CONDUCT AND MAINTENANCE OF ORDER**

23.1 Members may not engage in disorderly conduct in the Chamber and/or Council's meeting places, including:

- 23.1.1 creating disorder or disruption in the Chamber and/or Council's meeting places;
  - 23.1.2 in any manner whatsoever physically intervening, preventing, obstructing or hindering the removal of a member from the Chamber and/or Council's meeting places who has been ordered to leave the Chamber and/or meeting place;
  - 23.1.3 undermining the authority of the Chairperson or refusing to obey rulings of the Chairperson or repeatedly disrespecting and interrupting the Chairperson while the latter is addressing the Committee;
  - 23.1.4 making allegations against a member without adequate substantiation or following the correct procedure;
  - 23.1.5 using or threatening violence against a member or other person; or
  - 23.1.6 acting in any other way to the detriment of the dignity, decorum or orderly procedure of the Committee meeting.
- 23.2 The Chairperson may, at any time during a meeting, if he /she deems it necessary for the maintenance of order, direct an officer to remove or cause the removal of any person, including a member, from the meeting place, or order that the public gallery be vacated.

#### **24. POINTS OF ORDER**

- 24.1 For the purpose of this rule, a point of order means any deviation of, or anything contrary to these rules.
- 24.2 A point of order may be raised at any stage of the meeting proceedings, except when the Chairperson is ascertaining the presence of a quorum or during voting.
- 24.3 The member raising a point of order must state the particular rule(s), By-Law(s) or any other law that is alleged to have been breached or deviated from.
- 24.4 A point of order may not constitute a speech and may therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Chairperson on a point of order may not be permitted to address the Chairperson for longer than 2 minutes on such point of order.
- 24.5 Any member, whether he/she addressed the Committee on the matter under debate or not, may rise or raise his/her hand to a point of order.
- 24.6 A member contemplated in Rule 24.3, will be entitled to be heard immediately, and the member speaking at the time must remain silent and be seated, until a ruling has been made by the Chairperson.
- 24.7 The ruling of the Chairperson on a point of order is final and will not be open to discussion.



**25. POINTS OF CLARITY**

- 25.1 For the purpose of this rule, a point of clarity means the explanation of some material part of a member's speech which has not been understood or which contains incorrect assertions during the course of the debate but not once the debate has closed.
- 25.2 A point of clarity may not constitute a speech and may therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Chairperson on a point of clarity may not be permitted to address the Chairperson for longer than 1 minute on such point of clarity.
- 25.3 Any member, whether he/she addressed the Committee on the matter under debate or not, may rise or raise his/her hand on a point of clarity at the end of the debate.
- 25.4 A member contemplated in Rule 25.3, will be entitled to be heard immediately, and the member speaking at the time must remain silent and be seated, until a ruling has been made by the Chairperson.
- 25.5 The ruling of the Chairperson on the admissibility of a point of clarity is final and will not be open to discussion.

**26. PROCEDURAL MOTIONS**

- 26.1 When a matter is under discussion at any meeting of the Committee, no further debate must be allowed if any of the following procedural motions are accepted:
- 26.1.1 that consideration of the matter be adjourned and resumed at a time determined by the Committee;
- 26.1.2 that the meeting of the Committee be adjourned and reconvened at a time determined by the Chairperson;
- 26.1.3 that the matter be referred back to a committee with reasons therefor.

**27. MEETINGS OPEN TO THE PUBLIC AND MEDIA**

- 27.1 The Committee must conduct its business in an open manner and may close its meetings only when it is reasonable to do so, having regard to the nature of the business transacted, and in accordance with the policy directives of Council's Policy for Confidential Meetings of Council and its Committees adopted on 24 April 2003 vide C10/04/03.

**28. INVITATION TO ADDRESS THE COMMITTEE**

The Chairperson may, in terms of the provisions of the Committees Terms of Reference and delegations of authority, invite any person or persons to address any meeting of a Transversal or Cluster Committee.

**29. ATTENDANCE AT COMMITTEE MEETINGS**

Any member of Council may attend any meeting of a Committee of which he/she is not a member, provided that:

- 29.1 he/she may only address the Committee with the permission of the Chairperson; and
- 29.2 he/she may not vote at such a meeting.

**30. PUBLIC PARTICIPATION**

- 30.1 The Committee may, and at the direction of the Council, the Mayoral Committee, the Governance and Sustainability Cluster Committee, the Executive Mayor, or MMC, engage in appropriate public participation processes, as per Chapter 4 of the Systems Act.
- 30.2 When recommending on legislation or policy the Committee must inform the relevant governance structure of the public participation process followed during its deliberations as required in terms of the Committee's Terms of Reference and in terms of the City's Public Participation programmes.
- 30.3 The nature of the public participation process must be such as to best support the nature and magnitude of the matter in issue and could take the form of one or more of the following:
  - 30.3.1 invitations via the media for comment, preceded, if necessary, by media coverage;
  - 30.3.2 public hearings, workshops and presentations;
  - 30.3.3 Committee interview meetings;
  - 30.3.4 public polls, including electronic polls;
  - 30.3.5 pamphlets or notices delivered door to door in affected areas;
  - 30.3.6 roadshows, exhibitions or demonstrations;
  - 30.3.7 phone-ins;
  - 30.3.8 questionnaires and surveys;
  - 30.3.9 any other process or method determined by the Committee;
  - 30.3.10 electronic communications.

30.4 In addition to such public participation, managers and staff of the City may be called on to submit reports or give evidence to the Committee.

### **31. DRESS CODE**

31.1 All Councillors and City Officials, as representatives of Council must at all times when attending any Council meeting, dress appropriately to portray a professional and corporate image in terms of the Dress Code Policy. Clothing with political insignia is not considered appropriate and is therefore not to be worn when attending such meetings.

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**NOTE: THESE RULES OF ORDER MAY BE REVIEWED ANNUALLY OR AS REGULARLY AS DEEMED APPROPRIATE. AMENDMENTS TO THESE RULES OF ORDER ARE SUBJECT TO APPROVAL BY THE MUNICIPAL COUNCIL AND WILL BE APPLICABLE FROM DATE OF APPROVAL UNTIL AMENDED BY THE MUNICIPAL COUNCIL. THE APPROVED RULES OF ORDER WILL BE PUBLISHED ON THE MUNICIPAL WEBSITE TO PROMOTE AWARENESS TO ALL STAKEHOLDERS.**



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

# **RULES OF ORDER REGULATING THE CONDUCT OF VIRTUAL MEETINGS OF THE SECTION 79 AND 80 COMMITTEES OF THE CITY OF CAPE TOWN**

Latest version as adopted by Council  
on 15 December 2021 – C08/12/21

**Making progress possible. Together.**



**RULES OF ORDER  
REGULATING THE CONDUCT  
OF VIRTUAL MEETINGS  
OF THE  
SECTION 79 AND 80 COMMITTEES OF THE  
CITY OF CAPE TOWN**

**NB: THESE RULES ARE SUPPLEMENTARY TO THE EXISTING RULES  
OF ORDER FOR SECTION 79 AND 80 COMMITTEES**

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**RULES OF ORDER REGULATING THE CONDUCT OF VIRTUAL MEETINGS  
OF THE MUNICIPAL COUNCIL OF THE CITY OF CAPE TOWN**

## **1. DEFINITIONS**

In these Rules –

*'Rules of Order'* means the *Rules of Order Regulating the Conduct of meetings of the Section 79 and 80 Committees of the City of Cape Town adopted by Council on 11 August 2016.*

*'These Rules'* means the *Rules of Virtual Meetings* adopted by Council for the conduct of virtual meetings

*'Virtual meetings'* mean meetings of Section 79 and 80 Committees conducted by any form of technology supported by the City's IS&T department to which Councillors have access.

## **2. APPLICATION OF THE RULES**

2.1 The *Rules of Order* remain in operation and are supplemented by these Rules in order to provide for virtual meetings of Section 79 and 80 committees.

## **3. INTERPRETATION**

3.1 A reference in the Rules to a meeting of the Section 79 and 80 committees is not limited to a meeting of members all of whom, or any of whom, are present in the same place and any reference to a "*place*" where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

3.2 Any reference in the Rules to being "present" at a meeting, includes being present through remote attendance.

3.3 A member in remote attendance attends a meeting when such member is able at that time of a meeting to link into the digital platform on the day of the meeting and to:

- (a) hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
- (b) hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
- (c) be so heard and, where practicable, be seen by any other members of the public attending the meeting.

- 3.4 The presence of a member in terms of sub-rule 3.3 shall be deemed to be evidence for the attendance register.
- 3.5 A requirement in the Rules of Procedure that a meeting be open to the public, is satisfied if –
- (a) the meeting is streamed live on the website of the Council; or
  - (b) the minutes of the meeting are recorded and made available on the website of the Council as soon as practicable after the meeting.

#### **4. NOTICE AND VENUE OF MEETING**

- 4.1 The Municipal Manager shall issue a notice and agenda for a virtual meeting, which must include the date and time of the meeting;
- 4.2 All documents of the meeting shall be distributed by electronic means to which members have access; and
- 4.3 The venue of a virtual meeting shall be deemed to be City venues identified for such meetings in City of Cape Town.

#### **5. QUORUM**

- 5.1 In a virtual meeting: –
- (a) the quorum requirements shall be those as determined in the Rules of Order; and
  - (b) members who have accessed the meeting via the secure link sent to their email address shall be deemed present for the purposes of establishing a quorum, taking a decision or voting on a matter.

#### **6. DECISIONS AND VOTING**

- 6.1 The Chairperson must announce the commencement of voting and the agenda item being voted on before any vote is taken.
- 6.2 Members shall be entitled to cast their votes electronically or manually.
- 6.3 Only members who are present when a vote is called shall be permitted to vote.
- 6.4 When voting is concluded, the Chairperson must announce that the system is closed.
- 6.5 The Chairperson must announce the results of a vote which must be recorded in the Minutes.



## **7. DEBATE MANAGEMENT**

- 7.1 Points of order or clarity must be texted into the debate via the instant messaging tool. The Chairperson will exercise discretion in terms of allowing such points to be heard.
- 7.3 Microphones must be muted at all times unless called on by the Chairperson to speak.

## **8. AMENDMENTS TO RECOMMENDATIONS PROPOSED AT THE MEETING**

- 8.1 The Chairperson must request the administration to present the amendment proposed by a councillor on screen for consideration and once legally verified will call for a seconder.

## **9. REMOVAL OR EXCLUSION OF COUNCILLORS**

- 9.1 The Chairperson may prevent councillors from speaking via the virtual platform if in breach of Rules 22 and 23 of the main Rules of Order document for section 79 and 80 Committees.

## **10. FACILITATION OF PUBLIC AND MEDIA INVOLVEMENT**

- 10.1 The Media must have access to the City's digital platform to access open proceedings.
- 10.2 Whenever the committee decides to exclude the public and media from a virtual meeting, electronic access to the meeting must be suspended in order to close all or part of the meeting to the public and media
- 10.3 Minutes of all open meetings will be made available on the City's official website.

## **11. PRIVILEGES AND IMMUNITIES**

- 11.1 Councillors enjoy the same privileges and immunities which they ordinarily enjoy in physical Council proceedings.

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