



STANDING ORDERS FOR COUNCIL AND ITS COMMITTEES

**(AS APPROVED BY COUNCIL IN TERMS OF RESOLUTION 722 OF 20/11/2001
AND AMENDED BY RESOLUTION 4036 OF 05/09/2006, RESOLUTION 5395 OF
05/08/2008 AND RESOLUTION 6347 OF 3/11/2009)**

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The Council of the uMhlathuze Municipality has in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with Section 11 of the Municipal Systems Act, 2000 (Act No 32 of 2000), made the following Bylaws:

uMHLATHUZE MUNICIPALITY

STANDING ORDERS FOR THE COUNCIL AND ITS COMMITTEES

DEFINITIONS

1. In these bylaws, unless the context otherwise indicates –

“Chairperson” means the chairperson of the Council and any committee of the Council (refer also “Speaker”);

“Council” means the City Council of uMhlathuze Municipality;

“Code of Conduct” means the Code of Conduct for Councillors attached as Schedule 1 to the Local Government: Municipal Systems Act, 2000;

“Executive Committee” means an executive committee established in terms of Section 42 of the Local Government: Municipal Structures Act, 1998;

“Mayor” means the member of the Executive Committee elected by the Council as the Mayor and who shall also preside at meetings of the Executive Committee (Sections 48/49 of the Local Government: Municipal Structures Act, 1998).

“Meeting” means a meeting of the Council or any one of its Committees.

“Member” means a member of the Council;

“Motion” means a motion introduced in writing in terms of section 17 of these rules;

“Municipal Manager” is the Head of the Administration and also the accounting officer for the municipality appointed by the Council in terms of the provisions of section 82 of the Local Government: Structures Act, 1998;

“Proposal” means any proposal, with the exception of a motion, moved and seconded during a meeting;

“Quorums and Decisions” –

(1) A majority of the members must be present at a meeting of the Council before a vote may be taken on any matter subject thereto that:

(a) All questions concerning matters mentioned in section 160(2) of the Constitution (i.e. functions which may not be delegated by Council viz passing of by-laws, approval of budgets, imposition of rates and other taxes, levies and duties, and the raising of loans) are determined by a decision taken by Council with a supporting vote of a majority of the members.

(b) All other questions before Council are decided by a majority of the votes cast (subject to section 34 of the Local Government: Municipal Structures Act, 1998 – Dissolution of Municipal Councils).

- (2) A majority of the members of the Executive Committee constitutes a quorum for a meeting and any question before the committee is decided if there is agreement among at least the majority of the members present at the meeting.

“Speaker” means the chairperson of the Council elected in terms of Section 36 of the Local Government: Municipal Structures Act, 1998;

“the Ordinance” means the Local Authorities Ordinance (Natal) No 25 of 1974;

“the report of the Executive Committee” means the report of the Executive Committee to the Council as contemplated in Section 44(4) of the Local Government: Municipal Structures Act, 1998;

“Deputy Municipal Manager: Corporate Services” means a Deputy Municipal Manager: Corporate Services appointed in terms of Section 57 of the Local Government: Municipal Systems Act, 2000, and

“Calendar days” means all the days in a month, including weekends and public holidays.

any other word or expression shall have the meaning assigned thereto in the relevant legislation.

2. NOTICE OF MEETINGS

Notice of the date, time and place of every meeting of the Council and all its committees shall be served on every Councillor either personally or by leaving the same at his/her usual place of abode / business at least 24 (twenty-four) hours before such meeting and shall also be displayed on all public notice boards at the municipal and municipal suburb offices in the urban areas and at the tribal courts in the rural areas. Such notice shall be signed by the Municipal Manager or Deputy Municipal Manager: Corporate Services. The accidental omission to serve on any Councillor such notice as is referred to above, shall not effect the validity of any meeting.

3. ADMISSION OF PUBLIC TO MEETINGS

Every meeting of the council, the executive committee and its portfolio committees shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of section 20 (1)(a) of the Systems Act, Act No. 32 of 2000 and section 31 (1) of the Structures Act, Act No. 117 of 1998.”

4. ATTENDANCE AT COUNCIL / COMMITTEE MEETINGS AND ATTENDANCE REGISTER

- 4.1 A member applying to the Council for leave of absence from any meeting / meetings of the Council or any committee of which he / she is a member (unless on the ground of illness, force majeure, or the like) shall lodge application therefore in writing with the Municipal Manager before the commencement of the meeting to which the application is to be submitted. A telephonic apology will be acceptable provided it is followed up in writing. Apologies may also be submitted to the Municipal Manager via electronic mail.
- 4.2 In terms of the provisions of paragraph 4(2) of the Code of Conduct for Councillors, a member who is absent from three or more consecutive meetings of Council without apology, or from three or more consecutive meetings of a committee without apology, which that member is required to attend, must be removed from office as a Councillor;

- 4.3 Non-attendance of meetings will be dealt with in accordance with the Policy attached hereto as Annexure A (CR 1083 of 28 May 2002);
- 4.4 If during the period of any leave of absence granted to a member, he / she attends any meeting of the Council or of a committee of which he / she is a member, the unexpired portion of such leave of absence shall therefore be deemed to have been cancelled;
- 4.5 Notwithstanding anything to the contrary in these rules, whenever leave of absence from meetings of any committee is granted to any member necessitating the absence of such member from more than three consecutive meetings of such committee, the Council upon the motion of any member, may forthwith appoint a temporary member to fill the vacancy in such committee for the period of such leave;
- 4.6 An attendance register shall be provided in the meeting, which register shall be signed by each member attending any meeting of the Council or a committee of the Council.

5. ADJOURNMENT IN THE EVENT OF NO QUORUM

- 5.1 If at the expiry of 10 minutes after the time at which a meeting is due to commence a quorum has not assembled, no meeting shall take place unless it is unanimously agreed by the members present to allow further time not exceeding 10 minutes in order to enable a quorum to assemble.
- 5.2 The members present shall after expiry of the 10 minutes contemplated in section 5.1, if no quorum has been obtained by then, by a majority of votes request the Municipal Manager / Deputy Municipal Manager: Corporate Services to convene a meeting for a time, notice of which shall be given in terms of section 2 of these Rules of Order and such meeting shall be deemed to be a continuation meeting for the purposes of section 5 and 6.

6. COUNT OUT OF MEMBERS

- 6.1 If, during the meeting, the attention of the Chairperson is drawn to the number of members present, such members shall be counted and if it is found that there is no quorum, the chairperson shall allow an interval of 5 minutes and if there is still no quorum, the chairperson shall record the fact that there is no quorum and proceed with the meeting with the exception of the Executive Committee meeting and Council meeting.
- 6.2 Business not disposed of at a meeting adjourned shall be dealt with at a continuation meeting convened by the Municipal Manager / Deputy Municipal Manager: Corporate Services for this purpose: Provided that such business not dealt with and which originated from a special meeting convened at the request of members in terms of sections 29(1) (Council) and 50(1) (Executive Committee) of the Local Government: Municipal Structures Act, 1998, may be held over until the next ordinary meeting of the Council or the Executive Committee as the case may be.

7. CONTINUATION MEETING

- 7.1 When a meeting is adjourned, notice of the continuation meeting shall be served in terms of section 2 of these Rules or Order.
- 7.2 Subject to the provisions of section 2, no business shall be transacted at a continuation meeting except such as is specified in the notice of the meeting which was adjourned.

8. BUSINESS LIMITED BY NOTICE OF MEETING

8.1 With the exception of an urgent report of the Executive Committee, no business which is not specified in the notice of the meeting, shall be transacted at that meeting.

9. ORDER OF BUSINESS OF ORDINARY MEETING

9.1 The order of business of an ordinary meeting of the Council / Executive Committee shall be as follows:

- (a) Opening.
- (b) Applications for leave of absence.
- (c) Official announcements by Speaker / Chairperson / Municipal Manager.
- (d) Declaration of interest.
- (e) Minutes of previous meetings.
- (f) Reports.
- (g) Presentations.
- (h) Petitions.
- (i) Motions.

9.2 Once the matters referred to in paragraphs (a) to (g) of section 8.1 have been considered, the Speaker / Chairperson may in his/her discretion, change the order of any business which is on the agenda.

10. MINUTES OF MEETING

10.1 If a copy of the minutes of a meeting has been served on every member in the manner as provided in section 2 of these Rules of Order, the minutes shall be taken as read with a view to confirmation.

10.2 No motion, proposal or discussion shall be allowed on the minutes, except as to their accuracy.

10.3 The minutes in relation to any item considered by the Council-in-Committee, shall be kept separately from other minutes of the Council, unless consideration of that item was finalised in Open Council, and such minutes shall be approved by the Council-in-Committee at its next meeting.

11. QUESTIONS

11.1 A member may at a meeting put a question –

- (a) on a matter arising out of or connected with any item of the agenda of the Executive Committee when such item has been called or during discussion thereon;
- (b) concerning the general work of the Council not arising out of or connected with any item of the agenda of the Executive Committee: Provided that such question shall only be put if at least seven days' notice in writing has first been lodged with the Municipal Manager / Deputy Municipal Manager: Corporate Services, who shall forthwith furnish a copy thereof to the Speaker and the Chairperson of the Executive Committee.

11.2 A member who has put a question in terms of section 11.1(b) shall, on request, be entitled to be furnished with a written reply in due course.

11.3 The Chairperson of the Executive Committee shall, not later than at the next ordinary meeting of the Council, reply to questions in terms of sections 11.1(b) and 11.2.

11.4 If, after his question has been replied to, a member is of the opinion that the reply to his/her question is not clear, he may with the consent of the Chairperson request elucidation thereof, but no additional questions shall be put without the consent of the Chairperson.

11.5 The decision of the Chairperson as to whether a member has asked a question in terms of section 11.1(a) or has spoken in terms of section 32 and/or as to whether the question is out of order or not clearly put and therefore rejected by him, is final and cannot be further discussed.

12. REPORTS OF THE EXECUTIVE COMMITTEE

12.1 A report submitted by the Executive Committee in terms of section 44(4) of the Local Government: Municipal Structures Act, 1998 (as amended) shall contain, despite the number of volumes comprising the report or the order in which matters appear in the report or the dates on which such functions have been exercised by the Executive Committee;

- (a) the matters in respect of which the Executive Committee does not have delegated authority and on which recommendations have been made, and thereafter
- (b) the matters which have been delegated to the Executive Committee and which are submitted for noting only.

13. DELIVERY OF REPORTS OF EXECUTIVE COMMITTEE

A report of the Executive Committee, with the exception of a report accepted by the Chairperson as a matter of urgency, shall, for the purposes of a meeting, be served in the manner provided in section 2 of these Rules of Order.

14. SUBMISSION OF REPORTS OF THE EXECUTIVE COMMITTEE

14.1 The Chairperson of the Executive Committee (or a member called upon by him to do so), shall submit a report of the Executive Committee to a meeting of Council in respect of a matter where the Executive Committee has no delegated powers, by proposing "That the report be considered" which proposal shall be seconded.

14.2 When the report of the Executive Committee is being considered, the Speaker (or the person acting in his/her stead) shall put the recommendations in that part of the report in respect of which the Executive Committee has no delegated powers, seriatim, unless for a good cause he/she sees fit to amend their order.

14.3 The recommendations in the report of the Executive Committee as mentioned in section 13.2 shall be deemed to have been proposed and seconded.

14.4 When a recommendation contemplated in section 14.2 has been adopted, such recommendation shall become a resolution of the Council.

14.5 After the matters in respect of which the Executive Committee has no delegated powers have been dealt with, the Speaker shall permit debate of the matters delegated to the Executive Committee, provided that –

- (a) a member, except the chairperson of the Executive Committee, shall not speak on such matters for longer than 5 minutes;

- (b) during such debate a member may request that his opposition to a resolution in respect of which the Executive Committee has delegated powers, and his/her reason therefore, be minuted, after which the Municipal Manager / Deputy Municipal Manager: Corporate Services shall minute or cause to be minuted such opposition and reason.

14.6 The Chairperson of the Executive Committee (or a member as contemplated in section 14.1 may –

- (a) with the consent of the majority of the members of the Executive Committee present, which shall be granted or refused, withdraw any item;

(b) subject to the provisions of section 20, amend any item with the consent of all the members of the Executive Committee present and of the majority of the members present, which shall be granted or refused.

14.7 If the Chairperson of the Executive Committee (or a member contemplated in section 14.1) takes part in the debate concerning any item in the agenda, he/she shall, subject to the proviso in section 31.1, close the debate on such item: Provided that the chairperson or member concerned may nominate another member of the Executive Committee who, in his/her opinion, is more conversant with the item which is being debated, to close the debate on his/her behalf, irrespective of whether such member has previously taken part in the debate on that item, in which case the provisions of section 31.2 pertaining to the Chairperson of the Executive Committee, shall also apply to such member.

15. **CONSIDERATION OF THE BUDGET**

Notwithstanding anything to the contrary contained in these Rules of Order, the following provisions shall apply when the budget is considered by the Council:

- (a) A proposal which is designed to increase or decrease the estimated revenue or expenditure of the Council shall be put to the vote after debate.
- (b) Once all the amendments have been dealt with, and if any proposal contemplated in section 15(a) has been accepted, the budget shall be deemed to have been amended by the proposal thus accepted.

16. **PETITIONS**

16.1 A petition may be submitted by a member and he/she shall divulge the content or the title thereof when it is submitted.

16.2 A petition as contemplated in section 16.1 shall be referred to the Executive Committee for report to the Council.

17. **DEPUTATIONS**

17.1 A deputation desiring an interview with the Council or the Executive Committee shall submit a memorandum to the Municipal Manager / Deputy Municipal Manager: Corporate Services in which is set out the representations it wishes to make.

17.2 The Municipal Manager / Deputy Municipal Manager: Corporate Services shall submit the memorandum contemplated in subsection (1) to the Executive Committee which may receive the deputation and deal with the matter raised in the memorandum if the necessary powers has been delegated to it.

17.3 A deputation shall not exceed six persons in number and at an interview contemplated in this clause, only one person shall speak on behalf of the deputation, (except when a member puts a question in which case any person forming part of the deputation, may reply to such question) and only for a period not exceeding 20 minutes, provided that the Speaker / Chairperson may allow a further period not exceeding 10 minutes.

17.4 The matter shall not be further considered until the deputation has departed.

18. MOTIONS

18.1 Subject to the provisions of any other law –

- (a) every notice of motion shall be in writing and such notice shall be signed by the member submitting it and also by another member acting as seconder;
- (b) a motion shall be given to the Municipal Manager / Deputy Municipal Manager: Corporate Services who shall enter it in a register kept for that purpose which shall be open to inspection by any member;
- (c) notice of a motion shall not be included in the agenda for a meeting unless it is received at least 10 (ten) calendar days prior to such a meeting;
- (d) a motion shall lapse if the member who submitted it is not present at the meeting when such motion is being debated.

18.2 At the request of a member who gave notice of a motion, the Municipal Manager / Deputy Municipal Manager: Corporate Services shall acknowledge receipt thereof in writing.

18.3 Every motion shall be relevant to the administration of or conditions in the municipality or shall deal with a matter in respect of which the Council has jurisdiction. Before any notice of motion is placed on the agenda it shall be submitted to the Speaker / Chairperson who, if he/she be of the opinion that this is out of order, shall cause the giver of the notice to be so informed and shall direct that such notice be not placed on the agenda.

18.4 A member submitting a motion shall move such motion and shall have the right of reply.

18.5 Every motion as contemplated in section 18.1(a) shall on receipt be dated and numbered and shall be entered by the Municipal Manager / Deputy Municipal Manager: Corporate Services upon the agenda in the order in which it is received: Provided that when a motion in the opinion of the Municipal Manager / Deputy Municipal Manager: Corporate Services amends another motion, it shall be entered upon the agenda immediately after the latter motion, irrespective of the time when notice of the motion to amend was given.

18.6 No member shall have more than 1 motion as contemplated in section 18.1(a) entered upon the agenda with the exception of a deferred motion, and no member shall move more than 4 motions during a calendar year.

18.7 When a member moves a motion in terms of this section –

- (a) which is intended to rescind or amend a resolution passed by the Council taken within the preceding twelve months; and
- (b) which has the same intent as a motion which was rejected within the preceding twelve months;

such motion shall only be entered upon the agenda if the notice of such motion is signed by no fewer than 7 of the members in addition to the member who proposed the motion.

- 18.8 Revocation / alteration of any resolution of the Council within the period of 12 (twelve) months commencing on the day on which such resolution is taken shall be valid if determined and decided upon by a majority of the Councillors present at the meeting at which such revocation / alteration is proposed.
- 18.9 No member shall propose a motion similar to one which was dealt with in terms of the provisions of section 18.7 before a period of six months after it has been dealt with has elapsed.
- 18.10 Notwithstanding the provisions of sections 18.7 and 18.9, the Council may at any time, following a recommendation by the Executive Committee, rescind or amend any resolution passed by it.
- 18.11 In dealing with motions –
- (a) the Speaker shall read out the number of every motion and the name of the mover and seconder;
 - (b) the Speaker shall ascertain which motions are unopposed and these shall be passed without debate; and

thereafter the Speaker / Chairman shall call the opposed motions seriatim.

19. IRREGULAR MOTIONS OR PROPOSALS

The Speaker / Chairperson shall reject a motion or proposal –

- (a) which in his/her opinion might lead to discussion of a matter already dealt with in the agenda or which has no bearing on the administration of the municipality;
- (b) in respect of which –
 - (i) the Council has no jurisdiction;
 - (ii) a decision by a judicial or quasi-judicial body is pending.
- (c) which, if passed, would be contrary to the provisions of these bylaws or of any other law, or would be impractical:

Provided that if such motion or proposal in the opinion of the Council justifies further investigation, it shall be referred to the Executive Committee.

20. WITHDRAWAL OF MOTIONS OR PROPOSALS

- 20.1 A motion or proposal may be withdrawn or amended by the mover with the consent of the Council, which shall be given or refused.
- 20.2 Once consent for the withdrawal of a motion or proposal has been granted, no member shall speak upon such motion or proposal.
- 20.3 Once consent for the withdrawal of a motion or proposal has been refused, a member may speak upon such motion or proposal.

21. MOTIONS OR PROPOSAL AFFECTING BUDGET TO BE REFERRED TO THE EXECUTIVE COMMITTEE

A motion or proposal which is designed to increase or decrease the approved budget of the Council, shall not be adopted before the Executive Committee has reported thereon to the Council: Provided that such a report by the Executive Committee may be dispensed with if the Chairperson of the Executive Committee deems such report unnecessary.

22. MOTION OR PROPOSAL AFFECTING A BY-LAW TO BE REFERRED TO EXECUTIVE COMMITTEE

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

23. PROPOSALS WHICH MAY BE RECEIVED

23.1 Subject to the provisions of section 37, when a motion or proposal is under debate at a meeting, no further proposal shall be received except the following:

- (a) that the motion or proposal be amended;
- (b) that the question be referred back to the Executive Committee for further consideration;
- (c) that consideration of the question be postponed;
- (d) that the meeting be adjourned;
- (e) that the debate be suspended;
- (f) that the question be put to the vote;

23.2 A proposal in terms of section 23.1(a) or (b) may only be put by a member while he/she is speaking on a motion or proposal under debate.

23.3 If a proposal is put in terms of section 23.1(a) or (b), no further proposal may be put in terms of section 23.1 before the mover and seconder of the motion or proposal under debate have spoken thereon.

23.4 A proposal in terms of section 23.1(c), (d), (e) or (f) may only be put at the conclusion of a speech by a member who did not take part in the debate on the motion or proposal under discussion.

23.5 Subject to the provisions of sections 23.2 and 23.3, a member who has made a proposal in terms of section 23.1, may speak thereon for not more than 5 minutes but the seconder shall not be allowed to speak thereon, and there shall be no right of reply.

23.6 The member who submitted the motion or proposal under debate may, when a proposal is made in terms of section 23.1, without forfeiting his/her right of reply if the proposal is not carried, speak on such proposal for not more than 5 minutes and the proposal shall subsequently be put to the vote.

23.7 A proposal in terms of section 23.1 shall be dealt with in terms of the provisions of sections 23 to 27.

24. AMENDMENT OF A MOTION OR PROPOSAL

24.1 An amendment which is moved in terms of section 23.1(a) –

- (a) shall be relevant to the motion or proposal on which it is moved;
- (b) shall be reduced to writing, signed by the mover and the seconder and handed to the Speaker / Chairperson; and
- (c) shall be clearly stated to the meeting by the Speaker / Chairperson before it is put to the vote.

24.2 Once an amendment of a motion or proposal has been proposed and seconded, a further amendment cannot be proposed before a decision has been made concerning the first amendment.

24.3 If the amendment is accepted, the amended motion or proposal replaces the original motion or proposal and becomes the substantive motion or proposal in respect of which a further amendment may be proposed.

24.4 No member shall move more than one amendment of the same motion or proposal.

25. QUESTION SHALL BE REFERRED BACK FOR FURTHER CONSIDERATION

25.1 A proposal in terms of section 23.1(b) shall only be submitted in respect of a recommendation by the Executive Committee which is being considered by the Council.

25.2 A proposal in terms of section 23.1(b) shall not be put to the vote until the Chairperson of the Executive Committee has spoken on it, and if such proposal is carried, the debate on the recommendation shall end and the Council shall proceed to the next business.

26. POSTPONEMENT OF CONSIDERATION OF QUESTION

If a motion is carried that the consideration of a question be postponed to a specific date as contemplated in section 23.1(c), the motion or proposal, if the question did not arise from a recommendation of the Executive Committee shall, subject to the provisions of section 28, be placed first among the motions or proposals contemplated in section 9.1(g), which are to be considered on the particular date, or if such a question arises from a recommendation of the Executive Committee, it shall be contained in the report of that committee to the Council on the day in question.

27. ADJOURNMENT OF MEETING

No member shall at any meeting move or second more than one proposal for the adjournment of the meeting.

28. SUSPENSION OF DEBATE

28.1 If a proposal that the debate be suspended, as contemplated in section 23.1(e), is carried, the Council shall deal with the next question on the agenda and the question in respect of which the debate has been suspended shall, notwithstanding the provisions of section 26, be placed first on the list of motions or proposals contemplated in section 9.1(g), of the next meeting and the discussion thereof shall be resumed at that meeting.

28.2 On resumption of a suspended debate, the member who moved its suspension shall be entitled to speak first.

28.3 No member shall move or second more than one proposal for suspension of the same debate.

29. VOTING ON THE MATTER

The mover of a motion or proposal under debate shall have the right to reply in terms of section 30 before the question is put to the vote.

30. PRECEDENCE OF CHAIRPERSON

Whenever the Speaker / Chairperson speaks, any member then speaking or offering to speak are to be silent so that the Chairperson may be heard without interruption.

31. LENGTH OF SPEECHES

31.1 Subject to the provisions of sections 14, 23, 40 and 52, a member may speak for no longer than 5 minutes on a motion or proposal: Provided that the Speaker may permit a speech to be continued for a further period or periods of 5 minutes.

31.2 The Speaker may waive the provisions of section 31.1 in regard to a statement made with the consent of the Council by the Chairperson of the Executive Committee or a member of the Executive Committee, in relation to any matter arising from a report of the Executive Committee.

31.3 A member shall not read his speech but may refresh his/her memory by referring to notes.

31.4 The provisions of this section shall not apply to a member delivering the mayoral report or in the presentation of the estimates of income and expenditure.

32. MEMBER TO SPEAK ONLY ONCE

32.1 Subject to provisions to the contrary in these bylaws contained, no member shall speak more than once on any motion or proposal: provided that the Speaker/Chairperson may allow a member to speak more than once should he/she deem it necessary and provided further that the mover of an amendment may reply in concluding the debate, but shall confine himself to answering to previous speakers and shall not introduce any new matter into the debate.

32.2 The Speaker may permit the Chairperson of the Executive Committee or a member who made a proposal to make an explanatory statement prior to consideration of any particular item contained in the report of the Executive Committee or during discussion of such report, in reply to a specific question.

33. RELEVANCE

A member who speaks shall confine his/her speech strictly to the matter under discussion or to an explanation or a point of order and no discussion shall be permitted:

- (a) which will anticipate any matter on the agenda; or
- (b) 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.

34. IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER

34.1 The Speaker/ Chairperson shall call the attention of the members to irrelevance, tedious repetition, unbecoming language, misconduct, unseemly behaviour, persistent obstruction of business and unnecessary challenging of the ruling of the Speaker / Chairperson or any breach of order on the part of a member and shall direct such member, if speaking, to discontinue his speech or, in the event of persistent disregard of the authority of the chair, to retire from the meeting.

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

35. REMOVAL OR EXCLUSION / SUSPENSION OF MEMBER

35.1 If a member refuses to comply with a direction in terms of section 34 the Speaker/Chairperson may direct an official to remove the member or to cause his/her removal and to take steps to prevent his return to the meeting.

35.2 The Council may exclude / suspend from meetings of the Council for such period as it may determine, a member who so misconducted himself / herself, or behaved in an unseemly manner or who wilfully disregards the authority of the chair or who wilfully and persistently obstructs the business at any meeting: Provided that such suspension / exclusion shall not equal or exceed such period as would result in the vacation of such member's office in terms of section 4(2) of the Code of Conduct for Councillors (refer section 1 "Definitions").

35.3 A proposal to exclude / suspend any person may be moved at any stage of the meeting.

35.4 Such member shall recuse himself from the meeting and leave the Council Chamber during the consideration by the Council of his/her suspension and the period thereof. During the whole of the period of suspension of a member in terms of this subsection, such member shall not perform any of the duties or functions of a member of the Council (including attendance as a member at meetings of the Council or any of its committees), nor shall he/she receive payment of any allowance or the like normally payable to him/her as a member.

36. POINT OF ORDER AND/OR PERSONAL EXPLANATION

36.1 For the purpose of this section:

"a point of order" means pointing out any deviation from, or anything contrary to, these bylaws or other bylaws of the Council or any law or any other irregularity in the proceedings.

"a personal explanation" means the explanation of some material part of a member's former speech which may have been misunderstood.

36.2 Any member, whether he/she has addressed the Council on the matter under debate or not, may:

- (a) make a point of order;
- (b) give a personal explanation.

36.3 A member contemplated in section 36.2 shall be entitled to be heard forthwith.

36.4 Subject to the provisions of section 38, the ruling of the Speaker/Chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

37. METHOD OF VOTING

37.1 Every seconded motion or proposal shall be submitted to the Council by the Speaker who shall call upon the members to indicate whether they are for or against it. Should there be any uncertainty in respect of any item before Council, the Speaker shall call upon the members to indicate by a show of hands whether they are for or against it and he/she shall thereupon declare the result of the voting.

37.2 Only after the Speaker has declared the result of the voting in terms of subsection 37.1 may a member demand:

- (a) that his/her vote be recorded against the decision; or
- (b) a division, by putting such demand to the speaker.

37.3 When a division in terms of section 37.2 (b) is demanded, the Speaker shall accede thereto and state so clearly, and no member shall leave or enter the Council Chamber until after the result of the division has been declared.

37.4 A division shall take place in the manner prescribed in section 37.1 and the vote of each member shall be taken separately by name and recorded in the minutes by the Deputy Municipal Manager: Corporate Services.

37.5 When a division takes place in accordance with the preceding provisions, every member present, including the Speaker, shall be obliged to record his vote for or against the motion or proposal.

37.6 A member demanding a division shall not leave the Council Chamber before such division has been taken.

37.7 Should there be an equality of votes in respect of a proposal, except a proposal as contemplated in section 23, which is being voted on in terms of section 37.1 or 37.5 and the Speaker refuses to record his/her casting vote as contemplated in terms of section 29.4 of the Local Government: Municipal Structures Act 1998, as amended, the matter shall be referred back to the Executive Committee for consideration.

38. INTERPRETATION OF STANDING ORDERS

38.1 Any member may request that the ruling of the Speaker as to the interpretation of the Standing Orders be recorded in the minutes and a register of such rulings shall be kept by the Deputy Municipal Manager: Corporate Services.

38.2 The Speaker shall sign the entry in the register referred to in section 38.1 of each ruling given by him.

38.3 A member who has made a request in terms of section 38.1, may verbally during the meeting (or within 5 days thereof in writing) require the Deputy Municipal Manager: Corporate Services to submit the matter to the Executive Committee, in which event the Executive Committee shall consider the ruling and report thereon to the Council.

38.4 The Council may only on the recommendation of the Executive Committee direct that the ruling of the Speaker be amended or substituted.

39. MAINTENANCE OF ORDER

- 39.1 The Speaker/Chairperson may at any time during a meeting, if he/she deems it necessary for the maintenance of order, direct an official to remove or cause the removal of any person, excluding a member, from the Council Chamber or order that the public gallery be cleared.
- 39.2 Any person who refuses to carry out any instruction given in terms of subsection 39.1, or who wilfully obstructs the carrying out of such instruction or otherwise contravenes the provisions of section 39.1, shall be guilty of an offence.

40. COUNCIL IN COMMITTEE

- 40.1 Notwithstanding anything to the contrary contained in these bylaws, a member may:
- (a) at any time after an item on the agenda has been called or during consideration thereof, move that the Council/Executive Committee resolve to go into committee for the further consideration of that item; or
 - (b) if the Council / Executive Committee is in committee as contemplated in paragraph (a), move that for the further consideration of the item under debate, the Council / Executive Committee resolve to consider the matter in open council:
- Provided that the Chairperson of the Executive Committee may at any time move that the Council/Executive Committee resolve to go into committee for consideration of one or more items on the agenda.
- 40.2 Notwithstanding anything to the contrary contained in these bylaws, only the member moving a motion in terms of section 40.1 may speak on such motion and shall restrict his/her speech to the reasons why the Council should resolve to go into committee or discuss the matter in open council, as the case may be: Provided that if a motion is moved in terms of section 40.1, the member concerned may speak for a period not exceeding 5 minutes on each item in respect of which such proposal is made.
- 40.3 If the Council/Executive Committee is in committee, the provisions of these bylaws, except insofar as they are in conflict with this section, shall apply.
- 40.4 If the Council/Executive Committee adopts a resolution in terms of section 40.1, the further debate on the item in question, whether in or out of committee, shall for all purposes be deemed to be a continuation of the preceding debate on that item.
- 40.5 If a proposal in terms of the proviso to section 40.1 is carried, the Speaker/Chairperson shall determine when the items concerned shall be considered and all such items shall be considered consecutively.
- 40.6 At the conclusion of consideration of items in committee, the Council/Executive Committee may, if necessary, revert to consideration of further items in open council and when resuming in open Council / Executive Committee, the action of the Council / Executive Committee whilst in committee shall be formally confirmed.
- 40.7 When the Council resolves to go into committee, all members of the public and Council officials except the Municipal Manager, Heads of Departments and such other official as the Speaker/Chairperson may require to remain, shall leave the Council Chamber and shall not return to the Council Chamber for the duration of the proceedings in committee.

40.8 The Speaker/Chairperson may direct an official to remove or cause to be removed any person who remains in the Council Chamber in contravention of section 40.7, or take steps to prevent the entry of any person into such chamber in contravention of the subsection.

41. REPORTING TO EXECUTIVE COMMITTEE

41.1 For the purposes of this section, "Deputy Municipal Manager" means the head of any department who is not directly responsible to any senior official, other than the Municipal Manager.

41.2 A report by a Deputy Municipal Manager shall be submitted to the Municipal Manager who may in turn submit it to the Executive Committee: Provided that the Municipal Manager shall submit a report when this is required by the Council or Executive Committee or has to be considered in terms of any law.

41.3 The Municipal Manager may refer a report back to a Head of Department for amendment or any addition thereto and may, if he/she deems it necessary, comment or make a recommendation in respect of any report which is submitted.

41.4 A Deputy Municipal Manager, or his/her representative, at any committee meeting shall be entitled to express the views of his/her department on any relevant matter under consideration and where any such matter requires the decision of the Council, the Head of the Department shall be entitled to request the Municipal Manager to ensure that his/her views are made known to the Council.

42. TIME OF EXECUTIVE COMMITTEE MEETINGS

42.1 The Executive Committee shall determine the dates and times of its meetings.

42.2 No meeting of the Executive Committee shall be held during a meeting of the Council without the Council's consent.

43. NOTICE OF EXECUTIVE COMMITTEE MEETING

43.1 An ordinary meeting of the Executive Committee shall be convened by way of a written notice signed by the Municipal Manager/Deputy Municipal Manager: Corporate Services and such notice shall contain the business to be dealt with, upon the understanding that such matters as may, in the opinion of the Municipal Manager, require the urgent attention of the Executive Committee, may nevertheless be tabled at the meeting of the Executive Committee in question by the Municipal Manager, despite the fact that no mention is made thereof in the notice.

43.2 The notice contemplated in section 43.1 shall be delivered to every member of that committee personally or left at his/her business or residential address not later than 24 hours before the commencement of any ordinary meeting, and should the notice accidentally not be so delivered or left, the validity of the meeting shall not be affected thereby. Said notice shall also be displayed on all public notice boards at the municipal and municipal suburb offices in the urban areas and at the tribal courts in the rural areas.

44. ATTENDANCE REGISTER FOR EXECUTIVE COMMITTEE MEETINGS

44.1 An attendance register shall be kept in which every member of the Executive Committee attending a meeting of that committee shall sign his/her name.

44.2 Whenever a member who is not a member of the Executive Committee attends a meeting of that committee, he/she shall enter his/her name in the attendance register.

45. NO QUORUM AT EXECUTIVE COMMITTEE MEETING

If, after the expiry of 10 minutes after the time at which a meeting of the Executive Committee is due to commence there is no quorum, the meeting shall not take place unless it is unanimously agreed by all members present to allow further time not exceeding 10 minutes in order to enable a quorum to assemble and if there is still no quorum the meeting shall be postponed and held on a day and at an hour determined by the Municipal Manager.

46. PARTICIPATION IN DISCUSSION AT EXECUTIVE COMMITTEE MEETINGS

Any person requested or permitted by the Executive Committee to attend a meeting of that committee may, subject to the permission of the Chairperson (who shall have the sole discretion in this regard), speak at such meeting.

47. APPROVAL OF MINUTES OF EXECUTIVE COMMITTEE MEETINGS

47.1 At any ordinary meeting of the Executive Committee, after consideration of applications for leave of absence, such minutes of any previous meeting of the committee as have not yet been confirmed shall, subject to the provisions of section 47.2, be read, approved with or without amendment and signed by the Chairperson of the Executive Committee on the last page thereof and every amendment shall be initialled by him/her.

47.2 The minutes contemplated in section 47.1 may be taken as read if they have been open to inspection by the members of the committee for not less than one hour prior to the commencement of the meeting: provided that the minutes shall be read if a member so requires, unless the committee decides to defer consideration thereof to the next meeting.

47.3 No proposal or discussion shall be allowed upon the minutes, except as to their accuracy.

48. VOTING AT MEETINGS OF THE EXECUTIVE COMMITTEE

48.1 The Chairperson of the Executive Committee shall allow the members of the Executive Committee to vote by a show of hands.

48.2 A member of the Executive Committee may request that his/her vote be recorded against a resolution.

49. RULING OF CHAIRPERSON OF EXECUTIVE COMMITTEE ON PROCEDURE

49.1 Subject to the provisions of subsection 49.2, a ruling by the Chairperson of a Committee as to procedure shall be final.

49.2 If a ruling of the Chairperson of the Executive Committee is called in question, such ruling shall be discussed (and revised if necessary) at the next meeting of the Executive Committee and for this purpose the Chairperson of the Executive Committee shall vacate the chair.

50. COMMITTEES OF THE COUNCIL

50.1 All committees of the Council shall determine its own procedure subject to any directions from Council and these standing orders.

50.2 The Chairperson of a committee shall preside at every meeting of the committee at which he/she is present. He/she shall be entitled to vote in the first instance and in the case of an equality of votes, shall give a second or casting vote. In his/her absence the Acting / Deputy Chairperson shall have the same powers and rights of voting as those possessed by the Chairperson.

50.3 A member of a committee wishing to resign shall tender his/her resignation in writing to the Municipal Manager and thereafter such resignation may not be withdrawn.

50.4 The Executive Committee shall report to the Council every vacancy arising in any committee of the Council as soon as possible after the committee meeting at which such vacancy was announced, and the Council / Executive Committee may fill such vacancy.

51. EXCLUSION OF MEMBERS PUBLISHING OR DISCLOSING DOCUMENTS

51.1 Any member who publishes or discloses or causes to be published or disclosed any document or record of the Council or the proceedings of any committee of the Council relating to any purchase or expropriation of land or other property by the Council, or any legal or arbitration proceedings in which the Council is concerned, or the agenda or minutes or document or records, or any part thereof, of the Council in committee or of the Executive Committee or another committee of the Council when in committee, or any matter the publication or disclosure of which would or might be prejudicial to the interests of the Council, shall be guilty of an offence.

51.2 The Council may exclude for such period as it may determine, any member who in its opinion is guilty of an offence in terms of section 51.1. Provided that such exclusion shall not equal or exceed such period as would result in the vacation of such member's office in terms of section 4(2) of the Code of Conduct for Councillors (refer section 1 "Definitions").

51.3 If a member attends a meeting in contravention of a decision in terms of section 49.2 to exclude such member, the Speaker / Chairperson may call upon an official to remove such member and to take steps to ensure that such member does not return to the meeting.

52. DECLARATION OF PECUNIARY INTEREST

52.1 A member wishing to declare a pecuniary interest in respect of any item before Council or any committee of Council, shall do so forthwith after the item or motion in respect of which such interest exists, has been called.

52.2 No member shall speak for more than 5 minutes on the question of whether his/her pecuniary interest as contemplated in section 52.1, is so small or remote as to render a clash of interests unlikely, unless the Speaker / Chairperson allows him/her to continue his/her speech for a further 5 minutes.

52.3 The speech contemplated in section 52.2 shall not for the purposes of section 30 be regarded as a speech on the item or motion under debate.

53. PENALTY CLAUSE

Any person who contravenes or fails to comply with any provision contained in these bylaws with the exception of Section 30, shall be guilty of an offence and liable on conviction to a fine not exceeding R300.

54. MUNICIPAL MANAGER

The Municipal Manager shall exercise all functions imposed by law or proclamation upon him/her or in terms of powers delegated to him/her. He/she shall be the Chief Administrative, Executive (in so far as delegated) and Accounting Officer of the Council and shall be responsible for the proper conduct of the Council's business. He/she shall see that it is carried out with order and regularity in accordance with what is prescribed by law, the rules of order, standing orders or any regulations of the Council and the orders of reference to the various committees. He/she shall cause to be reflected in the minutes of the meetings of each committee every decision arrived at or instruction given by such committee and shall supply information relating to municipal work which may be applied for by members.

55. AUTHORITY OF INDIVIDUAL MEMBERS

55.1 Individual members shall not have any executive power and cannot give instructions to officials or make any decisions binding on anyone else in regard to Council matters; subject to the right to request the Municipal Manager to report on any matter, or to ask the committee concerned to institute an enquiry into or otherwise deal with any aspect of matters of the Council which he/she feels requires attention.

55.2 A member or group of members shall not have official dealings or discussions with outside persons or bodies in connection with any matters being dealt with or to be dealt with by the Council or any committee of the Council unless the Municipal Manager or other official nominated by him/her is present.

55.3 A member shall not inspect Departmental records or premises except by arrangement with the Municipal Manager.

55.4 The Council may suspend and exclude for such period as it may fix any member who is guilty of a breach of the provisions of subrules (1), (2) and (3) above provided that such suspension and exclusion shall not equal or exceed such period as would result in the vacation of such member's office in terms of section 4(2) of the Code of Conduct for Councillors (attached as Schedule 5 to the Local Government: Municipal Structures Act 1998, as amended).

(189747/rvdw)

ANNEXURE A
RESOLUTION

DEPUTY MUNICIPAL MANAGER: CORPORATE SERVICES
S18M132487RPT
STANDING ORDERS REVISION (5) : 14.05.2002
E C : 21.05.2002
U M C : 28.05.2002
(4/1/5/14 X 4/2/7)

1083

POLICY : UNIFORM STANDING PROCEDURE : SANCTIONS FOR NON-ATTENDANCE OF MEETINGS BY COUNCILLORS

RESOLVED THAT:

1. the Uniform Standing Procedure : Sanctions for non-attendance of meetings (**attached hereto as Annexure A - RPT 132487**) be adopted by Council in terms of item 4(3) of the Code of Conduct for Councillors contained in Schedule 1 of the Local Government : Systems Act, 2000; and
2. the Standing Orders for Council and its Committees which had been adopted by Council as a bylaw on 20 November 2001, be amended to include the Uniform Standing Procedure referred to in paragraph 1, and promulgated as such.

.....

REPORT

DEPUTY MUNICIPAL MANAGER: CORPORATE SERVICES
S18M132487RPT
STANDING ORDERS REVISION (5) : 14.05.2002
E C : 21.05.2002
U M C : 28.05.2002
(4/1/5/14 X 4/2/7)

1083

PROPOSED UNIFORM STANDING PROCEDURE : SANCTIONS FOR NON-ATTENDANCE OF MEETINGS BY COUNCILLORS

The item served before the Standing Orders Revision Committee on 14 May 2002. The recommendations are supported.

PURPOSE

To adopt a standing procedure for the imposition of a fine or the removal of a Councillor from office in terms of Item 4 of the Code of Conduct of Councillors.

DISCUSSION

Items 3 and 4 of the Code of Conduct for Councillors contained in Schedule 1 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) stipulate the following :

“Attendance at meetings

3. *A Councillor must attend each meeting of the municipal Council and of a committee of which that Councillor is a member, except when -*
 - (a) *leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the Council; or*

- (b) *that Councillor is required in terms of this Code to withdraw from the meeting.*

Sanctions for non-attendance at meetings

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

The attached Annexure is a proposed uniform standing procedure, compiled in terms of item 4(3) above, for this purpose.

RESOLVED TO RECOMMEND THAT:

1. the Uniform Standing Procedure : Sanctions for non-attendance of meetings (**attached hereto as Annexure A**) be adopted by Council in terms of item 4(3) of the Code of Conduct for Councillors contained in Schedule 1 of the Local Government : Systems Act, 2000; and
2. the Standing Orders for Council and its Committees which had been adopted by Council as a bylaw on 20 November 2001, be amended to include the Uniform Standing Procedure referred to in paragraph 1, and promulgated as such.

CODE OF CONDUCT FOR COUNCILLORS : SANCTIONS FOR NON-ATTENDANCE OF MEETINGS

STANDING PROCEDURES FOR THE IMPOSITION OF FINES AND REMOVAL FROM OFFICE

(formulated in terms of item 4 of Schedule 1 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000))

1. INTRODUCTION

The Code of Conduct for Councillors contained in Schedule 1 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) stipulates the following :

“Attendance at meetings

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

Sanctions for non-attendance at meetings

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

2. PROCEDURE FOR THE IMPOSITION OF FINES

1. If a Councillor fails to attend a meeting of the Council or of a committee of which that Councillor is a member, except when
 - (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the Council; or
 - (b) that Councillor is required, in terms of the Code of Conduct for Councillors or the Standing Orders for Council and its Committees, to withdraw from the meeting,

the Chairperson of such committee shall invite the Councillor to provide a formal explanation setting out the reasons for the Councillors absenteeism from the meeting.
2. Upon receipt of the explanation setting out the reasons for absenteeism, the chairperson of the committee shall promptly report such to the Speaker.
3. Upon receipt of the explanation from the chairperson of the committee, the Speaker shall investigate the explanation and decide whether or not the councillor was absent with good cause, and provide appropriate reasons for the decision.
4. During the investigation referred to in 3, such Councillor will be given reasonable opportunity to respond to the allegation in writing.
5. If, after the investigation, the Speaker finds that a Councillor has breached item 3 of the Code of Conduct, he will report and recommend to Council that the Councillor be fined.
6. If Council accepts the recommendation of the Speaker, it will determine the amount of the fine equivalent to one week's remuneration which fine may be deducted from the remuneration due to the councillor concerned.
7. A Councillor who has been fined in terms of paragraph 6 may within 14 days of having been notified of the decision of Council, appeal to the MEC for local government in writing, setting out the reasons on which the appeal is based.
8. A copy of the appeal must be provided to the Council.
9. The Council may within 14 days of receipt of the appeal, make any representation pertaining to the appeal to the MEC for local government in writing.
10. The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of Council and inform the Councillor and the Council of the outcome of the appeal.

3. PROCEDURE FOR REMOVAL OF COUNCILLOR FROM OFFICE

1. Upon becoming aware that a Councillor has been absent from three or more consecutive meetings of the Council or from three or more consecutive meetings or a committee which that Councillor is required to attend, the Chairperson of the meeting shall report the non-attendance to the Speaker who shall commence proceedings for the removal of that Councillor from office as a Councillor.
2. For the purposes of 1 above, the Councillor concerned shall be required to attend a hearing before a committee established by the Council for that purpose and which shall be chaired by the Speaker.
3. For the purpose of 2 above, the Speaker shall appoint a person to act as Prosecutor (“the Prosecutor”).
4. The Prosecutor shall give notice of the hearing to the Councillor.
5. The notice shall -
 - (a) be in writing;
 - (b) inform the Councillor -
 - (i) of the date, time and venue of the hearing;
 - (ii) of the circumstances upon which the allegations are founded;
 - (iii) that no legal representation shall be permitted, however a councillor may be represented by a fellow councillor;
 - (iv) that the Councillor has the right to give evidence including the right to call witnesses;
 - (v) that the Councillor may put questions to any witnesses called by the committee;
 - (vi) that the decision of the committee is final.
6. In the event that the Councillor fails to attend the hearing after delivery of the notice, the Prosecutor shall attempt to establish the reasons for such failure to attend the hearing, prior to the commencement of the proceedings.
7. If the Prosecutor is unable to establish the reasons why the Councillor has failed to attend the hearing, the committee shall commence the proceedings in the absence of the Councillor.
8. At the hearing -
 - (a) the Prosecutor shall produce the necessary evidence to confirm that the Councillor -
 - (i) has been absent from three or more consecutive meetings of the Council; or

- (ii) has been absent from three or more consecutive meetings of a committee which that Councillor is required to attend.
 - (b) the Councillor shall have the right to put questions to the witnesses called by the Prosecutor;
 - (c) the committee shall have the right to put questions to the witnesses called by the Prosecutor for the purposes of clarifying any issues;
 - (d) the Councillor shall have the right to call other witnesses in support of the Councillor's case; and
 - (e) the Prosecutor and the Councillor concerned may address the committee after all the evidence has been heard and before the committee takes a decision.
9. If a majority of the members of the committee find that, on a balance of probabilities -
- (a) the Councillor has been absent from three or more consecutive meetings of the Council; or
 - (b) the Councillor has been absent from three or more consecutive meetings of a committee which that Councillor is required to attend,
- the committee shall report and recommend to Council that the Councillor concerned be removed from office as a Councillor.
10. In the event that Council confirms the decision of the committee, the Council shall
- (i) inform the Councillor of its decision, in writing; and
 - (ii) inform the MEC for local government in the province of its decision in writing, and request him/her to consider the facts of the matter and form an opinion that the Councillor in question has breached the code, and that such contravention warrants a removal from office and to remove the Councillor from office.
11. The Councillor may, within 14 days of having been notified of the decision of Council appeal to the MEC for local government in writing, setting out the reasons on which the appeal is based.
12. A copy of the appeal must be provided to the Council.
13. The Council may, within 14 days of receipt of the appeal referred to in paragraph 12, make any representation pertaining to the appeal to the MEC for local government in writing.
14. The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the Council and inform the Councillor and the Council of the outcome of the appeal.