

ADDENDUM

FROM THE SPEAKER ON ITEM 175(3) COUNCIL AGENDA 31/08/2022

1. Principles guiding the matters relating to the breaches of the Code

A code of conduct for councillors is not an unusual document to have within a municipal governance level. It is prescribed by schedule 7 of the amended Structures Act as such, all council members are subject to should ensure they read it thoroughly to know what standards they are to maintain. A code of conduct will often simply set out rules relating to the responsibilities and practices to which councillors needs to adhere. A code of conduct breach can occur easily, as a result, if that councillors does not take the time to familiarize themselves with those rules.

A breach of the code of conduct means, in short, an act that violates terms set out in a code pertaining to conduct of councillors. Importantly, that act or incidence does not need to be intentional. Instead, anyone can be guilty of a breach of code of conduct if they mean to do so or not.

Therefore, it is imperative that anyone involved in or committing a breach of professional conduct fully understands the severity of the situation so that it can be resolved as quickly and appropriately as possible.

2. Why instituting an Independent Committee

By proposing an independent committee we are advocating the principles of natural justice and should not be construed as if the Speaker is outsourcing her responsibilities. The amended Structures Act is fairly unequivocal on the responsibilities of the office of the Speaker. It should be clarified that the office though thrust with this noble responsibility, have current inherent limitations. Five reasons are explained why we are advocating for an independent committee, namely;

- The staffing or capacity challenges in the office of the Speaker;
- The current body politic obtainable within our municipal setting requires objective and above reproach committee;
- To ensure that all legal and policy aspects are adhered to in all respects when dealing with investigating alleged misconducts committed, in an ideal situation councillors should not investigate their colleagues, it raises the whole issue of self-regulation;
- No one has an intention of imposing punitive sanction or judgement to our councillors, the principle of adherence should always be our convergent collective view and aim;
- Recommendations to be submitted by the Independent Committee remains as such and the Municipal Council may approve or reject them at the time of submission.

3. Provisions relating to the disclosure of interests

Members are reminded about the provisions of the code in relation to the disclosures relating to interests. Members are required to disclose their interests at the first instance of matters tabled in committees or council meeting. This implies that councillors must disclose ex-ante, meaning before the event, this is in relation to section 6 of the code defined in schedule 7 of the act. sub-section 6(2) states as follows, namely;

a councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquired any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council.

4. Guiding principle of Independent Committee

The principles of natural justice **concern procedural fairness and ensure a fair decision is reached by an objective decision maker**. Maintaining procedural fairness protects the rights of individuals and enhances public confidence in the process. Members are expected to commit to these code and fully adhere to.

5. Appeals Committee

The Speaker will serve as the Chairperson of the Appeals Committee and will be assisted by two additional members. This is the reason why the role of the Speaker should not be excessive or multiplayer in the process.

Submitted by:

A handwritten signature in black ink, appearing to read "A. Bodeman". The signature is stylized and written in a cursive-like font.