

Refer to : Mr. M Mothekhe  
Reference No: 4/4/1  
Extension : 8543  
Date : 05 September 2022

**MADAM SPEAKER  
COUNCIL ITEM**

**ELECTION OF WHIP OF COUNCIL**

**1. PURPOSE**

The purpose of this report is to request the Municipal Council to elect one member of the council to serve as the whip of council.

**2. STRATEGIC OBJECTIVE**

To attain the strategic objective of good governance

**3. DELIBERATIONS**

The Mangaung Municipal Council meeting held on the 31<sup>st</sup> August 2022, considered a motion of no confidence against the Council Whip. After deliberations and process of voting, the Council Whip was removed from office. A vacancy existed from the date of this council resolution (31 August 2022). Provisions of section 41A of the Amended Structures Act provide as follows, namely;

- (1) Each municipal council may elect a whip for the council who is also a municipal office bearer as set out in Schedule 3.
- (2) At its first sitting after its election, or when necessary to fill a vacancy, a municipal council may elect its whip from among councillors.
- (3) The Speaker of the municipality presides over the election of the whip.
- (4) The procedure set out in Schedule 3 applies to the election of the whip.
- (5) A councillor may not hold office as whip, speaker, mayor or executive mayor at the same time.

**3.1 Functions of the Council Whip**

The Statutory functions of the Council are explained in section 41B of the Amended Municipal Structures Act are as follows namely;

The Whip of a municipal council –

- a) liaises with the different political parties to ensure representation in council and council committees
- b) maintains sound relations between the various political parties;
- c) inform the whips of all parties on important matters on the council agenda;
- d) assists the speaker to count votes in the council meeting;
- e) facilitates the interaction between the executive and legislative oversight structures in the municipality; and
- f) resolves disputes between the speaker, mayor or executive mayor, or members of the mayoral committee.

### **3.2. Term of office of Whip**

Section 41C. The whip is elected for a term ending, subject to section 41D, when the next council is declared elected.

### **3.3. Vacation of office**

Section 41D. The whip of a municipal council vacates office during the term if that person –

- a) resigns as whip;
- b) is removed from office; or
- c) ceases to be a councillor.

### **3.4. Removal from office**

Section 41E

- (1) A municipal council may remove, by resolution, the whip from office;
- (2) Prior written notice of an intention to move a motion for the removal of the whip must be given.

### **3.5. Acting whips**

Section 41F. If the whip of a municipal council is absent or not available to perform the functions of whip, or during a vacancy, the council must elect another councillor to act as whip.

### **3.6. The role of the whip at the troika**

The Troika is a meeting whose purpose is to ensure effective political management of the institution. To note is that, the Whip of Council should not be referred to as the Chief Whip as that reference is not applicable to local Government administration. The name of Chief Whip is ordinarily used in the case of Parliament/legislature, when referring to the Chief Whip of the ruling party. The Troika has to convene frequently, to discuss governance issues within the institution and ensure smooth running of operations, especially when dealing with compliance reports in the council agenda.

The Troika membership consists of Whip of Council, Executive Mayor, Deputy Executive Mayor and Speaker. The whip of council plays an integral part of the troika and its of crucial importance that a void or vacancy should be filled as a matter of urgency to ensure harmony and continuity.

**4. Recommendation**

It is hereby recommended that

- a) the election of the whip of council be conducted in terms of Schedule 3 of the Local Government : Municipal Structures Act (Act No. 117 of 1998)

**Submitted by**

**Supported / ~~Not-Supported~~**

*Adv. Nkateko Mpangane*  
.....

**Adv. Nkateko Mpangane  
Acting HOD: Corporate Services**

*Mr. T Motlashuping*  
.....

**Mr. T Motlashuping  
Acting City Manager** 07/09/2022

**Recommended / ~~Not Recommended~~**

*Mr. P Maseko*  
.....

**Mr. P Maseko  
National Cabinet Rep  
07-09-22**

**Approved / ~~Not Approved~~**

*Cllr. SB Lockman-Naidoo*  
.....

**Cllr. SB Lockman-Naidoo  
Speaker of Council**

# **“ANNEXURE A”**

## **SCHEDULE 3**

### **Election of municipal office-bearers**

#### **Application**

1. The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor, and including the whip of council.

#### **Nomination**

2. The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

#### **Formal requirements**

3. (1) A nomination must be made on the form determined by the municipal manager.  
(2) The form on which a nomination is made must be signed by two members of the municipal council.  
(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

#### **Announcement of names of candidates**

3. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

#### **Single candidate**

4. If only one candidate is nominated, the person presiding must declare that candidate elected.

#### **Election procedure**

6. If more than one candidate is nominated—
  - (a) a vote must be taken at the meeting by secret ballot;
  - (b) each councillor present at the meeting may cast one vote; and
  - (c) the person presiding must declare elected the candidate who receives a majority of the votes.

### **Elimination procedure**

7. ( 1 ) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

### **Further meetings**

8. (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

Annexure B



**MANGAUNG**  
METRO MUNICIPALIT  
METRO MUNISIPALITEIT  
LEKG TLA LA M TSE

DIRECTORATE  
CORPORATE SERVICES

Committee Services

Ref: Mr M Mothekhe  
Ext: 8095/8543

**NOMINATION: COUNCIL WHIP**

**NOMINEE NAME/S & SURNAME:**.....

**NOMINATED BY:**.....

**SIGNATURE:**.....

**SECONDED BY** .....

**SIGNATURE:**.....

**ACCEPTANCE**

I,.....ACCEPT THE NOMINATION AS A  
COUNCIL WHIP OF THE MANGAUNG METROPOLITAN MUNICIPAL COUNCIL

**SIGNATURE:**.....





**MANGAUNG**  
METRO MUNICIPALITY  
METRO MUNISIPALITEIT  
LEKGOTLA LA MOTSE

DIRECTORATE  
CORPORATE SERVICES

ENQUIRY: ADV N MPANGANE  
DATE: SEPTEMBER 05, 2022

TEL: 051 405 8623

**MS N MABUNDA**  
**HOD PLANNING (ACTING)**

**ACTING ON THE SAME POSITION – HOD: CORPORATE SERVICES**

Kindly be informed that you have been appointed to act as HOD: Corporate Services from 05 September 2022, until the 09 September 2022, with full delegated powers assigned to this post.

I hope that you will find the above in good order. Should you require any further information, please do not hesitate to contact me.

Thank You.

Yours Sincerely,

**Mr. T Motlashuping**  
**City Manager (Acting)**

06/09/2022

**ACCEPTANCE OF THE ACTING APPOINTMENT**

I, **N Mabunda** do hereby accept the acting appointment for the period stated above.

Signature:

