

**Ref:** Mr M Mothekhe  
**Ext:** 8095/8543  
**Date:** November 10, 2021

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## **THE SPEAKER COUNCIL ITEM**

### **ELECTION OF THE SPEAKER**

#### **PURPOSE**

The purpose of this report is two-fold, firstly to appraise the Metropolitan Council on the responsibilities and functions of the Speaker and secondly to request the Council to elect one member to serve on a full-time basis as the Metropolitan Speaker for the term of office.

#### **BACKGROUND**

The Speaker is a statutory office bearer in terms of section 36(5) of the Municipal Structures Act, Act No. 117 of 1998. The Act strictly determines that the Speaker is in charge of the legislative arm of the municipal council. This means that he or she must guard the integrity and credibility of the legislative process. Further the Speaker must protect the checks and balances between legislature and the executive, in other words, the "oversight" that the council must exercise over the actions of the executive.

The Speaker is the custodian or guardian of the integrity of the council and guardian of the privileges and interests of members. The privileges and interests of councillors include freedom of speech, councillors allowance and benefits, councillors personal development and training as well as the use of council facilities. Importantly, this role, combined with the Speaker's role in terms of schedule 1 to the Municipality Systems Act, Act no 32 of 2000 requires the Speaker to guard against the abuse of councillors privileges and interests.

The Speaker must demonstrate impartiality. The role and responsibilities of the Speaker, requires him/her to be recognised by all parties and all interest groups in the council as the legitimate guardian of the integrity of council and of council members. It should be stressed that the Speaker is accountable to the Council. The Speaker does not stand above the Council. He or she must exercise his or her duties within rules and orders of Council. The Speaker must be able to perform his/her functions independently from the executive arm of council.

A councillor elected as the Speaker does not sit or attend meetings of the Mayoral Committee, or any committees of the Executive Mayor. The purpose is to ensure that matters of oversight over the executive are not compromised but rather strengthened. Politically and administratively the offices of the Speaker and Executive Mayor should be independent of each other, any intermingling will weaken or dilute metropolitan governance. This also relates to the separation of operational budgets or any other matters of financial administration processing and authorization.

## **REPORTS OF THE SPEAKER TO COUNCIL**

The Standing Rules and Orders of Council provide a number of reports that the Speaker must prepare and submit to council once such reports are requested by council. Importantly the Speaker is required to prepare an annual report to council about the activities of the council and the Speaker's office. This annual report should contain at least the following matters, namely;

- The implementation of the code of conduct;
- Reports from the Executive Mayor on the implementation of the council resolutions;
- Public participation in council activities;
- List of policies and by-laws passed by the council; and
- Linkages and networking with other Speakers in the Country

It is critical that the Speaker also ensure the below mentioned ward committees and councillor capacity building are strengthened.

### **A. WARD COMMITTEES**

Ward Committees were introduced after the December 2000 municipal elections to supplement the role of elected councillors. As such they were intended to create a bridge between communities and political and administrative structures of municipalities. Here are the critical responsibilities of the Ward Committees, namely;

- Act as communication channels between communities and municipal councils;
- Ward councillors are critical to the effective functioning of ward committees;
- Ward committees are accountable to the communities they represent; and
- Ward committees complement other spaces for public participation in local government.

## B. COUNCILLOR TRAINING AND DEVELOPMENT

The Speaker is responsible for training, development and building the capacity of councillors. This may include identifying the training needs of councillors, together with the assistance and contribution from SALGA coordinating training programs and workshops, for which council should budget.

### RESPONSIBILITIES OF THE SPEAKER

Role of the Speaker:

Responsibilities	Reporting Frequency
Preside over and ensure order during council meetings	Quarterly
Ensure that Council at least meets quarterly	Annually
Ensure compliance in the council and council committees with the code of conduct	Quarterly
Enforce compliance by councillors to Standing Rules and Orders of Council maintain order during council meetings	Annually
Granting of leave of absence to councillors	Annually
Report on the performance of ward councillors	Annually
Report on the capacity training of councillors	Annually
Report on the performance of Council committees	Annually

### RECOMMENDATIONS

it is hereby recommended that the Metropolitan Council elect one councillor to serve as the Speaker on a full-time basis

Regards,

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**ACTING CITY MANAGER**  
**MR SELLO MORE**