

## REPORT TO SUBCOUNCIL 16

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ITEM NO. 16 SUB 19/06/2022

1. **SUBJECT**  
REVIEW OF RULES OF ORDER FOR SUBCOUNCILS

**ONDERWERP**  
HERSIENING VAN ORDEREËLS VIR SUBRAADSVERGADERINGS

**IZIHLOKO**  
UPHENGULO LWEMIGAQO YOCWANGCO EMISELWE IINTLANGANISO  
ZAMABHUNGANA

2. **PURPOSE**  
To submit the Rules of Order regulating the conduct of meetings of Subcouncils for review and recommendation to the Rules & Ethics Committee.

3. **DELEGATED AUTHORITY**  
In terms of delegation Part 21: (1)  
To develop Rules of Order and amendments thereto, and recommend the same to Council.

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4. **RECOMMENDATIONS**  
It is recommended that the Subcouncil consider the attached Rules of Order for Subcouncil and submit proposed amendments, if any, for consideration and possible inclusion in the rules.

**AANBEVELINGS:**

Daar word aanbeveel dat die subraad die aangehegte ordereëls oorweeg en voorgestelde wysigings, indien enige, vir moontlike insluiting by die reëls voorlê.

**ISINDULULO**

Kundululwe ukuba iBhungana malithathele ingqalelo iMigaqo yoCwangco eqhotyoshelweyo, elungiselelwe amaBhungana kwakhona lingenise iziphakamiso zezilungiso, ukuba kuyimfuneko, ukuze zithathelwe ingqalelo kwaye ziqukwe kwimigaqo.

5. **DISCUSSION / CONTENTS**

The Rules and Ethics Committee periodically reviews the Rules of Order regulating the conduct of all Section 79 & 80 Committees of Council as well as Subcouncils.

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In a letter from the Speaker, dated 13 May 2022, Subcouncils are requested to consider any amendments and or additions that are required to the Rules of Order and to submit those proposals to the Rules and Ethics Committee for consideration and possible inclusion in the rules.

## **ANNEXURES**

**ANNEXURE A:** Letter from the Speaker: Review of Rules of Order  
**ANNEXURE B:** Rules of Order for Subcouncil Meetings of the City of Cape Town

### **FOR FURTHER DETAILS CONTACT:**

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<b>DIRECTORATE</b>	<i>Directorate: Corporate Services</i>
<b>FILE REF No</b>	

  
**SUBCOUNCIL MANAGER**

NAME GIRSHWIN FOULDIEN


DATE 6 JUNE 2022

Comment:

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**CHAIRPERSON: SUBCOUNCIL 16**

NAME ALDERMAN MATTHEW KEMPTHORNE

DATE 06/06/2022

Comment:

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CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

OFFICE OF THE SPEAKER

Alderman Felicity Purchase  
Speaker City of Cape Town

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Chairpersons of Section 79 Portfolio Committees  
Chairperson of Section 80 Committee  
Chairpersons of Subcouncils  
Subcouncil Managers

Dear Alderman, Councillors and Managers

### REVIEW OF THE RULES OF ORDER

The Speaker has been requested by the Rules and Ethics Committee at their meeting held on 12 May 2022, that the Chairpersons of all Section 79 and 80 Committees of Council as well as all Subcouncils, be requested that the Committees and Subcouncils review their particular Rules of Order for their meetings and determine if there are any amendments and or additions that are required to the Rules of Order and submit those proposals to the Rules and Ethics Committee for consideration and possible inclusion in the rules.

It will be appreciated if this request can be discussed at the next meeting of your respective Committees and Subcouncils and to submit the amendments and/or additions to the Rules and Ethics Committee at your earliest convenience.

Your support in this regard is appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'F. Purchase'.

ALDERMAN FELICITY PURCHASE  
SPEAKER: CITY OF CAPE TOWN

DATE: 13/05/2022



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**RULES OF ORDER  
FOR  
SUBCOUNCIL MEETINGS  
OF  
THE CITY OF CAPE TOWN**

**APPROVED BY COUNCIL : 23 JUNE 2005  
C 10/06/05**

**AMENDED : 28 JULY 2010  
C 69/07/10**

**RULES OF ORDER  
FOR  
SUBCOUNCIL MEETINGS  
OF  
THE CITY OF CAPE TOWN**

**APPROVED BY COUNCIL: 28 JULY 2010  
C69/07/10**

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THE CITY OF CAPE TOWN  
RULES OF ORDER FOR SUBCOUNCIL MEETINGS

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**1. APPLICATIONS OF RULES**

- 1.1 These rules of order apply to all Subcouncils, its committees and/or sub-committees.
- 1.2 Except where it is clearly inappropriate, a rule applying to members in any proceedings, also applies to Councillors who take part in those proceedings with the approval of the Chairperson.

**2. ADOPTION OF RULES**

A Subcouncil, with a majority vote of its members, may amend these rules subject to any directions of Council.

**3. DEFINITIONS**

In these rules, unless inconsistent with the context:

“Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) or the Local Government Municipal System’s Act, 2000 (Act 32 of 2000);

“Subcouncil Manager” means the official appointed for the Subcouncil as its subcouncil manager;

“By-Law” means the Cape Town Subcouncil By-Law 2003 published in Provincial Gazette Extraordinary 6013 dated 12 May 2003 as amended;

“Chairperson” means the chairperson elected by that particular subcouncil and in accordance with Rule 4;

“Committee” means any committee or sub-committee of a subcouncil;

“Due and proper process” means calling for nominations from members present including secondment of such nominations;

“Functions of a subcouncil” means those powers and duties of subcouncils referred to in Part 3 of the By-Law;

“In-Committee” means when the committee sits in “in camera” or when it is a “closed session”;

“Meetings” means the meetings of the subcouncil and includes meetings of any of its committees, or sub-committees;

**"Member"** means the member of the Cape Town Municipal Council who is a member of a subcouncil;

**"Motion"** means a matter, which includes a recommendation(s) submitted by a member for consideration by the subcouncil in accordance with Rule 17;

**"Ordinary Meeting"** means a meeting as defined in section 8.1 hereof;

**" Special Meeting"** means a meeting as defined in section 8.2 hereof;

**"Opening"** means introductory comments by the chairperson to open the meeting and prayer adopted by the Council for its meetings;

**"Procedural Motion"** means a matter raised by a member in respect of the procedure at a meeting in terms of Rule 19;

**"Subcouncil"** means a Metropolitan Subcouncil established in terms of Section 3 of the By-Law.

#### **4. ELECTION OF CHAIRPERSON**

4.1 The subcouncil must, at its first meeting and whenever a vacancy in the office of the chairperson exists, after a due and proper nomination process has been conducted by the subcouncil manager , elect a Chairperson by a show of hands.

4.2 Where there is an equality of votes, the election shall be determined by the drawing of lots.

#### **5. CONDUCT OF MEETINGS**

5.1 The Chairperson must:

5.1.1 maintain order during the meeting;

5.1.2 refer any alleged contravention of the Code of Conduct for Councillors at meetings to the Speaker;

5.1.3 ensure that meetings are conducted in accordance with these Rules of Order;

5.1.4 ensure that any person refusing to comply with his/her ruling leaves the meeting place immediately, and that such instances are referred to the Speaker;

5.1.5 ensure that members of the public and/or media are seated during meetings of the subcouncil in areas designated for that purpose by the subcouncil manager;

5.1.6 ensure that members use the privileges and immunities conferred by section 28 of the Act with discretion and with due regard to the right of dignity of those whom such privileges and immunities do not apply.



## **6. INTERPRETATION OF RULES**

The ruling of the Chairperson in regard to the application of these rules and any other procedural matters not dealt with herein is final and binding on the meeting at which such ruling is given, and shall be recorded in the minutes thereof.

## **7. PRESIDING AT MEETINGS**

- 7.1 The duly elected chairperson presides at meetings.
- 7.2 Should the chairperson be absent from a meeting, or unable to perform his/her duties, the members shall elect one of their members to act as chairperson for that meeting after a due and proper nomination process has been conducted by the subcouncil manager.

## **8. NOTICE OF MEETINGS**

- 8.1 The chairperson, taking into account the Council's calendar of meetings, must determine the dates, times and venues of ordinary and special meetings, in consultation with the Chief Whip of Council, as per delegation 22(6) of Council's System of Delegations.
- 8.2 Special meetings take place, if directed by the chairperson, or, in the absence of the chairperson by direction of the speaker, or, if the majority of its members request the chairperson in writing to do so. In respect of the latter, the chairperson must convene the meeting at the time set out in the request, except where time constraints make it impossible to do so;
- 8.3 The municipal manager or his nominee must give at least 72 hours notice of the meeting, to enable members to prepare adequately.
- 8.4 In the case of an urgent meeting, the notice period must be at least 24 hours, or such lesser period as the chairperson may direct, and the chairperson determines whether the need for a special meeting is urgent or not, subject to a meeting being called in terms of section 68.1 of the Structures Act.
- 8.5 The fact that any member has not received notice of a meeting in accordance with these rules does not affect the validity of any proceedings of that meeting.
- 8.6 Every member of a subcouncil must, in writing, specify 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 correspondence. Electronic notice of a meeting or any other official correspondence to this address will constitute proper notice of meeting. Hard copies of an agenda and all official correspondence will be delivered to a member on his/her request, provided it is practical and/or economical to do so in the circumstances.

**9. QUORUMS**

- 9.1 The quorum for a meeting of a subcouncil is a majority of its members.
- 9.2 If there is no quorum and the chairperson is present, he/she must adjourn the meeting for 15 minutes and, if at the end of that period there is still no quorum, the meeting must again be adjourned for a period determined by the Chairperson at his/her discretion or he/she may adjourn the meeting to another time and date at the same venue or to another time, date and venue with regard to Council's calendar of meetings after consultation with the Chief Whip of Council in order to avoid clashes.
- 9.3 In the absence of the chairperson and where no quorum exists, the subcouncil manager shall adjourn the meeting for 15 minutes after the commencement time. If at the expiration of the 15 minutes, after the appointed time for the commencement of the meeting, there is not the required quorum, the meeting shall be cancelled.

**10. AGENDA**

- 10.1 All meeting must be conducted according to the order in which the matters appear on the agenda and only matters, which are on the agenda and are in writing may be debated.
- 10.2 The chairperson may, after considering suitable motivation, change the order of matters appearing on the agenda.
- 10.3 The chairperson may, after considering suitable motivation, direct that any matter be entered into the confidential part of a subcouncil's agenda. Such matter may 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 subcouncil unless it deals with by-laws, budgets or allocations to subcouncils, the Integrated Development Plan, performance management and/or service delivery agreements.
- 10.4 The chairperson may, after considering suitable motivation, direct that matters may be moved between the confidential and open agendas provided that the meeting may not be closed when it considers any by-law, budgets or allocations to subcouncils, the Integrated Development Plan, performance management and/or service delivery agreements.
- 10.5 Except in the case of a motion, the chairperson may withdraw an item or refer it back to the administration or an appropriate committee.
- 10.6 The motivation for the exclusion of the public and the keeping of confidential minutes must be minuted in full.

## **11. URGENT MATTERS**

- 11.1 Any member may propose an urgent matter for consideration by way of a signed and dated motion submitted in writing to the chairperson or in his absence or unavailability to the subcouncil manager not later than 30 minutes before commencement of the subcouncil meeting, unless ruled otherwise by the chairperson after consultation with the subcouncil manager.
- 11.2 Such motion shall be placed on the agenda in the order determined by the chairperson if he or she rules that the motion is urgent. If it is not ruled by the chairperson to be urgent, it shall be placed on the agenda of the next meeting.
- 11.3 Rule 12 notwithstanding, a resolution may be taken on an urgent matter without a written report having been submitted provided that the meeting accepts that it has sufficient information before it.
- 11.4 The chairperson may, after consultation with the sub council manager and with the consent of the majority of councillors present, at any time introduce urgent matters.

## **12. REPORTS**

A subcouncil may not make decisions or recommendation(s) unless it has before it sufficient information in a written report, including the legal and financial implications.

## **13. LEGAL AND FINANCIAL CONSTRAINTS**

A subcouncil may only make such decisions or recommendation(s) as it is legally and financially competent to do, and all reports on an agenda must make reference to those aspects, if applicable.

## **14. DECISIONS AND VOTING**

- 14.1 All decisions must be taken by a supporting vote of the majority of the members present at any meeting.
- 14.2 If the chairperson asks the meeting if it is in agreement with a recommendation(s) on a matter before it, and such recommendation(s) is/are opposed by any members present, a decision is taken by a show of hands adopting the recommendation(s).
- 14.3 Where there is opposition to any matter to be decided, voting must be by a show of hands. Should there be no opposition then it must be recorded in the minutes that the decision was unanimous.
- 14.4 Only the number of members (no names of members) voting for, or against, an item is recorded in the minutes, unless specifically otherwise requested.
- 14.5 A member may abstain from voting without leaving the meeting place.

- 14.6 A member, at the time a vote is taken, may request that his/her dissent or abstention be recorded in the minutes of that meeting.
- 14.7 The chairperson shall, in the event of an equality of votes on any question, have a casting vote in addition to his/her deliberative vote on any question before the subcouncil.

**15. DEBATE MANAGEMENT**

- 15.1 The chairperson shall determine the time available for debate on any matter, taking into account the matters still to be discussed and the time available for the meeting.
- 15.2 The chairperson may curtail the debate by a member if, in his/her opinion, that member is no longer debating the matter on the agenda; is repeating himself/herself; [is indulging in filibustering] or is obstructing the meeting.

**16. MINUTES**

- 16.1 The subcouncil manager must ensure that all proceedings and decisions of a subcouncil are recorded in a minute book, including a decision and the reason to exclude the public, and that decisions of a subcouncil held in closed meetings are recorded in a separate minute book.
- 16.2 The correctness of the minutes of a subcouncil must be considered at its next ensuing meeting, failing which, at the meeting following that meeting.
- 16.3 Every member of a subcouncil as well as any other councillor attending the meeting must sign the attendance register.
- 16.4 The subcouncil manager must, for all meetings of a subcouncil, ensure that a record is made in the minutes of a meeting of the names of those members who:
  - 16.4.1 are in attendance;
  - 16.4.2 are absent with leave having been granted;
  - 16.4.3 are absent without leave having been granted;
  - 16.4.4 arrive after the meeting has started (as well as the time of arrival);
  - 16.4.5 leave the meeting prior to the conclusion thereof and that the time and reason for departure are recorded.
- 16.5. The subcouncil manager must ensure that the names of members who have requested that their dissent or abstention be recorded during voting, are so recorded in the minutes.

**17. MOTIONS**

- 17.1 A motion must be in writing, signed and dated by the member submitting it, and must specify, in full, the motion and the date of the meeting at which it is to be considered.
- 17.2 Motions must be submitted to the subcouncil manager at least 6 working days before the date of the meeting at which it is to be moved.

17.3 In the event of the Chairperson having submitted a motion to be placed on the agenda he/she shall vacate the Chair when he/she introduces such motion and for the duration of the discussion of such a motion. The members shall in such an instance elect one of their members to take the Chair after a due and proper nomination process has been conducted by the Subcouncil manager.

17.4 A motion must deal with one matter only.

17.5 If a motion has financial or legal implications, no final resolution may be taken on it before comments by the officials concerned have been obtained. The subcouncil manager must ensure that these comments are recorded in the minutes.

17.6 In the event of the member who has submitted a motion not being present at the meeting to introduce and to move the motion such motion will stand over to the next meeting of the Subcouncil, unless the motion is moved by another member.

#### **18. AMENDMENTS TO RECOMMENDATION(S)**

18.1 Any proposals by a member of a subcouncil to amend a recommendation(s) contained in a report before it, must be in writing, signed by the mover, and handed to the chairperson, provided that the chairperson, [with the consent of the majority of the members present at the meeting] may grant authority that the proposed amendments be put verbally, provided further that it is minuted and the proposed amendments do not negate the original recommendation(s).

18.2 Such proposal must be seconded or be declared lost.

18.3 A meeting must dispose of the proposed amendment before further considering the recommendation(s) contained in the report.

#### **19. PROCEDURAL MOTIONS**

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

19.1 that consideration of the matter be adjourned and resumed at a time determined by the subcouncil;

19.2 that the meeting of the subcouncil be adjourned and reconvened at a time determined by it; and

19.3 that the matter now be decided by putting it to the vote, subject to the opportunity of a reply by the member who moved the original motions, at the discretion of the chairperson.

#### **20. POINTS OF ORDER AND PERSONAL EXPLANATIONS**

20.1 Any member may raise a point of order to call attention to any departure from these Rules of Order, provided that the member refers to the particular rule of order in question. Notwithstanding that the member may not be in a position to refer to the

specific Rule of Order the chairperson may rule that such point of order be entertained.

- 20.2 A member may, at the conclusion of a debate, be requested to give an explanation of a statement he/she made during the debate. When responding, such member may not introduce a new motion or any amendment of a motion.

## **21. NOTICE OF QUESTIONS**

- 21.1 Members may direct questions in writing to the Chairperson.
- 21.2 Every notice of intention by a member to introduce a question must be in writing, , signed and dated and delivered to the Subcouncil manager at least six working days before the date of the meeting at which it is intended to be introduced.
- 21.3 The Chairperson may rule that a question be accepted notwithstanding the fact that such question does not comply with the procedural requirements in sub-section 2 .
- 21.4 In the event of the questioner not being present at the meeting of the Subcouncil when called upon by the Chairperson to ask a question standing in his/her name on the agenda, such question will stand over until the next meeting of the Subcouncil, unless the question is introduced by another member.

## **22. MEETINGS OPEN TO THE PUBLIC AND MEDIA**

- 22.1 A subcouncil must conduct its business in an open manner and may close its meeting only when it is reasonable to do so, having regard to the nature of the matter being considered and the right to privacy of third parties.
- 22.2 Notwithstanding the provisions of Rule 22.1, a Subcouncil may not exclude the public, including the media, when considering or voting on any of the following matters:
- 22.2.1 the budget of council or allocation of funds to the subcouncil;
  - 22.2.2 the draft Integrated Development Plan or any amendments thereto;
  - 22.2.3 the Municipality's draft performance management system or any amendments of the system after is has been approved.
- 22.3 Meetings may be closed to the public, subject to Rule 22.1 above where a subcouncil is considering a matter which is:
- 22.3.1 of a private nature that is prejudicial to a particular person;
  - 22.3.2 protected as privileged in terms of the law;
  - 22.3.3 confidential in terms of legislation;

22.3.4 of such a nature that its confidential treatment is considered reasonable and justifiable by the meeting.

22.4 A decision in terms of 22.3 to exclude the public must be taken by the subcouncil concerned, provided that the chairperson of the subcouncil may at any time:

22.4.1 close the meeting for a decision by the subcouncil on whether the matter should be considered in closed session.

### **23. ATTENDANCE AT SUBCOUNCIL MEETINGS**

23.1 Any member of the Municipal Council may attend any meeting of a subcouncil of which he or she is not a member; provided that he or she may only address the Subcouncil with the permission of the chairperson; provided further that he or she may not vote at such a meeting.

23.2 The chairperson may invite a person to address a meeting on a matter before it.

23.3 The chairperson may request any member of the council to address the subcouncil or request the subcouncil manager to arrange that any member of the staff addresses the subcouncil on any matter within his/her competence.

### **24. DEPUTATIONS**

24.1 Upon the authority of the chairperson, a deputation will be permitted an interview with the subcouncil, subject to the distribution of documentation or notifications to subcouncil members not less than two working days before the meeting.

24.2 Such applications shall first be considered by the chairperson of the relevant subcouncil, in consultation with the subcouncil manager, and in the event of a refusal to grant such interview, full details of the application and reasons for the refusal shall be submitted to the subcouncil.

24.3 The chairperson may allow any deputation an interview with the subcouncil without written notice having been given if, in his/her opinion, the matter to be presented is of an urgent nature.

24.4 If an application is granted by the chairperson of the relevant subcouncil, the applicant or applicants shall be permitted to appear before the subcouncil;

24.5 No deputation shall consist of more than 5 persons, only two of whom shall be permitted to address the subcouncil and further, except with the consent of the chairperson, for not longer than 15 minutes in total. If a translation is required, the Chairperson will allow suitable additional time to allow for such translation to be made.

**25. INTERRUPTION, SUSPENSION AND ADJOURNMENT**

- 25.1 The chairperson presiding at a meeting of the subcouncil shall, upon reasonable motivation and on a majority vote of the subcouncil, interrupt or postpone the proceedings or adjourn the meeting.
- 25.2 On resumption of the meeting at a later time or date, the meeting will consider unfinished business before continuing with any new matters on the agenda.
- 25.3 Before directing that the subcouncil will sit at a venue other than the present venue being used, the chairperson shall consult with the subcouncil manager, who, in turn, shall consult with the chief whip and the Municipal Manager for logistical assistance.

**26. MOTIONS TO REMOVE CHAIRPERSON**

- 26.1 A member of a subcouncil may, in terms of the procedure set out in Rule 17, introduce a motion to remove the chairperson from office.
- 26.2 If such a motion is seconded and supported by a majority of members of the subcouncil, the chairperson shall be removed from office. A new chairperson shall be elected.

**27. RECONSIDERATION OF RESOLUTIONS**

Motions for the reconsideration of resolutions must be submitted in terms of Section 17 of these Rules of Order.

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