**UNIFORM STANDING PROCEDURE FOR BREACHES OF SCHEDULE 1 TO THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT NO. 32 OF 2000 (“THE CODE OF CONDUCT FOR COUNCILLORS”)**

Adopted by the Council of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_2019

**To provide for the imposition of sanctions on councillors who are found to have acted in contravention of the Code of Conduct for Councillors.**

**PREAMBLE**

**WHEREAS:**

1. Item 4(3) of the Code of Conduct for Councillors provides that proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item;
2. The uniform standing procedure must comply with the rules of natural justice; and
3. There is also a need to provide guidance on the correct procedure to be followed before any disciplinary measures are instituted in terms of the Code in order to ensure adherence to principles of fairness and natural justice.

**NOW THEREFORE**,the following procedure must be applied in dealing with breaches of the Code:-

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**CHAPTER 1: INTERPRETATION**

**Definitions**

1. In this Uniform Standing Procedure, unless the context indicates otherwise—

**“Code”** means the Code of Conduct for Councillors as contained in Schedule 1 of the Act**;**

**“MEC”** means the KwaZulu-Natal Member of the Executive Council responsible for local government, and any successor-in-title to the position; and

**“the Act”** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended

**CHAPTER 2: LEGISLATIVE PROVISIONS**

**2. Item 3 of the Code provides as follows:**

**Attendance at meetings**

*3. A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when-*

1. *leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or*
2. *that councillor is required in terms of this Code to withdraw from the meeting.*

**3. Item 4 of the Code provides as follows:**

**Sanctions for non-attendance of meetings**

*4. (1) A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for:*

* 1. *not attending a meeting which that councillor is required to attend in terms of item 3; or*
  2. *failing to remain in attendance at such a meeting.*

*(2) A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed from office as a councillor.*

1. *Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item. The uniform standing procedure must comply with the rules of natural justice.*

**4. Item 13 of the Code provides as follows:**

***Duty of chairpersons of municipal councils***

*(1) If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must—*

*(a) authorise an investigation of the facts and circumstances of the alleged breach;*

*(b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and*

*(c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.*

*(2) A report in terms of subitem (1) (c) is open to the public.*

*(3) The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.*

*(4) The chairperson must ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.”*

**5. Item 14 of the Code provides as follows:**

***“Breaches of Code;***

*(1) A municipal council may—*

*(a) investigate and make a finding on any alleged breach of a provision of this Code; or*

*(b) establish a special committee—*

*(i) to investigate and make a finding on any alleged breach of this Code; and*

*(ii) to make appropriate recommendations to the council.*

*(2) If the council or a special committee finds that a councillor has breached a provision of this Code, the council may—*

*(a) issue a formal warning to the councillor;*

*(b) reprimand the councillor;*

*(c) request the MEC for local government in the province to suspend the councillor for a period;*

*(d) fine the councillor; and*

*(e) request the MEC to remove the councillor from office.*

*(3) (a) Any councillor who has been warned, reprimanded or fined in terms of paragraph (a),*

*(b) or (d) of subitem (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing setting out the reasons on which the appeal is based.*

*(b) A copy of the appeal must be provided to the council.*

*(c) The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing.*

*(d) The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.*

*(4) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the*

*councillor should be suspended or removed from office.*

*(5) The Commissions Act, 1947 (Act No. 8 of 1947), or, where appropriate, applicable provincial legislation, may be applied to an investigation in terms of subitem (4).*

*(6) If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may—*

*(a) suspend the councillor for a period and on conditions determined by the MEC; or*

*(b) remove the councillor from office.*

*(7) Any investigation in terms of this item must be in accordance with the rules of natural justice*.”

**CHAPTER 3: PROCEDURAL ISSUES**

**Non-attendance of meetings**

**6. (1) Fines for non-attendance of council or committee meetings**

(a) A councillor who is absent at a meeting of the council or committee of council without obtaining leave of absence is liable for a fine of 1 week’s allowance per meeting missed, which must be deducted from the allowance due to that councillor on the following month. This must also apply where leave of absence is declined and the councillor nonetheless remains absent at such a meeting.

(b) A councillor who fails to remain in attendance at a Council or committee meeting for a period exceeding an hour without having obtained the consent of the Speaker of Council or Chairperson of the committee is liable for a fine of 1 week’s allowance per meeting missed per meeting whereat the incident occurs, which must be deducted from the allowance due to that councillor on the following month.

**(2) Absence from three consecutive meetings**

(a) Upon becoming aware that a councillor has been absent from three or more consecutive meetings of the Council or from three or more consecutive meetings of a committee which that councillor is required to attend, the Municipal Manager must inform the Speaker of Council in order to commence proceedings as obligated in terms of Item 13(1)(a) of the Code.

(b) The Speaker must undertake an investigation of the facts and circumstances of the alleged breach.

(c) When the investigation of the alleged breach has been completed, the Speaker of Council must notify the councillor in writing of the allegations against him or her and give the councillor an opportunity to respond to the said allegations in writing.

(d) The written notification must at least contain the following:

(aa) the specific item or items alleged to have been breached;

(bb) the time period for a written response; and

(cc) the right to request any relevant documentation or information.

(e) A period of at least fourteen days must be deemed reasonable to allow for a response from the councillor concerned.

(f) Upon receiving the representations of the councillor or upon the expiry of the period provided for the written response, the Speaker of Council must report the matter at the next meeting of the Council and include the response of the councillor in order for council to resolve on the matter.

(i) Council may decide to establish an ad-hoc committee or refer the matter to the Rules Committee to investigate the matter and to make recommendations to the Council, the following must be taken into account when the special committee is constituted:

(aa) the committee must comprise of the Speaker, Mayor and one councillor representative from all political parties represented in the Council;

(bb) any person involved in the preliminary investigation must not be a member of the committee;

(cc) the council must strive to have equitable political representation on the committee in keeping with section 160(8) of the Constitution of the Republic of South Africa, 1996; and

(dd) the council must elect a chairperson.

(j) Prior to a hearing taking place, the councillor must be notified in writing of the intention to conduct a hearing.

(k) The councilor must be given at least fourteen days’ written notice of the hearing.

(l) The notification to attend the hearing must contain, at least, the following:

(aa) the alleged breach;

(bb) the time, date and venue of the hearing;

(cc) the councillors rights; and

(dd) the implications of a failure to attend the hearing.

(m) The hearing must be conducted by the committee as elected by the Council.

(n) Both parties must be given the opportunity to present their case.

(o) The hearing must be open to the public.

(p) At the hearing-

(aa) the Chairperson must produce the necessary evidence to establish that the councillor

(i) has been absent from three (3) or more consecutive meetings of the Council; or

(ii) has been absent for three (3) or more consecutive meetings of a committee which that councillor is required to attend.

(bb) the councillor must have the right to put questions to the witnesses called by the Chairperson;

(cc) the committee must have the right to put questions to the witnesses called by the Chairperson for the purposes of clarifying any issues;

(dd) the councillors must have the right to call other witnesses in support of the councillor’s case; and

(ee) the Chairperson and the councillor concerned may address the committee after all the evidence has been heard and before the committee makes a decision.

(q) The Municipal Manager must provide facilities including personnel to assist the Committee including the recording of the hearing(s) which record must contain all particulars related to the hearing including-

(aa) the names of the parties and their representatives;

(bb) the names of the witnesses;

(cc) the plea;

(dd) the evidence led;

(ee) the finding; and

(ff) any recommended sanction.

(r) In the event that the Chairperson becomes aware that councillor will not be able to attend the hearing after delivery of the notice, the Chairperson must attempt to establish the reasons for such failure to attend the hearing, prior to the commencement of the proceedings.

(s) If the Chairperson is unable to establish reasons why the councillor has failed to attend the hearing, the committee must commence the proceedings in the absence of the councillor.

(t) At the end of the hearing, the special committee must consider all the evidence. If a majority of the members of the committee find that, on a balance of probabilities-

(aa) the councillor has been absent from three (3) or more consecutive meetings of the Council; or

(bb) the councillor has been absent from three (3) or more consecutive meetings of a committee which that councillor is required to attend,

the committee must make an appropriate finding and recommendation(s) to the municipal council.

(u) The council must consider the finding and recommendation of the special committee and make an appropriate decision.

(v) The outcome of the said investigation and the Council’s decision on the matter must be reported to the MEC, which report, together with the Council’s resolution on the matter, must be forwarded to the MEC within fourteen days of the Council’s decision.

(w) The councillor must be notified in writing within seven days of receipt of the council’s decision, and the said notice must at least contain the following information-

(aa) whether or not the councillor has been found guilty of the alleged breach;

(bb) the grounds on which such a finding was made;

(cc) the sanction to be imposed; and

(dd) the councillor’s right to appeal to the MEC.

**(7) Other breaches of the Code**

(1) Sub-paragraphs 6(2)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (u), (v) and (w) must be applicable in dealing with other breaches in terms of the Code.

(2) In dealing with other breaches of the Code, the council must consider any mitigating and extenuating circumstances prior to the imposition or recommendation on a sanction.

(3) The council should be consistent with regard to the sanction imposed for similar breaches and the council should endeavor to ensure that the sanction is proportionate to the breach.

(4) Schedule 6 contains a schedule of fines for breaches of the Code. The Schedule is a guideline to ensure uniformity. Each case must be considered by Council in its merits with consideration of mitigating and extenuating circumstances.

**CHAPTER 4: ANNEXURES**

**ANNEXURE A**

**FLOWCHART**

(a) Authorise an investigation of the breach; and

(b) Notify the councillor in writing

**Item 13(1) of the Code provides that if the Speaker of Council is of the opinion that the Code has been breached, he/she must­­:**

(c) Give the councillor the opportunity to respond in writing (14 days shall be regarded as a reasonable period)

(d) The Speaker must report the matter to the municipal council

**SPEAKER**

**COUNCIL**

**(14(1)(a))** Investigate and make a finding on the alleged breach

**(14(1)(b))** Establish a special committee to investigate and make recommendations to the council

**(14(2))** If there is a breach, council may:

**Item 14 of the Code provides that Council may:**

**Note:** Council has authority to apply these sanctions in which case the Councillor may elect to appeal

Item **14(4)** of the Code provides that the MEC may appoint a person or committee to investigate the breach and make a recommendation

If there is a breach, the MEC may apply the appropriate sanction.

(c) Request the MEC to suspend the councillor

(e) Request the MEC to remove the councillor from office

(a) Issue a formal warning

(b) Reprimand the councillor

(d) Fine the

councillor

Item **14(3)(a)** of the Code provides that the councillor can within 14 days **APPEAL** the decision in writing (setting out reasons for the appeal)

A copy of appeal must be provided to Council by the councillor

Council may within 14 days of receiving the appeal make written representation to the MEC

Item **14(3)(d)** of the Code provides that the MEC may confirm, set aside or vary the decision

**Note:** If the sanction is a suspension or removal, Council must refer such to the MEC for a decision

**ANNEXURE B**

SAMPLE NOTICE OF A PRELIMINARY INVESTIGATION

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_MUNICIPALITY

Per Hand:

Date:

Councillor:

This serves to notify you that an investigation into the following allegation(s) against you has been commissioned:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. You may request further particulars pertaining to the allegations.

2. You must respond to the abovementioned allegations within \_\_\_\_\_\_\_\_\_\_days of receiving this notice.

Yours faithfully,

Chairperson:

Date:

I, the undersigned, confirm that I have received the above notification.

Councillor:

Date:

**ANNEXURE C**

**SAMPLE NOTICE TO ATTEND A HEARING**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_MUNICIPALITY**

Per Hand:

Date:

Dear Councillor:

This serves to notify you that you are required to attend a hearing to consider the following allegation(s) against you:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Details regarding the hearing are as follows:

Time:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Place:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

You have the following rights, to -

1. be represented at the hearing;

2. present evidence at the hearing;

3. call witnesses;

4. question any of council’s witnesses;

5. an interpreter; and

6. be present at the hearing. If you fail to attend without good cause, the hearing may be conducted in your absence.

You are requested to notify the committee prior to the hearing if an interpreter is required in order to allow for the necessary arrangements to be made.

Yours faithfully,

For Municipality:

Date:

I, the undersigned, confirm that I have received the above notification.

Councillor:

Date:

**ANNEXURE D**

**SAMPLE RECORD OF HEARING**

Details of the hearing and representation

Date and time of hearing:

Name of councillor:

Name of councillor representative:

PRESENT:

Chairperson:

Members of Special Committee:

Interpreter:

Councillor’s witnesses:

Council’s witnesses:

Preliminary steps:

2.The Chairperson:

(1) introduces all present;

(2) explain the proceedings that are to be followed and the method of recording the proceedings.

(3) confirm the language preference of the councillor and ensure interpreter is present (if applicable);

(4) confirm if the councillor has representations;

(5) establish the presence of witnesses; and

(6) read out the councillor’s rights.

The charge

3. The councillor is charged with the following offence(s):

Plea

4.(1) Record a guilty or not guilty plea:

(2) If a plea of guilty is recorded, skip item 5 to 6 below.

Council’s case

5.(1) Council presents its case:

|  |
| --- |
|  |
|  |

(2) Cross-examination by councilor or representative:

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| --- |
|  |
|  |

Councillor’s case

6.(1) Councillor presents his or her case:

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| --- |
|  |
|  |

(2) Cross-examination by committee:

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| --- |
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|  |

Finding

7. After having considered the evidence, the committee makes a finding on the alleged breach.

(1) The reasons for the finding:

|  |
| --- |
|  |
|  |

(2) The recommendations are:

|  |
| --- |
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|  |

(3) If a finding of not guilty is made, close the hearing.

Sanction

8.(1) Consider mitigating or extenuating circumstances, prior to the imposition of a sanction:

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| --- |
|  |
|  |

(2) The council considers the committee’s recommendation and councillor’s representation’s and imposes the following sanction:

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| --- |
|  |
|  |

Notification of outcome of hearing

9. The councillor is notified in writing of the outcome of the disciplinary hearing and of any sanction imposed.

Right of appeal

10. The councillor is advised of his or her right of appeal against the sanction in terms of Item 14(3)(a) of the Code.

**ANNEXURE E**

SAMPLE OUTCOME OF HEARING

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ MUNICIPALITY

Date:

To: (councillor’s name and address)

OUTCOME OF HEARING

With reference to the hearing held on in which a breach was investigated against you, the findings are as follows:

1. you have been found to have breached / not breached Item \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the Code of Conduct;

2. the reasons for the finding are as follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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3. The council considered the findings and imposed the following sanction:

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Please take note that you have the right to appeal against the sanctions of the hearing. If you decide to appeal, your grounds for appeal must be lodged within fourteen working days of having been notified of the decision of the council. Please lodge your appeal with the MEC for local government in terms of Item 14(3)(a) and 14(3)(b) of the code.

...........................................................…. ………………………….

Council Date

**ANNEXURE F**

**SCHEDULE OF FINES**

This Schedule shall serve as a guideline to Council on the determination of sanctions in terms of the Code. The sanctions included in this Schedule shall be read in conjunction with relevant by-laws and adopted policies.

|  |  |  |
| --- | --- | --- |
| **OBLIGATION** | **ITEM OF THE CODE** | **PENALTY** |
| A councillor must-   1. perform the functions of office in good faith, honestly and a transparent manner; and 2. at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised. | Item 2 of the Code | This shall depend on the severity of the action/s of the councillor.  The Council may­‑   1. fine the councillor a minimum of 1 month’s allowance, which must be deducted from that councillor’s allowance; 2. issue a formal warning; 3. reprimand the councillor; 4. request the MEC to suspend the councillor for a certain period; or 5. request the MEC to remove the councillor from office. |
| A councillor may not vote in favour of or agree to a resolution which is before the council or a committee of the council which conflicts with any legislation applicable to local government. | Item 2A of the Code | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a) fine the councillor a minimum of 1 month’s allowance, which must be deducted from that councillor’s allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; or  (e) request the MEC to remove the councillor from office.  Where the consequences of the unlawful votes have detrimental financial implications, Council or other authorities may also institute civil recovery proceedings. |
| A [councillor](http://www.acts.co.za/municipal-systems-act-2000/councillor.php) must attend each meeting of the [municipal council](http://www.acts.co.za/municipal-systems-act-2000/municipal_council_or_council.php) and of a committee of which that councillor is a member, except when leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or that councillors is required in terms of the Code to withdraw from the meeting. | Item 3 of the Code | A councillor who is absent at a meeting of the council or committee of council without obtaining leave of absence is liable for a fine of 1 week’s allowance per meeting, which must be deducted from that councillor’s allowance. This must also apply where leave of absence is declined and the councillor nonetheless remains absent at such a meeting.  A councillor who fails to remain in attendance at a Council or committee meeting for a period exceeding an hour without having obtained the consent of the Council or the committee is liable for a fine of1 week’s allowance per meeting, which must be deducted from that councillor’s allowance  A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed from office as a councillor. The Process outlined in Chapter 3 must be followed when removing a councillor in terms of this Item. |
| A councillor must-  a) disclose to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councilor may have in any matter before the council or the committee; and  b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor’s direct or indirect interest in the titter is trivial or irrelevant.  A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council at which it is possible for the councillor to make the disclosure. | Item 5 of the Code | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a) fine the councillor 1 week’s allowance which must be deducted from that councillor’s allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; or  (e) request the MEC to remove the councillor from office. |
| |  |  | | --- | --- | | 1) | A [councillor](http://www.acts.co.za/municipal-systems-act-2000/councillor.php) may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person. | | 2) | Except with the prior consent of the [municipal council](http://www.acts.co.za/municipal-systems-act-2000/municipal_council_or_council.php), a councillor may not- | |  |  |  | | --- | --- | | a) | be a party to or beneficiary under a contract for- | | i) | the provision of goods or services to the [municipality](http://www.acts.co.za/municipal-systems-act-2000/municipality.php); or |  |  |  | | --- | --- | | ii) | the performance of any work otherwise than as a councillor for the municipality; | | b) | obtain a financial interest in any business of the municipality; or |  |  |  | | --- | --- | | c) | for a fee or other consideration appear on behalf of any other person before the council or a committee. | | Item 6 of the Code | This shall depend on the severity of the action/s of the councillor.  The Council may  (a) fine the councillor 1 week’s allowance salary which must be deducted from that councillor’s allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; or  (e) request the MEC to remove the councillor from office.  Council or other authorities may also consider instituting criminal proceedings. |
| |  | | --- | | When elected or appointed, a [councillor](http://www.acts.co.za/municipal-systems-act-2000/councillor.php) must within 60 days declare in writing to the [municipal manager](http://www.acts.co.za/municipal-systems-act-2000/municipal_manager.php) the following financial interests held by that councilor; |  |  |  | | --- | --- | | a) | shares and securities in any company; | | b) | membership of any close corporation; |  |  |  | | --- | --- | | c) | interest in any trust; | | d) | directorships; |  |  |  | | --- | --- | | e) | partnerships; | |  |  |  |  |  | | --- | --- | | f) | other financial interests in any | | g) | interest in property; |  |  |  | | --- | --- | |  | pension; and | |  |  |  1. subsidies, grants and sponsorships by any   organisation  Any change in the nature or detail of the  financial interests of a councillor must be declared  in writing to the municipal manager annually  Gifts received by a councillor above a prescribed amount must also be declared in accordance with subitem (1).   |  |  | | --- | --- | |  |  |      |  |  | | --- | --- | |  |  | |  | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a)fine the councillor 1 week’s allowance which must be deducted from that councillor’s allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; or  (e) request the MEC to remove the councillor from office.  Council or other authorities may also consider instituting criminal proceedings. |
| A [councillor](http://www.acts.co.za/municipal-systems-act-2000/councillor.php) who is a full-time councillor may not undertake any other paid work, except with the consent of [municipal council](http://www.acts.co.za/municipal-systems-act-2000/municipal_council_or_council.php) which consent must not unreasonably be withheld. | Item 8 of the Code | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a) fine the councillor a minimum of 2 week’s allowance which must be deducted from that councillor’s allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; or  (e) request the MEC to remove the councillor from office. |
| A [councillor](http://www.acts.co.za/municipal-systems-act-2000/councillor.php) may not request, solicit or accept any reward, gift or favour for-   |  |  | | --- | --- | |  | * + - 1. voting or not voting in a particular manner on any matter before the [municipal council](http://www.acts.co.za/municipal-systems-act-2000/municipal_council_or_council.php) or before a committee of which that councillor is a member;       2. persuading the council or any committee in regard to the exercise of any power, function or duty;       3. making a representation to the council or any committee of the council; or       4. disclosing privileged or confidential information | |  |  | | Item 9 of the Code | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a) fine the councillor a minimum of 2 weeks’ allowance months’ salary which must be deducted from that councillor’s allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; or  (e) request the MEC to remove the councillor from office. |
| A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person. | Item 10 of the Code | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a) fine the councillor a minimum of 1 week’s allowance which must be deducted from that councillor’s allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; or  (e) request the MEC to remove the councillor from office. |
| A [councillor](http://www.acts.co.za/municipal-systems-act-2000/councillor.php) may not, except as provided [by law](http://www.acts.co.za/municipal-systems-act-2000/by_law.php)-   |  |  | | --- | --- | |  | a) interfere in the management or administration of any department of the [municipal council](http://www.acts.co.za/municipal-systems-act-2000/municipal_council_or_council.php) unless mandated by council;  b) give or purport to give any instruction to any employee of the council except when authorised to do so;  c) obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or  d) encourage or participate in any conduct which would cause or contribute to mal-administration in the council. | |  |  | |  |  | | Item 11 of the Code | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a) fine the councillor a minimum of 1 week’s allowance which must be deducted from that councillor’s allowance;  issue a formal warning;  (b) reprimand the councillor;  (c) request the MEC to suspend the councillor for a certain period; or  (d) request the MEC to remove the councillor from office. |
| A [councillor](http://www.acts.co.za/municipal-systems-act-2000/councillor.php) may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the [municipality](http://www.acts.co.za/municipal-systems-act-2000/municipality.php) to which that councillor has no right. | Item 12 of the Code | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a) fine the councillor a minimum of 2 weeks’ allowance which must be deducted from that councillor’s allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; and  (e) request the MEC to remove the councillor from office.  Council or other authorities may also consider instituting criminal proceedings. |
| Assaulting any person on municipal premises or on municipal business. |  | The Council may‑  (a) fine the councillor a minimum of 3 weeks’ allowance;  (b) request the MEC to suspend the councillor for a certain period; and  (c) request the MEC to remove the councillor from office.  Council or other authorities may also consider instituting criminal proceedings. |
| Stealing any property from municipal premises. |  | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a) fine the councillor a minimum of 1 month’s allowance;  (b) request the MEC to suspend the councillor for a certain period; and  (c) request the MEC to remove the councillor from office.  Council or other authorities may also consider instituting criminal proceedings. |
| Malicious injury to municipal property. |  | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a) fine the councillor a minimum of 1 month’s allowance;  (b) request the MEC to suspend the councillor for a certain period; and  (c) request the MEC to remove the councillor from office.  Council or other authorities may also consider instituting criminal proceedings. |
| Being under the influence of alcohol or intoxicating drugs or partaking of alcohol or intoxicating drugs in any meeting of the Council or Committee of the Council. |  | The Council may‑  (a) fine the councillor a minimum of 1 week’s allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; and  (e) request the MEC to remove the councillor from office.  Council or other authorities may also consider instituting criminal proceedings. |
| Failing to fall silent when the Presiding Officer speaks or rises during a meeting. |  | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a) fine the councillor a minimum of 2 days’ allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; and  (e) request the MEC to remove the councillor from office. |
| Failing to obey any ruling, order or directive of the Presiding Officer at any meeting of the Council or any Committee |  | This shall depend on the severity of the action/s of the councillor.  The Council may‑  (a) fine the councillor a minimum of 2 days’ allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; and  (e) request the MEC to remove the councillor from office. |
| Failing to leave the Chamber or Committee Room when ordered to do so by the Presiding Officer. |  | The Council may‑  (a) fine the councillor a minimum of 2 days’ allowance;  (b) issue a formal warning;  (c) reprimand the councillor;  (d) request the MEC to suspend the councillor for a certain period; and  (e) request the MEC to remove the councillor from office. |