

## **VOORGESTELDE VERORDENING VAN REËLS VAN ORDE WAT DIE VERLOOP VAN RAAD- EN KOMITEEVERGADERINGS VAN DIE MUNISIPALITEIT DRAKENSTEIN REGULEER, 2026**

Kennis geskied hermee ingevolge die bepalings van artikel 156(2) saamgelees met artikel 160(4)(b) van die Grondwet van Suid-Afrika 1996, dat die Raad tydens 'n vergadering gehou op 30 Maart 2026 die voorgestelde Verordening rakende die Reëls van Orde wat die verloop van Raads- en komiteevergaderings van die Munisipaliteit van Drakenstein reguleer, 2026, in beginsel goedgekeur het.

Die voorgestelde Verordening is beskikbaar vir inspeksie by die volgende munisipale kantore:

|  |   |                      |
|--|---|----------------------|
| Burgersentrum, Paarl (Navrae)          | : | M Bell               |
| Wellington Munisipale kantore (Navrae) | : | I Ockhuis            |
| Paarl Oos Behuisingskantore            | : | M Mpam               |
| Mbekweni Behuisingskantore             | : | A Gwabe              |
| Gouda Munisipale kantore               | : | T Petersen           |
| Saron Munisipale kantore               | : | G McDonald           |
| Drakenstein Biblioteek                 | : | Senior Bibliotekaris |

Die voorgestelde Verordening sal ook beskikbaar wees op die munisipale webwerf by [www.drakenstein.gov.za](http://www.drakenstein.gov.za). Skriftelike kommentaar kan gerig word na die volgende e-posadres: [Customercare@drakenstein.gov.za](mailto:Customercare@drakenstein.gov.za) of persoonlik afgelewer word by die verskillende munisipale kantore (biblioteke) in Drakenstein **teen nie later nie as 13 Julie 2026**.

Persone wat nie kan lees of skryf nie, kan hul kommentaar mondelings by die Paarl Biblioteek, Markstraat 1, Paarl, indien waar hulle gehelp sal word deur 'n personeellid om hul kommentaar op skrif te stel.

**DR J H LEIBBRANDT**  
**STADSBESTUURDER**

**Paarl Post – 11/06/2026**  
**Cape Times – 11/06/2026**  
**Winelands Eco – 11/06/2026**





**PROPOSED BYLAW OF RULES OF ORDER REGULATING THE CONDUCT OF COUNCIL AND COMMITTEE MEETINGS OF THE MUNICIPALITY OF DRAKENSTEIN, 2026**

Notice is hereby given, in accordance with the provisions of section 156(2) read with section 160(4)(b) of the Constitution of South Africa 1996, that the Council at its meeting held on 30 March 2026, in principle approved the proposed Bylaw relating to the Rules of Order regulating the Conduct of Council and Committee meetings of the Municipality of Drakenstein, 2026.

The proposed Bylaw is available for inspection at the following municipal offices:

|  |   |                  |
|--|---|------------------|
| Civic Centre, Paarl (Helpdesk)         | : | M Bell           |
| Wellington Municipal Office (Helpdesk) | : | I Ockhuis        |
| Paarl East Housing Office              | : | M Mpam           |
| Mbekweni Housing Office                | : | A Gwabe          |
| Gouda Municipal Office                 | : | T Petersen       |
| Saron Municipal Office                 | : | G McDonald       |
| Drakenstein Libraries                  | : | Senior Librarian |

The proposed Bylaw will also be available on the municipal website at [www.drakenstein.gov.za](http://www.drakenstein.gov.za). Written comments may be sent to the following email address: [CustomerCare@drakenstein.gov.za](mailto:CustomerCare@drakenstein.gov.za) or be hand delivered to the different municipal offices (libraries) in Drakenstein **by not later than 13 July 2026**.

Persons who are unable to read or write, may submit their comments verbally at the Paarl Library, 1 Market Street, Paarl, where they will be assisted by a staff member to put their comments in writing.

**DR J H LEIBBRANDT**  
**CITY MANAGER**

**Paarl Post – 11/06/2026**  
**Cape Times – 11/06/2026**  
**Winelands Eco – 11/06/2026**





**DRAKENSTEIN MUNICIPALITY****BYLAW OF RULES OF ORDER REGULATING THE CONDUCT OF COUNCIL AND COMMITTEE MEETINGS, 2026**

Under section 156 of the Constitution of the Republic of South Africa, 1996, the Drakenstein Municipality, enacts as follows:-

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## CHAPTER 1: INTRODUCTION

### 1. Definitions

In this Bylaw, unless inconsistent with context –

**“behaviour”** means verbal or non-verbal communicative conduct, tone of voice, body language and demeanour, deportment, bearing and etiquette relative to one’s conduct toward others;

**“Chief Whip”** means the person elected as office bearer in Council (as such) in terms of section 41(A) of the Municipal Structures Act, and does not refer to the respective whips of political parties;

**“Code”** means the code of conduct for councillors set out in Schedule 7 to the Structures Amendment Act, 2021 (Act 3 of 2021) as amplified from time to time by Regulations issued by the Minister of COGTA, where applicable to this Bylaw;

**“committee”** means a committee of councillors established by council in terms of sections 60, 79, 79A or 80 of the Structures Act;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“council”** means the municipal council of Drakenstein Municipality;

**“councillor”** means a member of the Council, which includes the Chief Whip, and includes a political office bearer as defined in section 1 of the Systems Act;

**“City Manager”** means the person appointed by council in terms section 56A of the Systems Act, or a person delegated by the City Manager;

**“debate”** means that in the context of council a process that involves formal discourse, discussion and oral addresses, on a particular topic, putting forward opposing viewpoints of relevance and under moderation of the Speaker as per this Bylaw;

**“hybrid meeting”** means a meeting where councillors could either attend physically or virtually;

**“meeting”** means a meeting of the municipal council or a committee as the case may be and includes a virtual meeting as contemplated in Chapter 3 of this Bylaw;

**“member of the public”** means a person who is not a councillor or a municipal employee and who attends a meeting of the Council or a committee, and includes –

- (a) the media;
- (b) a dignitary; and
- (c) a representative of any sphere of government;

**"motion"** means a motion and/or item of which written notice is given by a councillor, but shall not include a motion as contemplated in sections 48 or 49, and other motions;

**"ordinary Council meeting"** means an ordinary meeting of the Council convened in accordance with section 6;

**"party"** means a political party as defined in the Structures Act;

**"physical meeting"** means a meeting where councillors are physically present in the same venue;

**"Provincial Minister"** means the member of the Provincial Cabinet responsible for local government matters in the Province;

**"Province"** means the Province of the Western Cape;

**"quorum"** in relation to –

- (a) the Council, means a majority of the incumbent councillors; and
- (b) a committee, means a majority of the incumbent councillors appointed to that committee by the Council;

**"Speaker"** means the Speaker of the Council elected in terms of section 36 of the Structures Act or the Acting Speaker in terms of section 41 of the Structures Act;

**"special Council meeting"** means a special meeting of the Council convened in accordance with section 7;

**"Special Committee"** means the standing committee established by Council in terms of section 16 of the Code to conduct hearings of Councillors charged with a contravention of this Bylaw or any other matter of disciplinary nature relating to Councillors;

**"Systems Act"** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended;

**"Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended;

**"tools of trade"** means the resources or enabling facilities such as furniture, telephones, electronic devices or any other resources or enabling facilities provided

by the Municipality to a councillor to enable effective and efficient fulfillment of his or her duties in the most cost effective manner;

“venue” means the Council chamber, town hall or committee room where a meeting is held or the virtual platform where a virtual meeting is held;

“virtual” means streamed live to the internet, using any or all of the following: –

- (a) video;
- (b) text;
- (c) audio;

“virtual meeting” means a meeting where councillors are not physically present in the same venue and the meeting is conducted utilising virtual means;

“walk-out” means an act of leaving a meeting or failing to remain in attendance at that meeting, by a councillor or councillors, without the permission of the chairperson when a vote is taken on any matter, or before the chairperson has adjourned the meeting;

“working day” means any day of the week except –

- (a) a Saturday, Sunday, and public holiday; and
- (b) when the Council is in recess.

**2. Application and interpretation**

2.1 Subject to paragraph (b), this Bylaw applies to all meetings of the Council and its committees, to the extent applicable.

2.2 These rules do not apply to the following committees –

2.2.1 committee established in terms of section 16(1)(b) (Investigation of Breach) of the Code;

2.2.2 a committee contemplated in section 62(4)(c) (Appeals) of the Systems Act;

2.2.3 a Mayoral Committee contemplated in section 60 of the Structures Act; and

2.2.4 Local Labour Forum, Audit Committee, Section 17 Advisory Committees of Public.

- 2.3 Unless it is inconsistent with the context or clearly inappropriate, a reference in this Bylaw to –
- 2.3.1 the Council must be construed as a reference to a committee;
  - 2.3.2 the Speaker must be construed as a reference to the chairperson of a committee; and
  - 2.3.3 a councillor must be construed as a member of a committee.
- 2.4 Except where it is clearly inappropriate, a rule applying to a councillor in any proceedings also applies to a municipal employee and a member of a committee.
- 2.5 If, in terms of this Bylaw, a notice, motion, question, or request is required or permitted to be given in writing to any councillor or person, it is sufficient if it is transmitted electronically directly to that councillor or person in such a manner and form that it can conveniently be printed by the recipient within a reasonable time.
- 2.6 If, in terms of this Bylaw, a document is required to be published, provided or delivered, it is sufficient if an electronic original, or reproduction thereof is published, provided or delivered by electronic communication in such a manner and form that it can conveniently be printed by the recipient within a reasonable time; provided that this subsection does not apply to any publication to inform the public.
- 2.7 If, in terms of this Bylaw, a document is required to be signed by –
- 2.7.1 a single councillor or person, signing may be done in any manner provided for in the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002); or
  - 2.7.2 two or more councillors or persons, it is sufficient if –
    - (a) all councillors or persons sign a single original of the document, in person or as contemplated in paragraph (a); or
    - (b) each of those councillors or persons signs a separate duplicate original of the document in person, or as contemplated in paragraph (a), and in such a case, the signed duplicate originals, when combined, constitute the entire document.

- 2.8 During a meeting where the Speaker considers that adherence to a provision of this Bylaw would be unreasonable and would prejudice the operation of a meeting, the Speaker may, ~~with the approval of the majority of the incumbent councillors~~ **if in his/her opinion will enhance and/or support effective and fair decision making** and for the duration of that meeting, temporarily suspend or relax such provision, provided that the suspension or relaxation of a provision –
- 2.8.1 may not be in contravention of any national or provincial legislation or any Bylaw of the Municipality; and
  - 2.8.2 ~~must relate to an item on the agenda for the meeting~~ **must relate to the matter under discussion as listed on the agenda.**
- 2.9 The reasons for the suspension of the rule must be recorded in the minutes.
- 2.10 This subsection does not apply to a motion of no confidence contemplated in section 64.

### 3. Unforeseen eventualities

The Speaker may give a ruling or frame a rule in respect of any eventuality for which this Bylaw does not provide, having due regard to existing procedures, precedents, practices and conventions and on the basis of constitutional values and principles underpinning an open, accountable and democratic society.

## CHAPTER 2: MEETINGS IN GENERAL

### 4. Transaction and order of business

- 4.1 The Council transacts its business at ordinary Council meetings and special Council meetings, convened for that purpose, in terms of this Bylaw.
- 4.2 The business of meetings in ordinary Council meetings will appear in the following order on the agenda, unless the order has been changed in terms of subsection (4) –
  - 4.2.1 election of acting Speaker, if necessary;
  - 4.2.2 applications for leave of absence;
  - 4.2.3 confirmation of minutes;
  - 4.2.4 **feedback on matters arising as indicated in the minutes;**

- 4.2.5 statements and communications by the Executive Mayor/Executive Deputy Mayor;
  - 4.2.6 statements and communications by the Speaker;
  - 4.2.7 interviews with deputations (if approved by the Speaker);
  - 4.2.8 consideration of reports by executive mayor;
  - 4.2.9 matters for consideration/information;
  - 4.2.10 urgent matters submitted by City Manager;
  - 4.2.11 consideration of notices of motion;
  - 4.2.12 consideration of notices of questions;
  - 4.2.13 consideration of motions of **urgency and necessity**; and
  - 4.2.14 matters In-Committee.
- 4.3 The order of business of a special Council meeting is as follows, unless the order has been changed in terms of subsection (4)–
- 4.3.1 election of an acting Speaker if necessary;
  - 4.3.2 application for leave of absence;
  - 4.3.3 consideration of matters in the notice convening a special Council meeting as set out in the request contemplated in section 7; and
  - 4.3.4 adjournment.
- 4.4 The Speaker may change the order of the business appearing on the agenda.
- 4.5 A councillor who wishes to have the order of business on the agenda changed must approach the Speaker in this regard prior to the meeting. The decision of the Speaker in this regard will be final.

**5. Agenda**

- 5.1 The Speaker or a person designated by the Speaker must prepare the agenda for a meeting in liaison with the **Executive Mayor, and, if applicable, the City Manager.**
- 5.2 The City Manager must assist the Speaker in preparing the agenda.
- 5.3 The Speaker may at any time during a meeting introduce an urgent matter which does not appear on the agenda, unless –
  - 5.3.1 a councillor indicates his or her opposition to the introduction of the matter;

- 5.3.2 the procedure contemplated in section 25 is followed; and
  - 5.3.3 the Council resolves otherwise with a supporting vote of a majority of the votes cast.
  - 5.4 Except as otherwise provided in this Bylaw or in terms of subsection (2), a matter not appearing on the agenda may not be transacted at a meeting.
  - 5.5 The Speaker may refuse an item, motion or question to the agenda if such item, motion or question –
    - 5.5.1 falls outside the jurisdiction of the Municipality;
    - 5.5.2 is racist in nature or advocates hate speech;
    - 5.5.3 is sub judice;
    - 5.5.4 does not comply with procedural requirements for submission of agenda items as provided for in this Bylaw;
    - 5.5.5 lacks sufficient information;
    - 5.5.6 violates legislation or is contrary to the law; or
    - 5.5.7 is of defamatory nature.
- in which event the procedure in sections 46(2) and (3) must be followed.

**6. Meetings**

- 6.1 The Speaker must:--
  - 6.1.1 at least quarterly convene ordinary Council meetings; and
  - 6.1.2 ensure that the Council meets at least quarterly in accordance with section 18(2) of the Structures Act.
- 6.2 ~~All meetings must be open to members of the public, unless they are excluded as contemplated in section 20.~~
- 6.3 The form of access to meetings by the public must be determined by the Speaker.
- 6.4 Subject to subsection (1) and section 7(3), the Speaker must decide how, when and where the Council must meet.
- 6.5 At least 72 hours before an ordinary Council meeting, the City Manager must give written notice, or notice by electronic media, to each councillor of that meeting; provided that should time constraints make this impossible, a shorter notice period may apply.

- 6.6 If the City Manager accidentally omits to give a notice contemplated in paragraph (a) to any councillor, such omission does not invalidate a meeting.
  - 6.7 At least 72 hours before an ordinary Council meeting, the City Manager must give written notice to the public in accordance with section 19 of the Systems Act.
  - 6.8 The Speaker may at any time change the date, time or venue of an ordinary Council meeting which has been convened.
  - 6.9 The City Manager must give reasonable notice in line with this section of any change to the date, time or venue of a meeting.
- 7. Special Council Meetings**
- 7.1 The Speaker may call a special Council meeting on a date, time and venue determined by him or her.
  - 7.2 When the Speaker has determined the date, time and venue of a special Council meeting, he or she must inform the City Manager thereof.
  - 7.3 If the position of Speaker is vacant or the Speaker is absent, unavailable, unwilling or unable to perform his or her functions –
    - 7.3.1 the City Manager; or
    - 7.3.2 a person designated by the Provincial Minister, if the City Manager is absent, unavailable, unwilling or unable, must convene a special Council meeting to elect a Speaker or an Acting Speaker, as the case may be, and preside over such election.
  - 7.4 The Speaker must, if a majority of the councillors requests him or her in writing to convene a special Council meeting for the consideration of a specified matter or matters, and if the request complies with the requirements set out in this section and the Structures Act –
    - 7.4.1 convene a special Council meeting on the date and at the time set out in the request and at a venue determined by him or her; and
    - 7.4.2 inform the City Manager of the date, time and venue and supply him or her with a copy of the request.

- 7.5 A request to call a special Council meeting must indicate the matter or matters to be dealt with at that special Council meeting, and indicate the date and the time of the special Council meeting, which date may not be less than –
- 7.5.1 six working days from the date the request is submitted to the Speaker; or
- 7.5.2 four working days from the date the request is submitted to the Speaker if the matter is regarded as an urgent matter, in which event the reasons for urgency must be stated in the request.
- 7.6 For the purposes of subsection (3), a majority of councillors must be construed, to be a majority of the Councillors, as reflected in the Municipality's establishment notice, notwithstanding any declared vacancies.
- 7.7 If the Speaker, for whatever reason, fails to convene a special Council meeting in terms of subsection (3) within one working day of receipt of the request, the City Manager must convene the special Council meeting on the date and at the time set out in the request and at a venue determined by him or her.
- 7.8 If the City Manager, for whatever reason, fails to convene a special Council meeting in terms of paragraph (a) within one working day of the failure by the Speaker, a person designated by the Provincial Minister must convene the special Council meeting on the date and at the time set out in the request and at a venue determined by him or her.
- 7.9 If the Speaker is absent, unavailable, unwilling or unable to chair the special Council meeting, the City Manager or a person designated by the Provincial Minister if the City Manager is absent, unavailable, unwilling or unable, must preside at the election of an Acting Speaker in accordance with section 36(3) of the Structures Act.
- 7.10 The Acting Speaker may only preside over the special Council meeting concerned.
- 7.11 Only the matter or matters specified in the notice convening a special Council meeting or set out in the request contemplated to in subsection (3), may be dealt with at a special Council meeting.
- 7.12 **Section 63 will apply in the event** of a special Council meeting to vote on a motion of no confidence.

- 7.13 Unless impracticable or due to time restrictions, the City Manager must give notice of a special Council meeting at least two working days prior to the meeting, in the manner contemplated in section 6(4) and (5).
- 7.14 If the City Manager accidentally omits to give notice to any councillor, such omission does not invalidate a meeting.
- 7.15 The Speaker may, on reasonable grounds, determine that a special Council meeting is an emergency meeting, in which event the time periods specified in this section do not need to be complied with.
- 7.16 The City Manager must take all reasonable steps to notify each councillor and the public of a special Council meeting that is an emergency meeting.

#### **8. Functions and powers of the Speaker and the Chief Whip regarding meetings**

- 8.1 Subject to section 14(2), the Speaker must take the chair in Council at the time the meeting has been scheduled for.
- 8.2 The rulings of the Speaker in Council (including as per section 43) must be recorded in the minutes and may not be debated.
- 8.3 The Chief Whip is responsible for –
- 8.3.1 the general acceptable conduct of Councillors to ensure optimal effectiveness of Council and Committees,
  - 8.3.2 finalisation of the Speakers list, 24 hours prior to the scheduled Council meeting (section 39(1)), and distributing the list of speakers as Council decides from time to time,
  - 8.3.3 reporting to the Speaker in writing within 72 hours of any incident, action or failure which may be a misconduct as per this Rules or the Code of Conduct of councillors, and
  - 8.3.4 oversight re the attendance of Councillors of Council and/or Committee meetings and to report any deviations to the Speaker in writing.

#### **9. Attendance by councillor and declaration of interest**

- 9.1 Subject to section 4 of the Code and sections 11 and 18, a councillor must –
- 9.1.1 attend each meeting;

9.1.2 sign his or her name in the attendance register if he or she is physically attending the meeting or verbally identify himself or herself when directed to do so by the Speaker if he or she is virtually attending the meeting; and

9.1.3 remain in attendance, unless he or she is authorised by the Speaker in terms of section 18(4) or sections 10 or 32 of this or any other law to withdraw from the meeting.

9.2 A councillor must disclose an interest in any matter before Council as contemplated in section 6 of the Code and withdraw from proceedings when that matter is considered, unless the Council decides that the councillor's interest is trivial or irrelevant.

9.3 In case of a virtual meeting, where a councillor must withdraw from proceedings in terms of subsection 2, the Speaker must disable the virtual connection to such councillor.

## 10. Order for councillor to withdraw from meeting

10.1 If the Speaker is of the opinion that a –

10.1.1 councillor is deliberately contravening a provision of this Bylaw;

10.1.2 councillor is in contempt of or is disregarding the authority of the Speaker; or

10.1.3 councillor's conduct is grossly to such an extent disorderly that this behaviour negatively affects Council's functionality, he or she may –

(a) order the councillor to withdraw immediately from the chamber or committee room for the remainder of the day's meeting if the councillor is physically attending the meeting; or

(b) discontinue such councillor's participation in the meeting in terms of section 20.

10.2 The Speaker may order that any councillor who is physically attending a meeting and who refuses to leave a meeting when directed to do so by him or her in terms of this Bylaw, be removed by a person designated by him or her.

10.3 The Speaker must also refer such Councillor for investigation by the Special Committee as contemplated in section 35.

**11. Leave of absence**

11.1 A councillor who wishes to absent himself or herself from a meeting or during a meeting of council or Committee must apply in writing, stating the reasons therefore to the Chief Whip, or in his or her absence, to the Speaker of the council in writing at least 48 hours before the meeting. An e-mail directed to the Chief Whip in this regard will be acceptable.

11.2 Upon receipt of the application referred to in subsection (1), the Chief Whip or the Speaker must consider the application and may approve or reject the application. The councillor must be notified of the decision, and reasons in case of refusal, at least 24 hours before the meeting.

11.3 The Speaker may grant leave of absence to a councillor who has been prevented by special circumstances from applying for leave of absence in accordance with subsection (1).

11.4 The special circumstances referred to in subsection (3) may include –

11.4.1 illness of the councillor; or

11.4.2 illness or death of close relatives of the councillor; or

11.4.3 a councillor being on official business of council.

11.5 If the Speaker wishes to absent himself or herself from a meeting, he or she must apply to the Executive Mayor in which case the provisions of subsections (1) to (4) shall apply with the necessary changes.

11.6 A councillor who fails to remain in attendance at a meeting without permission of the Speaker or walk-out, shall be regarded as being absent without leave.

11.7 The names of all councillors to whom leave of absence from any meeting has been granted and those of all councillors who absent themselves without leave from any meeting, or who fail to remain in attendance at a meeting, must be recorded in the minutes or report(s) relating to such meeting.

**12. Non-attendance and sanctions**

12.1 Except for the instances contemplated in section 11(4), a councillor may not without leave –

- 12.1.1 absent him or herself from a meeting;
  - 12.1.2 fail to attend the commencement of a meeting; or
  - 12.1.3 fail to remain in attendance until the end of a meeting.
- 12.2 An investigation into an alleged contravention of subsection (1) must be conducted in accordance with the standing procedures of the Special Committee.
- 12.3 If a councillor absents him or herself from three or more consecutive meetings, which that Councillor had to attend, without permission, and, after following a disciplinary process, the Council must request the Provincial Minister to remove the councillor from office.

### 13. Minutes

- 13.1 The City Manager must –
- 13.1.1 record all meetings and compile the minutes of the proceedings of a meeting in writing within two weeks of the meeting; and
  - 13.1.2 provide each councillor with a copy of the minutes within a reasonable period.
- 13.2 The minutes of a meeting must be considered by the Council at its next meeting and, if confirmed, must be signed by the Speaker.
- 13.3 The minutes are taken as being read, for the purpose of subsection (2), if they were provided to each councillor within a reasonable period before the meeting considering them.
- 13.4 No motion or discussion is allowed on the confirmation of the minutes, except in connection with the correctness thereof.
- 13.5 If a councillor is dissatisfied with the correctness of the minutes, he or she must –
- 13.5.1 state the item with which he or she is dissatisfied; and
  - 13.5.2 propose an motion amendment clearly outlining the alternative wording to amend the minutes. If there is no objection, the amendment will effect.

13.6 In the case where a Councillor request the Speaker that a specific content of a discussion must be taken up into the minutes, the Speaker, in his or her discretion, instruct the administration as such.

13.7 The minutes of a meeting must set out the date, time and place of the meeting and the decisions or other action taken at the meeting.

13.8 The City Manager must keep a record of the signed minutes.

#### 14. Quorum

14.1 A majority of the councillors in attendance shall constitute a quorum as indicated in section 30 of the Municipal Structures Act No 117 of 1998.

14.2 If there is no quorum at the time for which the meeting is scheduled, the Speaker must only take the chair as soon as a quorum is present.

14.3 If there is no quorum, the start of the meeting must be delayed for no longer than 30 minutes and if at the end of that period there is no quorum, the Speaker must adjourn the meeting to another time, date and venue at his or her discretion and record the names of those members present.

14.4 If the Speaker is not present and there is no quorum, the start of the meeting must be delayed for no more than 30 minutes and if there is no quorum at the end of that period, the meeting may not take place and the City Manager must record the names of the councillors present.

14.5 If during a meeting, irrespective of the reason, there is no quorum, the Speaker must suspend the proceedings until a quorum is present, provided that if after 10 minutes, or such longer time the Speaker may allow, there is still no quorum, the Speaker must –

14.5.1 adjourn the meeting to another date, time and venue at his or her discretion; and

14.5.2 record the time of such adjournment and the names of those councillors present.

#### 15. Adjournment of proceedings

The Speaker may only adjourn a meeting –

15.1 after the Council has transacted all of its business on the agenda;

- 15.2 in the absence of a quorum as contemplated in section 14;
- 15.3 upon a successful motion to adjourn as contemplated in section 54 or 55;
- 15.4 when a meeting in the Speakers' discretion, has fallen into disarray and has become unruly; or
- 15.5 in the event of *vis major*.

**16. Continuation of meeting if Speaker unlawfully adjourns meeting**

- 16.1 If the Speaker has adjourned a meeting in circumstances other than those contemplated in section 15, such adjournment is improper and the remaining councillors may proceed with the remainder of the agenda; provided that a quorum is still present.
- 16.2 The remaining councillors must elect an Acting Speaker to preside over the proceedings to conclude the agenda.
- 16.3 The City Manager or, if he or she is absent, unavailable, unwilling or unable, a person designated by the Provincial Minister, presides at the election of an Acting Speaker in accordance with section 36(3) of the Structures Act.
- 16.4 The Acting Speaker may only preside over the remainder of the meeting that was improperly adjourned by the Speaker.

**CHAPTER 3: SPECIFIC PROVISIONS RELATING TO VIRTUAL MEETINGS**

**17. Notice and venue of virtual meeting**

- 17.1 The Speaker must issue a notice and agenda for a virtual meeting, which must include the date, time, and venue of the meeting.
- 17.2 The notice contemplated in subsection (1) must be directed to the official Drakenstein e-mail address of councillors only and no private e-mail address shall be utilised for notice of meetings.
- 17.3 All documents relating to the meeting must be distributed by electronic means, **only to the official Drakenstein e-mail address of councillors and no private e-mail address shall be utilised.**
- 17.4 The venue of a virtual meeting may be determined by the Speaker, which may be at a municipal building or an electronic or a digital or virtual location, a web

address or a conference call telephone number, or a number of these combined.

- 17.5 The City Manager must give public notice of a virtual meeting of the Council, which notice must describe how members of the public can observe or access the meeting.

**18. Attendance and quorum**

- 18.1 A quorum shall be as contemplated in section 14(1).
- 18.2 Councillors must provide for enough data at his/her place of choice to access a meeting and to remain in attendance for the duration of the meeting.
- 18.3 Councillors who have accessed the meeting via the secure link sent to their electronic address are regarded as present and attending the meeting, if at any time the councillor in remote attendance is able at that time to hear, and where practicable see, and be so heard and, where practicable, be seen by the Speaker and the other councillors in attendance.
- 18.4 A councillor may not leave the meeting without permission of the Speaker as contemplated in section 9(1)(c).
- 18.5 A councillor in remote attendance shall be deemed to have left the meeting where at any time during the meeting such councillor cannot be heard or seen by the Speaker. In such case the Speaker may adjourn the meeting for a short period to permit the remote attendance of the councillor to be re-established.
- 18.6 If the attendance of the councillor cannot be re-established due to technical error, the Speaker may proceed with the meeting in the absence of the councillor, provided that the meeting is still quorate.
- 18.7 No technical failure on the part of a councillor or group of councillors during a virtual meeting, that leads to a break in the virtual connection, invalidates any action taken by a majority of the councillors attending the meeting.

**19. Exclusion of the public and media from a virtual meeting**

- 19.1 If the Speaker decides to exclude the public and media from a virtual meeting, electronic access to the meeting must be suspended to close all or part of the meeting to the public and media.
- 19.2 For the purposes of confidentiality, a councillor may not allow a member of the

public to be in his or her presence while participating in a virtual meeting, and by accessing a meeting virtually, the councillor, or other persons with authorised access, shall be deemed to declare that no member of the public is in his or her presence.

**20. Behaviour at a virtual meeting**

20.1 If a councillor, a member of the public, or a municipal employee behaves in manner that obstructs the business of a meeting in whatever way, the Speaker may call such person to order or request such person to leave the meeting for the remainder thereof.

20.2 In the event of a persistent disregard of the directions of the Speaker in terms of subsection (1), the conduct may be regarded as a breach of section 32(1) and the Speaker may apply the technological measures available to discontinue such person's participation in the meeting.

20.3 If a councillor or employee is found to be in breach of subsections (1) and (2), the Speaker may, in addition to the discontinuation of such councillor or employee's participation in the meeting, also invoke the provisions of section 35.

**21. Meeting secretariat**

If a meeting is held in more than one municipal building where councillors are in attendance, the City Manager may assign a secretary for each venue for the purposes of –

- 21.1 keeping record of the movement of members in and out of the venue;
- 21.2 recording of votes at the meeting and the conveyance thereof to the Speaker;
- 21.3 informing the Speaker of councillors entering or leaving the venue of the meeting; or
- 21.4 any other support function as may be determined by the City Manager.

**22. Voting at a virtual meeting**

22.1 Only councillors who are deemed present as per section 18, when a vote is called, shall be permitted to vote.

- 22.2 Councillors may vote in the order indicated by the Speaker.
- 22.3 Councillors may be required to switch on their video function, clearly identify themselves and record their votes by stating "Yes", "No" or "Abstain" when directed by the Speaker to cast their votes.
- 22.4 A councillor who is unable to cast his or her vote, must bring this to the attention of the Speaker and may in person or through a whip of his or her party or the meeting secretary, inform the Speaker of his or her vote.
- 22.5 If a councillor is in attendance but experiences a technical failure that leads to a break in the virtual connection, the Speaker may give the councillor one other opportunity to vote before the outcome of voting on the matter is announced by the Speaker.
- 22.6 After receiving the results of a vote electronically or from the meeting secretary, the Speaker must announce the results of such vote.
- 22.7 The votes of the councillors must be recorded in the minutes of the meeting with the assistance of the Chief Whip.
- 22.8 Councillors must ensure that their votes are correctly recorded.
- 22.9 The City Manager must maintain a system that can verify the votes cast.

**CHAPTER 4: DECISIONS**

**23. Unopposed Matters**

If the Council is called upon to consider a matter before it and there is no opposition from any member, a unanimous vote shall be recorded in the minutes of the meeting.

**24. Opposed matters**

24.1 If the Council is called upon to consider a matter before it, the Speaker must ask the Council if there is any opposition to the matter from any councillor, and if there is opposition –

24.1.1 the Speaker must put the matter to the vote as contemplated in this Bylaw;

24.1.2 the Speaker must announce the result of the vote; and

24.1.3 upon the announcement of the result of the vote, a councillor may demand that his or her dissenting vote, abstention or supporting vote be recorded in the minutes of the meeting.

24.2 A matter before Council shall not be deemed to be opposed by reason only of questions being asked in connection therewith.

## 25. Decision by voting

25.1 As contemplated in section 160(3)(a) of the Constitution and section 30(1) of the Structures Act, a quorum must be present before a vote may be taken on any matter.

25.2 A supporting vote of a majority of councillors is necessary to decide on any matter prescribed by legislation, or, in accordance with section 160(3)(b) of the Constitution and section 30(2) of the Structures Act, on the –

25.2.1 passing of a Bylaw;

25.2.2 approval of the budget;

25.2.3 imposition of rates and other taxes, levies and duties; and

25.2.4 raising of loans.

25.3 A supporting vote of at least two-thirds of councillors is necessary to adopt a decision to dissolve the Council, in accordance with section 34 of the Structures Act.

25.4 All other questions before the Council are decided by a majority of the votes cast, as contemplated in section 160(3)(c) of the Constitution.

25.5 If on any question other than a matter contemplated 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 as contemplated in section 30(4) of the Structures Act.

25.6 As contemplated in section 3 of the Code, a councillor may not vote in favour of or agree to a resolution which is before the Council that and conflicts with any legislation applicable to local government.

## 26. Method of voting

26.1 Voting must take place in the manner contemplated in section 27 (2) or (3), unless –

- 26.1.1 the law prescribes otherwise; or
  - 26.1.2 the Speaker has determined, after receiving a written request from a majority of Councillors, that voting must take place by a secret ballot, in which case voting must take place in the manner contemplated in section 27(4).
- 26.2 When the Speaker exercises the power to determine the appropriate voting procedure or method, the following factors must be taken into account –
- 26.2.1 the subject and content of the matter to be voted on;
  - 26.2.2 the prevailing circumstances relating to the matter to be voted on;
  - 26.2.3 the weight to be afforded to the advancement of the principles of transparency, accountability, and good governance, and enabling councillors to vote according to their conscience and in the furtherance of the best interest of the people;
  - 26.2.4 which voting procedure or method would ensure that councillors exercise their powers, perform their functions, and carry out their duties most effectively;
  - 26.2.5 the imperative of the Speaker's impartiality;
  - 26.2.6 the possible consequences of the resolution for the Municipality, members of the public, and councillors;
  - 26.2.7 the possibility of corruption if voting takes place by way of a secret ballot; and
  - 26.2.8 any other relevant factors.
- 26.3 A councillor may not leave the venue during the taking of a vote.
- 27. Casting of votes and division**
- 27.1 Unless any law provides otherwise, voting takes place in accordance with an electronic or manual voting system.
  - 27.2 At a meeting where an electronic voting system is in operation, questions are decided by the utilisation of such system, unless the Speaker directs otherwise and –
    - 27.2.1 councillors may vote only from the seats allocated to them individually in the chamber or committee room;

- 27.2.2 councillors must vote by pressing the "Yes", "No" or "Abstain" button on the electronic consoles at their seats when directed by the Speaker to cast their votes;
  - 27.2.3 a councillor who is unable to cast his or her vote, must draw this to the attention of the Speaker and may in person or through a whip of his or her party inform the Speaker of his or her vote;
  - 27.2.4 after all councillors have cast their votes, the Speaker must immediately announce the result of the division; and
  - 27.2.5 the names and votes of the councillors must be recorded in the minutes of the meeting.
- 27.3 Where no electronic voting system is in operation, a manual voting system must be used in accordance with a procedure predetermined by the Speaker and –
- 27.3.1 the City Manager, the Chief Whip or his or her nominee must count the votes cast in the presence of a representative of each party represented on the Council or the committee, as the case may be, and must record the result of voting;
  - 27.3.2 after councillors' votes have been counted, the Speaker must immediately announce the result of the division; and
  - 27.3.3 the names and votes of the councillors must be recorded in the minutes of the meeting.
- 27.4 Where a secret ballot is held –
- 27.4.1 the City Manager must hand to each councillor a ballot paper having the alternates to be voted for clearly depicted thereon;
  - 27.4.2 the City Manager must collect all the ballot papers and count them in the presence of a representative of each party represented on the Council, or the committee, as the case may be;
  - 27.4.3 the Speaker must immediately announce the result of the decision and must be recorded in the minutes of the meeting.

## CHAPTER 5: PUBLIC ACCESS

**28. Attendance by members of the public**

**28.1 The Speaker must –**

**28.1.1** take reasonable steps to regulate public access to, and public conduct at meetings as contemplated in section 20(4)(b) of the Systems Act; and

**28.1.2** ensure that meetings are accessible to persons with disabilities.

**28.2** The Council must conduct its business in an open manner and may close its meetings as contemplated in section 29 only when it is reasonable to do so, having regard to the nature of the business being transacted as contemplated in section 160(7) of the Constitution.

**29. Exclusion of members of the public**

**29.1** Subject to section 20(1) of the Systems Act and subsections (2) and (3), members of the public may be excluded from a meeting –

**29.1.1** if directed by the Speaker;

**29.1.2** if decided by Council upon a motion from any councillor to that effect; or

**29.1.3** where matters are marked as confidential.

**29.2** Members of the public may not be excluded when considering or voting on a matter contemplated in section 20(2) of the Systems Act.

**29.3** Members of the public may be excluded when the Council, due to the nature of the business being transacted or when the disclosure of any matter may be prejudicial to the interests of the Municipality, deems it reasonable and justifiable to do so, having regard to the principles of an open and democratic society.

**29.4** If a motion to exclude members of the public from the meeting as contemplated in subsection 29.1.2 is seconded, the motion must be put to the vote, after a discussion of the reasons, but without discussion of the matter.

**29.5** If members of the public are excluded from –

**29.5.1** a physical meeting, the venue must be cleared of all members of the public;

**29.5.2** a virtual meeting, virtual access by the public must be denied.

29.6 The motivation for the exclusion of members of the public must be recorded in the minutes of the meeting.

**30. Re-admission of members of public**

30.1 A councillor may during a meeting from which members of the public were excluded, move a motion "that the meeting again be opened" and state the reasons for the motion.

30.2 If the motion is seconded, it must be put to the vote forthwith without debate.

30.3 If the motion is carried, the Speaker must ensure that members of the public are allowed access to the meeting again including virtual access.

**31. Deputations and invitations to members of the public**

Members of the public and deputations will generally be interviewed by the Executive Mayor or committees. Under special circumstances, the Speaker may –

31.1 grant approval for a deputation to be interviewed by council;

31.2 allow a member of the public to address council; or

31.3 attend a meeting, physically or virtually, to state his or her views on a matter before council.

**CHAPTER 6: CONDUCT IN MEETINGS**

**32. Conduct of Councillors, members of the public and municipal employees**

32.1 Councillors, municipal employees and members of the public must preserve order at meetings, and may not –

32.1.1 behave in an unseemly manner;

32.1.2 obstruct the business of a meeting;

32.1.3 commit any breach of the provisions of this Bylaw;

32.1.4 refuse to withdraw any expression when required to do so by the Speaker;

32.1.5 challenge the ruling of the Speaker on any point of order or a ruling in terms of section 3;

- 32.1.6 indulge in an irrelevant argument or the tedious repetition of arguments; or
- 32.1.7 use offensive or unbecoming language or remarks which are of a defamatory nature.
- 32.2 If a councillor, municipal employee or member of the public breaches subsection 32.1, the Speaker must direct him or her to refrain from the breach and if he or she disregards the direction of the Speaker, he or she may direct him or her –
- 32.2.1 if speaking, to discontinue his or her speech; or
- 32.2.2 to withdraw from the chamber or committee room for the remainder of the meeting or, if necessary, to be removed by a person designated by the Speaker.
- 32.3 If the Speaker fails to act under subsection 32.2, any councillor may move a motion to require the Speaker to do so.
- 32.4 The motion contemplated in subsection 32.3 must be moved without notice, and if the motion is seconded, it must be put to the vote forthwith without debate.
- 33. Dress code**
- A proper dress code of Councillors during meetings, as approved by Council, must be enforced by the Speaker and the display of any party-political branding or wording on any clothing or item in possession of a councillor or employee who publicly displays it, shall be considered as behaviour in an unseemly manner.
- 34. Photographs or recordings at meetings**
- The taking of photographs or visual or audio recordings at a meeting is prohibited unless specifically authorised by the Speaker and the latter must be recorded in the minutes of the meeting.
- 35. Misconduct by Councillors and employees**
- 35.1 A Councillor who breaches the provisions of sections 18, 32 to 34, compromises the integrity of the Municipality and the Speaker may refer the matter for investigation by the Special Committee.

35.2 If a municipal employee breaches the provisions of sections 18, 32 to 34, the Speaker must refer the matter to the City Manager to take steps in terms of the Municipality's disciplinary code for employees.

**35A Misconduct by members of the public**

A member of the public commits an offence if he or she –

35A.1 refuses or fails to comply with a direction of the Speaker given in terms of section 32;

35A.2 returns to the meeting venue prior to the conclusion of the meeting from which he or she was directed to retire; or

35A.3 resists whilst being removed from the meeting venue, and

35A.4 this offence is punishable as specified in section 73 in this Bylaw.

**CHAPTER 7: DEBATE AND MOTIONS**

**36. Address to Speaker**

36.1 A councillor, a municipal employee, or member of the public who is recognised to speak at a meeting, must address the Speaker.

36.2 A member of the public who is recognised by the Speaker must state his or her name, and if he or she is representing an organisation or group, identify such organisation or group.

**37. Right to speak and limitation**

37.1 As contemplated in section 160(8)(a) and (b) of the Constitution, a councillor is entitled to participate in Council proceedings in a manner that –

37.1.1 allows all parties to represent and reflect their interests within Council;

and

37.1.2 is consistent with our democracy.

37.2 A councillor has freedom of speech in any meeting of the Council and in any committee of which he or she is a member in accordance with section 28 of the Structures Act and section 2 of the Western Cape Privileges and Immunities of Councillors Act, 2011 (Act 7 of 2011); provided that he or she must –

- 37.2.1 confine his or her speech to municipal matters;
  - 37.2.2 avoid personal attacks on other councillors; and
  - 37.2.3 refrain from defaming or bring damage to the good reputation of another councillor, person or an institution.
- 37.3 The right to freedom of speech of a councillor contemplated in subsection 37.2 includes –
- 37.3.1 participation in the deliberations and voting on any resolution, decision, report, paper or minutes adopted or approved by the Council or any of its committees; and
  - 37.3.2 is subject to this Bylaw.
- 37.4 A councillor who is not a member of a committee has the right to speak at a meeting of that committee; provided that such councillor has been permitted by the chairperson to speak to a specific item on the agenda.
- 37.5 A councillor may speak or proceed to speak at a meeting after being recognised by the Speaker or Chairperson.
- 37.6 A councillor may speak only once to –
- 37.6.1 a matter before the Council;
  - 37.6.2 any motion before the Council;
  - 37.6.3 any amendments to a motion before the Council; or
  - 37.6.4 a point of order or a question for clarity, unless authorised by the Speaker or as provided for in this Bylaw.
- 37.7 A councillor may not be interrupted while speaking, unless called to order by the Speaker or a point of order is raised by any other councillor.
- 37.8 The Speaker may not recognise and allow a councillor to speak on a matter once that matter has been voted on.
- 37.9 The Speaker may not allow a debate on a matter –
- 37.9.1 which may anticipate any matter on the agenda; or
  - 37.9.2 in respect of which a decision by a judicial or administrative body or a commission of inquiry is pending.
- 37.10 The mover of an original motion may speak to the motion and reply, but in reply he or she must confine himself or herself to answering previous Speakers and shall not introduce any new matter into the debate.

37.11 The right of reply shall not extend to the mover of an amendment when the latter has carried and has become substantive part of the motion.

**38. Participation in debate by the Speaker**

If the Speaker wishes to take part in a debate, he or she may do so from the floor and must –

38.1 request the meeting to elect an Acting Speaker for the duration of the debate in which he or she wishes to take part; and

38.2 in the event of a physical meeting vacate the chair and take up his or her seat amongst the other councillors.

**39. Debate management**

39.1 The Chief Whip must, at least 24 hours prior to a meeting, provide the Speaker and the Members of the Mayoral Committee (MMC's) with a list of the items on the agenda that will be debated as well as the names of the councillors that will debate such items.

39.2 The Speaker may deviate from the provisions of the list.

~~(3) A matter not listed in terms of subsection (1) must be put individually to the meeting for adoption without debate.~~

39.3 Except with the consent of the Speaker, no member may speak for more than five minutes on any matter.

39.4 The mover of an original motion or of any amendment may, however, speak for five minutes on such motion or amendment.

39.5 Despite the provisions of subsections (1) to (4) –

39.5.1 the Speaker may not, when exercising any discretion in terms of this Bylaw, prejudice any party in respect of the time allocated to a party; and

39.5.2 the ruling of the Speaker after exercising his or her discretion is final.

39.6 In the event of a special council meeting as contemplated in section 7, the Chief Whip must provide the list contemplated in subsection (1) within a reasonable time.

**40. Debate relevance**

40.1. A **councillor member** who speaks must direct his or her speech **relevant** to the subject or matter under discussion or to a **requested** explanation.

40.2 No discussion shall be permitted –

40.2.1 which will anticipate any **other** matter on the agenda; or

40.2.2 on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of enquiry is pending, or

40.2.3 a matter referred to a committee of Council and as such waiting for a **report back to Council**

**41. Tabling of documents**

41.1 Where any law requires any document or report to be tabled at a meeting by a councillor or municipal employee, tabling is deemed to be done by presenting it to the Speaker or Committee Chairperson at the meeting, or by sharing it electronically in the case of a virtual meeting.

41.2 All documents and reports tabled in a meeting must be recorded in the minutes.

**42. Notice of question**

42.1 A councillor may submit a question on any matter relevant to a political office bearer or municipal employee concerning any matter related to the effective performance of the functions of the Municipality and the exercise of its powers and carrying out of its duties, by giving six working days' a notice in writing to the Speaker.

42.2 A question must be in writing, dated and signed by the councillor and the date of receipt must be endorsed on it.

42.3 The Speaker, after receiving a **Notice of Question**, may –

42.3.1 if he or she is of the opinion that the question is out of order, not clearly put, irrelevant or not submitted in accordance with this Bylaw, refer the question back to the councillor with reasons **as to why it cannot be entertained**; or

42.3.2 accept the question and refer it to the appropriate political office bearer or municipal employee to answer, or

42.3.3 accept the question and refer it to the appropriate Portfolio Committee, or

42.3.4 accept the question and refer it to Council for debate.

42.4 The Speaker must ensure that a response is given to a Councillor within a reasonable time.

42.5 If a question served before the Council, a similar question may not be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.

42.6 ~~A debate will not be allowed on a question, except a question of clarity from the councillor who posed the question.~~ In considering the notice for adoption in the agenda, the Speaker must apply the principles as set out in section 62.

#### 43. Point of order

43.1 A councillor may interject during a meeting to raise a point of order to call the attention of the Speaker to a breach of the Bylaw, the Code, or a statutory provision.

43.2 A point of order may be raised in relation to –

43.2.1 a procedural matter; or

43.2.2 the conduct of a councillor, municipal employee, or member of the public.

43.3 A councillor raising a point of order must immediately be heard, and he or she must state the –

43.3.1 point of order; and

43.3.2 the section in the Code, or statutory provision that is being breached.

43.4 A councillor who is speaking when a point of order is raised must immediately stop speaking until the point of order is ruled on by the Speaker.

43.5 All other matters before the Council must be suspended until the point of order is ruled on.

43.6 If ruled to be –

- 43.6.1 in order, the councillor must be allowed to proceed with his or her speech; or
- 43.6.2 out of order, the councillor must remain silent or must retract or change any remarks to comply with the ruling.
- 43.7 The Speaker's ruling on a point of order –
- 43.7.1 is final and not open to debate; and
- 43.7.2 must be recorded in the minutes.
- 43.8 If a councillor persists in irrelevant, frivolous or unsubstantiated points of order, the Speaker may –
- 43.8.1 inform the councillor that he or she will not be given an opportunity to be heard further at that particular meeting, while in a virtual meeting the Speaker may act in terms of section 20.2; and
- 43.8.2 refer the councillor for investigation by the Special Committee.
- 43.9 The councillor will however be allowed to vote on any matter that is subject to a vote.
- 43.10 If the Speaker fails to act under paragraph (a) section 43.3, any councillor may move a motion to require the Speaker to do so.
- 44. Explanation**
- 44.1 The Speaker may allow a councillor to explain a previous speech, but only when and to the extent that a material part of the speech may have been misunderstood.
- 44.2 The councillor giving the explanation may not introduce any new matter, and no debate on the explanation may be allowed.
- 44.3 The ruling of the Speaker on a point of explanation is final.
- 45. Motion**
- A councillor may by addressing the Speaker, move a motion, only when it is on the agenda and seconded by another councillor, unless provided otherwise in this Bylaw.

**46. Notice of item and/or motion**

46.1 Unless provided otherwise in this , and as per section 5 of this , an item or motion must be –

46.1.1 in writing, dated, motivated and signed by the relevant councillor; and

46.1.2 delivered to the Speaker at least six working days before the date of the Council meeting at which it is to be moved.

46.2 Subject to section 5(4), the Speaker may place an item or motion on the agenda or may refuse an item, motion or question, in which event he or she must refer the item, motion or question –

46.2.1 back to the councillor concerned, with the reason why it cannot be placed on the agenda;

46.2.2 to the committee that is mandated by the Council to deal with the matter; or

46.2.3 to the Executive Mayor, if applicable, if by law such motion or question must first be considered by the Executive Mayor.

46.3 If an item, motion or question was placed on the agenda, and subsequently refused by the Council, a similar item, motion or question may not be placed before the Council until a period of 3 months has lapsed, unless the Council directs otherwise.

46.4 Subsection (1) does not apply to the following motions –

46.4.1 a motion of urgency exigency; and

46.4.2 a motion of course.

**47. Question during debate re an item or motion.**

47.1 During a debate on an item, motion or question as contemplated in section 46, and –

47.1.1 after a motion has been moved and seconded; or

47.1.2 at the conclusion of any speech on a motion, any councillor may ask a question relevant to the motion to another councillor.

47.2 Only the councillor who asked the question may ask a supplementary question, and then only in respect of matters arising out of the reply to that question.

47.3 The councillor to whom the question is directed may –

- 47.3.1 reply thereto forthwith; or
- 47.3.2 require that notice be given of the question, in which event the Speaker must ensure that the reply is placed on the agenda of the next meeting.

#### 48. Motion of urgency

- 48.1 A councillor may direct the attention of the council to any matter which does not appear on the agenda and of which no previous notice has been given by stating the subject of the matter and without comment thereon moving "that the motion to which attention has been directed be considered forthwith as a matter of urgency."
- 48.2 If such motion is seconded and carried by majority vote, the mover shall be permitted without notice to bring the matter under consideration by way of motion or question.
- 48.3 This section does not apply to a motion of no confidence as contemplated in section 64.

#### 49. Motion without notice

- 49.1 A Councillor may request the Speaker to consider a motion of course based on the following: –
  - 49.1.1 that precedence be given to the consideration of any particular matter appearing on the agenda;
  - 49.1.2 that any report referred to in the agenda be noted, adopted, acted upon or be referred back;
  - 49.1.3 that any document before the Council be acted upon in the manner specified in the motion;
  - 49.1.4 that action be taken regarding any matter submitted for consideration in the manner specified in the motion;
  - 49.1.5 that the Speaker must direct that a councillor, municipal employee or a member of the public withdraw from the meeting; and
  - 49.1.6 any motion contemplated in section 60.
- 49.2 If a motion of course is seconded, it must be put to the vote forthwith without

debate.

**50. Precedence or priority of debate**

When a motion is under debate, no further motion shall be received except that –

- 50.1 the motion be amended;
- 50.2 consideration of the matter be postponed;
- 50.3 the public and the media be excluded;
- 50.4 the public and the media be re-admitted;
- 50.5 the meeting adjourn to another date;
- 50.6 the meeting adjourn for a specified time;
- 50.7 the debate be adjourned;
- 50.8 the motion be put to the vote;
- 50.9 the motion be removed from the agenda;
- 50.10 the motion be referred to a committee;
- 50.11 the meeting proceed to the next motion; or
- 50.12 the motion be withdrawn.

**51. Amendment of a motion**

51.1 A councillor may move an amendment motion by stating –

51.1.1 "that the motion be amended"; and

51.1.2 how the original motion should be amended.

51.2 Subject to subsection (6), the motion contemplated in subsection (1) –

51.2.1 need not be in writing; and

51.2.2 must be seconded.

51.3 The amendment must be relevant to the original motion on which it is moved and must be moved while the original motion is under consideration.

51.4 The amendment may not amend, in a material way, the principle embodied in the original motion, but may vary its terms in one or more particulars.

51.5 The Speaker must decide whether or not the amendment complies with paragraph (a) section 51.4 and must rule accordingly.

51.6 The amendment must be considered before considering the original motion.

- 51.7 If the Speaker so requires, a proposed amendment must be in writing, signed by the councillor who moved it, and handed to the Speaker, or by sharing it electronically in case of a virtual meeting.
  - 51.8 If there is more than one amendment to the original motion, the last proposed amendment must be put to the vote first, and if carried, the matter must be resolved accordingly.
  - 51.9 If the last proposed amendment is rejected, the amendment proposed immediately before the last amendment must be put to the vote.
  - 51.10 When all amendments have been disposed of, the original motion must be put to the vote.
  - 51.11 No further amendment to the original motion may be moved after the Speaker has commenced to take the vote on the original motion.
- 52. Motion for postponement of a matter before Council**
- 52.1 A councillor may at the conclusion of a speech move "that the consideration of the matter be postponed to a fixed or undetermined date".
  - 52.2 The motion
    - 52.2.1 need not be in writing; and
    - 52.2.2 must be seconded.
  - 52.3 The councillor who moved the motion may speak to the motion.
  - 52.4 The councillor who moved the original motion in respect of the matter under debate may reply, after which the motion contemplated in subsection (1) must be put to the vote without further debate.
  - 52.5 If the motion contemplated in subsection (1) is carried, the matter must be placed first on the agenda of matters to be considered at the meeting to which it has been postponed.
  - 52.6 If the motion contemplated in subsection (1) is not carried, the meeting must proceed as if no interruption occurred.
- 53. Motion for adjournment of meeting to another date**

- 53.1 A councillor may, at any time during the meeting, except during a speech by another councillor or when a vote is being taken, move "that the meeting adjourn to another date".
  - 53.2 The motion –
    - 53.2.1 need not be in writing; and
    - 53.2.2 must be seconded.
  - 53.3 The councillor who moved the motion may speak to the motion.
  - 53.4 A debate on the motion may not be permitted; provided that the first councillor to indicate his or her opposition to the motion, may speak in opposition thereof.
  - 53.5 An amendment to the motion may not be moved, except in relation to the period of adjournment.
  - 53.6 If the motion is carried, the meeting must forthwith adjourn and be reconvened on the date specified in the motion or amended motion, unless the Speaker directs that the meeting proceed first to dispose of business other than the opposed business.
  - 53.7 If the motion is not carried, the meeting must proceed as if no interruption occurred, and the Speaker may not accept a similar motion until 30 minutes has lapsed.
  - 53.8 Before the conclusion of a motion that is carried during a debate, the councillor who moved the adjournment is entitled to speak first when the matter is re-opened for discussion at the adjourned meeting.
  - 53.9 No business may be transacted at an adjourned meeting other than the business that was on the agenda for the meeting of which it is an adjournment.
- 54. Motion for adjournment of meeting for specified time**
- 54.1 A councillor may at any time, except during the course of a speech by another councillor or when a vote is being taken, move "that the meeting adjourn for a specified time", which may not exceed 60 minutes.
  - 54.2 The motion –
    - 54.2.1 need not be in writing; and
    - 54.2.2 must be seconded.

- 54.3 If the motion is carried, the meeting must forthwith adjourn for the specified time and reconvene on the time specified in the motion.
- 54.4 If the motion is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion until 30 minutes has lapsed.
- 54.5 The Speaker may at any time adjourn a meeting for a specified time, on good cause shown.
  
- 55. Motion for adjournment of debate on matter for a specified time**
  - 55.1 A councillor may, at the conclusion of any speech on a matter, move "that the debate on the matter be adjourned for a specified time".
  - 55.2 The motion –
    - 55.2.1 need not be in writing; and
    - 55.2.2 must be seconded.
  - 55.3 The councillor who moved the motion may speak to the motion.
  - 55.4 No debate is permitted on the motion, except that the first councillor to indicate his or her opposition to the motion, may speak in opposition thereto.
  - 55.5 No amendment to the motion may be moved, except in relation to the period of adjournment.
  - 55.6 If the motion is carried, the meeting proceeds to the next item on the agenda, and the adjourned debate is resumed at the time specified in the motion.
  - 55.7 On the resumption of the adjourned debate, the councillor who moved the adjournment is entitled to speak first.
  - 55.8 If the motion is not carried, the debate on the matter proceeds as though no interruption occurred, and the Speaker may not accept a similar motion until 30 minutes has lapsed.
  - 55.9 A councillor may not move or second more than one motion for the adjournment of the debate on the matter during that debate.
  - 55.10 The Speaker may at any time adjourn a debate for a specified time, on good cause shown.
  
- 56. Motion that the matter be put to the vote**

56.1 A councillor may, at the conclusion of any speech on a matter, move "that the matter be put to the vote".

56.2 The motion –

56.2.1 need not be in writing; and

56.2.2 must be seconded.

56.3 Subject to subsection (4), a motion contemplated in subsection (1) is not open to debate.

56.4 The councillor who moved the original motion under debate may, when a motion contemplated in subsection (1) has been moved, speak on that original motion, whereupon the motion contemplated in subsection (1) must be put to the vote without any further debate.

56.5 If a motion contemplated in subsection (1) has been adopted, the motion must be put to the vote without any further debate.

56.6 If the motion contemplated in subsection (1) is not carried, the meeting proceeds as if no interruption occurred, and the Speaker may not accept a similar motion on that item.

**57. Motion to remove an item, motion or question from the agenda**

57.1 A councillor may move "that an item, motion or question removed from the agenda".

57.2 The motion –

57.2.1 need not be in writing; and

57.2.2 must be seconded.

57.3 Subject to subsection (4), a motion contemplated in subsection (1) is not open to debate.

57.4 The councillor who moved the original item, motion or question, and is under debate, may, when a motion contemplated in subsection (1) has been moved, speak on that original motion, whereupon the motion contemplated in subsection (1) must be put to the vote without any further debate.

57.5 If the motion contemplated in subsection (1) is carried, the matter must be removed from the agenda of the meeting and may not be further pursued at that meeting.

57.6 If the motion contemplated in subsection (1) is not carried, the meeting proceeds as if no interruption occurred, and the Speaker may not accept a similar motion on that item.

**58. Motion to refer matter to a committee**

58.1 A councillor may, at the conclusion of any speech on a matter, move "that the matter be referred to a committee".

58.2 The motion –

58.2.1 need not be in writing; and

58.2.2 must be seconded.

58.3 Subject to subsection (4), a motion contemplated in subsection (1) is not open to debate.

58.4 The councillor who moved the original motion under debate may, when a motion contemplated in subsection (1) has been moved, speak on that original motion, whereupon the motion contemplated in subsection (1) must be put to the vote without any further debate.

58.5 If the motion contemplated in subsection (1) is carried, the matter under debate may not be further pursued at the meeting.

58.6 If the motion contemplated in subsection (1) is not carried, the meeting proceeds as if no interruption occurred, and the Speaker may not accept a similar motion on that item.

**59. Withdrawal of an item, or motion or question**

59.1 A councillor, who has signed off an item, motion or question, and as such scheduled on the agenda, may request the Speaker in Council, before section 45 takes effect, to withdraw the item, motion or question.

59.2 A councillor who has moved a motion may at any time withdraw it.

59.3 A councillor may not speak on a motion after the Council has permitted the withdrawal of the motion.

~~(c) If a motion is withdrawn, a similar motion may not be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.~~

59.3 A councillor who has asked a question may withdraw it at any time before the question is answered.

~~(b) If a question is withdrawn, a similar question may not be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.~~

**60. Absence of councillor who gave notice of an item, motion or question**

An item, motion or question shall lapse if –

60.1 The councillor who gave notice of an **item, motion or question** is absent when called upon by the Speaker or chairperson of a committee to move **such item, motion or question**, standing in his or her name on the agenda, and

60.2 the councillor has not notified the Speaker in writing of a substitute to move the **item, motion or the question.**

~~**61. Re-introduction of motion or question**~~

~~A motion which has been rejected by the Council or a question which has been answered, may not again be moved or asked within a period of three months of the meeting at which it was rejected or answered, unless the Council directs otherwise.~~

**61. Items, motions and/or questions on matters dealt with by a committee or executive mayor**

Excluding an item scheduled on the Council agenda, a councillor may not give notice of a motion or question regarding any matter assigned to a committee or the executive mayor, unless –

61.1 such motion has previously been submitted to such committee or the executive mayor without any response;

61.2 such motion or question is in the form of a reference to such committee or the executive mayor for consideration ~~and report~~;

61.3 such committee or executive mayor has failed to finalise or report on such matter within a time as specified by council; or

61.4 the Speaker authorised such motion to be included in the agenda.

**the chairperson of a portfolio committee or the Executive Mayor is of opinion**

that the matter is one of urgency.

~~(2) The chairperson of a portfolio committee or the Executive Mayor may, if he or she is of opinion that the matter is one of urgency, give notice of his or her intention to introduce a motion or ask a question on a matter assigned to such committee or the Executive Mayor, notwithstanding the fact that such motion or question has not received the prior consideration of the committee or the Executive Mayor.~~

**62. Recommendation by executive mayor or committee regarded as motion**

62.1 A recommendation contained in a report submitted by the Executive Mayor or a committee is considered to have been moved by the Executive Mayor or the chairperson of such committee or their delegates, as the case may be.

62.2 A motion referred to in subsection (1) does not need to be seconded.

62.3 The Executive Mayor or the chairperson of the committee may exercise his or her right to speak or reply on such a matter.

**CHAPTER 8: REMOVAL OF OFFICE BEARER FROM OFFICE**

**63. Removal of Speaker, Executive Mayor, Deputy Executive Mayor or Chief Whip from office**

63.1 A councillor may, by written motion addressed to the Speaker, move that the Speaker, Executive Mayor, Deputy Executive Mayor or Chief Whip be removed from office.

63.2 A motion to remove from office contemplated in paragraph (a) subsection 1 must be seconded by at least 30 (thirty) one-third of incumbent councillors present in the meeting.

63.3 A motion to remove from office must contain a summary of the reasons for the removal, name of the proposed replacing office bearer, and indicate the date and the time of the special Council meeting (sub sec (3)(b)(i)), which date may not be less than –

- 63.3.1 six working days from the date that the motion is submitted to the Speaker; or
- 63.3.2 four working days from the date the request is submitted to the Speaker if the matter is regarded as an urgent matter, in which event the reasons for urgency must be stated in the request.
- 63.4 The Speaker must, upon receipt of the motion –
  - 63.4.1 forthwith send a copy to the City Manager and the Executive Mayor, if applicable; and
  - 63.4.2 If the motion complies with the requirements set out in this section and the Structures Act –
    - (a) convene a special Council meeting on the date and at the time set out in the motion and at a venue determined by him or her; and
    - (b) inform the City Manager of the date, time and venue.
- 63.5 If the Speaker, for whatever reason, fails to convene the special Council meeting in terms of subsection (3) within one working day from receipt of the motion, the City Manager must convene the special Council meeting on the date and at the time set out in the motion and at a venue determined by him or her.
- 63.6 If the City Manager, for whatever reason, fails to convene a special Council meeting in terms of paragraph (a) within one working day of the failure by the Speaker, a person designated by the Provincial Minister must convene the special Council meeting on the date and at the time set out in the motion and at a venue determined by him or her.
- 63.7 If the Speaker is absent, unavailable, unwilling or unable to chair the special Council meeting, the City Manager or a person designated by the Provincial Minister if the City Manager is absent, unavailable, unwilling or unable, must preside at the election of an Acting Speaker in accordance with section 36(3) of the Structures Act.
- 63.8 The Acting Speaker may only preside over the special Council meeting concerned.

- 63.9 Only the motion to remove from office contemplated in subsection (1) may be dealt with at the special Council meeting.
- 63.10 The City Manager must give notice of the special Council meeting at least two working days prior to the meeting, in the manner contemplated in section 6(4) and (5).
- 63.11 If the Speaker determines that the special Council meeting is an urgent meeting, the City Manager must, at least one working day before the meeting, give written notice as contemplated in section 6(4) and (5).
- 63.12 If the City Manager accidentally omits to give notice to any councillor, such omission does not invalidate a meeting.
- 63.13 If the person to whom the motion relates, resigns from office at any time before the special Council meeting takes place, the motion lapses and the meeting does not proceed.
- 63.14 The person to whom the motion relates, has the right and must be allowed the opportunity during the special Council meeting to respond to every allegation made in the motion.
- 63.15 If the person to whom the motion relates, is not present during the special Council meeting, the Council may continue with the proceedings in his or her absence.
- 63.16 If the person to whom the motion relates, at any time during the special Council meeting, but before the motion is put to the vote, resigns from office, the –
- 63.16.1 special Council meeting is adjourned immediately; and
- 63.16.2 motion lapses;
- provided that if the motion concerns the Speaker, the Council must proceed to elect a new Speaker.
- 63.17 If the motion is carried, the person to whom the motion relates, is removed from office with immediate effect and the Council proceeds to elect a new Speaker, Deputy Executive Mayor, Deputy Executive Mayor or Chief Whip, as the case may be.

- 63.18 A councillor elected as Speaker, Executive Mayor, Deputy Executive Mayor or Chief Whip in terms of subsections (11) or (12), serves for the unexpired term of his or her predecessor.
- 63.19 If the motion is not carried, no motion forwarding the same allegations may be put before the Council until a period of ~~three~~ **six** months has lapsed, unless the Council directs otherwise.

## CHAPTER 9: LEGISLATIVE PROCESS

### 64. Introduction of draft Bylaw

- 64.1 A draft Bylaw may only be introduced by the Executive Mayor.
- 64.2 The City Manager must submit a report to the Executive Mayor with his or her comments on the content of the draft Bylaw for a report and recommendation to the Council as contemplated in section 30(5) of the Structures Act.
- 64.3 The Executive Mayor must within 30 days of receipt of a draft Bylaw from the City Manager, consider it and decide to either support it with or without amendments, or to reject it.
- 64.4 After the Executive Mayor has decided as contemplated in subsection (3), he or she must submit a report to the Council which sets out the following: –
- 64.4.1 an executive summary of the draft Bylaw;
  - 64.4.2 a memorandum on the objects of the draft Bylaw;
  - 64.4.3 the contents of the draft Bylaw;
  - 64.4.4 other Bylaws that will have to be repealed or amended if the draft Bylaw is adopted;
  - 64.4.5 the reasons why the draft Bylaw is supported with or without amendments or not supported, as the case may be;
  - 64.4.6 any relevant comments or proposals, which may include proposals for amendments; and
  - 64.4.7 a recommendation or recommendations.

### 65. Approval in principle by Council

65.1 After considering the report contemplated in section 65(4), the Council must decide to either reject the draft Bylaw or to approve it in principle with or without amendments.

65.2 If the Council approves the draft Bylaw, it must be published for public comment in accordance with section 67.

**66. Publication of draft Bylaw for public comment**

66.1 The City Manager must, as soon as possible after the Council has granted approval in principle for a Bylaw publish the draft Bylaw for public comment.

66.2 The comment period must be at least 30 days from the date of publication unless the Council has approved a shorter period.

66.3 Publication for public comment must be in a manner that allows the public the opportunity to make representations regarding the proposed Bylaw as contemplated in section 12(3)(b) of the Systems Act.

**67. Final consideration of draft Bylaw by Council**

67.1 The City Manager must as soon as possible after the closing date for public comment contemplated in section 67, submit a report to the Executive Mayor together with –

67.1.1 a copy of the draft Bylaw;

67.1.2 a copy of the publication contemplated in section 67;

67.1.3 comments received from the public; and

67.1.4 his or her comments or recommendations.

67.2 The Executive Mayor must consider the report by the City Manager and must –

67.2.1 submit a report to the Council which sets out the following: –

(a) an executive summary of the draft Bylaw; and

(b) any relevant comments or proposals.

67.2.2 recommend to the Council to pass the Bylaw with or without amendments, to postpone the passing of the Bylaw, or to reject the Bylaw.

67.3 If the Council rejects the draft Bylaw, a Bylaw of the same substance may not be introduced until a period of ~~six~~ **two** months from the date of rejection has lapsed, unless the Council directs otherwise.

67.4 As contemplated in section 14, a supporting vote of a majority of incumbent councillors is necessary to decide on the passing of a Bylaw.

67.5 The Council may not pass a Bylaw unless all the councillors were given reasonable notice as contemplated in section 160(4)(c) of the Constitution and section 12(3)(a) of the Systems Act.

**68. Publication of Bylaw in Provincial Gazette**

When a Bylaw has been passed, it must be published in the Provincial Gazette in accordance with section 13 of the Systems Act.

**69. Adoption of standard draft Bylaw**

This Chapter also applies to the adoption of standard draft Bylaws as contemplated in terms of section 14(4) of the Systems Act.

**CHAPTER 10: GENERAL MATTERS**

**70. Official languages**

Any person who speaks at a meeting may use any of the three official languages recognised by the Constitution of the Western Cape, 1998 (Act 1 of 1998), namely English, Afrikaans and isiXhosa.

~~71. Notice of question~~ (moved to section 41)

**72. Tools of trade**

72.1 Councillors are responsible to always have their tools of trade available and in a working condition; the official Drakenstein e-mail address must be loaded on all electronic devices forming part of such tools of trade.

72.2 If a tool of trade is lost or stolen, the councillor must report the incident at his or her nearest SAPS station and provide the Speaker with the case number

issued by the SAPS.

72.3 In such event, if found that there was negligence by the councillor, the allowance paid to the councillor shall lapse and he or she may be held responsible for the replacement cost of the tool of trade. This provision also applies where a tool of trade is damaged due to negligence on the part of the councillor.

72.4 A councillor who attends a meeting must at the time of the meeting be in possession of his or her electronic device or devices for the purpose of –

72.4.1 obtaining access to a virtual meeting and the documentation supplied as part of the meeting attended; and

72.4.2 in the case of a physical meeting, to access the documentation supplied as part of the meeting.

### 73. Offences

A member of the public who contravenes the provisions of section 35A commits an offence and upon conviction shall be liable to –

73.1 a fine or imprisonment, or to both such fine and such imprisonment; and

73.2 a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.

### 74. Repeal of Bylaws

74.1 The Drakenstein Rules of Order Regulating the Conduct of Meetings of the Portfolio Committees of Drakenstein Municipality, 21 of 2007, promulgated in Provincial Gazette No. 6426 of 16 March 2007 is hereby repealed;

74.2 The Drakenstein Bylaw relating to the Rules of Order Regulating the Conduct of Meetings of the Council of the Municipality of Drakenstein, 2014 published in provincial Gazette 7291 of 25 July 2014, is hereby repealed.

### 75. Short title and commencement

This Bylaw shall be known as the Drakenstein Municipality: Bylaw Relating to the Conduct of Council and Committee Meetings, 2026 and shall commence on the date of publication thereof in the Provincial Gazette.