



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

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RULES & ETHICS COMMITTEE

1. **ITEM NUMBER:** RLE 05/10/24

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

PROGRESS REPORT: MATTERS RECEIVING ATTENTION
VORDERINGSVERSLAG: AANGLEENTHEDE WAT AANDAG GENIET
INQUBO-NGXELO: INGXELO YEMIBANDELA ENGEKAGQITYWA

3. **PURPOSE**

To inform the members of the progress made on the matters receiving attention schedule.

Annexure A: Schedule of Matters Receiving Attention

MATTERS RECEIVING ATTENTION SCHEDULE
RULES & ETHICS COMMITTEE
10 OCTOBER 2024

| NO. | REPORT REQUESTED | TARGET DATE FOR SUBMISSION | SUBJECT / RESOLUTION | RESPONSIBLE OFFICIAL | ACTION / COMMENT |
|----------|--|----------------------------|--|----------------------|--|
| 1 | RLE 08/03/22 DRAFT A POLICY: COUNCILLOR CAPACITY BUILDING | | | | |
| | 14-Apr-22 | No set target date | <u>12 September 2024</u> The public participation process was underway. | T Geoghegan | Mr Geoghegan to provide verbal feedback regarding progress of public participation. |
| | 14-Apr-22 | No set target date | <u>15 August 2024</u> Mr Geoghegan indicated that the draft report, which will commence the public participation process, was signed by the relevant signatories and submitted to the Executive Mayoral Committee (MAYCO), via the round robin process. The report will be submitted to the Rules & Ethics Committee in September for noting. | T Geoghegan | The report is attached vide item 1 of the MRA schedule. |
| | 14-Apr-22 | No set target date | <i>No Portfolio Committee meetings took place since March 2024 due to the national elections.</i> The Councillor Capacity building policy has been legislatively vetted. All comments from previous meetings and workshops have been included in this document. Due to cost containment, Mr Geoghegan advised that the three | | The members supported the legislatively vetted draft Councillor Capacity Building policy. It will be kept aside until the other draft policies |

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| | | | <p>draft policies would be grouped together and will be submitted for public participation simultaneously.</p> <p>The members supported the legislatively vetted draft Councillor Development policy and agreed that it be kept aside until the other draft policies were ready for public participation.</p> | | were ready for public participation |
| | 14-Apr-22 | No set target date | <p><u>14 March 2024</u></p> <p>Mr Geoghegan indicated that the Councillor Capacity building policy has been legislatively vetted. All comments from previous meetings and workshops have been included in this document. Due to cost containment, Mr Geoghegan advised that the three draft policies would be grouped together and will be submitted for public participation simultaneously.</p> <p>The members supported the legislatively vetted draft Councillor Development policy and agreed that it be kept aside until the other draft policies were ready for public participation.</p> | T Geoghegan | The members supported the legislatively vetted draft Councillor Capacity Building policy. It will be kept aside until the other draft policies were ready for public participation |
| | 14-Apr-22 | No set target date | <p><u>15 February 2024</u></p> <p>Mr Geoghegan reported that the draft policy for Councillor Development was completed and submitted for legislative vetting. Furthermore, Mr Geoghegan indicated that the public participation plan was completed by the public participation unit and will be presented, along with the completed, legislative draft policy, at the March 2024 Rules & Ethics Committee meeting.</p> | T Geoghegan | Mr Geoghegan to present the draft policy along with the public participation plan to the Members at the March 2024 Rules & Ethics Committee meeting; |

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| | 14-Apr-22 | No set target date | <p><u>9 November 2023</u></p> <p>Ald. Purchase informed the members that SALGA, Councillor Support and the Policy Unit have been working on the type of programmes that could be developed as well as individual development plans for Councillors.</p> | T Geoghegan | Verbal feedback will be provided at the meeting in terms of the policy. |
| | 14-Apr-22 | No set target date | <p><u>12 October 2023</u></p> <p>It was confirmed that the proposed amendments from the Rules & Ethics Committee was incorporated into the System of Delegations document and submitted to MAYCO and Council for adoption in October 2023.</p> | Cllr. P Swart | The System of Delegations document was adopted at the Council meeting on 26 October 2023. The revised system of delegations will come into effect once the amends have been made and published on the intranet. |
| | 14-Apr-22 | No set target date | <p><u>14 September 2023</u></p> <p>It was noted that in terms of the City's System of Delegations, the Rules and Ethics Committee did not have authority in terms of its delegations to review the policy. The draft policy had to be submitted to a relevant committee that had the authority to approve policy and public participation documents.</p> <p>The Committee was of the view that the System of Delegations and Terms of Reference relating to the Rules</p> | Cllr. P Swart | Cllr. Swart engaged with Ms Fiona Steward regarding the proposed amendments, as discussed at the previous RLE meeting, to the System of Delegations. Ms |

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| | | | <p>& Ethics Committee had to be amended to provide the committee with the necessary delegations to review policy and public participation processes.</p> <p>It was noted that Cllr. P Swart would submit a letter to the Delegations Task Team in the Office of the Mayor to specify which delegations the Rules and Ethics Committee would like to amend, especially in terms of Part 7, clause 15 and the review of policies for onward submission to Council for approval.</p> | | <p>Steward submitted the proposed amendments to the Chairperson of the delegation task team for inclusion in his report to full Council in October 2023.</p> <p>Once the System of Delegations are approved with the proposed amendments, the Terms of Reference for the RLE will be reviewed.</p> |
| | 14-Apr-22 | No set target date | <p><u>10 August 2023</u></p> <p>The following amendments were indicated in respect of the draft Councillor Development Policy:</p> <ul style="list-style-type: none"> • Page 48, 2nd paragraph, the numbering should be amended to 11.3.1; • The policy talks about a personal development plan being developed upon commencement of a Councillor's term of office, however, the policy should also make | T Geoghegan | Mr Geoghegan to report on the role of the Rules & Ethics Committee pertaining to the approval or review of policies in accordance with the current Systems of Delegations |

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| | 14-Apr-22 | No set target date | <p>provision for a personal development plan to be reviewed;</p> <ul style="list-style-type: none"> • Items 11.1.4 to 11.1.6 seems to contradict itself. Further clarity must be provided and examples must be given to avoid ambiguity; • Include a timeline in terms of when financial support will be withdrawn; • Item 13.1 should be reworded to indicate that a “statistical” report will be submitted to the Rules & Ethics Committee for noting; • Include more detail in terms of what types of learning interventions are available to Councillors (e.g. short courses, degree, etc.) <p>RESOLVED that:</p> <p>a) The amended draft Councillor Development policy and the public participation plan be submitted to the September 2023 Rules & Ethics Committee meeting for approval;</p> <p>b) Mr Geoghegan make enquiries regarding what is on offer in terms of the national upper limits on studies for Councillors and report back at the next meeting.</p> <p><u>15 June 2023</u></p> <p>The members agreed to give input to the draft policy at the August 2023 meeting.</p> | RLE Members | The members will provide input at the meeting. |

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| | 14-Apr-22 | No set target date | <u>11 May 2023</u> Mr Geoghegan reported that it was envisaged that the draft Councillor Development policy would be submitted to the June 2023 Rules & Ethics Committee meeting for consideration. | T Geoghegan | Draft Councillor Development policy attached as MRA 1 (<i>after the matters receiving attention schedule</i>). |
| | 14-Apr-22 | No set target date | <u>13 April 2023</u> Mr Geoghegan reported that the Councillor Development policy was in the drafting stage, thereafter it will be submitted to the Rules & Ethics Committee. | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 14-Apr-22 | No set target date | <u>9 March 2023</u> Mr Geoghegan reported that the Councillor Development policy was in the drafting stage. | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 14-Apr-22 | No set target date | <u>09 February 2023</u> Mr Geoghegan reported that the concept note for the Councillor Development Draft Policy was passed by the Policy Coordinating Committee on 22 November 2022. A draft policy will be submitted to the Rules & Ethics Committee for consideration shortly. | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 14-Apr-22 | No set target date | <u>10 November 2022</u> Mr Geoghegan reported that the concept note for the Councillor Development Policy will be considered by the Policy Coordinating Committee (PCC) on 22 November 2022. | T Geoghegan / J van As | Await feedback from the policy unit. |

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| | 14-Apr-22 | No set target date | <p><u>13 October 2022</u></p> <p>The concept note for the Councillor Development Draft Policy was submitted to the policy unit for processing.</p> <p>Mr Geoghegan explained that the policy unit will submit a draft policy to the Rules & Ethics Committee, after they have finalized their process, in order for the members to consider and amend, if necessary.</p> | T Geoghegan / J van As | Await feedback from the policy unit. |
| | 14-Apr-22 | 13-Oct-22 | <p><u>15 September 2022</u></p> <p>The members agreed with the content of the concept note for the Councillor Development Policy and agreed that it may be submitted to the Policy Unit for further processing.</p> | T Geoghegan / J van As | Meeting was held with the policy unit Jayde Koen on 28 September 2022 where Policy Concept Note was handed over to the Policy Unit. We now wait for the policy unit's processes to unfold. |
| | 10-Mar-22 | 15-Sep-22 | <p><u>11 August 2022</u></p> <p>Mr Geoghegan did a presentation on the policy process step-by-step guide. The purpose of the presentation was to inform the members of the process to follow when drafting a new policy.</p> <p>The members noted, with dissatisfaction, that the draft policy was not ready for submission to the Rules & Ethics</p> | T Geoghegan / J van As | Feedback submitted vide MRA 3 |

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| | | | <p>Committee, as was indicated at the previous meeting by Mr van As.</p> <p>After a brief discussion, Mr Geoghegan clarified that the drafting of the policy was in its initiation stage, as indicated in the presentation, and that the members of the Rules & Ethics Committee will be kept abreast of the progress throughout the process. With regard to the timelines, Ms Razack commented that the responsible official, in this instance Mr van As, must drive the process to ensure that the drafting of the policy is not unnecessarily delayed.</p> <p>At the conclusion of the discussion, it was noted that Mr Geoghegan will submit the concept note to the September 2022 Rules & Ethics Committee meeting. Hopefully, the draft policy will also be submitted at the same time.</p> | | |
| | <p>10-Mar-22</p> <p>10-Mar-22</p> | <p>11-Aug-22</p> <p>No set target date</p> | <p><u>21 July 2022</u></p> <p>Mr van As reported that there were a number of proposed updates to the Councillor Development policy, which was submitted to the Policy Unit. It is envisaged that the revised policy will be submitted to the August 2022 Rules & Ethics Committee meeting. The matter will remain on the matters receiving attention schedule until concluded.</p> <p><u>09 June 2022</u></p> <p>Ald. Purchase reported that the draft policy would be circulated shortly. Additionally, Ald. Purchase commented that councillor development programmes were running concurrently while the draft policy was being finalized.</p> | <p>J van As</p> <p>Ald. F Purchase</p> | <p>Presentation attached. See MRAs 3, 4 & 5. Mr Geoghegan will take the members through the presentation at the meeting.</p> <p>In progress</p> |

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| | 10-Mar-22 | No set target date | <p><u>12 May 2022</u> RESOLVED that, in the absence of Ald. Purchase, the matter stand over to the next meeting</p> <p>Ald. Purchase indicated that her office along with the Policy Unit were in the process of updating the policy and will circulate it thereafter.</p> | Ald. F Purchase | Await feedback from Ald. Purchase. |
| | 10-Mar-22 | 14-Apr-22 | <p><u>10 March 2022</u> Ald. Purchase commented that there are a number of ongoing mandatory Councillor training presently underway. Additionally a development plan for individual Councillors was being prepared. Furthermore, Ald. Purchase indicated that it was envisaged that a schedule of training opportunities should be available for Councillors by May 2022.</p> <p>Ald. Sotashe commented that preliminary work had already begun by the previous Speaker in terms of a Councillor Development policy, He requested that the paperwork be resurfaced in order to continue the process of formalizing a policy for Councillor Development. Ald. Sotashe commented that a legal opinion was obtained in terms of Councillors who wish to further their education in line with the work that they were doing. Additionally, Ald. Sotashe indicated that legislation was already amended to allow municipalities to develop policies to assist Councillors to further their education.</p> | Ald. F Purchase | Policy being updated and will be circulated thereafter. Briefing submitted vide item 08/04/22 |

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| | | | <p>A brief discussion ensued in terms of legislation not making provision for Councillors to receive bursaries as indicated by SALGA. Cllr Sono commented that there was a distinct difference between empowering and developing Councillors and concurred with Ald. Sotashe that provision should be made in the Councillor Development Policy for Councillors to receive bursaries.</p> <p>The Chairperson requested that the Speaker provide a briefing at the next Rules & Ethics Committee meeting in terms of whether legislation makes provision, in any way, for a public representative to receive a bursary.</p> <p>Ms Razack indicated that, whilst the previous Leadership & Development Portfolio Committee was not re-established, Mr James van As had indicated that he and his team were still working with the Speaker's office to identify training needs for Councillors.</p> <p>RESOLVED that:</p> <p>a) Ald. Purchase provide a briefing at the next Rules & Ethics Committee meeting in terms of whether legislation makes provision, in any way, for a public representative to receive a bursary;</p> <p>b) The matter be placed on the matters receiving attention schedule.</p> | | |

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| 2 | RLE 07/03/22 DRAFT A POLICY: CODE OF ETHICS FOR COUNCILLORS | | | | |
| | 14-Apr-22 | No set target date | <u>12 September 2024</u> The draft Code of Ethics for Councillors policy will be submitted to the Council meeting on 30 October 2024 | M Levendall | The report will be submitted to the Council meeting on 30 October 2024 for noting. |
| | 14-Apr-22 | No set target date | <u>15 August 2024</u> The members approved the policy for the Code of Ethics for Councillors, subject to the amendments made during the meeting. Mr Geoghegan was assigned to effect the changes and submit the document to Ms Levendall to have it included in the Council agenda for noting. | T Geoghegan M Levendall | The report will be submitted to the October 2024 Council meeting for noting. |
| | 14-Apr-22 | No set target date | No Portfolio Committee meetings took place since March 2024 due to the national elections. The Draft Policy: Code of Ethics for Councillors has been legislatively vetted and submitted to the Rules & Ethics Committee for consideration. | T Geoghegan | The document is attached vide item 2 of the MRA schedule. |
| | 14-Apr-22 | No set target date | <u>14 March 2024</u> | T Geoghegan | Awaiting legislative vetting to conclude approval of the |

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| | | | Mr Geoghegan stated that he had received comments from the members and have included it in the draft policy document. The document has been forwarded for legislative vetting and will serve before the Rules & Ethics Committee again for support before submitting it for public participation, along with the other draft policy documents. | | document. Thereafter the draft policy will be submitted to the Rules & Ethics Committee for final approval. |
| | 14-Apr-22 | No set target date | <u>15 February 2024</u> Mr Geoghegan was requested to incorporate Ald. Sotashe's comments into the draft policy and submit it to the March 2024 Rules & Ethics Committee meeting for consideration. | T Geoghegan | Mr Geoghegan to submit the draft Code of Ethics policy to the March 2024 Rules & Ethics Committee Meeting. |
| | 14-Apr-22 | No set target date | <u>9 November 2023</u> The Chairperson requested that the members please scrutinize the Code of Ethics document and provide their comments to Ms Levendall by mid-January 2024 in order for the matter to be finalized at the February 2024 Rules & Ethics Committee meeting. | Rules & Ethics Committee Members | Feedback was received from Ald. Sotashe attached <i>vide</i> MRA 2 |
| | 14-Apr-22 | No set target date | <u>12 October 2023</u> Mr Geoghegan presented the draft code of ethics policy for Councillors. It was agreed that the members would peruse the documents and provide input at the November 2023 Rules & Ethics Committee meeting. | Rules & Ethics Committee Members | The Rules & Ethics Committee members to provide comments at the meeting. |

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| | 14-Apr-22 | No set target date | <p><u>14 September 2023</u></p> <p>Mr Geoghegan informed the members that the same process in MRA 1 above, applied to MRA 2. He indicated that once the System of Delegations are finalized, the matter would be submitted for finalization.</p> <p>Mr Geoghegan was requested to present the Draft Policy: Code of Ethics for Councillors to the members at the October 2023 Rules & Ethics Committee.</p> | T Geoghegan | Presentation will be done at the RLE meeting on 12 October 2023. The draft policy has been submitted vide MRA 2. |
| | 14-Apr-22 | No set target date | <p><u>10 August 2023</u></p> <p>Mr Geoghegan reported that the Code of Ethics for Councillors policy was still in the drafting stage.</p> | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 14-Apr-22 | No set target date | <p><u>15 June 2023</u></p> <p>Mr Geoghegan reported that the Code of Ethics for Councillors policy was still in the drafting stage.</p> | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 14-Apr-22 | No set target date | <p><u>11 May 2023</u></p> <p>Mr Geoghegan reported that the Code of Ethics for Councillors policy was still in the drafting stage, however, it was not yet ready for submission to the Rules & Ethics Committee. Mr Geoghegan assured the members that he was closely monitoring the progress of the policy.</p> | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 14-Apr-22 | No set target date | <p><u>13 April 2023</u></p> <p>Mr Geoghegan reported that the Code of Ethics for Councillors policy was in the drafting stage thereafter it will be submitted to the Rules & Ethics Committee.</p> | T Geoghegan | Verbal feedback will be provided at the meeting. |

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| | 14-Apr-22 | No set target date | <u>09 March 2023</u> Mr Geoghegan reported that the Code of Ethics for Councillors policy was in the drafting stage. | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 14-Apr-22 | No set target date | <u>09 February 2023</u> Mr Geoghegan reported that research information was being sought from other municipalities (in particular, how such policies were being implemented both locally and globally) before concluding the concept note stage. | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 14-Apr-22 | No set target date | <u>10 November 2022</u> Mr Geoghegan reported that the concept note for the Code of Ethics for Councillors will be considered by the Policy Coordinating Committee (PCC) on 22 November 2022. | T Geoghegan / J van As | Await feedback from the policy unit. |
| | 14-Apr-22 | No set target date | <u>13 October 2022</u> The concept note for the Code of Ethics for Councillors Draft Policy was submitted to the policy unit for processing. Mr Geoghegan explained that the policy unit will submit a draft policy to the Rules & Ethics Committee, after they have finalized their process, in order for the members to consider and amend, if necessary. | T Geoghegan / J van As | Await feedback from the policy unit. |
| | 14-Apr-22 | 13-Oct-22 | <u>15 September 2022</u> The members agreed with the content of the concept note for the Councillors Code of Ethics Policy and agreed that it may be submitted to the Policy Unit for further processing. | T Geoghegan / J van As | Meeting was held with the policy unit Jayde Koen on 28 September 2022 where Policy Concept Note was |

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| | | | | | handed over to the Policy Unit. We now wait for the policy unit's processes to unfold. |
| | 10-Mar-22 | 15-Sep-22 | <p><u>11 August 2022</u></p> <p>Mr Geoghegan did a presentation on the policy process step-by-step guide. The purpose of the presentation was to inform the members of the process to follow when drafting a new policy.</p> <p>The members noted, with dissatisfaction, that the draft policy was not ready for submission to the Rules & Ethics Committee, as was indicated at the previous meeting by Mr van As.</p> <p>After a brief discussion, Mr Geoghegan clarified that the drafting of the policy was in its initiation stage, as indicated in the presentation, and that the members of the Rules & Ethics Committee will be kept abreast of the progress throughout the process. With regard to the timelines, Ms Razack commented that the responsible official, in this instance Mr van As, must drive the process to ensure that the drafting of the policy is not unnecessarily delayed.</p> <p>At the conclusion of the discussion, it was noted that Mr Geoghegan will submit the concept note to the September 2022 Rules & Ethics Committee meeting. Hopefully, the draft policy will also be submitted at the same time.</p> | T Geoghegan / J van As | Feedback submitted vide MRA 4 |

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| | 10-Mar-22 | 11-Aug-22 | <p><u>21 July 2022</u></p> <p>Mr van As indicated that the Code of Ethics for Councillors' Policy will be submitted to the August 2022 Rules & Ethics Committee meeting. The matter will remain on the matters receiving attention schedule until concluded.</p> | J van As | Presentation attached. See MRAs 3, 4 & 5. Mr Geoghegan will take the members through the presentation at the meeting. |
| | 10-Mar-22 | No set target date | <p><u>09 June 2022</u></p> <p>There was consensus that this matter will be finalized after the winter recess.</p> | Ald. F Purchase | Matter will be finalized after the winter recess |
| | 10-Mar-22 | No set target date | <p><u>12 May 2022</u></p> <p>RESOLVED that, in the absence of Ald. Purchase, the matter stand over to the next meeting</p> | Ald. F Purchase | Await feedback from Ald. Purchase. |
| | 10-Mar-22 | No set target date | <p><u>14 April 2022</u></p> <p>Ald. Purchase indicated that there has been progress made in respect of this matter. She indicated that she will give a briefing on progress made at the next meeting.</p> <p>RESOLVED that Ald. Purchase will provide a progress update at the next meeting.</p> | Ald. F Purchase | Will provide a progress update at the meeting. |
| | 10-Mar-22 | 14-Apr-22 | <p>Ald. Purchase indicated that there is an Ethics department within the City, which falls within the ambit of the City Manager. The Ethics department together with the City's Policy Unit, SALGA and other organizations were in the process of drafting an Ethics Policy.</p> | Ethics Department | |

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| | | | RESOLVED that the matter be placed on the matters receiving attention schedule. | | |

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| 3 | RLE 09/05/22: REVIEW THE CONFERMENT OF CIVIC HONOURS POLICY | | | | |
| | 09-Jun-22 | No set target date | <u>12 September 2024</u> The Chairperson proposed that the members examine the attached, amended Conferment of Civic Honours Policy document and advise if they were satisfied or wished to make further amendments at the October 2024 meeting. | RLE Members | Members to submit input at the October 2024 meeting. The amended conferment of civic honours policy have been attached vide item 3 of the MRA schedule. |
| | 09-Jun-22 | No set target date | <u>15 August 2024</u> The members approved the review of the Conferment of Civic Honours Policy, subject to the amendments made during the meeting. Mr Geoghegan was assigned to effect the changes and then submit the document for legislative vetting. Legal has examined the document and made further amendments. The document is attached for consideration by the Rules & Ethics Committee members. | T Geoghegan | The report was submitted for legislative vetting and returned with amendments. The document is attached vide item 3 of the MRA schedule. |
| | 09-Jun-22 | No set target date | No Portfolio Committee meetings took place since March 2024 due to the national elections. | T Geoghegan | The document is attached vide item |

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| | | | The Draft document is submitted to the Rules & Ethics Committee for consideration. | | 3 of the MRA schedule. |
| | 09-Jun-22 | No set target date | <p><u>14 March 2024</u></p> <p>A brief discussion ensued about the criteria that should be considered when looking at the point system for recommending Councillors for the honorary title of Alderman / Alderwoman. The Chairperson requested Cllr. Gordon and Cllr. Terblanche to submit their proposals, as contributed at the meeting, to Mr Geoghegan in writing, for inclusion in the draft Conferment of Civic Honours policy for review. It was requested that their proposals be submitted by 22 March 2024</p> <p>In addition, the Chairperson requested Ms Levendall to draft a letter to all the current Alderman/Alderwoman to request their participation in the review of the Conferment of Civic Honours Policy, in particular, the section pertaining to the Honorary Title of Alderman/Alderwoman.</p> | Cllr. Terblanche Cllr. Gordon M Levendall | <p>Mr Geoghegan will do a presentation at the RLE meeting in respect of the various submissions he received.</p> <p>Feedback received from some of the Aldermen / Alderwomen to date has been included <i>vide</i> MRA 3</p> |
| | 09-Jun-22 | No set target date | <p><u>15 February 2024</u></p> <p>Mr Geoghegan indicated that he was still awaiting comments from role-players. Once those comments are received, it will be incorporated, if not already in the document, then refer it for legal compliance before submitting it to the Rules & Ethics Committee for consideration.</p> <p>It was concluded that the above draft policy would either be presented to the Rules & Ethics Committee at its March 2024 meeting for consideration, alternatively,</p> | T Geoghegan | Mr Geoghegan to incorporate comments and submit for legal compliance. The draft policy will be presented at either the March or April meeting, depending on legal vetting. |

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| | | | Mr Geoghegan will inform the members if the proposed amendments had any legal ramifications and the way forward at the March 2024 meeting. | | |
| | 09-Jun-22 | No set target date | <u>9 November 2023</u> The Chairperson indicated that he will request Mr Geoghegan to circulate the draft policy in order for the members to peruse and submit their comments at the February 2024 Rules & Ethics Committee meeting. | Rules & Ethics Committee Members | Draft policy attached <i>vide</i> MRA 4. Members to provide comment at the meeting |
| | 09-Jun-22 | No set target date | <u>12 October 2023</u> The Conferment of Civic Honours policy was still in the drafting stage and will be submitted to the Rules & Ethics Committee for comment shortly. Mr Geoghegan is unable to provide a timeframe in terms of when the policy document will be submitted to the Rules & Ethics Committee. | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 09-Jun-22 | No set target date | <u>14 September 2023</u> Mr Geoghegan reported that the Conferment of Civic Honours policy was still in the drafting stage and would subsequently be submitted to the Rules & Ethics Committee for input/comment. | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 09-Jun-22 | No set target date | <u>10 August 2023</u> Mr Geoghegan reported that the Conferment of Civic Honours policy was still in the drafting stage and that it will be submitted to the Rules & Ethics Committee for comment afterward. | T Geoghegan | Verbal feedback will be provided at the meeting. |

| NO. | REPORT REQUESTED | TARGET DATE FOR SUBMISSION | SUBJECT / RESOLUTION | RESPONSIBLE OFFICIAL | ACTION / COMMENT |
|-----|------------------|----------------------------|---|----------------------|--|
| | 09-Jun-22 | No set target date | <u>15 June 2023</u> Mr Geoghegan reported that the Conferment of Civic Honours policy was still in the drafting stage and that it will be submitted to the Rules & Ethics Committee for comment afterward. | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 09-Jun-22 | No set target date | <u>11 May 2023</u> Mr Geoghegan reported that, since a wide range of departments need to give input into the policy, the processes for the conferment of civic honours policy was far more time consuming than the other policies. The policy was however receiving attention and will be submitted to the Rules & Ethics Committee in due course. | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 09-Jun-22 | No set target date | <u>13 April 2023</u> Mr Geoghegan reported that the conferment of civic honours policy was in the drafting stage thereafter it will be submitted to the Rules & Ethics Committee. | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 09-Jun-22 | No set target date | <u>09 March 2023</u> Mr Geoghegan reported that the conferment of civic honours policy was in the concept note stage. | T Geoghegan | Verbal feedback will be provided at the meeting. |
| | 09-Jun-22 | No set target date | <u>09 February 2023</u> Mr Geoghegan reported that research information was being sought from other municipalities (in particular, how such policies were being implemented both locally and globally) before concluding the concept note stage. | T Geoghegan | Verbal feedback will be provided at the meeting. |

| NO. | REPORT REQUESTED | TARGET DATE FOR SUBMISSION | SUBJECT / RESOLUTION | RESPONSIBLE OFFICIAL | ACTION / COMMENT |
|-----|------------------|----------------------------|--|------------------------|--|
| | 09-Jun-22 | No set target date | <u>10 November 2022</u> Mr Geoghegan reported that the concept note for the Conferment of Civic Honours Policy will be considered by the Policy Coordinating Committee (PCC) on 22 November 2022. | T Geoghegan / J van As | Await feedback from the policy unit. |
| | 09-Jun-22 | No set target date | <u>13 October 2022</u> The concept note for the review of the conferment of civic honours was submitted to the policy unit for processing. Mr Geoghegan explained that the policy unit will submit a draft policy to the Rules & Ethics Committee, after they have finalized their process, in order for the members to consider and amend, if necessary. | T Geoghegan / J van As | Await feedback from the policy unit. |
| | 09-Jun-22 | 13-Oct-22 | <u>15 September 2022</u> It was noted that whilst only a portion of this policy was under review by the Rules & Ethics Committee, namely the Conferment of Civic Honours, the policy unit's process will be followed in terms of the review. Mr Geoghegan will consult the Chairperson and Cllr. Gordon before drafting a concept note for consideration by the Rules & Ethics Committee. | T Geoghegan / J van As | Meeting was held with the policy unit Jayde Koen on 28 September 2022 where Policy Concept Note was handed over to the Policy Unit. We now wait for the policy unit's processes to unfold. |

| NO. | REPORT REQUESTED | TARGET DATE FOR SUBMISSION | SUBJECT / RESOLUTION | RESPONSIBLE OFFICIAL | ACTION / COMMENT |
|-----|------------------|----------------------------|---|------------------------|--|
| | 09-Jun-22 | 15-Sep-22 | <p><u>11 August 2022</u></p> <p>The Chairperson indicated that the members identified the need to review the following subject matters in terms of the honorary title of alderman/alderwoman portion of the policy:</p> <ol style="list-style-type: none"> 1. the point system; 2. additional functions for aldermen/alderwomen; 3. what privileges they acquire. <p>The Chairperson requested Mr Geoghegan to engage with Cllr. Gordon, outside of the meeting, in terms of her input, obtain the comparative information, in relation to the entire policy, prepared by Mr van As and submit a concept note to the September 2022 meeting for consideration.</p> | T Geoghegan / J van As | Feedback submitted vide MRA 9 |
| | 09-Jun-22 | 15-Sep-22 | <p><u>21 July 2022</u></p> <p>Mr van As advised that he had obtained eight policies from national and international sources in order to do a comparison. Additionally, Mr van As advised that he will obtain input from the Mayor's Office, in respect of proposed amendments, to the entire policy. The comparative information as well as any proposed comments from the Mayor's office will then be submitted to the September 2022 Rules & Ethics Committee meeting for review.</p> <p>The item will remain on the matters receiving attention schedule until concluded.</p> | J van As | All comparative information, as well as any proposed comments from the Mayor's Officer in respect of the entire Conferment of Civic Honours Policy will be submitted to the September 2022 RLE meeting for review. |



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RULES & ETHICS COMMITTEE

MRA 3

**REVIEW THE CONFERMENT OF CIVIC
HONOURS POLICY**

Annexure A

CITY OF CAPE TOWN

CONFERMENT OF CIVIC HONOURS

DRAFT POLICY

CITY OF CAPE TOWN

POLICY RELATING TO THE CONFERMENT OF CIVIC HONOURS

1. DEFINITIONS

In these guidelines:

“**Address**” means an excerpt of the scroll in the civic honours book, with the details of the honours being conferred, which is handed to the recipient;

“**Alderman/Alderwoman**” means a person who is a member of the Council and who has had such title conferred upon him or her in terms of the specific criteria set out in this policy;

“**City**” means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or any structure or employee of the City acting in terms of delegated authority;

“**Committee**” means the Rules and Ethics Committee of Council who shall lay down the guidelines for the conferment of civic honours on appropriate candidates and ~~to~~ make recommendations to Council and the Mayor for the conferment of civic honours;

“**Council**” means the Municipal Council of the City;

“**Mayor**” means the Executive Mayor of the City of Cape Town;

“**Mayoral Committee**” means the committee appointed by the Executive Mayor in terms of section 60 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Military unit**” means a unit of one of the branches of the South African Defence Force and includes an identifiable unit or section of one of the branches of the South African Police Service and “Unit” shall have the same meaning.

“**Nominee**” means an individual or group of individuals who is nominated for an honour or award.

Commented [JK1]: How would a group of individuals be on nominee. Please provide an example.

2. CIVIC HONOURS

The following Civic Honours may be bestowed by the Council and the Mayor of the City of Cape Town:

- 2.1 FREEDOM OF THE CITY
- 2.2 SIGNING OF THE CIVIC HONOURS BOOK
- 2.3 HONORARY TITLE OF ALDERMAN/ALDERWOMAN
- 2.4 FREEDOM OF ENTRY INTO THE CITY
- 2.5 THE MAYOR'S MEDAL FOR COMMUNITY SERVICE

3. CRITERIA FOR CONFERMENT OF CIVIC HONOURS

3.1. FREEDOM OF THE CITY

3.1.1. The Council may by a supporting vote of the majority of members present at any meeting of the Council, resolve to admit to the Honorary Freedom of the City:

- 3.1.1.1 any person of distinction;
- 3.1.1.2. any person who has rendered eminent service to the City, or
- 3.1.1.3. any military unit.

3.1.2. A person or a military unit upon whom the Freedom of the City has been conferred shall be recorded as having been granted the "Freedom of the City".

3.1.3. A person or unit upon whom the Freedom of the City has been conferred shall receive an address suitably inscribed and presented.

3.1.4. The Office of the Mayor shall record the names, designations and signatures of persons or units admitted to the Freedom of the City and such a register shall be known as the "Book of Honorary Freedom of the City of Cape Town".

3.2. SIGNING OF THE CIVIC HONOURS BOOK

3.2.1. The honour of inviting a person to sign or of inscribing his/her name against a citation of his/her achievements in a book to be called the "Civic Honours Book" may be conferred upon a living person or in memory of a deceased person who is or was a citizen of Cape Town and who deserves recognition for his/her lengthy and purposeful public service to Cape Town in any field of social, community or civic interest.

Commented [TZ2]: In policy and law the use of 'his/her' is discouraged. It has become more accepted through the myriad of contracts that one has to navigate in the workplace.

The standard practice to avoid using 'his/her' OR 'his or her' is to use the word 'their' which covers both sexes and everything in between ☺

Please consider replacing 'his/her' wherever it occurs with 'their'.

3.2.2. The Civic Honours Book shall be compiled and maintained by the Office of the Mayor, and there shall be recorded therein, the name of each person upon whom this honour has been conferred together with a citation of his/her achievements which shall be signed by that person, or where the honour is conferred in memory of a deceased person, by his/her next of kin, on his/her behalf, at the annual ceremony to confer Civic Honours.

3.2.3. A person upon whom has been conferred the honour of being invited to sign his/her name in the Civic Honours Book shall receive an address in the form of a copy of the appropriate citation in the Civic Honours Book and in the case of a deceased person such presentation shall be made to his/her next of kin.

3.3. HONORARY TITLE OF ALDERMAN/ALDERWOMAN

3.3.1 The title of Alderman/Alderwoman shall be conferred upon:

3.3.1.1 A councillor who has served in the City or at of any other municipality within the Republic of South Africa for a total period of 20 years or more, provided that the term of office need not be consecutive; ~~and includes any term of office prior to 1 February 1995, being the date of commencement of the pre-interim phase of local government transition;~~

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3.3.1.2 A councillor of the City of Cape Town upon the assumption of the Office of Mayor provided that this provision does not apply to the position of Acting Mayor;

3.3.1.3 A councillor who obtains a minimum of 20 (twenty) points on the following scale:

3.3.1.3.1 one point for each completed year (12 calendar months) served as a councillor in the City or at any other municipality;

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- 3.3.1.3.2 two additional points for each completed year served as a chairperson of a portfolio/standing committee or as a member of the Executive Committee/Mayoral Committee of the City or at any other municipality prior to 5 December 2000;
- 3.3.1.3.3 two additional points for each completed year served as the Mayor of the City or at any other municipality prior to 5 December 2000;
- 3.3.1.3.4 two additional points for each completed year of service as the Deputy Mayor, Speaker, Chairperson of a sub-council, member of the Executive Committee / Mayoral Committee, Chairperson of a Portfolio / Standing Committee or Chief Whip of the Council of the City of Cape Town subsequent to 5 December 2000.
- 3.3.1.3.5 ~~one point for each completed year (12 months) of service to communities via a non-statutory organisation or body, prior to 1 February 1995; such Councillors to provide proof to the satisfaction of the City Manager of membership of the executive of such organisation or body by means of an affidavit or a letter from such organisation or body as proof of the actual number of years served, provided that this provision shall not apply to those councillors who had access to municipal elections prior to 1 February 1995.~~

Commented [TZ3]: Why are we collecting points if the person already has the title of Alderman/Alderwoman if they were the mayor before in terms of 3.3.1.2

- 3.3.2 Any serving councillor who was at any time invested with the honorary title of Alderman/Alderwoman by any disestablished municipality shall be deemed to be an Alderman/Alderwoman of the City of Cape Town.
- 3.3.3 The title of Alderman/Alderwoman is conferred for life, subject to clause 3.3.5 of this Policy.
- 3.3.4 The recipient of the title of Alderman/Alderwoman shall be issued with a suitable lapel badge or medal with neck ribbon which shall be presented to the recipient at a special council meeting.
- 3.3.5 The title of Alderman/Alderwoman shall be removed by the Council from a councillor or an ex-councillor when:

Commented [TZ4]: Not a legal question ... Considering the cost of hosting a Council meeting, do we want to create a requirement that it must be done at a special meeting?

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- 3.3.5.1 such person is convicted of a criminal offence and sentenced to more than 12 months' imprisonment without the option of a fine;
- 3.3.5.2 the actions of such councillor brings the Council into disrepute; or
- 3.3.5.3 a Councillor has acted in a manner unbecoming the holder of the title of Alderman/Alderwoman.

~~3.3.5~~ 3.3.6 The Rules and Ethics Committee shall investigate and report to Council all instances where good cause is shown for the removal of the title of Alderman/Alderwoman.

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3.4 FREEDOM OF ENTRY

- 3.4.1 The Freedom of Entry into the City may be conferred upon a military unit to afford recognition of –
 - 3.4.1.1 a long standing association which has existed between that unit and Cape Town; or
 - 3.4.1.2 outstanding service rendered by such unit to the Republic and to Cape Town.
- 3.4.2 A military unit upon which the Freedom of Entry into the City has been conferred shall –
 - 3.4.2.1 receive an address suitably inscribed and presented; and
 - 3.4.2.2 have the right, privilege, honour and distinction of marching through the streets of Cape Town on all ceremonial and other occasions with swords drawn, bayonets fixed, drums beating and colours flying.

3.5 THE MAYOR'S MEDAL

- 3.5.1 The Mayor's Medal may be conferred annually by the Mayor upon any person or association or group of persons that has rendered meritorious voluntary community service involving a high degree of dedication and sacrifice which is of lasting benefit to the residents of Cape Town, in any or more of the following categories:

Commented [TZ5]: One?

- 3.5.1.1 Community Affairs;
- 3.5.1.2 Social Affairs and Services;
- 3.5.1.3 Cultural Affairs;
- 3.5.1.4 Youth Affairs;
- 3.5.1.5 Recreation and Sport;
- 3.5.1.6 Conservation;
- 3.5.1.7 Economic Affairs; or
- 3.5.1.8 Extraordinary Bravery.

3.5.2 The Office of the Mayor shall cause a register to be kept of the names of all persons or associations or groups of persons upon whom this award has been conferred.

3.5.3 A person or association or group of persons upon whom the Mayor's Medal has been conferred shall receive a medal, suitably inscribed, and an accompanying citation.

Commented [TZ6]: Citation is not defined. Is this meant to be an address?

4. GENERAL

4.1 Any proposal for the conferment of any honour, except that of Alderman/Alderwoman, may be lodged by any person or organisation and must ~~shall~~:

- 4.1.1 be in writing;
- 4.1.2 indicate the honour to be bestowed;
- 4.1.3 include adequate motivation; and
- 4.1.4 be lodged with the Mayor.

4.2 On receipt of a proposal, the Mayor shall refer the proposal to the Rules and Ethics Committee who will be assisted by the Head of Protocol in the Office of the Mayor.

4.3 The Rules and Ethics Committee will make recommendations to Council in accordance with the procedures set out in this Policy, except in the case of the Mayor's medal, in which case the recommendation is submitted to the Mayor for final approval.

4.4 The decision to confer Civic Honours, except that of Alderman/Alderwoman, may be made at any time and shall ~~must~~ be conferred at a Special ~~M~~meeting of Council as determined by the Speaker.

Commented [TZ7]: Not a legal question ... Considering the cost of hosting a Council meeting, do we want to create a requirement that it must be done at a special meeting?

4.5 The resolution of Council to confer a Civic Honour shall be carried by an ordinary resolution of Council by a supporting vote of the majority of the members present at the meeting of Council.

4.6 Until such time as the candidate upon whom it is intended to confer a civic honour has indicated a willingness to accept the award in writing, or verbally, in which case the acceptance must be confirmed by means

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of an affidavit, the identity of the candidate and any other information contained in the proposal shall remain confidential; provided that the Committee shall not recommend the rejection of any proposal unless the proposer has first been advised by the Committee;

4.6.1 to withdraw his/her proposal; ~~or~~

4.6.2 to withdraw his/her proposal and to submit a new proposal in respect of the same person but proposing the conferment of some other civic honour; or

4.6.3 to recommend for consideration of recognition by a Subcouncil,

and he/she has refused or omitted to do so within ~~a reasonable~~ thirty ~~period (30 working days).~~

4.7 Any nomination that is unsuccessful in any one year may again be resubmitted for consideration after the expiry of one calendar year.

4.8 Where a resolution of Council conferring a civic honour upon any person has been duly carried as provided above, that person, if he/she is a living person, or, in the case of a deceased person, his/her immediate family, shall be approached in a confidential manner to ascertain whether he/she will accept such honour and participate in the annual ceremony to confer civic honours.

4.9 A request for granting of Freedom of Entry shall be made to the Mayor by or with the concurrence of the Officer Commanding such unit.

4.10 If, pursuant to a recommendation by the Committee, Council passes a resolution to confer the Freedom of Entry into the City upon a military unit, the Mayor shall advise the Chief of the South African Defence Force or the Provincial Commissioner of Police, as the case may be, of that resolution and request consent for such conferment.

4.11 If the appropriate consent is given for the conferment of the Freedom of Entry into the City upon the military unit proposed, all arrangements relating to such conferment shall be made in accordance with protocol attached to such unit.

5. SUBCOUNCILS

5.1 A subcouncil may recognise outstanding achievements and service by both civil society and staff within their areas of jurisdiction through the presentation of a suitable standard certificate.

5.2 Any proposal for the awarding of a certificate, may be lodged by any person or organisation and must shall:

Commented [TZ8]: Include cross reference to the relevant section of the policy which empowers subcouncils to recognise achievements.

Commented [TZ9]: A general rule of writing is that numbers one through nine must be spelled out with letters and that 10 and higher be indicated using numerals. So using 30 is sufficient.

Commented [TZ10]: Is this a reference to the 'special meeting of council'? If yes, then please decide on one term and use that term as well as in the two places where the special meeting of council is mentioned so as to avoid creating confusion about how many 'special' meetings may be held.

Commented [TZ11]: Is this standardised across all subcouncils or is each one different? This should be defined for purposes of consistency and to avoid confusion or errors.

- 5.2.1 be in writing;
- 5.2.2 indicate the honour to be bestowed;
- 5.2.3 include adequate motivation, and
- 5.2.4 be lodged with the Chairperson of the Subcouncil.
- 5.3 The Chairperson of the Subcouncil shall submit the applications to the Subcouncil for a decision.
- 5.4 A resolution of the Subcouncil to award a certificate, shall be carried by an ordinary resolution.
- 5.5 Until such time as the candidate to whom it is intended to award a certificate has indicated a willingness to accept the award in writing or verbally, in which case the acceptance must be confirmed by means of an affidavit, the identity of the candidate and any other information contained in the proposal shall remain confidential; provided that the Subcouncil shall not recommend the rejection of any proposal unless the proposer has first been advised by the Subcouncil,
- 5.5.1 to withdraw his/her proposal; or
- 5.5.2 to withdraw his/her proposal and to submit a new proposal in respect of the same person but proposing the conferment of some other civic honour; and he/she has refused or omitted to do so within ~~a reasonable period~~ thirty (30 working days).
- 5.6 Any nomination that is unsuccessful in any one year may again be resubmitted for consideration after the expiry of one calendar year.
- 5.7 Where a resolution of a Subcouncil conferring a civic honour upon any person has been duly carried as provided above, that person, if he/she is a living person, or, in the case of a deceased person, his/her immediate family, shall be approached in a confidential manner to ascertain whether he/she will accept such honour and participate in the annual ceremony to confer civic honours.
- 5.8 The Office of the Mayor shall cause a register to be kept of the names of all persons or associations or groups of persons to whom a certificate of recognition had been granted.

Commented [TZ12]: Indent sub-paragraphs

Commented [TZ13]: Indent sub-paragraphs

Commented [TZ14]: If we are dealing with subcouncil honours then do we want to place this responsibility on the office of the mayor considering that there is no requirement on subcouncils to inform the office of the mayor of such awards/honours?

5 **STAFF**

Recognition of long and/or outstanding service among the City's staff rests with the Mayor and the City Manager.

Commented [TZ15]: Please choose one. We cannot use and/or in policy s it does not create legal certainty.

6 **RECOGNITION OF PREVIOUS CIVIC HONOURS**

Any Civic Honour bestowed prior to the implementation of this Policy by any disestablished municipality which now forms part of the City of Cape Town~~the~~

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~~is the predecessor in law of the City of Cape Town~~, shall be deemed to have been granted in terms of this Policy.

7. MONITORING AND EVALUATION

The implementation of this Policy will be monitored and amendments will be effected as and when required.

MATTERS RECEIVING ATTENTION SCHEDULE
RULES & ETHICS COMMITTEE
10 OCTOBER 2024

| NO. | REPORT REQUESTED | TARGET DATE FOR SUBMISSION | SUBJECT / RESOLUTION | RESPONSIBLE OFFICIAL | ACTION / COMMENT |
|----------|--|----------------------------|--|----------------------------------|--|
| 4 | RLE 06/04/23 - REVIEW THE RULES OF ORDER FOR COUNCIL MEETINGS | | | | |
| | 13-Apr-23 | 14-Sep-23 | <p data-bbox="734 523 1016 560"><u>12 September 2024</u></p> <p data-bbox="734 579 1563 799">Mr Gerber and his team presented the first draft of the rules of order for Council meetings to the members at the September 2024 Rules & Ethics Committee meeting. A number of amendments were made and the modified document was resubmitted to the members, via email, on 26 September for perusal.</p> <p data-bbox="734 818 1563 922">Additionally, the proposed amendments, which the members submitted previously (second draft) was also emailed to the Councillors.</p> <p data-bbox="734 941 1563 1045">It was agreed that the members would consider the second draft of the rules of order for Council meetings at the October 2024.</p> | Rules & Ethics Committee Members | <p data-bbox="1845 523 2132 703">The members will consider the second draft of the rules of order at the meeting.</p> <p data-bbox="1845 722 2132 903">Both sets of the draft rules of order have been attached vide item 4 of the MRA schedule.</p> |
| | 13-Apr-23 | 14-Sep-23 | <p data-bbox="734 1086 960 1123"><u>15 August 2024</u></p> <p data-bbox="734 1142 1563 1358">The Speaker's legal team requested an extension for the submission of the draft Rules of Order for Council meetings. It was agreed that the document would be submitted to the September Rules & Ethics Committee meeting. Additionally, the Chairperson commented that a new Act (Act 16 of 23) was promulgated on hate speech</p> | Speaker's Legal Team | <p data-bbox="1845 1086 2132 1302">The legal team will present the draft Rules of Order for Council to the members. The document will be</p> |

| NO. | REPORT REQUESTED | TARGET DATE FOR SUBMISSION | SUBJECT / RESOLUTION | RESPONSIBLE OFFICIAL | ACTION / COMMENT |
|-----|------------------|----------------------------|---|----------------------------|---|
| | | | and he was of the view that the Speaker's legal team should have a look at the new Act to ascertain whether or not it should be included in the Rules of Order for Council meetings. | | tabled at the meeting. |
| | 13-Apr-23 | 14-Sep-23 | <p>No Portfolio Committee meetings took place since March 2024 due to the national elections.</p> <p>The draft Rules of Order for Council meetings will be submitted to the September Rules & Ethics Committee for consideration.</p> | Speaker's Legal Team | Rules of Order for Council will be presented at the September RLE meeting |
| | 13-Apr-23 | 14-Sep-23 | <p><u>14 March 2024</u></p> <p>The Chairperson indicated that the draft Rules of Order for Council meetings will be submitted to the members, expectantly, prior to the April Rules & Ethics Committee meeting. The members will then have an opportunity to provide input.</p> | Speaker's Legal Team | Awaiting draft Rules of Order from Speaker's legal team |
| | | | <p><u>15 February 2024</u></p> <p>The proposed amendments were referred to the Speaker's legal team for consideration. The proposed amendments are still presently under discussion and will be presented to the members once completed. The members will receive the document prior to it being presented at the Rules & Ethics Committee meeting.</p> | Legal team and Chairperson | The proposed rules of order for Council will be presented to the Rules & Ethics Committee at either the March or April committee meeting. |
| | 13-Apr-23 | 14-Sep-23 | <p><u>9 November 2023</u></p> <p>The Chairperson indicated that proposed amendments were received for the rules of order for Council meetings. Furthermore, he indicated that the Speaker's legal team will</p> | Legal team and Chairperson | The proposed amendments are still under discussion with the |

| NO. | REPORT REQUESTED | TARGET DATE FOR SUBMISSION | SUBJECT / RESOLUTION | RESPONSIBLE OFFICIAL | ACTION / COMMENT |
|-----|------------------|----------------------------|---|----------------------|---|
| | | | be looking at the legalities of those amendments before submitting it to the Rules & Ethics Committee meeting for input. | | relevant legal team & the Chairperson |
| | 13-Apr-23 | 14-Sep-23 | <u>12 October 2023</u> Ms Razack will present the rules of order for Council, including the proposed amendments received, to the November 2023 Rules & Ethics Committee meeting. | R Razack | Ms Razack will present the Council rules of order, with proposed amendments at the meeting. |
| | 13-Apr-23 | 14-Sep-23 | <u>14 September 2023</u> Input was received from the ANC and GOOD caucuses. Ms Razack was requested to incorporate the amendments into the current Council rules of order and present it to the members at the November 2023 Rules & Ethics Committee. | R Razack | Ms Razack will incorporate the amendments and present it to the members at the November 2023 RLE Meeting. |
| | 13-Apr-23 | 14-Sep-23 | <u>10 August 2023</u> The secretariat was requested to remind the various caucuses to submit their proposed amendments by 31 August 2023. The secretariat to then collate and submit the comments to the Rules & Ethics Committee meeting in September 2023. | M Levendall | Feedback submitted vide MRA 5 |
| | 13-Apr-23 | 14-Sep-23 | <u>15 June 2023</u> The various caucuses are presently reviewing the rules of order for Council and will submit proposed amendments by 31 August 2023. | Caucuses | Will be dealt with at the September Rules & Ethics Committee Meeting |

| NO. | REPORT REQUESTED | TARGET DATE FOR SUBMISSION | SUBJECT / RESOLUTION | RESPONSIBLE OFFICIAL | ACTION / COMMENT |
|-----|------------------|----------------------------|--|----------------------|--|
| | 13-Apr-23 | 14-Sep-23 | <u>11 May 2023</u> The secretariat was requested to email the various caucuses requesting them to peruse the rules of order for Council and to submit proposed amendments, if any, by 31 August 2023. | M Levendall | Feedback, if any, will be submitted to the RLE meeting in September 2023 |
| | 13-Apr-23 | --- | <u>13 April 2023</u> Due to time constraints, the members agreed to address this matter at the Rules & Ethics Committee meeting on 11 May 2023. (Supporting documentation attached as MRA 8) | --- | --- |



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RULES & ETHICS COMMITTEE

MRA 4

**REVIEW THE RULES OF ORDER FOR
COUNCIL MEETINGS**



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RULES & ETHICS COMMITTEE

MRA 4

**REVIEW THE RULES OF ORDER FOR
COUNCIL MEETINGS**

(First Draft)

**Rules of Order regulating the conduct of meetings
of the
Municipal Council of the City of Cape Town**

INDEX TO RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF THE MUNICIPAL COUNCIL OF THE CITY OF CAPE TOWN

SUMMARY OF TIME LIMITS

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

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SUMMARY OF TIME LIMITS

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| RULE 7: NOTICE OF MEETINGS | Rule 7.1 City Manager must give 7 working days' notice for Council meetings. In the case of an urgent meeting, the notice period must be at least 24 hours. (Speaker determines urgency Rule) |
| RULE 8: QUORUMS | Rule 8.2 if no quorum meeting to be suspended for no more than 30 minutes, still no quorum, meeting may be adjourned to another time, date etc. |
| RULE 11: ATTENDANCE AND LEAVE OF ABSENCE | Rule 11.3 member leaving during the meeting due to urgent matter must personally advise Speaker and submit an application for leave within 14 days after the event. Rule 11.6.3 leave of absence is granted when notice of meeting has been delivered less than 72 hours before commencement of meeting and where the City Manager has received such |

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| | member's change of address at least 7 days before the relevant meeting. |
| RULE 12: MAYORAL ADDRESS | Rule 12.2 at the conclusion of the Mayoral address Speaker must allow 5 questions of 1 minute each. |
| RULE 16: DECISIONS AND VOTING | Rule 16.2 bell to be rung 1 minute before vote is taken on any matter where electronic voting is required. |
| RULE 17: DEBATE MANAGEMENT | <p>Rule 17.1 Chief Whip of Council to provide Speaker with speakers list 24 hours prior to Council meeting.</p> <p>Rule 17.1.2 maximum debating time for each item is 30 minutes; cut off time for Council meeting is 17:00.</p> <p>Rule 17.1.5 minor changes to speakers not accepted if submitted less than 2 hours before commencement of Council meeting.</p> <p>Rule 17.5 Mayor or relevant MMC, or mover of a motion permitted 5 minutes' response at conclusion of debate of an item or motion.</p> |
| RULE 18: MINUTES | Rule 18.7 audio recordings of all meetings of Council to be kept for 5 years. |
| RULE 19: MOTIONS | <p>Rule 19.1.2 motion to be received 10 working days prior to meeting at which such motion is to be debated.</p> <p>Rule 19.6 motion to rescind or amend a resolution of Council taken within the 3 preceding months or a motion with the same purport as a motion which was not supported within the preceding 3 months shall not be entertained.</p> |
| RULE 19: REMOVAL OF ELECTED OFFICE-BEARERS | Rule 19.8.2 At least six days must elapse between the submission of a motion to remove an office-bearer elected by Council and the date and time of the special Council meeting to consider that motion. |
| RULE 20: URGENT MATTERS | Rule 20.2 Speaker to determine period of time available for discussion of any urgent matter. |
| RULE 23: AMENDMENTS TO RECOMMENDATIONS | <p>Rule 23.2 mover of an amendment to speak thereon for not more than 2 minutes.</p> <p>Rule 23.4 member may not move more than 1 amendment to a recommendation, motion or proposal.</p> |

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| RULE 24: QUESTIONS | Rule 24.6 question may not be re-submitted if question was considered during previous 3 months. |
| | Rule 24.13 answers to questions communicated in writing to members within 2 months of date of receipt of such questions. Rule 24.14 questions not answered within 60 days from date of submission to automatically appear on agenda of next Council meeting. |
| RULE 27: MEMBER TO SPEAK ONCE ONLY | Rule 27.1 no member permitted to speak more than once on any recommendation, motion or proposal with exception of Mayor or Member who has moved an amendment who may reply in the conclusion of debate. |
| RULE 29: IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER | Rule 29.3 after 2 warnings and a final warning during the deliberations of a Council meeting, the member is to be informed that he/she will not be heard further at the meeting. Rule 29.5 Failure of member to comply with Speaker's direction in terms of Rule 29.3, the provisions of Rule 30 will apply. |
| RULE 30: REMOVAL OR EXCLUSION OF A MEMBER | Rule 30.2 members who refuse to comply with directions of Speaker in terms of Rule 28 may be excluded from Council meetings for a period determined by Council not exceeding 30 days. |
| RULE 32: POINTS OF ORDER | Rule 32.1.4 a member may not address Speaker for longer than 2 minutes on a point of order. |
| RULE 33: POINTS OF CLARITY | Rule 33.1.2 a member may not address Speaker for longer than 1 minute on a point of clarity. |

PREAMBLE

Whereas the Council is competent to prescribe rules and orders for its internal arrangements, business and proceedings;

Whereas rules and orders on meeting procedures aim to ensure –

- the efficient and productive conduct of meetings, whilst upholding fundamental principles such as transparency, fairness, maintenance of order, protection of freedom of speech, and recognition of privileges and immunities¹;
- that meetings are conducted in a disciplined manner, allowing members to engage in meaningful discussions and decisions can be made efficiently;
- that members have the right to express their opinions, ideas, and concerns *without fear of reprisal or discrimination*.

Acknowledging the Speaker's role –

- to maintain order during meetings by enforcing established rules, promoting adherence to agendas, and managing time effectively;
- to ensure that discussions remain constructive, focused and free from personal attacks or harassment;
- to treat all members fairly and impartially, irrespective of their hierarchical position or status within the council;
- to ensure respect for the rule of law and other constitutional values, and

Whereas the Code of Conduct for Councillors' Regulations prescribes rules pertaining to meetings of municipal councils;

Now therefore, the Council of the City of Cape Town adopts the following –

**RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS
OF THE MUNICIPAL COUNCIL OF THE CITY OF CAPE TOWN²**

1. APPLICATION OF RULES

- 1.1 These Rules of Order apply to the meetings of the Council of the City of Cape Town as established in terms of section 12 of the Structures Act.
- 1.2 These Rules do not apply to a Sub-council, Committee or Ward Committee.
- 1.3 These Rules remain in force until amended or rescinded by Council.

¹ As provided for in the Western Cape Privileges and Immunities of Councillors Act, 7 of 2011

Commented [CK1]: Rules Committee to discuss the preamble and consider changes

2 DEFINITIONS

In these Rules, unless inconsistent with the context:

“Behaviour” means verbal or non-verbal communicative conduct, tone of voice, body language and demeanor, deportment, bearing and etiquette relative to one's conduct towards others³

“Chamber” means the meeting place of Council which is currently situated at the 6th Floor, Podium Block, Civic Centre, Cape Town;

“Chief Whip” means the person elected as Whip of Council;

“City Manager” means the person appointed in terms of Section 54A of the Systems Act;

“Code” means the Code of Conduct for Councillors in Schedule 7 of the Structures Act.

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

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

“Days” means calendar days, exclusive of the first and inclusive of the last day, unless the last day happens to fall on a Sunday or any public holiday, in which case the time will be reckoned exclusively of the first day and exclusively also of every such Sunday or public holiday.

“Designated Peace Officer” means a law enforcement officer of the City who has been declared a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), acting when on duty and properly identified and trained to keep order during council meetings;

“Electronic Communications Act” means the Electronic Communications and Transactions Act, No. 25 of 2002;

“electronic communication” has the meaning ascribed thereto in terms of the Electronic Communications Act;

“electronic signature” has the meaning ascribed thereto in terms of the Electronic Communications Act;

“in writing” includes an electronic communication;

Commented [CK2]: Definition added following discussion in Rules Committee meeting 13/924

³ Definition contained in the Code of Conduct for Councillors Regulations 14 June 2023

“Mayor” means the Executive Mayor of Council;

“Mayoral Committee” means the Mayoral Committee as contemplated in section 60 of the Structures Act;

“Meeting” means any Council meeting regulated or imposed in terms of section 29 of the Structures Act;

“Meeting Place” means the venue where a particular meeting of Council takes place;

“Member” means a Councillor of the Council

“MMC” means a member of the Mayoral Committee;

“Motion” means a motion submitted by a member in terms of Rule 19;

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

“Party Whip” means a member designated by the leadership of a party to oversee and guide the conduct of its members in relation to Rules of Order of Council and the dignity and business of Council as well as to perform the functions described in Rule 16 of the Rules of Order;

“Political Party” means a political party registered in terms of the Electoral Act, 1998;

“Procedural Motion” means a matter raised by a member at a meeting in terms of Rule 33;

“Quorum” means a majority of the number of Members determined in terms of section 20 of the Structures Act.

“sign” also includes an electronic signature;

“Speaker” means the member elected in terms of Section 36 of the Structures Act;

“Special Meeting” means a meeting in terms of Rule 6.2, 6.4 6.6, 6.8 or 6.9;

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

“Systems Act” means the Local Government Municipal Systems Act, No 32 of 2000;

“Walkout” is an act of leaving a meeting, or failing to remain in attendance at that meeting, by a member or members, without the permission of the Speaker, when a vote is taken on any matter, or before the Speaker has adjourned the meeting.

Commented [CK3]: definition added following Rules
Comm meeting of 13/9/24

3 CONDUCT AT MEETINGS

The Speaker 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;
- 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 of the public are seated during meetings of Council in areas designated for that purpose by the City Manager;
- 3.7 ensure that members of the public attending any meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker;
- 3.8 ensure that each Party Whip or Chief Whip is responsible for maintaining the discipline of his/her party's members during a meeting. Failure by any such Party Whip to take appropriate action may be dealt with in terms of Rule 3.3 hereof.

4. INTERPRETATION OF RULES

4.1 Application or Interpretation

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

4.2 Supplementation

- 4.2.1 The Speaker may give a ruling or make a rule in respect of any eventuality for which these rules do not provide.
- 4.2.2 A rule made by the Speaker remains in force until the Council has decided on it based on a recommendation of the Rules and Ethics Committee.

4.3 **Suspension**

- 4.3.1 Any provision of these rules may be suspended by resolution of the Council.
- 4.3.2 The suspension is limited in its operation to the particular purpose for which it was approved.

4.4 **Non-diminution or non-limitation of rules**

No convention or rule of practice limits or prohibits any provision of these rules.

5 **CHAIRING OF MEETINGS**

- 5.1 The Speaker is the Chairperson of meetings of the Council.
- 5.2 Should the Speaker not be present at a meeting, an Acting Speaker must be elected for that meeting from the members present.
- 5.3 Should the Speaker be present at a meeting but it is necessary for the Speaker to absent herself during the meeting or to relinquish the chair in order to take part in a debate, then the Speaker must request Council to appoint an acting chairperson for the duration of his absence or for the duration of the debate in which she participates at that meeting, from the members present.

6 **CONVENING OF A MEETING**

- 6.1 The Speaker must determine the date, time and venue of meetings of the Council, and must ensure that such meetings take place at least quarterly.
- 6.2 The Speaker may at any time convene a special meeting on a date, time and venue determined by him or her.
- 6.3 A Special Meeting must be called –
- 6.3.1 to approve the Annual Budget; or
 - 6.3.2 to consider a motion⁴ for the removal of the Speaker, Whip, Mayor or Deputy Mayor from office in terms of Rule 6.2; or
 - 6.3.3 if a majority of the Members requests the speaker in writing to convene a council meeting;

⁴ The mover must give at least 10 days notices as required by Rule 18.1. 2 - Subject further to Rule 18.5 below, the Speaker shall not include a notice of a motion in an agenda, unless it is received at least 10 working days prior to such meeting;

6.3.4 in the event of urgency

- 6.4 The Speaker determines whether or not a meeting is urgent.
- 6.5 A request for a special meeting in terms of Rule 6.2 must set out the matter to be dealt with at that Special Meeting and no other business may be dealt with at such Special Meeting.
- 6.6 If the Speaker refuses to call a meeting as requested in terms of paragraph 6.2, the City Manager, or in the absence or refusal by the City Manager, a person designated by the MEC for local government in the province, may call and chair the meeting.⁵
- 6.7 Should circumstances warrant, the Speaker may direct that the Council meet at a place other than the Council Chamber.
- 6.8 The Speaker must inform the City Manager of the date, time and venue of every ordinary meeting and of every Special Meeting contemplated in sub-Rule 6.3

7. NOTICE OF A MEETING

- 7.1 The City Manager must give at least seven working days' notice of the date, time and venue of every ordinary and special meeting to -
 - 7.1.1 each member; and
 - 7.1.2 the public, provided that in the case of any urgent meeting, the notice period must be at least 24 hours.
- 7.2 A notice in terms of sub-rule 7.1.1 must be sent to the electronic mail address and/or physical address within the municipal area of Cape Town, selected by the member for receiving notices of meetings and other official documents and correspondence, which address(es) must be furnished to the Speaker's office within 14 days after having taken office and whenever it changes.
- 7.3 A notice in terms of sub-rule 7.1.2 must be published on the City's social media platforms.
- 7.4 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.

Commented [CK4]: amended according to Council decision on notice of meetings

⁵ s 29 of Structures Act:

(1) The speaker of a municipal council decides when and where the council meets subject to section 18(2), but if a majority of the councillors requests the speaker in writing to convene a council meeting, the speaker must convene a meeting at a time set out in the request.
 (1A) If the speaker or acting speaker refuses to call a meeting of the council as requested in terms of subsection (1), the municipal manager, or in the absence or refusal by the municipal manager, a person designated by the MEC for local government in the province, may call and chair the meeting.

In the event that a large percentage of members did not receive the notice of a meeting, Speaker must decide whether that meeting should proceed.

Commented [CK5]: As discussed at the Rules Committee Meeting

- 7.5 Where a notice of a meeting is served on a member electronically via email, such notice of meeting would be deemed to have been received by the recipient. A delivery note serves as proof of service.

8 QUORUM

- 8.1 A meeting may only commence when quorate.
- 8.2 Whenever there is no quorum, the Speaker must suspend the meeting for no more than 30 minutes, and if at the end of that period there is still no quorum, the Speaker may adjourn the meeting to another time, date and venue at his/her discretion.

9 AGENDA

- 9.1 Subject to Rules 8.2 and 9.2, all meetings must be conducted according to the order in which the matters appear on the agenda before a Council, and only matters which are on the agenda may be debated.
- 9.2 The City Manager may direct that any matter be entered into the confidential part of the Council'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 Council.
- 9.3 The Speaker may, after considering suitable motivation, direct that a matter be moved between the confidential and open agendas.

10 ORDER OF BUSINESS OF A COUNCIL MEETING

- 10.1 The order of business of an ordinary meeting convened in terms of Rule 6.1 will be as follows:
- 10.1.1 Opening;
- 10.1.2 Opportunity for silent prayer or meditation;
- 10.1.3 Mayoral address;
- 10.1.4 Recording of leave of absence;
- 10.1.5 Announcements by the Speaker;

- 10.1.6 Official notices and urgent matters raised by the City Manager in terms of Rule 20.1;
- 10.1.7 Confirmation of minutes of the previous meeting(s);
- 10.1.8 Report of the Mayor which includes:
 - 10.1.8.1 Recommendations to the Council,
 - 10.1.8.2 All decisions, whether conferred by law or delegation;
- 10.1.9 Questions in terms of Rule 24;
- 10.1.10 Motions or proposals deferred from previous meetings;
- 10.1.11 New motions;
- 10.1.12 Any other matter not contained in the Notice of the Meeting at the discretion of the Speaker;
- 10.1.13 Matters for noting to be included on the agenda. Matters for noting are not subject to debate, unless agreed to by the Whips.
- 10.2 After the matters referred to in Rules 10.1.1 to 10.1.4 have been considered, the Speaker may in his/her discretion bring forward any business which is on the agenda.
- 10.3 The agenda format is subject to change at the discretion of the Speaker.
- 10.4 Order of business of special meetings and urgent meetings convened in terms of rule 6.3 will be as follows:
 - 10.4.1 Opening;
 - 10.4.2 Opportunity for silent prayer or meditation;
 - 10.4.3 Recording of leave of absence;
 - 10.4.4 Announcements by the Speaker;
 - 10.4.5 Discussion of special meeting agenda item.

11 ATTENDANCE AND LEAVE OF ABSENCE

- 11.1 Every member attending a meeting must register his/her attendance either manually or electronically depending on which system is in use i.e. electronic registration or attendance register.
- 11.2 A member must attend each Council meeting of which he/she is a member, except when
- 11.2.1 leave of absence is granted by the Chief Whip in terms of Council's System of Delegations;
- 11.2.2 that member is required by law to withdraw from a meeting.
- 11.3 Application for leave of absence (both partial or full) from a meeting of the Council 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 Chief Whip of Council before leaving and submit an application within 14 days after the event.
- 11.4 The Chief Whip of Council may only consider applications for leave of absence which are in writing with the exception of incidents or urgent matters which are dealt with as set out in Rule 11.3 above. Applications for leave of absence which are not in writing may not be considered.
- 11.5 Notwithstanding Rule 11.2 above, applications for leave of absence from a meeting are deemed to have been granted if:
- 11.5.1 the Council or Mayor delegated the relevant member to act elsewhere on behalf of the Council in a matter;
- 11.5.2 the member is required in terms of the Code to withdraw from the meeting.
- 11.6 The Chief Whip of Council may, subject to Rules 11.2 and 11.3 above, grant leave of absence to a member for the following reasons:
- 11.6.1 illness of the member;
- 11.6.2 essential business or personal commitments, or personal circumstances of the member.
- 11.6.3 non-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 Council or when the member has moved and failed to inform the City Manager at least 7 days before the relevant meeting of the revised address for the delivery of documentation; (see amended Rule 11.5.2)

- 11.6.4 Any other circumstances where the member is prevented from attending the meeting.

12 **MAYORAL ADDRESS**

- 12.1 After the meeting is opened by the Speaker, but before any matters on the agenda are dealt with, the Mayor may address the meeting on any matter, whether it is on the agenda or not, which he/she deems appropriate. During the Mayoral address no points of order, points of clarity or debate are allowed.
- 12.2 At the conclusion of the Mayoral address the Speaker will allow for a maximum of 5 oral questions, one per member, in the order to be determined at the Whip's meeting. Each question may only be 1 minute. There are no points of clarity in this portion of the agenda. Any question arising out of the address may be replied to by the Mayor or, if directed by the Mayor, by any other MMC.

13 **REPORTS**

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

14 **DEBATE ON THE REPORT OF THE MAYOR**

The Speaker may permit debate on the matters referred to in the Mayor's Report under Rule 10.1.8 above, in accordance with Rule 17.

15 **LEGAL AND FINANCIAL CONSTRAINTS**

The Council may only take such decisions as it is legally and financially competent to do and all reports submitted in an agenda or made orally must make reference to legal and financial implications.

16 DECISIONS AND VOTING

- 16.1 Subject to the provisions of Rule 16.3 all decisions must be taken by a majority vote of the members present at any meeting of the Council.
- 16.2 Before any vote is taken on any matter before the Council, for which electronic voting is required, the Speaker shall cause the bells to be rung for a period of 1 minute, after which all doors leading to the Council Chamber shall be closed and no member(s) or any other person shall be allowed to enter or leave the Council Chamber, and all members must be seated while voting is in progress.
- 16.3 The following matters are determined by a decision taken by the majority of the members of the Council:
- 16.3.1 the passing of By-laws;
 - 16.3.2 the approval of budgets;
 - 16.3.3 the imposition of rates and other taxes;
 - 16.3.4 levies and duties;
 - 16.3.5 the raising of loans; and
 - 16.3.6 determining the salary and allowances of members of the Council in terms of section 7(3) of the Remuneration of Public Office Bearers Act, No. 20 of 1998.
- 16.4 If the Speaker asks the meeting whether it is in agreement with a proposal or recommendation before the Council, and the recommendation is not opposed by any member present, the proposal or recommendation is adopted.
- 16.5 Where there is opposition to any proposal to be decided, voting must be by a show of hands or by means of an electronic voting system when available, unless otherwise resolved.
- 16.6 Only the number of members, and not the names of members voting for or against an item, is to be recorded in the minutes.
- 16.7 A member may abstain from voting without leaving the meeting place.
- 16.8 Any member may request that his dissent, abstention or support be recorded in the minutes of that meeting.

- 16.9 The Speaker must announce the decision of the Council taken in terms of Rules 16.4 or 16.5.
- 16.10 Should there be an equality of votes on any matter other than those listed in Rules 16.3.1 to 16.3.5, the Speaker must exercise a casting vote in addition to his/her deliberative vote, except when voting takes place through a ballot.

17 DEBATE MANAGEMENT

- 17.1 At least 24 hours prior to a meeting of Council, the Chief Whip of Council, after discussion with the Whips of other parties in Council, must provide to the Speaker a list showing:
- 17.1.1 which items on the agenda for that meeting are to be debated;
- 17.1.2 the total time to be allocated to the debate of each such item, bearing in mind that the cut-off time for the Council meeting will be 17:00 and the maximum time allocated to each item on the agenda will be 30 minutes. This does not limit the discretion of the Speaker to extend or limit the time allocated for debate on each item on the agenda, or to extend the closing time of the Council meeting, should circumstances so require;
- 17.1.3 the names and time to be proportionally allocated to each political party that wishes to debate a particular item, as agreed to by the Whips, having due regard to the number of seats held by each party in Council. In the absence of agreement, the Speaker will determine the times allocated to the respective parties.
- 17.1.4 Unless there are exceptional cases, changes to the list of speakers, must be submitted to the Speaker prior to the commencement of the Council meeting.
- 17.1.5 Should it be necessary to effect changes to the list of speakers during the Council meeting, such changes must be submitted by the relevant Party Whip(s) to the Chief Whip of Council who will submit such changes to the Speaker, provided that no changes will be allowed by the Speaker if submitted less than 2 hours before the Council meeting begins.
- 17.2 On receipt of the list referred to in Rules 17.1, the Speaker must, if he/she wishes to deviate from the provisions of those lists, convey his/her decision in this regard to the relevant Whips within a reasonable time prior to the Council meeting.

- 17.3 The Speaker may in such instance restrict or extend the time allocated in a manner which is fair to all parties and must, to the extent possible, give advance warning of such intention and of the extent thereof.
- 17.4 All matters before the Council not listed in Rule 17.1 must individually be put to the meeting for adoption without debate, before the matters listed in Rule 17.1 are considered.
- 17.5 At the discretion of the Speaker, he/she may allow 5 minutes of response to the Mayor or relevant MMC, or the mover of a motion, to conclude the debate on an item debated in terms of Rule 17.1.
- 17.6 All parties represented in Council have a right to speak on each item on the agenda relative to their representation in Council provided speaking time arrangements have been agreed to by the Chief Whip of Council.
- 17.7 Notwithstanding anything contained in Rules 17.1 to 17.6, the Speaker may not, when exercising any discretion in terms of these Rules, prejudice any party in respect of time allocated in relation to any party. The Speaker's ruling after exercising his/her discretion in this regard is final.

18 MINUTES

- 18.1 The City Manager must ensure that all decisions of the Council are recorded in a minute book, and that decisions of the Council held in a closed meeting are recorded in a separate minute book.
- 18.2 If a copy of the minutes of a meeting has been delivered to every member, the minutes must be taken as read with a view to confirmation.
- 18.3 No proposal or discussion must be allowed on the minutes, except as to their accuracy.
- 18.4 The correctness of the minutes of the Council must be considered at its next meeting, failing which, at the following meeting.
- 18.5 The City Manager must ensure that the names of members attending any meeting, of those members who are absent, as well as the names of those who have been granted leave of absence, are recorded in the minutes.
- 18.6 The City Manager must ensure that the names of members who requested that their dissent, abstention or support be recorded during voting, are recorded in the minutes.
- 18.7 For administrative reference purposes, audio recordings of all meetings of the Council must be kept for a period of 5 years.

19 **MOTIONS**

- 19.1 Subject to the provisions of any other law:
- 19.1.1 Every notice of motion must be in writing in the form of a draft proposal which may contain a brief motivation, must be submitted to the Speaker, and such notice must be dated and signed by the member submitting it and by the member seconding it;
 - 19.1.2 Subject further to Rule 19.5 below, the Speaker must not include a notice of a motion in an agenda, unless it is received by 17h00 at least 10 working days prior to such meeting; and
 - 19.1.3 a motion will lapse if the member who submitted it is not present at the meeting when such motion is scheduled for debate.
- 19.2 At the request of the member who gave notice of such motion, the Speaker must acknowledge receipt thereof in writing.
- 19.3 Every motion must deal with a matter in respect of which the Council has jurisdiction.
- 19.4 A member submitting a motion may introduce such motion and will have the right of reply thereto.
- 19.5 The Speaker must when he/she receives a motion, consider which of Council's political structures is legally competent to take the required decision and must refer the motion to the appropriate political structure for consideration.
- 19.6 The Speaker may not entertain a motion introduced in terms of this Rule:
- 19.6.1 which purports to rescind or amend a resolution passed by the Council taken within the preceding 3 months or;
 - 19.6.2 which has the same purport as a motion which was not supported within the preceding 3 months.
- 19.7 The Speaker must, when dealing with motions:
- 19.7.1 Ascertain which motions are unopposed and these must be passed without debate; and thereafter the opposed motions must be dealt with in their order on the agenda.
 - 19.7.2 call on the member who submitted the motion to read out the motion.

19.8 REMOVAL OF SPEAKER, WHIP, MAYOR OR DEPUTY MAYOR FROM OFFICE

- 19.8.1 A member may, by written motion addressed to the Speaker, move that the Speaker, Whip, Mayor or Deputy Mayor be removed from office.
- 19.8.2 A motion to remove the Speaker, Whip, Mayor or Deputy Mayor from office contemplated in paragraph (a) must be seconded by at least three other members.
- 19.8.3 A motion to remove the Speaker, Whip, Mayor or Deputy Mayor from office must contain a brief summary of the reasons for the removal, and indicate the date and the time of the special Council meeting, which date may not be less than-six working days from the date that the motion is submitted to the Speaker.
- 19.8.4 The Speaker must, upon receipt of a motion to remove the Speaker, Whip, Mayor or Deputy Mayor from office-
- 19.8.4.1 forthwith send a copy to the City Manager and the Mayor, if applicable; and
- 19.8.4.2 if the motion complies with the requirements set out in this rule and the Structures Act-
- 19.8.4.2.1 if no ordinary Council meeting is scheduled, convene a special Council meeting on the date and at the time set out in the motion and at a venue or using a platform determined by the Speaker; and
- 19.8.4.2.2 inform the City Manager of the date, time and venue.
- 19.8.5 If the Speaker, for whatever reason, fails to convene the special Council meeting in terms of Rule 18.8.3 within three working days of receipt of the motion, the City Manager, or in the absence or refusal by the Municipal Manager, a person designated by the Provincial Minister, may convene and chair the special Council meeting on the date and at the time set out in the motion and at a venue or using a platform determined by the City Manager or person designated by the Provincial Minister, as the case may be.

- 19.8.5.1 If the Speaker is absent, unavailable, unwilling or unable to chair the special Council meeting, the City Manager or a person designated by the Provincial Minister if the City Manager is absent, unavailable, unwilling or unable, must preside at the election of an Acting Speaker in accordance with section 36(3) of the Structures Act.
- 19.8.5.2 The Acting Speaker may only preside over the special Council meeting concerned.
- 19.8.6 Only the motion to remove the Speaker, Whip, Mayor or Deputy Mayor from office contemplated in Rule 19.8.1 may be dealt with at the special Council meeting.
- 19.8.7 The City Manager must give notice of the special Council meeting at least two working days prior to the meeting, in the manner contemplated in rule 6(5) and (6).
- 19.8.7.1 If the Speaker determines that the special Council meeting is an urgent meeting, the City Manager must, at least one working day before the meeting, give written notice as contemplated in rule 6(5) and (6), except if time constraints make this impossible.
- 19.8.7.2 If the City Manager accidentally omits to give notice to any Councillor, such omission does not invalidate a meeting.
- 19.8.8 If the Speaker, Whip, Mayor or Deputy Mayor to whom the motion relates, resigns from office at any time before the special Council meeting takes place, the motion to remove the Speaker, Whip, Mayor or Deputy Mayor from office lapses and the meeting does not go ahead.
- 19.8.9 The Speaker, Whip, Mayor or Deputy Mayor to whom the motion relates, has the right and must be allowed the opportunity during the special Council meeting to respond to every allegation made -
- 19.8.9.1 in the motion to remove the Speaker, Mayor or Deputy Mayor from office; and
- 19.8.9.2 during the meeting.
- 19.8.10 If the Speaker, Mayor or Deputy Mayor to whom the motion relates, is not present during the special Council meeting,

the Council may continue with the proceedings in the absence of such office-bearer.

- 19.8.11 If the Speaker, Mayor or Deputy Mayor to whom the motion relates, at any time during the special Council meeting, but before the motion to remove the Speaker, Mayor or Deputy Mayor from office is put to the vote, resigns from office, the-
- 19.8.11.1 special Council meeting is adjourned immediately; and
- 19.8.11.2 the motion lapses;
- 19.8.12 Despite any provisions to the contrary in these rules: Provided that if the motion to remove the Speaker, Mayor or Deputy Mayor from office concerns the Speaker, the Council must proceed to elect a new Speaker.
- 19.8.13 If the motion to remove the Speaker, Whip, Mayor or Deputy Mayor from office is carried, the Speaker, Whip, Mayor or Deputy Mayor to whom the motion relates, is removed from office with immediate effect and the Council proceeds to elect a new Speaker, Whip, Mayor or Deputy Mayor, as the case may be, despite any provisions to the contrary in these rules.
- 19.8.14 A Member elected as Speaker, Whip, Mayor or Deputy Mayor in terms of Rule 19.8.12 or 13, as the case may be, serves for the unexpired term of the predecessor.
- 19.8.15 If the motion to remove the Speaker, Whip, Mayor or Deputy Mayor from office is not carried, no motion forwarding the same allegations may be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.

20 URGENT MATTERS

- 20.1 The City Manager may, in his/her discretion, raise any urgent matter for decision by Council. A matter is urgent when the decision required, if delayed, could prejudice Council, or its operations, or threatens the general well-being and safety of the public.
- 20.2 The Speaker must determine an appropriate time during Council's deliberations when the City Manager may raise urgent matters, and the

Speaker must determine the period of time available for discussion of any urgent matter.

21 **DISALLOWED MOTIONS AND PROPOSALS**

21.1 The Speaker may disallow a motion or proposal which:

21.1.1 may lead to the discussion of a matter already dealt with in the agenda; or

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

21.1.2.1 the Council has no jurisdiction;

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

21.1.2.3 which has not been duly seconded; or

21.1.2.3 lacks relevance to Council.

22 **MOTION OR PROPOSAL AFFECTING A BY-LAW OR LAW TO BE REFERRED TO THE SPEAKER**

A motion or proposal, affecting the making or amendment of a By-law, must, before the Council adopts a resolution thereon, be submitted to the Speaker for a report thereon. (Refer to section 12 of the Systems Act)

23 **AMENDMENTS TO MOTIONS**

23.1 An amendment which is moved:

23.1.1 must be relevant to the motion moved;

23.1.2 must be reduced to writing, signed by the mover and seconder, and handed to the Speaker;

23.1.3 may only be moved by a member while he/she is speaking on a recommendation, motion or proposal under debate.

23.2 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.

- 23.3 More than one amendment may be moved to a recommendation, motion or proposal, and subject to Rule 23.9, all amendments which have been moved must be put to the vote at the close of the debate upon such recommendation, motion or proposal.
- 23.4 No member may move more than one amendment to any recommendation, motion or proposal.
- 23.5 If the Mayor or member or the mover of the original motion wishes to address the Council on any amendment moved to such recommendation, motion or proposal, he/she may only do so during his reply.
- 23.6 The debate will close when the Mayor or his/her nominee has replied thereto.
- 23.7 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.
- 23.8 Each amendment to a recommendation, motion or proposal must be clearly stated to the meeting by the Speaker before it is put to the vote.
- 23.9 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, provided that the Speaker may, if he/she is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, rule that such other amendment need not be put, after which the latter amendment must lapse.

24 **QUESTIONS TO THE MAYOR, OF WHICH NOTICE HAS BEEN GIVEN**

- 24.1 Any member may submit a question in writing to the Speaker in order to solicit information, which is related to and/or relevant to Council business and/or matters. The member must ensure that the written question is submitted by 17H00 at least 15 working days prior to the meeting and is dated, signed and submitted to the Speaker's Office for consideration and referral to the Mayor.
- 24.2 The Speaker will determine the format of questions and maintain quality control. The Speaker may decline to entertain a question and may refer the question back to the relevant Member if their question does not meet these requirements.

- 24.3 The Speaker may refer questions back to the relevant Member if the information requested is already publicly available.
- 24.4 The member must indicate whether he/she wishes to have the question answered in writing or verbally at the meeting of Council when questions to the Mayor will be heard and answered.
- 24.5 Admissability of questions
- 24.5.1 A question must be—
- 24.5.1.1 in one of the official languages of the City;
 - 24.5.1.2 brief, concise, clearly worded, and address specific points.
- 24.5.2 A question may not—
- 24.5.2.1 be hypothetical;
 - 24.5.2.2 contain arguments;
 - 24.5.2.3 contain offensive language, inferences or accusations;
 - 24.5.2.4 express a point of view;
 - 24.5.2.5 ask for an opinion;
 - 24.5.2.6 refer to more than one subject'
 - 24.5.2.7 be in breach of the law or these rules; or
 - 25.5.2.8 anticipate the discussion of a matter appearing on the Council Agenda.
- 24.6 No member may re-submit a question relating to any matter if that question was considered during the previous 3 months.
- 24.7 A member will be limited to one oral and one written question per Meeting.
- 24.8 Reports and investigations:
- 24.8.1 A question must not be asked seeking information in relation to an investigation that is underway, other than to determine

the status of that investigation i.e. initiated, ongoing, close to completion or completed.

- 24.8.2 A question must not be asked regarding the contents of any report resulting from a confidential or forensic investigation unless the disclosure of information necessary to answer such question is in accordance with the policy regarding the release of information contained in such a report.
 - 24.8.3 A question must not be asked in relation to matters that are legally privileged, that are the subject of ongoing legal proceedings or that are confidential, or if the disclosure of information necessary to answer such a question would result in the breach of the rights of, or a duty owed to, a third party.
 - 24.8.4 No questions regarding matters on the confidential agenda will be permitted.
- 24.9 The Mayor's Office may refer any question back to the Speaker:
- 24.9.1 for clarity and / or additional information from the questioner;
 - 24.9.2 if, in their opinion, the question does not conform to these rules.
- 24.10 Replies to questions in Council meetings
- 24.10.1 The speaker must call the item number of the questions on the Council agenda in order
 - 24.10.2 The Mayor may, where a reply is printed on the Council Agenda, supplement that reply with further information;
 - 24.10.3 The member who asked the question may, thereafter, ask up to two supplementary questions arising out of the Mayor's reply
 - 24.10.4 Supplementary questions must be brief and to the point and may not exceed 20 seconds to ask.
 - 24.10.5 The Mayor may answer the question and/or refer it to an MMC to provide additional information.
- 24.11 The Speaker must keep a record of:
- 24.11.1 All Question(s) submitted by members during the month reflecting the date on which they were submitted to the Speaker, as well as the date on which they were transmitted to the Mayor's Office to answer the question;

24.11.2 Questions referred back by the Mayor and the reasons for their rejection;

24.11.3 Answers given to the Question;

24.11.4 The Speaker may have the questions posed by members and responses to such questions published on the Municipality's website.

24.12 On application from a member, members may view the Questions record book.

24.13 Replies must be communicated in writing to members within 60 working days from the date of receipt by the Mayor's Office of such questions.

24.14 The Speaker must ensure that any questions, to which answers have not been received within a period of 60 working days from the date of submission thereof, automatically appear on the agenda of the next Meeting.

24.15 The Mayor may give a written or verbal response to a question referred to in Rule 24.13 at such Meeting and/or may redirect the question to any member of Council to supplement that reply at such meeting.

25 **RECONSIDERATION OF RESOLUTIONS**

The Council may at any time, rescind or amend any resolution passed by it, provided that no such rescission or revocation of a decision may detract from any rights or privileges that may have accrued as a result of the resolution.

26 **PRECEDENCE OF SPEAKER**

26.1 Whenever the Speaker speaks, any member then speaking or offering to speak must be silent and the members must be silent so that the Speaker may be heard without interruption.

26.2 A member addressing the Council must do so by addressing the Speaker.

27 **MEMBER TO SPEAK ONCE ONLY**

27.1 Subject to any contrary provision contained in these Rules, no member may speak more than once on any item, or motion, provided that the

Mayor or Member, in terms of Rules 14 or 23 above or mover, may reply in conclusion of the debate, but must confine himself/herself to answering to previous speakers and must not introduce any new matter into the debate.

- 27.2 The Speaker must permit the Mayor, MMC or chairperson of a Section 79 Committee, who made a proposal in terms of Rule 14 or 23, to make an explanatory statement prior to the consideration of any particular item contained in the report of the Mayor, or during the discussion of such report, in reply to a specific question.

28 RELEVANCE

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

28.1.1 which will anticipate any matter on the agenda; or

28.1.2 in respect of 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, provided that such matter may be considered with the permission of Council.

29 IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER

- 29.1 The Speaker must call the attention of the member, referred to by title and name, to irrelevant, tedious repetition, unbecoming language or any breach of order on the part of a member, and must direct such member, if speaking, to discontinue his/her speech until the member has come to order. Such direction must be regarded as the first warning.
- 29.2 The Speaker must 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 Council official.
- 29.3 Upon two warnings and a final warning during the deliberations of a Council meeting, the Speaker must inform the member that he/she will not be given an opportunity to be heard further at that particular meeting. The member will however be allowed to vote on any matter that is subject to a vote.
- 29.4 The member must be alerted of each warning.

- 29.5 If a member fails to comply with the Speaker's direction under Rule 29.3 above, the provisions of Rule 30 must apply and the Speaker may decide to take disciplinary action against such member in terms of the Code of Conduct for Councillors.

30 REMOVAL OR EXCLUSION OF A MEMBER

- 30.1 If a member refuses to comply with a direction in terms of Rule 29.3, the Speaker may instruct the City Manager to direct an unarmed designated peace officer(s) 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 Speaker 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 Speaker of a written expression of regret. Such expression of regret must be part of the minutes of the meeting.
- 30.2 In the circumstance where the Speaker directs a member in terms of Rule 29 and invokes Rule 30.1, and other members join in to support the member being directed to comply, the Speaker must warn the members to come to order. Upon 3 warnings of reasonable intervals, the Speaker must apply Rule 30.1 to all disorderly members.
- 30.3 If a Member fails to comply with the Speaker's directive to apologise and withdraw an allegation, in terms of Rule 29.2, the Speaker must order the member to leave the chamber.

31 DISORDERLY CONDUCT AND MAINTENANCE OF ORDER

- 31.1 Members must maintain good and orderly behaviour and may not engage in disorderly conduct in the Chamber and Council's meeting places, including:
- 31.1.1 creating disorder or disruption in the Council;
- 31.1.2 in any manner whatsoever physically intervening, preventing, obstructing or hindering the removal of a member from the Chamber who has been ordered to leave the Chamber;
- 31.1.3 undermining the authority of the Speaker or refusing to obey rulings of the Speaker and interrupting the Speaker while the latter is addressing the Council;
- 31.1.4 making allegations against a member or a Council official without adequate substantiation, or following the correct procedure;

- 31.1.5 Assaulting, or threatening to assault an official, or another Member, or any other person present at the meeting; or
- 31.1.6 acting in any other way to the detriment of the dignity, decorum or orderly procedure of the Council.

31.2 Where there is a contravention of Rule 31.1, the Speaker may order the Member to immediately leave the meeting.

31.3 A Member may not approach the Chair, or proceed past the first row of seating to the Council Chamber floor during Council proceedings, except as when provided for elsewhere in these rules.

31.4 The Speaker may, at any time during a meeting, if he/she deems it necessary for the maintenance of order, instruct the City Manager to direct an unarmed designated peace officer(s) to remove or cause the removal of any person(s), including a member(s), from the meeting place, or order that the public gallery be vacated.

31.5 WALKOUT BY MEMBERS

31.5.1 A walkout by a Member or a group of Members constitutes a breach of the Code of Conduct and the Speaker must refer such walkout to a special committee established in terms of item 16(1)(b) of the Code to investigate and make a finding.

31.5.2 If after a walkout,

31.5.2.1 the remainder of the Members constitute a quorum, the business of the meeting must be proceeded with;

31.5.2.2 the remainder of the Members do not constitute a quorum, the Speaker must convene a further meeting to consider the matters that could not be concluded due to the inquorate meeting.

31.5.3 The Member or Members that walked out and caused the meeting to collapse, must be held liable for fruitless and wasteful expenditure

31.5.4 The special committee referred to in Rule 31.5.1 may, after having made a finding that the Member or Members have breached the Code, consider a recommendation to Council to impose a fine equal to the actual fruitless and wasteful expenditure incurred in convening a new meeting.

32.1 For the purpose of this Rule:

- 32.1.1 a point of order may be raised to direct the Speaker's attention to any deviation or breach of these Rules;
- 32.1.2 a point of order may be raised at any stage of the meeting proceedings, except during the Mayoral Address, when the Speaker is ascertaining the presence of a quorum or during voting;
- 32.1.3 the member raising a point of order must state the particular Rule, By-law or any other law that is alleged to have been breached or deviated from;
- 32.1.4 any point of order must not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of order must not be permitted to address the Speaker for longer than 2 minutes on such point of order;
- 32.1.5 any member, whether he/she addressed the Council on the matter under debate or not, may raise his/her hand to a point of order.
- 32.1.6 a member contemplated in Rule 31.1.4, will be entitled to be heard forthwith, and the member speaking at the time must remain silent and be seated, until a ruling has been made by the Speaker.
- 32.1.7 the ruling of the Speaker on a point of order will be final and will not be open to discussion.

33 POINTS OF CLARITY

33.1 For the purpose of this Rule:

- 33.1.1 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.
- 33.1.2 Any point of clarity must not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of clarity must not be permitted to address the Speaker for longer than 1 minute on such point of clarity;
- 33.1.3 Any member, whether he/she addressed the Council on the matter under debate or not, may rise/raise his/her hand on a point of clarity at the end of the speech.

33.1.4 The ruling of the Speaker on the admissibility of a point of clarity is final and is not open to discussion.

34 **PROCEDURAL MOTIONS**

34.1 When a matter is under discussion at any meeting of the Council, no further debate must be allowed if any of the following procedural motions are accepted:

34.1.1 that consideration of the matter be adjourned and resumed at a time determined by the Council;

34.1.2 that the meeting of the Council be adjourned and reconvened at a time determined by the Speaker;

34.1.3 that the matter be referred back to a Committee or the administration, with reasons therefor.

35 **MEETINGS OPEN TO THE PUBLIC AND MEDIA**

35.1 The Council 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.

35.2 Notwithstanding the provisions of Rule 35.1, the Council may not exclude the public, including the media, when considering or voting on any of the following matters:

35.2.1 a draft By-law

35.2.2 the Budget

35.2.3 the draft Integrated Development Plan, or any amendments of the Plan;

35.2.4 the Municipality's draft Performance Management System, or any amendments of the System; and

35.2.5 when disposing of a capital asset, considering the following prerequisites –

35.2.5.1 whether such asset is not needed to provide the minimum level of basic municipal services; and

35.2.5.2 the fair market value of the asset and the economic and community value to be received in exchange for the asset.⁶

36 **INVITATION TO ADDRESS COUNCIL**

The Speaker may, at his/her discretion, invite any person or persons to address any meeting of the Council.

37 **DRESS CODE**

All Members 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.

38 **RULES OF ORDER FOR VIRTUAL MEETINGS**

38.1 Application

38.1.1 The provisions of this Chapter apply to virtual meetings.

38.1.2 The rules in this Chapter are supplementary to the Rules of Order Regulating the Conduct of Meetings of the Municipal Council of the City of Cape Town.

38.2 Definitions and interpretation

38.2.1 Unless the context indicates otherwise, the following words or terms shall have the meaning assigned to them as follows -

“chat box” is an in-meeting chat feature that allows the sending of instant messages via the internet to other users within a meeting or a private message to an individual and *‘IM box’* or *“comment box”* has a corresponding meaning;

“present” includes being present through remote attendance and *‘presence’* has a similar meaning;

⁶ S 14 of the MFMA requires that such decision must be taken ‘in a meeting open to the public’

'*remote attendance*' means the ability of a member at the 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.

"*removal*" for purpose of Rule 29⁷ and 30⁸, includes the cancellation and removal of a member's link in relation to a virtual meeting;

"*virtual meeting*" means a meeting held by means of electronic devices.

38.3 A requirement in the Rules that a meeting be open to the public, is satisfied if –

⁷ 29 Removal or exclusion of councillor

29.1 If a member refuses to comply with a direction in terms of Rule 28, the Speaker may request the City Manager to direct an unarmed designated peace officer(s) 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 Speaker 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 Speaker of a written expression of regret. Such expression of regret must be part of the minutes of the meeting.

29.2 In the circumstance where the Speaker directs a member in terms of Rule 28 and to invoke Rule 29.1, and other members join in to support the member being directed to comply, the Speaker shall warn the members to come to order. Upon 3 warnings of reasonable intervals, the Speaker shall apply Rule 29.1 to all disorderly members

⁸ 30 Disorderly conduct and maintenance of order

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

30.1.1 creating disorder or disruption in the Council;

30.1.2 in any manner whatsoever physically intervening, preventing, obstructing or hindering the removal of a member from the Chamber who has been ordered to leave the Chamber;

30.1.3 undermining the authority of the Speaker or refusing to obey rulings of the Speaker and interrupting the Speaker while the latter is addressing the Council;

30.1.4 making allegations against a member without adequate substantiation or following the correct procedure;

30.1.5 using or threatening violence against a member or other person; or

30.1.6 acting in any other way to the detriment of the dignity, decorum or orderly procedure of the Council.

30.2 The Speaker may, at any time during a meeting, if he/she deems it necessary for the maintenance of order, request the City Manager to direct an unarmed designated peace officer(s) to remove or cause the removal of any person(s), including a member(s), from the meeting place, or order that the public gallery be vacated.

38.3.1 the meeting is streamed live online; or

38.3.2 the meeting is recorded and made available on the website of the Council as soon as practicable after the meeting.

38.4 CONVENING VIRTUAL MEETINGS

38.4.1 Only the Speaker may determine that a meeting must take place remotely.

38.4.2 If the notice of a meeting does not expressly state that the meeting will take place remotely, the meeting will be a face-to-face meeting at the venue communicated.

38.4.3 All agenda items, submissions as well as supporting documentation, together with the minutes of the previous meeting, must be circulated electronically to all members

38.5 VENUE

The venue of a virtual meeting shall be deemed to be the Council Chambers or any other City venue identified by the Speaker.

38.6 NOTICE OF VIRTUAL MEETING

38.6.1 The City Manager must give notice to the public of each virtual meeting.

38.6.2 A public notice of a virtual meeting, must –

38.6.2.1 state that the meeting is virtual and that there is no physical meeting location;

38.6.2.2 describe how members of the public can observe the meeting.

38.6.2.3 provide a phone number or email address where members of the public can obtain additional information on how the city conducts the meeting and get assistance in locating such record of meeting.

38.7 ATTENDANCE

38.7.1 A member in remote attendance attends a meeting when the Speaker certifies that such member is present at the meeting.

38.7.2 The presence of a member shall be deemed to be evidence for the attendance register as contemplated in Rule 10.1⁹

38.7.3 The Speaker may rule that a member must switch on the camera on his/her device, and the member must do so promptly and without questioning the ruling of the Speaker.

38.8 DECLARATION OF INTEREST

38.8.1 A member must declare his/her interest in a matter under discussion by entry in the chat box.

38.8.2 If a member withdraws from proceedings because of a declared interest in a matter, the Speaker must ensure that virtual access by the member to the meeting is suspended for the duration of the consideration of that matter.

38.9 LOGISTICS

38.9.1 All logistics for a meeting must be arranged by the Committee Secretariat

38.9.2 All Members will be sent instructions on how to join a virtual meeting when they are sent a copy of the agenda for that meeting.

38.9.3 A Member must at least two days before the meeting, ensure that he/she has the necessary internet connectivity and that he/she can open the agenda and annexures. The onus is on the member to contact the Municipality's IT Section for assistance, should he/she experiences connectivity problems or problems opening the agenda and annexures.

38.9.4 A Member must ensure that he/she is connected and in attendance at least 30 minutes before the scheduled time of a meeting.

38.10 QUORUM

38.10.1 A Member who has accessed the meeting via the secure link sent to his/her email address shall be deemed present for

⁹ Every member attending a meeting must register his/her attendance either manually or electronically depending on which system is in use i.e. electronic registration or attendance register.

the purposes of establishing a quorum, taking a decision or voting on a matter.

- 38.10.2 No technical failure on the part of a member or group of members during a virtual meeting that leads to a break in the virtual connection for a total period of not more than five minutes invalidates any action taken by a majority of the members attending the meeting.

38.11 DEBATE MANAGEMENT

- (1) Debate must be managed by means of the Speaker's list and only those members on the Speaker's list will be enabled to exercise a right to speak at the meeting.
- (2) If a member uses the chat box during a meeting for non-meeting related purposes such as complaints, criticism and general chat, the Speaker may consider it to constitute disorderly conduct for purposes of Rule 30 and may direct the removal of such member.
- (3) Microphones must be muted at all times and may only be unmuted by a member when called on by the Speaker to speak.

38.12 MOTIONS

- 38.12.1 A procedural motion or amendment to a motion on the agenda must be posted in the chat box
- 38.12.2 A Member wishing to second a motion must do so by posting it in the chat box.

38.13 QUESTIONS

A question to the Speaker and a supplementary question to the Mayor must be posted in the chat box

38.14 POINTS OF ORDER AND POINTS OF CLARITY

- 38.14.1 A Member who wishes to raise a "*point of order*" must quote and post the specific Rule in the chat box, failing which the Speaker may refuse the "*point of order*".
- 38.14.2 A Member who wishes to raise "*a point of clarity*" must briefly post in the chat box the material part of a member's speech

that has been misunderstood or which needs clarity, failing which the Speaker may refuse the “*point of clarity*”.

- 38.14.3 The Speaker determines whether or not to allow a “*point of order*” or a “*point of clarity*”

38.15 VOTING

- 38.15.1 The Speaker must announce the commencement of voting and the agenda item being voted on before any vote is taken.
- 38.15.2 Except where voting is by secret ballot a member shall cast a vote electronically or by voice, provided that the Speaker may make a ruling on the method of voting to be used and such ruling is final.
- 38.15.3 Only members who are present when a vote is called shall be permitted to vote.
- 38.15.4 The Speaker must announce the result of a vote and record the names of members and how they voted.
- 38.15.5 A Member must ensure that his/her vote has been correctly recorded.

38.16 CONDUCT

- 38.16.1 A Member on the virtual platform must conduct him/herself as if physically present.
- 38.16.2 A Member must use a blank background, or a blurred background, or a static picture without party symbols or statements during a video recording of his/her participation in the meeting.
- 38.16.3 The Speaker may, in the event of a persistent disregard of his/her directions or rulings cause the virtual link of such Member to be disconnected.
- 38.16.4 A member who,
- 38.16.4.1 after having been disconnected as contemplated in Rule 38.16.3, uses the device of another member to re-enter the meeting, and;

38.16.4.2 who permits another member to use his/her device in the circumstances contemplated in Rule 38.16.4.1 is in breach of the Code of Conduct for Councillors.

38.17 PRIVILEGES AND IMMUNITIES

A member has the same privileges and immunities which a Member ordinarily enjoys in physical meetings.

---o0o---



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.

RULES & ETHICS COMMITTEE

MRA 4

**REVIEW THE RULES OF ORDER FOR
COUNCIL MEETINGS**

(Second Draft)



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

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

Latest version as amended by Council
on 27 October 2022 – C57/10/22



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

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

Commented [KC1]: Throughout the document the author of the amendments has changed 'he/she' to 'he' or derivatives thereof. It should remain as is. I'm not correcting each and every gender reference

Commented [KC2]: There are 19 references to 'municipal manager' and only two to "City Manager" in the original document - consistency please!

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SUMMARY OF TIME LIMITS

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

| | |
|---|--|
| RULE 6: NOTICE OF MEETINGS | <p>Rule 6.3 Municipal Manager to give 72 hours' notice of Council meetings and/or Special Council meetings for councillors to prepare adequately.</p> <p>Rule 6.4 Municipal Manager to give 7 working days' notice for Council meetings to consider By-Laws;</p> <p>Rule 6.6 Urgent meetings 24 hours' notice (Speaker determines urgency Rule 6.7)</p> |
| RULE 7: QUORUMS | <p>Rule 7.2 if no quorum meeting to be suspended for no more than 30 minutes, still no quorum, meeting may be adjourned to another time, date etc.</p> |
| RULE 10: ATTENDANCE AND LEAVE OF ABSENCE | <p>Rule 10.3 member leaving during the meeting due to urgent matter must personally advise Speaker and submit an application for leave within 14 days after the event</p> <p>Rule 10.6.3 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</p> |
| RULE 11: MAYORAL ADDRESS | <p>Rule 11.2 at the conclusion of the Mayoral address Speaker must allow 5 questions of 1 minute each</p> |
| RULE 15: DECISIONS AND VOTING | <p>Rule 15.2 bell to be rung 1 minute before vote is taken</p> |
| RULE 16: DEBATE MANAGEMENT | <p>Rule 16.1 Chief Whip of Council to provide Speaker with speakers list 24 hours prior to Council meeting</p> <p>Rule 16.1.2 maximum debating time for each item is 30 minutes; cut off time for Council meeting is 17:00</p> <p>Rule 16.1.5 minor changes to speakers not accepted if submitted less than 2 hours before commencement of Council meeting</p> <p>Rule 16.5 Mayor or relevant MMC, or mover of a motion permitted 5 minutes' response at conclusion of debate of an item or motion</p> |
| RULE 17: MINUTES | <p>Rule 17.7 audio recordings of all meetings of Council to be kept for 5 years</p> |
| RULE 18: MOTIONS | <p>Rule 18.1.2 motion to be received 10 working days prior to meeting at which such motion is to be debated</p> <p>Rule 18.6 motion to rescind or amend a resolution of Council taken within the 3 preceding months or a motion with the same purport as a motion which was not supported within the preceding 3 months shall not be entertained</p> |
| RULE 19: URGENT MATTERS | <p>Rule 19.2 Speaker to determine period of time available for discussion of any urgent matter</p> |
| RULE 22: QUESTIONS | <p>Rule 22.6 question may not be re-submitted if question was considered during previous 3 months</p> |

| | |
|--|---|
| | <p>Rule 22.13 answers to questions communicated in writing to members within 2 months of date of receipt of such questions</p> <p>Rule 22.15 questions not answered within 60 calendar days from date of submission to automatically appear on agenda of next Council meeting</p> |
| RULE 24: AMENDMENTS TO RECOMMENDATIONS | <p>Rule 24.2 mover of an amendment to speak thereon for not more than 2 minutes</p> <p>Rule 24.4 member may not move more than 1 amendment to a recommendation, motion or proposal</p> |
| RULE 26: COUNCILLOR TO SPEAK ONCE ONLY | Rule 26.1 no member permitted to speak more than once on any recommendation, motion or proposal with exception of Mayor or Member who has moved an amendment who may reply in the conclusion of debate |
| RULE 28: IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER | <p>Rule 28.3 after 2 warnings and a final warning during the deliberations of a Council meeting, the member is to be informed that he/she will not be heard further at the meeting.</p> <p>Rule 28.5 Failure of member to comply with Speaker's direction in terms of Rule 28.3, the provisions of Rule 29 shall apply.</p> |
| RULE 29: REMOVAL OR EXCLUSION OF COUNCILLOR | Rule 29.2 members who refuse to comply with directions of Speaker in terms of Rule 28 may be excluded from Council meetings for a period determined by Council not exceeding 30 days |
| RULE 31: POINTS OF ORDER | Rule 31.1.4 a member may not address Speaker for longer than 2 minutes on a point of order |
| RULE 32: POINTS OF CLARITY | Rule 32.1.2 a member may not address Speaker for longer than 1 minute on a point of clarity |

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

1. APPLICATION OF RULES

- 1.1 These Rules of Order apply to the meetings of the Council of the City of Cape Town as established in terms of section 12 of the ~~Municipal Structures Act, No 117 of 1998, as amended.~~
- 1.2 These Rules shall not apply to Subcouncils and Ward Committees, which are governed by their own Rules of Order, ~~or the Conduct and Guidance Committee-Disciplinary Committee, which is governed by the Rules of Natural Justice~~ or to the committees of Council established in terms of section 79 and 80 of the Act, 1998.
- 1.3 Rules of Order are aimed to allow for a free and constructive debate during Council meetings, bearing in mind the large number of Members of Council. 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. They acknowledge that political parties which may want to address political issues, which may not be on a Council agenda, must receive preference, in order to ensure the proper delivery of services. The Rules endeavour to create an opportunity for Members of Council to air their views on other 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.

Commented [KC3]: The word 'Act' is defined

Commented [KC4]: The provisions of PAJA must be applied – no need to mention the source

2. DEFINITIONS

In these Rules, unless inconsistent with the context:

“Act” means Local Government Municipal Structures Act, 1998 (Act 117 of 1998); ~~as amended~~

“Chamber” means the meeting place of Council, which is currently situated ~~at~~ on the 6th Floor, Podium Block, Civic Centre, Cape Town;

“Chief Whip” means the person elected as Chief Whip of Council;

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

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

~~“Conduct and Guidance Committee”~~ Disciplinary Committee? means a committee established in terms of ~~Schedule 1 7 item 16 of the~~ Code of Conduct for Councillors ~~in the Systems Structures Act;~~

Commented [KC5]: Suggest a definition for Code of Conduct, then the continued reference to the relevant act can be avoided

“Designated Peace Officer” means a law enforcement officer of the City who has been declared a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), acting when on duty and properly identified and trained to keep order during council meetings;

“Electronic Communications Act” means the Electronic Communications and Transactions Act, No. 25 of 2002;

“electronic communication” has the meaning ascribed thereto in terms of the Electronic Communications Act;

“electronic signature” has the meaning ascribed thereto in terms of the Electronic Communications Act;

“in writing” includes an electronic communication;

“Mayor” means the Executive Mayor of Council;

“Mayoral Committee” means the Mayoral Committee of Council;

“Meeting” means any Municipal Council meeting regulated or imposed in terms of section 29 of the Act;

“Meeting Place” means the venue where a particular meeting of Council takes place;

“Member” means a Councillor of the Municipal Council of the City of Cape Town

“MMC” means a member of the Mayoral Committee;

“Motion” means a matter submitted by a member in terms of Rule 18;

“Municipal Manager” means the person appointed in terms of Section 54A of the Act and as mentioned in the Local Government: Municipal Structures Act No. 117 of 1998 and regulations;

“Officer” means a member of the VIP Protection Unit;

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

“Party Whip” means a member designated by the leadership of a party to oversee and guide the conduct of its members in relation to Rules of Order of Council and the dignity and business of Council, as well as to perform the functions described in Rule 16 of the Rules of Order;

“Political Party” means a political party registered in terms of the Electoral Act, 1998;

“Procedural Motion” means a matter raised by a member at a meeting in terms of Rule 33;

“Quorum” means the minimum number of members required to be in attendance at a meeting to duly constitute same for decision-making. Quorum is determined by the number of seats. As a result, quorum does not change if a vacancy is declared because that vacancy will be filled.

“sign” also includes an electronic signature;

“Speaker” means the member elected in terms of Section 36 of the Act;

“Special Meeting” means a meeting in terms of Rule 6.2, 6.4 or 6.6;

“Systems Act” means the Local Government Municipal Systems Act, No 32 of 2000

3 CONDUCT AT MEETINGS

The Speaker must:

- 3.1 exercise the powers and perform the function determined in Section 37 of the Act, and as provided for in these Rules;
- 3.2 maintain order during meetings;
- 3.3 ensure compliance with the Code of Conduct for Councillors at meetings;
- 3.4 ensure that meetings are conducted in accordance with these Rules;
- 3.5 ensure that any person refusing to comply with his/~~her~~ ruling leaves the meeting place immediately when ordered to do so;
- 3.6 ensure that members conduct themselves in a dignified and orderly manner;
- 3.7 ensure that members of the public are seated during meetings of the Municipal Council in areas designated for that purpose by the Municipal Manager;
- 3.8 ensure that members of the public attending any meetings of the Council conduct themselves in an orderly manner and obey any ruling made by the Speaker;
- 3.9 ensure that each Party Whip or Chief Whip is responsible for maintaining discipline of his/~~her~~ party's members during the Council's meeting. Failure by any such Party Whip to take appropriate action may be dealt with in terms of Rule 3.3 hereof.

Commented [KC6]: Must refer to both genders

4 INTERPRETATION OF RULES

The ruling of the Speaker in regard to the application or interpretation ~~(Cllr Cupido requests that "or interpretation" be deleted)~~ of these Rules and other procedural matters not dealt with in the Rules of Order is, once he/she has given his/her reasons, ~~Cllr Cupido "in consultation with Council legal advisors, final and binding. (Is the request for the legal advisors present at the meeting to give advice on the ruling of the Speaker? Perhaps Rule 4 should be subjected to a legal opinion.)"~~

Commented [KC7]: This is and has always been the role of a chairperson (Speaker) and if excised will mean that the entire council must do interpretations – total impractical

Commented [KC8]: The suggestion will in effect mean that officials will be able to veto the Speaker's decision. Officials may be consulted (even if the meeting should be for a while. But no matter the outcome of such consultation, interpretation remains a discretion of the Speaker

5 CHAIRING OF MEETINGS

- 5.1 The Speaker is the Chairperson of meetings of the Council and chairs the meeting.
- 5.2 Should the Speaker not be present at a meeting, an Acting Speaker must be elected for that meeting from the members present.
- 5.3 Should the Speaker be present at a meeting but it is necessary for the Speaker to absent himself/herself during the meeting, then the Speaker must request Council to appoint an acting chairperson for the duration of his absence at that meeting from the members present.

6 NOTICE OF COUNCIL MEETINGS

- 6.1 The Speaker must determine the date, time and venue of meetings of the Council, and must ensure that such meetings take place **at least quarterly**.
 - 6.1.1 The Speaker may ~~(must)~~ call quarterly meetings of Council at which questions to the Mayor, which have been submitted by members, are verbally answered by the Mayor. **(Consult with Speaker in regard to this request from Ald Sotashe)**
- 6.2 A separate Special Meeting of Council must be called to approve the municipality's Annual Budget.
- 6.3 The Municipal Manager must give at least 72 hours' notice of the meetings referred to above, to all members to enable members to prepare adequately.
- 6.4 When the Council meets as a legislative body to consider By-laws, the Municipal Manager must give 7 working days' notice of this meeting to all members of the Council.
- 6.5 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. In the event that a large percentage of members did not receive the notice of a meeting, members should make a decision on whether that meeting should proceed.
- 6.6 In the case of any urgent **meeting**, the notice period must be at least 24 hours. ~~(Cllr Cupido- "including the agenda item")~~

Commented [KC9]: See 6.1. Rule 6.1.1 only relates to opportunities to pose questions to the Mayor and need not be quarterly

Commented [KC10]: This is the only reference to an 'urgent meeting' in the Rules

- 6.7 The Speaker determines whether any meeting is urgent or not.
- 6.8 The Speaker may at any time convene a special meeting of the Council on a date, time and venue determined by him ~~or her~~.
- 6.9 The Speaker must, if a majority of the councillors of the Council requests him ~~or her~~ in writing to convene a Special Council Meeting
- 6.9.1 convene a Special Council Meeting on a date set out in the request and at a time and venue determined by him ~~or her~~;
- 6.9.2 supply a copy of the request to the Municipal Manager.
- 6.10 As soon as the Speaker has determined the date, time and venue of a Special Council Meeting, he ~~or she~~ must inform the Municipal Manager thereof.
- 6.11 A request to call a special meeting must set out the matter to be dealt with at that Special Council Meeting. No business other than that specified in the notice convening a Special Council Meeting, or set out in the request referred to in Rule 6.9, may be dealt with at a Special Council Meeting.
- 6.12 Should the Speaker fail to convene a Special Council Meeting in terms of Rule 6.9 the Municipal Manager must convene the meeting at the date set out in the request and at a time and venue determined by him. ~~or her~~.
- 6.13 Should circumstances warrant, the Speaker may direct that the Council may meet at a place other than the Council Chamber.
- 6.14 Every member of Council must specify in writing an electronic mail address and/or a physical address within the municipal area of Cape Town where he ~~or she~~ will receive notice of meetings and other official documents and correspondence.
- 6.15 A member's details, as per paragraph 6.14:
- (a) must be obtained by the Speaker's Office within 14 calendar days after such member's election,
- (b) must be provided to the Speaker's Office whenever it changes.
- 6.16 Where a notice of meeting is served to a member of Council electronically via email, such notice of meeting would be deemed to have been received by the recipient. A delivery note serves as proof of service.

7 QUORUMS

- 7.1 The quorum for a meeting of the Council is a majority of its members.
- 7.2 Whenever there is no quorum, the meeting must be suspended for no more than 30 minutes, and if at the end of that period there is still no quorum, the Speaker

may adjourn the meeting to another time, date and venue at his/~~her~~ discretion.

8 AGENDA

- 8.1 Subject to Rules 8.2 and 9.2, all meetings must be conducted according to the order in which the matters appear on the agenda before a Council, and only matters, which are on the agenda, may be debated.
- 8.2 The Municipal Manager may direct that any matter be entered into the confidential part of the Council'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 Council.
- 8.3 The Speaker may, after considering suitable motivation, direct that a matter be moved between the confidential and open agendas.

9 ORDER OF BUSINESS OF AN ORDINARY COUNCIL MEETING

- 9.1 The order of business of an ordinary meeting convened in terms of Rule 6.1 shall be as follows:
 - 9.1.1 Opening;
 - 9.1.2 Opportunity for silent prayer or meditation;
 - 9.1.3 Mayoral address;
 - 9.1.4 Recording of leave of absence;
 - 9.1.5 Announcements by the Speaker;
 - 9.1.6 Official notices and urgent matters raised by the Municipal Manager in terms of Rule 19.1;
 - 9.1.7 Minutes of the previous meeting(s);
 - 9.1.8 Report of the Mayor which includes:
 - 9.1.8.1 Recommendations to the Council,
 - 9.1.8.2 Decisions under delegated authority, if applicable;
 - 9.1.8.3 Schedule of decisions of the Mayor, together with the MMCs in terms of Section 60(3) of the Act;
 - 9.1.9 Questions in terms of Rule 22.12;
 - 9.1.10 Motions or proposals deferred from previous meetings;
 - 9.1.11 New motions;

9.1.12 Any other matter not contained in the Notice of the Meeting at the discretion of the Speaker;

9.1.13 Matters for noting to be included on the agenda. Matters for noting may be debated at Council Meetings, upon decision by the Whips Forum. (Rule 9.1.13 was recently amended by Council resolution and amended as resolved. Cllrs Sotashe and Cupido wanted changes to this Rule – Ald Sotashe wants the Rule to be set aside due to inconsistency with Rule 1.3, and Cllr Cupido requests deletion of the text after "Council meetings".)

Commented [KC11]: Matter for noting is just what it says: noting. It requires no resolution (apart from noting) though questions for clarity may be considered

9.2 After the matters referred to in Rules 9.1.1 to 9.1.4 have been considered, the Speaker may in his discretion bring forward any business which is on the agenda.

9.3 The agenda format is subject to change at the discretion of the Speaker.

10 ATTENDANCE AND LEAVE OF ABSENCE

10.1 Every member attending a meeting must register his/~~her~~ attendance either manually or electronically depending on which system is in use i.e. electronic registration or attendance register.

10.2 A member must attend each Council meeting of which he/~~she~~ is a member, except when

10.2.1 leave of absence is granted by the Chief Whip in terms of Council's System of Delegations;

10.2.2 that member is required by law to withdraw from a meeting.

10.3 Application for leave of absence (both partial or full) from a meeting of the Council 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 Chief Whip of Council before leaving, and submit an application within 14 days after the event.

Commented [KC12]: The provision reads – To grant leave of absence to councillors from meetings of Council, its committees and sub-council meetings in accordance with the applicable Rules of Order. The Rules re committees do prescribe procedures for absence. The Rules re sub-councils are however silent on the matter and need to corrected.

10.4 The Chief Whip of Council may only consider applications for leave of absence which are in writing, with the exception of incidents or urgent matters which are dealt with as set out in Rule 10.3 above. Applications for leave of absence which are not in writing may not be considered.

10.5 Notwithstanding Rule 10.2 above, applications for leave of absence from a meeting are deemed to have been granted if:

10.5.1 the Council or Mayor delegated the relevant member to act elsewhere on behalf of the Council in a matter;

10.5.2 if the Council ~~or Mayor~~ requests the member to leave the relevant meeting in circumstances envisaged in Item 3(b) of Schedule 4-7 ~~to~~ of

Commented [KC13]: The Mayor has no powers in this regard. He/she is an ordinary member and can only act by virtue of the office he/she holds.

the ~~Systems Structures~~ Act, or the member recuses himself. ~~or herself~~.

Commented [KC14]: Incomprehensible. The reference is clearly also incorrect

10.6 The Chief Whip of Council may, subject to Rules 10.2 and 10.3 above, grant leave of absence to a member for the following reasons:

10.6.1 illness of the member;

10.6.2 essential business or personal commitments, or personal circumstances of the member.

10.6.3 non-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 Council 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 delivery of documentation;

10.6.4 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 4 7 of ~~to~~ the ~~Systems Structures~~ Act;

10.6.5 Any other circumstances where the member is prevented from attending the meeting.

11 MAYORAL ADDRESS

11.1 After the meeting is opened by the Speaker, but before any matters on the agenda are dealt with, the Mayor may address the meeting on any matter, whether it is on the agenda or not, which he/~~she~~ deems appropriate. During the Mayoral address no points of order, points of clarity or debate shall be allowed.

11.2 At the conclusion of the Mayoral address, the Speaker will allow for a maximum of 5 oral questions, one per member, in the order to be determined at the Whip's meeting. Each question may only be 1 minute. There are no points of clarity in this portion of the agenda. Any question arising out of the address may be replied to by the Mayor or, if directed by the Mayor, by any other member of the Mayoral Committee. ~~(Ald Sotashe – "Rule 11.2 should be taken out because it is undemocratic and inconsistent with Rule 1.3. In essence this rule protects the Mayor to account to Council. It is impossible to pre-empt what the Mayor would say to Council in his address unless the speech is circulated to the members before the Council meeting. The arrangement of 5 oral questions decided at Whip's meeting is inconsistent with Rule 1.3. The arrangement must fall away. Political parties must be allowed to pose question to the Mayor after the Mayor's address. The pre-arrangement does not promote accountability.)~~

Commented [KC15]: The objections are understandable. Also not being able to know beforehand what the Mayor's address may entail. Permitting a free for all in such a big assembly will always be challenging and for that reason Rule 1.3 contains certain qualifications - 'orderly debate' and 'within reasonable time constraints' Nothing prevents a member to pose a written question for inclusion in the agenda

~~(Rule 16.1.2 refers to the meeting time as ending at 17:00, and Speaker has discretion to reduce or extend the meeting time. The number of questions are therefore limited to align with speaking time for the rest of the agenda")~~

(The following new insertion was requested by Cllr Cupido.)

11.3 In the event where the question is of a nature where the Mayor requires a response from the administration:

- (a) Such a question/s may be placed within the minutes (should this be agenda?) of the Council agenda, with a written response from the Mayor on the next Council meeting agenda; or (this is done currently)
- (b) The Mayor may at the end of his speech open the question session with a response to the question

Commented [KC16]: Practice dictates that an unanswered or partially answered question will be minuted as such and stand over until a next meeting when it will be answered. Wheteher a rule is necessary?

12 REPORTS

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

Commented [KC17]: Do not understand what is suggested; the word speech must if (that is what the author has in mind must be replaced with 'mayoral address' for sake of consistency.

13 REPORT OF THE MAYOR

13.1 A report of the Mayor shall contain the following matters:

- 13.1.1 recommendations to Council (where the Mayor has no delegated authority)
- 13.1.2 a schedule of decisions by the Mayor under his/her delegated or statutory authority, and
- 13.1.3 a schedule of decisions by the Mayor together with members of the Mayoral Committee in terms of Section 60(3) of the Act.

13.2 The Speaker shall permit debate on the matters referred to in Rule 13.1.1 above, in accordance with Rule 16 of these Rules.

14 LEGAL AND FINANCIAL CONSTRAINTS

The Council may only take such decisions as it is legally and financially competent to do and all reports submitted in an agenda or made orally, must make reference to legal and financial implications.

15 DECISIONS AND VOTING

15.1 Subject to the provisions of Rule 15.3 all decisions must be taken by a majority vote of the members present at any meeting of the Council.

Commented [KC18]: I find no reference to voting by ballot or division. The first is prescribed by law when appointing office bearers or may even be done upon a motion to that affect. A division is part of our *common law* and would have to be considered upon a motion to that affect. unless not permitted by a future Rule

15.2 Before any 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 leading to the Council Chamber shall be closed and no Councillor or any other person shall be allowed to enter or leave the Council Chamber, and all Councillors must be seated while voting is in progress. (Cllr Cupido- insert "whereby the process of 15.5 shall apply")

Commented [KC19]: No need. 15.5 follows logically

15.3 The following matters are determined by a decision taken by the majority of the members of the Council:

- 15.3.1 the passing of By-laws;
- 15.3.2 the approval of budgets;
- 15.3.3 the imposition of rates and other taxes;
- 15.3.4 levies and duties;
- 15.3.5 the raising of loans.

15.4 If the Speaker asks the meeting whether it is in agreement with a proposal or recommendation before the Council, and the recommendation is not opposed by any member present, the proposal or recommendation is adopted.

15.5 Where there is opposition to any proposal to be decided, voting must be ~~by a show of hands or by means of an electronic voting system when available, unless otherwise resolved.~~ (Cllr Cupido- Proposed deletion and insertion "by means of an electronic voting system when available only otherwise when not available, by means of a show of hands, unless otherwise resolved.")

Commented [KC20]: Same difference

15.6 Only the number of members, and not the names of members voting for or against an item, is to be recorded in the minutes.

15.7 A member may abstain from voting without leaving the meeting place.

15.8 Any member may request that his dissent, abstention or support be recorded in the minutes of that meeting.

15.9 The Speaker must announce the decision of the Council taken in terms of Rules 15.4 or 15.5.

15.10 Should there be an equality of votes on any matter other than those listed in Rules 15.3.1 to 15.3.5, the Speaker must exercise a casting vote in addition to his/her deliberative vote.

16 DEBATE MANAGEMENT

16.1 At least 24 hours prior to a meeting of Council, the Chief Whip of Council, after discussion with the Whips of other parties in Council, must provide to the Speaker a list showing:

16.1.1 which items on the agenda for that meeting are to be debated;

16.1.2 the total time to be allocated to the debate of each such item, bearing in mind that the cut-off time for the Council meeting will be 17:00 and the maximum time allocated to each item on the agenda will be 30 minutes. This does not limit the discretion of the Speaker to extend or limit the time allocated for debate on each item on the agenda, or to extend the closing time of the Council meeting, (Cllr Cupido – insert "including extending the meeting to the following day") should circumstances so require;

Commented [KC21]: This is for council to determine at the time of the meeting

- 16.1.3 the names and time to be proportionally allocated to each political party that wishes to debate a particular item, as agreed to by the Whips, having due regard to the number of seats held by each party in Council. In the absence of agreement, the Speaker will determine the times allocated to the respective parties.
- 16.1.4 Unless there are exceptional cases, changes to the list of speakers, must be submitted to the Speaker prior to the commencement of the Council meeting.
- 16.1.5 Should it be necessary to effect minor changes to the list of speakers during the Council meeting, such changes must be submitted by the relevant Party Whip(s) to the Chief Whip of Council who will submit such changes to the Speaker, provided that no minor changes will be allowed by the Speaker if submitted less than 2 hours before the Council meeting begins.
- 16.2 On receipt of the list referred to in Rules 16.1, the Speaker must, if he/she wishes to deviate from the provisions of those lists, convey his decision in this regard to the relevant Whips within a reasonable time prior to the Council meeting. (Ald Sotashe – "Rule 16.2 must be taken out because it is open for abuse by the Speaker")
- 16.3 The Speaker shall in such instance restrict or extend the time allocated in a manner which is fair to all parties and shall, to the extent possible, give advance warning of such intention and of the extent thereof.
- 16.4 All matters before the Council not listed in Rule 16.1 must individually be put to the meeting for adoption without debate, before the matters listed in Rule 16.1 are considered.
- 16.5 At the discretion of the Speaker, he/she may allow 5 minutes of response to the Mayor or relevant MMC, or the mover of a motion, to conclude the debate on an item debated in terms of Rule 16.1. (Cllr Sotashe- "Rule 16.5 is giving an advantage to the Executive, 5 minutes to respond to the question is too much and should be reduced to 2 minutes. Responses must be given by the Mayor as he/she is accountable to Council unless the Mayor delegates to relevant MMC. Council does not appoint MMC, therefore discretion for MMC should not arise.")
- 16.6 All parties represented in Council have a right to speak on each item on the agenda relative to their representation in Council provided that speaking time arrangements have been agreed to by the Chief Whip of Council.
- 16.7 Notwithstanding anything contained in Rules 16.1 to 16.6, the Speaker may not, when exercising any discretion in terms of these Rules, prejudice any party in respect of time allocated in relation to any party. The Speaker's ruling after exercising his/her discretion in this regard shall be final.

Commented [KC22]: This is not the only discretion a Speaker as – it is part and parcel of his/her functions. Allegations of abuse must be addressed to the Rules

Commented [KC23]: How the executive cannot be advantaged by reducing the 5 minute timeline to two, makes no sense. That is why delegation is part of LG business

17 MINUTES

- 17.1 The Municipal Manager must ensure that all decisions of the Council are recorded in a minute book, and that decisions of the Council held in a closed meeting are recorded in a separate minute book.
- 17.2 If a copy of the minutes of a meeting has been delivered to every Councillor, the minutes shall be taken as read with a view to confirmation.
- 17.3 No proposal or discussion shall be allowed on the minutes, except as to ~~their~~ **its** accuracy.
- 17.4 The correctness of the minutes of the Council must be considered at its next meeting, failing which, at the following meeting.
- 17.5 The Municipal Manager must ensure that the names of members attending any meeting, of those members who are absent, as well as the names of those who have been granted leave of absence, are recorded in the minutes.
- 17.6 The Municipal Manager must ensure that the names of members who requested that their dissent, abstention or support be recorded during voting, are recorded in the minutes.
- 17.7 For administrative reference purposes, audio recordings of all meetings of the Council must be kept for a period of 5 years.

18 MOTIONS

- 18.1 Subject to the provisions of any other law:
- 18.1.1 Every notice of motion shall be in writing in the form of a draft proposal and shall be submitted to the Speaker, and such notice shall be dated and signed by the member submitting it and by the member seconding it;
- 18.1.2 Subject further to Rule 18.5 below, the Speaker shall not include a notice of a motion in an agenda, unless it is received at least 10 working days prior to such meeting; and (Cllr Heynes-"Motion to be submitted deadline to change to 72 hours before Council meeting.") (All motions must be included in the Council agenda before distribution, and this request will impact on that process. 72 hours before the meeting means that this can only be distributed to all members after the caucus meetings.)
- 18.1.3 a motion shall lapse if the member who submitted it is not present at the meeting when such motion is scheduled for debate.
- 18.2 At the request of the member who gave notice of such motion, the Speaker shall acknowledge receipt thereof in writing.
- 18.3 Every motion shall deal with a matter in respect of which the Council has jurisdiction.

Commented [KC24]: Agree impractical. Often motions require research and 72 hours is unreasonable

- 18.4 A member submitting a motion shall introduce such motion and shall have the right of reply thereto.
- 18.5 The Municipal Manager must when he/she receives a motion from the Speaker, consider which of Council's political structures is legally competent to take the required decision and must refer the motion to the appropriate political structure for consideration.
- 18.6 The Speaker may not entertain a motion introduced in terms of this Rule:
 - 18.6.1 which purports to rescind or amend a resolution passed by the Council taken within the preceding 3 months or;
 - 18.6.2 which has the same purport as a motion which was not supported within the preceding 3 months.

(Ald Sotashe- "Rules 18.6.1 and 18.6.2 are unconstitutional. They must be removed. Council cannot prescribe to members how to challenge some of the wrong decisions of Council. It is a right not a privilege for any member to bring to Council any matter of public importance. These two rules are suppressing not only the views of members of Council but views of the constituencies they represent.") Legal opinion to be requested?

Commented [KC25]: This rule has nothing to do with the challenging of wrong decisions. Its purpose is –

- to ensure legal surety so as not to nilly willy change and amend decisions that was taken after due consideration. In some instances resolutions may not even be rescinded, i.e. when council becomes *functus officio* - the court will then have to be approached
- to prevent the continuous moving of a motion with the same content, that was not supported

- 18.7 The Speaker shall, when dealing with motions:
 - 18.7.1 Ascertain which motions are unopposed and these shall be passed without debate; and thereafter the opposed motions shall be dealt with in their order on the agenda.
 - 18.7.2 call on the member who submitted the motion to read out the motion.

19 URGENT MATTERS

- 19.1 The Municipal Manager may, in his/her discretion, raise any urgent matter for decision by Council. A matter is urgent when the decision required, if delayed, could prejudice Council, or its operations, or threatens the general well-being and safety of the public.
- 19.2 The Speaker must determine an appropriate time during Council's deliberations when the Municipal Manager may raise urgent matters, and the Speaker must determine the period of time available for discussion of any urgent matter.

(Cllr Cupido requested the following insertions):

- 19.3. in terms of rule 19.1, with reference to, "threatens the general well-being and safety of the public", in addition;
 - 19.3.1 A councillor may request the Speaker in writing to schedule, without delay, an urgent matter of public importance for debate by the Council.
 - 19.3.2 In submitting the request, the Councillor must motivate why the matter is of so urgent a nature that it should be dealt with in terms of this rule.

Commented [KC26]: This suggestion is often found in Rules under a specific item called: "*Motions of exigency*". It is a policy decision that needs to be taken. If positively considered it should be placed under motions and not item 19 as the latter is designed for urgent matters identified by the City Manager

19.3.3 In granting such a request, depending on the urgency of the matter, the Speaker may at his discretion —

- (a) if the request is received at least 24 hours in advance of a Council meeting, schedule the discussion for that next Council meeting;
- (b) if the Council is not scheduled to meet at an early date that will accommodate the urgency of the matter, convene a special sitting of the Council for the debate; or
- (c) schedule the matter for debate at the earliest opportunity.

19.3.4 If the Speaker grants the request, he must without delay inform the Executive Mayor and the City Manager of the date and time set for the debate.

19.3.5 Such a debate may not exceed the time allocated for it by the Speaker, after consultation with the Whips forum.

19.3.6 There may only be one debate in terms of this rule at a Council meeting, and if the Speaker receives more than one request, he or she must decide which matter is more urgent or important.

19.3.7 In exercising his/her discretion, the Speaker must apply the following criteria:

- (a) the matter must be raised at the earliest opportunity;
- (b) the matter must be —
 - (i) of so serious a nature that it requires urgent attention, or
 - (ii) of sufficient immediate public importance to warrant it taking precedence over other business;
- (c) the request must deal with a matter of public importance for which the City can be held responsible, or that falls within the scope of City action;
- (d) the subject must relate to a specific matter of recent occurrence, and not to a general state of affairs or to a matter of policy;
- (e) the matter must be defined and specific;
- (f) the request must deal with only one substantive matter.

20 DISALLOWED MOTIONS AND PROPOSALS

20.1 The Speaker may disallow a motion or proposal which:

20.1.1 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

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

- 20.1.2.1 the Council has no jurisdiction;
- 20.1.2.2 a decision by a judicial or quasi-judicial body is pending; or
- 20.1.2.3 which has not been duly seconded; or

20.1.3 if passed, would be contrary to the provisions of these Rules of Order or of any other law, or which Council is not financially or legally competent to approve provided that if such motion or proposal, in the opinion of the Council, justifies further investigation, it shall be referred to the relevant Committee.

21 MOTION OR PROPOSAL AFFECTING A BY-LAW OR LAW TO BE REFERRED TO THE SPEAKER

A motion or proposal, other than a recommendation of the Mayor, affecting the making or amendment of a By-law, shall, before the Council adopts a resolution thereon, be submitted to the Speaker for a report thereon.

22 QUESTIONS

22.1 Any member may submit a written question relating to any matter in order to solicit views, intentions, explanations or information, which is related to and/or relevant to Council business and/or matters. The member must ensure that the written question is submitted 15 working days prior to the meeting and is dated, signed and submitted to the Speaker's Office for consideration and referral to the Mayor. **(Cllr Heynes-questions to be submitted deadline to change to 72 hours before Council meeting.)**

Commented [KC27]: Impractical. Often responses to questions require extensive research and 72 hours is unreasonable

22.2 The Speaker's Office will determine the format of questions and maintain quality control. The Speaker's Office may decline to entertain a question and may refer the question back to the relevant councillor if their question does not meet ~~these~~ requirements, **set out in Rule 22.1 and 22.7 (Cllr Cupido) (Ald Sotashe: Rule 22.2 empowers the Speaker to micromanage members of Council on how to put questions to the Mayor. This rule must be taken out.)**

Commented [KC28]: Purpose to ensure orderly and structured meetings. Should remain

22.3 The Speaker may refer questions back to the relevant Councillor if the information requested is already publicly available.

22.4 The Mayor's Office may refer a question back to the Speaker if the Mayor is of the opinion that the requirements have not been met where after the Speaker will review the question and refer it back or resubmit it accordingly. **(Ald Sotashe requests removal of this Rule as it gives Mayor the opportunity to determine how the question must be put)**

Commented [KC29]: This provision relates ostensibly to questions posed to the mayor and should rather be relocated under rule 11

22.5 The member must indicate whether he wishes to have the question answered in writing or verbally at the quarterly meeting of Council when questions to the Mayor will be heard and answered in terms of Rule 6.1.1. **(Cllr Heynes – remove option for verbally responding to questions, they must be in writing)**

Commented [KC30]: A policy decision

and posted on the City's website)

- 22.6 No member may re-submit a question relating to any matter if that question was considered during the previous 3 months.
- 22.7 A question shall not contain any arguments, expression of opinion or inferences, accusations, epithets or controversial, ironical or offensive expression of hypothetical cases or seek legal opinion.
- 22.8 A member will be limited to one oral and one written question per Council meeting. (Cllr Heynes comment- Rule 22.8 must be read with Rule 6.1.1 and corrected for inconsistency)
- 22.9 Reports and investigations:
- 22.9.1 A question shall not be asked seeking information in relation to an investigation that is underway, other than to determine the status of that investigation i.e. initiated, ongoing, close to completion or completed.
- 22.9.2 A question shall not be asked regarding the contents of any report resulting from a confidential or forensic investigation unless the disclosure of information necessary to answer such question is in accordance with the policy regarding the release of information contained in such a report.
- 22.9.3 A question shall not be asked in relation to matters that are legally privileged, that are the subject of ongoing legal proceedings or that are confidential, or if the disclosure of information necessary to answer such a question would result in the breach of the rights of, or a duty owed to, a third party.
- 22.9.4 No questions regarding matters on the confidential agenda will be permitted, (Cllr Cupido- insert "Unless the matter is placed on white paper after it's been agreed to by Council).
- 22.10 A question shall not refer to more than one subject and shall be brief and concise.
- 22.11 The Mayor may refer any question back to the Speaker for clarity and / or additional information from the questioner.
- 22.12 The Speaker must keep a record of:
- 22.12.1 All Question(s) submitted by members during the month reflecting the date on which they were submitted to the Speaker, as well as the date on which they were transmitted to the Mayor's Office to answer the question;
- 22.12.2 Questions referred back by the Mayor and the reasons for their rejection;
- 22.12.3 Answers given to the Question;

Commented [KC31]: 6.1.1 relates to questions to the Mayor

Commented [KC32]: Stands to reason as it then loses confidentiality

22.12.4 The Speaker may have the questions posed by members and responses to such questions published on the Municipality's website. (Cllr Heynes- posting of questions and responses must be implemented)

22.13 Answers shall be communicated in writing to members within 2 months from the date of receipt of such questions. (Cllr Heynes- Must be reviewed, turnaround time on questions must be shortened. Two months is too long to respond to members. A month is sufficient.)

22.14 On application from a member, members may view the Questions record book.

22.15 The Speaker must ensure that any questions to which answers have not been received within a period of 60 calendar days from the date of submission thereof, automatically appear on the agenda of the next Council meeting, in line with Rule 22.5. (Cllr Cupido)

22.16 The Mayor must give a verbal response to a question referred to in Rule 22.15 at such Council meeting and/or may redirect the question to any member of Council to respond verbally at such meeting. (Cllr Cupido – "where after a verbatim record of the response must appear on the next Council minutes) (Cllr Heynes- requests that a written response follows every verbal response)

22.17 Should any questions be included on a Council agenda in terms of Rule 22.15, no decision will be taken by Council on any question on the date of the Council meeting on which such questions were raised or discussed in terms of this Rule.

23 RECONSIDERATION OF RESOLUTIONS

The Council may at any time following a recommendation by the Mayor, rescind or amend any resolution passed by it, provided that no such rescission or revocation of a decision may detract from any rights that may have accrued as a result of the resolution.

24 AMENDMENTS TO RECOMMENDATIONS

24.1 An amendment which is moved:

24.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;

24.1.2 shall be reduced to writing, signed by the mover and seconder, and handed to the Speaker;

24.1.3 may only be moved by a member while he is speaking on a recommendation, motion or proposal under debate.

24.2 A member who has moved an amendment may speak thereon for not more than 2 minutes, but the seconder shall not be allowed to speak thereon, and there shall be no right to reply.

Commented [KC33]: Unless a question results in a resolution there is nothing to implement; it is merely fir noting. Implementation of resolutions is the statutory duty of the CM and need not be repeated in Rules

Commented [KC34]: Policy decision

Commented [KC35]: An ordinary minute suffices

- 24.3 More than one amendment may be moved to a recommendation, motion or proposal, and subject to Rule 24.9, all amendments which have been moved shall be put to the vote at the close of the debate upon such recommendation, motion or proposal.
- 24.4 No member shall move more than one amendment to any recommendation, motion or proposal.
- 24.5 If the Mayor or member or the mover of the original motion wishes to address the Council on any amendment moved to such recommendation, motion or proposal, he/~~she~~ may only do so during his reply.
- 24.6 The debate shall close when the Mayor or his/~~her~~ nominee has replied thereto.
- 24.7 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.
- 24.8 Each amendment to a recommendation, motion or proposal must be clearly stated to the meeting by the Speaker before it is put to the vote.
- 24.9 If an amendment is carried, the amended recommendation, motion or proposal shall take the place of the original recommendation, motion or proposal in respect of which only further proposed amendments shall be put to the vote, provided that the Speaker may, if he/~~she~~ is of the opinion that an amendment which has been carried, renders another amendment unnecessary or pointless, rule that such other amendment need not be put, after which the latter amendment shall lapse.

25 PRECEDENCE OF SPEAKER

- 25.1 Whenever the Speaker speaks, any member then speaking or offering to speak must be silent, and the members shall be silent so that the Speaker may be heard without interruption. **(Ald Sotashe- Rule 25.1 is an intimidation to members of Council. Speaker is not God and the rule projects the Speaker as God. It is to be removed. Rule 3.6 has already addressed the issue of decorum in Council meeting. We cannot create a special rule for the Speaker.)**
- 25.2 A member addressing the Council shall do so by addressing the Speaker.
- 25.3 **When a member of Council addresses the speaker in terms of a point of order and or clarity question, the speaker must allow the member to conclude in terms of rule 31.1.4 and 32.1.2 whereby the Speaker may apply rule 25.1 when the Speaker determines the speaker is out of order. (Cllr Cupido)**

Commented [KC36]: An age old common law rule and intended for orderly meetings.

Commented [KC37]: This provision is not limited to a point of clarity and a point of order. Its purpose: orderly meetings

26 COUNCILLOR TO SPEAK ONCE ONLY

- 26.1 Subject to any contrary provision contained in these Rules, no member shall speak more than once on any recommendation, motion or proposal, provided

that the Mayor or Member, in terms of Rules 13 or 24 above or mover, may reply in conclusion of the debate, but shall confine himself/herself to answering to previous speakers and shall not introduce any new matter into the debate.

- 26.2 The Speaker shall permit the Mayor, MMC or chairperson of a Section 79 Committee, who made a proposal in terms of Rule 13 or 24, to make an explanatory statement prior to the consideration of any particular item contained in the report of the Mayor, or during the discussion of such report, in reply to a specific question.

(Ald Sotashe and Cllr Heynes- Rule 26 shall be removed in totality as it discourages debate in Council.)

Commented [KC38]: On the contrary, it may stimulate debate if explanatory statements are made before a debate

27 RELEVANCE

- 27.1 A member who speaks shall direct his speech strictly to the matter under discussion or to an explanation or point of order, and no discussion shall be permitted:

27.1.1 which will anticipate any matter on the agenda; or

27.1.2 in respect of 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, provided that such matter may be considered with the permission of Council.

28 IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER

28.1 The Speaker must call the attention of the member, referred by title and name, 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 the first warning.

28.2 The Speaker 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.

28.3 Upon two warnings and a final warning during the deliberations of a Council meeting, the Speaker shall inform the member that he/she will not be given an opportunity to be heard further at that particular meeting. The member will however be allowed to vote on any matter that is subject to a vote. (Ald Sotashe/Heynes - Rule 28.3 is in violation of the member's right to communicate the views of his constituency. We must find another mechanism to sanction the member not to deny the member the speaking rights.)

Commented [KC39]: It is not. The right is subject to compliance with the law – see e.g. s2 of the *Western Cape Privileges and Immunities of Councillors Act*

28.4 The member must be alerted of each warning.

28.5 If a member fails to comply with the Speaker's direction under paragraph 28.3 above, the provisions of Rule 29 shall apply and the Speaker may decide

to take disciplinary action against such member in terms of the Code of Conduct for Councillors.

29 REMOVAL OR EXCLUSION OF COUNCILLOR

- 29.1 If a member refuses to comply with a direction in terms of Rule 28, the Speaker may request the City Manager to direct an unarmed designated peace officer(s) 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 Speaker 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 Speaker of a written expression of regret. Such expression of regret must be part of the minutes of the meeting.

(Ald Sotashe is of the view that this contradicts Rule 28.3, however Rule 29.1 is only applicable when members are in breach of Rule 28.)

Commented [KC40]: Non-sensible

- 29.2 In the circumstance where the Speaker directs a member in terms of Rule 28 and to invoke Rule 29.1, and other members join in to support the member being directed to comply, the Speaker shall warn the members to come to order. Upon 3 warnings of reasonable intervals, the Speaker shall apply Rule 29.1 to all disorderly members.

- 29.3 In the instance of when rule 29.1 or 29.2 is applied and the Councillor or Councillors refuse to vacate the chambers, the speaker may:

29.3.1 Require an adjournment;

29.3.2 Instruct all councillors to vacate the chambers,

29.3.3 Instruct all Whips to remain behind, when applying 29.3.2 whereby the whips must assist the speaker in restoring order in council chambers. (Cllr Cupido)

Commented [KC41]: Will defeat the object. Unruly councilors must not be permitted to further participate and the balance may continue with the meeting if quorate

30 DISORDERLY CONDUCT AND MAINTENANCE OF ORDER

- 30.1 Members may not engage in disorderly conduct in the Chamber and Council's meeting places, including:
- 30.1.1 creating disorder or disruption in the Council;
- 30.1.2 in any manner whatsoever physically intervening, preventing, obstructing or hindering the removal of a member from the Chamber who has been ordered to leave the Chamber;
- 30.1.3 undermining the authority of the Speaker or refusing to obey rulings of the Speaker and interrupting the Speaker while the latter is addressing the Council;
- 30.1.4 making allegations against a member without adequate substantiation or following the correct procedure;
- 30.1.5 using or threatening violence against a member or other person; or

30.1.6 acting in any other way to the detriment of the dignity, decorum or orderly procedure of the Council.

30.2 The Speaker may, at any time during a meeting, if he/~~she~~ deems it necessary for the maintenance of order, request the City Manager to direct an unarmed designated peace officer(s) to remove or cause the removal of any person(s), including a member(s), from the meeting place, **which may include Rule 29.3 (Cllr Cupido)** or order that the public gallery be vacated.

31 POINTS OF ORDER

31.1 For the purpose of this Rule:

31.1.1 a point of order means any deviation of, or anything contrary to these Rules;

31.1.2 a point of order may be raised at any stage of the meeting proceedings, except during the Mayoral Address, when the Speaker is ascertaining the presence of a quorum or during voting;

31.1.3 the member raising a point of order must state the particular Rule, By-law or any other law that is alleged to have been breached or deviated from;

31.1.4 any point of order shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of order shall not be permitted to address the Speaker for longer than 2 minutes on such point of order;

31.1.5 any member, whether he/~~she~~ addressed the Council on the matter under debate or not, may raise his/~~her~~ hand to a point of order.

31.1.6 a member contemplated in Rule 31.1.4, shall be entitled to be heard forthwith, and the member speaking at the time shall remain silent and be seated, until a ruling has been made by the Speaker.

31.1.7 the ruling of the Speaker on a point of order shall be final and shall not be open to discussion.

32 POINTS OF CLARITY

32.1 For the purpose of this Rule:

32.1.1 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.

32.1.2 Any point of clarity shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a

member who addresses the Speaker on a point of clarity shall not be permitted to address the Speaker for longer than 1 minute on such point of clarity;

32.1.3 Any member, whether he/~~she~~ addressed the Council on the matter under debate or not, may rise/raise his/~~her~~ hand on a point of clarity, at the end of the debate.

32.1.4 A member contemplated in Rule 32.1.3, shall be entitled to be heard forthwith, and the member speaking at the time shall remain silent and be seated, until a ruling has been made by the Speaker. (Cllr ~~Heynes~~
This rule should be deleted, it contradicts rule 32.1.3. this rule contradicts rule 32.1.3. There cannot be a point of clarity during the speech.)

32.1.5 The ruling of the Speaker on the admissibility of a point of clarity shall be final and shall not be open to discussion.

33 PROCEDURAL MOTIONS

33.1 When a matter is under discussion at any meeting of the Council, no further debate must be allowed if any of the following procedural motions are accepted:

33.1.1 that consideration of the matter be adjourned and resumed at a time determined by the Council;

33.1.2 that the meeting of the Council be adjourned and reconvened at a time determined by the Speaker;

33.1.3 that the matter be referred back to a Committee or the administration, with reasons therefor.

34 MEETINGS OPEN TO THE PUBLIC AND MEDIA

34.1 The Council 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.

34.2 Notwithstanding the provisions of Rule 34.1, the Council may not exclude the public, including the media, when considering or voting on any of the following matters:

34.2.1 a draft By-law;

34.2.2 the Budget;

34.2.3 the draft Integrated Development Plan, or any amendments of the Plan; and

34.2.4 the Municipality's draft Performance Management Systems, or any amendments of the System.

Commented [KC42]: The contradiction has been identified and should be addressed

35 INVITATION TO ADDRESS COUNCIL

The Speaker may, at his/~~her~~ discretion, invite any person or persons to address any meeting of the Council.

36 DRESS CODE

36.1 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.

**MATTERS RECEIVING ATTENTION SCHEDULE
RULES & ETHICS COMMITTEE
10 OCTOBER 2024**

| NO. | REPORT REQUESTED | TARGET DATE FOR SUBMISSION | SUBJECT / RESOLUTION | RESPONSIBLE OFFICIAL | ACTION / COMMENT |
|-----|--|----------------------------|--|-----------------------|---|
| 5 | RLE 06/08/23 – MOTION RECEIVED FROM COUNCILLOR J CUPIDO | | | | |
| | 06-Aug-23 | 09-Nov-23 | <u>12 September 2024</u> This matter will be considered at the meeting on 10 October as part of MRA 4, review the rules of order for Council meetings. | RLE Committee Members | To be considered at the meeting as part of MRA 4 |
| | 06-Aug-23 | 09-Nov-23 | <u>15 August 2024</u> This matter is dependent on the outcome of the review of the Rules of Order for Council meetings. | Speaker's Legal Team | This matter will be considered after the review of the Rules of Order for Council meetings. |
| | 06-Aug-23 | 09-Nov-23 | No Portfolio Committee meetings took place since March 2024 due to the national elections. This matter is dependent on the outcome of the review of the Rules of Order for Council meetings. | Speaker's Legal Team | This matter will be considered after the review of the Rules of Order for Council meetings. |
| | 06-Aug-23 | 09-Nov-23 | <u>14 March 2024</u> This matter is dependent on the outcome of the review of the Rules of Order for Council meetings. | Speaker's Legal Team | This matter will be considered after the review of the Rules of Order for Council meetings. |

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| | 06-Aug-23 | 09-Nov-23 | <p><u>15 February 2024</u></p> <p>The Chairperson requested that this matter be held in abeyance pending the input from the Speaker's legal team pertaining the review of the Council rules of order.</p> | Legal team and Chairperson | This matter will be considered when the draft rules of order for Council is submitted to the Rules & Ethics Committee members for consideration. |
| | 06-Aug-23 | 09-Nov-23 | <p><u>9 November 2023</u></p> <p>The Chairperson stated that the revised Motion was received from Cllr. Cupido. Furthermore, he indicated that the members agreed, in principle, with the content of the Motion. Additionally, the Chairperson indicated that the Motion will be clustered with MRA 5 and Item 6 on the agenda in order for the Speaker's legal team to check for legal compliance before submitting it to the Rules & Ethics Committee for input.</p> | Legal team and Chairperson | The matter is still under discussion with the relevant legal team & the Chairperson |
| | 06-Aug-23 | 09-Nov-23 | <p><u>12 October 2023</u></p> <p>Cllr. Cupido was still in the process of redrafting his Motion, He will table the revised Motion at the Rules & Ethics Committee meeting on 9 November 2023.</p> | Cllr. Cupido | Cllr. Cupido will table the revised Motion at the Rules & Ethics Committee meeting. |
| | 06-Aug-23 | 09-Nov-23 | <p><u>14 September 2023</u></p> <p>Cllr Cupido was requested to redraft the motion in terms of:</p> | Cllr. Cupido | Cllr. Cupido indicated that he will submit his revised Motion to |

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| | | | <p>(a) differentiating between the Rules of Order Regulating the conduct of meetings of Section 79 Committees and Rules of Order for Subcouncils;</p> <p>(b) taking the Legal Opinion tabled at the meeting as Annexure B into consideration.</p> <p>It was noted that the Rules & Ethics Committee would again reconsider the motion and the way forward subsequent to Cllr Cupido submitting the amended motion for consideration.</p> | | the November 2023 RLE meeting. |
| | 06-Aug-23 | 14-Sep-23 | <p><u>10 August 2023</u></p> <p>This was a new item which was added to the matters receiving attention schedule.</p> <p>RESOLVED that:</p> <p>a) The members submit comments, in respect of the Motion received from Councillor Cupido, to the secretariat by the end of August 2023;</p> <p>b) The legal advisor to examine the Motion received from Councillor Cupido, along with the comments received from the members and:</p> <ul style="list-style-type: none"> • Advise if the Motion is legally compliant; • Propose how the rule could be implemented. | RLE Members / S Mweni | The legal opinion will be circulated electronically prior to the Rules & Ethics Committee meeting on 14 September 2023 |

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| 6. | RLE 07/08/23 – DRAFT RULES OF ORDER: WARD COMMITTEES | | | | |
| | 06-Aug-23 | 10-Oct-23 | <u>12 September 2024</u> The draft rules of order for Ward Committees will be submitted to the November 2024 Rules & Ethics Committee meeting for consideration. | Ms Overmeyer | Ms Overmeyer will present the draft rules of order for Ward Committees to the members |
| | 06-Aug-23 | 10-Oct-23 | <u>15 August 2024</u> No feedback was received from the Subcouncil Chairpersons and Managers in respect of any problems they may be experiencing with their respective Ward Committees. | Ald. F Purchase | The next FOCOS meeting will be held 11 September (one day before the RLE meeting). Feedback, if any, will be submitted to the October 2024 RLE meeting. |
| | 06-Aug-23 | 10-Oct-23 | <i>No Portfolio Committee meetings took place since March 2024 due to the national elections.</i> Ald. Purchase informed the members that at a recent FOCOS meeting, the Subcouncil Chairpersons and Managers were requested to highlight the problems they were experiencing with their respective Ward Committees. | Ald. F Purchase | Awaiting feedback from the Subcouncil Managers and Chairpersons before considering |

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| | | | It was agreed that the draft rules of order for Ward Committees could be considered once feedback is received from the Subcouncil Chairpersons and Managers. | | the draft rules of order for WCs. |
| | 06-Aug-23 | 10-Oct-23 | <u>14 March 2024</u> The members were satisfied with the legal opinion. Ms Catherine Overmeyer will present the draft Rules of Order for Ward Committees (taking the legal opinion into account) at the April 2024 Rules & Ethics Committee meeting. | C Overmeyer | Ms Overmeyer to present the draft Rules of Order for Ward Committees to the Rules & Ethics Committee. The proposed rules of order for Ward Committees and the legal opinion has been attached <i>vide</i> MRA 6. |
| | 06-Aug-23 | 10-Oct-23 | <u>15 February 2024</u> This matter will be considered at the March 2024 Rules & Ethics Committee meeting, given that the legal opinion was received too late. | RLE | The legal opinion will be considered at the March 2024 meeting. |
| | 06-Aug-23 | 10-Oct-23 | <u>9 November 2023</u> The Chairperson requested Mr Mweni to check (i.e. obtain a legal opinion) if there would be any legal impediment preventing the Rules & Ethics Committee from obtaining input from ward committee members in terms of the draft rules of order for ward committees. | S Mweni | The legal opinion will be tabled at the Rules & Ethics Committee in February 2024. |

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| | 06-Aug-23 | 10-Oct-23 | <p><u>12 October 2023</u></p> <p>The members agreed to the proposed amendments and the legal opinion submitted in respect of the draft rules of order for Ward Committees. The members indicated that the matter would be finalized at the November 2023 meeting.</p> | RLE Members | The matter to be finalized at the meeting |
| | 06-Aug-23 | 10-Oct-23 | <p><u>14 September 2023</u></p> <p>This matter was postponed to the October 2023 RLE meeting due to the legal opinion not being submitted in time. The legal opinion has now been submitted, The members to consider the proposed rules of order for Ward Committees along with the legal opinion submitted.</p> | RLE Members | The members to consider the proposed rules of order for Ward Committees along with the legal opinion submitted. The WC rules of order and the legal opinion has been submitted vide MR 7 |
| | 06-Aug-23 | 14-Sep-23 | <p><u>10 August 2023</u></p> <p>This was a new item which was added to the matters receiving attention schedule.</p> <p>RESOLVED that:</p> <p>a) Ald. Watkyns incorporate the proposed amendments, submitted by Mr Miller, in the draft Rules of Order for Ward Committees;</p> | Members / S Mweni | The legal opinion will be circulated electronically prior to the Rules & Ethics Committee meeting on 14 September 2023 |

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| | | | <p>b) The members submit comments, in respect of the draft Rules of Order for Ward Committees, to the secretariat by the end of August 2023;</p> <p>c) The legal advisor to submit a report to the next Rules & Ethics Committee meeting, advising if the draft Rules of Order for Ward Committees and the comments submitted by the members are legally compliant;</p> <p>d) The legal advisor to take into account the following documentation when drafting her opinion:</p> <ul style="list-style-type: none"> • Rules for the Election and Establishment of Ward Committees; • Rules for the Operation of Ward Committees; and • Rules of Order for Subcouncils | | |

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| 7 | RLE 06/08/23 – STANDARD OPERATING PROCEDURE AND OPERATIONAL PLAN FOR COUNCIL | | | | |
| | 09-Nov-23 | No set target date | <u>12 September 2024</u> This matter will be considered at the meeting on 10 October as part of MRA 4, review the rules of order for Council meetings. | RLE Committee Members | To be considered at the meeting as part of MRA 4 |
| | 09-Nov-23 | No set target date | <u>15 August 2024</u> This matter is dependent on the outcome of the review of the Rules of Order for Council meetings. | Speaker's Legal Team | This matter will be considered after the review of the Rules of Order for Council meetings. |
| | 09-Nov-23 | No set target date | No Portfolio Committee meetings took place since March 2024 due to the national elections. This matter is dependent on the outcome of the review of the Rules of Order for Council meetings. | Speaker's Legal Team | This matter will be considered after the review of the Rules of Order for Council meetings. |
| | 09-Nov-23 | No set target date | <u>14 March 2024</u> This matter is dependent on the outcome of the review of the Rules of Order for Council meetings. | Speaker's Legal Team | This matter will be considered after the review of the Rules |

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| | | | | | of Order for Council meetings. |
| | 09-Nov-23 | No set target date | <p><u>15 February 2024</u></p> <p>The Chairperson requested that this matter be held in abeyance pending the input from the Speaker's legal team pertaining the review of the Council rules of order.</p> | Legal team and Chairperson | This matter will be considered when the draft rules of order for Council is submitted to the Rules & Ethics Committee members for consideration. |
| | 09-Nov-23 | No set target date | <p><u>9 November 2023</u></p> <p>The Chairperson indicated that this matter was addressed at the Safety & Security Portfolio Committee meeting and was referred to the Rules & Ethics Committee for appropriate protocols to be built into the Rules of Order for Council to avoid chaos during its Meetings.</p> <p>The Chairperson proposed that the matter be moved to the matters receiving attention schedule. Additionally, he requested that this matter be clustered with MRAs 5 and 6 on the agenda in order for the Speaker's legal team to check for legal compliance before submitting it to the Rules & Ethics Committee for input.</p> | Legal team and Chairperson | The matter is still under discussion with the relevant legal team & the Chairperson |