



**RULES OF PROCEDURE FOR MEETINGS
OF THE LANGEBERG MUNICIPAL PLANNING TRIBUNAL (LMPT)**

<u>CONTENTS</u>	<u>PAGE</u>
1. APPLICATION OF RULES OF PROCEDURE	3
2. DEFINITIONS AND INTERPRETATION OF RULES	3
3. NOTICE OF MEETINGS	5
4. MEETINGS OPEN TO THE PUBLIC	5
5. QUORUM	6
6. AGENDA	7
7. CONDUCT AT MEETINGS	8
8. ORAL SUBMISSIONS	8
9. DECISIONS AND VOTING	13
10. INTERRUPTION, SUSPENSION AND ADJOURNMENT	14
11. MINUTES	14
12. DECISIONS ON APPLICATIONS	15



These Rules of Procedure must be read with the Langeberg Municipal Land Use Planning Bylaw (2015) (the Bylaw) as published in the Provincial Extraordinary Gazette No 7512, dated 30 July 2015.

1. APPLICATION OF RULES OF PROCEDURE

1.1 The Rules of Procedure (hereafter named “Rules”) apply to all the meetings of the Langeberg Municipal Planning Tribunal.

2. DEFINITIONS AND INTERPRETATION OF RULES

2.1 In these Rules, unless inconsistent with the context hereof or the Bylaw.

“Agent” or **“Consultant”** means a person authorised in terms of a power of attorney to make an application on behalf of the owner of land;

“Applicant” means a person referred to in Section 15 of the Bylaw who makes an application to the Municipality as contemplated in that section and includes its agent or consultant or other legal representative;

“Authorised Employee” means a municipal employee who is authorised in terms of delegated or sub-delegated authority by the Municipality to exercise a power or perform a duty in terms of the Bylaw and includes the author of land use assessment report served before the Tribunal;

“Bylaw” means the Langeberg Land Use Planning Bylaw 2015, published in the Provincial Extraordinary Gazette No 10507, dated 30 July 2015;



“Council” means Municipal Council of Langeberg Municipality;

“Committee Officer” means an authorised employee appointed/designated by the Municipal Manager whose function is to provide administrative and secretarial support to the Langeberg Municipal Planning Tribunal referred to in Section 77(1) of the Bylaw;

“Chairperson” means the Chairperson designated in terms of Section 72(10) of the Bylaw and includes the Deputy Chairperson as the case may be or as elected at such meetings in the event that the Chairperson or Deputy Chairperson are not able to act as such;

“Day” means calendar day and *not* working day;

“Tribunal” means the Langeberg Municipal Planning Tribunal established in terms of Section 70 of the Bylaw;

“Member” means a member of the Langeberg Municipal Planning Tribunal;

“Objector” means a person who has submitted an objection, comment or representation in terms of Section 50 of the Bylaw and includes a petitioner who has been granted intervener status.

2.2 The ruling of the Chairperson in regard to the application of these Rules and any other procedural matters not dealt with herein is final and binding on the meeting at which such ruling is made, and shall be recorded in the minutes.

3. NOTICE OF MEETINGS

- 3.1 The Chairperson with the assistance of the Deputy Chairperson must determine the dates and times of the Tribunal. The agenda will be signed off by the Manager: Town Planning before the distribution thereof.
- 3.2 The Committee Officer must give at least 14 days' notice of the meeting and distribute the agenda.
- 3.3 If a member has not received notice of a meeting in accordance with these Rules, this will not invalidate any proceedings of the meeting.
- 3.4 External members of the Tribunal must, in writing, specify an electronic mail address, where they will receive a notice of meetings and other official correspondence.
- 3.5 All notices of a meeting and any other official correspondence will be via email.

4. MEETINGS NOT OPEN TO THE PUBLIC

- 4.1 Meetings of the Tribunal will not be open to the public

5. QUORUM

- 5.1 If there is no quorum and the Chairperson is present, he/she must postpone the meeting for 15 minutes. If at the end of that period there is still no quorum, the



meeting must again be postponed for a period determined by the Chairperson at his/her discretion. The Chairperson may postpone the meeting till another time and date at the same venue or another venue.

- 5.2 In the absence of the Chairperson and Deputy-Chairperson and where no quorum exists, the Committee Officer shall postpone the meeting for 15 minutes. If, after 15 minutes of the appointed time for the commencement of the meeting the required quorum is not present, the meeting shall be cancelled.
- 5.3 In terms of Section 71(1) of the Bylaw, a minimum of five members (three internal and two external members) shall constitute the Langeberg Municipal Planning Tribunal.
- 5.4 A quorum for a meeting of the Tribunal is the simple majority of the appointed members.
- 5.5 The Chairperson shall, in the event of an equality of votes, have a casting vote in addition to his/her deliberative vote. A casting vote is an additional vote given to the chairperson to break a deadlock, where the votes on a motion are equally divided. The chairperson must use this extra vote to resolve the tie and move forward with a decision that otherwise would be stalled.

6. AGENDA

- 6.1 The agenda must be made available by the Committee Officer (14) days before the meeting.
- 6.2 The Chairperson must ensure that all members present at a meeting of the Tribunal sign a declaration to the effect that they have read all the information on the agenda, do not have any conflict of interest on any matter on the agenda, and have not been approached by any party concerned prior to the meeting.
- 6.3 Recusals by members, if any, should be minuted as such.
- 6.4 Meetings should be conducted according to the order in which the matters appear on the agenda, and only matters which are on the agenda and are in writing may be debated. Notwithstanding this, the Chairperson may change the order of matters appearing on the agenda, or withdraw an item or refer it back to the Administration.
- 6.5 The Tribunal may conduct a site inspection relevant to an application being considered or make use of an official appointed by Council to conduct an inspection.

7. CONDUCT AT MEETINGS

- 7.1 The Chairperson must:
 - 7.1.1 maintain order during the meeting;

7.1.2 refer any alleged contravention of the code of conduct by members at meetings to the Municipal Manager;

7.1.3 ensure that meetings are conducted in accordance with these Rules; and

7.1.4 ensure that any person refusing to comply with his/her ruling leaves the venue immediately and, in the case of members, report these instances to the Municipal Manager.

8. ORAL SUBMISSIONS

8.1 The Chairperson may permit applicants and objectors to have an oral/verbal hearing with the Tribunal upon written request received at least 14 days before that meeting, as provided for in Section 78(2) of the Bylaw.

8.2 If a request for an oral submission is granted by the Chairperson, copies of the reports on the item must be forwarded to all affected parties under cover of a standard letter setting out the conditions of the oral submission as imposed by the Chairperson and advising the date, time and venue of the meeting. In instances where reports are too voluminous, notice must be given of the place where the report will be available for perusal.

8.3 An approved party/person may participate in deliberations only if intervener status has been granted.

8.4 In instances where a petition referred in Section 49 of the Bylaw is received, and approved, only the person who submitted the petition will be notified.



- 8.5 Owing to the short notice periods involved, notifications are sent out via email with read receipts.
- 8.6 Should the applicant or objector be granted an oral submission, the other party will also be given the opportunity to make an oral submission.
- 8.7 If a presentation is to be given, then a copy of the presentation must be submitted both prior to the meeting and at the hearing in order that Tribunal members may have an opportunity to consider the matter in advance. The applicant or objector will be responsible for providing copies of presentations at his/her own expense. Sufficient copies of documentation must be distributed to all members and parties at least four days prior to the date of the meeting.
- 8.8 All documentation submitted by the applicant or objector for the oral presentation must be numbered by the Chairperson for record purposes.
- 8.9 Persons invited for oral submissions will be requested to be present 15 minutes before the time allocated for the hearing.
- 8.10 If parties do not attend the hearings after being granted permission to attend, this will be reflected in the official minutes of the meeting.
- 8.11 Parties must notify the Committee Officer, in writing, at least two days before the meeting if they decide not to attend the oral hearing. If a request for an oral submission is withdrawn by the relevant/both parties, this will also be reflected in the official minutes of the meeting.

8.12 The purpose of an oral submission is to allow the relevant parties to:

8.12.1 comment on the accuracy or merits of the documentation before the Tribunal; and

8.12.2 elaborate on relevant issues which were included in the original objections or the original motivation, and respond to objections.

8.13 Relevant parties *may not*:

8.13.1 restate arguments already advanced in writing and available to the Tribunal;

8.13.2 provide details of historical conflicts between neighbours and/or affected parties and other issues which have no bearing on the relevant criteria for deciding the proposal that is being considered; or

8.13.3 introduce new issues which were not raised at the time that the application was advertised to comment and/or object, and which are not covered in the reports.

8.14 The Chairperson may limit an oral hearing to specified matters relating to an application. The Chairperson may use his/her discretion in conducting the hearing, and must conduct the hearing expeditiously and without undue formality.

8.15 Where a number of objectors from the same constituency are present, the Chairperson may request, at his/her discretion, that they be represented by not more than two spokespersons.

8.16 As a general guide, applicants are permitted 10 minutes to make their presentation and objectors are permitted 10 minutes to make their presentation.

The party who is heard first has three minutes to rebut the presentation/s made or to ask questions to obtain clarity.

8.17 Notwithstanding Rule 8.16 above, the time period may be increased at the discretion of the Chairperson, if the circumstances of the application warrant this and provided that both parties receive the same amount of time to make their presentation.

8.18 After the introduction of the application by the authorised official, the order of speakers will, subject to the Chairperson's discretion, be as follows:

8.18.1 the party that requested an oral submission will address the Tribunal first, where after the other party (applicant or objector, depending on the requester) will be given an opportunity to address the Tribunal.

8.18.2 if both the applicant and objector requested an oral submission, the applicant will be given an opportunity to address the Tribunal first, followed by the objector.

8.18.3 thereafter, the authorised official will respond to any questions or further issues, if necessary.

8.19 No cross examination of any party is permitted, but Tribunal members may ask questions to obtain clarity.

8.20 All parties delivering oral submissions must maintain a polite and courteous approach at all times and no party may interject while another party is speaking.

- 8.21 The ruling of the Chairperson in relation to the conduct of the hearing, including the order of speakers, the tone and manner of address, and time allowed to speak must be adhered to.
- 8.22 Parties are not permitted to speak or make oral presentations to the Chairperson or any other member of the Tribunal in relation to the case on a one-to-one basis or to make arrangements to give him/her further information other than during the oral hearing.
- 8.23 No party may submit further arguments, documents, photographs or any other information to any Tribunal member including the Chairperson at any stage other than at the oral hearing or send any information to them. If such attempts are made, the Chairperson or member must immediately terminate the conversation or delete the information and report this to the Chairperson of the Tribunal.
- 8.24 No member of the Tribunal is permitted to communicate with the parties bringing an application concerning the merits or any facts relating to the application.
- 8.25 The Tribunal may call for expert technical advice from the Authorised Official (author of the report or the Manager responsible for land use management or any other Technical Advisor), as required provided that such an advisor has no voting rights in meetings.

9. DECISIONS AND VOTING

- 9.1 All decisions must be taken by the supporting vote of the majority of members present at any meeting.
- 9.2 If the Chairperson asks members whether they are in agreement with the recommendation/s on a matter before the Tribunal, and such recommendation/s is/are opposed by any members present, a decision must be taken by a show of hands by approving an application in (1) whole or (2) in part, or (3) refuse it. Should there be no opposition, it must be recorded in the minutes that the decision was unanimous.
- 9.3 A member may vote only if he/she has been present during the debate on the matter.

10. INTERRUPTION, SUSPENSION AND ADJOURNMENT

- 10.1 The Chairperson must, on reasonable motivation and on a majority vote of the members, interrupt or postpone proceedings and adjourn the meeting.
- 10.2 On resumption of the meeting at a later time or date, the meeting will consider the unfinished business before continuing with any new matters on the agenda.

11. MINUTES

11.1 The Committee Officer must ensure that all proceedings of the Tribunal are recorded and its decisions, including reasons, are minuted.

11.2 Every member of the Tribunal, as well as any other person attending a meeting, must sign the attendance register, and the Committee Officer must ensure that a record is made in the minutes of the names of those members who:

- 11.2.1 are absent with leave having been granted by the Chairperson;
- 11.2.2 any leave that has not been authorised must be recorded;
- 11.2.3 arrive after the meeting has started (time of arrival must be recorded);
and
- 11.2.4 leave the meeting prior to the conclusion thereof (time and reason for departure must be recorded).

11.3 The correctness of the minutes must, subsequent to the meeting, be signed off by the Chairperson after circulation to the members present.

11.4 A copy of the confirmed minutes must be included in the agenda of the next meeting of the Tribunal for information and record purposes.

12. DECISIONS ON APPLICATIONS

12.1 In respect of an application referred in Section 15(2) of the Bylaw , the Tribunal must:

12.1.1 approve, in whole or in part, or reject the application with reasons;

12.1.2 impose conditions in terms of Section 66 of the Bylaw upon the approval of that application; and

12.1.3 conduct any necessary inspection to assess an application in terms of Section 59 of the Bylaw.

12.2 Any decisions made by the Tribunal must also take into account:

12.2.1 criteria for decision making as contained in Section 65 of Bylaw and Section 42 of the Spatial Planning Land Use Management Act (2013);

12.2.2 impose Conditions as per Section 66 of the Bylaw;

12.2.3 take into account the Development principles referred to in Chapter VI of the Land Use Planning Act 2014 and Chapter 2 of Spatial Planning Land Use Management Act (2013); and

12.2.4 applicable provisions of the zoning scheme.
