



CIVIC PROCEDURE AND PRACTICE GUIDE



LOCAL GOVERNMENT ASSOCIATION OF ZAMBIA
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INTRODUCTION

This Civic Procedure and Practice Guide has been developed to support and help their Worship the Mayors and Council Chairpersons across the Country including their Deputies understand what is expected of them during their tenure in office. The Civic procedure and practice also provides useful information to help the office bearers and those supporting them to undertake their civic duties with a measure of success. A well informed Mayor or Council Chairperson is better placed to provide the much needed leadership the council and the communities look forward to. It is the Local Government Association of Zambia's wish that adherence to the contents of this quick guide for our leaders will enhance decision making process at the local level, as well as raise awareness on the salient issues relating to the office including the emblems of distinction attached thereto.

The Civic Procedure is further designed to assist Mayors/Council Chairpersons as well as Principal Officers to be systematic when dealing with issues connected to their respective offices. This is with the view of ensuring that each civic year runs as smoothly as possible.

LEGAL BASIS FOR THE OFFICE OF MAYOR/COUNCIL CHAIRPERSON

Articles 47 (3) and 154 of the Constitution of Zambia Act No 2 of 2016 provide for the election of Mayor/Council Chairperson and their deputies for every district, city or municipal council and for every town council, a Chairperson and Deputy Council Chairperson.

THE MAYOR/COUNCIL CHAIRPERSON

According to the Republican Constitution, Article 154 sub section 2 (a) and (b) provide for the election of Mayors and Council Chairpersons directly by the registered voters resident within the district under the first-past-the post electoral system for a term of five years and may be re-elected for one further term of five years.

To be elected Mayor/Council Chairperson, is a clear manifestation of confidence and trust the residents have in the Mayor/ Council Chairperson. Therefore, a person holding the position of Mayor/ Council Chairperson assumes greater responsibilities since everybody looks to him or her for guidance.

ROLE OF THE MAYOR/COUNCIL CHAIRPERSON

According to Section 9 of the Local Government Act No 2 of 2019

A mayor or council chairperson is head of a council whose functions are to:

- a). Oversee the implementation of the council decisions or resolutions;
- b). Preside over council meetings;
- c). Attend to civic and ceremonial functions; and
- d). Promote public engagement and participation in local governance.

Presiding over council meetings further entails the following:

- To ensure the agenda is followed correctly and that the rules of debate as provided for in the Standing Orders are strictly adhered to. The importance of conducting council meetings in a proper manner and in accordance with the law and standing orders lies in the fact that a council is a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name;
- To ensure that a quorum is present at the meeting in consultation with the Principal Officer;
- To ensure that he/she is conversant with the business on the agenda;
- To preserve order during the proceedings of the meeting;
- To ensure that each councillor present at a meeting of council has one vote on a question proposed for decision by the council and, in the event of any equality of votes, he/she shall have, in addition to a deliberative vote, a casting vote.
- To adjourn the meeting should circumstances so demand;

The significance of the Mayor's/ Council Chairperson's position is also symbolized by the ceremonial entry into the council chamber for the council meeting. The Mace Bearer knocks at the council chamber door three (3) times to signify the arrival of the Mayor/ Council Chairperson and all present will rise and remain standing until after the national anthem and prayer. As regards sitting arrangements, the Deputy Mayor/Deputy Council Chairperson sits on the left handside of the Mayor/Council Chairperson while the Principal Officer sits on the right.

It should be noted that if the Mayor/ Council Chairperson and the Deputy are not present, the ceremonial entry should not take place (serve for the singing of the national anthem and prayer) in which case, the first item to be transacted by that particular meeting is the election of one of the councillors present to preside over the meeting.

The Mayor/ Council Chairperson serves on all standing committees of the council as ex-officio member

ROLE OF DEPUTY MAYOR/DEPUTY COUNCIL CHAIRPERSON

Article 154 sub-section 3 of the Republican Constitution provides for the election of a Deputy Mayor and or Deputy Council Chairperson from amongst councillors. The Local Government Act No 2 of 2019 prescribes the Deputy Mayor and or Deputy Council Chairperson's term of office as two and half years and may be re-elected for one further term of two and a half years. The Deputy Mayor/Deputy Council Chairperson of a Council has no special role other than that of performing the duties of the Mayor/Council Chairperson in his/her absence. This means that the Deputy Mayor/Deputy Council Chairperson has no standing as Deputy when the Mayor/Council Chairperson is present but assumes the precedence and standing of the Mayor/Council Chairperson when he/she is deputizing for the Mayor/Council Chairperson.

Further, according to Section 13 of the Local Government Act No.2 of 2019, the Mayor/Council Chairperson does not have discretion to appoint any other Councillor to perform the functions of office of Mayor/Council Chairperson when the substantive Deputy is available. Where the Deputy Mayor/Deputy Council Chairperson is not available to perform the functions of Mayor, the Council will elect any other councillor. It is not up to the Mayor or Council Chairperson to appoint such a Councillor.

The Deputy Mayor/Deputy Council Chairperson serves on all standing committees of the council as ex-officio member.

This not being a full time position, does not warrant provision of office accommodation and other facilities which accrue to the office of Mayor/Council Chairperson.

MAYORESS

The term 'Mayoress' is traditionally applied to the wife of Mayor. Sometimes the lady or woman who has been elected to the office of Mayor can also be called Mayoress but in the Zambian context, this has been restricted to the wife of Mayor. A Mayoress has no laid down duties but represents the Mayor at social and charitable functions. The Mayoress usually accompanies the Mayor at official functions. Some councils do provide the Mayoress with a chain of office which she adorns during official functions. The Mayoress does not attend full council meetings and does not enjoy any special privileges.

Where the Mayor is a lady, there is no term to address the husband apart from being referred to as the Mayor's spouse.

As regards the Council Chairperson's wife, there is no specific title assigned to her apart from being referred to as Council Chairperson's wife. Similarly, where the Council Chairperson is a lady, the husband is referred to as Council Chairperson's spouse.

PROCEDURE OF CONDUCTING A COUNCIL MEETING

The success of any council meeting depends on proper planning and ensuring that all the documents are served on councillors in good time to enable them study the documents in readiness for the council meeting. Therefore, the Principal Officer must ensure that the notice is properly served on councillors by giving at least 24 hours notice as stipulated in the law.

It is important that the Mayor / Council Chairperson ensures he/she is conversant with the Standing Orders and the Local Government Act including the schedules attached thereto.

Prior to the commencement of a meeting, the Principal Officer must signal to the Mayor/Council Chairperson that a quorum is present.

In this regard the quorum:

- (i) at an ordinary meeting of a council should be one-half of the whole number of Councillors of which the council consists and;
- (ii) at a special meeting of a council should be two-thirds of the whole number of Councillors of which the council consists as provided for in the Local Government Act.

- The first item on the agenda is usually the singing of the National Anthem, followed by prayer conducted by the Mayor's/Council Chairperson's Chaplain or any other member appointed to do so;
- the second item will be receipt of apologies for absence;
- After receipt of written apologies, the Mayor/Council Chairperson makes announcements and communication on matters relating to civic functions. He/she also informs the meeting about the visitors who paid a courtesy call on him/her office. These announcements are not subject to any debate but should be merely noted;
- Call for declaration of interest:
- Thereafter, the next item on the agenda is the confirmation of minutes of the previous meeting of the council. In this regard, the Mayor/Council Chairperson shall invite any councillor present at the previous meeting to propose that the minutes be received. The only exception is during the first ordinary meeting at which the Mayor/Council Chairperson can invite any councillor to propose that the minutes be received. Members contributions on this item are restricted to the accuracy and correctness of the minutes. It should not be used by those members absent at the previous meeting to oppose or alter the decisions already validly made by those present. This is because all councillors whether present or absent are bound by the principle of 'collective responsibility';
- After the necessary amendments and corrections have been made, the Mayor/Council Chairperson should invite a member to propose that the minutes be confirmed and signed as a true and correct record of the proceedings. The Mayor/Council Chairperson signs one official copy of the minutes which forms part of the permanent record of the council;
- The bulk of the business transacted at an ordinary meeting of the council relate to the consideration of minutes of standing committees. The Mayor/Council Chairperson would call upon

the Chairperson of the committee whose minutes appear first on the agenda to present the minutes in the following manner;

'Your Worship the Mayor/Council Chairperson, Deputy Mayor/Deputy Council Chairperson and fellow councillors, I rise to move that the minutes of the (name of Committee) meeting held on (Day/Date/Month/Year) be received;'

- Upon being seconded, the Mayor/Council Chairperson will then lead the members through the minutes page by page. If a member has a matter to raise on any page, he/she will raise their hand and when given the floor shall rise and cite the page and minute number in question and make a contribution;
- Only brief contributions should be made at this stage as details will have already been debated upon at committee stage. Where recommendations made by a committee are not well received by members, the best course of action is to refer the matter back to the respective committee for further consideration;
- Thereafter, the Chairperson of the Committee whose minutes are under consideration would again rise and move that **'the minutes of the (name of committee) meeting held on (Day/Date/Month/Year) be adopted as part of the proceedings of the council.'** There should be a seconder to this effect. The adoption is subject to the necessary amendments and corrections effected to the minutes including items referred back to the committee for further consideration.

The same procedure is followed with other sets of committee minutes;

- What follows thereafter is the consideration of the Town Clerk's/ Council Secretary's report. Most of the matters hinge on policy, requiring decision by the council. The Council's attention must be drawn to the financial and legal implications before the final decision is made. Although the making of final decisions is a preserve of the council, it is of

great importance that the council takes heed of the advice tendered by the Town Clerk/Council Secretary who is the Principal Advisor both in terms of policy and legal matters.

- Towards the end of the agenda, is the consideration of questions received pursuant to in the provisions of the standing orders. In the absence of the said questions, the council considers motions received pursuant to standing orders, which is usually the last item on the agenda.
- The Mayor/ Council Chairperson would call upon the mover to present the motion and when it has been seconded, it should be referred to an appropriate committee for detailed consideration.
- At the close of the meeting, the Mayor/Council Chairperson requests members to stand for the National Anthem and Prayer. Meanwhile, the Mace Bearer would have already taken his/her position in front of the Mayor/ Council Chairperson to lead the Mayoral Team out of the Council Chamber as the rest of the councillors, Chief Officers and members of the public remain standing.

Where the above rules of debate have been adhered to, an average ordinary meeting of the council should be able to conclude its business within one (1) to two (2) hours.

ALDERMAN, FREEMAN AND CHAPLAIN

Alderman- The Local Government Act provides that a city council, municipal council or town council may appoint to the dignity of alderman any person who has held office as a councillor of that council for a period or periods amounting in the aggregate to not less than ten years

The rights and privileges of an Alderman include the following;

- To enjoy the courtesy title on Honorary Alderman and to be so addressed
- To have their name inscribed on the “Roll of Honorary Aldermen of the respective council;
- To receive a copy of the agenda for a council meeting at which they are invited ;and
- To enjoy such other privileges as the Council may confer upon

them from time to time for example, remission of rates.

A person appointed to the dignity of Alderman, is not a member of the council and shall not participate in the deliberations of council meetings unless one is a serving councillor or has been invited to provide advice on a particular matter.

FREEMAN - Further, the Local Government Act provides that a city council, municipal council or town council may admit to the status of honorary freeman of the city, municipality or town a person of distinction who has rendered eminent services to the city or municipality.

The rights and privileges of a Honorary Freeman include the following;

- to enjoy the courtesy title of Honorary Freeman and to be so addressed;
- to have their name inscribed on the "Roll of Honorary Freemen" of the respective council and
- to enjoy such other privileges as the Council may confer upon them from time to time

A person admitted to the status of Honorary Freeman, is not a member of the council and shall not participate in the deliberations of council meetings.

CHAPLAIN- It has been a custom for a Mayor/Council Chairperson to appoint a Chaplain. The Mayor's/Council Chairperson's Chaplain is an honorary title. He/she is responsible for prayers before council meetings.

The appointment of the Mayor/Council Chairperson's Chaplain is formally made and announced by the Mayor/Council Chairperson at the first ordinary meeting of the council. It is usual for the Chaplain to accept the appointment during this meeting. The ideal situation is that, the Mayor/ Council Chairperson will need to decide on who will be the Chaplain well in advance of the first ordinary meeting of the council and inform the Town Clerk/ Council Secretary accordingly

The Chaplain is not a member of the council and therefore does not participate in the deliberations of the council meetings but he/she provides a prayer at the opening of the meeting. There are

no specific privileges applicable to the Chaplain but the council may confer certain privileges from time to time for example, the provision of transport to and from council meetings or other civic functions where the Chaplain is requested to provide divine advice.

CIVIC INSIGNIA

Insignia is about emblems of distinction relating to the office of Mayor or Council Chairperson and these include:



The Chain: The chain is a reminder that when one is Mayor/Council Chairperson, he/she is not only the chief person but also a chief servant of the people and that he/she should serve the people to the utmost of his/her power and ability. The Mayor's Chain of office should only be worn by one sworn into that office and not by any other. In addition, the chain should only be worn during official civic duties and in a particular council's jurisdiction except on special occasions such as official opening of parliament.



The Mace: The ceremonial mace is placed before the Mayor/Council Chairperson at council meetings. The mace repose horizontally with the knob on the right hand side of the Mayor/Council Chairperson which position is only reversed in the presence of the Head of State because the mace is the symbol of the Mayor's/Council Chairperson's position as a representative of the Head of State.



The gavel of authority is a small mallet used by the Mayor/Council Chairperson usually to signal for attention or order during a meeting.



The Robe: This is the outward and visible sign of distinction, favour and authority. The robe is usually scarlet red and seamed with a border of white material meaning that when one presides over the council, he/she should bear in mind that there are always two sides but one has to act with fairness and consideration towards those whose opinions may differ.

The White Lace Jabot (bib)- is an emblem of purity and honesty meaning that, purity of mind, honesty and purpose and humbleness of heart, must always govern

the Mayor's/Council Chairperson's actions.



The Hat: The hat is made in such a way that it points both ways forward and backwards to symbolize that while in such position, one should look forward to the future with courage and determination also profiting on the experience that has been gained while endeavoring to achieve greater success by the avoidance of any mistakes that may have been made.

The hat is also made in such a way that its sides point upwards being slashed on one side with golden stripe. The upward point is to direct ones eyes to the supreme power to whom one may always look for guidance. The golden stripe is an indication that the rays or blessings of heaven will always shine upon upright and worthy motives.



The White Gloves: The white gloves mean cleanliness and point out that as Mayor/Council Chairperson, one is commencing a new term of office without any marks or stains of discredit or dishonor. It is therefore, the Mayor's/Council Chairperson's duty to preserve the traditions of office and uphold with dignity, the good name and reputation of the council clean and unsullied and when the term of office expires, one is expected to handover to the successor the affairs of the city/municipal/ town in a pure and unsullied condition.

The Council Flag: The council flag is supposed to be flown at Civic Centers alongside the Zambian flag. In this regard, the mast for the Zambian flag should be higher than the council flag. Further, the Mayor/Council Chairperson can fly the council flag on the official vehicle when on official duties.

INVITATIONS TO THE DEPUTY MAYOR /DEPUTY COUNCIL CHAIRPERSON

- Invitations to functions should not be sent to or solicited by a Deputy Mayor/Deputy Council Chairperson. The Deputy Mayor/Deputy Council Chairperson should not normally attend functions in their own right, except when deputising for the Mayor/Council Chairperson.

- All invitations should be sent for consideration to the Mayor/Council Chairperson as first citizen and, if the Mayor/Council Chairperson cannot attend, it may be appropriate to pass the invitation firstly to the Deputy Mayor/Deputy Council Chairperson and when the Deputy Mayor/Deputy Council Chairperson is not available, to any other Councillor.

ADMINISTRATIVE SUPPORT FOR THE MAYOR/COUNCIL CHAIRPERSON

The Mayor/Council Chairperson is supported by the Personal Secretary under the supervision of the Town Clerk/Council Secretary who is the principal advisor of the council. The Personal Secretary carries out other duties for the Council and specifically assists the Mayor/Council Chairperson with organising his/her various assignments for each civic year. The Personal Secretary among other duties, manages timely appointments of the Mayor/Council Chairperson in order to facilitate timely decision making.

Further, the Personal Secretary manages all confidential and urgent correspondence from both internal and external sources. There are various invitations to the Mayor/Council Chairperson. Upon receipt of any invitation, the Personal Secretary should liaise with the Mayor/Council Chairperson before accepting or declining such invitations. Where the Mayor/Council Chairperson is expected to deliver a speech, such should be cleared with the Town Clerk/Council Secretary in order to ensure consistence on the local authority's position on all matters. Where the Mayor/Council Chairperson is invited to a public function requiring making of pledges or donations in monetary form, prior consultation should be made with the Town Clerk/ Council Secretary before any commitment is made.

It is also important for the Personal Secretary to keep a confidential diary for the Mayor/Council Chairperson's assignments. Further, the Town Clerk/Council Secretary should ensure that once each civic year are arranged, all standing committees of the council and council departments are notified of such dates to ensure events do not coincide.

Ensuring that all visitors to this office are effectively attended to is another important task as the ability/inability of the Personal Secretary to effectively handle such requests can either build or

tarnish the image of the council. It is also the duty of the Personal Secretary to ensure that financial and material resources attached to this office are prudently managed.

THE CIVIC YEAR

Given that elections are held every five (5) years from the 12th August, it is assumed that the civic year should run from September that year to August the following year.

There are a number of events which are organised each civic year during the Mayor's/Chairperson's term of office. These events and dates should be discussed and arranged between the Mayor/Council Chairperson and the Town Clerk/Council Secretary. Involving the Mayor's/Chairperson's Personal Secretary in these planning meetings is useful in ensuring that the office is effectively supported. It is suggested that at the beginning of each civic year, such meetings are held to suit the Mayor's/ Council Chairperson's diary.

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