



CITY OF EKURHULENI METROPOLITAN MUNICIPALITY

STANDING ORDERS BY-LAW

As amended by

[COUNCIL RESOLUTION: A-RC (15-2018) DATED 29 NOVEMBER 2018]

[DATE commencement: 16 January 2019]

To provide for meeting procedures, order at Council meetings, conduct of Council business, debates, questions, roles of political office bearers and to provide for matters incidental thereto.

BE IT ENACTED by the Council of the City of Ekurhuleni Metropolitan Municipality,
as follows: -

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CHAPTER 1

INTERPRETATION

1. Definitions

In these rules, unless the context indicates otherwise –

"Adjourning the Council or a meeting of a committee" means closing the meeting. Any unfinished business needs to be rescheduled by inclusion on the next Council or committee meeting agenda;

"Agenda" means the compilation of items or reports that will serve at a specific Council or committee meeting;

"Attendance" means a councillor's physical presence at a sitting of Council or any other committee;

"CAPEX", means capital expenditure;

"Council business" means any item before Council or its committees or other business that the Council or its committees may consider;

"Chairperson of Chairpersons (Chair of Chairs)" means the person who chairs the committee of chairpersons of committees;

"Committee" means any committee of a Council, including a mayoral committee;

"Council Chamber" means the room in which the proceedings of the Council take place, including those areas where members of the public and the media may listen to proceedings;

"Chief Whip of Council" means the chief whip elected by Council;

"Constitution" means the Constitution of the Republic South Africa, 1996;

"Council" means an assembly of elected representatives in the City of Ekurhuleni Metropolitan Municipality in plenary;

"Council Protection Services" means any employee authorised by Council to perform security and protection services within Council precinct, and includes all municipal staff members employed, appointed, assigned, delegated or contracted by Council to perform security and protection functions within Council precinct as well as staff members of EMPD;

"Councillor" means a member of the Council;

"Document" means any written instrument and includes any electronic or other device in or on which information, including visual material, is recorded, stored or kept;

"Executive" means the Executive Mayor and Members of the Mayoral Committee;

"Executive Mayor's question time" means a period of up to thirty (30) minutes, quarterly during Council meetings, immediately preceding question time, during which questions selected may be put to and answered by the Executive Mayor.

"Extraordinary meeting" means a meeting convened outside scheduled meetings for Council or a committee to conduct urgent business or consider a matter of public urgency;

"Forum" in relation to the Council means any formal gathering of members of Council as provided for in the rules and orders to conduct the business of Council, and includes sittings of other relevant structures of Council;

"IDP" means Integrated Development Plan;

"Language of record" means English;

"Language of the Council" means English as the language of communication (also refer to the approved language policy of Council);

"Leader of Executive Business in Council" is a councillor appointed by the Executive Mayor to manage the interface between the Executive and the Legislature;

"Legislature" is the legislative/oversight arm of Council;

"Majority of the members of the Council" means half the members of the Council plus one (1);

"MFMA" means Local Government: Municipal Finance Management Act 56 of 2003;

"MMC" means Member of the Mayoral Committee;

"Misconduct" in these rules means a breach of the standing rules of Council, or conduct amounting to contempt of Council as defined in these rules;

“MoE” means Municipal owned Entity of the City of Ekurhuleni Metropolitan Municipality;

“Motion” means a proposal made by a councillor in the form of a draft resolution that Council does something, order something to be done or express an opinion concerning some matter, or a proposal made by a member that Council discusses a subject presented by a councillor for that purpose;

“MPAC” means Municipal Public Accounts Committee;

“Municipal Code” means the official record of all applicable by-laws;

“Party whip” means a councillor designated by a political party represented in Council to, amongst others, oversee and guide the conduct of its councillors in relation to the rules and the decorum and business of Council or a committee;

“Point of order” means a matter related to the procedure or practice of Council, or a complaint of unbecoming conduct or behaviour on the part of another councillor, which a councillor is entitled to raise during the sitting of Council or Committee when seeking guidance and a ruling on the matter from the presiding officer;

“Official Council activities” means any business or activity of Council, including plenary sittings, committee meetings, oversight visits, study tours, workshops, strategic planning, sessions, Council forums or any other activity sanctioned by Council, or its committees or presiding officers, as duly authorised;

Precincts of Council is the area of land and every building or part of a building under the Legislature’s control, including –

- a) the chamber in which the proceedings of Council are conducted and the galleries and lobbies of the chambers;
- b) committee rooms and other meeting places provided or used primarily for Council’s purposes;
- c) every other building or part of a building provided or used in connection with the proceedings of Council, while so used; and
- d) every part of the buildings in which the chambers are situated, and every forecourt, yard, garden, enclosure or open space appurtenant thereto.

“Question of privilege” means any report of an act which may constitute a breach of privilege or contempt of Council in terms of the Gauteng Privileges and Immunities of Councillors Act 1 of 2002;

“Question Paper” means, set of questions asked to the Executive for oral or written reply during Ordinary Council meeting;

“Question time” means a period of at least thirty (30) minutes during each Council meeting during which questions placed on the question paper may be put to, and answered by, Members of the Mayoral Committee, except the Executive Mayor;

“Quorum” means a total of 50% plus one (1) of declared councillors;

“Recess” means a period determined as a recess by resolution of Council, during which no business of Council is conducted;

“Rule” means a regulation or principle governing conduct or procedure and having full enforcement authority;

“SALGA” means South African Local Government Association;

“Secretary” means the Secretary to Council or any person delegated or appointed by the Secretary to Council to perform Council secretariat functions in her/his absence;

“Speaker of Council” means the person elected in terms of rule 12 and who determines the proceedings of the Council and keeps order;

“Session” means the period between the opening and closing meetings of Council each calendar year;

“Special meeting” means a Council or committee meeting convened to conduct ceremonies in accordance with rule 19;

“Structures Act” means Local Government: Municipal Structures Act 117 of 1998;

“Systems Act” means Local Government: Municipal Systems Act 32 of 2000; and

“Multi-party Whippery” means a structure representative of all political party whips.

CHAPTER 2
STANDING ORDERS (ss 2 – 101)
Part 1
The rules (ss 2 – 8)

2.Purpose of the rules

- (1) These are rules for proceedings of Council and for the exercise of its powers in the City of Ekurhuleni Metropolitan Municipality.
- (2) The rules are intended to enable the Council to fulfil its Constitutional mandate. This means that they must –
 - (a) promote the orderly conduct of Council and its committees;
 - (b) promote the ability of Council to conduct its business, oversee the Legislature, Executive and facilitate public participation;
 - (c) facilitate debate and discussions;
 - (d) ensure that all parties and councillors have an opportunity to participate in the work of the Council in line with the constitutional dispensation;
 - (e) ensure public access to the Council and its proceedings and facilitate public participation in its processes; and
 - (f) promote democratic order, non-racialism, non-sexism, and exclude any other form of discrimination.
- (3) These rules are not intended to diminish or restrict the Council's powers, privileges and immunities.

3.Publication and display of the rules

- (1) These rules must be made available in the language of record (English) for councillors, officials and members of the public and, upon request, be made available into any of the approved official languages of the City of Ekurhuleni Metropolitan Municipality.

4. Authority and application of the rules

- (1) These rules apply to and bind the following:
 - (a) all councillors;

- (b) all parties represented in the Council;
 - (c) all employees of the municipality in the course and scope of their employment;
 - (d) any consultant or contractor to the municipality, in the course of fulfilling their consulting or contractual obligations; and
 - (e) the members of the public when in the precincts of Council.
- (2) A person against whom any action has been taken in terms of these rules, may within seven (7) days, from the date of decision request written reasons from the Speaker of Council who must provide such reasons within five (5) days after receipt.

5. Precincts of Council

- (1) Insofar as it may be necessary, in a case where Council or committees convene beyond the seat of Council, these rules apply as if the premises where Council or committees are meeting were within the precincts of Council.
- (2) Council chamber shall be a gun-free zone.

6. Amending the rules

- (1) A rule may be amended, revoked or added by a resolution of the Council.
- (2) Any councillor proposing a change to the rules must submit the proposal in writing to the Office of Secretary to Council at least thirty (30) days prior to a Rules Committee meeting.
- (3) A resolution of the Council to change the rules must be introduced by the designated member of the Rules Committee.

7. Interpretation of the rules

- (1) The Speaker of Council must give a ruling –
- (a) whenever a question arises about the interpretation or application of a rule; or
 - (b) in cases not provided for in these rules.

- (2) When the Speaker of Council gives a ruling, she or he must consider best practice and be guided by: -
 - (a) ordinary dictionary meaning;
 - (b) previous rulings, including from other legislative institutions;
 - (c) the established practices of the Council.
- (3) The Speaker may frame a rule in respect of any eventuality for which these rules do not provide.
- (4) A rule framed by the Speaker remains in force, unless reviewed in terms of sub-rule (5).
- (5) A councillor may request a review of the rule framed by the Speaker to the Rules Committee and the rule remains in force until a meeting of the Rules Committee has submitted a report thereon to the next Council meeting.
- (6) Rulings, in terms of sub-rule (1) must be compiled in a rulings booklet for future reference.

8. Suspension of Rules

- (1) Council may, by resolution, dispense with or suspend a provision of these rules for a specific period and purpose.
- (2) A councillor wishing to propose a resolution suspending a provision of the rules must do so by introducing a motion for the suspension of rules following the procedure set out in rule 86.
- (3) A councillor may introduce the motion for the suspension of one or more rules for the duration of or part of the meeting.
- (4) A motion under this rule may be introduced without notice and must indicate the reason for and duration of the proposed suspension.
- (5) The suspension of any provision of the rules must be limited in its operation to the particular purpose and duration for which the suspension has been approved.

Part 2
Ceremonies (s 9)

9. Ceremonies

- (1) Ceremonies include –
 - (a) The first meeting of the Council after an election;
 - (b) The State of the City Address by the Executive Mayor;
 - (c) Designated special and extraordinary meetings, as determined by the Speaker of Council; and
 - (d) Budget Day.
- (2) A praise singer, poet or performing artist may perform and the National Anthem must be sung at all ceremonies.
- (3) The Speaker shall give a 24 hours' notice to all councillors where there will be a burning of religious incenses during the special council meeting.

Part 3
First meeting after an election (ss 10 – 14)

10. Council sits within fourteen (14) days

- (1) In accordance with section 29(2) of the Structures Act, the City Manager must call the date and time of the first meeting and opening of Council, within 14 days after the Council has been declared elected.
- (2) At the commencement of the proceedings of Council on the first day of its first session, the Secretary to Council or an official of Legislature nominated by him or her, must read the notice convening the Council meeting.

11. Councillors take oath or affirmation

- (1) When the convening notice has been read, councillors must be sworn in or make affirmation before a magistrate.

- (2) Councillors who fill a vacancy in the Council between elections, after being declared by the IEC must –
 - (a) swear or affirm faithfulness and obedience to the Republic, the Constitution and Council before the magistrate in the Council meeting; or
 - (b) at any time by arrangement be sworn in or make affirmation before the Speaker in the Speaker's Office, the Speaker must report accordingly to Council at the first opportunity.

12. Election of Speaker of Council

- (1) After all councillors have taken the oath or affirmation, the Council must elect one of its members as the Speaker of Council, in accordance with the procedure set out in section 36 of the Structures Act, read with Schedule 3 to the Structures Act.

13. Election of Executive Mayor

- (1) After the election of the Speaker, the Council must elect one of its members as the Executive Mayor, in accordance with section 55 of the Structures Act, read with Schedule 3 to the Structures Act.
- (2) The Speaker of Council must preside over the election of the Executive Mayor.

14. Election of the Chief Whip of Council

- (1) After the election of the Executive Mayor, or whenever the position of Chief Whip of Council is vacant, the Speaker must call for nominations from councillors for the position of Chief Whip of Council.
- (2) The procedure set out in Schedule 3 to the Act applies to the election of Chief Whip of Council.

Part 4

State of the City Address by the Executive Mayor (ss15-16)

15. State of the City Address

- (1) The Executive Mayor must deliver the State of the City Address which must occur after the State of the Nation and State of the Province Address, respectively.

16. Debate on the State of the City Address by the Executive Mayor

- (1) The Executive Mayor's address must be debated within seven (7) days of the Executive Mayor's State of the City Address.

Part 5

Ordinary, Extraordinary and Special Council Meetings (ss 17 – 21)

17. Ordinary Council Meeting

- (1) Ordinary meetings are all meetings of Council as per the annual year planner, to conduct the normal business of Council as per the Agenda. The provisions of rule 40 apply.

18. Extraordinary Council Meetings

- (1) The Speaker may, if it is necessary to obtain an urgent Council resolution on a matter, call an extraordinary meeting of the Council to conduct business outside of the scheduled meetings.
- (2) An extraordinary Council meeting may be convened to deal with matters of public urgency which cannot be held over until the next scheduled ordinary meeting.
- (3) The Speaker may give councillors notice of the extra-ordinary meeting which may be within twenty-four (24) hours.

19. Special Council Meetings

- (1) The Speaker may convene a special Council meeting to conduct ceremonies of Council such as –
 - (a) the Executive Mayor's State of the City Address; or
 - (b) the passing of the Budget and IDP; or
 - (c) to hear an address by a visiting dignitary e.g. –
 - (i) Minister's address
 - (ii) MEC's address
 - (iii) Heads of organs of state or institutions supporting democracy;
 - (iv) Person who may have performed outstanding service to Ekurhuleni.

- (2) Only the business for which it has been designated and convened may be conducted at a special Council meeting.
- (3) The Speaker may consult the Chief Whip of Council and the Leader of Executive Business before the meeting may be convened.
- (4) The requirements of rule 40 relating to notice apply.

20. Consideration of Budget and IDP

- (1) The Executive Mayor shall formally present the principles and MMC: Finance details budget, Integrated Development Plan and tariffs to a meeting of Council on a day that meets the legal obligations of Council and shall be known as “Budget Day”.
- (2) Notwithstanding anything to the contrary in these rules contained, the following provisions must apply when the budget and IDP are considered by the Council-
 - (a) The budget format and the processes has to comply with the relevant legislation.
 - (b) Failure to comply with sub-rule (1) is contempt of council
 - (c) The draft budget and draft IDP must be tabled at least ninety (90) days before the budget and IDP are formally presented to Council for resolution.
 - (d) Chair of Chairs must table committee reports in Council for noting and referral during the budget Day for consideration and comments by the Executive.
 - (e) After the Chair of Chair tabled Committee reports, the meeting must adjourn to a date determined by Speaker of Council.
 - (f) After an adjournment in terms of sub-rule (2)(e), the Executive Mayor must investigate the implications of every proposal accepted and must report thereon to the Council when the meeting resumes.
 - (g) The debate and resolution of the Budget and Integrated Development Plan shall take place seven (7) days after Budget Day.

- (h) After the Executive Mayor has reported in terms of sub-rule (2)(f) –
 - (i) The Speaker must permit debate on the tabled Budget and Executive Mayor’s report; and
 - (ii) Thereafter, she/he must put every such proposal to the vote again. If such proposal is accepted, the budget must be amended in accordance with that resolution.

21. Consideration of the Annual Report of the City of Ekurhuleni Metropolitan Municipality by Council

- (1) In accordance with section 127 of the Municipal Finance Management Act and within 120 calendar days after the end of the Financial Year, the Executive Mayor of Council shall table the Annual Report of the City.
- (2) When the Annual Report of the City is tabled and prior to any debate on the report, the Speaker of Council must refer the Annual Report of the City to the Municipal Public Accounts Committee (MPAC) and relevant oversight committees, with MPAC being the lead committee.
- (3) In accordance with section 130 of the Municipal Finance Management Act, the City Manager, the Chief Financial Officer and the heads of departments must attend any of the Council or Committee meetings at which the Annual Report of the City is discussed, for the sole purpose of responding to any questions.
- (4) In accordance with section 129 of the Municipal Finance Management Act, the consolidated report of the oversight committees shall only recommend one of the following to Council –
 - (a) Approval of the annual report with or without reservations;
 - (b) Rejection of the annual report; or
 - (c) Referral of the annual report back for revision of those components that can be revised.
- (5) MPAC must table to Council an Oversight Report on the Annual Report of the City within two months after the report has been referred to the Committee.

- (6) In accordance with section 130(2) of the Municipal Finance Management Act, at the meeting referred to in sub-rule (3) above, representatives of the Auditor-General may be afforded an opportunity to speak, subject to the rules.

Part 6
Councillors (ss 22 – 27)

22. Councillor's attendance

- (1) The party whip, assigned responsibility for councillors' leave by the party, must inform the Speaker of Council or the chairperson of a relevant committee of the member's approved absence from a sitting of Council, a committee meeting or any other Council activities, respectively.
- (2) Councillors must sign attendance register to register their attendance in all meetings of Council, committees or any other Council activities.
- (3) All political parties in Council must maintain proper leave records for their members.
- (4) Councillors must attend each obligatory (Section 79 Committee and Council) meeting of the Council and the relevant committees unless the request for leave of absence has been approved by the relevant party whips twenty-four (24) hours before the meeting in writing or in the case of emergency, within reasonable timeframes.

23. Sanctions for non-attendance of meetings

- (1) A councillor who is absent from Council sitting or meeting of a committee without his or her party's approval must be issued with a warning, in writing, that he/she obligated to attend all meetings of council or its committee.
- (2) A councillor who is absent from two consecutive Council sittings or meetings of a committee without his or her party's approval may be fined an amount to be determined by the Rules Committee from time to time.
- (3) The Speaker must inform the member without delay of the imposition of a fine in terms of this sub-rule (2).
- (4) A councillor who feels aggrieved by the sanction imposed upon him or her in terms of sub-rule (2) may lodge a formal appeal with the Speaker within fourteen (14) days of being notified of the application of the sanction.

- (5) If the Speaker is unable to resolve the appeal on reasonable grounds, the Speaker must refer the appeal to a committee to be determined by Section 79 Ethics and Integrity Standing Committee.
- (6) The committee must report its findings to Council.
- (7) The Speaker must report any sanction imposed or appeal processed in terms of these rules to Council.
- (8) A councillor who is absent, without leave of absence, 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, must be removed from office as a councillor.
- (9) The Speaker must without delay inform such councillor, MEC for local government and the councillor's party of the councillor's loss of his or her membership of Council in terms of this rule.

24. Councillors' conduct

- (1) Councillors must at all times accord the Speaker and other councillors due respect and conduct themselves with dignity and in accordance with the decorum of Council and are required:
 - (a) not to be disruptive when they enter or leave the chamber;
 - (b) to be seated when the bells stop ringing to mark the start of proceedings;
 - (c) to rise when the Speaker enters the chamber at the start of proceedings and to remain standing until invited to be seated;
 - (d) not to pass between the presiding officer and the councillor who is speaking, nor between the Presiding Officer and the Secretariat, nor to stand in any of the aisles or cross aisles, nor to cross the floor of the chamber in front of the benches during proceedings;
 - (e) not to bring weapons of any kind nor dangerous or threatening articles or objects nor replicas of any such articles or objects into the chamber, excluding cultural objects with the prior approval of the Speaker;
 - (f) to dress in a manner befitting the dignity and decorum of Council, as may further be provided for in the approved Council Dress Code Policy;

- (g) not to take photographs or video footage, speak on a cellphone, eat (except what is provided in Council) or read newspapers or in any other way conduct themselves in a manner not befitting the dignity and decorum of Council during proceedings;
 - (h) not converse aloud during proceedings; and
 - (i) on adjournment of the Council sitting, to rise and remain in their allocated seats until the Speaker has left the chamber.
- (2) Be identified at all times by wearing a name badge and in instances where a councillor acts in her/his official capacity as a councillor of City of Ekurhuleni Metropolitan Municipality.

25. Councillor's right of access to documents

- (1) Every councillor has the right to examine any document tabled in the Council, including any of its committees and to receive a copy of that document upon submission of a written request to the Speaker of Council.
- (2) A councillor may not reveal the contents of any document that has been withheld from the public under sub-rule (1) above.

26. Exclusion of Councillors Publishing or Disclosing Documents

- (1) Any councillor 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 or of a committee of the whole 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 Mayoral Committee in committee or another committee of the Council in committee, or any matter the publication or disclosure of which would or might be prejudicial to the interests of the Council must be dealt in terms of section 14 of Schedule 1 of the Systems Act.
- (2) The Council may exclude for such period as it may determine, but not exceeding sixty (60) days, any councillor who in its opinion is deemed guilty of the offence in terms of sub-rule (1).
- (3) If a councillor attends a meeting in contravention of a decision in terms of sub-rule (2) to exclude such councillor, the Speaker of Council may call

upon a Council Protection Services to remove such councillor and to take steps to ensure that such councillor does not return to the meeting.

- (4) The Speaker of Council must refer the conduct of such a councillor to the Ethics Committee for consideration and report to Council.

27. Disclosure of Financial Interests

- (1) If a councillor has a personal or private financial or business interest in any matter before Council or Committee or a forum of Council of which he or she is a member, he or she must at the commencement of engagement on the matter by the Council or Committee or a forum immediately declare that interest.
- (2) A councillor may not speak for more than ten (10) minutes on the question of whether her/his financial interest as contemplated in sub-rule (1) is so small or remote as to render a clash of interests unlikely, unless the Speaker allows her/him to continue her/his speech for a further five minutes.
- (3) The speech contemplated in sub-rule (2) must not for the purposes of this rule be regarded as a speech on the recommendation, motion or proposal under debate.
- (4) All councillors must ensure that at all times they strictly adhere to the Code of Conduct for Councillors, Schedule 1 of the Systems Act, in respect of all declarations and disclosures of financial interest.

Part 7

Openness and Public Participation (ss 28 – 33)

28. Public access

- (1) Council and Section 79 Committee meetings must be open to the public, including the media, subject to rules 31 and 32.
- (2) The Secretary to Council as delegated must inform the public of the proceedings of the Council and its committees by publishing in the press, on the website and other appropriate media, details of the time and place of meetings.

29. Regulating public access

- (1) The power to admit visitors to the places set apart for them in the Chamber or public galleries of the Chamber or in any other venue in which Council

or a committee of the Council is meeting, or to regulate or limit any activity, access or movement of visitors whilst within the precincts of Council or a venue utilised for Council work, vests in the Speaker.

- (2) Unless the Speaker directs otherwise in respect of a particular visitor or group of visitors, all visitors must, in an appropriate manner, be subjected to a security check or screening before entering the precincts of Council or the Chamber or any venue utilized for council work and, if a reasonable cause exists, any visitor may at any time whilst within the precincts of Council or a venue utilized for council work, be subjected to a security check or screening.
- (3) If any visitor refuses in any manner whatsoever to comply with the procedures in sub-rules (1) and (2), such visitor may be refused access to the precincts of Council or any such venue or may be immediately removed from the precincts of Council or such venue by Council Protection Services, who may in exercising that duty be assisted by members of EMPD acting on or in terms of the instruction of the Speaker.
- (4) Non-member is not allowed on the floor of the chamber during a sitting of Council, unless so permitted by the Speaker in special circumstances.
- (5) Visitors admitted to the Council sitting may not disrupt the proceedings in any manner and must adhere to the directives of Speaker.
- (6) Members of the public may not take photographs, video footage and speak on the cellphone or eat during Council or committee proceedings.
- (7) Members of the public have observer status and must observe the directions of the Speaker of Council or a committee chairperson.
- (8) Members of the public must dress appropriately in compliance with Council Dress Code policy.
- (9) Speaker may, whenever he or she thinks it reasonable and justifiable in an open and democratic society to do so, order visitors to withdraw from the precincts of Council and the places set apart for them in a chamber.
- (10) When instructed by Speaker, Council Protection Services must remove, or arrange with EMPD for the removal of, any person who –
 - (a) without permission is present in that part of the chamber designated for members only or in another place within the precincts of Council or any other venue utilised for council work which is out of bounds for that person; or

- (b) disrupts the proceedings of Council or a committee or any other forum of the Council or does not withdraw when duly ordered to do so.

30. Public access to records and documents

- (1) The records of the Council and its committees and all documents tabled in the Council and its committees must be accessible to the public and the media.
- (2) A decision to withhold records or other documents from the public may be made under this rule only and must be compatible with the protection of right to access to information in the Constitution and the Promotion of Access to Information Act, Act 2 of 2000.
- (3) Council may, by resolution, order that documents referred to in sub-rule (2) may not be made public.
- (4) Notwithstanding sub-rule (1), the following documents may not be made public unless they have been tabled in the Council or the Speaker has given permission for them to be made public –
 - (a) The proceedings of or evidence taken by, or placed before, a committee while the public were excluded from the meeting;
 - (b) Any report, or summary or record of proceedings, or evidence referred to in (a);
 - (c) Any document presented to the committee as a confidential document and declared confidential by the committee;
 - (d) Any document that the committee chairperson declares confidential before it is submitted to members of the committee.
- (5) A committee may resolve to request the formal written consent of the Speaker to not include information listed in sub-rule (4) in respect of a committee report.

31. Public access to Council and its Committees

- (1) Council and all its committees must normally be open to the public and media subject to section 20(1) of the Systems Act.

- (2) The Speaker of Council shall make every effort to facilitate access including the relocation of a meeting to an appropriate venue, especially with respect to access for persons with disabilities and the anticipated interest in the committee's agenda.
- (3) Access may be restricted in terms of the relevant sections of the Health and Safety Legislation.

32. Public participation in Committees

- (1) The Council must facilitate access by members of the public in the processes of its committees, excluding the Mayoral Committee, in line with the Constitution and the Structures Act.
- (2) Any member of the public and any institution or organization may request to appear before, or may make a written submission to, a committee with regard to a particular matter.
- (3) Such member of the public, must apply, in writing, forty-eight hours (48 hours) before the committee meeting and the chairperson of the committee must respond thereto twenty-four (24) hours before the Committee meeting.
- (4) The Speaker of Council or committee chairperson must determine the seating arrangements for the public, including the media, in committee rooms.
- (5) Any member of the public who has made a written submission to a committee of Council may request the chairperson of the committee to make a verbal submission of not more than ten (10) minutes to the committee on the same subject.
- (6) A committee of Council may ask questions to any member of the public making a verbal submission to the said committee.

33. Assistance for public participation

- (1) In order to provide effective opportunities for public participation, the Secretary of Council may assist a person to –
 - (a) formulate a written submission to a committee;
 - (b) appear before a committee; or
 - (c) present a verbal submission to a committee.

Part 8
Petitions (s 34)

34. Right to petition

- (1) A member of the public has the right to petition the Council.
- (2) The right to petition the Council must be exercised in accordance with the Council approved Petitions Policy or By-law.

Part 9
Meetings of Council (ss 35 – 45)

35. Meetings of the Council

- (1) In terms of section 18(2) of the Structures Act, the Council must meet at least quarterly.
- (2) In terms of section 29(1) of the Structures Act, the Speaker decides where and when the Council meets, subject to sub-rule (1) above.
- (3) If a majority of the Councillors request the Speaker in writing to convene a meeting of the Council to debate any matter, except a matter contemplated in Chapter 2 Rules 9 - 16, and subject to Chapter 2 Rules 17 - 21, the Speaker must convene a meeting as per the request.
- (4) The Speaker may convene ordinary, special and extraordinary meetings.
- (5) The meetings in terms of sub-rule (1) and such further meetings as the Speaker may determine must be conducted as ordinary meetings at which the order of business must be stated.
- (6) Speaker of Council may cancel a scheduled Council meeting and must give such notice to all councillors at least seventy-two (72) hours before the date of the scheduled meeting.

36. Order at beginning of Council meeting

- (1) All Councillors are to be seated ten (10) minutes prior to the starting time of Council meeting.
- (2) Councillors, officials and all present must all rise and remain standing for the entrance of the Speaker of Council until instructed by the Speaker of Council to be seated.

37. Prayer and meditation at beginning of meeting

- (1) At the commencement of each plenary meeting of the Council, the Speaker of Council must request a moment of silence to allow for individual prayer and/or meditation.
- (2) Alternatively, the Speaker may request a designated person to render a prayer at Council meetings.

38. Congratulations and Condolences

- (1) At the commencement of each plenary meeting of the Council, and where applicable, the Speaker of Council shall read-out congratulations or condolences.

39. Members of the Mayoral Committee notice of leave

- (1) The Leader of Executive Business must communicate to Speaker of Council, in writing, on a leave of absence from any of Members of the Mayoral Committee (MMCs) for Council meeting, authorizing another MMC to take charge of her/his matters on the Council agenda.
- (2) Such notice must be given in writing twenty-four (24) hours prior to the Council meeting.

40. Notice of Meetings

- (1) Notice of the time and place of every ordinary and special meeting of the Council must –
 - (a) be signed by the Speaker of Council; and
 - (b) be served on every councillor either personally or by leaving the notice at her/his usual place of residence or place of business, or electronically by email at least seventy-two (72) hours before such meeting.
- (2) The accidental omission to serve on any councillor such notice as is referred to in this rule must not affect the validity of any meeting.
- (3) The notice in terms of sub-rule (1) must set-out the business to be considered at a meeting for which such notice has been given.

41. Attendance Register for Council Meetings

- (1) Every councillor attending a meeting must sign her/his name in the attendance register, which must be made available during the course of the meeting and which may be captured electronically.

42. No Quorum during Meeting and adjournment

- (1) If during any meeting, the attention of the Speaker is called to no quorum during the meeting, councillors present must be counted and if it is found that there is no quorum, the Speaker must cause the call bell to be rung for at least three (3) minutes. If after an interval of five (5) minutes there is still no quorum, the Speaker must forthwith adjourn the meeting.
- (2) Business not disposed of at a meeting adjourned in terms of sub-rule (1) must be dealt with at a meeting convened by the Speaker for this purpose, or may be held over until the next ordinary meeting.

43. Informal Session

- (1) When a meeting is adjourned, notice of the adjourned meeting must be reflected in the minutes of proceedings, in terms of rule 170.
- (2) No business must be transacted at an adjourned meeting.
- (3) A meeting may be adjourned to allow the Council to go into an informal session at the discretion of the Speaker of Council.
- (4) The duration of such session must be determined by the Speaker.
- (5) A resolution formulated at an informal session must be read out for adoption once the Council reverts to formal session.

44. Order at adjournment

- (1) Officials and members of the public are to remain standing until the Speaker of Council, followed by the Executive Mayor and councillors have left the Council chamber.

45. Return of Attendance of Meetings

- (1) The Secretary to Council must for the first six months of a term of office of the Council after a general election and for each subsequent period of six (6) months thereafter, as soon as possible after the expiry of each such six monthly period, submit to the Council and include in the agenda of the

meeting of the Council a return showing the attendance of each councillor at meetings of the Council and its committees.

- (2) The Secretary to Council must include in the return under sub-rule (1) above, explanatory notes with reference to rule 22 and the relevant provision(s) insofar as it relates to the specific councillor's circumstances.

Part 10
Arrangement of business (ss 46 – 48)

46. Business of the Council and Council Agenda

- (1) The Programming Committee must determine all business of the Council in accordance with these rules.
- (2) The Speaker of Council must ensure that all business of the Council is placed on the Agenda.
- (3) At each meeting, the Council conducts its business in the order shown on the Council agenda unless –
 - (a) the Council decides otherwise in terms of rule 8;
 - (b) the Speaker of Council decides otherwise after consultation with the Leader of Executive Business and the Chief Whip of Council; or
 - (c) the rules allow otherwise.
- (4) Those matters on the Council agenda not dealt with by the end of the political term lapse unless carried-over to the new Council by resolution of Council, subject to ratification by the new Council.

47. Speaking time in Council

- (1) For each Council meeting, the Multi-party Whippers must compile a speakers' list with the councillors that are to speak in each debate; the order in which they are to speak; and the amount of time each councillor has for her/his speech.
- (2) In compiling the speakers' list, the Multi-party Whippers must ensure that all parties represented in the Council have an opportunity to participate in Council proceedings in a manner consistent with democracy.
- (3) Political parties in Council must submit their speakers' list, reflecting speakers from parties interested in participating in the debate, to the

Speaker of Council not less than twelve (12) hours prior to the Council meeting and notify Chief Whip of Council of their submission.

- (4) The proportional time allocation per political party must be in accordance with Annexure B hereof and may be amended from time to time by agreement of the Multi-party Whippery.
- (5) Notwithstanding the total time reserved for debate in sub-rule (4) above, the relevant MMC or Chairperson of the committee must be afforded an opportunity to respond and close the debate on the Executive or Legislature item respectively.
- (6) The Executive Mayor and Chief Whip of Council should not be restricted with regard to the length of time that she/he may speak.

48. Statements by Members of the Mayoral Committee and the Chief Whip of Council

- (1) A Member of the Mayoral Committee and the Chief Whip of Council who wishes to make a statement in the Council with regard to a matter falling under her/his responsibility, must give written notice to the Speaker at least one day before the beginning of the meeting.
- (2) The Member of the Mayoral Committee and the Chief Whip of Council may make up to two statements per meeting and may speak for up to five minutes per statement, unless otherwise decided by the Speaker of Council.
- (3) Statements by Members of the Mayoral Committee and the Chief Whip must be accommodated under Official Notices and Statements on the Council agenda.

Part 11
Rules of debate (ss 49 – 65)

49. Free speech

- (1) The Speaker of Council should ensure that councillors are allowed to speak and debate freely in the Council subject to rule 59.

50. Councillor to address Speaker of Council

- (1) A councillor may not call another councillor by name to call into question the dignity or undermine the authority or legitimacy of Speaker or chairperson of the committee of Council.

- (2) The Speaker must be referred to as “Speaker”, and the chairperson of the committee of Council must be referred to as “Chairperson”.

51. Reference to Councillor in respectful terms

- (1) In Council, councillors must refer to one another in respectful terms.
- (2) Further to sub-rule (1), councillor may not refer to any other councillor by his or her name only.
- (3) A councillor may not call another by name to call into question the dignity of any councillor may be used.
- (4) Councillors must be referred to as “Councillor”.

52. Unacceptable language or gestures

- (1) A councillor may not use offensive, abusive, insulting, disrespectful, unbecoming words or language, nor offensive, unbecoming or threatening gestures.

53. Reflections upon members

- (1) A councillor may not impute improper motives to any other councillor, or cast personal reflections on a councillor’s integrity or dignity, or verbally abuse a councillor in any other way.
- (2) A councillor who wishes to bring any improper or unethical conduct on the part of another councillor to the attention of Council, may do so only by way of a separate substantive motion, comprising a clearly formulated and properly substantiated charge that in the opinion of the Speaker *prima facie* warrants consideration by Council.

54. Reflections upon Council and its proceedings and decisions

- (1) A councillor may not reflect in a disrespectful manner on the Council or its fora and committees or on their proceedings and decisions.

55. Precedence of Speaker of Council

- (1) Whenever the Speaker addresses Council during a debate, any councillor then speaking must cease to address the Council, and the Speaker must be heard without interruption.

56. Recognition of Councillors to speak

- (1) A councillor may speak only when recognised by Speaker of Council during proceedings of Council.
- (2) Subject to sub-rule (1), a member may draw the attention of Speaker to a point of order or a question of privilege at any time.
- (3) In a debate, the Speaker must recognise a councillor in accordance with a list of councillors who are to speak in the debate and the times allocated for speeches by members of different political parties.

57. Irrelevance or repetition

- (1) Speaker may order a councillor addressing Council to stop speaking if that councillor, despite warnings from Speaker, persists in irrelevant or repetitive arguments.

58. Councillor may not speak twice to matter

- (1) Except when required or allowed by these rules, a councillor may not speak more than once to a matter.
- (2) A councillor may request permission to speak to a matter a second time in order to-
 - a) clarify any misquotation or misunderstanding of any material part of her/his original speech;
 - b) ask a question or make a remark in terms of rule 90(9), raise a point of order or personal explanation.

59. List of speakers and time limits for speeches

- (1) Unless otherwise provided in these rules, councillors speak in a debate in accordance with a list of speakers compiled and submitted to the Speaker of Council by the whips or party representatives of the political parties represented in Council.

- (2) The list of speakers must accommodate all parties represented in Council that wish to participate in the debate.
- (3) Councillors on the list may speak for the time allocated to them on the list, which may not be less than three (3) minutes unless by agreement with the councillor concerned.
- (4) Where an Item is tabled in a Council meeting and there is no speakers' list on the Item the Speaker must determine speaking arrangements for the debate in accordance with this rule after consultation with Chief Whip of Council.

60. Matters pending before Courts

- (1) A councillor may not reflect on the merits of any matter on which a judicial decision in a court of law is pending.

61. Rule of anticipation

- (1) A councillor may not anticipate the discussion of a matter appearing on the Council agenda or currently before committee of Council or agreed upon by the Programming Committee for scheduling.

62. Member not to be interrupted

- (1) Councillor may not interrupt another councillor whilst speaking, except –
 - (a) to call attention to a point of order, subject to rule 63, or a question of privilege;
 - (b) on a point of clarity to request permission to put a question to the member speaking; or
 - (c) call attention to the presence of an unauthorized person

63. Points of order

- (1) A councillor may raise a point of order at any time during the proceedings of Council, by stating that he or she is rising on a point of order.
- (2) A point of order must be confined only to a matter of Council procedure or practice, or a matter relating to unbecoming conduct, as defined, and must be raised immediately when the alleged breach of order occurs.

- (3) A councillor raising the point of order must commence by quoting the exact Council standing order rule upon which the point of order is based.
- (4) If a councillor does not do so, the Speaker must insist on him or her doing so, and if he or she fails or does not adequately do so, the Speaker may summarily rule that it does not amount to a point of order or that the matter is out of order.
- (5) The Speaker must give a ruling, and may give his or her ruling or decision on the point of order immediately, or defer the decision to the earliest opportunity thereafter by way of a considered ruling.
- (6) Another councillor may not raise a further point of order before the Speaker has ruled on the first point of order.
- (7) A councillor may not raise a point of order on the same matter, if the Speaker has made a ruling.
- (8) When a point of order is raised during debate, the councillor called to order must cease to address council.
- (9) The Speaker's ruling on a point of order is final and binding, and may not be debated.
- (10) A councillor who is aggrieved by a Speaker's ruling may subsequently, in writing, to the Speaker request the ruling be referred to the Rules Committee.

64. Clarification or explanations

- (1) A councillor may, with the prior consent of the Speaker, make an explanation at a time approved by the Speaker, during the debate from which the complaint arises, a material part of the councillor's speech has been misquoted or misunderstood: Provided that—
 - (a) such explanation must be limited to reading into the record a correction as agreed in principle by the Speaker; and
 - (b) no debate is allowed upon such explanation.

65. Reply to a debate

- (1) A councillor in charge of an item on the agenda may reply to the debate on the matter.
- (2) A reply to a debate closes the debate.

Part 12
Order in meetings (ss 66 – 72)

66. Maintaining order

- (1) The Speaker of Council or Chairperson of the Committee must maintain order in meetings.
- (2) The Speaker of Council may, at any time during a meeting, if he/she deems it necessary for the maintaining of order, direct a Council Protection Services to remove or cause the removal of any person or persons.

67. Respect for Speaker of Council

- (1) In the Council, every councillor and all officials and members of the public must bow to the Speaker of Council when entering or leaving the chamber during a Council meeting.
- (2) A councillor may not engage in a debate or argument with the Speaker of Council in a Council meeting.
- (3) A matter may not be debated further after the Speaker of Council has ruled on it.

68. Serious contravention by a Councillor

- (1) If the Speaker of Council or Chairperson of the Committee thinks that a contravention committed by a councillor is so serious that an order to withdraw is inadequate, he or she may –
 - (a) If she or he is the Speaker of Council, suspend a councillor and take any other action he or she deems necessary; or
 - (b) If she or he is not the Speaker of Council, report the contravention to the Speaker, whereupon the Speaker, after consultation, may deal with the matter in terms of Chapter 6 of these rules.

- (2) Any action taken under this rule must be announced in the Council and recorded in the minutes of proceedings.

69. Gross disorderly conduct.

- (1) A councillor may not engage in grossly disorderly conduct in Council, committee of Council and its fora, including –
 - (a) deliberately creating serious disorder or disruption;
 - (b) in any manner whatsoever physically intervening, preventing, obstructing or hindering the removal of a councillor from Council who has been ordered to leave the chamber;
 - (c) repeatedly undermining the authority of Speaker or repeatedly refusing to obey rulings of Speaker or repeatedly disrespecting and interrupting Speaker while the latter is addressing the Council;
 - (d) persisting in making serious allegations against a councillor without adequate substantiation or following the correct procedure;
 - (e) using or threatening violence against a councillor or other person; or
 - (f) acting in any other way to the serious detriment of the dignity, decorum or distract the orderly procedure of Council.

70. Councillor ordered to withdraw from the Precincts of Council

- (1) The Speaker of Council or Chairperson of the Committee may order a councillor to withdraw immediately from a meeting for the remainder of that meeting or a shorter period if she or he thinks that –
 - (a) councillor is deliberately contravening a provision of these rules;
 - (b) councillor is in contempt of or disregarding the authority of the Speaker of Council or Chairperson of the Committee; or
 - (c) councillor's conduct is grossly disorderly.
- (2) Councillor ordered to leave the chamber must immediately withdraw from the precincts of Council.
- (3) An order to withdraw must be recorded in the minutes of proceedings.

71. Expression of regret.

- (1) A councillor who has been ordered to withdraw from the precincts of the Council may submit to the Speaker of Council expression of regret.
- (2) If the Speaker of Council accepts an expression of regret, she or he may discharge the withdrawal and permit the councillor to take her/his seat. The Speaker of Council must inform the Council accordingly.
- (3) Such expression of regret that has been accepted by Speaker must be recorded in the minutes of proceedings.

72. Grave disorder in meeting of Council or committee

- (1) In the event of grave disorder in the Council or at a meeting of a committee, the Speaker of Council or the chairperson of the committee, may adjourn the meeting or suspend proceedings for such period as she or he deems necessary.
- (2) The Speaker or chairperson of the committee may reconvene such a meeting to dispense with the remaining agenda items or refer same to the next scheduled meeting.

Part 13 Decisions and voting (ss 73 – 78)

73. Quorum at the commencement of a meeting

- (1) The quorum shall be 50% plus one.
- (2) If at the time of commencement of the proceedings the attention of the Speaker is called to the absence of the prescribed quorum, the Speaker may direct that the bell be rang for five (5) minutes and allow further fifteen (15) minutes after which the bell must be rang for further five (5) minutes.
- (3) If the quorum is not achieved thereafter, the Speaker shall adjourn the meeting.

74. Quorum requirement for voting

- (1) When a decision is taken, the quorum requirement is fifty percent (50%) plus one (1) of councillors.
- (2) When the number of councillors present is below that required for the vote, the bell must be rung for ten (10) minutes.

- (3) If there is still no quorum after ten (10) minutes have passed, the Speaker of Council may adjourn the Council and postpone the decision of the item.
- (4) If the attention of the Speaker is called to the absence of the prescribed quorum when a question is put for decision, the Speaker may suspend the proceedings, postpone the decision on the question or direct that the bells be rung for five minutes.
- (5) If the bells are rung and, after the interval referred to in sub-rule (4), there is still no quorum, the Speaker may suspend the proceedings or postpone the decision on the question.
- (6) The Speaker must be counted for the purpose of establishing whether a quorum is present.

75. Questions put

- (1) The question to be decided must be put by the Speaker of Council and, if it is not heard or understood, the Speaker of Council must put it again.
- (2) Councillors decide on an item by calling either “Yes” or “No” after the Speaker of Council has put the question.

76. Declaration of Vote

- (1) The Speaker of Council may at any time after a question has been fully put, if so requested, permit one member of each political party to declare its vote stating on behalf of her or his party the reasons why the party is in favour of or against the question.
- (2) A Councillor addressing the Council in terms of sub-rule (1), may read out aloud a written formulation of his/her party’s viewpoint, and deliver a signed copy thereof at the presiding table for inclusion in the minutes of the proceedings.

77. Recording of Opposition

- (1) Whenever a question is put by the Speaker of Council, any Councillor may, instead of demanding a division in terms of rule 79, inform the Speaker of Council that she/he wishes her/his party’s opposition on the item to be formally recorded in the minutes of the proceedings.

- (2) The Speaker may order that a division take place in the event of four (4) or more councillors from different political parties in Council wishing to record their individual opposition.

78. Voting

- (1) Questions before Council are decided on by a majority of fifty percent (50%) plus one (1) of the councillors present.
- (2) If on any question other than a matter mentioned in section 160(2) of the Constitution there is an equality of votes, the Speaker must exercise a casting vote in addition to his or her vote as a councillor.
- (3) Whenever Speaker casts a deliberative vote, he or she must inform Council accordingly.
- (4) Councillors may vote only from the seats allocated to them individually in the chamber.
- (5) When councillors votes have been counted, the Speaker must immediately announce the result of the division.

Part 14 Roll call (ss 79 – 81)

79. Demand for Division

- (1) After a question has been put and the Speaker has indicated whether in his or her opinion the voices in favour of or against the question are in the majority, any councillor may demand a division, whereupon, subject to Rule 80, a division must take place without debate.

80. Four (4) councillors supporting demand for division

- (1) Whenever a division is demanded, the Speaker must, before ordering the division and order bells to be rang, satisfy himself or herself that at least four (4) councillors from different political parties in Council support the demand for the division.
- (2) If fewer than four (4) councillors from different political parties in Council rise in support thereof, the Speaker must immediately declare the decision on the question.

- (3) The names of the councillors who indicated their support for the division in terms of sub-rule (1) and (2) must be recorded in the minutes of proceedings.

81. Division Procedure

- (1) If the required number of councillors support the demand for a division, the division bells must be rung and the doors must be closed as soon after the lapse of five (5) minutes.
- (2) When the doors have been closed, a councillor may not enter or leave the chamber until the result of the division has been declared.
- (3) When the doors have been closed and all councillors are seated, the Speaker must inform councillors of the question to be decided and announce that a division has been demanded.
- (4) Subject to all other rules relating to the taking of points of order, while a division is in progress, councillors may only raise points of order on procedure directly related to the procedures during a division.
- (5) Every councillor present in the chamber when the question is put, with the doors closed, must vote or record an abstention.
- (6) If in the opinion of the Speaker there is confusion or error concerning a division, the Speaker may direct that another division must take place; Provided that if in the opinion of the Speaker the nature of the confusion or the extent of the error does not affect the result of the division, the Speaker may direct that the numbers be corrected otherwise.

Part 15

Council in-Committee (82)

82. Council In-Committee

- (1) Notwithstanding anything to the contrary in these rules contained, a councillor may at any time after an item on the agenda has been called or during consideration thereof, move that the Council resolves itself into in-committee in terms of section 20 of the Systems Act for the further consideration of that item.
- (2) If the Council is in-committee, the provisions of these rules, except insofar as they are in conflict with this rule, must apply.
- (3) If the Council adopts a resolution in terms of sub-rule (1), the further debate on the item in question, whether in or out of committee, must for all

purposes be deemed to be a continuation of the preceding debate on that item.

- (4) If a proposal in terms of sub-rule (1) is carried, the Speaker of Council must determine when the items concerned must be considered and all such items must be considered consecutively.
- (5) At the conclusion of the consideration of items in-committee, the Council must revert to the consideration of further items in open Council.
- (6) When the Council resolves itself into in-committee, all members of the public and Council officials, except those officials that the Speaker of Council may require to remain, must leave the Council chamber and must not return to the Council chamber for the duration for the proceedings in-committee.

Part 16
Motions and urgent debates (ss 83 – 90)

83. Nature of Motions

- (1) A councillor who wishes the Council to adopt a resolution, either with or without debate, must introduce a motion.
- (2) Motions must be confined to local government issues or the jurisdiction of Council and must comply with the following criteria: –
 - (a) must be consistent with the Constitution, the law and these rules;
 - (b) must deal with only one substantive matter;
 - (c) must consist of a clear and succinct proposed resolution;
 - (d) may not contain statements, quotations, arguments or other matters not strictly necessary to make the proposed resolution intelligible;
 - (e) may not be the same in substance as a draft resolution that has been approved or rejected during the same session;
 - (f) may not contain unbecoming or offensive expressions;
 - (g) must observe the principles of co-operative government in accordance with Chapter 3 of the Constitution;
 - (h) may not deal with matters pending before the courts; and

- (i) may not be the same in substance as any motion debated in Council in the previous six (6) months.
- (3) The proposed recommendation on the motion must be specific, measurable, achievable, realistic and time-bound (SMART).
- (4) Time to present the motion by the proposer shall be taken from the time allocated for the party he/she belongs during the debate of the motion.
- (5) A motion that does not comply with the criteria above is inadmissible.

84. Amendments to draft resolutions

- (1) A councillor may propose an amendment to a draft resolution in writing, provided the amendment does not substantially change the essence of the draft report or item.
- (2) When an amendment is moved as provided for in sub-rule (1), a signed copy of the proposed amendment must be delivered to the Secretariat without delay.
- (3) A proposed amendment to a draft resolution which does not comply with sub-rule (1) and (2) may not be proceeded with in Council.
- (4) Proposed amendments to draft resolutions must be put for decision in sequence, with the last amendment being put first and the original motion, with or without amendments, last, unless the presiding officer determines otherwise.
- (5) No amendment may be proposed to the content and substance of a committee report tabled for adoption by Council, except in respect of any recommendation made in such report for adoption by Council.

85. Form of Motions

- (1) A motion must be in writing in the language of the Council and must be signed by the councillor who introduces the motion.
- (2) Another councillor must second a motion.
- (3) The seconder to the motion may carry the motion in the absence of the proposer.

- (4) If both the proposer and seconder are absent, then the motion falls away.

86. Motions without Notice

- (1) Every motion requires notice except a motion –
 - (a) proposing amendment to a draft resolution in terms of these rules;
 - (b) postponing or discharging or giving precedence to an item on the Council agenda;
 - (c) suspending a provision or any part of these rules in terms of rule 8;
or
 - (d) proposing an amendment to a motion under rule 89;
- (2) A councillor who wishes to introduce a motion without notice must read the motion out in the chamber and deliver a signed copy to the Speaker of Council.
- (3) If a proposed motion is preceded by another motion of the same substance that has already been approved or rejected on the same day, the proposed motion falls away and may not be read out and moved.
- (4) The Speaker of Council must put the question to allow or disallow the motion without notice to Council.

87. Giving notice of motions

- (1) A notice of motion in the form of a draft resolution must –
 - (a) be submitted in writing; and
 - (b) be concise.
- (2) A councillor who wishes to introduce a motion must submit a signed hard copy and soft copy (word format) of the motion to the Secretary of Council fourteen (14) days prior to a Council meeting for placing on the Programming Committee agenda.
- (3) The motion must be signed by both the proposer and the seconder.
- (4) Except when these rules permit otherwise or when the Speaker has given her/his consent, each motion must be considered by the Programming Committee for admission onto Council agenda.

- (5) An urgent motion directly concerning the privileges of Council must take precedence of other motions and orders of the day of Council sitting.

88. Selection of motions to be considered by Council

- (1) Unless these rules provide otherwise, a motion must be selected by the Programming Committee before it is considered by the Council.
- (2) The Programming Committee must consider the selection of the motion for consideration by the Council at its first meeting after the motion was submitted to the Secretary to Council.
- (3) Only a proposer or seconder may withdraw a motion that has been selected by the Programming Committee by informing the Speaker of Council in writing at least one (1) hour prior to the Council meeting.
- (4) Once moved in Council, a motion may only be withdrawn with the support of majority of councillors present.

89. Amending motions

- (1) Subject to these rules, a councillor may propose amendments to a motion.
- (2) Proposed amendments to the motion must not be of such a nature so as to change the content of the original motion substantially.

90. Urgent Motions

- (1) A councillor may request the Speaker in writing to schedule without delay an urgent matter of public importance for discussion by Council.
- (2) In submitting the request, the councillor must motivate why the matter is of so urgent that it should be dealt with in terms of this rule.
- (3) In granting such a request, depending on the urgency of the matter the Speaker may at his or her discretion –
 - (a) if, on a day of Council meeting, the request is received at least four hours prior to the meeting, schedule the discussion for the same day;
 - (b) if Council is not programmed to meet, at an early date that will accommodate the urgency of the matter, convene an extra-ordinary sitting of Council for the debate; or

- (c) schedule the matter for debate at the earliest opportunity.
- (4) If the Speaker grants the request, he or she must without delay inform Council, and the Chief Whip of Council as well as the Leader of Executive Business who in turn should inform the Executive Mayor of the date and time set for the discussion.
- (5) In exercising his or her discretion the Speaker must apply the following criteria:
 - (a) matters already discussed by Council during the same annual session may not be discussed under this rule;
 - (b) the matter must be raised at the earliest opportunity;
 - (c) 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 programmed business;
 - (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;
 - (g) the request will not be granted if the matter can be considered by some other means in the near future; and
 - (h) the *sub judice* rule (Rule 60) applies to such a discussion.
- (6) There may only be one debate in terms of this rule on a sitting of Council, and if the Speaker receives more than one request, he or she must decide which matter is more urgent or important.
- (7) A councillor who requested the debate may request the Speaker to withdraw the scheduled debate, provided that notice of such withdrawal is given before the commencement of the debate.
- (8) The Speaker of Council must decide the time when a debate on a matter of urgent public importance must start and the time allocated for it after consultation with the Chief Whip of Council.

- (9) The Councillor who moves for a debate on a matter of urgent public importance will open the debate and the Executive Mayor or the relevant Member of the Mayoral Committee (MMC) must be allocated time to speak to the debate.

Part 17

Oral and written questions (ss 91 – 101)

91. Questions to Members of the Mayoral Committee

- (1) A councillor may put questions for oral or written reply to a Member of the Mayoral Committee relating to –
- (a) council affairs with which the Member of the Mayoral Committee is officially connected; or
 - (b) any matter of administration for which the Member of the Mayoral Committee is responsible.

92. Form and content of questions

- (1) Questions must be –
- (a) in writing in the language of the Council; and
 - (b) brief and clearly worded.
- (2) A question must specify whether it is for oral reply or for written reply.
- (3) Questions may not –
- (a) contain offensive, disrespectful and abusive language;
 - (b) express a point of view;
 - (c) break a rule of law;
 - (d) seek only legal opinion;
 - (e) ask for excessive documentation;
 - (f) be based on hypotheses, hearsay, arguments or deduction;

- (g) request comment upon the merits of any matter pending before the courts in a way that could interfere with the administration of justice or infringe upon the independence of the courts;
- (h) anticipate discussion of a matter appearing on the agenda; or
- (i) refer to proceedings in committee meetings that were closed to the public until those proceedings are reported to the Council.

93. Admissibility of questions

- (1) A question is not admissible if it –
 - (a) does not comply with these rules; or
 - (b) seek information that has been provided in response to a similar question in the previous six (6) months.

94. Placing questions on the Question Paper

- (1) A councillor who wishes to ask a question must deliver a signed hard copy and a soft copy (word format) of the question to the Secretary to Council for placing on the Question Paper.
- (2) Each question must be placed on the question paper before it can be replied to by the relevant MMC.

95. Scheduling questions

- (1) Questions for oral reply must be placed on the agenda of Council if received sixteen (16) days prior to the Council meeting and have been delivered to the Secretary to Council.
- (2) A question for written reply delivered to the Secretary to Council by the close of business sixteen (16) days prior to the Council meeting must be placed on the Question Paper.
- (3) Questions are to be forwarded to the Office of the Leader of Executive Business fourteen (14) days prior to the Council meeting.

96. Withdrawing questions

- (1) A councillor who has submitted a question may withdraw it at any time before it is answered by notifying the Secretary to Council in writing.

- (2) A question that is withdrawn must not receive an answer.

97. Questions for Oral Reply

- (1) Questions for oral reply must be answered in question time during Council meeting.
- (2) A councillor asking the question for oral reply must be present at the Council meeting to receive the response.
- (3) Members of the Mayoral Committee must divide the question time so as to ensure that all questions for oral reply are responded to within the allocated time.
- (4) Questions for oral reply must be dealt with in the order in which they appear on the Question Paper.
- (5) If the Secretary receives more questions for oral reply than can be responded to within the allocated time, he or she must engage councillors whose questions are likely to not be responded about referring their questions for written reply.

98. Restrictions on questions for oral reply

- (1) A councillor may not ask a question for oral reply that requires a response which deals with matters of a statistical nature.
- (2) A councillor may ask only one (1) question for oral reply at any question time.
- (3) A question for oral reply may not have more than five (5) sub-divisions.
- (4) Up to two (2) questions for oral reply relating to a particular department may be put to a Member of the Mayoral Committee at any question time.

99. Restrictions on questions for Written Reply

- (1) A councillor may ask up to two (2) questions for written reply per Council meeting.
- (2) Questions may not have more than five (5) sub-questions.

100. Written Replies

- (1) The relevant Member of the Mayoral Committee must answer a question for written reply within ten (10) days of the question first appearing on the question paper and submit same to the Executive Mayor for approval.
- (2) The Executive Mayor must table written replies to Question Paper in Council meeting.
- (3) A Member of the Mayoral Committee may request more time to answer a question for written reply.
- (4) The request must indicate the reasons for extra time required and must be received within five (5) days after the initial receipt of the questions.
- (5) The Speaker of Council must decide whether or not to agree to the request.
- (6) If the written replies are considered unsatisfactory, the Speaker of Council must send the responses back to the relevant MMC requesting additional information or clarification within the stipulated time.
- (7) A written reply must have satisfactorily been dealt with by the second meeting of Council after it has first appeared on the question paper.

101. Executive Mayor's Question Time

- (1) There must be no Executive Mayor's question time during the Council meetings when the Executive Mayor's opening address, the Executive Mayor's State of the City Address and the vote on the annual budget are discussed in the Council.
- (2) A councillor who wishes to put a question for oral reply to the Executive Mayor must deliver a signed request to the Secretary to Council not less than ten (10) days before the day of the Council meeting.
- (3) The Speaker of Council must select at least four (4) questions for the Executive Mayor's question time based on the proportional allocation of time to all parties as per Council resolution.
- (4) A councillor may ask only one question for oral reply at any Executive Mayor's question time.

CHAPTER 3
LEGISLATIVE ARM OF COUNCIL (ss 102 – 173)

Part 1
Office Bearers (ss 102 – 107)

102. General authority and responsibility of Speaker of Council

- (1) In exercising the authority of the Speaker of Council, as provided for in Constitution and legislation and these Rules, the Speaker must –
 - (a) ensure that Council provides a forum for public consideration of issues, by passing by-laws, policies and by scrutinizing and overseeing executive action;
 - (b) ensure that parties represented in Council participate fully in the proceedings of the Council and its committees and forums and facilitate public involvement in the processes of Council in accordance with section 19(3) of the Structures Act; and
 - (c) whenever possible, consult with relevant office-bearers and structures within Council to achieve the efficient and effective functioning of Council in a transparent and accountable manner.
- (2) The Speaker must maintain and preserve the order of and the proper decorum in the Council, and uphold the dignity and good name of Council.
- (3) The Speaker is responsible for the strict observance of these rules and must decide questions of order and practice in Council, such a ruling is final and binding and may not be debated as provided for in rule 67(3).
- (4) The Speaker must act fairly and impartially and apply the Rules with due regard to ensuring the participation of members of all political parties in Council in a manner consistent with democracy.

103. Absence of Speaker

- (1) If the Speaker of Council is absent or not available to perform the functions of Speaker, or during a vacancy, the Council must elect another councillor to act as a Speaker of Council.

104. Relief of Speaker of Council during meetings

- (1) If the Speaker of Council needs to leave the Council during a meeting, she or he must be relieved by the Chairperson of Committee of Chairpersons (Chair of Chairs), or by another councillor identified by the Speaker of Council.

105. Chief Whip of Council

- (1) The Chief Whip of Council is responsible for –
 - (a) coordinating the Multi-party Whippery;
 - (b) coordinating the deployment of councillors to various committees;
 - (c) coordinating the allocation of speaking times subject to rule 47;
 - (d) ensuring accountability of councillors through the Multi-party Whippery structures; and
 - (e) political interface among parties in the Council.

106. Election of Chairperson of Chairpersons

- (1) As soon as possible after an election or whenever the position of Chairperson of the Committee of Chairpersons ('Chair of Chairs') is vacant, the Council must, from among its members, elect a Councillor to serve in the position of Chair of Chairs.
- (2) The Speaker of Council must, prior the Council meeting wherein the Chair of Chairs is to be elected, forward nomination forms to the whips of political parties represented in Council for completion and signature.
- (3) When the Speaker of Council calls for nominations at the Council meeting, political party representatives must state their nominees.
- (4) The Speaker of Council must confirm with the nominees that they accept nomination.
- (5) The political party representatives must submit the completed and signed nomination forms to the Speaker of Council.
- (6) If more than one (1) nomination is received, the Speaker of Council must call for a vote by a show of hands.
- (7) The Speaker of Council must declare the nominee with the most votes elected as Chair of Chairs.

107. The role and functions of the Chair of Chairs

- (1) Is a member of both the Programming and Rules Committees.
- (2) The following are the functions of the Chair of Chairs: -
 - (a) coordinating and supporting the work of section 79 committees;
 - (b) monitoring and overseeing the performance of section 79 committees;
 - (c) guides and advises chairpersons of section 79 committees in respect of standing orders, procedures and their functions;
 - (d) ensuring and facilitating the capacitation of section 79 committee chairpersons and committees;
 - (e) facilitate and coordinate the strategic planning processes for and ensure the development of key performance areas, indicators and targets by section 79 committees;
 - (f) ensures the development of systems, processes and strategies for section 79 committees; and
 - (g) represents the interests of section 79 committees on the Programming and Rules Committees.

Part 2 Committees (ss 108 – 122)

108. List of Committees

- (1) The Council has the following types of committees –
 - (a) Section 79 Oversight Committees;
 - (b) Section 79 Standing Committees;
 - (c) Ward Committee in terms of section 73 of the Structures Act; and
 - (d) Multi-Party Whippery Committee.

- (2) Other committees may be established but only by resolution of the Council.
- (3) If a proposal to establish a committee is contained in draft by-law or policy before oversight committee, that committee must first refer the proposal to the Rules Committee for a report and recommendation before that committee considers the proposal.
- (4) An *ad hoc* committee may be established to deal with a specific matter and it dissolves when it has reported on that matter.
- (5) An *ad hoc* committee may consist of members of the committee and outside experts.
- (6) Experts from outside the Council may not vote in the Committee.

109. Sub-committees

- (1) A committee of Council may establish such sub-committees as it deems necessary to assist it to discharge any of its functions and appoint, from amongst its members, members of the sub-committee.
- (2) A sub-committee may be established for the term of the committee or for such shorter term as may be determined by the parent committee.
- (3) The committee establishing the sub-committee must clearly set out the mandate of the sub-committee and may determine the term of the sub-committee.
- (4) If the parent committee does not determine a specific term for the sub-committee, the sub-committee's term ends when it reports to the parent committee.
- (5) The parent committee must appoint a convener for the sub-committee.
- (6) The parent committee may delegate any of its powers and functions to the sub-committee.
- (7) The sub-committee –
 - (a) is accountable to its parent committee;
 - (b) may, subject to these Standing Orders and directives or guidelines issued by the parent committee, determine its own internal arrangements;

- (c) must report to the parent committee on such intervals as may be determined by the parent committee;
 - (d) may co-opt councillors who are not members of the parent committee provided that the co-opted councillors do not have voting rights in the sub-committee and are not counted when determining the quorum; and
 - (e) may consult any person, body or structure as is necessary to discharge its mandate.
- (8) The quorum of the sub-committee is 50% plus one of the political parties represented therein.
- (9) If a member of the sub-committee is not available for a meeting of the sub-committee, he or she may be represented by their political party alternate in the parent committee, provided that the member informs the convenor before-hand and ensures that the delegate has the meeting circulated agenda.

110. Composition of Committees

- (1) The Rules Committee must determine the number of members of a committee.
- (2) Political parties are entitled to be represented on committees in substantially the same proportion as the proportion in which they are represented in the Council, except where –
- (a) these rules prescribe the composition of the committee; or
 - (b) the number of members in the committee does not allow for all parties to be represented.
- (3) Subject to these Rules, decisions of the Rules Committee, and where practicably possible, each party is entitled to at least one representative in a committee.
- (4) Non-members and parties that are not represented on a Committee must inform the Chairperson of the Committee of their intention to attend the Committee meeting to address a particular matter.

- (5) The non-member may be granted speaking rights in the Committee but may not vote.

111. Appointment of Committee members

- (1) Unless these rules provide otherwise, the political parties in Council appoint the members of a committee and submit the list of appointed members to the Office of Chief Whip of Council.
- (2) Chief Whip of Council then submits the list contemplated in sub-rule (1) to the Speaker of Council
- (3) Political parties in Council must appoint their members within five (5) days after the establishment of a committee by Council.

112. Alternates

- (1) Alternates may be appointed for political party delegations to the Committee.
- (2) An alternate acts as a member when the member for which the alternate was appointed —
 - (a) is absent; or
 - (b) has vacated office, until the vacancy is filled.

113. Term of office

- (1) Members of a committee and alternates for members are appointed until the Council's term expires or Council is dissolved, whichever occurs first.
- (2) A member of a committee ceases to be a member and an alternate for a member ceases to be an alternate if a whip of the party to which that member or alternate belongs, or a designated representative of that party, gives notice to the Speaker and Chief Whip of Council, in writing, that the member or alternate is to be replaced or withdrawn.

114. Election of Chairpersons of Committees

- (1) As soon as possible after an election or whenever the position of Chairperson of a Committee is vacant, the Council must, from among its members, elect a Councillor to serve as a Chairperson of that committee.
- (2) The Speaker of Council must, prior the Council meeting wherein the Chairperson is to be elected, forward nomination forms to the whips of political parties represented in Council for completion and signature;
- (3) When the Speaker of Council calls for nominations at the Council meeting, political party representatives must state their nominees;
- (4) The Speaker of Council must confirm with the nominees that they accept nomination;
- (5) The political party representatives must submit the completed and signed nomination forms to the Speaker of Council;
- (6) If more than one (1) nomination is received, the Speaker of Council must call for a vote by a show of hands.
- (7) The Speaker of Council must declare the nominee with the most votes elected as the Chairperson of the Committee.

115. Committee Chairperson Nominations

- (1) The Speaker of Council must call for nominations by forwarding nomination forms to the whips of political parties, within ten (10) days of establishment of a committee by Council or vacancy.
- (2) The political parties must submit nominations to the Speaker of Council five (5) days prior to the Council meeting.
- (3) The Speaker of Council must table the proposed nominations in the form of a report with the nomination forms attached to the agenda for approval by Council.

116. Committee Chairperson Responsibilities

- (1) A committee chairperson –
 - (a) presides at meetings of the committee;
 - (b) determines the agenda of each meeting of the committee.

- (c) performs the functions, tasks and duties and exercises the powers that the committee, resolutions of the Council and legislation may assign to the chairperson;
 - (d) must cast a deciding vote if there is an equal number of votes on each side of question before the committee, in addition to the chairperson's vote as a member; and
 - (e) may act in any matter on behalf of and in the best interest of the committee when it is not practical to arrange a committee meeting to discuss the matter, if the matter concerns –
 - (i) a request by a person to give evidence or make an oral representation to the committee;
 - (ii) any other request to the committee; or
 - (iii) decisions or the initiation of any steps necessary for the committee to perform its functions or exercise its powers.
- (2) The chairperson must report to the committee on any steps taken in terms of sub-rule (1)(e).

117. Absence of Committee Chairperson

- (1) If the chairperson of a committee is absent or unable to perform the functions of chairperson, the committee must elect one of its members as acting chairperson.
- (2) Chair of Chairs may convene a committee meeting where the chairperson of the committee is not available to convene a committee meeting.
- (3) The Committee Secretariat is to facilitate the election of the acting Chairperson.
- (4) An acting chairperson performs the functions and may exercise the powers of the chairperson.

118. Relief of Committee Chairperson during meetings

- (1) If the committee chairperson needs to leave the committee during a meeting, she or he must be relieved by another councillor identified by her/him.

119. Meetings

- (1) Committees meet whenever necessary and as determined in accordance with these rules and the decisions, directives and guidelines of the Programming Committee or in terms of approved Council calendar.
- (2) A meeting of a committee may be called in terms of sub-rule (1) —
 - (a) by the chairperson of the committee; or
 - (b) by Chair of chairs; or
 - (c) by resolution of Council.
- (3) If at least one third of the members of a committee in writing request the chairperson of the committee to call a meeting of the committee, the chairperson must call the meeting within a reasonable time.

120. Combined Committee

- (1) Chair of Chairs may combine two or more committees to form a new committee for a specific purpose.
- (2) Chair of Chairs must appoint one of the chairpersons involved as the chairperson of the combined committee.
- (3) A combined committee's term lapses when it discharges the specific purpose for which it was established.
- (4) The quorum for a combined committee is 50% plus one of the members of the combined committees.
- (5) The rules which apply to committees apply to combined committees."

121. Powers of Committees

- (1) Every Committee, subject to the Constitution, legislation, the other provisions of these Rules and resolutions of Council, may –
 - (a) determine its own working arrangements;
 - (b) determine its annual programme, subject to the programme of Council;
 - (c) consider items referred to it;

- (d) investigate and report on issues that are referred to it or on its own initiative;
- (e) exercise oversight on the Executive;
- (f) summon persons to appear before it and require them to produce any documents that it requires, or respond to questions;
- (g) publish an item that is before the committee for written and oral representations from and comments by the members of the public;
- (h) hold public hearings;
- (i) receive written petitions, representations or submissions from interested persons or institutions;
- (j) permit oral evidence on petitions, representations, submissions and any other matter before the committee;
- (k) consult any Council committee or subcommittee;
- (l) meet at a venue determined by it, which may be a venue beyond the precinct of Council;
- (m) meet on any day and at any time, including —
 - (i) on a day on which Council is not sitting;
 - (ii) at a time when Council is sitting; or
 - (iii) during a recess;
- (n) establish sub-committees; and
- (o) exercise any other powers assigned to it by the Constitution, legislation, the other provisions of these rules and resolutions of the Council.

122. Matters referred to Committees

- (1) A matter may be referred to a Committee by the Speaker of Council, Programming Committee or by a resolution of the Council.
- (2) If there is a dispute about which Committee should deal with a matter, the Speaker of Council must decide.

Part 3
Proceedings of Committees (ss 123 – 133)

123. Quorum

- (1) The quorum must be composed of fifty percent (50%) plus one (1) of members of that committee.
- (2) A majority of the members of a committee must be present for it to decide any question.
- (3) When a committee has to decide a question and a quorum in terms of sub-rule (2) is not present, the chairperson may either suspend business until a quorum is present, or adjourn the meeting.

124. Decisions

- (1) A decision must be reached by fifty percent (50%) plus one (1) of the committee members present.
- (2) Questions before a committee are decided by majority of votes.

125. Order in Committee meetings

- (1) The right of the Chairperson of the Committee to speak takes precedence over the right of other members to speak.
- (2) Committee members must be allowed to speak and debate freely in committee meetings but they may not –
 - (a) discredit the Council by using disrespectful words;
 - (b) use offensive language; or
 - (c) comment upon the merits of any matter or unsubstantiated matter pending before the Courts in a way that would interfere with the administration of justice or infringe upon the independence of the courts.

126. Removal of persons

- (1) When instructed by the chairperson of a committee or sub-committee, Council Protection Services must remove or arrange for the removal of any person who —

- (a) without permission, is present in that part of a committee room designated for members of the committee or subcommittee only;
- (b) disrupts the proceedings of the committee or subcommittee or causes a nuisance; or
- (c) does not leave when ordered by the chairperson.

127. Interruption, Suspension and adjournment of proceedings

(1) Chairperson of a committee –

- (a) may interrupt or suspend the proceedings or adjourn the meeting; and
- (b) may change the date for the resumption of business, provided reasonable notice is given.

128. Information reflecting on integrity of members

- (1) If any information reflecting on the integrity of a councillor comes before a committee, the committee may not proceed upon that information, but must report it to the Speaker of Council without delay.

129. Joint meeting of Committees

- (1) A committee may meet with any other committee in order to consider a matter of mutual interest.
- (2) The chairpersons of the committees involved must determine the agenda for a joint meeting of committees and who must chair.
- (3) In the absence of agreement, the Chair of Chairs must determine the agenda and decide who should chair.
- (4) When a report of the joint meeting is required or when the committees decide that a report on their joint meeting is necessary, the committees must decide whether each committee should write a separate report or whether a joint report is appropriate.

- (5) The quorum for a joint meeting is 50% plus one of the members of the committees involved.

130. Vertical meetings between Council and other spheres of government

- (1) A committee may meet with other spheres of government in order to consider a matter of mutual interest.
- (2) The chairpersons of the committees involved must determine the agenda for a meeting.
- (3) Minutes of the meeting must be compiled and distributed.
- (4) The committee of Council must report back on its interactions with the other spheres of government in Council.

131. Informing the Member of the Mayoral Committee

- (1) When a committee requests an official of Council, MoE and Utility to attend a committee meeting, the responsible MMC must be informed in writing at least five (5) days prior to the committee meeting.

132. Admission of the public

- (1) Meetings of committees and subcommittees are open to the public, including the media, and the chairperson of the committee or subcommittee may not exclude the public, including the media, from the meeting, except when —
 - (a) legislation, these Rules or resolutions of Council provide for the committee or subcommittee to meet in closed session; or
 - (b) the committee or subcommittee is considering a matter which is —
 - (i) of a private nature that is prejudicial to a particular person;
 - (ii) protected under privilege for councillors, or for any other reason privileged in terms of the law; or
 - (iii) confidential in terms of legislation, the nature of which is such that its confidential treatment is reasonable and justifiable in an open and democratic society.
- (2) A decision in terms of sub-rule (1) to exclude the public must be taken, after due consideration, by the committee or subcommittee concerned,

provided that the chairperson of the committee or subcommittee may at any time —

- (a) before the start of the meeting rule that the meeting must take place in closed session, but the committee or subcommittee may at any time after the start of the meeting open the meeting; or
- (b) close the meeting for a decision by the committee or subcommittee whether the matter should be considered in closed session.

(3) The Speaker must —

- (a) set aside places for the public in the committee rooms; and
- (b) determine the entrances and routes through which the public can obtain access to these places.

(4) The Speaker may take reasonable measures —

- (a) to regulate public access, including access of the media, to the committees and subcommittees;
- (b) to prevent and control misconduct of the public in committee rooms; and
- (c) to provide for the searching of any person, including that person's vehicle or other property in that person's possession, and, where appropriate, the refusal of entry to, or the removal of any person.

133. Publication or disclosure of proceedings, evidence, reports, etc.

(1) All documents officially before, or emanating from, a committee or subcommittee are open to the public, including the media, but the following documents may not be published, and their contents may not be disclosed, except with the permission of the committee, or the parent committee in the case of a subcommittee, or by order of the Speaker, or by resolution of Council:

- (a) the proceedings of, or evidence taken by or placed before, the committee or subcommittee while the public were excluded from a meeting.
- (b) any report or summary of such proceedings or evidence.

- (c) any document placed before or presented to the committee or subcommittee as a confidential document and declared by it as a confidential document.
- (d) any document —
 - (i) submitted or to be submitted to members of the committee or subcommittee as a confidential document by order of the chairperson of the committee or subcommittee; or
 - (ii) after its submission to members declared by the chairperson as a confidential document.
- (2) The permission, order or resolution authorising the publication, or the disclosure of the contents, of documents mentioned in sub-rule (1) may provide that specific parts of, or names mentioned in, the document may not be published or disclosed.
- (3) For the purposes of sub-rule (1) a document is officially before a committee or subcommittee when —
 - (a) the chairperson places the document, or permits the document to be placed before the committee or subcommittee; or
 - (b) a person appearing before the committee or subcommittee as a witness or to make representations, presents the document to the committee or subcommittee.
- (c) sub-rule (1)(c) and (d) applies only to documents that —
 - (i) contain information of a private nature that is prejudicial to a particular person;
 - (ii) are protected under Council privilege, or for any other reason are privileged in terms of the law;
 - (iii) are confidential in terms of legislation; or
 - (iv) the nature of which is such that its confidential treatment is reasonable and justifiable in an open and democratic society.

Part 4
Committee Reports (ss 134 - 140)

134. Reporting

- (1) A committee must report to Council on a matter referred to it by Council, Programming Committee or Speaker of Council —
 - (a) when Council is to decide the matter in terms of these rules, a resolution of Council or legislation;
 - (b) if the committee has taken a decision on the matter, whether or not Council is to decide the matter as contemplated in paragraph (a); or
 - (c) if the committee is unable to decide a matter referred to it for a report.
- (2) A committee must report to Council when dealing with any matter on its initiation —
 - (a) all other decisions taken by it, except those decisions concerning its internal business; and
 - (b) its activities at least once per year.
- (3) A report of a committee —
 - (a) must be formally adopted by the committee;
 - (b) must be submitted to Council by the chairperson or another member of the committee designated by the committee; and
 - (c) may request that the chairperson or another member of the committee designated by the committee introduces or explains the report in Council.
- (4) A committee may not submit a minority report if there is a dissenting view on the report, it must-
 - (a) specify in which respects there was not consensus; and
 - (b) in addition to the views representative of the majority in the committee, express any views of a minority in the committee.
- (5) If a committee reports on a matter other than a matter mentioned in sub-rule (1)(a) and is of the view that its report, or a specific matter mentioned in the report, should be considered by Council, it may make a request to that effect in the report.

135. Reports to Council

- (1) The following reports must be submitted to Council by committees –
 - (a) Committee reports on referred matters by Programming Committee and Council within sixty (60) days after referral by the Programming Committee or Council.
 - (b) Committee reports on quarterly SDBIP reports within sixty (60) days after referral by the Programming Committee or Council.
 - (c) Committee report on Annual Reports within sixty (60) days after referral by the Programming Committee or Council.
 - (d) Committee oversight report on IDP and Budget within sixty (60) days after referral by the Programming Committee or Council.
 - (e) Oversight Visit Reports within sixty (60) days after the visit.
 - (f) Annual Committee Performance Reports within sixty (60) days after the end of the financial year.

136. Annual Committee performance reports to the Council

- (1) The Chairperson of the committee should submit an annual report to Council. The committee's annual report should include an assessment of the way in which the committee has fulfilled –
 - (a) its oversight responsibilities; and
 - (b) the goals identified in its annual programme.
- (2) The Chairperson of the committee may not purport to reflect a committee view when she/he has not been mandated accordingly.

137. Reports on study visits

- (1) Committees must table a report to Council within sixty (60) days of any study visits that they have undertaken.
- (2) The leader of the delegation must ensure that the report is tabled in accordance with sub-rule (1)

138. Content of Committee reports

- (1) Every report of a committee must reflect the agreement reached in the committee.
- (2) In the absence of agreement, the report must reflect the decision of the Committee and dissenting views.
- (3) When there is substantial disagreement on policy issues, a minority report must accompany the committee report.
- (4) Every committee report must be set out in the approved report format.
- (5) A minority report must –
 - (a) summarise the decision sought to be taken by Council and the basis on which this decision is based;
 - (b) set out the view of the minority on the policy issues;
 - (c) identify clearly the policy issues on which there is substantial disagreement and the reasons for the disagreement;
 - (d) set out the alternative approach that the minority proposes.
 - (e) be submitted at least a day before Programming Committee meeting to the Chairperson and the Committee Officer.
- (6) Every Committee report must –
 - (a) summarize the committee process including reflecting in the report –
 - (i) the number of meetings held in dealing with the matter;
 - (ii) the extent of involvement and participation by the administration in the committee's process, including reflecting the views of the Executive on the matter;
 - (iii) the extent of involvement and participation by the public and primary stakeholders in the committee's process, including reflecting the submissions or inputs of the public or stakeholders on the matter; and
 - (iv) the degree to which the matter fulfils the City's obligation to promote, advance and fulfil the principles in Chapter 2 of the Constitution (Bill of Rights) and, particularly, gender equity and

socio-economic rights of the citizens of the City of Ekurhuleni Metropolitan Municipality.

- (b) Provide a detailed explanation of the position of the committee on the matter based on among other things, the requirements in paragraph (a) above.

139. Member in charge

- (1) A committee report must be presented to the Council by the Chairperson of the Committee or, in her/his absence, another member of the committee so designated. This person is the member in charge.
- (2) A member of the committee may not speak on the report during its consideration in Council unless the member's views are recorded in the report as dissenting views or the member has tabled a minority report in terms of rule 138.

140. Reports of Petitions and Public Participation Committee

- (1) The Petitions and Public Participation Committee must submit quarterly and annual reports to the Council in terms of rule 136.
- (2) The quarterly and annual report must-
 - (a) set out the activities of the committee and the time to respond to the petitions received;
 - (b) include an assessment of the effectiveness of the petitions process and procedures; and
 - (c) include an assessment of each Member of the Mayoral Committee's performance with respect to petitions received and an evaluation of trends.

Part 5 *Rules Committee (ss 141 – 148)*

141. Establishment

There is a Rules Committee.

142. Composition

- (1) Unless Council by resolution decides otherwise, the Rules Committee consists of –
 - (a) in their capacity of elected office-bearers –
 - (i) Speaker of Council;
 - (ii) Chair of Chairpersons; and
 - (iii) Chief Whip of Council
 - (b) Other members must proportionally be represented in the Rules Committee based on proportion in Council.
 - (c) Alternate members may be appointed for the party representatives referred to in sub-rule (1)(b).

143. Chairperson

- (1) The Speaker of Council is the chairperson of the Rules Committee.
- (2) If the Speaker is not available, the Committee shall elect among its members an acting Chairperson.

144. Functions and powers

- (1) The Rules Committee may —
 - (a) develop and formulate policy proposals concerning the exclusive business of Council in respect of the proceedings, procedures, rules, orders and practices concerning the business of Council;
 - (b) monitor and oversee the implementation of policy on all matters referred to in paragraph (a);
 - (c) make recommendations to Council on any matter falling within the functions and powers of the Committee;
 - (d) lay down guidelines and issue directives regarding any aspect of policy referred to in this rule;
 - (e) appoint committees or subcommittees to assist it with the performance of any of its functions or the exercise of any of its powers;
 - (f) recommend to Council for adoption Rules and orders and other policy proposals concerning the business of Council; and

- (g) perform any other functions assigned to it by legislation, the other provisions of these rules or resolutions of Council.
- (2) The Committee may deal with a matter falling within its functions and powers —
 - (a) on its own initiative; or
 - (b) when referred to it for consideration and report by —
 - (i) Council; or
 - (ii) the Speaker of Council.

145. Implementation of policy

- (1) The responsibility for the implementation of policy determined by the Rules Committee vests in the Speaker subject to the decisions of the Rules Committee and resolutions of Council.
- (2) The Speaker, with the concurrence of the Rules Committee, may appoint task teams to assist the Speaker in executing the responsibility mentioned in sub-rule (1).

146. Quorum

- (1) The Rules Committee requires at least 50% plus one of its members or alternates referred to in rule 142 (1) to be present for it to conduct any business.
- (2) A majority of the members must be present for it to decide any question.

147. Decisions

- (1) A question before the Rules Committee is decided when there is a quorum present in terms of rule 146 and there is agreement on the question among the majority of the members present.

148. Sub-committees

- (1) The Rules Committee may establish sub-committees.
- (2) When the Rules Committee appoints the members of a subcommittee, the Committee —
 - (a) is not restricted to the members of the Rules Committee; and

- (b) may appoint any councillor.

Part 6
Programming Committee (ss 149 – 154)

149. Establishment

There is a Programming Committee.

150. Composition

- (1) The Programming Committee consists of –
 - (a) the Speaker of Council;
 - (b) Chair of Chairpersons;
 - (c) the Leader of Executive Business or a designated representative;
 - (d) the Chief Whip of Council;
 - (e) the number of party representatives that the Speaker may determine with the concurrence of the Rules Committee, provided that each party is entitled to at least one representative on the Committee.

151. Chairperson

- (1) The Speaker is the chairperson of the Programming Committee.
- (2) If the Speaker is not available, the Committee among its members must appoint an acting Chairperson to preside at a meeting of the Committee.

152. Functions and powers

- (1) The Programming Committee must: -
 - (a) prepare and, if necessary, from time to time adjust the annual programme of Council;
 - (b) monitor and oversee the implementation of Council's annual programme;
 - (c) implement the rules regarding the scheduling or programming of the business of Council, and the functioning of Council committees and subcommittees;

- (d) make recommendations to the Rules Committee on any matter falling within the functions and powers of that committee; and
- (e) take decisions and issue directives and guidelines to prioritise or postpone any business of Council, but when the committee prioritises or postpones any business in the Council it must act in consultation with the Leader of Executive Business.

153. Quorum

- (1) The quorum for the committee shall be 50% plus one of the members of the committee.

154. Decisions

- (1) Decisions in the Programming Committee are taken by consensus.
- (2) If consensus cannot be reached on a question before the Programming Committee, a decision on the question may be taken, at the meeting or subsequently, by the Chief Whip of Council with the concurrence of the Speaker and the Leader of Executive Business.
- (3) If a decision is taken subsequently in terms of sub-rule (2), the decision must be communicated to all political parties without delay.

Part 7
Committee of Chairpersons (ss 155 – 158)

155. Establishment

There is a Committee of Chairpersons.

156. Composition

- (1) The Committee of Chairpersons consists of –
 - (a) Chair of Chairpersons; and
 - (b) Chairperson of each Council committee or a member of the committee designated by the chairperson.
- (2) The committee may co-opt the chairperson of an *ad hoc* committee as a member of the Committee.

157. Chairperson

- (1) Chair of Chairpersons presides at meetings of the Committee of Chairpersons.
- (2) If Chair of Chairpersons is not available, the committee must, among its members, appoint an acting chairperson to preside at a meeting of the Committee.

158. Functions and powers

- (1) The Committee of Chairpersons may make recommendations to the Rules Committee or the Programming Committee regarding any matter affecting the scheduling or functioning of any Council committee, sub-committee or other Council forum.

Part 8 *Ad hoc Committees (ss 159 – 161)*

159. Establishment

- (1) An *ad hoc* committee may be established —
 - (a) by resolution of Council; or
 - (b) during Council recess for a period of more than fourteen (14) days, by the Speaker after consulting the Chief Whip and the most senior whip of each of the other political parties.
- (2) Any decision by the Speaker to appoint an *ad hoc* committee must be tabled in Council on its first sitting after the decision was taken, for ratification by Council.
- (3) An *ad hoc* committee may only be established for the performance of a specific task.
- (4) The resolution of Council or decision of the Speaker establishing an *ad hoc* committee must —
 - (a) specify the task assigned to the committee; and
 - (b) set time frames for —
 - (i) the completion of any steps in performing the task; and
 - (ii) the completion of the task.

- (5) An *ad hoc* committee has those of the powers listed in rule 121 only as are specified in the resolution or decision establishing the committee.
- (6) An *ad hoc* committee ceases to exist —
 - (a) when it has completed the task for which it was established and has submitted its report to Council;
 - (b) if it is dissolved by Council earlier; or
 - (c) if it has not completed its task by the date set for the completion of the task, provided that the committee may be revived thereafter by decision of the Speaker or resolution of Council.

160. Composition

- (1) Council resolution establishing an *ad hoc* committee must either specify the number of members to be appointed or the names of the members who are appointed.
- (2) The Speaker appoints the members of an *ad hoc* committee if —
 - (a) the resolution of Council establishing the *ad hoc* committee does not specify the names of the committee members; or
 - (b) the Speaker established the *ad hoc* committee.
- (3) The Speaker must appoint the members of an *ad hoc* committee established by —
 - (a) Council, within five days after the establishment of the committee;
 - (b) the Speaker, within ten days after the establishment of the committee.
- (4) When appointing the members of an *ad hoc* committee the Speaker must consult —
 - (a) the Chief Whip, when a member of the majority party is appointed; and
 - (b) the most senior whip of another party, when a member of that particular party is appointed.

- (5) The names of the members appointed must be announced in Council without delay.

161. Decisions

- (1) Unless a resolution establishing an *ad hoc* committee provides otherwise, a question before an *ad hoc* committee is decided when a quorum in terms of rule 124 is present and there is agreement among the majority of the members present.

Part 9 Other structures (ss 162 – 166)

162. Establishment

There is a Multi-party Whippery Forum.

163. Composition

- (1) The Whippery Forum consists of –
 - (a) the Chief Whip of Council;
 - (b) the Deputy Chief Whip of the majority party; and
 - (c) the most senior whips of each of the other political parties represented in Council.
- (2) A whip referred to in paragraph (c) who is unable to attend a meeting of the Forum may designate another whip to attend the meeting.

164. Chairperson

- (1) The Chief Whip of Council is the chairperson of the Multi-Party Whippery Forum.
- (2) If the Chief Whip of Council is not available, the Deputy Chief Whip of the majority party performs the functions of the Chief Whip.

165. Meetings

- (1) The Chief Whip of Council may call a meeting of the Forum on own initiative or upon request by another members of the Forum, but must call a meeting if the Speaker so requests.
- (2) The Forum meets in closed session unless it decides otherwise.

166. Functions and powers

- (1) The Whippery Forum acts as a forum —
 - (a) for the discussion and co-ordination of matters for which the whips are responsible; and
 - (b) which the Speaker may consult when appropriate.

Part 10
Terms of reference (ss 167)

167. Terms of Reference of all Committees

- (1) All Committees of Council will perform specific functions as provided for in the Committees' Terms of Reference which are to be read and applied in conjunction with the powers conferred in terms of rule 121.

Part 11
Bills and other matters from National or Provincial spheres for Council decision (ss 168)

168. Referral of matters from Parliament or Provincial Legislature

- (1) When a Bill or any matter affecting local government is introduced or tabled in parliament or the provincial legislature, the Secretary to Council must immediately deliver particulars of the Bill or matter and any accompanying papers to the Speaker of Council.
- (2) The Speaker of Council must refer the Bill or matter and any accompanying papers to the relevant committee if she or he believes that the matter is of importance to the City and should be considered by a Committee for its views.
- (3) The Secretary to Council must make copies available on request to any councillor.
- (4) The relevant MMC must be invited to express the views of the Executive on the Bill as well as the implementation and funding plan.
- (5) Provision must be made for national and/or provincial committee public hearings by the relevant Council committees.
- (6) A committee to which the Bill or matter is referred under this rule, must report back to Council within a time specified by the Speaker of Council in

the referral, and must recommend in its report whether Council should take a formal position to –

- (a) support the Bill or matter;
 - (b) support the Bill with amendments or alternative to the matter;
 - (c) not support the Bill or matter; and
 - (d) mandate a suitable councillor to represent the City's position in the deliberations on the bill or matter at SALGA.
- (7) The report of the committee on the Bill or matter must –
- (a) summarize the committee process at which the Bill or matter was discussed;
 - (b) summarize the participation of the Executive, the public and primary stakeholders;
 - (c) deal in separate sections with the policy and detail of the Bill or matter;
 - (d) provide an explanation of the position of the committee on the Bill or matter;
 - (e) explain in general terms any amendments or alternative being proposed by the committee on the Bill or matter; and
 - (f) in respect of disagreement in the committee, reflect compliance with and application of the requirements of rule 138.
- (8) The Speaker of Council must submit to SALGA the resolution of Council and the report of the Committee on the matter as soon as possible.
- (9) The designated councillor must report back to Council or to the committee the outcome of the deliberations at SALGA at the next Council or committee meeting after SALGA's meeting on the Bill or matter.

Part 12

Secretary to Council and Records of Council (ss 169 – 173)

169. Duties of Secretary to Council

- (1) In addition to the duties mentioned in these rules, the Secretary to Council is responsible for the regulation of all matters connected with the business of the Council, subject to direction of the Speaker of Council or the Council.

170. Minutes of Proceedings

- (1) The minutes of proceedings must be taken by the Secretary to Council and, after having been perused by the Speaker of Council, must be distributed to each councillor.

171. Journals of the Council

- (1) The minutes of proceedings, signed by the Speaker of Council, constitute the Journal of the Council.

172. Agenda

- (1) The Secretary to Council must compile the agenda for each Council meeting and send it, in hard or electronic copy, to each councillor at least forty-eight (48) hours prior to the meeting.
- (2) The Speaker of Council may, in exceptional cases, authorize the Secretary to Council to distribute the agenda or specific items in the agenda less than forty-eight (48) hours prior to the meeting.

173. Custody of papers

- (1) The Secretary to Council has custody of all records, audio-visual recordings and papers of the Council.
- (2) Records, audio-visual recordings or papers of the Council cannot be removed from the precinct of the Council without the permission of the Speaker of Council.

CHAPTER 4 EXECUTIVE ARM OF COUNCIL (ss 174 – 180)

174. Appointment and Dismissal of the Executive Arm of Council

- (1) When the Executive Mayor appoints or dismisses Members of the Mayoral Committee and the Leader of Executive Business, she/he must inform the Speaker of Council in writing within seven (7) days.

175. Leader of Executive Business

- (1) The Leader of Executive Business is responsible for managing the interface between the Executive and the Council Legislature.

176. Executive Mayor's Speech

- (1) The Executive Mayor must, once a quarter, deliver a speech in Council which must be debated in accordance with rule 47.
- (2) The proportional time allocation to political parties on the Executive Mayor's speech must be in accordance with Annexure B hereof.

177. Duties of Members of the Mayoral Committee to the Legislature

- (1) Every Member of the Mayoral Committee must submit to the Legislature –
 - (a) quarterly reports on the performance of departments and Municipal owned Entities (MoEs) within 30 days from the end of the quarter. Quarterly reports must include -
 - (i) a section that shows by ward number (in numerical order) a progress report on planned activities and services provided in that ward, and where applicable the community based plans the department/MoE is responsible for delivering;
 - (ii) a section that shows by region, a progress report on all CAPEX programmes and new service provision that cannot reasonably be identified by Ward;
 - (iii) all community input into participatory processes, received within the previous quarter and the response of the department/MoE on each input;
 - (iv) the head of the department's/MoE's quarterly progress report; and
 - (v) a breakdown of all reported service delivery failures recorded in the quarter, by type; the number outstanding at the end of the quarter; and the average time taken to close said failure(s).
 - (b) annual reports on the performance of departments and MoEs, within sixty (60) days from the end of the financial year. The annual reports must include-
 - (i) a section which shows by ward number (in numerical order) progress on the implementation of services provided in that ward, SDBIP including targets and indicators;

- (ii) a section which shows by region, a report on all CAPEX programs and new service provision that cannot reasonably be identified by Ward;
 - (iii) all community input into participatory processes, received within the financial year and the response of the department/MoE on each input;
 - (iv) the head of the department's/MoE's annual SDBIP report; and
 - (v) a breakdown of all reported service delivery failures recorded in the financial year, by type, the number outstanding at the end of the financial year and the average time taken to close said failure.
- (c) any other report requested by Council or a Committee of Council, unless prescribed otherwise by the Committee.
- (d) a suite of planning documents to accompany the annual budget, which must include –
- (i) a section which shows by ward number (in numerical order) the planned activities and services provided in that ward, and where applicable the community based plans the department/MoE is responsible for delivering;
 - (ii) a section which shows by region, all CAPEX programs and new service provision that cannot reasonably be identified by ward; and
 - (iii) all community input into participatory processes received within the annual cycle and the response of the department/MoE on each input.
- (2) Every Member of the Mayoral Committee must ensure that a reply is given to every question put to her/him by Council, a councillor or a committee.
- (3) When the Legislature or any of its committees bring a matter to the attention of the Member of the Mayoral Committee, she/he must submit a response to the Legislature or committee within the stipulated time, if a response is required.
- (4) The receipt of the responses must be tracked by the relevant Oversight Committee and must be followed-up by correspondence sent to the relevant Member of the Mayoral Committee if a reply wasn't received within the set timeframes and/or if additional information is required.

- (5) The relevant oversight committee will report to Council on the outcome in terms of sub-rules (3) and (4) above.

178. Respond to questions in Committee meetings

- (1) Obligations of the Executive/administration to attend and respond to questions in Committee meetings must be in line with the Council approved guidelines on attendance of Executive/administration in Section 79 Committee meetings.
- (2) If the MMC fails to attend a committee meeting or respond to the questions in Committee meeting, such MMC must be reported to the Leader of Executive Business and Executive Mayor by the Chairperson of the Committee.
- (3) The chairperson must inform the Chair of Chairs, Speaker of Council and Chief Whip of Council of such transgressions by MMC.
- (4) The Executive Mayor must report back at the next Council meeting on measures taken and the outcome thereof.

179. Matters affecting Members of Mayoral Committee

- (1) When the Legislature or any of its Committees brings a matter to the attention of the Member of the Mayoral Committee, it must indicate –
 - (a) whether or not it requires a response from the Member of the Mayoral Committee; and
 - (b) that, where a response is required, this must be within thirty (30) days, unless otherwise stipulated by the committee.
- (2) The Secretary to Council must send any resolution affecting the Member of the Mayoral Committee to the Leader of Executive Business within seven (7) working days of the Council meeting.

180. Return on Implementation of Decisions of the Council

- (1) The Executive Mayor must report on a quarterly basis on the implementation of all Council resolutions.
- (2) The Agenda of the meeting of the Council must include a return showing the status of the implementation of each decision of the Council that has not yet been reported as having been finalized on the afore-going schedule.

- (3) On the recommendation of a committee, Council may pronounce appropriate measures to be taken by the Executive Mayor in the case of consistent failure to implement decisions of Council.
- (4) The Executive Mayor must report back at the next Council meeting on measures taken and the outcome thereof.
- (5) Council shall reserve the right to give final pronouncement on what further steps should be taken, if measures taken under sub-rule (2) above prove ineffective.

CHAPTER 5 **BY-LAW MAKING PROCESS (ss 181 – 193)**

Part 1 *Introducing of by-laws (ss 181 – 183)*

181. Types of By-laws

- (1) Draft by-laws may be introduced as-
 - (a) an Executive draft by-law – one that is introduced by the Member of the Mayoral Committee;
 - (b) a committee draft by-law – one that is initiated and introduced by a Section 79 Committee;
 - (c) councillor initiated draft By-law – one that is initiated by an individual councillor.

182. Terminology

- (1) All draft by-laws tabled in Council must be drafted in clear and simple language, and must use as little technical language as possible.

183. Memorandum on draft By-law

- (1) Every draft by-law shall be introduced together with a memorandum and drafted in simple, clear and non-technical language, as far as possible setting out the following –
 - (a) intent of the proposed draft by-law;

- (b) motivation for the proposed draft by-law;
- (c) the reasons for and the possible effects of the draft by-law in a socio-economic impact statement with due consideration to Chapter 2 of the Constitution on the "Bill of Rights" where applicable;
- (d) conformity with the Constitution, applicable legislation and policies of Council;
- (e) an environmental impact statement where necessary;
- (f) the financial implications of the draft by-law as well as its implications for the Community.
- (g) an account of the steps to enhance public involvement in the development of the draft by-law.

Part 2

Steps prior to Introduction (ss 184 – 187)

184. Executive draft by-laws

- (1) As soon as possible after the Executive has approved the introduction of an Executive draft by-law, the Leader of Executive business must –
 - (a) provide formal notice to the Speaker.
 - (b) supply the Speaker with a copy of the proposed draft by-law and its memorandum.

185. Committee draft by-laws

- (1) A committee may introduce a draft by-law in Council, through the Programming Committee.
- (2) The Speaker must place the committee's proposal on the Council agenda for a decision.

186. Councillor initiated draft by-laws

- (1) A councillor who wishes to introduce a draft by-law must table proposals for such a by-law for consideration first by Rules Committee
- (2) The Speaker must table the Councillor's proposals on the agenda of the Rules Committee for consideration.
- (3) In the event the Rules Committee supports the Councillor's proposals, the Rules Committee must submit its report to the Programming Committee and the provisions of rule 188 must apply.

187. Resolution to make a draft by-law and referral

- (1) The Programming Committee must refer the draft by-law to Council for introduction.
- (2) Council must pass a resolution declaring its intention to make a draft by-law in terms of the Gauteng Rationalisation of Local Government Affairs Act, Act 10 of 1998.
- (3) Council must refer the draft by-law to the relevant Section 79 Committee/s for consideration.
- (4) All the comments and representations received from the community must be submitted to the relevant committee for consideration before it completes its consideration of the draft by-law.
- (5) In cases where a draft by-law may be affecting the work of more than one committee, these committees must confer as per the referral of Council.

Part 3

Public Comment and Notice (ss 188)

188. Public comment and notice

- (1) After Council has passed a resolution declaring its intention to make a draft by-law, it must announce its intention to do this by notice in the *Provincial Gazette* and in one or more newspapers circulating within the jurisdiction of the Ekurhuleni Metropolitan Municipality.
- (2) The notice in which the public's comments are invited on a proposed draft by-law must state that –
 - (a) comments are invited;
 - (b) what the draft by-law deals with, in summary form;

- (c) a contact name and address where enquiries may be directed;
 - (d) a place where copies of the by-law can be obtained and where the draft by-law may be inspected; and
 - (e) the period during which comments may be made (which may not be less than a month) and the place where comments on the draft by-law may be lodged.
- (3) The Committee must consult with relevant interest groups and consider comments and the content of consultations before the draft by-law is made.
 - (4) If Council has not made a draft by-law within one year of the announcement referred to in sub-rule (1) above, the draft by-law cannot be made unless the procedure of announcement of the intention is repeated.

Part 4

Consideration by Committees and Council (ss 189 – 193)

189. Consideration of a draft by-law by Committees

- (1) The Chairperson of the Committee must refer the proposed draft by-law and any accompanying papers in respect of rule 185 by-laws, to the relevant MMC with a request that she or he submit the views of the Executive, implementation and funding plan of the Executive on the proposed draft by-law to the Committee.
- (2) The Chairperson of the Committee must invite in writing the relevant MMC to the Committee to express the views of the Executive, implementation and funding plan of the Executive on the proposed draft by-law in respect of rule 184 by-law.
- (3) A Committee to which a draft by-law has been referred, shall have all the powers with regard to the draft by-law and shall follow the public consultation procedures prescribed for Committees in the rules, unless the Council by resolution determines otherwise.
- (4) A committee shall consider and deliberate on the draft by-law.
- (5) The Committee must invite public comment and invite stakeholders to attend meetings of the Committee and make representations on the draft by-law.

- (6) At its discretion, the Committee may elect to conduct public hearings on the draft by-law.
- (7) The Committee must analyse oral and written submissions made on the draft by-law.
- (8) The Committee may amend the draft by-law.
- (9) The Committee may refer the amended draft by-law to the relevant department for comment.

190. Report of Committee on referred draft by-law

- (1) The committee to which the draft by-law has been referred should report back to Council at the conclusion of its work on the referred draft by-law.
- (2) The committee must table in Council its report and the proposed draft by-law that has been agreed to by it.
- (3) In its report, the Committee over and above the requirements of rule 138(6) must-
 - (a) state whether it recommends to Council approval of the proposed draft by-law with or without amendments, a redraft of the draft by-law or rejection of the draft by-law.
 - (b) in the event amendments are proposed, specify each amendment agreed on by it and each amendment that was considered and rejected by it with accompanying reasons.
 - (c) if it is not a unanimous report –
 - (i) specify in which respects there was no consensus; and
 - (ii) reflect the views of the minority in the committee.
- (4) The Committee may further report on any matter arising from its deliberations on the proposed draft by-law but which is not necessarily related to the draft by-law.

191. Withdrawal of by-law

- (1) Only the committee, to which the draft by-law has been referred, may recommend to Council the withdrawal of a draft by-law.

192. Consideration of a draft by-law by Council

- (1) The decision and voting on the committee report and recommended draft by-law must be dealt with in terms of the provisions of Chapter 2, rules 73 – 78 subject thereto that the draft by-law can only be passed with a supporting vote of a majority of the members of Council.

193. Publication of by-law

- (1) Council approved by-law must be published in the *Provincial Gazette* by the Executive, announcing the coming into operation of the by-law or specifying any other date of the coming into operation of the by-law.

CHAPTER 6

ETHICS, PRIVILEGE AND CONTEMPT (ss 194 – 201)

194. Legislative mandate

- (1) The provisions of –
 - (a) Section 161 of Act 108, 1996 (Constitution);
 - (b) Section 28 of Act 117, 1998 (Municipal Structures Act);
 - (c) Act 1 of 2002 (Gauteng: Privileges and Immunities of Councillors Act); and
 - (d) Schedule 1 of Act 32, 2000 (Code of Conduct - Municipal Systems Act), must inform and guide the interpretation and application of the rules in this Chapter.

Part 1

Privilege and contempt (ss 195 – 199)

195. Ethics of Council

- (1) The Council must conduct its business in a way that ensures that it is a free and independent institution, able to fulfil its role of representing the

public. To do this, the Council and all its members must act in an ethical way and protect the powers, privileges and immunities of the Council.

196. Privilege of Council

- (1) The privileges of members of the municipal Council include –
 - (a) the privilege of freedom of speech in the Council and any of its committees conferred by Section 1 of the Gauteng Privileges and Immunities of Councillors Act, 2002;
 - (b) immunity from liability for civil or criminal proceedings, arrest, imprisonment or damages to the extent conferred by Gauteng Privileges and Immunities of Councillors Act; and
 - (c) any other privileges or immunities conferred by the Constitution and the Municipal Structures Act.

197. Contempt of the Council

- (1) Contempt of the Council is conduct which potentially or actually interferes improperly with the ability of the Council, its committees or any of its members to perform their functions.
- (2) A breach of privilege is contempt of the Council.
- (3) A member who willfully fails or refuses to obey any rule, order or resolution of Council may be found guilty of contempt.
- (4) Contempt includes, but is not limited to -
 - (a) failing to attend Council or its Committee meetings, including when summonsed to do so;
 - (b) failing to report to the Council or one of its Committees when required to do so;
 - (c) giving false evidence to Council or any of its Committees knowing it to be false;
 - (d) giving someone an inducement not to give evidence to Council or any of its committees;
 - (e) making injurious comments and false statements when speaking in Council or any of its committees;

- (f) a breach of the rules, including a breach of the code of conduct;
- (g) failing to obey the Speaker of Council's ruling, order and/or resolution of the Council; and
- (h) deliberately and/or recklessly and knowingly providing materially, factually inaccurate and misleading information to the Council or any of its Committees.

198. Raising a question of privilege or contempt

- (1) A councillor who wishes to raise a perceived breach of privilege or contempt must report it to the Speaker, in writing, without delay.
- (2) If the alleged breach of privilege or contempt is in the Speaker's opinion adequately substantiated and may affect a sitting of Council, the Speaker may –
 - (a) make an immediate ruling on the matter and announce it in Council; or
 - (b) provide the councillor, who raised a question of privilege or contempt, with an opportunity during the Council sitting to move an urgent motion without notice in terms of rule 86.
- (3) If the alleged breach of privilege does not directly affect a sitting of Council in the immediate future, the Speaker must refer the matter to the Ethics and Integrity Committee and inform Council accordingly, either immediately or at the earliest opportunity.
- (4) When the committee has completed its proceedings on the matter, it must table a report on its findings with recommendations for consideration and decision by Council.

199. Formulation of the allegation

- (1) An allegation of contempt must be formulated as precisely as possible, providing but not limited to –
 - (a) the name of the councillor alleging the contempt;
 - (b) the name of the councillor against whom the contempt is levelled;
 - (c) the nature of the contempt; and

- (d) the specific rule upon which the allegation is based.

Part 2

Proceedings of the Ethics Committee (ss 200 – 201)

200. Report of the Ethics Committee

- (1) When the committee has completed its proceedings on the matter, it must table a report on its findings with recommendations for consideration and decision by Council.
- (2) If the committee finds that a councillor concerned has committed a breach of privilege or contempt, the report must recommend an appropriate sanction as authorized by the provisions of the Code of Conduct for Councillors.
- (3) If the committee considers it necessary and not prejudicial to the rights of any party to the matter, it may append submitted evidence to its report for Council's information.
- (4) Rule 138 does not apply to a report of the Ethics and Integrity Committee, but dissenting views of members of the committee must be appended to the report.

201. Decision by the Council

- (1) The committee must refer its report with recommendations to Council for approval.
- (2) The report of the committee may not be debated in Council.
- (3) A roll call may be called where there is a possibility that the adoption of the report could result in personal liability to councillors who support the adoption of the report.
- (4) Council may only approve or refer the report back to the committee for reconsideration and report back.
- (5) Should Council not approve the reconsidered report of the committee, the matter falls away.

Annexure A

ORDER OF BUSINESS OF ORDINARY MEETING

- (1) The order of business of an ordinary meeting convened in terms of Section 29 of the Act shall be as follows:
 - (a) Opening.
 - (b) Applications for leave of absence.
 - (c) Official notices.
 - (d) Proposals of condolence or congratulations by the Speaker of Council subject to the following: -
 - (i) The Whips of all political parties may make written submissions with regard to condolences and congratulations to the Speaker.
 - (ii) The Office of the Speaker must receive such submissions twenty-four (24) hours prior to the Council meeting where they are to be announced.
 - (iii) Late submissions received will not be considered unless the Speaker of Council specifically waives the provisions of sub-rule (1)(d)(ii) above.
 - (iv) The Speaker of Council will make the final decision as to which written submissions or portions thereof are relevant to Ekurhuleni and will be announced at the Council meeting.
 - (v) That a maximum of fifteen (15) minutes will be allowed for such announcements based on the proportional representation of parties in Council.
 - (e) Minutes of the previous meeting.
 - (f) Speech by the Executive Mayor (once a quarter).
 - (g) Questions of which notice has been given.
 - (h) The reports of the Executive
 - (i) Delegated matters
 - (ii) Non delegated matters
 - (i) The reports of the Legislature

(i) Non delegated matters

(j) Petitions

(k) Motions

- (2) The Speaker of Council may, at her/his discretion, alter the sequence of the order of business on the agenda.
- (3) If a proposal in terms of sub-rule (1)(d) is opposed, such proposal lapses without further discussion.
- (4) After the Executive Mayor has delivered his/her speech at a Council meeting under the item (1)(f) above, comments may be received on such announcements subject to the following:
- (a) the time period and proportional allocations in terms of Schedule B hereto.
 - (b) The Speakers' lists submitted in accordance with rule 51 above.
 - (c) The comments made under this provision must be limited strictly to the Executive Mayor's announcements only.
 - (d) The Speaker of Council is authorised to rule any comments made hereunder to be out of order, which ruling is not subject to debate. If the Speaker has thus ruled, the member who made such comments stops debating and must return to his/her seat forthwith.
 - (e) The Executive Mayor closes the debate after all speakers under this heading.

Annexure B

PROPORTIONAL TIME ALLOCATION FOR DEBATES

(1) The maximum time allocated for debate on Non-Delegated Items is proportionally allocated per political party as follows:-

(i) ANC	-	43 minutes
(ii) DA	-	30 minutes
(iii) EFF	-	10 minutes
(iv) Minority Parties	-	3 minutes each

(2) The maximum time allocated for debate on the Executive Mayor's speech is proportionally allocated per political party as follows:-

(i) ANC	-	22 minutes
(ii) DA	-	16 minutes
(iii) EFF	-	5 minutes
(iv) Minority Parties	-	3 minutes each

(3) The maximum time allocated for debate on the State of the City Address (SOCA) is proportionally allocated per political party as follows:-

(i) ANC	-	29 minutes
(ii) DA	-	20 minutes
(iii) EFF	-	10 minutes
(iv) Minority Parties	-	5 minutes each

(4) The maximum time allocated for debate on the Budget speech is proportionally allocated per political party as follows:-

(i) ANC	-	39 minutes
(ii) DA	-	27 minutes
(iii) EFF	-	12 minutes
(iv) Minority Parties	-	5 minutes each

For Office Use

File:	1/4/1/1/11
Original Council Resolution:	CL 158/2002 dated 29 August 2002
Gauteng Provincial Gazette Number	3 dated 15 January 2003
Local Authority Notice Number	55
Amended by Council Resolution	A-CL (44-2004) CM dated 25 November 2004
Gauteng Provincial Gazette Number	94 dated 9 March 2005
Local Authority Notice Number	490
Amended by Council Resolution	A-RC (21-2011) CM dated 29 September 2011
Gauteng Provincial Gazette Number	231 dated 10 October 2011
Local Authority Notice Number	1274
Amended by Council Resolution	A-RC (28 -2014) dated 30 July 2015
Gauteng Provincial Gazette Number	378 dated 28 August 2015
Local Authority Notice Number	1506
Amended by Council Resolution	A-RC (15-2018) dated 29 November 2018
Gauteng Provincial Gazette Number	9 dated 16 January 2019
Local Authority Notice Number	36