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**Refer to: Mr. M. Mothekhe**  
**Reference/ File No: 4/4/1**  
**Telephone Ext: 051 405 8543**  
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**THE SPEAKER  
COUNCIL ITEM**

**MANGAUNG METROPOLITAN MUNICIPAL COUNCIL STANDING RULES AND ORDERS**

**1. PURPOSE**

The purpose of this report is to appraise the Municipality Council on the functioning and operation of the Standing Rules and Orders

**2. BACKGROUND**

The Constitution provides that each municipality may adopt a by-law that prescribes rules and orders dealing with internal arrangements, council business and proceedings, and the establishment, composition, procedures, powers and functioning of committees.

It is proper that municipalities have proper rules and orders;

Firstly, the delivery of municipal services and promotion of local development depend on the municipal councils taking decision. When it is not clear how decisions should be taken, or when legal uncertainty surrounds a council decisions, the consequences for local community can be devastating.

Unnecessary legal costs are only a small part of the damage that a malfunctioning council does to its community.

Secondly, the Constitution and the Municipal Structures Act provide that councillors may not be sued for things they say or produce in Council or Committee meetings. Provincial legislation may complement this by proclamation of Privileges and Immunities for municipalities.

A councillor's freedom of expression is important to ensure free debate. This is by no means, however, a license to say absolutely anything or behave inappropriately. Hateful speech, personal insults and utterances that have no connection with council business may still be grounds for suing a councillor. In addition, a councillor must be punished for inappropriate speech or inappropriate behaviour in terms of the rules and orders even if they enjoy immunity from criminal or civil liability for a particular action.

### **3. CRITICAL MEASURES FOR QUALITY IMPLEMENTATION OF RULES**

#### **3.1. On Principles of Democracy**

The Standing Rules and Orders are not there only to enforce order. They also ensure that every councillor can participate in council and committee meetings. The constitution provides that each councillor may participate in council and committees in a manner that allows fair representation and consistent with democracy. It is therefore important that our Standing Rules and Orders facilitate the democratic functioning of the council. Our Standing Rules and Orders enable all councillors to participate meaningfully in council business.

#### **3.2. Link with application of Delegations**

The Standing Rules and Orders are homogenous and aligned to the Delegations of Powers policy. The Delegations policy determines the powers of the Speaker, for an example; granting of leave for councillors, this delegation is in line with the rules and orders. The purpose is to ensure that there is no conflict between the Delegations and Standing Rules and Orders.

The acting City Manager will be submitting to the Council the Delegations of Powers policy in the next ensuing meeting to adhere to this report.

#### **3.3. Application of Standing Rules and Orders for all meetings**

The Standing Rules and Orders are applicable to all Council Committees, we call upon all council members to comply with these rules. The Standing Rules and Orders allow committee chairpersons and the Speaker to be flexible. The Council meetings are very formal, with strict adherence by all, however committee meetings may not have to be that formal.

#### **3.4. Role of Traditional Authorities**

Traditional Authority occupy a special position in the council. In our case Barolong Ba Seleka Traditional Authority in Thaba Nchu had been identified by the MEC for COGTA during March 2018, and may participate in the council meetings, albeit without the right to vote. Also, the Council must hear the view of the traditional leader if it is about to take a decision that affects the traditional authority area.

Our Standing Rules and Orders, still needs to clarify the role and participation of traditional authority in Committee meetings, and it is anticipated that the Rules Committee once established will consider this important aspect and report back to the Council.

#### **3.5. Role of the Speaker**

It is clear that the role of the Speaker (or the chairperson of a committee) is critically important. The Standing Rules and Orders are clear, that is the chairperson is responsible for applying the rules and order, for an example;

- Calling meetings;
- Precedence of the chairperson;
- Maintaining order;
- Flexibility

#### 4. CONCLUDING REMARKS

Honourable members our Standing Rules and Orders may not be adequate and by all account not perfect, thus from time to time a refill, refining or panel beating of some of the sections will take place and indeed a journey of one thousand miles start with a single step. The successful application of these Standing Rules and Orders depend entirely on the compliance by all council members. And the first step in moving forward is that, let each member read through the rules, understand them, respect them and apply them in Council and Council committees.

It is therefore incumbent upon us, to uphold these rules and make each and every meeting of Council a success.

#### 5. RECOMMENDATIONS

It is hereby recommended that

- a) the Metropolitan Council re-affirm the current Standing Rules and Orders as proclaimed by gazette number 44 of 15 July 2016
- b) as and when required; revision, amendments or removals would be considered by the Municipal Council during the term of office;

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